

## Conservation Easement Sequence of Events: Plan – Draft – Enact – Steward

Every conservation easement is different, but every one follows the same basic sequence of events.

PLANNING (do we want to do this?)	
<i>GRANTOR (the landowner)</i>	<i>GRANTEE (the CE recipient/holder)</i>
<ul style="list-style-type: none"> <li>• Determine your conservation wishes               <ul style="list-style-type: none"> <li>○ Goals</li> <li>○ Important features</li> <li>○ Access</li> </ul> </li> <li>• Determine your development wishes               <ul style="list-style-type: none"> <li>○ Where do you want to maintain development potential</li> </ul> </li> <li>• Explore the range of tools               <ul style="list-style-type: none"> <li>○ Are CEs the right tool for you?</li> <li>○ Do you want to do this now or in your Will?</li> </ul> </li> <li>• Determine family/corporation wishes               <ul style="list-style-type: none"> <li>○ What are the desires of your partners?</li> </ul> </li> <li>• Determine the title implications               <ul style="list-style-type: none"> <li>○ What other interests would be affected?</li> <li>○ Is it up to date?</li> <li>○ Does a mortgage need to be postponed?</li> </ul> </li> <li>• Get advice               <ul style="list-style-type: none"> <li>○ Legal; Financial / tax; Succession</li> <li>○ Conservation easement (experts and neighbours familiar with CEs)</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Determine landowner wishes/needs</li> <li>• Provide model conservation easement to landowner</li> <li>• Determine if proposed parcel fits with conservation priorities               <ul style="list-style-type: none"> <li>○ Ecological value?</li> <li>○ Agricultural value?</li> <li>○ Scenic value?</li> <li>○ Match with area of focus?</li> </ul> </li> <li>• [Municipality] Determine if parcel fits with municipal goals/plans</li> <li>• [Provincial agency] Determine if parcel fits with agency plans/goals]</li> <li>• Determine potential costs               <ul style="list-style-type: none"> <li>○ Negotiation</li> <li>○ Baseline reporting</li> <li>○ Payment?</li> <li>○ Stewardship</li> <li>○ Legal defence</li> </ul> </li> <li>• Fundraising               <ul style="list-style-type: none"> <li>○ What are the fundraising needs associated with securing/stewarding the parcel?</li> </ul> </li> </ul>

<ul style="list-style-type: none"> <li>• Choose an organization to work with             <ul style="list-style-type: none"> <li>○ Land trust, municipality, or provincial agency?</li> <li>○ Are they an 'eligible organization'?</li> <li>○ Review their model CE</li> </ul> </li> <li>• Ecological, agricultural or scenic assessment             <ul style="list-style-type: none"> <li>○ Are you clear on the ecological, agricultural, or scenic values you want to protect?</li> </ul> </li> </ul>	
<ul style="list-style-type: none"> <li>• Agree you want to pursue a conservation easement together</li> </ul>	
<p>DRAFTING ==&gt;</p>	

DRAFTING (we're doing it)	
<i>GRANTOR (the landowner)</i>	<i>GRANTEE (the CE recipient/holder)</i>
	<ul style="list-style-type: none"> <li>• Determine CE restrictions             <ul style="list-style-type: none"> <li>○ Based on those in model CE</li> </ul> </li> <li>• Make modifications to model CE as desired             <ul style="list-style-type: none"> <li>○ The model CE is a starting point</li> </ul> </li> <li>• Develop management plan</li> <li>• Commission appraisal             <ul style="list-style-type: none"> <li>○ Need a complete CE to base the appraisal on</li> </ul> </li> <li>• Determine landowner recognition needs / opportunities</li> </ul>
<ul style="list-style-type: none"> <li>• Initiate Eco Gift certification             <ul style="list-style-type: none"> <li>○ May actually be done by Grantee</li> </ul> </li> <li>• Request mortgage postponement</li> <li>• Draft necessary affidavits             <ul style="list-style-type: none"> <li>○ Dower</li> <li>○ Execution</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Create baseline report             <ul style="list-style-type: none"> <li>○ May happen before or after signing CE</li> </ul> </li> </ul>
<p>ENACTING ==&gt;</p>	

ENACTING (making it legal)	
<i>GRANTOR (the landowner)</i>	<i>GRANTEE (the CE recipient/holder)</i>
<ul style="list-style-type: none"> <li>• Provide notifications               <ul style="list-style-type: none"> <li>○ Other interests on the title</li> <li>○ Local government (council of a municipality, Special Areas Board, council of a Metis settlement)</li> <li>○ Provincial ministries (Minister of Municipal Affairs, Minister of Infrastructure, Minister of Transportation)</li> </ul> </li> <li>• Sign conservation easement and associated documents               <ul style="list-style-type: none"> <li>○ Conservation easement agreement</li> <li>○ EcoGift Certification</li> <li>○ Necessary affidavits</li> </ul> </li> <li>• Register conservation easement</li> </ul>	
<ul style="list-style-type: none"> <li>• Obtain new land title</li> <li>• Receive tax receipt or payment</li> </ul>	<ul style="list-style-type: none"> <li>• Issue tax receipt or payment to landowner</li> <li>• Provide landowner recognition</li> </ul>
STEWARDING ==>	

STEWARDING (the 'conservation' begins)	
<i>GRANTOR (the landowner)</i>	<i>GRANTEE (the CE recipient/holder)</i>
<ul style="list-style-type: none"> <li>• Manage parcel according to restrictions</li> <li>• Address identified infractions</li> </ul>	<ul style="list-style-type: none"> <li>• Visit property               <ul style="list-style-type: none"> <li>○ Usually once / year</li> </ul> </li> <li>• Assess parcel against baseline document report</li> <li>• Notify landowner of identified infractions</li> <li>• Make contact with future/new landowners</li> </ul>
<ul style="list-style-type: none"> <li>• Manage changes               <ul style="list-style-type: none"> <li>○ Change is inevitable (in management, ecosystems, etc.)</li> </ul> </li> <li>• Manage disputes               <ul style="list-style-type: none"> <li>○ According to the agreement's dispute resolution process</li> </ul> </li> </ul>	

## MODIFYING (*if needed*)

<i>GRANTOR (the landowner)</i>	<i>GRANTEE (the CE recipient/holder)</i>
<p><i>NB: Modifications are rare and may entail significant ramifications</i></p> <ul style="list-style-type: none"> <li>• Determine / agree on critical changes               <ul style="list-style-type: none"> <li>◦ Modifications can only occur if both parties agree</li> </ul> </li> <li>• Determine conservation implications</li> <li>• Determine tax / financial implications</li> <li>• Submit modifications to the land titles office</li> <li>• Notify EcoGifts program</li> <li>• Determine how to allocate tax penalties</li> </ul>	