

**CONSULTATION WITH CONSERVATION ORGANIZATIONS ON NATURAL AREAS ACQUISITION FUND STRATEGY IMPLEMENTATION GUIDELINES**

	Conservation Halton (June 19, 2014)	Grand River Conservation Authority (May 8, 2014)	Hamilton Conservation Authority (May 14, 2014)	Hamilton Naturalists’ Club (May 8, 2014)	Niagara Peninsula Conservation Authority (May 21, 2014)
<b>Comments</b>	Support the development of a Land Acquisition Fund Strategy.	Appreciates the establishment of a land acquisition fund. This commitment to acquire important natural heritage elements will offer a greater level of protection and strengthen the natural heritage system in the longer term.	Land acquisition opportunities can arise that are important timely acquisitions that may not be on a priority listing; flexibility in the application of the guidelines and the timing of applications should allow for these opportunities.	Section 2.1 “The City has allocated funding for securement of natural areas (\$100 000 for 2011, 2012, and 2013 and \$300 000annually if the Capital Budget allows)”;	Supportive of initiative to establish acquisition fund to assist in the protection of significant natural features.
	Is part of Halton Region Greenlands Program and is “eager to participate as an active stakeholder”.	Ecological rationale for land acquisition within the City of Hamilton has been documented in a comprehensive manner over the years through the	The identification of priority properties as outlined in the draft guidelines for acquisition is a concern. While noted that this information will be	Section 2.3 “stakeholders are responsible for soft costs (i.e. appraisal, legal or surveys) incurred for the project and cannot appeal the	Support GRCA’s suggestion that City’s Natural Areas Inventory/Nature Counts projects be used to assist in the determination of land acquisition priorities.

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	<p>City’s Natural Areas Inventory/Nature Counts projects. This information will be crucial when identifying priorities for land acquisition as should be fully recognized in the implementation guidelines.</p>	<p>conveyed in a confidential report to Council, HCA are concerned regarding the maintenance of this information and the potential impact on land values if such a list became available publicly. The management of this data should be addressed in the implementation guidelines.</p>	<p>decision if an application is denied”; this could make it difficult for some acquisitions (donations, bequests). The City should make this part of the funding.</p>	
<p>Section 1.0 Background, Page 3: would the City consider a greater than \$50, 000 cap or provide special consideration if a highly significant, large (and therefore costly) property became available?</p>	<p>The fund provides monies for purchase, management and education but does not allow for legal, survey or other costs that may be required for lands being donated, bequeathed or dedicated to the City or partners that would meet the</p>	<p>Section 2.2 notes the need for each stakeholder to enter into a legal binding agreement. Prior to entering into such an agreement, further information on the purpose and extent of the agreement and reciprocal requirements with</p>	<p>Section 3.1.1 “to be eligible for Natural Areas Acquisition funding, the subject property must contain one of the following”; the areas identified in the NAI should be recognized as we know a lot about</p>	<p>Consider the value of information collected from the City’s ReLeaf Hamilton project as part of evaluation of potential property acquisition.</p>

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	acquisition criteria. It would be unfortunate to miss an opportunity for acquisition if soft funding was not readily available.	the City is requested.	these properties and why they should be protected.	
Section 2.2, Page 6 and 7: Conservation Halton echo comments already raised by others with respect to the ‘legally binding agreement’. While there may be value to placing binding commitments on successful funding applicants, Conservation Halton would need to review any such agreement in advance of making any commitment. A single	While GRCA would be interested in participating and would be able to provide all identified requirements for participation on the Working Group, concerned with ability to commit to or enter into a legally binding agreement without reviewing the document.	Implementation Guidelines indicate that soft costs are the responsibility of the stakeholder and are not funded through this program. This appears to be contrary to the information provided in the 2009 reports and HCA staff encourages the City to include these soft costs as items that can be funded as part of this program.	Section 3.1.1.1 Areas of Priority Interest; areas identified within the NAI should be included in the list; vacancy of land-does this mean that lands that need to be severed cannot be part of this fund?	In Section 2.2, the partner agreement would need to be reviewed before NPCA could commit to signing it (may be difficult to implement a single agreement; what if there is disagreement on whether a stakeholder wishes to participate or how they wish to participate in a particular initiative, how is this resolved under a single ongoing agreement.

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<p>agreement covering all partners and all situations may be hard to establish, while retaining meaningful content. For example, the funding could be used against multiple forms of securement; some securement options enable a donor or seller to place their own covenants and restrictions on property use- a single agreement with a stakeholder could be at odds with such a securement agreement. A more appropriate tactic may be a Memorandum of</p>				

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<p>Agreement with stakeholders and if needed individual legal binding agreements on a per project basis.</p>				
<p>Section 2.3, page 7: the guidelines lack clarity about who can apply to the fund-section 2.3 indicates that stakeholders can apply but it is unclear whether only stakeholders that sit on the Stakeholders Working group are eligible or if other stakeholders groups may be eligible as well. Also, the guidelines refer to both stakeholders and conservation partners. What is the difference</p>	<p>In section 2.3f) and 3.1.2 it is noted that soft costs are the responsibility of the stakeholder. The 2009 report appears to allow for such costs and it is encouraged that these costs should be considered if it would allow an acquisition that may otherwise occur.</p>		<p>Section 3.1.2 eligible project costs; initial signage and fencing-this could eat up a lot of money. May want to consider a cap or removing it from the fund; rather soft costs be covered so that the land is protected and then search for funds for these initial stewardship projects; these costs can often be in-kind; other funding programs are becoming scarce and it is</p>	<p>In Section 3.1.1 eligibility of projects, clarity is required under the secondary criteria (areas designated under the Niagara Escarpment Plan and Greenbelt Plan); are these criteria specific to lands containing natural heritage and hydrologic features or any lands within the escarpment and greenbelt areas.</p>

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<p>between a stakeholder and a partner? Although Appendix B, page 17 indicates that additional stakeholders may be added to the Stakeholder Working Group, no process for doing so is outlined.</p>			<p>unknown if they will continue.</p>	
<p>Section 3.1.1, page 8: Criteria for ranking the eligibility of projects are essential. However clarification about how these criteria are to be applied would be useful. For example, would a property that met none of the Primary Criteria but met one or more of the Secondary Criteria</p>	<p>Areas of Priority are to be identified and any application outside a priority area would be evaluated after those on the priority list but applications can be submitted at any time. There is a concern that funds may be allocated to properties not on the priority list before one on the list is considered.</p>		<p>Section 3.5 deadlines: “a funding request should be submitted a minimum of three months prior to the targeted Council meeting date to allow staff sufficient time to evaluate the application; sometimes acquisitions need to happen quicker than this; maybe</p>	<p>In Section 3.1.1 species at risk habitat should be outlined within the criteria.</p>

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<p>be rejected? Is meeting one of the three Primary Criteria essential?</p>			<p>a process could be developed that gives us some assurance that we’d get the funding. This would allow us to not let the acquisition fall through and be able to give our board some assurance that we should get our upfront funds back. Talking with Halton Region about a similar process.</p>	
<p>Section 3.1.1.1, page 9: Conservation Halton supports establishing priorities for funding eligibility. However in keeping with comments raised</p>	<p>The lead time and cost involved on the part of the fund applicant is significant and could be seen as dissuading access to funds. The long lead time and potentially substantial initial</p>		<p>Appendix B: “stakeholder working group to provide the City of Hamilton with ESRI shape files”; this isn’t something we can provide; could we figure out a</p>	<p>In Section 3.1.1.1 Areas of Priority Interest, size of property is discussed as a priority criteria however consideration for existing area/extent of the natural heritage and</p>

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<p>by others, urge that some flexibility be built into the approach. Property identified as a priority may take many years to become available and property that may not be identified as a priority on a top '10' list can become available unexpectedly. Additionally, a single property transfer may take several years to actually complete securement. Establishing a list of 10 priority properties per stakeholder is a good starting point. However the guidelines should acknowledge that</p>	<p>investment could diminish involvement in the acquisition process.</p>		<p>different way for HNC to provide priority properties?</p>	<p>hydrologic features or potential corridor linkage or restoration potential should also be included.</p>



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<p>the priority list is subject to change and that there is some built in flexibility to enable properties not on the priority list to be brought into the funding program provided they meet the criteria. We suggest that the priority list not be seen as exclusive but perhaps as an additional Primary Criteria under section 3.1.1.</p>				
<p>Section 3.1.2, page 10: we strongly urge the City to consider inclusion of ‘soft costs; and support the comments made by others in this regard. Soft costs are generally</p>				

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<p>not covered by other programs and in many securement options, can make up the substantial part of securement costs.</p>				
<p>Section 3.2, page 10: Conservation Halton recommends that the acquisition fund provide up to 50% of the appraised value of the property, including soft costs. This approach is greatly valued by Conservation Halton in the Halton Region Greenlands Program as it helps significantly reduce costs associated with</p>				

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<p>securement and provides greater support and access to funding to support a range of securement mechanisms.</p>				
<p>Section 3.3, page 10: it may be worth including a timeline as to when applications can be committed to. For example, a property donation made through the Ecological Gift program could take 18 or more months to complete. Establishing a funding commitment through the NAAF might be critical to a stakeholder embarking on the securement</p>				

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<p>process but may not actually need to claim or be in a position to claim funds for 1-2 financial years after the commitment is made through NAAF. Property acquisition can take time to work through processes and some reflection of this in the guidelines would offer assurance to stakeholders.</p>				
<p>The ability to roll unused funding from one financial year to the next is critical. This important aspect is acknowledged in the Halton Region Greenlands Program.</p>				

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<p>Accordingly, partners are not pressured to purchase property in less than ideal situations to simply support the program. By enabling the budget to roll from one year to the next, the program provides an opportunity to meet its objectives over time.</p>				
<p>If an application for funding is not accepted on the basis that several applications are received at once that rank more highly, can that application be re-submitted at another time providing it meets the criteria? We</p>				

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acknowledge that should Council reject an application, there is no appeal process.				