



Annotated Baseline Documentation Report (BDR) Template for Natural Heritage Lands subject to a Conservation Easement Agreement held by a Land Trust

This Annotated Baseline Documentation Report (BDR) Template was prepared by the request of the Ontario Land Trust Alliance (OLTA). This report was also prepared in conjunction with the Ontario Land Trust Assistance Program (OLTAP). Since 2002 OLTAP has granted tens of thousands of dollars to Ontario land trusts to help secure properties of ecological interest. This document has been reviewed by the OLTAP Committee and is being endorsed as a recommended approach to preparing Baseline Documentation Reports for properties with conservation easement agreements.

This report is intended to be compatible with the Canadian Land Trust *Standards and Practices*, released in December 2005. Standard 11, Practice B pertains to the Baseline Documentation Report.

This report is intended to provide recommended guidelines to those applying for funds from the OLTAP program and may also suit the general needs of Ontario land trusts as the basis for a Baseline Documentation Report (BDR) for lands under conservation easement agreement. Annotated comments are included in text boxes and are intended to guide the user when filling out information data fields.

Disclaimer

This material is designed to provide accurate, authoritative information in regard to the subject matter covered. It is provided with the understanding that the Ontario Land Trust Alliance (OLTA) is not engaged in rendering legal, accounting, or other professional counsel. If legal advice or other expert assistance is required, the services of competent professionals should be sought.

Prepared for the Ontario Land Trust Alliance (OLTA)

By Michelle K.M. Albanese and Robert Orland

OrLand Conservation

Revised September 2006



SECTION 2 Annotated Baseline Documentation Report (BDR) Template for Conservation Easement Agreement Properties

This Baseline Documentation Report has been developed as a guideline of recommended information fields for land trusts and conservation organizations to include. The text boxes under each section are there for formatting purposes and do not have to be kept in your working copy.

Property:

Name of Property

Conservation Easement Agreement Reference Statement:

Provide a reference to the conservation easement agreement, the date it was signed, where it was registered and where copies can be found. This gives the BDR a direct link to the legal document and facilitates enforcement at a later time should that become necessary. This reference can be incorporated into the letter of acknowledgement (see Section 2, Part 6). Ensure that capitalized words and important phrases are consistently used in the conservation easement agreement and the BDR.

Date of Site Visit(s):

Month, day, year. May take multiple site visits.

BDR Prepared by:

Name of person(s) who prepared the BDR. You may want to include a statement of their qualifications, training and/or expertise.

Contact Information:

Phone, fax, email, mailing address of the person who prepared the report.

Purpose and Intent of the Conservation Easement Agreement:

Include any references made in the conservation easement agreement about the landowner and agreement holder's specific, common purpose (or intent) in conserving the property and its conservation values. Recent literature (Paris and Albanese, 2005; LTA, 2005) and in some jurisprudence it is emerging as an important provision for a judge to rely upon having separate "conservation values" statement in determining the basic purpose of the conservation easement agreement and a context within which to decide the facts.



In many conservation easement agreements, the agreement itself has information contained in it, on the Purpose/Intent. The debate continues as to whether these statements should be broad or specific. Statements that are too broad in nature (i.e. the purpose of this conservation easement agreement is to protect the natural features of this property) may be too ambiguous and show a lack of understanding of what is to be protected. Conversely, statements that are too specific (i.e. the purpose of this conservation easement agreement is to protect the Class 1 PSW on the property as well as habitat for the Jefferson Salamander) may be too limiting as these elements could be subject to change over time. Most conservation easement agreements are designed to be in effect for perpetuity. But properties can dramatically evolve and change in a hundred year time frame. Species and habitats that were once important in protecting on a property may evolve into something else as a product of natural succession, climate change or other factors. A compromise may be to have both general comments about the conservation values of the property and the specific values (i.e. those documented in the BDR). Thus, the BDR serves as an important link to the conservation easement agreement in documenting the conservation values of the property, and the reason for performing the conservation easement agreement in the first place.

BDR Summary:

In most if not all cases, it will not be possible to register the entire BDR with all the maps and photo schedules on title. Therefore it may be advantageous to have a written summary of the BDR incorporated as a schedule into the conservation easement agreement, so that a summary of the BDR is instantly available together with the conservation easement agreement. It is especially important to have a summary or interim BDR in cases where the final BDR won't be completed at the time of closing (see Section 2, Part 6). The BDR summary included in the conservation easement agreement should be clearly reproducible in black and white and contain the following information at a minimum:

- 1) Conservation easement agreement reference statement;*
- 2) Property location;*
- 3) Significance of the property;*
- 4) General description of natural features on the property;*
- 5) Description or survey of conservation zones or areas within the property*
- 6) List of improvements/structures/trails etc that relate to the conservation easement agreement;*
- 7) Damaged or disturbed areas;*
- 8) Description of species or natural features of interest that relate to the conservation easement agreement;*
- 9) A black and white site plan or conservation agreement base map of the property (see Exhibit C); and*
- 10) Acknowledgement that the baseline is an accurate description of the values and features; and signatures.*

1. Landowner Contact Information

Landowner's Name:

Name of owner(s) on title and spouse (if not on title).

Address of Landowner:

Mailing address

Phone:

Fax:

Email:



ONTARIO LAND TRUST ALLIANCE

The Baseline Documentation Report (BDR)

October 25, 2006

Contact Person(s):

If different from above, person(s) who are primary and secondary contacts for the Property, otherwise delete.

Address of Contact Person(s):**Phone:****Fax:****Email:****2. Property Information****Details of Conservation Easement Agreement:**

Indicate whether the conservation easement agreement is a donation, purchase, split receipt, and whether the property is an Ecological Gift under Environment Canada's Ecological Gift Program and if so, provide the Ecological Gift Reference Number.

Property Address:

The street address of the property.

Legal Description:

A description of the property as indicated on the title deed and/or in the conservation easement agreement. Lot and concession numbers etc;

Surface Area (acres and hectares):

Approximate or as noted by legal survey.

Directions to the Property:

Provide driving directions to the property from nearest major centre.

Access Details for the Property:

Provide any information about point(s) of access to the property, whether by foot or car etc. For conservation easement agreements, any special access information for monitoring.

Official Plan (OP) Land Use Designation(s):

State OP or OP amendment date, the Schedule and designation e.g. RU – Rural and cite the policy associated with this designation (i.e. Section 3.1 RURAL permitted uses include).

Zoning of Property:

Provide By-Law Number and date; state the Zone that covers the property and permitted uses.



ONTARIO LAND TRUST ALLIANCE

Maps:

National Topographic System (NTS) maps (1:50,000) and Ontario Base Maps (OBMs) (1:10,000) can be used here to illustrate where the property is situated in the context of the landscape. These maps typically show broad patterns of forest cover, rivers, streams, elevation, roads, buildings and other features. Information relating to property specific baseline mapping will be discussed in subsequent sections of this report.

- [National Topographic System Map from NRC]
- [Ontario Base Map from MNR]

Other Information:

Include other pertinent details that may not be included in the sections above.

3. Description of the Conservation Values on the Property

In this section the “conservation values” protected by the conservation easement agreement are being described. Each conservation easement agreement is unique in the way it describes the conservation values or natural features on the property. Ensure that whatever language is used in the conservation easement agreement, the same language is used in the BDR. For example, if “conservation values” is the term used in the agreement, keep it consistent with the wording and titles in the BDR. If “natural features” are used in the agreement, use the same term in the BDR.

Site Description:

Include a description of the property including topography and natural features (terrestrial and aquatic) as well as reasons why the property is being protected.

Site Designations:

Indicate whether the property has any ecological significance, and if the property is part of any special designations (e.g. local Environmentally Sensitive Areas (ESAs), Areas of Natural and Scientific Interest (ANSIs), Provincially Significant Wetlands (PSWs) or conservation planning initiatives that may be on a local, regional, provincial scale. If the property is donated through Environment Canada’s Ecological Gift program, list Ecological Sensitivity Criteria as qualified by Environment Canada.

Habitat Characterization:

Describe current habitat types (vegetation community types) and ecological systems. Take representative pictures of each community and map ecosites/polygons on a property map.

Ecological Land Classification can be used to describe vegetation as it provides a classification system for identifying vegetation community types. Additional information is also provided on soil types and moisture regimes. For land trusts working in Southern Ontario, the ELC reference to use is the Ecological Land Classification for Southern Ontario (Lee et al., 1998).



Surficial and Bedrock Geology:

Identify surface and underlying geology.

Soils:

Identify soil series, soil survey and list significant soil properties – saline/nonsaline, texture, drainage, permeability, suitabilities.

Ecological Land Classification (ELC) for Southern Ontario (Lee et al., 1998) may be used to provide additional information on soil substrate types, moisture regimes, soil texture, rock type and soil drainage.

Wildlife Habitat:

Does the property have any specific habitat for certain terrestrial/non-terrestrial species and groups? Habitat for migrating species?

Species of Interest:

Specify any species of interest that may be important for monitoring and enforcement of the conservation easement agreement. List any endangered, threatened, rare and significant species, along with Biodiversity Rankings for each species.

Other Ecological or Heritage Values:

Include information on whether the property is a buffer, corridor, has archaeological or scenic value.

4. Property Data

In this section, specific information or data is collected for the BDR based on the conservation easement agreement restrictions. This data will be used to support future monitoring of compliance of the conservation easement agreement restrictions, therefore accuracy is a priority. If geo-referencing or GPS is being used to pinpoint location, ensure that the operator is trained and the GPS unit is being used properly to increase accuracy. All GPS recordings (i.e. UTM) should be taken when their accuracy level is the highest. For example, the user can consider averaging multiple readings. The level of accuracy should be recorded as well. Photos should be taken whenever necessary for documentation purposes. The direction of the photo should be recorded using the azimuth of a compass (i.e. facing southwest or facing 10 degrees).

Property data information will be used to develop the conservation easement agreement base map of all the property features which relate to the conservation easement agreement. See Part 7, Exhibit C for additional mapping comments.

Description of Property Perimeter Boundaries:



Indicate whether there is a legal survey for the boundaries of the property. Make reference to the legal survey and attach to BDR. Describe how other the boundaries have been delineated on the ground (i.e. iron bars, fences etc) and consider documenting with photographs. Record the UTM and level of accuracy. Include this information in Table 4.1 below. This will establish where the property perimeter boundaries are and how to locate them on the ground.

Table 4.1 Perimeter Boundaries

Boundaries	Present	Notes	UTM (accuracy)
Corner monuments/pins located and GPS			
Well marked blazed and GPS			
Survey. Date:			
Iron Bar			
Wooden Stakes			
Brushed			
Fence			
Other			

Description of Conservation Easement Agreement Zones:

Some conservation easement agreements use zones or areas within the property boundaries to determine which parts of the property will have certain restrictions of use (i.e. residential area, protected area.) It is important that these zones are described with a high level of accuracy. To achieve this it is recommended that a legal survey is performed by an Ontario Land Surveyor (OLS) as the best tool for legally enforcing the agreement in perpetuity.

Describe the areas or zones of the conservation easement agreement and how they have been delineated on the ground (i.e. iron bars, wooden stakes, fences etc, and consider documenting with photographs), location (i.e. GPS) or refer to the conservation easement agreement survey, if a legal survey was performed to determine the areas/zones. Include this information in Table 4.2 below.

Table 4.2 Conservation Easement Agreement Zones

Name of Zone	Boundaries	Present	Notes	UTM (accuracy)
	Corner monuments/pins located and GPS			
	Well marked blazed and GPS			
	Survey. Date:			
	Iron Bar			
	Wooden Stakes			
	Brushed			
	Fence			
	Other			

Improvements and Structures:

Usually improvements and structures are defined in a conservation easement agreement and include any human made, non portable structure or object such as bridges, lane ways, barns, viewing platforms, outhouses, dams, etc. Document the information in Table 4.3 below, as necessary. As mentioned in Table 5.1 - If the conservation easement agreement prohibits a change of building locations or an increase in existing building footprints within a defined "building area", or all of the restrictions apply to the whole property – (i.e. no residential boundary defined but there are buildings on the property) then the authors of the baseline/BDR will want very specific data on the location and size of the existing buildings (see Table 4.3 below). On the other hand, if there are no restrictions applicable to the "building area" or "residential area" then more basic information on the presence or absence and function of buildings may be all that is required with regard to that restriction.

Table 4.3 Improvements and Structures

Improvement	Function	UTM Location (Accuracy)	Size (m ²) /Notes	Height (m)	Principle Material	Condition 1	Photo #

1. Condition rating: Excellent – new condition; Good- some wear but functioning as intended with no structural or cosmetic faults; Poor – Barely functions as intended, structural and cosmetic faults; Dilapidated- no longer usable for the intended purpose.

Trails:

Trails are usually an important part of a conservation easement agreement, thus they require special documentation. Indicate on a map and in Table 4.4, the location of existing trails. GPS can be used to map trails at trail heads, trail intersections and access points. In order to properly map an entire trail you can take GPS readings of the trail every time it changes direction. If the trail curves, take sufficient points so the slope of the curve can be accurately mapped on a baseline map. Photograph a representative section of the trail or access point to indicate its average width and terrain base (i.e. compacted soil, gravel, woodchips). Describe the trail system, when it was established and its purpose.

Table 4.4 Trails

Trail	Purpose	Avg. Width	Substrate	UTM (Accuracy)	Photo #

This section is adapted from NCC, 2006 –Baseline Documentation Report

5. Conservation Easement Agreement Restrictions

In the context of a conservation easement agreement, remember that the paramount purpose of the baseline is to support the monitoring of compliance and enforcement of conservation easement agreement restrictions. Accordingly, the baseline authors should ask themselves with respect to each conservation easement agreement restriction: How will someone monitoring this property know if this conservation easement agreement restriction has been violated? If the land trust collects additional information on a property that is considered important to understanding the property but “extraneous” to the purposes of monitoring and enforcing the conservation easement agreement, this information can be stored in an additional “baseline file” but does not have to be included in the BDR.

Restrictions may relate to the entire property or may be specific to zones within the property. Regardless, the documentation of property data that it is relevant to each restriction needs to be methodical, supported by photographs and geo-referencing points.

The following table demonstrates how the conservation easement agreement restrictions should be listed along with the information that will be used to support them.

List of Restrictions from Conservation Easement Agreement

Restriction X.X (reference from Conservation Easement Agreement)

Insert the actual restriction from the conservation easement agreement verbatim into the BDR. Do not include summaries or paraphrases as this could cause confusion or misinterpretation. These restrictions should also be listed verbatim in future monitoring reports as a checklist for compliance.

Information Related to the Restriction: *What is the current condition of the property that relates to this particular restriction? Refer to Table 5.1 for ideas on which types of information to document. Also, include any current uses or reserved rights that the landowner may have in relation to this restriction.*

Include references to relevant property specific photographs and GPS coordinates that directly relate to each restriction. In particular, reference information about improvements, structures, trails or boundaries that may have been described in Part 4 of this template. Ensure that all relevant information is accurately located onto the conservation easement agreement map.

If evidence shows there is a current pre-existing condition, document details (i.e. what is the issue, what is the source, whether it was caused by landowner or third-party actions), take photographs and GPS the location. For the purposes of the BDR it is important to state acceptance of it as a pre-existing condition or rectify the condition before the conservation easement agreement is signed (For example, if the property has an existing dump site and dumping is one of the restrictions, the dumpsite could be cleaned up before the conservation easement agreement is signed).

Repeat above for all restrictions

Types of Restrictions and Data Collection (for Discussion Purposes Only)

The following table (Table 5.1) looks at typical restrictions¹ contained in natural heritage conservation easement agreements and provides the types of baseline information required. It is important to note that if one of the characteristics in this checklist is not observed on the property, you should record the absence of that characteristic in the report. Do not simply neglect to mention it. For example, if there were no built structures on the property, include a sentence in the report which reads “No human made structures were observed on the property”.

Please note that this is not an inclusive list of restrictions, as there are other types of restrictions that may be contained in a conservation easement agreement that are not included here.

Table 5.1

General Types of Conservation Easement Agreement Restrictions “The Owner Shall Not”....	Types of Information to Consider for Data Collection	Additional Considerations
<u>Subdivision</u> <i>sever or subdivide the Lands;</i>	✓ Copy of existing legal survey.	✓ Notify the local municipal planning department, Land Division Committee and Heritage Committee of this conservation easement agreement and covenant so they are aware of the “no subdivision” restriction should an application for consent under Section 53 of the Planning Act ever be submitted for approval.
<u>Buildings and Structures</u> <i>construct, erect, maintain or allow the construction, erection or maintenance of any building or structure, including without limitation transmission tower or lines, fences and signs, on the Lands;</i>	✓ Describe purposes of each built feature (i.e. bridges, wells, sheds, fences, hydro towers) and location (i.e. GPS) on a baseline map. ✓ If relevant, specify each using dimensions, quantities and materials if relevant, and attach photos.	✓ If the conservation easement agreement prohibits a change of building locations or an increase in existing building footprints within a defined “building area”, or if all the restrictions apply to the whole property – (i.e. no residential boundary defined but there are buildings on the property) then the authors of the baseline/BDR will want very specific data on the location and size of the existing buildings. On the other hand, if there are no restrictions applicable to the “building area” or “residential area” then more basic information on the presence or absence and function of buildings may be all that is required with regard to that restriction.

¹ Adapted from the Natural Heritage Conservation Easement Agreement TEMPLATE of the Ontario Heritage Trust, 2006.

General Types of Conservation Easement Agreement Restrictions “The Owner Shall Not”....	Types of Information to Consider for Data Collection	Additional Considerations
<u>Roads, Parking Areas</u> <i>construct, improve or allow the construction or improvement of any road, parking lot, dock, aircraft landing strip or other such facility, except for the maintenance of existing foot trails, fire lanes or other accesses;</i>	<ul style="list-style-type: none"> ✓ Indicate on a baseline map the location (i.e, GPS) of existing trails and access points. Consider using GPS to map trails. ✓ Photograph a representative section of the trail or access point to indicate its width and terrain (i.e. compacted soil, gravel, woodchips). ✓ Describe the trail system, when it was established and its purpose. 	<ul style="list-style-type: none"> ✓ Consider using sound field procedures for photographing changes in vegetation and soils. This will facilitate future monitoring through repeat photography. One method is the PhotoPoint process developed by Frederick Hall (2001, 2003),
<u>Motorized Vehicles & Mountain Bicycles</u> <i>use or operate or allow the use or operation of mountain bicycles or motorized vehicles on the Lands including without limitation snowmobiles, all-terrain vehicles, motorcycles, motorboats or personal watercraft;</i>	<ul style="list-style-type: none"> ✓ Indicate the locations of trails and access points. ✓ Photograph, GPS and describe any evidence of past use by motorized vehicles such as tire ruts or soil compaction. 	
<u>Mobile Homes</u> <i>use or allow the Lands to be used as a trailer or mobile home park, parking or storage area;</i>	<ul style="list-style-type: none"> ✓ Indicate whether there is the presence or absence of existing sites for mobile homes, trailers, parking or storage. ✓ If there are existing sites, fully describe them, GPS locations, take photographs and map them. 	
<u>Dumping</u> <i>dump or allow the dumping of soil, rubbish, ashes, garbage, waste or other unsightly or offensive materials of any type or description;</i>	<ul style="list-style-type: none"> ✓ Indicate whether there is the presence or absence of existing sites where materials have been dumped. ✓ If there are existing sites, fully describe them, GPS locations, take photographs and map them. 	<ul style="list-style-type: none"> ✓ This may require documenting anecdotal information from the landowner on past practices
<u>Pesticides</u> <i>use or allow the use of pesticides, insecticides, herbicides, chemicals or other toxic materials of any type or description;</i>	<ul style="list-style-type: none"> ✓ Describe existing locations (i.e. GPS) and uses of chemical materials on the property. 	<ul style="list-style-type: none"> ✓ This may require documenting anecdotal information from the landowner on past practices

General Types of Conservation Easement Agreement Restrictions “The Owner Shall Not”....	Types of Information to Consider for Data Collection	Additional Considerations
<p><u>Grading, Topography</u></p> <p><i>change or allow any changes in the general appearance or topography of the Lands, including and without limiting the generality of the foregoing, the construction of drainage ditches, tile drains, retaining walls, dams or ponds or any similar undertakings, as well as the dumping, excavation, dredging or removal of loam, gravel, soil, rock, sand or other materials;</i></p>	<ul style="list-style-type: none"> ✓ Photograph, GPS and map all existing ditches, ponds, streams, wetlands, and other water bodies (both permanent and seasonal). ✓ For streams, indicate on the map the location of major bends, pools, runs and riffles. Describe the materials on the bottom of the stream (e.g. gravel, sand), the width and depth, direction and speed of flow and any flora and fauna they support. ✓ For wetlands, indicate their class and significance as well as any significant flora and fauna they support. ✓ For ponds, indicate if they are natural or human-made, their source (i.e. spring-fed, surface runoff, in-stream etc) their depth, how often they dry up, their shape, and the flora and fauna they support. ✓ Photograph, GPS and map any retaining walls, dams or other structures. ✓ Include a topographic map and describe the topography of the land. Emphasize any unique or ecologically important features. Describe the drainage pattern of the property. Identify and recharge or discharge areas on the property such as springs. ✓ Describe, photograph and GPS any evidence of past dredging grading or soil removal. 	<ul style="list-style-type: none"> ✓ The focus in this data collection is to thoroughly document recent disturbances. As this is a “no disturbance” clause, any violations would be relatively visible and should be easy to see in annual monitoring visits. However, this task is made more difficult if recent construction activity occurred prior to the conservation easement agreement. ✓ Ecological Land Classification (Lee <i>et al.</i>, 1998) can be used to classify aquatic systems. ✓ Consider using sound field procedures for photographing changes in vegetation and soils. This will facilitate future monitoring through repeat photography. One method is the PhotoPoint process developed by Frederick Hall (2001, 2003),

General Types of Conservation Easement Agreement Restrictions “The Owner Shall Not”....	Types of Information to Consider for Data Collection	Additional Considerations
<u>Vegetation</u> <i>remove, destroy or cut or allow the removal, destruction or cutting of trees, shrubs or other vegetation;</i>	<ul style="list-style-type: none"> ✓ Indicate the location and size of any woodlots. ✓ Describe any disturbed logging areas or pre-existing evidence of cutting. ✓ Map the major vegetation communities (i.e. ELC) on the property and show their boundaries. ✓ Describe these communities (indicate location, dominant species, and the functions they serve such as linkage, attenuation of water flow, habitat, and so on). ✓ List the rare, unusual or sensitive flora and fauna which have been reported in the area by the landowner and by past studies as well as the species you observe on the property. What is the status of these species locally, regionally and provincially? ✓ Describe the natural and human-made habitat on the property. How common is this habitat in the ecological region where the property is situated? 	<ul style="list-style-type: none"> ✓ If a particular plant species is not protected by the conservation easement agreement through the restrictions, it may not be, necessary to provide specific measurements of that species in the baseline. However, the land trust may want to document endangered, threatened, rare and significant species and it may want to maintain their exact location confidential. ✓ Relation to existing forest management plans (i.e. MFTIP) ✓ Ecological Land Classification (Lee <i>et al.</i>, 1998) can be used to classify vegetation communities. ✓ Consider using sound field procedures for photographing changes in vegetation and soils. This will facilitate future monitoring through repeat photography. One method is the PhotoPoint process developed by Frederick Hall (2001, 2003),
<u>Plants and Animals</u> <i>plant or allow the planting or other introduction of non-native plant or animal species within the Lands</i>	<ul style="list-style-type: none"> ✓ Describe the location and type of non-native vegetation observed on the property. 	<ul style="list-style-type: none"> ✓ This is useful information in the formulation of a future stewardship plan for the site
<u>Hunting, Fishing and Trapping</u> <i>use or allow the Lands to be used for commercial or sport hunting, fishing or trapping;</i>	<ul style="list-style-type: none"> ✓ Describe any evidence of past hunting, fishing and trapping. 	<ul style="list-style-type: none"> ✓ This may require documenting anecdotal information from the landowner on past practices
<u>Firearms</u> <i>use or allow the use of firearms on the Lands;</i>	<ul style="list-style-type: none"> ✓ Describe any evidence of prior firearms use. ✓ Spent shells should be removed but their location should be noted in the BDR for monitoring purposes 	<ul style="list-style-type: none"> ✓ This may require documenting anecdotal information from the landowner on past practices

General Types of Conservation Easement Agreement Restrictions “The Owner Shall Not”....	Types of Information to Consider for Data Collection	Additional Considerations
<p><u>Conservation of Water, Soil, Biota</u></p> <p><i>undertake or allow others to undertake any activities, actions or uses detrimental or adverse to water conservation, erosion control, soil conservation or the preservation of native plant and animal species; and</i></p>	<ul style="list-style-type: none"> ✓ Identify any water features with name, type (e.g. pond, lake, stream, river, wetland type, vernal pool), approximate size or distance with directional description of its location within the property and direction of flow; whether location is upstream or downstream of other activities; whether ephemeral or year-round; specify if constructed or natural. ✓ Describe the vegetation on any major slopes and along stream banks and other water features. ✓ Indicate whether water-taking is occurring. ✓ Indicate areas which are susceptible to erosion. ✓ Indicate any existing evidence of erosion. ✓ Photograph, GPS and map any recent incidences of vegetation removal 	<ul style="list-style-type: none"> ✓ Sometimes a restriction may relate to water quality which can be difficult to measure. Certain species may be important indicators of the ecological health of the property at the time the conservation easement agreement was registered. For example, the presence of aquatic invertebrates, fish, and amphibians in a water feature could be an indicator of good water quality, and especially useful if preserving water quality is an important element of the conservation easement agreement. ✓ Although all native plant species are protected by the conservation easement agreement through the restrictions, it may useful to provide specific measurements of certain endangered, threatened and rare species (using scientific monitoring methods) in the baseline. This provides an accurate baseline for monitoring any trespass and removal for sales in the exotic species retail sales (orchids in particular) and bonsai market.
<p><u>Livestock</u></p> <p><i>Permit agricultural livestock to enter or to use the Lands and maintain the fencing along the boundaries of the Lands in a condition that will prevent agricultural livestock from entering onto the Lands.</i></p>	<ul style="list-style-type: none"> ✓ Indicate evidence of livestock use of streams and forests. 	

6. Letter of Acknowledgement for Baseline Documentation Report

This section is to contain signatures (and dates) for the landowner(s) to verify that they agree that the contents of the BDR (including maps and photographs) are an accurate representation of the property, including its physical features and current uses, at the time of the conservation easement agreement registration. Consult legal advice for whether witness signatures are required etc. They should also acknowledge that they received a signed copy of the report.

It is best to have the BDR completed and signed at the time the conservation easement agreement is registered on title when all of the parties are focused on the issues and available to complete the supporting documentation. For any number of reasons however (including seasonal limitations in the field) it may not be possible to have a completed BDR at the time the conservation easement agreement is registered on title. In these circumstances, the conservation easement agreement may include an interim baseline documentation report or a summary of the best available information on the conservation values and condition of the property, together with an acknowledgement that it will be replaced by a full report at a specified later date (i.e. to be completed within 6 months). See the beginning of Section 2 for suggested fields for a BDR summary.

Moreover, land trusts should document the Landowner's acceptance of the contents of the complete BDR when it is finished, either by obtaining their signature on it or, failing that, by confirming (by letter to the landowner) that they do not have any objections to its contents.

7. Lists of Potential Maps, Photos or Data Sheets Attached to Master Copy of Report

List below the attachments which can include, but may not be limited to the following. Ensure that these attachments are referenced in the report, as necessary, and in fact attached to the document.

Exhibit A: **Registered Survey of the [NAME OF] Property and/or Survey of the Conservation Agreement Zones within the Property**

Exhibit B: **Legal Description of the [NAME OF] Property**

May want to attach a copy of the registered title deed

Exhibit C: **Conservation Easement Agreement Base Map**

It is common for land trusts to create a map of the property with all of its features and register it on title with the conservation easement agreement in addition to including it in the BDR. The conservation easement agreement map is an extremely important visual aid in understanding the features of the property (both natural and constructed). It can also be assumed to be a spatial representation of the property, and could be used in an evidentiary manner to support and defend the conservation easement agreement. Therefore, it should be ensured that the conservation easement agreement map that is produced contain reference to important features and zones of the property, accurately and with the necessary detail, especially those features and zones that relate to the restrictions and reserved rights.

There are many different ways to create a map for a conservation easement agreement. Some land trusts use legal surveys, some use orthographical photos or aerial photography as a base for their mapping and others use hand drawn illustrations. However, when there are different zones of protection within the property and when the conservation values necessitate highly accurate designations which are clearly identifiable on the ground an additional legal survey performed by an Ontario Land Surveyor (OLS) is recommended as the best tool for legally enforcing the conservation agreement in perpetuity.

Besides performing a legal survey, there are other spatial tools which can be used to determine areas or points of interest or photo sites on conservation easement agreement lands, which can then be referenced on the map. However it is important to note that without performing a legal survey, there may be large degrees of error involved. Geo-referencing (i.e. GPS coordinates) is another option however there can be large degrees of human and/or technological error associated with the user and the equipment being used. Other methods may include using a measurement tool, such as a measuring wheel. In any case, the land trust must assess the most accurate and feasible way to spatially document the zones and features of the conservation easement agreement, to maximize clarification both on the map and on the ground. Always remember that the perimeter boundaries of the property under conservation easement agreement should always be dictated by an official legal survey.

If the land trust is going to register their conservation easement agreement map on title with the agreement, is best to have the map in black and white, as colour maps are not always accepted by the registration office. For maps included as part of the BDR and contained in the registered with the agreement, colour may be used. Ensure that basic mapping conventions are followed, such as providing a scale, date, directional orientation, author/photographer identification, etc.

Mapping should spatially reference any important features on the ground, especially those which are pertinent to the conservation easement agreement. For example, a conservation easement agreement may have a restriction which states that "no new trails or roads can be created, but that existing ones can be maintained". In this case, the map should clearly indicate the width (i.e. using metric or imperial units), composition (dirt, gravel, grass) and position (location on the map) of the existing trails so that any future modification of these trails can be compared back to the original description. Symbolization on the map must reflect this need, so it is suggested that the shape, texture, value, and hue of all elements in the black and white spectrum be utilized. In addition to this, representational photographs of the trail can be taken. This is just one example of how the BDR and the map should directly relate to the conservation easement agreement restrictions and reserved rights in the agreement.

Exhibit D: Ortho photography of the [NAME OF] Property

Photo should be labeled with date of imagery, scale, direction arrow and other pertinent information. Aerial photos can be referenced with year, roll, flight line, numbers and scale.

Exhibit E: Ground Photos and Ground Photo Table of the [NAME OF] Property

Each photo should be labeled with date and time, description of photo reference site including direction of photo (using compass), location where photo was taken (using compass GPS coordinate), description of how to find the photo location, name of photographer, details of equipment used as well a unique identifier so that in the future photos (digital, negatives and/or hardcopy) can be retrieved from files if necessary. It is also recommended to include a map of photo reference sites for future photo monitoring.

Include a reference table of the ground photos which organizes the information as stated above and provides a description of the purpose of each photo.

Exhibit F: Property Map Showing Natural Features & Description

A map of the property showing boundaries of ANSIs, ESAs, PSWs etc as well as vegetation communities.

Exhibit G: Zoning Schedule for the [NAME OF] Property (from the Municipality)

**Exhibit H: Summary Life Science Checklist & Description or Natural Areas Report
(From MNR Natural Heritage Information Centre (NHIC) Website)**

Other Attachments as Necessary:

E.g. Surficial Geology Map, Soil Map, Tree Planting Plans, Management Agreements, Leases etc.