

7 LAND SECUREMENT SCENARIOS



SCENARIO 1

FEE SIMPLE DONATION THROUGH THE ECOLOGICAL GIFTS PROGRAM

What this means

A landowner donates full ownership of the land to a land trust through the Ecological Gifts Program (EGP). The land trust becomes responsible for the land forever, protecting nature and securing the trail corridor.

For First Nations, fee simple ownership can create opportunities for **co-stewardship, Indigenous-led land management, cultural access**, and, if intentionally designed, **future land return or shared governance** with an Indigenous Land Trust.

EGP offers strong environmental protection and tax benefits, but **Indigenous interests must be clearly built into governance and stewardship agreements** to ensure flexibility and meaningful involvement.

Land Context

Identify property location in relation to Treaty territory, the closest First Nation(s), and current landowner(s).

Summary Steps

1. Confirm the total number of acres/hectares meets the securement requirement.
2. Indigenous importance review/screening.
3. Determine current land use designation.
4. Screening for high-value aspects and gifts for First Nations using **What Lands and Why** criteria.
5. Review for Indigenous importance, with consultation with First Nations holding Treaty Rights, if interested.
6. Initial meeting with landowner
7. Letter of Intent (LOI) received from landowner.
8. Archaeological review – Phase 1 desktop.
9. EcoGift number obtained from Environment and Climate Change Canada (ECCC).
10. Appraisal received and reviewed by a qualified recipient, accepted by the landowner.
11. Application and appraisal submitted to ECCC.
12. Title search and requisitions, transfer registered, Tax receipt issued.
13. The recipient completes a **Management / Relationship Plan** for the property, with opportunities for co-management with First Nations if desired.
14. Property added to Land Trust's files to include as part of annual letter of updates to First Nations.

Potential Benefits

For First Nations with Treaty Rights

- Opportunities for co-management and Indigenous-led stewardship.
- Potential for cultural access and long-term relationship building.
- Conservation approaches that align with Indigenous values and land ethics.

For the Donor

- Significant tax benefits, including the elimination of capital gains.
- Assurance of permanent conservation and legacy protection.
- Confidence that the land will be cared for long-term.

For the Land Trust

- Strongest legal form of land protection.
- Clear authority for stewardship and land management.
- Ability to build co-stewardship or land return pathways over time.

Considerations

For First Nations with Treaty Rights

- Limited flexibility if Indigenous governance is not intentionally built in.
- May not support land return goals without early and clear planning.

For the Donor

- Permanent transfer of ownership.
- More administrative steps and timelines under EGP.

For the Land Trust

- Long-term stewardship costs and responsibilities.
- Reduced flexibility due to EGP program requirements.

SCENARIO 2

FEE SIMPLE DONATION OF TRAIL SECTION ONLY - NON-ECOLOGICAL GIFT PROGRAM

What this means

A landowner donates **only the portion of land needed for the trail**, rather than the full property, and does not use the Ecological Gifts Program (EGP). The land trust becomes the owner of the trail corridor, securing permanent public access and stewardship.

Because this approach is **not subject to federal EGP requirements**, it offers **greater flexibility** to include Indigenous stewardship practices, Treaty-based relationships, cultural interpretation, and place-based education through trail design and management agreements.

Land Context

Identify property location in relation to Treaty territory, First Nation(s) with Rights, and current landowner(s).

Summary Steps

1. Confirm the total number of acres/hectares meets the securement requirement.
2. Indigenous importance review/screening.
3. Confirm current land use designation.
4. Screening for high-value aspects and gifts for First Nations using **What Lands and Why** criteria.
5. Review for Indigenous importance, with consultation with First Nations holding Treaty Rights, if interested.
6. Archaeological review – Phase 1 desktop.
7. Letter of Intent (LOI) received from landowner.
8. Final purchase agreement accepted and signed by the land trust and landowner, conditional only on severance approval.
9. Landowner/donor (or land trust acting as agent) submits a severance application to the municipality.
10. Transfer of the severed portion registered.
11. Tax receipt issued by the recipient.
12. Trail section added to the trail database.
13. The recipient completes a **Management / Relationship Plan**, with opportunities for Indigenous co-management if desired.
14. Property added to land trust files and included in annual update letters to First Nations.

Potential Benefits

For First Nations with Treaty Rights

- Opportunities for trail-based cultural interpretation and storytelling.
- Flexibility to include Indigenous knowledge, stewardship, and relationship-based agreements.
- Potential for visible, place-based education along the trail.

For the Donor

- Retains ownership of most of the property.
- Supports conservation and public access with limited land transfer.

For the Land Trust

- Secures permanent trail access at a lower acquisition cost.
- Greater flexibility for management and partnerships than EGP-based donations.

Considerations

For First Nations with Treaty Rights

- Limited land base may restrict deeper land-based relationships.
- Risk of engagement being symbolic unless roles are clearly defined.

For the Donor

- Reduced development or use flexibility on retained lands.
- Fewer tax benefits compared to EGP donations.

For the Land Trust

- Corridor-only ownership can create management challenges.
- Limited ecological protection beyond the trail footprint.

SCENARIO 3

FEE SIMPLE PURCHASE OF ENTIRE PARCEL/PROPERTY

What this means

The land trust **purchases the entire property outright** to protect natural features and secure the trail. This provides the highest level of control over land use, access, and long-term stewardship.

For First Nations, fee simple ownership can create future pathways for shared ownership, co-management, or land transfer, especially for lands with cultural, ecological, or historical significance, when intentional relationship-building and governance planning are part of the process.

Land Context

Identify property location in relation to Treaty territory, the closest First Nation(s), and current landowner(s).

Summary Steps

1. Confirm the total number of acres/hectares meets the securement requirement.
2. Indigenous importance review/screening.
3. Confirm current land use designation.
4. Screening for high-value aspects and gifts for First Nations using the **What Lands and Why** criteria.
5. Review for Indigenous importance, with consultation with First Nations holding Treaty Rights, if interested.
6. Archaeological review – Phase 1 desktop.
7. Appraisal requested, completed, and reviewed.
8. Final purchase agreement accepted and signed by the land trust and landowner.
9. Transfer registered and title certified.
10. Tax receipt issued by the recipient, where applicable.
11. Property added to the trail database.
12. The recipient completes a **Management / Relationship Plan**, with opportunities for co-development and management with First Nations if desired.
13. Property added to land trust files and included in annual update letters to First Nations.

Potential Benefits

For the Seller

- Fair market compensation.
- Clear, one-time transaction with no ongoing obligations.

For the Land Trust

- Retains ownership of most of the property.
- Supports conservation and public access with limited land transfer.

For First Nations with Treaty Rights

- Potential for future shared ownership or land transfer pathways.
- Opportunity to shape governance and relationships early in the process.

Considerations

For the Seller

- No charitable tax benefits.
- No role in future land use decisions.

For the Land Trust

- Significant upfront capital requirement.
- Long-term stewardship and financial responsibility.

For First Nations with Treaty Rights

- Risk that land return or shared governance pathways are delayed or not pursued.
- Limited involvement if relationships are not prioritized early.

SCENARIO 4

FEE SIMPLE PURCHASE OF TRAIL SECTION-ONLY

What this means

The land trust **purchases only the land required for the trail corridor**, rather than the full property. This reduces acquisition costs while securing permanent trail access and protection.

For First Nations, this approach may support **secure access to culturally significant travel routes**, collaborative stewardship of the trail corridor, and **Indigenous-led interpretation**. However, opportunities for broader land-based use or land return are limited by the narrow footprint of the corridor.

Land Context

Identify property location in relation to Treaty territory, the closest First Nation(s), and current landowner(s).

Summary Steps

1. Confirm the total number of acres/hectares meets the securement requirement.
2. Indigenous importance review/screening.
3. Confirm current land use designation.
4. Screening for high-value aspects and gifts for First Nations using **What Lands and Why** criteria.
5. Review for Indigenous importance, with consultation with First Nations holding Treaty Rights, if interested.
6. Archaeological review – Phase 1 desktop.
7. Letter of Intent (LOI) received from landowner.
8. Appraisal requested, completed, and reviewed.
9. Final purchase agreement accepted and signed by the land trust and landowner, **conditional on severance approval**.
10. The Landowner/seller (or land trust acting as agent) submits a severance application to the municipality.
11. Title search, requisitions, and closing completed.
12. Tax receipt issued, where applicable.
13. Trail section added to the trail database.
14. The recipient completes a **Management / Relationship Plan**, with opportunities for co-development and management with First Nations if desired.
15. Property added to land trust files and included in annual update letters to First Nations.

Potential Benefits

For First Nations with Treaty Rights

- Secures long-term access along historic or culturally significant travel routes.
- Enables Indigenous-led interpretation and stewardship along the trail.

For the Seller

- Receives fair compensation while retaining most of the land.
- Clear separation of roles and responsibilities.

For the Land Trust

- Cost-effective way to secure trail continuity.
- Permanent control of the ORMT corridor.

Considerations

For First Nations with Treaty Rights

- Limited opportunities for broader land-based practices or land return.
- Reinforces corridor-focused engagement rather than whole-land relationships.
- Limited ecological protection beyond the trail footprint.

For the Seller

- Severance may reduce the value or functionality of retained land.

For the Land Trust

- Fragmented ownership can increase long-term management complexity.

SCENARIO 5

CONSERVATION EASEMENT AGREEMENT FOR ENTIRE PROPERTY THROUGH ECOLOGICAL GIFT PROGRAM

What this means

The landowner **keeps ownership of the property** but places a **Conservation Easement Agreement (CEA)** on the land through the Ecological Gifts Program (EGP). The easement is registered on the title and permanently protects natural features, while allowing the trail as a permitted use.

This approach balances private ownership with long-term conservation and provides **significant tax benefits** to the landowner. The land trust is responsible for **ongoing monitoring and enforcement** of the easement.

For First Nations, this option may align with community interests **when easement terms clearly recognize Treaty Rights, cultural access, and Indigenous participation in stewardship and monitoring**. Because EGP is a federal program, careful drafting is required to ensure flexibility and respect Indigenous perspectives.

Land Context

Identify property location in relation to Treaty territory, First Nation(s) with Rights, and current landowner(s).

Summary Steps

1. Confirm the number of acres/hectares meets securement requirements.
2. Indigenous importance review/screening.
3. Confirm current land use designation.
4. Screening for high-value aspects and gifts for First Nations using the **What Lands and Why** criteria.
5. Review for Indigenous importance, with consultation with First Nations holding Treaty Rights, if interested.
6. Archaeological review – Phase 1 desktop.
7. Letter of Intent (LOI) received from landowner.
8. Property surveyed, as required.
9. Land trust legal counsel engaged early in the process.
10. Appraisal requested, completed, and reviewed.
11. Application and appraisal submitted to Environment and Climate Change Canada (ECCC).
12. Notice of Fair Market Value (FMV) received by qualified recipient.
13. Tax receipt issued to the donor by the qualified recipient.
14. The recipient completes a **Management / Relationship Plan**, with opportunities for Indigenous participation in stewardship/monitoring, if desired.
15. Property added to land trust files and included in annual update letters to First Nations.

Potential Benefits

For First Nations with Treaty Rights

- Protection of culturally significant landscapes.
- Opportunity to embed access, monitoring, and **Two-Eyed Seeing** approaches to stewardship when negotiated early.

For the Landowner

- Strong tax incentives while retaining ownership.
- Assurance that conservation values are permanently protected.

For the Land Trust

- Permanent conservation without land acquisition costs.
- EGP framework provides strong legal enforceability.

Considerations

For First Nations with Treaty Rights

- Easement terms may restrict Indigenous land use if not explicitly addressed.
- The Federal EGP framework may limit recognition of Indigenous law and governance.

For the Landowner

- Permanent restrictions on land use.
- Ongoing compliance requirements with limited adaptability over time.

For the Land Trust

- Perpetual monitoring and enforcement obligations without ownership.
- Reduced flexibility due to EGP program requirements.

SCENARIO 6

PURCHASE OF A TRAIL CONSERVATION EASEMENT AGREEMENT

What this means

The land trust **purchases a Conservation Easement Agreement (CEA)** that applies **only to the trail corridor**, while the landowner keeps ownership of the land. The easement permanently protects the trail and associated natural features, without transferring full ownership.

This option balances private ownership with long-term conservation and **does not rely on land donation**. Depending on the funding source, it may offer **greater flexibility** in how easement terms are drafted compared to donated easements.

For First Nations, this approach may align well **when easement terms explicitly recognize Treaty Rights, cultural access, Indigenous law, and stewardship roles**. As with all EGP-related easements, careful drafting is required to ensure Indigenous perspectives are meaningfully reflected.

Land Context

Identify property location in relation to Treaty territory, First Nation(s) with Rights, and current landowner(s).

Summary Steps

1. Identify property location in relation to Treaty territory, the closest First Nation(s) with Rights, and current landowner(s).
2. Confirm available funding and any related requirements.
3. Confirm the total number of acres/hectares meets the securement requirement.
4. Indigenous importance review/screening.
5. Confirm current land use designation(s).
6. Screening for high-value aspects and gifts for First Nations using the **What Lands and Why** criteria.
7. Review for Indigenous importance, with consultation with First Nations holding Treaty Rights, if interested.
8. Archaeological review – Phase 1 desktop.
9. Letter of Intent received from landowner.
10. Confirm the trail buffer width is suitable and appropriate.
11. Property surveyed, and land trust legal counsel engaged early.
12. Appraisal requested, completed, and reviewed.
13. Tax receipt issued to the donor by the qualified recipient, where applicable.
14. Trail section added to the trail database.
15. Property added to land trust files and included in annual update letters to First Nations.

Potential Benefits

For First Nations with Treaty Rights

- Greater flexibility to recognize Treaty Rights, Indigenous law, and stewardship roles.
- Supports relationship-driven conservation approaches.

For the Landowner

- Retains ownership with conservation outcomes tailored to the site.
- Greater flexibility in agreement terms compared to donated easements.

For the Land Trust

- Lower cost than fee simple ownership.
- Ability to design agreements grounded in relationships rather than ownership.

Considerations

For First Nations with Treaty Rights

- Protections may be less durable if easement terms are not well-drafted.
- Outcomes depend heavily on the quality of consultation and negotiation.

For the Landowner

- Limited tax incentives compared to donated easements.
- Long-term land use restrictions still apply.

For the Land Trust

- Enforcement relies more on relationships than direct regulatory control.

SCENARIO 7

BUY, SEVER AND SELL PARCEL/ PROPERTY (3 STEP PROCESS)

What this means

The land trust **purchases the entire property**, then **severs the land into two parcels**. The portion needed for the trail is retained and protected for conservation, while the remaining parcel is **sold at market value** to recover part of the purchase cost.

The retained trail parcel is ideally **sterilized from development** and severed with conservation as the primary intent. The parcel that is sold retains existing or permitted buildings.

For First Nations, this approach can create **intentional opportunities for land return, shared stewardship, or governance pathways**, but only if these outcomes are **designed early** and not treated as secondary to financial considerations.

Land Context

Identify property location in relation to Treaty territory, First Nation(s) with Rights, and current landowner(s).

Summary Steps

1. Identify property location in relation to Treaty territory, the closest First Nation(s) with Rights, and current landowner(s).
2. Confirm available funding and any related requirements.
3. Confirm the total number of acres/hectares meets the securement requirement.
4. Indigenous importance review/screening, with an opportunity to invite the closest First Nation(s) with Treaty Rights to review, if interested.
5. Screening for high-value aspects and gifts for First Nations using the **What Lands and Why** criteria.
6. Review for Indigenous importance, with consultation with First Nations holding Treaty Rights, if interested.
7. Archaeological review – Phase 1 desktop.
8. Appraisal requested, completed, and reviewed.
9. Purchase agreement accepted by the seller.
10. Review and feedback from First Nations, if interested.
11. Title search, requisitions, and closing of sale completed.
12. Title certified.
13. Tax receipt issued to donor by qualified recipient, where applicable.
14. The recipient completes a **Management / Relationship Plan**, with opportunities for co-development and management with First Nations if desired.
15. Property added to land trust files and included in annual update letters to First Nations.

Potential Benefits

For First Nations with Treaty Rights

- Opportunity to integrate land return or shared stewardship into the resale strategy.
- Enables intentional reconciliation outcomes when structured early.

For the Seller

- Market-value sale with no long-term obligations.

For the Land Trust

- Ability to secure high-priority trail land while recovering acquisition costs.
- Strategic use of capital to advance priority corridors.

Considerations

For First Nations with Treaty Rights

- Risk of exclusion from resale or development decisions.
- Reconciliation outcomes may be deprioritized if financial drivers dominate.

For the Land Trust

- Financial, regulatory, and reputational risk.
- High staff capacity and administrative demands.
- Exposure to market fluctuations between purchase and resale.