

Integrated Land Use Crown Conservation Easement

Integrated Land Use Crown conservation easements

Crown conservation easements (CCE) are a type of easement introduced through amendments to *The Conservation Easements Act* that were approved in 2014 as part of the Southern Conservation Land Management Strategy. The CCE is a legally binding instrument the Crown grants to itself and registers as an interest on certain provincial Crown land titles prior to sale. Integrated Land Use CCEs are being placed on ecologically important Crown lands that are not designated under *The Wildlife Habitat Protection Act* (WHPA), prior to sale. The purpose of the CCE is to conserve the important ecological features on the land, yet allow for a confined amount of intensive development. The easement sets out the uses which may be authorized or restricted, similar to those uses allowed under WHPA designation. These easements are typically thought of as having “no break, no drain” conditions.

Government monitoring of Integrated Land Use CCEs

The Ministry of Environment (the Ministry) holds the Integrated Land Use CCEs and subject lands will be monitored for compliance with easement conditions. The Ministry will investigate reports of potential violations and enforce compliance when necessary. New and expanded compliance options were included in the legislative amendments to *The Conservation Easements Act* to ensure the obligations contained in the Integrated Land Use CCE are followed. These compliance options include stop work orders, equipment seize ability, court-ordered injunctions, and court-levied fines.

Length of Integrated Land Use CCEs

Unlike typical conservation easements, Integrated Land Use CCEs are not voluntary and can only be removed by the Minister. As such, they will normally exist in perpetuity. The easement runs with the land and applies to subsequent landowners. There are provisions for the Minister to remove the Integrated Land Use CCE if there is a provincial interest, for example if new transportation infrastructure is required to cross a parcel.



Building on a parcel of land with an Integrated Land Use CCE

A recreational or residential dwelling can be constructed on the land. However, the location of the development is subject to Crown approval of a Site Plan. The total development footprint, including all intensive development, is not to exceed 10 per cent of the total area, per quarter section of the land (i.e. 16 acres per 160-acre quarter section under the Integrated Land Use CCE). The total area of the land is the area under the Integrated Land Use CCE at its effective date.

During development and subsequent operation, landowners shall minimize the impairment, alteration, disturbance or interference to the natural ecosystem and the wildlife habitat in accordance with the purposes of this easement. Landowners are to develop on previously disturbed areas whenever possible. If multiple dwellings are constructed, they must be built within one contiguous area per quarter section (i.e. all dwellings on a quarter section must be grouped to one area and not scattered throughout).

Intensive developments

Intensive developments include, but are not limited to:

- The construction of a residential or recreational dwelling and accompanying infrastructure (e.g. yard site, driveway, utility lines, sewage system, outbuildings, etc.). If multiple dwellings are constructed, they must be built within one contiguous area per quarter section (i.e. all dwellings on a quarter section must be grouped to one area and not scattered throughout);
- Oil, gas or mineral extraction;
- Sand, gravel or clay extraction;
- The development of radio or telecommunication facilities;
- Road construction; and
- The development of facilities or equipment used or involved in the transmission of electricity, oil, natural gas, water or refined hydrocarbon substances.

Removing restored development site

Landowners must, at their own expense, restore abandoned developed sites to as near as possible, the original natural ecosystem. Once the Crown deems that restoration is complete, the recovered acreage can then be removed from the sum of intensive developments on the land.

Site Plans

An Integrated Land Use CCE Siting Plan is an application to the Ministry that consists of a map that indicates the location of existing intensive development on the land as well as the location of the proposed intensive development. The total footprint of intensive development, existing and proposed, is not to exceed 10 per cent of the total acreage, per quarter section, of the land. The total acreage of the land is the area under the Integrated Land Use CCE at its effective date.

Fencing

The construction of fences and the clearing of fence lines are not considered an intensive development and will not contribute towards the cap of 10 per cent intensive development allowable under the easement. Only perimeter fencing is allowed and the fence line can be cleared up to a maximum width of 15 metres (50 feet).

Landowner controlled access

The landowner controls all access to the land. The Crown has the right to enter the land to inspect, monitor and enforce compliance with this Integrated Land Use CCE at all reasonable times. The Ministry also has the right to undertake observations or ecological studies of natural resources conserved by this easement in a manner that will not unreasonably interfere with the use of the land by the landowner. Generally, the Ministry will provide a minimum of seven days notice prior to entry by sending a letter to the landowner.

Livestock water facilities

Developing water facilities, including dugouts, solar systems, wells and plowed-in shallow buried water pipelines are allowed on Integrated Land Use CCE lands. Water facilities are not considered to be an intensive development and will not contribute to the 10 per cent cap on intensive development under the easement. As long as they meet industry standards, ploughed-in, shallow bury water pipelines are not considered an intensive development. Trenched-in pipelines are not permissible under the easement.

Breaking land or rejuvenate tame forage restrictions

The cultivation or breaking of the natural cover on the land is prohibited. Natural cover is defined as “any area covered by native plant species, including any area reclaimed with native vegetation and any area of land not previously broken”. Generally, existing annually cropped areas on the land may be used for continued annual cropping. Rejuvenation of tame forage stands may be allowable subject to approval of a management plan by the Crown.

Harvesting timber

Harvesting of live forest vegetation may be allowed subject to approval of a harvest and management plan by the Ministry. Harvesting of live forest is not considered an intensive development and will not contribute to the 10 per cent cap on intensive development under the easement. Collection of dead and downed material is allowed.

Sand and gravel development

Alteration of the land for the extraction of sand, gravel, and clay may be allowed subject to a management plan approved by the Ministry. Sand, gravel and clay extraction is considered an intensive development and will contribute to the 10 per cent cap on intensive development under the easement. Sand, gravel and clay exploration is not considered an intensive development.

Management plan requirements

A management plan is an application to the Ministry that includes the following information.

- **Site Plan:** size and configuration of the proposed development area, where will materials be stored, how will the site be accessed, are there any potential off-site impacts. The locations of existing intensive developments must be provided in order to ensure that the 10 per cent cap under the easement is not exceeded.
- **Operation plan:** how will the resource be removed, what equipment will be used, when the extraction will take place, what is the proposed completion time.
- **Restoration plan:** how will the site be restored, when will restoration take place, will reclamation occur in a phased approach, what is the plan for control establishment of invasive weeds, what is the monitoring schedule, how will success be defined.

Use of pesticide and herbicides

Agricultural chemical may be used subject to the minimum amount necessary to accomplish containment and control according to the manufacturer's product labels.

Hunting and trapping

Hunting and trapping are allowable activities on the land. Landowners are permitted to manage access to the land by hunters and other members of the public.

Managing beavers

Landowners are allowed to remove problem beaver or their dams provided that habitat destruction is minimized. The Water Security Agency of Saskatchewan is responsible for the aquatic habitat protection program and administration of permitting under sections of *The Environmental Management and Protection (General) Regulations, 2010*. An Aquatic Habitat Protection Permit (AHPP) is not required when removing beaver dams if certain conditions are met and the removal is by:

- Use of hand tools or dynamite; or
- Mechanical means if the removal does not result in the alteration of the bed, bank or boundary, including noticeable impact to the soil caused by vehicles and equipment and the material removed is placed in a way that it cannot be washed back into the watercourse.

All [Aquatic Habitat Protection conditions](#) listed by the Water Security Agency must be followed to forego requiring an AHPP. Any individual who removes beaver dams is liable for damages that occur downstream.

For more information about Integrated Land Use Crown conservation easements, please contact:

Ben Sawa
Habitat Ecologist, with the Fish, Wildlife and
Lands Branch
Ministry of Environment
Ben.Sawa@gov.sk.ca