

December 29, 2000

In Focus

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A review of the Niagara Escarpment Plan

Intensive Recreational Development in Escarpment Parks & the Status of Land Trusts

Discussion Paper #5

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December 29, 2000

Niagara Escarpment Plan Review

Topic 5

Discussion Paper Intensive Recreational Development in Escarpment Parks and the Status of Land Trusts

A. Topic: Intensive Recreational Development in Escarpment Parks and the Status of Land Trusts.

B. Source:

In accordance with the Niagara Escarpment Planning and Development Act (NEPDA), the Minister of Natural Resources on June 15, 1999 caused a review of the Niagara Escarpment Plan (NEP). Under Section 17(2) of the NEPDA the Minister established Terms of Reference and included issues related to the "Intensive Recreational Development in Escarpment Parks and the Status of Land Trusts". Included in this discussion paper are various housekeeping and errata issues related to the Niagara Escarpment Parks and Open Space System (NEPOSS).

C. Issues

1. Role of land trusts, conservancies and similar non-profit agencies in securing land for NEPOSS and natural area protection.
2. Level and type of intensive development allowed in Escarpment parks.
3. Environmental monitoring as a component of park master or management planning.
4. Highway crossings and the Bruce Trail.
5. Modifying or making changes to the list of Nodal Parks.
6. Recognition of the of the UNESCO Biosphere Reserve Designation in the NEPOS System.
7. Recognition of the Provincial Natural Areas Protection Program (NAPP) in NEPOS System including the up-dating of definitions.
8. The addition of new parks and open space into NEPOSS.
9. Updating the Parks and Open Space descriptions in Appendix 1 to the Plan.

C. Background

1. Niagara Escarpment Planning and Development Act (NEPDA)

The purpose of the Act is to:

- *Provide for the maintenance of the Niagara Escarpment 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 acquisition, establishment and development of a system of publicly owned lands (NEPOSS) under the NEP contribute to the purpose by ensuring that key elements of the natural environment are secured and protected for future generations. Within this system of parks and open space, lands are planned, managed and developed in a manner compatible with the unique features and significant landscapes associated with the Niagara Escarpment.

A number of objectives of the Act also support the NEPOS System. These objectives require the NEP to:

- Protect unique ecologic and historic areas;
- Provide adequate opportunities for outdoor recreation; and
- Provide for public access to the Niagara Escarpment.

The lands within the NEPOS System contribute to fulfilling these objectives by protecting outstanding natural and cultural features while at the same time allowing for varying levels of outdoor recreation and access through park planning and appropriate land acquisition.

2. Niagara Escarpment Plan (NEP)

Part 3 of the NEP sets out the objectives and contains the policies for the coordination, management and development of the Niagara Escarpment Parks and Open Space System, totaling more than 100 park and open space areas. These lands are owned and managed by a number of public agencies including the Ministry of Natural resources, seven conservation authorities, Niagara Parks Commission, Parks Canada, Ontario Heritage Foundation, municipalities and the Bruce Trail Association. Other bodies capable of managing lands in the public interest may also be included in NEPOSS.

A significant portion of the public land base on the Escarpment was secured in the late 1970's when the Province actively pursued significant Escarpment property and provided a 75% grant for agencies like conservation authorities to assemble land. Although the money available for acquisition has tailed off in recent years compared to the original program, the Province has maintained a funding presence to help complete and develop the System.

The public image of the System is promoted through a common set of goals, objectives and park planning standards. The use of a Niagara Escarpment Program Logo is encouraged to foster the identity of the System through all partner agencies.

Each park or open space area in the System is classified based on its existing or proposed use and predominant physical, environmental and visual characteristics.

There are 6 parks classes identified as Nature Reserve, Natural Environment, Recreation, Historical, Access and Resource Management. Like the underlying land use designations that apply to private property in the NEP the park classes are intended to reflect the degree of sensitivity and use associated with the public land base ranging from the most sensitive environments to the least sensitive or disturbed. For example, Nature Reserve Parks equate generally to Escarpment Natural Areas and Recreation Parks to Escarpment Recreation Areas.

A park master or management plan is to be prepared for each park in accordance with the assigned classification. Parks with existing park plans are to be updated over time where the park plan conflicts with the provisions of the NEP and NEPOSS.

The Bruce Trail is the primary public linkage, physically connecting parks and open space along the Escarpment. Securing a permanent route for the Trail is a long-term goal of the System.

Nodal Parks perform a special role within the System. They serve to promote and focus attention on the public lands within specific regional segments of the Escarpment. Administratively, Nodal Parks perform the function of visitor reception and information dissemination concerning park and open space activities, points of interest, and attractions in surrounding Escarpment areas and communities. The goal is to promote the unique character and identity of the NEPOS System through orientation, education, interpretation and on site recreational activity.

Lands may not be added or disposed of, or parks and open space removed from the System, without satisfying specific Criteria set out in Part 3 of the NEP.

Provincial funding is provided to acquire new lands to round out or complete the park and open space areas. A portion of the money is also available as capital grants for projects associated with fostering public access, visual identity and recreation (e.g., parking facilities, signage, developing lookouts). The Province also provides property tax relief for non-revenue producing lands held by park agencies like the conservation authorities.

D. Evaluation of Issues

1. Issue 1

- *Role of land trusts, conservancies and similar non-profit agencies in securing land for NEPOSS and natural area protection.*

Part 3 of the Niagara Escarpment Plan, in principle, already allows, non-government conservation agencies to be partners in the NEPOS System although the policy could be set out in a clearer manner. The NEP identifies “other bodies capable of managing areas in the public interest” as being eligible for owning and managing land in NEPOSS. The Bruce Trail Association and local service clubs are given as examples of these other types of bodies.

When the NEP was approved in 1985 and renewed in 1994 the role of non-government conservation agencies in protecting lands and providing open space was anticipated to be minimal. The majority of this activity was expected (and still is) to be that of the traditional land managers like Ontario Parks or local conservation authorities. The exception was the Bruce Trail Association – assigned the special role of planning, designing, developing, maintaining and managing the Trail Corridor in NEPOSS. Securing the Trail was accorded the same priority as completing the other park and open space areas in the System.

As a result, the Bruce Trail Association was accorded (through interpretation) the same status as a “public body” under the 1985 NEP. Without this status, the new lots policies of the NEP would have acted as a significant impediment to the Association in securing the Trail, since partial taking of land or the creation of new lots would have been prohibited. The new lots policies of the NEP allow public bodies to sever land beyond the specified limits set for private landowners in the NEP where such a severance is for a public purpose such as acquiring land to complete the Escarpment Parks System. The Parks System includes the Bruce Trail. Parcels severed by public agencies for the Parks System were not viewed as building lots under this policy.

As part of the changes to the NEP in 1994, the Bruce Trail Association’s status as a public body was formalized by a modification to the definition in the NEP. The definition of a public body now includes the following paragraph:

The Bruce Trail Association shall be treated as if it were a public agency/body with respect to the role of the Association in securing and managing the Bruce Trail Corridor under Part 3 of the Niagara Escarpment Plan.

Today the Bruce Trail’s activities in securing land are even closer to that of a traditional public park agency. All Trail lands, once acquired, are now held by the Ontario Heritage Foundation, a public body. The BTA acts primarily to negotiate and facilitate purchase of the Trail Corridor rather than hold the land.

Since 1994, the land trust movement has grown with the formation of new conservation organizations, many of them locally sponsored. Their activities include protecting sensitive lands through donations, purchase, easement or long-term agreement. On the Escarpment this would include groups like the Blue Mountain Watershed Trust and the Escarpment Biosphere Conservancy. Many older established recognizable groups like the Nature Conservancy, the Federation of Ontario Naturalists and Sierra Club have also become much more active in sponsoring and securing environmentally important lands in recent years throughout the Province.

The role of government in securing public land has been less prominent because of funding constraint and the cost of managing lands once purchased. Both the Federal and Provincial governments have directly and indirectly promoted and recognized the activities of non-government conservation agencies. At the Federal level, tax laws have been changed to better encompass ecological gifts from private landowners to non-government agencies and enhance the tax benefits for these donations. The Province, through the Conservation Lands Act, allows non-government conservation agencies to hold protective easements and is discussing changes to provide property tax relief similar to those currently available to public agencies like conservation authorities.

The Province has also provided grant money and partnered with agencies like the Nature Conservancy outside the NEP to acquire land with ecological significance. Inside the NEP, the Province (through the Ministry of Natural Resources) has entered into a Memorandum of Understanding with the Escarpment Biosphere Conservancy under the Natural Areas Protection Program (NAPP) to allow the Conservancy to acquire certain lands in the area of the Niagara Escarpment. This includes wetlands, ANSI's, Escarpment Natural Areas, the habitat of endangered species and lands suited for the Bruce Trail where a public park agency (e.g., conservation authority) does not have a program interest in adding the lands to its holdings. It is assumed the Province would also partner with other like non-government agencies prepared to negotiate a similar memorandum.

The Biosphere Conservancy has been a strong advocate of the increased role for non-government agencies securing land on the Escarpment. The Conservancy has lobbied the Commission for an interpretation which would put them (and other eligible similar charitable conservation organizations) on the same footing as the Bruce Trail Association with appropriate checks and balances. The Biosphere Conservancy specifically wishes to be recognized as a public agency under the NEP so that it has the flexibility to sever land for natural area protection on the Escarpment and, where necessary, dispose of the surplus remnant like other public agencies. The retained lands would not be developed or sold but would be set aside as permanent preserves, with easements and covenants, if necessary, to ensure continuing protection.

There have been mixed comments on the Conservancy's proposal by government and non-government agencies. The Conservancy for some time has promoted the potential benefits of this policy change. Some see it as an enhancement of the NEP program and a mechanism to secure conservation lands that could not otherwise be maintained in a natural state in perpetuity. Others say that such a policy would lead to further fragmentation of the land; that creating smaller parcels in the NEP is not the best way to protect sensitive property.

The pros and cons of recognizing non-government conservation agencies as public bodies for the purpose of creating new lots for natural area protection are:

PROS

- Increased protection for significant natural areas in the NEP.
- Less reliance on government agencies to acquire and manage lands.
- Foster a climate that could contribute to private owners more readily selling, gifting or donating land.
- Allow flexibility for non-government conservation agencies to secure more land.
- Establish a private nature preserve system that is not dependent on government funding.
- The BTA was allowed to act in a similar manner under the 1985 NEP.

CONS

- Non-government conservation groups are not public agencies; they are privately operated charitable organizations.
- It would be difficult to administer and manage this type of program under the NEP and it assumes that over the long-term the lands secured would never be recognized as building lots. Should a private conservation organization fail, even if the lands were required to revert to the ownership of a public agency, there is no guarantee that a public agency would agree to manage scattered or isolated parcels. The parcel may have to be sold.
- Private landowners could argue that they should also receive similar new lot treatment if they are prepared to formally protect significant Escarpment features on their property (e.g., easements, covenants).
- There has been very little demand for this type of special status for private conservation lot creation since the NEP was approved in 1985. There is limited support from conservation groups or other public bodies for this proposal.
- The program, if it involves lot creation, could increase land fragmentation along the Escarpment.
- The BTA is substantially different than a non-government conservation group since their lands are held in trust by a Provincial body.

- Without exception, this type of severance would be contrary to the Official Plans and related new lot policies of the municipal official plans throughout the NEP area.

After weighing the pros and cons and considering the background of this issue it is not recommended that the NEP be changed to allow non-government conservation groups to be defined or be treated in a similar manner to public agencies for the purpose of creating new lots. It is difficult to justify this type of change for one private landowner over another.

The NEP is structured to provide protection to all natural environments through the policies of the Plan. It was never intended that all lands had to be publicly acquired or held in private conservation preserves to be maintained. As a private landowner, a charitable organization is not prohibited from buying or accepting donations of land, but like any other private landowner they should do so in a manner consistent with the new lot policies of the NEP. Non-government conservation groups can play a role in natural area protection but their role is much different than that of the public agencies administering the NEPOS System. The public has a much broader interest in the NEPOS System than in the assembly of lands into private nature preserves.

Recommendation: That the NEP not be changed to provide for land trusts, conservancies and similar non-profit agencies to be defined as public bodies or be treated in a similar manner for the purposes of lot creation and the assembly of land for nature preserves.

Should the recommendation not be accepted, the NEP policy change required to implement this modification is attached as Appendix 1 to this issues paper and can be incorporated into the Niagara Escarpment Plan Review Document.

2. Issue 2

- *Intensive recreational development in Escarpment Parks.*

Part 3 of the Niagara Escarpment Plan currently only provides limited direction on whether or not intensive commercial or recreational developments should be allowed in Escarpment Parks.

Public park agencies are in many instances looking at options to generate income to off-set constraint and down sizing which has occurred for a number of years and is likely to continue. As well, there has been a growing interest from the private sector and non-government agencies in either partnering or signing long term agreements with public park and open space agencies for the use of public lands for intensive forms of development not traditionally found in public parks. Specifically there have been proposals to introduce facilities like golf courses, restaurants, banquet halls, retreats, lodges, hotels and spas with

provision for overnight guest accommodation. The emphasis would be on providing an environmental experience in an attractive landscape or comfortable fully serviced hotel/lodge like setting. The Plan Review provides a timely opportunity to look at this issue so that this future trend can be considered.

As an example, Ontario Parks new business model policy allows the private sector through an “expression of interest” to seek the development of commercial based operations in certain parks. Such operation must benefit Ontario Parks financially and support its broad program objectives (e.g., tourism, recreation, and environmental protection).

This new business model policy resulted in a proposal in 1998 for a hotel-type “wilderness resort and spa” in the Craigeith Provincial Park, in the Town of the Blue Mountains near Collingwood. Ontario Parks allowed the expression of interest to proceed to the business planning stage. The NEC on a preliminary basis was concerned about the introduction of the commercial hotel facility into the NEPOS System even though this was a Recreation class park. The park was in close proximity to Blue Mountain where a substantial amount of privately held land was available for commercial development outside the Park. The need to use the public lands of the Escarpment Parks System was difficult to justify since similar opportunities for resort development were available nearby. The public land base was acquired for future camping use, not hotel development. The proposal is still active but has not proceeded past the preliminary design stage at this point.

In the Dundas Valley Conservation Area, a Natural Environment class park, a similar proposal was also dealt with in 1998. A conference/retreat centre with provision for overnight accommodation and client dining was applied for. The centre was to be associated with the use of a former conservation authority resource management building operated as a private conference centre by the same proponent under a lease arrangement with the Authority. The NEC approved the centre because of its relationship to the existing use. The decision was appealed by numerous adjacent landowners primarily on the basis that this type of development was inappropriate on public lands and inconsistent with the nature of a public park system. The Conservation Authority withdrew its support for the project and the application failed also resulting in the closure of the conference centre in the former resource management building. A private school attempted to locate in the former resource management centre but it was unsuccessful due to strong public opposition for similar reasons.

Parklands and open space along the Escarpment contain some of the best recreational opportunities in an environmentally attractive setting in Southern Ontario which is why commercial tourist operations would be attracted to the area. They have proximity to major areas of population, are relatively easy to access because of Ontario’s superior road network and can be marketed as an eco-tourism experience. The profile of the Escarpment has also been raised

internationally because of the Niagara Escarpment's designation in 1990 as a World Biosphere Reserve. The feature is one of the world's most significant ecological landscapes.

The Objectives of the Niagara Escarpment Parks and Open Space System in Part 3.1.1 of the Plan emphasize the following:

- Environmental protection;
- Outdoor education and recreation;
- Public access;
- Acquisition and park planning;
- Securing the Bruce Trail;
- Providing tourism opportunities;
- Environmental stewardship; and
- Fostering an appreciation for the Escarpment.

The Park System focus is on meeting these Objectives through the delivery of programs by park agencies or their agents. It was never contemplated when the Plan was developed that intensive recreational uses and uses involving fully serviced accommodation would be part of the System. The intent was that uses in parks would normally be accessory or incidental to the land within the park or open space area. The opportunity for this type of commercial or business activity was provided for outside the Parks and Open Space System outside or in other designations of the NEP (e.g., Minor Urban Centres, Urban Areas, Escarpment Recreation Areas, Escarpment Rural Areas). The public lands along the Escarpment were seen as a resource accessible to the public primarily through the day use or camping experience.

In looking at the six park and open space classifications in Part 3.1.4 of the NEP there are only two within which intensive recreation could be considered. These include the Natural Environment and Recreation classes described in the following manner:

- Natural Environment parks provide for high quality recreation and for the protection of important natural and cultural features. Activities may range from back-country hiking in the interior of these area to car-camping and day use activities in the more developed or accessible areas.
- Recreation parks contain some of the best recreational environments on the Escarpment. They either occur naturally or are capable of being developed to provide a wide variety of outdoor recreation opportunities in attractive Escarpment surroundings. In Recreation areas, management and development of resources is appropriate in order to provide the recreational environment and facilities required to support a wide variety of activities. These may be day-use only, or may also offer facilities for overnight camping.

In both cases the intent was not to permit recreational uses involving intensive commercial development or manipulation of the landscape, or fully serviced overnight accommodation.

The question is whether or not the Niagara Escarpment Parks System should be opened up to the type of resort/recreational development normally found on private lands outside the System, or should the policies be clarified to clearly restrict this type of private sector use.

There would appear to be little justification to open the Parks System to commercial based operations like golf courses, hotels, lodges, retreats and spas. Public lands on the Escarpment were not purchased with this purpose in mind. Land is available outside the Parks System for these activities. These kinds of uses cannot be considered compatible park development. The focus should continue to be on environmental protection, stewardship, interpretation, education, outdoor recreation and day use. Intensive uses like camping and downhill skiing, activities oriented to the outdoors, are permitted and would continue in certain parks.

The priority for public lands in the Niagara Escarpment Parks and Open Space System should be to maintain and protect these lands over the long-term for the people of Ontario and as a trust for future generations. The Parks System in the NEP is intended to be different than other privately held lands in the Plan where a wider range of intensive uses may be more acceptable. The NEPOS System is accorded a special status in the NEP because the primary mandate is not development but the protection and management of the much of the Escarpment's most significant environmental and cultural features.

Given the discussion above, the policies of the Niagara Escarpment Plan should be clarified to provide direction on the types of intensive recreational development allowed in the NEPOS System. To ensure that the long-term environmental Objectives of the NEP and the Parks System are met, certain types of recreational uses like golf courses, hotels, lodges and spas should not be permitted. This would not prohibit public agencies from partnering or entering into agreements with private sector or non-government agencies, but would limit the types of development introduced onto public lands through such arrangements. Public park agencies would also be subject to the same limitations even if a similar development or use were sponsored by the park agency.

Recommendation: That the policy changes attached as Appendix 2 be incorporated into the Niagara Escarpment Plan Review Document.

3. Issue 3

- *Environmental monitoring as a component of park master or management planning.*

Part 3.1.1 of the NEP sets out the Objectives for the Niagara Escarpment Parks and Open Space System. A number of these Objectives relate to the protection of the Escarpment environment. Specifically these Objectives state:

- To protect unique ecological and historical areas;
- To maintain and enhance the natural environment of the Niagara Escarpment.

The Objectives also require park planning.

In order to determine whether or not these Objectives are being met there should be recognition that environmental monitoring is an important component and consideration in Park Master or Management Planning. Without monitoring it would be very difficult to assess over time whether the NEPOS System is achieving these Objectives and similar Objectives in the NEPDA that apply to all lands within the NEP area.

Some park master or management plans reviewed by the NEC and MNR contain policies reflecting the type of environmental monitoring proposed as part of implementing the management plan. The information is required by the park agency to determine what adjustments may be needed during the life of the management plan or later when the plan comes up for review. The information may also be useful to the NEC as part of its ongoing Niagara Escarpment Monitoring Program established after the last Plan Review to help determine whether the NEP is achieving its purpose. The public land base is significant comprising about 20% of the NEP.

In reviewing new park or open space master or management plans, the NEC and MNR normally request that such plans contain provisions requiring monitoring where such provisions are not outlined in the document.

A number of conservation authorities commenting on the Minister's Draft Terms of Reference expressed reservations about the type and cost of monitoring which would be required. Authorities and other public agencies were concerned that they could have difficulty monitoring if the requirements were especially onerous or specific.

The NEC is still developing its own monitoring program and refining it with other parties and therefore it would be inappropriate to detail how other public agencies should monitor their parks and open space. Monitoring provisions could be discussed and reviewed on a case by case basis as new or revised management plans are submitted. Part 3 of the NEP does not have any time table for submitting park plans. The goal, however, should be that all

management plans contain monitoring provisions. To reflect this expectation Part 3.1.6, Park /Master Management Planning Policy should be revised to include a general provision for environmental monitoring as part of the master planning process.

Since the Bruce Trail is a key component of the NEPOS System, Part 3.2 outlining the policy for the Trail should also be modified to include a statement regarding environmental monitoring. The Bruce Trail Association, which is responsible for managing the Trail Corridor, provides for monitoring in its plans prepared for Trail properties acquired as part of the NEPOSS program.

Recommendation: That the policy changes attached as Appendix 3 be incorporated into the Niagara Escarpment Plan Review Document.

4. Issue 4

- *Highway crossings and the Bruce Trail.*

The Niagara Escarpment Plan states:

“The Bruce Trail is an essential component of the Niagara Escarpment Parks and Open Space System linking parks, open space areas and natural features through the establishment of a Trail corridor.”

“Securing a continuous route for the Bruce Trail will be accorded the same priority as establishing and completing the other parks and open space areas of the Niagara Escarpment Parks and open Space System”.

The objectives of the NEPDA require that the NEP provide for public access to the Niagara Escarpment. This objective is satisfied to a large extent by the policies that promote and support a continuous permanent corridor for the Trail along the length of the Niagara Escarpment.

Economically the recreational use and tourism potential of the Trail is important to the Province of Ontario. The Bruce Trail Association conducted an economic user study between 1994 and 1996. The study indicated that the Trail received 410,060 user visits in a 12 month period. Trail expenditures generated \$26,084,817 in direct economic impact with a gross economic spin-off of \$60,255,926 annually. These expenditures supported 1,138 full-time equivalent jobs in Ontario. The economic significance of the Trail is likely even greater today.

The Trail experience has been threatened by a number of major highway projects submitted since the last Plan Review to the Commission. Involving major widenings, some of these contracts affect the continuous nature of the footpath and present a significant danger to hikers who must cross the highway

to walk the Trail. In response the Bruce Trail Association asked both the Minister and the Commission for help in ensuring that the Trail is safely accommodated as part of highway planning process. The Commission has consulted with the Ministry of Transportation and other road departments to have the Trail taken into account at the design stage. One of the problems is the added cost of providing safe continuous access especially if the solution is a pedestrian bridge or underpass.

The MOT has a policy to try and ensure recreation trails are maintained where such an accommodation is feasible. The MOT, as a general rule, will not bear the full cost of providing access across highways.

Recent highway projects where the Trail has been a planning design issue include:

- Highway 7 in Halton Hills (Silver Creek);
- Highway 10 in Caledon (Caledon Mountain);
- The QEW in Niagara-on-the Lake/Niagara Falls (Sandhill);
- Highway 6 in Dundas/Burlington (Clappison Cut); and
- The 403 and the Lincoln Alexander Parkway Hamilton.

In the case of the 403 and Lincoln Alexander Parkway it has been determined that an overpass will be provided.

Part 2.15 of the NEP the Development Criteria dealing with Transportation and Utilities provides some direction on minimizing impact on the Bruce Trail. Given the importance of this issue this direction could be improved to make the Bruce Trail a much more significant consideration when major highway projects are being advanced. Although the funding issue can't be directly addressed through a Plan policy it can influence costing decisions at the initial stage since road authorities like MOT must legislatively satisfy the provisions of the NEP. Section 13 of the NEPDA requires that municipal and ministry undertakings conform to the NEP.

Recommendation: That the policy changes attached as Appendix 4 be incorporated into the Niagara Escarpment Plan Review Document.

5. Issue 5

- *Modifying or making changes to the list of Nodal Parks.*

Nine Nodal Parks are currently identified in Part 3.1.2 of the NEP. The concept is that these parks are to be focal points for various segments of the Escarpment. They were intended to act as key starting or destination points for the public visiting the various regions of the Escarpment (e.g., Bruce Peninsula, Dufferin Highlands, Niagara, etc.). Administratively they would perform the function of visitor reception and information dissemination related to other park and open space activities in the area, points of interest and attractions.

Elements of the program in a Nodal Park would include orientation, education, interpretation and recreation. Nodal Parks were also seen as an effective way to promote the distinctiveness of the Escarpment Parks and Open Space System from other parkland in the Province and give it a unique identity (e.g., use of a program logo on literature and signs, etc.).

The Nodal Parks currently listed were felt to be the best candidates at the time the NEP was originally approved based on location, size, existing development and potential to perform an enhanced function over other parks. As the NEPOS System matures over time, it may be found that some Nodal Parks are unsuited to the task and should be replaced with other better candidates, or new Nodal Parks should be added.

The NEP is currently silent on whether or not a change to the list requires an Amendment to the Plan. The intent when the Plan was written was that changes to the list would not require an Amendment. Nodal Parks could change following consultation between the park agency requesting the change and the Ministry of Natural Resources and Niagara Escarpment Commission. A Nodal Park change was not considered a substantive modification to the Plan requiring a demonstration that the purpose and objectives of the NEPDA and Plan were at issue (i.e., first principles).

The NEP should, therefore, be clarified and a statement added indicating that a Plan Amendment is not required to make modifications to the list of Nodal Parks in the Plan with the concurrence of the MNR and NEC.

Recommendation: That the policy changes attached as Appendix 5 be incorporated into the Niagara Escarpment Plan Review Document.

6. Issue 6

- *Recognition of the UNESCO Biosphere Reserve designation in the NEPOS System.*

In 1990, the United Nations Educational, Scientific and Cultural Organization (UNESCO) named Ontario's Niagara Escarpment a World Biosphere Reserve. Biosphere reserves are areas of terrestrial or coastal ecosystems that are internationally recognized within UNESCO's Man and the Biosphere Program for promoting and demonstrating a balanced relationship between people and nature.

The World Biosphere Reserve network places the Escarpment in the company of other Reserves like the African Serengeti, Florida Everglades and the Galapagos Islands. This designation recognizes the natural features and ecological importance of the Escarpment and endorses the policies of the Niagara Escarpment Plan since it balances protection, conservation and sustainable development. Planning for the Escarpment occurs within this international context where the objective is to ensure that the area remains substantially a continuous natural environment for future generations since the feature is one of the world's unique ecological systems.

The purpose of a Biosphere Reserves is to combine three functions; namely,

- To conserve landscapes, ecosystems, species and biodiversity;
- To foster development that is ecologically and culturally sustainable; and,
- To act as an area for research, monitoring, training and education related to local, regional, national and global conservation and sustainable development.

The public land base is a part of the Niagara Escarpment Plan and is therefore a key component of the World Biosphere Reserve. The NEPOS System contributes to the Designation since its natural areas form part of the core area of the Escarpment Biosphere. The System also embodies the three functional elements required in a World Reserve, listed above.

The NEC in conjunction with a number of park agencies have been promoting and using the UNESCO Designation as part of marketing and tourism programs, and including the Designation as a reference and consideration in park master/management planning. There is a growing interest among Escarpment-area citizens and public interest groups to participate in Biosphere-related activities transcending the boundaries between public lands and private lands. The Designation has also been the basis for partnerships with other similar public agencies in Canada and throughout the world who manage Biosphere Reserves or similar ecological areas. Finally, NEPOSS and the Biosphere Reserve share

mutual objectives for monitoring and research, important components of management and planning in the both contexts.

Given the current and future significance of the Designation and its potential benefits to all of the partners in the NEPOS System, the Niagara Escarpment's status as a UNESCO World Biosphere Reserve should be referenced in Part 3 of the Plan. An objective of the NEPOS System should be to support the principles of the Biosphere Reserve Designation through sustainable park planning, ecological management, community involvement, environmental monitoring, research and education.

Recommendation: That the policy changes attached as Appendix 6 be incorporated into the Niagara Escarpment Plan Review Document.

7. Issue 7

- *Recognition of the Provincial Natural Areas Protection Program in NEPOSS including the updating of definitions.*

When the Niagara Escarpment Plan was approved the Province established the Niagara Escarpment Land Acquisition and Stewardship Program (NELASP) to complete the system of public parks and open space identified in Part 3 of the NEP and secure the corridor for the Bruce Trail. The Program also promoted and supported responsible protection and stewardship of significant natural and cultural properties along the Escarpment.

A \$20 million fund for the Program was provided over a 10 year period from 1985 to 1995. The Funding was extended for one additional year in 1996.

After the NELASP Program expired a limited amount of residual money was available until the Province established the current Natural Areas Protection Program (NAPP) in 1998. Five million dollars were made available for a four year period (1998 to 2002). At the present time it is not known how the land acquisition/parks capital works program will be funded after 2002.

The current Plan still refers to NELASP and this should be changed to reflect the current Provincial Funding Program and make policy provision for any successor programs which may follow NAPP.

Recommendation: That the policy changes attached as Appendix 7 be incorporated into the Niagara Escarpment Plan Review Document.

8. Issue 8

- *The addition of new parks and open space areas into NEPOSS.*

Since the last Plan Review lands have continued to be acquired and added to the NEPOS System of public lands on the Escarpment. Most of these purchases have been to holdings where a park land base already exists or to secure more land for the Bruce Trail. Generally new parks or open space areas were not being established only rounded out or completed through infilling. Purchases were also made to remove gaps to improve park management and secure remaining environmentally significant features.

There were, however, two significant new purchases adding parks to the System since 1994.

Delphi Point

In 1999 the Province acquired the most significant portions of Ontario Hydro's former Delphi Point holding in The Town of the Blue Mountains. The purchase totaled 339.3 ha (838.5 acres) making this the largest single addition to the Niagara Escarpment Parks and Open Space System since the Niagara Escarpment Plan was approved in 1985. Funding was secured through the Province's Natural Areas Protection Program.

Today, Delphi Point is one of the last large undeveloped portions of the Blue Mountain Escarpment south of Highway #26 near Collingwood. Isolated and almost completely forested, the property is rugged and very scenic. It is a classic Escarpment wilderness with sheer cliffs overlooking Georgian Bay, geologic study sites, a source area for at least one cold water stream and hiking trails, including the Bruce Trail. Ecologically it has been identified as a Provincial Area of Natural and Scientific Interest called the "Blue Mountain Slopes" in the 1996 Ecological Survey of the Niagara Escarpment Biosphere.

It is also strategically located between a number of existing Niagara Escarpment Parks, making it a logical and critical addition to the Parks System. These included Craigeith Provincial Park, the Loree holding and an adjacent 70 ha (170 acre) parcel secured from a private landowner in 1995 by the Ontario Heritage Foundation under the Niagara Escarpment Stewardship Program. Logically the Ontario Heritage Foundation lands should be managed as part of the Delphi Point holding. The Georgian Rail Trail is within walking distance just north of the site.

As a result of this purchase and the donation to the Ontario Heritage Foundation, the Niagara Escarpment has a major new park on one of the most dramatic and well known Escarpment landforms in Southern Ontario providing an exceptional opportunity to promote the Niagara Escarpment Plan and its unique status as a

World Biosphere Reserve. Given the undeveloped and environmental significance of the lands they should be managed and protected for future generations as a Nature Reserve. This classification will still allow use of portions of the site for low intensity trail and recreational activities subject to a future management plan.

Cheltenham Badlands

This 36.6 hectare (91 acre) property in the Town of Caledon was purchased under the Natural Areas protection program in 1999 from the estate of Russel Cooper.

Locally known as the Cheltenham (or Caledon) Badlands the property is one of the best examples of “Badland topography” in Ontario making it an Area of Natural and Scientific Interest (Earth Science). Around the turn of the century, land clearing and livestock grazing cause the erosion of the underlying red shale, leaving a hummocky network of exposed trenched gullies on the lower slopes of the Niagara Escarpment. The resulting unique topography has gained considerable public interest, drawing thousands international and local visitors annually, including numerous high school and university students to study geology and the process of erosion.

Management of the property rests with the Bruce Trail Association while title is in the name of the Ontario Heritage Foundation.

The acquisition also secured 1.39 kilometres (.8 miles) of the optimum route of the Bruce Trail corridor.

The property has, because of its rugged nature and sensitive natural features, limited recreational development potential its main use being hiking, sight seeing and educational and scientific interpretative value. On this basis, the lands should be identified and managed as an Escarpment Access park consistent with the requirements set out in Part 3.1.4 of the NEP. The Escarpment Access classification reflects the current and likely long-term use of the lands.

Recommendation: That the policy changes attached as Appendix 8 be incorporated into the Niagara Escarpment Plan Review Document.

9. Issue 9

- *Updating the Parks and Open Space descriptions in Appendix 1 to the NEP, adding public lands acquired since the last Plan Review to the land use Maps of the NEP and showing the acquired lands on Map 10, the map of the public lands within the Niagara Escarpment Parks and Open Space System.*

It has been over five years since the Niagara Escarpment Plan was approved by Cabinet (i.e., June 15, 1994) following the last Plan Review in 1990. The park descriptions in Appendix 1 have not been comprehensively up-dated since that time and therefore do not reflect any subsequent land acquisition, change to park and open space use, ownership or management. Park and open space plans and names may even have changed.

As well, the public lands purchased during that period have not been plotted on the land use Maps of the NEP nor have these changes been shown on Map 10 the map showing the entire NEPOS System.

This updating is necessary to keep the NEP as current and accurate as possible and can be viewed as primarily housekeeping.

It should be noted that the Minister's Terms of Reference do not include the assessing of Park and Open Space Classifications as part of this Review.

Recommendation: That the policy changes attached as Appendix 9 be incorporated into the Niagara Escarpment Plan Review Document.

APPENDIX 1 – THE AMENDMENT (Nature Preserves) December 29, 2000

The Niagara Escarpment Plan be amended as follows:

1. Part 1.3, New Lot policy #1 for the Escarpment Natural Area, Part 1.4, New Lot policy #1 for the Escarpment Protection Area, and Part 1.5, New Lot policy #1 for the Escarpment Rural Area be delete and replaced with the following revised wording:
 - A severance may be permitted for the purpose of correcting conveyances, enlarging existing lots, through acquisition by a public body, or through acquisition by a conservation organization for the purpose of establishing a nature preserve provided no new building lot(s) is created.
2. The permitted uses for the Escarpment Natural Area, Escarpment Protection Area, Escarpment Rural Area and Mineral Resource Extraction Area are revised by adding the following permitted use:
 - Nature preserves owned and managed by a conservation organization.
3. Part 2.2.1, the General Development Criteria be revised to add the following new General Development Criteria e):
 - Notwithstanding the provisions of subsections a), b), c) and d) above, a property established as a nature preserve by a conservation organization shall not be used as a building lot or for any other purpose inconsistent with the maintenance and protection of the natural features and values for which the nature preserve was established.
4. Part 2.4, Lot Creation is modified by deleting subsection 14 and replacing the subsection with the following revised paragraph:
 - New lots may be created by a public body, or conservation organization to establish a nature preserve, through either acquisition, disposal or exchange provided such a lot does not conflict with the new lot policies and severance limits contained within Parts 1.3, 1.4, 1.5, 1.6, 1.7, 1.8 and 1.9. In the case of a public body Part 3 of this Plan also applies to lands in the Niagara Escarpment Parks and Open Space System.

5. Appendix 2, Definitions of the Niagara Escarpment Plan is revised by adding the following definitions:

Conservation Organization – a non-government conservation agency including a land trust, conservancy or similar non-profit organization who's charter or articles of incorporation or letters of patent and its by-laws and objectives are consistent with the protection of the natural environment of the Niagara Escarpment. Such an organization shall have registered charitable status and be an eligible recipient charity under the Federal Ecological Gifts Program.

Nature Preserve – lands held by a conservation organization for the purpose of protecting, maintaining or providing access to the natural environment of the Niagara Escarpment including class 1 to 3 wetlands, ANSI's, Escarpment Natural Areas and the habitat of endangered species. Such lands are not recognized as building lots under this Plan.

APPENDIX 2 – THE AMENDMENT (NEPOSS INTENSIVE RECREATION)

December 29, 2000

The Niagara Escarpment Plan be amended as follows:

6. Part 3.1.4, Park and Open Space Classification Policy be revised to include the following additional paragraph:
 - Where permitted by the Park Classification, recreation uses in parks and open space shall be oriented towards the outdoors and remain incidental or secondary to the land within the park or open space area. The introduction of intensive uses like golf courses, golf driving ranges, banquet halls, full service public restaurants, and lodges, hotels, conference centres, retreats and spas with provision for overnight accommodation, and similar forms of commercial development are not permitted. A Nodal Park may contain facilities and uses directly related to its administrative role in the Parks and Open Space System in providing orientation, education, interpretation and recreation to the public as outlined in Part 3.12.
7. Part 3.1.4, Park and Open Space Classification Policy shall be revised to delete the last sentence under the heading Recreation and replace it with the following sentence:
 - These may be day-use only, offer facilities for overnight camping or provide for down hill skiing and similar outdoor recreational activities based on the recreational capability and carrying capacity of the land.

APPENDIX 3 – THE AMENDMENT (NEPOSS MONITORING)

December 29, 2000

The Niagara Escarpment Plan be amended as follows:

8. Part 3.1.6, Master/Management Planning Policy be revised to include the following additional provision:
 - Park master/management plans will provide policies for environmental monitoring designed to assess the effectiveness of park plans in meeting the objectives of the Niagara Escarpment parks an Open Space System in Part 3.1.1. and the assigned park or open space classification as set out in Part 3.1.4.
9. Part 3.2, The Bruce Trail shall be revised to include the following additional paragraph:

As part of its Trail Corridor planning responsibility the Bruce Trail Association shall undertake environmental monitoring to ensure that the use of the Trail is consistent with the objectives of the Niagara Escarpment Parks and Open Space System as set out in Part 3.1.1.

APPENDIX 4 – THE AMENDMENT (Highway Crossings) December 29, 2000

The Niagara Escarpment Plan be amended as follows:

10. Part 2.15, Transportation and Utilities be revised to include the following additional provision at the end of subsection 1.i):
 - A design priority shall be to ensure that the optimum route of the Bruce Trail is facilitated and the footpath remains continuous, especially where a road or highway crossing is required, even during construction. The use of pedestrian overpasses and underpasses are preferred to minimize disruption to the Trail.

APPENDIX 5 – THE AMENDMENT (NODAL PARKS) December 29, 2000

The Niagara Escarpment Plan be amended as follows:

11. Part 1.2.2, Exception be revised to include the following additional provision as subsection xi):

- A change to the list of Nodal Parks identified in Part 3 of this Plan in accordance with Part 3.1.2, Nodal Parks.

12. Part 3.1.2, Parks and Open Space System Concept shall be revised to include the following additional paragraph at the end of the section titled Nodal Parks :

New Nodal Parks may be added to the list or existing Nodal Parks replaced without requiring an Amendment to the Niagara Escarpment Plan provided the Ministry of Natural Resources and Niagara Escarpment Commission are satisfied that such a modification would be consistent with the Parks and Open Space System Objectives in Part 3.1.1 and the Nodal Park concept outlined under Part 3.1.2.

APPENDIX 6 – THE AMENDMENT (Biosphere Reserve) December 20, 2000

The Niagara Escarpment Plan be amended as follows:

13. Part 3.1.1, Objectives be revised to include the following additional provision as objective 9):

- To recognize, support and promote the principles of the Niagara Escarpment's UNESCO World Biosphere Reserve Designation through sustainable park planning, ecological management, community involvement, environmental monitoring, research and education.

14. Part 3.1.6, Master/Management Planning Policy be revised to include the following additional provision:

Master/management plans will recognize that parks and open space areas are part of the UNESCO Niagara Escarpment World Biosphere Reserve and include policies that are consistent with the principles of the Biosphere Reserve Designation.

APPENDIX 7 – THE AMENDMENT (NAPP) December 29, 2000

The Niagara Escarpment Plan be amended as follows:

1. Part 3.4, Land Acquisition and Disposal be modified to delete the first sentence in the first paragraph under the heading Acquisition and replace the sentence with the following revised wording:
 - Where lands have been acquired under the Niagara Escarpment Land Acquisition and Stewardship Program, the Natural Areas Protection Program or a successor to these programs to add to a park or open space area identified in Appendix 1, such lands upon purchase are considered Public Land (in the Parks and Open Space System) and subject to the policies of Part 3.
2. Appendix 2, Definitions of the Niagara Escarpment Plan is revised by adding the following new definition:

Natural Areas Protection Program – the four year program adopted and funded by the Province in 1998 to acquire parks, open space and the Bruce Trail Corridor under Part 3 of the Niagara Escarpment Plan. This program was the successor to the Niagara Escarpment Land Acquisition and Stewardship Program.

3. Appendix 2, Definitions of the Niagara Escarpment Plan is revised by adding the following sentence at the end of the definition for the Niagara Escarpment Land Acquisition and Stewardship Program:

The Program was replaced by the Natural Areas Protection Program in 1998.

The Niagara Escarpment Plan be amended as follows:

4. Appendix 1, Niagara Escarpment Parks and Open Space System is revised to add the Delphi Point/Blue Mountain holding as a Nature Reserve and the Cheltenham Badlands as an Escarpment Access to the Niagara Escarpment Parks and Open Space System.
5. Appendix 1, Niagara Escarpment Parks and Open Space System is further revised to add the following park and open space names, classifications and descriptions to the Niagara Escarpment Plan:

Delphi Point/Blue Mountain

(Nature Reserve)

This property consists of 347 hectares managed for the Province by Ontario Parks and a contiguous 70 hectares held by the Ontario Heritage Foundation on the Blue Mountain near Collingwood. Isolated and almost completely forested, the property is rugged and very scenic. It possesses sheer cliffs overlooking Georgian Bay, geologic study sites, a source area for at least one cold water stream and hiking trails, including the Bruce Trail. Ecologically it has been identified as a Provincial Area of Natural and Scientific Interest called the “Blue Mountain Slopes” in the 1996 Ecological Survey of the Niagara Escarpment Biosphere. Strategically located between a number of other Niagara Escarpment Parks the lands are within walking distance of the Georgian Rail Trail.

Cheltenham Badlands

(Escarpment Access)

This 36.6 hectare (91acre) property in the Town of Caledon was purchased in 1999 and includes 1.39 kilometres of the Bruce Trail. Locally known as the Cheltenham (or Caledon) Badlands the property is one of the best examples of “badland topography” in Ontario making it an Area of Natural and Scientific Interest (Earth Science). Around the turn of the century, land clearing and livestock grazing cause the erosion of the underlying red shale, leaving a hummocky network of exposed trenched gullies on the lower slopes of the Niagara Escarpment. The resulting unique topography has gain considerable public interest, drawing thousands of international and local visitors, including numerous high school and university students to study geology and the process of erosion. Management of the property rests with the Bruce Trail Association while title is in the name of the Ontario Heritage Foundation.

6. That the Delphi Point/Blue Mountain Nature Reserve and the Cheltenham Badlands Escarpment Access holdings be shown on the land use Maps of the Niagara Escarpment Plan as Public Land (in Parks and Open Space System).
7. That the Delphi Point/Blue Mountain Nature Reserve and the Cheltenham Badlands Escarpment Access holdings be shown on Map 10 of the Niagara Escarpment Plan, the map showing the public lands and park classifications for the Niagara Escarpment Parks and Open Space System.

APPENDIX 9 – THE AMENDMENT (Updating NEPOSS) December 29, 2000

The Niagara Escarpment Plan be amended as follows:

8. Appendix 1, Niagara Escarpment Parks and Open Space System is revised to reflect changes to the parks and open space descriptions received following consultation from the public agencies owning and managing parks and open space in the Niagara Escarpment Parks and Open Space System.
9. The land use Maps of the Niagara Escarpment Plan are revised to show public lands purchased for the Niagara Escarpment Parks and Open Space System since the last Plan Review as Public Land (in the Parks and Open Space System).

That Map 10 of the Niagara Escarpment Plan, the map showing the public lands and park classifications for the Niagara Escarpment Parks and Open Space System is revised to show public lands purchased since the last Plan Review and related information required to update the Map.