

# Ontario Ecological Gifts Handbook

## “Definition of Ecologically Sensitive Lands: 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, **provided the terms of conservation easement agreements regard and protect the ecologically sensitive features of the land.**

- A1. Significant portions of the habitat of species determined to be endangered, threatened or vulnerable in Ontario, as specified in a recovery plan or other biological study;
- A2. Areas designated as Provincially Significant Wetlands;
- A3. Provincial or regional Areas of Natural and Scientific Interest;
- A4. Designated Areas of Concern for biodiversity purposes as identified in Forest Management Plans;
- A5. Areas qualifying for the Conservation Land Tax Reduction Program;
- A6. Areas managed for wildlife habitat conservation purposes that qualify under the Managed Forest Tax Reduction Program
- A7. Areas promoting the conservation of natural heritage and biodiversity that are identified within a regional or watershed plan or strategy developed by a recognized conservation organization;
- A8. Areas designated as a World Heritage Site for biodiversity conservation purposes, a core area of a UNESCO Biosphere Reserve, or a Wetland of International Importance under the Ramsar Convention;
- A9. Areas of biodiversity significance identified in a Canadian Heritage Rivers Management Plan or Strategy;

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

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

A12. Areas designated Core Area, Corridor or Restoration Area in the Lake Ontario Greenway Strategy;

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 bylaw 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 is 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;

A16. Municipal parks or other protected areas designated or managed for biodiversity conservation purposes;

A17. Areas identified as Carolinian Canada sites or alternate sites;

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;

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

## **B) Other Criteria for Ecologically Sensitive Lands**

Lands, easements or covenants relative to such lands, which 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 Minister of the Environment, **provided the terms of conservation easement agreements regard and protect the ecologically sensitive features of the land.** 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, heronries, snake hibernacula, deer wintering yards and sites used by migratory water birds and other species for seasonal staging, feeding, breeding and related 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;

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.

### **Sample information report for the certification of ecologically sensitive land**

**Donor:**

Name: Jane Doe

Address: 123 Elm Street, Whatsitville, ON, 5N5 2T9

**SIN:** 555-555-555

**Recipient:**

Name Sparkle Creek Land Trust

Address 22 Main Street, Whatsitville, ON, 5N5 2T0

**Charitable Tax Number:** Registered Charity # I56756h788-67

**Legal Description:** Part of Lot 27, Concession 5, Municipality of Whatsitville, Wherever Co. (the Doe property, Jane's Woods)

**Type of Donation:** A Conservation Easement under the *Ontario Conservation Land Act*. (see dated draft agreement, attached)

**Area:** 45 hectares

**Certification of Recipient:** Sparkle Creek Land Trust is on Environment Canada's list of eligible eco-gift recipients, as noted on the Ecological Gifts Program-National Web site.

**Assessment of Ecological Character:**

The land in question is known as Jane's Woods. Approximately half the property is gently rolling to flat upland, with some limestone outcroppings and low cliffs. The remainder is floodplain/lowland with Sparkle Creek forming much of the eastern border of the property.

Most of the property is forested but 10% is taken up by an old field and an adjoining residence and barn.

The site provides both terrestrial and aquatic wildlife habitat, serves as a wildlife corridor, and is habitat for a species at risk. The lowland and much of the upland is part of the Sparkle Creek/Jane's Woods ESA and the Ministry of Natural Resources has identified Sparkle Creek as Brook Trout habitat.

The property is in good condition, having been left by the current owner in its natural state for 40 years, with no logging having occurred in the past 80 years. The landowner is actively removing invasive exotic species from the old field and selectively planting native plants to encourage grassland bird species.

Threats include subdivision for housing, upstream development, and agriculture causing siltation of Sparkle Creek.

### **Status of Donation**

Yet to be made, anticipate completion by calendar year-end, need to receive *Notice of Determination of Fair Market Value* before closing will occur.

### **Habitat and Site Characteristics**

The property is approximately 80% forest, 10% wetland, 5% grassland and 5% residential/lawn.

**FOREST:** 25% Maple-Beech forest on dry to fresh soils, 20% Maple-White Ash forest on dry soils, 30% White Cedar - hardwood forest on moist soil, 5% White Pine Plantation on dry soils

**WETLAND:** 10% White Cedar Swamp

**GRASSLAND:** 5% old field on dry soils

**LAWN/RESIDENTIAL:** 5% lawn 3

- Riverine/riparian zone: Yes
- Cliff: Yes
- Coastal: No
- Dune: No
- Alvar: No

### **Species Present**

See attached lists from local naturalist club and landowner.

### **Species at Risk Present**

Hart's Tongue Fern (COSEWIC Species of Special Concern; Schedule 1 *Species of Species at Risk Act*)

## **Structures on Property**

One house, an old barn and a garden shed.

## **Ecological Information Sources**

- Local office of the Ministry of Natural Resources – habitat for Brook Trout.
- Sparkle Creek/Jane’s Woods ESA report (Municipality of Whatsitville).
- The local naturalist club has also compiled species lists for this area.

A-1 Hart’s Tongue Fern - Federal Species of Special Concern. Noted by local naturalist club, reported to OMNR by Sparkle Creek Land Trust  
A-5 Conservation Land Tax Incentive Program – landowner has successfully applied to CLTIP

A-14 Sparkle Creek/Jane’s Woods ESA (municipal)

B-5 Fish Habitat for Brook Trout noted by OMNR (Mr. Pike, personal communication)

B-9 Part of forested corridor along Sparkle Creek within ESA.

Observations of use by deer, also noted in ESA report.

**Local, Regional, Provincial, National or International ranking for site significance** ESA – municipal

## **Purpose of the Donation and Future Intentions**

The donor wishes to see the land protected from surrounding development, but still wants to be able to sell it. The donor is also interested in the tax benefits of donation. The property is to be preserved, with only minimal logging or development of additional structures allowed. Please see attached easement document. The current use and ecological character of the site will be unchanged and the donor is aware of the permanent legal restrictions applied by the conservation easement. Sparkle Creek Land Trust intends to hold and uphold the easement in perpetuity.

## **Attached**

- Site map
- Species lists
- Dated final draft conservation easement document
- Written confirmation from donor of ownership and desire to seek ecological sensitivity certification
- Written confirmation from recipient agency to accept donation as an Ecological Gift