

COOTES TO ESCARPMENT Park System

Land Securement Strategy 2011





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Project Management: Orland Conservation

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EXECUTIVE SUMMARY

In the lands of the Niagara Escarpment between Dundas and Burlington, lies a very unique natural region known as 'Cootes to Escarpment'. It comprises a natural corridor link between two of the region's most important ecological features: Cootes Paradise Marsh — Canada's second migratory bird sanctuary (Established 1927), and the Niagara Escarpment — a UNESCO World Biosphere Reserve. The region is recognized as one of the most botanically diverse areas in Canada, with nearly a quarter of the country's native plants and provides essential habitat for numerous rare and endangered species.

Located on the boundary of the City of Hamilton and the City Burlington, the area is situated in one of the country's most vibrant and rapidly growing urban regions. As a result, the Cootes to Escarpment area continues to face increasing development pressures. In 2007, nine agencies referred to in this Strategy as "Partners" formed a partnership to collaborate on the conservation of this special region to ensure its protection for generations to come through the creation of a proposed Cootes to Escarpment Park System (CEPS). As a result of the partnership, two formal studies were conducted which resulted in production of the Phase I and Phase II Reports.

Central to realizing the CEPS vision is development of a Land Securement Strategy ("Strategy") which was identified in the Phase II Report as one of seven action items. The purpose of a Strategy is to guide implementation of a land securement program for the Partners. To meet this objective, this *Cootes to Escarpment Park System Land Securement Strategy* was created to outline a detailed approach for the proposed program.

The Cootes to Escarpment area is approximately 3,440 hectares (ha) or 8,500 acres (ac) in size comprised of both public and private lands. Within the Cootes to Escarpment study area there are 2,003 ha (4,948 ac) of land owned by the Partners. This Strategy outlines development of a Land Securement Program for the proposed CEPS. By leveraging existing funding and land securement partnerships in the area, it is expected that the CEPS Partners could establish a program with the goal of potentially securing several ecologically sensitive properties per year. The anticipated budget for this program is at least \$100,000 per year which excludes the actual purchase price of the land. The majority of the land securement costs may be recovered through the various funding programs outlined in this report.

This Strategy encourages the acquisition of ecologically sensitive lands in the CEPS, through a 'donation-focused' approach; however it is prudent for the Partners to understand the costs of securing the properties of interest over the long-term.

This Strategy also discusses the stewardship approaches that the CEPS can use moving forward to build on the existing infrastructure to steward the public owned lands and trails as well as any additional lands and trails that are secured between the Partner agencies. Stewardship is a stepping stone to longer term securement projects. By having a strong stewardship program for the public lands and trail network with the CEPS, surrounding neighbours can use these lands as a stewardship example for their own lands. In turn, stewarding their own land will encourage the landowner to think about the long term protection of that property they have spent so much time and energy preserving. The CEPS area is fortunate to have existing programs that can incorporate the public and private stewardship and outreach needs of the proposed CEPS project.

Implementation of this Strategy will further the vision of ensuring long-term conservation of the Cootes to Escarpment area by building on existing lands owned by the Partners. The proposed Cootes to Escarpment Park System will support environmental protection and a system of publicly accessible parks, open space and trails for recreation and natural heritage appreciation.

1.0 INTRODUCTION

In the lands of the Niagara Escarpment between Dundas and Burlington, lies a very unique natural region which is one of the richest biological areas in south-central Ontario. This area comprises a natural corridor link between two of the region's most important ecological features: Cootes Paradise Marsh — Canada's second migratory bird sanctuary (Established 1927), and the Niagara Escarpment — a UNESCO World Biosphere Reserve. It is comprised of a 10 km portion of the Niagara Escarpment, the lands and waters of Cootes Paradise, and portions of Grindstone Creek. This section of the Niagara Escarpment has a south-facing protected microclimate which creates a unique habitat for many species. The region is recognized as one of the most botanically diverse areas in Canada, with nearly a quarter of the country's native plants, and provides essential habitat for numerous rare and endangered species.

Located on the boundary of the City of Hamilton and the City Burlington, which is part of the Region of Halton (Figure 1), the area is situated in one of the country's most vibrant and rapidly growing urban regions. As a result, it continues to face increasing development pressures, as more and more people are looking for places to live and recreate. In 2007, nine agencies referred to in this Strategy as "Partners" assembled to produce a guiding conservation strategy for these natural lands. To develop the strategy, the Partners conducted public consultation sessions and research to assess the environmental, cultural, historical and social values associated with the area. The resulting document, *Cootes to Escarpment Park System – A Conservation and Land Management Strategy*, proposes the creation of a park system that will help fulfill the province's promise to establish a broad band of permanently protected greenspace in Ontario's Greenbelt. Representatives from the Partners serve on a Steering Committee to lead and facilitate initiatives of the project. Most of the Partners own or manage natural lands in the CEPS area. In 2011, McMaster University joined as a member of the Steering Committee.

The Partners include:

- Bruce Trail Conservancy
- City of Burlington
- City of Hamilton
- Conservation Halton
- Hamilton Conservation Authority
- Hamilton Harbour Remedial Action Plan
- Hamilton Naturalists' Club
- McMaster University
- Region of Halton
- Royal Botanical Gardens

In developing the strategy, two formal studies were conducted:

1. Phase I Background Report: Cootes to Escarpment Conservation and Land Management Strategy; and
2. Phase II Report: Cootes to Escarpment Park System – Conservation & Land Management Strategy.

The above studies, and additional initiatives of the Partners are described in the sections below.

1.1 Phase I Background Report: Cootes to Escarpment Conservation and Land Management Strategy

The first study *Phase I Background Report: Cootes to Escarpment Conservation and Land Management Strategy* (RBG, 2007), describes the ecological and historical significance of the area, and sets forth social and economic rationales for protection and stewardship of the Cootes to Escarpment area through creation of a natural park system. The report also identifies the legislative and policy directions of provincial and local governments that apply to this area. The Phase I Report formed the rationale and basis for developing a further Phase II Report to address the conservation and land management needs of the area.

1.2 Phase II Report: Cootes to Escarpment Park System – Conservation and Land Management Strategy

Using the Phase I Report as a foundation, the *Phase II Report: Cootes to Escarpment Park System – Conservation and Land Management Strategy* (Wong, 2009) was created to formally articulate a vision for creation of the proposed CEPS. The report outlined a strategy of enhanced protection and stewardship for existing public lands, combined with the addition of new protected lands to expand and link core public natural areas.

The development of the Phase II Report involved an in-depth public consultation process to identify issues and develop a vision, concept plans and management recommendations for the proposed park system. The process allowed stakeholders and residents to contribute to the development of the Phase II Report by providing input to the Steering Committee, and facilitated an opportunity to raise awareness of the region's natural and cultural resources as well as the need to establish appropriate recreation within the CEPS study area. The Phase II Report builds on the Phase I Report and provides information on the development of the CEPS concept as well as rationale for land securement, land management and park system management governance.

The vision and mission statements for the proposed CEPS are as follows:

1.2.1 Vision

Our vision for the Cootes to Escarpment Park System is that it will be known internationally as a protected, permanent and connected natural lands sanctuary from the Harbour to the Escarpment that promotes ecosystem and human health within Ontario's Greenbelt.

1.2.2 Mission

Our mission will be to collaboratively continue preserving and enhancing the natural lands using a sustainable approach that balances natural ecosystem health with responsible human appreciation and activities to achieve the vision.

1.3 Cootes to Escarpment Park System: A Conservation Vision

A summary report entitled *Cootes to Escarpment Park System: A Conservation Vision* (Galbraith and Abel, 2009) was released to the public as an abridged version of the Phase II Report. This document includes a conceptual map of the CEPS along with an overview of the various land designations compiled as part of the study.

Following the distribution of the Phase I and II Reports, the Partners have continued to work together to undertake implementation actions for the securement and stewardship of lands envisioned for the park system. Central to realizing the CEPS vision is development of a Land Securement Strategy which was identified in the Phase II Report as one of seven action items (Section 6.1 of the Phase II Report). The purpose of a Strategy is to guide implementation of a land securement program for the Partners. To meet this objective, this *Cootes to Escarpment Park System Land Securement Strategy* was created to outline a detailed approach for the proposed program.

2.0 STRATEGY OVERVIEW

Guided by the Phase I and II Reports, this Land Securement Strategy (“Strategy”) outlines a detailed approach for creating an interconnected and sustainable system of accessible park lands for the proposed CEPS. In addition to the Current Park Lands owned by the Partners, the Phase II Report identified two other main categories of land within the envisioned CEPS:

- 1) Potential Additional Park Lands: additional lands important to protecting the core natural heritage system or Bruce Trail Corridor; and
- 2) Complementary Stewardship Lands: lands that link and support the ecological functions of the core park system.

This Land Securement Strategy addresses ways in which landowner outreach and education can assist with land conservation goals. It also discusses management planning and stewardship actions — including environmental restoration of degraded areas — that can be achieved in combination with land securement initiatives.

Implementation of this Strategy will further the vision of ensuring long-term conservation of the Cootes to Escarpment area by building on existing lands owned by the Partners. The proposed Cootes to Escarpment Park System will support environmental protection and a system of publicly accessible parks, open space and trails for recreation and natural heritage appreciation.

3.0 BACKGROUND

The proposed CEPS is rooted in a rich history of land conservation by the Partners and other organizations. The sections below provide a background overview of the Partners and other agencies who work to conserve land in the Cootes to Escarpment Area.

3.1 Historical Land Acquisition

The Cootes to Escarpment area is approximately 3,440 hectares (8,500 ac) in size comprised of both public and private lands. Within the Cootes to Escarpment study area there are 2,003 hectares (4,948 ac) of land owned by the Partners listed in Table 1. Each Partner has a historical land acquisition 'story' for how their lands were acquired. However, many of the core conserved areas in the Cootes to Escarpment study area are protected due to the vision of Thomas McQueston through the Hamilton Board of Parks Management. These lands were protected in the 1920s through various means until they formed the nucleus of the Royal Botanical Gardens when it was established in 1941 (RBG, 2007). These historical lands, combined with more recent protected lands owned by the other Partners form the foundation of the proposed Cootes to Escarpment Park System.

3.2 Local Government and Regulatory Agencies

The Cootes to Escarpment study area is located on the boundary of the City of Hamilton and the City of Burlington, which is part of the Region of Halton (Figure 1). The study area is also under the jurisdiction of two conservation authorities in two main watersheds. The Grindstone Creek watershed (entire area approximately 9,000 ha or 22,240 ac) is under the jurisdiction of Conservation Halton, and the Spencer Creek Watershed (entire area approximately 11,291 ha or 27,900 acres) is under the jurisdiction of the Hamilton Conservation Authority. Both watersheds are regulated by the Conservation Authorities pursuant to the *Conservation Authorities Act* R.S.O. 1990, CHAPTER C.27. At a provincial level the policies of the Greenbelt Plan (OMMAH, 2005), Niagara Escarpment Plan (NEC, 2005) and Parkway Belt West Plan (Ministry of Treasury, Economics & Intergovernmental Affairs, 1978) pertain to the Cootes to Escarpment study area.

3.3 Public Trails

The proposed CEPS features a number of existing public trail systems including portions of Bruce Trail Optimum Route and Corridor, the Lake Ontario Waterfront Trail, and trails on lands owned by the Royal Botanical Gardens and public agencies. The Phase II report envisages an interconnected trail system achieved through creation of new trails as park properties are revised with updated management planning.

3.4 Partner Owned Lands

Within the Cootes to Escarpment study area there are seven agencies that own land previously referred to in the Phase II document as Current Park Lands. Calculations using the most recent parcel fabric available indicate that 2,003 hectares (4,948 acres) of land is owned by the Partners (Table 1). In addition to the Partners described in this Strategy, consideration should also be given to other conservation lands and potential securement partners in the proposed CEPS. These are described in section 3.4.2.

3.4.1 Formal Securement Partners

Most of the Partners own land within the CEPS area (with the exception of the Hamilton Harbour Remedial Action Plan and the Hamilton Naturalists' Club). These lands comprise the existing public lands that form the foundation of the proposed CEPS and are described below in Table 1: CEPS Partner Owned Land and illustrated in Figure 1. Descriptions of each of the Partners with land holdings in the study area are provided below to introduce their respective missions and land conservation experience.

Bruce Trail Conservancy (BTC)

The Bruce Trail Conservancy is a charitable organization committed to establishing a public footpath along the entire length of the Niagara Escarpment. The BTC operates as a land trust and uses all available tools to secure a conservation corridor to protect the Niagara Escarpment and is among the most active organizations in land securement within Ontario.

The BTC began conservation work in the early 1960s to raise awareness for the protection of the Niagara Escarpment. Its mission is to secure a permanent conservation corridor containing a public footpath along the Niagara Escarpment to protect natural ecosystems. Within the CEPS area, the BTC has 19.7 kilometres of main trail and 8.4 kilometres of side trail, of which 18.3 and 8.3 kilometres respectively are secured. Secured trail is defined as trail within public lands owned by BTC, the conservation authorities, and the Ontario Heritage Trust (OHT), while unsecured trails are those that pass through privately owned property on hand-shake agreements or are diverted onto roads.

The BTC has ownership of 28 ha (70 ac) of land within the CEPS study area. One of these properties is actually owned by OHT because of agreement through the Natural Spaces Acquisition Fund but is managed by the BTC. The BTC also has a conservation easement over 26.5 ha (65.5 ac) of City of Burlington property under Waterdown Woods (Kerncliff Park) and a smaller 0.8 ha (2 ac) easement on private lands. The BTC has a strong land securement program that aims to secure the entire section of Bruce Trail Corridor that lies within the CEPS area.

City of Burlington (COB)

The City of Burlington owns 246 ha (607 ac) of land within the CEPS study area. All of these properties are considered to be municipal parks and include Hidden Valley Park and Bayview Park. The COB would consider acquiring title to lands adjacent to existing COB lands.

City of Hamilton (COH)

The City of Hamilton owns 371 ha (916 ac) of land within the CEPS area. The COH would consider acquiring title to lands adjacent to existing COH lands. In October 2009, the City of Hamilton approved the development of the Natural Areas Acquisition Fund, which will provide \$100,000 annually for 2011, 2012 and 2013 to secure properties within the Hamilton Natural Heritage System. Annual funding may be increased after three years.

Conservation Halton (CH)

Conservation Halton is a major land holder in the CEPS area, currently owning 345 ha (852 ac). Most of the CEPS area is under the jurisdiction of CH and they are a strong securement partner in the region that actively secures land with Partners.

Hamilton Conservation Authority (HCA)

The HCA is also a major landowner in the CEPS area and owns 133 ha (330 ac) of land within the CEPS area. In 2010, the HCA developed and adopted a Land Securement Strategy for the Hamilton watershed. The HCA is committed to securing additional watershed lands that lie within the CEPS area.

Hamilton Naturalists' Club (HNC)

The Hamilton Naturalists' Club is a non-profit charitable organization which operates a land trust program called the Head-of-the-Lake Land Trust (HLT) as part of its land securement initiatives. HNC currently owns several properties; however none are within the CEPS study area. The HNC holds a conservation easement on the Cartwright property (18.6 ha, 45.9 ac) owned by Conservation Halton. HNC are receptive to securing more land in the CEPS study area in the future.

Region of Halton

In 2009, the Region of Halton initiated the Greenlands Securement Strategy which allocates funding from its Green Fund for the securement of eligible properties in Halton. Funding is available through the Greenlands Securement Strategy subject to council approval. The Region is committed to the protection of the Halton Region Natural Heritage System through the securement of ecologically significant properties. The Region would consider taking title to lands adjacent to an existing Halton Regional Forest however the CEPS study area does not contain any of these forest tracts. The Region owns several properties in the CEPS area totaling 31 ha (76 ac). The largest of these properties includes a former landfill site.

Royal Botanical Gardens (RBG)

Royal Botanical Gardens is a world-class botanical garden and nature sanctuary with over 849 ha (2,097 ac) of land that includes both natural and built features in the Cootes to Escarpment area. The gardens at RBG have been recognized as historically and culturally significant and are a major tourist attraction. The natural lands that make up the majority of RBG's properties are within Canada's natural biodiversity hotspot, including approximately 24% of all of the naturally occurring plant species in Canada, or 38% of Ontario's flora. RBG's mission is to provide a living museum which serves, local, regional and global communities by developing and promoting understanding of the vital relationship between the plant world, humanity and the rest of nature. RBG landholdings consist of natural and agricultural lands, gardens and lookout vistas. RBG is a majority landholder in the CEPS study area and would consider acquiring title to properties adjacent to existing RBG lands.

Table 1: CEPS Partner Owned Land			
Partner/Property Owner	Property Name or Description	Hectares	Acres
Bruce Trail Conservancy (including one property owned by OHT)	Multiple Properties	28	70
City of Burlington	Multiple Parks	246	607
City of Hamilton	Multiple Parks	371	916
Conservation Halton	Multiple Properties	345	852
Hamilton Conservation Authority	Multiple Properties	133	330
Hamilton Naturalists' Club (Head of the Lake Land Trust)	Easement Holder to Cartwright property owned by Conservation Halton	0	0
Region of Halton	Multiple Properties	31	76
Royal Botanical Gardens	Multiple Properties	849	2,097
Total Conserved Lands		2,003	4,948

Figure 1: Phase II Report Figure 6: Potential Cootes To Escarpment Park System



COOTES TO ESCARPMENT PARK SYSTEM
Conservation & Land Management Strategy
 Royal Botanical Gardens - Conservation Halton - Hamilton Conservation Authority - Hamilton Naturalists' Club
 City of Burlington - City of Hamilton - Region of Halton - Bruce Trail Conservancy
 With generous funding support: Friends of the Greenbelt Foundation

Legend

- Study Area (Red dashed line)
- Roads (Orange line)
- Highway (Red line)
- Regional (Yellow line)
- Local (Grey line)
- Railway (Black line)
- Water Bodies (Blue area)
- Hydrography (Blue line)
- Parcel Boundaries (Black outline)
- Potential Park System Boundary (Black dashed line)
- Hydro Corridor (Blue line)
- Current Park Lands (Dark Green)
- Potential Additional Park Lands (Light Green)
- Complementary Stewardship Lands (Lightest Green)
- Complementary Link (Green arrow)

Figure 6 : Potential Cootes To Escarpment Park System

Study Area

Scale: 0 250 500 750 1,000 Meters

Proj: UTM 18QD 83 Zone 17
 Date: November, 2008

3.4.2 Other Conservation Lands and Potential Securement Partners

The following conservation organizations may be considered as potential land securement partners in the proposed CEPS even if they do not currently own land in the area. Some of these organizations could be potential funding partners. For more information refer to Section 8: Land Securement Program Funding.

Ducks Unlimited Canada (DUC)

Ducks Unlimited Canada is a national, private, non-profit organization committed to wetland conservation for over 65 years. They currently have no land holdings in the CEPS study area but are very supportive of securing lands that provide waterfowl habitat. They currently have access to federal and provincial funds for securement projects (see Section 8 for more details).

Escarpment Biosphere Conservancy (EBC)

The Escarpment Biosphere Conservancy is a land trust with a focus on land securement on the Niagara Escarpment. They currently have no land holdings in the CEPS study area, but have a broad securement interest and are open to partnering.

Nature Conservancy of Canada (NCC)

The Nature Conservancy of Canada is a national charitable land trust that started in 1962 and owns numerous natural lands across Ontario. They currently have no land holdings within the CEPS study area and are unlikely to target land acquisition in this region in the near future.

Ontario Farmland Trust (OFT)

The Ontario Farmland Trust is a non-government, non-profit, charitable organization established to work with farmers, rural communities and other interested parties to promote the protection of farmland in Ontario. They currently have no land holdings in the CEPS study area, but are open to partnering on securement of land that is farmed; wholly or in part.

Ontario Heritage Trust (OHT)

The Ontario Heritage Trust has land holdings across Ontario and has been involved in land securement since 1967. OHT manages a portfolio of more than 140 natural heritage properties, including over 100 properties that are part of the Bruce Trail and is currently partnering with the BTC in the securement of lands within the CEPS study area.

Ontario Nature (ON)

Ontario Nature is a provincial charitable organization which has been involved in land conservation since 1961. They currently have no land holdings in the CEPS study area but would consider partnering on securement projects with high ecological significance.

3.5 Provincial and Federal Parks

Park lands are managed for the public by the Ministry of Natural Resources (MNR) through Ontario Parks, and Parks Canada. In the CEPS study area, there are no provincial or federal parks.

3.6 Crown, Municipal and Agreement Forests

There are no Agreement Forests owned by municipalities in the CEPS study area where the Ministry of Natural Resources would manage the woodlands for fibre production, forest regeneration and woodland conservation.

4.0 PROPERTY EVALUATION PROCEDURES

Governments at various levels have recognized the importance of protecting the natural heritage system. The Greenbelt Plan, Niagara Escarpment Plan and municipal official plans have all recognized the vital role the environment plays in the quality of life within the CEPS study area and have adopted policies that identify and protect the natural heritage/open space system. However, policy planning is subject to amendments and appeals. For long-term permanent protection of the natural heritage lands within the CEPS study area, it is recommended that active securement of additional lands by the Partners is a priority with dedicated staff time and resources.

The rationale for securing more ecological land in the CEPS study area has been justified in the Phase I and II Reports noted in Section 1. The work that has been done to date and the development of this Land Securement Strategy shows the continual commitment of the Partner agencies to create and protect the CEPS.

4.1 Evaluation Procedures

In order to evaluate potential securement opportunities in an efficient manner, it is recommended that the Steering Committee jointly evaluate properties to ensure they meet the needs of the Partners and satisfy established criteria. A committee-level evaluation of potential land securement projects will facilitate allocation of appropriate resources on the most significant and urgent securement opportunities. These evaluation meetings would be scheduled in conjunction with regular Steering Committee meetings, or as required.

Once a candidate property has been identified, a further analysis of existing information and where necessary, field investigation will be undertaken (see Appendix 7). This will provide an assessment of the ecological significance of the property in the context of the target areas identified. Further, the desire of the Partner to acquire the property and the landowner's interest in working with the Partner to develop a mutually acceptable transaction will need to be assessed. The transaction could take the form of a fee-simple purchase, donation, or conservation easement agreement. Depending on the property history and preliminary site evaluation, additional environmental studies may also be required (e.g., Phase 1 and 2 Environmental Assessments).

Potential properties will then be pursued for securement upon review and recommendation by the Partners and identification of the funding source or program to secure the property. Once the funding is determined, the land securement representative will proceed to secure the property (e.g., negotiate agreement, obtain appraisal, commission survey, etc.).

When assessing the suitability of land for securement, consideration should be given to the cost of property taxes and long-term maintenance of the property. Where it is desirable to have a Partner help manage a property, arrangements should be made in advance with the respective Partner to have an agreement in principle that includes the land under a management agreement.

Before securing a property, the Partners may wish to determine if a property is tax exempt through the Ministry of Natural Resources (MNR) Conservation Lands Tax Incentive Program (CLTIP). For lands where full title to a property is acquired, the CLTIP program will allow Partner owned properties to significantly reduce or eliminate the property tax burden associated with the long term management costs of the property. Based on the CLTIP criteria (Table 2 and Appendix 4), it may be apparent which properties are eligible for the program. For example, a

property which is located under a provincially designated area (e.g., Niagara Escarpment Protection) will qualify. For properties in areas that meet other CLTIP criteria (e.g., wetlands not of provincial significance), qualification will depend on final evaluation and approval by the MNR. Therefore, to be certain, the Partners may choose to request a pre-determination from MNR for tax exemption for any lands under consideration for acquisition. This will require the Partners to submit this Strategy and a list of potential properties to MNR. These are categorized as “subject to certification” in Table 2. For timing purposes, this request would have to be done well in advance, as responses can take months to receive. Nonetheless, this is the only way to have absolute prior knowledge for budgeting purposes about whether or not property taxes will be exempt.

Table 2: Criteria for CLTIP Property Tax Exemption	
Criteria	Tax Exempt
Priority Features:	
Provincially Significant Wetlands	Yes
Areas of Natural and Scientific Interest (Earth Science - Provincial)	Yes
Areas of Natural and Scientific Interest (Life Science - Provincial)	Yes
Lands Designated as Escarpment Natural Area in the Niagara Escarpment Plan	Yes
Habitat of Endangered Species (Ontario Endangered Species Act)	Yes
Community Conservation Lands:	
Natural Heritage Features or Areas identified in the Provincial Policy Statement (PPS).	Yes
Regionally Significant ANSIs.	Yes
Habitats of species of special concern designated by MNR (species at risk).	Yes
NHIC species occurrences or ecological communities (S1, S2, S3).	Yes
Designated Protected Countryside in the Greenbelt Plan	Yes
Escarpment Protection Areas in the Niagara Escarpment Plan	Yes
Natural heritage areas identified within a regional or watershed plan or strategy by a CA under the Conservation Authorities Act	Yes
Lands designated environmental protection or equivalent in municipal Official Plans. (ESAs)	Yes
Areas within or adjacent to protected areas (e.g., provincial park) that contribute to the natural heritage objectives of the protected area.	Yes
Other criteria as may apply under the CLTIP program requirements.	Subject to Certification

Table 2: Criteria for CLTIP Property Tax Exemption	
Criteria	Tax Exempt
Lands adjacent to existing Partner holdings	Subject to Certification
Bruce Trail Optimum Route and Trail Corridor	Subject to Certification
Other Priority Features:	
Wetlands (Not of Provincial Significance)	Subject to Certification
Significant water bodies, rivers, streams, shorelines, valleys and waterfalls	Subject to Certification
Groundwater recharge and discharge areas	Subject to Certification
Significant wildlife or fish habitats	Subject to Certification
Regulatory Flood Plain (flood and erosion risk e.g., hazard lands)	Subject to Certification
Significant Woodlands	Subject to Certification
Areas with enhanced ecological values through restoration and/or remediation (e.g., forest and interior forest, stream, wetland, habitat corridors/linkages between core areas, areas of habitat fragmentation)	Subject to Certification
Natural buffers adjacent to lands that contribute to other ecologically sensitive lands	Subject to Certification
Connections/Corridors/Features identified by Natural Heritage Programs or Watershed Plans that contribute to conservation or biodiversity	Subject to Certification
Lands under Forest Management Plans (e.g., MFTIP) (designated areas of concern for biodiversity)	Subject to Certification
Potential to use Land to Create or Expand Existing Active Recreation	Probably Not

4.2 Land Securement And Disposition Policy

The Partners should document necessary steps for purchasing land in a Land Securement and Disposition Policy. This type of policy is important as it will set out the necessary steps for purchasing land including provisions for the appraisal process, bidding and conflict of interest. For any land purchases involving the Ecogifts Program (described in Appendix 3), appraisals must be done in accordance with the program's Terms of Reference.

Similar consideration is required if a Partner decides to sell land or amend conservation easement agreements (sometimes referred to as "conservation easements", "conservation agreements" or "easements") within the CEPS study area. If a property is going to be registered through the Ecogifts Program there are additional considerations which must be discussed before a sale of fee-simple land or change of use (fee-simple and conservation agreements) can occur on the property. In addition, for conservation agreements, the owner of the land affected by the easement or covenant shall not amend the easement or covenant without the consent of the Minister due to requirements in the *Conservation Land Act*. It is recommended

that policies and procedures are stated in the Land Securement and Disposition Policy, with separate provisions for sales, transfers, exchanges and conservation agreement amendments, respectively. Public perception is a big part of land conservation, particularly those involving sale of natural lands. Clear communication to the public should be part of the land securement approach so that the Partner's reputation as a conservation organization is not hindered.

During the process of securing ownership of lands through purchase, donation or bequest, the Partner may receive lands that contain only portions of ecologically significant features or none at all. Generally, the Partners do not endorse the sale of lands containing provincially significant features. However, through the development and refinement of the natural heritage system reports for each Partner, lands may be identified as surplus due to limited or no ecological significance. The funds from these surplus land sales can be used to fund the securement of other ecologically sensitive lands.

Each Partner has to determine whether they have an interest in exchanging land or transferring land (other than upon dissolution). The Partners should discuss the potential to transfer conservation lands to each other should one of the Partners ever become unable to carry out its ownership responsibilities. It is ideal to have land stewardship and maintenance funds available to transfer to a new conservation owner. Where the land still warrants protection but a Partner determines that another conservation group would be better suited to manage the property, such lands can be transferred with a land holding agreement to ensure continued long-term protection.

Should the Partners want to engage in accepting non-conservation lands, this decision needs to be documented in a policy. It is important to have this policy in place so that Partners can consistently refer to whether or not they accept tradelands or 'non-conservation lands' to properly communicate with its members and the public. Non-conservation lands could also provide excellent opportunities to restore and reconnect existing natural systems.

Property Evaluation Procedures – Recommendations

- Partners to develop a priority action plan (which includes a land securement committee) to ensure implementation of this Strategy;
- Consider property tax exemption through the CLTIP when determining how properties will be formally evaluated for securement by the Partners; and
- Develop a Land Securement and Disposition Policy.

5.0 LAND SECUREMENT METHODS

Under this Strategy, two primary securement methods will be considered for the conservation of lands within the CEPS study area:

1. Fee Simple; or,
2. Legal Interest and Land Rights (conservation agreements containing restrictive covenants, lease agreements, *etc.*).

The following provides a brief overview of these securement methods.

5.1 Fee Simple

Fee simple is the purchase or donation of the total interest in a property. With this method, a Partner or other agency acquires complete legal rights to the property. The lands can be secured as an entire parcel or just a portion of the property through a direct conveyance or partial taking. See Section 6.5 for more information.

The statutory authority for municipalities to acquire land to meet the objectives of a Greenlands Plan come from the *Planning Act*, R.S.O. 1990, c. P.13, s. 25 (1); 1994, c. 23, s. 17; 1996, c. 4, s. 15. In addition, any local municipality may contribute towards the cost of acquiring land under section R.S.O. 1990, c. P.13, s. 25 (2). For conservation authorities, the statutory authority to acquire land comes from the *Conservation Authorities Act* R.S.O. 1990, CHAPTER C.27. The Act also provides conservation authorities with the ability to perform direct conveyances or partial takings of land for conservation purposes. These methods provide flexibility for how the securement of a property can occur.

Land trusts have a mandate to acquire land provided it is within their Corporate objectives. However, land trusts do not have the same rights as conservation authorities or municipalities to perform direct conveyances. Land trusts must instead work through the municipal planning consent process to sever land under the *Planning Act*. This provides the same end result but can be time consuming and costly. The Ontario Heritage Trust (OHT) does have the power to do direct conveyances and can bypass the municipal consent process but this is the only land trust in Ontario with that option.

5.2 Legal Interest and Land Rights

5.2.1 Conservation Easement Agreements

Conservation easement agreements, or conservation agreements, are legally binding agreements registered on title, whereby the landowner transfers specific rights, such as the ability to create building lots or cut trees, to an easement holder. Depending on how the agreement is composed, the easement holder usually has the right and responsibility to access and monitor the property (thus the term “easement”) and ensure landowner compliance with the terms of the conservation agreement. If no easement is granted under the agreement, the agreement can be simply referred to as a “restrictive covenant”.

Conservation agreements can be an effective tool for protecting the ecological and cultural values of a property because they utilize restrictive covenants. The goal is usually to prevent the destruction or exploitation of a property feature or resource. Property usage rights (*e.g.*, subdivision rights, development rights, and tree cutting rights) can be donated or purchased from the landowner; however it is more common for conservation easements to be donated.

Conservation easements can provide for the protection of a specific feature or value such as a rare species, ecosystem, trail, restoration site or heritage building.

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. A landowner may grant an easement or enter into a covenant with ‘conservation bodies’ (such as the Crown, conservation authorities, municipal councils, bands, or registered charities) which are registered on title and bind all future landowners. A further amendment to the *Conservation Land Act* was passed in 2006 called Bill 16, which introduced the following new requirements:

- 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 of Natural Resources.

Further, over the past decade, the land trust community in the United States and Canada has made the improvement of conservation easement programs a primary focus. Standards and practices relating to conservation agreements have been at the forefront of training and implementation especially with regard to drafting and negotiating, budgeting for and preparing Baseline Documentation Reports (BDRs), and monitoring and defending agreements. Several publications on the standards and practices related to conservation agreements (EC, 2005; WCELR, 2005; LTA, 2005) are an excellent resource for any conservation organization to utilize. Knowledge of conservation agreements as a conservation tool is continually evolving. Conservation agreements are complex, expensive to negotiate and manage, and are not always effectively interpreted or acknowledged by future landowners. Therefore, easement holders need to practice and enforce due diligence and establish a robust conservation agreement program in order to uphold these agreements in perpetuity.

One of the starting points in developing a strong conservation agreement program is to negotiate from a legally robust agreement template. An example of a conservation easement template or ‘boiler plate’ document which the Partners may wish to utilize is provided in Appendix 2. This template meets current standards and practices as set out by the land trust community and is directly applicable to any conservation organization seeking to preserve ecologically sensitive lands using this tool. The restrictions or covenants in the document are listed as examples and are not meant to be inclusive. In general, there are no published guidelines on the correct wording for these covenants, however conservation organizations and lawyers have debated their necessity and interpretation as well as the ability for a conservation organization to effectively monitor and enforce them. When conservation easement agreements are used as a securement tool, the Partners will need to ensure that highly trained staff or volunteers are appointed to the management and monitoring of conservation agreement lands.

5.2.2 Farmland Conservation Agreements

In 2005, farmland conservation agreements (sometimes called “easements”) were introduced as another potential method for protecting land. In that year, Ontario’s *Conservation Land Act*, (the same legislation that allows for conservation easement agreements) was amended to expand the allowable purposes for which an owner of land “may grant an easement to or enter into a covenant with one or more conservation bodies” to include agreements “for the conservation, preservation or protection of the land for agricultural purposes”. The term farmland is used

rather than agricultural land because Ontario farms are often comprised of agricultural land and non-agricultural land, including forests and wetlands. This bio-diverse combination of land use is traditional and is increasingly being recognized as the most environmentally sustainable model for farms.

Farmland conservation agreements (FCAs) are very similar to conservation easement agreements as they are registered permanently on title and specify the restriction of activities on the property through the use of negative covenants. FCAs are a relatively new easement tool in Ontario and several have been registered in the province. FCAs are a useful tool to ensure that farmland is available for local food production to ensure long-term food security as well as to maintain cultural and traditional community values on the landscape. The Ontario Farmland Trust (discussed in Section 3.4.2 and Table 4) is the only group in Ontario currently using FCAs.

5.2.3 Trail Easements

A trail easement is another tool for securing a trail. Where conservation easements are restrictive covenants or restrictions on the use of the land by the landowner, trail easements are fundamentally different. Trail easements are permissive access easements that permit the public access to private land for trail use. The Bruce Trail Conservancy has entered into a number of trail easements with the Ontario Heritage Trust (OHT) in order to secure the Optimum Route of the Bruce Trail. Other Partners may wish to use trail easements as a means of securing passive use trails in the CEPS study area. It is advisable to thoroughly review the legal limitations of trail easements before employing this conservation tool.

Preliminary investigation indicates that municipalities have no legislative basis for acquiring easement for trails unless it is under common law (which would require a municipality to either own or have a legal interest in an abutting parcel — municipal legal counsel should be consulted to confirm this). However, if, for example, the City of Hamilton or City of Burlington wish to enter into a trail easement but are without an interest in abutting lands, they may enter into an agreement with the Ontario Heritage Trust (OHT). The OHT is able to enter into trail easements since its objects apply to “Ontario’s heritage” which includes natural, recreational and scenic as well as cultural heritage properties under the *Ontario Heritage Act* R.S.O. 1990, CHAPTER O.18. Therefore, the exemptions set out in section 22 of the *Ontario Heritage Act* from the common law rules respecting the creation of valid easements and restrictive covenants (such as the requirement that the easement “benefit” land owned by the easement holder) apply to easements acquired by the OHT for recreational, scenic and natural heritage purposes. This would include trail easements.

5.2.4 Leases and Agreements

Leases and agreements, depending on their terms, can range from a right to occupy to almost an equivalent of fee simple interest. The benefits and costs associated with the interests obtained vary accordingly, but in general these lands are not considered permanently secured.

5.3 Summary

There are benefits and limitations associated with each method of securement. A case-by-case assessment will be undertaken to determine the quality and significance of the resources or function of each property. Based on the individual property assessment and resources available, the Partners would determine the most appropriate type of securement to ensure the protection of the features and functions of the land. In order to educate landowners about these securement options, they can be invited to landowner workshops and provided with communications materials through landowner contact. This is discussed further in Section 10.

6.0 LAND SECUREMENT TOOLS

The following outlines the various tools which could be employed in the securement of environmentally sensitive or significant lands. These options need to be clearly communicated to landowners in various media including publications or through the landowner contact program discussed in this Strategy. In order to maximize available resources, this Strategy recommends an emphasis on donations first, followed by split receipts and purchases.

6.1 Donations

The Partners encourage donations of land or property rights (*i.e.*, fee simple or conservation easement agreements). These gifts, at appraised value, may qualify as charitable donations under the Federal Income Tax Act through the Ecogifts Program (see Appendix 3). The Partners, in pursuing donations of land or property rights, will continue to work with their foundations (*e.g.*, conservation authority foundations) as well as 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 donations made after February 27, 1995. This increase applied to Canadian municipalities and registered charities designated by the Minister of the Environment with land certified by the Minister to be important to the preservation of Canada's environmental heritage. In May 2006, an announcement was made that all donations of ecologically sensitive lands through the federal Ecogifts Program are 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 Environment Canada's Ecogifts Program, all appraisals are reviewed by an expert panel of appraisers, therefore landowners and Partners can be assured that the appraisal is accurate and legitimate. The advantages of the Ecogifts Program are outlined in Appendix 3. All Partners except for the Hamilton Harbour Remedial Action Plan are eligible and certified by the Minister of the Environment to accept donations through the Ecogifts Program.

6.2 Bequests

Landowners may elect to provide for a gift in their Will – perhaps a gift of property to create a legacy for the donor and/or family. The biggest advantage of making a bequest is that it costs nothing during the landowner's lifetime. A bequest can be cost effective from a tax perspective against the estate. This is an excellent program to have in place and this information should be communicated to landowners through the outreach and education process.

6.3 Gratuitous Dedication

In this instance, a developer dedicates land within a development proposal (*e.g.*, subdivision, rezoning/official plan amendment, site plan application, condominium application, minor variance application or consent (land severance) application) to a municipality or conservation authority as a condition of approval of the application. This can result in a dedication of floodplains, valley lands, including some tableland as determined by the appropriate setbacks or the dedication could include a wetland or upland woodlot. The amount and type of land dedicated will be based on the site-specific development proposal as well as negotiations with the municipality granting approval and the conservation authority reviewing the application.

6.4 Trade Lands

Trade lands are similar to donations in that a landowner may wish to donate or bequeath their property to a Partner. However, in these instances the property does not contain any significant environmental features. Where a Partner accepts these donations, such properties could be sold with the proceeds being directed into land securement of ecologically significant lands or other program areas as directed by the donor. It is recommended that the Partners develop a trade lands policy. Lands disposed of by a Partner can follow the recommended procedures outlined in Section 4.2.

6.5 Partial Taking/Direct Conveyance

This is an acquisition of part of a property by either a fee simple purchase or donation scenario. For example, if a landowner has a residence they may be willing to dispose of the majority of the property while retaining the residence and amenity area. The advantage to this method is that usually the part of the property severed for conservation purposes does not include the bulk of the value of the property. Therefore, landowners can retain a residential lot and acreage around their residence, and maintain the majority of the value of the property. The land severed is then owned and managed by one of the Partners and the landowner benefits from living adjacent to publicly owned lands that they no longer have to manage or be liable for. In addition, if the landowner wants to sell the property in the future, they have a much more manageable property to sell and will have ultimately increased the number of potential buyers. Lastly, if the landowner wishes to they can retain a life interest agreement to use the severed portion (e.g., for hiking) for a specified term or the remainder of their lifetime. See Section 6.8 for more information on life interest agreements.

For conservation authorities, the *Conservation Authorities Act* R.S.O. 1990, CHAPTER C.24 provides them with the ability to develop a land securement project or strategy which identifies the priority securement areas along with specific criteria, securement methods, administrative procedures and protocols for securing lands for conservation purposes. In order to perform direct conveyances or partial takings of land for conservation purposes the conservation authority must prepare a land securement project under Section 24 of the *Conservation Authorities Act* and first obtain approval by resolution from their Board and then submit the project to the MNR for approval. Once approved by the Minister, it would permit the direct conveyance (partial taking) of lands containing environmentally significant features under the provisions set out in Section 50 (3)(e) of the *Planning Act* without the requirement to receive Ministerial approval for each partial taking project.

6.6 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 back to the purchaser. Essentially, the vendor agrees to sell the property at less than market value. Through the Ecogifts Program, the donated portion must be a minimum of 20% of the appraised value to qualify for a split receipt. Conversely, the landowner cannot receive more than 80% in cash.

6.7 Fee Simple Purchase

The most commonly used method of land securement is fee simple purchase. Purchase of full title and rights to a property are typically situations with a willing buyer and willing seller. Listed below are the types of variations that can occur within a fee-simple purchase scenario.

6.7.1 Option to Purchase

An Option to Purchase is a contract that allows a Partner 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 withdraw this offer during the stipulated period of time. The Partner pays a fee for this option. This mechanism is often used by a conservation group as a means of “buying time” to acquire a specific piece of land and is the perfect opportunity to fundraise for the purchase costs (see Section 8.3.6 for more information).

6.7.2 Right of First Refusal

This is an agreement between a landowner and a Partner, or other prospective buyer that gives the Partner a chance to match any third party offer to buy a specific piece of property. It sets out the conditions of sale and is registered on property title. It is an interim measure, allowing the Partner to acquire a key property some time in the future. It can be a good tool to use if negotiations have been halted (*e.g.*, unacceptable appraised value). Or it can be registered on title, to allow the Partner to buy a property that already has a conservation easement agreement in cases where the Partner decides they would rather own title than hold an easement. Right of First Refusal is also a method used to discourage other potential buyers (perhaps developers) as they will know they have competition and the holder of the first rights has priority. There is a fee associated with the Right of First Refusal.

6.8 Life Interest Agreement/Lease Back Arrangements

When a vendor/donor wishes to retain an interest in the property they can enter into either a Life Interest Agreement or a 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. The agreement would specify a set term or would continue as long as the vendor resides on the subject property.

6.9 Exchanges

Landowners who own property within a valley system, flood plain or environmentally sensitive feature may exchange their parcels for surplus tableland owned by one of the Partners. These arrangements may bring funds to the Partner 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.

6.10 Transfers

Landholding agencies such as the Ontario Realty Corporation (ORC) could decide to transfer environmentally sensitive lands to one of the Partners or a Partner could be asked to be a backup holder for their lands as part of a contingency plan. These lands could either be fee-simple title or legal interest (*e.g.*, conservation easement agreement). These types of transfers can only occur if the Partner is willing to receive the lands and the lands meet the criteria established by the Partners. The agency looking to transfer title may require the Partner to sign a landholding agreement or transfer agreement to ensure that the lands are properly managed in perpetuity. It would be prudent for the Partner as a recipient of transferred lands, or as a contingency holder, to only accept the land if the agency transferring has complete and accurate files and stewardship funds available as part of the transfer.

6.11 Project Requirements

When lands become part of an approved municipal or conservation authority (CA) project, they may be purchased outright or acquired *via* a legal interest obtained directly from the owner at market value. Where the project is mutually beneficial, (*e.g.*, erosion work by a municipality on all or part of privately owned land), landowners may be required to deed property rights to the municipality or conservation authority for a nominal amount to ensure access for future maintenance.

6.12 Municipal Lands

A CA may acquire property interests in municipal lands, at a nominal cost, when they are located within the boundaries of approved CA acquisition projects.

Land Securement Tools - Recommendations

- Consider these methods of land securement when evaluating properties of interest;
- Continue to work with securement and funding partners;
- Develop a trade lands policy; and
- Submit a proposal to MNR to receive pre-approval for partial taking projects.

7.0 LAND SECUREMENT PARTNERS

The Cootes to Escarpment area benefits from formal recognition of its value as established by the Partners and their initiatives to ensure its long-term conservation. Each Partner contributes various conservation strengths to protect the CEPS study area. Most of these formal Partners are themselves land holding agencies which are available to take title to future land securement opportunities. Some of the Partners are government agencies which may have access to securement funding through Cash In Lieu funds. Two of the partners are conservation authorities which have active Foundations potentially able to provide funding as well. Other Partners may have a local network of residents or 'champions' who can help with obtaining land securement leads.

There may be instances when securing a property in the CEPS study area where an outside agency or partner is required. Sometimes additional partners are needed for funding purposes or if they have additional expertise (e.g., negotiating leverage) which is needed to help secure a property. In cases involving title or an interest in title, a partner group may be a better suited recipient than the original group involved in protection of the property. There may be a better suited land recipient because of property taxes, funding requirements (e.g., OHT's Natural Spaces Land Acquisition and Stewardship Program) or because the landowner has requested the involvement of another group due to personal preferences. These circumstances will depend on the unique characteristics of the property, the type of securement method involved and the requests of the landowner (depending on whether it's a donation or purchase).

It is important to note that any support provided by the Partner should be viewed as a securement success. This is also referred to as an 'assist'. An assist can include the involvement of Partner staff time, resources, technical expertise or funding towards the securement of a particular property. Even if that particular Partner does not end up holding title, an interest in title, or even managing a particular property, any contribution by a Partner should be recognized by its Council, Board and/or staff. After all, the end goal is to secure these key properties and protect them in perpetuity for the betterment of the Cootes to Escarpment area.

For example, the Bruce Trail Conservancy (BTC) has successfully secured about two dozen properties over the last three years, almost all of which are not in BTC ownership. Partners such as OHT and Ontario Parks (OP) agreed to take title. Nevertheless, BTC played a lead role in negotiating and processing each deal, and thus, claimed each as a success. The result was a very pleased and proud BTC membership that can be approached for fundraising for ongoing acquisitions.

The following sections describe land securement partners in terms of the primary benefits to the land conservation efforts of the CEPS Partners, as well as their strengths and weaknesses in terms of holding title or interests in title (e.g., conservation easement agreements). This information is also summarized in Table 4. For a more detailed discussion about funding partners refer to Section 8.

7.1 Federal Government

Before the turn of the century, the federal government partnered with NCC for the Canada Millennium Partnership Program (CMPP). As part of this program, there was a country wide land and conservation easement donation program called Natural Legacy 2000. Soon after the millennium, the program ended. Currently, unless the lands being acquired are of National Significance or contribute to a National Park, the federal government would have little

involvement in the land holding aspect of lands acquired through this Strategy as well as little buy in to the contribution of funding.

7.2 Provincial Government

Properties with provincial ecologically significant status may be candidates for Ontario Parks (OP) acquisition. For example, the NCC has transferred title to several OP provincial reserves. This has almost always involved leveraged funds rather than full funding. In the reverse, provincial agencies like the Ontario Realty Corporation (ORC) may transfer surplus environmentally sensitive lands to agencies in the CEPS.

7.3 Municipal Governments

Both local municipalities (City of Hamilton and City of Burlington) and the Region of Halton are formal Partners. In addition to being formal Partners, both the Region of Halton and the City of Hamilton have available funding programs specifically for land securement of properties within their jurisdiction.

In 2009, the Region of Halton initiated its Greenland's Securement Strategy Program. The Region allocates funds from its Green Fund for the securement of eligible properties in Halton. Regional Council currently allocates \$500,000 per year to this cumulative fund. Recently the City of Hamilton approved a Natural Areas Acquisition Fund Strategy which is a city-wide program to provide acquisition money (\$100,000 per year) to conservation groups in the City of Hamilton through their capital budget.

7.4 Land Trusts and Non-Government Organizations

A number of land trusts and non-government organizations are located in the CEPS study area whose primary mandate is to secure natural heritage lands and protect significant ecological features (see Table 3). The BTC and the HNC/HLT are already formal Partners in the CEPS but other securement partners might be Ducks Unlimited Canada (DUC), Ontario Farmland Trust (OFT) and Ontario Heritage Trust (OHT).

Table 3: Land Securement Partners in the CEPS			
Partner	Primary CEPS Benefit(s)	Strengths	Weaknesses
Federal Government	Possible financial support	Programs linked with tax advantages Publicly accountable and provides additional assurance to protect land National focus and support	Operate at a high level, broad scale that may not address local needs Financial support is limited
Provincial Government (Ministry of Natural Resources (MNR), Ontario Heritage Trust (OHT), Ontario Realty Corporation (ORC))	Probable financial support Data and mapping support Ability to hold or transfer Land	High level of support through MNR programs Able to hold land and perform direct conveyance, etc. Access to data for the province	Usually involves matching dollars (1:1 ratio) Strict adherence to process can hinder negotiations Only accepts land that would meet MNR or Ontario Parks criteria for Provincial Park Status Lengthy process

Table 3: Land Securement Partners in the CEPS			
Partner	Primary CEPS Benefit(s)	Strengths	Weaknesses
Municipalities (City of Hamilton, City of Burlington, Region of Halton)	Probable financial support Data and mapping support Ability to hold land Stewardship partner	Provide natural, cultural and specific property information	Support may be restricted by local planning goals
Land Trusts (BTC, DUC, EBC, HNC/HLT, RBG, NCC, OFT, ON)	Ability to hold land Stewardship partner Financial support	Non-government Operate for the public benefit and are registered charitable organizations Dedicated to the protection and management of natural areas open space, and agricultural landscapes Work directly with specific parcels of land through purchase, donation, or cooperative landowner programs Community supported through memberships, donations, and volunteer involvement resource management agencies and organizations Quick and responsive	Some are all-volunteer or have minimal staffing and capacity.
Other NGOs (e.g., Burlington Green, Friends of Red Hill Valley, Hamilton Area Eco-Network)	Stewardship partner Financial support	Able to provide strong support to area of specific interest	Most are all-volunteer or have minimal staffing and capacity Often have a narrow area of interest and are not interesting in holding land

Land Securement Partners –Recommendations

- Confirm which agencies or organizations outside of the Partners can provide funding, resources and/or want to hold title, hold interests or manage conservation land.

8.0 LAND SECUREMENT PROGRAM FUNDING

Many of the Partners have actively acquired land for years with assistance from various funding sources. In many cases, Partners may not have available pots of money for land securement and therefore funding will need to be raised in conjunction with the other Partners on a property-by-property basis.

There are several sources of securement funding available. The following sections outline these sources and the related costs associated with land securement.

8.1 Related Securement Costs (“Soft Costs”)

In order for each Partner to budget for securement projects, the following cost projections are provided per property. Just one fee-simple land donation or purchase could have the following approximate securement costs associated with it:

- Appraisal \$3,000 - \$6,000
- Legal \$1,500 - \$3,000
- Survey \$2,500 - \$12,000
- Phase 1 Assessment \$2,000 - \$3,000
- Baseline Documentation Report \$4,500 - \$8,000
(for conservation agreements)
- Staff/contractor time \$4,000 - \$7,000

Some of the above costs can be recovered through available funding programs. Nevertheless, it would be prudent to budget at least \$20,000 per acquisition not including land value.

8.2 Budgeting and Fundraising Targets

If the Partners want to implement an effective and proactive Land Securement Program to assist in the creation of the proposed park system, the Partners will require a budget allocation of approximately \$100,000 per year at a minimum. The primary cost associated with a program is having a dedicated staff Land Securement Officer or retaining an experienced contractor to establish the program (*i.e.*, someone whose time is solely dedicated to landowner contact in the CEPS and the entire land securement process from start to finish). This program will be focused on donations of land or purchases of land through leveraged partnership funds or split-receipt options to keep land costs at a minimum. The Land Securement Officer will be responsible for raising and leveraging funds for donations and purchases including costs associated with legal, appraisal, survey, environmental audits, demolition and property clean up, G.S.T., land transfer tax, interest charges, fencing, administration, and other related costs. These expenditures will be based on the funding provided to date and opportunities for various programs and partnerships outlined below.

Therefore, Year 1 (first full year of implementation) would require minimum \$60,000 for staffing plus an additional \$20,000 each to close the first two projects assuming they are donations. This would be repeated annually for a total of \$100,000/year assuming that no additional staff is required. Each subsequent year, the securement costs would marginally increase and the number of projects would naturally increase as a result of the intensive landowner contact performed in Year 1. Based on the funding programs described below, it is anticipated that most of the project-related costs (*e.g.*, \$20,000 per project for surveys, appraisals, *etc.*), if not all of these costs, could be recovered from funders such as Environment Canada, OHT, and DUC. Outside of these costs it is also anticipated that \$7,500-\$12,000 will be required for costs

associated with implementing landowner outreach and education. These costs are further described in Section 9.2.2.1.

Although the Land Securement Program will be focused on securing donations first, it is expected that money will need to be fundraised to purchase properties outright or to pay the cash portion of all split-receipt donations. In the Cootes to Escarpment area there are urban and rural lands, developable and non developable lands, hazard land, farmland, land locked parcels, lands abutting residential communities, *etc.* Each use and location will have a different value. It is recommended that the Partners set annual campaign goals for fundraising (*e.g.*, \$2 M per year) with a projection of how many properties that would include (*e.g.*, 5 properties). By setting short term campaign goals with specific discrete securement goals, the land securement campaign will be more focused and therefore it will be easier to meet these goals and succeed.

8.3 Land Securement Funding Alternatives

The following outlines a variety of potential funding sources for land securement. Table 4 lists some agencies and funding parameters.

8.3.1 Municipal Funding

Conservation of lands within the CEPS study area benefits the City of Burlington and City of Hamilton (as well as surrounding municipalities) by maintaining their ability to protect the natural functions and features of their respective watersheds and providing open space for the enjoyment, health, and well being of all residents. 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 significantly to the quality of life for future generations.

There are two Partners who have direct funding pots for land securement, the Region of Halton and the City of Hamilton (in-progress). Currently, the Region of Halton has a land securement strategy and funding in place 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 resources. This fund will only be accessible for those properties that are within the boundaries of the Region of Halton which are within the City of Burlington for the CEPS study area.

For those properties that are within the boundaries of the City of Hamilton, the City recently approved a Natural Areas Acquisition Fund Strategy (October, 2009) and would provide leveraged funding to conservation organizations towards securement projects hopefully starting in late 2011. The City of Burlington as a municipality is a Partner but has no formal funding program for land securement but could be approached for a contribution.

8.3.2 Provincial Funding

Currently the two most available provincial funding sources for land securement are already depleted or in the process of being depleted. Unfortunately, at the time of this report there are no plans by the provincial government to replenish these funding sources although this could change in the future.

8.3.2.1 Natural Spaces Land Acquisition and Stewardship Program (NSLASP)

In August 2005, the Ontario Minister of Natural Resources announced the Natural Spaces Land Acquisition and Stewardship Program. This new program included a \$6 million allocation to OHT for the acquisition and stewardship of provincially significant natural heritage lands in southern Ontario. This program provides up to 50% funding to partners for acquisition and

stewardship. The program has already gone through several application rounds so the program is time sensitive and no funding remains.

8.3.2.2 The Greenlands Challenge

In November 2006, NCC and MNR announced a renewal of Greenlands Program funding. The program allows for matched funding (up to 50% of costs) for securement of ecologically sensitive lands. Currently, the program is only being administered by the MNR and they receive annual funding for the program; however at this time there is no funding available.

8.3.3 Land Sale Funding

Generally, the Partners would not endorse selling off conservation lands, however there are opportunities where a Partner could dispose of surplus lands or rental properties by doing a direct conveyance by disposing of non-conservation lands and retaining only the conservation lands (or lands that have rehabilitation potential). There may be properties that provide such an opportunity to reduce liability from ownership of buildings or rental properties through a direct conveyance. Proceeds from the sale of the non-conservation land can be put towards securement of other ecologically sensitive lands. The Partners would need to assess their owned lands to evaluate the potential for doing this on a case-by-case basis. If current properties are generating on-going positive revenue for the organization with minimal staffing costs, then this may not be necessary at this time. 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.

8.3.4 Federal Funding

In 2007, the Federal Government announced a \$225 M funding program to secure natural spaces across Canada. The program focuses on lands that have national or provincial ecological significance, provide habitat for species at risk or migratory birds, or that connect to existing protected areas such as National Parks. The key natural areas targeted for conservation through this program have been designated as priorities by Nature Conservancy of Canada (NCC) and Ducks Unlimited Canada (DUC), based on detailed scientific ecological assessments. Unfortunately the CEPS study area is not identified as one of the sites eligible for funding and there appears to be no flexibility to have it added to the current program.

8.3.5 Partner Funding Support

Many of the Partners have sophisticated methods of fundraising and successful development staff (e.g., Conservation Halton Conservation Foundation, Hamilton Conservation Authority Conservation Foundation, Royal Botanical Gardens, Bruce Trail Conservancy) which will contribute to the success of further land securement in the CEPS study area (Table 4).

In addition to these Partners which are listed in Table 4 below, there are numerous other potential funding partners including ON, OFT, DUC and EBC as well as corporations and private foundations. With the assistance of potential funding partners it is anticipated that the solicitation of donations of money and land can be significantly increased in the CEPS.

Table 4: Potential Funding Partnerships			
Organization & Website	Program Name	Description	Eligibility
Bruce Trail Conservancy www.brucetrail.org	N/A	Support in fundraising efforts for specific projects that secure the Optimum Route and Corridor of the Bruce Trail.	Optimum Route and when funds are available
Canadian Land Trust Alliance www.clta.ca	Opportunities Fund	Securement of land in Canada. Member land trusts and conservation authorities can access \$7-8K per property for securement related costs including Baseline Documentation Reports (BDRs).	Members of CLTA Municipalities are not eligible to be CLTA members. Properties must be Ecogift transactions.
City of Hamilton www.hamilton.ca	In development – the Natural Areas Acquisition Fund Strategy	City-wide program to provide acquisition money (\$100,000 per year) to conservation groups in the City of Hamilton	Not specified
Conservation Halton Foundation www.conservationhalton.on.ca	N/A	Potential funding for specific CH projects on a case by case basis.	Not specified

Table 4: Potential Funding Partnerships			
Organization & Website	Program Name	Description	Eligibility
Ducks Unlimited Canada www.ducks.ca	N/A (contact Kingston Office)	Securement of waterfowl habitat. Eligibility is determined on a case-by-case basis. No formal criteria or application process. Contact Scott Muir out of Kingston office for further information. Funding can be up to one hundred percent in rare cases. Land must consist of open water (permanent standing water not created by beaver dams that could be washed out). DUC has access to federal, provincial and donor money. Hunting is not mandatory but justification as to why hunting is not appropriate on the lands is necessary. A funding agreement is required.	Open water, "permanent" duck habitat
EJLB Foundation www.ejlb.qc.ca	Environmental Grants	Funds securement of natural areas of ecological significance or of importance to the urban landscape in Canada	Not specified
Environment Canada www.ec.gc.ca	Canadian Wildlife Service Habitat Stewardship Program – Endangered Species Recovery Fund	Allocates up to \$10 million per year to projects that conserve and protect species at risk and their habitats. Activities must take place on private lands, provincial Crown lands, Aboriginal lands, or in aquatic and marine areas across Canada.	Not specified
Friends of the Greenbelt Foundation www.greenbelt.ca	Environmental Grants relating to the Greenbelt	The Foundation is interested in funding activities that promote and sustain the Greenbelt as a beneficial, valuable and permanent feature, enhancing the life of all Ontarians.	May support landowner contact and education.

Table 4: Potential Funding Partnerships			
Organization & Website	Program Name	Description	Eligibility
Halton Region www.halton.ca	The Halton Region Greenlands Securement Strategy (GSS)	The Halton Region Greenlands Securement Strategy outlines the Region's plan for protecting valuable green space in Halton for current and future generations. To support the GSS Halton Region has established the Halton Green Fund which will be used to support the continuous enhancement of environmental quality in Halton.	Projects eligible for funding under the Halton Green Fund include but are not limited to: Regional Waterfront Park Developments Green Pilot Projects Stewardship Programs Land Acquisitions Under the Greenlands Securement Strategy – see website Application Forms for more details.
Hamilton Conservation Foundation www.hamiltonconservationfoundation.ca	N/A	Potential funding for specific HCA projects on a case by case basis.	Not specified
Hamilton Naturalists' Club (Head of the Lake Land Trust) www.headofthelakelandtrust.org	Head of the Lake Land Trust	The HNC's Head-of-the-Lake Land Trust program focuses on the protection and securement of natural areas in Hamilton, Burlington and surrounding areas. Potential funding for specific projects on a case by case basis.	Not specified
Heritage Green Community Trust www.heritagegreencommunitytrust.com	N/A	May provide funding on a case-by-case basis.	Not specified
International Fund for Animal Welfare www.ifaw.org	Schad Foundation	The Schad Foundation's mission is to restore, protect and respect natural systems by investing in projects whose focus is education, conservation and restoration of wilderness, development of sustainable technologies and practices, and promotion of humane treatment and respect for all species. Funds wildlife conservation projects. May consider land securement projects for wildlife habitat. No formal criteria or application process.	Not specified

Table 4: Potential Funding Partnerships			
Organization & Website	Program Name	Description	Eligibility
K. M. Hunter Foundation www.kmhunterfoundation.ca	N/A	Funds wildlife habitat preservation projects in Ontario. May consider land securement projects. No formal criteria or application process.	Not specified
McLean Foundation www.mcleanfoundation.ca	N/A	Evaluates project proposals on a case by case basis. May consider land securement. Provides grants with particular emphasis on projects showing promise of general social benefit but which may initially lack broad public appeal.	Charitable organizations
Metcalf Foundation www.metcalffoundation.com	Environment Program – Healthy Lands	Funds environmental projects in southern Ontario. May consider land securement. The Metcalf Environment Program seeks to strengthen and enhance the effectiveness of people and organizations working together to ensure the ecological health and integrity of Southern Ontario's natural and working lands. The Healthy Lands Program is designed to support organizations that are exploring and developing innovative approaches to tackling tough land-use problems; actively seeking opportunities for ongoing dialogue, collaborative learning and reflection; and inspiring people and communities to contribute to positive change. May consider land securement projects.	Supports organizations with charitable status

Table 4: Potential Funding Partnerships			
Organization & Website	Program Name	Description	Eligibility
Ministry of Natural Resources www.mnr.gov.on.ca	Greenlands Challenge	Securement of land in southern Ontario. Potential funding 1:1 matching for specific projects on a case by case basis. Supports the strategic securement of privately held lands, primarily in southern Ontario, for the purpose of meeting a variety of biodiversity conservation objectives.	Conservation groups in southern Ontario (NO FUNDING AT THIS TIME)
Ministry of the Environment www.ene.gov.on.ca	Ontario Community Environment Fund	Through OCEF, payments collected from environmental penalties will be made available to the community impacted by environmental violations to support eligible projects within that affected community. Funding provided to municipalities can in turn be used for acquisition. Partner (non-municipal) could enquire about partnering with a municipality on a land securement project.	Not specified
Mountain Equipment Co-op www.mec.ca	Community Contributions Program – Land Acquisition Grants	Funds the securement of ecologically and/or recreationally significant land in Canada. Program funded by income from the MEC Endowment Fund for the Environment. Applicants must demonstrate: a successful track record in land acquisition; that the acquisition is urgent; strategy for public education about the conservation effort is in place; there is broad-based community or stakeholder support; and other sources of funding have been investigated.	Not specified

Table 4: Potential Funding Partnerships			
Organization & Website	Program Name	Description	Eligibility
Ontario Farmland Trust www.ontariofarmlandtrust.ca	N/A	Disburses funds to protect and preserve farmlands and associated agricultural, natural and cultural features in the countryside for the benefit of both current and future generations. Acquires farmland or interests in farmland.	Not specified
Ontario Heritage Trust www.heritagetrust.on.ca	Natural Spaces Land Acquisition & Stewardship Program (NSLASP)	Potential 1:1 matched funding for land securement projects on a case by case basis - focus on provincially significant feature protection. Led by the Ontario Ministry of Natural Resources (MNR).	Public and private conservation organizations. (NO FUNDING AT THIS TIME)
Ontario Land Trust Alliance www.olta.ca	Ontario Land Trust Assistance Program (OLTAP)	Securement of land in southern Ontario. CA and land trusts can access funding for securement related costs. Funding is to be used for land securement transaction costs for donations or purchase of title or conservation easements.	Members of OLTA.
Ontario Nature www.ontarionature.org	N/A	Acquires land for nature reserves. May partner with an organization on a land securement project. They require stewardship funds of 15% of the land value to be committed or raised prior to closing.	Not available
Royal Botanical Gardens www.rbg.ca	N/A	May partner with an organization on a land securement project to expand existing lands in the Hamilton/Burlington area	Not available

Table 4: Potential Funding Partnerships			
Organization & Website	Program Name	Description	Eligibility
TD Bank Financial Group www.td.com	TD Friends of the Environment Foundation	Conservation projects in Canada. May consider land securement. Funds projects that protect and preserve the Canadian environment, assist young Canadians in understanding and participating in environmental activities, support urban renewal such as environmental projects to rejuvenate smaller or at risk neighbourhoods, and enhance cooperation among environmental organizations. May consider land securement projects.	Not-for-profit charitable organizations
W. Garfield Weston Foundation www.westonfoundation.org	N/A	Environmental projects in Canada. May consider land securement projects for environmental conservation. No formal criteria or application process. The Foundation is supported by an endowment from the Weston family, with the majority of the funds being directed to specific organizations in the fields of education and environment.	Not specified
Wildlife Habitat Canada www.whc.org	WHC Grant Program	Securement of waterfowl habitat in Canada. Working in partnership with the Canadian Wildlife Service of Environment Canada, WHC funds habitat conservation and land securement projects across Canada. WHC seeks to identify habitat issues and find means for enhancing opportunities and developing practical solutions to problems facing wildlife habitats.	Landowners, communities, government, non-government organizations and industry

8.3.6 *Financing Projects*

For fee-simple purchases and split receipts, long closing dates (6 to 12 months) should be negotiated to allow for fundraising. Furthermore, an escape clause can be established if funds raised are insufficient by a certain date eliminating the risk to the Partner taking the lead on securement. Such a strategy has been proven successful in project-specific fundraising campaigns.

As described in Section 6.7.1, an Option to Purchase scenario allows the Partner to buy a property at a set price for a stipulated period of time. This mechanism not only gives the Partner a means of “buying time” in its attempts to acquire a specific piece of land, but it also provides the perfect opportunity for fundraising. There is no greater success in the land securement community than when a ‘call for support’ is expressed. The sense of urgency to raise funds for a key property is always a perfect recipe for success. Many conservation organizations have secured key properties this way by calling on individuals, partners, members and corporations to assist in buying and protecting a particular property. When this type of campaign is done properly, the money is usually raised at the pre-determined goal, and is sometimes exceeded.

8.3.7 *Loans and Mortgages*

Any type of loan to close on a property would be done through the Partner and should be considered in only three cases:

1. When there is income derived from the property that should provide a positive cash flow;
2. When the loan is acting as short-term bridge financing; or
3. When there is zero interest and there is sufficient time before the end term to raise the required amount.

8.4 *Land Securement Success and Promotion*

The term “success breeds success” is highly applicable to the securement of ecologically sensitive lands. Unless highly confidential for whatever reason, once there is the success of securing a property within a given area, the Partners should give close consideration to the messaging and leveraging of this accomplishment to create even more success.

Communities of the Cootes to Escarpment area are most likely well aware of the lands currently owned by the Partners. Many residents will already recognize the ecological, educational and recreational benefits of permanent protection of such lands and would therefore be supportive of expanding that protection to include adjacent natural lands. The securement of these adjacent natural lands, or Potential Additional Park Lands, will increase core habitat and provide key linkages to adjoining natural areas.

Communities that already benefit from the educational and recreational values of local natural areas, such as those owned by the RBG, are excellent places to promote the CEPS vision. By acknowledging and celebrating the success and immense community value of the Current Park Lands that comprise a large majority of the core park system and are regularly enjoyed by thousands of people, a strong case for the expansion of such natural areas can be made.

Interpretative panels, brochures and other methods of communication could be used to convey past success stories to communities in order to garner more support for acquisition of surrounding areas. Existing park lands with high public use are great candidates for this type of media because the message would reach thousands of visitors a year.

Whether the property was purchased or donated, a single success can be used to generate local, regional or even provincial attention which in turn can lead to increased funding, an increase in interested landowners and an increase in partnership support. Especially in the case of land donations, this may encourage other landowners to do the same. This landowner can in turn be invited to act as a champion in their area of the watershed. Even if one Partner takes title to a property, it does not mean that the other Partners cannot celebrate the success in the same manner. Land securement success and promotion should be a collective effort for all the Partners. Below are some recommendations for communicating success with the CEPS Land Securement Program.

8.4.1 *Recommendations for Community Communications and Promoting Land Securement*

- 1) Ensure that all partners involved in the securement of a property are given proper recognition;
- 2) Invite local, regional and provincial politicians to the event (federal if donation);
- 3) Ensure that the event or success is covered by all forms of local and regional media (e.g., newspaper, television, radio);
- 4) Ensure that the event is communicated through internal media like newsletters websites and landowner brochures outlining conservation options *etc.*; and
- 5) Use the media articles, newsletters, brochures or other internal communications to send to interested partners, landowners, *etc.*

8.5 Stewardship Endowment Funds

This Strategy recommends securement and ownership of additional lands by the Partners through establishment of a Land Securement Program. In order to provide adequate resources to cover stewardship and maintenance related activities for properties in perpetuity, a detailing of costs is necessary for each acquired property (both fee-simple and conservation easement). Costs should include both infrequent and short-term costs (e.g., tree planting, fencing) and repetitive and long-term costs (e.g., property taxes, insurance, clean-up, monitoring, *etc.*). The costs can be categorized as those that are administrative (Category A below), or stewardship and maintenance related (Category B below). There is obviously more direct stewardship and maintenance required on Partner owned land *versus* land under conservation easement agreement. Examples of costs are listed below as well as their likelihood for fundraising.

A) Land Administration - Carrying Charges

- For Partner owned properties: taxes, risk management, insurance, access, perimeter signage, fencing for neighbours or trespass (note - difficult to fundraise for and more reliant on endowment funding).

B) Conservation Stewardship - Managing Sites based on Partner's Mission

- Partner owned properties: conservation fencing, prescribed burns, habitat restoration, planting, removal of invasives;
- Interpretive signage; trail maintenance, partner/volunteer support; community relations;
- Both owned and easement properties: Inventory; site monitoring (note – higher likelihood of fundraising for projects but also the object of endowment fundraising).

Once the Partners have a detailed understanding of long-term land costs, a strategy for managing these in perpetuity can be developed. Depending on the budgeting structure of the Partners, one highly recommended approach is to develop a Stewardship Endowment Fund.

The fund is generally managed and set-up as a separate fund, with income (e.g., interest) allocated for stewardship and maintenance purposes. Up to 5% of income in any one year is allocated for stewardship purposes. Income above 5% remains in the fund to offset annual inflation, grow the fund and protect the purchasing power of the endowment over time. This type of fund would ensure that funding for most maintenance and land-related costs is secure. For special projects that may be periodic and require additional funding (e.g., restoration), further fundraising would be required. The amount required in the fund would be determined from the projected stewardship costs and would change over time as the CEPS Land Securement Program property portfolio changes.

As the Partners increase the amount of land protected in the CEPS study area, it is recommended that each Partner (either independently or collectively) consider developing and implementing a Stewardship Endowment Fund, based on current and future costs of their respective land securement programs (for both fee-simple and conservation easement agreements). An easy way to implement and fundraise for this fund is to have a policy whereby any new property secured in the CEPS study area must have a Stewardship Endowment Fund in place for each property before the property closes. It can become part of the securement proposal. Sometimes, the best person to ask to contribute to this fund is the landowner themselves. Who better to see the property protected and stewarded in perpetuity than the person who has nurtured the lands for so long?

8.6 Enforcement or Legal Defence Funds

In addition to having a Stewardship Endowment Fund, it is important to consider having a Legal Defence Fund for CEPS properties under conservation easement agreement. For example, in the event that a conservation easement agreement has been violated, the Partner (or conservation easement holder) will take every measure possible to mitigate the situation with the landowner in a friendly and benign way. However, this approach may not always be successful and may require the support of legal counsel, or involvement in legal proceedings. The cost of defending an easement could range from thousands to hundreds of thousands of dollars per property depending on the situation. By having a separate Legal Defence Fund, these funds could be properly allocated, tracked and managed to ensure that they are in place when needed. The determination of the amount for the fund could be based on the number of conservation easements in the CEPS study area and the likelihood of risk to these easements.

It is the responsibility of each Partner to uphold its conservation easements and set a precedent for other landowners. Therefore, having a Legal Defence Fund demonstrates to the community and future easement landowners, that the Partners are serious about enforcing easements and protecting the natural features of the CEPS study area.

Land Securement Program Funding - Recommendations

- Seek funding from appropriate sources and inquire into potential federal funding for natural spaces conservation;
- Partners continue to work together to get landowner leads and fundraise in order to implement this Strategy;
- Follow recommendations under 8.4.1 for communicating and promoting securement;
- Develop and implement a Stewardship Endowment Fund policy; and
- Develop and implement a Legal Defence Fund if conservation easements will be used as a securement tool in future acquisitions.

9.0 ALTERNATIVES TO LAND SECUREMENT

In the broadest sense, land securement aimed at protecting ecosystem features and functions includes a range of tools including planning policy, voluntary stewardship and acquisition. These tools vary in their protective functions. The preferred securement method depends on many factors including the sensitivity of the feature, permanence needed, public access or use, applicable planning policies or regulations, funding availability, perceived threats, opportunity and urgency. A case-by-case assessment will be undertaken to determine the quality and significance of the resources or function of each property. Land held in public ownership by a government agency or non-profit land trust is seen as the most secure means of protecting the landscape and is also the only reliable means of providing opportunities for the public to experience natural areas in an urban setting. Other land conservation tools are equally important and each has a role to play in protecting natural lands within the CEPS study area.

The CEPS study area is affected by several different planning policies including the Niagara Escarpment Plan, the Greenbelt Plan and the Parkway Belt West Plan.

9.1 Development Controls through the Planning Process

The Greenbelt Plan, enacted in 2005 by Ontario Ministry of Municipal Affairs and Housing (OMNAH) identifies where urbanization should not occur in order to provide permanent protection to the agricultural land base and the ecological features and functions occurring on this landscape. It sets the framework for permanent protection of natural heritage and water resource systems within its boundaries in order to sustain a healthy future for south-central Ontario. The Greenbelt includes important hydrological and ecological features including the Niagara Escarpment — a United Nations Educational, Scientific and Cultural Organization (UNESCO) World Biosphere Reserve. The Greenbelt Plan also complements and supports other provincial initiatives such as the Parkway Belt West Plan (Ministry of Treasury, Economics & Intergovernmental Affairs, 1978).

The Greenbelt Plan has designations of Protected Countryside and Natural Heritage System. The Protected Countryside lands are intended to enhance the spatial extent of agriculturally and environmentally protected lands currently covered by the Niagara Escarpment Plan (NEP) while at the same time improving linkages between these areas and the surrounding major lake systems and watersheds. The Protected Countryside is made up of an Agricultural System and a Natural System, together with a series of settlement areas. The Greenbelt Plan provides some degree of protection to the CEPS study area as much of the land is Protected Countryside, while other portions are subject to the designations of the NEP (NEC, 2005). The Niagara Escarpment Plan has designations of Natural Area, Protection Area and Rural Area. In addition, the CEPS study area contains properties in public ownership that fall within the Niagara Escarpment Parks and Open Space System (NEPOSS). These properties are classified using the NEPOSS classification criteria in Part 3 of the Niagara Escarpment Plan. In the CEPS study area, the three relevant categories are Nature Reserve, Natural Environment and Recreation.

The Parkway Belt West Plan (PBWP) was prepared and approved in 1978 under the Parkway Belt Planning and Development Act. The goals of the PBWP include providing ‘a system of open space and recreational facilities linked with each other’ (Ministry of Treasury, Economics & Intergovernmental Affairs, 1978). This Plan designates lands as Public Use Areas and Complementary Use Areas. The Greenbelt, Niagara Escarpment and Parkway Belt West Plans are further described in the Phase I Report.

The NEP and Greenbelt Plan are plans that protect natural heritage features on a provincial scale. On a more local level, lands within the City of Hamilton, City of Burlington and Region of Halton are affected by their Official Plan, zoning by-laws, local ESAs, the Natural Heritage System (NHS) and Regulated Areas as determined by the conservation authorities.

Although these planning controls are in place, this does not prevent landowners from seeking permits for development activities on those lands and even appealing decisions when their permits are denied. Further, zoning and planning restrictions change over time as a result of revised government mandates. So, although planning controls are important in the protection of natural heritage and ecological values, they may not provide permanent protection.

9.1.1 Voluntary Hand-Shake Trail Agreements

The BTC is a Partner that uses handshake agreements to establish the Bruce Trail along the Niagara Escarpment in Ontario including in the CEPS study area. This is a temporary solution to securing the Bruce Trail and unfortunately such agreements are informal, not legally binding and therefore not permanent, especially when property ownership changes.

Historically, with organizations such as the BTC, this option allows a landowner to get comfortable with the agreement holder and with the public traversing the property. If the experience is good and the landowner feels listened to, they may take the next bold step to offer the property to the BTC or a securement partner.

9.2 Private and Public Land Stewardship

Stewardship can play an integral part of the securement cycle. Quite often, landowners who donate or sell their property to a conservation organization have been doing stewardship in some form for years.

As mentioned previously, the Phase II Report includes a map (previously Figure 6 but shown in this Strategy as Figure 1) of the CEPS made up of:

1. Current Park Lands: existing natural areas owned by the Partners;
2. Potential Additional Park Lands: additional lands important to protecting the core natural heritage system or Bruce Trail Corridor; and
3. Complementary Stewardship Lands: protection of natural features on lands that link and support the ecological functions of the core park system.

The areas depicted as Complementary Stewardship lands in light green reflect the holistic view of the proposed CEPS where landowners can support the protection of natural features that link and support the ecological functions of the overall CEPS area. These lands are ideal candidates for stewardship outreach and education.

The CEPS study area is comprised of public and private lands. There are examples within Southern Ontario and around the world, of a system of private and public lands like the CEPS. Building on lessons learned is a sure fire way to success. Some examples worth noting in southern Ontario in an urbanizing population include:

- Rouge Park: This public park system runs from the Oak Ridges Moraine to Lake Ontario in a heavily urbanized area of east Toronto.

- Bruce Trail Conservancy/Niagara Escarpment: This natural feature running from Niagara to Tobermory (including the western part of the Greater Toronto Area) and has a trail running along its length that is cared for and maintained by private landowners in between parcels of public land.
- Walker Woods Area: This area south of Uxbridge has been long known as a hub of private landowner engagement for the protection of local public lands held by Toronto and Region Conservation Authority and other partners.

These examples are summarized and evaluated below in Table 5.

Table 5: Stewardship of Conserved Areas with a Large Public/Private Land Diversity			
	Overview of Process in Area	Other Useful Feedback	Conclusions
Rouge Park	Work with and rely on existing community groups already working in the Rouge Park area to notify of stewardship opportunities/needs; Rouge Park staff then do stewardship projects.	Model is currently under review (Strategy Corp, 2010)	Relies on other groups to report stewardship needs
Bruce Trail Conservancy	Use system of chapters and volunteers (1,000) to maintain the trail as well as Land Stewards (individuals) to maintain individual properties. Land Stewards follow management plans set out for property and are expected to visit twice a year.	Current system requires intensive coordination and management plans for Land Stewards to follow Ability level of volunteers is varied	Large volunteer network already in place and works well. Volunteer management is intensive but effective.
Walker Woods Area (TRCA)	Management Plan User/Public Input Finalization of management plan Implementation plan with help from an Advisory Committee (AC) made up of members of the public and frequent users of the lands AC turned into Stewardship Committee	Contact neighbours and users through newsletter and workshops Have a trail captain system in place to do minor maintenance. Expected to visit trails once/week Effective model for TRCA	Engagement with local surrounding neighbours is successful.

The stewardship and maintenance of the CEPS lands and trail systems will be critical for the neighbouring private landowners to feel confident and enthusiastic about recreating in and considering possible land contribution to the park system. Therefore stewardship comes into play in two different aspects:

1. Stewardship of public land by the owner and using a network of volunteers (where possible/needed); and
2. Stewardship of complementary or adjacent lands by private landowners to contribute to the overall health of the park system.

9.2.1 Public Land Stewardship

It is important to recognize the needs of the individual Partners for public land stewardship. Table 6 summarizes the various needs for both the Partners' stewardship and trail programs.

In order to evaluate and provide recommendations on land stewardship for the public lands within the CEPS study area, several existing models were researched and compared (Table 7). Considering the needs of the Partners (Table 6) and this review of existing models, several recommendations can be made on the future stewardship of public lands within the CEPS study area, especially with the securement of additional lands in the future.

The public lands are owned by credible and substantial Partner organizations with history in the area. Within the CEPS study area, these public lands have been divided into six natural and cultural components referred to as the Heritage Lands in the Phase II Report.

These six Heritage Lands include:

- Cootes Paradise Heritage Lands;
- Borer's-Rock Chapel Heritage Lands;
- Clappison-Grindstone Heritage Lands;
- Waterdown-Sassafras Woods Heritage Lands;
- Lower Grindstone Heritage Lands; and
- Burlington Heights Heritage Lands.

The Phase II report recommends developing management plans for the Heritage Lands areas. These management plans will be implemented by professional staff from the various Partners and where needed, with the help of the stewardship network of volunteer ambassadors noted below. The coordination and consistent implementation of stewardship within each Heritage Land areas and across the CEPS study area will be important to showcase good examples of stewardship to the users of the proposed future CEPS and its neighbours.

It is important to note that the stewardship and development of Management Plans of some of the public lands within the CEPS study area will have to conform to the Niagara Escarpment Plan guided by the NEPOSS Planning Manual which is still in draft form as of the date of this Strategy. This classification structure identifies the main management objective the properties need to fulfill within the Park System, and together with the policies and actions outlined in the Strategy will guide future area-specific management plans. This also applies to the trail system which is discussed below (Wong, 2009).

Table 6: Cootes to Escarpment Park System Conservation (Public) Landowners Stewardship Needs		
Name	Existing Stewardship Program and Needs	Existing Trail Program and Needs
Bruce Trail Conservancy	Stewardship of existing properties by Land Steward volunteers. Land Steward Volunteers follow detailed property management plans and report any large scale (or expertise needed) stewardship opportunities that arise to BTC staff NEEDS: More volunteers and coordination as more land is acquired	Stewardship of trail system by Trail Captains. Trail and volunteers are segmented into areas called Clubs (for this area, the Iroquoia Club). Trail Captains monitor and report on condition of trails and do light stewardship. NEEDS: More volunteers and coordination as more land is acquired

Table 6: Cootes to Escarpment Park System Conservation (Public) Landowners Stewardship Needs		
Name	Existing Stewardship Program and Needs	Existing Trail Program and Needs
Royal Botanical Gardens	Each area/section of RBG lands has stewardship staff assigned to the table lands, wetlands and trails. Volunteers are used through the RBG Auxiliary to do one-time stewardship projects and on-going trail section reporting. RBG lands serve as a central hub in area with 5 regional trails leading into RBG lands NEEDS: More harmonization for different trails leading into property	Same as Existing Stewardship Program and Needs
Conservation Halton	Existing properties are stewarded by staff NEEDS: None identified	Existing trails are stewarded by staff NEEDS: None identified
Hamilton Conservation Authority	Existing properties are stewarded by staff NEEDS: None identified	Existing trails are stewarded by staff NEEDS: None identified
City of Burlington	Existing properties are stewarded by Parks and Recreation staff NEEDS: None identified	Existing properties are stewarded by Roads & Parks Maintenance staff NEEDS: None identified
City of Hamilton	Existing trails are stewarded by a combination of volunteer groups and staff NEEDS: None identified	Existing trails are stewarded by a combination of volunteer groups and staff NEEDS: None identified
Region of Halton	The land marked in the Phase 2 Document is an old landfill site – there is no public access, trail system or planned stewardship for the next 10 – 20 years. NEEDS: None identified	Same as Existing Stewardship Program and Needs
Hamilton Naturalists' Club	Stewardship currently done through volunteers and individual successful funding applications. NEEDS: More volunteers and coordination	Same as Existing Stewardship Program and Needs

Table 7: Volunteer Park Warden System and Similar Programs Review				
Name	Examples	Overview	Advantages / Disadvantages	Recommendations
"Park Warden"	Volunteer Park Warden Program (Nanaimo, BC)	Individuals volunteer as Wardens and are responsible for anything from public liaison with other users to repairing fences to other stewardship / cleanup projects	Advantages Establishes formal network of volunteers and uses existing model success Disadvantages Enforcement connotation with 'warden' Needs volunteer coordination	Implement with a suggested change in wording to "Park Ambassadors"
"Neighbourhood Park Council"	San Francisco, USA	A park group is a group of neighbours and park users who work together to	Advantages Establishes formal network of	With potential confusion about municipal council,

Table 7: Volunteer Park Warden System and Similar Programs Review				
Name	Examples	Overview	Advantages / Disadvantages	Recommendations
		improve their local park. Some park groups focus on cleaning up their park. Others raise money to renovate and transform their park.	volunteers and uses existing model success Disadvantages Potential confusion with Municipal Council Needs volunteer coordination	suggest omitting or renaming
Walker Wood Example	Uxbridge, ON	Stewardship Committee is comprised of members from the Initial Advisory Committee. They are a representation of the users of the area and the local residents who help to maintain and steward and report back to TRCA.	Advantages Uses local resident and trail users and uses existing model success Disadvantages Lots of meetings Needs volunteer coordination	Local involvement is high; consider incorporating into strategy
Rouge Park Example	Eastern Toronto	Uses existing community groups to report stewardship opportunity/needs to Rouge Park which staff then evaluate and implement on a priority basis	Advantages Uses existing community groups Disadvantages Complicated coordination structure Needs volunteer coordination	With potential complicated coordination structure, suggest omitting
Bruce Trail Example	Niagara Escarpment	Uses trail stewards for trail maintenance and land stewards for individual property maintenance	Advantages Land Steward manage based on management plan Disadvantages Intense volunteer organization required Only applicable to properties which contain portions of the Bruce Trail	Local involvement is high; consider incorporating into strategy

Based on the evaluation above, discussion with the key conservation landowners in the area, and considering that sections of the Bruce Trail lie within the CEPS study area, discussions with the Bruce Trail Conservancy to incorporate any new trail maintenance in the CEPS as potential side trails of the Bruce Trail (therefore managed by the Iroquois Trail Club (BTC)) should be considered. New trail maintenance and/or new land acquisitions will also need to be incorporated into the master management plans for the appropriate Heritage Land area(s). If that was not possible or desirable by the other partners, a volunteer network would be needed to help:

- steward the public land where current programs are insufficient or nonexistent;
- maintain the trail system where current programs are insufficient or nonexistent; and
- promote and educate regarding the importance and appropriate use of the proposed CEPS.

It is important to note that most of the public lands/trails already have a strong stewardship program. In the case of RBG, the municipalities and the CAs, the stewardship work is mostly undertaken by staff. For the BTC and HNC, it is through an existing volunteer network. RBG and the CAs have some volunteers working on their properties but these are usually facilitated through special events, or in RBG's case, through their auxiliary.

Something that has not been regionally unified yet is a CEPS trail system. Promotion of a harmonized trail system with consistent signage, messaging, ranking system and user etiquette will help with the education of the system as a whole. There is also a trail signage project in progress for the Niagara Escarpment Parks and Open Space System (NEPOSS) which may help to rectify current signage inconsistencies, but the timeline for project completion is undetermined. Any new interregional trails developed will also need stewardship and/or trail maintenance and signage.

In the Walker Woods example, the volunteers for the stewardship committee actually came from the advisory committee that helped review and finalize the original management plan. This may be a good option for the Partners to engage local citizens in the various maintenance of the area (including trails and stewardship). This could also serve to give direction to the volunteers (representatives for the various duties/sections/subcommittees) and provide a meeting place for the Partners and community to engage in discussion about the CEPS.

In the Bruce Trail example, the volunteers were divided into two groups:

- 1) trail stewards (led by a trail captain) that help maintain the trails and complete light stewardship projects; and
- 2) land stewards who help maintain and steward individual properties based on strategic property management plans.

An amalgamation of the two: an organized network of volunteers ("ambassadors", see below) and a volunteer executive committee, would work best for the CEPS. The network would be organized into three main types: trail stewards, land stewards, and supplementary volunteers. The activities could be done by all or a portion of the volunteer network. Some may just want to help with weekend projects such as building a boardwalk or trail clean up; others may hike the trails every day and be interested in talking with other users.

The word "Warden" (term used in the Phase II document) is defined as an official charged with the enforcement of certain laws and regulations and is commonly affiliated with law and prison; whereas "ambassador" refers to an authorized messenger or representative. To promote positive community relations and describe the role of volunteer stewards more accurately, wardens (volunteers) should be named "Park Ambassadors". A Cootes to Escarpment Park System Ambassador (CEPSA) program should be created based on the needs of the proposed CEPS but to also recognize varying skill and involvement level of potential volunteers.

To this end, a number of ambassador positions would be required to assist with various components of CEPS land securement and stewardship, as well as promotion and education. These are described below.

1. Trail Stewardship Ambassadors:

Trail Steward Ambassadors' Captain(s):

- could be a volunteer with a high level of experience and/or knowledge;
- would attend the partner meetings and/or receive communication from CEPS partner(s) to pass along to the rest of the Trail Steward Ambassadors (see below).

Trail Steward Ambassadors:

- monitor activities on the trails;
- educate park users on acceptable activities within the park system;
- educate the public about the negative impacts of activities such as creating ad hoc trails, going off trails, off-leash dogs and using permanently or temporarily closed trails
- assist with maintenance and clean-up tasks; and
- pass along opportunities for stewardship to the Stewardship Crew.

2. Land Stewardship Ambassadors:

Land Steward Ambassadors' Captain(s):

- could be a volunteer with a high level of experience and/or knowledge or a Masters' student working with the landowner (partner); and
- would develop and lead the stewardship project under the close supervision of the landowner (partner)
- would attend the partner meetings and/or receive communication from CEPS partner(s) to pass along to the rest of the Trail Steward Ambassadors (see below).

Land Stewards Ambassadors' Crew:

- assist with maintenance and clean-up tasks;
- could be one-time projects and/or on-going tasks;
- could be on or off trails; and
- could be summer students and/or volunteers and/or local groups wanting to help and/or high school students needing their volunteer hours.

3. Supplementary Ambassadors:

Researchers:

- for projects that require more time/more knowledge, high school science classes, summer students or university students could help map trail systems, flora and fauna inventory, *etc.*

Communications / Promotion:

- work in conjunction with the partner organizations to create promotional material.

Both the Trail and Land Stewards Ambassadors would only work on those public properties that do not have stewardship resources for staff nor an existing volunteer program to help with the stewardship of the property. Duties could be assigned based on interest, experience, ability levels and commitment and/or availability.

The Trail Steward and Land Steward Ambassador Captains would need advice/counsel from the partner landowners for that segment of the park system. They would then be able to pass this information down to other volunteers in the area. The advice could be sought by conducting regular meetings of the volunteer executive committee on the following topics:

- stewardship and natural heritage;
- trails;
- education and outreach; and
- strategic direction.

This Ambassador network will be developed in a number of ways and will fluctuate over time. The volunteers could come from:

- Interested / keen private lands landowners from neighbours of the CEPS (these volunteers will probably be those that use the public land/park system regularly) and/or landowners already familiar with the Hamilton Halton Watershed Stewardship Program (HHWSP) and the work of the CAs. For more information on the HHWSP, see section 9.2.2 Private Landowner Stewardship.
- Local groups with a conservation mandate: The Hamilton Naturalists' Club already has a volunteer network; the Bruce Trail Conservancy and the Royal Botanical Gardens already have a volunteer network for their lands. The local stewardship councils (Halton Peel and Hamilton Wentworth) have a landowner/volunteer network through their council members and e-distribution lists. Environment Hamilton, the Hamilton Waterfront Trust, the Hamilton and Burlington Environmental Advisory Committees (EACs), the Citizens Opposed to Paving the Escarpment, and Green Venture might have a volunteer network that could be approached.
- Local groups with a service mandate / interest: Big Brother Association of Burlington and Hamilton – Wentworth / Halton, Boys and Girls Club of Hamilton, Girl Guides and Boy Scouts, Lions Clubs, Kinsmen Clubs, High school Volunteer Hours (through guidance teachers / school boards), *etc.* might want to engage in helping to steward the area.
- Local groups with a compatible interest: Halton Outdoors Club, Halton Cross Country Ski Club, *etc.* might be interested in the upkeep of trails for their own future use.

Certain communication materials would be necessary to effectively implement an Ambassador system. These include:

- Trail maps;
- Trail heads;
- Interpretative trail signage; and
- Trail brochures.

9.2.2 Private Landowner Stewardship

The existing private landowner stewardship programs in the CEPS study area were evaluated and results are summarized in Table 8. The Hamilton Halton Watershed Stewardship Program (HHWSP) has been in place since 1994 and has the most comprehensive coverage of area and programs for private landowner stewardship. A brief overview of the program is included below based on a discussion about stewardship as well as background information provided by the program's coordinator.

From the perspective of this Strategy, the main goal of landowner contact in the CEPS is increased securement of ecologically sensitive land. However, there are multiple other spin off advantages that should also be considered: increased public knowledge and support of the CEPS, financial support through donations for land securement and landowner awareness of potential long term options available for their property whether securement or stewardship related. This is further discussed in Section 10.9.

9.2.2.1 Overview of the Existing Hamilton-Halton Watershed Stewardship Program (HHWSP):

The HHWSP is a program that works with hundreds of private landowners in the Hamilton Conservation Authority (HCA) and Conservation Halton (CH) watersheds. The purpose of the program is to protect, enhance and restore environmentally significant natural areas and watercourses in the watersheds of HCA and CH through developing an educated, empowered group of landowners. For this Strategy, the focus of the program will be the CEPS private landowners with the realization that the program continues past the CEPS borders.

The HHWSP assists landowners with improving land management practices. Although the HHWSP has, to date, not proactively been involved in a land acquisition program for its partner conservation authorities, it has directed landowners with an interest in long-term land protection to the conservation authorities and to the Hamilton Naturalists' Club with the result being actual land ownership transfers.

After discussion with the project partners and with no additional stewardship funding in the near future, it is recommended that the Hamilton Halton Watershed Stewardship Program (HHWSP) serve as the base for the private landowner stewardship program in the CEPS.

The HHWSP has stewardship financial assistance available to landowners in the CEPS area to assist with the cost of eligible water quality and habitat improvement projects. Promotion of that program, coupled with some of the other Partners' programs will be an attractive offer to the CEPS private landowners. As an existing program in the area with infrastructure and funding already in place, the Partners feel that using the HHWSP will reduce landowner confusion as well as build on existing partnerships and lessons learned. It is inevitable that other Partners prominent in the community will get requests and/or inquiries about private land stewardship and the larger program from users of the trail and neighbours of the Partners' properties. All Partners can re-direct inquiries from private landowners to the HHWSP program. This is the most efficient use of resources. Through the review of existing models, it was also critical to inform and work with other conservation area groups to help spread the word and re-direct inquiries as appropriate.

It is important to note though that the HHWSP is not a securement focused program; it would be advantageous for the CEPS to bring in an existing securement partner staff or qualified contractor to do the landowner contact for the CEPS. This person could work under the HHWSP and still be knowledgeable about the HHWSP stewardship programs. Securement is a complex topic and for the CEPS purposes it would be better to have someone with stronger securement knowledge leading the CEPS landowner contact.

The cost for implementing an enhanced securement focused HHWSP in the CEPS would range depending on the amount of resources that the existing HHWSP could provide, the total number of landowners to be contacted and the different landowner contact approaches adopted. These costs have not been currently included in the budget. From previous landowner contact programs and the need for slightly altered additional materials, the costs could be in the range of approximately \$7,500 to \$12,000. This will also fluctuate based on implementing the program in house vs. contracting the services to qualified contractors. See Section 10 for more information.

The jurisdiction the HHWSP covers is quite large and more staffing and resources will be required for an intensified proactive approach to outreach and education for identification, development and implementation of water quality and habitat improvement projects for the CEPS on private land.

To enhance existing cost share funding programs available to landowners in the CEPS, it may be worth considering increased incentives to landowners with:

- Large properties (over 10 ha or 24 ac);
- Properties with significant natural features (ANSIs, PSWs, large woodland tracts, water courses, *etc.*);
- Landowners who indicate an interest in long term securement options;
- Properties adjacent to the core green lands; and/or
- Properties with a linkage or trail opportunity.

There may be additional stewardship project funds available through other local funding partners like the Hamilton Wentworth Stewardship Council, Halton Peel Woodlands and Wildlife Stewardship Council, ReLEAF, TD Friends of the Environment, Ducks Unlimited Canada, Friends of the Greenbelt Foundation, Wildlife Habitat Canada and others.

One aspect of the HHWSP involves the use of voluntary stewardship agreements as a way to protect natural heritage resources and recognize exemplary landowners who are caring for their land and water. A voluntary stewardship agreement is a hand-shake agreement. In this instance, the landowner would receive a Watershed Stewardship Award for agreeing to protect the natural areas and watercourses within their property.

Through the HHWSP, hundreds of landowners in Hamilton, Halton and Wellington County have made stewardship agreements to monitor the effects of their land management practices on the health of the watershed. Eighteen of these are public and private landowners in the CEPS, protecting 2,250 acres of land and over 42 kilometres of stream. These landowners have been publicly recognized and are recipients of the Watershed Steward Award. Landowners who undertake stewardship projects may become exemplary stewards as a result of the work to improve water quality and/or habitat and be offered the Watershed Steward Award.

The stewardship agreement includes a request of the owner to contact the HHWSP prior to a change of land use or proposed sale of the property so that the HHWSP can contact the new landowner in an attempt to encourage continued protection of natural features. This method has been used by other conservation authorities to cultivate relationships with landowners and to protect lands that are under development pressure. While this does not confer any rights to HCA or CH, it is an important tool for resource protection and may be a good lead for securement projects. Using a mailbox or driveway sign like the current HHWSP Watershed Stewardship Award to signify good stewards of the CEPS would be a good way to identify these landowners to their neighbours and community while at the same time promoting the CEPS. Criteria should be drafted to identify what constitutes a good park system steward. The sign could use a phrase like:

- **Friend of the CEPS**
Cootes to Escarpment Park System
- **Park Steward**
Cootes to Escarpment Park System
- **Land Steward**
Cootes to Escarpment Park System
- **I'm Protecting Our Green Paradise**

Cootes to Escarpment Park System

- **Friend of Our Green Paradise**

Cootes to Escarpment Park System

- **Green Paradise Land Steward**

Cootes to Escarpment Park System

Table 8 below shows an overview of current stewardship based programs for the Partners. This chart describes all aspects of stewardship: private or public land focus, trails, events, materials for outreach/resources, on-the-ground projects and other related information. Grant rates and caps for financial assistance programs can vary from program to program and from year to year depending upon available funding. It is best to check with the individual programs for specific grant rate and caps. Grant rates refer to the amount of cost share funding available to the landowner (ie. 50% of the funding comes from the landowner and 50% from the HHWSP and other partners); the grant cap is a maximum dollar amount that the program(s) are willing to give to a particular project (ie. they may pay for 50% of the project costs, but only to a maximum of \$2,000 even if the real 50% of the total project costs is above \$2,000).

Table 8: Overview of Partner Stewardship Programs

		Other stewardship related information about programs							Specific on-the ground restoration projects available to landowners									Other		
Program Name / Partner	Jurisdiction	public-land focus	private-land focus	trail component	volunteers doing stewardship	staff doing stewardship	community meetings / events	resource materials	water quality	agricultural	wells	tree planting	tree stock	Forest mgmt plans	land securement	stream buffers	habitat restoration	research	communications	community / children programs
Partners																				
Hamilton Naturalist Club	Hamilton, Burlington, and surrounding areas	x			x		x	x										x	x	x
HHWSP	HCA watershed	x	x		x	x	x	x	x	x	x	x				x	x	x	x	x
HHWSP	CH watershed	x	x		x	x	x	x	x	x	x	x				x	x	x	x	x
City of Burlington	Burlington	x				x	x												x	x
Woodland Stewardship Program (Halton Region)	Burlington, Oakville etc.	x						x				x	x	x						x
BTC	NE		x	x	x	x	x	x										x	x	x
RBG	RBG lands	x		x	x	x	x	x									x			x
Others																				
Halton Peel Stewardship	Halton		x		x	x	x	x		case by case basis										
Hamilton Wentworth Stewardship Council	Hamilton		x		x	x	x	x		case by case basis										

This Strategy discusses the potential securement of properties within the CEPS area and how landowners can be contacted through proactive landowner outreach and education methods including those associated with the HHWSP. Once contacted, those landowners not interested in the securement options may consider some type of stewardship initiative through the HHWSP. This involvement may lead to securement later on. For those landowners who do not own a property of interest for securement, involvement with the HHWSP on their property is an excellent way to enhance the ecological connectivity and biodiversity of the proposed CEPS as a whole.

In order to reach targeted properties, the HHWSP has used several methods of landowner contact. The methods described in Section 10 for land securement are all utilized by the HHWSP as well but with a stewardship focus. The HHWSP has had contact, of some kind, with many landowners in the CEPS area. Specific to the CEPS area and the stewardship of private lands (therefore landowners who have CEPS complementary lands or lands with no securement interest that are in private ownership), the following should be done as an introduction to the program:

- Mailing: Mass mail out to the private landowners of information about the park system including a brochure (see next bullet) and an invitation to an introductory workshop.
Projected costs: \$1,000 - \$2,000 depending on amount and type of material included and number of landowners
- Communications Brochure: A brochure for the private landowner stewardship program outlining the specific eligible projects and their corresponding funding cost share with who to contact. Educational material is also needed on the CEPS area in general, the connection to the bigger picture (e.g., Niagara Escarpment and Greenbelt), harmonized trail system and the 'state of affairs' to acknowledge why this area is so important.
Projected costs: \$3,000 - \$4,000 for development (not including printing).
- Introductory Workshop: A workshop about the CEPS area including presentations on its importance, physical area and why private landowner stewardship is important for ecological health. This workshop will also help form connections with neighbouring private landowners potentially interested in: participating in the private landowner stewardship program; helping with the public landowner stewardship program and/or key landowners within the CEPS area.
Projected costs: \$2,000 - 3,000 dependent on location, number of landowners in attendance, material to distribute and in-kind contribution of partner staff to attend.
- Landowner outreach: Door knocking campaign whereby pairs of staff, volunteers, summer students or a combination, would canvass private landowners to communicate about the project, let them know how they can participate and leave a door hanger for those who aren't home.
Projected costs: Dependent on amount of staff vs. volunteer time, number of landowners contacted, expected discussion points with each landowner, distance between properties, time span to be contacted over, number of times each landowner is contacted, etc. Staff time can be overlapped with staff position described in Section 8.2.
- Specific workshops or events: Evening walks/stewardship workshop series (spring, summer, fall) focusing on topics of interest to private landowners but also have a direct tie in to the projects/funds available for stewardship on private lands and/or contribute to education and awareness about the importance of the CEPS area.
Projected costs: \$500 - \$1000 each workshop, \$1,500 - \$3,000 overall, dependent on location, number of landowners in attendance, material to distribute and in-kind contribution of partner staff to attend.

The activities described above indicate that a minimum of \$7,500 – \$12,000 is required to implement landowner outreach and education beyond staff time. Also, based on the activities outlined above, when appropriate / feasible, messaging and timing of contact should be tailored

to the specific audience. For example, the stewardship messaging for a residential landowner (urban stewardship projects) would be different from that for an agricultural landowner (doing stewardship on marginalized agricultural land, reduce property taxes through the Managed Forest Tax Incentive Program, etc.). The messaging will also differ based on size of the property since stewardship opportunities will be different for a 2-acre property than that of a 20-acre property. Timing will also be important; time to approach an agricultural landowner (off-planting season, poor weather) will be different from that of a commercial landowner (during business hours) or a residential landowner (evenings, weekends). While the overall program opportunities and general objectives may be the same for everyone, the approach(es) and delivery may differ.

After initial landowner contact has been completed, the HHWSP Landowner Contact Newsletter should be sent to landowners contacted in the CEPS and feature articles about Environment Canada's Ecogifts Program and other securement related articles as well as the stewardship funding program and testimonials from participating landowners. Landowners in the CEPS area should be encouraged to contact the HHWSP to arrange a site visit and to find out how they can protect and/or enhance the natural features of their land.

Voluntary stewardship agreements are an important transitional step towards land securement negotiations. A good experience between the HHWSP and a landowner may lead to a donation of land or an easement in the future. Also, where the securement of a parcel of land or an interest in land is unable to be negotiated between a Partner and an individual property owner(s), staff would continue to work with interested landowners to foster beneficial land management practices as an alternative non-binding approach to natural heritage protection. This could be achieved through a voluntary stewardship agreement with the landowner.

Information on various aspects of stewardship (e.g., financial support, property tax incentives, the HHWSP program, etc.) will be part of the information distributed to landowners through the HHWSP and through the land securement program. For lands of securement interest, the primary focus of all communications will be permanent land securement options; however the secondary focus or focus for complementary lands will be stewardship. If the landowner is not interested in either they can receive general information about the CEPS and how they can become involved. Likewise, with the HHWSP it would be beneficial to have the program staff educated and trained on the various land securement options so that landowners can also receive information if they want to be involved with more permanent protection of their land.

Alternatives to Land Securement/Private Stewardship - Recommendations

- Use the existing HHWSP as the base for a private landowner stewardship program in the CEPS study area;
- Consider more human resources to respond to landowner inquiries, depending on how many landowners are proactively approached and respond positively to outreach efforts;
- Use the Watershed Stewardship Award/mailbox sign to show community support for the CEPS;
- Create criteria to identify what qualifies a landowner for a Watershed Stewardship Award/mailbox sign in the CEPS;
- Mail information packages to private landowners with introductory information on the CEPS, the HHWSP;
- Host an introductory workshop to introduce the park concept and continue with a workshop series to engage the park system neighbours through a variety of interesting topics and to a variety of audiences; and
- Use summer students or volunteers to canvass and educate the park system neighbours.

10.0 LANDOWNER CONTACT METHODOLOGY

A primary goal of the Land Securement Program is to educate landowners with significant landholdings within the CEPS area about the various long-term conservation options that are available to them. Most landowners are only aware of two main options when it comes to their land:

- 1) Sell it; or
- 2) Bequeath it to family/next of kin.

Deciding to protect one's property for the long-term is a significant decision that can take a landowner several years to make. Even if a landowner does not express interest in the various conservation methods available, they would gain increased awareness about conservation options should they change their mind in the future. As with fundraising, approaching people for land donations also requires patient cultivation. Building relationships is the key.

The approaches listed below involve proactive landowner contact; however, the possibilities are favourable that some landowners will take the lead in contacting one of the Partners to discuss potential donation or sale of their land. This is particularly likely if the Partner is active in the watershed, has a good reputation with landowners and the community, and has provided good communication of land securement programs and tax incentives to landowners.

The initial steps associated with landowner contact include developing a landowner contact list, preparing landowner packages and property mapping. These activities can be undertaken by Partner staff or by an experienced third-party contractor. The landowner contact program will include:

- Developing a Landowner Contact List;
- Landowner Leads;
- Mailing;
- Telephone Contact;
- Drop-Ins;
- Scheduled Site Visits; and
- Landowner Workshops or Meetings.

Landowner Contact Methodology – Recommendations

- Implement Landowner Contact with dedicated staff; and
- Consider CEPS key messages relating to long-term securement and stewardship.

The components of landowner contact are further described below.

10.1 Developing a Landowner Contact List

Once properties of interest are identified, a landowner list can be developed. Landowner contact information needs to be collected (e.g., mailing address, phone number) so that packages can be mailed and followed-up on. For areas where Partners are directly involved in landowner contact (e.g., BTC), these landowners can be included on the list, but the contact can be left to the Partner organization, therefore reducing duplicate efforts. This is why communication between partner conservation organizations is so important in the CEPS Land Securement

Program. Each Partner should screen the list to be sure to have an understanding of the history and current level of contact that exists with the targeted landowners. Any contact initiative must be coordinated with ongoing programs in the watershed (e.g., HHWSP). Other leads may be initiated through local councillors or Partner staff (e.g., stewardship staff) and therefore must be consulted to see if they are aware of landowners interested in discussing acquisition options.

Landowner Contact List – Recommended Staff Implementation

- If staff resources are minimal, this step can be performed by summer students or contract staff

10.2 Landowner Leads

This involves taking leads from various community individuals, organizations and municipalities (e.g., local councillors, Board members, prominent individuals). These will be followed up after discussion with the hand off agency on the appropriate next steps.

Landowner Leads – Recommended Staff Implementation

- This step requires trained staff or an experienced consultant.

10.3 Mailing

This will involve sending out an introductory letter (see Appendix 5), a brochure outlining the various long-term securement options (see Appendix 6), an optional photo mosaic map of the subject property (potentially showing ecological features), Ecogifts Program brochures and appropriate, Partner program brochures. The goal here is to introduce the landowner to the material and 'break the ice' so that a telephone call can be made several weeks later (see Section 10.4 below) to follow up on the material provided.

Mailing – Recommended Staff Implementation

- If staff resources are minimal, this step can be performed by summer students or contract staff.

10.4 Telephone Contact

This step involves calling target landowners to introduce them to the program, identifying other program information they may be interested in, and attempting to arrange a meeting with the appointed land securement representative to discuss the program and landowner options. It is highly recommended that this step follow mailing so that the telephone call is not a 'cold call'. If the landowner is not interested in any long-term securement options at this time, then the land securement representative can educate them on stewardship programs that may be of interest.

Telephone Contact – Recommended Staff Implementation

- This step requires trained staff or an experienced consultant as they will need to be familiar with the property securement mapping and be able to answer any questions that the landowner may have.

10.5 Drop-Ins

On occasion, drop in on properties for sale or properties that are ecologically significant 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.

Drop-Ins – Recommended Staff Implementation

- This step requires trained staff or experienced consultant well-versed on the various land securement options. For safety reasons, depending on the property and the landowner it may be prudent to have two representatives attend the drop-in or scheduled site visit.

10.6 Scheduled Site Visits

Once a contacted landowner expresses interest in the program, a landowner visit can be scheduled and a Property Evaluation Criteria form can be filled out (Appendix 7) by the most suitable Partner. This may not include a site visit of the property but may instead be 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 conservation options available to them. It is always stressed to the landowner that they need to seek professional legal and financial income tax advice before making any decisions.

Scheduled Site Visits – Recommended Staff Implementation

- This step requires highly trained personnel. It is good to have an ecologist and a securement professional present during any the site visits to document all information and answer any specific questions that may come up.

10.7 Landowner Workshops or Meetings

The Partners could organize free landowner workshops to engage and educate CEPS residents who own environmentally significant land on their securement and stewardship options. A special RSVP invitation should go to all owners with properties of interest as opposed to an open invitation to all members of the public. For smaller areas or neighbourhoods of interest within the CEPS study area, smaller informal kitchen table meetings can be arranged and the location can be at the home of one of the owners who has a conservation interest in the CEPS.

Landowner Workshops/Meetings – Recommended Staff Implementation

- This step requires trained staff or an experienced consultant.

10.8 Timelines and Expectations

It is recommended that in Year 1 of implementing this Strategy, at least 25-50 landowners be contacted. The number of landowners contacted in subsequent years can be adjusted based on landowner response from previous years. Based on other landowner contact programs, there is an expected response rate of 10 to 20% from landowners who are interested in learning more about conservation. Of these, a smaller percentage will be interested in detailed securement discussions. The focus of Year 2's work not only involves contacting new landowners, but also requires continual follow-up with contacts previously established in Year 1. Sometimes it can take several years to cultivate a relationship with a landowner to earn trust before they will make a decision involving their land. The process is repeated every year, with new contacts being established, and relationship-building with those who express interest in the program.

10.9 Other Items of Discussion

Obviously, the main goal of having a landowner contact program is to secure more ecologically sensitive lands. However, there are also two other advantages to having this program, which the Partners can directly benefit from. Even if a landowner decides not to become involved in putting their land, or a part of their land, into permanent protection, they may decide to support the Partners and their mission through a financial contribution. By helping the Partners secure other surrounding lands, the landowner can enhance private personal enjoyment of their property while increasing their property value. This is a perfect opportunity for any involvement from the Conservation Foundations or a Development Officer from any of the Partners to foster or cultivate the relationship with the landowner to seek an individual "ask" for support. Another advantage to a landowner contact program is the spin off message about the long-term stewardship options available to landowners. Stewardship programs in the CEPS area are currently being provided by the Hamilton-Halton Watershed Stewardship Program (HHWSP) which can provide technical advice and information on funding support to landowners who may want to enhance their property through tree-planting, wetland improvement, *etc.* Therefore, even if the landowner is not interested in land securement, the landowner contact person can inform them of stewardship options.

Besides mailing packages described in Section 10.3, another method of communicating long-term securement information to landowners is to add this information to the CEPS website as well as the Partner websites (including Conservation Foundation websites). This will allow landowners to review donation information posted on the site and contact the Partner

proactively if interested. Also, the Partners are encouraged to give presentations to various groups and clubs (e.g., Rotary Club) in the CEPS area and immediate vicinity, as another means of educating the public and landowners about conservation options and tax benefits.

Some landowners who are considering long-term options for the protection of their property may be skeptical of whether or not they will have a guarantee that the land they donate would never be sold or developed in the future as outlined in a Land Securement and Disposition Policy (see Section 4.2). The long-term protection of their properties is definitely a concern from the landowner's perspective. The Partners will need to consider their joint and individual key messaging and policies relating to long-term securement and stewardship, in order to communicate this to landowners and alleviate any concerns.

The above steps recommend using either a staff person from a Partner or a contractor (*i.e.*, third-party agency). One advantage to using a third-party agency for initial landowner contact is that the landowner is contacted by someone who is not directly staffed by one of the Partners; therefore minimizing any preconceived notions that the landowner may have about the agency who is contacting them. As a result, the contact person has a better chance of getting the securement message across and keeping the lines of communication open with the landowner. The CEPS area has an advantage because three of the Partners are non-government charitable organizations. The Bruce Trail Conservancy, Hamilton Naturalists' Club and Royal Botanical Gardens are ideal groups to be leading landowner contact and education in the CEPS area because of their arms-length association with government Partners (e.g., municipalities and regions) or local regulatory organizations (e.g., conservation authorities). The downside is that these Partners are usually the least funded and may therefore require additional resources in order to take the lead on landowner contact and education.

11.0 CONCLUSIONS

As previously stated, central to realizing the vision of a park system for the Cootes to Escarpment area is the development of a Land Securement Strategy which was identified in the Phase II Report as one of seven action items (Section 6.1). The purpose of this Strategy is to guide implementation of a land securement *program* for the Partners.

It is suggested that the Partners set a minimum annual goal of number of properties or hectares/acres secured per year in the CEPS in order to establish work plans and fundraising targets.

The best approach to working with the surrounding landowners is to set a good example in the public lands and trails while proactively coordinating landowner contact in the private land areas to educate landowners why stewardship and securement are important and the opportunities that exist for CEPS area private landowners.

By strategically targeting specific landowners within the CEPS study area, the Partners can maximize time, effort and resources. Further, the CEPS collaboration that has already been established will enhance land securement efforts by utilizing existing land securement partners, funding partners and other available resources within the CEPS area. This will result in the Partners succeeding in securing more lands while keeping costs at a minimum. This is achieved by emphasizing the donation of land first (full value or split-receipt), followed by purchase, conservation easement agreement, and utilizing the option to undertake conservation severances or partial-takings.

It is recommended that this Strategy be reviewed and revised as needed every 5 years.

Conclusion – Recommendations

- Review and revise this Land Securement Strategy every 5 years.

12.0 RECOMMENDATIONS

Recommendations summarized at the end of each chapter are provided below to present a summary of action items required in order to fulfill the goals of this Land Securement Strategy and advance development of the proposed Cootes to Escarpment Park System.

Table 9: Summary of Recommendations and Action Items	
Chapter/Procedure	Recommendation
Land Securement Criteria & Evaluation Procedures	<ul style="list-style-type: none"> Partners to develop a priority action plan (which includes a land securement committee) to ensure implementation of this Strategy; Consider property tax exemption through the CLTIP when determining how properties will be formally evaluated for securement by the Partners. Develop a Land Securement and Disposition Policy
Land Securement Tools	<ul style="list-style-type: none"> Consider these methods of land securement when evaluating properties of interest; Continue to work with securement and funding partners; Develop a tradelands policy; and Submit a proposal to MNR
Land Securement Partners	<ul style="list-style-type: none"> Confirm which agencies or organizations outside of the Partners can provide funding, resources and/or want to hold title to more conservation land.
Land Securement Program Funding	<ul style="list-style-type: none"> Seek funding from appropriate sources and enquire into potential federal funding for natural spaces conservation; Partners continue to work together to get landowner leads and fundraise in order to implement this Strategy; Follow recommendations under 8.4.1 for communicating and promoting securement; Develop and implement a Stewardship Endowment Fund policy; and Develop and implement a Legal Defence Fund if conservation easements will be used as a securement tool in future acquisitions.
Alternatives to Land Securement - Public Land Stewardship	<ul style="list-style-type: none"> Change 'warden' to 'ambassador' when referring to volunteers; Use trail and land steward volunteers only on properties where existing programs do not exist and as new properties are acquired; Approach the Bruce Trail Conservancy to incorporate any new (non-Optimum Route) trails made within the park as part of their overall system; if not ideal, consider building volunteer network of park ambassadors; Harmonize the regional trail signage, user information and classifications; Form a volunteer executive committee as a way for select volunteers to seek counsel from partner organizations and engage in meaningful dialogue; and Consider the communication material needs for the trail stewards to educate the users of the trail/park system.
Alternatives to Land Securement - Private Landowner Stewardship	<ul style="list-style-type: none"> Use the existing HHWSP as the base for a private landowner stewardship program in the CEPS study area; Consider more human resources to respond to landowner inquiries, depending on how many landowners are proactively approached and respond positively to outreach efforts; Use the Watershed Stewardship Award/mailbox sign to show community support for the CEPS; Create criteria to identify what qualifies a landowner for a

Table 9: Summary of Recommendations and Action Items	
Chapter/Procedure	Recommendation
	<ul style="list-style-type: none"> mailbox sign; • Mail information package to private stewardship land landowners with introductory information on the CEPS, the stewardship program and other relevant information; • Host an introductory workshop to introduce the park concept and continue with a workshop series to engage the park system neighbours through a variety of interesting topics and to a variety of audiences; and • Use summer students or volunteers to canvass and educate the park system neighbours.
Landowner Contact Methodology	<ul style="list-style-type: none"> • Implement Landowner Contact with dedicated personnel; and • Consider CEPS key messages relating to long-term securement and stewardship.
Conclusion	<ul style="list-style-type: none"> • Review and revise this Land Securement Strategy every 5 years.

13.0 DOCUMENT REFERENCES

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OMMAH, 2005. Ontario Ministry of Municipal Affairs and Housing. 2005. Greenbelt Plan. 57 pp.
Part II of the Canada Corporations Act (1970, c. C-32).

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WCELR (West Coast Environmental Law Research Foundation). 2005. Greening Your Title, West Coast Environmental Law Research Foundation, 2005.

Wong. 2009. Cootes to Escarpment Park System: Conservation and Land Management Strategy. Royal Botanical Gardens. Janet Wong. Burlington, Ontario, Canada.

APPENDIX 1: GLOSSARY AND DEFINITIONS

Term	Description
Carolinian Canada (CC) Site	A natural area recognized by the Carolinian Canada program as having important natural heritage values representing the Carolinian life zone.
CEPS	The proposed Cootes to Escarpment Park System
CH	Conservation Halton
CLTIP	Conservation Lands Tax Incentive Program administered by the Ministry of Natural Resources
COB	City of Burlington
COH	City of Hamilton
Conservation Authority Area (CAA)	A property owned and managed by a conservation authority.
Earth Science (ES) Site	An area recognized as having geological features that has not been officially designated as a provincial earth science ANSI.
Earth Science Area of Natural & Scientific Interest (ANSI-ES)	OMNR identified area having provincially or regionally significant representative geological features.
Ecological Gifts Program	Ecological Gifts Program administered by Environment Canada.
HCA	Hamilton Conservation Authority
International Biological Program (IBP)	A site inventories in the late 1960's and early 1970's as part of the International Biological Program.
Life Science (LS) Site	An area recognized as having ecological features. Environmentally Sensitive Areas (ESAs) are areas identified by municipalities as being ecologically important; these areas are tracked by the NHIC as life science sites.
Life Science Area of Natural and Scientific Interest (ANSI-LS)	OMNR identified area having provincially or regionally significant representative ecological features.
Non-Government Organization - Natural Heritage Property (NGO-NHP)	A property which is owned by a non-governmental conservation organization.
Partners	The partner agencies who have joined forces towards the long-term conservation of the Cootes to Escarpment Area through the proposed creation of the Cootes to Escarpment Park System (CEPS)
Wetland (WET)	For the purposes of this report this refers to any wetland that has been evaluated by the OMNR using the Ontario Wetland Evaluation System (OWES) or any locally significant wetland identified as having ecological significance. Some wetlands have been flagged as 'Unofficial'. These wetlands have been evaluated by the OMNR using the OWES but, have undergone complexing with other evaluated wetlands to form a new official wetland.

Planning Designations

Niagara Escarpment Plan:

Development of lands within the Niagara Escarpment Plan Area is subject to The Niagara Escarpment Planning and Development Act, and the Niagara Escarpment Plan. Changes in policy or designation require a Niagara Escarpment Plan Amendment. All other development requires a Niagara Escarpment Development Permit. The Development Permit process is required to consider the impact of a development proposal on the Escarpment landscape and environment. The objective of the permit system is to design and situate development in an environmentally compatible way.

The **Escarpment Natural** designation contains escarpment features which are in a relatively natural state and associated stream valleys, wetlands and forests which are relatively undisturbed. These contain important plant and animal habitats and geological features and cultural heritage features and are the most significant natural and scenic areas of the Escarpment. NEP policy aims to maintain these natural areas.

The **Escarpment Protection** designation contains areas which are important for their visual prominence as well as their environmental significance. They are often more visually prominent than Escarpment Natural Areas. Included in this designation are Escarpment features that have been significantly modified by land use activities such as agriculture or residential development, land needed to buffer prominent Escarpment Natural Areas, and natural areas of regional significance. NEP policy aims to maintain the remaining natural features and the open, rural landscape character of the Escarpment and lands in its vicinity.

1.6 "Owner" means the above named Grantor and any person who at any time after registration of this Agreement becomes the registered or beneficial owner of the Property or any part thereof or of any ownership interest therein including being a trustee for any beneficial owner of the Property.

1.7 "Property" means the lands and premises of the Owner situate in the Province of Ontario and more particularly described in Schedule "A" attached hereto and includes any buildings, erections and improvements now existing or constructed during the Term, including any constructed by AGENCY NAME pursuant to this Agreement.

1.8 "Protected Area" means the area designated as such in Schedule "B" attached.

1.9 "Report" means the baseline documentation report describing the Property and documenting the natural features and current uses of the Property, attached as, or referenced to in, Schedule "B" attached hereto.

1.10 "Restrictions" means the restrictions set out in Schedule "C" attached hereto and as described in Article 4 and as the same may be amended, waived, varied or released by AGENCY NAME in accordance with this Agreement

1.11 "Term" means the term of this Agreement being from and including the date of this Agreement to the nine hundred and ninety ninth anniversary of the date of this Agreement or the date the Restrictions or Easement cease to have effect in accordance with this Agreement whichever date shall first occur.

ARTICLE 2 – PURPOSE AND INTENT

The purpose and intent of this Agreement is to ensure the conservation, maintenance, restoration and enhancement of the natural features of the Property and the wildlife on the Property which is located at X (natural area), a highly significant geographical, hydrological and ecological feature, with particular emphasis on those natural features and wildlife set out (or to be set out) in the Report and to prevent any use of the Property that would interfere with, damage or destroy those natural features and wildlife, alter natural processes or prevent the conservation, maintenance, restoration or enhancement of those natural features and wildlife, all is more particularly set out in this Agreement.

There is public interest and benefit in the conservation, maintenance, restoration and enhancement of the natural values and features of the Property and the wildlife thereon.

This Agreement is to be construed, interpreted, performed and applied so as to give effect to the purpose and intent of this Agreement and to enforce the Restrictions and Easement.

ARTICLE 3 - CERTAIN REPRESENTATIONS AND WARRANTIES

3.1 The Grantor covenants and warrants that the Grantor is the legal, beneficial and registered owner of the Property with good title thereto (subject only to the encumbrances listed on Schedule "D" ("Permitted Encumbrances")).

3.2 The Grantor covenants and warrants that spousal consent is not necessary to this Agreement under the provisions of the *Family Law Act*, R.S.O. 1990 c.F.3, unless the Grantor's spouse has executed this Agreement.

3.3 AGENCY NAME covenants and warrants that it is a corporation incorporated under Part II of the Canada Corporations Act, is a charity registered under the Income Tax Act (Canada), is a conservation body and has the right to enter into this Agreement.

3.4 (If Report is available)

The parties represent and warrant that the Report accurately describes the Property and the current use of and the natural values and features of the Property and is intended to serve as an objective information base for monitoring compliance with this Agreement.

(If Report is not available)

The parties represent and warrant that the Report, when completed, will accurately describe the Property and the current use of and natural values and features of the Property and is intended to serve as an objective information base for monitoring compliance with this Agreement.

ARTICLE 4 - RESTRICTIONS

4.1 The parties covenant and agree that the Restrictions shall be deemed to be covenants governed by and having the benefit of the Act, that from the registration of this Agreement the burden of such covenants shall run with and bind the Residential Area and the Protected Area as set out herein and every part thereof and the benefit thereof shall enure to AGENCY NAME for the Term.

4.2 The Owner covenants that the Owner and any licensee or lessee thereof and anyone for whom the Owner is in law responsible or for whom the Owner holds the Property will observe and perform the Restrictions during the Term. In addition, the Owner will not knowingly permit any breach of the Restrictions by any person whatsoever, and, if the Owner learns of any breach or the likelihood of a breach occurring, the Owner will notify AGENCY NAME of such breach or anticipated breach as soon as possible and, in addition, where reasonable in the circumstances, will take the steps necessary to prevent the breach from occurring or continuing.

4.3 AGENCY NAME may, at AGENCY NAME's option, from time to time
(i) waive or release or,
(ii) with the consent of the Owner, vary, any or all of the Restrictions by an instrument in writing duly executed and registered against the Property.

4.4 Where the covenants and agreements in this Agreement are in furtherance of an ecological gift under the Income Tax Act of Canada, and subject to section 4.3, no waiver, release or variance of Restrictions or other terms of this Agreement may be effected without the authorization of Environment Canada or any replacement entity responsible for enforcing the provisions relating to ecological gifts, if such authorization is necessary.

4.5 No amendment, waiver or release shall be made, given or entered into except with the consent of the Minister of Natural Resources of Ontario, if required, from time to time and this Agreement is subject to any other applicable laws and regulations in effect from time to time.

ARTICLE 5 - EASEMENT

5.1 The Grantor hereby grants to AGENCY NAME, pursuant to the authority of the Act, an Easement and right of entry over the Property: (i) for access to the Property for the purposes of conservation, maintenance, restoration or enhancement of all or any portion of the Property and the wildlife on the Property; (ii) for the purpose of determining through inspection, testing or otherwise whether in its opinion the Restrictions and the obligations of the Owner hereunder are

being complied with and the purpose of this Agreement is being achieved; (iii) to carry out any remediation, restoration, removal or rehabilitation of the natural features of the Property as in the opinion of AGENCY NAME are necessary or desirable to carry out the purpose and intent expressed in Article 2 of this Agreement and to carry out any work and cure any default contemplated by, or referred to. The Owner acknowledges that where improvements, buildings or structures have been erected in contravention of the Restrictions, AGENCY NAME will be entitled to enter the Property, other than the existing residence and other buildings currently on the Property, for the purpose of removing such improvements, buildings and structures. Notwithstanding the foregoing, the owner shall be entitled to maintain and replace, enlarge and improve existing buildings in the Residential Area and nothing herein prevents continued use and enjoyment of the Residential Area.

5.2 The parties covenant and agree that the burden of the Easement shall run with and bind the Property and every part thereof from the registration of this Agreement so long as the Restrictions are in effect and the benefit of the Easement shall enure to AGENCY NAME.

5.3 The exercise of the Easement shall be subject to the following:

5.3.1 Entry for inspection of the natural features, and not of buildings and residences may be made by the directors, officers, employees, agents and contractors of AGENCY NAME with vehicles, provided that AGENCY NAME shall take reasonable measures to interfere as little as reasonably possible with the use and enjoyment of the Property by the Owner, and subject to notice being given as provided in section 5.3.2 or waived by Owner. The easement and right of entry over the Residential Area will not unreasonably interfere with the existing or new buildings and improvements thereon and the use and enjoyment of the Residential Area.

5.3.2 AGENCY NAME shall give the Owner prior notice of at least seventy-two (72) hours of its intended entry unless in the opinion of AGENCY NAME there is an emergency or other circumstance which precludes the giving of such notice.

5.3.3 Nothing herein shall be considered to permit public entry onto the Property, and entry by the public is prohibited except with the prior consent of the Owner which may be refused by Owner, in Owner's absolute discretion.

ARTICLE 6 - OWNER'S OWNERSHIP RESPONSIBILITIES

6.1 The Owner shall, at the expense of the Owner, continue to care for and operate the Property as would a careful and prudent owner. In particular and without limiting the generality of the foregoing the Owner shall:

6.1.1 Maintain the Property and keep safe and in repair as would a prudent owner.

6.1.2 Carry and maintain adequate comprehensive general liability coverage with AGENCY NAME being a named or additional insured thereunder and provide AGENCY NAME with evidence of such coverage on a continuing basis.

6.1.3 Pay as the same become due municipal and provincial taxes, rates and fees including any that may be charged or levied against AGENCY NAME by reason of this Agreement and rights transferred hereunder and all charges for utilities public or otherwise, the non payment of which may give rise to a lien or charge on the Property that would have priority over the Easement, and provide AGENCY NAME with evidence of such payments on its reasonable request.

6.2 Subject to Articles 4 and 5 and Section 6.1 of this Agreement, the Owner reserves all of its rights as owner of the Property, including the right to use and occupy the Property in any way that is not restricted or prohibited by or inconsistent with this Agreement.

ARTICLE 7 - DEFAULT BY EITHER PARTY

7.1 In the event of breach of or default in the obligations owed by either party (the “defaulting party”), to the other party (the “non-defaulting party”) under this Agreement the non-defaulting party may take any action available to it at law, in equity, by statute or under this Agreement provided that the non-defaulting party (unless in the opinion of the non-defaulting party because of the nature of the default or other circumstances it is not feasible to delay for the notice period) shall first give to the defaulting party notice of the default and sixty (60) days to remedy the same or make arrangements satisfactory to the other party to remedy the same. If the default is by the Owner and is not remedied or arrangements made as aforesaid AGENCY NAME, in addition to its other rights aforesaid, may remedy the default as provided under Article 7.3

7.2 The parties acknowledge that monetary damages may not be effective to compensate for damage to or destruction of the natural features of the Property or adequate to compensate for restoration of the Property. Accordingly, in addition to and without limiting the scope of the other enforcement rights available to the Owner and AGENCY NAME under this Agreement, the parties agree that each of the Owner and AGENCY NAME may bring an action or an application for, and be entitled to, injunctive relief to prohibit or prevent default or breach or the continuance of default or breach under this Agreement.

7.3 If notice of default has been given pursuant to Article 7.1 by AGENCY NAME to the Owner and the default has not been cured within the period provided for therein, AGENCY NAME may serve on the Owner a further notice setting out particulars of AGENCY NAME's estimated maximum costs of remedying the default. The Owner shall have ten (10) days from receipt of such notice to remedy the default or make arrangements satisfactory to AGENCY NAME for remedying the default, and if the Owner does not do so, AGENCY NAME, by itself, its servants, agents or contractors, may with vehicles, equipment and construction materials, enter upon the Property and cure the default. The Owner shall reimburse AGENCY NAME for any costs and expenses incurred thereby (including GST and other applicable taxes), up to the estimated maximum costs of remedying the default set out in the aforesaid notice. Such costs and expenses incurred by AGENCY NAME shall, until paid to it by the Owner, be a debt owed by the Owner to AGENCY NAME with interest as provided in Article 10.9, and the debt with such interest shall be a charge upon the Property enforceable in the same manner as a mortgage, and shall, in any event, be recoverable by AGENCY NAME in a court of law.

7.4 Notwithstanding any provisions hereof, the parties agree AGENCY NAME does not oblige itself to carry out the inspection, remediation, removal, restoration or rehabilitation referred to in any of the preceding sections or subsections and any failure to do so will not terminate this Agreement or constitute a default or breach of this Agreement by AGENCY NAME.

ARTICLE 8 - NOTICES

8. Any notice (which term in this paragraph includes any request or waiver) provided or given hereunder shall be sufficiently given by either party if in writing and delivered by hand, sent by facsimile or other means of electronic communication or mailed by prepaid registered post if to AGENCY NAME as follows:

Address: Agency Name
Address
Attention: C.A.O. Secretary-Treasurer

Fax Number:

and if to the Owner as follows:

Address:

Fax Number:

Any notice so delivered or any notice so forwarded by facsimile or other means of communication shall be deemed to have been given on the next business day following the day of delivery or forwarding and any notice so mailed shall be deemed to have been given on the fourth business day following the day of mailing. Either party may in any manner aforesaid give notice to the other party of any change in the address or fax number thereof and thereafter the new address or fax number shall be the address of such party for the purpose of giving notice hereunder, and upon a notice given pursuant to section 10.1 and compliance with section 9.1, the notices shall be given to the transferee and assignee and otherwise in accordance with the provisions hereof.

ARTICLE 9 - LIABILITY LIMITATIONS, FORCE MAJEURE, INDEMNITY

9.1 No person who is an Owner shall be liable to AGENCY NAME for any breach of or default in the obligations owed to AGENCY NAME under this Agreement committed after (i) the registration of a transfer by such person of all of the interest thereof in the Property **and** (ii) notice of such transfer under Article 10.1 and the acknowledgement required under Article 10.2 has been given to AGENCY NAME and the Acknowledgement as referred to in section 10.2 has also been given. No person who is within the definition of AGENCY NAME shall be liable to the Owner for any breach of or default in the obligations owed to the Owner under this Agreement committed after (i) the registration of a transfer of the interest of such person in this Agreement as permitted under the Act **and** (ii) notice of such transfer has been given to the Owner.

9.2 Neither the Owner nor AGENCY NAME shall be liable to the other hereunder for any damage to or change in the Property resulting from causes beyond the control of such party including, without limitation, accidental fire, flood, storm, earth movement, trespass, insect plague or disease.

9.3 The Owner shall indemnify and save harmless AGENCY NAME, its directors, officers, employees, agents and contractors from and against any and all actions, causes of actions, suits, claims, demands by or on behalf of any person, firm or corporation arising out of or occasioned by any act or omission, negligent or otherwise in the operation and maintenance of the Property by the Owner, any licensee or lessee thereof or anyone for whom the Owner is in law responsible. Without limiting the generality of the foregoing, if the Property or any part thereof is certified to be ecologically sensitive land and the entering into of this Agreement was in furtherance of an ecological gift under the Income Tax Act (Canada) and the use of the Property so certified is changed without the authorization required under such act, and without the prior written approval of AGENCY NAME, this indemnity shall apply in respect of all costs, expenses, interest, penalty and tax imposed on AGENCY NAME as a result of such unauthorized change of use.

ARTICLE 10 - MISCELLANEOUS PROVISIONS

10.1 Notice of change of interest. The Owner shall give notice to AGENCY NAME of any change in the ownership of or any interest in the Property and AGENCY NAME shall give notice to the Owner of any assignment of the interest of AGENCY NAME under this Agreement. Any such notice shall include the name and address of the transferee or assignee and shall be given at least ten (10) days prior to change of ownership or interest.

10.2 Priority of interest of AGENCY NAME. The Owner shall not transfer or permit any mortgagee to transfer any ownership interest in the Property without first providing an acknowledgement of the Transferee (by acknowledgement addressed and delivered to AGENCY NAME) the priority of this Agreement and the interest of AGENCY NAME thereunder and agreeing with AGENCY NAME to comply with and be bound by the terms hereof, and will not lease or licence the Property or any part thereof without such lease or licence being made expressly subject to this Agreement, and the tenant or licensee agreeing to be bound by the terms hereof.

10.3 Registration. AGENCY NAME shall register this Agreement against the title to the Property and the Owner shall execute any document that may be required to allow such registration, whether by one or more separate documents, and the parties shall register this Agreement as required or permitted under any registry maintained from time to time in connection with conservation lands and easements.

10.4 Failure to exercise or enforce rights. No failure by AGENCY NAME to require performance by the Owner of any provision of this Agreement shall affect the right of AGENCY NAME thereafter to enforce such obligation and no failure by the Owner to perform any of the Owner's rights or obligations hereunder shall be taken as a waiver of such performance or the performance of any other obligation in the future.

10.5 Time of the essence. Time shall be the essence of this Agreement and shall be deemed to remain so notwithstanding any extension of any time limit.

10.6 Severability. All provisions of this Agreement including the Restrictions and Sub-Leases shall be severable and should any be declared invalid or unenforceable in whole or in part, the validity and enforceability of the remaining provisions shall not be affected thereby.

10.7 Costs. Save as provided herein or ordered by any court or tribunal, each party shall be responsible for its own legal fees and related expenses arising from the negotiation and implementation of this Agreement or from any act in pursuance thereof.

10.8 Interest. Any amount paid by a party hereunder by reason of the default of the other party shall bear interest from the date the amount was paid until the date of repayment at a rate which is the lesser of (i) five (5) percentage points over the prime rate of interest from time to time charged by the Bank of Canada or (ii) the maximum rate allowed by law.

10.9 Entire Agreement. This Agreement embodies the entire Agreement of the parties with regard to the matters dealt with herein, and no understandings or agreements, verbal, collateral or otherwise, exist between the parties except as herein expressly set out.

10.10 Headings. The headings in the body of this Agreement form no part of the Agreement but shall be deemed to be inserted for convenience of reference only.

10.11 Gender and number. This Agreement shall be read with such changes of gender and number as the context requires. Any reference to a person shall be deemed to include a corporation, partnership or trust.

10.12 Applicable law. This Agreement shall be construed and enforced in accordance with, and the right of the parties shall be governed by, the laws of Ontario and the laws of Canada applicable thereto.

10.13 Further assurances. Each party at the request of the other party shall execute and deliver such assurances and do such other acts as may be reasonably required or desirable to give full effect to the provisions and intent of this Agreement.

10.14 Joint and several. Whenever the Owner is comprised of more than one person the obligations of the Owner hereunder shall be joint and several.

10.15 Enurement. This Agreement shall enure to the benefit of and be binding upon the parties hereto and their respective successors and assigns.

10.16 Spousal Consent. The spouse of the Grantor hereby consents to the within transaction.

10.17 Planning Act. This Agreement is subject to compliance with the Planning Act of Ontario as amended from time to time.

IN WITNESS WHEREOF the parties hereto have executed this Agreement.

SIGNED, SEALED AND DELIVERED in the presence of:

Witness

Grantor

Witness

Grantor or Spouse

"Agency Name"

Per: _____

SCHEDULE "A"

Attached to and forming part of the Conservation Agreement between Grantor and Agency Name, dated as of the day of , 2011.

Legal Description

SCHEDULE "B"

Attached to and forming part of the Conservation Agreement between Grantor and ["Agency Name"], dated as of the day of , 2011.

Baseline Documentation Report

(Where Report has been completed)

The Baseline Documentation Report comprises the summary of the natural features and current uses of the Property described below, and as more particularly documented below, and in the report entitled "Baseline Documentation Report of the X Property dated X, 20XX which has been signed by the parties and is maintained by the ["Agency Name"]. The Owner acknowledges having received a signed copy of same. In the event of a conflict between this Schedule "B" and the aforesaid Report, the Report shall prevail.

(Where Report has not been completed)

The "Agency Name" shall complete a Report at its expense within a reasonable time of the date of the Agreement. When the Report has been completed, the Owner agrees to sign an acknowledgement in the Report to confirm the photographs, maps and written information are accurate depictions and descriptions of the Property and its natural values and features, wildlife and uses. A signed copy of the Report will be provided to the then Owner and an originally signed copy of the Report will be kept by the ["Agency Name"]. If the parties are unable to agree on the terms of the Report within 30 days of its completion and submission to the Owner, the terms of the Report shall be settled by arbitration in accordance with the Arbitrations Act of Ontario as amended from time to time.

Summary of the Baseline Documentation Report

1.0 Acknowledgement

1.1 The Owner hereby acknowledges and agrees that the following is an accurate description of the Property, as of the reference date of this Agreement.

2.0 Property Location:

3.0 Significance of the Property

4.0 Inventory of Species of Interest

5.0 General Description of Natural Features

6.0 List of Improvements

7.0 Damaged or Disturbed Areas:

8.0 Maps, including those showing Protected Areas

9.0 Additional Materials

10.0 Signatures

undertaking, as well as the dumping, excavation, dredging, mining or removal of loam, gravel, soil, rock, sand or other material or minerals, shall all be deemed to be detrimental or adverse to the Purposes and shall not be undertaken or permitted or suffered to be undertaken without the prior written consent of "Agency Name"

3.2 Soil Stability

No activities shall take place within the Protected Area that may cause extensive soil compaction, rutting or soil erosion, other than those required to maintain the Existing Trail(s) in the condition described in Schedule "B" (the Report) and indicated on Map X.

3.3 Camping

No mobile home, trailer or boat used or intended for use as a residence or for overnight or short-term accommodation shall be placed, kept or permitted or suffered to be placed or kept in the Protected Area.

3.4 Dumping

No soil, rubbish, ashes, garbage, sewage, waste, or other unsightly or offensive materials of any type or description shall be dumped or stored or permitted or suffered to be dumped or stored on, in, under or about the Protected Area.

3.5 Hunting/Fishing/Trapping

No commercial or sport hunting, fishing or trapping shall occur or be permitted or suffered to occur in the Protected Area.

3.6 Discharge of Firearms

No firearms or explosive devices of any kind shall be discharged or permitted or suffered to be discharged in the Protected Area.

3.7 Collection

No native or naturally occurring plant or animal species shall be gathered or removed from the Protected Area, but this provision shall not prohibit removal in the course of exercise of AGENCY NAME's rights under the terms of the Easement.

OR

No native or naturally occurring plant or plant part or animal shall be gathered or removed from the Protected Area, save and except to collect plants or plant parts for uses of personal consumption, protection or restoration of native species on the Property and is conducted in a manner that is not detrimental to the viability of the existing plant population from where the collection is occurring, but this provision shall not prohibit removal in the course of exercise of AGENCY NAME's rights under the terms of the Easement.

3.8 Lakes/Ponds/Wetlands

No interference with, or alteration of any lake, pond, wetland, watercourse or any other body of water in the Protected Area shall be undertaken or permitted or suffered to be undertaken, nor shall any use thereof be made or permitted to be made which, in the opinion of AGENCY NAME, will or may reasonably be expected to be detrimental or adverse to the Purposes.

3.9 Easements/Rights-of-Way

No easement, right of way or right in the nature of an easement, in, on, over, under or through the Protected Area shall be granted to any person, without the prior written consent of AGENCY NAME.

3.10 Non-native Species

No non-native plant or animal species shall be planted or introduced or be permitted or suffered to be planted or introduced in or to the Protected Area. Notwithstanding the foregoing, current and existing plants and animals and natural seeding or offspring arising therefrom as well as plantings and seeding arising from natural causes such as wind or rain or animal wildlife if not brought onto the property by owner shall not be considered to be in contravention of the provisions hereof.

3.11 Buildings/Development

No building, structure, fixture, or other improvement of any kind shall be erected, placed or maintained or be permitted or suffered to be erected, placed or maintained, on, in, under or over the Protected Area, provided that benches for viewing wildlife or scenery may be placed and maintained in the Protected Area and, subject to paragraph 3.17, fences and "no trespassing" and "no hunting" signs may be placed and maintained on the boundaries thereof.

3.12 Roads/Driveways/Paths

No road, driveway, walkway, bicycle or other path, parking area, dock or ramp shall be erected, placed or maintained or be permitted or suffered to be erected, placed or maintained on, in, under or over the Protected Area provided the Owner may maintain the Existing Trail(s) in the condition described in Schedule "B" (the Report).

3.13 Pesticides/Herbicides

No pesticide, insecticide, herbicide, chemical or other toxic material of any type or description shall be used or be permitted or suffered to be used within the Protected Area without the prior written consent of "Agency Name".

3.14 Trees/Vegetation

No tree, shrub, or any other native or natural vegetation within the Protected Area shall be removed, destroyed or cut, or be permitted or suffered to be removed, destroyed or cut, save and except those that may be removed as part of a mutually agreed Forest Management Plan or to remove a danger or hazard and is conducted in a manner not injurious to the remaining trees, flora, fauna and soils, and maintains soil stability, water quality and quantity and the other conservation features of the Property.

OR

No tree, shrub, or any other native vegetation within the Protected Area shall be removed, destroyed or cut, save and except those that may be removed: (i) as part of a mutually agreed Forest Management Plan written or approved by a Professional Forester to achieve compliance with the purpose and intent of the Conservation Agreement; (ii) to control non-native or exotic intrusion; (iii) for restoration purposes; (iv) to maintain the existing hydro line as indicated on Map 1 or (v) to remove a danger or hazard and is conducted in a manner not injurious to the remaining trees, flora, fauna and soils, and maintains soil stability, water quality and quantity and the other conservation features of the Property.

3.15 Business

No trade, business or calling whatsoever shall be carried on from or within the Protected Area.

3.16 Hydro/Public Utilities

No use of electrical power or any other form of public utility shall be permitted on or about the Protected Area, without prior written consent of "Agency Name".

3.17 Wildlife Movement

The Owner shall not construct, pursue, permit or suffer the construction of fencing or other obstacles, which would exclude or in the opinion of [Agency Name], unduly restrict wildlife movement in or through the Protected Area.

APPENDIX 3: 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.

To qualify as Ecological Sensitive, land must satisfy at least one criterion 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 Gifts program website at:
www.ec.gc.ca/pde-egp/

ONTARIO REGION

Regional Contacts

Dawn Laing

Regional Coordinator

Environment Canada

ECB-OR, CSD

4905 Dufferin St.

Toronto ON M3H 5T4

T. (416) 739-5828

F. (416) 739-5845

Dawn.Laing@ec.gc.ca

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:

- 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 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;
- 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):

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 4: CONSERVATION LAND TAX INCENTIVE PROGRAM (CLTIP)

The Conservation Land Tax Incentive Program (CLTIP) is designed to recognize, encourage and support the long-term private stewardship of Ontario's provincially significant conservation lands by providing property tax relief to those landowners who agree to protect the natural heritage values of their property. The current tax relief offered is 100 % tax exemption on that eligible portion of the property.

The CLTIP is not a land acquisition program. Participating landowners retain full ownership and property rights. This program is also not associated with conservation authorities or conservation authority properties and conservation areas.

Only lands identified by the Ministry of Natural Resources as Provincially Significant are eligible for this program. These are a small subset of lands found in a natural state in Ontario. The eligible types of land are:

Provincially Significant Wetland

Wetlands are lands covered by shallow water all the time, or in certain seasons, as well as lands where the water table is close to or at the surface. The abundant water causes the soil to be water-logged, and encourages growth of plants that either love the water or tolerate it well. Periodically soaked or wet lands that are being used for agricultural purposes and that no longer have the characteristics of wetlands are not considered wetlands under this program. Wetlands play a crucial role in the province. They:

- provide vital habitat for rare and endangered wildlife and many other species;
- maintain and improve water quality;
- help stabilize shorelines and control flooding and erosion;
- provide spawning grounds for fish;
- help ensure a stable, long term supply of water, by functioning as groundwater recharge and discharge areas;
- supply many social and economic benefits, such as opportunities for outdoor recreation and tourism; and
- ensure opportunities for the renewable harvest of products such as timber, fuel wood, fish, wildlife and wild rice.

MNR has evaluated many wetlands more than 2 hectares (5 acres) in size, both in southern Ontario and parts of the north. Only wetlands that MNR has identified as 'provincially significant' are eligible under the CLTIP.

Provincially Significant Area of Natural and Scientific Interest (ANSI);

ANSIs are areas of land and water that represent significant geological (earth science) and biological (life science) features.

Earth science ANSIs include areas that contain examples of rock, fossil and landform features in Ontario. These features are the result of billions of years of geological processes and landscape evolution.

Life science ANSIs are areas that contain examples of the many natural landscapes, communities, plants and animals found in the 14 natural regions of the province.

MNR identifies ANSIs that are 'provincially significant' by surveying regions and evaluating sites to decide which have the highest value for conservation, scientific study and education.

Habitat of Endangered Species

An endangered species is any native species that "is at risk of extinction or extirpation throughout all or a significant portion of its Ontario range". For purposes of the Conservation Land Tax Incentive Program, endangered species are those listed in regulation under Ontario's Endangered Species Act. At present, 42 species are listed in regulation under the Act.

Endangered species habitat is the habitat, which is necessary for the survival of populations of endangered species. The specific requirements of the various endangered species are set out in MNR guidelines for mapping this habitat. These guidelines are used to delineate endangered species habitat on a species-by-species and site-by-site basis.

For a list of regulated Endangered Species in Ontario, view MNR Rankings by visiting Species at Risk in Ontario (SARO) at the following site:
<http://www.mnr.gov.on.ca/mnr/speciesatrisk/>

More information on these and other Species at Risk are available on the Royal Ontario Museum website at <http://www.rom.on.ca/>

Niagara Escarpment Natural Area

The Niagara Escarpment runs from Queenston, on the Niagara River, to the islands off Tobermory, on the Bruce Peninsula - a total of 725 kilometres. The Niagara Escarpment Plan divides the escarpment into 7 different land use designations, one of which is called "escarpment natural area."

Escarpment natural areas contain important plants and animal habitats and geological features. They are the most significant natural and scenic areas of the escarpment.

Protecting escarpment natural areas is important in order to:

- maintain the most natural escarpment features, stream valleys, wetlands, and related significant natural areas;
- encourage compatible recreation and conservation activities; and
- maintain and enhance the landscape quality of escarpment features.

Community Conservation Lands

The category Community Conservation Lands is restricted to non-profit charitable conservation organizations and conservation authorities. If you are not one of these types of agency, then you are not eligible to apply under this category.

On December 10, 2004, the government announced the reinstatement of the Community Conservation Lands category (formerly called 'other conservation lands'). The category applies to lands owned by eligible conservation organizations and conservation authorities.

CCL is unlike the other categories under CLTIP, for organizations must establish the eligibility of a property as defined under O. Reg. 388/04. Application packages, consisting of an application, mapping and supporting documentation, must be filed by July 31 of the previous tax year. For more clarification, details and applications, contact the CLTIP.

All lands submitted for consideration under this category must meet the natural heritage protection objectives of the CLTIP. Lands in a non-natural state, previously or currently subjected to activities inconsistent with the program's protection mandate or that currently generate revenue through use of the natural resources, are not eligible for inclusion under CLTIP. Lands currently under the MFTIP must clearly demonstrate that past MF objectives, activities and existing site conditions conform to CLTIP policies.

Eligibility criteria for the CCL category are outlined in Ontario Regulation 388/04 under the Assessment Act. Agencies interested in applying under this category should review this regulation and can also be found in the document Conservation Land Tax Incentive Program: Community Conservation Lands Guide (June 2010).

For additional information and updates visit: www.mnr.gov.on.ca/en/Business/CLTIP/index.html

APPENDIX 5: EXAMPLE LANDOWNER CONTACT LETTER

Cootes to Escarpment Park System
[insert logo]

Date

Landowner Name
Address
City/Town
Ontario Postal Code

Dear Landowner:

Have you ever thought that your actions could significantly add to the environment and the community around you?

The [INSERT AGENCY NAME] in partnership with the Cootes to Escarpment Park System works with interested landowners to protect the environment in your community. There are number of methods that landowners can utilize to conserve the natural features on their properties for future generations. Many conservation methods offer significant tax advantages. Some options can also eliminate the liability associated with owning hazard lands or floodplain. All of these options result in you helping the natural environment and the community by enhancing the existing greenspace including valley land, forests and wetlands around your property.

After you have reviewed the information accompanied with this letter, I would be pleased to discuss any questions you may have at your earliest convenience. I would also like to invite an opportunity to arrange a meeting with you to review the program in greater detail and discuss what conservation options will best serve you.


Yours in conservation,

Name
Title

APPENDIX 6: LONG TERM SECUREMENT OPTIONS BROCHURE HCA EXAMPLE

Hamilton Conservation Authority's Green Strategy

Planning Your Conservation Legacy



A guide for landowners in the Hamilton watershed

Ecogifts for Extra Tax Benefits



Land conservation methods can also be combined with Environment Canada's Ecological Gifts Program. Landowners with property deemed ecologically significant by Environment Canada are eligible for certification under the program to receive enhanced income tax savings that can be applied to 100% of income over five years plus the year of donation. Visit www.ec.gc.ca/ede-egif for more information on the Ecological Gifts Program.

Confused? It's Not Easy Being Green

If you are unsure what kind of Conservation Legacy you would like to arrange for your property, we are here to help. We have a great deal of experience working with conservation-minded landowners just like you and can answer any questions you may have. Take your time. Talk to your family, friends, lawyer, accountant or financial advisor before you make this important decision.

By planning your very own Conservation Legacy, you can personally ensure that the natural features on your land will be protected forever. Environmental conservation is a significant gift to nature, the community and future generations. Your choices today can ensure protection of the rich natural heritage of our watershed tomorrow.

Contact us to learn more:

Hamilton Conservation Authority
 P.O. Box 51067, 538 Mineral Springs Road
 Ancaster, ON L9G 4X1
 565 525 2181
nature@conservationhamilton.ca
www.conservationhamilton.ca



Hamilton Conservation Authority
 Healthy Streams... Healthy Communities!

Hamilton Conservation Foundation

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Planning Your Conservation Legacy

Are you a landowner in the Hamilton Conservation Authority watershed with property that includes valuable natural features such as forest, wetland, stream, river or valley?

Would you like to protect these sensitive ecological features for future generations?

The first step in planning your Conservation Legacy is to determine what type of conservation is most suited to you and your property. These are some of the most common ways that landowners protect their land:

I want to donate my entire property	Donation You can donate your property to the Hamilton Conservation Authority (HCA) or another conservation organization to be protected forever. The property value is assessed by an independent, third-party professional appraiser and a tax receipt for the full value is issued to you. We can provide appropriate recognition for your gift of land through naming, signage or by other means according to your wishes.
I want to donate part of my property	Conservation Servitude You can sever the natural area on your property and retain the remainder to live on and enjoy. <ul style="list-style-type: none"> • Benefits of a nature reserve without worrying about the liability that comes with owning a large property • Recipient conservation organization will professionally steward the reserve
Can I donate all or part of my property and still use it?	Life Estate Yes, you can donate all or part of your property and continue to enjoy, live on, or work the land for a specified period or the remainder of your life.
Can I donate all or part of my property in my will?	Bequest Yes, you can arrange a future donation of all or part of your property as a bequest in your will. <ul style="list-style-type: none"> • Recipient conservation organization works with you and your lawyer to grant your final wishes
What if I can't use a full tax receipt for my donation?	Split Receipt If you are unable to use a full tax receipt for your land donation, you can donate part of the fair market value of your property and receive cash for the remainder.
I want to protect the natural features on my property but I do not want to give up my ownership	Conservation Easement Agreement (CEA) Retain ownership of your property while protecting the natural features in perpetuity through a legal agreement between you and a conservation organization. <ul style="list-style-type: none"> • Decide how to protect the natural features by restricting activities (e.g. development, logging, polluting) • CEA is registered on title and stays with the property even after you sell it • Recipient organization will monitor the land annually according to the terms of the CEA

McCormack Pond
Featuring a section of the Bruce Trail, McCormack Pond is named after the original owners, the McCormack family. The site has been protected by HCA since the 1970s.



Tew's Falls
Named after original owners, the Tew family, Tew's Falls is part of a 22-acre property that became one of HCA's first protected areas in 1966. It is a significant natural area with enjoyed by tens of thousands of visitors each year.



Woodend
Originally owned by George Donald, Woodend is an historical building built in 1862 which is home to the HCA's administration office.



The Hamilton Conservation Authority is actively involved in protecting natural areas within our watershed and would be pleased to help you plan your Conservation Legacy. By working with us, you can arrange to safeguard the natural features of your property forever. Not only is conserving nature a rewarding act of philanthropy, but there are tax benefits too.



Photography by Hamilton Conservation Authority. Background image: OpenStax/Third of October Images/Conservation Action Project.

APPENDIX 7: PROPERTY EVALUATION CRITERIA

Cootes to Escarpment Park System [insert logo]

Land Securement Property Evaluation Form 2011-2012

Review of a land securement opportunity (purchase/donation/easement) within the watershed based on the following review process.

A. Property and Owner Particulars

Owner Information: Name Address Phone No. Email	
Municipality	
HCA or CH Watershed	
Sub-Watershed	
Property Location	
Roll No.	
Property Description	
Property Size	
Current Official Plan Designation(s)	
Current Zoning Designation(s)	
Priority or Secondary Securement criteria observed	
Willing Donor/Vendor (e.g., donation, purchase, easement)	
Existing Mortgage (Y/N)	
Assessed Value	
Comments	

B. Preliminary Property Investigation

Property Attributes	Yes/No/Not Applicable	Comments
Adjacent to other public lands or private conservation lands		
Property Tax Exempt (CLTIP, Easement) or Eligible		
Contains features eligible for the Ecogifts Program		
Part of an identified municipal, regional or provincial greenspace system		
History with HCA or CH Permits, Complaints, and Violations		
HCA or CH Stewardship Projects or Donor		

The ecological sensitivity of the subject lands are based on the following priority and secondary land securement criteria:

C. Supporting Securement Criteria

Property Attributes	Yes/No/Not Applicable	Comments
Provincially Significant Wetland.		
Provincially Significant - Areas of Natural and Scientific Interest (Earth Science).		
Regionally Significant – Areas of Natural and Scientific Interest (Earth Science)		
Provincially Significant - Areas of Natural and Scientific Interest (Life Science).		
Regionally Significant – Areas of Natural and Scientific Interest (Life Science)		
Natural Area in the NEP		
Habitat of Endangered Species (Ontario Endangered Species Act).		
Bruce Trail Optimum Route and Trail Corridor		
Community Conservation Lands:		
Natural Heritage Features or Areas identified in the Provincial Policy Statement.		
Regionally Significant ANSI's.		
Habitats of species of special concern designated by MNR (species at risk).		
NHIC species occurrences or ecological communities (S1, S2, S3).		
Protection Area in the NEP		
Designated Protected Countryside in the Greenbelt Plan.		
Natural heritage areas identified within a regional or watershed plan or strategy developed by a CA under the CAA.		

Property Attributes	Yes/No/Not Applicable	Comments
Lands designated environmentally significant, environmental protection or equivalent in municipal Official Plans (Includes ESA).		
Areas within or adjacent to protected areas (e.g., land trust property, park) that contribute to the natural heritage objectives of the protected area.		
Other criteria as may apply under the CLTIP program requirements.		
Significant wildlife or fish habitat		
Regulatory Flood Plain (flood and erosion risk e.g., hazard lands).		
Significant Woodlands or Woodlots		
Wetlands (Locally Significant)		
Significant water bodies, rivers, streams, shorelines, valleys and waterfalls.		
Areas with enhanced ecological values through restoration and/or remediation (e.g., forest and interior forest, stream, wetland).		
Natural buffers and adjacent lands under other ecologically sensitive lands that contribute to conservation of biodiversity.		
Groundwater recharge areas, headwaters and aquifers.		
Natural links or corridors between areas identified under other ecologically sensitive lands that contribute to conservation of biodiversity (e.g., through Natural Heritage Programs or Watershed Plans)		
Lands under Forest Management Plans (e.g., MFTIP) (designated areas of concern for biodiversity)		
Potential to use Land to Create or Expand Existing Active Recreation (e.g., ca Lands under Forest Management Plans (e.g., MFTIP) (designated areas of concern for biodiversity) campgrounds)		

E. Determination whether securement is the most appropriate course of action in order to protect natural heritage lands.

Criteria	Yes/No/Not Applicable	Comments
Are the lands significant in the context of the overall CEPS?		
Availability of funding for securement (purchase, donation, easement, appraisal, legal, survey etc.).		
Availability of funding for ongoing maintenance.		
Is there an immediate threat to the lands (future development, resource use)?		
Proximity of property to lands already in public ownership.		
Willingness of owner to enter into negotiations.		
Sale Price at fair market value.		
Availability of maintenance access to the property.		
Potential municipal lease agreement.		
Preferred agency for securement (e.g., HCA, CH, City of Hamilton, City of Burlington, BTC, HNC or RBG).		

Summary and Recommendation for Securement:

Evaluated by: _____ Date: _____

Attach overview/locator map and property sized map.

Additional Resources

- Chain of title history:
- Title Search Report:
- Building specifications/plans:
- Government records:
- Previous Environmental Assessments:
- CA Planning and Regulation File Search:
- Other:

2. Property Inspections

List the property inspections that were conducted and describe the method(s) used (walked perimeter, walked entire property, entered buildings, drove passable roads, flew interior, etc.)

No.	Date	Duration	Persons Present	Location/Extent	Method(s)
1					
2					
3					
4					

3. Property History and Past Use

Uses

List all known historical and current uses of the property (e.g., agricultural, manufacturing, undeveloped land, etc.). Identify all known owners/operators. Include dates and time periods as appropriate.

Buildings & Structures

List all buildings and structures on the property. Describe their condition, use and locate them on the property sketch.

4. Property Condition

Disturbances

Indicate if any of the following were observed during property inspections. Provide details for all "checked" items and located them on the attached Property Map (see section 6).

- Distressed vegetation:
- Bare areas:
- Unusual odours:
- Stains (unusual or near chemical storage/usage areas):
- Dumping:
- Debris:

- Drains:
- Watercourses:
- Unusual depressions/mounds:
- Unusual sheens/colours on water surfaces:
- Piping/vents (for underground storage tanks):
- Other:

Transformers

Are there any transformers (pole-mounted or pad-mounted) located on the property?

- Yes No

If Yes, provide details:

Drainage

Are there any pits, ponds, lagoons, clarifiers, oil/water separators, surface impoundments, or sumps on the property?

- Yes No

If Yes, provide details:

Are there any storage drums on the property?

- Yes No

If Yes, provide details:

Tanks/Wells

Are there past or present storage tanks on the property (above or below ground)?

- Yes No

If yes, provide details:

Does the property contain any septic tanks or fields?

- Yes No

If yes, provide details:

Are they in use or abandoned?

- Yes No

Did the septic tanks or fields receive any industrial materials?

- Yes No

If yes, provide details:

Are there any wells on the property?

- Yes No

If yes, provide details (type, use and condition):

Are the wells locked or protected?

- Yes No

If yes, provide details:

Has the well water ever been tested?

Yes No

If yes, provide details and attach test results:

Have there been any complaints about the quality of the water or flow rate?

Yes No

If yes, provide details:

Mineral/Petroleum Operations

Have there ever been any oil or gas wells or other mining activities on the property?

Yes No

If yes, provide details:

Radon

Has a radon test been performed in any building on the property?

Yes No

If yes, provide details:

Asbestos

Is there any evidence of materials that are likely to contain asbestos (check roof, exterior, pipe coverings, spray-on fire proofing, cement sheet)?

Yes No

If yes, provide details:

Fill/Grading

Has fill ever been brought on to the property?

Yes No

If yes, provide details and indicate where it was placed and when and where it came from:

Has there been any grading or disturbance to the soil?

Yes No

If Yes, provide details:

Chemicals¹/Waste Disposal/Spills

Have any chemicals been used on the property?

Yes No

If Yes, provide details:

Has the property ever contained any areas used to dispose of waste?

Yes No

¹Consider "chemicals" to mean industrial materials and such products as cleaning compounds, lubricating agents, greases, oils, heating fluids, gasoline, pesticides, herbicides, fertilizers, metals). If so, indicate the types of chemicals, how they were used, and where and how they were stored

If Yes, indicate the kinds of materials disposed of below and **describe the method** of disposal (e.g., burning, discharge to water body, dump, land farming, landfill, recycled, settling ponds, surface impoundment, etc.). Locate checked materials on the property sketch.

- Appliances:
- Asbestos:
- Automobiles:
- Chemicals:
- Construction debris:
- Garbage (food wastes):
- Household trash:
- Incinerator ash:
- Industrial wastes (identify type):
- Mining wastes:
- Pesticide or herbicides:
- Pesticides or herbicide containers:
- Petroleum products:
- Sewage sludge:
- Tires:
- Other:

How long and when were these materials used on the property?

Has there ever been a chemical spill or leak on this property?

- Yes No

If Yes, indicate what was spilled, where it was spilled, how much was spilled and what actions were taken in response:

Have there been any chemical spills or leaks on adjacent property or in the surrounding area?

- Yes No

If Yes, provide details:

5. Studies/Records/Enforcement

Previous Inspections

Have any previous environmental assessments/tests/samplings/ impact statements been conducted for the property?

- Yes No

If Yes, provide details:

Government Communication

Has the current landowner had any communications with any government agency concerning environmental conditions on the property?

- Yes No

If Yes, provide details:

Violation History

Have any government officials ever investigated, cited, or been involved with any violations of any environmental law at this property or on property in the immediate vicinity?

Yes No

If Yes, provide details:

Does this property or any property within one-half mile appear on any list of "problem" sites that is maintained by any environmental agency?

Yes No

If Yes, provide details:

6. Property Map

Insert or attach a map of the property area covered by this assessment (and adjacent property, if appropriate). Delineate bodies of water, swamps, wetlands, wells, improvements, structures, human-made features and any areas of concern noted in this assessment. Identify those areas that you physically inspected (e.g., paths walked, roads driven, etc.)

7. Conclusion

Based on this inspection is a Phase I Environmental Site Assessment recommended?

Yes No

Provide details:

8. Signatures

Preparer:

Date:

Landowner:

Date:

Reviewer:

Date: