

## LAND FOR CONSERVATION

LAND FOR CONSERVATION:  
SPENCER CREEK CONSERVATION AUTHORITY  
SCHEMES AND LAND ACQUISITION (1958-1971)

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A Thesis Submitted to the School of Graduate Studies in Partial Fulfillment  
of the Requirements for the Degree of Master of Arts

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McMaster University MASTER OF ARTS (2016) Hamilton, Ontario (History)

TITLE: Land for Conservation – Spencer Creek Conservation Authority Schemes and  
Land Acquisition

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NUMBER OF PAGES: 211

## ABSTRACT

The Conservation Authorities Act was passed by the Ontario Provincial legislature in 1946 to further the “conservation, restoration, development and development of natural resources other than gas, oil, coal and minerals.” On 8 May 1958, Ontario’s 25<sup>th</sup> conservation authority was established on the watershed of Spencer Creek near Hamilton. The Spencer Creek Conservation Authority (SCCA) recognized that in order to acquire the necessary lands for conservation it was in a race with developers and urban sprawl. An aggressive land acquisition programme was initiated by the SCCA (1958-1966) and continued by its successor, the Hamilton Region Conservation Authority. The success of this programme from 1958-1971 created a green framework for the region, with many of our most popular and ecological important conservation areas acquired during this period, including: Dundas Valley, Christie Lake, Valens, Spencer Gorge, Beverly Swamp, and Summit Bog. However, acquisition of such a vast acreage of conservation land doesn't just happen by desire, it involves many operational factors. Available funding, administrative policies, land owner engagement, knowledge of the property market, and public and political support were all central aspects of this land acquisition program. This research paper examines these inter-related factors and outlines the many challenges and initiatives that led to the acquisition of over 3,300 acres of land for conservation.

## ACKNOWLEDGEMENTS

A number of people have made this thesis possible. I would first like to thank my supervisor, John Weaver, for the many hours spent facilitating my research and guiding my writing over the past year. He kept me focussed, inspired and excited about my research and writing. My first graduate course was with John several years ago and the experience was so engaging that I have been interested in academic research ever since. Considerable thanks are also due to Richard Harris and Ken Cruikshank who were involved in my thesis examination. Their feedback and edits were invaluable. I would like to give special mention to Wendy Benedetti, the Department of History Graduate Programs Administrative Assistant. Wendy's guidance and support throughout my graduate work was generous, helpful and greatly appreciated. I don't think I would have completed my MA without her help. The assistance of Krupesh Patel, Rebecca Jahns and Tom Omorean was invaluable in the creation of the paper's maps and tables seen in this thesis. Gord Beck, Map Specialist at McMaster University's Lloyd Reeds Map Collection provided access and advice on maps and aerial photos. Like many other students, I thank Gord for his expertise and assistance.

This study is as much about the individuals involved in local conservation, as it is about a conservation authority and its schemes. I was extremely fortunate and honoured to be able to work with two remarkable individuals involved with the Spencer Creek Conservation Authority and the Hamilton Region Conservation Authority. Thomas Beckett was the initial motivation for this research and he continually inspired my work on this project. His recollections and archives were central to the evolution of this thesis and he deserves accolades for his role as a leader in the authority's formative years. Ben Vanderbrug, HRCA General Manager from 1970 to 2002, provided important background information and helped clarify historical facts. It was wonderful to work with Ben, who I have always admired for his leadership in guiding the authority to the outstanding organization it is today.

Obtaining sufficient information to complete this research was only possible with the access, cooperation and enthusiasm provided by staff at the Hamilton Conservation Authority. Chris Firth-Eagland, Scott Peck, Chris Hamilton, Judy Love, Sandy Bell, Lisa Burnside, Mathew Hall, Sandra Winniger and Rick Woodworth provided access to authority documents and maps, and helped with my many questions. Finally, I would like to express my appreciation and gratitude to Jeff Terryberry, Debbie Marinoff-Shupe and Manon Tougas, who helped me with the completion of this thesis in many ways.

To all of you noted, I give my most sincere thanks!

My greatest appreciation goes to my late mother Beatrice. She made me the individual I am today and supported my education throughout my life. I was asked regularly in her later years: "When are you going to finish your master's degree." Of all the inspirations to complete this thesis and my degree, she was the guiding light. Mother, this is for you!!

## TABLE OF CONTENTS

Abstract .....	i
Acknowledgements .....	ii
List of Figures and Tables .....	iv
Introduction .....	2
Chapter 1: From Forest to Watershed – Conservation in Ontario .....	6
Chapter 2: The Establishment of the Spencer Creek Conservation Authority .....	24
Chapter 3: The Upper Watershed – Beverly and Valens .....	51
Chapter 4: The Middle Watershed – Christie and Greensville .....	77
Chapter 5: The Lower Watershed – Dundas Valley .....	118
Chapter 6: Protecting the Niagara Escarpment .....	147
Conclusion .....	175
Bibliography .....	182

## LIST OF FIGURES AND TABLES

Table 1: Provincial Conservation Branch - Government .....	14
Table 2: Population and Membership entitlement – SCCA .....	27
Table 3: Spencer Creek Conservation Authority – Municipal Levies 1963 .....	30
Table 4: 1960 Spencer Creek Conservation Report – Recommendations .....	44
Table 5: Beverly Conservation Area – Land Purchases .....	57
Table 6: Valens Conservation Area – Land Purchases .....	63
Table 7: Spencer Gorge Wilderness Area – Land Purchases .....	95
Table 8: Crooks Hollow CA and Christie Dam and Reservoir - Land Purchases .....	112
Table 9: SCCA and HRCA – Membership, Population and Levies .....	142
Table 10: Ancaster-Dundas Valley – Land Purchases (to 1972) .....	172
Table 11: Land Acquisition Schemes in Spencer Creek Watershed (to 1971) .....	Land Acquisition Schemes in Spencer Creek Watershed (to 1971) .....
	179
Map 1: Spencer Creek Watershed .....	20
Map 2: Spencer Creek Conservation Report - Proposed Conservation Areas .....	47
Map 3: Beverly Conservation Area – Land Purchases .....	58
Map 4: Valens Conservation Area (Before Reservoir, 1960) .....	62
Map 5: Valens Conservation Area, 1978 .....	72
Map 6: Crook’s Hollow Conservation Area, 1966 .....	86
Map 7: Tews Falls Conservation Area, 1966 .....	98
Map 8: Plans for Christie dam and reservoir 1960 .....	114
Map 9: Summit Bog area (1968) .....	128
Map 10: Dundas By-Pass Routes (1967-68) .....	156
Map 11: Dundas Valley Conservation Area .....	164

## **Introduction**

Southern Ontario in the 1930's and 1940's was under the strain of destructive resource use and a burgeoning population. Wide areas of the province were suffering from the effects of deforestation and erosion. Lakes and waterways were severely polluted. Worsening spring floods were followed by low summer flows rich with the smell of sewage and industrial waste. Pressure was mounting for the government to do something to safeguard the province's natural resources and future viability. To address these growing issues, the province took what was then a bold and innovative step. On 13 April 1946, the provincial legislature passed the Conservation Authorities Act enabling municipalities to work together to create a locally-based conservation authority to tackle the resource problems they faced. The conservation authority model recognized the importance of treating all natural resources in a comprehensive manner and focusing conservation and restoration work on a watershed catchment basis. The response from municipalities in Ontario was favourable and quick, with three conservation authorities created in the first year. In May 1958, Ontario's 25th conservation authority was established for the Spencer Creek watershed near Hamilton. Six municipalities, either wholly or partially within the creek's watershed, banded together to form the Spencer Creek Conservation Authority (SCCA). The Town of Dundas and the Townships of Beverly, Ancaster, Puslinch, East Flamborough and West Flamborough Conservation Authority saw the importance of cooperatively managing, protecting and restoring the resources of the 263 square-kilometre Spencer Creek watershed.



Little writing or research has been done on the history of Ontario's conservation authorities. However, the scholarship authored is both insightful and valuable. The 1974 book *Conservation by the People* provides an important history of conservation authorities to that time. Author A. J. Richardson provides insight that only a person who was both a leader and a pioneer in the conservation authority movement could impart. Bruce Mitchell and Dan Shrubsole's book *Ontario conservation authorities: myth and reality* is a valuable overview of conservation authorities in Ontario and their policies, programmes and challenges. Shrubsole's journal article "Ontario conservation authorities: principles, practice and challenges 50 years later" reviews the origins and founding principles of the conservation authority programme with specific attention to water management policies and the practices of the Upper Thames River Conservation Authority. Charles Priddle, in his PhD dissertation *Adaptive Capacity in Response to Revolutionary Change: The Case of Ontario's Conservation Authorities*, examines if and how conservation authorities responded to revolutionary changes by applying elements of an 'adaptive capacity' model to their organizational management. He focuses on the experiences of the Grand River and Ganaraska Region Conservation Authorities, particularly after 1997 when the Harris government initiated significant reductions in provincial funding to authorities. Considering the scope and importance of the conservation work done by the authorities in Ontario and their value as an innovative model for conservation, additional research and writing is overdue. This research thesis sets out to fill at least part of that void, by examining conservation authority land acquisition goals, methods and challenges.

The land acquisition programme of the Spencer Creek Conservation Authority and its successor the Hamilton Region Conservation Authority (HRCA) from 1958 to 1971 is examined

here. The land required for the conservation schemes initiated by the SCCA is this study's central focus. Development pressures and water control projects compelled the authority to make land acquisition its primary goal. Thomas Beckett, authority vice-chairman (1958-1964) and chairman (1964-1971) was a driving force in the authority's land acquisition programme. The work of Beckett and the other 'amateur conservationists' involved with the conservation authority is both remarkable and inspiring. Their determination and conviction led to the procurement of nearly 3,400 acres of land from 1958-1971, roughly 30% of the land owned by the authority today.

Extensive documentary evidence shows the resourcefulness, innovation and commitment of the SCCA and HRCA to improve its watershed; then and for the future. It also yields several questions. What was the authority's rationale for land acquisition? The authority's definition of 'conservation' guided its work, but it also evolved as the authority encountered necessity and opportunity. What were the SCCA's schemes and why were they deemed important? The development of land acquisition methods and policies and available funding determined what could be achieved. How did these evolve and how did the authority make effective use of available financial resources? How significant was government funding programmes, and what were the goals of these programmes? Changing provincial policies also had significant impacts on land acquisition and the overall goals of this new conservation organization. Did Beckett and other authority member's professional background assist in their conservation and land acquisition work? How did the authority respond to the concerns of watershed residents and the wavering support of authority municipalities? These are some of the questions considered here.

This study begins with an overview of the history and meaning of conservation in Ontario during the early twentieth century. The evolution of the conservation authority model and the local rationale for establishing the Spencer Creek Conservation Authority are reviewed. Chapter Two outlines the establishment of the authority in 1958, its administrative development, goals and early challenges. The subsequent chapters examine the conservation schemes initiated by the SCCA, organized geographically within the watershed. First, the upper Spencer Creek watershed, defined as the extensive moraine system and swamps in the Townships of Puslinch, Beverly and the northern section of West Flamborough. Swamp lands vital for the creek's water supply and a major dam and reservoir project required extensive land purchases. In the middle watershed, with the agricultural lands and the village of Greensville above the Niagara Escarpment, the authority encountered higher land prices and land owners who challenged the necessity of the authority's proposed conservation projects. The lower watershed encompasses the lands below the Niagara Escarpment and specifically the Dundas Valley and the creeks that drain into it. Land and infrastructure development here threatened important natural lands, requiring the authority to undertake a determined land acquisition and preservation campaign. The final chapter details the Niagara Escarpment lands surrounding and including the Dundas Valley. The escarpment received extensive provincial attention in the late 1960's as a unique and threatened biosphere. This led to significant political and funding support for all the conservation authorities along it to acquire and protect escarpment lands. While the chapters are outlined geographically, the major events and developments impacting the entire authority are inter-woven throughout. Their arrangement is based chronologically or relevantly, and ideally both.

## Chapter 1: From Forest to Watershed – Conservation in Ontario

The first European settlers to arrive in Upper Canada in the late eighteenth and early nineteenth centuries faced the formidable task of carving out settlements in the Canadian wilderness. They perceived nature, particularly the “forest primeval”, as both bountiful and malevolent. Traveling through the province in 1836, Anna Bromwell Jameson observed that “a Canadian settler hates a tree, regards it as his natural enemy, as something to be destroyed, eradicated, annihilated by all and any means.”<sup>1</sup> Reflecting on his childhood in Central Ontario in the 1870’s, Stephen Leacock noted a similar perception. “For the earlier settlers trees, to a great extent, were the enemy. The Upper Canada forest was slaughtered by farmers and lumber companies without regard for the future.... As to planting any new trees to conserve the old ones, the farmers would have thought it a madman’s dream.”<sup>2</sup> This pioneer perspective of the natural environment as a hostile place was combined with the view that a limitless unspoiled wildland could always be exploited. This myth of ‘unlimited abundance’ would remain a feature of the prevailing Canadian mentality towards natural resources until the late-nineteenth century.

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<sup>1</sup> Anna Bromwell Jameson, *Sketches in Canada, and Rambles Among the Red Men* (London: Longman, Brown, Green, and Longmans. 1852): 15.

<sup>2</sup> Stephen Leacock, ‘The Boy I Left Behind Me,’ In *The Penguin Stephen Leacock*, selected and introduced by Robertson Davies (Markham, Ont.: Penguin Books Canada, 1981): 378.

This notion gave way to the realization that Ontario's natural riches were limited. Canadians observed an ever-growing scarcity of forests and wildlife in the nineteenth century. The word 'conservation' was first used in the 1880's in relation to the judicious use of renewable resources, such as game animals and timber.<sup>3</sup> The early conservation impulse would spread quickly and in reaction to the intensive urban and industrial growth of the period. This impulse contained two main currents of thought: the utilitarian "wise-use" conservation and the preservationist 'doctrine of unselfishness.' The philosophy of the 'wise use' of natural resources is best captured by a famous phrase from Gifford Pinchot, the Director of the United States Forest Service, in 1910: "Conservation means the greatest good to the greatest number for the longest time."<sup>4</sup> Proponents of this wise-use conservation, or the "gospel of efficiency", emphasized matters of utility and profit, together with the careful and scientific management of natural resources to prevent depletion and destruction. Those who subscribed to the alternative "doctrine of unselfishness" tended to be more idealistic and less concerned with questions of utility and economics. Conservationists of this persuasion sought to preserve scenic and wildlife resources for aesthetic reasons and deemed it a moral responsibility to protect our natural benefits for future generations.<sup>5</sup> C. Gordon Hewitt, Dominion Biologist, said in 1911:

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<sup>3</sup> 'Conservation' in reference to natural resource conservation was first used in the *Globe and Mail* in 1886. Based on search of The *Globe and Mail*: Canada's Heritage from 1844 - electronic newspaper archive of the *Globe* from June 1844 to 2011. <http://search.proquest.com.libaccess.lib.mcmaster.ca/hnpglobeandmail?accountid=12347>.

<sup>4</sup> Gifford Pinchot, *The Fight for Conservation* (New York: Doubleday, Page & Company, 1910): 48.

<sup>5</sup> A. S. L. Barnes, "1967-2067: Man the Conservator," *Watersheds* 3:1 (1968): 2; H. V. Nelles, *The Politics of Development: Forests, Mines and Hydro-Electric Power in Ontario, 1849-1941*, 2<sup>nd</sup> ed. (Montreal: McGill-Queen's University Press, 2005): 183-186; George M. Warecki, *A History of Changing Ideas and Preservation Politics, 1927-1973* (New York: Peter Long Publishing, 2000): 5; R. Craig Brown, "The Doctrine of Usefulness: Natural Resource and National Parks Policy on Canada, 1887-1914," In J. G. Nelson ed. *Canada Parks and Perspective* (Montreal: Harvest

“Conservation means nothing more or less than the protection of nature.”<sup>6</sup> This view of conservation also embraced the positive concept of nature as a place for urban residents to restore themselves psychologically, physically and spiritually.

These two elements of the early conservation movement were not mutually exclusive “utilitarian” and “preservationist” streams of thought. They are best understood as currents in a single conservation movement stream, sometimes converging to their common benefit, at other times flowing at cross purposes.<sup>7</sup> These currents of conservation thought also defined the work and goals of Ontario’s conservation- oriented groups and the provincial government throughout the twentieth-century; sometimes preservationist, other times resource management, generally a combination of both. Understanding what conservation means to an individual, organization or government, is an essential step in analyzing the purpose, policy and function of conservation initiatives.

In his influential study, *The Politics of Development*, H. V. Nelles suggests that there were two prerequisites for the early application of conservation principles: recognition of forestry as a

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House, 1969): 47-48. For an excellent study of conservation and preservation in Ontario during the early twentieth century, see George Michael Warecki, *Protecting Ontario's Wilderness: A History of Wilderness Conservation in Ontario, 1927-1973* (PhD diss., McMaster University, 1989).

<sup>6</sup> Gordon C. Hewitt, “Conservation and the Protection of Nature,” *Ottawa Naturalist* 24:12 (1910): 210.

<sup>7</sup> Gerald Killan, *Protected Places: A History of Ontario's Provincial Parks System* (Toronto: Dundurn Press, 1993): 1, 4. Some historians refer to “preservation” as distinct from conservation, with preservationists interested in saving parcels of nature intact and free from any extractive use. However, such a differentiation is confusing, for two reasons. First, it forces historians to speak of conservation and preservation as different streams of a larger movement which has traditionally been called conservation. The differentiation is essentially a difference in the goals of conservation. Secondly, it ignores the fact that people of the time spoke of conservation and preservation interchangeably.

profession, and ownership of the natural resources by the state. The push for orderly exploitation of resources was expressed in an emerging 'wise use' movement to manage forests in an efficient way using scientific expertise. The provincial government began managing forest resources in a cooperative relationship with industry while forestry professionals began to receive standardized scientific training. The word conservation in the minds of the general public, came to mean forest conservation and this idea remained until the middle of the 20<sup>th</sup> century.

Conservationists benefitted from the fact that provincial governments had kept title to the lands vested in the state as crown land.<sup>8</sup> The predominance of crown-owned land in Ontario made the provincial park system an important vehicle for conservation efforts. Ontario's provincial parks, beginning with the establishment of Algonquin Park in 1883, originated from a combination of conservation goals: protection, recreation, heritage appreciation, tourism and lumber extraction. The Department of Lands and Forests, the ministry responsible for provincial parkland, embraced the "multiple use" concept of natural resources. It harmonized the extraction of resources, especially commercial timber, with the protection of scenic and recreational values.<sup>9</sup>

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<sup>8</sup> Nelles, *The Politics of Development*, 199-201.

<sup>9</sup> Warecki, *Protecting Ontario's Wilderness*, 5; Killan, *Protected Places*, 57-58; George Priddle, "The Ontario Park System: Policy and Planning." In *Parks and Protected Areas in Canada* (Toronto: Oxford University Press, 1993): 97.

Conservation garnered significant popular interest during the early-twentieth century. Growing prosperity (for some) and the emerging 'back to nature' movement led to the formation of amateur naturalist groups. In 1919, over 60 bird-lovers met in Hamilton to form a naturalist's club. The Hamilton Bird Protection Society (HBPS), later named the Hamilton Naturalists Club, saw membership rise quickly to 147 by 1920. In August 1920, the HBPS proposed to Hamilton Board of Control, led by Thomas B. McQueston, that Cootes Paradise (Dundas marsh) be designated a bird sanctuary, a preserve for "the little feathered songsters," as city Mayor Charles Booker argued.<sup>10</sup> Naturalist groups, like Hamilton's, were leaders in Ontario's conservation movement at a regional level, promoting the protection of wildlife habitat, conservation education and passive-recreational use of natural areas. The creation of the Federation of Ontario Naturalists in 1934 allowed these amateur conservationist groups to make broader, provincial conservation recommendations and they became a leader in the popular movement for conservation in Ontario.<sup>11</sup>

During the 1920's and 1930's, flood and drought conditions mobilized many organizations and individuals in the province to embrace a broad perspective on conservation measures.

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<sup>10</sup> "Bird Lovers – Hamilton Bird Protection Society Formed," *Hamilton Spectator*, 2 June 1919; "Bird Society Annual Meeting," *Hamilton Spectator*, 30 August 1920; "Dundas Marsh Natural Place for Sanctuary," *Hamilton Spectator*, 30 August 1920; For a more detailed study of the preservation of Cootes Paradise during this period, see Nancy B. Bouchier and Ken Cruikshank, "The War on the Squatters': Hamilton's Boathouse Community and the Re-Creation of Recreation on Burlington Bay, 1920-1940," *Labour / Le Travail* 51 (2003): 9-46; \_\_\_\_\_, "Sportsmen and Pothunters': Class, Conservation and the Fishery of Hamilton Harbour, 1850-1914," *Sport History Review* 28 (1997): 1-18.

<sup>11</sup> Janet Foster, *Working for Wildlife: The Beginning of Preservation in Canada* (Toronto: University of Toronto Press, 1978): 4, 125, and 197.



Agricultural, naturalist and sportsmen's groups pointed out that much of the province's renewable natural resources were in an 'unhealthy state' as a result of poor land and water management practices.<sup>12</sup> Organizations such as the Ontario Conservation and Reforestation Association (OCFA), with its roots in the rural counties, the Federation of Ontario Naturalists and farming organizations pressed the case for the conservation and effective management of all renewable natural resources, including forests, water, soil, and wildlife. Watson H. Porter, managing editor of the *Farmer's Advocate* and founder of the OCFA, observed that: "Wells that never went dry, dried up." The situation indeed was serious and one could see that the ill effects of drought had been intensified by the needless slaughter of trees and the denudation of the countryside. It was obvious that something should be done.<sup>13</sup>

These conservationists believed that real progress in developing a new approach to natural resource management would not occur until an integrated approach was undertaken, organized around natural watersheds. After severe floods in 1929, the Grand River Valley Boards of Trade began urging local municipalities to deal with flooding, pollution and low summer flows on a regional level. In 1934, a group of eight Ontario municipalities initiated an integrated watershed management programme by forming the Grand River Conservation Commission. The Commission built the Shand Dam in 1942, the first multi-purpose dam and reservoir in Canada. Its function was flood control and low river flow augmentation to improve water quality during

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<sup>12</sup> A. H. Richardson, *Conservation by the People: The History of the Conservation Movement in Ontario to 1970* (Toronto: University of Toronto Press, 1974): 24-26.

<sup>13</sup> Quoted in Richardson, *Conservation by the People*, 3.

the dry summer months. The Commission also started planting trees to re-vegetate the river banks.<sup>14</sup>

The first provincial meeting held in Ontario to consider a coordinated programme for the conservation of all natural resources was held in Guelph on 25 April 25 1941. This conference proved to be a milestone in Ontario's conservation movement, with a diverse group of nine conservation organizations sharing a vision for unified resource management. The conference's conclusions, the *Ganarska Report*, published in 1943, contained the framework for a pilot project, the 267 square kilometre Ganaraska River watershed, one of the most damaged in the province. The report's recommendations called for the management and restoration of the watershed's renewable resources, not on the traditional piecemeal basis, but as a unified system. It concluded that in order "to arrest the degradation of natural resources and to restore in some measure their productivity involves replacing the unplanned individualistic exploitation of the past hundred years by planned management based on knowledge and recognizing public as well as private interest."<sup>15</sup> Recommendation No. 2 of the report stated that "Legislation be

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<sup>14</sup> Ibid, 30-31; Danielle Robinson and Ken Cruikshank, "Hurricane Hazel: Disaster Relief, Politics, and Society in Canada, 1954-55," *Journal of Canadian Studies* 40:1 (Winter 2006): 40. "Conservation's Three Phases," editorial, *The Globe and Mail*, 19 December 1952. The *Globe and Mail* editorialized that: "Soil, water and forest conservation are almost inseparable. If there is to be conservation at all, it must of necessity integrate all three phases ... and not be confined to financial assistance for the construction of flood-control dams – these serve a useful purpose in the prevention of flood damage to inhabited areas, but they are not conservation in the proper sense of the word. Unless there is grass roots soil conservation, too, these dams will become mere monuments to folly."

<sup>15</sup> Delegates from nine Ontario groups attended the conference, including: Federation of Ontario Naturalists (FON), Ontario Horticultural Association, Ontario Federation of Anglers and Hunters, Ontario Conservation and Reforestation Association, Canadian Society of Forest Engineers, Royal Canadian Institute, Royal Canadian Legion, plus provincial government representatives. Latornell, of the Conservation Authorities Branch, felt that the conference was, in retrospect, a milestone in the conservation consciousness of Ontario. "The Conference viewed conservation as being a "house of many rooms", all inter connected and under the same roof rather than isolated, single units.... This point

enacted combining the best features of the Grand River Conservation Commission and the Muskingham Watershed Conservancy District in Ohio, so that municipalities in any part of Ontario may undertake a similar program.”<sup>16</sup>

To bring about “coordination and co-operation amongst all agencies in Ontario carrying on and promoting conservation projects,” the Conservation Branch of the Department of Planning and Development was established in 1944. A. H. Richardson was transferred from the Department of Lands and Forests to head the new branch, with the title of chief conservation engineer. Richardson has been called “Mr. Conservation” for his long tenure as head of the Conservation Branch from 1944 to 1961. The first task for the new Conservation Branch was the preparation of the bill for the legislature which, when passed in 1946, became the Conservation Authorities Act. The branch reported to several provincial departments over the period examined by this research paper and in 1964 was renamed the Conservation Authorities Branch. (See Table 1) For continuity, the term ‘Conservation Branch’ will be used throughout this paper.<sup>17</sup>

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of view widely debated. The traditional view had been to treat each resource disparately and with little, if any, consideration for its relationship to the other resources.” J. D. Thomas, conference chairman, felt the conference saw the ‘realization of past errors and the determination to set them right: in order that our country – this physical land in which and by which we live – shall go down to succeeding generations as desirable, as able to support life as it was in the beginning.” A. D. Latornell, “Conservation is a house of many rooms,” *Watersheds* 3:3 (1968): 8-9; J. D. Thomas, “The Guelph Conference.” *Watersheds* 1:4 (1966): 9; Barnes, “1967-2067: Man the Conservator, 3-4; Dan Shrubsole, “Ontario Conservation Authorities: Principles, Practice and Challenges 50 years later,” *Applied Geography* 16:4 (1996): 322-324.

<sup>16</sup> Richardson, *Conservation by the People*, 18.

<sup>17</sup> Richardson, *Conservation by the People*, 25-27.

**Table 1: Provincial Conservation Branch - Government department**

- 1) Department of Planning and Development (1944-1961)
- 2) Department of Commerce and Development (January 1961 – December 1961)

On January 1, 1962 the Conservation Branch was replaced with the Conservation Authorities Branch

- 3) Department of Lands and Forests (1962-1964)
- 4) Department of Energy and Resources Management (1964-1971)
- 5) Department of the Environment (1971-1972)

When the Government of Ontario passed the Conservation Authorities Act in 1946, it was following a world-wide trend to establish conservation organizations to address the problems of water and land management. Between the early and mid-twentieth century, New Zealand, England, Wales and the United States established agencies to address social and resource issues. New Zealand's *Soil Conservation and Rivers Control Act* (1941) made it "one of the first countries in the world to recognize, through legislation, the interrelationship between land and water resources" on a catchment basis.<sup>18</sup> In England and Wales the *River Boards Act* (1948) created River Boards for the management of water resources on a river catchment basis. In the United States, watershed conservancy districts in Ohio were established by the Ohio Conservancy Act

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<sup>18</sup> Bruce M. Mitchell and Dan Shrubsole, *Ontario Conservation Authorities: Myth and Reality* (Waterloo: University of Waterloo, Department of Geography Publication Series, 1992): 132.

(1914), while the creation of the Tennessee Valley Authority by the Tennessee Valley Act (1933) had considerable influence on drainage-basin based conservation throughout North America.<sup>19</sup>

The 1946 Conservation Act had three organizational premises in mind: the initiative must come from the local people; the best unit on which to coordinate all conservation work is the watershed; and if the local people show the initiative, the Government stood ready to provide advice and financial assistance. These three fundamental concepts of this new approach were embodied in the Act:

Local Initiative - A conservation authority in any area could only be formed by a request from local municipalities to the government of Ontario to form an authority. In making the request, the local people had to agree to assume the burden of running the corporate body known as the Conservation Authority.

Cost Sharing - The Conservation Authorities Act stipulated that the costs of projects should be shared by municipalities and by the provincial government. The community must be willing to make financial contributions before the government will constitute an authority

Watershed Jurisdiction - Conservation Authorities were to have jurisdiction over one or more watersheds. This allowed for the management of resources and the handling of problems such as flood control on a complete and rational basis since water flow does not respect political boundaries. This stewardship was to cover all aspects of conservation in the area.<sup>20</sup>

Minister of Planning and Development, Dana Porter felt that the significance of the Act was its recognition that “the challenges of flood control and conservation cannot be solved through a

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<sup>19</sup> Ibid, 6-7. In the summer of 1944, the Minister of the newly formed Department of Planning and Development Dana Porter and department director Dr. George B. Landford visited the Tennessee Valley Authority. The trip demonstrated the importance of treating all natural resources in a comprehensive manner. Richardson, 1994, 20-21. SCCA would regularly share technical reports with the State Rivers and Water Supply Commission, Victoria, Australia. S48 March 26, 1964.

<sup>20</sup> Conservation Authorities Act, R.S.O. 1946. Conservation Authorities Act, R.S.O. 1980; Richardson, *Conservation by the People*, 1974; A. S. L. Barnes, “The Story behind Ontario’s 38 Conservation Authorities.” *Watersheds* 5:1 & 2 (1970): 18-19.

centralized provincial authority.” He contended that these challenges are of the most interest to the local areas affected, and it is the function of the provincial government to assist financially and technically. <sup>21</sup>

Some conservation professionals, however, criticized this de-centralization of conservation planning. Dr. J. D. Detwiller, Department of Zoology and Applied Biology, University of Western Ontario, felt that the Ontario Conservation Act catered to the very things that should be avoided. The creation of a multiplicity of conservation authorities was in variance with the province’s conservation needs, he claimed. “The drawing up of [a] conservation program should be the responsibility of a special body,” he argued, “it should be a body not elected by popular vote, but appointed. It should sit as judges and review evidence from all bodies working on conservation. Conservation of all our resources is not a series of separate problems, but is one integrated problem and calls for a co-ordinated authority.” <sup>22</sup> Dr. Norman Radforth, then Director of the Royal Botanical Gardens, suggested creating a similar conservation coordinating body, but one that would include the conservation authorities. He advocated for the creation of a provincial conservation advisory council, responsible to the provincial premier, who might recommend where and to what extent appropriations relating to conservation might be dispensed and could coordinate the different conservation bodies and assign conservation problems to them. <sup>23</sup>

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<sup>21</sup> Hon. Dana Porter, "Flood Control and Conservation," *The Globe and Mail*, 18 April 1947.

<sup>22</sup> "Board Proposed To Co-ordinate Conservation." *The Globe and Mail*, 29 December 1949.

<sup>23</sup> "Brief Suggests Advisory Body on Conservation," *Hamilton Spectator*, 15 November 1949.

Three conservation authorities were formed the first year: Ganaraska, Ausable River and Etobicoke River. By 1954, there were twenty. A.H. Richardson, recalled in 1966, that:

In the early years the emphasis was on flood control and reforestation, and there were only a few schemes for which grants were available. Much thought and sweat, friendly attrition, and what might be called honest subterfuge, plus a sound public relations program, was necessary before the Government was persuaded to bend its thinking and give grants to a wide variety of projects. The first basic undertaking with new CA's was the conservation survey, while another concern was to teach the members that conservation included other things besides dams and trees."<sup>24</sup>

The role of the conservation authorities was reinforced in 1954 when Hurricane Hazel, the most famous hurricane in Canadian history, struck southern Ontario. Category four in magnitude, it pounded the region with winds that reached 110 kilometres per hour and left a record 285 millimetres of rain in forty-eight hours. Thousand were left homeless, and eighty-one people died in the floods.<sup>25</sup> Hurricane Hazel quickly demonstrated that water control measures up to that point were significantly deficient, highlighting the need for intensive regional watershed management and flood control schemes for a whole river system. Conservationists highlighted the role of human decisions in shaping natural developments; floods were not just "natural disasters, or "Acts of God."

In the aftermath of Hazel, there was a push in many municipalities to form conservation authorities and receive resource management support from the province. With a long history of flooding problems, Dundas, Ontario was one such municipality. Built adjacent to the flood plain

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<sup>24</sup> A. H. Richardson, "Looking Back," *Watersheds* 1:4 (1966): 11.

<sup>25</sup> "Great Storm Hits After 4-inch Rain: Winds 70, Dikes Fail; Motorists in Trees," *The Globe and Mail*, 16 October 1954; Robinson and Cruikshank, "Hurricane Hazel: Disaster Relief, Politics, and Society in Canada, 1954-55, 38-39.

of Spencer Creek, the history of Dundas is one beset by regular spring flooding followed by low summer flows. Hurricane Hazel turned the town's streets into water courses and flooded basements. Another significant flood in 1956, finally convinced Dundas Town Council to approach the provincial government for assistance. A Special Committee of Creek Control met with local MLA Ray Connell to inquire if any provincial legislation provided financial assistance for flood control. Connell suggested that a meeting be arranged with Richardson from the Conservation Branch, to discuss the possibilities of assistance. On 16 October 1956, the Special Committee met with Richardson, who outlined the conservation authority programme as a means of regional watershed management and flood control. He explained that a conservation authority was also eligible for provincial financial support, which was not available to municipalities on their own. <sup>26</sup>

The Hamilton Wentworth Planning Area Board (HWPAB), under the initiative of urban planner Norman Pearson, had coincidentally been examining the establishment of a conservation authority for the Spencer Creek watershed. Correspondence between the Dundas Council's Planning, Publicity and Industrial Development Committee and the HWPAB regarding the benefits and feasibility of establishing a conservation authority led to the committee's recommendation to council that further steps be taken 'with all possible dispatch.' The Mayor soon appointed a Special Committee to investigate the advisability of establishing a Conservation Authority on the Spencer Creek Watershed. On 7 March 1958, Dundas Town

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<sup>26</sup> Town of Dundas Council Minutes (hereafter TDCM), 4 September 1956, 17 September 1956, 15 October 15 1956, 8 January 1957; 1960 report W11; "Bad Flood in East End," *Dundas Star*, 8 March 1934; "Great Storm Hits After 4-inch Rain: Winds 70, Dikes Fail; Motorists in Trees," *The Globe and Mail*, 16 October 1954.



Council moved to set up a Spencer Creek Conservation Authority.<sup>27</sup> Deputy Reeve J. Alex Warren said that “the establishment of such an authority would allow a study of matters pertaining to water supply and conservation.” He mentioned that there were numerous dams along the creek that were not in a usable state at present, but could be repaired and thus provide additional water storage for Dundas. He further noted that: “The restoration of the dams and provision of other works, with government assistance, could make better use of the water supplies back to the Beverly Swamp and perhaps make Dundas independent of Hamilton so far as a water supply is concerned.”<sup>28</sup>

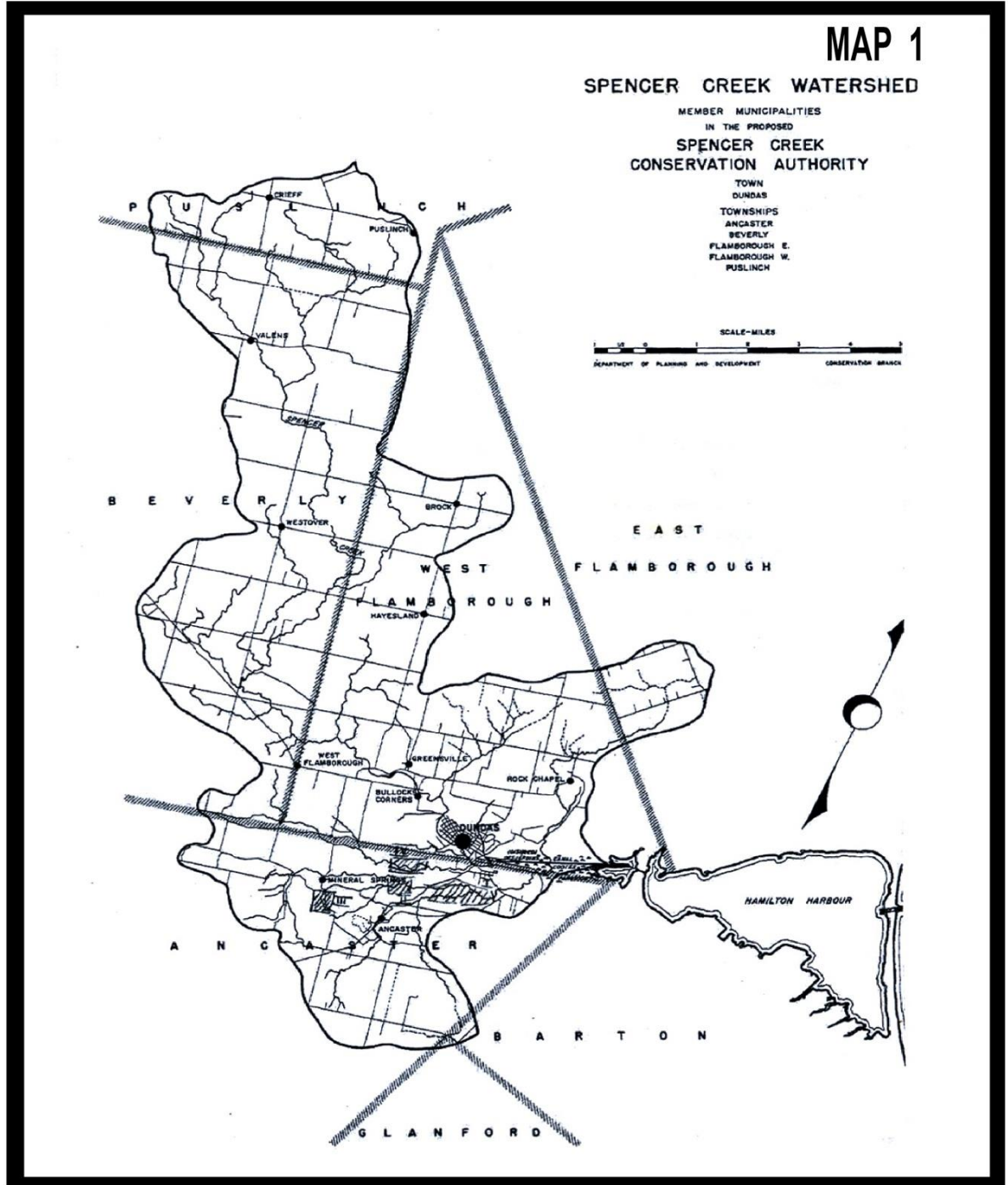
The Town of Dundas and the Hamilton Wentworth Planning Area Board sent invites to every municipality either wholly or partially within the Spencer Creek watershed to attend a meeting on 28 March 1958. The Townships of Beverly, Ancaster, Puslinch, East Flamborough and West Flamborough agreed to attend this historic meeting to discuss the potential establishment of a Spencer Creek Conservation Authority (SCCA). Near unanimous support from the six municipalities led to the establishment of the SCCA by provincial Order-in-Council dated 8 May 1958. Ontario’s 25<sup>th</sup> Conservation Authority, the SCCA encompassed the 263 square-kilometre watershed of Spencer Creek and its tributaries.

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<sup>27</sup> TDCM, 5 March 1957, 1 April 1957.

<sup>28</sup> TDCM, 7 March 1958. Dundas Reeve Les Couldrey felt an authority would be valuable in controlling flooding, keeping up the water supply and creating recreation areas, or small parks, along the creek. He felt it would also aid in planning dams if any were needed, preventing a recurrence of the Sydenham Creek flood of 1956. “Predict Spencer Creek Conservation Authority Could Be Asset To Dundas,” *Hamilton Spectator*, 29 June 1958.

Map 1 - Spencer Creek Watershed



The new SCCA based its work on the provincial Conservation Branch's definition of conservation: "resource management and restoration of a watershed's renewable resources." The City of Hamilton and parts of the surrounding communities of Stoney Creek, Saltfleet, Binbrook, and Glanford joined the Spencer Creek Conservation Authority in 1966. This move would result in the establishment of the Hamilton Region Conservation Authority with a total watershed of 443 square kilometres.<sup>29</sup>

Very few, if any, of the municipal delegates in attendance on 28 March 1958 realized the far reaching benefits the authority would have on their communities during the next six decades, or the immense political, public and financial effort required to establish and develop a comprehensive conservation organization. As mentioned above, one of the fundamental principles of the conservation authority system is local initiative. Premier Leslie Frost highlighted the importance of this principle in 1960, stating that: "There is no need to fear the future as long as Ontario residents take an aggressive interest in conservation." "Conservation by the People" is a phrase often applied to authorities because they are locally controlled and aligned directly to local needs.<sup>30</sup> The Spencer Creek Conservation Authority established a membership board, comprised of representatives from each municipality, which directed the authority's policies, projects and funds. Community advisory boards were established in 1959, focusing on such topics as historic sites, reforestation, and conservation areas. The advisory boards provide

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<sup>29</sup> J. D. Thomas, "The Guelph Conference." *Watersheds* 1:4 (1966): 10; A. H. Richardson, "Looking Back," *Watersheds* 1:4 (1966): 11; TDCM, 7 March 1958; Thomas Beckett, Personal Communication, 20 November 2014.

<sup>30</sup> Richardson, *Conservation by the People*, 17; "Premier Says Conservation Insures Future," *The Globe and Mail*, 29 July 1960.

important input and support from the community. Together, this collective group of “conservationists” dedicated a strong conviction and great personal time towards the goals and requisites of the authority. Thomas Beckett, SCCA Vice-Chairman and, in 1964, Chairman, emerged as one of the leaders of these conservationists, both internally and publically. A lawyer, with an intense love of the outdoors nurtured by youthful experiences along the shores of Lake St. Clair and Algonquin Park’s Canoe Lake, Beckett contributed a substantial amount of passion and dedication to the authority’s conservation efforts.

Two inter-related challenges were faced by the SCCA; funding and public support. Based on the cost-sharing model of local funding matched by provincial government grants, the small population of the Spencer Creek watershed provided insufficient municipal levy funding to accomplish all of the authority’s projects. Careful planning and financing methods were required to achieve even a part of SCCA’s watershed plans. Reliance on municipal funding required the authority to garner and demonstrate value to local councils and watershed residents. Lack of public and political awareness of the meaning of ‘conservation’, let alone its importance and value, necessitated a vigorous public relations and education program.

The purchase of land required for conservation projects or schemes was soon identified as the authority’s primary goal. The authority’s leaders believed they were in a race against time, as developers sought land in the Hamilton region. The Conservation Branch’s *1960 Spencer Creek Conservation Report*, the guiding blueprint for the authority’s conservation programme, strongly advised that the necessary conservation lands be acquired as soon as possible. It recommended that the SCCA “should be alert to see that ... circumstance does not allow these

lands to fall into other hands in which their usefulness for conservation purposes might be destroyed.”<sup>31</sup> The SCCA schemes requiring land acquisition included Valens, Beverly Swamp, Copetown Bog, Crooks Hollow, Spencer Gorge, and the Dundas Valley. The land acquisition for these schemes was on-going and transcended the existence of the Spencer Creek Conservation Authority. The HRCA continued the programme of acquisitions after 1966.

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<sup>31</sup> Ontario Conservation Branch and Arthur Herbert Richardson, *Spencer Creek Conservation Report, 1960* (Toronto: Ontario Dept. of Planning and Development, Conservation Branch, 1960): F.24.

## Chapter 2: The Establishment of the Spencer Creek Conservation Authority

West Flamborough Town Hall, in the picturesque village of Greensville, Ontario, hosted the 28 March 1958 meeting to discuss the establishment of a Spencer Creek Conservation Authority (SCCA). Once a burgeoning nineteenth-century centre of mill sites along Spencer Creek, the village was the perfect locale for such a meeting. In attendance were representatives from each of the six watershed municipalities, along with A. H. Richardson, Director of the Conservation Branch, May and Pirie from the Hamilton Wentworth Planning Area Board, RBG Director Leslie Laking and Dr. N. W. Radforth, former RBG Director and professor at McMaster University.<sup>32</sup> Richardson told the representatives that Conservation Authorities were a “people’s movement” aimed at developing the resources in a valley “for the people of the valley.” He highlighted the excellent work done in Metro Toronto concerning conservation and recreation in the major river valleys of that region, and stressed that with effective cooperation amongst the municipalities, supported by the province, similar work could be achieved in the Spencer Creek watershed. He then outlined the principles of the Conservation Authority Act, – local initiative and leadership, cost sharing and watershed jurisdiction - and how these shaped an authority. Following a period

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<sup>32</sup> Town of Dundas Council minutes (hereafter TDCM), 17 March 1958; G. R. Lord, “Introduction,” In A. H. Richardson. *Conservation by the People: The History of the Conservation Movement in Ontario to 1970* (Toronto: University of Toronto Press, 1974): xi; Spencer Creek Conservation Authority to Be a Reality,” *Dundas Star*, 3 April 1958; “Conservation Planned Along Bronte Creek,” *The Globe and Mail*, 4 April 1958.

Leslie Laking, in addition to representing the RBG, was able to provide expertise on provincial conservation authority’s having been one of the Conservation Branch’s original technical staff, specializing in land use.

of questions and positive discussion, the municipal representatives voted 7 to 1 in favour of forming an authority.<sup>33</sup>

This March meeting and the first SCCA meeting on 20 June 1958 were very important. First, the review of the fundamental principles of the Act guided the new authority in establishing its goals, scope and structure. Secondly, the meetings were valuable in helping the authority's municipal members understand the meaning and importance of 'conservation'. As 'amateur' conservationists, the members had little, if any, background in conservation management or watershed protection. The Conservation Branch helped the authority establish its conservation goals, which then defined and directed its actions. This chapter examines the establishment of the SCAA, guided as it was by the three premises of the Conservation Authority Act, and how the new authority would define its conservation goals.

In order to assist the new authority, A H Richardson, chaired both the March and June meetings. The SCCA was extremely fortunate to have such expert guidance. Richardson emphasized that the local leadership of an authority must be strong. He elaborated on this point when addressing the authority membership in 1959: "Togetherness among municipalities is what it takes to achieve success in conservation, conservation is not for the good of one municipality but for all municipalities in the authority." He stressed that the successful

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<sup>33</sup> Township of West Flamborough Council Minutes (hereafter TWFCM), 8 April 1958; "Ministry Meeting to Establish the Spencer Creek Conservation Authority – March 28," Dundas Star April 3, 1958.

conservation authority is the one with cooperation among members. They all had to assume the obligation of running the corporate body known as the conservation authority, with a membership board comprising representatives from each municipality.<sup>34</sup> Based on population, the townships of Beverly, Puslinch, West Flamborough, East Flamborough, were entitled to one representative on the authority board, with two representatives allowed from the larger municipalities of Dundas and Ancaster. A 1960 amendment to the Conservation Authority Act authorized three provincial appointees to an authority board if the Ontario government had provided grants, which was the case the SCCA.<sup>35</sup> (See Table 2)

At the first SCCA meeting June 20, 1958, the eight authority members elected Dundas Reeve Les Couldrey the authority chairman, with Ancaster Councillor Thomas Beckett as vice-chairman. They remained in these executive positions until 1964 when Couldrey retired and

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<sup>34</sup> Lord, "Introduction", x; "'Togetherness' Among Municipalities Said Key to Conservation Success," *Hamilton Spectator*, 30 November 1959.

<sup>35</sup> Ontario, "Conservation Authorities Act," R.S.O. 1950, c.62, s. 3(2); Ontario, "Conservation Authorities Act," R.S.O. 1960, c.62, s. 14 (3). The government's ability to appoint representatives on an authority board was dependent on the authority having received provincial grants, which was the case with the SCCA. Three government appointees was a challenge for some small authorities like Catfish Conservation Authority with only six municipal members. A. H. Richardson felt that a high percentage of government appointees "defeated the [local] principle on which authorities were based." A. H. Richardson. *Conservation by the People: The History of the Conservation Movement in Ontario to 1970* (Toronto: University of Toronto Press, 1974): 137.

Ancaster Township had voted against membership in the Grand Valley Conservation Authority in 1948 and sought a release from the Minister of Public Works. The Council argued: "Only a small portion of the Township is in the watershed and that part is so situated that it would not benefit from any scheme or works which might be taken from the Authority. For this reason we appeal to you to have this part of the Township of Ancaster removed from the watershed area." Ancaster Township, Clerk Treasurer, "Letter to the Hon. G. H. Doucett, Ontario Minister of Public Works" (Ancaster: Ancaster Township Office, January 6, 1948): 1.



**Table 2: Population and Membership entitlement - Spencer Creek Conservation Authority <sup>36</sup>**

<b>Municipality</b>	<b>Total Area Square Miles</b>	<b>Area Within Watershed Square Mile</b>	<b>Percent within authority</b>	<b>Total Population *</b>	<b>Population within authority</b>
Ancaster Twp.	70.7	18.2	26	12,207	3,174
Beverly Twp.	113.0	37.3	33	4,676	1,534
E. Flamborough Twp.	43.7	3.3	8	4,114	329
W. Flamborough Twp.	51.0	30.2	59	6,345	3,774
Puslinch Twp.	97.4	9.8	10	3,518	352
Town of Dundas	1.8	1.8	100	12,626	12,626
City of Hamilton	-	0.8	Nil	-	-
Totals	-	101.4	-	43,486	21,759

**The Conservation Authority Act (1950) outlines the following municipal representation entitlement based on population:**

- Population greater than 250,000 – Five representatives
- 100,000 to 250,000 – Four representatives
- 50,000 to 100,000 – Three representatives
- 10,000 to 50,000 – Two representatives
- Less than 10,000 – One representative

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Beckett assumed the Chairmanship.<sup>37</sup> The next step in the administrative development of the authority was the creation of five advisory boards: conservation areas, reforestation and land

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<sup>36</sup> Population data based on 1960 Municipal Directory, In Spencer Creek Conservation Authority meeting minutes (hereafter SCCAMM), 27 April 1961; Ontario. *Conservation Authority Act*, RSO 1950, c.62, s. 3 (2).

<sup>37</sup> SCCAMM, 20 June 1958, 18 July 1958; "Predict Spencer Creek Conservation Authority Could Be Asset to Dundas," *Hamilton Spectator*, 29 June 1958; "Advisory Board Chairman Elected by Spencer Creek Conservationists," *Hamilton Spectator*, 16 August 1958.

use, water control, publicity, and historic sites. These boards comprised local citizens with an interest in conservation and the advisory board's subject, along with one or two SCCA board members who reported recommendations back to authority's meetings. The advisory boards were an important aspect of the authority, in that they engaged interested community members, made effective use of local expertise, and provided a means of defining and guiding key aspects of the authority's work. A third layer of organizational structure was established in 1961 with the establishment of an Executive Committee (EC), comprising the authority chair, vice-chair, secretary-treasurer, a provincial conservation field officer and two other board members. As the authority had no dedicated full-time staff until 1966, the Executive Committee dealt with routine administration items such as contracts, finances and land acquisition dealings, all within the terms of reference, budget and policy laid down by the full authority. The SCCA had no administrative offices until 1967, with authority work being done out of member's homes and meetings held at restaurants, town halls or at McMaster University. The early years of the authority were certainly modest.

The authority could raise its budget through a levy on its member municipalities, based on population assessment. (See Table 3) Richardson explained that the authority's initial budget could realistically be \$1,000, or roughly .05 cents per watershed resident. He explained that the province was under no obligation to fund the authority, but usually such bodies could expect

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Note on terms in this paper. The term 'Members' is the used for SCCA board members, as used predominantly in the SCCA minutes and media, while the 'authority' is often used for the SCCA.

grants amounting to as much as 50% of total costs.<sup>38</sup> The Conservation Authority Act outlined that the expenses of an authority be shared by the municipalities in the authority and by the provincial government. This sharing of costs between provincial and local governments fostered the idea of a provincial-municipal partnership, a hallmark of the authority concept. By 1958, cost sharing was established at 50 percent by the authority and 50 percent by the province. Administration costs and nearly all capital expenditures, such as water channel construction and control, tree planting, historic sites and the development of wildlife and recreation areas, were eligible for these 50 per cent grants. The 1958 SCCA budget followed Richardson's recommendation and a municipal levy of \$1,000 was approved by the members, with a request made to the Minister of Planning and Development for a matching grant of \$1,000.<sup>39</sup>

With a locally-led administrative structure instituted and municipal-provincial financing arranged, the next step for the authority was to review the scope of the watershed. The Spencer Creek Valley extends north-west from Cootes Paradise at the western end of Lake Ontario to Puslinch Township south of Cambridge. The main branch of Spencer Creek originates in the springs of the Galt moraine near the village of Crieff and is joined in the Beverly Swamp by an eastern branch which rises in the same moraine system near Puslinch. Additionally, there are a

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<sup>38</sup> The Conservation Authority Act states: "The Lieutenant Governor in Council may make a grant to any authority." Ontario. *Conservation Authority Act*, RSO 1950, c.62, s. 39.

<sup>39</sup> SCCAMM, 20 June 1958, 18 July 1958.

few shorter creeks in the watershed; Spring, East Spencer, Sulphur, Sydenham, Borer's, Ancaster (or Cold Water). In its entirety, the Spencer Creek's watershed encompassed an area of 263 square-kilometres.<sup>40</sup> (See Map 1). In a 29 August 1958 article, the *Hamilton Spectator* even

**Table 3 – Spencer Creek Conservation Authority – Municipal Levies 1963**<sup>41</sup>

Municipal Levies – 1963						
Municipality	Ordinary	Scheme 1	Scheme 4	Scheme 7	Scheme 9	Total
Dundas	2020.44	2032.35	5250.48	2032.35	222.24	11557.86
Ancaster	530.78	534.10	1400.25	534.10	58.78	3058.01
Beverly	243.45	245.25	633.27	245.29	27.02	1394.14
Flamboro. E	52.54	52.78	136.19	52.78	5.98	300.27
Flamboro. W	610.51	612.89	1585.24	612.89	67.59	3489.02
Pushlinch	53.52	53.61	137.89	53.61	6.11	304.74
Grand Total						\$20104.04
Grants Due and Bank Balance						\$8370.96
Budget Total						\$28475.00

<sup>40</sup> Ontario Conservation Branch, and Arthur Herbert Richardson, *Spencer Creek Conservation Report, 1960* (hereafter SCCR 1960), (Toronto: Ontario Dept. of Planning and Development, Conservation Branch, 1960): W.1, L.1. Spencer Creek was a below average size watershed for a Conservation Authority.

<sup>41</sup> SCCAMM, 7 February 1963.

referred to the watershed as a “southern Algonquin Park,” where the Spencer Creek Conservation Authority is “attempting to preserve some vestige” of the bountiful greenery enjoyed by early settlers.”<sup>42</sup>

At the March 28, 1958 feasibility meeting, extensive discussion took place regarding the exact boundaries of the watershed and its conservation needs. Pirie of the HWAPB pointed out that a portion of Hamilton was in the watershed, containing about 3,000 people. Richardson said he did not realize this and remarked that they would be entitled to representation on the basis of Hamilton’s total population and that this was a weakness in the CA Act.<sup>43</sup> He noted that the delineation of the authority’s watershed boundaries had not been finalized because of the need for more detailed work to be done. Pirie suggested that the small area of Hamilton, which actually drains into Cootes Paradise and not Spencer Creek, should be omitted since it’s largely a built-up area and representation from this small section would be out of proportion to its importance in the work of the Authority. Leslie Laking, Director of the Royal Botanical Gardens, said that “the gardens were very interested in the authority because Spencer Creek runs into the [Cootes Paradise] marsh.”<sup>44</sup>

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<sup>42</sup> “Spencer Creek Watershed Seen As Southern Algonquin Park,” *Hamilton Spectator*, 16 August 1958. This article was reprinted in the *Dundas Star* on 20 August 1958.

<sup>43</sup> This “weakness’ would be changed in the 1960 amended Conservation Authorities Act.

<sup>44</sup> TWFCM, 8 April 1958; “Spencer Creek Watershed Seen As Southern Algonquin Park,” *Hamilton Spectator*, 16 August 1958.

Thomas Beckett, representing Ancaster, inquired about the relationship of conservation restrictions on land use to the interests of private individuals wanting to develop land for such things as residential subdivisions. Richardson replied that the authority would have to purchase suitable conservation lands in order to control their use, working in co-operation with the Planning Board. He noted that areas designated for urban development in an Official Plan were usually omitted in the Conservation Surveys and Report. Richardson outlined that one of the initial steps in the development of the authority would be the preparation of a Conservation Report on the watershed which could serve as a ‘blueprint’ for the members of the authority to follow. Recognizing that local conservation authorities did not have the staff to conduct the extensive investigations needed to indicate the location, extent, and types of required watershed conservation projects, a Conservation Report survey would be completed by the interdisciplinary planning staff from the Conservation Branch in the Department of Planning and Development.<sup>45</sup>

The Spencer Creek Conservation Authority was by function and structure a regional public agency or “special purpose body.” Like many other agencies, boards or commissions (ABCs) in Ontario, the SCCA had a specific and limited function, operated regionally, received the bulk of its revenue from government sources, and was separated from the ordinary municipal council structure. Conservation authorities are one of the largest ABCs in the province. ABCs have both supporters and critics. Proponents argue that some services should be kept at arm’s length from

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<sup>45</sup> Ibid.

municipal politics and that certain operations should be governed by those with an interest or expertise in the field rather than municipal councils. As a multi-jurisdictional agency, the SCCA provided an important regional conservation function autonomous of a single municipality. This proved very important for the authority, ensuring that regional conservation priorities were not thwarted by local politics. The SCCA board members, predominantly municipal politicians, developed a strong commitment to regional conservation, which at times put them at odds with their particular council. Detractors maintain that ABCs keep elected municipal councils from coherent policy making and make important decisions without sufficient democratic accountability. If a conservation authority makes an unpopular decision, who should be held responsible? For political scientist Katherine A. Graham, the question of an ABC's ultimate political accountability comes down to two factors. First, which level of government has the mandate and professional staff resources most closely related to its work? Secondly, does government legislation and funding sources have a significant impact on its work? The SCCA maintained a very close working relationship with the provincial Conservation Branch and were required to obtain approval for conservation schemes from the branch's ministry. Provincial funding grants of 50-75 % of scheme costs were also linked to the province's conservation priorities. This indicates that despite the Conservation Act's emphasis on local initiative and decision making, the SCCA's ultimate accountability was to Toronto.<sup>46</sup>

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<sup>46</sup> Jack Lucas, "Hidden in plain view: local agencies, boards, and commissions in Canada," *IMFG Perspectives* No. 4 (2013): 2-4; Natalie Myhal, "Existing Rationales for Agencies, Boards, and Commissions," In *Agencies, Boards, and Commissions in Canadian Local Government*, D. Richmond and D. Siegel, eds. (Toronto: Institute of Public Administration of Canada, 1994): 52-64; Katherine A. Graham, "Agencies, Boards, and Commissions: A Taxonomy and the Beginnings of an Evaluation," In *Agencies, Boards, and Commissions in Canadian Local Government*, D. Richmond and D. Siegel, eds, (Toronto: Institute of Public Administration of Canada, 1994): 21-36.

The conservation survey carried out by the Conservation Branch was a useful form of public relations, not only because it produced a report which was a working plan for the years ahead, but while in progress it was a direct and obvious sign that flood and conservation problems were being studied in the watershed. Dr. N. W. Radforth remarked that the excellent material contained in these Conservation Reports also served to encourage watershed residents to practice conservation measures.<sup>47</sup> These reports became a long-term working plan for a new authority, providing guidance on the resource problems and possible solutions in the authority's watershed. The conservation projects adopted by an authority were called 'schemes', and the Conservation Authority Act's definition provides insight into the function of an authority. It defines schemes as projects "undertaken by an authority for the purpose of the conservation, restoration and development of natural resources, other than gas, oil, coal and minerals, and the control of water in order to prevent floods and pollution."<sup>48</sup> Anticipating a request for a survey of the Spencer Creek watershed, the conservation branch made tentative plans to start this work May 20, 1958. Over 40 staff, including several university students, spent three and half months surveying the forest resources of the watershed, studying its wildlife, its history, its patterns of land use, its flood and erosion problems and its need for recreation areas. Using aerial photographs as a basis on which to plot information, the Conservation Branch staff used map and municipal data, extensive field observation, and had many interviews and discussions with municipal staff, local organizations and watershed residents.<sup>49</sup>

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<sup>47</sup> TWFCM, 8 April 1958; A. H. Richardson. *Conservation by the People*, 117.

<sup>48</sup> Ontario, *Conservation Authority Act*, RSO 1960, c.252.

<sup>49</sup> SCCR 1960, R9; "Conservation Planned Along Bronte Creek," *The Globe and Mail*, 4 April 1958.



While eagerly awaiting the completion of the final Conservation Report, the SCCA would not sit idle. With advice from the Conservation Branch staff, preliminary data from the conservation survey, and the local knowledge of authority members, the authority investigated properties up for sale and began to initiate conservation projects. By the end of 1958, the authority had contacted the Dundas Public Utilities Commission (PUC) about its future plans for the Dundas dam at Crooks Hollow, recommended the acquisition of properties in the Crooks Hollow and Beverly Swamp areas, and inquired about the purchase of the Lions Club camp in the Dundas Valley. Neither the Beverly Swamp properties nor the Lions Club camp would be purchased, but the authority's investigation into acquiring the Dundas dam and reservoir provides insight into the local challenges faced by the SCAA in its first years.<sup>50</sup>

Official conservation plans were not always supported by the community. Sometimes plans for a local scheme created public conflict. The Dundas Reservoir constructed in 1916 to supply water for the town, was no longer in use.<sup>51</sup> In May 1959, the Dundas PUC invited the authority and other local organizations to a meeting to determine how the dam and reservoir could be best used in the interests of Dundas citizens. The Dundas Legion addressed the PUC regarding their interest in transforming the dam area into a picnic park and fishing spot. The club's plan was to create a roadway, arrange for the stocking of fish, and the construction of fences around

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<sup>50</sup> SCCAMM, 20 June 1958, 18 July 1958, 15 August 1958, 29 December 1958, 28 April 1960.

<sup>51</sup> In response to serious drought conditions in 1936, Dundas built a 12 inch water main to the City of Hamilton Waterworks to ensure a secure supply of water for the town. "Town Council Making Available \$31,000 for Laying Main to City," *Dundas Star*, 30 August 1936.

the reservoir. Their idea was enthusiastically received by those in attendance, until Thomas Thomson of the SCCA rose to his feet and produced a bunch of papers indicating that: “The department of planning and development doesn’t think fishing should be allowed there,” but wouldn’t say why it wasn’t approved. He explained only that his report was a draft of one being produced by the Conservation Branch of the Department of Planning and Development. The department, he said, regarded the dam site as a small part in a great recreation area of the future, and recommended the area for swimming, hiking and picnic – but did not mention fishing. From then on Thomson “rose frequently to curb the enthusiasm of golf club members, fishing club members and legion members,” according to the *Hamilton Spectator*. At one point he was told by golfer Tom Stock that he “didn’t know a thing” and that earlier he had heard the SCCA referred to as “dominant and uncooperative.” Les Couldrey and field officer Dave Murray, also representing the SCCA, explained that the authority wanted to cooperate, and could use the dam as the “toehold” for a potential 270-acre recreation area.<sup>52</sup> The PUC finally decided that interested organizations should present their proposals for the dam site at their next meeting on 8 September. The subsequent SCCA brief to the PUC outlined a plan for the reservoir that entailed: leasing the site for 25 years, assuming full responsibility for the maintenance and development of a recreational area, stocking the waters with fish in cooperation with the Dundas Legion Fishing Club, making the facilities available to the fishing club to carry out its

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<sup>52</sup> “Dundas Legion Offers To Develop Water Supply For Picnics, Fishing.” *Hamilton Spectator*, May 15, 1959.

programme, and allowing the PUC to use water as needed for urban water supply. Both the PUC and the legion accepted this proposal.<sup>53</sup>

The SCCA budget also generated local discord. The authority's desired 1959 Budget of \$20,000 required a municipal levy of \$10,000, with \$1,500 for administrative expenses and \$8,500 for land acquisition. The budget had been approved on a 5-3 member authority vote, with those opposing, including Beckett, seeking a \$25,000 total budget. However, even the \$10,000 levy was a hard sell to the Town of Dundas. On 16 March 1959, Dundas received a levy request from the SCCA for its assessment of \$5,124 for administration and conservation projects. Dundas Council decided to appeal the apportionment to the Ontario Municipal Board (OMB) as "there had been no concrete plans produced" and "no one would know what the money was for - No schemes, No money." The request was referred to a special committee of Council, to inquire of the Conservation Branch about procedures and representation. Richardson told Dundas council that the apportionment of municipal benefit was a matter for the authorities to decide themselves. He explained that sometimes a per capita basis is used, or an assessment basis, or a combination of both, not excluding the possibility of a grant over and above the quota, and that he had no problem with the amount of the apportionment.<sup>54</sup>

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<sup>53</sup> SCCAMM, 4 September 1959.

<sup>54</sup> SCCAMM, 20 February 1959, 3 April 1959; DTCM, 2 February 1959, 16 February 1959, 16 March 1959.

At the April 6 council meeting, Couldrey moved a motion to withdraw the Dundas application to the OMB and to have the sum of \$5,124.50 included in the 1959 budget. The motion was defeated 5-4, with Dundas' two authority representatives Couldrey and MacLennan voting in favor.<sup>55</sup> At the subsequent hearing in Dundas, the OMB told council that Dundas' appeal against the apportionment was unnecessary as "a definite scheme should be produced before the town must pay." The OMB told the authority it did not have power to assess the member municipalities for the costs of schemes, unless the scheme had been approved by the Minister of Planning and Development. Consequently, Dundas paid only \$768 for authority administrative costs – instead of the \$5,124 originally levied against the town. The SCCA moved 17 April 1959 to refund or credit the Townships of Ancaster, Beverly and Puslinch any money received over the administrative budget, and the Townships of East and West Flamarough be assessed only their share of the administrative budget.<sup>56</sup> The authority's first attempt at securing municipal funding for land acquisition was unsuccessful.

Dundas again challenged its financial apportionment at a second OMB appeal in 1961. In February, 1961 Dundas Council expressed its concern that one of the proposed SCCA projects was the formation of a recreation area above the escarpment, feeling that this would benefit other municipalities more. Dundas decided to study the reasons for the town's slice of the budget. Council representatives met with the Minister of Planning and Development to get

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<sup>55</sup> SCCAMM, 17 April 1959; DTCM, 6 April 1959, 22 April 22 1959.

<sup>56</sup> SCCAMM, 17 April 1959.

clarification of the Conservation Authority Act.<sup>57</sup> The discord continued in December when Dundas council received a 1962 levy request of \$5,283.81 for conservation work on the ‘approved’ Valens Scheme, 15 miles from Dundas. Some members of Dundas council felt that this system of paying by population was unfair. Mayor Warren stated that Dundas was being unjustly assessed for authority projects. “Dundas pays 55 per cent of the watershed projects ... we feel that in some projects we should not pay on the population basis but on a benefit basis,” he said. Many councillors objected to the system of apportionment, claiming that many of the authority’s projects are planned for areas benefitting other municipalities more than the Valley Town.<sup>58</sup> Warren pointed out that Dundas was flooded by water originating at the head of the Spencer Creek watershed and from drainage all the way along. “I don’t see why we should pay the bulk of the remedial work because we are last in the chain,” he said. He added that the Valens scheme would benefit the people in the Puslinch area more than it would Dundas” – and they should pay more there.<sup>59</sup>

The main point debated at the December 14, 1961 OMB hearing was the degree of benefit Dundas would receive from the Valens project. David Murray, field officer for the SCCA, said one of the chief benefits of the Valens scheme was flood control, as the dam would hold back heavy

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<sup>57</sup> TDCM, 4 February 1961.

<sup>58</sup> “Conservation Cost Stirs Dundas Council Flare-up,” *Hamilton Spectator*, Undated Clipping, [December 1961];

“Spencer Creek Conservation Authority Requests Funds for Valens Scheme,” *Dundas Star*, Undated Clipping, December, 1961].

<sup>59</sup> “Dundas Balks at Grant Asked For Conservation,” *Dundas Star*, Undated Clipping, [December 1961]; “OMB Upholds Assessment for Reservoir at Valens,” *Hamilton Spectator*, 15 December 1961.

spring flows and help avoid flooding in the town. Mayor Warren replied that the Valens area is far from Dundas and would have little impact on water flows in Dundas. SCCA member Becker outlined the benefit to Dundas from the 'flushing effect' that water released from the dam would have, as it would get rid of the pollution, stagnation and sedimentation in Spencer Creek in Dundas. "Have you any knowledge of pollution in the town of Dundas" Nash, the Dundas' solicitor, asked him. "Well I can smell," replied Becker. Becker noted that the controlled flow of Spencer Creek would raise the water table along the creek, which helped farmers in other watershed municipalities, and should produce cheaper and better quality food for Dundas.<sup>60</sup>

Chairman of the OMB hearing J. R. Turnbull upheld the present SCCA apportionment. Turnbull stated that one of the chief reasons the town lost the hearing was its failure to present an alternate method of assessing member municipalities for a scheme that he felt had some value to Dundas.<sup>61</sup> Dundas council now had two alternatives: accept the apportionment or appeal the OMB decision. At the December Dundas Town Council meeting, Mayor Alex Warren warned of possible "two to three million dollar" expenditures in the future, of which Dundas would have to pay a large share. Reeve Couldrey, also SCCA Chairman, said that he did not foresee any great expenditures in the near future by the authority. "Rather than taking a grave financial step", Dundas would be gaining much material benefit from the authority, he argued. Besides, Couldrey added, the SCCA had been formed in 1958 "very largely on the insistence of this council's representatives." Town council voted to accept the decision of the OMB on the

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<sup>60</sup> "OMB Upholds Assessment for Reservoir at Valens," *Hamilton Spectator*, 15 December 1961.

<sup>61</sup> Ibid.

reapportionment application and agreed to pay the balance of the SCCA's Valens Scheme 1961 levy.<sup>62</sup>

The Dundas PUC meeting and the OMB hearings provided valuable lessons to the SCCA. First, the presentation of Authority plans and schemes to governments and the public should not occur until details had been finalized and necessary approvals received, both from the authority and the provincial government. All future municipal council and public presentations spoke of approved and comprehensive plans only. Secondly, the benefits of a plan or scheme and the municipal apportionment of these benefits would subsequently be highlighted and noted when approved by the SCCA membership. For example, a standard SCCA motion to approve a scheme read: "That Scheme No.\_ be adopted, and all municipalities be named as benefitting and benefit be the same as administrative levy." This rider to any scheme's approval, delineated that municipalities were expected to contribute to any approved scheme at the same apportionment percentage as the authority administrative levy. Finally, the authority realized that it had a public relations problem. As Beckett noted at the time, "One of the reasons our budget is not all we would like is that these elected persons are reluctant to provide funds when they are not fully conversant with the aims of the conservation organization." He suggested a conservation publicity campaign be initiated. "It's a job we should do, not only with schools, but with all the service clubs in the area," familiarizing business man and civic leaders with the aims of this

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<sup>62</sup> TDCM, 4 February 1961, 4 January 1962; "Dundas Balks at Grant Asked For Conservation," *Dundas Star*, Undated Clipping, [December 1961]; "OMB Upholds Assessment for Reservoir at Valens," *Hamilton Spectator*, 15 December 1961; "Conservation Expense," *Hamilton Spectator*, 4 January 1962.

conservation organization would have great value and could be done with little expense.<sup>63</sup> The authority also realized that in order to garner public and political support it was less valuable to educate them about the technical and management practices of conservation, and to focus more on the important benefits of conservation. In July 1960, a Publicity and Public Relations Board, incorporating the Publicity Advisory Board, was approved, with the purpose of “explaining to the public the purpose of the Authority.”<sup>64</sup>

The final completion and presentation of the Spencer Creek Conservation Report on April, 1960 gave the Authority a long term plan, and something significant to disseminate publically.<sup>65</sup> The report garnered substantial media coverage and support. The *Hamilton Spectator* called the report a “Blueprint for Spencer Creek of Future” noting that it was one of the most comprehensive studies ever carried out in the district. The *Dundas Star* applauded the plans for recreation and wildlife conservation, while acknowledging that the SCCA had a “Big Task Ahead.”<sup>66</sup> The report’s 18 recommendations were outlined in three sections: Forest, Water and Recreation. (See Table 4) F. G. Jackson of the Conservation Branch met with SCCA on May 26, 1960 to review the report and its recommendations. He told the Authority that the acquisition

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<sup>63</sup> TDCM, 4 January 1962; “OMB Upholds Assessment for Reservoir at Valens,” *Hamilton Spectator*, 15 December 1961.

<sup>64</sup> SCCAMM, 28 June 1960.

<sup>65</sup> The 1960 report was only a ‘partial report’ containing four of five sections: Land, Forest, Water and Recreation. The 1962 Spencer Creek Conservation Report included all of the 1960 report with the addition of an excellent 200-page chapter on the history of the watershed. This created the complete conservation report.

<sup>66</sup> “Big Task Ahead For Spencer Creek Conservation Authority,” *Dundas Star*, 29 June 1960; Ray Blair, “Blueprint for Spencer Creek of Future,” *Hamilton Spectator*, 1 May 1960.



of suitable sites for recreation and reforestation should be one of the first tasks facing the SCCA. “And this task may be far from easy” he noted, as the SCCA could not do things as cheaply as some other conservation authorities farther north with less population growth and cheaper land prices.<sup>67</sup>

Three of the report’s recommendations called for land acquisition: the creation an Authority Forest, the eventual construction of reservoirs, and the development of conservation areas for recreation. The Authority Forest was defined as a large area in the watershed requiring management and reforestation beyond the capacity of private land owners. The report considered 8, 374 acres of watershed land suitable for an Authority Forest, with 4,796 acres in Beverly Township, 1,924 acres in Puslinch Township and 1,654 acres in West Flamborough Township. (See Appendix A) These areas were concentrated in the north and central parts of the watershed, and mostly confined to low swampy areas where forests helped to protect the creeks “natural water-storage areas.” It noted that the Ontario Government would help facilitate the formation of an Authority Forest by providing half of the land cost interest-free for a period of fifty years, and pay the full cost of management of the forest for fifty years. Recognizing that some private land owners were effectively managing their lands, it was not expected, however, that the authority would acquire all of the recommended land.<sup>68</sup>

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<sup>67</sup> A. S. L. Barnes, “The Story behind Ontario’s 38 Conservation Authorities.” *Watersheds* 5:1 & 2 (1970): 18; “Big Task Ahead For Spencer Creek Conservation Authority,” *Dundas Star*, 29 June 1960.

<sup>68</sup> SCCR 1960, F.22 – F.24.

**Table 4: 1960 Spencer Creek Conservation Report - Recommendations**

**Forest**

1. Encourage private reforestation through planting assistance and seedling subsidies.
2. Encourage landowners to plant trees on non-productive lands.
3. Establish a Spencer Creek Authority Forest with a goal of 8,374 acres.
4. Establish demonstration woodlot improvement projects.
5. Provide assistance to landowners on woodlot improvements.
6. Eliminate of woodland grazing.
7. Co-sponsor forest educational clubs and groups.
8. Publicize the need for reforestation and woodlot management.
9. Encourage and participate in research woodland management.
10. Investigate and publicize the best methods to protect woodlands from fire, insects and disease.
11. Encourage the establishment of wind-breaks and shelter belts.

**Water**

12. Prevent further encroachment on the flood plains and channels of Spencer Creek and its tributaries.
13. Install an automatic recording stream gauge on Spencer Creek in Dundas.
14. Establish a floodway on Spencer Creek downstream from Dundas to alleviate flooding problems.
15. Initiate a flood control project for Sydenham Creek to include a retention reservoir and channel improvements.
16. Reduce the pollution in Desjardins Canal and the promote pollution education.
17. Scrutinize land clearing and headwater drainage projects on Spencer Creek.
18. Purchase, as soon as possible, the necessary land for later construction of the Christie, Sydenham, Beverly, Valens and Puslinch reservoirs, thereby avoiding high land purchases in the future.
19. Construct reservoirs at the Puslinch and Christie sites to avoid flooding and to regulate summer flow for water supply and recreation.
20. Restrict the introduction of fish into Spencer Creek to areas suitable for the species.
21. Encourage the development and management of farm fish ponds.

**Recreation**

22. Consider developing the following areas for conservation and recreation: Beverly Swamp, Emerald Lake, Crook's Hollow, Tews Falls, Sulphur Creek, Tiffany Falls and Brock Road.

The report recognized that continuing urban expansion and growth, combined with increasing agricultural irrigation, would lead to future water supply problems. Because of this growing need for water and the necessity of flood control, a preliminary investigation was made of possible water reservoirs within the watershed. Of the possible reservoir sites surveyed a total of seven were outlined in the report, with the Christie, Puslinch and Valens areas surveyed in detail. It advised the authority that, although there may not be an urgent need for reservoir storage at the present time, it should proceed with the purchase of the necessary land while land values were still reasonable. As the area develops, the demand for land by industry, residential developments and golf courses, will increase land values. The report emphasized that: "The land should be acquired now and the dams could be built as the demand for them occurs. In the meantime, the land could be leased or developed as public conservation areas."<sup>69</sup>

The Conservation Branch used the term 'conservation area' for recreation lands, presumably to differentiate them from provincial and municipal parks<sup>70</sup> The original Conservation Authority Act did not mention recreation, but in 1954 when people began to clamor for more parks of all kinds, the Act was amended to allow conservation land development for recreation.<sup>71</sup> The rising standard of living, a rapid increase in the number of automobiles and motor-able roads, shorter

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<sup>69</sup> SCCR 1960, W.30- W.34.

<sup>70</sup> "Conservation areas would differ from municipal parks in that were designed for day-use with only "extensive" development of recreation facilities, as opposed to the "intensive" type of recreation development and sports facilities usually associated with municipal parks. Provincial parks, on the other hand, catered to outdoor recreation on a somewhat broader sense, with provision for holiday camping, canoe tripping and nature museums, and are generally not located near urban centres." H. J. Christian, "Recreation." *Watersheds* 1:2 (1966): 8.

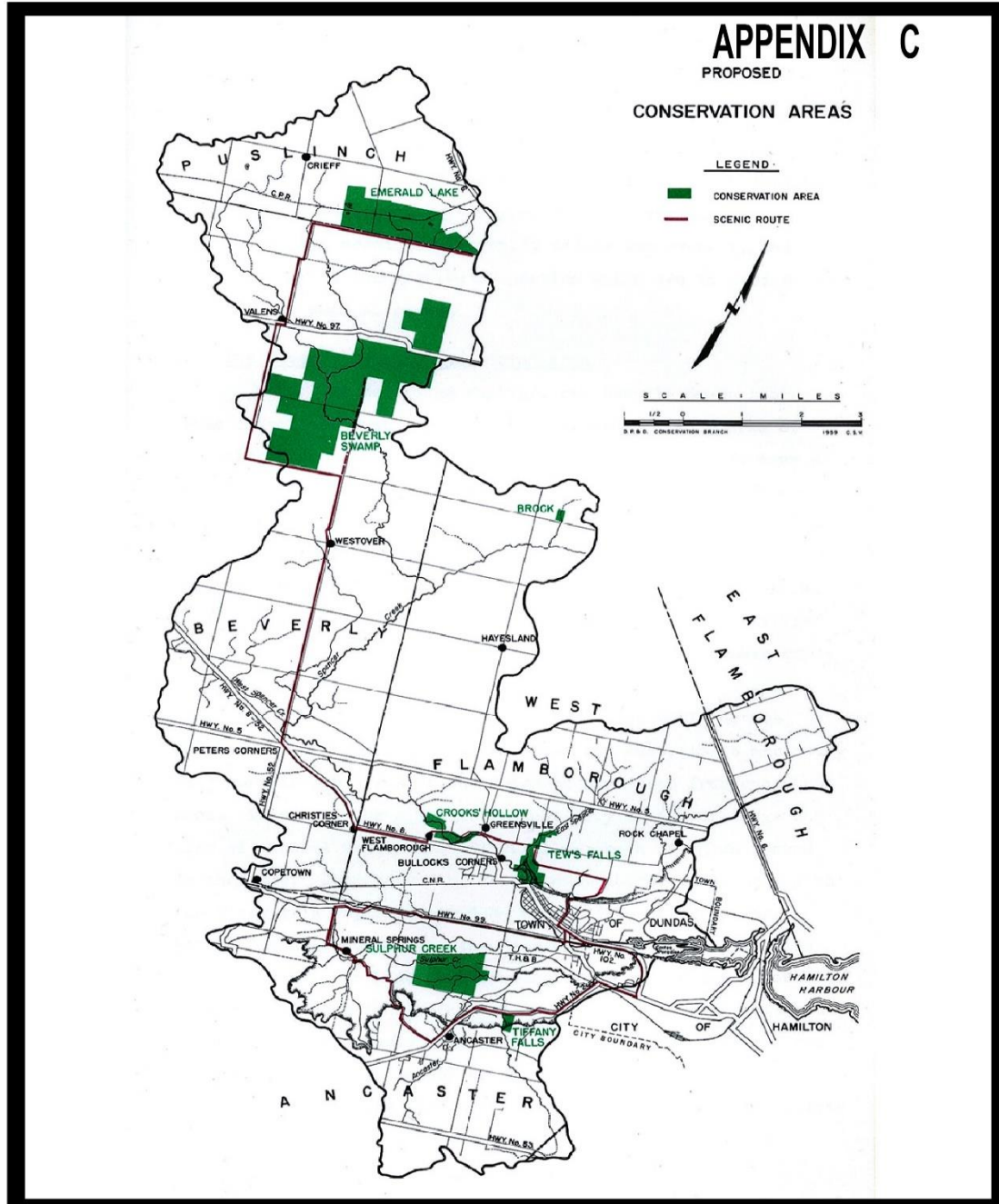
<sup>71</sup> Richardson, *Conservation by the People*, 82-83.

working hours, more frequent long week-ends and the growing span of holidays, had led to what the report called “the urbanite’s one prime desire – ‘an escape from the city’”. Ontario’s population had risen steadily from 3.8 million in 1946 to 6.2 million in 1961, with two thirds living in the Golden Horseshoe region and adding 22,650 homes of which 90 per cent were in the suburbs. In addition, real per capita income in Ontario rose steadily from \$1,641 in 1941, to \$2,557 in 1960 with 1.7 million Ontarians, or 76 per cent of the province’s households, owning at least one automobile.<sup>72</sup> “There is perhaps no other part of Canada where the need for recreational facilities is as great as in southern Ontario,” the report observed. The Conservation Council of Ontario’s 1960 *Report on Land Use* concurred, noting that “southern Ontario lacks recreational facilities in the form of parks ... to an extent unparalleled by any other major population centre in North America.” The 1960 Conservation Report concluded “that the growth in urbanization will result in less open space. Unfortunately this situation is fraught with the indispensable irony that the greater the loss of available open space, the greater the demand for more open space to satisfy the recreational needs of the additional urban populace. This dilemma can be resolved only by rational planning and prompt action. It is the purpose of this report to recommend for immediate action areas which should be saved from indiscriminate

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<sup>72</sup> Bruce Mitchell and Dan Shrubsole, *Ontario Conservation Authorities: Myth and Reality* (Waterloo: University of Waterloo, Department of Geography Publication Series, 1992): 78; *Ontario: Economic and Social Aspects Survey* (Toronto: Ontario Department of Economics, 1961) 70, 80, 165, 172-74, 189, 195; K. E. Rea, *The Prosperous Year: The Economic History of Ontario, 1939-1975*. Ontario Historical Studies Series (Toronto: University of Toronto, 1985): 27, 56, 63.

Map 2 – Spencer Creek Conservation Report - Proposed Conservation Areas



Source: Spencer Creek Conservation Report 1960

urban expansion and saved for the needs of the same urban population.”<sup>73</sup>

The over-arching recommendation of the Spencer Creek Conservation Report called for land acquisition, sooner than later. However, Jackson would make it clear to the authority members in his report presentation that the Conservation Branch was not telling the authority what to do. He emphasized that though the report contained numerous recommendations and may serve as a plan for the authority for many years, it was up to the authority itself to make the decisions regarding which projects to undertake and when they would be carried out. As H.V. Nelles has observed in his study of the Calgary riverfront plans: “Plans simply gesture in a certain direction, offer a guide for change, state preferences or desired outcomes ... they do not themselves cause things to happen.” The SCCA would now need to bring the Conservation Report’s recommendations into reality.<sup>74</sup>

The authority members certainly regarded the Conservation Report as a valuable resource and it guided their conservation planning and projects throughout the 1960’s. Conservation education and assistance programs for private landowners, led by the authority’s advisory

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<sup>73</sup> SCCR 1960, R. 1 -3; “Need for Recreation Areas Seen Greatest in Ontario,” *Hamilton Spectator*, 1 May 1960; Conservation Council of Ontario, *A Report on Land Use*, 1960. p. 23-24. The Conservation Council of Ontario report argued that the critical need was for rural or near urban parks. It pointed out that planners estimated a minimum of 10 acres of readily accessible (under 50 miles from an urban centre) parkland for each 1,000 of population. Based on the 1960 population of the Oshawa to Niagara Falls area, this required 42,000 acres of rural parks, while only 3,000 existed. The Spencer Creek Conservation Report noted that, “The most popular forms of desired recreation are swimming, skiing, driving, picnicking, fishing, over-night camping, hunting and hiking in more or less descending order of popularity.” SCCR 1960, R.1.

<sup>74</sup> H. V. Nelles, "How Did Calgary Get Its River Parks?" *Urban History Review* 34, no. 1 (2005): 38.

boards, were created to achieve the report's reforestation, forest management and pollution control recommendations. For example, the authority's tree planting program saw 35,000 planted in 1962, doubling to 65,000 in 1963 with 30,000 on Authority land and 35,000 on private lands. Education programs for schools included a popular essay contest, "to develop interest and knowledge among our young people of the need for conservation of our natural resources, water, land, forest, wildlife and wild flowers if our nation it to progress or even survive." The Publicity and Public Relations Board (PPRB) spoke to dozens of community groups about conservation. They also created store window displays, radio publicity spots, color slide competitions, and joined the Boy Scouts in a watershed clean up event. Two of the most ambitious accomplishments of the PPRB was the publication of the newsletter *Spencer Beaver* and the booklet *The Spencer Story* in 1965.<sup>75</sup>

Conservation development projects, particularly those requiring land acquisition and cooperation from the Provincial government, were adopted as authority schemes. A total of twelve schemes were adopted by the SCCA from 1960-1967. Two of these schemes, numbers 5 and 8, initiated the installation of automatic stream flow recording gauges on Spencer Creek. The remaining ten SCCA schemes concentrated on the construction of water reservoirs, forest and land protection and the development of conservation areas, all requiring land acquisition.

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<sup>75</sup> SCCAMM, 6 November 1962, 24 September 1964; "Tree Planting Rate to be Doubled," *Hamilton Spectator*, 26 March 1963; "Authority Announces Essay Competition," *Dundas Star*, 22 January 1964.; *Spencer Beaver*, 1: 1 (September 1964): 2.

The remaining chapters of this thesis examine these ten schemes, focusing on their land requirements, land acquisition methods and financing and how the Authority justified land acquisition publically and politically.



### **Chapter 3: The Upper Watershed – Beverly and Valens**

It is in the springs of the glacial moraines and the forested swamps of Beverly and Puslinch Townships that Spencer Creek finds its headwaters. With marginal farmland and vast wetlands, the Upper Watershed was identified by the Conservation Report as an ideal location for three projects: reforestation, preservation and water storage. The proposed area for land management and reforestation contained 6,720 acres in Beverly and Puslinch townships, or 80% of the total acreage recommended by the Conservation Report. The report identified Beverly Swamp as a natural water storage area and a valuable nature reserve, with possible use as a conservation area. The report also recommended the construction of five large storage dams on the Spencer and its tributaries, three of which were in the Upper Watershed. The SCCA's land acquisition efforts from 1960 – 1966 focussed almost exclusively on developing these conservation projects and 85% of the land they purchased was in the Upper Watershed. These ambitious goals required an evolution in the authority's land acquisition policies and procedures.

The settlement history of the upper watershed deserves a brief description because it highlights the environmental contrasts inside the SCCA. This northern end was settled later and slower than other areas along Spencer Creek. The shallow soils of the steeply sloping Galt moraine system and the vast Beverly Swamp were significant impediments to early 19<sup>th</sup> century settlement. Local historian Mabel Burkholder observed that Beverly contained some of “the worst land in the county of Wentworth, from clay to sand and from rock to swamp.” W. H. Smith

noted in 1851 that “part of the Hamilton and Galt Road [No. 8 Highway] ... known as ‘Beverly swamp road’, was long a terror to travellers.”<sup>76</sup> Historically, Beverly Swamp or “Westover Bog” was a region of rather indefinite extent. It apparently covered a far greater area than the peat bog of the same name which remained in 1960. The swamp was never completely drained for agriculture and its peat was too shallow to be economically developed, leaving its approximately 2500 acres within the watershed a natural wetland area.

The 1960 Conservation Report identified Beverly Swamp as a natural storage reservoir for water draining into Spencer Creek and “if lost could dry up much of the flow along Spencer Creek.” A. H. Richardson observed, that swamps, bogs and marshes should be acquired, “not only because they are nature’s reservoirs and feed the headwaters of streams, but also for their botanical interest.” The report identified Beverly Swamp as the most important area for wildlife in the watershed, with concentrations of deer, snowshoe hare, cotton-tail rabbits, pheasants and ruffed grouse. It recommended to the SCCA that “every effort be made to preserve the Beverly Swamp in its natural state in order that it may continue to serve in its pristine role as a natural storage area for Spencer Creek ... [and for] its value for wildlife.” A Beverly Swamp Conservation Area of 2,302 acres, combined with Authority Forest lands, could serve as “an excellent natural sanctuary’ the report maintained. The SCCA adopted the Beverly Swamp

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<sup>76</sup> Thomas M. Thomson, *The Spencer Story* (Dundas, Ontario: Spencer Creek Conservation Authority, 1965): 14, 47; H. Smith, *Canada, Past, Present and Future* (Toronto: Thomas Maclear, 1851): 106-107; “Plan Bright Future for Lovely Spencer Creek,” *Hamilton Spectator*, 26 December 1959; Ontario Conservation Branch, and Arthur Herbert Richardson, *Spencer Creek Conservation Report, 1960* (hereafter SCCR 1960), (Toronto: Ontario Dept. of Planning and Development, Conservation Branch, 1960): L18. Fairchild Creek (Grand River Conservation Authority watershed) and Grindstone and Bronte Creeks (Halton Conservation Authority watershed) also originate in Beverly Swamp.

Conservation Area as Scheme Two on 9 October 1959. The scheme was to “acquire swamp lands contained within the area of Beverly Swamp to preserve this area as a water conservation project.”<sup>77</sup>

The fifty acre Miller McDonough property in Beverly Swamp was acquired in 1959, the first purchase by the SCCA. To be “used for reforestation and as a nature reserve,” the McDonough property would be an important component of the Beverly Swamp Conservation Area. McDonough approached the authority in August 1958 offering “to practically give them the property for \$50,” according to SCCA Chairman Les Couldrey. However, due to the inability of the authority to accept donations and provide tax receipts, a price of \$1000 was agreed upon on 31 December 1959. The authority considered land acquisition in the Beverly Swamp a priority throughout the 1960’s. Supported by the 50% subsidy from the province for conservation authorities for wildlife and wetland protection, the SCCA was able to acquire 884.5 acres by 1971. (See Table 4) The price per acre ranged from \$20 for the McDonough property to \$230 for the Swansea property. Paying \$100-200 an acre for economically useless land was a recurring sore point with conservation authorities across the province.

Since the Beverly Swamp was worthless for farmland, and its peat value was limited, the SCCA felt it should be possible to purchase the land cheaply and easily. However, land

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<sup>77</sup> SCCR 1960: W35, L25; “Plan Bright Future for Lovely Spencer Creek,” *Hamilton Spectator*, 26 December 1959; A. H. Richardson, *Conservation by the People: The History of the Conservation Movement in Ontario to 1970* (Toronto: University of Toronto Press, 1974): 87; Thomson, *The Spencer Story*, 41.

speculators knew the properties had value in the eyes of the authorities, if no one else, and bought it before the authority could bid. Beckett asserted that “At times we have to move fast to get a hold of some much-needed property before some land speculator moves in and drives the price up beyond reasonable terms. A farmer wouldn’t pay \$15 – as a matter of fact he wouldn’t even buy it – yet we, the taxpayers must pay heavily.”<sup>78</sup> SCCA personnel avoided speaking publically about the exact location of desired properties. Creative and effective use of available finances assisted the authority with meeting inflated property prices. The authority financed the 233 acre Swansea Construction property (lots 27 and 28, Concession 7) by purchasing it in two parcels, thus spreading the cost over two years. The authority often bought options on the swamp or forested acreage of a property. Above all, the SCCA developed patience. Natural lands for preservation, if undevelopable, carried no purchase timeline. Ben Vanderbrug, HRCA manager 1966-2002, explained that the authority’s approach was to acquire a few properties for natural preservation to act as ‘seeds’ or foundations to demonstrate publicly that these areas were important for conservation and to inspire the authority to purchase more when available and affordable.<sup>79</sup>

The SCCA adopted the Authority Forest as Scheme Three on 22 September 1960. The objective was “to acquire marginal lands unproductive in field crops to reforest and manage the

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<sup>78</sup> “Spencer Creek Conservation Authority to Acquire Property.” Dundas Star, Undated Clipping, [1958]; “Conservation Project Restores Flow to Former Artesian Well Outlet,” *Hamilton Spectator*, 14 July 1966; “The Battle of Spencer Creek,” *Hamilton Spectator*, 19 July 1966.

<sup>79</sup> Ben Vanderbrug, personal communication, 18 April 2016. Ben Vanderbrug started with the HRCA in 1966 as Resource Manager. He served as HRCA General Manager from 1970 to 2002.

same.” On 23 November 1960 the authority accepted an offer from Percy Harbottle to sell part of the north half of Lot 31 Con 8 for \$312.50. The Harbottle property was originally included in the Authority Forest in 1960 but was transferred into the adjacent Beverly Swamp Conservation Area in 1965. In addition to acquiring properties, the authority began to work with private land owners to reforest their properties or undertook reforestation of authority properties already purchased for other schemes. The authority considered this a more effective approach to reforestation and an efficient use of their limited finances. Landowners of properties identified in the 1960 Conservation Report were contacted with information about the SCCA Reforestation Assistance Program (RAP) and the province’s Woodland Assistance Act. The RAP provided landowners with tree saplings at a subsidized rate and planting assistance by summer work program staff. This private landowner reforestation policy allowed the authority to focus its land acquisition efforts on other conservation projects like the Beverly Swamp and the development of water control reservoirs.<sup>80</sup> (See Map 3 and Table 5)

The 1960 Conservation Report recommended the possible construction of dams and reservoirs at three sites in the Upper Watershed. The water from these reservoirs could be released in quick response to downstream demands and enable some regulation of the water table. Just downstream from the Beverly Swamp the 22-foot dam high Beverly dam would create a 95 acre lake with a storage capacity of approximately 675 acre feet of water. The Puslinch dam to be located on the north branch of Spencer Creek, near Puslinch Township,

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<sup>80</sup> Spencer Creek Conservation Authority meeting minutes (hereafter SCCAMM), 24 November 1960; Spencer Creek Conservation Authority, Land Use and Reforestation Advisory Board *Meeting Minutes* (hereafter LURABMM), 21 March 1969; Ben Vanderbrug, personal communication, 13 November 2014.

would be the largest in the watershed covering over 600 acres, storing spring run-off for release to maintain downstream flow. With an estimated of \$60,000 cost plus \$200,000 for land purchases, it was viewed as the most economical reservoir in the watershed considering its storage capacity. With increased grants coming available on water storage projects, the authority decided to proceed immediately with the Puslinch Reservoir and adopted it as Scheme Eleven on 30 April 1964. The Township of Puslinch requested further information about the location of the reservoir, but local authorities were assured by the SCCA that it would not affect lands in that township. The managers of the YMCA camp in North Beverly Township expressed concerns that the reservoir would affect their adjacent swimming pool. The consulting engineers recommended design changes to the pool and the SCCA offered to cover any necessary costs. By the 23 July 1964 authority meeting, members were questioning whether the reservoir should be built at all, because it would destroy a great deal of heavily timbered land, valuable for lumber, natural water storage and filtration. On 7 April 1966 they informed land owners adjacent to the proposed site that “the Authority had no plans at the present time to undertake the proposed Puslinch Reservoir.” The Beverly Dam would not be constructed for similar reasons: Why flood a natural reservoir to construct an artificial one? <sup>81</sup>

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<sup>81</sup> SCCR 1960: W35; SCCAMM, 30 April 1964, 21 May 1964, 25 June 1964, 23 July 1964, 7 April 1966.

**Table 5- Beverly Conservation Area – Land Purchases**

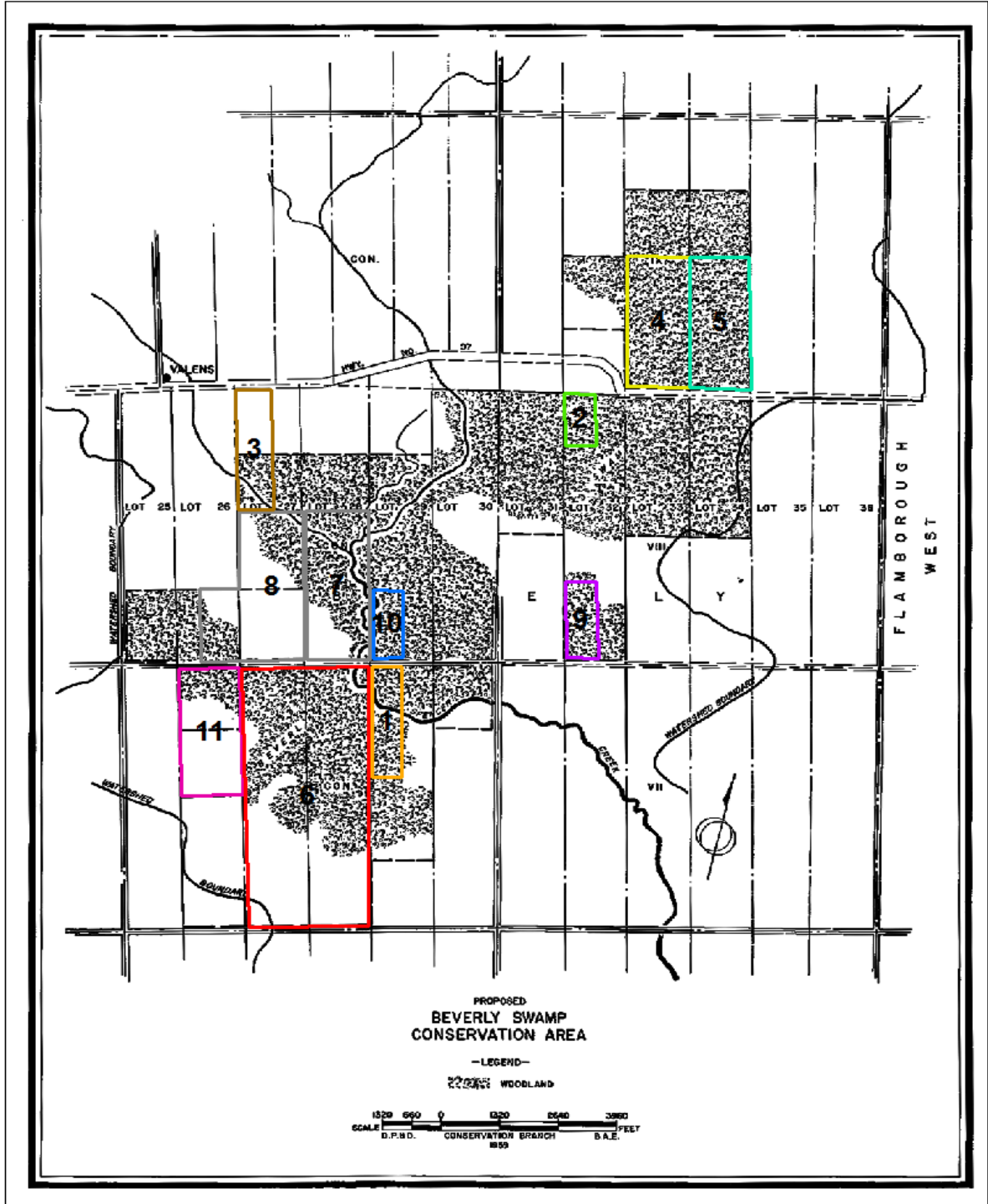
<b>Name</b>	<b>Acquisition Date</b>	<b>Location</b>	<b>Acreage</b>	<b>Purchase Price</b>
1) Miller McDonough	February 1960	Lot 29, Con 7	50	\$ 1,000
2) J.P. Harbottle	January 1961	Lot 31, Con 8	12.5	\$ 312
3) R.H. McNeilly	February 14, 1962	Lot 27, Con 8	80	(Valens purchase)
4) J L Stewart	January 9, 1968	Lot pt. 33, Con 9	98.436	\$ 7,000
5) Vlajkov Investments	December 30, 1968	Lot pt. 34, Con 9	94.12	\$ 6,580
6) Humar Corporation	September 5, 1969	Lot 27 & 28, Con 7	200 + 200	\$ 50,000
7) Swansea Construction	September 9, 1969	Lot 28, Con 8	100	\$ 23,000
8) Swansea Construction	February 13, 1970	Lot 26 & 27, Con 8	133	\$ 23,000
9) Fred Barthorpe	August 12, 1970	Lot 32, Con 8	25	\$ 2,500
10) Matthew Cole Estate	November 26, 1970	Lot pt. 29,, Con 8	25	\$ 2,500
11) Walter Osmond	November 6, 1970	Lot pt. 26,, Con 7	100	\$ 15,000

The small Valens dam site with a reservoir of 120 acres was recommended for construction on Spencer Creek in the small hamlet of Valens, north of the Beverly Swamp. The 1960 Conservation Report noted that “the reservoir area is presently being used for general farming, but is not first-class farm land.” It recommended the purchase of the required properties for future reservoir development.<sup>82</sup> An opportunity to start the Valens Scheme moving

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<sup>82</sup> SCCR 1960: W35.

Map 3 - Beverly Conservation Area – Land Purchases (Note: numbers pertain to Table 5)



(Source: 1960 Conservation Report)



came almost immediately when, in March 1961, the land at the proposed Valens Dam site came up for sale. The 109 acre Robert H. McNeilly farm at Lot 24 Con 9 in Beverly Township was the old Valens homestead. The community of Valens got its name from John Valens, the first pioneer to settle north of the Beverly Swamp. Coming from Edinburgh, Scotland, in 1832 and he worked for two years on Dundurn Castle as a carpenter. In 1834, he settled with his brother, sister and mother in Beverly, where he built a saw mill in 1850 on Spencer Creek. The Valens homestead was bought by Frank McNeilly, Robert's father, in 1912.<sup>83</sup>

The SCCA felt that the opportunity to purchase this important property was one they could not turn down and thus adopted Valens as SCCA Scheme Four on 12 May 12 1961. The scheme's purpose was "to construct a dam and reservoir on the west branch of Spencer Creek which could act as a multi-purpose conservation area." The excess waters in this tributary from heavy storms and spring thaws could be conserved for later release to supply domestic, irrigation or recreation needs downstream during dry periods. Dr. Harold G. Wood of McMaster University was contracted to develop a Valens Master Plan in March 1962. Wood recommended that the primary objective of a dam at Valens should be the provision of recreation facilities for the people of the watershed. The dam could also provide some protection from flooding. However, he noted that it could provide only limited benefit in ground water recharge since the reservoir drains into the Beverly Swamp where most of the outflow would be absorbed in a dry summer and would not be available further downstream. He advised that the lands acquired not only

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<sup>83</sup> SCCAMM, 29 January 1960, 12 February 1960, 4 March 1960; John A. Cornell, *The Pioneers of Beverly* (Dundas: Dundas True Banner, 1889): 41.

include the properties to be flooded but sufficient land around the reservoir to permit its recreational development. Wood recommended that the McNeilly and Ferguson farms should be acquired in their entirety as well as adjacent strips of the Harbottle and Hobson Farms. A small section of the Harbottle property east of the road between lots 24 and 25, destined to be flooded by the reservoir, was also identified for acquisition. Wood estimated the total required land at 400 acres costing \$92,500, with dam construction estimated at \$100,000.<sup>84</sup>

The authority's enthusiasm was checked, however, by the fact that the \$36,000 asking price for the McNeilly property was well over funds available in the 1962 budget. In addition to the normal 50 % subsidy available from the province, an authority could apply for funding from the federal government under the Canada Water Conservation Assistance Act (1953), thus bringing the possible grant to 75%. The CWCAA enabled the federal government to provide financial assistance to the provinces for the construction of water conservation and control projects. The experience of authorities in the 1950's was that only projects of greater than \$5 million in cost qualified for the federal assistance. Only two large dams – the Fanshawe on the upper Thames and the Conestoga on the Grand – were built with financial assistance from the CWCAA. With only the 50 % funding available for small reservoir sites from the provincial government, the authority's executive felt they could offer McNeilly only \$25,000. The \$12,300 allocated in the 1961 budget for land acquisition for the Beverly Conservation Area and Authority forest schemes was reapportioned for land acquisition at Valens. The authority instructed their real

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<sup>84</sup> SCCAMM, 29 March 1962, 28 June 1962; H. A. Wood, *Valens Conservation Area: Report on Masterplan Proposals*, 28 June 1962 (Hamilton: Hamilton College, McMaster University, 1962): 1-4.

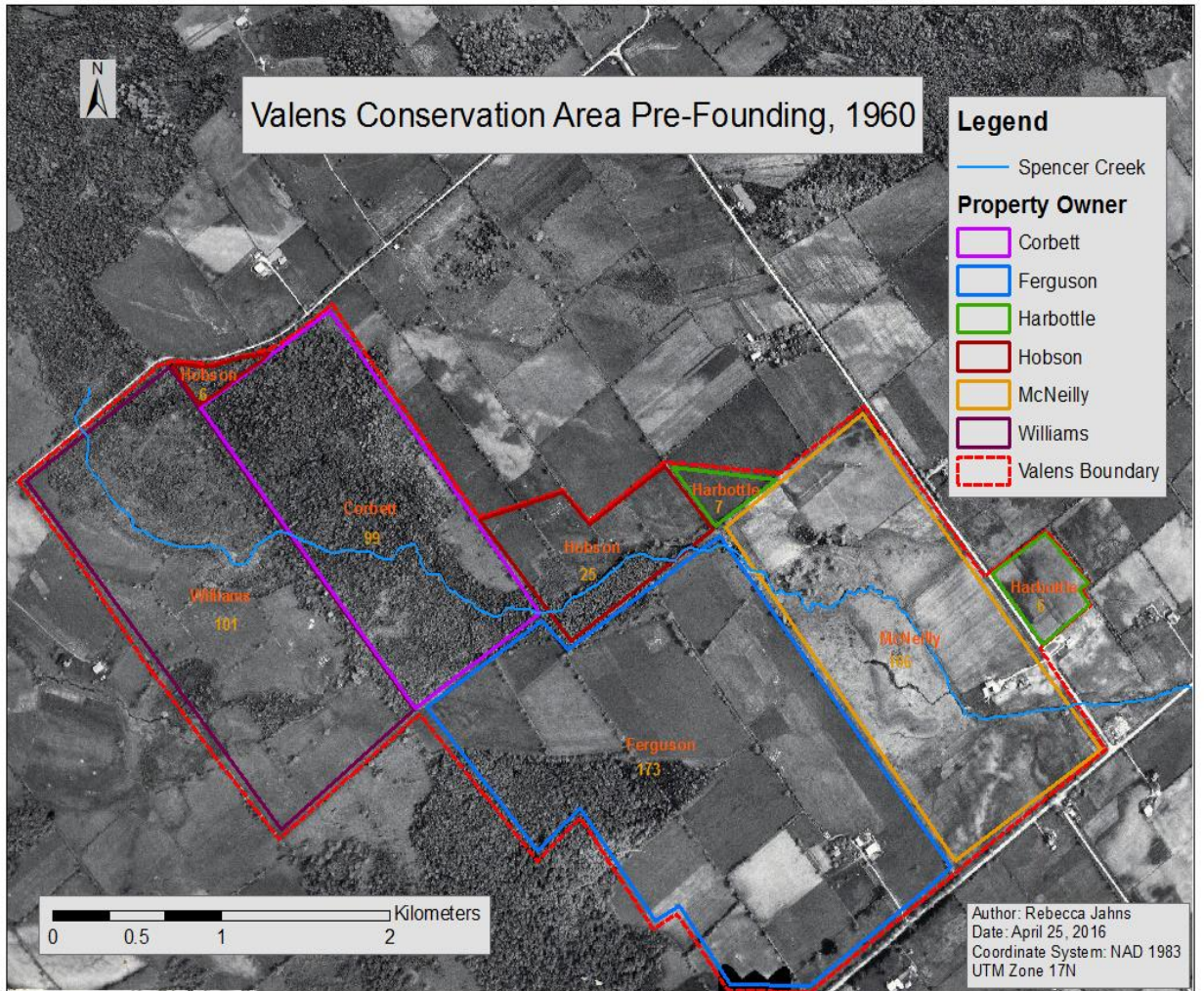
estate agent to offer McNeilly \$12,500 cash for half of the property, with an agreement to purchase the other half for \$12,500 cash within 12 months of the offer's acceptance. The agent was "to carry out negotiations as he saw fit and need not inform McNeilly that the authority is the principle." McNeilly initially declined the SCCA offer. On 27 April, however, he accepted the authority's counter offer to pay \$500 for a six month option on the farm for the price of \$35,000. Thus began a period of finance sourcing to acquire the funding for the purchase. The finessing of an option to purchase was a testament to financial creativity.<sup>85</sup>

On 26 September 1961 the SCCA members resolved on a motion by Beckett that the authority be authorized to source a bank loan of \$24,000 for the purchase of the McNeilly farm. It was understood that the Conservation Authority Act empowered the authority to borrow up to the amount of money that was currently committed to it by participating municipalities and the provincial government. However, authorities were not permitted to take out mortgages for land acquisition. The \$24,000 was to be designated as a cash deposit on the property, with the closing postponed until January 15, 1962. This action could be taken as soon as the authority had reasonable assurance that the objection of the Town of Dundas to the OMB was not in fact going to be supported. (See Chapter 1) With the six month purchase option expiring in May, the SCCA gave an additional \$500 to McNeilly to extend the option until the end of April 1962. The 29 March 1962 meeting approved the securing of the required \$24,000 loan from the Royal Bank "once clear title was received and the deal closed. A letter from Minister of Lands and

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<sup>85</sup> SCCAMM, 27 April 1961, 12 May 1961; Spencer Creek Conservation Authority Executive Committee meeting minutes (hereafter SCCAECMM), 17 March 1961.

Map 4 – Valens Conservation Area (Before Reservoir 1960)



Forests dated 19 March 1962 informed the authority that a second grant not to exceed \$9230 on the Valens Scheme had been approved by Order-in-Council, 901/62. The McNeilly deal closed

**Table 6 - Valens Conservation Area – Land Purchases**

<b>Name</b>	<b>Acquisition Date</b>	<b>Location</b>	<b>Acreage</b>	<b>Purchase Price</b>
R H McNeilly	14 February 1962	Lot 24 Con 9	109.025 acres	\$35,000
W. R Ferguson	14 June 1963	Lot 22 Con 9	69 acres	\$45,000
		Lot 23 Con 9	104 acres	
R. H Williams	8 January 1965	Lot pt 21 Con 9	100.38 acres	\$15,000
H. Corbett	8 January 1965	Lot pt 22 Con 9	98.5 + 1.84 acres	\$ 8,000
J and P Harbottle	January 1967	Lot pt 23 Con 9	7.46 acres	\$ 2,500
G. Hobson	January 1967	Lot 22 Con 10	5.640 acres	\$4,499.00
		Lot pt 23 Con 9	25.12 acres	
G. Hobson	February 1973	Lot pt 23 con 9	81.175 acres	\$38,558.13

successfully on 13 April 1962 for the total price of \$35,000. The Valens Scheme now had its keystone property.<sup>86</sup>

On 22 June 1962 the authority held a special meeting to discuss the Valens Conservation Area plans. The Conservation Branch field officer Dave Murray, the provincial liaison with the SCCA, informed the authority that he had been experiencing problems with regard to land acquisition. The Wood report and the preliminary engineering study by Kilborn Engineering prescribed a

<sup>86</sup> SCCAMM, 2 November 1961, 29 March 1962; SCCAECMM, 26 September 1961, 8 January 1962.

certain acreage of land required for the reservoir but no definite decision had been made by the authority regarding the amount of land to be acquired around the periphery of the reservoir. The authority members resolved to have a firm of appraisers appraise the cost of the remaining lands necessary for the Valens scheme and to check with Kilborn Engineering to confirm the relative size of the reservoir compared to the total drainage upstream. Murray noted that the Walter Ferguson farm, recommended in the Wood Report, was one property which would be required for the reservoir. The authority authorized its real estate agent to investigate the properties acquisition. (See Map 4 and Table 6)

The Ferguson farm was originally settled by William Robson in 1834. Two years later Robson married Jane Valens, a sister of John Valens. Their son ran the old Valens mill until 1885. The farm contained 189 acres directly west and south of the McNeilly farm. At the 3 May 1963 meeting, some authority members objected to buying the Ferguson property since it was a productive farm. Scott Fixter of Puslinch argued that "if the authority wanted to build a reservoir for the storage of water, it had go after the necessary lands." After "considerable discussion" the authority approved the purchase of the farm for \$42,500 cash. The province was asked for a grant of \$21,225 (50%) immediately and balance paid with \$11,000 from the 1963 budget and a bank loan \$10,225. However, the province only approved a grant of one-half of \$36,500, the value appraised f by the Department of Public Works. To fund the remaining \$3,225, the authority approved the establishment of a bank credit line of \$32,225 "for administration and capital costs until proceeds of government grants and levy monies were received." This revolving line of credit was an important funding mechanism. It allowed the authority to bridge land purchase costs until financing was received and to move promptly

on available properties.<sup>87</sup>

Senior government funding for SCCA water management schemes such as Valens changed significantly in 1964 with the establishment of the Small Water Reservoir Supply programme. A year of severe drought in Southern Ontario in 1963 led to very low water tables and depleted shallow aquifers. Fire broke out underground in the peat in the Beverly Swamp due to the lack of moisture. Many wells in the watershed dried up and the aquifer depletion led to reductions in groundwater discharge to streams and consequent water shortages to downstream users. The *Hamilton Spectator* reported that “the streams and rivers in the province were very low and that if the conditions were allowed to continue the province could almost be a desert by 1980.”<sup>88</sup>

The Government of Ontario realized that immediate steps had to be taken to protect the

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<sup>87</sup> SCCAMM, 7 February 1963, 28 March 1963, 3 May 1963, 30 May 1963; Thomas M Thomson, *The Spencer Story* (Dundas, Ontario: Spencer Creek Conservation Authority, 1965): 5-17; Cornell, *The Pioneers of Beverly*: 41; Thomas M. Thomson, “Valens Conservation Area Showing Results of Planning,” *Dundas Star*, 14 August 1963; “Storage Reservoir to be built at Valens on Government’s Decision to Increase Provincial Grant to Seventy-Five Percent,” *Dundas Star*, 5 August 1964. The *Dundas Star* claimed the Provincial grant was \$19,900, rather than the \$18,000 noted in the Authority minutes.

<sup>88</sup> The drought period would extend from 1963 to 1966. SCCAMM, 12 May 1961, 22 June 1961, 28 March 1963; D.N. McMullen and U. Sporns, “Drought in Southwestern Ontario – 1963,” *Hydro-meteorological Research Series No. 2* (Canada Department of Energy and Resources Management, Toronto, ON. 1964): 3; Anthony O. Gabriel & Reid D. Kreutzwiser, “Drought Hazard in Ontario: A Review of Impacts, 1960-1989,” *Canadian Water Resources Journal* (18:2): 119-120; Thomson, *The Spencer Story*, 29; A. H. Richardson, *Conservation by the People: The History of the Conservation Movement in Ontario to 1970* (Toronto: University of Toronto Press, 1974): 46; “500-acre Recreation Area to be Developed at Valens,” *Hamilton Spectator*, 16 June 16 1964; “Province Gives \$75,000 For Valens Dam Project,” *Hamilton Spectator*, 25 July 1964; “Storage Reservoir to be built at Valens on Government’s Decision to Increase Provincial Grant to Seventy-Five Percent,” *Dundas Star*, 5 August 1964; “Approve Dam Construction for Valens,” *Waterdown Review*, 6 August 1964; “Greensville Conservation Plan,” *Hamilton Spectator*, 31 October 1964.

province's water supply. On 21 April 1964 province announced that financial assistance for small water control reservoirs would be increased from the existing 50 percent grant. The Small Water Reservoir Supply (SWRS) programme made provincial assistance available to authorities in the form of a grant for as much as 100% of the cost of dam and reservoir including land acquisition. The details were typical of the complex cost sharing arrangements reached when several levels of government agreed to a new programmed. The Canadian Government contributed 37 ½ percent of the cost under the CWAA and the Government of Ontario 37 ½ percent. The remaining 25 percent of the grant was to be repaid by the authority within thirteen years of the projects initiation. The first three years of the repayment period were interest free.<sup>89</sup>

The Small Water Reservoir Supply programme provided financial impetus for conservation authorities to undertake small reservoir projects throughout Ontario. For the SCCA it provided the financial means to increase land acquisition, and finance surveys and engineering studies for the Valens scheme. On 1 August, 1964, the Hon. J. R. Simonett, Minister of Energy and Resource Development, announced a \$75,000 grant to the SCCA towards the Valens project. The Minister stated "that the provincial government would bear the full \$100,000 cost ... and permit payment of the local share to be delayed until January 1, 1967." This provincial support for the Valens scheme was the first funding provided by the SWRS programme, and according to the *West*

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<sup>89</sup> Richardson, *Conservation by the People*, 45-46; Bruce Mitchell and Dan Shrubsole, *Ontario Conservation Authorities: Myth and Reality* (Waterloo: University of Waterloo, Department of Geography Publication Series, 1992): 136, 174; Canada, *Canada Water Conservation Assistance Act* – Statutes of Canada, 1952-3, Chapter 21.



*Flamorough Review* the authority felt “kind of pleased that this was the first grant approved by the new system.”<sup>90</sup>

The Simonett announcement generated substantial media coverage, furthering a Valens public relations campaign initiated in 1963. Speaking engagements, articles in newspapers, press releases and tours targeted the public with information about the Valens project. SCCA Secretary Thomas Thompson wrote in the *Dundas Star* 14 August 1963 that the ‘Valens Conservation Area was showing results” with tree planting, on-going land acquisition and plans for recreation. The latter included a beach, picnic areas and historical building preservation.” The *Hamilton Spectator* reported extensively on the development and benefits of the Valens project. A 30 August 1963 article quoted W. J. Lamoureux, conservationist with the Royal Botanical Gardens and consultant on the Valens project: “In our jargon, a conservation area is more than a pure conservation region. They can mean swimming and boating facilities, camp sites, picnic accommodations, and historic aspects. The project may take five years to complete, with dam construction, tree plantings and recreation facility development, but you don’t really build a conservation area – you mold it.” The *Hamilton Spectator* noted on 16 June 1964 that the 500-acre recreation area included a 150-acre lake with swimming facilities providing “a much needed recreational facility in the Hamilton area as the only similar recreation location is the often crowded picnic spot of Webster’s Falls.” Chairman Beckett visited all authority

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<sup>90</sup> “Storage Reservoir to be built at Valens on Government’s Decision to Increase Provincial Grant to Seventy-Five Percent,” *Dundas Star*, 5 August 1964; “Approve Dam Construction for Valens,” *Waterdown Review*, 6 August 1964; “Chairman of Spencer Creek Conservation Authority Outline Details of Proposed Valens Dam,” *Dundas Star*, 9 September 1964.

municipal councils outlining the details of the Valens scheme. Clearly, the authority had learned well that public and political support was invaluable.<sup>91</sup>

Final engineering drawings were completed in 1964 by R. K. Kilborn and Associates. The engineering study and surveys reaffirmed the recommendation of the Wood Report that small portions of the Harbottle and Corbett properties were required for the reservoir. The engineers calculated a larger reservoir footprint than originally estimated, requiring significant acreage from the Hobson and Williams farms. The authority real estate agent reported at a 30 April 1964 meeting that considerable time was being taken with the J. Harbottle, Percy Harbottle and G. Hobson properties, “but [he] saw some prospect of an early solution.” In order to indicate their “concern” about these properties the authority decided to start expropriation proceedings for the three parcels. The authority approached the two land owners with a two-fold agreement on 4 September 1964: a flood easement allowing the authority to flood their lands once the reservoir was complete, and a purchase option at a stated price, but unstated acreage, allowing the authority to purchase the number of acres required after the final reservoir flood line had been determined. Neither proprietor was interested. One area of concern was the loss of water access for pastures. The agent was instructed to assure Hobson and Percy Harbottle that access to water would be guaranteed, possibly by digging a pond which could serve both farms’ needs.<sup>92</sup>

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<sup>91</sup> SCCAMM, 8 August 1963; “Valens Conservation Area Shows Results of Planning,” *Dundas Star*, 14 August 1963; “Conservation Project May Aid Dundas,” *Hamilton Spectator*, 30 August 1963; “500-acre Recreation Area to be Developed at Valens,” *Hamilton Spectator*, 16 June 16 1964.

<sup>92</sup> SCCAMM, 30 April 1964, 27 August 1964; 24 September 1964.

The provincial government announced further funding for the Valens scheme on 27 April 1965. The Honourable Ray Connell, Minister of Public Works and MLA for West Flamborough, announced that the Province of Ontario would provide a grant of \$162,500 through the SWRS programme for construction of the Valens dam and reservoir. Connell stated that the decision was sparked by the government's desire to construct a reservoir that "will provide ample water for farmers in the event of drought as experienced in 1963 and 1964."<sup>93</sup> With funding secured for dam construction and tenders being received from contractors, the authority now was under pressure to secure the remainder of the land. The Corbett and Williams properties were appraised on 29 October 1964 at \$6500 and \$8,000 respectively, with an option to purchase received for \$13,500 and \$15,000. The authority decided "that due to the discrepancies ... expropriation might have to be considered." Such a measure was not necessary, although the threat may have been persuasive. On 8 January 1965, purchase agreements for the two properties were accepted by the authority. The Corbett parcel cost \$8,000. The full agreement allowed Mr. Corbett to retain life tenancy of the dwelling and one acre of land plus a quantity of firewood from the dam clearing project. The Williams farm with higher quality farmland closed at \$15,000 for 100 acres. On 21 October 1965, the agent presented an option received on the Hobson parcel, noting that the authority could not get access to the property until an option was accepted and that "the dam contractors were anxious to proceed with their work." The authority accepted the option of \$3,300 for 30.26 acres. The authority also agreed to dig a well, install a pump and pressure system in the barn and pay \$1,000 as compensation for the loss of

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<sup>93</sup> "Valens Grant Welcome," *Hamilton Spectator*, 27 April 1965; "Ontario Increases Valens Dam Grant." *Dundas Star*, 28 April 1965. The Connell quote comes from the *Dundas Star*. He was certainly speaking to his primarily agricultural-based constituency in West Flamborough.

water rights. The Percy Harbottle and J. Harbottle properties had been appraised at \$2000 and \$1000 respectively, but were offered to the authority at \$3500 and \$2000. It was decided at the 3 February 1966 meeting that “the completion of expropriation proceedings is likely necessary.” Such action was again not required and the Harbottle deal closed 8 January 1967 at \$2,500 for a reduced acreage of 7.5 acres.<sup>94</sup>

The Harbottle agreement came none too soon. In June 1965 work began on the dam site and was completed in the summer of 1966. As the dam began to back up Spencer Creek in the spring of 1967, filling more than 150 acres with up to 15 feet of water, the underground water level rose significantly and unexpectedly. The *Hamilton Spectator* reported that “an old hand water pump in the yard of the old school house across the road from the reservoir began gushing water without even pumping.” Before the dam was built many of the land owners in the district had complained that their wells had run dry. Taking advantage of what could have been a public relations problem, Beckett claimed that “the constantly running water pump provides a graphic example of how lost water can be restored to the area.”<sup>95</sup>

Valens Conservation Area officially opened to the public on 26 June 1968. At the opening ceremony, the Honourable J. R. Simonett, Minister of Energy and Resource Development, had

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<sup>94</sup> SCCAMM, 22 September 1960, 30 April 1964, 24 September 1964, 26 March 1965, 21 October 1965, 3 March 1965; SCCAECMM, 13 November 1964, 3 February 1966; Thomson, *The Spencer Story*, 15-17; Cornell, *The Pioneers of Beverly*, 41. The Harbottles were the only remaining original settlement family in the Valens area.

<sup>95</sup> “Conservation Project Restores Flow to Former Artesian Well Outlet,” *Hamilton Spectator*, 14 July 1966.

generous praise for the SCCA. "I'm delighted to find that the Valens Conservation Area is as splendid in reality as it had promised on paper," he said. Presenting the site as a scaled-down model of the conservation movement in Ontario, Simonett warned that a "conservation explosion" must be achieved to keep the standard of living steady in the face of the population explosion. The *Hamilton Spectator's* headline about the Valens opening "Yesterday a Family Farm, Today a Park" aptly summarized the development of the Valens project. Farmland and forest now made way for a popular recreation area. Over 40,000 people visited Valens Conservation Area from July to December 1968, and a total of 90,000 in 1969. These impressive attendance numbers substantiate the Conservation Report's assertion that "there is perhaps no other part of Canada where the need for recreation facilities is as great as in Southern Ontario."<sup>96</sup> (See Map 5)

The authority's land purchases in the Upper Watershed from 1960-1965 reveal a professional evolution of land acquisition policies and procedures. The 1960 Conservation Report had suggested that "the problem of land acquisition should be approached carefully and whenever possible land purchases should be arranged by direct negotiation." The authority decided that neither members nor the field officers should carry out these negotiations, and

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<sup>96</sup> "Fish Bite, Old Feud Forgotten." *Hamilton Spectator*, 28 June 1968. The popular book *The Population Bomb* by Stanford University Professor Paul R. Ehrlich and his wife Anne Ehrlich was published in 1968.

**Map 5 – Valens Conservation Area, 1978**



retained a real estate agent to represent the organization. The authority desired “to leave land negotiations solely in the hands of the land agent and ... did not want to become involved in

disputes itself in any way.” A second reason for engaging an agent was to avoid revealing, whenever possible, that the authority was the interested party. Such was the case of the McNeilly acquisition when the authority agent was empowered to “carry out negotiations as he [saw] fit and need not inform McNeilly that the Authority is principle.” Knowledge of the authority’s interest often led landowners to request higher than the appraised value or invited land speculation by third parties.<sup>97</sup>

In March 1962, the authority approved property appraisal as a policy of procedure before attempting to purchase land. All purchase options were thereafter based on appraised property values, often leading to significant discrepancies with the landowner’s price as shown by the Hobson and Corbett purchases. As the *Hamilton Spectator* explained: “The purchase of lands is a long process. If an owner turns down the Authority’s first offer it must make another appraisal. Then it must submit the two estimates to the department of energy and natural resources, which makes a third appraisal. The Authority then makes another bid to the owner. Only when that is turned down can it move to expropriate.” The Authority, then and now, has the power to expropriate land and “is quite justified in doing so when an unreasonable attitude on the part of the owner stands in the way of works urgently required for the public good,” the 1960 Conservation Report noted. Section 17 of the Conservation Authorities Act (1946) empowered authorities “to acquire by purchase, lease or otherwise and without the consent of the owner, to enter upon, take or expropriate any land that it may require.” The expropriation of property

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<sup>97</sup> SCCAMM, 29 March 1962; SCCAECMM, 12 October 1965; SCCR 1960: F24.

was a measure the authority endeavoured to avoid. The Conservation Report cautioned that “a favourable public attitude is essential to the furtherance of conservation and such power must be used with discretion.” However, the threat of initiating expropriation procedures proved to be an effective negotiating tool with landowners requesting prices well above appraised value.<sup>98</sup>

The authority learned to be innovative in their negotiations. Arranging for Corbett to retain tenancy of his residence, along with an acre of land and firewood expedited the purchase of his property. Addressing Hobson and Harbottle’s concerns about the loss of water access for pasturing demonstrated the authority’s willingness to work cooperatively with landowners. The flood easement offer to Hobson and Corbett signified that the authority was interested only in the acreage required for the reservoir and not entire farms. This negotiating flexibility fostered positive relationships with landowners and revealed the authority’s willingness to negotiate. The services of an agent also helped the authority monitor the real estate market for new properties coming on the market, so they could “move fast” as Beckett often pointed out. The authority also requested member municipal clerk-treasurers to provide information on tax sales of “conservation type land” and to provide all zoning by-law amendments to the authority “for consideration.”<sup>99</sup>

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<sup>98</sup> Ontario, *Conservation Authorities Act: Statutes of Ontario, R. S. O 1960, chapter C.27* (Toronto: Queen's Printer for Ontario, 1960); SCCR 1960: F24; “Playground for City’s Thousands,” *Hamilton Spectator*, Undated Clipping, [September, 1964].

<sup>99</sup> SCCAMM, 31 October 1963, 29 October 1964, 19 November 1964.



Funding was, and still is, the greatest deterrent to authority land acquisition. Financial support from senior levels of government proved essential for land purchases and significantly reduced the SCCAs reliance on municipal levies for capital projects. The Small Water Reservoir Supply (SWRS) programme grants of 75% plus 25% 13-year loans encouraged authorities like the SCCA to pursue an aggressive programme of water control projects. Throughout Ontario, Conservation Authorities initiated dam and reservoir schemes during the 1960s, requiring land purchases at a rate unprecedented before or after this period. The mechanism of a revolving line of credit also provided the authority with important bridge funding to pursue land purchases until government grants were received. Spreading land costs over two or three years helped the authority use their annual budgets effectively, as evidenced by splitting the Swansea property into two parcels purchased over two years. The authority also purchased the desired "conservation lands" of a property whenever possible to minimize their land acquisition expense. This practical development of land acquisition funding combined with the increased government grants allowed the authority to purchase significant acreage in the 1960's.

Finally, the SCCA members realized they were dealing with two different types of land acquisition. Land for preservation, such as Beverly Swamp, had no required timeline. The authority could be patient with these land purchases. Once "seed" properties were acquired, other desired acreage could be added when available and at an acceptable market value. The second type consisted of properties required for projects like the Valens dam and reservoir.

Construction deadlines and available grants dictated the acquisition of properties on an accelerated timeline, and possibly payments at above market value. These two types of land purchases were realities throughout the period of 1960-1971. The lessons acquired from the Upper Watershed proved important for other conservation schemes. As the SCCA moved its conservation focus to the Middle Watershed area from 1964-1968, the land acquisition methods and policies developed in the Beverly and Valens schemes proved valuable with new challenges which arose in the relatively higher density residential area around Greenville.

## Chapter 4: The Middle Watershed – Christie and Greensville

The SCCA schemes in the middle Spencer Creek watershed, like those in Puslinch and Beverly townships, pursued the authority's objectives of water management, natural resource preservation and recreation. The 1960 Conservation Report recommended several major projects here, the majority around the villages of Greensville, Bullocks Corners and West Flamborough. These included conservation areas at historic Crooks Hollow and Tew's Falls, water control reservoirs at Christie Corners and Sydenham Creek, and the preservation of the picturesque Spencer Gorge.<sup>100</sup> In contrast to the Upper Watershed's low-density agricultural lands however, the Township of West Flamborough had experienced significant population growth in the mid- twentieth century. This increase was particularly pronounced in Greensville, which had evolved into a burgeoning residential neighbourhood renowned for its quasi-rural setting and scenic beauty.<sup>101</sup> The adoption and pursuit of conservation projects by the SCCA was beset with significant opposition from local residents from the outset. Fearing parking and traffic

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<sup>100</sup> The SCCA schemes in the area of Greensville, Bullocks Corners and West Flamborough villages were located within a ½ km radius of the centre of Greensville at Brock Road and Harvest Road. For simplicity, this research paper will refer to the area as Greensville. Established in 1792, the Township of Flamborough was named after a prominent geographical formation, the Flamborough Head, and the Town of Flamborough in East Yorkshire, England. In 1816, Flamborough Township became a part of the newly formed Halton County. With the massive reorganisation of the county system completed in 1854, Flamborough was divided into two separate townships, East and West Flamborough, each with their own reeve, township hall, etc. . Nathan Tidridge, *The Extraordinary History of Flamborough, including the Village of Waterdown* (Waterdown: Flamborough Heritage Society, 2015), 27, 51.

<sup>101</sup> The Census of Canada data for the Township of West Flamborough records 4,229 residents in 1951 and 7,001 in 1961. Census of Canada 1951. Census of Canada 1961. Further development in subdivisions during the 1950's had increased the population of school-ages children in the area. By the end of decade, "Greensville School had grown from a two-room school to a seven-room school and it looked like the end was not in sight as more and more people decided to move away from Hamilton and its high taxes to the south end of West Flamboro Township." John Crozier, Marilyn Rawls and Eric McNair. *A History of Greensville School, 1848-1978* (Guelph: Ampersand, 1978.), 67.

problems resulting from the conservation areas and unwilling to sell land for authority projects, many Greensville residents challenged the authority publically and legally. While understanding the resident's concerns, the authority strove to fulfil the watershed's substantial demands for resource conservation and recreation. With substantial public relations issues, dissent within the authority and legal challenges, the SCCA's conservation work in the middle watershed is a chronicle of determination, conviction and creativity.

The Greensville area was of prime economic importance in the nineteenth century. Historical records list 9 mills on average in the area, primarily at Crooks Hollow and Webster's Falls around 1850. The Ashbourne Mills at Webster's Falls and the mills of James Crooks and others upstream included saw mills, grist mills and flour mills. The Darnley Mill built by Crooks in 1826, and later known as the Stutt's Mill, was the first large scale paper mill in Upper Canada. The Crook's Hollow area was one of the most dominant industrial and commercial centres in Upper Canada during the 1820's and 1830's.<sup>102</sup> However, the milling industry in Greensville suffered a pronounced decline by the late nineteenth-century. The introduction of steam powered mills

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<sup>102</sup> Smith's *Canadian Gazetteer (1846)* records 1 grist mill, 6 sawmills and 1 textile (fulling) mill in West Flamborough. William Henry Smith, *Canada: Past, Present and Future (1851)* Volume 1 (Belleville, Ont.: Mika Pub., 1973.) 249-250. Surtee's "*Map of the County of Wentworth, Canada West*" (1859) notes 1 grist mill and 5 saw mills in the Greensville area. Robert Surtee, *Map of the County of Wentworth, Canada West*. (Hamilton, C. W.: Hardy, Gregory, 1859). See also C. M. Johnston, *Head of the Lake: A History of Wentworth County* (Hamilton: Robert Davis and Company, 1958), 125 – 129. John C. Weaver, *Hamilton: An Illustrated History* (Toronto: J. Lorimer and National Museum of Man, National Museums of Canada, 1982), 9, 17, 19. Following Crooks' death in 1868, Darnley Mill was leased and then sold to Robert Anderson (soon joined by James Stutt). The building was converted into a paper mill, and additions were made to the main structure. By 1880 Stutt was the sole owner, and was forced to add a steam turbine to the mill to combat the dwindling water levels. The mill continued to operate, through various owners, until 14 July 1934, when a fire struck. Tidridge, *The Extraordinary History of Flamborough, including the Village of Waterdown*, 71.

and a decline in regional wheat production precipitated a significant reduction in mill sites throughout Ontario. This loss of industry caused a sharp decline in population. The 1869 *Ontario Gazetteer* estimated the population of Greensville at “about 500”, while the Province of Ontario *Gazetteer and Directory 1910 - 1911* records it at 200.<sup>103</sup>

Without the hum of industry, Greensville evolved into a quiet village known locally for its natural landscape and leisure opportunities. In 1916 the Dundas Public Utilities Commission constructed a dam and reservoir in Crooks Hollow to provide water for the town which quickly evolved into a popular swimming and fishing spot. Farther downstream, Dundas purchased the Webster’s Falls property in 1917 and with funding from the will of former mayor Col. W. E. S. Knowles the property was landscaped into a public park in 1933. The will specified Knowles’ desire to create a park “where elderly people could come and sit and enjoy the scenery under the trees.”<sup>104</sup> By the establishment of the SCCA in 1958 however, the recreational base in

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<sup>103</sup> Henry McElvoy, “Province of *Ontario Gazetteer and Directory, 1869*”. (Toronto: Robertson and Cook, 1869), 180. *Province of Ontario Gazetteer and Directory 1910 - 1911*. (Ingersoll, Ontario: Union Publishing of Ingersoll, 1911), 376. Adjoining hamlets and farmers or mill owners using Greensville as their ‘post town’ are probably included in the 1869 estimate. Official Census Returns for the entire Township of West Flamborough show a decline in population from 3,815 in 1861 to 2840 in 1921. This 35 percent decline is characteristic of the 45 percent average decline in the total population of the four rural townships in the watershed during the same period. In comparison, census returns for the Township of Beverly note a population of 6,339 in 1861 and 3,516 in 1921. Canada. Dominion Bureau of Statistics. *Census of the Canadas 1860-61. Personal Census, 1863*. Canada. Dominion Bureau of Statistics. Sixth Census of Canada 1921. Volume 2. Population. 1925. One has only to compare these rural population statistics with the constant growth of Hamilton in order to see what has been termed the crisis of “rural depopulation”. For a very insightful analysis of this phenomenon see Adam Crerar, “The Ties that Bind: Farming, Agrarian Ideals, and Life in Ontario” (Ph.D. dissertation. Department of History, University of Toronto): ii. Crerar contends that there was no crisis in Ontario’s farming communities. Instead, it was a gradual migration to urban centres that reflected economic realities rather than a rejection of rural values and society.

<sup>104</sup> Township of West Flamborough Council Minutes (hereafter TWFCM), Nov 17, 1964, Joint meeting with the Town of Dundas and Knowles Bequest Board. Spencer Creek Conservation Authority *Meeting Minutes* (hereafter SCCAMM). Dundas: Spencer Creek Conservation Authority, 19 November 1964. “May Buy Land to Ease Row,” *Hamilton*

Greenville, minimal as it was, had deteriorated from disrepair and overuse. Webster's Falls Park was beset with overcrowding, creating dangerous traffic conditions along Highway 8 on summer weekends. The Stutt's Mill site, popular amongst history enthusiasts and photographers, was in a hazardous state of ruin. The Dundas Dam and Reservoir, no longer maintained by the town, was still a popular local hangout for youth and families. The SCCA, membership, particularly Dundas and West Flamborough, undoubtedly recognized the recreational challenges in Greenville.

Saturday afternoon 6 June 1959, the authority membership toured the old Stutt's Mill site and the Crooks Hollow area, meeting with several landowners. At the authority meeting that evening, it was agreed "that the acquisition and development of the Stutt's Mill Area be adapted as Scheme No. 1 of the Authority and that preliminary work begin immediately." Subsequent plans for Crooks Hollow Conservation Area were based on the 1960 report's recommendations. It proposed a conservation area approximately 97 acres in size, of which 30 acres were woodland, 45 acres open pasture and fields and 22 acres of water, most of which was in the Dundas Reservoir. The report noted that "Denman, Bozak [Bozyuk] and Reuben [Bellyea] tracts are abandoned farm lands with part of the Bozak's [Bozyuk's] being marshy. The Stutt property,

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*Spectator*, 19 October 1964. Dundas purchased the creek properties of Modern and Cockburn to construct the dam and reservoir in 1916. West Flamborough Centennial Committee, *West Flamborough Township Centennial, 1850-1950* (Waterdown: West Flamborough Centennial Committee, 1950): 19. Lt. Colonel William Edward Sheridan Knowles, who died in 1931, bequeathed \$197,000 for the "beautification of Sydenham Street" in Dundas and "the Webster's Falls Area." The Knowles Bequest Trust Fund still provides funding for community projects in 2016.

[and] the Dundas reservoir portion below the dam, are mostly leased for grazing.”<sup>105</sup> As discussed in Chapter 1, the SCCA had already informed the Dundas Public Utilities Commission on 8 May 1959 of its interest in assuming responsibility for the Dundas Reservoir. In the “Brief Submitted to Dundas Public Utilities Commission’ dated 8 September 1959, the SCCA outlined its plans for the reservoir. Seeking a 25 year lease at “a nominal rental,” the authority proposed to assume the maintenance and development of a recreation area, “test the waters’ for the possibility of re-stocking the reservoir with the most suitable species of fish, and make the facilities “as developed” available to the Dundas Legion Fishing Club.<sup>106</sup> Dundas PUC accepted the SCCA’s plans in principle, but negotiations regarding the details of the agreement would continue until 5 October 1964 when a 50 year lease was signed by Town of Dundas council.<sup>107</sup>

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<sup>105</sup> Ontario. Conservation Branch, and Arthur Herbert Richardson, *Spencer Creek Conservation Report, 1960* (hereafter SCCR 1960) (Toronto: Ontario Dept. of Planning and Development, Conservation Branch, 1960): R19. SCCAMM, 6 June 1959; 31 July 1959; 4 September 1959. The authority’s Historic Sites Advisory Board recommended to the authority membership in 1958 that the SCCA “acquire part of the land at Crooks Hollow, including the old Darnley Mills.” SCCAMM, 29 December 1958.

<sup>106</sup> SCCAMM, 6 June 1959, 31 July 1959, 4 September 1959; Spencer Creek Conservation Authority, *Public Utilities Commission Brief*. (Dundas: Spencer Creek Conservation Authority, 8 September 1959).

<sup>107</sup> Dundas PUC requested one clause suggesting that PUC have a member on the Authority – which the authority felt was unnecessary. PUC offered to consider a fifty year lease on the dam and dam site provided it can use the water from the reservoir for municipal drinking or fire purposes if necessary and that it can construct any structure at any time on the property to assist with water supply. The authority was concerned with the phrase “any structure at any time.” At Dundas Town council 5 October 1964 a motion by Reeve Couldrey “that the Mayor and Clerk be authorized to execute the Agreement between SCCA and Dundas PUC dated October 2, 1964” was carried. It is interesting to note the dual role of Couldrey as Dundas Reeve and SCCA Past Chairman and how it exemplifies the close relationship between the SCCA and member councils. Town of Dundas Council Minutes, October 5, 1964. SACCAMM, 30 November 1959, 28 March 1963, 25 June 1964, 23 July 1964, 24 September 1964. Spurred by the drought of 1936, Dundas laid a 12 inch pipeline to connect the town to the Hamilton Waterworks in order to ensure a secure source of water for the town “Town Council Making Available \$31,000 for Laying Main to City,” *Dundas Star*, 30 August 1936.

Planning and development of Crooks Hollow Conservation Area did not wait for the Dundas PUC agreement to be signed. The authority requested the Conservation Areas Advisory Board (CAAB) on 28 April 1960 to contact the executors of the Stutt estate about the possible purchase of the old mill site. The CAAB recommended that the authority seek money for land appraisals and that options be secured on the 97 acres required for the planned conservation area. In May 1961, McMaster University professors Dr. H. A. Wood (Geography) and Mr. N. E. Wilson (Engineering) were contracted to do an engineering survey and plan for the area. Completed in November 1961, the report recommended significant remedial work on the Dundas Dam and the Stutt mill site. This report prompted the authority to intensify its efforts to acquire the mill site, the adjacent Denman property and to finalize the agreement on the Dundas Dam and Reservoir.<sup>108</sup>

At the 17 December 1963 authority meeting it was announced that the Stutt and the Denman properties were 'on the market'. By March 1964 an appraisal report on the 11.25 acre Stutt parcel had been received and an offer to purchase made of \$18,000 for the land, residence, mill and creek. On 12 May 1964 the authority sought an appraisal on the 16 acre R. C. Denman property and accepted the \$10,000 vendor price on 21 October 1965, although "somewhat higher than the appraised value." The fifty percent provincial grant of \$5,200 for the Denman property is indication that the Crooks Hollow Conservation Area scheme was deemed a recreational project. The SCCA decided at the 29 October 1964 authority meeting that with the

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<sup>108</sup> SCCAMM, 28 April 1960, 2 February 1961;



recent provincial Small Water Reservoir Supply (SWRS) funding for reservoir schemes, the Dundas dam restoration work and further land purchases for the conservation area should be lumped together with the planned Christie reservoir project. It was felt that since the Christie project “was the largest and most significant reservoir in the watershed” the relatively minor repairs to the dam could be viewed as ancillary work, and therefore qualify for full funding under the SWRS.<sup>109</sup> Acquisition of the Bozak and Bellyea properties noted in the 1960 report were purchased in 1970 as part of the Christie dam and reservoir scheme.

Deputy Chairman Beckett outlined the tentative recreational plans for the Crooks Hollow area to Dundas Council on 30 October 1964: parking facilities west of the reservoir (Denman property), an area for boating and swimming, restoration of the old reservoir and possible restocking with bass. The *Hamilton Spectator* added that plans spoke of the possibility of building a small dam below the existing one to make a wading pool for children. The Crooks Hollow plan received considerable support from the editors of the *Dundas Star*:

The Crooks Hollow park and dam will be an outstanding monument to the SCCA, and a very profitable enterprise for the community .... We expect that everyone will be delighted with the results – to those visitors and residents who visited Webster’s Falls and had to park their cars along the highway on Easter Sunday, and to the camera enthusiasts who risked torn clothes and broken necks trying to get photographs of the old mill in Crook’s Hollow, can we say, patience, friends.

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<sup>109</sup> SCCAMM, 28 March 1964, 29 October 1964, 21 October 1965; SCCAECM, 17 December 1963, 12 May 1964; “Saving Dundas Escarpment Considered by Authority,” *Hamilton Spectator*, 28 April 1961; “Creek Grant announced by Connell,” *Hamilton Spectator*, 15 December 1965.

The same editorial gives generous praise to the SCCA for their work at Crooks Hollow. The planned conservation area “is also a monument to the men [and women] who at this moment are spending a great deal of their spare time negotiating with property owners, pouring over maps, and doing the hundred and one frustrating and tiring tasks that go to make an efficient enterprise, and which very often go unrewarded and overlooked.”<sup>110</sup>

The development of the conservation area would proceed slowly. With the Dundas PUC agreement signed October 1964, and the purchase of the Stutt and Denman properties in May 1964 and October 1965 respectively, actual development of recreational facilities did not fully begin until the spring of 1966. With authority management of the former Dundas dam and reservoir came the responsibility for public safety. The new Hamilton Regional Conservation Authority had hoped to open the Crooks Hollow area for recreation in the summer of 1967. Based on discussions with the Red Cross and the Wentworth County health unit however, it was determined that opening the area to the public in an “undeveloped state” was unsafe. A delegation of Greensville residents presented their concerns about the lack of alternative swimming locations to both the HRCA and the Township of West Flamborough. The residents proposed that the Crooks Hollow area be opened for recreation under the control of local citizens under a temporary agreement relieving the authority of responsibility for area. An authority subcommittee concluded that security and safety concerns prohibited citizen

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<sup>110</sup> Editorial, *Dundas Star*, 24 April 1963; “Chairman of Spencer Creek Conservation Authority Outline Details of Proposed Valens Dam,” *Dundas Star*, 9 September 1964; “Playground for city’s thousands.” *Hamilton Spectator*, Undated Clipping, [September, 1964]; “Greensville Conservation Plan,” *Hamilton Spectator*, 31 October 1964.

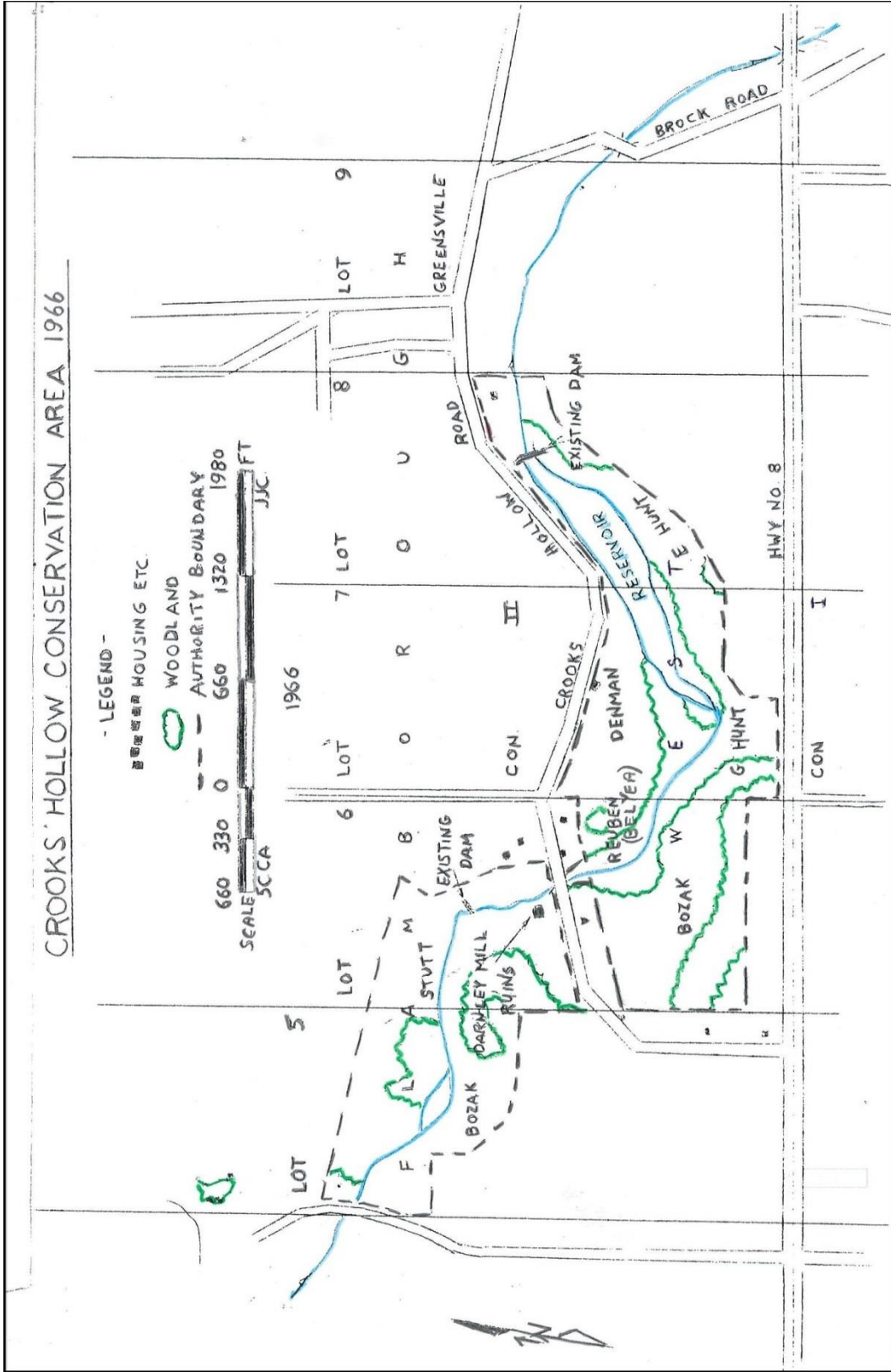
management of the area. The Crooks Hollow Conservation Area would ultimately open 5 July 1969, with trails, parking facilities and a fully restored dam.<sup>111</sup> (See Table 8 and Map 6)

While the Crooks Hollow dam was a common recreation spot for local residents, Webster's Falls Park was an extremely popular attraction for visitors to Greensville. The *Hamilton Spectator* in 1964 described the park as "a small, crowded picnic spot which attracts Hamiltonians in droves during the summer months." These 'droves' of visitors created significant traffic and parking congestion around the park. The small parking area at Webster's Falls Park was overwhelmed and residents on the private Webster's Falls Road complained for years about cars blocking driveways and parking on lawns. Frustrated by the inaction of local officials, residents erected heavy wire gates in April 1964 to close the road's entrance to vehicular traffic. The laneway barricade now forced hundreds of Webster's Falls visitors to park on the shoulders of Highway 8, creating significant traffic hazards. The OPP expressed serious concerns about the potential for traffic accidents and fatalities. And the gates would stay up residents said, until someone decides who owns the road. <sup>112</sup>

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<sup>111</sup> Hamilton Region Conservation Authority Meeting Minutes (Hereafter HRCAMM), 4 July 1967; Hamilton Region Conservation Authority Executive Council Minutes (Hereafter HRCAECM), 5 June 1967, 20 July 1967; TWFCM, 4 July 1967. Hamilton Region Conservation Authority, *Executive Committee Report*, 10 October 1969; "New Authority – Big Job," *Hamilton Spectator*, 9 January 1966; "Everything from hikes to pancakes as conservation week set for area," *Hamilton Spectator*, 2 July 1969. Low regional water levels and pollution in Hamilton Harbour and Cootes Paradise seriously limited water-based recreation opportunities in Greensville and Dundas.

<sup>112</sup> SCCAMM, 19 November 1966; Township of West Flamborough Council Minutes (Hereafter as TWFCM), 17 November 1964, joint meeting with Town of Dundas and Knowles Bequest Board; "May Buy Land to Ease Row," *Hamilton Spectator*, 19 October 1964; "Council Has Next Move in Webster's Falls Row," *Hamilton Spectator*, 20 October 1964; "Knowles Bequest Board Welcomes Township Re-Opening Park Lane," *Dundas Star*, 13 January 1965; "Writ Sought to Open Road," *Hamilton Spectator*, 27 April 1967. Some Dundas councillors, fed up with the Webster's Falls Road situation, hinted [hopefully not seriously] that one solution may be to turn the property into a high-rise development.



Map 6 – Crook's Hollow Conservation Area, 1966

The road had never been officially designated to any owner, either public or private. Dundas owned the park, but it was located in the Township of West Flamborough, whose council refused to accept or maintain the access road. The *Dundas Star* noted how for years they have “passed the ball back and forth between them” regarding who has responsibility over this “ghost” road. Dundas claimed the roadway was part of the park and thus owned by the town, with a common public right-of-way for both residents and park visitors. As the houses were constructed after the park’s development, however, and residents paid taxes to West Flamborough, Dundas argued it was the township’s responsibility to maintain and police the road. West Flamborough felt it was a private road and that the problem of parking and maintenance did not come under their jurisdiction.<sup>113</sup> The gates served their purpose. They highlighted the problem, created a public controversy and forced the municipalities to take action. In a letter to the clerk of West Flamborough Township, Provincial MPP Ray Connell stated that the OPP would accept responsibility for policing the area and suggested that the township erect signs to prohibit parking on the road. He noted that ‘residents had “suggested they would withdraw the barriers if someone erected signs prohibiting parking on the roadway.”’ On 17 November 1964 a meeting of the Dundas council, West Flamborough council and the Knowles Bequest Board was called to review the issue. It was decided that the two councils

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<sup>113</sup> SCCAMM, 19 November 1964; TWFCM, Nov 17, 1964, Joint meeting with Town of Dundas and Knowles Bequest Board; “Playground for city’s thousands,” *Hamilton Spectator*, Undated Clipping, [September, 1964]; “Council Has Next Move in Webster’s Falls Row,” *Hamilton Spectator*, 20 October 1964; “Editorial: Gateway to Action,” *Dundas Star*, 13 January 1965; “Knowles Bequest Board Welcomes Township Re-Opening Park Lane,” *Dundas Star*, 13 January 1965. At the time of the park’s development in 1933, the only building on the laneway was a hot dog and refreshment stand. West Flamborough snowplowed the road on occasion, residents reported in 1964. But it was “only when somebody got really mad and called the township offices.” “May Buy Land to Ease Row,” *Hamilton Spectator*, 19 October 1964.

should petition the Spencer Creek Conservation Authority to purchase the Tiplady property on the north-east side of Webster's Falls Park for a potential parking lot for visitors. The authority was viewed as the logical body to purchase the property since it operated on a regional basis.<sup>114</sup>

The SCCA had been aware of the 7-acre Tiplady Estate property's availability since 1961. A letter from the estate's realtor, received April 1961, offered the property to the authority for \$3,000 per acre. The authority felt "that since the property is not suited for conservation purposes but more for use as parkland, that the councils of West Flamborough and Dundas be informed of the situation for any action they may deem fit." This outlook changed in November 1961, when the authority unsuccessfully investigated the chances of a gift of the property. Acquisition of the 7-acre parcel was officially mandated by the authority's as part of the planned Tew's Falls Conservation Area, adopted as Scheme #7 on 7 February 1963 . The 1960 Conservation Report's recommendations had observed that the Tew's and Webster's Falls gorge was "spectacular" and "picturesque". "Darkened by steep walls of the dual gorges and the dense blanket of hardwoods the site is fascinating ... by all standards this is one place in Southern Ontario which creates a most realistic feeling of seclusion and privacy – tinged even with some awesomeness." The little-known Tew's Falls, approached through a farmer's field, wasn't easy to access. The Conservation Report felt that access would be improved if the property was acquired and developed as a conservation area.<sup>115</sup>

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<sup>114</sup> TWFCM, Nov 17, 1964, Joint meeting with Town of Dundas and Knowles Bequest Board; "Council Has Next Move in Webster's Falls Row," *Hamilton Spectator*, 20 October 1964.

<sup>115</sup> "Saving Dundas Escarpment Considered by Authority," *Hamilton Spectator*, 28 April, 1961; "May Buy Land to Ease Row," *Hamilton Spectator*, 19 October 1964; "Council Has Next Move in Webster's Falls Row," *Hamilton Spectator*,

The authority appraised the Tiplady Property at \$12,000, significantly lower than the 1961 vendor offer of \$21,000. On 27 August 1964, the estate's solicitor tendered a purchase price of \$11,000 for the property, less four residential lots on the south side of the road allowance. Rejecting the offer, along with a counter offer of \$17,000 for the entire property, the authority was finally able to purchase the 7-acre property for \$12,500 in December 1964. The authority's 1963 budget had allocated \$10,000 for the property, \$5000 from municipal funds and \$5000 from provincial subsidies. The remaining \$2,500 came from funding provided by the West Hamilton Kiwanis Club, who had agreed to put up \$7,500 towards the Tew's Falls project. The authority plans for the Tew's Falls Conservation Area approved by the General Membership on 2 February 1967, outlined the development on the Tiplady parcel of an 80-car parking area, "extensively landscaped and out of sight from homes across the road."<sup>116</sup>

The SCCA's acquisition of the Tiplady property prompted West Flamborough Councillor Murray Baird to introduce an 11 January 1965 motion at council that Webster's Falls Road be designated a township street. With an alternative parking area planned and the township

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20 October 1964; "Editorial: Gateway to Action," *Dundas Star*, 13 January 1965; "Knowles Bequest Board Welcomes Township Re-Opening Park Lane," *Dundas Star*, 13 January 1965. The Knowles Bequest Board was prohibited from purchasing the Tiplady property since the Knowles Will stated the Board may buy land up or down the Creek but cannot buy land across the creek. The joint meeting also suggested that the authority might be the logical organization to administer Webster's Falls Park. TWFCM, Nov 17, 1964, Joint meeting with Town of Dundas and Knowles Bequest Board. The 1960 Conservation Report had echoed this thought: "Both from the aesthetic and conservational point of view it would be logical to connect the [Webster's Falls] area with ... Tews Falls." SCCR 1960, R20. Tom Thomson, SCCA public relations secretary, echoed the conservation report's praise for the area: "I've paid money in the United States to see gorges like this – Watkins Glen, Ausable Chasm. As far as beauty goes they've got nothing on us." "Playground for City's Thousands," *Hamilton Spectator*, Undated Clipping, [September, 1964]. The *Dundas Star* concurred, see "Leadership by Town Needed," *Dundas Star*, 16 June 1965.

<sup>116</sup> SCCR 1960, R20; SCCAM 22 June 1961, 2 November 1961, 31 May 1962, 31 October 1963, 27 April 1964; *Spencer Creek Conservation Authority Executive Committee Meeting* (Hereafter SCCAECM), 17 March 1961; HRCAMM, 4 July 1967. The Kiwanis Club had ear-marked the \$7,500 for the eventual creation of a 29-acre park around the falls, to be named after the club.

considering ownership of the road, residents expressed a willingness to remove the barricade. However, the development of a parking area for the Tew's Falls Conservation Area would prove considerably more difficult than anticipated. Opposition arose immediately. At the January 1965 West Flamborough council meeting, Eric Clark, representing residents of Fallsview Road, spoke in opposition to the creation of a parking lot at the end of their road. It was their opinion that a parking lot would depreciate the value of their properties. Clark also pointed out that the single-lane bridge at Bullock's Corners was too narrow for two-way traffic as was the Short Road connection to Harvest Road. In what would be a lengthy four-year battle, the concerns of Fallsview residents were aptly summarized by the *Dundas Star*:

The authority contends that the new parking lot ... is only for the use of a passive conservation area; that few will use it. We tend to agree with the residents contention – that the 80-car lot will be filled with people using the area's most popular picnic and play spot, Webster's Falls. The authority has stated it is not in the business of providing parking for a park outside its jurisdiction. This sounds fine when you say it, but what is to prevent that very thing from happening? So Falls View Road, instead of being a pleasant, backwater residential area, safe and serene, becomes the only major access into a busy weekend and holiday playground. A solution can and must be found.

The Fallsview residents had certainly experienced the congestion at Webster's Falls Road and Highway 8 and were justified with their concerns. They had already been experiencing an increasing number of cars parking along their road to access Webster's Falls.<sup>117</sup>

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<sup>117</sup> TWFCM, 11 January 1965; SCCAMM, 28 January 1965, 26 March 1965, 30 April 1965; HRCAMM, 4 July 1967. The February 1965 Hamilton Wentworth Planning Area Board report on the development of the Webster's and Tew's Falls area outlined the planned development of "very modest" parking facilities on the Tiplady property and on the Tew's property adjacent to Harvest Road, and recommended that automobile traffic on Fallsview Road be kept to a



Dundas authority member Harry Law blamed poor communication between the West Flamborough council and the authority for the parking lot controversy. Plans to develop the parking lot had been approved by all levels of government, he said, but misunderstandings led residents to believe the authority was “high-handed.” The authority maintained that ultimately their responsibility was the Tew’s Falls Conservation Area and not Webster’s Falls. The parking lot is designed for hikers to Tew’s Falls, argued Chairman Beckett, and “we can’t spend public funds for an area and say you can’t bring your car.” The SCCA did agree that the parking lot would also be used by visitors to Webster’s Falls and worked directly with the municipalities and the Ontario Provincial Police on potential solutions. The authority began by offering to temporarily reduce parking capacity from 80 to 20 cars, and to suspend construction on the lot for the month of June 1967 to seek comments from residents. The resident’s objections hinged around traffic problems and it was suggested that a one-way street system could reduce this problem substantially. Mr. Gardiner from West Flamborough felt that roads would have to be widened and bridges reconstructed, and did not think the township should be completely responsible for these extra expenses. Other SCCA members felt that it was not the authority’s responsibility to bring township roads or bridges up to standard. Additional parking sites for the area were also sought. The authority investigated the purchase of a vacant lot on the north side of Fallsview Road, while West Flamborough requested the provincial government to consider the creation of off-street parking on the west side of Highway 8 near Webster’s Falls Road.

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minimum. Hamilton Wentworth Planning Area Board Report #145, in Hamilton City Council Minutes, 11 February 1965.

Neither would come to fruition. The authority would construct a second parking lot off Harvest Road to service the conservation area, but this would await the finalization of negotiations with the landowner.<sup>118</sup>

Development plans for the Tew's Falls Conservation Area called for the acquisition of land along the escarpment edges, within the lower gorge and around Tew's. The MacLennan, Spears and Simpson properties encompassed the western tablelands and most of the lower gorge. Negotiations on a 71-acre parcel began in the summer of 1965 and in March 1966 an option was approved at \$100/acre plus a fence. (See Table 7). The fence was to be constructed along the new property line a few feet from the escarpment lip. The landowner's concern was for "the protection of their properties from intruding park guests" and wanted no permanent trail along the table land. The agreement also specified that the Authority be prepared to erect a fence, if requested, to discourage public access from adjacent properties.<sup>119</sup> Along the eastern edge of the gorge lay the massive quarrying operation of Canada Cut and Crushed Stone. Thomas

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<sup>118</sup> SCCAECM, 11 May 1967; HRCAMM, 5 May 1967; HRCAECM, 10 May 1967, 5 June 1967; TWFCM, 24 May 1966, 17 July 1967; "Parking Lot Gets Go-ahead," *Hamilton Spectator*, 5 May 1967; "Men, Machines Pulling Out On Webster's Falls Project," *Hamilton Spectator*, 19 May 1967. "No End Seen to Falls Row," *Hamilton Spectator*, 6 April 1968; Ben Vanderbrug, personal communication, 28 July 2016. The authority voting to reduce capacity carried 10-8, while voting to delay the parking lot's construction carried at 9-9. This indicates significant division within the authority on the Tew's Falls issue. Comments in the minutes suggest a possible urban-rural divide. HRCAMM, 5 May 1967; *Hamilton Spectator*, 19 May 1967. The stop-work decision was requested by the Township of West Flamborough Council, and stemmed from a petition by 40-residents that all work on the parking lot be stopped until the authority reconsiders the plan. Residents claimed that the project was an anti-conservation scheme, poorly planned and destructive of natural beauty. *Hamilton Spectator*, 5 May 1967.

<sup>119</sup> SCCAMM, 3 February 1966; SCCAECM, 3 March 1966; HRCAECM, 27 April 1967. The Bruce Trail was constructed through this area in the spring of 1963, traversing the Simpson property in the lower gorge. It seems the landowners had no interest in having it along the upper edge of the escarpment wall. Edith Austen Lloyd, "The Bruce Trail," *Wood Duck* 17:1 (September 1963): 8, 9; Bruce Trail Association, *Bruce Trail Guide Book, 1968*. Fourth Edition (Hamilton: Bruce Trail Association, 1968), Iroquoia – 3.

Beckett suggested to the company that a donation of their unworkable escarpment rim land, including Dundas Peak, would gain them significant public relations value. Public concern over the future of the Niagara Escarpment had been growing for years and Premier John Robarts announced on 10 March 1967 a 'wide-ranging study of the Niagara Escarpment with a view to preserving its entire length.' The HRCA and the Halton Region Conservation Authority were instrumental in prompting the government's action. Their 24 November 1966 joint brief to the legislature's Select Committee on Conservation recommended the purchase of a strip of land "along the 300-mile length of the Niagara Escarpment and preserve it as a green belt for the people of Ontario." Canada Cut and Crushed Stone, certainly cognisant of the public mood, responded on 24 September 1967 with a 22-acre donation to the SCCA. As land donations were not tax deductible and cash donations were, the authority purchased the property for the 'fair market value' of \$7,500 and the company donated the money back. Public acknowledgment was quick to follow. The *Dundas Star* described it as "a gesture that speaks well for the firm and demonstrated the desire of industry to participate in such worthwhile community and county projects."<sup>120</sup>

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<sup>120</sup> HRCAECM, 22 December 1966, 27 April 1967; Ontario, Legislative Assembly, Select Committee on Conservation Authorities, *Report of the Select Committee on Conservation Authorities, 1967* (Toronto: Legislative Assembly of Ontario, 1967), 87; A. H. Richardson, *Conservation by the People: The History of the Conservation Movement in Ontario to 1970* (Toronto: University of Toronto Press, 1974), 92. "A generous gift" *Dundas Star*, 27 September 1967; "Everything from hikes to pancakes as conservation week set for area," *Hamilton Spectator*, 2 July 1969. In addition to preserving the 300-mile strip of land, two authority's joint brief also recommended the creation of a special park commission to administer the land, province-wide regulations to govern quarrying operations and a special tax on quarrying extraction. It received substantial media and government reference. "Government urged to buy escarpment," *The Globe and Mail*, 24 November 1966; "Province Urged to Buy Niagara Escarpment," *Hamilton Spectator*, 24 November 1966; "Robarts says escarpment to be public playground," *The Globe and Mail*, 11 March 1967; "Take over vast escarpment areas for public parks; province urged," *The Globe and Mail*, 19 April 1967; Thomas Beckett recalls walking into the Canada Cut and Crushed Stone offices in Toronto and stating that 'by the time he left they will have donated land to the SCCA;' which they did. Thomas Beckett, personal communication, 13 November 2014.

The authority's efforts at acquiring the important Tew property had begun concurrently with negotiations on the Tiplady parcel. An April 1964 authority appraisal set a \$10,000 value on the 32.5-acre property, a price which Mr. Tew refused to even consider. Tew countered with an offer to lease the property for 20 years at \$1,000 per annum, with an option at the end to buy it for \$15,000. The authority doubted that the provincial government would contribute 50% to the development of a property on a lease of less than 50 years. Barnes of the Conservation Branch confirmed on 25 July 1964 that the Tew's Falls acquisition had to be by actual purchase. A second appraisal valued the property at \$10,500 and the authority submitted an offer of \$11,000 to Mr. Tew's lawyer. Tew was not satisfied with this sum and requested "a substantial increase in the amount," as his appraisal indicated a property value of \$25,000.<sup>121</sup> At the 23 November 1966 meeting the authority noted that "though it is a question of a dollar disagreement, the difference between the asking price and the appraiser's price was nowhere close." It was decided to acquire the property via expropriation. The authority felt that "expropriation is a serious step and that the power of expropriation [should] be executed with caution and discretion – but [its] important to retain Tews Falls in a passive state." The expropriation plan, filed with the province on 22 December 1966, was pursuant to the powers outlined in Section 17(c) of the Conservation Authorities Act. The Act empowered authorities "to

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<sup>121</sup> SCCAMM, 30 April 1964, 25 June 1964, 29 October 1964; HRCAMM, 23 November 1966. Thomas Beckett maintains that the Tew property was being considered by developers for the construction of two high rise apartments. Thomas Beckett, personal communication, 13 November 2014, 11 January 2016.

acquire by purchase, lease or otherwise and without the consent of the owner to enter upon, take or expropriate any land that it may require.”<sup>122</sup> Compensation for the property was

<b>Name</b>	<b>Acquisition Date</b>	<b>Location</b>	<b>Acreage</b>	<b>Purchase Price</b>
Tiplady Estate	22 December 1964	Lot 11, Con 1	7.38 acres	\$12,000
MacLennan	13 June 1967	Lot 11 & 12, Con 1	10.06 acres	\$1,006
Simpson	13 June 1967	Lot 12 & 13, Con 1	47.18 acres	\$4,718
Spears	13 June 1967	Lot 11 & 12, Con 1	14.07 acres	\$1,406
Cnd, C and CS	21 September 1967	Lot 12 & 13, Con 1	21.53 acres	\$7,500
Tew	10 October 1968	Lot 12, Con 2	32.32 acres	\$22,533 expropriated

arbitrated by the provincial Board of Negotiation. New appraisals were received on the property; \$15,000 by the authority and \$25,000 by Tew. The authority executive declined the Board’s recommended settlement of \$20,000 on 22 May 1968 by a vote of 4-4 and was prepared to take the issue to the Ontario Municipal Board. However, following “extensive discussion” the full authority membership agreed to accept the \$20, 000 settlement on 29 May 1968. The SCCA now had its waterfall.<sup>124</sup>

<sup>122</sup> HRCAMM, 23 November 1966; HRCAECM, 22 December 1966; Ontario "c 62 Conservation Authorities Act, 1960" Ontario: Revised Statutes: Vol. 1960: Issue 1, Section 17(c) (Toronto: Queen’s Printer, 1960), 590.

<sup>123</sup> SCCAMM, 1961-1967; HRCAMM, 1967-1970; HRCAECM, 1967-1970; SCCA, *Summary of Schemes* (Dundas: Spencer Creek Conservation Authority, 1965); HRCA, 1970 Annual Report (Ancaster: Hamilton Region Conservation Authority, 1971); HRCA, Property Register. (Ancaster: Hamilton Regional Conservation Authority, 2006)

<sup>124</sup> HRCAMM 23 May 1968; HRCAECM 2 May 1968, 22 May 1968, 6 September 1968. The authority land property register lists a final purchase price of \$22,533 (\$20,000 plus taxes and interest) for 32.317 acres, Lot 12 Concession 2, dated 10 October 1968. HRCA Executive Committee Report, 17 October 1968; Hamilton Region Conservation

The new Spencer Gorge Wilderness Area had officially opened 5 September 1967, without awaiting finalization of the Tew expropriation. The authority had re-named the project Spencer Gorge Wilderness Area on 2 May 1967, with names to be “assigned to various areas within this wilderness area such as ‘Tews Falls’, ‘Dundas Lookout’, ‘Websters Falls Lookout’ etc.” The 133-acre area was formally opened by provincial secretary, the Hon. Robert Welch, who noted that the ‘wilderness’ part of the conservation area’s name was amazing, considering that it was only a few miles from the centre of Hamilton. But all was not “sweetness and light” at the ceremony, according to the *Hamilton Spectator*: The first discordant note was a silent one. Every house on Falls View Road had a hastily-erected “For Sale” sign out in-front. Two West Flamborough politicians in attendance at the opening, Reeve Ivan Goodbrand and the Hon, Ray Connell, Minister of Public Works, were both critical of the HRCA. Connell, whose farm was only a mile from the gorge, charged the authority with having poor public relations. “I am not actually sure I’m happy to be here this afternoon,” he stated, but “the region needs such a conservation area and its picnic grounds, but let’s get all the people behind you, not just a few.” Bringing greetings and thanks from the township of West Flamborough, Goodbrand said that he approached the ceremony with mixed feelings. While proud to have such a facility in West Flamboro, he added that he was always taught not to criticize anyone while a guest in their house: “I am a guest of the authority. I will not say anything.”<sup>125</sup>

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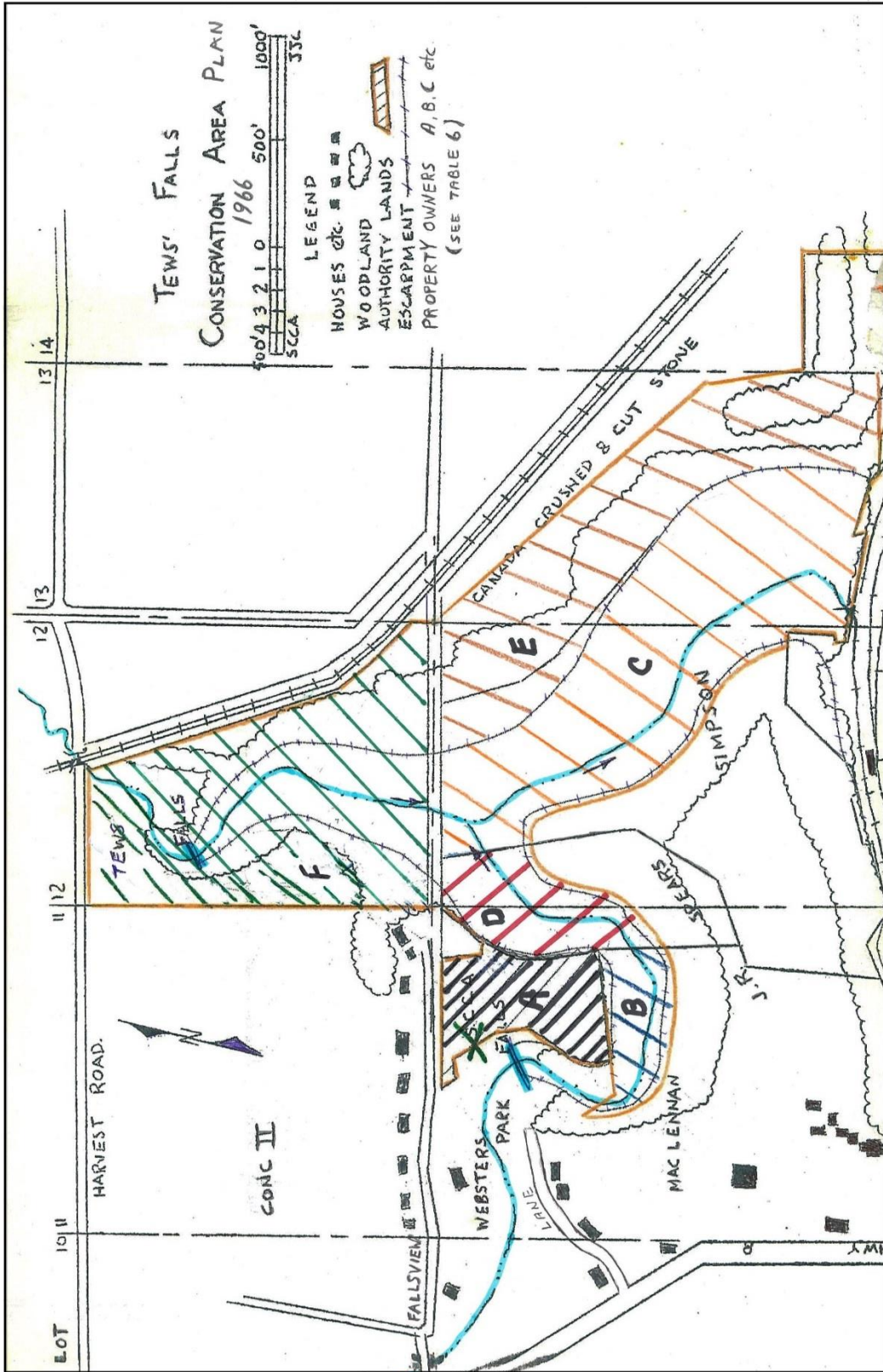
Authority, Property Register (Ancaster: No Date); HRCA. *1970 Annual Report* (Ancaster: Hamilton Region Conservation Authority, 1971): 50.

<sup>125</sup> HRCAMM, 19 May 1967, 25 May 1967; “Spencer Gorge Park Open, Authority Image Under Attack,” *Hamilton Spectator*, 6 September 1967. There is no record available explain the rationale for the name change. Conceivably, the decision to change the name to Spencer Gorge Wilderness Area may have been influenced by several factors: the recurring suggestion that the authority eventually take over jurisdiction of Webster’s Falls Park and add it to their

While the area may have been officially opened, the parking lot off Falls View Road was due to close the next day. Residents had submitted a writ to the Ontario Municipal Board in July 1967, claiming the lot was illegal, poorly-planned and a traffic hazard. An interim injunction closing the parking lot after 5 September, pending a Supreme Court ruling, was granted by Mr. Justice Henderson. The basis of the interlocutory injunction was that the Authority's lands were not a public park within the meaning of section 7.5 of West Flamborough Township's Zoning By-Law #2287. On 10 October 1967 residents withdrew the writ, due to the prohibitive costs of continuing legal battles and their understanding that an agreement had been reached to open Webster's Falls Road, thus reducing traffic on Falls View Road. Beckett outlined to the authority's executive committee the potential ramifications of Justice Henderson's injunction. He noted that because the lot was closed on the grounds that it violated West Flamborough's zoning laws, the judge had really challenged the right of conservation authority lands to qualify as public parks. Beckett felt it was unfortunate the case ended before a Supreme Court hearing.

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recreation area; the difficulties incurred with Mr. Tew; the size and scope of the entire property; and the sense of remoteness within the gorge.



Map 7 – Tews Falls Conservation Area , 1966



If allowed to stand unchallenged, the injunction precedent could severely restrict development of all conservation authorities in the province.<sup>126</sup>

The authority had contested West Flamborough Township Council over zoning by-laws since 1965. Zoning By-Law #2287 revised land assessment and development planning in the township as part of a review of the township master plan in 1965. The authority objected to the designation of the Tiplady, Spears and Simpson properties as neighbourhood development. They contended that the properties should be classified as public open space, thus prohibiting their use for residential development. West Flamborough had conceded on the zoning revision, easing the acquisition of these properties by the authority. However, prompted by the parking lot controversy and the ire of Fallsview Road residents, township council passed Zoning By-Law 2394 in September 1968. This new by-law gave township council the power to turn down any future project which had, as part of its uses, a recreational or park aspect. Any conservation organization now wanting to buy land for a recreation project was required to ask the township to zone it as public open space. If the township didn't like aspects of the project, like parking lot locations, the zoning application could be turned down. Before the bylaw, parklands could be established in all zones. West Flamborough member R. Gardiner conveyed the feeling of council at the 13 January 1969 authority meeting. The proposed by-law, he said, was to ensure that the authority's projects in the township would be fully discussed with township council. Other

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<sup>126</sup> HRCAECM, 11 April 1967, 20 November 1967; "Battle Is Over At Webster's Falls," *Hamilton Spectator*, 31 October 1967.

authority members sympathized, but felt the proposed park zoning by-law would do far more, upsetting all contemplated conservation projects in the township.<sup>127</sup>

The HRCA, along with the Halton Region Conservation Authority and the Royal Botanical Gardens, registered their objections at the 11 April 1969 OMB hearing on the by-law. Vice-Chairman H. E. Roberts noted in his decision that “there was no distinguishing the fact that the bylaw was passed at the instigation of a group of ratepayers on Falls View Road. But neither was there any suggestion that it does not represent the reasoned and careful view of a majority of members of [township] council.” He acknowledged that the RBG and the Hamilton and Halton authorities presented well their argument, particularly that “recreation is an integral part of virtually every conservation project” and “the township had not proved parks to be a wrong use of land in any zone.” His decision, however, was to approve the bylaw; based on his belief that the township should have control over park zoning.<sup>128</sup> -Beckett felt the OMB decision to uphold the zoning bylaw was politically motivated, as Public Works Minister Ray Connell West Flamborough’s MLA was interested in its passage. Connell replied that Beckett was “dead

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<sup>127</sup> By-Law 2394 was an amendment to Section 7.5 of By-law 2287. SCCAMM 30 April 1965; HRCAECM 30 January 1969; TWFCM, 5 April 1965, 29 January 1968, June 3 1968, 20 January 1969. An interesting sequence of motions occurred at the 3 March 1969 authority meeting suggesting some friction between the authority and the township. West Flamborough requested that the authority investigate the purchase of surplus township lands suitable for conservation purposes. It was moved for staff to investigate. The township informed the Authority that they would be proceeding to make application to the OMB for approval of zoning by-law 2394. It was moved by Dundas Councillor Law, that in view of this application the previous motion be rescinded. HRCAMM, 3 March 1969.

<sup>128</sup> Archives of Ontario, Ontario Municipal Board applications and appeals files; “*Flamborough by-law 2394.*” RG 37-6-1, B205011. “Decision said politically tied,” *Hamilton Spectator*, 10 April 1969; “Political influence suggestion ‘dead wrong’.” *Hamilton Spectator*, 18 April 1969.

wrong”, claiming that the Ontario Municipal Board is an appointed semi-judicial body. “The OMB is a very responsible group and I do not like to see them undermined by would-be politicians [Beckett],” he added.<sup>129</sup>

The three regional conservation organizations asked the OMB for leave to appeal the decision. They were concerned that other municipalities could follow West Flamborough’s lead and pass similar bylaws that could “seriously hamper conservation across the province.” HRCA Chairman Beckett noted that local councils tend to yield to the pressure of special interest groups and could be unwilling “to look at the broader problems of wise resource management in our river valleys.” He explained that the “insidiousness” of the bylaw didn’t lie in its control of smaller recreation projects, but in its potential application to larger conservation plans. “A dam and reservoir project, like the Christie scheme, is designed for flood control in Dundas,” he observed, “but with relatively small cost valuable recreational facilities could be developed as well. However, West Flamborough could block the building of the Christie project, which has no flood control benefits for that township, due its park facilities.” J. R. Simonett, Minister of the

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<sup>129</sup> “Fish Bite, Old Feud Forgotten,” *Hamilton Spectator*, 28 June 1968; “Decision said politically tied,” *Hamilton Spectator*, 10 April 1969; “Political influence suggestion ‘dead wrong’,” *Hamilton Spectator*, 18 April 1969. Beckett noted that: “Not one piece of evidence was offered at the hearing to support the passage of this bylaw. The evidence was preponderantly in favor of the authority’s argument .... I think the results of this hearing were pretty well a foregone conclusion because passage of the bylaw was in the interests of certain powerful individuals.” The Beckett/Connell feud surfaced at the opening of the Valens Conservation Area in 1968. Connell said that he had berated the authority and Beckett for poor public relations last year at the opening of the Spencer Gorge Wilderness Area. With the practice that Beckett got from the recent Federal election, he expected the good public relations to continue. [Beckett, the liberal candidate for Hamilton West (13,238 votes), had lost to Lincoln M. Alexander (13,580 votes) in the 1968 federal election.] Beckett replied by referring to a boat beached alongside the park’s lake. “I think I’ll take you out in that boat as soon as the ceremonies are over and we can be the first persons to catch some bass,” he said to Connell. “I thought you were going to dump me in,” Connell observed. Beckett replied, “That’s after we catch some bass.”

Department of Energy and Resources Management, agreed that the West Flamborough bylaw could create problems for conservation authorities, although he wasn't sure what action could be taken by the department. OMB chairman J. A. Kennedy, dismissed the application for appeal, leaving the conservation organizations no further avenue for petition. Beckett felt, however, that the situation might be addressed by provincial legislation and intended to ask the authority to seek such means.<sup>130</sup>

The planned Christie scheme would be the largest conservation project in West Flamborough. The principal water management scheme undertaken by the authority, the proposed dam and reservoir had the anticipated benefits of flood control, water supply protection and recreation. The 1960 Conservation Report recommended the dam be located 200 feet north of the old Stutt's Mill Dam, a "strategic location" just upstream from Dundas. Coupled with other small dams on the creek, the dam should end the flooding problems in the valley town. A minimum permanent lake level was also recommended in order to provide recreational facilities. The importance of the project's recreation value to the region "cannot be emphasized too strongly," the report concluded, and "it is heavily advised that the necessary lands be acquired as soon as possible."<sup>131</sup>

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<sup>130</sup> HRCAECM, 12 June 1969, 29 August 1969; "Political influence suggestion 'dead wrong'," *Hamilton Spectator*, 18 April 1969; "Conservation groups beaten in fight over park zoning laws," *Hamilton Spectator*, 22 August 1969.

<sup>131</sup> SCCR, W.31-34.

The Stutt's Hollow area above the old dam was an idyllic setting of pastured fields and sporadic groves of trees. The authority had begun referring to the area as the future Christie Reservoir Site in 1959, based on early drafts of the 1960 Conservation Report. Due to the site's close proximity to Crooks Hollow, the authority felt that development of the two projects should be planned and proceeded with in an orderly fashion. The prompt development of a Christie masterplan was recommend on 2 November 1961 and Dr. Harold A. Wood of McMaster University was contracted to prepare the study. The Christie Preliminary Master Plan received in the fall of 1962 questioned the need for a large-scale dam above the old mill site. Wood felt that a smaller dam further upstream could provide comparable benefits at a lower cost, while creek channel control would provide effective flood control in Dundas. The Conservation Branch in turn questioned the adequacy of Wood's report. Wood replied with a full report outlining the specifics of his topographical and engineering analysis. With doubts in the minds of authority members and Dr. Wood about the necessity of a large reservoir on the Christie site, it was resolved on 30 May 1963 "that the three reports be filed and no further action be taken at the present time."<sup>132</sup>

Further action would be prompted by events of 1964 and 1965. The extreme summer drought of these years was interspersed with periods of destructive flooding. The February 1965 flood was the worst experienced in Dundas for 13 years, resulting in over \$200,000 worth of damage. The 21 April 1964 provincial announcement of 100% financial assistance for small

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<sup>132</sup> SCCAMM, 31 July 1959, 2 November 1961, 30 May 1963; H. A. Wood and Nyal E. Wilson. *Preliminary Engineering Report on Crooks Hollow Conservation Area* (Hamilton: Hamilton College, McMaster University, 1961).

reservoirs now provided the funds required for projects like Christie. This Small Water Reservoir Supply (SWRS) programme was to run until 1967. With the heightened need for flood control in Dundas and a steady water supply, the authority felt that accessing the available provincial assistance was a priority. R. K. Kilborn and Associates were engaged to produce an engineering study on the dam sites proposed by the 1960 Conservation Report and the Wood's study. The April 1965 Kilborn report concluded that the construction of a large dam on the site recommended by the Conservation Branch was an "essential" component in the authority's water control network and would "reduce any flood peak in Dundas.. The report concurred with 1960 Conservation Report's suggestion that a minimum of 770 acres be acquired for the entire conservation area"<sup>133</sup> (See Figure 7) Based on the report's conclusions, the SCCA adopted the Christie Dam and Reservoir as Scheme #6 on 23 November 1966. Provincial government approval of the Christie project received 29 December 1966 included a grant of \$1,120,000 through the SWRS programme covering the project's entire land acquisition and construction costs. The HRCA municipalities were required to pay back 25 percent, or \$280,000, on a low-interest 10-year plan beginning in 1970. Had the provincial approval been made in 1967 the government would have paid only 75 percent of the costs, leaving the municipalities to find the rest. The authority beat the deadline by just two days.<sup>134</sup>

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<sup>133</sup> HRCAMM, 23 November 1966; Spencer Creek Conservation Authority, Report of the Proposed Christie Dam & Reservoir, R. K. Kilborn and Associates, Engineering Report for HRCA. Draft, April 1965. (Ancaster: Hamilton Region Conservation Authority, 1965) 15-18; Southern Ontario Floods Worst in Years," *The Globe and Mail*, 12 February 1965; "Huge Park, Lake Project Approved," *Hamilton Spectator*, 29 December 1966.

<sup>134</sup> HRCAMM, 23 November 1966; WFTCM, 20 March 1967; "Huge Park, Lake Project Approved," *Hamilton Spectator*, 29 December 1966. West Flamborough's levy portion of the \$280,000 equaled \$3,948.00, paid in 10 installments from 1970-79.

On 7 March 1967 an informal meeting was held at West Flamborough Township Hall to acquaint landowners in the area with the Authority's tentative plans. SCCA staff and engineers outlined details about the dam, the land involved, and the value of dam for water control and recreation. However, staff didn't give the one hundred people in attendance the answers they were looking for, according to the *Hamilton Spectator*. "What in the way of recreational development is planned? – Where are the parking lots going? – How many people will use the facilities? – What injurious effect will there be on properties in and around the area because of the lake and dam?" they asked. Residents pointed out that the township has already lost much valuable land for park purposes: Cootes Paradise, Webster's Falls, Borer's Falls, Royal Botanical Gardens, Tew's Falls and now Crooks Hollow. Beckett replied, "we must provide green open space for our children's children," pointing out that "urban sprawl would soon see Southern Ontario as a massive urban area with no place to play; the time to act is now." On the suggestion that a series of small dams be used, occupying less land and rebuilding the old dams as an historic centennial project, the engineers replied that it would be more costly and less effective in water control. Beckett noted that the Province Of Ontario would not approve such a scheme and its hydraulic engineers together with "the best engineering talent we can get" have decided the dam will be as and where suggested. "You mean", asked one property owner, "this is it, we have no choice?" Beckett replied slowly: "Yes, I'm afraid it is."<sup>135</sup>

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<sup>135</sup> HRCAECM, 7 March 1967; "Details of New Lake, Dam Unveiled For Land Owners." *Waterdown Review*, 13 March 1967.

Local residents were not willing to accept the project plans as a fait accompli. At the 18 May 1967 authority meeting a delegation of residents delivered a petition signed by more than two hundred residents. The petition urged the reconsideration of the Christie project, claiming it was poorly planned, destructive of natural beauty and potentially dangerous. The delegation presented a paper, *Look Before You Leap*, written by Crooks Hollow area residents Grant Belyea, A. D. Donald, D. R. Marsales, Donald Morden, George Purnell and Dr. H. A. Wood of the McMaster geography department. The residents didn't oppose the basic idea of a dam, and wanted Dundas protected from flooding. However, they felt it could be done just as easily by cleaning out, widening and deepening Spencer Creek in the section that winds for a mile through Dundas. They proposed that a smaller dam about one mile upstream from the selected site, as recommended by Wood in 1962, would provide the same recreational facilities at about half the cost. The authority and Killborn engineering maintained that their selected dam site above the old Stutt's Mill fit into the total flood protection plan for the watershed. A dam at this site would hold back the most water at the cheapest cost, they concluded. "Putting it in a nutshell, the dam as proposed gives us the most for our money," said HRCAMM representative Ben Vanderbrug. The authority promised residents that the dam's design would protect the beauty and charm of the old dam and mill area just downstream. The authority resolved on 8 February 1968 to proceed with the project known as "Christie Dam and Reservoir Scheme" as originally planned, and expressed their willingness to investigate any problems that this dam might create on the adjacent lands. <sup>136</sup>

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<sup>136</sup> HRCAMM, 18 May 1967, 25 May 1967; HRCAECM, 27 April 1967, 10 May 1967, 19 June 1967; "Dam Near Greensville." *Hamilton Spectator*, 16 February 1968. By March 1968, the petition had 1,000 signatures. The authority questioned the citizen's petition on the grounds that names were listed on it from as far away as Calgary. "Dam Near



Acquisition of the 770 acres for the Christie scheme began in the fall of 1966, and by February 1968 HRCA staff could report that purchase options for 300.01 acre had been received. The proposed Christie project had been affecting area land use zoning and property values for several months. In April 1966, the Township of West Flamborough approved an April 1966 amendment to their official plan, allowing the re-zoning of the Bellyea property east of the Stutts Mill site from open space to residential. The authority executive committee expressed their opposition to this re-zoning application to the Hamilton-Wentworth Planning Area Board on 19 May 1966, arguing that residential zoning would prohibit use of this property for the proposed Christie scheme. The Planning Board agreed to withhold their approval. In response, Reeve Ivan Goodbrand told West Flamborough Township Council that “a conservation authority should not be allowed to control the use of land without buying it or taking out an option. Goodbrand suggested the authority “should damn well buy it and not leave a young couple stuck with land they cannot use. They can’t even build a stable on it for their horse.”<sup>137</sup>

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Greenville,” *Hamilton Spectator*, 16 February 1968; Peter Calamai, “Residents Losing Battle Against Spencer Creek Dam,” *Hamilton Spectator*, 13 March 1968. The Killborn Engineering response to *Look Before You Leap*, noted that for effective flood control, the dam site as proposed by the residents would require a dam higher than the proposed Christie dam, backing reservoir waters over Highway 5 and raising total land and construction costs above the estimates for the scheme. Kilborn also noted that stream channeling through Dundas would be ineffective due to the low flow capacity and the creek’s high elevation gradient there. HRCA, *Proposed Christie Dam and Reservoir, Comments on Brief – Look Before You Leap*. R. K. Kilborn and Associates, Engineering Report for HRCA, June 15, 1967 (Ancaster: Hamilton Region Conservation Authority, 1967) 2-4. The paper, *Look Before You Leap*, is unavailable in any archive.

<sup>137</sup> SCCAECM, 20 April 1966, 24 May 1966; SCCAMM, 7 April 1967. Mitchell and Shrubsole note that the dominance of the Grand River Conservation Authority in the local real estate market during the 1970’s was believed to be depressing land prices. At the Montrose Reservoir site, residents claimed that: “The only buyer [we’ve] got is the GRCA .... Other people aren’t interested in purchasing land in the area because they fear the dam will be built.” *Kitchener-Waterloo Record*, 14 July 1977), In Bruce Mitchell and Dan Shrubsole. *Ontario Conservation Authorities: Myth and Reality* (Waterloo: University of Waterloo, Department of Geography Publication Series, 1992) 167.

The F. S. Biggs 174 acre property was purchased 28 January 1968 for \$69, 856. A 50 acre parcel of the Biggs land was then exchanged for 59 acres of Adam Clark's farm plus \$8,000 cash. In turn, 2.2 acres of the Clark land was exchanged for 2.2 acres of J. and M. Batty's property. This method of land exchange proved to be an effective acquisition technique for the authority, and one they continued to use in the future. It allowed then to acquire the necessary land for authority projects by working cooperatively with local landowners. The Beverly Golf and Country Club's 7 acre parcel south of Highway 8 was attained for a reduction of \$3,050 in assessed 1970 taxes, a creative financing technique. The small .5 acre J. and E. Beens lot was acquired 25 March 1968, giving the authority important access to the planned dam site from Kramer Road. A \$22,700 purchase option was approved on 31 January 1968 for R. and E. Kuras' 49 acres. However, Kuras wanted to pay off his \$22,900 mortgage, so the authority agreed to add \$200 to the purchase price. In addition, the 49 acre Dwyer, the 21.5 acre Reder and the 10 acre Lamm properties were all under authority ownership by 26 August 1968.<sup>138</sup>

While over 300 acres had been acquired, the remaining landowners were holding out in protest of the project. Some refused to allow surveyors onto their property and "missed" appointments with land appraisers. The Conservation Branch had mandated that the authority have possession of all the necessary land for the dam and reservoir before any construction could begin. Consequently, the authority resolved on 7 March 1968 that "the necessary steps be

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<sup>138</sup> HRCAMM, 23 November 1967, 7 December 1967; HRCAECM, 7 March 1967, 20 November 1967, 30 November 1967; Hamilton Conservation Authority, *Property Register* (Ancaster: Hamilton Conservation Authority, 2006).

taken to expropriate those properties where negotiations had failed,” and approval was received from George Kerr, Minister of Energy and Resource Management.<sup>139</sup> The landowners affected would have an opportunity in court to fight the expropriation order, as changes to expropriation act had recently been enacted by the provincial government.

New legislation passed by the provincial government on 1 January 1967, amended the Expropriation Procedures Act of 1962-63. Provisions regarding the power to expropriate were taken away from the Conservation Authorities by section 1a: “Notwithstanding any general or special Act, no conservation authority, hospital or university shall expropriate land without the prior authority of a judge.” The new Bill 142 now required conservation authorities, hospitals and universities to go before a county judge and prove the need for the land. The amendments stemmed from the public debate during the early 1960’s regarding the expropriation powers of civic institutions expanding in urban communities. Controversies over the expropriation orders by the University of Toronto for its Etobicoke campus, the Toronto Region Conservation Authority for the Eglington Flatts floodplain and McMaster University for a new hospital and medical school were typical of such public debate. Ontario’s 38 conservation authorities petitioned the Attorney General and other members of cabinet to change the expropriation legislation. Thomas Beckett was the spokesman for the authorities, and in typical fashion did not mince words. He called the new amendment “the worst piece of legislation ever passed by the

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<sup>139</sup> HRCAMM, 7 March 1968; Peter Calamai, “Residents Losing Battle Against Spencer Creek Dam,” *Hamilton Spectator*, 13 March 1968. The authority sought to expropriate from: Kenneth Hils, Fred Reder, Elizabeth Manson, Donald Morden, Phillip Franchetto, G. Henderson, B. Henderson, Dorothy Bozyk, John Bozyk, William Wiersma, John Betzner, Grant Bellyea and Patricia Bellyea.

Provincial Government.” “This is going to seriously impede vital land acquisitions in any of the three civic fields, and it is quite contrary to the public interest,” he maintained. Grant Smith, Chairman of the Big Creek Region Conservation Authority, questioned the new acts focus on education, healthcare and conservation. “Which is more important – water or highways?” he asked. Garfield Disher, Vice- Chairman of the Grand Valley Conservation Authority felt the new legislation would do more to protect the land speculator than the land owner. He felt that “by the time an authority receives a judge’s approval to expropriate, the land will be in the hands of a land speculator, which will boost its cost.”<sup>140</sup> As a solicitor, Beckett was capable of questioning Bill 142 from a legal standpoint. He agreed that checks were needed to insure that there was no indiscriminate expropriation of people’s land, but his main objection to the legislation rested on the idea that the land acquired by authorities is taken for public purposes and that this should never be a judicial decision. Beckett contended that:

It is unfair to expect judges to render decisions on the uses of land. A judge cannot be expected to have the degree of knowledge possessed by the officials about the use of land. Judges are being put in the position to make a political decision, rather than one of law. Expropriation is not a decision of law, it’s a decision that involves public need. The taking of land for public purposes is a matter of public policy and is therefore a political decision. It is not the function of a court to determine public policy. The decision of what land to be acquired should be the decision of the Minister

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<sup>140</sup> HRCAMM 23 November 1966; HRCAECM, 6 October 1966; Frank Adams, “A growing McMaster strains more than its boundaries,” *The Globe and Mail*, 3 February 1965; Adams, “Law Violation Claimed: Group Seeks to Block McMaster Expropriation.” *The Globe and Mail*, 12 October 1965; “Conservation official sees delays in Ontario expropriation proposal,” *The Globe and Mail*, 3 June 1966; “Conservation authorities oppose proposed laws on expropriation,” *The Globe and Mail*, 9 June 1966; “New expropriation law opposed,” *The Globe and Mail*, 1 October 1966; “Revised law on takeovers called threat,” *The Globe and Mail*, 16 November 1966; Frank Gillies, “MPPs likely to propose conservation extension.” *The Globe and Mail*, 23 November 1966; Gillies, “Would exclude conservation: New expropriation law opposed,” *The Globe and Mail*, 1 October 1966; “The Biennial: Number Ten,” *Watersheds* 1:4 (1966): 3; “Eglington Flatts,” *Hamilton Spectator*, 25 April 2013. Authority members Law and Prentice also wrote letters in opposition to the legislation, as did the Hamilton Board of Control. HRCAECM, 13 June 1967.

of Energy and Resources Management, under whom the conservation authorities operate.<sup>141</sup>

The HRCA soon felt the impact of the new legislation on their land acquisition efforts.

The expropriation of the Christie properties would go to the required hearing 19 May 1968. The authority members agreed that the merits and validity of the scheme would not be in question, only the total acreage to be expropriated. Judge T.L. McCombs of the Wentworth County Courthouse presided at the hearing, with delegations of Christie residents, SCCA staff and dam engineers presenting their opinions and expertise. Ben Vanderbrug presented on behalf of the conservation authority. He explained that the purpose of the project was to manage and protect our water resources. Dr. H. A. Wood testified that the authority's reports examined only the best location for the dam, and not the other areas of concern such as the displacement of residents, loss of farmland and questions about the dam's viability for flood control. He noted that the 'Look Before You Leap' paper had asked for the project's suspension until a master plan and study had been prepared. Christie landowners shared their personal concerns regarding the possible loss of their land. Edward Hils testified that he had farmed his good farmland for 30 years, and his father before him. Harry Grant Belyea called his 12 acres at

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<sup>141</sup> Beckett elaborated on his legal critique of the act: "In the case of conservation authorities our projects are all approved by the municipal governments involved, the conservation authority, the Department of Energy and Resources Management and the Treasury Board before we can even consider expropriation. If we must prove need before a judge is it not logical that our star witness would be Mr. Simonett (Minister of Energy and Resources) who has agreed to the need of the scheme by giving it his approval. If the Minister was called and the judge rules against the authority and did not allow expropriation where does this leave the Government with respect to its conservation policies? The judiciary should not be asked to weigh the rightness or wrongness of ... government policy." "Conservation authorities oppose proposed laws on expropriation," *The Globe and Mail*, 9 June 1966; "Revised law on takeovers called threat," *The Globe and Mail*, 16 November 1966.

**Table 8 - Crooks Hollow CA and Christie Dam and Reservoir - Land Purchases (to 1971)**

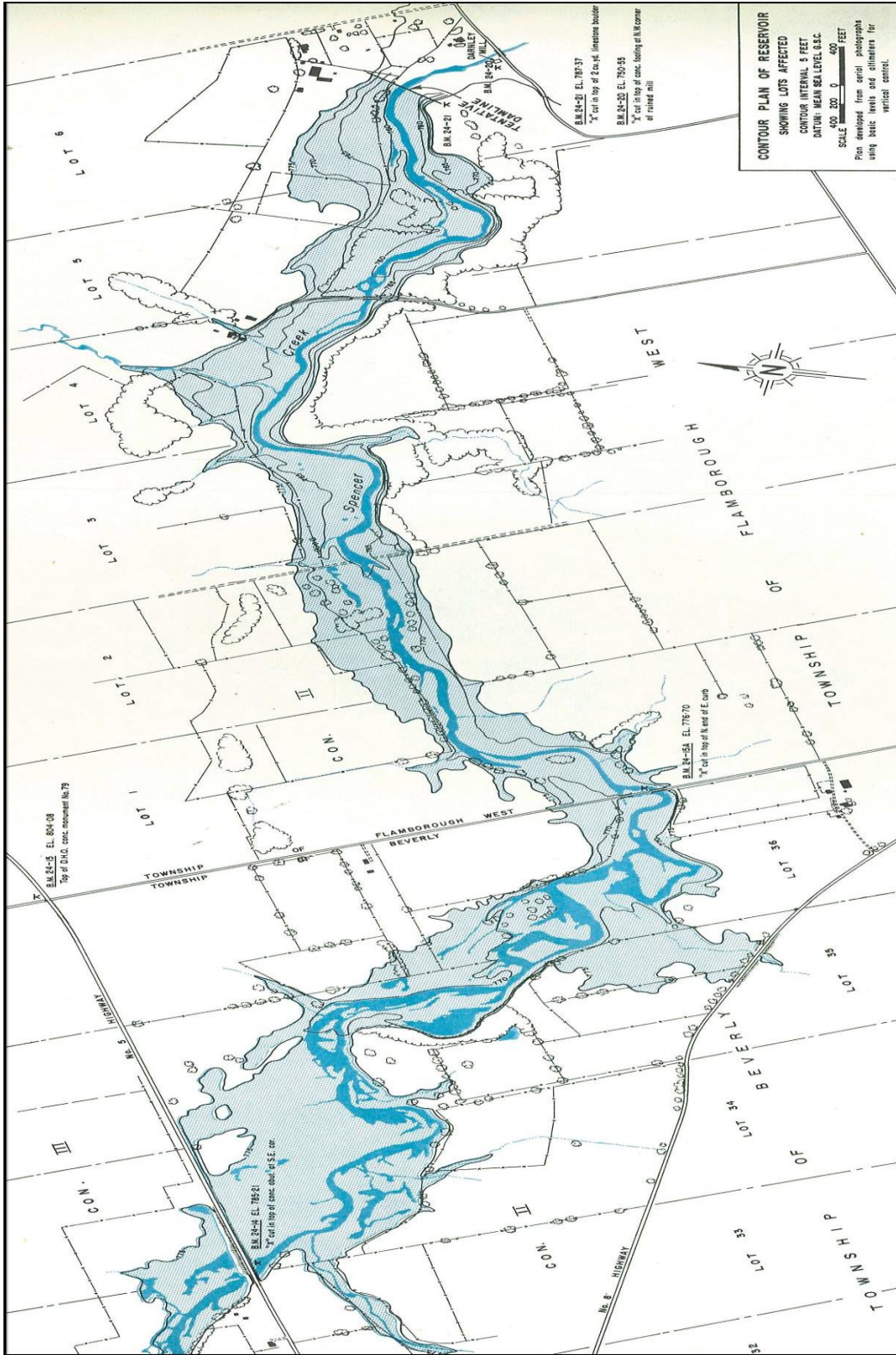
Name	Acquisition Date	Location	Acreage	Purchase Price
Dundas PUC	1 January 1964	Lot 7, 8, 9, Con 2	24.5 acres	50-year lease
R O Denman	30 December 1965	Lot pt 6 & 7, Con 2	12.0 acres	\$10,000
Stutt Estate	26 March 1964	Lot 6, Con 2	11.25 acres	\$18,000
Adam Clark	20 December 1967	Lot pt 36, Con 2	59.25 acres	\$8,026! (Plus 50.52 acres Biggs lands)
F S Biggs	28 January 1968	Lot 35, Con 2! Lot 34, Con 2	124.12 acres! 50.52 acres	\$69,856 total! (Swapped for Biggs land)
Beverly Golf Country Club	24 September 1968	Lot pt 35, Con 2	7.62 acres	\$3,050
Dwyer	13 January 1968	Lot pt 1, Con 2	49.28 acres	\$18,000
R and E Kuras	31 January 1968	Lot pt 3 and 4, Con 2	49.79 acres	\$22,000
J and E Beens	25 March 1968	Lot 6, Con 2	.5 acres	\$11,500
Eliz. Manson	5 July 1968	Lot 2, Con 2	47.12 acres	\$22,000
H and R Lamm	26 August 1968	Lot 2, Con 2	10.04 acres	\$4,200
J Reder Estate	28 October 1968	Lot pt 1, Con 2	21.56 acres	\$8,900
J and M Batty	19 November 1968	Lot pt 36, Con 2	2.21 acres	Transfer (Exchanged for 2.21 acres of Clark land)
E A Hils	20 March 1969	Lot pt 36, Con 2	5.46 acres	\$3,300
Wm Wiersma	23 December 1969	Lot 3 & 4, Con 2	69.28 acres	\$69,283
J. E Betzner	3 March 1970	Lot 2, Con 2	39.414 acres	\$39,414
H G Belyea	13 February 1970	Lot 5 & 6, Con 2	10.55 acres	\$20,000
John Bozyuk	2 June 1970	Lot 4, Con 2	20.33 acres	\$22,000 Expropriated
G R Henderson	2 June 1970	Lot 3, Con 2	16.99 acres	\$20,100 Expropriated
Dorothy Bozyuk	2 June 1970	Lot 5 & 6, Con 2	102.344 acres	\$79,100 Expropriated
Donald Morden	2 June 1970	Lot pt 5 & 6, Con 2	65.83 acres	\$58,200 Expropriated
Donald Morden	2 June 1970	Lot 2, Con 2	13.42 acres	\$9,000 Expropriated
Donald Morden	2 June 1970	Lot pt 5 & 6, Con 2	66 acres	\$72,600 Expropriated

Crooks Hollow scenic and historic, and said he intended to use the property as his retirement home. In his 29 May “Reasons for Judgement” McCombs noted that he took the most value from the testimony of Dr. Wood. He questioned why ‘there is no master plan in existence.... One would think that where an expenditure of \$1,120,000 is involved there would have been a plan in complete detail.’ He concluded that the evidence presented “does not indicate ... an immediate urgency on any of the multiple purposes stated in the evidence, for the scheme to proceed. The application for the order sought ... is refused.” The authority immediately filed an appeal of the judge’s decision. <sup>142</sup>

The HRCA soon had a new angle to attack the expropriation of land for the Christie scheme. On 4 December 1968 a provincial bill of rights for expropriated property owners was given unanimous approval in the Legislature. The bill contained a new principle of political approval, in which an elected person or body takes final responsibility for expropriation. Now a conservation authority could expropriate land if the expropriation was approved by the minister involved – in this case J. R. Simonett, Minister of Energy and Resource Management. Since Simonett and his department had already approved the Christie Dam project – “in fact, it was their idea,” said Beckett - the authority executive felt it could start expropriation procedures again. At the January 13, 1969 special authority meeting the authority passed a resolution that the appeal be dropped and a new expropriation order be requested. Minister Simonett agreed

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<sup>142</sup> HRCAECM, 2 May 1968, 4 July 1968; Wentworth County, *Expropriation Hearing: Re. Christie Dam Project* (Hamilton: County Court of the County of Wentworth, 1968): 5-15.



Map 8 – Plans for Christie Dam and reservoir 1960 ( Source -1960 Spencer Creek Conservation Report)–  
 This is the best map available indicating the land required for the Christie scheme.  
 Note: the reservoir size would not be as extensive and did not cross Highway #5



to the new expropriation request.<sup>143</sup> With the expropriation procedures approved, many Christie landowners recognized that the only course of action was to cooperate with the authority. The authority requested new appraisals on all the remaining properties. By 1970 purchase options were accepted on the Bellyea, Hils, Wiersma and Betzner properties. The Minister gave approval for the expropriation of the Henderson, Morden and Bozyuk lands in February, with compensation agreements finalized on 2 June 1970. The authority now had ownership of 853 acres and could proceed with the development of the Christie Dam and Reservoir Scheme. The official sod-turning was held on 20 June 1970, and construction began immediately. Dam construction was expected to be completed 15 July 1971, but progressed faster than expected. By February 1971 the dam was complete and the reservoir began to fill. Development of the recreational facilities for the conservation would evolve over the next few years, but the SCCA finally had its Christie Dam and Reservoir.<sup>144</sup>

The conservation projects in the Greensville area recommended in the 1960 Conservation Report were immense undertakings, and the authority worked with a determined resolution to complete them. Their land acquisition methods and policies continued to evolve, and were able

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<sup>143</sup> HRCAECM, 2 January 1969, 13 January 1969, 23 January 1969; "Legislature approves bill on expropriation." *The Globe and Mail*, December 5, 1968; "Authority Will Make New Bid To Expropriate Land For Lake," *Hamilton Spectator*, 14 January 1969 Under the amended expropriation procedures, property owners could object to the expropriation. A technical committee convened by the department would hear their objections, assess the necessity of the project and make a recommendation to the minister – who had the final say. It would be reasonable to conclude that the media coverage of Thomas Beckett's criticism of the 1967 amendments combined with his reputation in the provincial legislature contributed to the 1968 revision.

<sup>144</sup> H33, HE36; EC report, Feb 19 70; FWAB April 22 70; PREAB April 14, 70; Edith Austen Lloyd, "The Bruce Trail," *Wood Duck* 17:1 (September 1963): 8-10.

to work cooperatively and creatively with landowners. Taking advantage of available provincial funding alleviated the authority's financial limitations, but also put urgent timelines on projects. The expertise and commitment of authority staff and members was also vital in successfully completing the Greenville schemes. The political and legal experience of Thomas Beckett was advantageous in addressing the municipal and provincial changes to land use planning and acquisition procedures. The achievements of the SCCA in Greenville are a testament to the dedication and hard-work of all the conservationists involved.

Few , if any, of them could have anticipated the controversy that these conservation projects created however. The Township of West Flamborough certainly did not foresee the public uproar in the area. When the township invited the authority to construct a parking area near Webster's Falls they were essentially transferring traffic issues from one area of town to another area. Residents impacted by all the Greenville schemes were justified with their concerns about the congestion, traffic and loss of rustic charm. They had witnessed the congestion at Webster's Falls for years, and now the area was expanding into a major recreation hub for the entire Hamilton region. The issues at Webster's and Tew's Falls would never be completely resolved. As visitation to Spencer Gorge Wilderness Area grew over the next fifty years, the traffic and parking infrastructure would increasingly be overwhelmed. West Flamborough councillors had to abandon their commitment to the SCCA in order to placate township residents. The township also had valid concerns about the cost of road improvements and other municipal infrastructure requirements to service these new conservation schemes.

However, the legacy of the authority's work around Greensville is monumental. Thousands of people each year benefit from the recreational facilities created in the 1960's, the flooding problem in Dundas has been basically eliminated, and the splendour of Tew's Falls and Spencer Gorge has been preserved in a natural state. As Thomas Beckett reflected, "we completely sympathized with the residents of Greensville, but as a conservation authority we had to do what was required for the region's conservation needs and the best interests of future generations.

## Chapter 5: The Lower Watershed – Dundas Valley

The establishment of the Spencer Gorge Wilderness Area revealed an important development in the meaning of conservation in Ontario during the 1960s. The rationale for acquiring Tew's Falls, the escarpment rim and Spencer Gorge focused on the area's value as a natural heritage site. The site's development as a conservation or wilderness area was chiefly due to it being "attractive and picturesque," a "beautiful wooded gorge," and a "natural beauty spot." G. D. Boggs of the Government of Ontario, Department of Energy and Resources Management said "the Authority's acquisition of Tews Falls exemplifies the desire to preserve visual resources." These were novel phrases in the lexicon of conservation authorities. No longer was conservation viewed solely as "resource management and restoration of a watershed's renewable resources." Conservation authorities now embraced a preservationist ethic. This evolution accompanied a transformation in social perceptions of environment in North-American society. A burgeoning environmental movement carried the strong conviction that nature needed to be preserved because of its specificity as an increasingly scarce resource and its societal value. Consequently, nature preservation and the "doctrine of unselfishness" regained significance in Ontario conservation. This 'new' conservation and the public need for recreation drove land acquisition efforts in the lower Spencer Creek watershed and led the City of Hamilton to join the authority.<sup>145</sup> In sum, large acquisitions and a broadening of a

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<sup>145</sup> A. H. Richardson, "Looking Back," *Watersheds* 1:4 (1966): 11; A. S. L. Barnes, "The Professional and Conservation," *Watersheds* 3:3 (1968): 3; Samuel P. Hays, "From Conservation to Environment: Environmental Politics in the United States since World War II," *Environmental Review* 6:2 (1982): 19; Catriona Mortimer-Sandilands, "The Cultural Politics of Ecological Integrity: Nature and Nation in Canada's National Parks, 1885-2000," *International Journal of Canadian Studies* no. 39-40 (2009): 171; G. D. Boggs, "Recreation," *Watersheds* 2:1 (1967): 9. The Ganaraska Report of 1943, upon which the 1946 Conservation Authority Act was based, called for the management and restoration of a watershed's renewable resources. See J. D. Thomas, "The Guelph Conference," *Watersheds* 1:4 (1966): 10. . Dr. John

conservation mission were concurrent developments during a remarkable period of growth for the conservation authority.

Dundas Peak above Spencer Gorge provides a stunning view of the lower Spencer Creek watershed. This popular lookout, acquired as part of the Canada Cut and Crushed Stone purchase in 1967, provides the observer with an expansive view of what is termed geologically as the 'Dundas Valley'. Directly below this promontory is the Town of Dundas, dissected by Spencer Creek in its eastward flow towards the Cootes Paradise marsh. Across the vista lies Ancaster Heights on the valley's southern escarpment rim, and to the west a pastoral rolling landscape of forest and open fields. The Dundas Valley is one of the largest bedrock re-entrant valleys along the Niagara Escarpment, extending over 12 kilometres from Hamilton Harbour to higher ground near Copetown. It is often called the Ancaster-Dundas Valley, as the two towns frame the 4 kilometre wide valley. The exact nature of its origin is difficult to determine, as glaciation has scoured all evidence of its beginnings. Whether originally a small riverine valley or simply a zone of weakness in the escarpment rock, the powerful action of glacial ice sheets broadened a cleft. This enlarged glacial valley is in fact a deep canyon, with a rock base over 200 metres below the present surface. The bedrock canyon was extensively in-filled by the last

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Farina, Professor of Social Work at the University of Toronto, said that: 'Recreation should be given the first-class status accorded other aspects of conservation.' The demand for recreation space and intelligent programming on a year around basis will increase radically with gains in affluence, in free-time and in population, he claimed. "The Conservation Authorities seem best prepared to meet such a challenge if for no other reason than that they are new, without traditions, set patterns of response, or a clearly delimited mandate. They are creatures of the times and are, therefore, perhaps the most sensitive to the mood of the time." In "The Biennial: Number Ten," *Watersheds* 1:4 (1966): 5.

Wisconsin glacier and its residue of till and lake sediment deposition. Into this lower watershed valley flows numerous streams and creeks, all ultimately connecting to Spencer Creek or the Cootes Paradise floodplain. Over the northern escarpment rim, and east of Spencer Gorge, flow Sydenham and Borer's Creeks. Through the centre of the valley is Ancaster or Coldwater Creek, joining the Spencer just before its entrance into Cootes Paradise. Ancaster Creek's tributaries include Spring and Sulphur Creeks, draining the western valley, and Tiffany and Upper Ancaster Creeks cascading over the valley's southern escarpment rim. The lower watershed's plenitude of watercourses are mere remnants of the once voluminous rivers that carved the many escarpment gorges and stream valleys that characterise the Dundas Valley as we know it today.<sup>146</sup>

Terms have local meanings, and for residents of the area the 'Dundas Valley' encompasses the lands in the western end of this escarpment re-entrant. Extending from Dundas to the upper reaches of the valley, the western valley is characterized by a landscape of rolling hills, stream valleys and deep ravines. Indigenous peoples found this varied topography a bountiful environment for centuries. Its richness in game, winter shelter and reliable fresh water made it a popular locale. Early European settlement was sparse. There were scattered farms on marginal agricultural land and a number of mill sites utilized the valley's many creeks. To provide access,

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<sup>146</sup> D. L. Hurst, *The Pleistocene Geology of the Dundas Valley*, Unpublished MSc Thesis (Hamilton: McMaster University, 1962): 10; P. F. Karrow, *Pleistocene Geology of the Hamilton-Galt Area, Southern Ontario* (Ontario Department of Mines, Geological Report 16, 1963): 1-10; P. S. G. Kor, "An Earth Science Inventory and Evaluation of the Dundas Valley Area of Natural and Scientific Interest," Open File Geological Report 9105 (Aurora, Ont.: Ontario Ministry of Natural Resources, Central Region, 1991): 1, 3; Walter M. Tovell, *Guide to the Geology of the Niagara Escarpment* (Milton, Ontario: Niagara Escarpment Commission, 1992): 14, Field Trip B: 10-13, Field Trip C: 1-2. The extension of the buried valley has been traced southwestward to the Grand River Valley. Kor (1991); 9.

the area was transected by roads through and into the valley. The Governor's Road, built on Lieutenant Governor Simcoe's orders in 1793-1794, cut Upper Canada's first surveyed road across the northern section of the valley. In 1798, an historic native trail was widened into what became known as the Old Ancaster-Dundas Road, providing commercial access between Ancaster and Dundas. Mineral Springs Road, another old native trail, connected mills and farms near the creek of the same name with both Ancaster and the Governor's Road. Present day Highway 52, on the valley's western 'summit', is the surveyed county line between Ancaster Township (Wentworth) and Brant County, connecting the villages of Duff's Corners and Copetown.<sup>147</sup>

By the late nineteenth century, settlement in the valley had progressed into a varied collection of mixed farms, woodlots and genteel estates. The Dundas Valley's character is best described by local writers of the period, who it must be admitted had an upper class romantic perspective. In 1897, Alma Dick Lauder described the valley as clothed "from end to end with stately forests ... the most picturesque in Ontario" with an "extensive panorama of hill and dale, crag and water." T. D. J. Farmer wrote in 1924 that "all the way between the villages of Ancaster and Copetown there are many wooded eminences, with pretty winding roads between, from which give uninterrupted vistas of city and bay and lake," a landscape

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<sup>147</sup> Richard Kosydar and Eleanore Kosydar, *Natural Landscapes of the Dundas Valley* (Ancaster, Ont.: Tierceron Design, 1989): 7; T. Roy Woodhouse, *The History of the Town of Dundas, Part 1* (Dundas: Dundas Historical Society, Dundas, Ontario, 1965): 13, 16, 22; Ancaster Township Historical Society. *Ancaster's Heritage: A History of Ancaster Township* (Ancaster, Ont.: Ancaster Township Historical Society, 1973): 5, 6, 206, 207. See also Mary Byers and Margaret McBurney. *The Governor's Road: Early Buildings and Families From Mississauga to London*. Toronto: University of Toronto Press, 1982.

“bewitching to the lover of the picturesque in nature.”<sup>148</sup> This pastoral landscape and its rich natural heritage was increasingly threatened during the twentieth century by urban and commercial development. In the late 1940’s the annual production of housing units in Ontario had grown rapidly – topping at 100,000 in 1953 and rising thereafter until the end of the decade. The great majority of these new homes were being built on the urban fringe – in suburban municipalities. The population of Ancaster and Dundas, for example, increased 150 percent between 1951 and 1966, compared to only 35 percent for Hamilton. Suburban growth had begun to seep into the Dundas Valley.<sup>149</sup>

In the 1950’s, local planners and naturalist organizations sought to protect the ecological and recreational significance of the Dundas Valley. The Hamilton Naturalists Club noted in 1958 that the area’s richness in flora and fauna made a perfect setting for a “monster” wildlife park. In 1959, the Hamilton-Wentworth Planning Area Board (H-WPAB) began to reject subdivision applications in the valley, “on the grounds that the area appears perfect for development of another kind, a huge open-space recreation area for use of the general public.” The H-WPAB saw the Dundas Valley as a “unique resource,” suggesting that the 2,000 rolling acres could

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<sup>148</sup> Mrs. Dick-Lauder, *Pen and Pencil Sketches of Wentworth Landmarks: A Series of Articles Descriptive of Quaint Places and Interesting Localities in the Surrounding County* (Hamilton, Ont.: Spectator Printing Co., 1897): 38; Charles Durand, Charles. *Reminiscences of Charles Durand of Toronto, Barrister* (Toronto: Hunter, Rose, 1897): 49; Thomas Devey Jermyn Farmer, *A History of the Parish of St. John's Church, Ancaster: With Many Biographical Sketches of Those Worthies Who in the Early Pioneer Days and Afterwards Established and Maintained It, and Most of Whom Rest in Its Hallowed Ground: With Numerous Poetic Allusions and Quotations* (Guelph, Ont.: Gummer Press, 1924): 32-33; Paul Grimwood, “Our Lodge in the Wilderness: Alma Dick-Lauder: Memories of a Secluded Life,” *The Beaver* 76:2 (April, 1996): 18.

<sup>149</sup> John C. Weaver, *Hamilton: An Illustrated History* (Toronto: J. Lorimer and National Museum of Man, National Museums of Canada, 1982): 186; Richard Harris, *Creeping Conformity: How Canada Became Suburban, 1900-1960* (Toronto: University of Toronto Press, 2004): 129.



meet the recreational needs of both urban and metropolitan areas for miles around. The Board felt that as a “wild” recreational area, the valley had everything needed to make it the equal of Stanley Park in Vancouver and Golden Gate Park in San Francisco. Spencer Creek Conservation Authority chairman and Dundas Reeve Les Couldrey said that such an idea “is not just a dream.” Couldrey had a three-fold interest in the Dundas Valley park plan. He served as chair of the Hamilton-Wentworth Planning Area Board and the SCCA, and was the Dundas’ representative on the Niagara Peninsula Regional Development Association. These three organizations were all interested in the park plan.<sup>150</sup>

The Conservation Branch’s 1960 Spencer Creek Conservation Report echoed the prior reports that expressed a vision for the valley. “It would be most tragic” the report observed, “if the wide natural Dundas Valley cannot be saved from the creeping avalanche of steel and concrete which comes in the wake of urban expansion.” It concluded that the Dundas Valley has significant natural value and recreational potential “with its hummocky hills, deep ravines and diverse vegetation.” The report proposed a 450-acre Spencer Creek Conservation Area, occupying the upper reaches of Sulphur Creek. The Spencer Creek Conservation Authority took immediate interest in preserving and protecting the Dundas Valley. For Thomas Beckett it already was a personal crusade. At the 29 January 1959 Authority meeting, Beckett speaking as Chair of the authority’s Conservation Areas Advisory Board, had proposed the development of a

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<sup>150</sup> “Experts See Dundas Valley Equal to Bug Stanley, Golden Gate Parks,” *Hamilton Spectator*, 17 July 1959; R. O. Elstone, “What is Your Answer,” *Wood Duck* 12:4 (December 1958): 161; R. Elstone, “Naturalists Plan Drive to Save Area Beauty Spots,” *Hamilton Spectator*, 25 February 1959.

2,000 acre conservation area in the Dundas Valley. The proposal was part of a request for \$25,000 for land acquisition in the watershed. Waterdown Reeve Joe Sams attended this meeting, discussing the possibility of expanding the SCCA to include the Grindstone Creek watershed. After the meeting, the Waterdown delegation let it be known that in its view Beckett was “out of his mind” for seeking 2,000 acres of the valley at \$5 an acre. According to Beckett, this was the reason that Waterdown and Grindstone Creek did not join the SCCA.<sup>151</sup>

The authority soon took action on Dundas Valley land acquisition. The SCCA’s Conservation Areas Advisory Board (CAAB) recommended on 31 July 1959 that the authority look into the possibility of acquiring the Lions Club of Hamilton camp in the valley. The recommendation was approved on 30 November 1959, and authorization given to negotiate an option to purchase the 72 acre site “for a sum not to exceed \$16,000.” This ceiling proved insufficient, and after considerable discussion the authority decided to seek an option on the Lions Club Camp for \$25,000, payable over a period of not less than 5 years. However, Beckett reported to the authority on 28 April 1960 that the camp was about to be sold to Hamilton Y.M.C.A. It was resolved to contact the Y.M.C.A. about buying the camp’s 67 acre wooded section. The Y.M.C.A.’s purchase of the camp soon fell through, and the authority was back at the negotiating table. At a special authority meeting to discuss the property, it was decided to make two offers

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<sup>151</sup> Spencer Creek Conservation Authority Meeting Minutes (hereafter SCCAMM) 29 January 1959; Ontario Conservation Branch, and Arthur Herbert Richardson, *Spencer Creek Conservation Report, 1960* (hereafter SCCR 1960) (Toronto: Ontario Dept. of Planning and Development, Conservation Branch, 1960): R4, R21; “Authority Is Sought For 12-Mile Creek,” *The Globe and Mail*, 25 April 1958. Thomas Beckett Interview, 20 November 2014. Beckett recalled in 2014 that he personally believed it should be 6,000 acres, but realized that something of that size wouldn’t get the necessary political support. Thomas Beckett, personal communication, 20 November 2014.

to the Lions Club of Hamilton: \$25,000 again over 5 years with 6% interest on the unpaid balance; and \$10,000 for the wooded area over three years, also with 6% interest. The authority was to borrow \$2,500 from the bank as an immediate down payment. This multi-year financing was dictated by the authority's meager budget. The 1960 financial summary shows available funds of \$6,141 from municipal levies, to be matched equally by the province. As was the case with most SCCA purchases in the Beverly Swamp area, creative financing was critical. However, the offer proved unattractive to the Lions Club and the property was sold to the Anglican Synod of Niagara. Again, the authority endeavoured to acquire the wooded section of the camp. Fifty-five years later the authority successfully acquired the property's wooded area for the sum of \$200,000.<sup>152</sup> Patience and a firm vision had finally added another block of land to region's "natural" estate.

The SCCA soon turned its sights to an ecologically important bog area in the western end of the Dundas Valley. In June 1963, Dr. Norman Radforth, of McMaster University's Department of Biology, brought it to the authority's attention that the rare Summit Bog was threatened. An application had been received by the Hamilton Wentworth Planning Area Board to sever a large portion of the bog for sale to parties interested in draining it for "peat moss farming and nursery purposes". He asked the authority to consider acquiring this land to keep it in its present natural state. This 31-acre bog, located at the junction of Hwy 52 and Powerline Road, is a remarkable ecosystem. Radforth described it in the Hamilton Naturalists Club's *Wood Duck* as the finest

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<sup>152</sup> SCCAMM, 31 July 1959, 4 September 1959, 30 November 1959, 29 January 1960, 4 March 1960, 28 April 1960, 18 May 1960, 23 June 1960, 2 February 1961.

example of a confined muskeg in Southern Ontario, a living history of 8,000 years of regional plant life. The bog contains an island of sphagnum moss floating atop a bed of peat, populated by plants representative of Arctic muskeg vegetation. He also voiced concern about the possible “loss of an aesthetics attribute of the landscape” and “the unsightly result [that] would follow mining or agricultural manipulation of the natural state.” Understandably, McMaster University’s Department of Biology had engaged in extensive research there during the 1950’s and 1960’s.<sup>153</sup> The presence of a university in the area had unquestionably advanced the conservation programme in the region both generally and in specific cases.

The SCCA promptly adopted Copetown (Summit) Bog as Scheme #10 on 27 June 1963. The scientific value and the McMaster University’s research interests were major factors in the decision. The authority noted that “it also has considerable merits as an authority project inasmuch as it contributes greatly to the water supply in the immediate surrounding area.” This acknowledges the authority’s primary conservation role as a manager of water resources. Summit Bog is not physically in the authority’s watershed, lying on the high drainage divide between the Spencer Creek and Grand River watersheds. Precipitation can flow in either direction along this ‘summit’, depending on the landscape. Jurisdictionally, the Highway 52 was recognized as the simplified watershed divide by the Spencer Creek and Grand River Conservation Authorities. With Summit Bog to the east of the highway, it was thus considered

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<sup>153</sup> SCCAMM, June 27, 1963; Lee and Lee, Solicitors (S. Donovan solicitor) to Hamilton-Wentworth Planning Area Board, 26 August 1963; “Authority Expropriates Copetown Bog,” *Dundas Star*, 2 October 1963; Norman W. Radforth, “Prophets Among the Plants,” *Wood Duck* 14:9 (May 1961): 150-152; Radforth, “Summit Bog at Copetown, Ontario,” *Wood Duck* 17:8 (April 1964): 102.

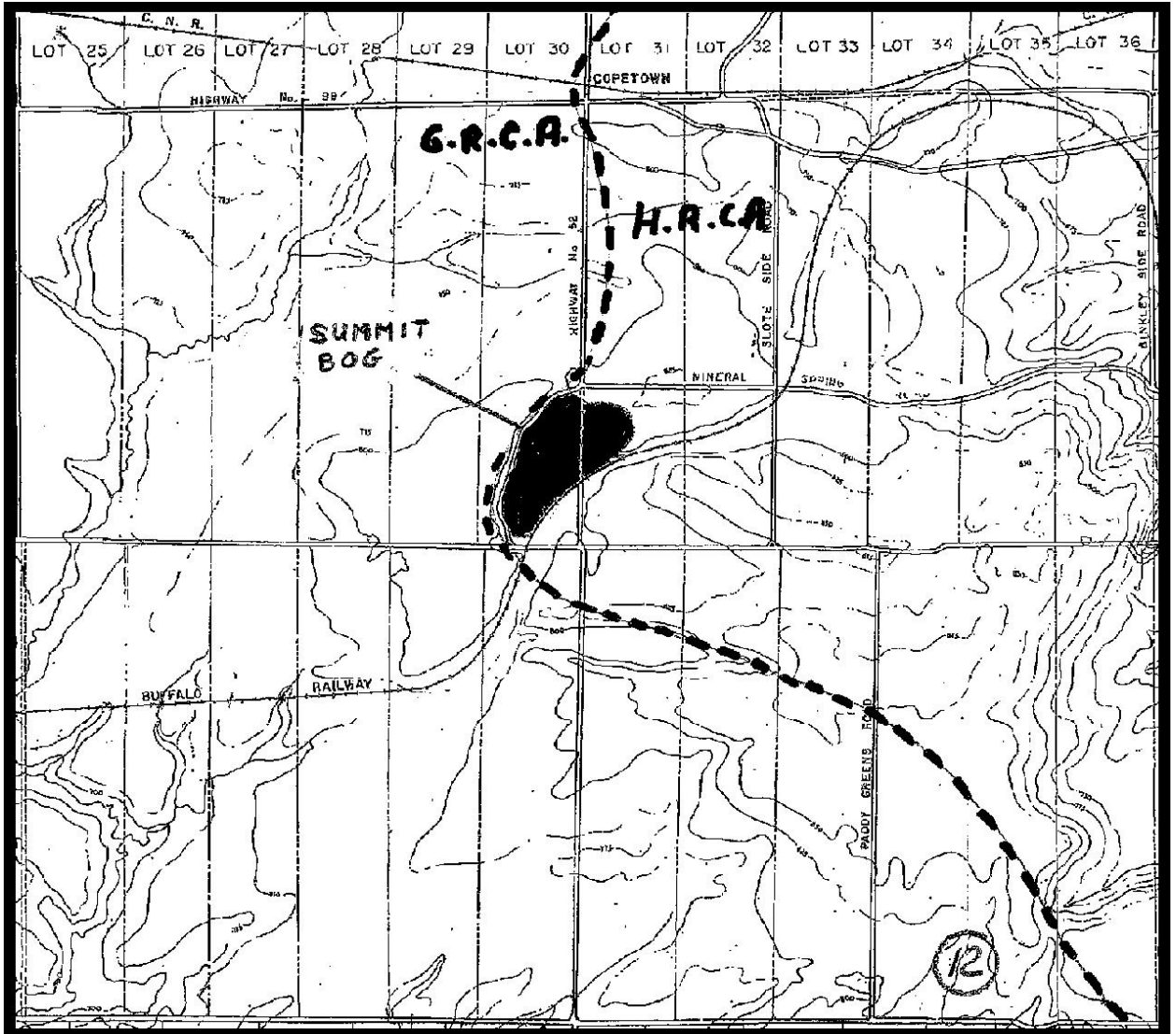
within the SCCA's jurisdiction. In fact, the highway as surveyed should have cut directly through the bog. The bog's depth and unstable bottom had forced nineteenth century road builders to bypass it. (See Map 9) <sup>154</sup>

With the adoption of Summit Bog as a scheme, the authority discussed the likelihood that expropriation would be required to acquire it. The bog's 31 acres comprised two parcels, the 24 acres of Susan Donovan and the 7 acres of Mr. F. Davis. The Hamilton Naturalists Club had been trying to buy the Donovan property for several years without success. As apprised by Dr. Radforth, Donovan had recently accepted an offer of \$4,000 from R. E. Davis for 23.847 acres. The Authority requested the H-WPAB to take no further action on the Donovan application for land severance and resolved on 3 September 1963 to expropriate the two properties less their buildings. The expropriation order also included the surrender of the oil and gas lease option on the lands owned by Imperial Oil. A professional appraisal valued the Donovan land at \$4,200 and \$1175 for the Davis' tract. The authority hoped to avoid the need for expropriation action and endeavoured to achieve negotiated settlements with both owners. An offer of \$4,400 was presented to Donovan, while Chairman Couldrey visited Davis to confirm the authority's desire to acquire his parcel "for about \$1100 or more if necessary." At the 31 October 1963

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<sup>154</sup> SCCAMM, June 27, 1963, 12 May 1964. Highway 52 was re-constructed in 1972 to create a fluid route around the bog. Previously, the highway had a disjointed stop and turn segment to the south of the bog at Powerline Road. The road allowance through the bog was closed by the Township of Ancaster in 1965. See J. P. Cullen (Province of Ontario, Ministry of Transportation and Communications) to R. G. Morrow (Corporation of the Town of Ancaster), 7 September 1972.

**MAP 9 – Summit Bog area (1968)**



Source – HCA Summit Bog file

SCCA meeting Couldrey expressed confidence that Donovan would accept the \$4400, before the purchase option expired on November 15. It was hoped that discussions with **Davis** would also

result in an early conclusion to that acquisition. Donovan would be a wilful seller, while Davis would prove much more difficult.<sup>155</sup>

In agreeing to the authority's offer, Mrs. Donovan requested the retention of 2 acres of wetland at the end of the swamp rather than the 0.8 acres listed in the expropriation order. She also asked that a particular oak tree be included in the parcel. To fulfil this request, an abandonment order was required from a lawyer to release the 1.2 acre difference. Instead the authority decided to let the \$4400 offer stand with a 0.8 parcel and to lease back the two acres in question at \$1.00 per year for the duration of her lifetime, on the condition that it be left in its natural state. Davis had rejected the authority's offer of \$1100. On 10 February 1964 "one more offer" to Mr. Davis was extended; \$1600 plus legal expenses. A registered 12 foot wide easement in perpetuity through the bog to open water was included, to allow Mr. Davis to obtain a domestic water supply. The authority's lawyer was authorized to offer, if necessary, an additional \$200 towards the cost of drilling a well on the Davis property. Negotiations continued with Davis until 12 May 1964 when the authority decided to proceed with expropriation. Final settlement was \$1310 for 6.3 acres. Davis would never cash the cheque. Thomas Beckett recalls

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<sup>155</sup> SCCAMM, 3 September 1963, 8 October 1963, October 31, 1963, 12 November 1963; Robert Elstone, "Naturalists Plan Drive to Save Area Beauty Spots," *Hamilton Spectator*, 25 February 1959; John A. Becker (SCCA Secretary-Treasurer) to S. Drokos (Senior Planner, Hamilton-Wentworth Planning Area Board), 3 July 1963; Robinson, McCallum and McKerracher Solicitors (SCCA solicitors) to John A. Becker. 8 October 1963; Spencer Creek Conservation Authority, *Appraisal Report and Valuation Analysis - Donovan and Davis Properties*. Prepared by Robert Purnell, Real Estate Appraiser, 16 December 1963.

that the cheque was delivered on a Sunday, and being a very religious man, Davis was angry because “the Lord’s Day had been violated.”<sup>156</sup>

The Hamilton Naturalists Club (HNC) was thrilled by the SCCA’s acquisition of Summit Bog. The editor of their *Wood Duck* wrote that “After several years of despair, in our attempts to purchase the Summit Bog area at Copetown, and in fear that this bog could not be saved from destruction, naturalists and biologists alike were delighted when our local Spencer Creek Conservation Authority acted to expropriate the area.” The naturalists were likely surprised as well. The club had started an active campaign in the late 1950’s “to save some of the few remaining natural beauty spots” in the area. R. O. Elstone, an HNC executive member, wrote in 1959 that the club hoped to support the work of “any level of government or board,” but “the most important thing is for someone to do something before it’s too late.” He then asked “Who is going to do it?” He commended the federal government for protecting large National Parks such as Banff and Wood Buffalo, and for setting aside migratory bird areas. But he doubted that they would be interested in setting aside natural areas around Hamilton. The Provincial government was seen similarly, interested in the establishment and maintenance of Provincial Parks and “unwilling or reluctant to set aside areas that are close to a larger municipality. “They

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<sup>156</sup> SCCAMM, 12 November 1963, 17 December 1963; John A. Becker to Robinson, McCallum and McKerracher Solicitors, 24 December 1963; “Notice of Expropriation,” SCCA Advertisement. *Hamilton Spectator*, 10 October 1963; “Grant Helps Preserve Bog,” *The Globe and Mail*, 18 April 1964; Hamilton Conservation Authority, Property Register (Ancaster: Hamilton Conservation Authority, 2006). In 1965 Beckett reported on the acquisition problems with the Davis property in a report outlining every step the authority had undertaken since the project’s inception. He notes that Davis still hadn’t cashed the cheque or responded to the authority’s enquiries. Ben Vanderbrug wrote to the Davis’ in 1972 pointing out that “as far as the authority is concerned. This money belongs to you.” The funds were kept in a designated Royal Bank account. SCCAMM, 28 June 1965; Ben Vanderbrug to T. S. Davis and D. F. Davis. 9 November 1972; Thomas Beckett interview, Dundas. 20 November 2014.



claim these are local affairs," he noted. In Hamilton, he recognized the Board of Parks Management and the Royal Botanical Gardens were in favour of protecting natural areas, "but they themselves have so many commitments that they cannot expand their areas." Elstone acknowledged that the "River Valley Authorities" deal with water conservation and set aside areas required to help maintain the water level and act as a water reservoir. They are "not interested in preserving areas for their natural history, or scientific or beauty value."<sup>157</sup> By 1964, they had decisively changed with the SCCA's protection of Summit Bog and the Beverly Swamp. Both areas had significant value as water reservoirs, but importantly the authority appealed to their natural and ecological merit.

The biologists at McMaster University also approved of the authority's action. A research agreement was promptly drafted between the two organizations. The University indicated its willingness to pay 50% of the authority's acquisition expenses in exchange for the agreement. The University's payment of \$4195.03, combined with the Ontario government's subsidy of \$4,050 covered the entire acquisition expense. This funding support was extremely beneficial to the authority, with its limited financial base. The research agreement allowed McMaster use of "said lands for research purposes" in exchange for the annual sum of one dollar for a 5 year period, with an option for renewal. This partnership between McMaster University and the authority is one example of the cooperative relationship between the two organizations. As previously noted, the expertise of the university's faculty was utilized to develop planning

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<sup>157</sup> R. O. Elstone, "What is Your Answer," *Wood Duck* 12:4 (December 1958): 161, 162; "Summit Bog, Copetown, Ontario," *Wood Duck* 17:8 (April 1964): 101; "Grant Helps Preserve Bog," *The Globe and Mail*, 18 April 1964.

studies for the Crooks Hollow, Valens and Christie schemes. At the SCCA's 1964 annual dinner, guest speaker Dr. Edward G. Pleva, Head of the Geography Department at the University of Western Ontario, stressed the value of collaboration. He told the authority that the "answers to many of the problems facing the Spencer Creek CA could be found by McMaster University" and to recognize the importance of the university and the services it has to offer. This collaborative relationship was assisted by the fact that John A. Becker, the SCCA's Secretary-Treasurer from 1958 – 1964, was also the University's Registrar. Consequently, the majority of the authority's meetings during his tenure were held at McMaster's Wentworth House and mail to the SCCA was sent to a university address.<sup>158</sup>

Following the acquisition of Summit Bog, the authority discussed the possibility of preserving large tracts of undeveloped land in the Dundas Valley. At the 14 February 1964 SCCA meeting, a discussion ensued regarding the advisability of drawing attention "to the merits of conserving the Dundas Valley, its unique natural features, its importance as open space to a large metropolitan area and its merits as a conservation area." There was unanimous agreement that the Dundas Valley should be "an area of concern" for the SCCA and that it should be conserved. It was decided, however, that the project was too large for the authority as presently "constituted", but that it might act as a "sponsoring agency." The authority was heavily immersed in upper and middle watershed schemes at the time. Severe drought and provincial

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<sup>158</sup> SCCAMM, 21 May 21, 1964, 26 March 1965, June 5, 1967; *Indenture between Hamilton Region Conservation Authority and McMaster University*. Summit Bog property, 1 July 1967; Hamilton Region Conservation Authority, *Financial Statements – for the Year Ended December 31<sup>st</sup>, 1967*, Prepared by A. Wallace Smith, Chartered Accountants (Hamilton, Ontario: 29 January 1968); "Mac Can Help, Group Told," *Hamilton Spectator*, 4 December 1964.

funding assistance from the Small Water Reservoir Supply programme had justifiably focused the authority on water supply and management initiatives.

This emphasis on protecting and maintaining local water supplies also reached into the Dundas Valley. In the summer of 1964 a study of Ancaster, Sulphur and Spring Creeks as potential sites for water storage reservoirs was prepared. The report identified four possible dam and reservoir sites for further investigation:

Site 1 – Ancaster and Sulphur Creeks – Ancaster Township Con 1, Lots 50-54 - West of Highway 8 and 2 junction [University Plaza] – 87 acre reservoir, dam length 600 feet, drainage area 13 square miles. Reservoir would extend back almost to Old Ancaster Road.

Site 2 – Sulphur Creek – Ancaster Township Con 1 Lots 46-49 - 200 yards west of Old Ancaster Road – 40 acre reservoir, 8 square miles of drainage, length of dam 450 feet.

Site 3 – Sulphur Creek (Mineral Springs) - Ancaster Township Con 2, Lots 38 and 39 - Astride Martins Lane ('Martins Bush') with dam face at right angles to lane – about ½ mile south of its junction with Mineral Springs Road – 40 acre reservoir, dam length 375 feet.

Site 4 - Spring Creek (2 options) - Ancaster Township Con 1, Lots 46-48 – North of railway and south of Governors Road – 29-40 acre reservoir, dam length 200-375 feet, depth at dam 35-40 feet.

The study noted that the dam sites identified had very steep slopes providing a good depth of water at the dam face, allowed comparatively short dam lengths and necessitated no loss of arable land or valuable timber. All enabled “low cost factor construction.” Authority technical staff reduced the potential dam locations to Sites 1 and 3. On 30 April 1965 they presented drawings and maps to the SCCA membership. The authority decided to ask engineering firms to

quote on preliminary dam designs for both sites. However, no further discussion or action would ensue concerning these proposed valley dams and reservoirs. No records exist to explain the abandonment of these proposed dams. It is possible, however, that the initial motivation was the funding availability from the 1964 Small Water Reservoir Supply (SWRS) programme and subsequent planning had a different vision for the valley. A very small water flow control dam would be built near Site 3 in the early 1990's, to reduce seasonal flooding in the hamlet of Mineral Springs. But no large dams and reservoirs would be constructed in the valley, thus preserving its natural landscape.<sup>159</sup>

New political and social developments emerging in the late 1960s had a significant impact on land acquisition efforts in the Dundas Valley. They also made dramatic changes to the authority's form, function and mission. In July 1966, the City of Hamilton, the Town of Stoney Creek, and the watershed portions of Saltfleet, Binbrook and Glanbrook townships joined the Authority. Following a petition from Hamilton City Council, the Provincial Minister of Energy and Resource Management J. R. Simonett introduced legislation on 26 April 1966 to dissolve the SCCA and replace it with a larger Hamilton and Region Conservation Authority. The new HRCA encompassed an area of 276 square kilometres and a population of 319,700 persons, a sizeable increase from the SCCA's 162 square kilometres and 30,000 residents. Thomas Beckett called

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<sup>159</sup> SCCAMM, 14 February 1964, 27 August 1964, 30 April 1965; Spencer Creek Conservation Authority, *Ancaster, Sulphur and Spring Creeks Report, Summer 1964*, Internal report prepared by P. S. Waters, Assistant Field Officer (Dundas: Spencer Creek Conservation Authority, 1964): P5.

the new HRCA “the most exciting venture for conservation here since the start of the Royal Botanical Gardens.”<sup>160</sup>

Conservation work was not something new for Hamilton. The City’s Board of Parks Management had been extremely active in the conservation of natural lands during the 1920’s and 1930’s. Under the determined leadership of Thomas B. McQueston and Cecil V. Langs, the Parks Board acquired significant acreage around Cootes Paradise and Grindstone Creek. The Royal Botanical Gardens (RBG) assumed ownership of these natural lands upon its establishment in 1941. With support from Hamilton, the RBG continued with the acquisition, ecological restoration and management of conservation lands throughout the post-war decades. This conservation mandate continues for the RBG today. Shortly after the passing of the Conservation Authorities Act in 1946, Hamilton was included in the initial proposal for an expansive Niagara Peninsula Conservation Authority. The city refused the offer due to its location on the edge of the watershed and a funding requirement that seemed high relative to other municipal members. Hamilton was also invited to join the new Spencer Creek Conservation Authority in 1958, but declined membership on the basis that the creek’s watershed included only a small part of the western end of the city.<sup>161</sup>

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<sup>160</sup> Hamilton City Council Minutes (hereafter HCCM), 12 April 1966; SCCAMM, 7 April 1966; SCCAECM, 2 May 31, 1966; “Minister seeks enlargement of authority,” *The Globe and Mail*, 27 April 1966; “Most Exciting Venture since Gardens,” *Hamilton Spectator*, 29 April 1966; “A Happy Solution.” *Hamilton Spectator*, 29 April 1966.

<sup>161</sup> John Weaver, “From Land Assembly to Social Maturity: The Suburban Life of Westdale (Hamilton) Ontario, 1911-1951,” in *A History of Ontario: Selected Readings*, ed. Michael J. Piva (Toronto: Copp Clark Pitman, 1988): 119-120; Leslie Laking, *Love, Sweat and Soil: A History of Royal Botanical Gardens from 1930 to 1981* (Burlington: Royal Botanical Gardens Auxiliary, 2006): 125-129; Nancy B. Bouchier and Ken Cruikshank, *The People and the Bay: A Social*

The SCCA continued petitioning Hamilton to join. Struggling under a limited budget, the SCCA felt that an enlarged authority could support considerable conservation work in the region. In 1960, Dundas Reeve and SCCA Chairman Les Couldrey noted that Hamilton's participation would remove much of the "financial load" from Dundas and other SCCA municipalities. Couldrey also acknowledged some of the city's objections to joining, observing that people in Hamilton might not be willing to pay for trees in Beverly. "However," he added, "people in Beverly don't want to pay for picnic and recreational areas that Hamilton residents use." The Authority was encouraged by comments from Hamilton Mayor Vic Copps at the fifth annual SCCA dinner meeting in December 1963. Copps stated that "until the present the City of Hamilton hasn't been ready for conservation but I feel the time has arrived." At the subsequent SCCA meeting members voted unanimously to seek Hamilton's entry into the authority. On 7 October 1964, the authority's executive committee met with the Hamilton Board of Control to discuss possible membership. In what was described as "a very successful meeting," Hamilton was asked "to join its neighbours in a program of recreational development and conservation." Beckett outlined the main work of the SCCA as "reservoir construction, reforestation and the preservation of wetlands and areas of natural beauty," all with tremendous recreational potential for the citizens of Hamilton. The Board of Control agreed to study the proposal once it had received a city engineer's report. The board's assessment must have been positive. In a speech at the sixth annual dinner meeting in December 1964, Mayor Copps said "the City of Hamilton will very definitely become a member of the Spencer Creek Conservation Authority. The time is ripe for

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*and Environmental History of Hamilton Harbour* (Vancouver: UBC Press, 2016): 122-134; "City Included in Conservation," *Hamilton Spectator*, 13 January 1949; "35 cents Yearly per City Resident Could Put Nature at Your Doorstep," *Hamilton Spectator*, 16 June 1965.

the City to enter into the work of conservation and assume its share in the preservation of suitable lands in this area.”” He then quipped “I wondered why you waited so long to approach the Board of Control.”<sup>162</sup>

However, joining was not going to happen without negotiations. The Board of Control had two significant issues with authority membership. First was the cost to the city. The municipal levy of \$1.00 per capita meant Hamilton paying \$270,000 annually, a rate the board was not prepared to accept. Instead, a figure of about \$90,000 annually or 35 cents per Hamilton resident was discussed. While pledging support for Hamilton’s participation in the SCCA, Controller Archie McCoy felt even \$90,000 a year was “too steep a price.” Controller Brian Morrison thought that “\$30,000 would be nearer the mark.” They pointed out that the neighbouring Niagara Conservation Authority maintained a rate of \$.25 per capita. The second issue was the prospect of having a minority voice on the authority’s board, while paying the majority of the expenses. Based on the Conservation Authority Act, the City of Hamilton was entitled to appoint only one-third of the municipal board members, while conceivably paying 90 percent of the Authority budget. Controller James Campbell remarked that “Hamilton’s got to have the whip hand in any conservation authority the city joins.” He even suggested that Hamilton form its own authority, taking in all the territory drained by streams flowing into the

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<sup>162</sup> SCCAMM, 14 February 1964, 24 September 1964; “Spencer Creek Authority Seeks City Participation,” *Hamilton Spectator*, 23 September 1960; “OMB Upholds Assessment for Reservoir at Valens,” *Hamilton Spectator*, 15 December 1961; “‘No Time for Complacency’ Says Sutter at Dinner,” *Dundas Star*, 11 December 1963; “A Happy Solution, ‘City Seen Key Cog,’” *Hamilton Spectator*, 10 October 1964; “Hamilton Considers Joining Spencer Creek Authority,” *Dundas Star*, 17 October 1964; “‘Hamilton to Become Member of Spencer Creek Conservation Authority’, Mayor Says at Dinner,” *Dundas Star*, 9 December 1964.” *Hamilton Spectator*, 29 April 1966; Thomas Beckett, personal communication, 13 November 2014.

bay. McCoy noted they would then have to start anew, instead of using SCCA's existing administrative infrastructure. A Board of Control special conservation committee was established in May 1965 to continue discussions with the SCCA and the Province, with the hope of finding acceptable terms for Hamilton's participation.<sup>163</sup>

Civic pressure on Hamilton council to join the Conservation Authority was considerable. Arguments for membership focused on the public demand for recreational space, natural land protection and civic pride. The Hamilton and District Labour Council, a 33,000 member Hamilton labour body, passed a resolution endorsing the principle and work of the Authority. Steelworker William Neff stated that Hamilton was the only municipality in the area that has refused to "dig in and pay its part." "This while the ones to benefit from the work of the authority will be mostly Hamiltonians" he added. Reg Gisborn, MLA for Wentworth East, said participation on the part of Hamilton would put the authority in a much better position financially "to do work in the interest of the community." The Hamilton Naturalists Club included a lengthy commentary in the *Wood Duck* regarding the benefits of Hamilton joining the SCCA and the need to protect natural areas from development.

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<sup>163</sup> "'Hamilton to Become Member of Spencer Creek Conservation Authority', Mayor Says at Dinner," *Dundas Star*, 9 December 1964; "35 cents Yearly per City Resident Could Put Nature at Your Doorstep," *Hamilton Spectator*, 16 June 1965; "Spencer Creek Role Favored," *Hamilton Spectator*, 26 June 1965; "A Golden Opportunity Beckons Hamilton," editorial, *Hamilton Spectator*, 29 June 1965; "City Moves near Membership in Authority," *Hamilton Spectator*, Undated Clipping, [June 1965]; "May Join Scheme on Revised Terms," *Hamilton Spectator*, 31 July 1965; "Political Conservation," editorial, *Hamilton Spectator*, Undated Clipping, [January 1966]. Members of an authority were appointed by the councils of the participating municipalities based on the following: where the population exceeds 50,000, three representatives; between 10,000 and 50,000, two representatives; and less than 10,000, one representative. Ontario. Conservation Authorities Act, R.S.O. 1950, C.11 am. R.S.O. 1950, c.135. As amended by Toronto: Queen's Printer for Ontario.



The *Hamilton Spectator* advocated for the city's membership. A January 1965 article queried: "Will the future Hamilton be a nice place to live – or just another conglomerate jungle of steel, asphalt and concrete? Will the neon labyrinth be broken by well-appointed parks and recreational waterways? What of the outskirts that encompass the city and may one day become part of it? The answer to these questions hinges on a decision now facing the Hamilton Board of Control" The newspaper also observed that "Hamilton takes advantage of all the recreational facilities being developed by neighbouring conservation authorities while not paying a dime towards their development and maintenance" The newspaper spoke of possibility of these 'facilities' being "a magnificent playground," for Hamiltonian's and a valuable asset on the doorstep of a growing industrial city. A subsequent article argued that:

As this area is on Hamilton's doorstep and there are thousands in this city who, in the heat of summer, long for fresh air and sunshine in a peaceful place free from dust and car fumes and only a short drive away, it is not unreasonable to expect the city to pay its share for developing and maintaining such a retreat. In comparison with the benefits received, the cost to the individual taxpayer would be trifling .... This is something Hamilton can afford and which its citizens badly need.

The newspaper also outlined the SCCA's carefully planned program for land acquisition and development in the region. With the city's assistance the authority could "speed up the land buying process and be a tremendous boost in conserving the natural beauty of our area." The case for membership was also a matter of city pride. Hamilton was one of the few Ontario cities not involved in a conservation authority. "All around this city Conservation Authorities are hard at work making the Golden Horseshoe a better place in which to live ... But this area's richest community doesn't pay a dime towards it at all." The Toronto rivalry card was also

played, noting that Toronto contributes 90 per cent of the huge Metro Toronto Conservation Authority budget, although most of the work is done outside its city limits.<sup>164</sup>

The Board of Control's special conservation committee spent nearly a year meeting with provincial and SCCA representatives in search of special terms for Hamilton's membership. At an October 1965 meeting, Energy and Resources Minister J. R. Simonett agreed to seek special legislation allowing the city to appoint fifty percent of authority municipal board members. Discussions with the SCCA examined potential cost sharing formulas to reduce the \$1.00 per capita levy rate. On March 30, 1966 the Board of Control adopted a proposal worked out by Controller Archie McCoy's special committee recommending the formation of a new Hamilton and Region Conservation Authority (HRCA). On 31 May 1966, Bill 104 – An Act to Amend the Conservation Authority Act was passed by the Ontario legislature, dissolving the SCCA and creating the new HRCA. It would operate under a 21-member board, with City of Hamilton representatives equal to that of the other participating municipalities, plus three representatives appointed by the Province of Ontario. A level of financial contribution was established at \$.29 per capita, based on an authority watershed population of 319,728. (See

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<sup>164</sup> SCCAMM 30 April 1965; Wood Duck Vol 18 no. 8 April 1965; "Playground for City's Thousands," *Hamilton Spectator*, Undated Clipping, [September, 1964]; "Spencer Creek Authority Seeks City Participation," *Hamilton Spectator*, 23 September 1960. "Greensville Conservation Plan," *Hamilton Spectator*, 31 October 1964; William Richardson, "City Must Decide – Will Parks Break Up Asphalt Jungle?" *Hamilton Spectator*, 11 January 1965; "Doorstep Playground," *Hamilton Spectator*, 13 January 1965; "35 cents Yearly per City Resident Could Put Nature at Your Doorstep," *Hamilton Spectator*, 16 June 1965; "Unions Want City to Help Conservation," *Hamilton Spectator*, 18 June 1965; "Spencer Creek Role Favored," *Hamilton Spectator*, 26 June 1965; "City Moves near Membership in Authority," *Hamilton Spectator*, Undated Clipping, [June 1965]; "A Golden Opportunity Beckons Hamilton," editorial, *Hamilton Spectator*, 29 June 1965; "Dam is Key to History, Nature Site," *Hamilton Spectator*, 8 January 1966.; "A Happy Solution," *Hamilton Spectator*, 29 April 1966.

Table 9) McCoy noted that in addition to the substantial recreational and conservation benefits, the authority's expropriation powers and accessible subsidies could help the City "get land quickly for drainage projects ... and help with projects such as the huge Lake Avenue sewer job." <sup>165</sup>

All of the municipal councils involved, including Hamilton, endorsed the proposal unanimously. Thomas Beckett called the cooperation and support of local municipalities a "remarkable story" and "a compliment to the Authority's quiet diplomacy." Public Works Minister Ray Connell was "very glad" to see Hamilton in the authority. "Hamilton people have always benefited from the Spencer Creek Authority, but will now get more benefit than ever because they will be contributing," he said. MLA Reg Gisborn commended the Hamilton council for taking initiative and "hoped the Hamilton Authority would interest itself in an anti-pollution program in Burlington Bay and along the lakeshore." The *Hamilton Spectator* likewise wanted

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<sup>165</sup> Ontario. Executive Council Office. *Bill 104 – An Act to amend the Conservation Authorities Act*. OC-2241/66. 31 May 1966; HCCM, 4 April 1966; HRCAMM, 1 September 1966; Hamilton Region Conservation Authority, *Financial Statements – for the Year Ended December 31<sup>st</sup>, 1967*. Prepared by A. Wallace Smith, Chartered Accountants (Hamilton, Ontario: 29 January 1968); "Conservation Membership Terms Sought," *Hamilton Spectator*, 22 October 1965; "Membership Urged – Conservation Zone Wins Board Favour," *Hamilton Spectator*, 31 March 1966. "Mayor Wants Stoney Creek in Authority," *Hamilton Spectator*, 4 April 1966; "Conservation Plan Endorsed." *Hamilton Spectator*, 4 April 1966; "Government Moves to Form New Conservation Authority." *Hamilton Spectator*, 28 April 1966. Bill 104, Section 1. 4a, -(2) stated: "Notwithstanding Section 10 [CA Act], the number of members appointed by the City of Hamilton shall at all times be equal to the total number of members appointed by the other participating members."

Table 9 – SCCA and HRCA – Membership, Population and Levies

Municipality	1966 January SCCA Members	1966 July HRCA Members	1966 Total Population	Percentage in SCCA Watershed	Percentage in HRCA Watershed	Population in HRCA Watershed	Total Levy SCCA 1966 (\$1.00)	Total Levy HRCA 1967 (\$1.30)
City of Hamilton		B. Morrison – Controller Archie McCoy - Controller J. A. Bethune - Alderman W. Powell - Alderman R. Wheeler - Alderman E. W. Baskin Dr. R. H. D. Farmer J. <del>Scott</del> Mrs. E. Lloyd	280,591		100 %	280,591		\$ 84,177.90
Town of Dundas	Harry Law J. A. Prentice	Harry Law - Councillor J. A. Prentice - Councillor	15,105	100 %	100 %	15,105	\$ 15,105	\$ 4,531.50
Township of Ancaster	T. A. Beckett - Chairman	T. A. Beckett - Chairman	14,572	26 %	28 %	4,080	\$ 3,788	\$ 1,224
Township of Beverly	M. L. McKnight	M. L. McKnight	5,523	33 %	33 %	1,822	\$1, 822	\$ 546.60
Township of <del>Flamborough</del> East	Walter Drummond	Walker Drummond	4,920	8 %	8 %	393	\$ 393	\$ 117.90
Township of <del>Flamborough</del> West	J. J. Taylor	J. J. Taylor - Councillor	7,651	59 %	59 %	4,513	\$ 4,513	\$ 1353.90
Township of <del>Puslinch</del>	Scott <del>Fixter</del>	Scott <del>Fixter</del> - Councillor	3,008	10 %	11 %	331	\$ 331	\$ 99.30
Township of Stoney Creek		R. W. Hewson - Councillor	7,235		100 %	7,235		\$ 2170.50
Township of <del>Saltfleet</del>		Gordon Dean - Councillor	17,672		31 %	5,655		\$ 1696.50
Province of Ontario	G. W. Jones R. H. Wise W. H. Smith	G. W. Jones R. H. Wise W. H. Smith					50 % total subsidy	\$50 total subsidy
TOTAL			356,277	NA	NA	319,728	\$25,950	\$95,918

Source – SCCAMM, 3 February 1965; HRCAMM 2 September 1966, 2 February 1967.

the new Authority “to engage in the much-needed battle against pollution.” It also noted that the new HRCA “will, in fact, be a regional body, a reflection of the government’s basic thinking on the virtues of regionalism.” Extending from Puslinch Township in the north to Fifty Point, near Grimsby, in the south, the Authority was certainly regional. Whereas the SCCA was the smallest Conservation Authority in Ontario, the HRCA was now one of the largest.<sup>166</sup>

The authority’s funding was now secured by a municipal levy of \$95,136 compared to \$25,097 in 1965. With provincial subsidies of 50-75 percent and large capital schemes being developed in the upper and middle watershed, the authority budget rose from \$234,925 in 1965 to \$1,333,640 in 1967. The lower levy rate established in 1966 of \$.29 per capita reduced the financial load on the original SCCA member municipalities, while still allowing a substantial increase in the authority budget. The per capita levy rose to \$.39 in 1968 and in 1969 to \$.90 per Hamilton resident and \$.60 per capita for the other HRCA municipalities. The HRCA had lobbied for the substantial 1969 levy increase to “buy land essential for conservation while still available. The split-level 1969 levies were the result of the planned \$1,000,000 Red Hill Creek dam and reservoir project. The expanded authority watershed now embraced projects specific

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<sup>166</sup> “New Authority – Big Job,” *Hamilton Spectator*, 9 January 1966; “Conservation Plan Endorsed,” *Hamilton Spectator*, 4 April 1966; “Government Moves to Form New Conservation Authority,” *Hamilton Spectator*, 28 April 1966; “A Happy Solution,” *Hamilton Spectator*, 29 April 1966; “Most Exciting Venture since Gardens,” *Hamilton Spectator*, 29 April 1966. The new HRCA got off to a controversial beginning. A day-long tour of the watershed on 25 June 1966, “designed to show city politicians what is involved in conservation,” had only one city official present. Despite written invites, no city councillors attended. The *Dundas Star* wrote: “It begins to look as if Hamilton joined the ranks of conservation merely to save face; that it will dictate what will be done, but take little interest in how or what is being done, unless the work directly concerns the city itself.” see “New Authority – Big Job.” *Dundas Star*, 27 June 1966; “City Dominates New Authority But Ignores Tour of Region.” *Dundas Star*, 27 June 1966.

to Hamilton, like the Red Hill, King's Forest, Devils Punch Bowl and Fifty Point, which are beyond the scope of this paper's study of SCCA initiated schemes.<sup>167</sup>

With greater resources and a broader mandate, the authority was now sufficiently 'constituted' to pursue major land acquisition efforts in the Dundas Valley. At the second meeting of the new HRCA, "preservation of the valley system in its entirety" was discussed at considerable length. The valley was considered an important component of the region's "doorstep playground" and an area under threat by development. The Hamilton Wentworth Planning Area Board and City of Hamilton Planning Board were notified of the authority's "vital interest in the preservation of the ravine and tablelands in the watershed, particularly the Dundas Valley, and would like to be notified regarding any proposed subdivisions." The authority executive committee decided on 22 December 1966 that the preservation and possible acquisition of valley lands should be one of the most important projects of the Authority and maps were requested to facilitate further planning. This emphasis on the Dundas Valley as an Authority priority culminated in the adoption of the Dundas/Ancaster Valley as Scheme 14 on 7 March 1967.<sup>168</sup>

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<sup>167</sup> SCCAMM, 16 March 1965; HCRAMM, 2 February 1967; "Conservation Authority Proposal Seeks To Increase Levies." *Hamilton Spectator*, 14 January 1969; "Hamilton Will Subsidize Region's Conservation Costs." *Hamilton Spectator*, 29 January 1969. The HRCA had sought a 1969 authority-wide levy increase to \$1.10 per capita, but a compromise agreement was reached with the member municipalities.

<sup>168</sup> HRCAECMM, 27 October 1966, 22 December 1966, 7 March 1967.

Public pressure on Hamilton to join the authority and the growing interest in preserving the Dundas Valley exemplified a mounting social concern for the environment. Water pollution, smog over cities, traces of pesticides in the air and urban sprawl all suggested that Canadians had become a dominant, even malignant factor on the landscape. Best-selling books like Rachel Carson's *Silent Spring* (1962) and Farley Mowat's *Never Cry Wolf* (1963) and television programs, like the CBC documentary *Air of Death* in 1967, explained what these phenomena meant. Consequently, North American conservation work shifted focus, from a heavy concentration on land management to a movement that put considerable emphasis on the equality of the air, water and land as a human environment." As environmental historian Michael Egan notes, with environmentalism "the human body became an ecological landscape worth protecting." The provincial conservation branch spoke of a "new conservation", defined as a "concern for and ultimate maintenance of man's total environment." U.S. Secretary of the Interior, Stewart Udall, called it the "Third Wave" of conservation thinking, where "man and his world form an ecosystem." The first two "waves" being preservation and regulation, both resource-centred, while the third wave was ecological. The preservation of undeveloped lands, the need for recreation outside the crowded city and ecosystem protection now received unprecedented popular support. <sup>169</sup>

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<sup>169</sup> Walter Udall, "The Third Wave," *Conservation Yearbook* No. 3 (Washington: Department of the Interior, Office of The Secretary, 1966): 2, 9; G. D. Boggs, "Recreation," *Watersheds* 2:1 (1967): 9; \_\_\_\_\_. "The Third Wave," *Watersheds* 3:1 (1968): 3-4; William E. Tovell, "Wise land use," *Watersheds* 4:2 (1969):12; Samuel P. Hays, "From Conservation to Environment: Environmental Politics in the United States since World War II." *Environmental Review* 6:2 (1982): 19; Michael Egan, "Shamans of the Spring: Environmentalism and the New Jeremiad," In Karen Dubinsky, Catherine Krull, Susan Lord, Sean Mills and Scott Rutherford (eds.) *New World Coming: The Sixties and the Shaping of Global Consciousness*. (Toronto: Between the Lines, 2009): 297; Catriona Mortimer-Sandilands, "The Cultural Politics of Ecological Integrity: Nature and Nation in Canada's National Parks, 1885-2000," *International Journal of Canadian Studies* no. 39-40 (2009): 171; Neil S. Forkey, *Canadians and the Natural Environment to the Twenty-First Century*,

This new conservation manifested itself in efforts to protect the Dundas Valley. G. D. Boggs of the Conservation Branch wrote: “The authority’s interest in finding methods to control any change in the virtually unspoiled areas of the Ancaster and Dundas Valleys indicated that the conservation of natural aesthetics has reached a point where it may be defended as an integral aspect of total conservation. “ The largest example of this total ecosystem conservation in Ontario was the burgeoning movement to protect the Niagara Escarpment. This unique physical and ecological formation was under serious threat from urban development and aggregate extraction in the 1960’s. Dundas Valley, as a primary escarpment re-entrant valley, received increased attention and funding, particularly when it came under threat from a major transportation project.<sup>170</sup>

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(Toronto: University of Toronto Press, 2012): 102; Ryan O'Connor, “An Ecological Call to Arms,” *Ontario History* 1: Spring (2013): 41. Walter Udall wrote in 1963 of a “Quiet Conservation Crisis” evolving, with vanishing open space, pollution and a blighted environment. He recognized that “quick action can be expected only when threats to public health or public inconvenience are imminent .... [and] a growing conscience brings us to act now to protect the land for future generations.” Walter Udall, *The Quiet Crisis* (New York: Holt, Rinehart and Winston, 1963): viii, 180. For a more detail study of environmental concerns and advocacy in Hamilton during the 1960’s, see Nancy B. Bouchier and Ken Cruikshank, *The People and the Bay: A Social and Environmental History of Hamilton Harbour* (Vancouver: UBC Press, 2016): 178-180. The environmental movement certainly had an influence on the SCCA. Rachel Carson’s *Silent Spring* was often the speaker’s gift at Authority dinners.

<sup>170</sup> G. D. Boggs, “Recreation,” *Watersheds* 2:1 (1967): 9



## Chapter 6: Protecting the Niagara Escarpment

One of the most outstanding physiographic features in Southern Ontario is the Niagara Escarpment. This unique geological formation reveals itself as sheer cliffs in areas like the Spencer Gorge and as gently rolling hills in the Dundas Valley. The escarpment traverses southern Ontario for 725 kilometres in a sinuous line from Niagara Falls north to Tobermory, at the tip of the Bruce Peninsula. Increasing land use demands along the Niagara Escarpment sparked widespread public concern in the 1960's regarding the escarpment's future. Dr. Frank Beales, University of Toronto geologist, felt that "the great urban sprawl from the Golden Horseshoe of the west end of Lake Ontario is in danger of becoming a tidal wave sweeping away the irreplaceable asset of the Niagara Escarpment." Acquisition or control of escarpment lands is "an urgent necessity," Beales concluded. The growing public interest in the escarpment is exemplified by the dedicated effort to create a hiking path along the escarpment. Ray Lowes, a Bruce Trail founder and Hamilton Naturalist Club member, wrote about the idea of an escarpment hiking path in 1961: "We have a dream – the "Bruce Trail" – which will follow the Niagara Escarpment as it wanders through the most beautiful areas in southern Ontario." The trail was routed through the Dundas Valley in the spring of 1963, using roads and the land of cooperative property owners. Completed in 1967 from Queenston to Tobermory, the Bruce Trail became Canada's longest continuous hiking trail and provided important public access to the Niagara Escarpment.<sup>171</sup>

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<sup>171</sup> "The Biennial: Number Ten." *Watersheds* 1:4 (1966): 3; "Ray Lowes, "The Bruce Trail," *Wood Duck* 14:5 (January 1961): 8; Edith Austen Lloyd, "The Bruce Trail," *Wood Duck* 17:1 (September 1963): 9.

The importance of preserving the Niagara Escarpment had been continually stressed by the SCCA and HRCA since 1960. The HRCA recommended the purchase and preservation of Niagara Escarpment lands in a 24 November 1966 joint brief to the legislature's Select Committee on Conservation. The Halton and Hamilton Region Conservation Authority's Escarpment Committee, chaired by Frank Beales, presented a brief calling for the provincial government to buy lands along the escarpment and to preserve it as a green belt for the people of Ontario. The joint authority committee also recommended the formation of a special Niagara Escarpment parks commission to administer escarpment lands, provincial regulations governing quarry operations and a special tax on production tonnage from quarries. The 1967 Report of the Select Committee on Conservation Authorities endorsed these suggestions. The first government report to highlight provincial interest in the escarpment, it recommended "a long-range policy and a comprehensive plan for the Niagara Escarpment." The report emphasized that "strong direction is necessary from the Government of Ontario if this is to be accomplished."<sup>172</sup>

Responding to the committee's recommendations about the escarpment, Premier John Robarts made its protection an important component of his 1967 re-election platform. He promised to preserve the Niagara Escarpment as a "natural parkland within 150 miles of the bulk of the province's population." On 10 March 1967, Robarts announced that he was initiating a "wide-ranging study of the Niagara Escarpment with a view to preserving its entire length ....

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<sup>172</sup> Ontario, Legislative Assembly, Select Committee on Conservation Authorities. *Report of the Select Committee on Conservation Authorities, 1967* (Toronto: Legislative Assembly of Ontario, 1967): 86-87; L. Anders Sandberg, Gerda R. Wekerle, and Liette Gilbert, *The Oak Ridges Moraine Battles: Development, Sprawl, and Nature Conservation in the Toronto Region* (Toronto: University of Toronto Press, 2013): 65; Government urged to buy escarpment," *The Globe and Mail*, 24 November 1966; "Province Urged to Buy Niagara Escarpment," *Hamilton Spectator*, 24 November 1966.

as a recreation area for the people of Ontario.” Leonard Gertler, of the University of Waterloo, was commissioned to coordinate this comprehensive evaluation of the escarpment. Ontario’s Conservation Authorities adopted a joint resolution “supporting Premier Robarts’ stand on the importance of acquiring Niagara Escarpment lands.” The resolution stated that Conservation Authorities were extremely interested in purchasing escarpment properties as quickly as possible and suggested that the government consider special grants to help them acquire such lands. In their study of the ‘battles’ to conserve the Oak Ridges Moraine north of Toronto, Sandberg, Wekerle and Gilbert consider Robarts’ escarpment preservation mandate extremely significant. They assert that it introduced the role of the provincial government as a “central interventionist agent” in the land market to promote the protection and preservation of natural heritage sites. Provincial support for conservation land acquisition had previously been directed at resource management and recreation projects only.<sup>173</sup>

Although Robarts spoke of the value and significance of the Niagara Escarpment, government action was contradictory. Just days before the announcement of the Gertler study, the Department of Highways of Ontario (DHO) presented plans to build an expressway - dubbed the “Dundas By-Pass” – through the Dundas Valley. At the 8 March 1967 DHO presentation, project engineer Ronald Draycott outlined that the 10-kilometre route would stretch from the new

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<sup>173</sup> Hamilton Region Conservation Authority Meeting Minutes (Hereafter HRCAMM), 19 May 1967; Conservation Areas Advisory Board (Hereafter CVAABMM), 5 March 1967; George McKibbin, Cecil Louis and Frank Shaw, “Protecting the Niagara Escarpment,” *Journal of Soil and Water Conservation* 42:2 (1987): 78; A. H. Richardson, *Conservation by the People: The History of the Conservation Movement in Ontario to 1970*: 92; Sandberg et al, *The Oak Ridges Moraine Battles*, 65; Richardson, A.H., *Conservation by the People: The History of the Conservation Movement in Ontario to 1970* (Toronto: University of Toronto Press, 1974): 92; Beales, F. W. “Protect Now, Drive Later.” *Watersheds* 3:1 (1968): 12; “Robarts says escarpment to be public playground,” *The Globe and Mail*, 11 March 1967; “Take over vast escarpment areas for public parks; province urged,” *The Globe and Mail*, 19 April 1967.

Highway 403 in Ancaster to Peter's Corners, at the junction of Highways 52, 5 and 8. Its intent was to link the Kitchener-Waterloo area with the Niagara region (See Map 10). Requiring a 200 foot right-of-way, the expressway would have operating speeds of 120 kilometres-an-hour and controlled entry points. The *Dundas Star* wrote how the maps indicated a "veritable wall" across the valley. In some places 40-50 feet of fill would be required, likely from hills that will be cut down as much as 70 feet. In fact, Department of Highway engineers had underestimated the proposed route's terrain. Only aerial photographs had been studied before announcing the route and planners were unaware of the valley's rough topography and ravines.<sup>174</sup>

The expressway was but one of several new highways being built or proposed in the province. During this period, Ontarians were experiencing the full impact of the automobile revolution. They formed the first generation whose lifestyle was profoundly affected by the car and for whom the automobile had become a symbol of progress and modernity. The number of passenger vehicles registered in Ontario grew from 556,740 in 1945 to 1,317,590 in 1955. By 1970, 2.5 million Ontarians, or 79 percent of the province's households, owned at least one automobile. To accommodate the increasing traffic, successive provincial governments undertook massive highway building programs and upgrades to older ones. Ontario's total road and highway mileage expanded from 118,736 kilometers in 1949 to 152,081 kilometers in 1970.

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<sup>174</sup> SCCAMM, 25 May 1967; "Dundas By-Pass Stirs Hornet's Nest," *Dundas Star*, 15 March 1967; "Conservationists Quick to Object," *Dundas Star*, 15 March 1967; "Beckett's Home now in Path," *Hamilton Spectator*, 13 March 1968.

Whereas the automobile had fueled demand for local conservation areas, its required infrastructure now threatened the conservation of natural lands.<sup>175</sup>

The public response to the Dundas By-Pass proposal was prompt and overwhelmingly critical. As the *Dundas Star* observed, the by-pass stirred up quite a “hornet’s nest.” Local residents vigorously opposed the expressway. Letters of protest poured into government offices. In her study of the Dundas Valley expressway dispute, Danielle Robinson writes that “citizens mobilized to defend not only the rapidly dwindling natural environment, but also their own communities.” Residents expressed concerns about the expressway’s effect on the small town atmosphere of the area and spoke at great length about its potential impact on the natural ecosystem of the valley. For example, Howard Cope, who ran the old Ancaster mill, “didn’t want asphalt, concrete and heavy high-speed traffic ripping through the quiet and greenery of the valley where his ancestors had settled 188 years ago.” “They should save the whole valley,” he added. The citizen advocacy group, Ancaster Citizens To Improve Our Neighbourhood (ACTION) regularly petitioned government officials and cultivated growing public engagement in the anti-expressway campaign. ACTION received support from multiple organizations, including: The Ontario Federation of Naturalists, The Hamilton Naturalists Club, The Royal Botanical Gardens, The International Brotherhood of Electrical Workers, The Letter Carriers Union, The

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<sup>175</sup> Gerald Killan, *Protected Places: A History of Ontario’s Provincial Parks System* (Toronto: Dundurn Press, 1993): 76-77, 130; K. E. Rea, *The Prosperous Years: The Economic History of Ontario, 1939-1975* (Ontario Historical Studies Series. Toronto: University of Toronto, 1985): 27, 52, 63; Richard Harris, *Creeping Conformity: How Canada Became Suburban, 1900-1960* (Toronto: University of Toronto Press, 2004): 130; Danielle Robinson, “Modernism at a Crossroad: The Spadina Expressway Controversy in Toronto, Ontario ca. 1960-1971,” *The Canadian Historical Review* 92:2 (2011): 296-297.

United Steel Workers of America, The Isaac Walton Club, and the Bruce Trail Association. Not all local residents were opposed to the expressway and development in the valley, however.

Farmer Bruce Harper of Lower Lions Club Road claimed that: “There is a feeling among commercial members of the community that this conservation area will be too much of a drain on the economy. It is just a dead area. I would like to see houses and industries in the valley.” He added that “he was afraid that unless industries came in, his taxes will go up to pay for conservation.”<sup>176</sup>

The *Hamilton Spectator* wrote that the expressway “would murder one of Ontario’s finest potential conservation areas.” “No area in Canada,” it stated, “has such a magnificent undeveloped area so central to it and this region, all of it would be cutting off its nose to spite the future’s face, if a highway is allowed to blast its way through.” On 21 September 1967 it noted how: “This monstrosity ... would desecrate beyond repair a portion of the very Niagara Escarpment Premier Robarts pledged himself to preserve.” The newspaper’s editor Bill Gold had toured the Dundas Valley earlier that spring. The beauty of the valley wasn’t well known at the time, so Thomas Beckett, always the cultivator of media support, decided that Gold needed to see it for himself. He and Ben Vanderbrug took Gold and reporter Peter Calamine on a “wild skidoo ride” through the valley. Neither Beckett nor Vanderbrug had ever been on a skidoo, let alone

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<sup>176</sup> HRCAMM, 25 May 1967; HRCAECMM, 29 March 1967, 30 November 1967; Danielle Robinson, “‘Must everything give way to the automobile?’ – The Ancaster and Dundas Expressway Disputes in Ontario, 1967-1968,” *Ontario History C*: No.1 (Spring 2008): 57-58, 64, 72, 77-78; “Dundas By-Pass Stirs Hornet’s Nest,” *Dundas Star*, 15 March 1967; Alex Jenkins, “Down in the Valley – A Road Seems Certain,” *Hamilton Spectator*, 13 September 1968; “The Man from the Mill Doesn’t Want a Highway,” *Hamilton Spectator*, 13 September 1968.

driven one, and without trails the going was “pretty rough.” Despite being bounced off into a snow bank, Bill Gold was very impressed. Subsequently, the *Hamilton Spectator* became an important supporter of the valley’s protection and stridently opposed the expressway plan.<sup>177</sup>

The HRCA immediately declared its “strong disapproval” of the proposed expressway. Beckett argued that “the dreams of a great conservation area would be dead, a victim of that avalanche of steel and concrete.” Only days before the expressway announcement, the authority’s Conservation and Recreation Advisory Board recommended adopting the Ancaster-Dundas Valley as an authority scheme. On 25 May 1967, with the unanimous support of members, the valley became HRCA scheme #14. . The Conservation Council of Ontario extended its concern and support for the authority’s efforts to preserve the valley. Several letters opposing the expressway’s construction were received by the authority from labour unions and citizens. On 10 March 1967, the Fish and Wildlife Advisory Board chairman Eric Bastin wrote “An Open Letter” to provincial naturalist and conservation organizations. Bastin highlighted the valley’s natural richness and recreational value, and noted that: “Here is another instance in which an aroused public opinion, forcefully expressed, may well avert a move which prominent planners and conservation experts have labelled, in plain English, ‘Destructive,’ ‘Ruinous’ and ‘Absurd.’ Let the voice of the conservationist, the naturalist and sportsmen be heard in the land – today!”

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<sup>177</sup> Ben Vanderbrug, “The power behind conservation: Six chairman have each made their own mark on the authority,” *Hamilton Spectator*, 1 May 1971; “Fog in Dundas Valley,” Editorial, *Hamilton Spectator*, 7 March 1967; “By Pass Plan Opposed,” *Hamilton Spectator*, 7 March 1967; “Fog in Dundas Valley.” Editorial, *Hamilton Spectator*, 21 September 1967; Thomas Beckett, personal communication, 20 November 2014; Ben Vanderbrug, personal communication, 28 November 2014. See also: “‘Destructive, Disastrous’, Experts Say,” *Hamilton Spectator*, 7 March 1967. The phrase “Fog in the Valley” appears to be the *Hamilton Spectator* editor’s regular summation of the Dundas Valley expressway situation.

The Dundas Valley bypass was not the only local DHO plan that concerned the HRCA and local naturalists. A highway through Cootes Paradise connecting York Boulevard with Cootes Drive was also proposed in 1967. The HRCA, amongst many others, felt that such construction would destroy the marsh's ecological balance due to air pollution, destroy important natural habitat, and deny access to the attractive marsh shoreline by the public. The Cootes Paradise highway received significant regional opposition and was never constructed.<sup>178</sup>

While the authority spoke against the expressway, most HRCA municipalities only disapproved of its location. At the HRCA meeting on 25 May 1967, a motion "strongly disapproving" the expressway plan was carried by 10 votes to 3. Jack McDonald (Hamilton) and Robert Gardiner (West Flamborough) presented an amendment to re-phrase the wording to "greatly concerned" with the wish "to discuss details with the Department of Highways." The amendment was voted down 10-3. The Town of Dundas representative Harry Law, while in favour of the original motion, wanted the authority to coordinate a meeting with the DHO to discuss alternatives. For Dundas, the expressway could certainly relieve congestion in downtown Dundas and reduce the traffic flow on the Highway 8 hill, he felt. But "what about the town's character and appeal," he queried. Ancaster Reeve John Milne said the expressway "would ruin Ancaster as a desirable residential area." Ancaster Municipal Council acknowledged the need for

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<sup>178</sup> HRCAMM, 1 September 1966, 25 May 1967; Hamilton Region Conservation Authority Executive Committee meeting minutes (hereafter HRCAECMM), 7 March 1967, 29 March 1967, 19 June 1967; Hamilton Region Conservation Authority. Fish and Wildlife Advisory Board. *Meeting Minutes* (hereafter FWAB), 30 March 1967; Eric W. Bastin, "An Open Letter," 10 March 1967 (Hamilton Region Conservation Authority Fish and Wildlife Advisory Board); Thomas A. Beckett, "Valley on Trial," *Watersheds* 3:1 (1968): 10; By Pass Plan Opposed," *Hamilton Spectator*, 7 March 1967.



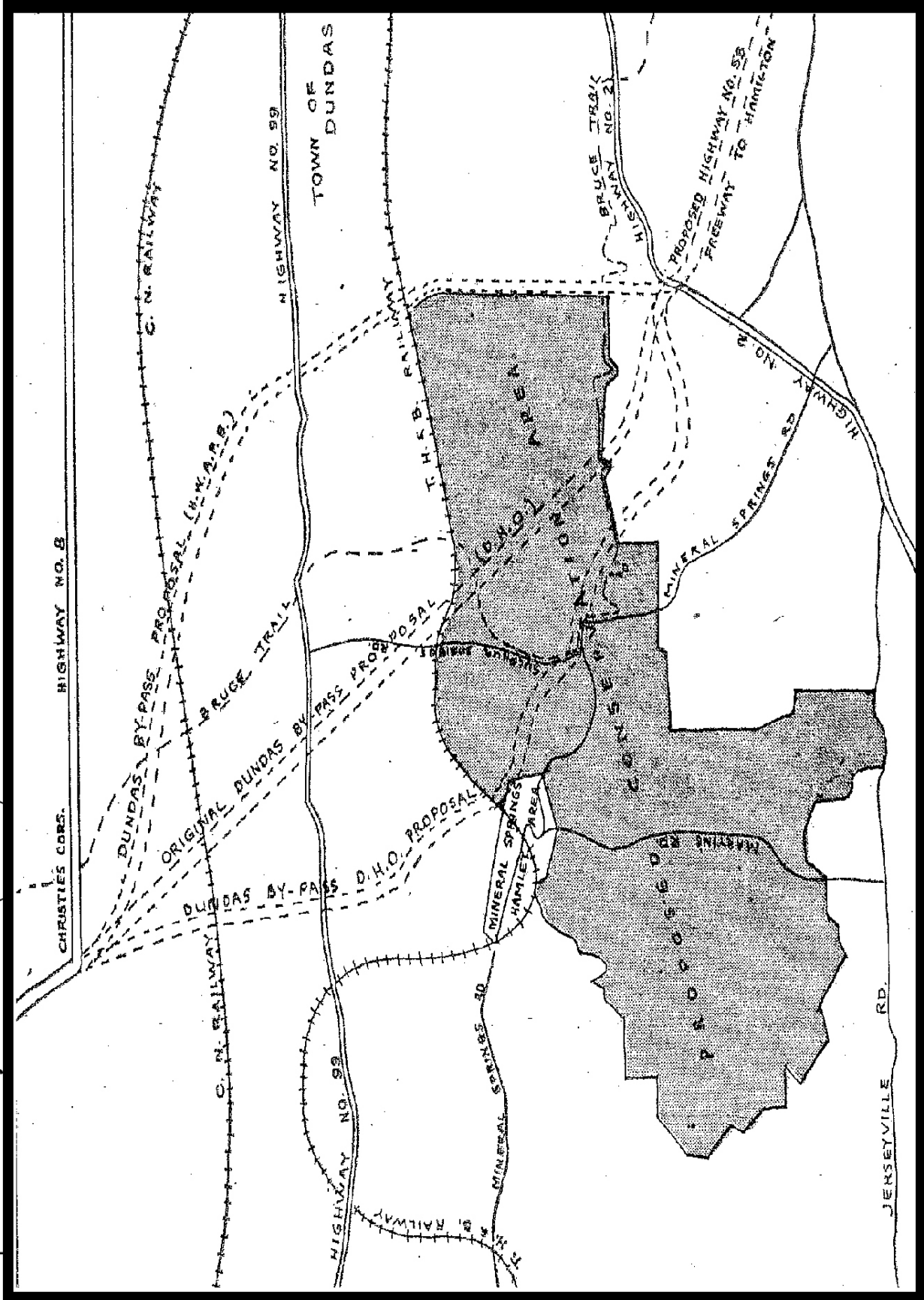
a high speed route between Kitchener-Waterloo area and the Niagara Peninsula. However, it felt the expressway would separate two residential areas of the town and result in the loss “of a wealth of natural beauty and historic sites and large estate land.” It resolved that the Township of Ancaster is unable to give its approval to the proposed route ... “and earnestly requests that the Department of Highways of the Province of Ontario give serious consideration to an alternative route west of the present urban area.” The City of Hamilton and the Townships of Beverly, West Flamborough and Glandford also supported the investigation of possible alternate routes. <sup>179</sup>

With the overwhelming criticism of the expressway plan and appeals for an alternative plan, three different routes were proposed. The DHO’s revised route, introduced on 12 March 1968, shifted the expressway a kilometre to the southwest. Minister of Highways George Gomme said the new design emphasized aesthetics, with scenic lookouts along its length and an operating speed of 80 kph, similar to that of Metro Toronto’s Don Valley Parkway. This new route actually threatened Thomas Beckett’s Ancaster house, compared to the original plan which brought the expressway within 200 metres of his home. The Hamilton Wentworth Area Planning Board (HWAPB) suggested a second alternative. The board’s concept was to run the expressway along the eastern edge of the valley near the Dundas town limits. Both the HWAPB and the DHO proposals began and ended at the same points, Mohawk Road and Highway 403 to Peter’s Corners

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<sup>179</sup> HRCAECMM, 2 May 1968; HRCAMM, 25 May 1967; Ancaster Municipal Council Meeting Minutes, 28 March 1967; Robinson, “Must everything give way to the automobile?” 68; “DOH to unveil By-Pass at meeting in the city,” *Dundas Star*, 8 March 1967; “Conservationists Quick to Object.” *Dundas Star*, 15 March 1967; “Save Dundas Valley, Group Urges Robarts,” Undated Clipping. [February 1968].

Map 10 - Dundas By-Pass Routes (1967-68) - DHO and HWPAB



Source - Alex Jenkins, "Down in the Valley - A Road Seems Certain." Hamilton Spectator, 13 September 1968.

at Highway 5 and 8. Beckett said the authority reluctantly accepted the board's route as a potential option, "because it leaves the conservation area reasonably intact." However, Beckett wanted no compromise; there should be no highway through the Dundas Valley. The HRCA presented an alternative route that took the expressway far to the west, on the high ground near Copetown. The "by-pass could parallel, or even superimpose on, the present Highway 52, connecting Duff's Corners [Highways 2, 53, and 403 junction] with Peter's Corners. Staying on high ground, it would pass through gentler terrain, probably with less cutting filling and bridging." Public Works Minister Ray Connell opposed any plan involving Highway 52. He felt it "would ruin hundreds of acres of choice farmland, and there will more need of farmland in the future than of conservation land." Connell remarked that "the province ... needs new roads to improve it economically, and he could not see using farm lands in favor of 'scrub land'."<sup>180</sup>

William Bidell, highways department director of planning, claimed that the new DHO route was the best one based on available information. Although he was sympathetic towards conservationists and aware of aesthetic values, "he has to bear in mind the overall need of the public and that in the end, you can't ignore the cost aspect." The department estimated that its revised route would cost around \$8,800,000, compared to the original route's \$10,500,000. If it re-constructed Highway 52 to take the traffic, it would cost \$13,700,000. The planning board's proposed route increased costs to \$12,800,000. Ironically, Deputy Minister of Highways

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<sup>180</sup> HRCAMM, 25 May 1967; Bastin, "An Open Letter," 10 March 1967; "Conservationists Quick to Object," *Dundas Star*, 15 March 1967; "Beckett's Home now in Path," *Hamilton Spectator*, 13 March 1968; John Gillies, "Dundas Valley road hits more opposition," *The Globe and Mail*, 14 March 1968; Alex Jenkins, "Down In The Valley – A Road Seems Certain," *Hamilton Spectator*, 13 September 1968; Ben Vanderbrug, Personal Communication, 5 February 2015.

Cameron McNab told a Federation of Ontario Naturalists delegation on 22 May 1967 that cost would not be criterion in the choice of possible routes. As Bidell and Connell both noted, the debate regarding the need and location of the expressway ultimately centred on public need. What was the greatest social priority for the province: agricultural acreage, conservation lands or new roads?" As the *Hamilton Spectator* observed:, "What the people in this district need and want is a policy commitment, not a technical assessment."<sup>181</sup> Leonard Gertler's 1968 *Niagara Escarpment Study, Conservation and Recreation* (Gertler Report) noted numerous times the conflict between public goals in the Dundas Valley. It stated that "these overlapping public purposes need to be evaluated in terms of the long range benefit to the Province. It is recommended that consideration of this issue be given high priority by the Advisory Committee on Regional Development."<sup>182</sup> Thomas Beckett claimed that ultimately "only Premier Robarts can save the valley." Beckett recalls a 1969 Conservation Council of Ontario meeting with the Premier and Highways Minister Gomme, where Robarts asked Gomme: "Is there anyone left in

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<sup>181</sup> "Fog in Dundas Valley," *Hamilton Spectator*, 21 September 1967; "Beckett's Home now in Path," *Hamilton Spectator*, 13 March 1968; Alex Jenkins, "Down In The Valley – A Road Seems Certain," *Hamilton Spectator*, 13 September 1968. In an article in *Watersheds*, the Conservation Branch's newsletter, Thomas Beckett elaborated on the idea that highways should not be designed by engineers only. "Perhaps from the point of view of the automobile alone, the proposed route is the best. However, the determination of what is 'best' should not be left to the imagination of civil engineers alone.... We must use the team approach to highway design – teams of landscape architects, agriculturalists, conservationists, historians, planners, sociologists, etc., as well as civil engineers .... US Federal Law declares it to be the national policy to use maximum effort to preserve federal, state and local government parklands and historic sites – Perhaps we ought to see such laws written into our Ontario Statutes." Former Hamilton municipal planner, Norman Pearson, remarked, "Highways are not for cars: highways are for people." Pearson was expressing a growing perspective on highway design in North America. In 1968, the Florida State Roads Board endorsed the principle of 'highways for people' and the multi-use of state highways corridors. That same year, United States Secretary of Transportation John Volpe premiered the Federal Highways Administration agency's "Highways Are For People". See Richard F. Weingroff, "The Greatest Decade 1956-1966: Part 2 – The Battle of Its Life," *Public Roads*. 69:6 (May-June 2006). 2; Beckett, Thomas A. "Valley on Trial." *Watersheds* 3:1 (1968): 12; "Highways for People," *St. Petersburg Times*, 23 September 1968.

<sup>182</sup> Ontario, Regional Development Branch. *Niagara Escarpment Study – Conservation and Recreation Report, 1968* [Gertler Report] (Toronto: Regional Development Branch, Treasury Department, 1969): 6, 34, 59-60.

Ontario who wants this highway?” According to Beckett, the expressway plan subsequently “disappeared from discussion and died a quiet death.”<sup>183</sup>

As the expressway dispute transpired in 1967 and 1968, the authority intensified its planning and land acquisition work in the valley. The HRCAs Conservation and Reforestation Advisory Board (CRAB) met with municipal and Hamilton-Wentworth Planning Board representatives on 11 August 1967 to discuss a Dundas Valley conservation plan. The meeting minutes provide substantial insight into the authority’s analysis and planning process for the valley. It was agreed that the 3,000 acres should be considered for preservation. As soon as the area to be preserved was defined, a request should be made to the municipalities to consider zoning it as conservation land. Most of the valley was zoned agricultural, thus protecting it to some extent. Thomas Beckett noted that since the acreage is escarpment land, this should help obtain provincial support for its preservation. Murray Pound from the planning board asked how many people would directly use the area and thus give their support. He felt that “the success of preserving it will depend on majority public support.” HRCAs manager Ben Vanderbrug pointed out that an examination of ownership titles revealed land speculators owned some properties in the valley. This supported Beckett’s contention that preservation must be commenced at once. Stoney Creek councillor R. W. Hewson felt that in spite of the area’s large size, this was a one-time opportunity. Although land acquisition in the valley could be quite costly, he added, it was not “beyond the financial and administrative ability of the region to accomplish.” Beckett

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<sup>183</sup> “Save Dundas Valley, Group Urges Robarts,” February 1968; Thomas Beckett, Personal Communication, 20 November 2014, 22 December 2014.

believed financial assistance would be solved by special grants, provincial funding support and long-term financing. He later suggested debenture issues could be an option as well. Following the meeting, the authority partnered with the planning board to undertake an extensive study of the valley system. The study's goal was to determine: a) the area to be preserved, b) the implications of this project on the surrounding areas and c) access routes to the area and possible developments of this valley system for intensive as well as passive recreation.<sup>184</sup>

HRCA members moved to adopt the preservation of the Niagara Escarpment sections located in the HRCA watershed as Scheme #19 on 19 June 1967. The scheme's intent "was to investigate means of preserving the escarpment, and to bring any escarpment properties presently for sale or to be considered for acquisition before the membership." Anticipating potential grants on escarpment lands from the provincial government, the HRCA executive committee moved to extend all present options on escarpment land.<sup>185</sup>

The authority soon acquired four important escarpment properties, two along the escarpment rim and two in the valley. Bulmer's Glen had interested the authority since 1960. A picturesque ravine property, it included beautiful Tiffany Falls. The Hamilton Wentworth Planning Area Board, The Hamilton Naturalists Club, and the Township of Ancaster all

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<sup>184</sup> HRCAMM, 11 October 1967; HRCAECMM, 20 November 1967, 30 November 1967; Hamilton Region Conservation Authority, Conservation and Reforestation Advisory Board *Meeting Minutes* (hereafter CRABMM), 11 August 1967.

<sup>185</sup> HRCAMM, 11 October 1967, 11 December 1967; HRCAECMM 19 June 1967.

recommended its establishment as a nature sanctuary. The 1960 *Spencer Creek Conservation Report* identified it as “quite a pleasant picnic spot for travellers on No. 2 Highway.” The report also identified the possibility of a high land cost due to it lying “adjacent to one of the most expensive subdivisions in the township and is potentially in the market for similar development.” Correspondence with the Bulmer’s real estate agent in October 1963 indicated an asking price of \$15,000 for the 13.5 acre property. With the price well above available funds in the 1963 budget, the authority pointed out to the owner the advantages of land donations to a conservation authority. In 1967, the HRCA received a letter from Mrs. Bulmer indicating her interest in selling the property to the authority. A purchase price of \$10,000 was finalized on 11 October 1967, with the land to be used “for recreation and preservation purposes.” As an escarpment property, the provincial government was approached for special funding. The Tiffany Falls Conservation Area opened on 12 July 1969 as part of the HRCA’s conservation week. Following the ceremony, the Iroquoia Bruce Trail Club led a three-hour hike along the Niagara Escarpment.<sup>186</sup> The previous day, the Hopkins Property Conservation Area had opened. This field and woodland property along Borers Creek, north of Cootes Paradise, was identified by the Hamilton Naturalists Club as an excellent example of Canadian hardwood forest. The authority acquired the 158 acre property from four members of the Hopkins Family on 3 March

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<sup>186</sup> Spencer Creek Conservation Authority Meeting Minutes (hereafter SCCAMM), 31 October 1963; Spencer Creek Conservation Authority Executive Committee Meeting Minutes (hereafter SCCAECMM), 17 December 1963; HRCAMM, 19 June 1967, 11 October 1967, 11 December 1967; HRCAECM, 20 July 1967, 26 September 1967; “Tiffany Falls area sold to authority,” *Dundas Star*, 11 October 1967; “Everything from hikes to pancakes as conservation week set for area,” *Hamilton Spectator*, 2 July 1969.

1969. The \$109,000 agreement structured payments over a three year period.<sup>187</sup> Tiffany Falls and Hopkins Property Conservation Areas, located on opposite sides of the Dundas Valley, were important elements in HRCA's plan to own or control most of the escarpment face in the region.

In the winter of 1968, the HRCA acquired two important properties in the heart of the Dundas Valley. A \$30,000 purchase option on the Anglican Diocese of Niagara's Camp Artaban was obtained 7 March 1967. Located almost a kilometre north of Lions Club Road, the camp was a popular summer retreat for local youth. The beautiful forest and ravine property contained a large dining hall and assembly building, plus several cabins and small support buildings. The diocese requested a clause be added allowing them to rent the camp for one month a year for 25 years. The HRCA moved to buy the camp, with the clause deleted. The purchase was finalized on 18 February 1968 for 32.53 acres. The price of \$30,000 for the acreage and buildings was an excellent deal. Beckett attributes the favourable price to the diocese not wanting the property to be sold to private interests and the authority's cultivation of a positive relationship with the owners. After substantial upgrades, the camp was renamed re-named the Resource Management Centre in 1970 and housed the majority of the HRCA's outdoor education programming until 1993.<sup>188</sup>

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<sup>187</sup> HRCACMM, 3 March 1969; Robert Elstone, "Naturalists Plan Drive to Save Area Beauty Spots," *Hamilton Spectator*, 15 May 1959; "Everything from hikes to pancakes as conservation week set for area," *Hamilton Spectator*, 2 July 1969.

<sup>188</sup> HRCAMM, 7 March 1967, 24 July 1968; HRCACMM, 3 March 1969; Hamilton Conservation Authority, *Maplewood in the D.V.C.A*, HCA staff report (Ancaster: Hamilton Conservation Authority, 2012): 1-2; Thomas Beckett, Personal Communication, 20 November 2014. The Anglican Diocese purchased the camp from the Hamilton Lions Club in 1948, who had run it as summer camp for local youth since 1918. It developed the camp under the direction of Padre



The neighbouring Hendrie property along Old Ancaster Road was slated for residential development. Southwest Development Company, the property's owners, petitioned to change the zoning of the property from agricultural to residential. Both the HRCA and the Township of Ancaster challenged this request. The local expressway uproar and the growing emphasis on escarpment land protection made municipal re-zoning improbable. In November 1967, the authority acquired an option on the property for \$1,200 per acre. On 7 March 1968, the HRCA moved to purchase the entire 140 acres for \$130,000. Southwest Development agreed to accept payment over a 3 year period.<sup>189</sup> The authority now owned 172 acres of the most scenic land in the Dundas Valley and had the foundation for a valley conservation area.

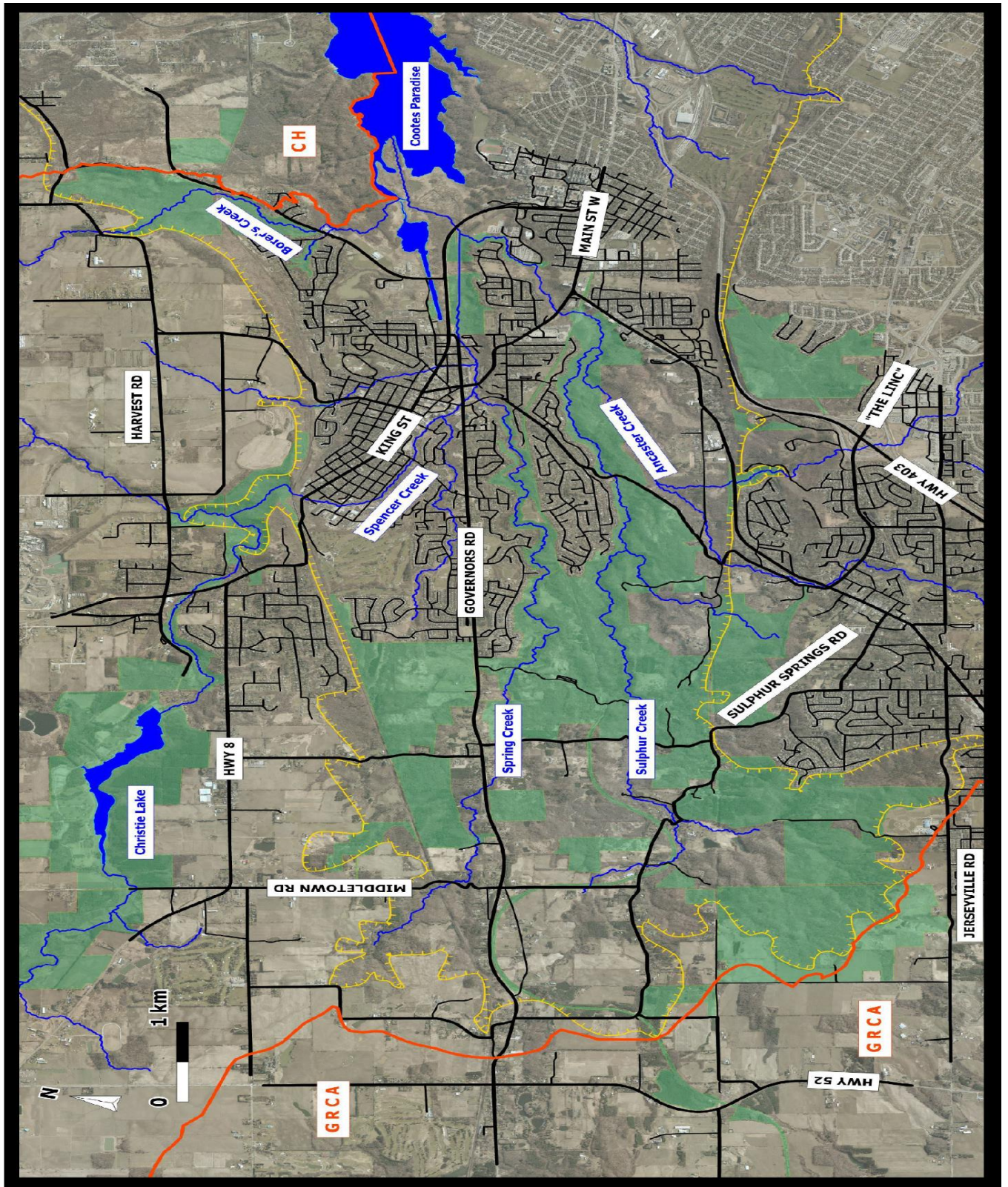
The Hamilton Wentworth Planning Area Board (HWPAB) released its *Study of Ancaster-Dundas Valley for Conservation Purposes* in two parts in early 1968. Part one "A Survey of Existing Conditions", examined the valley's physical characteristics, history, ecology, land use and public services. Of most relevance for the authority's land acquisition planning were the sections on land values and property restrictions, containing a comprehensive list and map of

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Holmes who named it Camp Artaban. At the time of the acquisition, the HRCA agreed to a special request from the Anglican Church and the Camp Artaban founder. The ashes of Padre Holmes and Mrs. Holmes were interred under a stone at the onsite chapel on 22 September 1991. HCA, *Maplewood in the D.V.C.A.*, 2012. Part of the positive relationship established with the diocese stemmed from a meeting between Thomas Beckett, Ben Vanderbrug and two of the Anglican ministers in charge of the camp. After "several drinks" at Beckett's home, "the amount of \$30,000 came out of the blue and it was agreed on as the price." Thomas Beckett, Personal Communication, 7 January 2016.

<sup>189</sup> HRCAMM, 11 December 1967, 7 March 1968, 24 July 1968; HRCA, *Executive Committee Report*, 30 November 1967; Allan Beattie, Personal Communication, 9 February 2016.

Map 11 - Dundas Valley Conservation Area



property owners in the valley. The study's second part, released in May 1968, contained the planning board's appraisal and recommendations. The study divided the study area into six 'blocks'. Three were recommended for HRCA acquisition and conservation development, including areas for: active recreation use (sports, education, golf, camping), intensive conservation use (pioneer village, group camping, nature trails, skiing, children's farm) and wilderness conservation use (nature trails, nature education, rifle range, dog training). The planning board felt that the acquisition of all valley land for conservation was impractical due to the "existing and future land use pattern and ... the costs involved in acquiring large tracts of land." The study suggested that three blocks be designated for residential development, with areas for: small residential lots and institutional growth (McMaster University), large estates (10 acres), and large estates with private recreational development (golf course, picnic areas). In total, 1,790 acres were designated conservation area and 2,355 acres residential.<sup>190</sup> While the HWPAB planning study provided valuable information and future projections for the authority's use, its recommendations were dismissed by the HRCA. It was felt that

Recommendations made in part II of the Hamilton Wentworth Area Planning Board study on the Dundas Valley are considered too active in nature and may thus destroy the very natural features the Authority wishes to preserve. People in the valley should be told that the recommendations of the HW Planning Board are not the thoughts of the Authority and that the main objective is to preserve the valley in its present state.<sup>191</sup>

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<sup>190</sup> Hamilton-Wentworth Planning Area Board, *Study of Ancaster-Dundas Valley for Conservation Purposes, Part I: A Survey of Existing Conditions*, February 1968; Hamilton-Wentworth Planning Area Board, *Study of Ancaster-Dundas Valley for Conservation Purposes, Part II: Analysis and Recommendations*, May 1968, pp. 9-19.

<sup>191</sup> CAAB, "Recommended Land Utilization Policy for Dundas Valley Conservation Area." 3 April 1969.

The *Niagara Escarpment Study – Conservation and Recreation Report, or Gertler Report*, released in 1969, provided broad provincial support for the HRCA’s acquisition of escarpment land. Protecting the Niagara Escarpment as a “continuous landform” was its central concept. It outlined that provincial control of escarpment land could be vested in three ways: the outright public acquisition of 55,000 acres of land at a cost of some \$18.5 million, protection through lease agreements or rights of public access with land owners, and the remainder preserved through compulsory municipal zoning and land-use bylaws. By purchasing the most valuable landscape features and scientific reserves, the provincial government could establish a series of parks using a “string of beads” concept. The 885 kilometre Bruce Trail would be the string. By controlling the sections between the park areas, the report noted, the entire length of the escarpment could be turned into a single park network, or greenbelt. The Dundas Valley was recommended as one of nine multi-purpose parks in this network.<sup>192</sup>

The Gertler Report considered the Dundas Valley a ‘hinge’ between Hamilton and Burlington.” It regarded the valley as “an area of special concern because of its position in a highly dynamic and populous metropolitan area.” The report recommended the acquisition of escarpment lands and major sections of the Sulphur Creek drainage basin from the headwaters area to the Royal Botanical Gardens property. A total of 3,500 acres in the Dundas Valley was

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<sup>192</sup> Ontario, *Niagara Escarpment Study – Conservation and Recreation Report*, 1968, 10, 33-34, 59; Ontario, *Niagara Escarpment Planning and Development Act: Revised Statutes of Ontario*, 1990, Chapter N.2. (Toronto: Queen's Printer for Ontario, 1990); Gerald Killan, *Protected Places: A History of Ontario's Provincial Parks System* (Toronto: Dundurn Press, 1993): 209; Thomas Claridge, "Government releases study: Report urges more parks and area control to preserve Niagara escarpment," *The Globe and Mail*, 5 December 1969; Bill Muir, "\$31-million escarpment plan," *Hamilton Spectator*, 5 December 1969. The multi-purpose parks would eventually be delineated as 10 nodal Parks, coordinated under the Niagara Escarpment Parks and Open Space System (NEPOSS).

identified for procurement, plus the protection of another 1,190 acres via conservation easements with landowners. It also identified Borer's Falls and its stream course (Hopkins Property) and key scenic points like Bulmer's Glen (Tiffany Falls) as important escarpment areas in the region. The report concluded that "owing to development pressure and the need for natural parkland in an urbanizing area, action in this area is rated as Priority One for all levels of control."<sup>193</sup>

Premier Robarts announced the province's plans for implementing Gertler's recommendations on 7 March 1970. He outlined the following actions as the "most important for immediate implementation": a large-scale program of land acquisition spread over 8 years, land-use controls to protect the escarpment from "undesirable developments," the regulation of extractive industries, and the effective coordination of the program's implementation by the government, conservation authorities, municipalities and groups like the Bruce Trail Association. He assigned the primary responsibility for land acquisition to conservation authorities in escarpment areas. Robarts noted that conservation authorities had accomplished a great deal in recent years:

They have acquired key sections of the Escarpment lands and are well able to continue this program with further assistance from the government .... I am happy to announce that the standard government grant on land purchases has been raised to 75 percent of the cost for these conservation authorities purchasing approved Niagara Escarpment lands. The additional grant will also be applied retroactively to Escarpment lands which these authorities have acquired at the standard grant of 50 percent since January 1<sup>st</sup> 1968.

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<sup>193</sup> Ontario, Regional Development Branch, *Niagara Escarpment Study – Conservation and Recreation Report, 1968*. [Gertler Report] (Toronto: Regional Development Branch, Treasury Department, 1969): 5, 6, 10, 33-34, 59-60.

George Kerr, Minister of Energy and Resources Management, provided more specifics:

“Conservation Authorities have long been in the forefront of a crusade to save the Escarpment. The new policy will help Authorities acquire 8,000 acres of land ... The special grants have already helped with the cost of \$500,000 worth of land purchased in 1968 and 1969 and they will make possible future acquisition at a total cost of \$3,600,000.”<sup>194</sup>

Conservation authorities along the escarpment were asked by the province to acquire escarpment lands as recommended in the Gertler Report. The Department of Energy and Resource Management notified the HRCA on 21 May 1970 of the increased subsidy available for Niagara Escarpment lands. The authority would receive a retroactive cheque “covering additional provincial subsidies on previous Niagara Escarpment acquisitions.” The HRCA intensified its Dundas Valley land acquisition program in 1969 and 1970, in what the *Hamilton Spectator* termed the “Valley drive push.” A special authority meeting was called in January 1969 to discuss financing the land acquisition drive in the valley. The HRCA membership recommended that the municipal levy be raised to \$1.10 per for the next ten years, with administration and development costs to be minimized to maximize available funds for land acquisition, and, whenever possible, properties should be purchased with payments spread out

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<sup>194</sup> HRCAMM, 21 May 1970; “The future of the Niagara Escarpment – A statement from the Prime Minister,” *Watersheds 5:1 & 2* (1970): 9; Hamilton Region Conservation Authority. *1970 Annual Report*. (Ancaster: Hamilton Region Conservation Authority, 1971): 24. A direct outcome of the Gertler Report’s recommendations was the Niagara Escarpment Planning and Development Act (NEPDA), approved by the Ontario Legislature in June 1973. The purpose of the act was: “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 Niagara Escarpment Commission (NEC) was established in 1973 under the NEPDA.

over a number of years. A special authority committee was formed to speak with 40 landowners in the valley owning almost 2,500 acres. It was hoped that landowners would donate land for the planned Dundas Valley Conservation Area or at least agree to keep their escarpment land in its natural state. Beckett felt that certain landowners in the valley were interested in donating parcels to the authority, which could be done through the Ontario Heritage Foundation. The foundation could then lease the property to the authority.<sup>195</sup>

Fully aware of the growing threats to their valley, many local residents became strong supporters of the HRCA land acquisition efforts. The authority acquired 108 acres from Richard Martin and 15 acres from George Donald on Martin's Road. It developed close relationships with these two well-respected land owners. The historic Donald residence, known as 'Woodend', was donated in 1970 and became the HRCA administrative headquarters. The 121 acre Charles Hill property on Sulphur Springs Road was acquired for \$175,000, with the provision that Hill retain a 66 foot right of way to access his fields. An option was obtained from Hill for the 40 remaining acres and buildings for \$40,000. The option was to be taken up either one year after the death of the last survivor (Mr. or Mrs. Hill) or one year after they served notice of their wish to dispose of the property. The Merrick lands at the western end of Lower Lions Club included a sizeable orchard and cottage. Elizabeth Merrick, an avid naturalist, wanted the authority to take

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<sup>195</sup> HRCAMM, 21 May 1970; HRCAECMM, 13 January 1969, 6 November 1969; CAAB 29 October 1970; "Valley Drive Push," *Hamilton Spectator*, Undated Clipping, [January 1969]. The special Dundas Valley committee was chaired by Thomas Beckett, and included City of Hamilton representatives Dr. Dick Farmer and Jan Kammermans.

ownership of the property and turn it into a bird sanctuary. The 61 acres were acquired for \$66,000 in November 1971. The purchase agreement included the potential for a future donation of \$10,000 to the authority, providing the property be kept as bird sanctuary.<sup>196</sup>

The HRCA acquired a second property intended for development in October 1970. Monarch Construction, a large British land development corporation, owned 31 acres north of Lions Club Road. The property was land locked and required the construction of an access road. Beckett and Vanderbrug visited the corporation president Thomas Ralph in Toronto to discuss the land and its potential acquisition. Before they even sat down, Beckett told Ralph that by the time they leave, Monarch will have donated the property to the authority. Thompson replied: "Will we?" Beckett explained that in order for the land to be developed, a road would need to be built to it. The road would have to cross a creek requiring a permit from the HRCA, under the Dump Fill regulations. Beckett added that the chances of that happening while he was around were slim to nil. The tactic was successful. The 1970 HRCA Annual Report notes that the authority "received a very generous donation from Monarch Construction Limited .... Twenty-nine acres of beautiful, rolling land were donated on October 7 1970 by Mr. T. Ralph, on behalf of Monarch." The remaining two acres were donated in 1973. One of the first hiking trails in the Dundas Valley Conservation Area was named the 'Monarch Trail' in recognition of the company's donation.<sup>197</sup>

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<sup>196</sup> HRCAMM, 17 December 1970; CAAB, 24 September 1970; Hamilton Region Conservation Authority, Fish and Wildlife Advisory Board *Meeting Minutes*, 30 September 1971; HRCA, "Executive Committee Report," 17 December 1970; Ben Vanderbrug, Personal Communication, 5 February 2015.

<sup>197</sup> Spencer Creek Conservation Authority Meeting Minutes, 3 June 1965; HRCAECM, 6 August 1970; "Regulations Relating to the Placing of Fill," *Conservation Authorities Act*, Clause 17 (1) a. (1960); Hamilton Region Conservation



In the spring of 1971, Ancaster and Parkside High School students initiated a fund raising campaign to help the authority acquire Niagara Escarpment land. Their month-long effort collected \$7,200. With the 75% provincial subsidy, the 'Student Park Fund' sufficed to buy the 36-acre Ford property north of Jerseyville Road, and near Ancaster High School. The Student Park Fund was able to raise a further \$10,000 in 1972 with 230 students from Dundas, Ancaster, Hamilton and Stoney Creek campaigning door-to-door. The Bruce Trail Association contributed \$1,200 and the Hamilton Kiwanis Club \$1,300 to the campaign. The student initiative not only inspired the public, but was also an impetus for larger donations to the HRCA. Over the next 10 years, the Student Park Fund raised \$70,000 for 300 acres of land, the Cootes Cleanup, wood duck boxes and trail cleanups. The group won acclaim and awards, and inspired student and school environmental support across the province.<sup>198</sup>

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Authority. *1970 Annual Report* (Ancaster: Hamilton Region Conservation Authority, 1971): 28; Thomas Beckett, Personal Communication, 20 November 2014, 1 September 2015. Fill regulations in Section 20 of the Conservation Authority Act allow an Authority to prohibit or regulate the placing or dumping of fill in any defined part of the area which might affect the control of flooding or pollution or conservation of land.

<sup>198</sup> HRCAECMM, 1 April 1971, 11 August 1971; Ben Vanderbrug, "The power behind conservation: Six chairman have each made their own mark on the authority," *Hamilton Spectator*, 1 May 1971; "'Quiet' \$10,000 for escarpment," *Hamilton Spectator*, May 1972. It was a sign of the period when the 1972 *Hamilton Spectator* article opened with the statement: "There has been no violence in their youthful zeal to continue the greening of Ontario. No bitter confrontations pitting polarized factions of young and old." Thomas Beckett, quoted in the article, commented that not all the older generation appreciate the need for saving the land: "There's still a whole mess of Archie Bunker's out there," he said. These phrases characterise the atmosphere of youthful activism and traditional conservatism prevalent at the time.

**Table 10 – Ancaster-Dundas Valley – Land Purchases (to 1972) <sup>199</sup>**

<b>Name</b>	<b>Acquisition Date</b>	<b>Location</b>	<b>Acreage</b>	<b>Purchase Price</b>
S. Donovan	10 January 1964	Lot 30, Con 1 (Summit Bog)	24 acres	\$4,400 Expropriated
T. Davis	10 January 1964	Lot 31, Con 1 (Summit Bog)	6.3 acres	\$1,310 Expropriated
Jane Bulmer	11 October 1967	Lot 49, Con 2 (Tiffany Falls)	13 acres	\$10,000
Camp Artaban	26 September 1968	Lot 46, Con 1	33.4 acres	\$30,000
Southwest Dev	30 October 1968	Lot 47,48,49,Con 1	57.25 acres	\$68,000
Southwest Dev	21 December 1968	Lot 46 & 47, Con 1	41 acres	\$50,000
J. Holmes	11 September 1970	Lot 46, Con 1	1.2 acres	\$2,500
R. Martin	6 August 1970	Lot 38 & 39, Con 2	108.57 acres	\$115,619
Monarch Const.	6 October 1970	Lot 46 & 47, Con 1	29 acres	Donated
Southwest Dev	30 October 1970	Lot 47 & 48, Con 1	40.88 acres	\$43,000
Charles Hill	20 April 1971	Lot 41,42,43, Con 1	120 acres	\$175,000
Geo. Donald	7 June 1971	Lot 39 & 40, Con 1	15 acres	\$40,250
Eliz. Merrick	26 October 1971	Lot 42 & 43, Con 1	58.75 acres	\$63,158
Eliz. Merrick	4 November 1971	Lot 42 & 43, Con 1	2.54 acres	\$2,732
Derek Ford	25 November 1971	Lot 38, Con 2	36.29 acres	\$28,217

e 1970 HRCA Annual Report aptly noted that “the protection and control of the Dundas Valley is perhaps the most ambitious of all authority projects to date”. While certainly bold, the valley’s preservation in a natural state was an HRCA scheme distinguished by perseverance, dedication and creativity. The acquisition of land in the valley and along the Niagara Escarpment had been an HRCA objective since 1960. The authority continually sought the means to acquire these lands. The addition of Hamilton to the authority, combined with provincial funding assistance, significantly increased the authority’s land acquisition budget. However, it is important to credit the HRCA with making effective use of it. Purchases were financed over multiple years when possible, donations sought, land owner relationships cultivated and purchase agreement terms were often flexible. The land acquisition techniques and procedures developed in the upper and middle watershed proved invaluable to the authority.

By December 1971, the HRCA owned 585 acres of land in the valley and 300 acres along the escarpment rim. As Premier Robarts noted, conservation authorities had accomplished ‘a great deal’ in recent years. Gertler’s *Niagara Escarpment Study* was an influential document, providing a comprehensive provincial strategy for the Niagara Escarpment’s preservation and management. Its recommended policies and agencies continue to provide leadership and direction today. Inspired by provincial support for the Niagara Escarpment, the HRCA intensified its valley land acquisition program after 1967. All properties in the lower watershed were subsequently termed ‘escarpment lands’ to leverage provincial support. The Niagara Escarpment became for the lower watershed what water control reservoirs were for the upper and middle watersheds. The provincial conservation emphasis on the escarpment and the 75%

funding for land acquisition were analogous to the important financial support provided for the development of the Valens, Christie and Crooks Hollow schemes from 1964 to 1968. Despite the expressway threat and contrasting government land use priorities, the HRCA never swayed from its conservation mandate. It continually affirmed its conservation goal “to preserve the Dundas Valley in its natural state.” No expressway in the valley was an authority priority. The authority’s leadership in the anti-expressway campaign and its conservation efforts garnered substantial public support. The HRCA was seen as a champion of environmental protection and defender of community interest. The authority’s positive public image from its Dundas Valley work garnered popular support for conservation for the next several decades.

## Conclusion

The Spencer Creek Conservation Authority (SCCA) and its successor the Hamilton Region Conservation Authority (HRCA) accomplished a significant amount of conservation work from 1958-1971. During this period, land acquisition was their principal objective. The 1960 Spencer Creek Conservation Report stressed that “land should be acquired now,” and this goal was continually emphasized in the authority’s minutes and reports. By 1971, it had acquired a total of 3,369 acres of land for 10 schemes (See Table 11). This is a remarkable achievement, comprising over 33% of the land owned and managed by the Hamilton Conservation Authority in 2016. It is especially notable considering the authority’s meagre operating budget and lack of full-time staff or office space before 1966. In examining the land acquisition program, several noteworthy observations and conclusions are revealed: the benefits and challenges of conservation on a watershed scale, the evolution of the authority as a corporate body; the significance of provincial support and funding; and the dedication and conviction of the ‘conservationists’ who comprised the authority’s élan vital. The three tenets of the conservation authority movement - watershed jurisdiction, local initiative and cost sharing - provide a fitting and logical structure for these conclusions.

The Conservation Authorities Act represented a bold initiative when introduced in 1946. It established the first resource management organizations based on a watershed system in Canada. As a model, conservation authorities attracted world-wide attention. Dr. Luna Leopold, Chief of the United States Geological Survey, described the Conservation Authorities Act “as one

of the most advanced approaches to conservation anywhere.”<sup>200</sup> As a conservation agency, the intrinsic scale of the watershed contributed to its significance. Conservation on a watershed level recognizes the inter-connectivity of regional resources, exemplified by the importance of Beverly Swamp to the Spencer Creek watershed. Its preservation is important for several reasons: maintaining the water table in the upper watershed, ensuring reliable water flows downstream and assisting with flood control in Dundas. As a multi-jurisdictional unit, the watershed connected communities in a common conservation effort. Finances, expertise and initiative are shared in the pursuit of regional conservation goals. However, the conservation needs and goals of municipalities have not always been congruent. Recreation for Hamiltonians, flood control for Dundas, agricultural sustainability for Beverly, and natural heritage protection for Ancaster were not always appreciated or supported by other authority municipalities. These disparate objectives were especially challenging for the Spencer Creek Conservation Authority. Endeavouring to address regional conservation needs, the SCCA encountered many challenges from municipal politicians and local citizens. This can be attributed, in large part, to a lack of public knowledge about conservation and the prejudice of communities resistant to change. The authority recognized the importance of public engagement almost immediately. Significant public education and promotional effort by the SCCA gradually cultivated public support. This was particularly pronounced during the latter half of the 1960s when public concern for the state of the environment intensified. Growing popular provided the HRCA with a strong political footing to pursue conservation initiatives.

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<sup>200</sup> A.S.L. Barnes, “The Story behind Ontario’s 38 Conservation Authorities,” *Watersheds* 5:1 & 2 (1970): 18.

The Conservation Authorities Act highlights cost sharing by provincial and local governments. The 50% subsidy provided for administrative and land acquisition costs was essential for the authority's conservation work. As a small authority, the SCCA relied heavily on this financial support. With its meagre local funding, little conservation work would have been feasible without it. The cost sharing model as outlined by the Act notes that conservation work is to be initiated by the local authority and that local conservation solutions would not be imposed from above. However, the province did have significant influence on local conservation authorities and utilized them to fulfill its provincial conservation objectives. From the early to mid-1960s, this was focused on water resource management. The 75 % funding available for the construction of small water control reservoirs encouraged the authority to pursue an aggressive programme of water control project development. This is exemplified by the Valens and Christie reservoir projects. After 1967, the provincial priority became the protection and acquisition of the Niagara Escarpment. Consequently, all authority land acquisition was directed at "escarpment lands." The Conservation Authorities Act also required that authorities obtain provincial approval before proceeding with a conservation scheme. The overall influence of provincial subsidies and required approvals put into question how autonomous the authority's decision making process was. It was essentially the province's regional conservation agent. Public controversy over land acquisition and recreational development in Greensville and the expressway battle in the Dundas Valley suggest that the authority fought the local battles to fulfill provincial conservation objectives.

Local initiative is a fundamental aspect of the conservation authority movement and a distinct quality of the SCCA/HRCA. In their establishment, conservation authorities fit the model of grass roots organizations. The first years of the Spencer Creek Conservation Authority were distinguished by its operational simplicity. With a minimal budget, no staff or office space and a complete reliance on the voluntary effort of amateur conservationists, the accomplishments of the SCCA are impressive. The SCCA's evolution as a corporate body is an interesting story of administrative, financial and procedural development. Whereas, type-writer purchases and bird feeder donations were notable in the 1959 authority meeting minutes, by 1966 meetings were dominated by land purchases and plans for large dam projects. A testament to the authority's rapid and sizeable growth is the evolution of its operating budget from \$35,650 in 1960 to \$2,080,968 in 1970. The authority established a professional administrative and procedural structure, including land acquisition policies. Land acquisition funds were effectively used by insisting on market value, extending payments over multiple years, buying only the portion of properties required and developing cooperative relationships with land owners. The authority also identified two different types of land acquisition. Land for preservation, such as Beverly Swamp or Dundas Valley, had no immediate timeline. The authority could be patient with these land purchases. The second type consisted of properties required for projects such as the Valens dam and reservoir, which required an accelerated timeline



Table 11 - Land Acquisition Schemes in Spencer Creek Watershed (to 1971)		
	Scheme	Date Approved
Scheme #1	<ul style="list-style-type: none"> <li>• Crooks Hollow Conservation Area</li> <li>- Land acquired 47.75 acres</li> </ul>	6 June 1959
Scheme #2	<ul style="list-style-type: none"> <li>• Beverly Conservation Area</li> <li>- Land acquired 1,118 acres</li> </ul>	9 October 1959
Scheme #3	<ul style="list-style-type: none"> <li>• Authority Forest</li> <li>- Land acquired 12.50 acres</li> </ul>	22 September 1960
Scheme #4	<ul style="list-style-type: none"> <li>• Valens Conservation Area</li> <li>- Land acquired 521 acres</li> </ul>	27 April 1961
Scheme #6	<ul style="list-style-type: none"> <li>• Christie Dam and Reservoir</li> <li>- Land acquired 831.82 acres</li> </ul>	23 November 1966
Scheme #7	<ul style="list-style-type: none"> <li>• Tews Falls Conservation Area</li> <li>- Land acquired 132.54 acres</li> </ul>	7 February 1963
Scheme #10	<ul style="list-style-type: none"> <li>• Copetown (Summit) Bog</li> <li>- Land acquired 31.42 acres</li> </ul>	27 June 1963
Scheme #1	<ul style="list-style-type: none"> <li>• Ancaster/Dundas Valley</li> <li>- Land acquired 543.88 acre</li> </ul>	March 1967
Scheme #16	<ul style="list-style-type: none"> <li>• Tiffany Falls</li> <li>- Land acquired 12.98 acres</li> </ul>	May 1967
Scheme #19	<ul style="list-style-type: none"> <li>• Niagara Escarpment (Hopkins)</li> <li>- Land acquired 117.19 acres</li> </ul>	11 June 1967

The authority's development, growth and success is attributable to the dedication of the local conservationists who guided it. The municipal councillors on the membership board and the local citizens sitting on the community advisory boards were its strength. Few, if any, had experience with resource management or conservation when the SCCA was created. But they quickly saw the vision of what a conservation authority could mean to their local area. American historian Stephen Fox differentiates conservationists into *amateurs* and *professionals*. He considers the "amateur tradition" as the driving force in North American conservation history. The movement depended on professional conservationists and government agencies for

expertise, staying power, organization, and money. The amateurs by contrast provided high standards, independence, and integrity. Fox considers public conservation groups, such as naturalist clubs, as being within the amateur tradition, and government agencies, like the provincial Conservation Branch, within the professional tradition. As the Hamilton Region Conservation Authority grew as a corporation, the work of the organization was increasingly led by professionals with amateur conservationists playing a diminished role.

Members of the Spencer Creek Conservation Authority certainly fit the model of amateur conservationists. And some, like Thomas Beckett, fit what Fox describes as ‘radical amateur conservationists.’ Bold and determined, Beckett had an unequalled reputation as a conservation fighter who never compromised.

This radical amateur tradition has a notable history in the Hamilton region. Thomas Baker McQuesten, “a man who was a force of – and for – nature,” vehemently championed parkland development at the western end of Hamilton Harbour. Marian Shiva and the establishment of the Hamilton Naturalist Club’s Spooky Hollow sanctuary, Gillian Simmons and the ‘Save our Bay’ committee and Bruce Trail founding member Ray Lowes, amongst others, fit this tradition. These individuals, like the leaders of the authority, served as the conscience and driving force behind conservation and environmentalism in the Hamilton region.

The sizeable conservation land base, effective administrative structure and strong public image established by the SCCA/HRCA from 1958-1971 created an important foundation for the

authority's future. The vision and dynamism of this period spearheaded by the provincial government and led by local amateur conservationists, is a conservation model of importance today. In 1966, Thomas Beckett said: "I can see the day, perhaps not in my lifetime, when the people in this region will be envied for the natural setting they will have. We have this now and take it for granted. In the future they will not only have it, but cherish it." I am happy to say that today, with Hamilton increasingly renowned for its beautiful conservation land and waterfalls, Thomas Beckett has lived to see it. We are indebted to Beckett and the other conservation authority members who left a significant natural legacy for us to enjoy.

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### Meeting Minutes

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