

Discussion Paper

Land Conservation Strategy



Introduction

The purpose of this document is to obtain community input during the develop of policies that will inform the acquisition, disposal, use, and management of lands owned by or under legal agreement with Mississippi Valley Conservation Authority (MVCA). Development of these policies is a requirement of O. Reg. 686/21 under the *Conservation Authorities Act*, which must be approved by MVCA’s Board of Directors by the end of 2024.

MVCA’s current inventory of land, easements, and other properties with legal agreements include:

- Dams and other water control structures
- Conservation Areas
- Lands acquired due to historic flooding
- Land used to support flood control infrastructure
- Land under natural heritage management trust agreements
- Land with erosion control structures

This document is designed to assist the communities served by these lands and structures to consider how MVCA may manage them in future. Five key questions are posed by this Discussion Paper:

1. What role should MVCA play in land conservation within its jurisdiction?
2. Should MVCA acquire more land for conservation purposes?
3. What type of facilities should MVCA operate?
4. What type of uses should MVCA permit at its Conservation Areas?
5. How should MVCA approach the acquisition and use of water control structures?

Several secondary questions are posed in each section, and you are invited to comment on all or some of these questions as time and interest allow.

Have questions?

Additional information on all of these matters can be found in the *Current State Report*, June 2024.

An on-line presentation and Q&A session is planned for **4:30 pm Wednesday July 17, 2024**. A recording of the session will be made available the following day at mvc.on.ca/xxxx

The deadline for comment is September 3, 2024.

Comments can be submitted to info@mvc.on.ca Re: Land Conservation Strategy

or mailed to: 10970 Hwy. No. 7, Carleton Place, ON K7C 3P1

1: Land Conservation

Question: *What role should MVCA play in land conservation within its jurisdiction?*

Lands can be managed for the purpose of conservation or preservation purposes.

- Conservation sets aside land for limited uses to prevent overuse and harm to the environment. Typical uses include hiking, biking, and sustainable commercial activities such as camping and forestry.
- Preservation maintains land in a largely pristine state and tends to restrict all development, construction, and commercial activity. Some passive recreational use may be permitted at some sites.

The purpose of the *Conservation Authorities Act* is “to provide for the organization and delivery of programs and services that further the conservation, restoration, development and management of natural resources in watersheds in Ontario”. In February 2008, an interjurisdictional committee¹ developed the following working interpretation of “conservation of land”:

“maintaining or enhancing the natural features and hydrologic and ecological functions within the watershed.”

Within MVCA’s jurisdiction, the Crown is the largest holder of natural heritage resources, on which camping, logging, and other uses are permitted. Almost all other publicly owned properties within the watershed permit some form of use.

The Mississippi-Madawaska Land Trust (MMLT) and the Nature Conservancy of Canada (NCC) own and/or manage several properties, some of which are preserved with limited access. Some conservation authorities in the province function as a land trust by accepting or managing donated land for preservation.² Ducks Unlimited Canada (DUCs) has acquired land in this area in support of recreational hunting.

The vast amount of natural resources “preserved” within the watershed with limited use by the public is privately owned land managed by individual property owners. This includes large tracts of wetlands and forest that play a critical role in the hydrologic and ecological functions of the watershed.

In accordance with the United Nations *Convention on Biological Diversity*³, the federal government has set a target of conserving a quarter of Canada’s lands and a quarter of its oceans by 2025, and working toward conserving 30% by 2030. These targets are to be achieved through a combination of regulatory designation of crown land, land acquisition and conservation easements, and private land stewardship.

Options: Where do you think MVCA should focus its land conservation efforts?

- a) Preserving land to protect hydrological or ecological functions, with limited public use.
- b) Conserving land to protect its hydrological or ecological functions, while providing for some public use.
- c) A mix of conservation and preservation properties is appropriate.

¹ Ministry of Natural Resources/Conservation Ontario Section 28 Peer Review & Implementation Committee.

² MVCA has several small parcels mainly acquired in the early 1990s.

³ Refer to: <https://www.un.org/en/observances/biological-diversity-day/convention>

2: Acquiring More Land

Question: Should MVCA acquire more land for conservation purposes?

Acquiring land is one approach to achieving the purpose of the *Conservation Authority Act*, which is to “further the conservation, restoration, development and management of natural resources in watersheds in Ontario”.

As discussed in the *Current State Report*, demand for recreational opportunities continues to grow in Eastern Ontario with growing populations, at the same time as there is pressure on land and natural resources to house and service those populations. There is an opportunity to mitigate pressures on natural resources while helping to meet demand for outdoor recreational facilities.

MVCA is regularly approached regarding potential land donations and sales to the Authority. Not all of the land has significant ecological or hydrologic values. Often people want to retain the developable portion of their property and turn undevelopable lands (wetlands and wetland forests) to MVCA. Currently, MVCA screens offers of land and forwards them to either Mississippi Madawaska Land Trust (MMLT) or other land trust, Ducks Unlimited Canada (DUCs), or the local municipality.

Currently, MVCA has no funds set aside to purchase and manage additional land for either conservation or preservation purposes. It also has no expropriation rights to do this. However, acquisition under CA regulation does not necessarily mean ownership. Acquiring land can take different forms:

Lease/License: A lease or occupancy license can be used to allow MVCA specific rights on a property over a defined amount of time. The Morris Island Conservation Area (established in the 1980s) and the Carp River Conservation Area (established in 2018) respectively, are leased and licenced from the City of Ottawa.

Conservation Easement: These are legally binding instruments whereby the landowner transfers/relinquishes specific rights, such as the ability to create building lots or cut trees, to an easement holder (usually a nature conservation organization or agency). Depending on the terms of the conservation easement agreement, the easement holder has the right and responsibility to inspect the property and ensure the terms of the conservation easement are being respected. These could be used to maintain either hydrologic or ecological integrity.

Stewardship Agreement: MVCA enters into short-term agreements with landowners participating in some stewardship programs whereby the owner must agree to maintain and protect the works funded by MVCA.

Land & Forest Management Agreements: These are contracts that a CA can enter into with a partner organization to actively manage and maintain properties on behalf of the owner. MVCA does annual forest management work on behalf of the County of Lanark.

Question: Should MVCA acquire more land or enter into other agreements over the next 20 years to:

- a) increase public access to natural heritage areas?
- b) protect ecological values and functions?
- c) maintain hydrologic functions in the watershed?

3: Facility Types

Question: *What type of facilities should MVCA operate?*

The following is a range of facilities that conservation authorities (CA) own or lease in Ontario. MVCA has the first four types of facilities:

- a) Natural Heritage Parks (Purdon, Palmerston Canonto, Morris Island, Carp River CAs)
- b) Cultural Heritage Sites (Mill of Kintail Museum, Gate House, Education Centre and Cloister)
- c) Linear Parks (K&P CA)
- d) Beaches (Palmerston Canonto CA)
- e) Managed forests
- f) Portage routes
- g) Scenic Lookouts/Rest-stops
- h) Camp sites and campgrounds
- i) Boat Launches
- j) Marinas

Recently enacted regulations state that CA facilities requiring the “direct support or supervision of staff” to deliver programming are ineligible for Municipal Levy funding. This change affects funding of several structures and programs at the Mill of Kintail including operation of the museum and education centre and space rentals. As noted in the *Current State Report*:

- In addition to MVCA, other major providers of natural heritage parkland in this jurisdiction are the federal and provincial governments, the City of Ottawa, and land trusts.
- Municipalities, the province, and the private sector provide boat launches, camp sites, campgrounds, and marinas in MVCA’s jurisdiction. Some of MVCA’s properties may be suitable for these purposes.
- The County of Lanark owns 4,057 ha. managed forests within the watershed.
- MVCA’s Board has agreed in principle to turn over its 35 km section of the K&P Trail to the counties of Frontenac, Lanark, and Renfrew, which are collaborating on a major rail-trail system for Eastern Ontario.
- MVCA’s Board has agreed to turn over the Palmerston Beach to the Township of North Frontenac upon resolution of land titles issues.
- Most museums in MVCA’s jurisdiction are operated and maintained by not-for-profit organizations such as Ontario Heritage Trust or local heritage groups.
- There are a limited number of provincial look-outs and rest stops within MVCA’s jurisdiction.
- There is no formal oversight or governing structure of portage routes in MVCA’s jurisdiction.

Questions:

- a) What type of facilities do you think MVCA should develop over the next 10-20 years?
- b) Do you think MVCA should transfer the museum collection and its management to a heritage organization?
- c) Do you think there is a role for MVCA in managing portage routes?

4: Permitted Uses

Question: *What type of uses should MVCA permit at its Conservation Areas?*

Regulations⁴ under the *Conservation Authorities Act* distinguish between active and passive recreation for funding purposes. However, these terms have a different meaning when used in normal conversation:

- Passive recreation typically involves a low level of site development such as picnic areas and trails, and can occur without need of additional equipment, organization, or supervision. All MVCA sites are developed to facilitate passive recreational use.
- Active recreation usually involves more intense use of a property and special site development to accommodate specific activities or equipment. There are limited active recreational facilities at MVCA properties: playground and basket ball courts at the Mill of Kintail; and snowmobiling on the K&P.
- Other activities that MVCA permits at the Mill of Kintail site are the following:
 - Operation of the Fred P. Lossing Observatory
 - Operation of Men's Shed and Ramsay Women's Institute *Tea on the Lawn*
 - Programming by the Mississippi Field Naturalist Clubs and local Scouts and Guides groups
 - Summer camps
 - Rentals for Orienteering races, festivals, filming movies

Other activities that MVCA or other conservation authorities have permitted over time include:

- Ice rinks and groomed cross-country ski trails
- Dedicated mountain bike trails
- Tree top trekking and zip-lining
- Watercraft rentals
- Music and related entertainment
- Native tree and plant nurseries

Most of these activities can be accessed at private and other public sites within the watershed. While they cannot be funded under the Municipal Levy, they could be used as a source of revenue if a business case demonstrated their financial viability. Income from these activities could potentially offset the cost of other unfunded programs and services.

Questions:

- a) Are you supportive of the current mix of passive and active recreational activities at MVCA sites?
- b) Are there specific passive or active recreational activities you think MVCA should investigate at one or more of its existing sites?
- c) Do you think MVCA should consider acquiring one or more properties where a broader range of active recreational activities could be provided?

⁴ O. Reg. 686/21.

5: Dam Properties

Question: *How should MVCA approach the acquisition and use of water control structures?*

Since its formation in 1968, MVCA has acquired twelve water management facilities, all of which it built or assumed ownership of at the request or recommendation of others:

- Carleton Place Dam: acquired from Ontario Hydro at its request in 1973 following dam restoration. Today, the primary function of the dam is to maintain recreational water levels on Mississippi Lake and secondarily for flood control and maintaining levels for the Town's and private surface water intakes.
- Widow Lake Dam: rebuilt defunct dam and acquired land from a private owner (at the recommendation of the province) in 1974. Today the dam is used primarily for flood mitigation and secondarily to provide fish spawning habitat.
- Bennett Lake Dam: built and acquired land in 1975 at the request of Tay Valley Township and the local cottage association to maintain recreational water levels.
- Farm Lake Dam: rebuilt and acquired by MVCA in 1976 at the request of North Frontenac Township to maintain recreational water levels on Farm Lake.
- Lanark Dam: rebuilt and acquired by MVCA in 1977 at the request of Lanark Highlands Township. Today the primary function of the dam is for flood mitigation and secondarily to maintain recreational water levels on Kerr Lake.
- Glen Cairn Flood Control Facility: constructed by MVCA in 1979 at the request of the province and the former City of Kanata to address flooding of Glen Cairn subdivision.
- Pine Lake Dam: built and acquired by MVCA in 1990 at the request of North Frontenac Township. Today the dam's primary function is to maintain recreational water levels on the lake, and secondarily for flood mitigation.
- The following dams were built by or purchased by the former Mississippi River Improvement Company (MRIC) over a century ago, and acquired by MVCA in 1991 as part of the company's dissolution and negotiations with the province: Shabomeka, Mazinaw, Kashwakamak, Mississagagon, and Big Gull. Today, their primary function is flood mitigation and secondarily to maintain recreational water levels on the lakes.

It is important to note that all of these dams were built or acquired at a time when conservation authorities received 85% funding from the province to build, operate, and maintain water and erosion control structures. Today, MVCA is eligible to receive up to 50% funding for capital improvements at flood and erosion control structures (not for dams whose primary purpose is to maintain recreational levels); and receives less than 3% of its annual operating budget from the province. Current regulations allow conservation authorities to assign costs amongst member municipalities based upon the benefit derived from the activity or structure.

Few MVCA dams have legal surveys registered on title. Because they bridge waterbodies, several intersect with municipally-owned shoreline allowances and require land use permits and/or have patented lands from the province. All dams require access to other public or private land to operate, maintain, and undertake capital improvements. Resolution of land ownership and easement rights will be required at all of these dams as they come due for repair or replacement.

Over time, the impacts of climate change and updated design standards could impact the footprint of MVCA dams and associated structures, the land affected by the raising and lowering of water levels, and road access and public safety requirements (safety booms, fences, etc.).

MVCA also operates six facilities on behalf of the province: Mosque Weir, Summit Lake Dam, Palmerston Lake Dam, Canonto Lake Dam, Malcolm Lake Dam, and Clayton Dam. At times, the province has indicated that it may decommission or dispose one or more of these structures, possibly to MVCA.

Finally, MVCA has been approached at times regarding hydro potential at its dams.

Questions:

- a) Should MVCA permit hydro development at a dam where feasible and cost effective?
- b) Should MVCA build or assume ownership of facilities whose primary purpose is hydro power generation?
- c) Should MVCA build or assume ownership of facilities whose primary purpose is to maintain recreational water levels?
- d) Should MVCA have different management and cost recovery approaches depending on the primary function of a dam?