

PRESENTATION

to

THE HONOURABLE CAROL MITCHELL
Minister of Agriculture, Food and Rural Affairs

by : Val O'Donnell, Gracia Janes, John Bacher, the
Preservation of Agricultural Lands Society

Arnie Lepp, President, Niagara Orchard & Vineyard. Co

Corwin Cambray, former Commissioner of Planning
Regional Municipality of Niagara

Gary Davidson, Planning Consultant, former Director of
Planning Huron County,



Sweet Cherry Blossoms

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March 28, 2011





The Preservation of Agricultural Lands



Society (PALS)

Working to Protect the Best Farmlands in Canada Since 1976

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The Honourable Carol Mitchell,
Minister of Agriculture, Food and Rural Affairs
77 Grenville St., 11th Floor
Toronto, Ontario M7A 1B3
March 28, 2011

Dear Minister Mitchell,

Thank you very much for agreeing to meet with us on Monday March 28th to discuss PALS goal of establishing a new 'fruit land' program, to permanently protect the Greenbelt's unique Niagara fruit lands.

We envision a voluntary program using restrictive covenants (easements) placed on the farm title to protect the land in "perpetuity" much like the 1994 Tender Fruit Land Program which was cancelled by the in-coming Harris government in 1995.

Apart from myself, PALS researcher Dr. John Bacher and Gary Davidson, MLA Minister of Agriculture 1992-1995, three former members of the Inter-Ministerial/farmer/PALS/ Regional Niagara Task Force which developed the Tender Fruit Land Program, will attend the meeting. They are, Arnie Lepp, fruit grower and President of Niagara Orchard Distributors, Corwin Cambray former Director of Planning Regional Niagara and Gracia Janes, a founding PALS member.

These Task Force members also sat on the committee which allocated the first payments for easements, based on a carefully developed point system e.g. closeness to urban boundaries, investment in the farm, acreage of tender fruit. Together with three Government Ministry representatives, Regional planners, Niagara farm organization representatives, and the Niagara Fruit and Vegetable Marketing

Board, the Task Force gathered the support of all farm organizations, the Regional Council, and close to 65 % of the fruit farmers.

This strong support for the program has carried on over a very long time, mirroring the general public's desire to protect the very special and threatened fruit land base and help the farmers too, as evidenced by several polls in the mid 70 s to 90 s, and shown now in public support for the Government's Greenbelt Act .

However, while the fruit farmers, through the Regional Niagara Chair's Agricultural Task Force, still support an easement program for the fruit lands, and the 'Greenbelt Act' is intended to protect these lands, there is no doubt in our minds that history could repeat itself, should a future government be less committed to "*permanently*" preserve Niagara fruit lands within the Greenbelt.

We say this not in anticipation, but in a "*precautionary*" way, because Niagara continues to face relentless urban pressures, the Greenbelt Act is due for a review in 2015, and there are regional and provincial politicians who are pushing against the Greenbelt, and even the 'Places to Grow' land use restrictions.

Other factors are also troubling . For example, the number of tender fruit farmers shrank dramatically over the past ten years from 559 to 362; farm costs have risen and income has fallen; the farm sizes being historically smaller than elsewhere in Ontario, some farmers are selling their land as rural estates- which are easily affordable for urbanites - and retiring early; farm labor costs are rising, being half of farm operation costs; the vertically integrated grocery chain system is daunting; and, the last tender fruit processing plant was closed two years ago.

As fruit distributor Arnold Lepp explained to us at a meeting with Minister Bradley , if something isn't done to help the farmer stay on the land through a significant investment in an easement program , more and more farmers will take the opportunity to sell land to urbanites and Niagara fruit lands will just be a 'token' tourist fruit belt. In contrast, a well thought out voluntary long-term program of government investment in the purchase of restrictive covenants will not only save the land for the long term, but provide farmers with the last substantive opportunity to invest in their farms and, when combined with current marketing investments, allow them to continue their unique fruit farming.

In an answer to Minister Bradley's question re the potential cost we noted that the 1995 Tender Fruit Land program would have cost \$20 million dollars over a 10 year period, which contrasts favorably with the 5 year, \$25 million Greenbelt Foundation budget to date. With an additional \$20 million (as promised given the good uptake and value of permanently saving the land) the program would have included all tender fruit farmers wishing to participate. We also estimate that a similar program, which would take into account the number of tender fruit farmers who farm both tender fruit and grapes, but

not wineries, would cost in the order of \$100 million and could be spread over 10 to 15 years.

Such a program could be developed, and refined to suit the current situation, by a new Task Force, as supported by the Regional Niagara's Agricultural Task Force. comprised of fruit farmers, Niagara north and South Federation representatives, Regional Niagara Planners, AFRA, MMAH and MIR representatives, PALS, and the Tender Fruit and Grape Marketing Boards manager .

In response, to our presentation Minister Bradley outlined the Government's current financial situation, but also made it clear that he understood the difficulties farmers face, the many threats to the very limited and rare Niagara fruit lands, with their unique combination of soil and climate , and, the need to protect them as part of the Greenbelt for the farmers and consumers over the very long term.

Minister Bradley continues to support the need for a fruit land program as "*being in the public interest*" - one that would bolster the Greenbelt Act - and therefore very kindly arranged for this meeting with yourself .

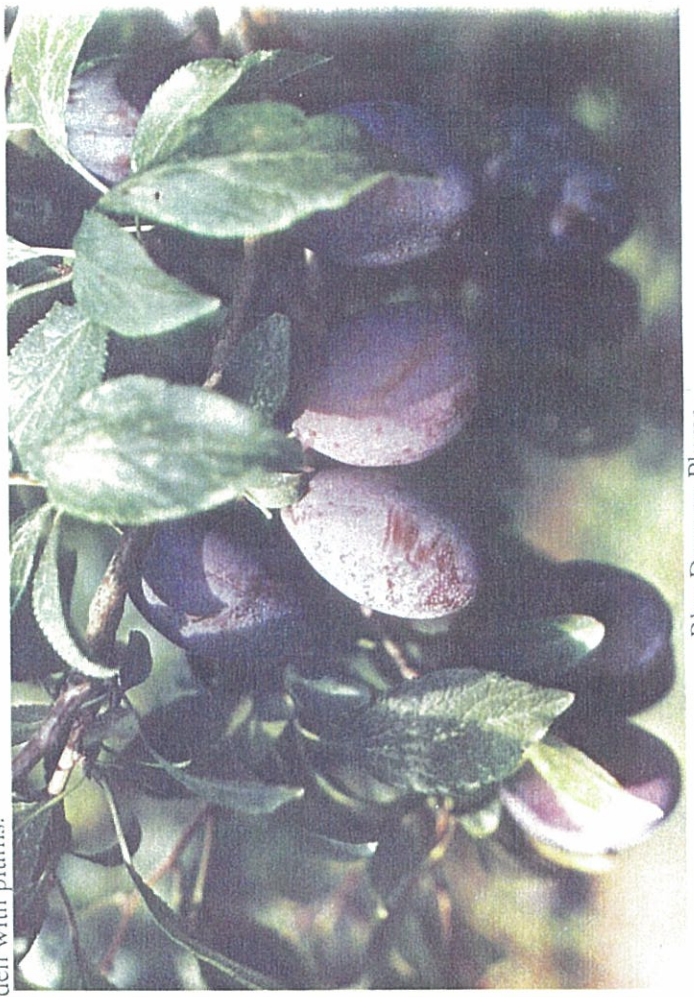
As we realize that one short letter and the limited time you have available to meet with us, due to your heavy schedule, can't possibly do justice to our proposal, we have included a background report which spans 219 years of glimpses of the Niagara fruit land and farm industry and the work that PALS and others have done to protect both farmers and the precious lands for future generations.

Again, we thank you for agreeing to meet with us and look forward to a productive conversation .

Sincerely



Val O'Donnell, President



Blue Damson Plums



The trees are laden with plums.



Shiro Plums

2. SOME QUESTIONS AND ANSWERS



Q 1. What are the ‘Public Good’ benefits of protecting the Niagara Fruit Lands through a restrictive covenant/easement program that pays the farmers to protect fruit land “in perpetuity”

Answer : In Niagara/Ontario, this public good would act to

- protect this rare and threatened land base from urbanization permanently.
- take advantage of Niagara’s optimum climatic conditions, which are the best in North America and at less risk from climate change.
- enhance the future of farming and allow farmers the security of knowing they can plan ahead and invest more in their farms.
- reduce the political and farmer resistance to the Greenbelt restrictions.
- reduce the likelihood of farmers selling to non farmers and allow more young farmers to buy in, or other farmers to enlarge their farms.
- (as in the 1994 Niagara Tender Fruit Land Program), allow for further land use restrictions , above and beyond zoning eg. Site alteration ie. dumping of debris and removal of topsoil.
- further ensure the growing of healthy fresh fruit, close to large urban markets
- continue to provide the best farm value in the province , which in the case of tender fruit and grapes is second only to horticulture, with tender fruit providing even more spin -off jobs than grapes i.e. total output multiples at 2.98, just behind Horticulture at 3.12 . (Walton, M. Planscape. Regional Agricultural Economic Impact Study. June 8th 2003..section 5.4.figure 5.2.)
- enhance the general farm and Niagara economy e.g. tourism, cultural etc.
- enable farmers to acquire land at farm price rather than at the speculative/and or urban development one
- allow farmers to maximize farm inputs and perhaps save wetlands etc.

Q 2. What good would it do to set up a farmer/PALS/inter-Ministerial/Regional Task Force?

A It is an opportunity to support a very serious farm request, one that doesn’t come often or easily. It will also show that the province is serious about protecting an extremely limited, irreplaceable, resource for the very long term future, and

not risk the chance of some future, less committed, government easing Greenbelt restrictions in Niagara.

PALS experience has shown that restrictive covenants, legislation and zoning have been most useful in protecting prime farm land and natural areas for the very long term. Notwithstanding the very superficial and biased Caldwell report of 2008/9, further research and investigation of this tool to enhance Greenbelt protection, by a Task Force, consisting of the Ministry of Agriculture, food and Rural Affairs, farm organizations, fruit marketing Boards, PALS, and Regional Niagara planners would show how useful it would be in to-day's context and how it could be implemented.

Q. 3 What is at the core of PALS objections to the Wayne Caldwell Report?

PALS rejects the report's strong aversion to public monies being spent in the public good, for the purchase of restrictive covenants/easements from farmers, as evidenced by the omission of any reference to monies spent in "the public good" for purchase of same by the Oak Ridges Moraine Trust, the Niagara Escarpment Commission, Ontario Heritage and the Bruce Trail, not to mention the Federal Government's charitable tax receipt monies that flow towards the protection of natural areas by many preservation organizations

Q 4. Won't paying farmers to protect the land in perpetuity set a precedent?

A. The government has used restrictive covenants along with legislation and zoning to protect other precious resources which are threatened by urban pressures, such as the Oak Ridges Moraine and Pickering farmland reserve. The unique Niagara fruit lands, which are of regional, provincial and national significance deserve equal protection. The government also recently announced a program that will pay farmers to protect water sources and in the past various farm programs have also protected water resources, as is done in New York State to protect aquifers- a program much less expensive than the 'engineered' approach over the long term. ***We also note that there are only approximately 15,000 available acres of tender fruit land and 15,000 acres of grape land compared with the several million acres of prime farm land in Ontario.**

Q 5. Isn't this compensation to the farmers via the "back door"?

A. No, this is an investment in farming, as land base retention is crucial to the long term economic viability of fruit farmers, and in the Niagara, small fruit farm sizes, mean land can be sold as rural residential lots. This in turn ups the farm prices beyond what a farmer can pay.

As noted in Planscape's Niagara Agricultural Action Plan Report (July 2006)

“ There is also the reality that this large protected area in close proximity to the GTA is desirable as a location for rural residences . The nature of agriculture in Niagara is such that the farm parcels are small enough to be viable as large estate lots. Competition for land between agriculture and estate residential uses could drive prices up making it difficult for farmers to afford to acquire or rent land, introduce conflicting uses, take land out of production, and result in a fragmented agricultural area.”

Q 6. Won't this plan only apply to a few farmers?

A. While the 1995 Tender Fruit Lands Program limited the number of restrictive covenants to 7 in the first round of selections, these were farms on urban boundaries and the restrictions on these titles alone would have permanently sealed at least two urban boundaries from further development. Had the program gone forward, all of the 65% of the fruit farmers in Niagara who signed up would have had restrictive covenants placed on the land. Although some would have waited for the full ten years of the program, this would have been preferable to them waiting for a rural estate lot sale.

Q 7. What were the benefits of the original easement program?

A. It would have :

- compensated farmers for the impacts of Free Trade Agreement (as per the grape farmers)
- rescued many cash strapped farmers
- injected a total \$40 million cash into the local and regional economies, with good farm uptake
- saved jobs in both the farm and the tourist industries
- preserved approximately 3,400 acres (44% of the 66% of farmers wishing to be part of it) with first \$20 million allotment, and with the second (promised) \$20 million a total of approximately 7,900 acres of tender fruit land would have been protected “in perpetuity.”
- sealed important urban boundaries (due to the point system emphasis on the proximity of farms to urban boundaries) eg. Niven road NOTL.
- allow farmers to further invest in farming
- let farmers sell land later on for farming, at the farm price
- enabled farmers to acquire land at farm price rather than at the speculative/and or urban development one
- allowed farmers to maximize farm inputs and perhaps save wetlands etc.

- overcome the philosophical barrier for many farmers around land ownership vs tenure as tenant farmer e.g. in any land reserve where land is purchased outright
- preserved unique lands in the public good in "perpetuity", rather than leaving them to the whims of constantly changing governments

Q 8. Why Shouldn't Niagara be Compared with Other Farmlands, and Even the Holland Marsh?

The very limited and much threatened unique tender fruit and grape land acreage should not be considered as being the same as many hundreds of thousands of acres of general farmland in Niagara and elsewhere. Even the "*specialty crop*" designated Holland Marsh lacks Niagara's unique climate and soils and none of the comparative farmlands are so threatened with urbanization. This generalized comparison of farmland will serve to undermine the magnitude of the problems that will come to Niagara fruit lands if the Greenbelt restrictions don't hold.



219 YEARS OF HISTORY : 1792-1900



“No more fertile or beautiful a valley, nor one endowed with a milder more equitable climate is to be found in all Canada, than this which lies between the mountain and the southern shore of Lake Ontario. The fame of this valley as a fruit growing territory is unsurpassed, both on the American continent and in Europe, and has earned for it the appellation of the Garden of Canada . . . There are miles upon miles of vineyards and orchards teeming with every kind of fruit, peaches, apples, pears, plums, etc. with hundreds of acres of strawberries and other small fruits.”

As this quotation from the book *ST. CATHARINES, ONTARIO, CANADA 1900*, aptly states, Niagara was world renowned for its soils and climate, and produced all the fruits for which it is still famous.

According to the same source, Niagara no longer deserved Lord Durham’s disparaging description of it as “a region where God has done so much and man so little.” Indeed, had Durham, the Governor-General of British North America, moved down from the Escarpment that day in 1838, and north to Niagara-on-the-Lake, he would have found agriculture well established. He would also have admired the diligence of the early settlers whose first job, after clearing the land, was often to plant and cultivate fruit.

The efforts of these early fruit growers were matched by those of such aristocrats as the Hon. Robert Hamilton, who in 1784 wrote, "I have sent money to a friend in New York for fruit trees from a nursery on Long Island, for the Agricultural Society established here." A second such society was formed in 1858, 'The Fruit Growers' Association', and meetings were held to show the possibilities of fruit production.

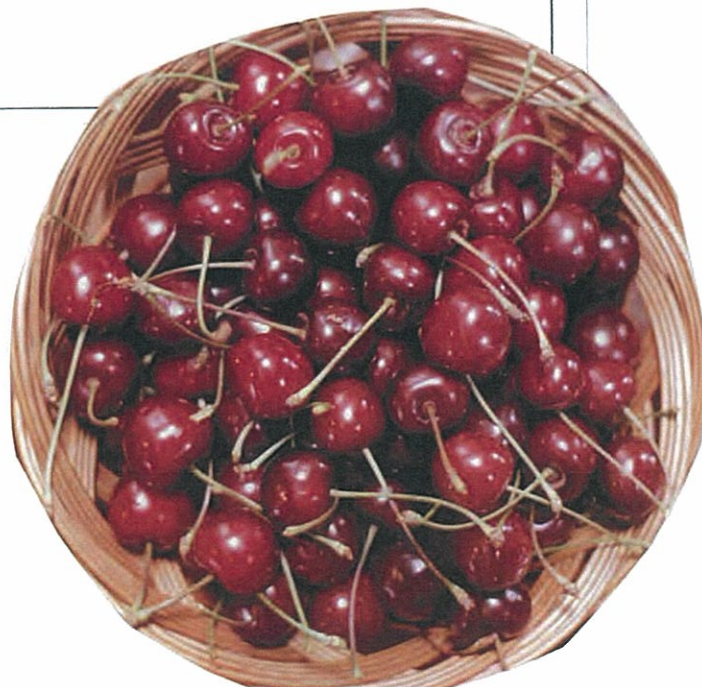
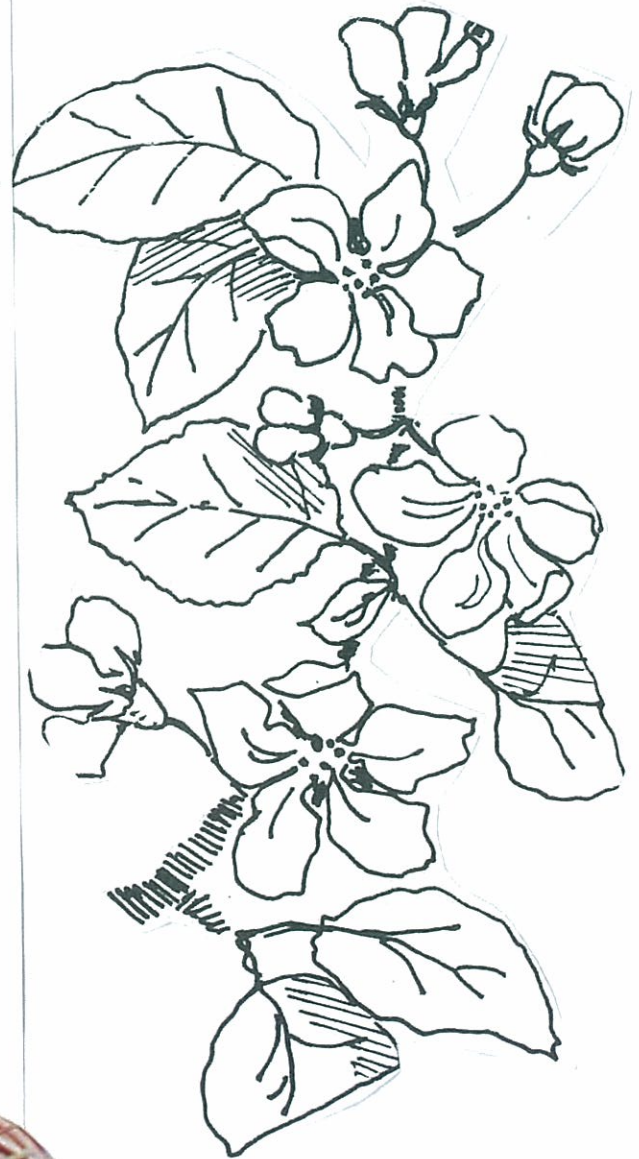
By 1900 several Provincial Fruit Stations had been established, and at the Maplehurst Station in Grimsby, the soils and climate provided the ideal conditions for Mr. Woolverton, experimenter, to test over 600 varieties of fruit. A few years later some of this fruit would have been used to make jams at the E.D. Smith Jam Company, established in 1905 as Canada's first such commercial enterprise.

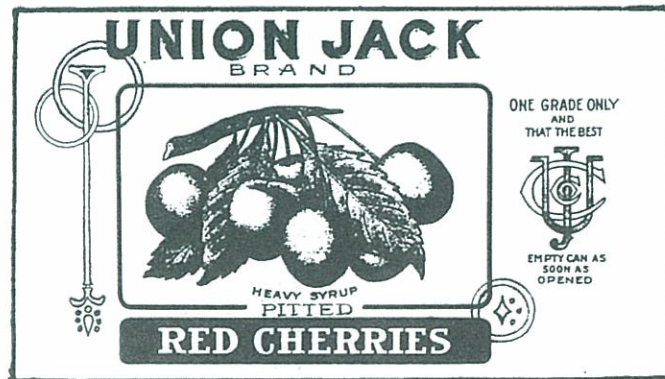
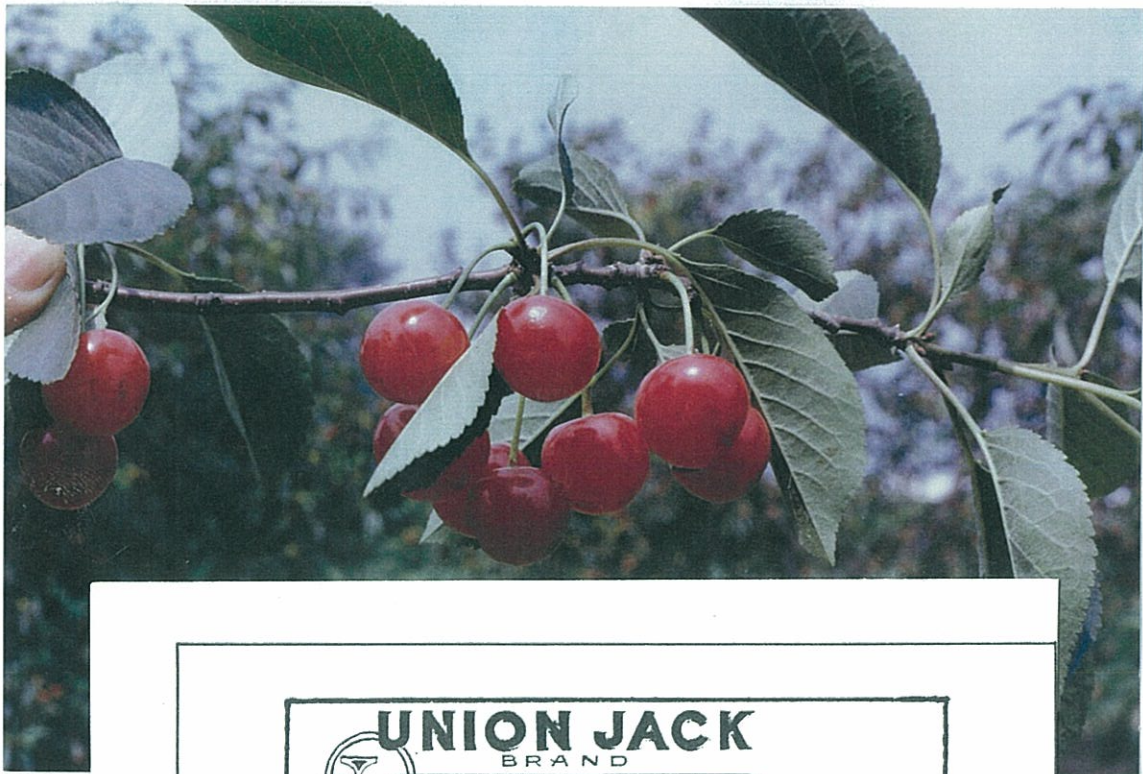
Certainly there was great pride in the production of fruit. The author of *ST. CATHARINES, ONTARIO, CANADA 1900* boasted "With improved cold storage and ventilating apparatus now introduced, in handling fruit from the place of production to the distant market, prompt dispatch and fair rates for transportation, there is practically no limit, other than available acreage to the fruit growing industry of the St. Catharines 'Territory'."

Unfortunately it has been this limitation of acreage, with one third of Niagara lost to urban blight, along with a loss of pride in the unique fruit-growing qualities of the area, that has threatened to limit, if not eliminate, our fruit growing industry.

This led one Government representative of the 1950s to state emphatically, "The fruitland of Niagara is doomed to vanish under the impact of industrial encroachment. We can't stop progress!"

In the minds of the people of the 1780s to the 1900s, and of the members of the Preservation of Agricultural Lands Society, fruit growing was, and still is, progress! Thus, long after the first recorded fruit cultivation in Niagara, we have put together this cookbook to help us all recapture the pioneer pride in the land and the fruit it can grow. We invite you to participate in the practical application of 200 years of fruit growing as you *TASTE NIAGARA!*



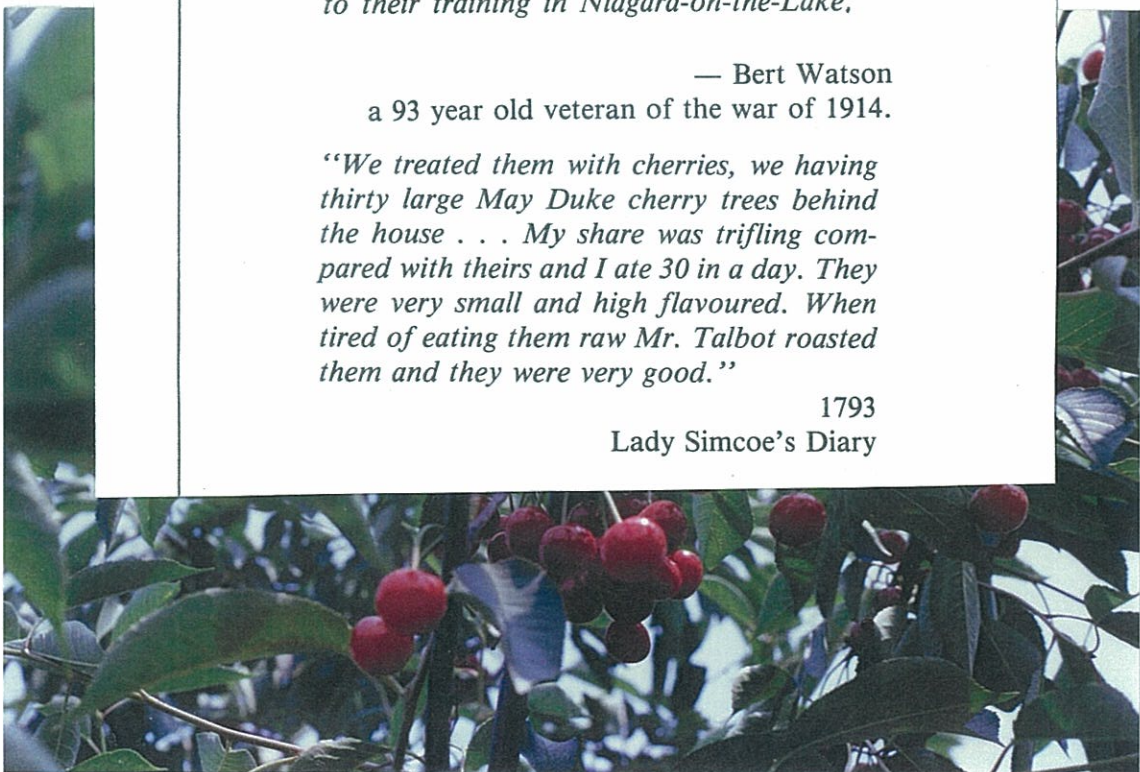


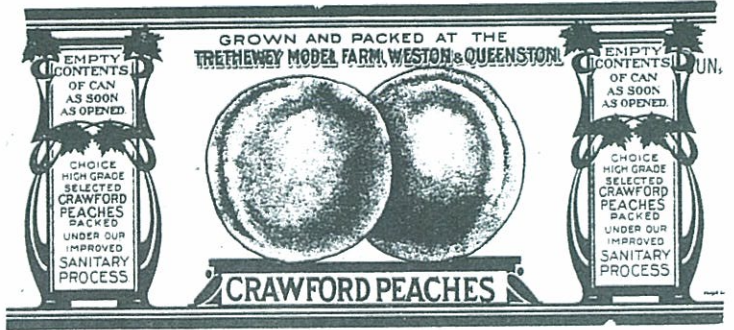
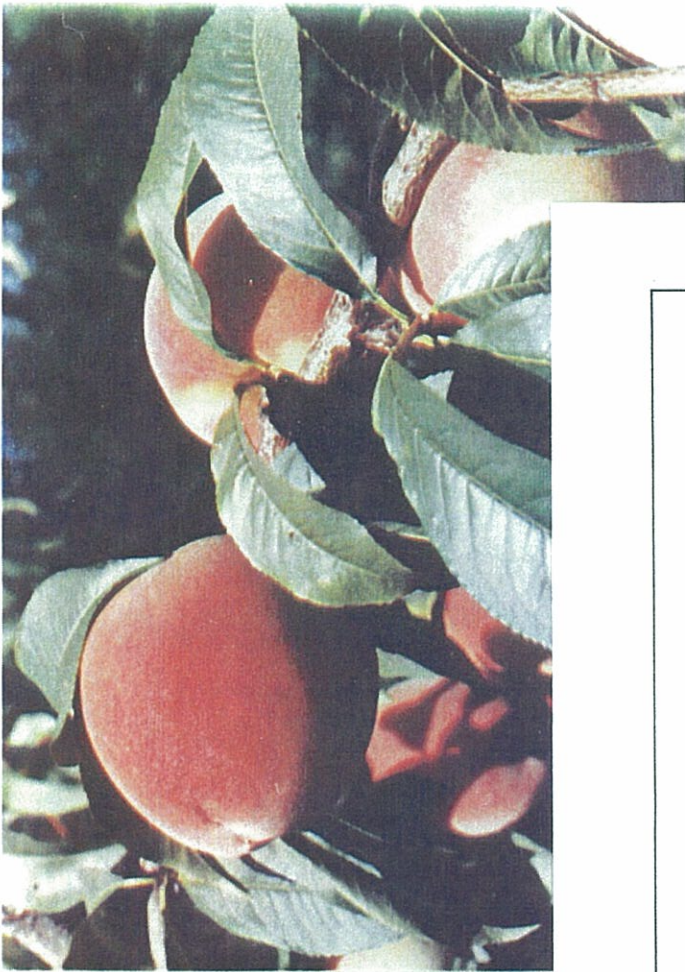
“The Queen’s Own Rifles Regiment have always been called the ‘Cherry Pickers’ due to their training in Niagara-on-the-Lake,

— Bert Watson
a 93 year old veteran of the war of 1914.

“We treated them with cherries, we having thirty large May Duke cherry trees behind the house . . . My share was trifling compared with theirs and I ate 30 in a day. They were very small and high flavoured. When tired of eating them raw Mr. Talbot roasted them and they were very good.”

1793
Lady Simcoe’s Diary





“Plum, Cherry, Apple, Pear and Peach, and some their pendant branches reach.”

1825

from the first poem published in Upper Canada at York

Peaches have a long and ‘Royal’ history in Niagara. In 1792 Lady Simcoe, the wife of the King’s representative in British North America, wrote in her diary that she had three standard peach trees which had helped provide her with treats over the winter.

Later, in 1860, the menu at a dinner for the Prince of Wales noted that Brown’s peaches would be served — Joseph and John Brown had the first commercial orchard in Niagara.

Then, in 1930, Yellow Sun peaches were flown by local pilots via Montreal to England for the Prince of Wales.

Niagara Peaches certainly live up to their ‘Royal’ past as they are the finest in North America. Although fit for ‘Kings’, they are enjoyed by everyone from early August to late September. Freestones, such as the Red Haven, are the favourite eating peaches, while the Clingstones, such as the Baby Golds, were developed for the canneries.

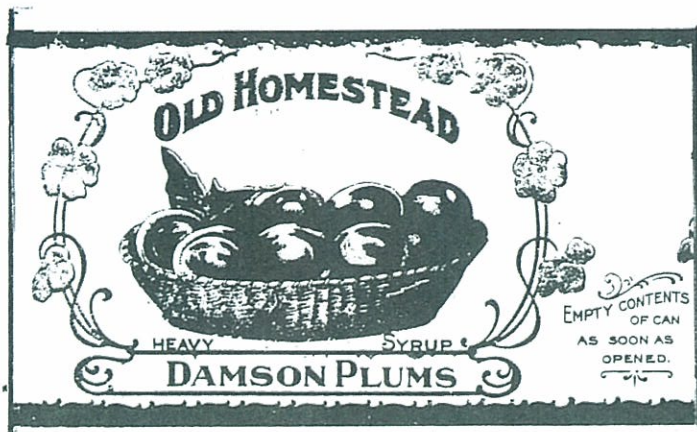


“This very handsome and delicious fruit can be grown, in the open air, only in the most favoured parts in the Province of Ontario, and even there the fruit is very liable to be destroyed by late spring frosts, on account of the habit of the tree in putting forth its blossoms at the first approach of spring . . . In other parts of the Dominion, this fruit can only be grown in the orchard house.”

1872

The Canadian Fruit, Flower and Kitchen





"In 1823 in 'Horticultural News' it is mentioned that Magnum Bonum and 'egg' plums have suffered . . ."

History of Niagara

Plums date back to the earliest settlers and are mentioned in a wide variety of historical records. This is probably because they grow well on a wide range of soils, depending on the type of plum.

The European plums seem to favour the same soil as pears, with the Blue Damson growing in any garden soil where the climate is suitable. On the other hand, the Japanese varieties, such as the Early Golden plum, grow best on the peach soils.

Plums are not only nice when eaten fresh, but are excellent for canning. Some, such as the Italian Prune plum, have enough sugar and solids to permit drying for long-term storage.

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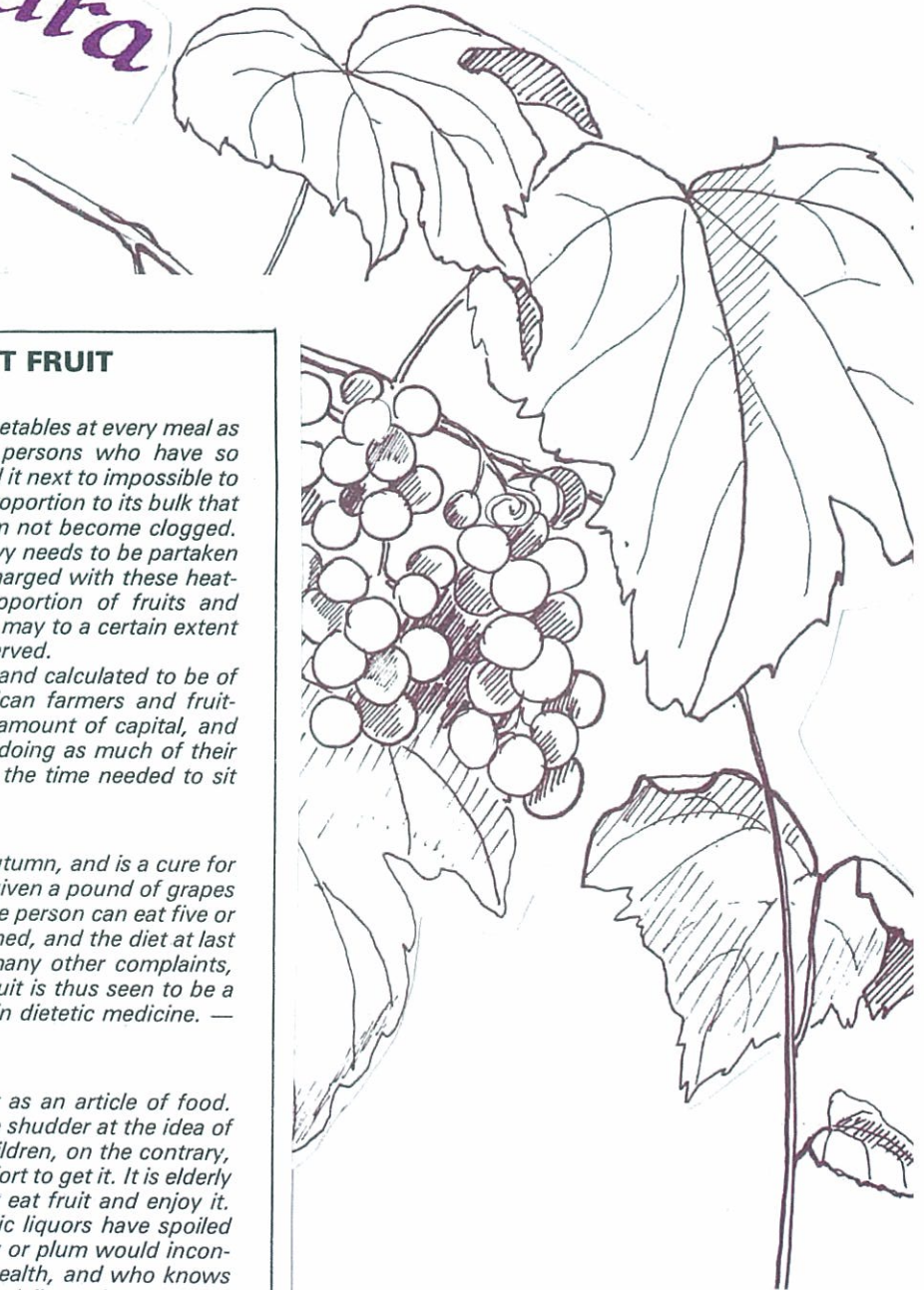
SUS



View from Hwy. #8 in St. Catharines



Taste Niagara



SOME EARLY IDEAS ABOUT FRUIT

Fruit as a Diet

The doctor proposes the free use of fruit and vegetables at every meal as a means of remedying the evil in the case of persons who have so habituated themselves to rapid eating that they find it next to impossible to eat slowly. Fruit contains so little nourishment in proportion to its bulk that a large amount of it may be eaten, and the system not become clogged. Fats, on the other hand, as fat meat, butter or gravy needs to be partaken of in limited quantity, or the organs become surcharged with these heat-producing elements. Thus by using a large proportion of fruits and vegetables with every meal, the evil of rapid eating may to a certain extent be obviated, and continuous good health be preserved.

There is no doubt that this hint is a timely one, and calculated to be of benefit, especially to those Canadian and American farmers and fruit-growers who have purchased farms with a small amount of capital, and feel so pressed by their ambitious undertaking of doing as much of their own work as possible, that they can barely spare the time needed to sit down to the usual three meals each day.

"Grape Cure."

This is practiced in France and Germany in the autumn, and is a cure for many diseases due to high feeding. The patient is given a pound of grapes to eat the first day. This amount is added to until the person can eat five or six pounds a day. The other food is gradually lessened, and the diet at last consists entirely of grapes. It cures obesity and many other complaints, and starts the person off on a new lease of life. Fruit is thus seen to be a necessity in a rational diet, and of immense value in dietetic medicine. — *Vick's Magazine for October.*

The Value of Fruit as Food.

Very few people are aware of the value of fruit as an article of food. Many persons look on fruit as a luxury, whilst some shudder at the idea of it, and conjure up internal tortures at the name. Children, on the contrary, will eat fruit at any time, and undergo much discomfort to get it. It is elderly people or those past their first youth, who cannot eat fruit and enjoy it. Cooked food, highly seasoned meats, and alcoholic liquors have spoiled their taste, and in many instances a ripe strawberry or plum would inconvenience them sadly. But the person who values health, and who knows little of the value of fruit, will make it a point to eat it daily, and even on occasions to make a meal almost entirely of it. Another cause why ripe and wholesome fruits are given a bad name is because they are eaten at the wrong end of a meal. After many courses of heavy foods and strong drinks a few harmless strawberries are indulged in, and then when these rich foods and stimulating drinks upset the stomach the blame is put on the innocent strawberry.

Fruit has the composition of a perfect food, containing all the substances required by the body. Here is the composition of strawberries:

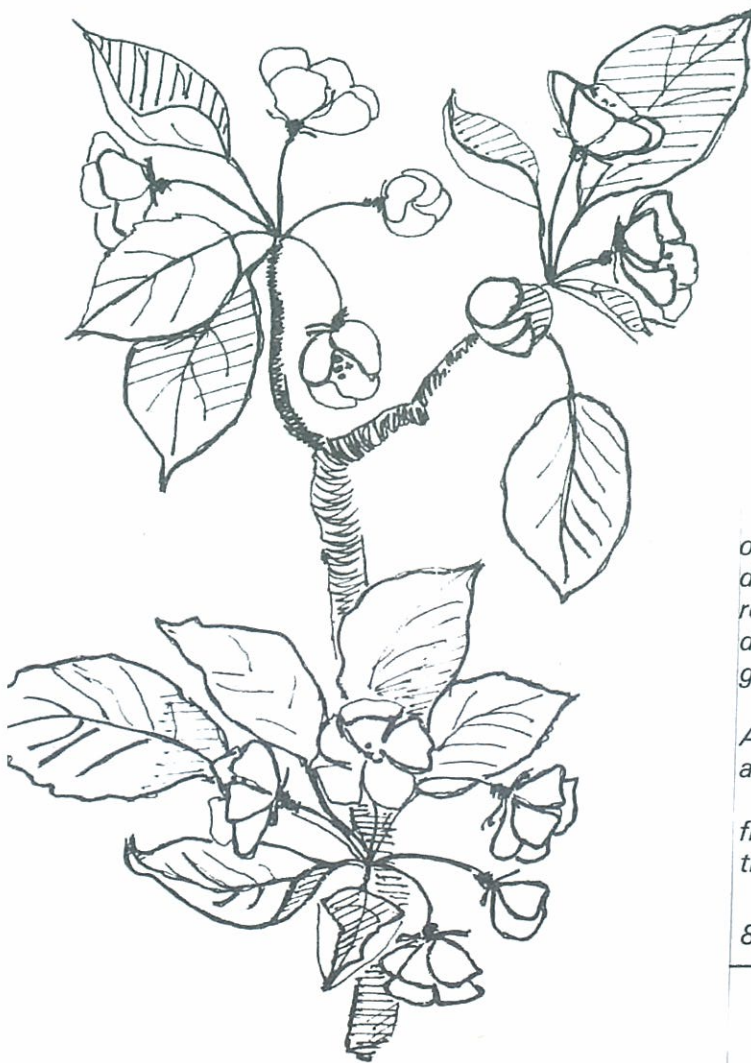
Water	87%	Nitrogen	0-3/4%
Sugar	4%	Insoluble matter (1/2% of	
Free Acid	1-1/4%	which is ash)	7%
			100%

From this table we can see that fruit is a perfect food, as it contains everything needed, including water.

Were fruits used daily by all there would be less gout, rheumatism, gall stones, stone in the bladder, and calcareous degeneration than there is now.

1888
The Canadian Horticultural list

Pears



“Mr. H.M. Warren, who owned the property many years after, tells that there were old pear trees, with most delicious fruit. Although skilled in fruit culture, he had never seen similar varieties. Probably these were brought from France for the Count de Puisaye.”

1790's
History of Niagara

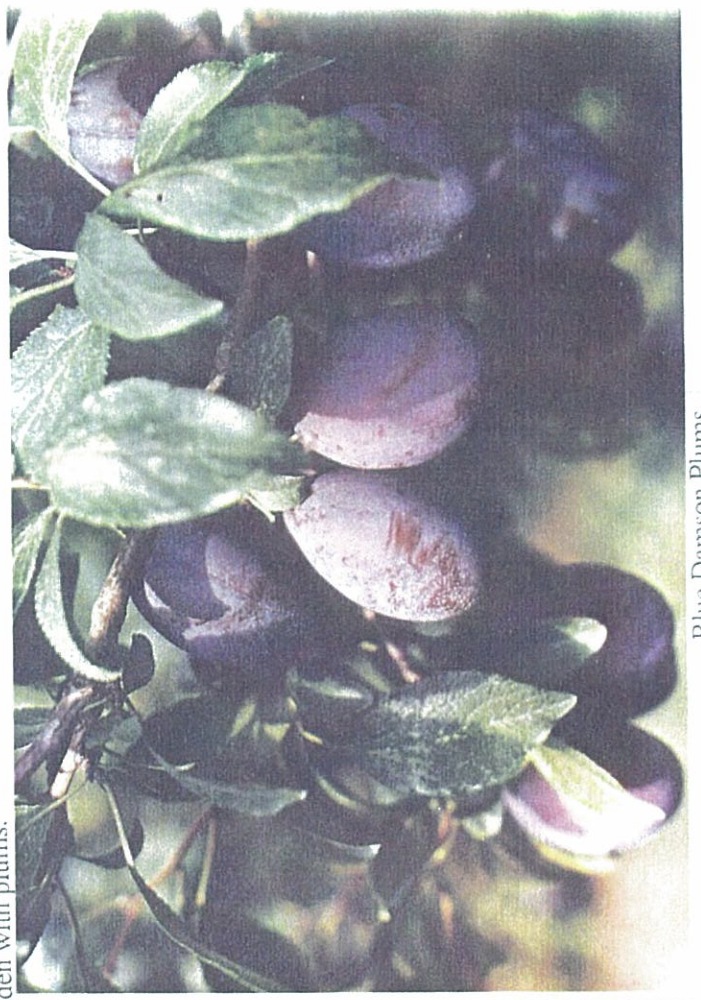
Although the above mentioned pears came from France, our most notable and still popular pear, the 'Bartlett', was developed in England as the 'Williams' pear and inadvertently renamed in America after Mr. Enoch Bartlett of Boston. Today the Bartlett is the chief canning variety in all the pear growing regions of the world.

In Niagara the Bartlett, along with others such as the Anjou, Bosc and Keiffer, grows well in the deep clay soils and provides us with fruit right into the fall.

Once canned, pears retain their firmness and unique flavour. They are marketed by at least two canning firms and thus are readily available in all seasons.



The trees are laden with plums.



Blue Damsion Plums

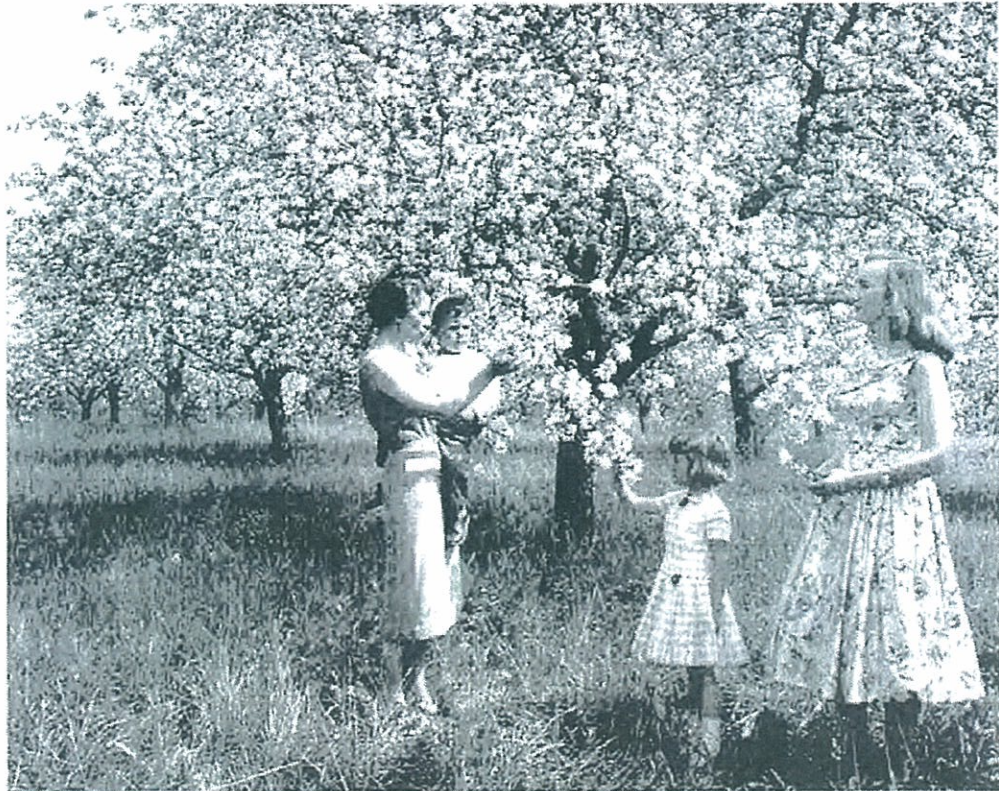


Shiro Plums

WHAT OTHERS HAVE SAID ABOUT NIAGARA FRUIT LANDS

Niagara orchards make an impressive sight at blossom time. Blossom Sunday attracts thousands of tourists.

Ontario Department of Travel and Publicity



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“The Niagara fruitbelt extends along the south shore of Lake Ontario from Hamilton to the Niagara River. Although the most intensive fruit growing is located on the narrow plain between the Niagara Escarpment and Lake Ontario, some orchards and vineyards have spilled over the Escarpment. It is a well know fact that the Niagara fruitbelt produces most of Canada’s peaches and grapes , as well as large amounts of apples , pears, plums, cherries , small fruits and vegetables.”... “The well drained , light textured soil required by peaches is found in large contiguous areas , which makes peach growing possible on a scale large enough to be economic. However , it is the superior “peach climate” of the Niagara fruit belt that has given it the greatest advantage over other competing areas in Ontario. Its proximity to a large body of water that is slow to warm up in spring, delays peach blossoming a week or two - a sufficient delay to miss most spring frosts . Essex County , in the extreme south- west corner of the Ontario Peninsula, has approximately the same average last spring frost date as the Niagara fruit belt, but has a higher probability if spring frost blossom injury because of an earlier blossoming date.” (Krueger 1952)

“It is true that soils suitable for fruit production can be found elsewhere in the province. However the climate, which is the most important factor restricting large scale fruit production (especially tree fruits) to the Niagara area, cannot be replaced with any degree of assurance. Thus, if the fruit-growing industry of the Fruit Belt disappears, it is not likely to be relocated elsewhere in Ontario.” (Ontario Department of Agriculture, 1957)

“If the necessary regional land use planning does not come in time the sprawling cities in the Niagara Fruit Belt will destroy one of the most valuable horticultural land on the continent. And, if we, as Canadians, permit such to happen, succeeding generations will justly condemn us for being poor stewards of the land which we have inherited.” (Krueger 1959)

“The Niagara tender fruit lands are a resource that cannot be replaced. Once they are put to urban use, the process will never be reversed.” (Mayo et al. Niagara Region Local Government Review 1966)

In the future the land, as a factor of production and as the setting for the community, will count more heavily, and not less, in the well-being and prosperity of the area. By writing off the fruitlands we may kill the goose that lays the golden eggs.” (Niagara Escarpment Study Group, 1968)

“High on the agenda...would be...the desirability and feasibility of the acquisition as ‘a national resource’ of certain very important farming areas—the Niagara Fruit Belt.... which are under such heavy competitive pressure from prospective urban uses that their total demise is predictable” (Gertler and Crowley. Changing Canadian cities, 1977)

“The Niagara fruitbelt of Ontario is a unique region within Canada, if not North America. Nevertheless, since the mid 1950s the area devoted to tender fruit crops has been steadily declining, due largely to the continuous pressures of urban expansion. Now, more than twenty years later, the lack of positive action directed towards preserving the Niagara fruit belt, leads one to question the importance Canadians place on threatened and unique agricultural resources. Simpson-Lewis et al. Canada's Special Resource Lands, 1979)

“The Board accepts these statements in the Guidelines and in the Minister’s letter as a determination by the Provincial government that with respect to the unique agricultural area-good tender fruit and grape lands- in the Niagara Region an important agricultural resource is involved.” (Ontario Municipal Board Decision , 1981)

“It appears to us that the Preservation of Agricultural Lands Society was acting in good faith in attempting to carry out what it perceived to be a necessary role as the supporter of the Cabinet’s decision in 1977 and the protector of the public interests in respect of the preservation of the tender fruit lands since there was no other volunteer to undertake the task...” (OMB 1981 decision regarding the Regional Municipality of Niagara urban area boundaries)

“The conclusion of the OMB hearings will not mean the end of the struggle to preserve the Niagara fruit lands. Despite the usefulness of the Food Land guidelines, the provincial government has not demonstrated a strong commitment to preserving prime land and the Regional Government seems unwilling to rise above the parochial development aspirations of the local municipalities. As long as there is no strong farmland preservation commitment at all levels of government, academics, practicing professionals and citizen public interest groups like the Preservation of Agricultural Lands Society will have to continue to keep on the alert and be ready to fight another battle another day.”
(Kruger. The Struggle to Preserve Specialty Crop Land in the Rural-Urban Fringe of the Niagara Peninsula. 1981. Environments 14(3))

“A thin fragile resource hugging the south shore of Lake Ontario, the Tender fruitlands represent only 0.1% of Ontario’s agricultural land base. However, this small size masks their significance. These fruitlands represent 87% of Ontario’s peach acres as well as more than 70% of its cherry, pear and plum acreage. ...Not surprisingly, Niagara produces close to 90% of Ontario’s and 70% of Canada’s peaches (Ontario Ministry of Agriculture and Food, 1991 and Gibberd et al., 1991) —

... Only two other, less suitable, areas in Canada are capable of commercial tender fruit production: the Kent-Essex area of south western Ontario and the Okanagan Valley in British Columbia. However both of these areas have limited potential for assuming a greater role in Canadian peach production (the major tender fruit crop.) ... It seems unlikely that these farmers would change from the reliability of these cash crops (vegetables) to undertake the more hazardous and intricate business of tender fruit farming. (Simpson - Lewis et al, 1979.) ... “The tender fruitlands and Niagara’s tourism industry are

inextricably linked. In the spring, Visitors come to see the colourful display of fruit blossoms.

.. The orchards complement, and are complemented by the extensive vineyards and wine industry found here as well as other tourist attractions."

(Agricultural Easements and the Niagara Fruit Belt: Sustaining a Unique Resource Conservation Easement Committee .August 1992)

The tender fruit industry generates sales of \$40 million per year and provides 10,000 direct jobs . A further 5,000 jobs are created in sectors providing processing, transportation and supplies for the industry." (Proposed Administrative Details for the Niagara Tender Fruit Lands Program -Report to the Minister of Agriculture, Food and Rural Affairs - Agricultural Easement Committee . January 1995)

"Niagara is an area of outstanding potential. The location of Niagara between the moderating influences of the Niagara Escarpment and Lakes Ontario and Erie, create a unique microclimate that supports agricultural production not possible in other parts of the country. For example the unique combination of geography and climate combine to make portions of Niagara one of the few areas in North America where the sensitive vinifera grapes and peaches can be grown. Niagara is also recognized as one of the most stable stone producing regions on the continent. . In addition to the benevolent climate and good soils, Niagara farmers have access to one of the world's largest supplies of fresh water. This is an advantage which tends to be underestimated, considering the scarcity of water in other food producing regions of the world." (Walton, M. Regional Economic Action Impact Study June 8th 2003 .Introduction. pg .i)

Reversal urged in fruitland decision

By PAUL FORSYTH
Standard Staff

St. Catharines Liberal MP, Jim Bradley is asking Premier Mike Harris to reinstate a multimillion-dollar aid program aimed at preserving Niagara tender fruitland.

Bradley wrote to Harris yesterday, asking him to reverse his government's decision Thursday to cancel a program that was supposed to pay farmers to protect their land from development.



Unless Harris brings the program of conservation easements back, pressure to allow severances of fruitland for non-agricultural uses will increase, Bradley predicted.

Many growers, squeezed by poor crop prices which have fallen behind the cost of production, would like to sever land to pay off debt.

"Capitulation to this pressure would amount to 'death by a thousand cuts' for agricultural land" in Niagara, Bradley warned in his letter.

Niagara Region and the previous New Democratic provincial government agreed in May last year to jointly fund the easements program, which would have paid farmers \$8,000 to \$12,000 per acre in exchange for placing permanent restrictions on the property title.

Agriculture Minister Noble Villeneuve announced Thursday -- the same day the first government cheques were to go in the mail -- that the program was cancelled as part of the government's cost-cutting



“In Niagara, tender fruit provides even more spin-off jobs than grapes i.e. total output multiples at 2.98, just behind Horticulture at 3.12 . (Walton, M. Planscape. Regional Agricultural Economic Impact Study. June 8th 2003..section 5.4.figure 5.2.)

“ Firstly, the Niagara Tender Fruit and Grape area is unequalled in Canada for the intensity of trees, vines and production as well as the vital agricultural support businesses. Secondly, this unique orchard and vineyard area sits in the eye of an urban blizzard of uses that continually tries to transform the area... An objective of the Greenbelt Act is to “sustain the countryside, rural and small towns and contribute to the economic viability of farming communities.”..Easements provide the opportunity to preserve the land and contribute to farm viability. The easement program that I was directly involved in with the Province, agricultural organizations and PALS representatives in the early 1990s is needed more now today and tomorrow for reasons of preservation and economic viability of farming communities.” (Corwin Cambrey former commissioner of Planning Region of Niagara .Letter to Minister of Agriculture, Food and rural Affairs. November 2nd 2009.)

“ 85% of Ontario’s tender fruit production is in Niagara (personal communication, Adrian Huisman ,Manager, Ontario Tender Fruit Board& Ontario Grape Board March 2011)

“Value of Ontario tender fruit comparison (million)

	2009	2010	% change
Fresh Mkt total	\$30,961	\$29,004	-6%
Processing total	\$ 3,958	\$ 3,053	-23%
Combined total	\$ 34,919	\$32,057	-8%

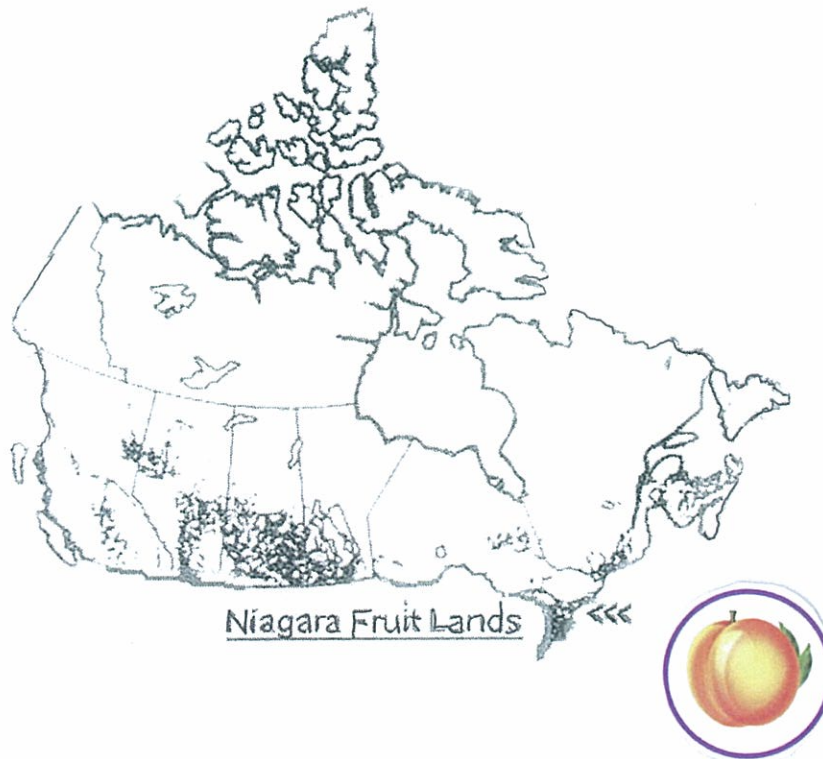
(2010 Annual Report Ontario Tender Fruit Marketing Board,)



GEOGRAPHY OF THE NIAGARA FRUIT LANDS
- IN CANADA/ONTARIO/NIAGARA-



SOME FACTS ABOUT CANADIAN LANDS

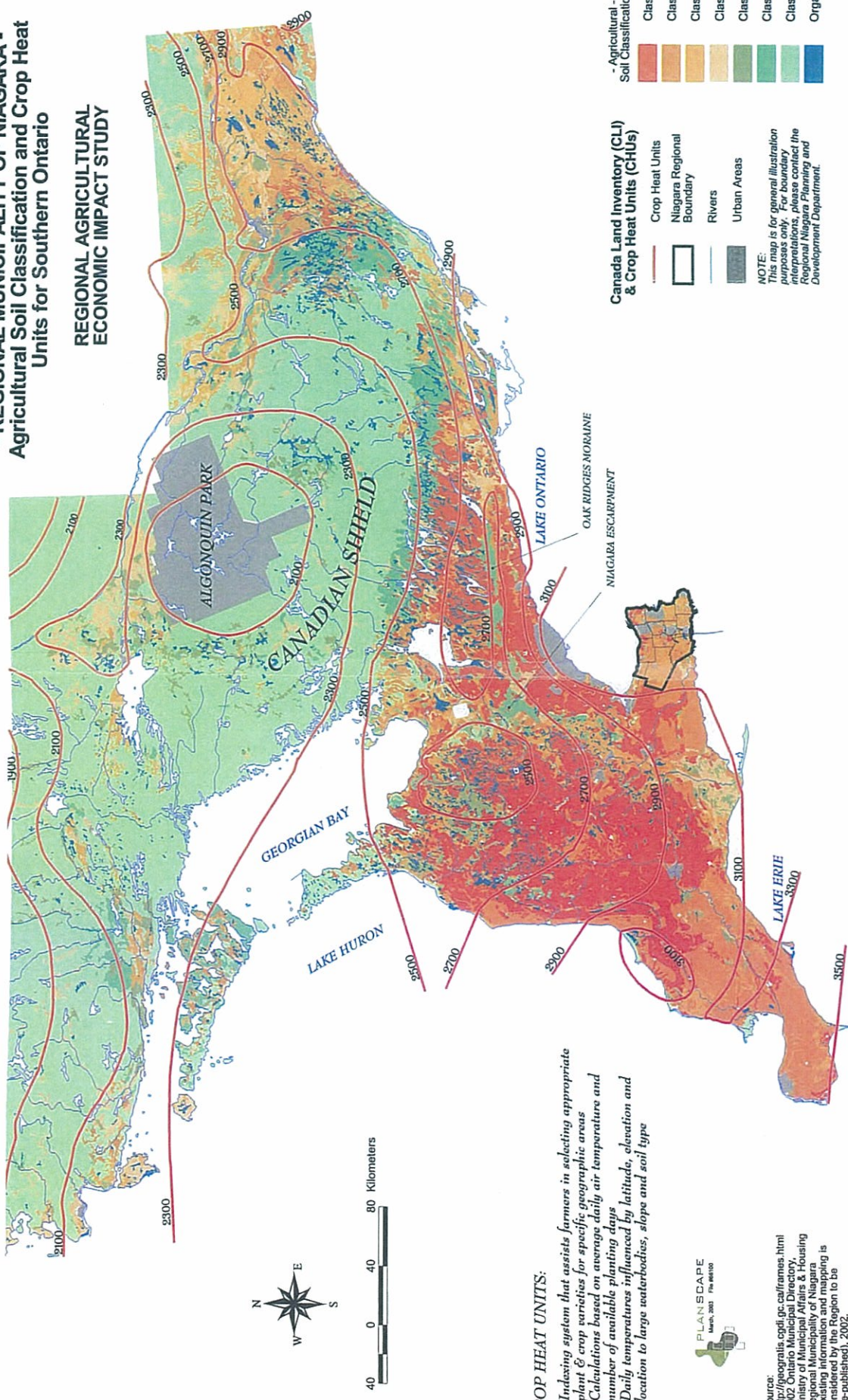


CANADA'S PRIME FARMLAND ■

- * 94% of Canada's lands cannot be farmed
- * Only 0.5% of Canada's lands are class 1 (no significant limitations for farming)
- * Less than .004% of Canada's lands are suitable for growing tender fruit.
- * 85% of urban growth has taken place on classes 1-3 lands and fruit lands.
- * Class 1 land is twice as productive as Class 4

Figure 2.6
- REGIONAL MUNICIPALITY OF NIAGARA -
Agricultural Soil Classification and Crop Heat
Units for Southern Ontario

REGIONAL AGRICULTURAL
ECONOMIC IMPACT STUDY



CROP HEAT UNITS:

- * Indexing system that assists farmers in selecting appropriate plant & crop varieties for specific geographic areas
- * Calculations based on average daily air temperature and number of available planting days
- * Daily temperatures influenced by latitude, elevation and location to large waterbodies, slope and soil type

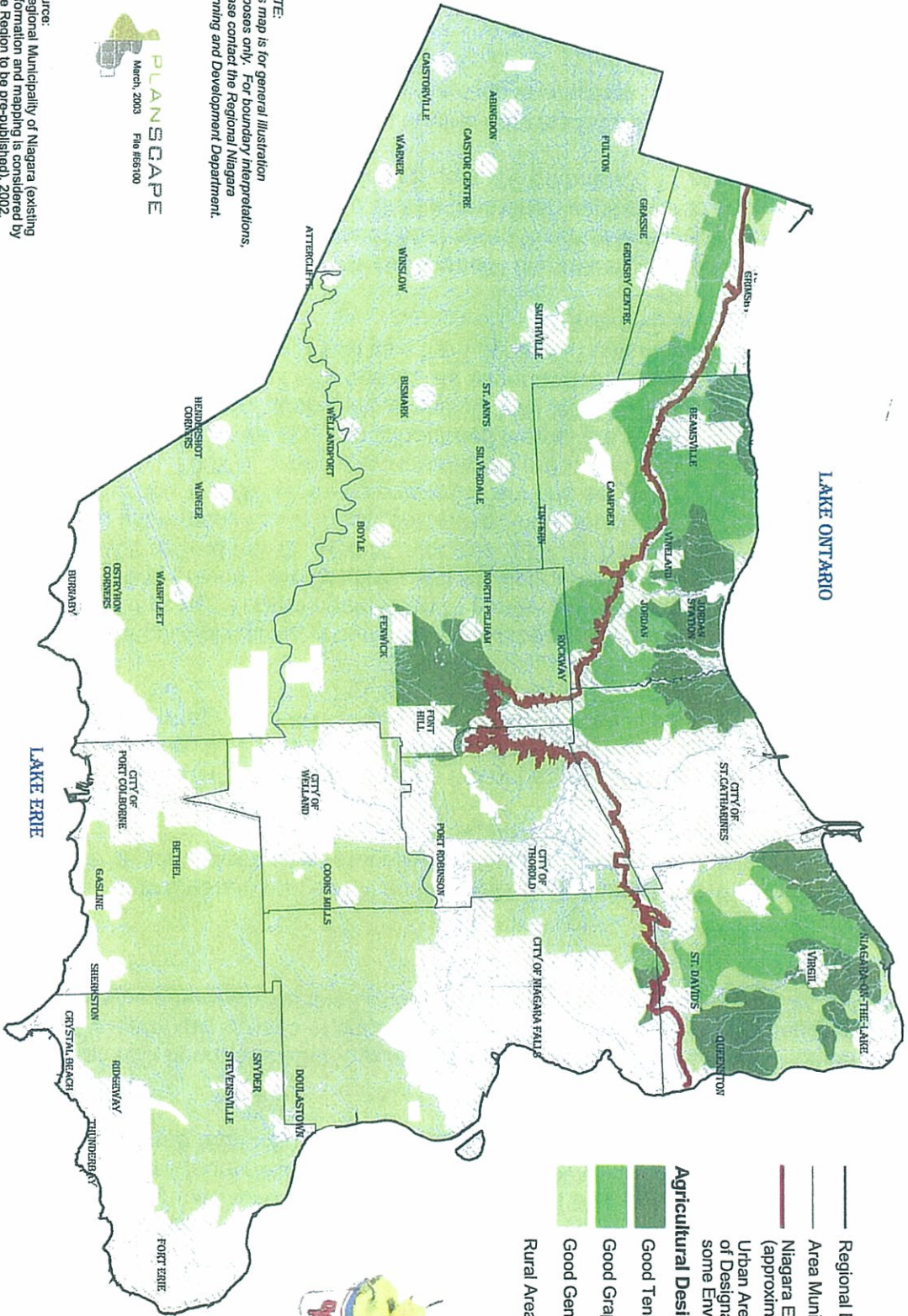


Source:
<http://geogratis.cpld.gc.ca/frames.html>
 2002 Ontario Municipal Directory,
 Ministry of Municipal Affairs & Housing
 Regional Municipality of Niagara
 (The information on this map is
 considered by the Region to be
 pre-published), 2002.



**- REGIONAL MUNICIPALITY OF NIAGARA -
Agricultural Land Base
from Regional Niagara Policy Plan**

**REGIONAL AGRICULTURAL
ECONOMIC IMPACT STUDY**



- Regional Boundary
 - Area Municipality
 - Niagara Escarpment (approximate location)
 - Urban Areas, General Location of Designated Hamlets and some Environmental Areas
- Agricultural Designations**
- Good Tender Fruit Areas
 - Good Grape Areas
 - Good General Agricultural Areas
 - Rural Areas



NOTE:
This map is for general illustration purposes only. For boundary interpretations, please contact the Regional Niagara Planning and Development Department.



Source:
Regional Municipality of Niagara (existing information and mapping is considered by the Region to be pre-published), 2002.
Produced by PLANSCAPE under Licence with the Ontario Ministry of Natural Resources, copyright Queen's Printer for Ontario, 2002.

FARM FACTS ABOUT NIAGARA

Geography

- * The Niagara Peninsula averages 45 kilometres in width and is situated between Lakes Ontario and Lake Erie. It stretches 60 kilometres between Stoney Creek near Hamilton and the Niagara River
- * There are 232,817 acres of farmland in Niagara and of these only 15,000 acres (6.5%) are suitable for growing tender fruit and 15,000 for grapes.(6.5%)
- * Tender fruits grow mainly in the sandy soils in north Niagara, near Lake Ontario and the Niagara River, in Grimsby, St. Catharines, Lincoln, Niagara-on-the-Lake and Niagara Falls. They also grow well on the sandy soils of the Fonthill Kame moraine, and surrounding lands in Pelham, and in the “shadow fruitbelt” which runs approximately 2 kilometres south of the Escarpment
- * Tender fruits include cold-sensitive fruits i.e. peaches, apricots, sweet and sour cherries, and plums, and for marketing purposes by the Tender Fruit Marketing board, pears, which are not as cold - sensitive.
- * Grapes grow anywhere that tender fruits do. They also grow well on clay soils below, on and above the Niagara Escarpment, from Grimsby to Niagara Falls and in the “shadow fruitbelt” .
- * Niagara is located at a latitude of 43 degrees north, which allows for a fairly long summer and an adequate winter chill.
- * Niagara has a 150-170 days growing season which is long enough for fruit.
- * The average rainfall is between 75 and 100 cm. (30-40 inches) :this is optimal for fruit growing.
- * Niagara does not have many extended dry periods which may cause serious crop losses.
- * The average summer temperature is between 18 and 21 degrees Celcius (64-70 degrees F.)
- * Niagara has an absence of temperature extremes. The summers are cool and dry enough to control disease and pests and sunny enough to produce high quality fruit.
- * Hail and storms are much less frequent and severe that they are further south. The inland position of Niagara reduces the possibility of very high winds.
- * The climate-Escarpment-Lake effect is where air is warmed and cooled through heat exchange with warm land surfaces. In Niagara, heat is stored in Lakes Erie and Ontario and the interaction between the Escarpment and the open waters act to moderate the temperature on the fruit lands, helping prevent the buds from opening too early in the Spring and pulling the air along to help prevent a pooling of cold air on still nights. For the tender fruit lands of the Fonthill Kame area, the Kame itself sets up air drainage that has the same effect.





*Background Research Papers
2009-2011- Dr. John Bacher*



*#1 Michigan's Easement Program Protects
Unique Fruit Lands Similar to the Niagara
Fruit Belt - March 14th, 2011*



*#2 PALS calls for Adoption of Program of
Public Purchase of Conservation
Easements/Restrictive Covenants for
Niagara Greenbelt -December 8th, 2010*



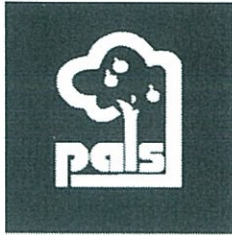
*# 3 How Niagara Fruit Lands Differ from
the Holland Marsh, November 29th 2009*



*#4 The Oak Ridges Moraine Easements
Bolster Legislation-November 25th, 2009*



The Preservation of Agricultural Lands



Society (PALS)

**Background Research Information 2009-2011: Dr. John Bacher,
PALS Researcher**

#1 Michigan's Easement Program Protects Unique Fruit Lands Similar to the Niagara Fruit Belt March 14, 2011

The American state of Michigan has a fruit belt created by a unique microclimate fostered by proximity of the Great Lakes and rolling terrain which is remarkably similar to Ontario's Niagara Fruit Belt. This has created a tiny acreage of rare tender fruit lands, which are protected in perpetuity from development by the use of conservation easements.

The Niagara Fruit Belt produces the majority of tender fruit crops grown in Canada. This is similar to Grand Traverse County in Michigan, which is a peninsula jutting into Lake Michigan. Grand Traverse County produces an astonishing 40 per cent of all the Red Tart Cherries grown in the United States. The favourable climate has put the unique fruit lands of Michigan under intense pressure for development for summer vacationers.

The state of Michigan has a program for the public purchase of conservation easements in the core of the unique fruit growing area, Peninsula Township. While not all individual eligible parcels have yet been acquired, land is being placed in protection with great rapidity, as easements are purchased annually based on a point selection process.

Since the program was started in 1994 (the same year the Niagara Tender Fruit Lands Program, later cancelled was launched), there has been a dramatic reduction in lands lost to urban sprawl. From 1968 to 1989 some 1,100 acres of the unique Michigan fruit belt land was lost to urbanization. Since 1994, when the Michigan Tender Fruit Lands Program was instituted the loss has only been 70 acres, while Niagara has lost over 600 acres .

#2 PALS Calls For Adoption of a Program of Public Purchase of Conservation Easements/Restrictive Covenants for Niagara Greenbelt. December 8th, 2010

Program for Niagara Will Build on the Success of Past Building Blocks of the Provincial Greenbelt.

In requesting the development of a program of public purchase of conservation easements, (PPCE)/ restrictive covenants, PALS is urging the Province to build on the pillars of success of the two earlier components of the provincial Greenbelt. These are the Oak Ridges Moraine and the Niagara Escarpment.

The Greenbelt has three distinctive stages/components. The first stage, the Niagara Escarpment, came into effect with the long debated adoption of the Niagara Escarpment Plan of 1985. The second, the Oak Ridges Moraine, was realized with the passage of the Oak Ridges Moraine Protection Act of 1999. While part of the Greenbelt Protection Act of 2005 was to prevent leap frogging the previously protected Oak Ridges Moraine, the most significant impact was to put all of the lands designated for tender fruit and grape in municipal Official Plans into the new “Protected Countryside”, which PALS feels should be the “third stage” of the Greenbelt.

Previous Components of the Greenbelt Have Not Relied Exclusively on Zoning

The two initial components of the Greenbelt have not relied upon zoning exclusively. Through mechanisms such as Ontario Heritage and the Oak Ridges Moraine Foundation, strong provincially mandated zoning has been complimented by both outright land purchase and PPCE programs.

Getting to the first stage of the Greenbelt was a difficult process. Originally the Niagara Fruit Belt was to be part of the Niagara Escarpment Plan area. It was removed, along with other large swaths of agricultural land adjacent to today’s Greenbelt because of land owner protest. This resulted in a two-third’s reduction of the plan area in 1977.

Niagara Escarpment Plan Does Not Rely Completely on Zoning

When the Niagara Escarpment Plan was finalized in 1985, there was very little agricultural land remaining. What was protected through strong zoning was restricted to the Escarpment Natural and Protection areas, both of which were expected to be predominately in forest. This is why the large sums to purchase lands on the Escarpment were used for outright purchase, since, unlike farming situations where landowners want to continue ownership, private forest owners intent on development prefer to have their lands sold.

PALS is quite familiar with one controversial case where prior to the approval of the Escarpment Plan in 1985, a landowner attempted to build a massive resort which was

virtually a new city, known as the Epping Commons. After the Niagara Escarpment Plan zoned this area in Grey County as Escarpment Natural, which prohibited such development, the owner sold the property, which is now managed by the Ministry of Natural Resources and designated as the Herman McConnell Memorial Forest, to the Ontario Heritage Foundation. Another example where a development was planned that was later acquired through designated Escarpment acquisition funds, is the extension, in West St. Catharines, of the Short Hills Provincial Park.

Over time through various means, it is a goal of the Bruce Trail Conservancy to “secure” the entire length of the Bruce Trail. What this means in actual practice, is that they plan to have all of the trail and a buffer around it, in the ownership of either a non-profit group, or a government agency with a mandate to protect the Escarpment. One example of this was when the La Farge Corporation, donated to the Niagara Parks Commission forested lands adjacent to the Bruce Trail before selling the actual quarry to a developer building a combined hotel/golf course/ vineyard/ residential development complex.

The mechanisms to supplement the very strong zoning restrictions of Escarpment Natural and Protection are complex, but real. They have been used by all governments of three different political parties since the Escarpment Plan, with its strong zoning powers, came into effect since 1985. This is one of the reasons that there has never been a reduction in the Escarpment Natural and Protection Areas. Landowners, who without this ability to sell their lands to a conservation body, may have attempted to apply political pressure to gut the Escarpment Plan, have instead effectively been bought off.

Since there is very little farming in the Escarpment Natural and Protection areas, some 92% of the purchase and donation of properties has been in fee simple, rather than in the acquisition of a conservation easement. It should be stressed however, in contrast to the Escarpment Natural and Protection Areas, until the Greenbelt Protection Act placed a moratorium on settlement area boundary expansions until a review in 2015, zoning in the Escarpment Rural Area to protect agricultural land was quite weak. Thousands of acres of farmland near growing cities such as Milton, which were designated originally as Escarpment Rural in 1985, have been subsequently removed from agricultural zoning and urbanized. This situation is partly caused by the fact that unlike the situation regarding forested lands, there has been no public funding for land acquisition to compliment zoning in the predominately agricultural Escarpment Rural Area.

Oak Ridges Moraine Plan Introduces PPCE Programs to Future Greenbelt

While the Oak Ridges Moraine has some similarities to the Niagara Escarpment, there are major differences. Although both are significant for the role they play as groundwater recharge areas, important for the health of streams whose headwaters originate in these land forms, there are major differences. The Escarpment is a much more ancient land

form, composed of rock formations established millions of years ago, before the glaciation that created the Great Lakes. The Oak Ridges Moraine in contrast, are essentially gravel mounds, created by much more recent glaciation.

The different geological origins of the Niagara Escarpment and Oak Ridges Moraine have very different consequences for the presence of agriculture on these land forms. The rocky features of the Niagara Escarpment make it unsuitable for farming. From a great distance the Escarpment is recognizable as a great mass of forest. The Oak Ridges Moraine is quite different. While originally forested, it was bare of trees until a concerted effort began to reforest it under the leadership of the Provincial Forester, Edmund Zavitz after World War One. For this purpose, a Reforestation Station was established at Orono and County Forest agreements signed. The reforestation of the Oak Ridges Moraine to enhance stream life was a critical goal of the Ganaraska report of 1944. This pilot study provided the basis for the activities of the new Ganaraska Conservation Authority, which was intended as a model throughout Ontario of protecting streams by reforesting their headwaters.

Unlike the Niagara Escarpment those involved in protecting the Oak Ridges Moraine such as Edmund Zavitz, understood that there were good pockets of agricultural land- estimated variably at between a quarter to a third of its length. Despite considerable public efforts at reforestation, involving extensive Conservation Areas and County Forests developed under the Agreement Forest program, the majority of lands of the Oak Ridges Moraine are still in agriculture.

The approach taken for land securement by the Oak Ridges Moraine Foundation after the passage of the Oak Ridges Moraine Protection Act of 1999, had features that were different in many ways from those employed by the Ontario Heritage Foundation after the approval of the Niagara Escarpment Plan of 1985. This reflected the different reality that majority of the lands of the Oak Ridges Moraine important for features such as the protection of stream headwaters, are still being farmed.

In a similar situation to the Ontario Heritage Foundation in 1985, the Oak Ridges Moraine Foundation was given a budget for land securement. Some of these funds, were used to purchase forested properties along the Oak Ridges Moraine for use as conservation areas. Since however, most of the Oak Ridges Moraine is farmland, such an approach, appropriate for the Escarpment, was insufficient to protect significant landscapes such as stream headwaters. Land securement involving purchase, is not desired by farmers who wish to continue farming on the Oak Ridges Moraine. Becoming tenants of even the most well intentioned government, frequently involves difficulties in securing necessary capital for farm financing. In such circumstances, having restrictions stronger than those of zoning by-laws- such a prohibition for future aggregate extraction- a major problem on the Oak Ridges Moraine- can be obtained only through a PPCE program.

Largely to assist the strong planning framework of the Oak Ridges Moraine Protection Act, the Province of Ontario gave the Oak Ridges Moraine foundation an endowment of \$15 million, most of which was intended for land securement. In addition to purchasing land for conservation areas, **much of this endowment was spent securing conservation easements on agricultural land in which farmers continued to retain ownership.** The Oak Ridges Moraine Foundation provided funding for this to the Oak Ridges Moraine Trust, which purchased conservation easements from farmers who continued to manage their land.

PPCE Helps Prevent Political Backlash Against Tight Land Use Restrictions

The PPCE program for the Oak Ridges Moraine has worked well. **Land under conservation easements held by the Oak Ridges Moraine Trust has more restrictions applied to it than under the zoning designations established now by the Greenbelt Act.** This program has helped to avoid a backlash against the tough zoning controls which were strengthened by the Greenbelt Act's four year extension of a previous ten year moratorium put in place by the earlier provincial government.

A PPCE Program can Secure the 3rd Greenbelt Cornerstone- the Niagara Fruit Belt

The third cornerstone of Ontario's Greenbelt is the Niagara Fruit Belt. This area, because of its unique microclimate making it highly suitable for a great variety of tender fruit, grapes and other agricultural crops, was originally planned to be protected through the Niagara Escarpment Plan. In addition to the quality of the farm land, another goal was the preservation of the magnificent scenic vistas of the Niagara Escarpment from its brow to Lake Ontario.

Landowner opposition was a major reason for the removal of the Niagara Fruit Belt from the original Niagara Escarpment Commission Plan Area. This is illustrative of how important the sensitivities of farmers are to the protection of the Niagara Fruit Belt. When the Niagara Tender Fruit Land PPCE program was terminated by the province in 1995, such attitudes contributed to a subsequent gutting of the policies of the Provincial Policy Statement regarding agricultural land. This resulted in an urban expansion onto previously designated unique tender fruit land in the Town of Pelham of over six hundred acres in 2001.

The strong zoning policies of the Greenbelt for the Niagara Fruit Belt are very new, being established only in 2005. Before that time major losses took place even though an appendix to the Niagara Regional Official Policy Plan pledged the "*permanent*" protection that is now promised in the Greenbelt Plan. For instance, although many areas in Grimsby were protected as Unique Tender Fruit, over time a significant portion of the parcels that were protected as a result of the 1981 OMB Decision were eventually urbanized.

Grimsby is currently seeking to urbanize all of its remaining parcels of zoned tender fruit lands north of the Niagara Escarpment. It even attempted to exploit the conformity

exercise with the Niagara Region's Places to Grow process and held back on the promise that it could attempt to do so during the Greenbelt Review in 2015. Although this is contrary to the Greenbelt plan's provision for these boundaries to be permanent, Grimsby has vowed not to miss any chance to expand.

There is support for encroachment of the Greenbelt in other Niagara municipalities. For instance, in 2009 St. Catharines City Council only defeated a request to the Province to amend the Greenbelt Plan to allow it to expand its urban boundaries onto designated protected fruit land by one vote.

A PPCE program is needed to realize the promise of the Greenbelt Plan- protecting permanently the remaining farmlands in the Greenbelt in Niagara. No other part of the Greenbelt that has such strong policies, faces such intense urban pressures. The only other part of the Greenbelt in which such policies are provided for in the plan is the Holland Marsh. This land is not subject to urbanization pressures, being entirely within an area flooded by Hurricane Hazel in 1954

#3 How Niagara Differs from Holland Marsh , November 9th, 2009

Niagara and the Holland Marsh have in common that , under the Greenbelt Plan, they are not permitted to have any expansions of urban settlement areas encroach on these agriculturally zoned lands. They also have in common in that both areas support intense and high value horticulture. This is very different from the very much larger large acreage in Ontario devoted to common field crops such as corn and soybeans, commonly used for animal fodder and various industrial applications.

Despite their common high value for agriculture and ability to produce a great volume of highly nutritious food, Niagara and the Holland Marsh differ in that there are vastly different situations of urban pressure for each. During the close to a century since the Holland Marsh was drained from an organic wetland, we are not aware of any urban encroachment on its acreage. The reason for this reality, was well expressed in the Hurricane Hazel disaster of 1954- when the entire unique vegetable growing area was covered by flood waters. This means that the various distinctive Polders of the Holland Marsh, all of which are lined by drainage canals, should be excluded from urban development by the virtue that they are within the Hurricane Hazel 500 year storm horizon.

The Niagara Fruit Belt is very different in terms of its vulnerability to urban sprawl than the Holland Marsh. There are no natural features that limit development here-indeed PALS members are well aware of claims made in support of development that it is easier to build here than other parts of Niagara. While none of the Holland Marsh has been lost to urbanization in the past century, at least a third of Niagara's unique tender fruit growing area has. Although much of this loss was before the adoption of the Niagara Region Plan in 1981, since that time there have been urban boundary expansions onto fruit land in Grimsby, Lincoln, St. Catharines and Pelham. While Pelham's over 600

acres of expansion are unusually large, totalling very close to 5% of Niagara's remaining tender fruit land , smaller parcels in other communities were of excellent capability, especially in Grimsby.

Niagara's land is more important from the perspective of Canada's ability to grow nutritious fruit crops than the Holland Marsh's vegetable growing capacity. Apricots, Sour Cherries, and Peaches will not grow in other areas on a reliable basis. Even the Essex County Fruit Belt along Lake Erie, once thought of as a replacement for Niagara's fruit lands, has historically shown the demise of its entire peach crop from winter kill. This has never taken place in Niagara. Although the loss of Holland Marsh to urbanization- if it were physically possible- would be unfortunate, the various vegetables grown there could be produced in other places with the right application of management techniques. This is not possible with tender fruit crops impacted by both frost and winter kill, outside expensive enclosed greenhouse environments.

4 The Oak Ridges Moraine Easements Bolster Legislation-November 25th, 2009

The Oak Ridges Moraine legislation has broad political support and since 2002 it has been overseen by the Oak Ridges Moraine Foundation through which Ontario has financed a program of publicly purchased conservation easements. Using a substantial public endowment, from 2002 to 2009, the Oak Ridges Moraine Foundation funded the Oak Ridges Moraine Land Trust, to purchase conservation easements.

In its website the Oak Ridges Moraine Foundation makes an eloquent statement about the basis for its land securement strategy. It notes that although the Oak Ridges Moraine Conservation Plan (which was significantly strengthened through the Greenbelt Act), *"offers a significant level of landscape control", ... "These and other areas covered by the Plan may benefit from an added level of protection through securement by a public body or a conservation organization. An added level of protection may be desirable to achieve a greater degree of permanence of protection, to respond to a specified value being in jeopardy or respond to imminent change affecting a value."*

One feature of the securement strategy is one that PALS is quite familiar with in Niagara. This is the *"Degree of Threat."* The Oak Ridges Moraine Foundation notes that, "Degree of threat based on professional and practical judgement can often drive securement decisions for a property. In some parts of the Moraine, threat may be considered equivalent to the threat of development."

Work of Oak Ridges Moraine Foundation Already Establishes Precedent

One of the most tired and hackneyed reasons that PALS has heard against easements is that it would establish a *"precedent"*, giving rise to dangerous calls for landowner *"compensation."* Although a public purchase of conservation easements program has been in effect for seven years on the Oak Ridges Moraine, PALS has not detected any dangerous precedent. In fact it has simply encouraged the strong support for the protection of the Oak Ridges Moraine through the Greenbelt.

How Public Money Spent For Farmland and Natural Areas Protection Is In the Public Good.

The Oak Ridges Moraine Foundation is correct in noting that the public purchase of conservation easements serves to offer an “*added level of protection.*” to a threatened provincially significant resource. PALS wishes to stress that easements are especially important to protect such features, if they are to remain in agriculture and not be reforested. Natural areas are commonly purchased to provide an added level of protection for natural areas. Such strategies are not appropriate for any land which is to remain in agriculture. Farmers need to own their land for security for instance, for borrowing. Farmers do not want to be tenants of either government, or an environmental group that manages a land trust.

Unlike the Niagara Escarpment, another environmentally significant area subject to strong provincially imposed planning controls, the Oak Ridges Moraine is a predominately agricultural area. While significant reforestation has taken place, largely on the ten per cent of the Moraine that is publicly owned, two-thirds of the Oak Ridges Moraine is actively farmed. In such a situation, it is reasonable for land securement to be largely through the purchase of conservation easements.

