

How Can We Keep Land for Agriculture?

Ag Land Conservation

Ecosystem Services in Agricultural Lands

Public Benefits, Producer Opportunities

Agri-Environmental Partnership of Alberta

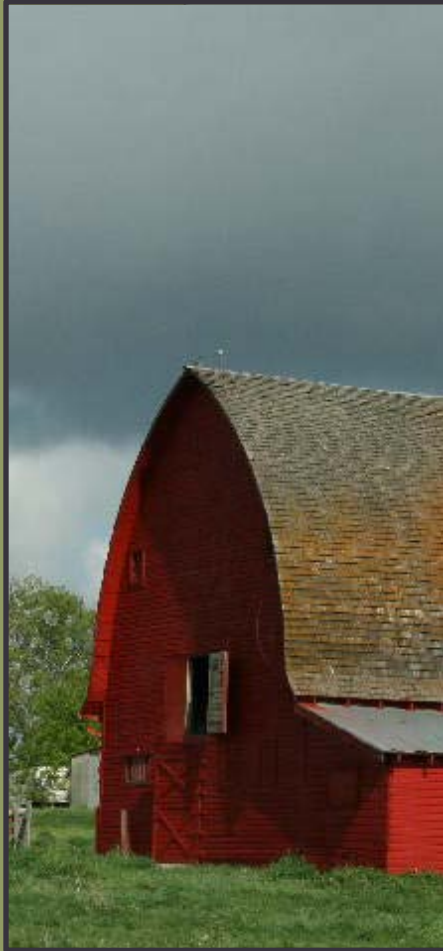
February 27, 2013

Leduc, AB



MIISTAKIS
INSTITUTE

WHY CONSERVE AGRICULTURAL LAND?



- **Concern for food security***
- **Preserve countryside amenity***
- **Protection of the natural environment***
- **Maintain rural communities**
- **Sense of place**
- **Farm way of life**
- **Manage urban sprawl**

WHO DOES AG LAND CONSERVATION?



- **Private land owners**
 - Informally and formally
- **Land trusts**
 - Own land, conservation easements, TDC's, education, awareness
- **Municipalities**
 - Land use planning, ALR, conservation easements, TDC's, education, awareness
- **Provincial government**
 - Regional planning, ALR, conservation easements, education, awareness

Conservation Easements

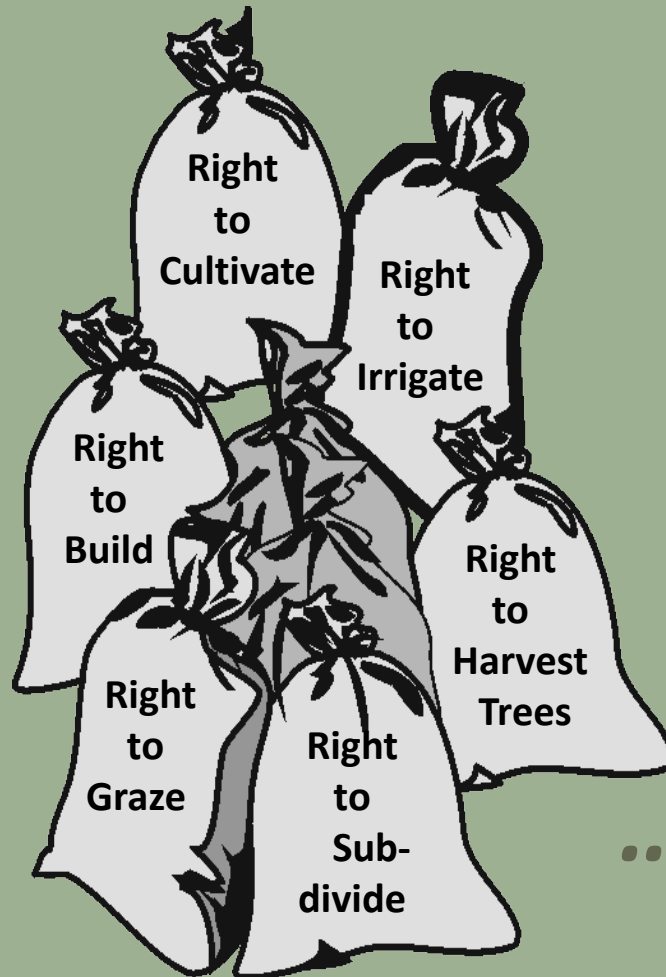
The slide features three horizontal bars. A dark olive green bar is positioned below the title. A light olive green bar is positioned below the dark olive green bar. A dark purple bar is positioned at the bottom of the slide.

What is a Conservation Easement?



- A contractual arrangement between a landowner and a qualified organization through which the landowner grants certain rights to the qualified organization
- Registered on land title
- Runs with the land regardless of owner
- List of restrictions; may include property management principles

What is a Conservation Easement?



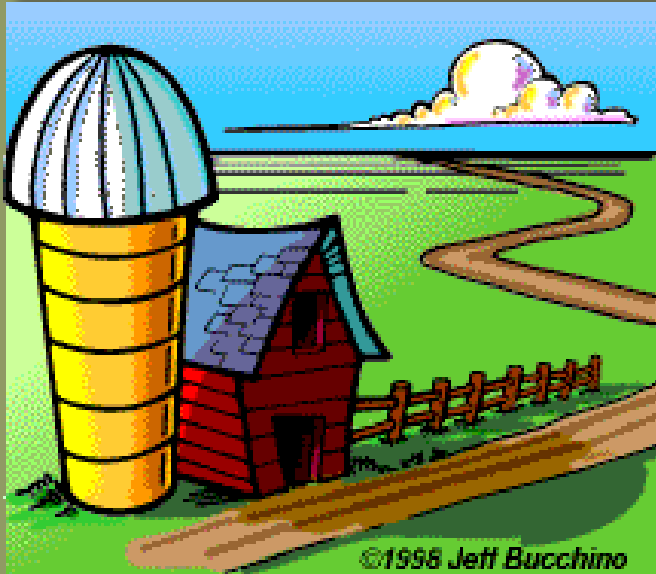
Land Ownership

=

***~~“Bundle”
of Rights~~***

... or opportunities

What is a Conservation Easement?



Cultivate

Irrigate

Graze

Build

Harvest Trees

Sub-divide



How are CE's enabled?



- Originally in Environmental Protection and Enhancement Act (AEPEA) in 1995
- Transferred to ALSA October 2009
- Actively used in Alberta for 16 years
- Used nationally and internationally extensively

What can CE's be used for?



- **For the protection, conservation and enhancement:**
 - The environment
 - Natural, scenic or esthetic values
 - Agricultural land
- **For the following (consistent with the above)**
 - Recreational use
 - Open space
 - Environmental education use
 - Use for research / scientific studies

What can CE's be used for?



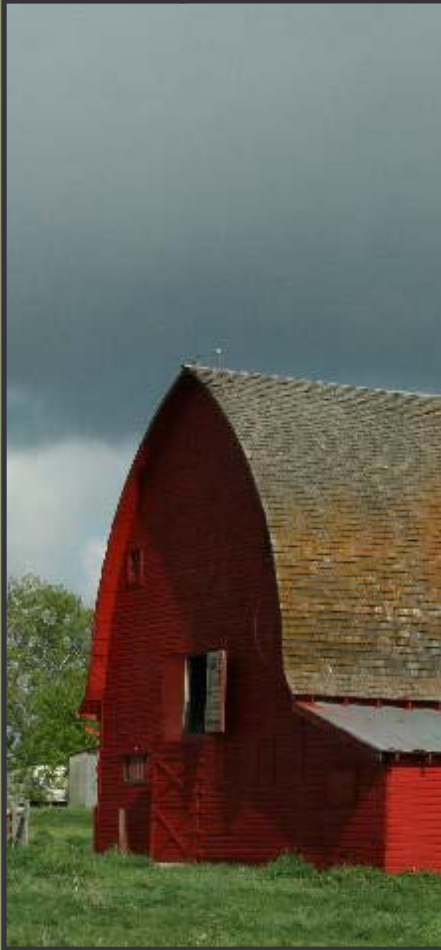
- **Anchor other programs:**
 - TDC's
 - Conservation offsets
 - Payment for Ecosystem Services programs
 - Cluster development
 - Grassbanking
 - Etc.

Nature of Conservation Easements



- **Does not require ‘benefited’ parcel**
- **Is an interest in land for the qualified organization**
- **Does not lapse due to:**
 - Non-enforcement
 - Use of land inconsistent with purposes
 - Change in surrounding land use

Who can hold a CE?



- **The Government**
 - Provincial government or government agency
 - Local government
- **Land trust**
 - Registered charity
 - With the object of holding interests in land for conservation
 - Will transfer interests to another qualified org on wind up

How are CE's stewarded?



- **Monitoring and extension**
 - Documented
 - Regular
 - Defensible
 - Contact with landowners
- **Costs of stewardship**
 - Site visits
 - Communications with landowner
 - Record keeping
 - Efficiencies for municipalities

How are CE's enforced



- If there is an infraction...
 - Bargain in good faith
 - Mediation clause
- Enforcement can be qualified organization or designate

Can CE's be changed?



- **Written agreement between landowner and qualified organization**
- **Minister, if in the public interest**
- **Checks and balances**
 - CLTA Standards and Practices
 - Ecogifts constraints
 - Expectations

How are landowners compensated?



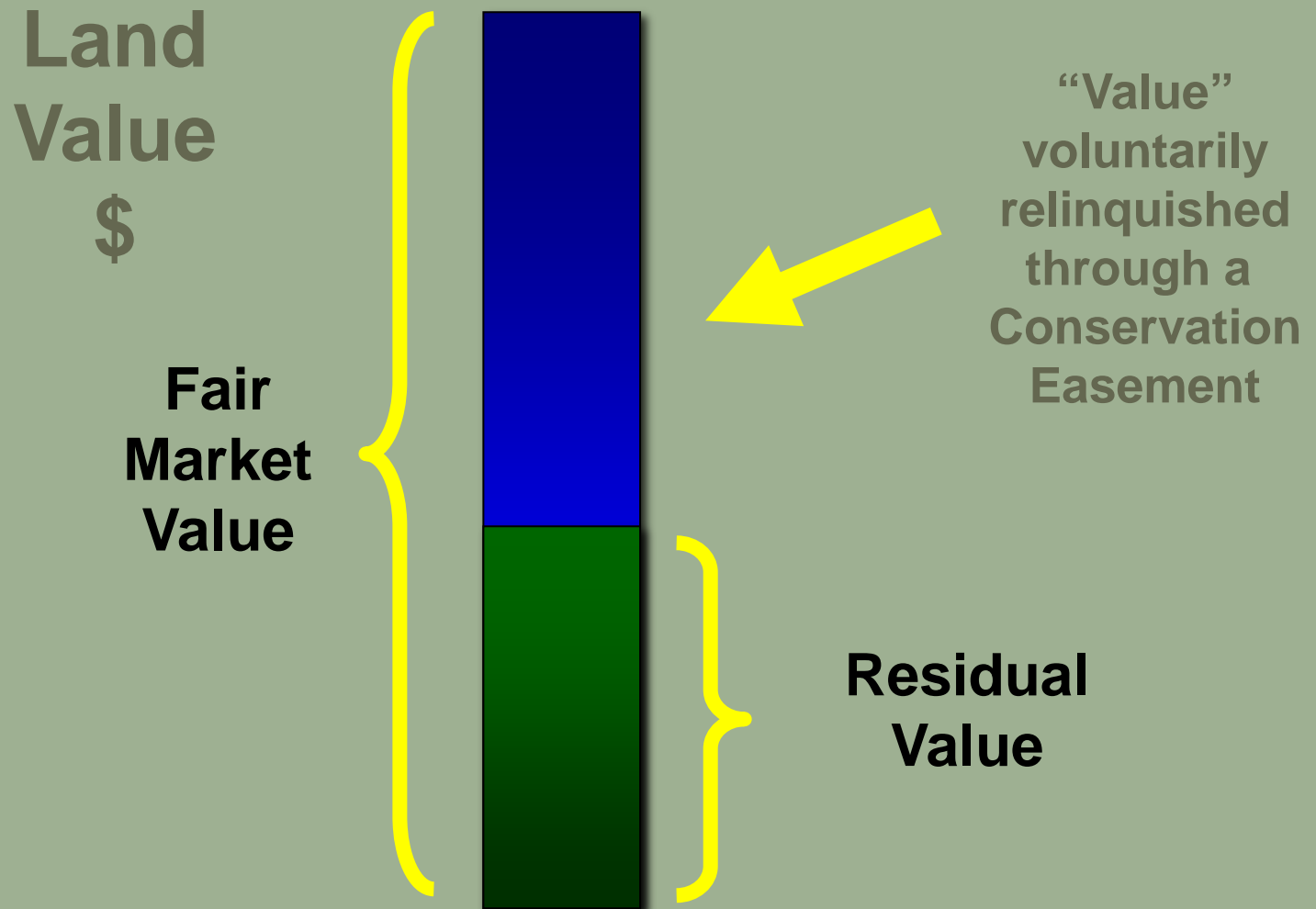
- **Achieve Personal conservation goals**
- **Tax receipt**
- **Cash payment**
- **Split receipt**
- **Development relaxation**

How is compensation determined?



- **Donation:**
 - Before and after calculation
- **Cash:**
 - Percent of FMV
- **Split receipt:**
 - No more than 80% advantage
- **Development relaxation:**
 - Municipal discretion

Before and After Calculation



Land Trust Examples of CE use for farm land



- **Ontario Farmland Trust**
- **Helio Trust – Nova Scotia**
- **Alberta Land Trusts**
 - **Local**
 - **Regional**
 - **Provincial**
 - **National**

Challenges and Opportunities



- **Challenges**
 - **Organizational capacity**
 - **Recognizing limitations**
 - **Perpetuity vs term**
- **Opportunities**
 - **Provide more protection than zoning**
 - **Applied locally**
 - **Individual choice**

Transfer of Development Credits

CONSERVATION EASEMENTS - PURPOSE



From “Transfer of Development Rights: A Flexible Option for Growth in Pennsylvania”,
Brandywine Conservancy

Why a TDC program?



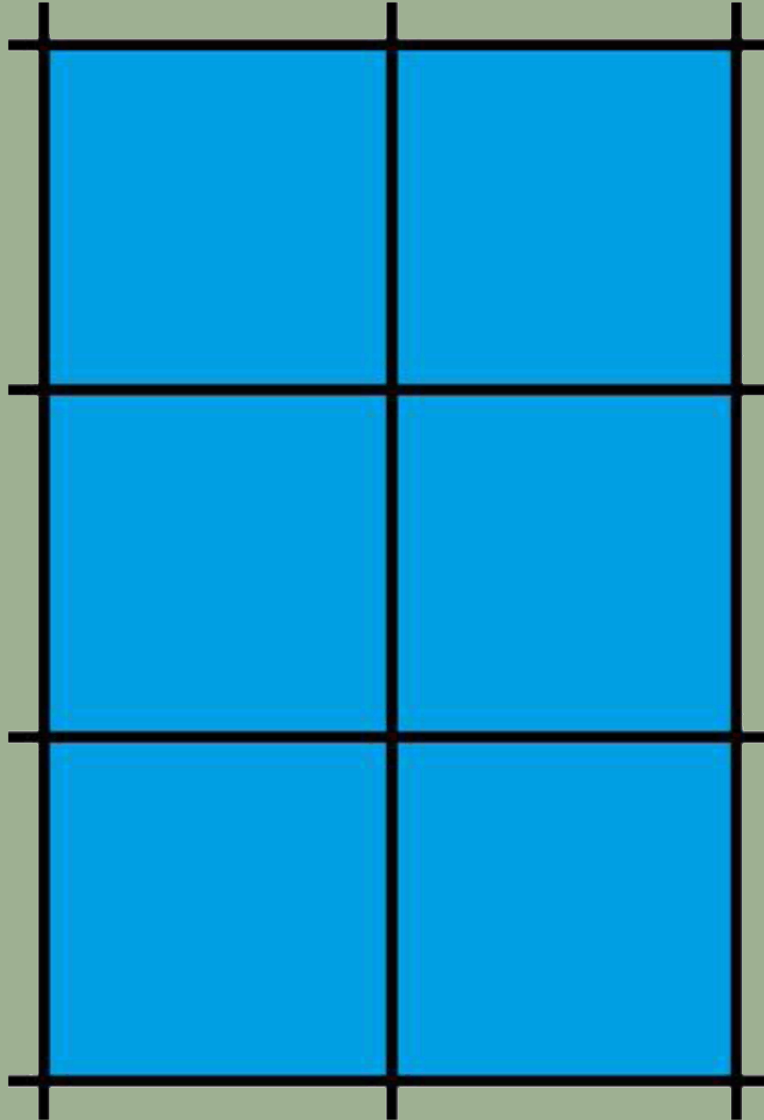
- **For communities facing rapid growth, rapid land conversion, and loss of valued landscapes**
- **Directs development away from areas where it is not appropriate to areas where it makes best sense**
- **Conserves valued landscapes at lower public expense**

Why a TDC program?



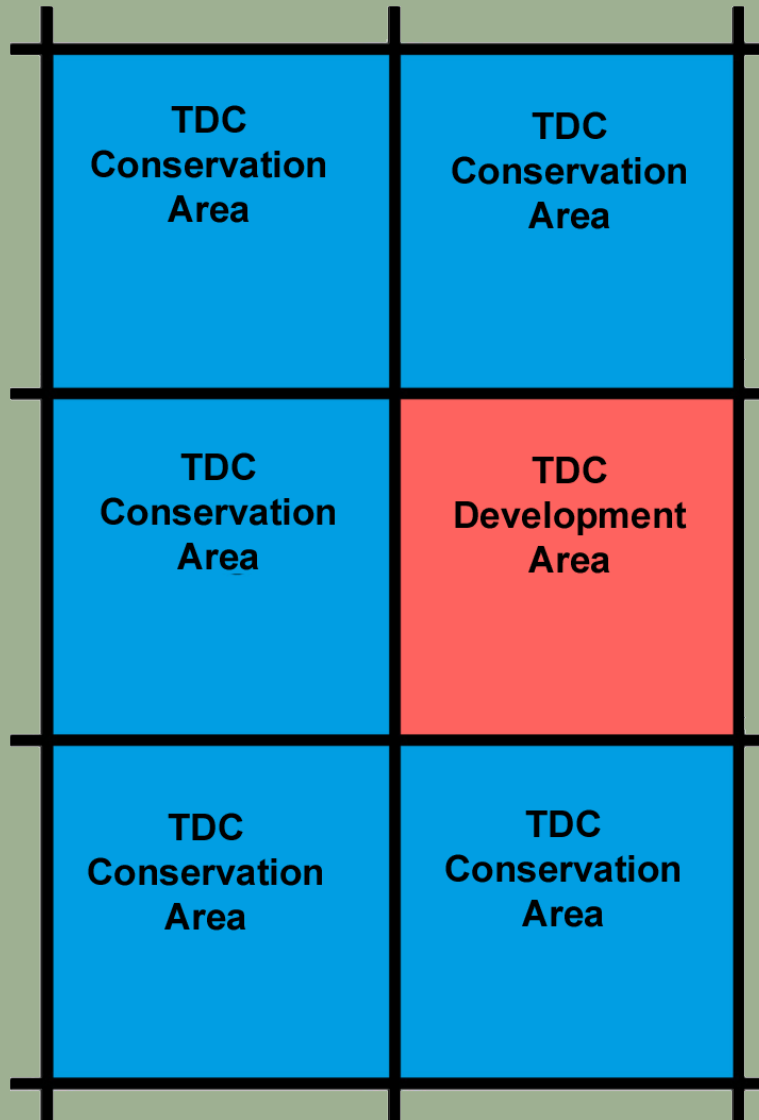
- **Avoids win-lose zoning scenarios, ensuring landowners suffer no serious property value reductions in zoning-only approaches**
- **Allows large groups of parcels (more contiguous) to be conserved in contrast to parcel-by-parcel clustering techniques**

What is a TDC program?



**Determine the
area to which
the TDC
program will
apply**

What is a TDC program?

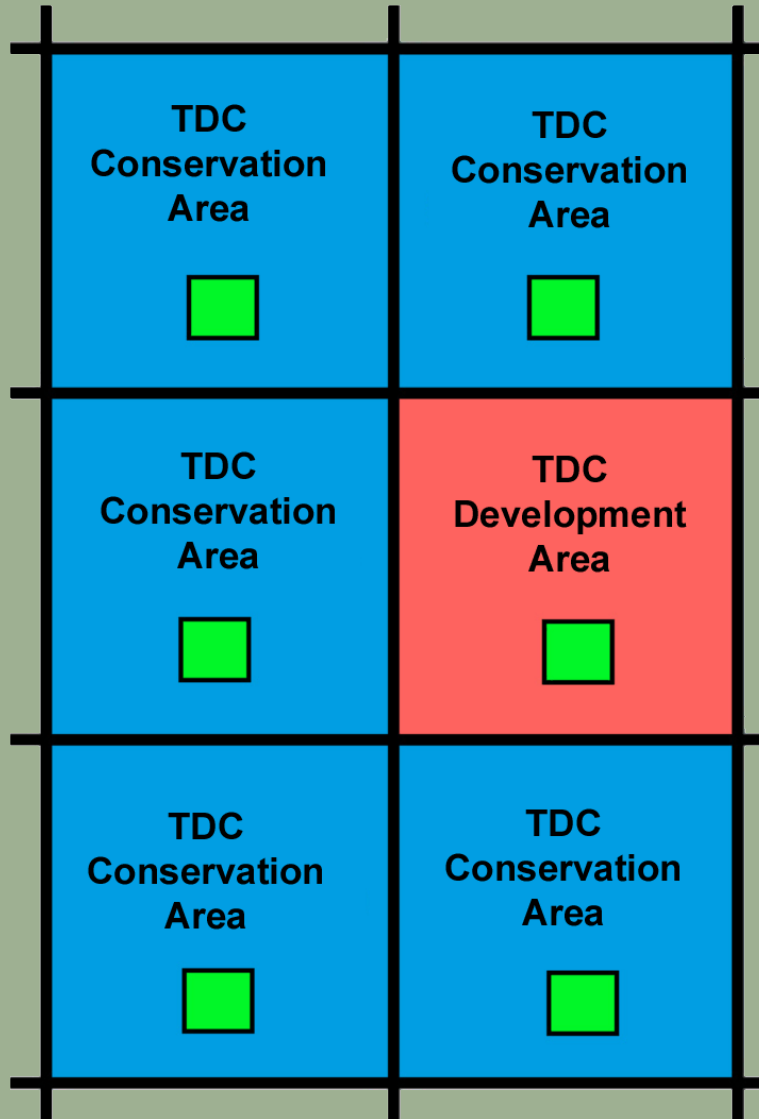


Designate
sending
(TDC Conservation)
Areas

and

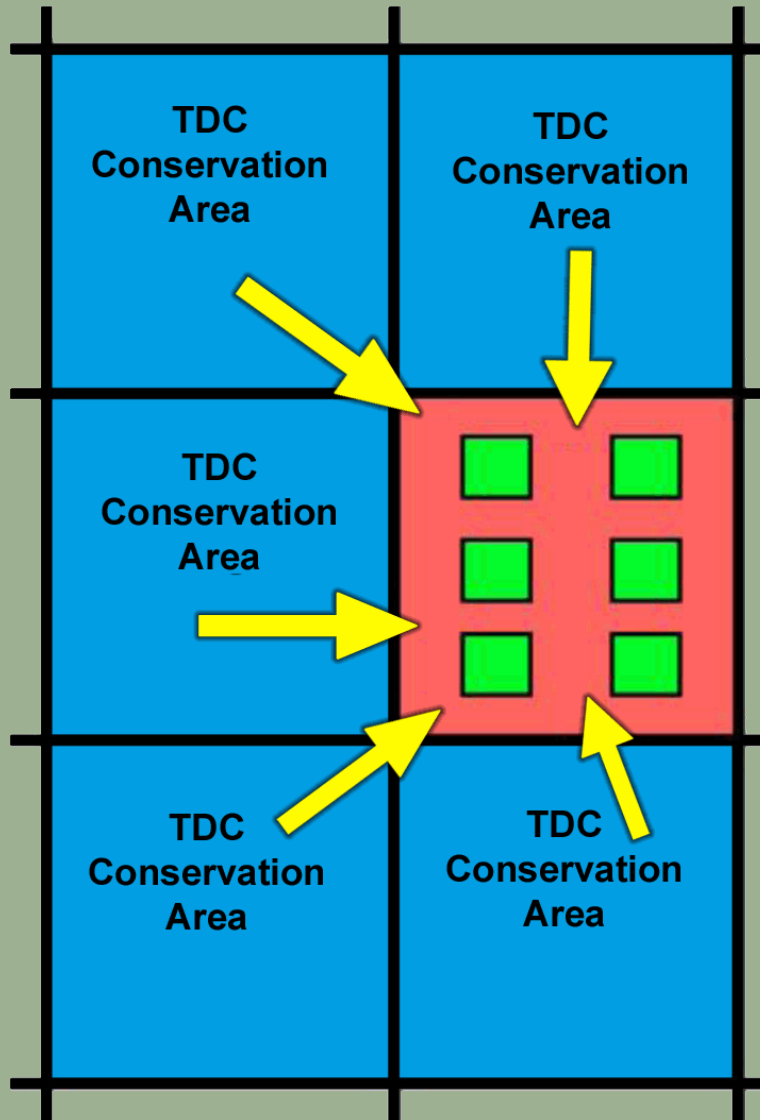
receiving
(TDC Development)
Areas

What is a TDC program?



Assign a
'development
credit' to each
parcel

What is a TDC program?



Developers
purchase 'credits'
from other parcels

Development potential
is extinguished on 'TDC
Conservation Area'
parcels

Features of a TDC program



- **Municipal planning tool for promoting land conservation in the face of significant land conversion pressure**
- **Supports a community vision**
- **Method for deed-restricting development (e.g., conservation easements)**
- **Market-based system for transferring credits; may be assisted (e.g., brokered)**

Features of a TDC program



- **Successful TDC programs are never lonely, never stagnant!**
- **Many ways for determining sending areas and receiving areas**
- **Credits may be based on development / conservation potential**
- **May be for a region, an entire county, multiple counties**

What can TDC's be used for?



- **Allowable purposes defined in ALSA**
 - Environment
 - Scenic values
 - Agriculture
 - Historic resources
- **Implementing community goals, vision**
- **Conservation planning**
- **Development planning**

How are TDC programs started?



- **Developers**
- **Conservationists**
- **Council / staff**
- **Landowners**

How are TDC programs enabled?

- **Alberta Land Stewardship Act**
- **Regulations (in development)**
- **Do NOT need a regional plan**



Who can establish a TDC program?



- **Municipal planning tool**
- **ALSA authorizes:**
 - Local authority
 - Two or more local authorities
 - Regional plan
- **Regulations would delegate authority to municipality**

What is required?



- **Alberta Land Stewardship Act**
 - Designate conservation lands and purpose(s)
 - Designate development area
 - State attributes of credits
 - Seek approval from Cabinet

What is required?



- **Regulations (proposed)**
 - Create TDC Bylaw
 - Amend plans as needed
 - Credits trade within program
 - Maintain records
 - Apply for approval after 3rd reading

How are landowners compensated?



- **Cash payment for development credits**
- **No set amount for credits**
- **Willing buyer / willing seller**

How are landscapes evaluated?



- **Landscape valuation may be complex or simple**
 - May be bonuses for key features (riparian, native grass, affordable housing)
 - May be 1 credit per 1 acre
 - Likely something in between

TDC valuation vs. CE valuation



- **Conservation Easement is used as title restriction in TDC program**
- **Landowner is paid for credits, NOT easement**
- **CE valued by change in land use restrictions**
- **TDC credit valued by price negotiation**

Challenges and Opportunities



- **Challenges**
 - **Current municipal processes**
 - **Seems complex; requires municipal leadership**
- **Opportunities**
 - **Provide an alternative to ag landowners**
 - **Private and public benefit**

Contact Information



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