

April 11, 2023

Honourable Graydon Smith, Minister of Natural Resources and Forestry  
Ministry of Natural Resources and Forestry  
300 Water Street  
Peterborough, Ontario K9J 8M5

Dear Honourable Sir,

**Re: Written Submission on Niagara Escarpment Plan Amendment PC 225 22 –  
ERO Posting 019-6425**

Thank you for the opportunity to provide comments on changes proposed to the Niagara Escarpment Plan (ERO Posting 019-6425).

The Town of Niagara-on-the-Lake appreciates the Province's commitment to refining and strengthening the framework for agriculture, and opportunities for on-farm diversified uses and agricultural-related uses within the Niagara Escarpment Plan (NEP) area.

The Amendment proposes five (5) changes to the NEP:

1. Permitting maple sugar harvesting within the Escarpment Natural Area designation (Part 1.3.3);
2. Permitting agriculture-related uses and on-farm diversified uses within the Escarpment Protection Area designation (Part 1.4.3);
3. Permitting expansion to existing agricultural uses, agriculture-related uses and on-farm diversified uses within Natural Heritage areas (Part 2.7.2);
4. Permitting agricultural uses, agricultural-related uses, and on-farm diversified uses within Earth Science Areas of Natural and Scientific Interest (Part 2.7); and
5. Adding an "Earth Science Values" definition in relation to the above policy change (Appendix 2 Definitions).

Although comments are offered on all five amendments, the Town's focus is mainly on Amendments 3, 4 and 5, as listed above. It is these amendments that will have the most impact to the Town.

### **Amendment 1 – Maple Sugar Harvesting**

The Amendment proposes to add permissions for maple sugar harvesting within the Escarpment Natural Area designation.

The Town offers no objection to the proposed Amendment to Part 1.3.3 of the NEP, as this Amendment aligns with the policies of the Town's current and adopted Official Plan.

## **Amendment 2 – Agriculture-Related Uses and On-Farm Diversified Uses within Escarpment Protection Area**

The Amendment proposes to add permissions for agriculture-related and on-farm diversified uses within the Escarpment Protection Area designation. Currently, the NEP only permits for these uses within prime agricultural areas.

The Town offers no objection to the proposed Amendment to Part 1.4.3 of the NEP, as this Amendment aligns with the policies of the Town's current and adopted Official Plan for agriculture-related and on-farm diversified uses within the agricultural areas.

## **Amendment 3 – Expansions to Uses within Natural Heritage Areas**

The Amendment proposes to permit expansions to existing uses that are agriculture, agriculture-related and on-farm diversified within key natural features, outside of wetlands, provided there is no alternative and the expansion or alteration in the feature is minimized and where possible, temporary. The NEP considers the following to be key natural heritage features: habitat of endangered species and threatened species, fish habitat, Life Science and Earth Sciences Areas of Natural and Scientific Interest (ANSIs), significant valleylands, significant woodlands, significant wildlife habitat, and habitat of special concern species in Escarpment Natural and Escarpment Protection Areas.

The Town's adopted Official Plan policies would not permit for the expansion of existing uses within most of the key natural heritage features of the NEP.

The Town recommends that additional wording be provided within this amendment to require the submission of an Environmental Impact Study, or other similar study, for review and approval by Niagara Escarpment Commission (NEC) staff, to ensure that the impact(s) of an expanding existing use within a natural heritage feature is minimized.

## **Amendments 4 & 5 – Agriculture, Agriculture-Related and On-Farm Diversified Uses within Earth Science Areas of Natural and Scientific Interest & Earth Science Values Definition**

The Amendment proposes to permit agricultural uses, agriculture-related uses and on-farm diversified uses within Earth Science ANSIs, which are not also identified as any other Key Natural Heritage Feature, provided it has been demonstrated that the earth science values can be maintained and protected. Planning, design, and construction practices shall be identified that will keep disturbance to landform character to a minimum and ensure the protection of the geological or geomorphological attributes.

The proposed Amendment generally aligns with the Town's current and adopted Official Plan policies for permitting limited development within Earth Science ANSI features

provided that disturbance to landform character will be kept to a minimum and no significant negative impacts on the feature will occur.

The NEP Amendment requires that planning, design, and construction practices be identified to keep Earth Science ANSI disturbance to a minimum to ensure the protection of the geological or geomorphological attributes. Additional information to clarify and implement this requirement would be of assistance. To provide further transparency throughout the approvals process, it may be beneficial to explore ways that this requirement will be implemented in the NEC Development Permit process (i.e. a development agreement, an associated Regulation, etc.).

Regarding the proposed definition, the term “values” can be subject to interpretation. In assessing whether the earth science values of the ANSI can be maintained and protected, NEC staff may wish to include additional detail, evaluation/measurement criteria or study requirements to better support the consistent implementation of this policy.

### **Concluding Remarks**

The Town appreciates the opportunity to review and provide comments on these proposed Niagara Escarpment Plan amendments and recognizes the work of the Niagara Escarpment Commission to update their policies related to agriculture, agriculture-related and on-farm diversified uses. These policy changes will help to diversify the agricultural community and associated operations throughout the Niagara Escarpment Plan area.

The Town respectfully requests that the Province consider and incorporate the suggestions detailed in this letter with respect to Amendments #3, 4, and 5, to provide greater transparency and evaluation criteria to applicants throughout the development approvals process.

Kind regards,

A handwritten signature in blue ink, appearing to read "KMcCauley".

Kirsten McCauley, MCIP, RPP  
Director of Community and Development Services