AUTHORITY RESOLUTION


At meeting No. BOD-02-11 of the Lake Simcoe Region Conservation Authority held on February 25, 2011 the following was adopted by the Board of Directors by Resolution BOD-19-11.

THAT Staff Report No. 03-11-BOD regarding the Natural Heritage System Land Securement Project 2011-2015 be received and the recommendations identified within the Report as 11.1, 11.2, 11.3, 11.4, 11.5, 11.6 be approved; and

THAT staff be directed to request the Minister of Natural Resources to approve the project pursuant to Section 24 of the Conservation Authorities Act; and

THAT the project be circulated to the watershed municipalities as the basis for funding and land securement opportunities; and

THAT the project be circulated to the Toronto and Region Conservation Authority, Central Lake Ontario Conservation Authority, Nottawasaga Valley Conservation Authority, and Kawartha Conservation as the basis for any joint funding and land securement opportunities; and

FURTHER THAT staff be directed to seek funding for the project from the funding partners outlined in the project report.
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EXECUTIVE SUMMARY

The purpose of Natural Heritage System Land Securement Project 2011-2015 is to provide background and direction for the Lake Simcoe Region Conservation Authority’s (LSRCA) land securement program. It outlines target land securement areas and implementation tools for the securement and disposition of natural heritage or other lands by the LSRCA.

Since 2005, LSRCA has secured over 577 hectares of ecologically significant lands through fee simple purchase and donation and through LSRCA’s first conservation easements. The total appraised land value of these lands is over $3.1 million with total acquisition costs of over $1 million. Funding has been provided by various sources including; a bequest by Ms. Katharine Symons ($300,000) through the Nature Conservancy of Canada as well as partner funding from Ducks Unlimited Canada, Durham Region, York Region, The Lake Simcoe Conservation Foundation, the Ontario Heritage Trust (NSLSP), and the Ontario Ministry of Natural Resources / Nature Conservancy of Canada Greenlands Funding Program.

The LSRCA currently owns 1,440 hectares of ecologically significant land, conservation areas and park space. Through the protection of natural heritage features and ecological functions, the LSRCA is working to preserve the intrinsic values associated with flora and fauna, improving air quality and safe drinking water in order to maintain a better quality of life for those living, working and/or recreating in the Lake Simcoe watershed.

Based on a target area analysis, the Conservation Lands Division has set a goal to secure 500 to 750 hectares of ecologically sensitive land by 2015. This goal will also be identified in various LSRCA corporate documents including the; Strategic Plan, Business Plan and Divisional Work Plans. The land securement program will continue to utilize technical support by the Watershed Management Division to refine the natural heritage system and identify priority areas for land securement that will further the LSRCA’s mission to restore and protect the environmental health and quality of the Lake Simcoe Watershed.

The report provides detail on the financial strategy for securement including potential funding partners. It is estimated that the land securement goal would require between $350,000 to $500,000/year in order to secure between 500 and 750 hectares of ecologically significant lands. Finally, the report updates the LSRCA’s land disposition policies to reflect recent changes to the Conservation Authorities Act through the passing of the Open for Business Act, October 25, 2010.
1.0 INTRODUCTION

Over the past five years the Lake Simcoe Region Conservation Authority’s (LSRCA) Land Securement Program has been operating under the policies and procedures set out in the Natural Heritage System Land Securement Project 2006-2010. Over this period the LSRCA has acquired over 575 hectares of ecologically significant lands through fee simple purchase, donation and conservation easements. These lands have been secured with support from a wide range of funding partnerships including municipal, provincial, non government organizations and the Lake Simcoe Conservation Foundation.

The mandate of the Conservation Authority under Section 20 of the Conservation Authorities Act is “to establish and undertake, in the area under which it has jurisdiction, a program designed to further the conservation, restoration, development and management of natural resources other than gas, oil, coal and minerals”. Based on this mandate, the Lake Simcoe Region Conservation Authority has defined its mission:

“To provide leadership in the restoration and protection of the environmental health and quality of Lake Simcoe and its watershed with our community, municipal and other government partners”.

The Lake Simcoe Region Conservation Authority strives to achieve its mission based on the following goals:

• To advance our understanding of the watershed ecosystem in order to predict, assess and adapt to change,

• To provide a healthier watershed where people and property are protected from flooding and erosion, and where land and water are conserved and restored,

• To inform and engage our communities and partners for a healthier watershed.

This Natural Heritage System Land Securement Project 2011 - 2015 furthers the Conservation Authority’s mission and goals by providing the basis and direction for securing interests in land, through purchases, donations, conservation easements and other methods to protect the watershed’s natural heritage features. Where possible, the rehabilitation and restoration of land that has or is experiencing degradation will be implemented by the LSRCA and other partner organizations.

In the LSRCA’s Business Plan 2009-2013, the Conservation Lands Division has set a goal to ultimately secure 1,000 hectares of ecologically sensitive land through the various securement mechanisms. The revised target is to secure between 500 and 750 hectares of land by 2015. The land securement program will continue to utilize the technical support from the Watershed Management Division to refine the natural heritage system and identify priority areas for land securement that will further the LSRCA’s mission to restore and protect the environmental health and quality of the Lake Simcoe watershed.
2.0 REGIONAL CONTEXT

2.1 Jurisdictional Area

The LSRCA is situated within the Greater Toronto Area (GTA) and is bordered by four Conservation Authorities including: The Toronto and Region, Nottawasaga Valley, Kawartha Region and Central Lake Ontario Conservation Authorities. The LSRCA’s watershed contains portions of the Oak Ridges Moraine Conservation Plan and the Greenbelt Plan areas (Figure 1).

2.2 Provincial Land Use Plans

The province of Ontario has prepared various planning initiatives that identify the need and desirability of public ownership of more greenspace for recreational purposes and for the protection of sensitive environmental features. The LSRCA’s jurisdiction includes areas which fall under the Oak Ridges Moraine Conservation Plan (ORMCP, 2002), The Greenbelt Plan (2005), the Provincial Policy Statements (2005), Places to Grow (2006), and the Lake Simcoe Protection Plan (2009). The ORMCP’s Natural Core and Linkage and Greenbelt Natural Heritage System are shown on Figure 1.

Through various goals and objectives, these plans provide the framework for implementing the Government of Ontario’s vision for building stronger, prosperous communities by better managing growth and protecting the environment. Each of these plans also incorporates, in various aspects, the objectives of identifying, maintaining, improving and restoring the ecological and hydrological integrity of the natural systems within these regions not only for ecological but also human health. The many goals and objectives of these plans as well as the identified natural heritage and hydrologic features play an integral part in the LSRCA’s Land Securement Program by identifying the significant Key Natural Heritage Features within its jurisdiction.
2.3 Lake Simcoe Conservation Authority Plans / Reports

Several reports have been prepared by the LSRCA including subwatershed plans, conservation area management plans, The Natural Heritage System for the Lake Simcoe Watershed (2007), and the LSRCA Integrated Watershed Management Plan (2008). Together these studies have identified various components of the natural heritage system including those of provincial significance which have provided direction for the protection and rehabilitation of the Lake Simcoe watershed.

Protection of the natural heritage features and ecological functions not only preserve the intrinsic value associated with flora and fauna but also aid in improving air quality, provide safe drinking water and maintain a better quality of life for those living working and/or recreating in the Lake Simcoe watershed. Further research is also emerging that is attempting to place an economic value on the Ecological Goods and Services (EG&S) provided by natural systems.

The EG&S studies examine the services provided to the public by the natural heritage system. These services include carbon storage, water quality supply and filtration, flood control, waste treatment and clean air to name a few. A study of the “Lake Simcoe Basin’s Natural Capital: The value of the Watershed Ecosystem Services” June 2008, estimated that at a minimum the total value of these services to Ontario for the Lake Simcoe watershed is $975 million annually. The study identified the non-market ecosystem service values provided by land cover type (based on the Ecological Land Classification System). The estimated values range from $824/hectare/year for urban parks and up to $11,172/hectare/year for wetlands. The benefit from forests was estimated to be $4,798/hectare/year. Understanding these values helps to identify land securement target areas and support priority acquisition decisions within the Lake Simcoe watershed.

3.0 EXISTING LAND HOLDINGS

The LSRCA currently has twenty-four (24) conservation areas with a total of 1,440 hectares (3,558 acres) of land, (Figure 2). These include lands for flood control, wetland protection, managed woodlots, day use parks, passive recreation and outdoor education, and undeveloped natural and environmentally significant areas.
Since its beginning through to the mid 1990’s, the LSRCA had acquired approximately 1,000 hectares of land for flood control, the creation of conservation areas and natural heritage protection (i.e., wetlands, woodlands, environmentally significant areas). Through most of the 1990’s, the LSRCA did not have funding to continue to acquire conservation lands. In 2001, the LSRCA was the recipient of a bequest of $300,000 by Ms. Katharine Symons to acquire and protect conservation lands within the Provincially Significant Beaver River Wetland.

In October 2005, the Conservation Authority submitted a proposal to the Minister of Natural Resources (MNR) for the “Beaver River Wetland Land Project” as a separate project for land securement. This report outlined the land securement objectives for this area and allows for the direct conveyance (partial taking) of lands containing environmentally significant features such as wetlands by the LSRCA, under Section 50 (3)(e) of the Planning Act. This project was approved by the Minister of Natural Resources in October 2005. The Symons bequest funds associated with the Beaver River Wetland acquisition are administered through the Nature Conservancy of Canada (NCC). To date the majority of these funds have been utilized and the LSRCA is only 15 hectares away from achieving Ms. Symons goal of 404 hectares (1,000 acres) of protected land in the Beaver River Wetland. With current initiatives, it is projected that this will be exceeded in 2011.

Since 2005, sixteen properties totaling 347.7 ha (860 ac) have been added to the Beaver River Wetland Conservation Area through fee simple purchase and donation. The total appraised value of this land is over $775,000 with total project costs exceeding $918,000. To date, the LSRCA has used approximately $240,000 of the bequest to leverage an additional $678,000 through various partnerships with Ducks Unlimited Canada (DUC), Durham Region, the province of Ontario, The nature Conservancy of Canada (NCC) and the Lake Simcoe Conservation Foundation. An additional 190.38 hectares of land has been secured through three conservation easements in other priority areas within the Lake Simcoe watershed.
4.0 FORMS OF LAND SECUREMENT

Under this project there are two primary ways of protecting environmentally sensitive and significant lands; holding title (fee simple) or holding rights on the land (easements, covenants, lease agreements). The following provides a brief overview of the various tools utilized for land securement.

4.1 Fee Simple

This method is the purchase or donation of the total interest in a property. Full ownership is the most effective way for the protection of greenspace as the owner has full property rights over the land.

4.2 Conservation Easements

Conservation easements are specific or limited rights of use granted by the owner. Such rights are registered on title and are binding on future owners. Easements can provide for the protection of a resource, trail construction, and rehabilitation works.

In 1994 the provincial government passed Bill 175 amending the Statutes of Ontario including the Conservation Land Act. This amendment allows landowners to grant easements or enter into covenants for the protection and conservation of land. The owners may grant easements or enter into covenants with “conservation bodies” (such as the Crown, conservation authorities, municipal councils, bands, or registered charities) which may be registered on title and binding on future owners. A further amendment to the Conservation Land Act, Bill 16 was passed in 2006 which introduced new requirements that:

- The owner of the land shall not amend an easement or covenant without the written consent of the Minister of Natural Resources;
- The conservation body cannot release the easement or covenant without the written consent of the Minister of Natural Resources; and
- No person shall commence legal proceedings to amend or release an easement or covenant without giving notice to the Minister. Where there are changes to an easement donated under the federal Ecological gifts program, approval from Environment Canada may also be required.

4.3 Covenants

Traditionally, covenants have been used to restrict an owner from undertaking specific activities on all or a portion of their property. Typically, these covenants would not permit the alteration or destruction of a resource, placing fill, or the building of structures. Amendments to the Conservation Lands Act in 1994 permit a landowner to grant or sell a positive covenant to ‘conservation bodies’ (such as the Crown, conservation authorities, municipal councils, bands or registered charities) for the protection and conservation of land.
4.4  **Leases and Agreements**

Leases and agreements, depending on their terms, can range from more than a right to occupy to almost an equivalent of fee simple interest. The benefits and costs associated with the interests obtained, varies accordingly.

4.5  **Summary**

There are benefits and limitations associated with each form of land securement. A case by case assessment will be undertaken by the LSRCA’s Land Securement Committee to determine the quality and significance of the resources or function of each property. Based on the individual property assessment, landowner preferences and resources available, the Conservation Authority would determine the most appropriate form of securement for a given property to ensure the protection of the features and functions of the land.

Where the securement of a parcel of land or an interest in land is unable to be negotiated between the LSRCA and an individual property owner(s), staff would continue to work with interested landowners to foster land stewardship as an alternative non-binding approach to natural heritage protection.

5.0  **METHODS OF LAND SECUREMENT**

The following outlines the various methods which could be employed in the securement of environmentally sensitive or significant lands.

5.1  **Property Purchase**

Purchase of full title and rights to a property, these are arms length transactions with a willing buyer and a willing seller. These can be properties listed on the open real estate market or property transactions based on appraised property values identified through landowner contacts or specific landowner inquiries. For small properties or low value lands, the property value may be based on an appraisal letter of opinion or best offer from the LSRCA.

5.1.1  **Option to Purchase**

An Option to Purchase is a contract that allows the LSRCA to buy a property at a set price for a stipulated period of time. It is a written contract by the landowner to sell the property and not to withdraw this offer during the stipulated period of time. The LSRCA would pay a fee for this option. This mechanism is often used by a conservation group as a means of “buying time” in its attempts to acquire a specific piece of land and is the perfect time to fundraise for the purchase costs.
5.1.2 Right of First Refusal

This is an agreement between a landowner and the LSRCA, or other prospective buyer that gives the LSRCA a chance to match any third party offer to buy a specific piece of property before it is sold. It sets out the conditions of sale and is registered on title to the property. There is a fee associated with the Right of First Refusal.

5.2 Donation

The LSRCA encourages donations of land or property rights. These gifts, at appraised value, may qualify as charitable donations under the Federal Income Tax Act through the Ecological Gifts Program which is administered by Environment Canada (Appendix 1). The LSRCA, in pursuing donations of land or property rights, will work with municipalities, environmental organizations and the Lake Simcoe Conservation Foundation and other potential funding partners in order to secure environmentally significant/sensitive lands.

Several changes by the Canadian Revenue Agency (CRA) have provided more tax incentives to landowners willing to donate ecologically sensitive lands. The 1995 federal budget provided for amendments to the Income Tax Act to increase the 20% limitation in respect of charitable donations to 100% for certified donations made after February 27, 1995, to Canadian Municipalities and registered charities designated by the Minister of the Environment.

In May 2006, further changes were announced by the CRA that made all donations of ecologically sensitive lands through the federal Ecological Gifts (Ecogifts) Program subject to 0% capital gains tax as opposed to the previous amount of 25%. All lands donated outside of this program are still subject to 50% capital gains. In addition, as part of the Ecogifts Program, all appraisals are reviewed by Environment Canada’s expert panel of appraisers, therefore, landowners and LSRCA can be assured that the appraisal is accurate and legitimate. The advantages of the Ecological Gifts program are outlined in Appendix 1. The LSRCA has been designated by the Minister of the Environment to accept donations through the Ecogifts Program.

5.3 Partial Takings / Direct Conveyance

This is an acquisition of part of a property in either a fee simple purchase or donation scenario. For example, if a landowner has a residence he/she may be willing to dispose of the majority of the property containing significant ecological features while retaining the residence and amenity area (i.e., landowner retains 5 acres, LSRCA receives 95 acres through purchase or donation). Through approval of the Natural Heritage System Land Securement Project 2011-2015 by the Minister of the Ministry of Natural Resources, the LSRCA can prepare a two part reference plan and have it deposited in the land registry office and transfer ownership of the subject lands to the Conservation Authority.
5.4 **Split Receipt**

This can be viewed as either a donation of land or easement with cash consideration back to the donor or a purchase of land with a donation of land value in cash back to the purchaser. Once the land value is determined by a qualified appraiser the percentage of the fair market value of the land to be donated versus what is to be accepted in cash will be negotiated. Through the Ecogifts Program, the donated portion must be a minimum of 20% of the value to qualify for a split receipt. Conversely, the landowner cannot receive more than 80% cash for the appraised value.

5.5 **Life Interest Agreement/Lease Back Arrangements**

When the vendor/donor wishes to retain an interest in the property he/she can enter into either a life interest agreement or lease back arrangement. In either case, the land can be donated, purchased or split receipted. The value of the retained interest would be determined by a qualified appraiser and deducted from the purchase price or donation value. The agreement would specify a set term or would continue as long as the vendor resides on the subject property.

5.6 **The Planning Process**

As part of the LSRCA’s involvement in the Plan Review process under the Planning Act, (i.e., Official Plan Amendments, Draft Plans of Subdivision, re-zoning and land severance applications) environmentally significant areas may be identified through supporting studies and where appropriate designated open space, environmental protection or other designation that would restrict future development. The opportunity to acquire some of these lands may occur from time to time, LSRCA staff will review and consider these opportunities when they arise.

5.7 **Trade Lands**

Trade lands are similar to donations where a landowner wishes to donate or bequeath property to the LSRCA. However, in these instances the property may not contain any significant environmental features. Where the LSRCA accepts these donations these properties would be sold with the proceeds being directed into land securement or other program areas as directed by the donor. Lands disposed of by the LSRCA will follow the procedures outlined in Section 10.0.

5.8 **Exchanges**

Landowners who own property within a valley system, flood plain or environmentally sensitive feature may exchange their parcels for surplus tableland owned by the LSRCA. These arrangements may bring to the LSRCA funds which can be used to acquire additional conservation lands. While these transactions traditionally consist of the exchange of fee simple interests, they can consist of any combination of property interests. Note that land exchanges are not necessarily acre for acre, any exchange would be based on appraised value as valley lands would not be valued the same as developable tableland.
5.9  Project Requirements

When lands are part of an approved LSRCA project, they may be purchased outright or a limited interest obtained directly from the owner at market value. Where the project is mutually beneficial, i.e., erosion works situated on all or part of private land, landowners may be required to deed property rights to the LSRCA for a nominal value to ensure access for future maintenance.

5.10  Municipal Lands

The LSRCA may acquire property interests in municipally owned land, at a nominal cost, when the lands are located within the boundaries of an approved LSRCA project (i.e., flood control structure), target area or contains significant ecological features.

5.11  Joint Ownership

Where there is a partnership between the LSRCA and one or more other organizations to co-own a property.

5.12  Agreement Lands

Lands owned by a public agency or non-government organization that are managed by the LSRCA under an agreement (i.e. Durham Regional Forest).

6.0  LAND SECUREMENT TARGET AREAS

Governments at various levels have recognized the importance of protecting natural heritage systems throughout the Province of Ontario. The Official Plans for the Regional Municipalities of Durham and York, County of Simcoe and various municipal official plans have all recognized the important role the environment plays in the quality of life within the watershed and have adopted various policies that identify and protect the natural heritage/open space system. The following sections outline the development of LSRCA’s target area for 2011-2015.

“York Region’s natural environment is one of our greatest assets. The Greenbelt includes 69% of the Region’s land area. It contributes to the quality of life of our residents and helps attract new business to the Region. Our goal is to not only protect, but to enhance and strengthen our natural heritage.”

Vision 2026 – York Region’s Strategic Plan
6.1 Criteria for Land Acquisition

The Lake Simcoe watershed is 330,300 hectares with a land base of approximately 258,100 hectares. It is widely believed that a minimum of 30% of the natural heritage system (forests, wetlands, streams etc.) should be protected to ensure a healthy functioning ecosystem. The Lake Simcoe Protection Plan sets a target to achieve a minimum of 40% high quality natural vegetative cover in the watershed. This would equate to protection of between 77,430 - 103,240 hectares of ecologically sensitive lands within the LSRCA watershed. The LSRCA’s Natural Heritage System study identified Level 1 & 2 protection areas representing features of provincial significance where development should not occur or should be restricted; this area contains 82,400 hectares of land. It is the LSRCA’s approach to maintain no net loss in regard to these features through the review of permit and development applications.

It is very unlikely that this amount of land would be possible to secure in public ownership given the cost and “willing-buyer willing-seller” philosophy of land securement. Long term protection will need to be undertaken primarily through provincial and upper tier municipal official plans. The focus of the LSRCA’s land securement program will be directed to those areas where there is a high concentration of significant ecological and hydrological features, rare species or rare habitats.

The LSRCA has mapped many components of the natural heritage system within its jurisdiction including; provincially significant wetlands, areas of natural and scientific interest, interior forest resources (200 metres), watercourses and shoreline features. Through the target area analysis additional criteria were identified and mapped to further refine and prioritize the target areas. These included; County and Regional Forests, municipal parks, provincial parks, parcel size, environmentally significant areas (outdated information 1982) and proximity to other public lands, however, these criteria did not help to refine the securement areas and therefore were not retained for the final analysis. This data will however be useful for identifying areas for landowner contacts and as screening criteria to evaluate specific land securement initiatives.

The criteria used to refine the Target Land Securement Areas include those outlined below and are shown on (Figure 3 – Natural Heritage Features);

- Provincially Significant Wetlands (PSW),
- Areas of Natural and Scientific Interest (ANSI – Life Science – provincial and regional)
- Rare Habitat (Includes; open alvar, open tall grass, open fen, shrub bog, shrub fen treed bog and treed fen)
- Waterfowl Habitat (Includes; marsh dwelling waterfowl, forest dwelling waterfowl and cultural meadow waterfowl)
- Wellhead Protection Zones (from Source Water Protection Studies)
- Interior forest (200 metres)
The Natural Heritage System for the Lake Simcoe Watershed, Phase 1: Components and Policy Templates report identified the natural heritage system components based on significant natural heritage features identified in the Provincial Policy Statement 2005. Phase 2 of this program is to identify restoration and enhancement areas and to help refine the land securement strategy. To date this work has not been completed due to budget and staff constraints. It is anticipated that this work will be completed within 2-3 years and will provide further refinement and direction for the LSRCA’s land securement project update in 2015.

6.2 Land Securement Priorities

For the purposes of the LSRCA’s securement program, land securement initiatives can be grouped into two categories, first priority lands which contain features which would be eligible for the Ministry of Natural Resources Conservation Land Tax Incentive Program (Appendix 2 & 3). For lands where full title to a property is acquired, this program will allow the LSRCA to significantly reduce or eliminate the tax burden associated with the long term management of these lands. Where securement is through conservation easements this is not an issue as the landowner is responsible for the property taxes.

Lands which fall into secondary priority areas for securement include other ecological and strategic lands that meet the federal Ecological Gift Program requirements (refer to Appendix 1 & 3). Typically, these lands would require greater long term funding to address the higher maintenance costs associated with land ownership to elevate specific projects to a securement priority. Once identified and evaluated, these securement opportunities would be discussed with various funding partners to obtain the resources to acquire full or partial rights to lands for natural heritage protection.

To refine these areas a feature occurrence map was prepared showing there were concentrations of natural heritage features identified above (Figure 4). Based on these feature concentrations nine land securement target areas were identified (Figure 5) and are described in more detail below.
Many of the other priority features considered and highlighted in Appendix 3 will be used as part of the property evaluation process. These criteria would also apply to land securement opportunity sites located outside of the designated target areas that meet at least one of the priority or secondary criteria. As opportunities are identified through landowner or municipal inquiries they will be subject to review by the Land Securement Committee (refer to Section 7.1 below) and ultimately reviewed and approved by the CAO and Board of Directors prior to the initiation of further securement activities.

Given the land securement transactions over the past five years (average 115 ha. year), the Conservation Lands Division has set a goal to secure between 500 to 750 hectares of ecologically sensitive land by 2015. This goal will be incorporated in future corporate documents including; Strategic Plan, Business Plan and Divisional Work Plans.

The land securement program will continue to utilize the technical support from the Watershed Management Division to refine the natural heritage system and identify priority areas for land securement that will further the LSRCA’s mission to restore and protect the environmental health and quality of the Lake Simcoe Watershed. The following is a brief description of each target area:

6.2.1 Beaver River Wetlands - contains areas of up to three significant ecological features comprising the Beaver River Wetland Complex (PSW), Beaver River Wetlands ANSI (Life Science - Regional), Significant Waterfowl Habitat and areas of interior forest. This target area is approximately 6,000 hectares in size. The area is relatively undisturbed, containing a river-swamp complex, extensive wetlands, swamp forests, submerged and emergent aquatic vegetation. It contains over 2,400 hectares of land situated in Brock and Scugog Townships.

The LSRCA currently owns 399 hectares of land in this area as part of the Beaver River Wetland Conservation Area. The Beaver River Wetland Conservation Area Management Plan 2010 includes the securement of additional lands as part of the management goals and objectives.
6.2.2 **Zephyr Creek Wetlands** – contains areas of up to three significant ecological features comprising the Zephyr-Egypt Wetland Complex (PSW), Zephyr Creek Swamp ANSI (Life Science - Regional), Significant Waterfowl Habitat and areas of interior forest. This target area is approximately 4,300 hectares in size and is primarily comprised of marsh with some swamp.

The LSRCA currently owns 185 hectares of land in this area as part of the Zephyr Wetland Conservation Area property.

6.2.3 **Derryville Wetlands** - contains areas of up to three significant ecological features including the Derryville Bog ANSI (Life Science – Provincial), the Derryville East Wetland Complex (PSW), Rare Habitat including rare threatened and endangered species. This target area is approximately 560 hectares in size and contains all four wetland types; bog, fen, swamp, and marsh.

The Derryville Bog is one of the twelve largest bogs in Ontario south of the Canadian Shield. While many wetlands are called “bogs” there are probably fewer than a handful of true ombrotrophic bogs of this nature in southern Ontario (examples would be Mer Bleu in Ottawa and Tobermory Bog on the Bruce Peninsula). The rarity of the wetland type, its geographic location and the sheer size make it an important element of biodiversity at the local, regional and provincial level. It ranks high as a priority area due to its representation of uncommon habitat (open bog and treed fen) and abundance of significant species and many provincially rare plants. This is one of the most unique natural heritage features within LSRCA’s watershed.
6.2.4 **Ramara Wetlands** - contains areas of up to four significant ecological features including the Barnstable Bay Swamp Wetland Complex (PSW), McGinnis Point ANSI (Life Science - Regional), Significant Waterfowl Habitat, areas of interior forest, and Wellhead Protection Area. This target area is approximately 3,000 hectares in size. The provincially significant wetland is 752 ha and is composed of swamp and marsh, the ANSI consists of a 200 ha shoreline swamp on north shore of Lake Simcoe in Barnstable Bay with two creek outlets.

6.2.5 **Kawartha Lakes Wetlands** - contains areas of up to two significant ecological features including the Grass Creek and Corben Creek Wetlands, the Beaverton Alvar and Wetland ANSI (Life Science - Provincial). This target area is approximately 2,600 hectares in size. The Grass Creek Wetland is 1,304 hectares with approximately 1/3 within the LSRCA watershed. It is composed of swamp and marsh. The Corban Creek Wetland contains an area of 107 ha.

6.2.6 **Uxbridge Wetlands** – contains areas of up to three significant ecological features including the Pefferlaw-Udora Wetland Complex (PSW), Pefferlaw Brook Swamp ANSI (Life Science – Regional) and Significant Waterfowl Habitat and areas of interior forest. This target area is approximately 1,800 hectares in size and is comprised of swamp and marsh habitats. The Pefferlaw Brook Swamp ANSI is 700 ha. in size.

6.2.7 **Holland Marsh Wetlands** - contains areas of up to four significant ecological features including the Holland Marsh Wetland Complex (PSW), Holland River Marsh ANSI (Life Science – Provincial), Rare Habitat, areas of interior forest and Well Head Protection Area. This target area is approximately 6,000 hectares in size. The provincially significant wetland area is made up of seven individual wetlands composed of bog, fen, swamp and marsh.
The LSRCA currently owns 300.5 hectares of land in this area as part of the Scanlon Creek Conservation Area.

6.2.8  **Oro-Medonte Wetlands** - contains areas of up to three significant ecological features including the Hawkestone Wetland Complex (PSW), the Martin Farm South ANSI (Life Science - Regional), Significant Waterfowl Habitat and interior forest area. This target area is approximately 1,300 hectares in size. The provincially significant wetland complex is 843 ha and is made up of eleven individual wetlands, composed of swamp and marsh. The ANSI is comprised of 130 hectares of gently to moderately rolling kame hills.

6.2.9  **Pottageville Swamp / Happy Valley Forest** - contains areas of up to three significant ecological features including the Pottageville Swamp ANSI (Life Science – Provincial), Pottageville Wetland Complex Happy Valley Forest ANSI and interior forest. This target area is approximately 1700 hectares in size. The provincially significant wetland is composed of fen, swamp, marsh and supports waterfowl breeding, fish spawning, nursery, staging and migration.

The Happy Valley Forest is dominated by deciduous forest on kame moraine. The rolling topography creates an array of microclimates supporting different forest types within a relatively small area. These are mainly rich Sugar Maple and Sugar Maple–American Beech stands in association with Red Oak, Red Maple, Eastern Hemlock, Large-tooth Aspen, Trembling Aspen and White Birch. These woodlands are interspersed with some kettle ponds and wetlands, riparian lands and a small amount of mixed conifer forest.
This list of target areas encompasses a very large area (approximately 28,000 hectares) of land within the LSRCA’s watershed. The Beaver River Wetland area will remain a key focus of this land securement project given funding availability, interest and momentum within this target area. As opportunities diminish in the northern area of the Beaver River Wetland, focus will turn to other areas where prospects and funding opportunities emerge. The ongoing focus of land securement initiatives will be based on priority areas identified by staff and reviewed by the Land Securement Committee. As part of the annual budget process, priority areas will be identified within this program area.

7.0 PROPERTY EVALUATION PROCEDURES

7.1 Land Securement Committee

In order to evaluate potential securement opportunities in an efficient manner, the existing Land Securement Committee (LSC) will continue to review the securement initiatives. The purpose of this committee is to screen the potential land securement initiatives and focus efforts on the most ecologically significant securement opportunities. The Committee is comprised of internal staff members including, the Land Securement Officer, the General Manager, Conservation Lands, the LSRCA’s, conservation lands planner, ecologist, hydrogeologist, and biologist(s) and other staff as needed. This committee is chaired by the Land Securement Officer and would meet as required to review and recommend securement opportunities.

Once a candidate property has been identified, a desk top analysis will be undertaken and where possible, field investigation will be conducted. This will provide an assessment of the ecological significance of the property in the context of the target securement areas and establish the LSRCA’s desire to acquire the property through fee simple purchase, donation, or easement.
Depending on the property history and preliminary site evaluation, additional environmental studies may also be recommended (i.e., Phase 1 Environmental Assessment).

Properties that meet the securement criteria will then be pursued for securement upon review and recommendation by the CAO and approval of the Board. This will involve identifying the funding source or program to secure the property. Once funding is confirmed and/or funding applications submitted, and securement approach identified (purchase, donation, easement) the Land Securement Officer will proceed to negotiate with the landowner(s) to secure the property (including; obtain property appraisal, negotiate agreement, commission survey, environmental review and property transfer).

When assessing the suitability of land for securement, consideration will be given to the annual property taxes, potential improvements or site remediation requirements and long-term maintenance requirements for the property. Where it is desirable to have a municipality help manage a property, arrangements would be made in advance with the respective municipality to have an agreement in principle for long term management. If an arrangement cannot be made, the decision to proceed with the initiative may need to be re-evaluated.

7.2 Property Appraisal Procedures

Over the past few years, an issue has arisen associated with property appraisals. In a few instances there have been landowner initiated donations where the landowners ultimately decided not to proceed with the donation leaving the entire cost of the appraisal to the LSRCA and funding partners.

As a result, it is recommended that for land donations the appraisal costs be covered entirely by the donor(s) or shared by the donor(s) and the LSRCA. If the donation proceeds and the ownership is transferred to the LSRCA, the landowner will be reimbursed for their portion of the costs of the appraisal. In the event that the donation does not proceed due to a change of heart by the landowner there is no reimbursement for the appraisal. The appraisal report must meet the requirements for appraisals set out by Environment Canada. The LSRCA will provide the landowner with a list of acceptable appraisers. If the landowner requests to use an appraiser that the LSRCA does not endorse, the landowner will be responsible for the full costs of the appraisal and will be reimbursed only if the donation is completed. The Board has the discretion to waive this requirement in special circumstances.

8.0 LANDOWNER CONTACT

The initial steps associated with landowner contact include developing a landowner contact list for a specific area within one of the Land Securement Target Areas, preparing landowner information packages and individual property mapping for properties of interest to the LSRCA. These activities will be undertaken by the Land Securement Officer. The contact program will include some or all of the following activities:
8.1 Mailing

This involves sending out a letter to a specific landowner outlining a specific project area in the context of the LSRCA’s Land Securement Program. The letter will also include a photo mosaic map of the subject property, appropriate LSRCA program brochures and other Ecological Gifts Program material as determined to be appropriate.

8.2 Telephone Solicitation

This involves calling target landowners to introduce them to the LSRCA’s program and the LSRCA’s interest in securing all or a portion of a subject property, to explain the land securement program and to identify other program information they may be interested in and attempt to arrange a meeting with staff to discuss the program, their land holdings and landowner options. This could be undertaken as a cold call or more effectively as follow-up to landowner mailing. If the landowner is not interested in any long-term securement options, then the Land Securement Officer can help educate/inform them on the various LSRCA stewardship programs that may be of interest to them and arrange follow-up discussions if desired.

8.3 Drop-Ins

On occasion staff may visit target areas and drop in on properties for sale or properties that are ecologically significant in order to engage the landowner in the securement or stewardship program. This is a necessary action for landowners who are unreachable via the telephone or who have unlisted contact information.

8.4 Scheduled Site Visits

Once a landowner is contacted and they express some interest in the program, a site visit or landowner visit can be scheduled. This may not include a site walk of the property but would involve a detailed discussion of the initial landowner package that was sent to them. At this time, more information can be provided to the landowner about the potential options available to them. It is always stressed to the landowner that they need to seek personal legal and financial advice before making any decisions related to the sale or donation of all or a portion of their property.

8.5 Landowner Leads

This involves taking leads provided by landowners, various conservation organizations and municipalities. These will be followed up after discussion with the hand off individual or agency on the appropriate follow-up steps as outlined above.
9.0 PROGRAM FUNDING

In the past five years there have been various funding opportunities that the LSRCA has been able to utilize. Given the current economical outlook, these funding opportunities are anticipated to be significantly reduced over the next several years. Previous funding sources have included the Symons bequest (almost fully utilized), Lake Simcoe Conservation Foundation (limited given current fund raising priorities), the Ontario Heritage Trust Natural Spaces Land Acquisition Program (October 2010 last funding round - LSRCA 1 application), Ontario Ministry of Natural Resources – Greenland Program (No longer available), Ducks Unlimited Canada (funds significantly utilized, primarily for waterfowl habit), Durham and York Regions funds are still available (40%/50% respectively) however, these are budget dependant and are available to other organizations as well (i.e., TRCA, CLOCA, KRCA).

The purchase of fee simple interests, easements and receiving land donations is dependent on the LSRCA’s ability to raise funds and requires that only the most suitable lands available through donation, purchase, easement or other arrangement may be secured in any given year.

9.1 Costs

Over the past 5 years the LSRCA has acquired 387 hectares of land (fee simple) and 190.38 hectares in conservation easements. For the fee simple acquisitions the average property size was approximately 20 ha (50 ac.), with average acquisition costs of about $60,000 including; land and all other associated costs. For the conservation easements the costs have been nominal as one was completed by the Oak Ridges Moraine Land Trust and two were initiated by the Nature Conservancy of Canada and completed by the LSRCA and therefore the LSRCA was only partially responsible for the project costs. The average cost to complete these easements was approximately $10,000 each. Note the project costs do not include LSRCA staff time.

Based on the actual land securement funding over the past five years and the Natural Heritage System Land Securement Project goal of 500 to 750 hectares, it is anticipated that a budget allocation of between $350,000.00 to $500,000.00/year would be required to achieve this goal over the next five years for a total of budget of between $1,750,000 and $2,500,000 for the project period.

The costs associated with the land securement program include; land costs, legal, appraisal, survey, environmental audits, demolition and property clean up, land transfer tax, interest charges, fencing, site securement, administration, other related costs and applicable taxes. These expenditures will be supported based on the funding opportunities available through the various programs and partnerships outlined below.

9.2 Funding Alternatives

The following outlines a variety of potential funding sources for land securement. Table 1 lists various agencies and project parameters.
9.2.1 Municipal Funding

The conservation of lands benefits all municipalities within the jurisdiction of the LSRCA by maintaining their ability to accommodate the natural functions and features of the ecosystem and providing open space for the enjoyment, health, and well being of all residents. The conservation of the natural heritage system including issues related to the quantity and quality of water is of benefit to the people of the entire region and will contribute positively to the quality of life for future generations.

Where appropriate, as land securement opportunities present themselves, upper and lower tier municipalities would be consulted to determine if there is any funding available to support the securement initiative.

Currently, the Region of York has in place a Land Securement Working Group that provides an opportunity for area municipal, agency and other key stakeholders to network and discuss land securement activities and priorities. This is an important forum for sharing approaches and avoiding duplication of efforts and resource utilization. The LSRCA is a member of this working group. York Region also provides funding for land securement initiatives within York Region through their Greenlands Property Securement Strategy and are reviewed on a case by case basis given annual funding allocation.

The Region of Durham has created a land acquisition policy titled “Durham Region Land Acquisition Policy for Conservation Authorities, 2007” for the acquisition of greenlands in the Region of Durham. It sets out environmental and financial criteria and is only available to Conservation Authorities subject to project approval and annual funding allocation.

9.2.2 Provincial Funding

Over the past 5 years the LSRCA has been successful in obtaining funding from provincial programs that have been made available to Conservation Authorities and the land trust community for the securement of natural heritage lands. These have involved funding through the Natural Spaces Land Acquisition and Stewardship Program (ending 2011, funding applications October 2010) and the Ontario Ministry of Natural Resources Greenlands Program in conjunction with the Nature Conservancy of Canada (Involved two rounds of funding opportunities in 2007, program closed). These programs provided up to 50% funding for securement and stewardship projects.

The LSRCA will continue to participate in provincial funding programs as they are available.

9.2.3 Land Sale Funding

Generally, the LSRCA does not endorse selling off conservation lands and currently does not have any plans to do so. Where revenues are realized through the sale of any surplus lands or land
required by municipal or other government agency for infrastructure or other public projects, and where the LSRCA received the necessary approvals to allocate the funds to land securement, these monies will be applied to properties identified as suitable for securement through the land securement project. In the case of trade lands, properties that do not contain environmental features would typically be sold with the proceeds being directed to the land securement program.

9.2.4 Federal Funding

In the 1960’s under the Plan for Flood Control the LSRCA received funding from the Federal Government for the acquisition and construction of flood control structures. This project was funded 37.5% by the Federal Government, 37.5% by the Province and 25% by the Municipality. It is proposed that the LSRCA approach the Federal Government for support and funding of this project.

Over the past several years the LSRCA has been successful in obtaining funding for land securement through DUC, a portion of these funds are dollars that were provided by the Federal Government ($250 million - $225 million to the NCC and $25 million to DUC) for the securement of ecologically significant lands in Canada. The NCC had limited project areas in the LSRCA’s watershed that could utilize these funds, however, NCC has recently expanded their Happy Valley Project area to include the Pottageville Swamp area which would allow the LSRCA to access these NCC federal funds (maximum 50%). DUC has been the LSRCA’s largest financial supporter over the past five years followed closely by Durham Region.

9.2.5 Partner Funding Support

The Lake Simcoe Conservation Foundation (LSCF) provided $50,000.00 in 2005 towards land securement within the Beaver River Wetland Project area. As securement opportunities arise the LSCF will be approached to provide funding for individual and specific opportunities for the securement of natural heritage lands within LSRCA’s jurisdiction.

In addition to the LSCF, other potential funding agencies include the NCC, Oak Ridges Moraine Land Trust, Ontario Nature (formerly the Federation of Ontario Naturalists), Ontario Heritage Trust, Ontario Ministry of Natural Resources and our municipal partners. Some of these programs are currently inactive but could be resurrected in the future. With the assistance of the Foundation and other potential funding partners it is anticipated that the solicitation of donations of money and land can be maintained or significantly increased.
### Table 1: Potential Funding Partnerships

<table>
<thead>
<tr>
<th>Organization</th>
<th>Project Parameters</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lake Simcoe Conservation Foundation (LSCF)</td>
<td>Potential funding for specific projects on a case by case basis subject to individual funding requests.</td>
</tr>
<tr>
<td>OMNR/NCC – Greenlands Program</td>
<td>Based on projects that support biodiversity and species at risk. Potential funding 1:1 matching for specific projects on a case by case basis.</td>
</tr>
<tr>
<td>OMNR/OHT – Natural Spaces Land Acquisition and Stewardship Program (NSLASP)</td>
<td>Potential 1:1 matched funding for specific projects on a case by case basis - focus provincially significant feature protection.</td>
</tr>
<tr>
<td>Wildlife Habitat Fund</td>
<td>Potential 1:1 match funding for specific projects on a case by case basis – focus on wetland habitat acquisition/securement for waterfowl species.</td>
</tr>
<tr>
<td>Oak Ridges Moraine Foundation (ORMF) (Provincial)</td>
<td>Specific projects within the ORM Plan Area.</td>
</tr>
<tr>
<td>Friends of the Greenbelt Foundation (Provincial)</td>
<td>Potential funding for activities that have multiple benefits that link ecological enhancements with economic, educational or cultural components.</td>
</tr>
<tr>
<td>Ontario Land Trust Alliance (OLTA) Ontario Land Trust Assistance Program (OLTAP)</td>
<td>Through the Environment Canada stream of funding CA’s can access $1-6K for securement related costs.</td>
</tr>
<tr>
<td>Upper Tier Municipalities (York, Durham and Simcoe County)</td>
<td>Potential funding for specific projects on a case by case basis (i.e., York Region - focus on tree cover restoration, linkages).</td>
</tr>
<tr>
<td>Local Municipalities</td>
<td>Potential funding for specific projects on a case by case basis (i.e., focus public access, community related projects).</td>
</tr>
<tr>
<td>Private Sector Funding</td>
<td>TD Canada Trust - Friends of the Environment. Industry (i.e., Aggregate Producers)</td>
</tr>
</tbody>
</table>
10.0 LAND DISPOSITION POLICY

Generally, the LSRCA does not endorse the sale of lands containing provincially significant features. However, through the process of securing lands through fee simple purchase, donation or bequest, the LSRCA may receive lands that contain none or only portions of ecologically significant features. Also, through the ongoing refinement of the natural heritage system to be undertaken by the Watershed Development Division and updated master plans for the LSRCA’s existing land holdings (where funding permits), lands may be identified as surplus due to limited or no ecological significance. Further, some dispositions may be initiated at the request of a municipality or other government agency as part of specific project requirements (i.e. roads, road widening, water and sewer lines).

Note that on October 25, 2010, Bill 68; - the Open for Business Act – received Royal Assent. The Ministry of Natural Resources had proposed changes to four statutes administered by the Ministry through Bill 68 including amendments to the Conservation Authorities Act. The amendments to the Conservation Authorities Act were to add clarity and streamline the approvals process for certain land dispositions among other matters.

a) Previously, any disposition of land by a Conservation Authority where the property was acquired with funding under Section 39 of the Conservation Authorities Act, Ministerial approval was required prior to the transfer of rights (fee simple/easement) to the recipient municipal or government agency. Under the recently adopted changes, the authority shall not sell, lease or otherwise dispose of the land under Clause 21(1)(c) under the Authority's objects without the approval of the Minister (Section 21(2)) except if, the disposition is for provincial or municipal infrastructure and utility purposes;

b) the province, the provincial agency, board or commission affected by the disposition or the municipal government, agency, board or commission affected by the disposition has approved it; and

c) the authority informs the Minister of the disposition.

In circumstances where a land disposition is initiated by a municipal or provincial agency for infrastructure and utility purposes, the LSRCA as directed by the MNR, will continue to submit the standard information package as per MNR’s current Policies and Procedures for the Disposition of Conservation Authority Property to the Director, Integration Branch. This information will be reviewed by MNR staff and the Director will confirm in writing whether it meets the requirements of Subsection 21(2) and does not require Minister’s approval.

If accepted, no further information will be required and the LSRCA will be notified by MNR that Minister’s approval is not required. If it is determined that Ministers approval is required, then Ministry staff will use the information submitted by the CA as the basis for preparing the request for approval to the Minister.
In the event that lands are recommended for disposition, the following requirements would apply:

10.1 That all surplus lands be offered “as is”.

10.2 That land proposed for use for transportation, infrastructure, utilities or other routine public purposes identified by a municipality or lands identified through an individual Environmental Assessment or Class Environmental Assessment will be disposed of at fair market values. Where a municipality or public agency requests the disposition of Conservation Authority lands, all costs associated with the transfer of title or easement (i.e., legal, appraisal, survey and administration costs) will be the responsibility of the requesting agency. If a property appraisal is required, it will be commissioned by the Conservation Authority and paid for by the requesting agency.

10.3 That a staff report be prepared detailing the technical concerns of the disposition, the environmental significance of the lands, potential impacts of the disposition, any mitigation requirements associated with the lands and remaining Conservation Authority land holdings. The proponent may be required to prepare an environmental review documenting the above noted matters. The scope of this assessment will be determined in consultation with LSRCA staff, agency staff and/or their consultants prior to any work being undertaken.

10.4 That the proposed disposition of land first be offered to the local municipality and the region or county within which the lands are located for either purchase or lease. Where lands have been acquired through a donation or bequest of lands that do not contain environmentally significant lands and the owner has given permission for the Conservation Authority to use or dispose of the lands as the Conservation Authority desires, the staff report outlined in 10.3 may not be required. This will be determined at the discretion of the Board.

10.5 When the disposition involves any lands where the Ministry of Natural Resources (MNR) provided funding for the acquisition of the subject lands, that the proposed disposition be circulated to the Ministry for approval as outlined in MNR’s Policies and Procedures for the Disposition of Conservation Authority Lands unless as exempt under Section 21 (2) of the Conservation Authorities Act as amended (October, 2010), in which case the Minister will be informed of the disposition.

10.6 That all land sales generally be appraised at market value by an Accredited Appraiser Canadian Institute (AACI). The sale may be subject to conditions to ensure that the Conservation Authority’s objectives are met (i.e., site restoration, replacement of site infrastructure such as fencing, gates or signage). Where an appraisal of land value is required, the appraisal will be commissioned by the Conservation Authority. Lands with an anticipated value of less than $25,000.00 may not require a full appraisal at the discretion of the Board.

10.7 Generally, where lands are donated to the Conservation Authority, the donor (i.e., family or municipality) who donated the property will be given first right of refusal for the property or requested for consent to sell unless otherwise stated in the terms of the donation or bequest.
11.0 RECOMMENDATIONS

11.1 That the Conservation Lands Division set a goal to secure 500 to 750 hectares of ecologically sensitive land by 2015. This goal will also be identified in subsequent updates to various LSRCA corporate documents including the; Strategic Plan, Business Plan and Divisional Work Plans.

11.2 That the existing Land Securement Committee continues to review the land securement initiatives and obtain approval from the CAO and Board of Directors prior to proceeding with securement initiatives.

11.3 That staff implement the new appraisal report procedures requiring land donors to pay all or part of the upfront costs of the appraisal report. The landowner will be reimbursed in the event that the transfer of the property is completed. The Board has the discretion to waive this requirement in special circumstances.

11.4 That staff continue to work with our funding partners to secure financial support for the LSRCA’s Land Securement Program and to work with government and non-government agencies to identify and foster new funding partnerships.

11.5 That staff follow the revised land disposition policies as set out in Section 10.0 of the report which, under certain circumstances, eliminates the requirement to obtain Ministers approval for a disposition of land obtained with MNR funding under Section 39 of the Conservation Authorities Act.

11.6 That Conservation Lands Division request that Watershed Management undertake Phase 2 of the Natural Heritage System to identify restoration, enhancement areas and refine the land securement strategy prior to the next update to the Land Securement Project in 2015.
APPENDICES
APPENDIX 1
ENVIRONMENT CANADA – ECOLOGICAL GIFTS PROGRAM

The Ecological Gifts Program enables owners of property with sensitive natural features to preserve wildlife habitat. Ecological Gifts are qualified charitable land donations that generate enhanced income tax benefits. Donations of fee simple title and partial interests, including conservation easements, are eligible. In many scenarios the landowner can continue to hold title and/or live on the land.

In Ontario, to qualify as Ecological Sensitive, land must satisfy at least one criteria from an ‘A’ List of Specific Categories of Qualified Lands and one or more from a ‘B’ List of General Criteria for Other Ecologically Sensitive Lands (see below).

Gift recipients include land trusts and other conservation charities, and government agencies chosen by donors and approved by the federal government. Donors of ecogifts receive a donation receipt for the fair market value of the gift.

Ecological gifts (ecogifts) receive tax treatment that is superior to most other charitable gifts. Ecogift tax advantages include:

- eliminated taxable capital gain on the disposition of the property
- no income limit for calculating the tax credit/deduction
- donation value certified by the Government of Canada
- tax liability for donees that do not protect the gifted land

The process of making an ecological gift is relatively straightforward. The donor will basically have two steps to complete that include providing: (i) information to support the evaluation of the land as ecologically sensitive, and (ii) an appraisal of Fair Market Value by a qualified appraiser along with a signed Application for Appraisal Review and Determination. The donor and recipient will generally cooperate on the application to confirm that the property is qualified as ecologically sensitive. The recipient will also often help the donor arrange for the appraisal of fair market value.

For more information you can visit the Ecological Gift website at:

http://www.on.ec.gc.ca/wildlife/ecogifts/ecogifts-e.html
Provincial Ecosensitivity Criteria – Ontario

A) Specific Categories of Qualified Lands

Lands, easements or covenants relative to such lands, which fall into one or more of the following categories shall be deemed to be ecologically sensitive lands in Ontario. **This is provided terms of easements or covenants regard and protect the ecologically sensitive features of the land.**

A1. Significant portions of the habitat of federally or provincially listed species at risk, including endangered or threatened species, or species of special concern;

A2. Areas designated as Provincially Significant Wetlands;

A3. Provincial or regional Areas of Natural and Scientific Interest;

A4. Designated Areas of Concern for biodiversity purposes as identified in Forest Management Plans;

A5. Lands that are registered under the Conservation Land Tax Incentive Program;

A6. **Areas that are registered under the Managed Forest Tax Incentive Program that are** managed for wildlife habitat conservation purposes under an approved Managed Forest Plan;

A7. Areas promoting the conservation of natural heritage and biodiversity that are identified within a regional or watershed plan or strategy developed by a recognized conservation organization;

A8. Areas designated as a World Heritage Site for biodiversity conservation purposes, a core area of a UNESCO Biosphere Reserve, or a Wetland of International Importance under the Ramsar Convention;

A9. Areas of biodiversity significance identified in a Canadian Heritage Rivers Management Plan or Strategy;

A10. Areas designated in the Niagara Escarpment Plan as an Escarpment Protection Area or an Escarpment Natural Area;

A11. Areas designated as Natural Core, Natural Linkage, Sensitive Hydrological Feature, High Aquifer Vulnerability, Significant Landform, Minimum Areas of Influence or Minimum Vegetation Protection Zones within the Oak Ridges Moraine Conservation Plan;

A12. Areas designated Core Area, Corridor or Restoration Area in the Lake Ontario Greenway Strategy. **Criterion Deleted from the Ecological Gifts Program 2009.**
A13. Areas designated for biodiversity conservation purposes within Management Plans or Strategies for the Trent-Severn or Rideau Waterways;

A14. Areas within a municipal official plan or zoning by-law under the Planning Act (Ontario) designated as an Environmentally Sensitive Area, Environmentally Significant Area, Environmental Protection Area, Restoration Area, Natural Heritage System or other designation for similar purposes that are compatible with the conservation of the biodiversity, ecological features and functions of the site;

A15. Areas within or adjacent to a Provincial Park, Provincial Park Reserve, Conservation Reserve, Conservation Area, Wilderness Area, Provincial Wildlife Area, National Wildlife Area, Migratory Bird Sanctuary, National Park, National Park Reserve or Ecological or Nature Reserve managed by a government or non-government agency;


A17. Areas identified as Carolinian Canada sites or Carolinian core natural areas and corridors as designated by the Big Picture, natural area mapping program;

A18. Areas designated as Core Natural Area, Natural Area Buffer, Natural Area Link, or Valued Ecosystem Component in the National Capital Greenbelt Master Plan by the National Capital Commission; and

A19. Areas designated for biodiversity purposes by regional agencies such as the Niagara Parks Commission, St. Clair Parkway Commission, St. Lawrence Parks Commission and the Waterfront Regeneration Trust.

B. General Criteria for Other Ecologically Sensitive Lands

Lands, easements or covenants relative to such lands, that meet one or more of the following general criteria may also be considered to be ecologically sensitive lands in Ontario — subject to the approval of the federal Minister of the Environment or a person delegated by the Minister for this purpose (the term "significant" for the purposes below refers to definitions provided in Provincial Policy Statements): This is provided terms of easements or covenants regard and protect the ecologically sensitive features of the land.

B1. Significant habitats such as alvars, prairies, cliffs, Great Lakes coastal habitats, old growth forest areas, glacial relic communities and sites with enduring geological features that contribute to biodiversity;

B2. Areas of wildlife concentration such as bat caves, snake hibernacula, heronries, deer wintering yards and sites used by migratory water birds and other species for seasonal staging, feeding, breeding and like purposes;
B3. Areas identified, designated or protected as ecologically significant or ecologically important by a government or non-government local, provincial, national or international system or body;

B4. Significant water bodies, rivers, streams, shorelines, valleys, wetlands, groundwater recharge areas, headwaters and aquifers;

B5. Significant wildlife or fish habitats;

B6. Significant woodlands;

B7. Areas that have significant current or potential for enhanced ecological values through restoration, remediation, management or geographic proximity to other ecologically significant properties;

B8. Natural buffers and adjacent lands around areas identified under other ecologically sensitive lands categories or criteria that contribute to the conservation of biodiversity;

B9. Natural links or corridors between areas identified under other ecologically sensitive lands categories or criteria that contribute to the conservation of biodiversity;

B10. Areas used for long-term scientific study or baseline and benchmark monitoring of biodiversity; and

B11. Areas that contribute to Canada's environmental heritage through the maintenance of the genetic diversity of species, ecosystem health, or landscape biodiversity, and other natural spaces of significance to the environment in which they are located.

The categories and criteria listed above, for the purposes of implementation of provisions in the Income Tax Act for ecological gifts, have been agreed to by representatives of the Governments of Ontario and Canada. This list and criteria may be further elaborated and amended by agreement between Environment Canada and the Ontario Ministry of Natural Resources.
APPENDIX 2
CONSERVATION LAND TAX INCENTIVE PROGRAM (CLTIP)

The Conservation Land Tax Incentive Program (CLTIP) was established in 1998. It is designed to recognize, encourage and support the long-term private stewardship of Ontario’s provincially significant conservation lands. It provides property tax relief to those landowners who agree to protect the natural heritage values of their property. The current tax relief offered is a 100 per cent tax exemption on the eligible portion of a property.

Eligible Lands

While large areas of Ontario are still in a natural state, only lands identified by the Ministry of Natural Resources as provincially significant are eligible for this program. The eligible types of land are:

1. Provincially Significant Wetlands
2. Provincially Significant Areas of Natural and Scientific Interest (ANSI - Earth and Life Science)
3. Habitat of Endangered Species
4. Land designated as Escarpment Natural Area in the Niagara Escarpment Plan
   5.1 The land is designated as an escarpment protection area in the Niagara Escarpment Plan under the Niagara Escarpment Planning and Development Act R.S.O. 1990.
   5.2 The land is located within a Featured Area and contributed to the natural heritage protection objectives established for the Featured Area as set out in the “Ontario Living Legacy Land Use Strategy, July 1999”, published by the Queen’s Printer.
   5.3 The land is a natural heritage feature or area that meets the criteria of the natural heritage provisions of the Provincial Policy Statement as issued and re-issued under section 3 of the Planning Act. R.S.O. 1990
   5.4 The land is identified by the Minister of Natural Resources as a regionally significant area of natural and scientific interest using the criteria set out in the Ministry of Natural Resources document entitled “A Framework for the Conservation of Ontario’s Biological Heritage”, dated May, 1980, or in the Ministry
It is a habitat of species that is listed as a special concern Species in Schedule 4 to Ontario Regulation 230/08 (Species at Risk in Ontario List) made under the *Endangered Species Act 2007*.

The land is identified as having species occurrences or ecological communities with an S-Rank designation of S1-S3, as determined by the Natural Heritage Information Centre of the Ministry of Natural Resources.

The land is designated as a natural core area, natural linkage area or countryside in the Oak Ridges Moraine Conservation Plan under the *Oak Ridges Moraine Conservation Act, 2001*.

The land is a natural heritage area identified within a regional or watershed plan or strategy developed by a conservation authority under the *Conservation Authorities Act* R.S.O. 1990 or by another public agency under another provincial or federal statute.

The land is designated as an environmentally sensitive area, environmentally significant area, natural heritage system or another area with an equivalent designation within a municipal official plan or zoning by-law under the *Planning Act R.S.O. 1990*.

(a) The land is within, abuts or abuts a road allowance that abuts a provincial park, national park, conservation reserve or provincial wildlife area and contributes significantly to the natural heritage objectives of the park, reserve or wildlife area.

(b) Despite paragraph 5.10 (a), no part of the land that is more than 1,000 metres from the boundary of the park, reserve or wildlife area is eligible to be classified as eligible conservation land.


CLTIP does not provide tax relief for buildings or other improvements and associated land.

CLTIP is not a land acquisition program. Participating landowners retain full ownership and property rights.
## APPENDIX 3

**LSRCA Land Securement Criteria**

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Tax Exempt (i.e., CLTIP)</th>
<th>Meets Ecogift Requirement</th>
<th>LSRCA Potential Securement</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Priority Areas:</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Provincially Significant Wetlands</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Areas of Natural and Scientific Interest (Earth Science - Provincial)</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Areas of Natural and Scientific Interest (Life Science - Provincial)</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Habitat of Endangered Species (Ontario Endangered Species Act)</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>Community Conservation Lands:</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Natural Heritage Features or Areas identified in the Provincial Policy Statement (PPS)</td>
<td>Yes</td>
<td>If appropriately designated in municipal Official Plans and Zoning By-laws.</td>
<td>Yes</td>
</tr>
<tr>
<td>Regionally Significant ANSI’s.</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Habitats of species of special concern designated by MNR (species at risk)</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>NHIC species occurrences or ecological communities (S1, S2, S3)</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Designated Natural Core, Natural Linkage or Countryside in the ORMCP</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Designated Escarpment Natural or Escarpment Protection in the Niagara Escarpment Plan</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Criteria</td>
<td>Tax Exempt (i.e., CLTIP)</td>
<td>Meets Ecogift Requirement</td>
<td>LSRCA Potential Securement</td>
</tr>
<tr>
<td>-------------------------------------------------------------------------</td>
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<td>----------------------------</td>
<td>-----------------------------</td>
</tr>
<tr>
<td>Natural heritage areas identified within a regional or watershed plan or strategy by a CA under the CAA</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Lands designated environmental protection or equivalent in municipal Official Plans.</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Areas within or adjacent to protected areas (i.e., provincial park) that contribute to the natural heritage objectives of the protected area.</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Other criteria as may apply under the CLTIP program requirements.</td>
<td>Subject to Certification</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Lands adjacent to existing LSRCA holdings</td>
<td>Subject to Certification</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Previously identified LSRCA property acquisitions</td>
<td>Subject to Certification</td>
<td>Yes</td>
<td>Yes</td>
</tr>
</tbody>
</table>

**Secondary Priority Areas:**

<table>
<thead>
<tr>
<th>Secondary Priority Areas:</th>
<th>Tax Exempt (i.e., CLTIP)</th>
<th>Meets Ecogift Requirement</th>
<th>LSRCA Potential Securement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lake Simcoe Waterfront</td>
<td>Subject to Certification</td>
<td>Subject to Certification</td>
<td>Yes</td>
</tr>
<tr>
<td>Wetlands (Not of Provincial Significance)</td>
<td>Subject to Certification</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Significant water bodies, rivers, streams, shorelines and valleys</td>
<td>Subject to Certification</td>
<td>Yes (PPS)</td>
<td>Yes</td>
</tr>
<tr>
<td>Groundwater recharge and discharge areas</td>
<td>Subject to Certification</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Criteria</td>
<td>Tax Exempt (i.e., CLTIP)</td>
<td>Meets Ecogift Requirement</td>
<td>LSRCA Potential Securement</td>
</tr>
<tr>
<td>------------------------------------------------------------------------</td>
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<td>---------------------------</td>
<td>-----------------------------</td>
</tr>
<tr>
<td>Significant wildlife or fish habitats</td>
<td>Subject to Certification</td>
<td>Subject to Certification</td>
<td>Yes</td>
</tr>
<tr>
<td>Regional Flood Plain (flood and erosion risk)</td>
<td>Subject to Certification</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>Significant Woodlands</td>
<td>Subject to Certification</td>
<td>Yes (PPS)</td>
<td>Yes</td>
</tr>
<tr>
<td>Areas with enhanced ecological values through restoration and/or remediation (i.e., forest, stream, wetland)</td>
<td>Subject to Certification</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Natural buffers adjacent to lands that contribute to other ecologically sensitive lands</td>
<td>Subject to Certification</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Connections/Corridors/Features identified by Natural Heritage Programs or Watershed Plans that contribute to conservation or biodiversity</td>
<td>Subject to Certification</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Lands under Forest Management Plans (designated areas of concern for biodiversity)</td>
<td>Subject to Certification</td>
<td>Yes</td>
<td>Yes</td>
</tr>
</tbody>
</table>
REFERENCES


Lake Simcoe Region Conservation Authority, 2007, Natural Heritage System for the Lake Simcoe Watershed, Phase 1: Components and Policy Templates.
