

Private Land Stewardship in New Brunswick: A Guide for Landowners



Format and ideas for this publication based on:

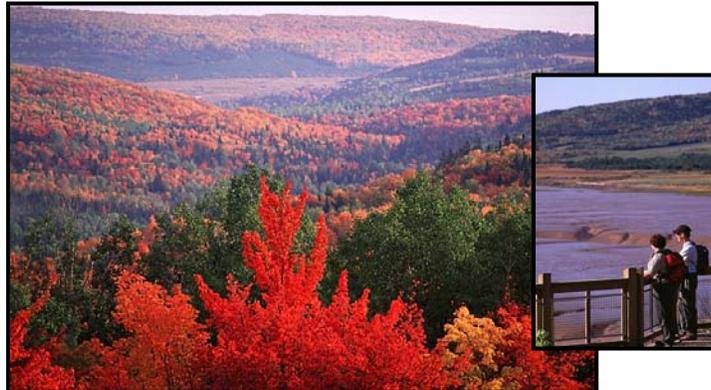
- *Conservation Guidelines for Ecologically Sensitive Forested Sites on Private Woodlots within the Fundy Model Forest* – Canadian Forest Service, Natural Resources Canada
- *Conservation Stewardship – An Options Guide for Private Landowners within the Fundy Model Forest*
- *Landowner's Options* – Turtle Island Earth Stewards
- *Protecting Ontario's Natural Heritage Through Private Stewardship* – the Ontario Heritage Foundation
- *Stewardship Options – the Stewardship Series* – Province of British Columbia

Financial support provided in part by Wildlife Habitat Canada “*Working to Conserve Habitat for Wildlife*”.

Our Province's Natural Heritage

New Brunswick is often termed as “Canada’s best kept secret”. With our beautiful scenery and relaxed way of life, it is no wonder tourists visiting are thrilled with our Province’s beauty, and the friendliness of its people. Those vacationing often comment on New Brunswick’s pristine wilderness areas, scenic shorelines, upland tolerant hardwood forests, pristine lakes and rivers, rolling farmland and our spectacular views. However, with increasing pressures from urban and cottage development, New Brunswick’s landscape is under threat and we are in danger of losing many of the natural features we, as New Brunswickers, hold dear.

What can we do to maintain our province’s natural beauty?



New Brunswick is well known for its beautiful fall colours.

New Brunswick’s private landowners can make a significant difference by safeguarding their property’s natural values through private stewardship.

What is private stewardship?

Private stewardship can be defined as “care given to the land and our heritage by private landowners based on an ethical commitment to conservation”. In other words, private stewardship is voluntarily taking care of your land for future generations in a responsible manner.

Why is private stewardship important?

There are many reasons why private stewardship is important. Most natural areas left in New Brunswick, that have not been managed or developed in some way, fall on private land. These natural areas form a large part of the overall beauty of New Brunswick's landscape. They provide vital wildlife habitat, regulate water flow, and provide a benchmark for scientific research. They also provide an ongoing source of economic products including lumber, Christmas trees, maple syrup, berries and crafts.

What makes my property one of New Brunswick's important natural areas?

An important natural area may contain one or many of the following natural features:

- Areas inhabiting plants, birds, mammals and other animals considered uncommon or rare in New Brunswick.
- Areas containing a very species rich community.
- Areas representing of a forest or wetland that was once more widely distributed in New Brunswick.



Butterflies and songbirds are a common occurrence in New Brunswick during the spring and summer months.

In some cases, the significant features may be relatively pristine, showing little or no human disturbance.

Other areas may have been used for other purposes at one time but still retain some of their original integrity.

What are some examples of these important natural areas?

The most attractive places for plants and animals to live are where numerous natural zones come together. Some of these areas include shorelines, valley bottoms and along the coast. These rich, natural areas are also the most sought after places for people to live. We concentrate as wildlife does, in areas where there is a good source of water, food and favourable living conditions. This preference for the same land has been one of the chief causes of the loss of biodiversity. We are crowding out our wildlife.

Wetlands - If you have a wetland on your property, consider yourself very lucky. These areas are exceedingly important to us for groundwater, wildlife habitat and as a filtration system for pollutants. Draining and ditching wetlands for agricultural purposes and urban development over the last century has diminished these critical wildlife habitats.



Waterfowl use wetlands as their breeding and feeding areas.

Coastal Shorelines - Traditionally on the coast, a buffer of native shoreline trees and shrubs was always left between the sea and a dwelling so the force of the wind and sea was reduced. Protection was always more important than views. Saltwater marshes, found along these shorelines, are teeming with wildlife, and need to be given every protection from their human neighbours living just above.



Coastal shorelines are the summer homes to many birds that spend their winters down south

How can a landowner help retain New Brunswick's natural areas?

This booklet is written for all private landowners in New Brunswick who voluntarily want to help conserve and maintain natural areas on their property. More and more landowners are recognizing the role they play in conserving and enriching the Province's diverse wildlife and fish habitat. This booklet provides some tips on how to do just that. Protection of our natural areas usually involves little or no cost. Learning about the natural features often enhances a landowner's appreciation of his/her property.

The following is a list of questions you can ask yourself when reading the information found in this booklet:

- Would I like to conserve my land from ever-increasing development pressures?
- Would I like to conserve all or part of my land?
- Would I like to leave a natural legacy for future generations?
- Do I wish to keep the land and conserve it for a limited term?
- Should I consider sale or donation?
- Are tax incentives important to me?



Private stewardship agreements can include certain management plans for some parts of the land, while conserving other parts.

Private Stewardship in New Brunswick: A Landowner's Options

Private stewardship programs put landowners concerns first, and consider conservation from their point of view. As a result, stewardship agreements may involve little or no land use, or may include an extensive management plan outlining how the owner can maintain, or even expand, the natural features that make their property special.

1. Verbal Agreements

Verbal agreements are often referred to as the 'handshake' agreement between a landowner and the conservation agency whereby the landowner agrees to maintain the habitat to the best of his/her ability. The landowner can promise to notify the agency of any threat to the land or change in use or ownership. This is not a legally binding agreement. It is simply an act of good will on the landowner's part who wishes to participate in the stewardship program.

2. Written Agreements

A written agreement is a signed version of a verbal agreement and does not require additional landowner commitment.

3. Management Agreements

A management agreement is a simple contract between the landowner and the conservation agency to manage the land in a specified way. This type of arrangement is a good option if you would like to get some assistance with stewardship in the short term. The agreement would include a clause which states what would happen if either party broke the agreement.

4. Property Lease

A lease is a legal agreement where the landowner gives a conservation agency the right to enter and manage the property for a specified term.

A lease is a fairly flexible option as you can review and modify the agreement with consent from both participants.

5. Sales

For those of you interested in selling your naturally significant land, there are a number of ways for doing so:

- a) Outright Sale – the landowner deeds all rights to a conservation agency for a sum of money.
- b) Bargain Sale – the landowner sells the land to an agency for a price less than “fair market value”. This can be advantageous because not only does the landowner receive money for the land, but an income tax deduction can also be claimed.
- c) Right of first refusal – the landowner offers a conservation agency the first option to buy a piece of land if they ever decided to sell. The landowner promises not to withdraw the offer until an agreed time has passed.
- d) Installment Sale – If a landowner is not in a rush to sell, they might agree to schedule an annual or semi-annual payments spread over a period of years.



The Kennedy Lakes are an important natural area.

6. Donations

Donating land to an agency is another way to protect your land. Not only are you providing long term protection for the land, you will also receive an income tax deduction and a great sense of pride for doing your part for New Brunswick's landscape while you are living. The Federal *Income Tax Act* has recently been improved to provide landowners with a tax credit up to 100% of the donor's net income for

donating important natural areas to qualified agencies. This credit can be applied against your income tax in the year you donated or it can be used up to 5 carry-forward years after the fact.

- a) Outright Donation – the landowner donates full title and ownership of the land to an agency. The landowner would then receive a tax receipt for the full market value of the property.
- b) Donation by Devise – the landowner donates a gift of land to an agency through his/her will. This allows the landowner to be the land’s stewards while living and ensures that the land is taken care of when they are gone.
- c) Life Estate – the landowner may donate his/her property to an agency while retaining the right to live on or use the property for his/her lifetime.

7. Conservation Easements

The province of New Brunswick has recently added a new way that landowners can help conserve their land into perpetuity or for a fixed term. Landowners may enter into a conservation easement, which is held by a conservation agency.

What exactly is a conservation easement? Well, it can be defined as “a legal document, which places limitations on the use and development of a parcel of land in order to conserve its natural features”. Easements are flexible and can be written to include almost any kind of restricted use agreed by the owner and the easement holder (a conservation agency). It can require that the land is left completely in its natural state or it can provide for various activities such as farming, hunting or fishing. It can provide for limited development such as the construction of dwellings or other facilities, which do not compromise the natural values of the land. It can be applied to an entire property or to a portion of land, such as along the shore or a lake, wetland or stream.

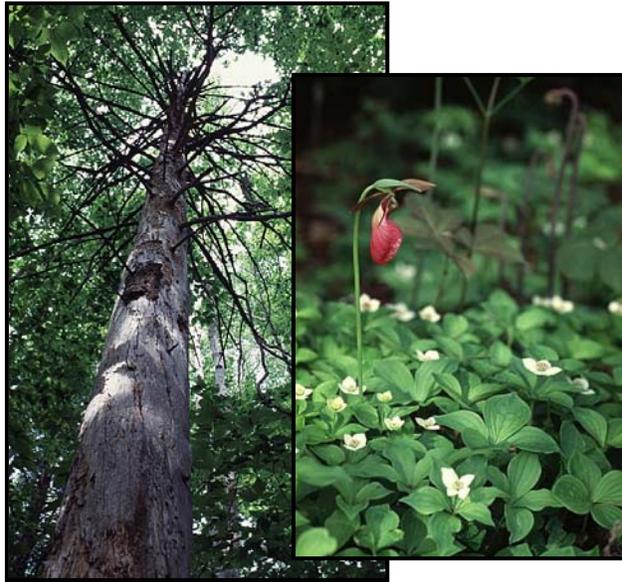
A conservation easement also ensures that future owners will not destroy the land that has been so carefully protected by you.



For More Information

The Fish and Wildlife Branch of the Department of Natural Resources and Energy sincerely hopes all landowners will be good stewards for the land. If you would like more information or would like someone to meet with you to discuss these options in more detail, please contact:

Department of Natural Resources and Energy
Fish & Wildlife Branch
Stewardship Coordinator
PO Box 6000, Fredericton, NB, E3B 5H1
Phone: (506) 453-2440, Fax: (506) 453-6699



Natural areas are home to many types of plants, animals, birds that may not be seen in other areas.



Glossary

Buffer – a strip of trees and plants left between a natural area and a management area. This buffer strip helps absorb the shock of the adjacent management practice.

Biodiversity – the variety and abundance of species, their genetic makeup, and the communities, ecosystems, and landscapes in which they occur. It also refers to ecological structures, functions, and processes at all levels, from a rotting log in a woodlot to a coral reef in the ocean.

Coastal wetlands – also termed salt marshes, are found along New Brunswick’s coastline. Coastal wetlands develop near the mouths of rivers, in bays, and other areas affected by the tide but are protected from the full force of the surf.

Community – a group of plants and animals living and interacting with one another in a specific region under relatively similar environmental conditions.

Conservation – the careful management of our environment and of our natural resources.

Fair Market Value – the dollar value that a willing buyer would pay a willing seller with neither being under any compulsion to buy or sell and both having full knowledge of the relevant facts surrounding the transaction.

Habitat – part of the environment that provides all of the basic needs for a particular species, such as food, water, shelter, space, and air, without which the species cannot survive.

Legacy – a gift of personal property by will.

Natural legacy – a property with little or no disturbance bequeathed to a conservation agency by will.

Wetland – an area that is seasonally covered or saturated by water, creating soil conditions that promote the growth of water-tolerant vegetation.

Wildlife – any species of animal or plant life living unrestrained or free roaming and undomesticated.