



1. Participants

Approximately 25 people joined in this teleconference presentation and discussion session. Participants included representatives of various organizations, including local non-profits, College of the North Atlantic, Memorial University, Regional Economic Development Boards, Provincial Government Departments, as well as several individual citizens with personal interest.

Participants called in from many regions of the province including the Avalon peninsula, the Burin peninsula, Corner Brook, Labrador, and from outside the province.

2. Introduction

After a round of introductions of all participants on the line, Kristie Jameson of the Food Security Network provided some introductory comments and information on the Food Security Network of Newfoundland and Labrador.

- **A summary of the Food Security Network NL (FSN):** a membership based not-for-profit organization with the mission to actively promote comprehensive, community based solutions to ensure physical and economic access to adequate and healthy food for all.
- **Land Use Committee:** Anyone interested in joining FSN's Land Use Committee should contact Rick Kelly at richardkelly@foodsecuritynews.com or (709) 237-4026.

3. Keynote Presentation

Aaron Felt, lawyer and FSN Board member, gave an overview of Land Trusts as Legal entities. Key points from the presentation included:

- **Land Trusts:** A trust is a legal entity that owns and manages property for the benefit of other parties, as defined by the terms of the trust.
- **Charitable status:** Most Land Trusts in Canada are charitable, meaning that they cannot be for-profit, cannot engage in advocacy, and must have a charitable purpose, such as the environment or education.
- **Process:** A land owner either sells or donates land to a Land Trust, with an agreement defining the Trust's responsibilities regarding the land. The agreement may even lay out penalties for the Trust if it does not fulfill its obligations. The public at large can sue a Land Trust to meet its obligations.
- **Baseline Documentation Report (BDR):** A report which includes environmental data such as what species of animals are found on the land. They often form the evidence on which conservation agreements are fashioned.
- **Conservation Easements** are another way to preserve the existing state of a piece of land. A Conservation Easement is different from a Land Trust, in that it involves handing over some rights to a property rather than all. An example would be selling a piece of land with a walking trail that must remain accessible. In some cases a Conservation Easement would be more appropriate than a Land Trust, such as when some development is still appropriate on the land. Unfortunately, Conservation Easement legislation exists in all the provinces except Newfoundland and Labrador.

- **Eco-Gifts:** A federal program started in 2000 that provides income tax incentives to private and corporate land owners who donate ecologically sensitive lands.
- **Keys to Developing A Successful Land Trust:**
 1. A Land Securement Strategy;
 2. A skilled BDR team;
 3. A long-term strategy for funding the trust and its conservation activities;
 4. A competent and motivated board of directors; and
 5. A responsible and accountable volunteer team.
- **Canadian Land Trust Alliance (CLTA):** Every province and territory except Nunavut has a Land Trust Alliance, each of which falls under the CLTA. The CLTA's mission is to promote private land conservation and to strengthen the Land Trust movement nationally through communication, education and the development of partnerships. For more information about the CLTA visit www.clta.ca.

Douglas Ballam, NL Program Director with the **Nature Conservancy of Canada (NCC)**, provided a brief overview of Land Trust management.

- The NCC is one of the very few (possibly the only) organizations which operate a Land Trust in Newfoundland and Labrador. NCC holds title to **2,300 acres** in 23 different pieces in NL, and over 2 million acres in Canada.
- Most of the land held in trusts in NL by NCC is in southwestern Newfoundland, in the Codroy Valley and Sandy Point areas.
- NCC acquires land through **direct purchase, donation** or a combination of both called a **split receipt**. NCC deals almost exclusively with private land rather than crown land.
- Land Trusts can be focused on a municipality, region, province, or operate nationally.
- The process of buying a property for a Land Trust is very similar to buying a house.
- Less than 1% of charitable donations in NL got to environmental charities, so the biggest challenge facing NCC is **raising money** to purchase land. The Federal Eco-gifts legislation helps to encourage donations of land.
- NCC also raises an additional 15% above the cost of a piece of land to be used as an endowment to fund the ongoing maintenance of the land.

Visit www.natureconservancy.ca to learn more about The Nature Conservancy of Canada.

4. Key Themes/Information from Discussion

- **Conservation Easement** legislation would be very useful in the province and easy to write using other provinces' existing legislation. It should be promoted at the political level. If people are interested in seeing that kind of legislation enacted they should find a champion for it in the provincial government.
- **Expropriation:** The government can expropriate any land, including land held by a Land Trust.
- **Failure of a Trust:** If a Land Trust organization fails to meet its obligations to the land it is responsible for then they can be sued for "specific performance", requiring them to perform their conservation function in so far as they are financially able. The organization can also lose its charitable status.
- **Why is a BDR necessary?** Federal eco-gifts program requires them (ie, the land grantor won't get their tax credit without it), they may be necessary in order to demonstrate that the trust's charitable function is being realized, and they reduce the cost of monitoring and maintenance a parcel of land in the long-term by providing a reference guide for conservation on the land.