

The Baseline Documentation Report:

A Guide and Template for
Land Trusts, Landowners, and Advisors

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This guide is for you to use! And please get in touch with any suggestions for updates. We want to continue to make this Guide as current and useful as possible.

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Preface

A land trust's ownership of a property or holding a Conservation Easement Agreement (CEA)¹ over ecologically-sensitive areas are the two key methods by which the land trust community ensures the long-term protection and stewardship of Ontario's natural heritage. Both forms of securement require a full understanding of the natural heritage features of a property and the pressures it may face.

A thorough and complete Baseline Documentation Report (BDR) is critical to successful property stewardship and for the enforcement of natural heritage CEAs. This document facilitates long term ecological monitoring of a property. As a basis for its use with CEAs, the BDR stands as documentary evidence in court when prosecution is required if violations of the CEA covenants occur.

The Ontario Land Trust Alliance (OLTA) and the Ontario Heritage Trust (OHT) are pleased to offer this Guide to the conservation community for the preparation of BDRs for the protection of natural heritage. It represents a best practices methodology for recording property information for land held in fee simple ownership and for properties protected under a CEA.

This edition reflects:

- the revised Canadian Land Trust Standards and Practices (2019),
- OLTA's new guide, *Conservation Easement Agreements: A Guide and Sample for Ontario Land Trusts, Landowners, and Advisors* (2020),
- relevant documentation from the US Land Trust Alliance (LTA), and
- results from a survey distributed to OLTA land trust members in November 2020.

The Canadian Land Trust Standards and Practices (CLTS&P) (2019) are the ethical and technical guidelines for the responsible operation of a land trust in Canada. They include guidance to support good practices in the preparation of BDRs. Relevant sections are included within this guide for reference.

We have added material to recognize the importance of engaging with Indigenous people when collecting information about a property and planning for its stewardship.

Climate change is real. Take it into consideration when completing a Baseline Documentation Report. How might a shoreline change? What trees might dominate the forest in 30 years? How might the important natural features of the property evolve over time? How could this affect a Stewardship Plan and monitoring?

Preservation of the province's rich and diverse natural heritage for present and future generations requires a systematic and collaborative approach. We hope that you will find this Guide useful in fulfilling our shared natural heritage conservation mission.

¹ Two Ontario laws authorize the creation of conservation easement agreements: the *Conservation Land Act* and the *Ontario Heritage Act*. The *Conservation Land Act* allows incorporated non-profit eligible conservation bodies, such as land trusts, to acquire and hold "conservation easements and covenants" to conserve Ontario's natural heritage. The *Ontario Heritage Act* permits the Ontario Heritage Trust (OHT), to negotiate agreements with private landowners for the protection of property having historical, architectural, archaeological, recreational, aesthetic, natural, or scenic importance. Once in place, a CEA may only be changed with permission of the appropriate Minister of the Government of Ontario.

Abbreviations in this Guide

BDR – Baseline Documentation Report

CEA – Conservation Easement Agreement

CLTS&P – Canadian Land Trust Standards and Practices

COSEWIC – Committee on the Status of Endangered Wildlife in Canada

GIS – Geographic Information System

GPS – Global Positioning System

OHT – Ontario Heritage Trust

OLTA – Ontario Land Trust Alliance

SARA – Species at Risk Act, 2002, the federal Species at Risk legislation

SARO – Endangered Species Act, 2007, Ontario legislation with protected species listed as Species at Risk in Ontario

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The Baseline Documentation Report (BDR) for Natural Heritage Properties and Natural Heritage Conservation Easement Agreements

1.0 The Four Basic Components of Natural Heritage Conservation

The ongoing mission of land trusts – registered charitable conservation organizations – is to identify, preserve, protect, and promote the conservation of natural or cultural heritage for the benefit of present and future generations. In most cases, these organizations acquire areas of ecological significance and agree to look after them forever. They do this by either owning the land or acquiring interest in land by way of a conservation easement agreement² (CEA). A CEA protects, by covenants registered on the land title, the natural heritage features that the landowner and the land trust seek to conserve.

“Forever” implies an *in-perpetuity* stewardship obligation by the land trust, and in the case of a CEA, the current landowner and all future landowners.

There are four components of long-term natural heritage conservation:

1. a local steward who is either the landowner, a land trust, a local conservation organization, or other partner who assumes responsibility for the long-term care of the property
2. a site assessment of the natural and cultural values of the property documented in a BDR that identifies its conservation values
3. the Stewardship Plan for the property which outlines conservation strategies and related actions planned to preserve the conservation values of the property, and
4. a regular monitoring schedule for the steward to ensure that the Stewardship Plan strategies are effective, and, in the case of a CEA, the landowner is respecting the CEA covenants.

These four components provide a solid foundation for the long-term management of land and water to sustain natural heritage resources, restore and enhance habitat conditions suitable for species at risk and other rare species, and protect the inherent biodiversity and beauty of natural communities.

²: CEAs are referred to as “easements or covenants” under the *Ontario Heritage Act* and as “conservation easements or covenants” under the *Conservation Land Act*. In Ontario, “conservation easement agreement”, “conservation easement”, or “easement” are commonly used to describe these legal agreements, while in British Columbia and other parts of Canada, they are known simply as “covenants”. In Quebec, they are known as “servitudes”. For the purposes of this Guide, the term “conservation easement agreement” is used to cover both the “easements” and “covenants” that are part of every protective agreement with a landowner.

2.0 A BDR Identifies the Natural Heritage and Cultural Features of a Property

The BDR records the ecological, physical, and cultural features of a property and its uses.

The BDR must be completed when a CEA is registered on title to the property. The purpose of the BDR for a CEA is to:

- identify the conservation values of the property that are protected by the CEA
- provide a pictorial and written record of the state of the property, including structures on it and its boundaries, at the time the CEA is registered on title
- identify each CEA covenant and the condition of the property to which each covenant applies
- provide reference points for monitoring, and
- facilitate enforcement.

The BDR focus is on the natural and cultural heritage aspects of the property which the land trust is committed to and legally obligated to protect. [CLTS&P 11.B](#) summarizes recommended best practices when drafting a BDR.

CLTS&P, Practice 11.B: Baseline Documentation Report

1. For each conservation agreement, have a baseline documentation report signed-off by the necessary technical expertise, with written descriptions, maps and photographs, that documents:
 - a) The conservation values protected by the agreement
 - b) The relevant conditions of the property as necessary to monitor and enforce the agreement
2. Prepare the baseline documentation report prior to closing and have it signed by the landowner and land trust at or prior to closing
 - a) Baseline documentation reports that require technical data collection are prepared with the support of professional(s) having appropriate background and expertise
 - b) In the event that seasonal conditions prevent the completion of a full baseline documentation report by closing, the landowner and land trust sign a schedule for finalizing the full report and an acknowledgment of interim data at closing
3. In the limited circumstances when there are significant changes to the land (such as a result of a wildfire or bank erosion) or the conservation agreement (such as a result of an amendment or the exercise of a permitted right), document those changes in an appropriate manner, such as through monitoring reports, a baseline supplement or current conditions report
4. The landowner and the land trust each hold at least one original copy of the signed baseline documentation report

3.0 The BDR Documents the Baseline Condition of the Property

A BDR is an inventory of the property's natural and cultural features.

When a land trust owns the property with the goal of preserving its natural heritage values, the BDR facilitates a thorough understanding of the natural features of the property and supports the Stewardship Plan. A BDR must be submitted to Environment and Climate Change Canada within six months of a donation of a conservation easement certified as an Ecological Gift.

For properties that remain privately owned and whose natural heritage values are protected by a CEA held by the land trust, the BDR serves as a factual legal document providing an accurate description of the features of the property and their condition at the time the CEA is registered on title. Both the landowner and the CEA holder sign the BDR accepting its description of the property, the conservation values that are to be protected, and their current condition.

The BDR draws on information and data on the property from site visits and other research. This may include field studies, species inventories, photographs, maps, information on neighbouring land uses, and any other information on the property that helps to describe it and that may prove useful in the future.

The BDR summarizes the condition of the property at a point in time. It needs to be accurate and accessible. It is the baseline for monitoring the condition of the property in the future.

The "Original Copy" of the BDR must be archival in quality. See [Section 10](#) for information on producing a report that will not deteriorate over time.

3.1 Properties Owned by the Land Trust

The BDR is a useful reference tool for a land trust as it provides a record of the property's natural and cultural heritage features for the Board, staff, and volunteers without requiring everyone to visit the site. It allows interested individuals to get an overview of a property without having to read all the original documents in the property file. It fosters an understanding of the land. Though not essential, a BDR for a land trust owned property is a good basis for the development of a property Stewardship Plan.

A BDR will also help a land trust track natural changes on a property over time including changes in species composition, presence of species at risk and invasive species, and the impacts of human use (See [CLTS&P 8.C](#)). It is a useful reference point well into the future.

CLTS&P, Practice 8.C: Project Evaluation

1. Visually inspect properties before buying or accepting donations of conservation land or conservation agreements to determine and document whether:
 - a) There are important conservation values on the property
 - b) The project meets the land trust's project-selection criteria
2. Evaluate and document potential threats to the conservation values on the property and structure the project to best protect those conservation values
3. Evaluate and document any current or potential risks and liabilities associated with the project, including to the land trust's reputation or to the land trust community, and modify or decline the project if the risks outweigh the benefits

3.2 Properties Subject to a Conservation Easement Agreement

A CEA is a written legal agreement voluntarily entered into by a landowner and a land trust under which the landowner agrees to conserve the natural heritage features on their property. CEAs run with the property title and are binding on the present landowner and all future landowners.

The CEA consists of four main parts:

1. a description of the conservation values that the landowner and land trust want to protect
2. a list of *covenants* covering activities that may or may not be undertaken on the property
3. an *easement* section that gives the land trust or its agent the right to enter the property to monitor compliance with the covenants and, when necessary, remedy breaches, and
4. provisions with possible enforcement actions.

A CEA offers a land trust the advantage of a legally binding way to ensure the long-term protection of a property without the obligations of ownership.

A BDR prepared in support of a CEA serves as an essential source of baseline information for monitoring compliance and enforcing the covenants. The BDR must give an accurate depiction of the features of the property and their condition at the time the CEA is registered on title. It provides a basis for agreement between the two parties on factual matters concerning the property and a reference for comparison for future monitoring and enforcement.

It also fosters a common understanding between the landowner and the land trust of the property's conservation values which the CEA is meant to protect. This factual document ensures that both parties agree on the specific features that are being protected and their current condition. This encourages sympathetic stewardship of the property by the landowner and minimizes the potential for unintentional violations.

A BDR must be precise and complete. It provides a reference point for future site visits and will facilitate monitoring for biological and anthropogenic changes as well as for compliance. It could end up as evidence in a court of law.

The BDR will also give future landowners information about the property at the time the CEA was signed and registered on title.

Both the landowner and the land trust must sign the BDR acknowledging its accuracy.

BDRs enable the CEA holder to prove, in court, if necessary, that a violation of the CEA has occurred. Negotiations with the original landowner are usually amicable, as both parties share the goal of protecting the conservation values of the property forever. Subsequent landowners may not be so happy to abide by the restrictions the CEA places on the property. Remember, the CEA is in place in perpetuity.

Problems with violations and non-compliance may occur once the property has been sold, donated, or passed on to family members. Therefore, BDR's are a critical safeguard against violations in the future, even though you don't foresee any compliance problems with the current landowner.

Photo documentation of conditions on the property is vitally important. When the conditions on the property are not accurately documented, the presence of violations on the property that pre-date the CEA could be incorrectly considered a violation of the agreement. See [Appendix C](#) for information on how to accurately document property conditions using photos.

Maps are another crucial element in a BDR. Maps can outline specific areas where covenants apply, the location of trails, existing structures and disturbances, and other important features that should be monitored regularly.

Note: The Land Registry Office may restrict the data size of material that can be registered on title. Before you finalize the BDR, check with your Land Registry Office to find out what can be included with the BDR. Just text, or maps and photos too? What is the data size limit? You may only be allowed to register on title a list of the photographs, maps, and other materials that are in the complete BDR. The landowner and the land trust will each have a complete BDR with everything included.

4.0 The Skill Sets Needed to Compile a BDR

For both land trust owned properties and CEAs, the land trust usually takes responsibility for preparing the BDR.

The land trust may compile the BDR with staff and volunteers or hire a company with natural heritage skills and experience preparing BDRs to take it on.

Skills needed include:

- identifying plant and animal species and knowing species at risk criteria
- mapping and locating structures and features, such as trails, using GPS
- taking clear photographs that include location, date, and time
- finding municipal zoning information
- researching property and neighbourhood history
- compiling and organizing information, and
- writing.

The landowner is also likely to have information that will be useful to include in the BDR.

This Guide will assist anyone who is willing to take on the task of preparing a BDR. It is usually a team effort, requiring contributions from a variety of people with different skill sets.

Whoever compiles the BDR, the BDR needs to include the information outlined in this Guide (refer to [Section 7.0](#)) with appropriate documentation, for example, when and who obtained species information.

The land trust should keep a property file with all the source material that went into the BDR.

Ultimately, it is the land trust, as the new property owner or as the CEA holder, that must be able to understand and rely on the BDR information when preparing a Stewardship Plan for an owned property, monitoring a CEA property for compliance, or enforcing provisions when a CEA violation has occurred.

5.0 Timing the Completion of the BDR to Coincide with Acquisition of the Property or CEA

Before acquiring a property through donation or purchase, a land trust will need to collect baseline information about the property to inform its acquisition decision. It is best practice for the BDR to be completed before acquisition. In any case, baseline information is necessary to prepare a Stewardship Plan. The CLTA Standards and Practices recommend that a Stewardship Plan for a property be developed within 12 months of its acquisition (See [CLTS&P 12.B](#)).

For CEAs, the BDR must be registered on title when the CEA is registered.

BDR information may be collected over a period of time while the details of the CEA covenants are being discussed with the landowner. The BDR sets out each covenant and the existing condition of the property relating to this covenant. It is, therefore, essential to review the BDR and the final draft of the CEA together before the documents are registered on title. The lawyer registering the CEA for the land trust should do a final review of the CEA and the BDR to ensure all the section numbers are accurately cross-referenced and all the covenants and their existing conditions properly described. It goes without saying that the land trust can avoid additional legal costs by minimizing the number of errors the lawyer will find.

Sometimes, a CEA will have to be registered on title before there is the opportunity to collect thorough species data, photograph site conditions, or otherwise complete the BDR, for example, when the property has only been visited in the winter months. In this case, the CLTS&P recommends that the landowner and land trust sign a schedule for finalizing the full report and an acknowledgement of interim data at closing (See [CLTS&P Practice 11.B.2](#)).

CLTS&P, Practice 12.B: Land Management and Stewardship

1. Develop a written land management plan for each conservation property within 12 months after acquiring the land to:
 - a) Identify the property's conservation values, including any significant cultural, Indigenous, historical and natural features, and identify threats to those features
 - b) Identify the overall management goals for the property
 - c) Identify activities and timeline to achieve the goals and to reduce any risks or threats to the conservation values
 - d) Specify the uses that are appropriate for the property, in keeping with the property's conservation values, any restrictions and donor or funder requirements
2. Manage each conservation property in accordance with its management plan, and review and update the plan periodically
3. Perform administrative duties (such as paying insurance, filing required forms, keeping records) in a timely and responsible manner
4. Maintain the property in a manner that retains the land trust's public credibility, manages community expectations and minimizes risk consistent with the land trust's mission.

6.0 The Costs of Completing a BDR

There are a number of potential costs associated with preparing a BDR. These include the cost of:

- staff and consultant time
- travel
- equipment purchases or rental (e.g., GPS, clinometers, etc.)
- acquiring or producing maps
- hiring someone, possibly a surveyor, to map GPS points for structures, trails, etc.
- retrieving land registry records to confirm ownership and identify any registered easements etc., and
- administration (archival material, phone, mailing, photocopying, storage, etc.).

A formal survey may be necessary to mark the boundaries of a property with stakes and GPS coordinates and to delineate various zones in the CEA (for example, the residential zone). When a land trust does not have the internal capacity, the surveyor may also be asked to provide the GPS coordinates for any structures and trails on the property.

Other costs related to acquiring a property or a CEA:

- appraisal – the appraisal will determine the value of the property being acquired or the value of the CEA (See [CLTS&P 9.H](#)). The donor will receive payment for a property, a charitable receipt for its appraised value, or partial payment and a partial charitable receipt (a split receipt),
- legal – a lawyer is needed to advise on title, review the terms of the CEA, and complete the registration of the land transfer or CEA on the land title, and
- stewardship reserve (See [CLTS&P 6.A.3](#) and [CLTS&P 11.A.1](#)) – a land trust should set aside sufficient funds for the long-term expenses associated with owning a property (taxes, insurance, monitoring costs, etc.) or holding a CEA (monitoring and enforcement).

Sources of funds for a BDR could include:

- the land trust's operating account
- a special fundraising drive for the property acquisition
- a funder that supports environmental efforts
- a local charity such as a service organization, community foundation, or environmental organization
- a local business
- neighbours who support the long-term conservation of the property, which also benefits them
- the landowner who may wish to contribute towards the long-term conservation of the property.

Note: A CEA can include a “stewardship/transfer fee” clause (CEA Guide/Sample Section 23). This clause says that when a CEA property changes owners, the land trust will receive a small percentage of the value of the property at the time.

CLTS&P, Practice 9.H: Purchasing Land or Conservation Agreements

1. When buying land, conservation agreements or other real property interests, below, at or, in limited circumstances, above the appraised value, contemporaneously document:
 - a) The justification for the purchase price
 - b) That there is no private or undue benefit
2. Obtain an independent appraisal by a qualified appraiser in advance of closing to support the purchase price based on the fair market value
 - a) However, a short narrative, a letter of opinion or other documentation from a qualified real estate professional may be obtained in the limited circumstances when:
 - i) A property has a very low economic value
 - ii) A full appraisal is not feasible before a public auction
 - iii) Or the amount paid is significantly below the fair market value

CLTS&P, Practice 6.A.3: Fiscal Health

3. Adopt and implement a plan to build and maintain dedicated or restricted funds sufficient to cover the long-term costs of stewarding and defending the land trust's land and conservation agreements

CLTS&P, Practice 11.A.1: Funding Conservation Agreement Stewardship

1. Estimate the long-term stewardship and enforcement expenses of each conservation agreement transaction

7.0 Site Visits and Ground Photographs

Before a Site Visit:

1. Ask the landowner for permission to visit the property at least two weeks beforehand. Agree on the best access route.
2. Consider the features that are being conserved, such as wildlife, open space, and scenic views, for a land trust owned property. Consider the conservation values being protected in a CEA situation and review each covenant that is in the CEA as your monitoring is to be focused on ensuring compliance with these covenants.
3. Study aerial photos and satellite imagery and any available mapping to develop a site visit strategy.
4. Decide on a site visit team of at least two people, a plan on what to document during the visit, and who will do what.
5. Think about how much time you plan to spend on the property. Be realistic. More short site visits over a few seasons can be more productive than one really long day and evening.
6. Prepare the necessary equipment: clipboard or notebook, GPS unit, compass, digital camera, measuring tape, field guides, site map (for navigation and plotting photo-points), binoculars, and personal gear including food, water, and appropriate clothing and footwear.
7. Confirm the site visit with the landowner 48 hours before the date.

During the Site Visit – Collect Species Data and Other Property Information

A site visit is the time to gather as much “on the ground” information as possible about a property. This is everything from identifying plant and animal species to the location of important landscape features to the location and use of any human-made structures to finding the stakes marking the property boundaries. It includes looking for encroachments from neighbouring properties and any agricultural, industrial, or urban pressures. Are there any obvious environmental threats from past land uses or nearby land uses?

A site visit team can divide up the tasks, working in pairs to cover as much territory as possible. Taking notes along the way is important as is supporting the notes with photographs. Gather information knowing that it will be included in property documentation and shared.

During the Site Visit – Take Photographs:

Ground photos are important to confirm the location of species seen on the property and document the condition of important natural features and buildings, if any. Photographs can, for example, show the edge of a woodlot that borders on a cultivated field or the size and location of a dock.

Photographic equipment including the cameras on many phones allow the photographer to include a GPS reading³ and a date and time code on each image. It is helpful to make a note of the direction of each photograph by taking an azimuth reading⁴ using a compass. By establishing permanent photo points future monitors will be able to go to the same place and take a photograph from the same position for comparison purposes.

Photographs can be used to indicate points of interest to future monitors and as evidence of violations.

See [Appendix C](#) for a site visit checklist for photographs to take and information on documenting and storing photographs.

8.0 An Overview of the Topics to Include in a BDR

The specific contents of the BDR will vary from property to property depending on the features and functions of the property, and its important conservation values.

The overall format – topics to cover – applies to all BDRs, with additional elements for a BDR for a CEA.

Not all the information collected during the preparation of a BDR will be included in the BDR. Regardless, it is best to save all the information in a property file.

Set up a system to document and file information with logical file names and the date and person providing the information.

Make a note of any issues that come up preparing the BDR. For example, maybe there's been a past dispute over the property boundary. These notes may be included in an Appendix in the BDR.

For CEAs, make notes on all the conversations with the landowner. They may come in handy should the landowner, a family member, or a new owner challenge the CEA terms. The notes could help to clarify the reasons for the CEA and the original landowner's intent in putting one in place.

8.1 Preface and Purpose Statement

Begin with a preface and purpose statement that provides context for the report, who was involved in preparing it, the dates of site visits, and who went on those visits.

³ Use the "average location" function on the device to establish the GPS point. When the accuracy level is stable, take the photograph.

⁴ The **altitude** is the distance an object appears to be above the horizon. The **azimuth** of an object is the angular distance along the horizon to the location of the object. By convention, azimuth is measured from north towards the east along the horizon.

Obtain historic and current data on Indigenous peoples in the area and acknowledge past and present settlement, practices, or interest of Indigenous peoples on the land. Reference a treaty number, ceded/unceded territory, and any legal or public claims and statements. Include any further intent to explore previous use and future considerations. Tips for preparing land acknowledgement statements can be found at the [Association of Municipalities Ontario website](#) (AMO, 2021).

Example:

This Baseline Documentation Report was prepared by X after site visits by X, Y, and Z on [insert dates].

Located in A [township, county], the property is B [hectares] with C m of shoreline. It is in its natural state without any human-made structures.

It is the intention of the owner, [insert name] to donate this property to [insert land trust name] for its long-term conservation, protecting its natural features and preventing any use of the property that would harm, damage, or destroy the natural features or prevent their restoration.

These features include:

- a) a Gray Rat Snake hibernacula seen on [insert site visit date]*
- b) undisturbed shoreline of C m*
- c) a Provincially Significant Wetland that abuts the property at its north end*
- d) a mixed forest of D hectares that has not been logged for over 100 years where Wood Thrushes were observed nesting on [insert site visit date]*

This property is on the unceded territory of the Algonquin of Ontario. It is the intent of the owner and the land trust to ask members of the Algonquin nation to partner in the conservation of this property and to respect their interests in the traditional harvesting of plants and wildlife.

A CEA BDR should state that the CEA is the overriding document and that in the event of inconsistencies between the BDR and the CEA, the CEA overrides the BDR. A sample statement would be:

BDR for a CEA Example:

This Baseline Documentation Report (BDR) is ancillary to the Conservation Easement Agreement between the current owner, [insert name of owner] and the [insert name of the land trust]. In cases where there is a difference between this Baseline Documentation Report and the Conservation Easement Agreement document, the Conservation Easement Agreement will take precedence.

A statement of ownership of the property follows.

8.2 Executive Summary

The Executive Summary gives the reader an overview of the property in a page or two. Include:

- The name of the landowner and the location of the property
- A brief overview of the key natural and cultural features on the property, and
- In the case of a CEA, an overview of the conservation values being protected and the covenants. (See [Section 8.5](#))

8.3 Landowner Contact Information

Include the name and contact information, including the mailing address, for the current landowner. Also indicate whether or not the landowner lives on the site all year, part-time, or not at all.

8.4 Property Location

Give the municipal address of the site (if applicable) along with the lot and concession numbers of the property and directions to the site. Attach maps showing the regional and provincial setting of the property.

8.5 Conservation Easement Agreement Covenants

List the covenants in the CEA one by one and state the conditions that exist in relation to each covenant.

For example:

Section 10. No fencing may be placed anywhere on the Property.

Baseline situation: There is no fencing on the Property.

It is critical that the list of covenants in the BDR matches the covenants in the final version of the CEA. Check and double-check the covenants and their numbering. It is important to get it right. When last-minute changes are made to the CEA covenants or to the numbering of sections, these changes must be reflected in the BDR.

8.6 Property Information

The property information section describes the natural and cultural features of the property, why they are important, and their current condition. Provide physical data including descriptions and measurements of all pertinent ecological, agricultural, cultural, and anthropogenic features.

The focus of this section is why the property was secured by the land trust whether by a fee-simple purchase, donation, or donation of a CEA. The BDR needs to describe the property's features.

In the case of a BDR for a CEA, relate these features to the rights and restrictions in the CEA.

Any additional information should be left in the property file. There may, for example, be useful background information in previous studies and reports on natural areas in Ontario (See [Appendix D](#) for resources).

8.6.1 Municipal Planning Information

Refer to municipal land use planning reports which include the official plan designation for the site and related policies, as well as the uses allowed on the property in the zoning by-law. The official plan and the municipality's comprehensive zoning by-law provide a list of permitted uses on the property. Note the specific by-law and the year it was introduced.

The local Conservation Authority may be the easiest place to get information about applicable flood and fill regulations.

8.6.2 Air Photos, Maps, Satellite Imagery

An air photo will show the extent of vegetation on the property, watercourses, the location of buildings, and more. In addition to these, many municipal governments, Conservation Authorities, and other government bodies have commissioned their own air photos from private companies. These may be more recent.

Images of the site can also be obtained for free from sources such as [Google Earth](#) or the [Natural Heritage Information Centre](#) online mapping application. Some Conservation Authorities, municipalities, and counties also have maps available. Most GIS software provides a selection of free satellite imagery layers.

8.6.3 Natural Features Maps

Natural features maps indicate the locations of the various natural features that are present on the property. The “polygons” delineated are described and explained in the text of the report. The Ecological Land Classification for Southern Ontario (SCSS Field Guide FG-02) is the reference guide for Southern Ontario that can be used. Maps should be created using Geographic Information Systems (GIS) software. Maps must include:

- Title
- Description
- Legend
- North Arrow
- Scale bar
- Scale
- Property and CEA Boundaries.

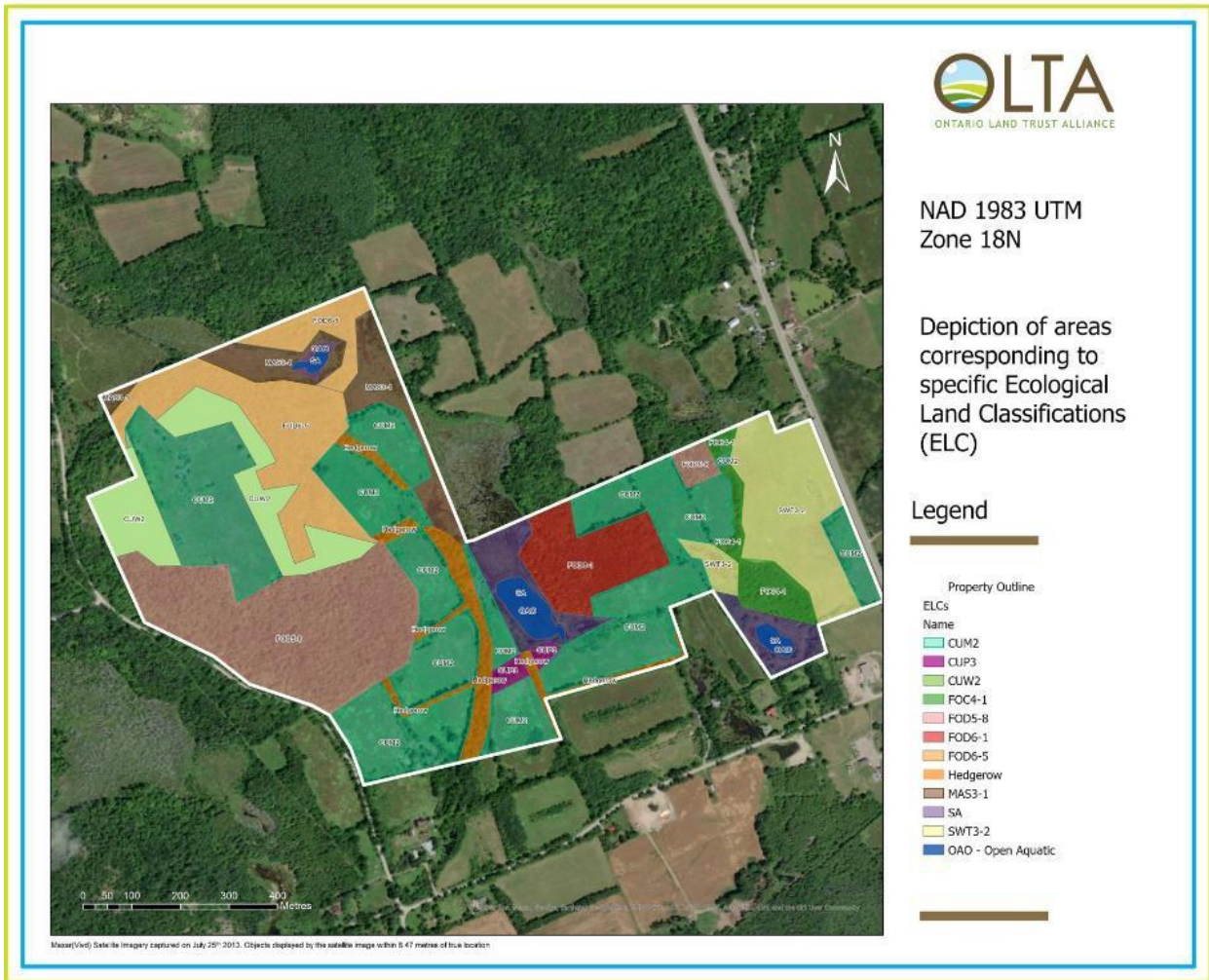


Figure 1: Vegetation Ecosites

Natural feature maps will be useful to a land trust monitoring changes to the property over time whether as its owner or as the holder of the CEA.

The following sections outline examples of information to show on your natural features map(s) and describe in the text of the BDR.

Significant Area Boundaries

Widely recognized categories of significant natural areas include Areas of Natural and Scientific Interest (ANSI), Provincially Significant Wetlands (PSW), and Environmentally Significant Areas (ESA). The reports and studies identifying these areas usually describe the area and its features, and delineate the area's boundary. This information should be shown on the natural features map and described in the text of the BDR. Make the description concise and reference the original source of the information.

Habitat Characterization

Vegetation communities and habitat types can be shown on the natural features map and described in the text. Include a list of plant species identified on the property during the site visit(s) in the text which includes common name, scientific name, and G-rank (global rank), S-Rank, SARA, and SARO rankings.

In many cases, information on vegetation communities is found in Forest Resources Inventory maps, Wetland Evaluation maps, or other types of resource inventories that government or private organizations have undertaken (See [Appendix D](#) for resources). Where such information is unavailable, an air photo can be used as a starting point and supplemented with information from site visits.

Ecological Land Classification can be used in the field to describe vegetation as it provides a classification system for identifying vegetation community types. For land trusts working in Southern Ontario, the ELC reference to use is the Ecological Land Classification for Southern Ontario (Lee et al., 1998).

For a CEA, the covenants to be monitored will determine the details needed with respect to vegetation communities. For example, a CEA may be in place to protect 1 km of shoreline and the 200 m ribbon of life next to it. Vegetation on the rest of the 100 hectares property may not be mentioned in the covenants and do not need a detailed description.

Interior Water Courses/Bodies

Document the location and types of streams, ponds, and other water bodies on your natural features map(s).

Note the direction of water flow to identify the source of potential impacts.

Note the patterns of streams and creeks, and the shapes and locations of ponds and wetlands, so monitoring can identify any changes, including dredging or channelization, that may contravene a CEA covenant.

Special Natural Features

Conservation organizations, local naturalist groups, scientists, and the Natural Heritage Information Centre (NHIC) can sometimes provide information on the occurrence of species at risk or rare species (See [Appendix D](#) for resources). This can help with the timing and focus of site visits. Third-party information can be noted in the BDR so long as the source and information about the sighting is included. Note the significance of these species (i.e. whether they are provincially or regionally rare and associated rankings) as well as their habitat requirements and ecosystem functions in the text.

Note other significant, uncommon, or rare features such as rock outcrops, springs and seepage areas, hills and crevices, scenic views, erratics, and geological features. These can help with navigation on the property as well as be important to monitor over time.

Improvements and Structures

Identify the location of buildings, roads, trails, fences, access points, wells, other easements (e.g. hydro line, telecommunications lines, etc.), other anthropogenic features, and other items listed on title as “together with” (T/W) or “subject to” (S/T) on the natural features map(s) and describe them in the text. They are important reference points.

Any human impacts such as recent logging, brush clearing, or cattle watering in creeks should be recorded as well, particularly if there are covenants in the CEA which will prohibit these activities in the future. The details of what has already happened on a property or is now present matters when the CEA is registered on title. Without this precision, the owner could be seen to be in violation of the CEA at a later date for something that happened before the CEA was signed and registered on title.

Disturbances and Potential Threats

Take time when assessing a property to consider how its conservation values may be affected in the future. What activities on the property or on a neighbouring property might have a negative effect on the natural heritage features? Can you identify any potential threats? How will you monitor for these impacts and threats? What actions might be included in the Stewardship Plan to mitigate any possible negative impacts on the property's natural heritage features?

Information Related to Conservation Easement Agreement Covenants

Information required to define the covenants in the CEA are shown on the natural features map and described in the text of the report (See example in [Appendix B](#)). Information must be detailed enough to prove covenants have been violated, should this occur. The clarity of the mapping and descriptive text ensures that the landowner is aware of which covenants apply to which features on the property. This will decrease the risk of unintentional violations and encourage the landowner's sympathetic stewardship of these features.

8.7 Acknowledgement of Condition Statement

The final section of the BDR for CEAs is the Acknowledgement of Condition Statement. For properties to be protected by a CEA, the Acknowledgement of Condition Statement is essential, and the signed Acknowledgement must be included in the BDR.

By signing the Acknowledgement, both the landowner and the authorized representative(s) of the land trust are agreeing to the accuracy of the BDR and the details and photographs in it. This is the evidence that will be required should a CEA violation occur, and the land trust needs to go to court to seek a remedy. The signed BDR will carry weight even after the person who wrote it is no longer available to testify to its accuracy.

For example, the CEA may include the following:

The parties agree that the Baseline Documentation Report, its maps, photographs, and appendices, and the Baseline Documentation Summary accurately describe and represent the Property, at the time of entering this Agreement, including its Conservation Values, its uses, the elements of the Property to be conserved by this Agreement, and its natural features.

The [landowner] and the [land trust] each have a copy of the complete Baseline Documentation Report.

The parties agree that the Baseline Documentation Report is the basis for monitoring compliance with this Agreement from now on.

Signatures attesting to the Authenticity of the Baseline Documentation Report and its Summary:

When the BDR was written by a hired consultant or volunteer include:

Author of Baseline Documentation Report and its Summary:

I certify that I am the principal author of the Baseline Documentation Report and the Baseline Documentation Report Summary. I confirm that the contents are a true description of the Property at this time.

Date:

Report Author's name:

Witness name:

Report Author's signature:

Witness signature:

For all BDRs

Land Trust

I certify that I am authorized to sign this Baseline Documentation Report on behalf of [land trust] and that [land trust] is agreeing to the terms of the Conservation Easement Agreement, that I have read the Baseline Documentation Report, its appendices, and its Summary, and to the best of my knowledge, these documents describe the true state of the Property at this time.

Date:

Land trust representative(s)'s name:

Representative(s)'s signature:

Witness signature:

Property Owner:

I certify that I am the Owner who is donating a Conservation Easement according to the terms of the Conservation Easement Agreement, and that I have read the Baseline Documentation Report, its appendices, and its Summary, and to the best of my knowledge, these documents describe the true state of the Property at this time.

Date:

Owner's name:

Owner's signature:

Witness signature:

9.0 Future Monitoring Plans

One of the main purposes of the BDR is to facilitate monitoring the property over time. The BDR is the baseline against which changes in the property can be measured. The BDR gives future monitors a reference point from which to identify natural and human-made changes on the property.

Over time, monitoring will be done by people who were not part of the original BDR process and who may have different skills than the BDR authors. It is therefore helpful for the authors of the BDR to use their knowledge of the property site to prepare monitoring recommendations. For properties owned by the land trust, these items will likely become part of the property Stewardship Plan.

Monitoring recommendations may include:

- number of visits a year – always at least one, maybe more to look for a particular species
- timing of visit – season, time of day
- monitoring route(s)
- skills needed on the monitoring team
- property features most vulnerable to disturbance from human use, invasive species, etc.
- possible threats to significant conservation features of the property
- locations for annual photographs.

When monitoring a CEA property, the monitoring recommendations include information about contacting the landowner, whether or not the landowner prefers to be present for the monitoring visit, and information about ways to maintain a good working relationship with the landowner. The monitoring team will always need to take along the list of the CEA covenants to check for compliance with each of them, using the condition statement in the BDR for comparison.

10.0 A completed BDR is a Permanent Record. Keep It Safe.

The text, maps, photographs, etc. have all been assembled. What's next?

When the BDR is compiled, the land trust's "Property Committee" and then the Board needs to review it. New eyes may catch missing elements, errors, inconsistencies, and typos. Board members need to know about the property that the land trust is conserving either by ownership or by a CEA.

For a CEA, send a copy of the BDR to the landowner for comment, review, and approval of the contents. A face-to-face meeting may be a good idea. This is a final time to go over the covenants and be sure the landowner understands and agrees with them. Then, the landowner and the authorized representative from the land trust sign the *Acknowledgement of Condition Statement*. The signed statement is part of the BDR. The CEA BDR is now complete and ready to be registered on title.

As noted in [Section 3.2](#), some land registry offices may not accept the complete BDR with maps and photographs for registration with the CEA. In this case, make sure the Summary of the BDR has also been reviewed and signed by the landowner. The Summary should reference that both the landowner and the land trust each have the complete BDR.

Provide the complete and signed colour printed BDR to the landowner, along with an electronic version (pdf).

The land trust should:

- keep the colour-printed, signed original – the archival copy – in a permanent, protected place
- store a colour-printed administrative copy in the property file, and
- save a digital copy of the BDR and a pdf version on (1) a secure server or hard drive and (2) in a back-up location.

It may also be possible to store a BDR at an archive such as the Archives of Ontario or the archives of a local university. For example, the Ontario Heritage Trust files its BDRs for cultural CEAs with the Archives of Ontario.

The complete and signed BDR is an essential document to preserve for the long term.

11.0 Recording Changes to a Property After a BDR is Complete

Landscapes are dynamic and evolve over time. In a constantly changing landscape, especially in an era of climate change, natural disturbances, such as wildfire, storms, or flooding may alter a property. Humans may also make uninformed or illegal changes. The BDR is a permanent record of the condition of a property at a point in time.

The BDR cannot be amended, replaced, or erased.

New information can be used to amend the property Stewardship Plan or added as a supplemental document to the BDR.

For a property owned by the land trust, the monitoring report details the changes observed. The report is added to the property file and may result in an update to the property Stewardship Plan. Sometimes, a monitoring visit may find a problem created by humans illegally using the property. The land trust will need to decide on the actions to take to address these problems.

For a CEA property, changes made by humans must be documented and compliance with the CEA verified.

11.1 Change Allowed by the CEA

When the change was allowed by the CEA, for example, the re-building of a garage on the same footprint, the change needs to be recorded with a field note description and photographs. It is best practice to prepare a document referencing the BDR and CEA and specifying the changes that have been observed. This document must be signed by the landowner and the land trust. It can then be added as a supplemental document to the BDR in the land trust files, using the same record-keeping approach set out in [Section 10](#). It may be needed as evidence of the change in the future.

11.2 Violation of the CEA

When a violation of the CEA is found, the land trust will have to follow up with the landowner. Perhaps the issue can be resolved, and the property returned to the condition required by the CEA. Perhaps legal action will be required. In either case, violations must be documented, and a copy sent to the landowner, and add it to the property file. CEA violations **always** require follow up.

11.3 Change in Ownership of the Property

When the ownership of a CEA property changes, the land trust should contact the new owner, if possible before the transfer takes place. A clause in the CEA may require a current owner to notify the land trust of an upcoming change of ownership to facilitate this. The land trust and the current and landowner-to-be may all agree that the land trust prepare a Current Conditions Report (CCR). Like a BDR, it records the condition of the property at a point in time. The CCR is signed by all parties. It can reduce misunderstandings and controversies when a CEA property changes hands and ensure that the new landowner is fully aware of the covenants that apply to the property.

The CCR provides the current status of the property, referencing the BDR. It does not replace the BDR.

The CCR should include the same information as the original BDR and highlight any changes to the property since the initial BDR was prepared.

The land trust needs to follow up with the current landowner over any identified violations to the CEA.

The land trust provides one of the original signed CCRs to the current landowner and the landowner-to-be and files the CCR as described in [Section 10](#).

12.0 Conclusion

Assembling all the material for a BDR is a lot of work. It requires site visits and research; it usually means gathering information from different people. There is a lot of information to collect and document.

Take the time, at the beginning of the process, to set up a system for recording information as it becomes available. Use the checklist in [Appendix A](#) to help with your planning and use the template in [Appendix B](#) and start to fill it in. Recognize that it will take some time and effort to get it done.

Feel a sense of accomplishment when the BDR is complete.

Documenting the condition of a land trust property is a building block for its long-term stewardship.

Documenting the condition of a CEA property is essential to fulfilling the goals of the CEA and conserving the property's valuable natural features in perpetuity.

In this context of "forever", the time spent on a BDR is small. Its significance is enormous.

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Appendices

Appendix A: BDR Checklist

Some sections of this checklist are relevant only to properties subject to a Conservation Easement Agreement. These sections are marked with a ★.

- Property Name
- Date of Site Visit(s) with names and credentials of visitors
- BDR Prepared by with Contact Information
- Indigenous Land Acknowledgement
- ★ Purpose and Intent of the Conservation Easement Agreement
- BDR Summary
- Landowner Contact Information
- Property Information
 - Type of Securement
 - Legal Description
 - Municipal Address (if applicable)
 - Location (Latitude/Longitude or UTM Reference)
 - Surface Area of the Property
 - ★ Surface Area Covered by the CEA
 - Directions to the Property
 - Access Details for the Property
 - Official Plan Land Use Designation(s)
- Zoning of the Property
- Current Uses
- Description of Conservation Values/Natural Heritage on the Property
 - Site Description
 - Site Designations
 - Habitat Characterization
 - Interior Water Course/Body
 - Other Ecological or Heritage Values
 - Property History and Natural Heritage
 - Surficial and Bedrock Geology
 - Soils
 - Evidence of Wildlife
 - Wildlife Habitat
 - Species Summary
- Disturbances and Potential Threats
- Property Data
 - Property Perimeter Boundaries
 - ★ Conservation Easement Agreement Zones
 - Adjacent Land Use
 - Improvements and Structures
- ★ List of covenants from Conservation Easement Agreement
- Conservation Goals
- Concluding Remarks
- Recommendations for Future Monitoring
- Important Contacts
- List of Maps
 - Map A: Location Map
 - Map B: Context Map
 - Map C: Conservation Agreement Base Map
 - Map D: Improvements, Structures, Trails, Disturbances
 - Map E: Vegetation Communities
 - Map F: Official Plan and Zoning
 - Map G: Photo Map
- Appendix 1: Photo Library
- Signatures on the BDR

Appendix B: Annotated BDR Template for Natural Heritage Lands Owned by a Land Trust or Subject to a Conservation Easement Agreement

This Baseline Documentation Report template has been developed as a guideline of recommended information fields for land trusts and conservation organizations to include.

Some sections of this template are relevant only to properties subject to a Conservation Easement Agreement. These Sections headings are marked with a ★. When preparing a BDR for lands owned by a land trust, these sections may be excluded.

Property Name:

Date of Site Visit(s) with names and credentials of site visitors: For example, June 12, 2021, Cedar Jones, Biologist with [land trust].

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 number, email, mailing address of the BDR preparer.

Indigenous Land Acknowledgement: Based on the location of the property or the area in which your land trust operates, acknowledge past and present settlement, traditional practices or interest of Indigenous peoples on the land. Reference treaty number, ceded/unceded territory, and any legal or public claims and statements. Include any further intent to explore previous use and future considerations.

Information and maps of treaties in Ontario can be found here;
<https://www.ontario.ca/page/treaties>.

Tips for preparing land acknowledgement statement can be found here:
<https://www.amo.on.ca/AMO-Content/Policy-Updates/2018/GuidanceonTraditionalLandAcknowledgementStatements>

★ **Purpose and Intent of the Conservation Easement Agreement:** Clearly state the landowner's and the land trust's common purpose (or intent) in conserving the property and the property's specific conservation values.

There is an ongoing discussion on the extent of detail to include in a statement about the natural features a CEA is meant to protect. Statements that are too broad in nature (for example: the purpose of this CEA is to protect the natural features of this property) show a lack of understanding of what is to be protected to justify the CEA. Conversely, statements that are too specific (for example: the purpose of this CEA is to protect Jefferson Salamander habitat) is too narrow as the Jefferson Salamander could disappear over time. Conservation CEAs are designed to be in effect in perpetuity. Species and habitats that were once important to protect on a property may evolve into something else as a product of natural succession, climate change, or other factors. Ask a lawyer with experience in CEA drafting for advice on the right balance between no details and too confining details when describing the conservation values the CEA is to protect.

1. BDR Summary for the Land Registry Office

The Land Registry Office may not allow the registration of a BDR with too many photographs and maps. Check before you finalize the BDR. You may only be allowed to register on title the written text part of the BDR with a list of the photographs, maps, and other materials that are in the complete BDR. This Summary BDR is registered on title. The landowner and the land trust will each have a complete signed original of the BDR with everything included.

When the complete BDR with photographs, maps, etc. cannot be registered, it is essential to register a Summary of the BDR.

The BDR summary included in the registered CEA should be clearly reproducible in black and white and contain the following information at a minimum:

- 1) CEA purpose 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 CEA
- 7) Damaged or disturbed areas
- 8) Description of species or natural features of interest that relate to the CEA
- 9) A black and white site plan or conservation agreement base map of the property
- 10) List of the photographs and maps that are included in the full BDR
- 11) Acknowledgement that the full BDR and the BDR Summary are an accurate description of the natural values and features of the property signed by the landowner and the authorized representative of the land trust.

A BDR summary may also be included in a BDR for a land trust owned property to provide a concise overview of the information included in the BDR.

2. Landowner Contact Information

Landowners' Name: Name of the owner(s) on title and spouse (if not on title).

Address of Landowner:

Phone:

Email:

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

Address of Contact Person(s):

Phone:

Email:

3. Property Information

Type of Securement: Fee simple donation, purchase, split receipt. Is the intent to seek certification under Environment and Climate Change Canada's Ecological Gift Program. Also indicate other property details such as easement for hydro lines, life interest, or lease agreements.

Legal Description: A description of the property as indicated on the parcel register. Lot, concession numbers, PIN, Municipal Roll Number etc.

Municipal Address (if applicable):

Location (Latitude/Longitude or UTM Reference):

Surface Area of the Property: Acres and hectares based on legal survey, MPAC, or approximation using GIS. Include source of the information.

★ **Surface Area covered by the CEA:** Acres and hectares. Name the different zones and provide their areas, if the CEA divides the property into zones with different restrictions, for example, residential zone, agricultural zone, etc.

Directions to the Property: Provide driving directions to the property from nearest major town or city centre.

Access Details for the Property: Provide any information about point(s) of access to the property, whether by foot or car etc.

Official Plan Land Use Designation(s): Refer to county or municipal official plans when available. The Official Plan designation for a property may be in a Schedule in the Plan.

Zoning of Property: Refer to the applicable municipal zoning by-law and cite the number and date of the document and the zoning that applies to the property.

Current Uses: *Specify current land use adding a description including whether the activity is occurring with permission or via trespassing, how long the land use has been occurring, if known, and a description of any damage that it is causing. Include photos for documentation purposes in Appendix 1 and the location on the property Map C. When none of these activities occur on the property, note that.*

Is public access allowed? Yes/No

Details: *Is permission required before access? Who is the contact for permission? Where are the points of access?*

Is there a public use / access management plan for the property? If not, will one be developed?

Possible additional details:

Scientific/Educational (research, nature study, etc.):

Has any been done? By whom? When?

Habitat/Ecosystem Management or Preservation (planting, bird houses, etc.):

Residential (permanent or seasonal residences, mobile homes, etc.):

Agricultural (orchard, vineyard, garden, horse/cattle pasture, cropland, etc.):

Forestry (reforestation, harvesting, etc.):

Commercial (sales to the public, etc.):

Industrial (aggregate, mining, etc.):

Indigenous Customs/Access: This may include access to cultural sites, collection of plants and wildlife, etc.

4. Description of Conservation Values / Natural Heritage Features on the Property

Describe the conservation values or natural heritage features on the property. For a CEA BDR, use the same language from the CEA to set out the “conservation values” being protected by the CEA. Connect the numbered photographs to the description. See [Appendix C](#) for information on taking, documenting, and storing photographs.

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 any ecological significance, and any special designations that apply to all or part of the property (for example, local Environmentally Sensitive Areas (ESAs), Areas of Natural and Scientific Interest (ANSIs), Provincially Significant Wetlands (PSWs), or that have been identified in a conservation planning document such as a Natural Heritage Plan adopted by the municipality or county or at the provincial or federal level (for example, the Oak Ridges Moraine Conservation Plan, the Rideau Canal’s Management Plan etc.). If the property is donated through Environment and Climate Change Canada’s Ecological Gift program, list the applicable Ecological Sensitivity Criteria.

Habitat Characterization: Describe current habitat types (vegetation community types) and ecological systems. Take representative pictures of each vegetation 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).

Refer to the ELC guide for your region (<https://www.ontario.ca/page/introduction-ecological-land-classification-systems>)

Table 4.1 Ecological Land Classification (ELC) Site Code

ELC Site Code	UTM (Accuracy)	Community and Description

Interior Water Course/Body: Identify any water features with name, type (e.g., pond, lake, stream, river, wetland type, vernal pool), approximate size with directional description of its location within the property and direction of flow; whether location is upstream or downstream of other features; whether ephemeral or year-round; specify if constructed or natural. Describe the condition of banks or shorelines. Are they stabilized? Vegetated? Ecological Land Classification can be used as a designate for describing aquatic ecosites.

Other Ecological or Heritage Values: Include information on whether the property is a buffer, corridor, has archaeological or scenic value. Include information on Indigenous values.

Property History and Natural Heritage: List prior land uses, past historic events (major climate events, anthropogenic) on the property and in the case of a BDR prepared for a CEA as they pertain to the CEA. This may lead to a more detailed environmental audit.

Surficial and Bedrock Geology:

Soils: If relevant, identify soil series, soil survey and list significant soil properties – saline/non-saline, 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.

Evidence of Wildlife:

Wildlife/Trees/Snags/General	Animal Tracks	Animal Scat
Squirrel or Mast Caches		
Bird's Nests		
Feathers		
Burrows		
Browsed Vegetation		
Other:		

Additional detail: Provide any additional detail based on the table above.

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

Species Summary: List below any plants and wildlife that have been observed on the property, the date of observation, and the name of the person who observed it. List the common name followed by scientific name of each along with G-rank (global rank), S-Rank, SARA and SARO classifications, if applicable. Indicate which species are invasive or non-native. COSEWIC may also have relevant species information. Note that this list is not static and is likely to be expanded after other site visits and monitoring trips.

Birds:

Mammals:

Reptiles/Amphibians:

Insects/Spiders:

Fish/Aquatic Invertebrates:

Trees:

Shrubs:

Forbs:

Grass/Sedges:

Fungi:

Species of Interest: Specify any species of interest that may be important for monitoring and, in the case of a BDR prepared for a CEA, are important for the enforcement of the CEA. List any species at risk, rare and significant species, along with G-rank, S-Rank, SARA, SARO and relevant COSEWIC information.

5. Disturbances and Potential Threats to Site

Describe any disturbances or threats present on the property, the location of the threat, frequency of the threat, and suggestions for how to manage it. Some examples of disturbances or threats include presence of invasive species, removal of resources (e.g., sand, gravel, peat etc.), dumping, unauthorized trails or property use (e.g., evidence of campfires, campsite etc.), natural disturbances (e.g., flooding, fires, landslide), etc. Also include likely foreseeable threats in the future (e.g. flood, wildfire, invasive species etc.).

6. Property Data

In this section, provide specific information or data based. In the case of a BDR prepared for a CEA, specific information or data is based on the CEA covenants. This data will be used to support monitoring for compliance of the CEA covenants, 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 are taken whenever necessary for documentation purposes. The direction of the photo is recorded using the azimuth of a compass (i.e. facing 10 degrees).

Property data information will be used to develop the CEA base map with all the property features which relate to the CEA.

Property Perimeter Boundaries: Indicate whether there is a legal survey for the boundaries of the property. Make reference to the legal survey and attach it to the BDR. Describe how the boundaries have been delineated on the ground (i.e. iron bars, fences, etc.) and consider documenting with photographs. Record the coordinates and level of accuracy. Include this information, where applicable, in Table 6.1 below. This will establish where the property perimeter boundaries are and how to locate them on the ground.

Table 6.1 Perimeter Boundaries

Boundaries	Present	Notes	Coordinates and accuracy
Corner monuments/pins located and GPS			
Well-marked, blazed, GPS			
Survey Date			
Iron Bar			
Wooden Stakes			
Brushed			
Fence			
Other			

★ **Conservation Easement Agreement Zones:** A CEA uses zones or areas within the property boundaries to determine which parts of the property will have certain restrictions of use (i.e. residential zone, agricultural zone, protected zone, etc.). 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 CEA 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 property CEA survey, if one was done. Include this information in Table 6.2 below.

Table 6.2 Conservation Easement Agreement Zones: Repeat the following table for each zone

Zone Name and Area

Boundaries	Present	Notes	Coordinates	Accuracy
Corner monuments/pins located and GPS				
Well-marked, blazed, GPS				
Survey Date				
Iron Bar				
Wooden Stakes				
Brushed				
Fence				
Other				

Adjacent Land Use: Identify the land use of each adjoining property, indicated by direction. Indicate whether these lands or neighbouring uses pose any threat to the property.

Table 6.3 Relevant Features and Context of Neighbouring Properties: Reference to features of note with GPS location (e.g. invasive species, anthropogenic features such as landfills). Include surrounding lands uses.

Feature	Context	Direction

Improvements and Structures: Describe purposes of each and location on the property. Include photos for documentation purposes in Appendix 1 and location on the property Map D.

Buildings/Structures:

Trails & Roads:

Wells & Septic:

Fences:

Trails:

Powerlines/Hydro Easements:

Pipelines/Gas Easements:

Other:

Table 6.4 Improvements and Structures: Improvements and structures are defined in a CEA and include any human-made, non-portable structure, or object such as bridges, lane ways, barns, viewing platforms, outhouses, dams, docks, etc. Photos are taken whenever necessary for documentation purposes. The direction of the photo is recorded using the azimuth of a compass. Include reference to photos in Photo Library.

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

**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.*

Table 6.6 Trails: Indicate the trail's average width and terrain base and record with UTM coordinates and level of accuracy. Photos are taken whenever possible for documentation purposes. The direction of the photo is recorded using the azimuth of a compass.

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

★ 7.0 List of Covenants from Conservation Easement Agreement:

Insert the actual covenant from the CEA verbatim into the BDR. Do not include summaries or paraphrases as this could cause confusion or misinterpretation. These covenants are also to be listed verbatim in future monitoring reports as a checklist for compliance.

Then collect information on the current condition of this covenant. What is the current condition of the property that relates to this particular covenant? Refer to Table 7.1 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 covenant.

Include references to relevant property specific photographs and GPS coordinates that directly relate to each covenant. In particular, reference information about improvements, structures, trails, or boundaries that may have been described in Table 6.4 of this template. Ensure that all relevant information is accurately located on the CEA map.

When evidence shows there is a current pre-existing condition, document details (i.e. what is the issue, what is the source, was it caused by the 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 CEA is signed. For example, if the property has an existing dump site and no dumping is one of the covenants, the dumpsite must be cleaned up before the CEA is signed.

Types of Covenants and Data:

The following table looks at typical covenants⁵ contained in natural heritage CEAs 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 an illustration of some possible covenants and is not an inclusive list. There are many other covenants that may be contained in a CEA that are not included here.

Table 7.1 Types of Covenants

General Types of Conservation Easement Agreement Covenants	Types of Information for Data Collection: Documenting the current condition of the Property	Additional Considerations
<p><u>Subdivision</u></p> <p><i>Not allowed to sever, subdivide, or create a condominium on the Property</i></p>	<p>Copy of existing legal survey.</p> <p>Copy of title registry documents.</p>	<p>Notify the local municipal planning department 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.</p>

⁵ Adapted from the Natural Heritage Conservation Easement Agreement TEMPLATE of the Ontario Heritage Trust, 2006.

<p><u>Limits on Construction</u></p> <p>Construction of any building, shed, or other structure anywhere on the Property is prohibited.</p>	<p>Describe purposes of each built feature (i.e. cottage, bridges, wells, sheds, fences, hydro towers) and location (i.e. GPS) on a baseline map.</p> <p>If relevant, describe each providing details on dimensions, quantities, and materials, if relevant, and attach photos.</p>	<p>If the CEA prohibits a change of building locations, an increase in existing building footprints, or the construction of any new buildings or structures, the BDR needs to include specific data on the location and size of existing buildings. On the other hand, when there are no restrictions applicable to the “building area” or “residential area”, then information on the presence or absence and function of buildings and structures within that area may be sufficient with regard to that restriction.</p>
<p><u>Roads, and Driveways</u></p> <p>Not allowed to construct, any new driveways, roadways, or other parking areas.</p>	<p>The BDR needs to identify the exact location of existing roads, driveways, and parking areas.</p>	<p>Consider using sound field procedures – notes and photographs – to describe what is in place at the time of writing the BDR.</p>

<p><u>Trails and paths</u></p> <p>Not allowed to add any new trails, paths, or other passageways for any type of vehicle.</p>	<p>Indicate on a BDR map the location (i.e. GPS) of existing trails and access points.</p> <p>Photograph a representative section of the trail or access point to indicate its width and terrain (i.e. compacted soil, gravel, woodchips).</p> <p>Describe the trail system, when it was established, and its purpose.</p>	<p>Document the existing trails and their conditions with great care, attention to detail, and professional standard notes and photographs. Proving that a trail is a new trail and in violation of the CEA will require precise documents on the baseline situation when the CEA was signed.</p>
<p><u>Vehicle Storage</u></p> <p>Not allowed to use or store vehicles, including trucks, cars, motorhomes, boats, trailers, snowmobiles, all-terrain vehicles, motorcycles, and bicycles anywhere on the Property.</p>	<p>Confirm the absence of any stored vehicles at the time the BDR is written.</p>	<p>It is important to document the absence of something in the same way it is important to document the presence of something. This is the baseline for the Property. Making a record that no stored vehicles were found anywhere is necessary to allow follow up should this not be the case in the future.</p>
<p><u>Dumping</u></p> <p>Not allowed to store any waste, hazardous material, soil, sewage, rock, or other similar material anywhere on the Property.</p>	<p>Document where dumping has taken place in the past. The Property must be cleaned up before the CEA is put in place, otherwise there is no way to enforce this restriction.</p>	<p>This may require documenting anecdotal information from the landowner on past practices</p>

<p><u>Grading, Topography</u></p> <p>Not allowed to grade, remove, or add materials or alter the surface or topography of the Property.</p>	<p>Photograph, GPS and map all existing ditches, ponds, streams, wetlands, and other water bodies (both permanent and seasonal).</p> <p>For streams, indicate on the map the location of major bends, pools, runs, and describe the materials on the bottom of the stream (e.g. gravel, sand), the width and depth, direction and speed of flow and any plants and wildlife they support.</p> <p>For wetlands, indicate their class and significance, when the wetland has been evaluated, as well as any significant plants and wildlife they support.</p> <p>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 plants and wildlife they support.</p> <p>Photographs, GPS and map any retaining walls, dams or other structures</p> <p>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 recharge or discharge areas on the property such as springs.</p>	<p>The focus in this data collection is to thoroughly document the current condition. As this is a “no disturbance” restriction, any violations would be relatively visible and should be easy to see in annual monitoring visits.</p> <p>ELC can be used to classify aquatic systems.</p>
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	<p>Describe, photograph, and GPS any evidence of past dredging, grading, or soil removal.</p>	
<p><u>Vegetation</u></p> <p>Not allowed to remove, cut, or prune any trees, plants, or other vegetation.</p>	<p>Indicate the location and size of any woodlots.</p> <p>Describe any disturbed logging areas or pre-existing evidence of cutting.</p> <p>Map the major plant communities (i.e. ELC) on the property to show their boundaries.</p> <p>Describe the vegetation communities (indicate location, dominant species, and the functions they serve such as linkage, attenuation of water flow, habitat, and so on).</p> <p>List the rare, unusual, or sensitive plants and wildlife which have been reported in the area by the landowner and by the past studies as well as the species you observe on the property. What is the status of these species locally, regionally, and provincially?</p> <p>Describe the natural and human-made habitat on the property. How common is this</p>	<p>When a particular plant species is not protected by the CEA through the restrictions, it may not be, necessary to provide specific measurements of that species in the BDR. However, the land trust may want to document endangered, threatened, rare, and significant species, and it may want to keep their exact location confidential.</p> <p>Provide information about any existing forest management plan (i.e. MFTIP).</p> <p>ELC can be used to classify plant communities.</p>

	habitat in the ecological region where the property is situated?	
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7. Conservation Goals

Describe the conservation goals for the property or refer to other reports, strategies etc. that are relevant (e.g., Managed Forest Plan, Species Recovery Plans etc.).

8. Concluding Remarks

Conclude with any pertinent comments related to the conservation values of the property.

9. Recommendations for Future Property Monitoring

Give recommendations for monitoring visits such as looking for recreational use and prohibited activities, checking on sensitive natural features, and identifying the presence/distribution of invasive species. Specify routes or boundaries that should be followed or checked with each visit.

CEA properties must be monitored at least once a year to ensure the landowner is in compliance with the covenants in the CEA. When the land trust uses aerial monitoring, on the ground monitoring should be conducted at least once every five years (See [CLTS&P 11.C.2.a](#)). The monitoring report should be signed by both the land trust and the landowner and kept on file with the land trust according to its record-keeping policies.

CLTS&P, Practice 11.C.2a

2. Monitor each conservation agreement property at least once per calendar year
 - a) If the land trust uses aerial monitoring, conduct on-the-ground monitoring at least once every five years

10. Important Contacts

Identify relevant contact people by name, title, phone number, and organization.

Municipality:

Conservation Authority:

Other Local Entities:

Neighbours:

11. List of Maps

Map A: Location Map: Shows where the property is situated, should show nearby cities/towns

Map B: Context Map: Shows how the property sits on the landscape. Should use an aerial map to show forest cover, wetlands, lakes, agricultural lands, and other features on the broader landscape

Map C: Conservation Agreement Base Map: Property Boundary and map showing current uses and significant natural features

Map D: Improvements, Structures, Trails, Disturbances

Map E: Plant Communities

Map F: Official Plan and Zoning

Map G: Photo Map: Shows location of ground photos taken on the property during site visit(s).

12. Appendix 1: Photo Library

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 and azimuth), 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 It is also recommended to include a map of photo reference sites for future photo monitoring.

13. Signatures on the Baseline Documentation Report

This section is to contain signatures (and dates) for the landowner(s) and the land trust 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 CEA registration. Consult legal advice for whether witness signatures are also required. The landowner[s] should also acknowledge that they received a signed copy of the report.

It is required to have the BDR completed and signed at the time the CEA is registered on title. At that time, all the parties are focused on the issues and available to complete the supporting documentation. There are a few limited circumstances, such as seasonal limitations in the field, when it may not be possible to have a completed BDR at the time the CEA is registered on title. In these circumstances, the CEA must include an interim BDR with 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).

Ensure that the landowner has read the BDR. The land trust should review the CEA covenants with the landowner and the BDR statement of condition for each restriction one more time. It is critical to confirm a common understanding with the landowner as to the property features they are seeking to protect and the covenants that will apply to the property once the CEA and BDR are registered on title.

Author of Baseline Documentation Report and its Summary:

I certify that I am the principal author of the Baseline Documentation Report and the Baseline Documentation Report Summary. I confirm that the contents are a true description of the Property at this time.

Date:

Report Author's name:

Witness name:

Report Author's signature:

Witness signature:

Land Trust

I certify that I am authorized to sign this Baseline Documentation Report on behalf of [land trust] and that [land trust] is agreeing to the terms of the Conservation Easement Agreement, signed [month, day, year], that I have read the Baseline Documentation Report, its appendices, and its Summary, and to the best of my knowledge, these documents describe the true state of the Property at this time.

Date:

Land trust representative(s)'s name:

Representative(s)'s signature:

Witness signature:

Property Owner:

I certify that I am the Owner who is donating a Conservation Easement according to the terms of the Conservation Easement Agreement, signed [month, day, year], that I have read the Baseline Documentation Report, its appendices, and its Summary, and to the best of my knowledge, these documents describe the true state of the Property at this time.

Date:

Owner's name:

Owner's signature:

Witness signature:

Appendix C: Taking, Documenting and Storing BDR Photographs

1.0 A Checklist of Photographs to Take

Include a date, time code, and a GPS reading for each photograph location. Note the direction from which the photo was taken and the azimuth. Include weather conditions and other notes, if relevant.

Representative Vegetation Types

Using satellite imagery, predict the distribution and number of vegetation communities to identify. Photograph a typical patch of each type with attention to the general features that illustrate the condition of the community. Document the location and features such as browsing, typical understory and canopy, tree and shrub reproduction, invasive species, and even percentages of bare ground or plant litter accumulation.

Buildings and Structures

Cultural features such as fences, historic shells of structures, head gates, etc. are helpful location indicators and may have heritage value. Photographs of buildings, garages, sheds, boathouses, docks, etc. are helpful in all cases. They are essential when the CEA has covenants that apply to them.

Boundaries

Try to locate survey stakes for each corner of the property and photograph them to note the general location and GPS reading, making it easier to find the stake again. Take photographs along the property boundary, particularly where there is a possibility of encroachment from a neighbouring property.

Special features

Features to document:

- access roads, two-track roads, trails, driveways, parking areas
- evidence of trespass, for example, an ATV track
- rivers, creeks, wetlands, springs, and rock outcrops which contribute to the conservation values of the property
- game trails, raptor nests and rookeries, shrub browsing, deer beds, etc. that show wildlife use of the property
- the condition of agricultural productivity and operations, such as standing crops, crop storage locations, irrigation systems, equipment storage, grazing utilization, and timing
- areas of recreational use on a land trust property. Monitoring the effects of use over time can provide a case for the land trust to revise its property Stewardship Plan.

Open Landscapes and Scenic Views

Open Landscapes (natural communities such as meadow, fallow field, grasslands, etc.) are best documented by “cross-photos” from opposite sides of the open space. Scenic values to document generally have two aspects:

1. the views from the property to the outside world, and
2. the views from outside the property into it.



Figure 2: Photo Points (Representative Vegetation Types)

2.0 Documenting photographs

Photographs should be:

- numbered, and
- labelled with the:
 - name of the property
 - name of the photographer
 - time and date of the photograph
 - GPS and azimuth reading, and
 - landmark from where the photograph was taken, if applicable.

It is handy to place the location from where photographs were taken on a property map. When there is a map, the location pin should match the number assigned to the photograph.

An example of a portion of a photograph table that can be included in a BDR to describe ground photographs:

Photographs 1 to 4 were taken by X. Photographs 5 and 6 were taken by Y.

Photo #	Date/Time	GPS and Azimuth	Purpose
1	April 28, 2021, 8:52 AM	44.22433, -78.76273 25°	To show the general conditions along the driveway. Note that the driveway is regularly mowed, but that the surrounding areas are left in an essentially natural condition.
2	April 28, 2021, 9:28 AM	44.22343, -78.76156 48°	To show the general conditions along the driveway. Note the freestanding chimney and garage beyond it.
3	April 28, 2021, 9:43 AM	44.02423, -78.56265 120°	To show the garage and its natural surroundings.
4	April 28, 2021, 10:16 AM	44.02356, -78.57238 50°	To show the relatively undisturbed conditions along the driveway and in the vicinity of the storage shed. There is a small clearing beside the shed, and an old track veers off to the NE from it towards the wetland along the N property line.
5	April 28, 2021, 12:02 PM	44.04535, -78.57134 19°	To show the privy and storage shed, and their relatively undisturbed surroundings.
6	April 28, 2021, 12:35PM	44.05698, -78.58314 88°	To show the cottage and its relatively undisturbed surroundings. Note the steep rock ridge behind the cottage.
7	April 28, 2021, 1:24 PM	44.22413, -78.77274 81°	To show conditions at the NW corner of the property. Note the difference in understory structure between easement lands to the right of the fence and the neighbour's pasture to the left.

3.0 Photograph Storage

- Save each digital photo as its own file.
- Name the file for the feature it illustrates.
- Create a file that lists all the photographs of the property with date, time, GPS coordinates, photographer, compass direction, and description.
- Store photos in a labelled digital property file folder - print photos as required.
- Store digital copies of photographs according to data management policies (See [Section 10](#)).

Appendix D: Sources of Information on Natural Areas in Ontario

Ontario Physiography and Ecology:

Chapman, L.J. and D.F. Putnam. The Physiography of Southern Ontario, Ontario Geological Survey, 1984. Textbook: A concise description of Southern Ontario's geology and historical development

Lee, Harold, Wasyl Bakowsky, John Riley et al. Ecological Land Classification for Southern Ontario. SCSS Field Guide FG-02. North Bay: Ontario Ministry of Natural Resources. Natural Heritage Information Centre, 1998.

Soils

Ministry of Agriculture, Food and Rural Affairs. AgMaps Geographic Information Portal: <http://www.omafra.gov.on.ca/english/landuse/gis/portal.htm>

Surficial and Bedrock Geology

Geological Survey of Canada: <https://www.nrcan.gc.ca/science-data/research-centres-labs/geological-survey-canada/17100>

Ministry of Energy, Northern Development and Mines: <https://www.mndm.gov.on.ca/en/mines-and-minerals/applications/ogsearth>

Invasive Species

Ontario Invasive Plant Council: <https://www.ontarioinvasiveplants.ca/>

Ontario Invasive Species Centre: <https://www.invasivespeciescentre.ca/invasive-species/>

Early Detection and Distribution Mapping System (EDDMapS): <https://www.eddmaps.org/distribution/>

Ecological Gifts Program

General Information and helpful links: <https://www.canada.ca/en/environment-climate-change/services/environmental-funding/ecological-gifts-program.html>

Spatial Data:

Land Information Ontario: <https://www.ontario.ca/page/land-information-ontario>

Natural Heritage and Species Data:

Natural Heritage Information Centre (NHIC): <https://www.ontario.ca/page/natural-heritage-information-centre>

iNaturalist: <https://www.inaturalist.org/>

Ontario Reptile and Amphibian Atlas: <https://www.ontarioinsects.org/herp/index.html?Sort=41&area2=squaresCounties&records=all&myZoom=5&Lat=43.13&Long=-81.22>

Significant Wildlife Habitat Technical Guide: <https://www.ontario.ca/document/significant-wildlife-habitat-technical-guide>

Natureserve: <https://explorer.natureserve.org/>

IUCN Redlist of Threatened Species: <https://www.iucnredlist.org/>

Breeding Bird Atlas: <https://www.birdsontario.org/>

Ontario Government Species at Risk in Ontario: <https://www.ontario.ca/page/species-risk-ontario>

Government of Canada Species at Risk Registry: <https://www.canada.ca/en/environment-climate-change/services/species-risk-public-registry.html>

Committee on the Status of Endangered Wildlife in Canada (COSEWIC):

<https://www.cosewic.ca/index.php/en-ca/>

Committee on the Status of Species at Risk in Ontario (COSSARO): <http://cossaroagency.ca/species/>

Global Biodiversity Information Facility (GBIF): <https://www.gbif.org/>

Additional Guidance and Resources:

Ontario Land Trust Alliance (OLTA): <https://olta.ca>

Ontario Heritage Trust (OHT): www.heritagetrust.on.ca

U.S. Resources:

Land Trust Alliance: www.lta.org/publications/

Hall, Frederick C. 2001. Ground-based photographic monitoring. Gen. Tech. Rep. PNW-GTR-503. Portland, OR: U.S. Department of Agriculture, Forest Service, Pacific Northwest Research Station. 340 p.

Photo Point Monitoring Handbook: Part A - field procedures. General Technical Report PNW-GTR-526, by Hall, Frederick C. United States Department of Agriculture.