

Durham Conservation / Green Door Alliance

MANAGEMENT OF THE PICKERING FEDERAL LANDS

A Prospectus

by Lorne Almack

THE ISSUE AND CHALLENGE

Assuming a significant airport to replace Pearson will never be built on the expropriated lands, this raises the question -- how does Government *un*-expropriate? This issue was intensely debated in the 80s. Various Transport Ministers proposed answers. But no community consensus evolved.

BACKGROUND

On March 2, 1972, the Government of Canada announced its intent to expropriate 18,600 acres for a second Toronto International Airport at Pickering. Despite aggressive NGO opposition from People or Planes (POP) and from the aviation industry, municipalities, farmers and environmental/conservation lobbies, expropriation was confirmed. But by 1975 the Province of Ontario, observing the Mirabel debacle, was convinced a second white elephant airport would be detrimental to the economy of Ontario. Premier Davis informed Ottawa of Ontario's refusal to provide infrastructure and construction was halted. Transport and Public Works Canada became landlords and managed the properties as if an airport was inevitable. Dwellings and farm buildings were not maintained and demolitions were frequent. At present, as tenants move the houses are boarded up, neglected, and vandalized until demolition is justified.

In the eighties, both Conservative and Liberal Governments announced intentions to sell surplus lands: the Liberals, 5000 and Conservatives, 11000 acres, according to Lots of Record. The community protested the lack of conservation initiatives. The plans to sell were trashed. Management remained under Transport and Public Works Canada. Vandalism and demolitions continued. The community was devastated.

The Green Door Alliance, a broadly based citizens group, succeeded the original expropriation protesters (POP). The support of conservation/environmental groups and well-known community and national leaders, the election of Scot Fennell to Parliament, and the costly failure of Montreal's Mirabel, convinced the Federal Government that this boondoggle should be reviewed. The Hon. Don Mazankowski became Transport Minister. Responding to our new MP and Green Door initiatives, Mazankowski appointed a committee (Pickering Airport Review Committee—PARC) to examine the Federal role. The Committee was comprised of William Newman, retired Ontario Minister of Agriculture and Environment; Douglas P. Turner QC., from Uxbridge; Lorne Almack P.Eng., a community activist; and Andrea Graham of Clarendon. PARC was budgeted \$100,000 to engage University of Guelph Land Resource Sciences Dept. to examine agricultural use, current conditions, potential and sense of community.

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PARC reported that the 18,600 acres were highest quality foodland but suffered from monoculture, cash cropping, loss of dairy farms and farm infrastructure. A sense of community was lacking because land was mostly rented to non-residents and farm dwellings to city commuters.

PARC concluded that Public Works and Transport Canada were not suitable managers of the asset and recommended that the land be sold in farm units, not by Lots of Record, and that the Government of Canada should retain development rights. It was publicly announced that 11,000 acres would be sold but before a sales plan was implemented a new federal government was elected.

The Green Door Alliance (GDA) continued to research and lobby against any airport at Pickering. The Federal case had been proven wrong; their forecasts of passengers, aircraft movements, and load factor were nonsense; noise at Pearson was not a serious problem; second airports were unpopular, inefficient and costly; the Airlines had always opposed Pickering; and with each passing year conservation was becoming a serious priority. The issues and future options have been extensively debated. The GDA research culminated in a 40 page report—“*A Conceptual Plan For Land Use Designation and Management of the Federal Public Lands 1994*” and April, 2009: *The Case For or Against a Pickering Airport*. (www.thegreendooralliance.ca).

The GDA, now merging with Durham Conservation Association, concluded that a Conservation Land Trust was the preferred management vehicle. Despite inappropriate past management, deficient agriculture and natural area protection, non-support for a sense of community, neglect of building maintenance, monoculture, cash cropping and frequent demolitions, it is still potentially a magnificent Canadian asset. We must admit that the expropriation has protected the land from the ravages of sprawl and provides an opportunity suitable to the 21st century.

Resulting from a GDA initiative, 7500 acres of airport lands in the Oak Ridges Moraine and a corridor south to the Rouge Park became the Federal Green Space Preserve. The Province has designated some federal land within its Greenbelt, but management remains under Transport and Public Works Canada.

The attached map (Exhibit A) shows the boundaries of various Provincial conservation lands - the 5000-acre Rouge Duffins Agriculture Preserve; the Rouge Park; the Provincial Greenbelt; and the environmentally sustainable *live/work* community of Seaton. The GDA has participated with the Province on conservation issues affecting these lands.

It is the Federal lands that now provide the opportunity for conservation and Land Trust Management (18,600 acres). These lands are 90% Canada Land Inventory Class 1–3, high fertility farmland—64% Class 1. The West Duffins Creek bisects the site, providing a significant natural area, wild life corridor and fishing and hiking opportunity. River tributaries and woodlots provide natural habitat; for example, Mitchell Creek flows southeast out of the Oak Ridges Moraine to the East Duffins.

The federal and provincial governments have the unique opportunity to creatively support the agriculture of Canada and Ontario, to conserve nationally important

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natural heritage systems and to protect and enhance a priceless heritage of a scale, quality and character of which no other major city in the world can boast.

We have a magnificent public asset. As learned many times over, however, such a resource can be squandered easily and once lost, it is gone forever.

(A Conceptual Plan Nov1994: www.thegreendooralliance.ca)

GREEN DOOR ALLIANCE ANALYSIS

Some of the Management options examined were:

1. Continued but improved civil service control;
2. Fee Simple private ownership making municipalities responsible for conservation;
3. Private ownership with or without conservation designations;
4. Federal, Provincial or Municipal park status;
5. Conservation Authority management;
6. Conservation Land Trust management.

The GDA concluded that government management was not suited to the task of community building and conservation and would be expensive. Park or Conservation Authority status was rejected because it is expensive to regulate, police and control common lands. *The Law of the Commons* results in over exploitation.

Fee Simple ownership would allow development pressure to continue. An exception is the existing hamlets (Brougham and Altona) and “clusters” where remaining dwellings and vacant lots should be sold *fee simple* at market value.

The analysts concluded that Land Trust Management was the preferred option to conserve natural heritage and foodland, while supporting the evolution of a vibrant community and leaving the option open for a possible regional airport if such ever became socially acceptable and financially viable.

WHAT IS A CONSERVATION LAND TRUST?

A Conservation Land Trust is a corporate or charitable organization mandated to own and manage specified property in the public interest as defined by its mandate or charter. There are many hundreds of land trusts throughout the western world. Most notable is *The National Trust of Great Britain*, founded in 1895 by three Victorian philanthropists whose concern for uncontrolled development inspired them to create a Trust “*to be guardians of the nation in the acquisition and protection of coast lines, countryside and heritage buildings*”. They saw a need for “*quiet, pure air, exercise, the sight of the sky and things growing...needs common to all men*”. Their motto: “***forever for everyone***”.

In America in 1891, *The Trustees of Preservation* was founded. The Land Trust Alliance provides support for trusts. The Trust for Public Lands has helped protect over 700,000 acres and some 1000 conservation projects. The *American Farmland Trust* was founded in 1980 by a group of farmers and conservationists, concerned about the rapid loss of the nation’s farmland to development. America is losing 1.2 million acres of farmland annually, much of it the best and most productive land near where people live.

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In Canada, *The Nature Conservancy* has protected 117 million acres of environmentally significant land. (<http://www.nature.org/>)

The Conservation Land Act RSO 1990 provided for the establishment of programmes to recognize, encourage, and support the stewardship of conservation lands, authorized funding, and acquisition of land by ownership or conservation easements, held by municipalities, trusts, conservation authorities and charities registered under the Federal Income Tax Act. The Act provided the legal framework supportive of many Ontario Conservation Trusts.

Ontario Nature (ON) protects some 21 properties totaling 5274 acres from development. Its reserves provide excellent examples of native ecosystems including alvars, lakeshore fens, significant native wetlands and Areas of Natural and Scientific Interest. ON's goals include: safeguarding habitat for species at risk, biological diversity and providing for passive recreation and nature appreciation.

In Durham Region we have *The Oak Ridges Moraine Land Trust*, are guardians of 3100 acres gained through negotiating Conservation Easements with landowners to ensure conservation of foodland and natural features

Conservation Land Trusts can acquire land or an easement on the land by purchase or donation. A Conservation Easement registered on the Title to the land is a partial taking of ownership rights *in perpetuity*. The owner agrees to conserve natural resources such as ground and surface water, vegetation, farmland, and forest and to forsake subdivision, separations and commercial development. Allowed uses are also defined; for example, residence occupation, farming, public trails, firewood harvesting, etc. Land certified ecologically important when donated to a Trust generates a charitable donation equal to the appraised value of the property or the reduced value due to a partial taking (easement).

The Federal Lands available for trust management (18,600 acres shown on Exhibit 1) are owned outright by the citizens of Canada. These lands are 90% high fertility cropland -- a large diverse open space within the Greater Toronto Area and a magnificent asset that should be managed in the public interest. Thirty-seven years after these lands were expropriated for an airport despite public opposition, there are new priorities: conservation of near-urban foodland, preservation of natural heritage and the necessity to stop sprawl. Any plan must recognize this diversity and 21st century priorities. Sustainability has become an imperative. Providing infrastructure in support of air transport, which consumes petroleum and is a serious source of greenhouse gas pollutants is not realistic policy.

The Green Door Alliance concluded that: **Conservation Trust Management would best meet the combined goals of sustainable farming, preservation of natural heritage and community enhancement.**

MANDATE OF THE CONSERVATION TRUST

The Mandate of the Trust will be to:

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- Protect, restore and enhance natural areas in a natural features system
- Preserve agricultural capability
- Protect from urban sprawl
- Protect surface and ground waters
- Foster a sense of community
- Implement comprehensive ecosystem, watershed and natural heritage planning
- Encourage farm enterprise, food industry infrastructure and investment
- Encourage public access and recreational opportunity
- Be self financing and provide revenue to the Government of Canada

Preservation of agricultural capability assures the future of the second most important industry and employer in the Region of Durham.

A growing body of evidence on world population trends, productivity, the benefits of near urban agricultural and the need to conserve energy evidences the future viability of small, near-urban farms.

The mandate will best be achieved by establishing, over a 25-year time frame, a community of private stewards who purchased Trust properties. In purchasing Trust lands, these stewards will accept the foodland and environmental restrictions of an easement registered on title, in perpetuity. They could also be required to covenant that resale within a specified period should allow the Trust the option to re-purchase the property.

Sales should generally be limited to 100-acre parcels, per family, subject to ecological restraints defined by the easement.

The Conservation Trust should be free to negotiate long or short-term leases during the transition to private stewardship. Hamlet and Cluster dwellings should be sold *fee simple* unless the properties are of historic heritage/architectural importance.

IMPLEMENTATION

The Government of Canada should declare that the Pickering lands will be transferred to a Federal Conservation Land Trust, charged with the task of implementing the mandate described above.

- The mandate will be implemented over a 25-year time frame, to minimize tenant stress and allow for the orderly transfer (sale) of farms under stewardship conservation easement agreements.
- Some land to the southeast of the site may be reserved for a possible airport and leased on short-term leases to cash crop farmers until such time as an airport possibility becomes apparent or is rejected.
- The Government of Canada will appoint a Committee of Parliament to decide organization structure and select a Board of Directors for the new conservation corporation. The Committee Chair could beneficially be the MP representing Ajax Pickering.

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- The Board of Directors should be appointed to represent the public and provide the Board with a broad range of talents and skills in real estate; accounting and finance; project management; engineering; agriculture; environmental/conservation sciences; and communications. The Chairman will be responsible for selecting a Chief Executive Officer and General Manager with appropriate skills.
- Board Members should include representatives of the Municipalities of Pickering, Durham, Scarborough, Markham, and Toronto, and prominent stakeholder representatives such as: Durham Conservation / Green Door Alliance, Rough Duffins Green Space Coalition and Ontario Nature.

BENEFITS OF IMPLEMENTING THE GDA/DCA RECOMMENDATIONS

- Shield Government from criticism of the past 37 years of bureaucratic management practices.
- Return capital to the Government of Canada.
- Provide urban Toronto, Durham and York Regions with food security and direct farmer-to-consumer sales.
- Protect the Natural Environment -- wildlife corridors, woodlots, river/stream valleys, ground and surface water.
- Foster open space and recreation opportunities -- hiking, biking, and fishing.
- Conserve a significant land bank of highest quality, productive, foodland bordering Canada's largest urban area.
- Jump-start progress toward creating a viable farm community.
- Create an innovative, investing farm community.
- Provide employment in farming and building farm infrastructure -- buildings, homes, fences and food processing facilities.
- Resolve tenant anxiety and public alienation

CONCLUSION

The GDA and DCA bear witness to the conservation benefits of *private stewardship* in conserving natural areas and open space. Many of our members have donated conservation easements on lands they own. These parcels are more beneficially managed than most parkland or conservation authority land. Many have welcomed public access. Many have initiated expensive programs to eradicate invasive species. All are proud of their contribution toward conservation for future generations. Management of 16,000 acres of small farms does not seem to be a natural role for Parks management.

Lorne Almack, July 2009

The Green Door Alliance Inc. and Durham Conservation Association

www.thegreendooralliance.com