

# Nova Scotia Crown Share Land Legacy Trust

*Supporting the Protection of High-Conservation-Priority Lands in Nova Scotia*

Trustees - Karen Beazley- Don McNeil - Dale Smith

Administrator  
c/o Biology, LSC, Room 2080  
Faculty of Science  
Dalhousie University  
1355 Oxford Street  
PO Box 15000  
Halifax, NS B3H 4R2  
Email: [NSCSLLT@DAL.CA](mailto:NSCSLLT@DAL.CA)  
(902) 494-1059

**To: Law Amendments Committee**

**Date: April 21, 2016**

**From: The Nova Scotia Crown Share Land Legacy Trust**

**Re: Bill 149**

## **Background**

- The Nova Scotia Crown Share Land Legacy Trust (NSCSLLT) was established by the Province in 2008 to fund the protection of some of the province's most ecologically significant, threatened, and irreplaceable areas on private land. The Trust was capitalized with a portion of the 2008 Crown Share Adjustment Payment, to the amount of \$23.44 million.
- NSCSLLT makes funds available to charitable, non-governmental land conservation organizations (land trusts) to secure lands of provincial conservation significance and protect them to high, internationally-recognized standards for protection (as set by the International Union for Conservation of Nature (IUCN) protected area Categories I, II, or III).
- Such lands are recognized as contributing to the Province's land protection goals.
- NSCSLLT is administered by three Trustees independent of government.
- Funds are made available on a matching basis, providing both an incentive and a lever for land trusts to increase their private-sector fundraising. Matching can occur through fund-raising and in-kind contributions by the applying organizations, landowners, and/or other donors. The requirement for matching makes the NSCSLLT contribution go much further than if funding were provided as a grant in the amount of the full cost of land securement. This requirement favours approaches that enable protection of land for less than fair market value purchase (e.g., through conservation easements, offers of property tax exemption, bargain sales, donations, and consents to protected area designations).

- The organizations eligible to obtain funds from the CSLLT are the Nova Scotia Nature Trust, the Nature Conservancy of Canada, and any other charitable, non-governmental, nature conservation land trusts designated as "eligible bodies" under the *Conservation Easements Act*.
- In order to be considered for securement using NSCSLLT funds, land must be determined to be a high priority for protection on the basis of conservation biology principles and current conservation planning work relevant to the province of Nova Scotia.
- Lands secured using NSCSLLT funds must be protected to standards for IUCN category I, II, or III protected areas either through ownership by an eligible organization, through permanent conservation easements, and/or through designation as a protected area under applicable legislation.
- Lands protected using NSCSLLT funds must remain in private ownership, and cannot become Crown lands due to the independent arm's length relationship with the provincial government as set out in the indenture that established the NSCSLLT.
- NSCSLLT employs procedures for ensuring accountability in the management of Trust funds and in the protection of the lands to be secured.
- As of September 2015:
  - 65 land securement projects had been funded;
  - 6392 ha (0.12% of province) had been secured;
  - \$9,856,559 had been disbursed or approved for disbursement;
  - This contribution has enabled securement of a total of \$22,516,484 worth of high-priority conservation land in Nova Scotia;
  - Priority areas and properties include Atlantic coastal plain flora regions (Tusket and Medway River systems), Chignecto Isthmus, Musquodoboit River and Outer Estuary, Eastern Shore Islands, old and/or rare forest types, other rich coastal and estuarine habitats, St. Marys River, Cape Mabou, properties in or adjacent to protected areas, and properties in the Bras d'Or Lake watershed.

#### **Issues with the new Mineral Resources Act**

- IUCN standards for protected areas, including Categories I, II, and III, require exclusion of mineral exploration and mining development in order to achieve recognition for this standard of protection.

- Failure to provide for protection of NSCSLLT-funded land from mineral exploration and development through amendment of the Mineral Resources Act as recommended by the land trusts, will maintain an unnecessary contradiction and inconsistency in Provincial direction with regard to the protection of ecologically significant sites on private lands.
- Failure to provide for protection of NSCSLLT-funded land from mineral exploration and development is inconsistent with the Province's provision for including these provisions for Provincially-designated protected areas and parks.
- NSCSLLT understands that, when this concern has been raised in the past, the Ministers of Natural Resources and Environment have directed staff of both departments to work with land trusts to develop a workable process for closing certain private conservation lands to staking and mining. The process proposed jointly by the Nova Scotia Nature Trust and the Nature Conservancy of Canada in response to this direction and to the opportunity presented by the current review of the Mineral Resources Act includes checks and balances to ensure that both mineral potential and conservation values are objectively and fairly considered.
- Mineral closures would allow lands secured using NSCSLLT funds to be protected consistent with IUCN I, II and III standards.
- NSCSLLT has approved land securement projects with the expectation that, as had been directed by the Ministers, the issue of ongoing risk of mining on private conservation lands would be resolved.
- Without resolution of this issue, through amendment of the Mineral Resources Act to establish a closure process for protected private land trusts, NSCSLLT-funded protected properties, existing and future, will continue to be potentially at risk of exposure to future mineral exploration and mining initiatives and the Province will not be able to gain national or international credit for these protected properties.