



**SECURING LAND FOR
AGRICULTURE & CONSERVATION**

Strategy and Criteria

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ONTARIO FARMLAND TRUST, 2004
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Introduction and Background

1.1 Farmland in Ontario

Ontario contains the best, most productive farmland in Canada and one of the most diverse agriculture and agri-food sectors in the world. Together, Ontario's exceptional farming soils, mild climate and access to fresh water support the production of more than 200 different commodities, including unique tender fruit and vegetable crops, grains and oilseeds, and livestock. There is a long history of investment in agricultural infrastructure throughout Southern Ontario, and in the communities and businesses that rely on and support primary agriculture. Farmland is the foundation for Ontario's agriculture and agri-food industries which provide 700,000 jobs and contribute \$34 billion to the provincial economy annually. Farmland contributes to rural character and sense of place, the protection and stewardship of the natural environment, and local food systems. It is important that we value and protect Ontario's rich farmland resources to maintain agricultural productivity, economic prosperity and quality of life for future generations.

Farmland is a limited and strategic resource, covering only 5% of Ontario's entire land area. The vast majority of this land is found in Southern Ontario, which is also home to 1/3 of Canada's population. Unfortunately, rapid population growth and urbanization is fueling the conversion of prime agricultural land to non-farming uses. Since 1976, 2.8 million acres of Ontario farmland has been lost to agriculture. This is equivalent to the amount of land required to feed the entire City of Toronto. The 2011 Census of Agriculture shows that Ontario continues to lose more than 350 acres of farmland every day to urban sprawl, large-scale infrastructure projects, aggregate mining and other land use changes.

The population of Ontario is expected to grow to by more than 3 million people in the next 20 years, which will put much pressure on the surrounding agricultural countryside and result in additional loss of productive farmland. There are only 12.7 million acres of farmland that remain in production in Ontario, and only about half of this acreage is protected for agricultural use through public policy.

1.2 Ontario Farmland Trust

The ongoing loss of Ontario's agricultural land is an unsustainable trend and a priority concern for agricultural communities and businesses that rely on this land base, as well as a concern for land conservationists, local food advocates, community leaders and policy makers. In response to these interests and concerns, the Ontario Farmland Trust (OFT) was formed in 2004 as a non-government, charitable organization with a focus on introducing new methods of community engagement, education, and direct land protection that strengthen farmland protection in Ontario.

OFT has a province-wide mandate and mission that is strategically focused to promote and protect Ontario farmlands. OFT leads farmland protection research and education, and informs farmland protection policy development. Most uniquely, OFT has a Land Securement Program that supports individuals and communities that want to permanently protect certain farmlands.

OFT complies with the Standards & Practices of the Ontario Land Trust Alliance (OLTA), and Ontario's Conservation Land Act empowers OFT to pursue land securement activities with farmers and other landowners "for the conservation, preservation or protection of the land for agricultural purposes." To date OFT has partnered with private farm owners, institutional land holders and government to secure ten farms and 1,000 acres of farmland with Ontario's first agricultural conservation easements.

2.0 Goals and Purposes

The goals and purposes of the Ontario Farmland Trust are:

- To protect and preserve farmlands and associated agricultural, natural and cultural features in the countryside for the benefit of current and future generations;
- To acquire, secure, manage and otherwise deal with farmlands, interests in lands, and associated agricultural, natural and cultural features;
- To research and educate about the value, management, use and protection of farmlands and associated agricultural, natural and cultural features;
- To receive, manage and disburse funds, donations and bequests; and
- To foster cooperation with individuals, organizations, agencies and others having similar aims.

This document sets out OFT's general principles, guidelines and approaches to acquiring interests in farmland through its Land Securement Program: strategies, types of interest in land to be sought, methods of acquisition, and criteria to evaluate farmland securement opportunities.

3.0 Land Securement Strategy

The Ontario Farmland Trust's Land Securement Program is oriented toward supporting farmers and other farmland owners who have a desire to see their properties permanently protected for agricultural and conservation purposes. Landowners' participation in OFT's Land Securement Program is *strictly voluntary*, with OFT responding to landowner requests and strategic land protection projects as opportunities arise. In most cases, lands protected through OFT remain in private ownership and are dedicated for ongoing agricultural use.

While OFT securement projects directly support individual landowners' land conservation goals, OFT chooses to pursue projects that also have broader impacts and public benefits. OFT is interested in farmland protection initiatives that:

- Support the long-term viability of farming,
- Create a critical mass of permanently protected areas for agriculture and conservation,
- Enable farm succession and provide new and young farm entrepreneurs with affordable access to farmland,
- Protect both farmland and significant environmental features found on farms,

- Improve stewardship of farmland and encourage adoption of environmental best management practices for wildlife habitat, clean water and healthy food,
- Reinforce and strengthen public policy and good land use planning for agriculture and land conservation,
- Engage community members in proactive farmland protection and participation in land use planning processes,
- Engage local partners, including other land trusts, conservation authorities, and government,
- Support the development of government programs and incentives that encourage and invest in the permanent protection of farmlands where most threatened,
- Break new ground and demonstrate leadership, innovation in partnerships, and the creative use of land securement tools that informs the work of other land trusts and broader land conservation initiatives across Ontario.

3.1 Land Acquisition Criteria

OFT welcomes proposals from farmers and other farmland owners (non-farming rural landowners, institutions, municipalities, etc.) for farmland securement initiatives in any part of the province. Securement opportunities and candidate lands are assessed by the OFT's Land Committee, considering OFT's land protection interests listed above, and evaluating opportunities against more detailed land acquisition criteria listed in Appendices I, II and III. The appendices list key factors in assessing the agricultural and non-agricultural values of candidate lands, and explain securement criteria of the Ecological Gifts program.

4.0 Types of Interest in Land

Interest in land can be acquired by OFT and owned according to one or a combination of methods. The following are the most common, but other methods may be negotiated:

4.1 Conservation Easement Agreements

A *conservation easement agreement* is a legal means by which a landowner can voluntarily set permanent limitations on the future use of his or her land. The land remains in private ownership, but the agreement restricts the type of activity that can be carried out on the land. For example, a farm owner may enter into an agreement that prevents severance of the land for housing development and requires that the land be restricted to agricultural uses in perpetuity.

4.2 Fee Simple Ownership

Fee simple ownership entails the transfer of property ownership from one or more landowners to a land trust. This is the most secure method of transfer. In such an arrangement, OFT usually obtains full interest of title, but its ownership may also be limited to a portion of a property. Transfer of ownership can take place over a period of time or, for example, upon the death of the owner.

4.3 Leases

Leases, depending on their terms, can range from little more than a right to occupy land to the near equivalent of fee simple ownership. The benefits and costs associated with the interests obtained vary accordingly. Lands owned or held by leasehold by OFT can be leased to neighbouring farmers to enable them to increase their land base and at the same time to generate funds for OFT.

5.0 Methods of Acquisition

As approved by OFT's Board of Directors and conditional upon the availability of funds, OFT will acquire interests in those properties that meet OFT's land acquisition criteria and fit within OFT's land securement strategy. There are benefits and drawbacks associated with each method of acquisition. A case-by-case assessment must be undertaken to determine the quality, significance, and function of each property, and the involvement of additional land securement partners, if applicable. Securement options are considered by the land trust, the landowner and partners, including outright property donation, purchase, or a combination of approaches. Based on the resulting information, OFT then determines the most appropriate approach to ensure the protection of the features or functions of the land.

5.1 Outright Donations

OFT encourages donations of property and / or interests in property. These gifts may qualify as charitable donations under Canada's *Income Tax Act*. (See Section 6.0). An outright donation may take place in one of the following ways:

- The landowner donates an interest in land through, for example, a conservation easement agreement.
- The landowner transfers land in the form of a charitable gift. This charitable gift may take the form of a "reserved life estate", in which the landowner donates the property to a land OFT but retains lifetime use of the land.
- The landowner donates land to OFT in the form of a bequest.

OFT can accept gifts of land or property that do not include farmland. In such cases, OFT would be able to use funds from the sale of that property to acquire additional agricultural lands or to obtain interests in additional agricultural lands.

5.2 Purchase

5.2.1 Bargain and Sale

In this scenario, the landowner sells land to OFT. In order to carry out such transactions, OFT must have access to sources of funding.

5.2.2 Option to Purchase

An *option to purchase* is a contract that allows OFT to buy a specific piece of property at a set price within a stipulated period of time. It is a written contract

whereby the landowner agrees to sell the property to OFT and not to withdraw this offer during the stipulated period of time. OFT pays a fee for this option. The option-to-purchase mechanism is often used by a land trust as a means of “buying time” in its attempts to acquire a specific property. Once the option is obtained, OFT will use the time to fundraise and/or to contemplate how well the land in question fits with OFT’s long-term priorities.

5.2.3 Right of First Refusal

When OFT acquires a *right of first refusal*, it enters into an agreement with a landowner or another prospective buyer, which gives OFT the opportunity to match a third-party offer to buy a specific piece of property. The agreement sets out the conditions of sale and is registered on the title to the property. It is an interim measure, giving OFT the possibility of acquiring a key property sometime in the future. A right-of-first-refusal agreement can also be used to discourage other potential buyers (such as land developers), as they will know that they have competition and that the holder of first right has priority.

5.2.4 Land Exchange

Land exchange involves the trade of one or more parcels of land for another parcel or parcels. OFT can assist in brokering such an exchange, even if it does not hold title to any of the land in question. This tool can be used when a landowner is willing to donate land but the land is of less agricultural value than another parcel owned by someone else (usually nearby). The transactions involved can be straightforward or complex, depending on the situation. Differences in the value of the land parcels are usually accounted for through a cash payment.

5.2.5 Co-operative Agreement / Co-ownership

Through a *co-operative agreement* or *co-ownership*, land is protected by means of a joint venture between organizations. Generally, there are two forms of co-ownership: (1) tenancy in common, and (2) joint tenancy.

Tenancy in common allows each owner to hold a set share in the property (either equal or unequal / proportional) that entitles the holder to possession of the whole (i.e., all the property belongs to all the owners). An owner’s share can be willed to another. This method can be used by OFT to finance a purchase that is beneficial to both OFT and another party.

Joint tenancy ensures that each owner has an identical share with all other owners. It cannot be passed on to another person in a will. Similar to tenancy in common, each owner has an undivided share in the whole, but unlike the case for tenancy in common, those shares cannot be passed on to another person in a will. Nevertheless, in normal circumstances, when one owner dies, the surviving owner automatically inherits the late owner’s interest, even though the surviving owner is not named in the will.

5.2.6 Limited Development

Developing a small portion of a property can provide the finances to protect the remainder of the land. This means that some land is sacrificed in order to allow OFT to save a portion that is considered to be in greater need of protection. OFT regards this approach as a last resort to be used only when no other feasible alternative exists.

5.3 Land Securement Partnerships

There are many other groups in Ontario with land conservation interests. Thirty land trusts are currently operating in Ontario, most with a regional or community focus on natural heritage preservation. Southern Ontario also has more than thirty conservation authorities, many of which have land securement strategies and pursue land securement opportunities associated with watershed health and protection of lands along important waterways. A number of municipalities have land securement strategies as well that encourage collaboration among land securement partners and provide cost-share funding for projects within their priority protection areas. At times, opportunities arise for partnership with the provincial and federal governments to secure lands public lands for long-term agricultural use or to collaborate on land protection projects that intersect with certain public policy goals (eg. protection of species at risk, protection of source water protection areas).

OFT seeks land securement partnerships wherever possible and is keen to work closely with local land trusts, conservation authorities and government partners to secure important farmlands and expand acquisition activities. This allows for shared resources and expertise, avoids duplication of effort and ensures secured lands are provided with the most suitable and effective form of long-term protection. Examples of OFT partnerships to date include: joint conservation easements with other land trusts, easement monitoring agreements and land stewardship partnerships with conservation authorities, and municipal funding partnerships in support of land securement outreach and project implementation.

6.0 Tax Implications of Donations and Bequests

Any land transaction will have tax implications for owners. The owner should, therefore, obtain legal, accounting, and any other necessary professional advice before finalizing any land transaction.

OFT encourages donations of land or property. These gifts, at appraised value, may qualify as charitable donations under Canada's *Income Tax Act*. In the case of an outright donation, a landowner transfers land in the form of a charitable gift. For example, in a "reserved life estate", the landowner donates the property to a land OFT but retains lifetime use of the land. A landowner may also donate land to OFT in the form of a bequest. OFT is able to issue charitable donation receipts for income tax purposes.

6.1 Tax Benefits of the Ecological Gifts Program

OFT is a recipient agency under Environment Canada's Ecological Gifts program. This program provides enhanced tax benefits for donations of land or conservation easements that protect ecologically sensitive areas (see Appendix III for a list of features that qualify a property for Eco-Gift certification). Agricultural land can be included in an approved Eco-Gift because ecological assessment applies to a whole property, not just identified natural features. Tax benefits include: no taxable capital gain on the donation of an easement or the sale of the property; no income limit for calculating the tax credit/deduction; and remaining tax credits can be carried forward for up to 10 years.

7.0 Steps Leading to the Acquisition of Interests in Farmlands

Acquisitions of interests in land must meet the criteria of OFT and should also satisfy the expectations of donors and vendors of interests in land and of donors who contribute financially to the success of OFT, as long as those expectations conform to the goals and purposes of OFT. The transactions must also meet legal and other obligations and protect all parties involved from liability. Therefore, deliberate steps must be taken in processing applications leading to the execution of legal agreements. There is also a need for ongoing monitoring of all agreements entered into by OFT. A checklist of typical acquisition steps and ongoing obligations is provided in Appendix IV.

8.0 Costs and Financing

8.1 Costs

The costs associated with the acquisition of land or interests in land may include:

- Evaluation of the agricultural and non-agricultural value of candidate lands
- Property appraisal/valuation
- Survey costs
- Legal fees
- Staff and administrative costs
- HST, land transfer tax, interest charges
- Property preparation costs
- Long-term stewardship funds for land management, easement monitoring, etc.

8.2 Financing

OFT looks to many sources to finance acquisitions and ongoing activities:

- Individual donations and bequests
- Private foundation grants
- Federal, provincial, and municipal government grants
- Rent from leasing of OFT-owned lands to farmers
- Proceeds of land sales
- Fee for service – consulting and land management services

8.3 Costs Involved in Long-Term Management and Monitoring

When assessing the suitability of fee simple land ownership, consideration is given to the cost of taxes and long-term maintenance of a property. OFT explores opportunities for community groups and local farmers to assist with the management and development costs related to the acquisition and ownership of land.

Limited interest arrangements such as easements, covenants, stewardship agreements, and leases have different but essential associated costs. For these arrangements to provide the desired level of protection, they require organizational capacity for meeting with current and future landowners annually or semi-annually to review and monitor compliance with the agreement as related to the stewardship and use of protected lands. This entails long-term staff and administrative costs and contingency funds that must be planned for upfront.

APPENDIX I

FACTORS USED IN ASSESSING THE AGRICULTURAL VALUE OF CANDIDATE LANDS

General rubric: Candidate lands and associated assets will be assessed for their capacity to sustain viable agricultural operations.

Definition of Agriculture: Agriculture includes growing of field crops, vegetables, horticulture, fruit, nursery stock; breeding and caring for livestock, poultry, fur-bearing animals, and bees; and maintaining / harvesting farm woodlots. OFT's definition of agriculture also includes value-added processing of these agricultural commodities and the sale of commodities produced on candidate lands. Other incidental activities may also qualify if they clearly support the production of agricultural commodities.

Minimum Size: In normal circumstances, small parcels that do not support viable farm operations in and of themselves, and will not be considered unless they are contiguous to other farm operations and infrastructure that allow them to become viable.

Factors:

- Current land-use designation of the candidate property under provincial and municipal land-use planning laws and regulations¹
- Land-use status of other lands in the region of the candidate lands
- Soil quality and condition
- Surface and soil drainage, including tiling
- Productivity of the land and other agricultural assets as measured by the commodity yields and land classification
- Supporting agricultural infrastructure in the area
- Agricultural assessment status for realty taxation purposes
- Presence of water resources adequate to support agriculture
- Record of net income from the lands
- Suitability for lease or rental of the lands for agriculture purposes
- State of repair and currency of the farm buildings and other agricultural assets on the lands
- Existence of specialized or threatened agricultural practices²
- Provincial and municipal government land-use planning data for the site and surrounding areas
- Presence of environmental or other hazards that might frustrate agricultural operations or incur legal liability.

Some factors might be considered in special circumstances—for example:

- Potential for the rehabilitation of lands or their conversion from other uses to agricultural uses, provided resources are available.

¹ Most of the land should be officially designated and zoned for Agricultural Uses.

² Most of the land should be devoted to producing agricultural commodities, but lands that also include areas which are zoned for Agricultural Commercial-Industrial (equipment / fertilizer / chemical supply, equipment repair, commodity storage, processing, evaporating, freezing, grading, etc.), Natural Environmental or Extractive Resource (quarries, etc.) may be considered if they complement the production and processing of agricultural commodities.

APPENDIX II

FACTORS USED IN ASSESSING THE NON-AGRICULTURAL VALUE OF CANDIDATE LANDS

Positive Attributes

- Source-water protection areas and aquifers
- Environmental / ecological significance
- Habitats of species of flora and fauna that are at risk
- Presence of cold-water streams or ecologically significant warm-water streams
- Presence of provincially or regionally significant wetlands
- Presence of old or old-growth woodlands
- Importance to historical and cultural heritage
- Threat of undesirable development pressures or zoning changes
- Landforms and vistas
- Contiguous parklands
- Importance as an educational tool
- Mineral aggregate potential

Negative Factors

- Existence of natural or human-made hazards
- Threat of liability

APPENDIX III

ECOLOGICAL GIFTS PROGRAM

The following information is provided to help identify ecologically sensitive lands for the purposes of Canada's *Income Tax Act*—and to facilitate the donation of ecological gifts to qualified registered charities and municipalities in Ontario.

Ecologically sensitive lands are generally defined as areas or sites that presently, or in the future, could significantly contribute to the conservation of Canada's biodiversity and natural environmental heritage.

The listing below is divided into two parts:

- A. Specific Categories** of lands that are deemed to be directly qualified as ecologically sensitive in specific locations in Ontario.
- B. General Criteria** for other lands that may qualify as ecologically sensitive throughout Ontario.

A. Specific Categories of Qualified Lands³

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 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*;⁴
- 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;

³ The balance of this appendix is excerpted from the Environment Canada—Canadian Wildlife Service website regarding Ecosensitivity Criteria under the Ecological Gifts Program: http://www.cws-scf.ec.gc.ca/ecogifts/eco_e.cfm

⁴ Italics throughout the balance of this appendix (apart from "*Planning Act*" and "*Income Tax Act*") have been added for emphasis.

APPENDIX III (cont'd)

- 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 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;
- 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; 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 OFT.

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;

APPENDIX III (cont'd)

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 of the [federal] *Income Tax Act* for ecological gifts, have been agreed to by representatives of the Governments of Ontario and Canada. The list and criteria may be further elaborated and amended by agreement between Environment Canada and the Ontario Ministry of Natural Resources.

APPENDIX IV

PROCEDURAL CHECKLIST FOR THE ACQUISITION OF INTERESTS IN FARMLANDS

- Ontario Farmland Trust becomes aware of opportunity
- Staff and/or Land Committee members investigate opportunity with donor via site visit, exploring mutual land conservation goals *
- Preliminary ecological evaluation and property site assessment conducted by staff and/or Land Committee members; data assessed against Land Acquisition Criteria *
- Property assessment information brought to the full Land Committee and project budget developed
- Land Committee presents opportunity, associated budget and recommendations to the Board of Directors for authority to pursue the project further
- Landowner contacted to explain the Board's decision
- Landowner advised by OFT to engage professional legal, accounting, taxation and estate planning advice to ensure full awareness of the tax implications of a decision to donate to OFT
- Letter of intent to donate to OFT signed by property owner *
- Project fundraising plan established; funds raised for the project
- OFT's lawyer engaged and title of lands searched; assists with preparation of the draft Agreement. Donor also engages legal representation
- Eco-sensitivity evaluation completed for the property; OFT submits application to Environment Canada Ecological Gifts program (Eco-Gifts only)
 - Donor receives Certificate for Donation of Ecologically Sensitive Land from Environment Canada (Eco-Gifts only) *
- Property appraisal completed; submitted to Environment Canada Appraisal Review Panel (Eco-Gifts only)
 - Donor receives and signs a Notice of Determination of Fair Market Value from Environment Canada, indicating either acceptance of the value, a request for redetermination, or withdrawal from the Eco-Gifts program (Eco-Gifts only) *
- Survey or site plans acquired, to identify agricultural and natural areas for protection; reviewed with donor *
- Donor, OFT and lawyers reach consensus on the contents of the draft written Agreement *
- Land Committee presents the project for final Board of Director's approval
- Baseline Documentation Report prepared as a benchmark for future monitoring of the Agreement; donor reviews and signs report to verify baseline site conditions *
- Agreement finalized and registered on title; closing documents forwarded to Environment Canada

- HST status / exemption verified, if applicable
- Environment Canada issues to the donor a Statement of Fair Market Value for income tax purposes (Eco-Gifts only)
- OFT issues an income tax receipt to the donor *
- Future land-use, management and/or stewardship plan prepared
- Public announcement; news release (optional)
- Donor recognition ceremony and celebration (optional) *
- Road signage set up at farm to acknowledge donation and lasting commitment to land conservation (optional)
- Review of outstanding taxation or assessment issues
- OFT sends package to municipality and the Municipal Property Assessment Corporation, giving notification of the registered agreement
- Liability insurance obtained by OFT
- Annual monitoring visits by OFT ensure conditions of Agreement are upheld in perpetuity

*indicates a step requiring an in-person meeting with donor, and often involves review of the draft Agreement