

NIAGARA ESCARPMENT — FOUNDATION —

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May 11, 2021

Mayor Paul McQueen and Members of Council
Municipality of Grey Highlands
206 Toronto Street south
Markdale, Ontario
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Dear Mayor McQueen and Members of Council:

RE: An Alternative Vision for the Talisman Lands – Conservation First

The Niagara Escarpment Foundation (NEF) welcomes this opportunity to place the current public concern about the future of the Talisman lands in some historical context so that no one loses sight of the strategic importance of this property to an ecological conservation vision for the Beaver Valley. The valley is within the United-Nations-designated Niagara Escarpment Biosphere, as well as being part of the Greenbelt, a signature landscape that the Ontario government deems worthy of special recognition.

The NEF is an independent, non-government, not-for-profit corporation and registered charity founded in 2001 to encourage public awareness of the natural and cultural significance of the Niagara Escarpment and to conduct research related to protection of the Niagara Escarpment. The Foundation has undertaken a number of research projects, primarily related to the effectiveness of the Niagara Escarpment Plan in protecting the Escarpment from inappropriate development and conserving its sensitive ecosystems.

EXECUTIVE SUMMARY

The historic background to protecting the Niagara Escarpment in the Beaver Valley is important context for today's concern for the future of the Talisman lands. Escarpment protection initiatives began in the

1970s, the Niagara Escarpment Plan (NEP) was approved in 1985, and the most recent edition of the NEP was approved in 2017. We must always remember the purpose of the NEP: to maintain the escarpment substantially as a continuous natural environment and allow only development that is compatible with the natural environment. There is some 50 years' history of partnership between private and public landowners in the Beaver Valley to protect and celebrate its precious natural areas and features. If the public lands currently owned by the Municipality of Grey Highlands at Talisman are sold to maximize development and profits, this would constitute an unprecedented rupture of the historic tradition of private-public partnership faithfully supporting the NEP in the Beaver Valley.

There is enormous public demand for access to publicly accessible rural protected areas for low-impact outdoor recreation. The COVID-19 pandemic has seen this demand skyrocket, including throughout the Beaver Valley. There are economic opportunities in meeting this demand for low-impact, nature-based activities. Maximizing development is not and should not be promoted as the only means by which income can be generated from the Talisman lands.

An alternative, conservation-first vision for the Talisman lands needs to be explored thoroughly. The protection, restoration and enhancement of natural areas and outstanding landscapes can yield substantial economic benefits. With climate change as a defining global issue of our times, we must now "think globally and act locally" – and that can best be addressed on the Talisman lands by promoting only minimal development to support low-impact, nature-based recreation.

The Niagara Escarpment Foundation recommends exploration of a conservation vision for the Talisman lands with the following actions (detailed in the submission that follows):

- a. Keep the municipally owned lands in public ownership.
- b. Encourage the private investor to donate at least the undeveloped portion of their lands to a conservation organization for an income tax credit.
- c. Apply for a Niagara Escarpment Plan amendment to change the Escarpment Recreation Area designation to an appropriate mix of Escarpment Natural Area and Escarpment Protection Area designations, further ensuring protection from major development.
- d. Engage with conservation land trusts to gauge their interest in acquiring some or all of the Talisman lands.
- e. Create a municipal protected area on the Talisman lands, then encourage the Province to add these lands to the Niagara Escarpment Parks and Open Space System (NEPOSS).
- f. Undertake a study to determine the significant economic benefits and environmental impacts from nature-based recreational activities.

The Municipality of Grey Highlands is encouraged to extend its public consultation by no less than a six-month period to allow adequate time for an alternative vision for the Talisman lands to be properly and thoroughly explored with the Beaver Valley community and with other agencies and stakeholders. During this period, it is important that Grey Highlands not make any decisions about the Talisman lands or conduct any activities on these lands until discussions with the Beaver Valley community and other stakeholders about alternative visions for the Talisman lands have concluded.

Cultural Heritage Context and Land Acknowledgement

As stated in the Niagara Escarpment Plan, “First Nations and Métis people in Ontario have a unique relationship with the land and its resources and this relationship continues to be of central importance to First Nations and Métis communities in the area of the Niagara Escarpment today.” Accordingly, the Niagara Escarpment Foundation provides for your information our Land Acknowledgement:

The Niagara Escarpment Foundation acknowledges that the Niagara Escarpment Biosphere is on Indigenous lands that have been inhabited by Indigenous peoples from the beginning. The Foundation is grateful for the opportunity provided to many people to enjoy the Niagara Escarpment Biosphere and we thank all the generations of people who have taken care of this land for thousands of years.

In particular, we acknowledge that this Biosphere is on the traditional territory of the Anishnabek, Haudenosaunee (Iroquois) and Ojibway/Chippewa peoples. The Foundation acknowledges that the Biosphere is within the territory of the Dish With One Spoon treaty among Indigenous peoples – the first agreement for the sharing of the land. This territory is covered by the Upper Canada Treaties and Haldimand Treaty between Indigenous peoples and the Crown.

We recognize and deeply appreciate their historic connections to this place. We also recognize the contributions that Métis, Inuit and other Indigenous peoples have made, both in shaping and strengthening this community in particular and our province and country as a whole.

This recognition of the contributions and historic importance of Indigenous peoples must also be clearly and overtly connected to our collective commitment to make the promise and the challenge of Truth and Reconciliation real in our communities.

BACKGROUND

The Municipality of Grey Highlands has signed a Joint Venture Agreement with a private investor to jointly promote the development of the Talisman lands located on the western slopes of the Beaver Valley. The parties have “a shared vision to maximize the development potential of Talisman...” With respect, NEF thinks it is important to suggest an alternative vision for these environmentally important and sensitive lands.

The Niagara Escarpment Plan

The Talisman lands are entirely within the area of the Niagara Escarpment Plan (NEP). The NEP, a provincial-level land use plan, was the first large-scale land use plan in Canada with environmental protection as the primary goal. It was first approved by the Ontario Cabinet in June 1985. The current edition of the NEP was approved in June 2017 according to the provisions of Ontario’s *Niagara Escarpment Planning and Development Act* (NEPDA).

The NEP protects the Niagara Escarpment, which includes a variety of topographic features and land uses extending 725 kilometres from Queenston on the Niagara river to the islands off Tobermory on the Bruce Peninsula. The particular combination of geological and ecological features along the Niagara Escarpment results in a landscape unequalled in Canada. The natural areas found across the Escarpment act to clean the air, provide drinking water and support recreational activities that benefit public health and overall quality of life, as well as helping address and mitigate the effects of climate change.

The purpose of the NEP, stated at the beginning of the plan, is very clear: “to provide for the maintenance of the NE and land in its vicinity substantially as a continuous natural environment, and to ensure only such development occurs as is compatible with that natural environment.” The NEP directs most major development to urban areas (cities, towns and villages) in order to protect the unique landforms, extensive forests and outstanding natural vistas for which the Escarpment is renowned.

The Beaver Valley portion of the Niagara Escarpment Plan is shown on [Map 6 escarpment.org/LandPlanning/NEP/niagaraEscarpmentMaps](#) (zoom in to view the Beaver Valley). It is a very important part of the Niagara Escarpment which provides all the benefits described above, i.e., clean air, drinking water, forests, outdoor recreational activities, etc. That is why most of the Beaver Valley is within the two most protective (i.e., restrictive) land use designations of the NEP – Escarpment Natural Area and Escarpment Protection Area – in recognition of the special importance given to the area’s ecosystems and outstanding landscape features.

The NEPD Act mandates that the NEP takes precedence over municipal official plans and by-laws. Therefore, the proposal and discussion of future development on the Talisman lands must be guided by the context and environment-first intent of the NEP.

The Talisman lands were and still are designated Escarpment Recreation Area in the NEP, to recognize the existing recreational uses of the property when the Plan was approved in 1985. Accordingly, the designation permits a range of uses including ski runs, ski lifts and toboggan runs that require the slope, a ski lodge and a golf course. Other permitted uses include single dwellings and commercial development normally associated with a ski centre (e.g., retail stores, service establishments, etc.).

PUBLIC OWNERSHIP OF NIAGARA ESCARPMENT LANDS

Public ownership of land in the Niagara Escarpment Plan area has always been considered one of the best ways to implement the purpose of the Plan. Accordingly, the Plan includes a Niagara Escarpment Parks and Open Space System (NEPOSS) which recognizes the extensive network of lands owned by Conservation Authorities, provincial agencies (Ontario Parks, Ministry of Natural Resources and Forestry), municipalities, and conservation organizations such as the Bruce Trail Conservancy and the Escarpment Biosphere Conservancy.

Well before the 1985 approval of the Niagara Escarpment Plan, the provincial government began a vigorous program of land acquisition on the Niagara Escarpment. When the Plan was approved, the Province created a \$25 million acquisition fund to increase the amount of public land over time. That initial fund was added to in subsequent years. This land acquisition approach was based on the conviction that publicly owned property in the NEP area would remain as such in perpetuity to help implement the purpose of the Plan. Given the above historical context, the proposal by Municipality of Grey Highlands to possibly remove its 133.8 acres of the Talisman lands from public ownership for purposes of maximizing development potential arguably runs completely counter to the intent of the Niagara Escarpment Plan.

When the *Niagara Escarpment Planning and Development Act* was passed in 1973, the population of southern Ontario was about 7 million people. In the intervening 48 years, the population of southern Ontario has almost doubled. Subsequent loss of natural habitat in southern Ontario has placed even greater stress on remaining environmentally protected areas such as the NEP area in the Beaver Valley. There is enormous, increased public demand for access to publicly accessible rural protected areas for low-impact, nature-based recreation. The COVID-19 pandemic has seen this demand skyrocket, including throughout the Beaver Valley. While there are economic opportunities in meeting this demand for low-impact, nature-based activities, current pressures on protected rural lands only highlight the importance of the NEP and the need to maintain and enhance the protected natural corridors in the Beaver Valley.

NIAGARA ESCARPMENT PRIVATE LANDOWNERS IN THE BEAVER VALLEY & ADJACENT LANDS

Since the passage of the NEPD Act in 1973, private landowners in the Beaver Valley and adjacent lands have volunteered their time and expertise and generously donated their money to support the Niagara Escarpment Plan and in particular, the continuous natural corridors and provincially significant groundwater and surface waters of the valley.

Over the last 48 years, private landowners have undertaken a variety of environmental initiatives and activities, such as the following: setting aside agriculturally marginal lands for wildlife preserves, natural reforestation and water enhancement; tree-planting for windbreaks and soil conservation; donating their lands or a portion thereof to secure the continuous natural corridors; improving fish habitat; signing long-term conservation agreements with the Ontario government and conservation charities; adopting sustainable and organic farming practices; developing Environmental Farm Plans; family estates gifting permanent access to the Bruce Trail Conservancy; undertaking legal action, including judicial reviews, to halt inappropriate development that would undermine the NEP; initiating NEP amendments to designate their farms as Escarpment Natural and Escarpment Protection in the NEP; and many more.

The current environmental health of the Beaver Valley, with the escarpment slopes situated on either side, stands on the shoulders of a unique partnership between private landowners and those governments to whom we entrust our public lands.

Furthermore, in 1985, when all political parties in the Legislative Assembly of Ontario supported Cabinet's passage of the NEP, there was embedded in that support an inherent decision to protect the Beaver Valley's 40-km corridor south of Epping as a significant provincial treasure and to direct future development *away* from the natural corridors and provincially significant watersheds of the southern Beaver Valley.

If the public lands currently owned by the Municipality of Grey Highlands at Talisman are sold to maximize development and profits, this would constitute an unprecedented rupture of the historic tradition of private-public partnership faithfully supporting the NEP in the Beaver Valley. It would also undermine the legacy of generations of valley landowners who worked so hard to advocate for the soul of the valley – its natural corridors and watersheds. Farmers like the late Herman McConnell, who came to the lower valley in 1914 and for decades planted trees, inspiring others by his example and with his wisdom. From 1979 to 1985, Herman also fought relentlessly to stop a massive condominium development (Epping Commons) on the western slopes of the Beaver Valley and other proposed strip development like "Epping Terraces." For the Municipality of Grey Highlands to sell public lands in the Beaver Valley for private development would be nothing short of a breach of the trust that valley landowners place in their elected municipal government.

The NEF respectfully asks the Municipality of Grey Highlands and all landowners in the Beaver Valley: "What legacy do we want to leave for future generations?"

DISCUSSION: An Ecological Conservation Vision Will Benefit Both the Environment and the Economy of the Beaver Valley

The municipality's desire to maximize revenue by selling its Talisman lands for development is evidently grounded in the fact that the Escarpment Recreation Area designation recognizes and continues to permit ski-related development. However, the following points should be considered in decision-making to select the best environmental and economic future for the property:

1. Nearly 50% of the property is publicly owned by Grey Highlands. It is surrounded on three sides by the NEP's most protective designations, Escarpment Natural Area and Escarpment Protection Area. As NEP Map 6 shows, most of the Beaver Valley is protected by these two designations, in recognition of the special importance accorded to the valley's ecosystems and outstanding landscape features.

The entire Niagara Escarpment Plan area is the Niagara Escarpment Biosphere, an international United Nations designation granted by UNESCO in 1990 in recognition of the unique natural features and ecological importance of the area regulated by the NEP. Such biospheres demonstrate both biodiversity conservation and environmentally compatible development, with an all-important "core" area (in this case, Escarpment

Natural Area and Escarpment Protection Area) that is protected from major development.

The clear conservation intent conveyed by the predominance of Escarpment Natural and Escarpment Protection Areas in the Beaver Valley (Map 6) is supplemented by the network of NEPOSS parks shown as green-hatched overlays on Map 6 and numbered (#51 – 57) on Map 10 of the Plan escarpment.org/LandPlanning/NEP/niagaraEscarpmentMaps (zoom in to see the Beaver Valley). The descriptions of these NEPOSS properties in the Niagara Escarpment Plan emphasize and reinforce the conservation intent of the Plan’s policies for the Beaver Valley. Note that these areas are owned/managed by Grey Sauble Conservation Authority, Ministry of Natural Resources and Forestry, and Grey Highlands (#53-Kimberley Mill Pond Park).

2. Despite the permissive Escarpment Recreation Area designation of the Talisman lands, the property has been unused for several years and was apparently acquired by the municipality some years ago because of tax arrears. Maximizing development of the land is not and should not be promoted as the only means by which income can be generated from the Talisman lands.
3. The whole tenor and thrust of the Joint Venture Agreement, with its focus on maximizing development potential, evidently excludes any serious consideration of alternative visions for the property. The protection, restoration and enhancement of natural areas and outstanding landscapes can yield substantial economic benefits. Low-impact recreational activities such as hiking, cross-country skiing, snowshoeing, cycling, nature viewing, canoeing, fishing, bird-watching, nature photography and landscape painting can produce revenue for stores, restaurants, farm-gate markets, pick-your-own apple orchards and other businesses in the Beaver Valley.
4. Climate change is a defining global issue of our times. To deal with its well-established destructive impacts, we now must truly “think globally and act locally.” “Local” includes every individual and every municipality. It is evident that, in the Beaver Valley, no development or at most, minimal/low-impact development to support the above-noted nature-based recreational activities will do far more to address climate change (e.g., the valley’s forests as a “carbon storehouse”) than will intensive, high-impact development.
5. Given the above points, it seems reasonable for the Municipality of Grey Highlands to consider a no-development alternative vision, an ecological conservation vision, for the future of this property. Such an alternative vision will include the following actions:
 - a. Keep the municipally owned Talisman lands (48.9%) in public ownership.

- b. Suggest to the private investor that the undeveloped portion of their Talisman lands be dedicated (donated) to an appropriate conservation organization in return for an income tax credit under the federal Ecological Gifts Program. The Epping Commons property, farther north on the western side of the Beaver Valley and now named the Herman McConnell Memorial Forest, provides an instructive precedent from the early 1980s. In addition, the entire 273.5-acre Talisman lands, or at least a sizeable majority of the lands, could be a prime candidate for a conservation agreement which would guarantee limited permitted uses and protection from development in perpetuity.
- c. Encourage conservation land trusts to express their interests in acquiring all or at least a majority of the Talisman lands. One potential source of land acquisition funds for land trusts is the new Ontario government program called the Greenlands Conservation Partnership, announced in March 2021.
- d. Submit an application for a Niagara Escarpment Plan amendment to the Niagara Escarpment Commission (www.escarpment.org) to change the Escarpment Recreation Area designation to an appropriate mixture of Escarpment Natural Area and Escarpment Protection Area designations, further ensuring protection from any major development.
- e. Create a municipal protected area on the Talisman lands, then subsequently, encourage the Province to add the protected Talisman lands to the Beaver Valley network of Niagara Escarpment (NEPOSS) parks.
- f. Undertake a study to determine the significant economic benefits and environmental impacts that flow from promoting the range of nature-based, low-impact recreational activities noted above.

CONCLUSION

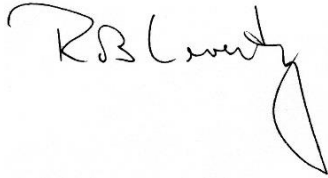
These ideas from the Niagara Escarpment Foundation are meant to be a constructive contribution to the municipality's public participation exercise. The Municipality of Grey Highlands is faced with what may be considered a crisis by some, but a great opportunity by others. The Niagara Escarpment community in the Beaver Valley now has an historic opportunity to enhance the ecosystem and landscape protection policies of the NEP on the Talisman lands.

Therefore, the Niagara Escarpment Foundation respectfully requests that the Municipality of Grey Highlands extend its public consultation by no less than a six-month period to allow adequate time for the alternative vision described above to be properly and thoroughly explored with the Beaver Valley community and with other agencies and stakeholders. During this period, it is important that Grey Highlands not make any decisions about the Talisman lands

or conduct any activities on these lands until discussions with the Beaver Valley community and other stakeholders about alternative visions for the Talisman lands have concluded.

We trust that this submission is helpful to the Municipality of Grey Highlands. If you have any questions or require any clarifications, please contact us at mailbox@nefoundation.ca or call me at 416-690-2071.

Yours sincerely,

A handwritten signature in black ink that reads "R B Leverty". The signature is written in a cursive style with a large, sweeping flourish at the end.

Robert Leverty
President

The Hon. John Yakabuski, Minister of Natural Resources and Forestry (Ontario)
The Hon. Jonathan Wilkinson, Minister of Environment and Climate Change (Canada)
The Hon. Steven Guilbeault, Minister of Canadian Heritage (Canada)
Norm Sterling, Chair, Greenbelt Council
Rob Nicholson, Chair, Niagara Escarpment Commission and Commissioners
Niagara Escarpment Biosphere (Transitional Leadership Committee)