



# Nature Conservancy of Canada Properties and Exempt Mineral Lands

## Effective Private Land Conservation

A Submission to the Minerals Strategy of the  
Government of Newfoundland and Labrador

April 13, 2011

Douglas Ballam  
Program Manager, Newfoundland and Labrador



## Background

### *Nature Conservancy of Canada*

The Nature Conservancy of Canada (NCC) is Canada's leading national land conservation organization. We are a private, non-profit group that partners with corporate and individual landowners to achieve the direct protection of our most important natural treasures through property securement (donation, purchase, conservation agreement and the relinquishment of other legal interests in land) and long-term stewardship of our portfolio of properties. Since 1962, NCC and our partners have helped to conserve more than 2 million acres (over 800,000 hectares) of ecologically significant land nationwide. Since 1994, NCC has protected more than 6,792 acres (or 2,749 hectares) or 31 properties in Newfoundland and Labrador. NCC protects these lands by virtue of being the landowner. In some cases, NCC works with Government to relinquish third party rights (such as mineral or water rights) to enable Government to establish a protected area (e.g. King George IV Ecological Reserve). Currently, NCC has offices in St. John's and Goose Bay, Labrador and a total staff complement of four. Summer staff and contractors increase this staff level to as high as 16 across the Province. NCC employs approximately 200 people full-time across Canada.

### *Mineral Strategy*

In 2011, the Government of Newfoundland and Labrador launched the ambitious "Minerals Strategy". This consultative process seeks input from all sectors of society, including environmental non-government organizations and land trusts, such as NCC. This submission is in response to the invitation put forward by the Government of NL)

## The Issue

### *NCC land acquisition*

NCC properties are not legalized protected areas such as ecological reserves, provincial parks or national parks. Instead, these properties are "protected" since NCC is the landowner. For example, while NCC permits hunting on our properties, we rarely permit ATV use. Traditional activities such as hiking or berrypicking are encouraged. NCC acquires private land through a variety of means (e.g. direct purchase, donations of land, etc.), however, the basic process is the same as two private individuals exchanging property (except that, for NCC, the land must be ecologically sensitive).

### *NCC planning and Sandy Point*

The definition of ecologically sensitive land can be broad and differs from jurisdiction to jurisdiction. NCC priorities are currently defined through five-year "Natural Area Conservation Plans (NACP)". These plans identify the biodiversity targets for a particular region. Property acquisitions focus on private lands that contain or support these targets. For example, the Southwest Newfoundland NACP has seven biodiversity targets. One of them is habitat for the endangered



Piping Plover. NCC has acquired nine properties on Sandy Point, a well known Piping Plover nesting area. The average size of our properties on Sandy Point is about 8 acres.

#### *Grand Codroy River Estuary*

Another target of this plan is riparian wetland areas. The Grand Codroy Estuary Ramsar site is an internationally recognized wetland. Since 1994, NCC has acquired 19 properties in the estuary which total more than 500 acres. The average size of these properties is about 26 acres.

#### *Large NCC properties in NL*

NCC has two large properties in the Province, Lloyds River Escarpment and The Grassy Place. Lloyds River Escarpment is approximately 2,174 acres and is located at the “bottom” of Red Indian Lake at the headwaters of Lloyds River (Figure 1). This property was part of a Reid lot donated to NCC by Abitibi in 2004.

The largest property acquired by NCC is The Grassy Place. This 3,890 acre property is located at the headwaters of the Robinson’s River on the West Coast of the Island. This property, the jewel in the crown of NCC properties in Atlantic Canada, was acquired in 2011 after more than 20s of acquisition efforts by others, including the Government of NL.

#### *NCC Acquisition Plans 2011-2014*

NCC has compiled two additional Conservation Plans besides the SW NFLD NACP. The additional two plans cover the Eastern Hyper-oceanic Barrens and the “Fog Forest”. The Fog Forest plan covers most of the Avalon Peninsula. Four main focal areas have been identified through these plans – the central Avalon forest (especially the private lots on the lower Salmonier River), the municipal wetland areas (e.g. wetlands within municipalities like the Gully in Torbay), the coastline of the eastern Avalon and Pippy Park.

#### *NCC Protection*

The protection offered by NCC is limited in that subsurface rights such as mineral rights are not extinguished. NCC holds fee simple title to our properties which does not include subsurface rights. The International Union for the Conservation of Nature has designed six categories of protected areas. The categories are defined by several criteria, including the strength of the legislations applied, the purpose of the protected area and the activities permitted within the protected area. If mineral exploration and mining are possible in a protected area, then the area will score low (e.g. categories IV – VI). Most jurisdictions in Canada recognize only categories I – III as being strong and effective enough to protect biodiversity in perpetuity.

### **The proposal**

NCC properties in NL are currently category VI since mineral exploration is possible on NCC properties. If NCC properties were to become Exempt Mineral Lands, they would be categorized as



category III properties. Consequently, this strengthened protection would contribute greatly to the protection of biodiversity in perpetuity.

This proposal is not unique to NL. Several provinces already have entered into agreements with NCC to designate NCC lands as exempt mineral lands. In Sask., for example, NCC and the Provincial Government signed an MOA which establishes a process by which NCC lands may become mineral exempt. When NCC acquires a new piece of property, they submit the property to the Provincial Department of Natural Resources who then assess the property. The department then decides if it's willing to designate the land as mineral exempt land.

Creating mineral exempt lands for NCC properties is not only about categorization. It would also recognize the efforts of a non-government, registered charity in trying to protect some of the Province's most vulnerable pieces of private land. More importantly, it would showcase the Government of Newfoundland and Labrador's equal partnership in the sustainable development of our valuable lands.

#### **Recommendation**

NCC requests that the Government of NL open discussions in 2011 with NCC with the goal of compiling and signing an MOA in the 2011-2012 FY. The MOA will recognize Government's willingness to create Exempt Mineral Lands over NCC properties and will lay out a simple and quick process to achieve this goal on a property by property basis. Formal contact can be made with the NL Program Manager

Douglas Ballam  
Program Manager, Newfoundland and Labrador  
49-55 Elizabeth Ave  
Suite 208, Box 11  
St. John's, NL  
A1A 1W8  
PH: 709.753.5540  
Fax: 709.753.5561  
[douglas.ballam@natureconservancy.ca](mailto:douglas.ballam@natureconservancy.ca)  
[www.natureconservancy.ca](http://www.natureconservancy.ca)

**Nature Conservancy of Canada Project Sites  
in Newfoundland and Labrador**

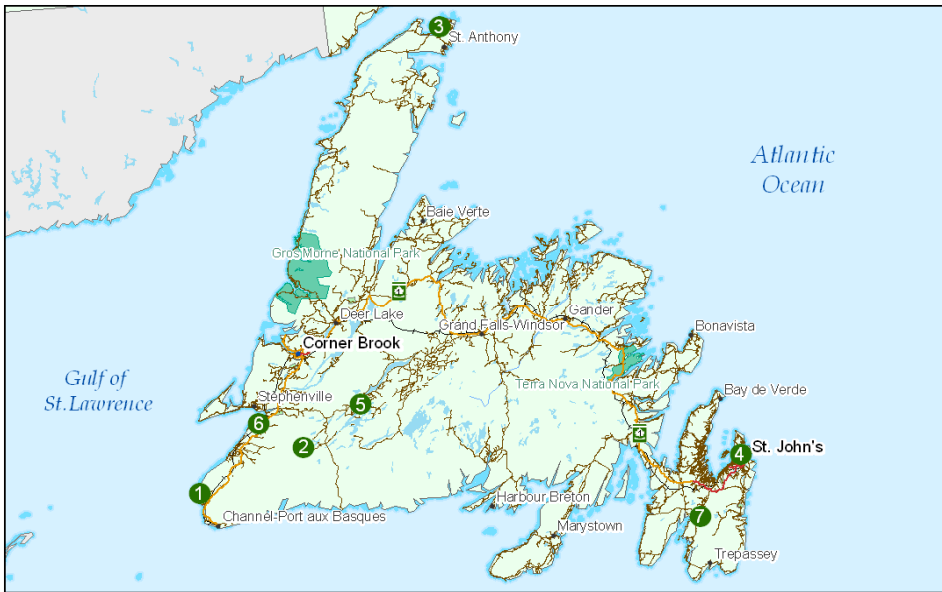


Figure 1: Project Site Locations in Newfoundland

0 25 50 100 150 200 Kilometers

**Newfoundland Project Sites**

- 1 Grand Codroy River Estuary
- 2 King George IV Ecological Reserve
- 3 Burnt Cape Ecological Reserve
- 4 Lundrigan's Marsh
- 5 Lloyd's River Escarpment
- 6 Sandy Point (Flat Island)
- 7 Halfway Pond - Salmonier Line



Figure 2: Newfoundland and Labrador