

# **Land Acquisition Policy**

**Land Conservancy for Kingston, Frontenac, Lennox and Addington**

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# Land Acquisition Policy Table of Contents

|  |           |
|--|-----------|
| <b>OBJECTIVE</b>   | <b>5</b>  |
| <b>SCOPE</b>   | <b>5</b>  |
| <b>GOVERNANCE</b>  | <b>6</b>  |
| <b>PRINCIPLES</b>  | <b>6</b>  |
| <b>GLOSSARY</b>  | <b>9</b>  |
| <b>APPENDIX 1 LAND ACQUISITION COMMITTEE</b>               | <b>11</b> |
| <b>APPENDIX 2 PROPERTY COMMITTEE</b>                       | <b>13</b> |
| <b>APPENDIX 3 LAND ACQUISITION CRITERIA</b>                | <b>15</b> |
| <b>APPENDIX 4 LAND ACQUISITION PROCESS</b>                 | <b>17</b> |
| <b>APPENDIX 5 LAND MANAGEMENT INITIATION PROCESS</b>       | <b>21</b> |
| <b>APPENDIX 6 SITE ASSESSMENT TEMPLATE AND GUIDELINES</b>  | <b>23</b> |
| <b>APPENDIX 7 ECOGIFT ELIGIBILITY CRITERIA</b>             | <b>33</b> |
| <b>APPENDIX 8 BASELINE DOCUMENTATION REPORT GUIDELINES</b> | <b>35</b> |
| <b>APPENDIX 9 MONITORING GUIDELINES</b>                    | <b>37</b> |
| <b>APPENDIX 10 SITE VISITING POLICY</b>                    | <b>39</b> |



# Land Acquisition Policy

## Objective

This policy and its related documents contained in the appendices guide the Land Conservancy for Kingston, Frontenac, Lennox and Addington (“Land Conservancy”) in protection of lands through outright acquisition of lands or execution of land protection agreements (conservation easements).

## Scope

### General

This land acquisition policy applies to the members and directors of the Land Conservancy for Kingston, Frontenac, Lennox and Addington. It specifically applies to all outright property acquisitions and to all Conservancy-led negotiations related to land protection agreements (conservation easements).

### Types of Land Acquisitions

This land acquisition policy is applicable to all land acquisition types described in this section.

#### ***Donation of land***

The Land Conservancy may acquire full title to the land, including the transfer of all of the landowner’s property rights. The Land Conservancy may consider variations to this, such as transfer with restrictions, donation with lease or sale-back, donation with a retained life interest, or donation of land through a bequest.

The Land Conservancy may accept the donation of fee simple “trader land.” With the agreement of the Board, the donor may identify the projects to which the proceeds of sale should be directed.

#### ***Donation of easements***

The Land Conservancy may consider accepting the donation of a conservation easement if the land involved and the restrictions within the easement document are in keeping with its mandate.

The Land Conservancy may consider accepting a right-of-way easement if the land involved and the restrictions within the easement are in keeping with its mandate.

#### ***Purchase of lands or easements***

The Land Conservancy may consider the purchase of a property, or the acquisition of a land protection agreement (conservation easement).

In situations where the Board of Directors is interested in buying a property that is offered for sale, the land acquisition process must still be followed, with modifications, as the circumstances require. The Board may only make a final offer on the property after the Land Acquisition Committee has completed a site assessment and made its recommendation to the Board and the Finance Committee has submitted a review of the financial implications.

## **Co-ownership**

The Land Conservancy may consider co-ownership of land with other organizations (for example, historical or cultural societies). Both organizations must determine that it would be mutually beneficial to enter into such an arrangement.

## **Governance**

The Board of Directors for the Land Conservancy holds overall responsibility for land acquisition and ongoing management of Land Conservancy lands. The Board establishes those committees necessary for effective acquisition and management of lands. The Land Acquisition Committee and the Property Committee are further described in appendices to this document.

The Board makes all final decisions related to land acquisition and management, including approval of agreements, policies, and plans. The Board is answerable to its membership in accordance with the Land Conservancy's bylaws.

This policy and its appendices may be modified from time to time subject to ratification by the Board of Directors.

## **Principles**

### **Establish a management framework for land acquisition**

The Land Conservancy must establish applicable committees, develop, maintain, and ensure access to land acquisition and land management policies and procedures, and ensure continuity of tasks and information from year to year.

### **Adhere to land acquisition criteria**

Land acquisition criteria must be followed in land acquisition. Applicable criteria are described in Appendix 3 to this document.

### **Follow prescribed acquisition process**

The Land Conservancy will employ the land acquisition process described in Appendix 4 to this document as its guideline for land acquisition.

### **Treat the landowner fairly**

A landowner whose property is being assessed for acquisition must be treated fairly and with respect. The landowner must be informed of the other conservation tools available to protect a property and of the process the Land Conservancy follows in deciding whether or not to acquire a property or an easement on a property.

The landowner must be told the importance of and strongly encouraged to obtain independent legal and financial advice before concluding a land transaction with the Land Conservancy.

## **Leave a foundation for responsible management**

Land acquisition is followed by land management. The acquisition process must provide the framework for ongoing management, including required baseline documentation, inventories, and stewardship plans. The Land Conservancy must clearly identify responsibility for land management of each property, and ensure that it has both the capacity to do the training and documentation necessary to perform the work and the resources needed to perform monitoring duties.

## **Manage orderly disposal of properties where warranted**

The Land Acquisition Committee may make a recommendation to the Board of Directors to dispose of a property or to reallocate an easement to another conservation organization. The decision to dispose of a property or reallocate an easement rests with the Board of Directors. Disposal must be consistent with the objectives and mandate of the Land Conservancy and benefit its long-term purposes.

### ***Land owned by the Land Conservancy in fee simple***

When the purchase agreement states the acquisition is for conservation purposes, a reasonable effort must be made to contact the previous landowner to solicit his or her opinion and desires in the current circumstances. The previous landowner should have first option to repurchase the property at the currently appraised value.

### ***Lands under land protection agreement or conservation easement***

When the Land Conservancy is considering the reallocation of a conservation easement, it must send notice to the landowner advising him or her that the Land Conservancy no longer wishes to manage the easement. It may ask the landowner for suggestions. It must pass the easement on to another eligible easement holder. The recipient easement holder must play the same role, for the same purposes, as the Land Conservancy.



## Glossary

**Conservation easement** (restricted covenant) Another term for Land Protection Agreement. An easement taken specifically to further a conservation goal or goals.

**Easement** A time-limited or perpetual right enjoyed by one party over the land of another; obtained for a special purpose and registered on the title.

**Ecologically significant** Ecologically important in terms of features, functions, representation or amount, or contributing to the quality and diversity of an identifiable geographic area or natural heritage system. May include areas that have been recognized (*e.g.*, wetlands or ANSIs) by others, or that are consistent with criteria used to certify ecologically significant lands for purposes of the *Income Tax Act* under the EcoGift Program.

**Ecosystem** A dynamic complex of plant, animal, fungal and microorganism communities and their associated non-living environment interacting as an ecological unit.

**Fee Simple** The highest estate in land, this is generally regarded as absolute ownership. Other types of freehold estates include a *Life Estate*, which is limited to the life of the person mentioned and ceases to exist upon his or her death, and a *Future Estate*, which is a disposition for a future period of time, after which it will revert to the estate of the grantor.

**Land Conservancy** The Land Conservancy for Kingston, Frontenac, Lennox and Addington

**Land Protection Agreement:** An easement taken specifically to further a conservation goal or goals.

**Restrictive Covenant** A contract by which one party acquires the right to restrain (must be negative nature) the landowner from putting his land to certain specified uses. A covenant must be registered on title to 'run with the land' and automatically passes on to successive owners of each parcel. This is a legal term.

**Reallocation** Transfer of management of a conservation easement to another body

**Right-of-way** A type of easement permitting passage over a particular strip of land

**Site Assessment** A preliminary identification of plant and animal species, habitat types, and ecological features and functions of an area, sometimes including mapping; this assessment is intended to be undertaken before acquisition decisions are made, and to be supplemented by the *Baseline Documentation Report* if acquisition proceeds.



## **Appendix 1 Land Acquisition Committee**

The Land Acquisition Committee is a permanent committee of the Board of Directors for the Land Conservancy for Kingston, Frontenac, Lennox and Addington.

### **Mandate of the committee**

The Land Acquisition Committee's mandate is to assess properties and make recommendations to the Board regarding their acquisition. (An acquisition may be by way of purchase, acceptance of a donation of title in fee simple, or acceptance of a conservation easement, or a combination of both purchase and donation.)

### **Functions of the committee**

Assessing properties (see appendix 6 site assessment template and guidelines)

Preparing the Baseline Documentation Report for properties ( see Appendix 8 BDR guidelines)

Making recommendations to the Board regarding acquisition (see Appendix 3 Land acquisition Criteria)

Developing an initial Stewardship Plan for acquired properties

Preparing an initial Monitoring Plan for acquired properties (see Appendix 9 Monitoring guidelines)

Recommending establishment of a Property Committee as needed to effectively manage workload

Securing and conveying all property documentation to the Property Committee

### **Responsibility of committee members**

Members of the Land Acquisition Committee must take all reasonable care to ensure that a land transaction is legal, ethical, and technically sound.



## **Appendix 2 Property Committee**

Upon the recommendation of the Land Acquisition Committee, the Board of Directors for the Land Conservancy for Kingston, Frontenac, Lennox and Addington may establish a Property Committee as needed to effectively manage property workload.

The Land Conservancy Board may charge the Land Acquisition Committee with the responsibilities of the Property Committee until the Board determines that the property acquisition and management workload is sufficient to justify establishment of the Property Committee.

### **Mandate of the committee**

The Property Committee's mandate is to manage the stewardship of properties owned by the Land Conservancy, those properties where the Land Conservancy has executed a conservation easement or land protection agreement, and other properties where the Land Conservancy may be performing monitoring and stewardship duties on behalf of another conservation organization.

### **Functions of the committee**

Making recommendations to the Board regarding any action related to ongoing management of a property

Completing a property's Stewardship Plan and Monitoring Plan

Maintaining, updating and executing a property's Stewardship Plan

Maintaining, updating and executing a property's Monitoring Plan

Maintaining a property's documentation and biological inventory

Managing the efforts of volunteers monitoring properties

Maintaining communications with the property owner of a Land Protection Agreement (conservation easement)

### **Responsibility of committee members**

Members of the Property Committee must take all reasonable care to follow the standards and practices of the Canadian Land Trust Alliance for ongoing management of Land Conservancy properties.



## Appendix 3 Land Acquisition Criteria

### Principles

In making a recommendation to the Board, the Land Acquisition Committee must consider these goals for land acquisition:

- to conserve and protect ecologically significant areas, flora and fauna
- to conserve and enhance biological diversity
- to undertake an ecological restoration of a natural environment as appropriate
- to protect areas with unique or representative natural features or ecosystems
- to protect areas that provide habitat to species of special concern or threatened or endangered species identified under provincial or federal laws or by the Committee on the Status of Endangered Wildlife in Canada
- to connect existing protected areas or expand a natural corridor.

### Other considerations

In making a recommendation to the Board, the Land Acquisition Committee may also take these factors into consideration:

- the eligibility of the property as an EcoGift
- the public profile of the property
- the support for acquisition from neighbours, other land conservation organizations, the municipal, local and township governments, and others
- the size of the property
- the importance of the property to water quality
- the financial resources available to acquire and pay expenses for the property
- the likely use of the property if it is not acquired.
- the trade or sale value of the property, if appropriate

The Land Acquisition Committee must also assess any difficulties the acquisition of the property may pose with respect to monitoring, public access, liability, future stewardship obligations, and other risks for the Land Conservancy.

These are lower priorities for acquisition:

- property within the urban boundary of the City of Kingston (as defined in the city's Urban Growth Strategy), with the exception of donations of buildings or land for re-sale. Areas connected to protected areas within the urban boundary may be of higher interest.
- property within the boundary of any local land trust whose boundaries overlap those of the Land Conservancy unless the Board of one of those organizations makes a request asking the Land Conservancy to acquire the property. If after being referred to an "overlapping" land trust the property owner requests this Land Conservancy to be the recipient, the Board will consider it.
- agricultural lands unless they are to be rehabilitated through a stewardship plan or provide a buffer to an ecologically significant area
- lands with heritage buildings unless another organization is taking responsibility for the buildings.

*Adopted by the Board of Directors June 20, 2005, amendment pending*



## **Appendix 4 Land Acquisition Process**

The typical process for land acquisition is described below. The full process is often complex and typically takes many months or possibly years, but may be shorter or longer depending on the situation. Not all steps listed may apply, and the order of the steps may vary.

### **Step 1 – Declaration of interest**

When a property comes to the attention of the Land Conservancy, the Board, or in the case of an urgent situation the Executive Committee, must pass a resolution declaring its interest in exploring the possibilities of acquisition and instructing the Land Acquisition Committee to assess the property.

### **Step 2 – Formation of a property assessment team**

The Land Acquisition Committee will name one person to be the team leader for the assessment process relating to a property. The person does not need to be a member of the Land Acquisition Committee. A team of two to four people will be formed for each property assessment.

### **Step 3 – Initial discussions with donor / landowners.**

Through discussion, the team leader will identify the goals of the donor / landowner and identify any other legal owners and solicit their opinions. Possible options to achieve these goals and the goals the Land Conservancy will be presented and discussed. Relevant information about the property will be collected. Arrangements will be made with the landowner about the timing and circumstances of site visits.

The landowner must be informed of the other conservation tools available to protect a property and of the process the Land Conservancy follows in deciding whether or not to acquire a property or an easement on a property. The landowner must be told the importance of and strongly encouraged to obtain independent legal and financial advice before concluding a land transaction with the Land Conservancy.

### **Step 4 – Letter of intent from donor**

In the case of a donation of land or an easement on land, the landowner will be asked to provide:

- a letter of intent indicating the commitment to offer the property to the Land Conservancy
- a copy of the deed to the land
- a copy of the property tax assessment notice
- a survey, if available.

### **Step 5 – Preliminary recommendation**

After visiting the site, the Land Acquisition Committee will make a preliminary recommendation to the Board, indicating whether or not the property should be considered for further investigation with a view to possible acquisition. This is not the final acquisition decision of the Board but a preliminary step to establish that it is worth investing more time and funds in the possible acquisition.

## **Step 6 – Site assessment**

Following the Board's decision to proceed to more formal assessment, a team of at least two people must visit at least once to assess the property. At least one member of the Land Acquisition Committee must be part of a team site visit during the assessment process. The team will complete and submit to the Land Acquisition Committee a Site Assessment Template and Guidelines (Appendix 6).

## **Step 7 – Recommendation from Land Acquisition Committee to Board.**

The Land Acquisition Committee will review all information available, including the team's site assessment. The Site Evaluation Summary form included in appendices to this document will be reviewed but the total number of "yes" answers is not to be the only determining factor in the Land Acquisition Committee's recommendation. The recommendation must be based on the overall assessment of the property and reflect the majority view of the members of the Land Acquisition Committee. A member of the Land Acquisition Committee who does not agree with the majority decision may submit a dissenting view to the Board, in writing, in time for the meeting at which the acquisition recommendation is to be considered.

## **Step 8 – Legal review**

While the Land Acquisition Committee completes the site assessment, preliminary legal work will be undertaken together with:

- a title search
- a survey, if required
- an appraisal by an accredited third party, if required ( to be timed appropriately in the case of an Ecogift application)
- a review of possible conditions on the acquisition
- discussion with legal counsel about the possible acquisition.

## **Step 9 – Financial review**

The Finance Committee will do the necessary research to determine the costs of acquisition and the costs of owning the property or holding the conservation easement. These include the costs of property taxes, insurance, monitoring and land stewardship.

## **Step 10 EcoGift classification**

If the landowner is interested in participating in the Ecological Gifts Program, the Land Acquisition Committee will prepare and submit the necessary documents to the Ecological Gifts Program, Environment Canada. The decision to certify a property as an EcoGift is made by Environment Canada. See Appendix 7 for specific criteria.

## **Step 11 Recommendation to the Board**

The Land Acquisition Committee will make a recommendation to the Board. The recommendation will include a summary of the results of the site assessment, information about the property's EcoGift status, and a summary of the monitoring strategy and stewardship plan required for the property. The Finance Committee recommendation will be submitted at the same Board meeting.

## **Step 12 Decision of the Board**

The Board will decide whether or not to acquire the property. When the Board decides to acquire a property or a conservation easement on a property, the Board may establish the conditions for and terms of the acquisition.

## **Step 13: Preparation of the Easement Agreement and its Supporting Documents**

The Land Acquisition Committee will prepare, or have prepared with the assistance of the Owners, lawyers, surveyors and consultants as needed, a Land Protection Agreement including the Baseline Documentation Report (see Appendix 8) and if eligible the Ecogift Application to Environment Canada.

## **Step 14 – Transfer of property or registration of conservation easement**

Only the Board of Directors can commit the Land Conservancy to acquire a property.

Two officers of the Board will be authorized to sign the required legal documents.

A formal written offer to purchase (in the case of a donation for a nominal amount) will be sent to the owner, or a conservation easement will be written and registered.

The Board will identify and assign responsibility for all requirements to be met before closing (severance approvals, mortgage postponements, planning approvals). The documents will be signed and registered. Receipts will be issued for donations if applicable.

At any time during the land acquisition process, the Board may decide not to continue and may withdraw the Land Conservancy's expression of interest in acquiring the property or a conservation easement on the property. The Board may make this decision regardless of the classification of the property as an EcoGift or financing offers made with respect to the property.

## **Step 15 – Thanks and publicity**

In suitable cases the Board will organize an expression of thanks to all those involved with the acquisition, and local publicity about the importance of protection of the property.



## **Appendix 5 Land Management Initiation Process**

### **Overview**

Building on the initial stewardship plan and monitoring strategy developed by the Land Acquisition Committee, the Property Committee will develop a long-term stewardship plan and a monitoring strategy for an acquired property or a property with a conservation easement for the purpose of its long-term protection and preservation.

### **Baseline Documentation Report**

The Land Acquisition Committee will prepare a Baseline Documentation Report for the property, using the Baseline Documentation Report Guidelines included as Appendix 8 to this document.

#### ***Owned Property***

The Property Committee will prepare a biological baseline inventory of the property. Work on the inventory will begin within six months of accepting title to a property and will be completed within two years. The purpose of the baseline inventory is to identify and document the various plant and animal communities present. The inventory serves as a baseline against which the future condition of the property can be assessed. The inventory need not be extensive but must be sufficient to provide a valid comparison for future observers. The baseline inventory should address the characteristics that prompted the acquisition. It must contain the biological information necessary to manage the property.

A photographic record will be assembled to record the physical condition of the property for future reference. GPS data and reference plans will be included as appropriate and available.

#### ***Easements***

The Land Acquisition Committee will prepare a Baseline Documentation Report as required for an adequate description of the property and the status of the restrictions at the time of registration of the Land Protection Agreement.

The Property Committee will update the Baseline Documentation Report within one year of the date the Land Conservancy acquired an easement on the property. The BDR's focus will be consistent with the intent of the easement.

### **Stewardship Plan**

The Property Committee will complete a stewardship plan for the property.

#### ***Contents of a Stewardship Plan***

A stewardship plan may include ecological restoration (demonstrating the value of active land management), natural succession or evolution, or the maintenance of mixed rural and natural character (if appropriate to the ecological features or functions for which the property was acquired). The plan may specify policies on public access, and details about signage, fencing, trails and insurance coverage.

#### ***Owned Property***

Where the Land Conservancy owns title to a property, the stewardship plan for the property will include any restrictions on the use of the land and a monitoring schedule.

## **Easements**

Stewardship plans for a property with a conservation easement held by the Land Conservancy must take into account the purpose of the easement and any restrictions on the use of the land. The monitoring requirements contained in the conservation easement document that is registered on title and in other monitoring arrangements will be included in the stewardship plan.

### ***Approval and Review***

The Property Committee will develop a stewardship plan for approval by the Board within one year of the acquisition of a property or easement. A stewardship plan must be reviewed at least once every three years.

## **Monitoring**

The Property Committee will prepare a monitoring strategy for the property, using the Monitoring Guidelines, Appendix 9 in this document.

### ***Monitoring schedule***

A monitoring schedule will set out the timing of monitoring visits, the location of site monitoring points, and the method of recording the findings of a site visit.

### ***Minimum monitoring requirements***

Every property owned by the Land Conservancy or on which the Land Conservancy holds a conservation easement must be monitored at least once a year. At a minimum, monitoring involves a site visit covering the areas set out in the monitoring schedule for the property. In the case of an easement, monitoring should also include, if possible, an annual meeting with the owner of the property.

## Appendix 6 Site Assessment Template and Guidelines

**Name of Property:** *(insert property name here)*

The **site evaluation summary** below is a simple scoring system based on the total number of checks for each category as indicated on the accompanying assessment sheets. *As individual categories may not be of equivalent interest or concern, an overall value for a site should be determined by weighing individual components against the overall mandate for land acquisition.*

| <b>Site Evaluation Summary</b>                    |                    |
|---|--------------------|
| <b>Category</b>                                   | <b># of checks</b> |
| Natural features of primary significance          |                    |
| Natural features of secondary significance        |                    |
| Adverse environmental features (damage evident)   |                    |
| Adverse environmental features (damage potential) |                    |
| Aesthetic features                                |                    |
| Historical features                               |                    |
| Administrative considerations                     |                    |
| Agricultural features of primary value            |                    |
| Agricultural features of secondary value          |                    |

**Comments on site valuation summary:**

**Proposed best management/use of property:**

Date:

Observer:

| <b>Natural Features of Primary Significance</b> |  |    |
|---|--|----|
| #   | <i>Note: listed characteristics are not necessarily in order of importance</i>   | v! |
| 1   | Provincially Significant Wetland – (Class 1, 2 or 3 wetland)   |    |
| 2   | Provincial or regionally significant "Area of Natural and Scientific Interest" (ANSI), or part thereof   |    |
| 3   | Occurrence of endangered, threatened or rare species <i>use your baseline inventory to assess</i>  |    |
| 4   | Presence of important fish or wildlife habitat, e.g., breeding, staging, nesting sites, hibernacula, spawning beds, regionally significant deer yard, etc. |    |
| 5   | Provincially, or regionally significant bird or butterfly migration area   |    |
| 6   | Mouth of permanent creek or river; junction of aquatic habitats  |    |
| 7   | Important hydrological area – groundwater recharge areas, headwaters, aquifers, seeps or springs   |    |
| 8   | Presence of natural unaltered shoreline on significant water bodies (or parts of) rivers, streams, lakes   |    |
| 9   | High diversity of habitats (number of distinct forest/plant community types, highly varied land form)  |    |
| 10  | Large, contiguous area of habitat present (e.g., >50 hectare mature forest with minimal edge)  |    |
| 11  | Regionally or locally unique biotic community; e.g., mature forest, bog, alvar,  |    |
| 12  | High quality of habitat present (undisturbed, few or no introduced species, low level habitat disturbance, low edge)                                       |    |
| 13  | Important site of geological interest; e.g., syncline, outcrop, blend, nonconformity, fossils, etc.  |    |
| 14  | Other (please indicate)  |    |
| <b>Total</b>                                    |  |    |

Explanatory comments or additional considerations:

Date:

Observer:

| <b>Natural Features of Secondary Significance</b> |   |    |
|---|---|----|
| #   | <i>Note: listed characteristics are not necessarily in order of importance</i>  | v1 |
| 1   | Non-Provincially Significant wetlands (must be $\geq 0.5$ ha)   |    |
| 2   | Presence of rivers, streams, or lakes with minor-moderate levels of disturbance   |    |
| 3   | Presence of locally rare / uncommon / unusual species   |    |
| 4   | Potentially environmentally significant area (whether previously identified or not)   |    |
| 5   | Property adjacent to or part of a connecting linkage to another protected site of natural significance – e.g., may have the potential to create a 'public greenbelt' or wildlife corridor                       |    |
| 6   | Significant woodlands (Ecogift category B6)   |    |
| 7   | Property has educational / research potential   |    |
| 8   | Areas used for long-term scientific study or baseline and benchmark monitoring of biodiversity (Ecogifts B10)   |    |
| 9   | Agricultural land (must complete Agricultural Features check sheets)  |    |
| 10  | Managed forest for wildlife   |    |
| 11  | Areas that have significant current or potential for enhanced ecological values through restoration, remediation, management or geographic proximity to other ecologically significant properties (Ecogifts B7) |    |
| <b>Total</b>                                      |   |    |

Explanatory comments or additional considerations:

Date:

Observer:

| <b>Adverse Environmental Features or Conditions</b>                         |  |                   |                     |
|---|--|-------------------|---------------------|
| Identify any public safety hazards in the comments section below this table |  |                   |                     |
| #   | Condition or Feature   | Damage evident v^ | Damage potential v^ |
| 1   | Piping / vents for underground storage tanks   |                   |                     |
| 2   | Ditches, pits, ponds, lagoons, clarifiers, oil / water separators, surface impoundments, or sumps on the property                  |                   |                     |
| 3   | Storage drums (see NCC or RWLT's for specifics)  |                   |                     |
| 4   | Wells/tanks (see NCC or RWLT's for specifics)  |                   |                     |
| 5   | Transformers (see NCC or RWLT's for specifics)   |                   |                     |
| 6   | Mining stakes on property  |                   |                     |
| 7   | Mineral/petroleum operations (see NCC or RWLT's for specifics)   |                   |                     |
| 8   | Evidence of dumping, or significant levels of trash and debris   |                   |                     |
| 9   | Stains or odours (unusual or around areas where chemicals are stored / used)   |                   |                     |
| 10  | Chemical pollutants on the surface of any water bodies (sheens, etc.)  |                   |                     |
| 11  | Dilapidated buildings ( <i>i.e.</i> , threat of collapse)  |                   |                     |
| 12  | Trail or access road damage (e.g., rutting, erosion, excessive habitat fragmentation)  |                   |                     |
| 13  | Excessive algal growth along water's edge (e.g., possible nutrient loading from septic)  |                   |                     |
| 14  | Compacted or trampled soils in forest understory   |                   |                     |
| 15  | Significant shoreline or embankment erosion  |                   |                     |
| 16  | Presence of high numbers of invasive plant species (garlic mustard, buckthorn, swallowwort, etc.) ( <i>provide details below</i> ) |                   |                     |
| 17  | High ratio of edge to core habitat (e.g., forest clearings present, narrow lot, etc.)  |                   |                     |
| 18  | Recent removal of prime timber   |                   |                     |
| 19  | Other (indicate)   |                   |                     |
| <b>Total</b>  |  |                   |                     |

Explanatory comments or additional considerations:

Date

Observer

| <b>Aesthetic Features</b> |   |    |
|---------------------------|---|----|
| #                         | <i>Note: listed features are for guidance purposes only. Please add additional features of interest as needed.</i>  | vî |
| 1                         | Site has documented aesthetic value to populace, and is regularly used for that purpose (e.g., roadside stop, hiking trail feature)   |    |
| 2                         | Significant viewscape present (e.g., distinct outcrop, bluff, bay, sandy beach, rocky shoreline, etc.); but not necessarily visually accessible offsite                                   |    |
| 3                         | Landscape provides seasonal appeal; e.g., wildflowers, fall leaf colours, etc.  |    |
| 4                         | Remnant green space property near developed area (walking and cross-country skiing – low impact recreational use)   |    |
| 5                         | Harmony of neighbouring uses; e.g., no stark contrasts, conflicts of use / appearance, no intrusive visual objects / noise; e.g. traffic, development, excessive or disturbing human uses |    |
| 6                         | Other (describe)  |    |
| <b>Total</b>              |   |    |

Explanatory comments or additional considerations:

Date

Observer

| <b>Historical Features</b> |  |    |
|----------------------------|--|----|
| #                          | <i>Note: listed characteristics are not necessarily in order of importance</i> | vî |
| 1                          | Historic site with naturally significant areas                                 |    |
| 2                          | Archaeological site / ruin / artifacts   |    |
| 3                          | Native heritage significance   |    |
| 4                          | Century farm   |    |
| 5                          | Other (describe)   |    |
| <b>Total</b>               |  |    |

Explanatory comments or additional considerations:

Date

Observer

| <b>Administrative Considerations</b> |   |    |
|--------------------------------------|---|----|
| #                                    | <i>Note: listed characteristics are not necessarily in order of importance</i>  | vî |
| 1                                    | Landowner wishes to donate property   |    |
| 2                                    | Land transaction costs would be minimal   |    |
| 3                                    | Property is offered with a gift of funds adequate to cover maintenance and / or stewardship costs   |    |
| 4                                    | No land taxes or rebate program applicable (e.g., Conservation Land Tax Reduction, Managed Forest Tax Reduction)  |    |
| 5                                    | Municipal zoning favourable for land protection at this site  |    |
| 6                                    | Land taxes reasonably low   |    |
| 7                                    | No immediate maintenance or restoration required  |    |
| 8                                    | Offer of "partnership" to acquire property; e.g., may be shared costs, or agreement to manage after acquisition, etc.   |    |
| 9                                    | Land at risk of being developed if not conserved  |    |
| 10                                   | Property has features underrepresented in local protected sites – value in establishing protected land in this area (contributes to sense of broad geographical distribution)   |    |
| 11                                   | Project likely stimulate public funding and support   |    |
| 12                                   | Landowner wishes to donate property for tax receipt, but property would not necessarily meet criteria; however, it is marketable and an agreement to put it up for sale can be arranged with proceeds to other acquisitions |    |
| 13                                   | Other (describe)  |    |
| <b>Total</b>                         |   |    |

Explanatory comments or additional considerations:

Date

Observer

| <b>Agricultural Features of Primary Value (applicable only for land actively farmed)</b> |  |          |
|--|--|----------|
| <b>#</b>   | <b>Note: listed characteristics are not necessarily in order of importance</b>   | <b>v</b> |
| 1  | Soil capability high: Canada Land Inventory (CLI) rating of 1, 2 or 3  |          |
| 2  | Agricultural use on > 80% of land base   |          |
| 3  | Size > 40 ha.  |          |
| 4  | Proximate lands compatibility: all or most proximate lands are agricultural  |          |
| 5  | Land and buildings have good lease potential   |          |
| 6  | Can demonstrate conservation tillage practices in excess of 5 years  |          |
| 7  | Has established crop rotation plans aimed at soil improvements   |          |
| 8  | Has established manure/pesticide management plan in excess of 5 years  |          |
| 9  | Has established forest management plan prepared by licensed arbourist  |          |
| 10   | Site has natural features such as soil or other conditions conducive to the production of speciality crops that are rare in the region |          |
| 11   | Site contains quality example buildings of historical /architectural significance  |          |
| 12   | Existing buildings in high quality state of repair   |          |
| 13   | Site has significant drainage/irrigation improvements in good repair   |          |
| 14   | Environmental Farm Plan completed in last 5 years by current owner or Soil & Crop Stewardship Award received in last 5 years           |          |
| 15   | Site contains diverse land features such as wetlands, woodlots, streams, etc.  |          |
| 16   | Site conforms to all applicable plans, regulations and codes ( <i>i.e.</i> , Agricultural Code of Practice)                            |          |
| <b>Total</b>   |  |          |

Explanatory comments or additional considerations:

Date

Observer

| <b>Agricultural Features of Secondary Value</b> (applicable only for land actively farmed) |   |          |
|--|---|----------|
| <b>#</b>   | <b>Note: listed characteristics are not necessarily in order of importance</b>                  | <b>v</b> |
| 1  | Soil capability moderate: Canadian Land Inventory rating of 4, 5, or 6                          |          |
| 2  | Agricultural use on 50 – 80% of land base   |          |
| 3  | Size 10 - 40 ha.  |          |
| 4  | Proximate lands compatibility: proximate zoning such that conflicts are not anticipated         |          |
| 5  | Land or buildings (not both) have lease potential   |          |
| 6  | Has started conservation tillage within last 5 years  |          |
| 7  | Practices crop rotation based more on market factors  |          |
| 8  | No manure/pesticide management plan but good storage facilities, standard application practices |          |
| 9  | No forest management plan but can demonstrate good management practices                         |          |
| 10   | Speciality crops grown but requires significant capital investment                              |          |
| 11   | Site contains buildings of historical/architectural significance requiring repair/renovation    |          |
| 12   | Buildings in good state of repair, limited upgrades required                                    |          |
| 13   | Site requires repairs/upgrades to existing drainage/irrigation system                           |          |
| 14   | Environmental Farm Plan currently being developed   |          |
| 15   | Site has some/limited diversity in habitat types  |          |
| 16   | Conforms to applicable plans, regulations and codes with minor exceptions                       |          |
| <b>Total</b>   |   |          |

Explanatory comments or additional considerations:



## Appendix 7 Ecogift eligibility criteria

The **Ecogift eligibility** section of the assessment assists in determining whether the landowner may be eligible for Ecogift tax benefits. Environment Canada's Ecological Gifts Program enables individual and corporate landowners to protect their natural holdings forever by donating ecologically sensitive land to an environmental charity or government body. An "ecogift" can be a donation of land or a partial interest in land - such as a *conservation easement, covenant* or *servitude*.

| <b>Ecogift eligibility class A criteria</b>  |                 |                 |
|--|-----------------|-----------------|
| <b>Criterion qualifying land as ecogift-eligible</b><br><i>(numbering in accordance with Ecogift list)</i>   | <b>Comments</b> | <b>v if yes</b> |
| A1 Significant portions of the habitat of species determined to be endangered, threatened or vulnerable in Ontario, as specified in a recovery plan or other biological study  |                 |                 |
| A2 Designated as a <i>provincially significant wetland</i>   |                 |                 |
| A3 Identified as <i>area of natural and scientific interest</i>  |                 |                 |
| A4 Designated as <i>area of concern</i> for biodiversity purposes, as identified in a forest management plan   |                 |                 |
| A5 Qualifies for Conservation Land Tax Reduction Program   |                 |                 |
| A6 Managed for wildlife habitat conservation purposes qualified under Managed Forest Tax Reduction Program   |                 |                 |
| A7 Identified as an area promoting the conservation of natural heritage and biodiversity within regional or watershed plan/strategy developed by recognized conservation organization  |                 |                 |
| A8 Designated as <i>world heritage site</i> for biodiversity purposes, a core area of a <i>UNESCO Biosphere Reserve</i> , or <i>Wetland of International Importance</i> under Ramsar Convention  |                 |                 |
| A9 Identified in a Canadian Heritage Rivers Management Plan as area of biodiversity significance   |                 |                 |
| A12 Designated <i>core area, corridor, or restoration area</i> in the Lake Ontario Greenway strategy   |                 |                 |
| A13 Designated for biodiversity conservation within management plan or strategy for the Rideau waterway  |                 |                 |
| A14 Within a municipal official plan or zoning bylaw, designated as <i>environmentally sensitive area, environmentally significant area, environmental protection area, restoration area, natural heritage system</i> , or similar designation |                 |                 |
| A15 Within or adjacent to provincial park, conservation area, provincial/national wildlife area, bird sanctuary, national park, etc.   |                 |                 |
| A17 Identified as Carolinian Canada site or alternate site   |                 |                 |
| A19 Designated for biodiversity purposes by regional agency such as St Lawrence Parks Commission   |                 |                 |

**General (class B) criteria that *may* make land eligible as ecogift**

| <p align="center"><b>General criterion</b><br/><i>(numbering in accordance with Ecogift list)</i></p>   | <p align="center"><b>Comments</b></p> | <p align="center"><b>v\$f yes</b></p> |
|---|---------------------------------------|---------------------------------------|
| <p>B1 Significant habitat such as alvar, prairie, cliff, Great Lakes coastal habitat, old growth forest, glacial relic community, site with enduring geological features</p>      |                                       |                                       |
| <p>B2 Area of wildlife concentration such as bat cave, snake hibernacula, heronry, deer wintering yard, seasonal staging area for migratory water birds</p>                       |                                       |                                       |
| <p>B3 Identified as ecologically significant by a government or non-government local, provincial, national, international body</p>  |                                       |                                       |
| <p>B4 Significant water body, river, stream, shoreline, valley, wetland, groundwater recharge area, headwater, aquifer</p>  |                                       |                                       |
| <p>B5 Significant wildlife or fish habitat</p>  |                                       |                                       |
| <p>B6 Significant woodland</p>  |                                       |                                       |
| <p>B7 Has significant current or potential for enhancing ecological value through restoration, remediation, management, proximity to other ecologically significant lands</p>     |                                       |                                       |
| <p>B8 Natural buffer, natural link, corridor, or land adjacent to other ecologically sensitive land category</p>  |                                       |                                       |
| <p>B9 Natural links or corridors between areas identified under other ecologically sensitive lands categories or criteria that contribute to the conservation of biodiversity</p> |                                       |                                       |
| <p>B10 Land is used for long term scientific study or baseline and benchmark monitoring of biodiversity</p>   |                                       |                                       |
| <p>B11 Land contributes to Canada's environmental heritage through maintenance of genetic diversity of species, ecosystem health, landscape biodiversity, etc.</p>                |                                       |                                       |

## Appendix 8 Baseline Documentation Report Guidelines

### Introduction

The baseline documentation report (BDR) is a document that records the ecological, physical, and cultural features of a property and its uses at the time the property is secured for conservation purposes. The BDR provides an inventory of the property's baseline conditions. It is used together with the stewardship plan and a regular monitoring program in order to ensure the property remains protected in the long term.

### Nature of document

The BDR is a vital reference tool for those responsible for protecting the land's conservation values. Where the Land Conservancy owns the property, then the BDR may be a relatively simple document. Where the property is privately owned and subject to a conservation easement, then the BDR must be far more rigorous.

The Ontario Land Trust Alliance maintains a comprehensive *Baseline Documentation Report Manual* that is readily available on the organization's web site. It may currently be downloaded (2008) at the following web address:

<http://www.olta.ca/docs/Publications/BDR%20-%20Jan%202007.pdf>

### Reporting protocol

The Baseline Documentation Report must be submitted to the Board of the Land Conservancy for information purposes and potential action. The Land Acquisition Committee, together with the person supervising the BDR for the property must ensure that the Board receives the report, or at least the Executive Summary of the report..



## Appendix 9 Monitoring Guidelines

The monitoring of properties owned by the Land Conservancy is intended to ensure that the Stewardship Plan is being followed and the conservation values and the significant habitats and flora and fauna of the property are being protected. The monitoring of Land Protection Agreements (conservation easements) is intended to ensure that the restrictions are being observed and the intention of the Agreement is being upheld.

Monitoring will be under the direction of a team leader. Monitoring will be undertaken according to the monitoring plan for the property.

These guidelines are just that – guidelines. The specific approach to monitoring a property will be tailored to suit the property and its habitats.

Schedule the field work such that it is done during the most appropriate season. A minimum of one monitoring visit should be undertaken each year, and preferably one in each of spring, summer and fall.

Before doing field work review the relevant information about the property, assemble and prepare the needed materials, and notify the persons who must know about the visit.

Land Conservancy policies for site visits may be found in Appendix 10.

### Monitoring of owned properties

#### ***Information gathering***

- Review BDR, particularly species lists for update
- Review Stewardship Plan, if prepared
- Determine what field equipment, field guides, etc. are going to be relevant
- What equipment will be needed to effectively monitor this site?
- What are the stewardship priorities for the property?
- Have any new stewardship issues arisen since the property was last monitored?
- What habitat types that require monitoring are present on the property?
- Are any collection permits required?
- Is the necessary expertise represented by members of the field assessment team? If not, get that expertise.

#### ***Field work***

Keep complete lists of all target species observed. Lists should be taxonomically organized. Scientific names should always be included. Previous lists should be taken in the field and species confirmed and added.

Stress to all participants the importance of a positive identification - including a dubious identification calls the whole work into question. Collect voucher specimens, if necessary, or take photographs. If in doubt, do not include the sighting without explanatory notes.

Photographs should be labeled (date, location, subject matter, direction of view, etc.) immediately, and should be stored with the records pertaining to this site. Digital photographs should be printed out and similarly labeled.

Field notes should be transcribed as soon as possible after fieldwork is undertaken, and should be retained.

Any necessary modification of habitat should be reflected in a revised map of the Land Conservancy property. All maps should be to scale, and should follow standard mapping protocols (*e.g.*, north arrow, scale, date, key or legend). If the mapping information has been digitized, this will allow ready updating and facilitate management exercises such as change detection analyses.

Any disturbances to the property should be carefully documented (*e.g.*, evidence of hunting, tree cutting, fires, infestations, etc.).

### ***Monitoring report***

A report should be prepared soon after the fieldwork has been completed. The format of the report should be standardized for each property as much as possible, following the format in the Property Monitoring Report approved for the property in question.

In particular, the monitoring report should assess and comment on:

- Are management efforts (whether active or passive) having the intended results?
- Does the Management Plan require review and amendment?
- Are any observed disturbances having ecological impacts, and are management responses indicated?
- If monitoring of the property is done annually is there any indication that monitoring frequency is inadequate (*e.g.*, significant amounts or types of property disturbance)?

### ***Reporting protocol***

The monitoring report must be submitted to the Board of the Land Conservancy for information purposes and potential action. The Land Acquisition Committee, together with the person supervising the preparation of the monitoring report for the property, must ensure that the Board receives the report or at least the Executive Summary of the report.

## **Monitoring of properties not owned by the Land Conservancy**

Monitoring of properties under land protection agreements (conservation easements) requires special vigilance, as the ownership may have changed since the land protection agreement was executed, and new owners may not appreciate the strictures of the land protection agreement. Those involved with monitoring should follow the guidelines noted above for owned properties, and in addition undertake a list of additional activities, including the following:

- Notify the property owner and invite the owner to join the monitoring team
- Review the land protection agreement (conservation easement) in advance of the monitoring, especially the restrictions
- Share the monitoring report with the property owner and discuss its contents, recognizing that this monitoring form becomes a legal part of the land protection agreement.

## **Appendix 10 Site Visiting Policy**

### **Safety Rules for all Property Visits**

Travel with someone else; do not go alone.

Tell someone where you are going and when you will be back.

Check in with that person when you return.

Carry basic emergency supplies:

drinking water, some food, matches, knife, whistle, and an emergency medical kit.

### **Visits to Properties owned by the Land Conservancy**

You must advise a director by phone, e-mail or other means of your plan before you go to visit the property

The purpose of your visit must not be solely for personal reasons but must be to benefit the Land Conservancy: for example: clean up, inventory work, monitoring, planting.

You must prepare a written report on your visit. This report must include the date of the visit, your arrival and departure times, the purpose of your visit, where you went on the property, and what you did on the property. It must be submitted to the person responsible for that property within 21 days of your visit. Matters of concern ( such as signs of lumbering, camping, or a hazard) should be reported immediately to the person responsible for the property.

For group visits, the leader must take responsibility for contacting a director before the visit and for preparing the site visit report. The report must include the names of all the people who visited the site on that occasion.

### **Visits to Properties on which the Land Conservancy holds a Land Protection Agreement**

All participants must follow the terms of the land protection agreement such as notice to the landowner and the timing of the visit.

On each visit you must prepare a written report according to the Land Conservancy's monitoring guidelines.

*Policy approved by the board in 2005*