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American Donates First Cross-Border Gift of Nature: New Conservation Program Piloted in Nova Scotia

Halifax, Nova Scotia (December 19)--Ground-breaking work led by the *Nova Scotia Nature Trust*, a new international conservation program, and a generous gift of conservation land by an American landowner, open the door to protecting many more of Canada's most treasured natural areas.

Americans own many of Canada's most significant natural areas, from cottage country in Ontario to coastal islands and beaches on both coasts, and many are keen to protect their treasured family lands in Canada. Until recently, however, insurmountable tax and other barriers impeded conservation of these lands.

The *Nature Trust* took this challenge to heart, dedicating itself to putting in place the long-awaited solutions that make such "cross-border conservation" possible. This work included founding a new US charity, *American Friends of Canadian Land Trusts*, putting in place a new international conservation program, and creating tax structures on both sides of the border critical for cross-border land conservation. After eleven years of work, much patience and perseverance, the Nature Trust's dream has been achieved.

Bonnie Sutherland, the *Nature Trust's* Executive Director, and founder of the *American Friends of Canadian Land Trusts*, shared the exciting news today: "We are delighted to announce completion of Canada's first ever cross-border land conservation easement." She highlighted the significance of this achievement for Canadian conservation, adding, "This first conservation easement gift by an American opens a new frontier in Canadian land conservation. It unlocks tremendous potential to protect even more of Canada's unique and treasured natural legacy."

Merloyd Lawrence, a Boston area resident with a long history in the conservation world and a passion for Nova Scotia, donated an easement protecting, forever, a 130 acre Acadian forest rich with diverse wildlife, and the entire shoreline of Little Annapolis Lake in southwest Nova Scotia.

Like so many other Americans, Mrs. Lawrence visited Canada, fell in love with it, and has since returned every summer. She advised other Americans to consider working with American Friends to protect their treasured family lands in Canada: "The innovative work of the **Nature Trust** and **American Friends** gives landowners like us the opportunity to be a small part of preserving Canada's unique natural legacy—the beautiful, irreplaceable wild lands that drew us to Canada in the first place."

Sutherland praised the many volunteers with the *American Friends* organization and the American landowners like Mrs. Lawrence, who have been working through a long and arduous process over many years to make cross-border land conservation a reality. She highlighted the importance of this first gift in showing that it can be done: “Mrs. Lawrence’s pioneering gift provides a model that can be used to protect land all across Canada. Her gift will no doubt be an inspiration to other Americans, who can now become active partners in Canadian conservation.”

With the tax barriers now removed, and the first pilot projects complete, the pace of cross-border conservation is expected to accelerate. Nine other land gifts are already underway with *American Friends*, including two easements in Nova Scotia. Sutherland noted, “Today’s announcement, and the tremendous conservation potential it unlocks, is great news for the Canadian environment and for all Canadians.”

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PHOTOS AVAILABLE

Little Annapolis Lake Conservation Easement

Clockwise from top left—Merloyd Lawrence and John Myers, the cabin on Little Annapolis Lake, Black duck, Palm warbler, Merloyd Lawrence and John Myers (centre)

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Backgrounder

The Nova Scotia Nature Trust

- A registered conservation charity dedicated to protecting outstanding natural areas on private land in Nova Scotia and advancing private land conservation.
- Works with private landowners to protect Nova Scotia's natural legacy, from rare and endangered wildlife habitats to outstanding coastal lands and old growth forests.
- Has permanently protected over 6000 acres of outstanding natural areas in Nova Scotia through land acquisition, conservation agreements with landowners, and conservation education.
- Led provincial efforts to create the most progressive property tax incentive for private land conservation in Canada, and led efforts to create the Crown Share Land Legacy Trust, one of the country's most significant land conservation funds.
- Led international efforts to make "cross-border land conservation" possible (see below).

Conservation Easements

- Agreements that permanently restrict the extent and nature of future development and use of the land, while allowing the family to retain ownership and enjoyment of the land.
- The land can be sold or passed along to heirs, but the easement runs with the title of the land, so the restrictions apply to all future landowners.
- The Conservation Easements Act enables the Nature Trust (or American Friends of Canadian Land Trusts), as holder of the easement, to enforce the restrictions of the easement and ensure that the conservation purposes of the easement are protected.

Land Trusts

- Non-governmental, charitable organizations that work with private landowners to protect lands of ecological, historic or open-space value.
- Use the tools of land acquisition (donation, purchase, bequest) and permanent legal conservation agreements (conservation easements) to protect land.
- Have a program to steward and manage their lands, often in partnership with community volunteers.
- Over 150 land trusts in Canada, effectively helping government to meet its national and international conservation commitments and goals.
- Canadian land trusts are part of a large and highly effective global land trust movement. In the United States alone there are over 1500 land trusts that together have protected millions of acres of land.

American Friends of Canadian Land Trusts

- A US based, publicly supported 501(c)3 charity.
- Its mission is to protect and support the ecological integrity and other conservation values of the natural areas of Canada through securement of land, stewardship and public education, and to support Canadian land conservation entities and organizations.
- Accomplishes its mission through its unique partnership with Canadian land trusts.
- Fifteen Canadian Land Trusts in four provinces are qualified to partner with American Friends in cross-border land projects. Already they have brought forward 9 additional conservation properties that Americans propose to protect through gifts to American Friends.

History of Cross-Border Land Conservation

- Americans own many of Canada's most significant and valued natural areas.
- For many years American owners of important conservation lands in Canada were unable to protect these lands for conservation because of major income tax and other barriers.
- Canadian conservation organizations working to conserve the country's most scenic landscapes have long sought a legal and financial mechanism to allow American landowners to donate land – or an interest in it, such as a conservation easement.
- The barriers to cross-border conservation were particularly significant in Nova Scotia where many of the most treasured natural areas, from significant coastal areas to lakeshore and riverfront, are owned by Americans.
- Recognizing that the challenges went beyond Nova Scotia, the Nature Trust committed to finding solutions to make cross-border conservation possible not just in Nova Scotia, but across the country. The organization did ground-breaking research on the legal, tax and conservation issues of cross-border conservation. They assembled the required technical and financial resources and expertise, and ultimately provided the impetus behind the creation of a new U.S. charity, the American Friends of Canadian Land Trusts (American Friends), that can serve the complex legal, charitable and tax requirements on both sides of the border, to support cross-border conservation. After eleven years of work, much patience and perseverance, including succeeding in the daunting task of changing Canadian tax law, the Nature Trust's dream has been achieved.
- The first two cross-border gifts in Canada have now been completed. Fittingly, because of the Nova Scotia Nature Trust's pioneering cross-border conservation leadership to set up a program to enable Americans to protect land in Canada, the first conservation easement donation to American Friends was arranged by the Nature Trust. (Little Annapolis Lake Conservation Easement.) Georgian Bay Land Trust, which focuses on a portion of Ontario "cottage country" with a high percentage of US ownership, put together the donation of an island in Georgian Bay (Ingersoll Island.)

- The families who donated the easement in Nova Scotia and the island in Ontario pioneered a new frontier in land conservation. Their generosity directly benefits Canadians and provides a model that can be used to protect land all across Canada.
- Fifteen Canadian Land Trusts in four provinces have become qualified to partner with American Friends in similar donations. Already they have brought forward 9 additional conservation properties that Americans propose to protect through gifts to American Friends.
- Americans are now able to preserve their treasured Canadian properties, thereby contributing to protecting Canada's natural legacy.

New Tax Benefits for US Donors

- For many years Americans donating conservation land or easements in Canada faced major income tax barriers. If donating to a US charity, they could receive an income tax benefit, but faced significant capital gains tax in Canada. If donating to a Canadian charity, they could avoid the penalty of capital gains tax on their gift, but received absolutely no US income tax benefit.
- American Friends provides a legal and financial mechanism that overcomes this long-standing barrier. With US charitable status and special status under the Income Tax Act in Canada (recognition as a 'prescribed donee'), American Friends offers US donors of conservation land gifts the dual benefits of both a US income tax benefit and a Canadian capital gains tax exemption.

The Conservation Easement Donor—Mrs. Merloyd Lawrence

- Mrs. Lawrence is highly experienced in the land trust movement in the US, serving on the boards of the World Land Trust and the Northeast Wilderness Trust. Her environmental ethic is further demonstrated by her service on the boards of Island Press and the Woods Hole Research Center. In addition Merloyd works with her own publishing company – Merloyd Lawrence Publishing Inc.
- When a legal mechanism became available to provide perpetual protection for Little Annapolis Lake, Merloyd stepped forward to work with the Nature Trust to pioneer the technique by donating the very first conservation easement to American Friends of Canadian Land Trusts' cross-border conservation program.
- The Nature Trust led the easement work on the Little Annapolis Lake property, and will provide all stewardship, management and monitoring of the easement. Ultimately, the easement itself will likely be transferred from American Friends to the Nature Trust.

Little Annapolis Lake Conservation Easement

- Located in southwest Nova Scotia, South of the Annapolis Valley and near the community of Milford, north of Kejimikujik National Park.
- Situated in the Annapolis Watershed, in close proximity to the headwaters of the Mersey and Sissiboo/Bear Watersheds.
- The easement protects, forever, 130 acres of forest land, completely surrounding the 15 acre Little Annapolis Lake.
- It is roadless and undeveloped except for a small cabin set back among the towering White Pines and spruce trees.
- The impressive, ecologically diverse, completely undeveloped shoreline is rare in southwest Nova Scotia due to the proliferation of lakefront cottages.
- Ecologically significant because of the mature Acadian mixed forest including large White Pines, Red Spruce, Red Pine, Red Maple, White Birch, and young Red Oak and Balsam Fir.
- The natural landscape is not well represented in Nova Scotia's protected areas system, so this gift is an important step toward the goal of having representative protected areas in each of Nova Scotia's 80 unique natural landscapes.
- Several endangered animal species have been documented nearby, including Blanding's Turtle, Red Crossbill, Rusty Blackbird and Northern Goshawk. A number of rare plant species also occur in the area.
- Acadian forests support a diversity of birds, from songbirds like Ruby-Crowned Kinglet, Palm Warbler, Red-Breasted Nuthatch, and Black-Capped Chickadee to Black Duck and Osprey. Animals such as deer, beaver, muskrat and coyote also thrive in this habitat.
- Wetter areas of the property contain Round-Leaved Sundew, various peat mosses, Leatherleaf, Labrador Tea, Bracken and Cinnamon Fern, and mixed grasses and sedges. The lake itself contains Pickerel Weed and Pond Lily.