

Fact Sheet

Crown Conservation Easement Frequently Asked Questions



What is a Crown conservation easement and why is there one on this land?

A Crown conservation easement (CCE) is a new 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. A 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. Currently, CCEs are registered against the land title of 'moderate ecological value' lands designated under *The Wildlife Habitat Protection Act* (WHPA) following removal from that Act and prior to transfer from the Crown. CCEs are also registered against the land title of 'moderate ecological value' lands not designated under the Act offered for sale through public auction prior to transfer from the Crown. The purpose of the CCE is to conserve the natural habitat on the land, yet allow for specific compatible activities. The easements set out the uses which may be authorized or restricted, which are similar to those uses allowed under WHPA designation. These easements are typically thought of as having 'no break, no drain' conditions.

Does government monitor CCEs? What happens if there are unauthorized alterations?

The Ministry of Environment (the ministry) holds the CCEs and monitors subject lands for compliance with easement conditions. The ministry will also 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 CCE are followed. These compliance options include stop work orders, equipment seize ability, court-ordered injunctions, and court-levied fines.

How long does a typical CCE last?

Unlike typical conservation easements, 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 land owners. There are provisions for the Minister to remove the CCE if there is a provincial interest; for example, if new transportation infrastructure is required to cross a parcel.

Can I build a house or cabin on a parcel of land with a CCE?

Building cabins or houses is not permitted on lands that hold a CCE as the CCE restricts new development of residential and recreational structures. A portable trailer or camper can be located on the land on a temporary basis as long as there is no foundation built or alteration made to the site.

Can I control access to the land?

As the landowner, you control access to the land. The Crown has the right to enter the land to inspect, monitor and enforce compliance with this 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.

I want to build a fence, what are the requirements?

Establishment of perimeter fencing is allowed and can be cleared up to a maximum width of 15 metres (50 feet). If required, corrals may be constructed to a maximum of 1.2 hectares (3.0 acres) per quarter section. Any fencing should not impede wildlife movement.

Authorization from the ministry is required prior to any clearing or fence development beyond these parameters.

I need water facilities for my livestock, what are the requirements?

Developing water sites to a maximum of 0.4 hectares (1.0 acre) per quarter section and installation of plowed-in shallow buried water pipelines are allowed on CCE lands.

Are there restrictions to break land to rejuvenate tame forage?

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, only pre-existing cultivated areas may be used for continued cropping or haying. Rejuvenation of tame forage stands may be allowable subject to approval of a management plan by the ministry.

Is it possible to harvest timber from land with a CCE?

Harvesting of live forest vegetation may be allowed subject to approval of a harvest and management plan by the ministry. In accordance with the spirit of the agreement, there will be a requirement to allow the forest to regenerate naturally. In order to achieve this the harvested area must be fenced prior to reclamation and grazing must be deferred for two years. Collection of dead and downed material is allowed.

Is sand and gravel development allowed?

Alteration of the land for the extraction of sand, gravel and clay may be allowed subject to a management plan approved by the ministry.

What is involved with a management plan?

A management plan is an application to the ministry that includes the following information:

- Site plan – what is the 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.
- 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.

I have a pest and weed infestation; can I use pesticide and herbicide?

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

Am I able to hunt and trap on the land?

Hunting and trapping are allowable activities on the land. As the landowner, you are able to manage access to the land by hunters and other members of the public.

How can I manage beavers on the land?

Landowners are allowed to remove problem beavers or their dams provided that habitat destruction is minimized. The Water Security Agency (WSA) 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 removed material is placed in a way that it cannot be washed back into the watercourse.

Visit wsask.ca/water-programs/aquatic-habitat-protection for more information and the conditions that must be followed to forego requiring an AHPP. Remember, an individual who removes beaver dams is liable for damages that occur downstream.

More info?

For more information about Crown conservation easements, please contact Ben Sawa, Habitat Ecologist, with the Fish, Wildlife and Lands Branch of the Ministry of Environment at ben.sawa@gov.sk.ca.