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GREENING LAND SECUREMENT STRATEGY

The Transportation Services Committee recommends the adoption of the recommendation contained in the following report dated March 30, 2010, from the Commissioner of Transportation Services and Commissioner of Planning and Development Services.

1. RECOMMENDATION

It is recommended that this report be received for information.

2. PURPOSE

This report updates Regional Council on the 2001 to 2009 achievements of the Greening Land Securement Strategy, and responds to questions raised at Committee regarding how lands secured with Regional support are protected for the long term.

3. BACKGROUND

In 2001, Regional Council adopted the Greening and Greening Land Securement Strategies with a \$1.4M annual budget allocation. In 2007, this allocation was reduced to \$1.35M annually to support the delivery of Greening Strategy programs (tree planting, environmental education, stewardship, etc.) and strategic environmental land securement.

The natural environment interest on properties can be secured using a number of means ranging from restoration, tree planting, and stewardship agreements to the donation of land, conservation easements, and fee simple acquisition by the Region and/or a partner.

The Region continues to demonstrate environmental leadership through the implementation of the Greening – Land Securement Strategy and our investment in green infrastructure.

As part of the adoption of the Greening and Greening Land Securement Strategies in 2001, Regional Council directed staff to enter into agreements with the Nature Conservancy of Canada and the Oak Ridges Moraine Land Trust to support their objectives and secure land within York Region. In December 2009, through the adoption of Clause 1 of Report 4 of the Transportation Services Committee, Council renewed three-year term agreements with these partners and requested that:

“Relating to Greening Securement Partnership Agreements, that staff report back on the ownership interests regarding the purchases that were made.”

4. ANALYSIS AND OPTIONS

Thirty-five properties, with a total value exceeding \$50 M, have been secured since 2001

Since 2001, a total of 35 properties, including 872 hectares (2,155 acres) of conservation lands have been secured through a Regional Greening contribution of \$10M with a total property value exceeding \$50M (at time of acquisition). A map and listing of properties secured since adoption of the strategy are included in *Attachment 1* and *Attachment 2*.

Under the Greening Land Securement Strategy, properties have been secured through ownership by: the Region, local municipalities, Conservation Authorities or non-governmental Conservation Organizations. Additionally, some properties have been secured through Conservation Easements, which are rights on title, rather than ownership.

Attachment 2 includes information on who holds title to the property and/or conservation easements.

Long term protection of secured land is achieved using a variety of means and partners

Different land securement partners have different mechanisms in place to ensure the long term protection of lands acquired (or subject to a conservation easement) for conservation purposes. The federal government uses strong legislation to ensure the long term protection of land or easements acquired for conservation purposes. Municipalities rely primarily on Official Plan designations and policies as well as public accountability and transparency. Most non-governmental organizations rely on less tangible mechanisms including ethical and practical considerations including accountability with the public and partners who are pivotal in sustaining land trusts through charitable donations. The specific approaches by the Region's partners are discussed in the following sections.

Federal Government Involvement

The federal government has been a partner in a number of land securement projects within the Region. This involvement is primarily through the following 2 programs:

1. The Ecological Gifts Program (tax incentive)
2. The Natural Areas Conservation Program (grants)

Land or conservation easements donated as an ecological gift must be publicly recorded and registered on title to the property. The *Income Tax Act* (Canada) includes provision for a tax liability for unauthorized land-use changes and dispositions of properties donated as ecological gifts. A federal tax, equal to 50 percent of the fair market value of

the property at the time of the unauthorized change or disposition, is imposed on charitable or municipal recipients.

In practice, land transfers or changes in use that are consistent with the original objectives of the ecogift and do not result in negative ecological impacts, would likely be authorized (e.g. a transfer ownership to another eligible conservation organization).

There are comparable restrictions on title for land receiving funding from the federal Natural Areas Conservation Program.

Nature Conservancy of Canada

The Nature Conservancy of Canada is a member of the Canadian Land Trust Alliance and the Ontario Land Trust Alliance. These governing bodies provide a level of protection for conservation lands secured by their members. In the event a member agency is unable to uphold their obligations with respect to the secured lands, the Land Trust Alliances assume the responsibility or otherwise see to the continuation of the protection through a partner organization. Many of the Nature Conservancy of Canada acquisitions are also supported by Federal programs and therefore have the protection provisions of the *Income Tax Act* (Canada) discussed above.

Additionally, the Nature Conservancy of Canada is a private not-for-profit charitable organization; a principal barrier to land disposal relates to ethics and the contravention of the organization's mandate. The Nature Conservancy of Canada depends on its partners and the goodwill of the public to implement its national conservation programs. As such, maintaining the organization's reputation is a significant deterrent to land disposition.

Oak Ridges Moraine Land Trust

The Oak Ridges Moraine Land Trust is also a member of the Canadian Land Trust Alliance and the Ontario Land Trust Alliance. The same safeguards apply as for the Nature Conservancy of Canada through these relationships.

The Oak Ridges Moraine Land Trust focuses on the use of Conservation Easements, donations and bequests to secure lands. To date, in York Region, the land trust has not purchased conservation easements or fee simple interests. Rather the easements and/or land has been donated through the Ecological Gifts program. As a result, the long term protection of these lands is overseen through Environment Canada and the Canada Revenue Agency in the administration of the *Income Tax Act* (Canada) as discussed above.

York Region

Lands secured by the Region generally form part of the Regional Greenlands System and their long term protection is consistent with the policies of the Regional Official Plan. Lands secured in Regional ownership are also consolidated with the York Regional Forest properties. Additional mechanisms in place to ensure the long term protection of Regional conservation lands include the Council endorsed 20-Year Forest Management

Plan and the Forest Stewardship Council (FSC) certification of the York Regional Forest. The Forest Stewardship Council's certification process includes an annual, independent third party audit of the Region's practices as it relates to protection and enhancement of the York Regional Forest.

Some lands secured by the Region are also subject to easements, or land holding agreements, registered on title and held by other conservation organizations. Examples include Conservation Easements held by the Oak Ridges Moraine Land trust on the Calandra property acquisition (Hall Tract extension) and Nobleton Tract (Slokker Lands), and a Land Holding Agreement held by the Nature Conservancy of Canada on Peggy's Wood.

The Hall Tract extension was also subject to approvals under the Federal Ecological Gifts Program, and therefore is subject to additional safeguards under the *Income Tax Act* (Canada) as discussed previously.

Local Municipalities

Local municipalities have been protecting conservation lands for a number of years through the development process, and more recently through land securement programs. Their approach to long term protection varies greatly between, and within, municipalities, from no formal mechanisms, to conservation easements held by conservation partners, to restrictions on title.

Strong Provincial legislation provides another level of protection for all ecological lands within the Region

It is important to note that, particularly within York Region, there is a great deal of provincial legislation to protect environmental features and functions, including those on lands secured by public or conservation bodies for their ecological values. The *Planning Act*, R.S.O. 1990, Chapter. P.13, the *Oak Ridges Moraine Conservation Act*, 2001 and Plan, the *Greenbelt Act*, 2005 and Plan, and the *Lake Simcoe Protection Act*, 2008 being the most notable. These plans contain policies which prohibit most activities that present the highest risk to the natural heritage systems and features.

Additional restrictions on title are recommended for lands secured by a third party partner

As part of this analysis, the Internal Evaluation Team for Securment Initiatives considered options to further safeguard the Region's investment in lands secured by partner organizations. Legal Services staff has recommended that, for all future land securement projects where the Region does not receive title to the lands, an additional restriction be registered on title. The specific wording of this restriction will be prepared by Legal Services staff and will ensure that any Regional financial contribution is

reimbursed (with interest and/or market value increases) if the land is not owned and managed in accordance with the original conservation objectives.

Over the summer and fall of 2010, staff will be reviewing the Greening and Land Securement Strategies and consulting with the public on our successes to date and future direction. Staff will report back to Council early in 2011 with the results of public consultation.

5. FINANCIAL IMPLICATIONS

This report is provided for information. No changes to the Greening Land Securement Strategy and procedures are being proposed. The Greening Land Securement Strategy is funded through a tax levy contribution to the Land Securement Reserve. There are no financial implications of this report.

6. LOCAL MUNICIPAL IMPACT

As Greenlands are protected and enhanced through securement initiatives, local municipalities are consulted and generally benefit from the enhancements to both their communities and the natural environment. Local municipalities are members of the Land Securement Working Group hosted by York Region. This forum provides an opportunity for dialogue on both the land securement process and specific land use securement projects.

7. CONCLUSION

Since 2001, the Greening Land Securement Strategy has seen significant success with the securement of 35 properties, amounting to 872 hectares (2155 acres) of land. Lands are secured through a number of different means, and with a number of different partners. There are a number of layers of protection for these conservation lands. Potential risks to the properties, including impacts to the environmental features and functions are not considered significant. The Greening Land Securement Program continues to contribute in a significant way to a healthy natural heritage system for future generations.

For more information on this report, please contact Ian D. Buchanan, Manager of Natural Heritage and Forestry Services at Ext. 5204.

The Senior Management Group has reviewed this report.

(The two attachments referred to in this clause are attached to this report.)

Properties Secured 2001-2009

LEGEND

- Multi-Lane Provincial Highway
- Provincial Highway
- Road
- Railway
- Municipal Boundary
- Regional Boundary
- Lake *
- River *
- Town or Village
- Urban Area
- Secured Property
- Property Identifier

York Region

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Transportation Services Department
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Year	Property Identifier (corresponds with map)	Property Size Hectares (ac)	Registered Owner / Conservation Easement (CE) Holder
2001	1	9 (21)	Nature Conservancy Canada
	2	19 (46)	Toronto and Region Conservation Authority
	3	16 (40)	Markham
	4	32 (78)	Toronto And Region Conservation Authority
2002	5	8 (20)	Nature Conservancy Canada
	6	6 (14)	Nature Conservancy Canada (CE)
	7	1 (2)	York Region
2003	8	32 (79)	Nature Conservancy Canada (CE)
2004	9	51 (125)	Nature Conservancy Canada
	10	20 (49)	Nature Conservancy Canada
	11	24 (60)	York Region
	12	1 (2)	York Region
	13	4 (11)	Newmarket
2005	14	7 (18)	Oak Ridges Moraine Land Trust
2006	15	111 (274)	Oak Ridge Moraine Land Trust (CE)
	16	69 (170)	Toronto And Region Conservation Authority
	17	16 (40)	Oak Ridge Moraine Land Trust
	18	10 (25)	Toronto And Region Conservation Authority
	19	17 (43)	Nature Conservancy Canada
	20	12 (30)	Nature Conservancy Canada
2007	21	8 (19)	Lake Simcoe Region Conservation Authority
	22	8 (20)	Lake Simcoe Region Conservation Authority
2008	23	2 (4)	York Region
	24	5 (13)	York Region
	25	20 (50)	Toronto And Region Conservation Authority
	26	20 (50)	Oak Ridge Moraine Land Trust (CE)
	27	20 (49)	Oak Ridge Moraine Land Trust (CE)
	28	33 (81)	Toronto And Region Conservation Authority
	29	27 (68)	Lake Simcoe Region Conservation Authority (CE)
	30	55 (136)	Lake Simcoe Region Conservation Authority (CE)
	31	15 (36)	Nature Conservancy Canada
2009	32	121 (299)	York Region
	33	28 (71)	York Region
	34	29 (72)	Nature Conservancy Canada
Total Land Secured		872 (2155)	