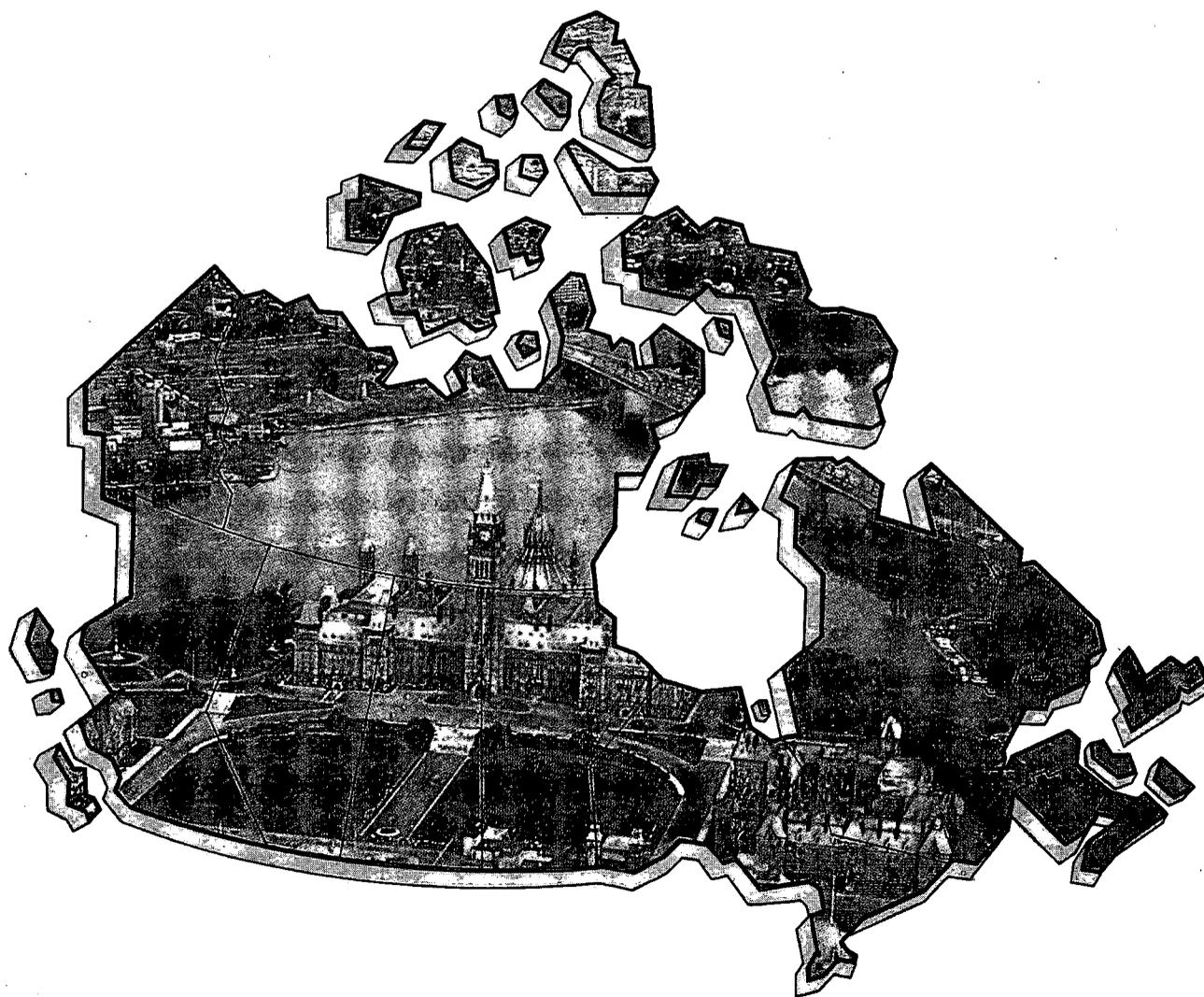
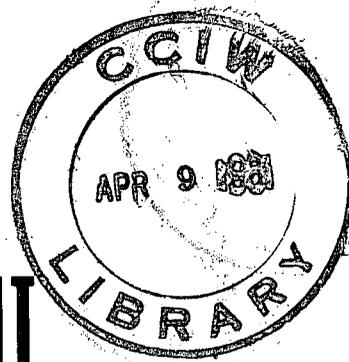


# 11

# FEDERAL LANDS: THEIR USE AND MANAGEMENT



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Environment  
Canada

Environnement  
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Lands  
Directorate

Direction générale  
des Terres

**FEDERAL LANDS:  
THEIR USE AND MANAGEMENT**

**By  
Hedley Swan**

**Lands Directorate  
Environment Canada**

**Ottawa  
March 1978**

## LAND-USE IN CANADA SERIES

The Land-Use In Canada series is designed to address major land-use issues and problems in Canada. It contains papers produced in and for the Lands Directorate of Environment Canada which address the causes and consequences of major land problems and land-use trends throughout Canada; and the role of various government programs in effecting solutions. Incorporating the earlier series entitled "Land-Use Programs in Canada" which reviewed the land-use programs of Canada's ten provinces, the series will examine activities affecting the use of Canada's land from a national perspective, significant to all Canadians. This series is designed to be of use to policy makers and the informed public since it provides information on land-use trends, analyses the effects of current and proposed means to influence the use of the land and reviews the impact of various laws, regulations and government programs on land-use in Canada.

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## PREFACE

In the past few years there have been a series of initiatives by federal governmental departments to improve the quality of the management of federal land. In 1966 the Central Real Property Inventory was set up by the Department of Public Works to provide up to date information for land management purposes. In 1975 the Treasury Board published a federal land management policy and established an advisory committee to consider changes in ownership and use of federal lands.

An interdepartmental task force on land was established in 1974 to enquire into the nature of land use in Canada and the associated problems and issues. One of the topics examined by the task force was the management of federal land and its effect on land use in general. This paper, based on a report to the interdepartmental task force describes the extent of federal land holdings, how they are managed and their effect on land use. It indicates not only the importance of land to the achievement of federal objectives but also the impact of federal activities on land.



R.J. McCormack  
Director General  
Lands Directorate

## AVANT-PROPOS

Ces dernières années, certains Ministères fédéraux ont mis de l'avant une série de programmes destinés à améliorer la qualité de la gestion des terres fédérales. En 1966, le ministère des Travaux publics mettait au point son Répertoire immobilier central afin de fournir une information de point aux fins de gestion des terres. En 1975, le Conseil du Trésor émettait une politique fédérale de gestion des terres et créait un comité consultatif en vue d'étudier les changements à la propriété et à l'utilisation des terres fédérales.

Entre temps, en 1974, on mettait sur pied un groupe de travail interministériel des terres dont le mandat était d'enquêter sur la nature des utilisations des terres au Canada, ainsi que sur les problèmes et les solutions connexes. Un des thèmes examinés par ce groupe de travail était la gestion des terres fédérales et ses effets sur l'utilisation des terres en général. La présente publication s'appuie sur un rapport soumis au groupe de travail. En décrivant l'étendue des propriétés foncières fédérales, leur gestion et leurs effets sur l'utilisation des terres, elle indique non seulement l'importance de ces terres pour l'atteinte des objectifs fédéraux mais aussi l'incidence des activités fédérales sur les terres.

## **ABSTRACT**

The effect of federal land ownership on land use is the subject of this report. The federal land management policy of combining the provision of service with wider social, economic and environmental considerations is discussed, and the operation of the Treasury Board Advisory Committee on Federal Land Management is explained. The land management practices of several departments and agencies are reviewed, because they are either major holders of land or they have important policy responsibility for federal land. Facts and figures on the location, quantity and use of federally owned land are tabulated for quick reference and to place the discussion in context.

The report concludes that the major effect of the Federal Land Management Policy will be in urban areas where land values are higher and competition between uses is greater.

## RESUME

Le présent rapport traite des effets de la propriété des terres fédérales sur l'utilisation des terres. On discute de la politique fédérale de gestion des terres visant à fournir des services tout en tenant compte des aspects socio-économiques et environnementaux et on explique la responsabilité du Comité consultatif du Conseil du Trésor relativement à la gestion des terres fédérales. Les pratiques de gestion des terres de plusieurs ministères ou organismes sont passées en revue, soit parce qu'ils sont d'importants propriétaires fonciers, soit parce qu'ils ont d'importantes responsabilités en matière de politiques touchant les terres fédérales. On présente sous forme de tableau les données sur la localisation, la quantité et l'utilisation des terres fédérales afin d'en faciliter la consultation et de situer la discussion dans son contexte.

La conclusion indique que l'effet de la politique fédérale de la gestion des terres se fera sentir principalement dans les régions urbaines, où les terres ont une plus grande valeur et où la concurrence entre les diverses utilisations est plus grande.

## **ACKNOWLEDGEMENTS**

The information on which this paper is based comes not only from the written sources listed at the end but also from conversations with officials in the departments concerned. They were most helpful in providing information and suggesting amendments to the text. The staff in the Real Property Inventory section of the Department of Public Works produced the information on which most of the statistics are based.

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# INTRODUCTION

## **Purpose**

This paper explains the nature of Federal land holdings and Federal land management policy. It also examines the interpretations of that policy made by some of the major land holding departments in the administration of their programmes. The purpose of this paper is to provide information as a basis for making recommendations about the role of Federal land in shaping land use patterns.

## **Organization**

The nature of Federal lands is described, based mainly on facts and figures from the Central Real Property Inventory.

Federal land management policy and the role of the Treasury Board Advisory Committee on Federal Land Management and its members is explained. The permanent members are Treasury Board, Urban Affairs, Central Mortgage and Housing Corporation, Environment, and Public Works.

Treasury Board's policy refers only to land management and applies to land use but not to property management. The latter can be considered as alterations or additions to existing improvements and leases of less than ten years.

The paper examines the land management and land use practices of Departments that are either major holders of land (i.e. over 50,000 hectares(ha.)) such as Indian and Northern Affairs, National Defence, Regional Economic Expansion,

Transport, Public works, Environment, and the National Capital Commission; or those whose land holdings are less extensive but whose programme.

responsibilities are directly related to land management such as Central Mortgage and Housing Corporation. These departments and agencies, between them, control over 99% of Federally-owned land in Canada and 96% of Federal land south of 60 N. Not all of them are subject to Treasury Board policy, NCC and in some cases INA are exempt at present.

The major land holding departments surveyed can be classed into two groups: those for whom land acquisition, ownership and management are an integral part of the programme they administer, and those who need large quantities of land for their operations. The first group consists of Environment, National Capital Commission, Regional Economic Expansion, and Indian and Northern Affairs. The second group includes National Defence, Transport and the crown corporations, Canadian National Railways, National Harbours Board and the St. Lawrence Seaway Authority.

The first group, in common with CMHC and DPW, have defined land management objectives related to their own programme responsibilities. These objectives are consistent with Treasury Board policy and can be considered as departmental interpretations.

The departments in the second group (DND, DOT) adhere to the Treasury Board land management policy and the nature of their programmes in such that statements of land management practices do not appear in reports of their programme activities. These departments are however aware of the wider effects of their ownership of land.

The crown corporations are different again. They have land management policies consistent with their duty to be financially self supporting.

Although an attempt has been made to report on each department in a uniform manner, in some cases far more information on land management practices has

been presented while in others the effects of land ownership have been discussed more fully. Since these reports have been on material provided by the relevant departments they tend to reflect their varying attitudes toward land management.



# FEDERAL LAND MANAGEMENT POLICY

## Introduction

The present management policy for federal land dates from 1973. Before that date acquisition, management and disposition had been determined by the operating needs of the respective federal departments and agencies. However, the Surplus Crown Assets Act 1944 required departments to circulate information about proposed disposals of surplus land.

Rapid urban growth and increasing federal involvement in improvement of the urban and non-urban environment prompted a reappraisal of the use of federally-owned land. Land ownership was recognized as a key mechanism in the achievement of several federal goals in the field of improvement of the environment, regional development and metropolitan deconcentration. Land ownership is also a trump card in tri-level negotiations on urban development.

## Policy

The basic principle of the policy is that federal land should be managed so as to combine the efficient provision of government services with the achievement of wider social, economic and environmental objectives.

In keeping with this principle, federal land holdings which are no longer required to meet the operating needs of particular departments and agencies will normally be retained in federal ownership to help achieve broad government objectives.

The policy recognizes that the magnitude of the federal urban and rural holdings gives them a strategic importance and justifies the need for a more integrated

approach to federal land management. Historically, federal lands have been used mainly to meet specific programme needs. The new policy establishes a land-management process that takes into account the wider public interest in addition to the needs of departments and agencies. (T.B. Circular 1975-80).

## **Application**

The new management policy applies to all departments and agencies listed under schedule A, B and C of the Financial Administration Act except:

1. Indian Lands.
2. Lands declared as National Parks and Historic Sites.
3. Unalienated Federal Crown Lands North of 60°.
4. National Capital Lands.

Schedule D crown corporations have been directed to report to what extent they can comply. Of 14 corporations, only Canadian National Railways, National Harbours Board and the St. Lawrence Seaway Authority are major landholders (i.e. over 10,000 acres). NHB and SEA already comply and CNR is considering the possibility. The principal difficulty for CNR is its decentralized system of records, a result of the Glassco Commission.

## **Administration**

The Treasury Board is responsible for overall land management policy. To supervise the application of the new guidelines the Treasury Board Advisory Committee on Federal Land Management (TBAC/FLM) has been formed. In addition to the Treasury Board, four federal agencies constitute the permanent membership of the committee. They are as follows:

1. Ministry of State for Urban Affairs which formulates policy proposals and co-ordinates inter-departmental and inter-

governmental programmes in urban areas.

2. Department of the Environment performs a similar function outside urban areas. It also provides policy advice on environmental matters.
3. Central Mortgage and Housing Corporation develops and implements projects related to the National Housing Acts. They co-operate with the Public Works Department in the evaluation of any federal land having potential.
4. Public Works Department provides professional advice and services related to land management to government departments. They hold surplus federal land and are the agent for the TBAC/FLM in reviewing federal land holdings and maintaining the Central Real Property Inventory.

It should be noted that these five departments have major policy responsibilities related to land use rather than large land holdings. The only exception is Environment. It is the Lands Directorate who is represented on the Committee, while it is the Forest Management Institute that manages most of the Department's Land. Membership on the Committee by major land-owning departments and agencies was strenuously resisted by Treasury Board.

## **Implementation**

The advisory committee's function is to review for acquisition disposal, lease (of federal land to a lessee) and change in use of federal lands. The Treasury Board circular 1975-80 sets out the factors to be considered by the advisory committee in these cases. They are as follows:

### Typical factors to be considered:

- A. The ways in which federal real property can be managed to support local and national social objectives:
  1. Congruence with local, regional and provincial development

- plans and strategies;
  - 2. Extent of local acceptance or resistance;
  - 3. Relationship between federal installations and local services and amenities.
- B. The way in which federal real property can be managed to support local and national economic objectives:
- 1. Impact of federal installations on the economic vitality of the locality and its relationship to federal economic objectives;
  - 2. Impact with respect to local investment cost and opportunity cost of adapting land use for public purposes;
  - 3. Impact of the federal land development on the local housing and employment situations.
- C. The ways in which federal real property can be managed to support local and national environmental objectives:
- 1. Compatibility with the local environment in terms of land-use possibilities, aesthetics, neighbourhood characteristics;
  - 2. Conformity with Department of the Environment guidelines and regulations.

The extent to which these factors will affect decisions on specific projects will vary depending on such other factors as location of the site, size of the project, timing and the nature of the departmental program need.

## **The Impact of the Treasury Board Advisory Committee**

The Committee plays a key role in the management of Federal lands in the co-ordination of the activities of agencies and departments in land management matters. The necessity of reporting proposed changes in ownership, tenure or use makes the appropriate department or agency justify its proposals to a committee representing Federal departments and an agency that has land management expertise. The Committee thus has an overall knowledge of the land management activities of Federal departments and agencies. As a result the Committee can influence Federal land management in the following ways:

1. Co-ordination. The Committee, in receiving advance notice of all departmental and agency land management proposals, can delay, encourage or suggest changes in such a manner as to co-ordinate plans of differing departments' and agencies' neighbouring sites. It can do the same between federal and provincial or municipal bodies through one of its members, Urban Affairs. This Ministry through its co-ordination wing is specifically charged with such a responsibility.
2. Comprehensive Federal Planning. In cases of land being surplus to the present user's requirements the Committee can order studies by its members of suitable new uses. Depending on whether the land is urban, rural or has housing or federal office potential, Urban Affairs, Environment, CMHC or Public Works would lead the study.
3. Mandates of Departments. In proposing a change of use or tenure of land a department or agency may unwittingly be exceeding either its own programme responsibility or even federal powers. The Committee is able to check such matters.

A problem that is as yet unresolved by the Committee is the fact that they have an express land management policy but no land use policy. Nevertheless, they are expected to review proposed changes in land use using the social, economic and environmental factors in the land management policy, and common sense.

## **Description of Land Holdings**

All land administered by Federal departments is held in the right of Canada. In the case of Indian reserves usufructuary rights are granted to Indian bands. In the case of national parks or historic sites the land is dedicated to such a use and can only be retracted by Act of the Federal Parliament. In all other cases the Crown is empowered to buy and sell land at will. Agencies may hold title to their own land; they may also administer land held in the right of

Canada and many do both.

The Federal Government and its crown corporations own 386,799,325ha. of land. Of this, 376,058,149ha. are unalienated crown land north of 60°N, 12,500,487ha. acres are in national parks, 2,542,199ha. are in Indian reserves, 568,839ha. in Defence reserves, and 502,650ha. in community pastures. The remaining 419,586ha. are owned by some thirty agencies, the largest of which is Transport which, combined with NHB and the St. Lawrence Seaway, owns 163,553ha. mainly in airports and ports. (See tables 1 and 2).

The location of Federal land is dominated by the area of unalienated crown land north of 60°N, accounting for one-third of Canada's total area. South of 60°N, there are 10,741,175ha. administered by departments and agencies, of which 5,713,526ha. are in Alberta.

The amount of federally owned land varies widely between provinces. In Alberta 6.4 million hectarer or 9.6% of the province is federally owned, mostly in national parks or indian reserves. Quebec, the largest province in area, only contains 233,512ha. of federal land and indian reserves 0.1% of the province(See table 5).

In Canada's 22 CMAs, the Federal Government owns 85,153ha. The major holding agency is Transport (25060ha., 29380ha., including NHB and SEA), followed by NCC (22,814) and Defence (22,285). The other 10,712ha. are distributed among other departments; Agriculture and Public Works accounting for over half of them. (See tables 3 and 4).

Of the CMAs, Ottawa is the location of the greatest concentration of Federal land: 31,754ha. Montreal, Toronto, Quebec and Vancouver account for another 32,504ha., the remaining 20,936ha. being shared between the remaining 17 CMAs. It should be noted that acreages of federal land vary widely between CMAs because the largest single federal holding in most cities is the airport. Sometimes this is within the CMA as it is in Toronto, sometimes it is not, as

in Winnipeg. (See table 4).

Finally a note about land leased by the Federal Government from other owners. The total area is 5.1 million hectares Of this, 3.7 million hectares is leased by DPW for the NRC Churchill Rocket Range and another 1.3 million hectares is leased by the Defence Department in Saskatchewan and Alberta. (See table 1).

Table 1  
Federally Owned and Leased Land by Province and Territory in Hectares

Province	Unalienated Crown Land	Indian Reserves	Owned By Departments	Total Owned	Leased
Newfoundland			66,216.86	66,216.8	2,091.0
Prince Edward Island		776.9	3,900.3	4,677.2	54.2
Nova Scotia		11,395.9	156,642.3	168,038.2	534.5
New Brunswick		16,736.9	170,632.1	187,369.0	133.1
Québec		82,798.9	150,713.1	233,512.0	704.5
Ontario		669,873.8	129,731.7	799,605.5	2,759.1
Manitoba		205,402.3	323,850.6	529,252.9	3,684,393.0
Saskatchewan		558,148.4	952,525.5	1,510,673.9	842,145.8
Alberta		656,545.5	5,713,526.3	6,370,071.8	609,144.4
British Columbia		336,325.2	535,432.7	871,757.9	6,084.0
Yukon	52,120,600.0	3,193.3	2,211,096.6	54,334,889.9	0.8
Northwest Territories	318,145,668.0		3,577,591.9	321,723,259.9	41.2
Total	370,266,267.0	2,541,199.2	13,991,859.9	386,799,326.1	5,148,086.9

Source: CRPI 1978.

Table 2.

## Land Holdings in Hectares by Department and Land Use

Department	Residential	Commercial	Agriculture Conservation	Mining	Industrial	Land Reserves	Open Space	Institution	Power and Communication	Land, Air Transportation	Marine Transportation	Total
AGR	14.65	28.05	240.30					13384.20				13,667.18
AEC	635.60				128.69			8634.86		.12	1.10	9,399.15
CAE	5.61	81.27				14.08						102.18
CAL	462.15				15.18							477.33
CBC	1.61	28.16			.49	33.75			1049.87			1,113.88
CMHC	5.02	10.00			17.32	539.99	54.35					626.68
COMM								8.74	885.17			893.91
DND	96.69	16.55	2658.99		.47	19.46	389.43	568838.75	24365.26	741.41	12.14	597,139.15
DOE	10.80	8.93	25289.03		.04	22.51	12727.00	12817.69		707.34	813.08	52,396.42
DOT	44.44	61.73	7224.76	5.18	1.22	53.15	.24	615.99	2770.94	115942.71	2833.13	129,553.49
DPW	135.76	1834.21	34466.47	80.65	55.21	1619.35	332.28	2172.91	.28	1939.33	7790.24	50,426.68
DVA							2.02	243.05				245.07
ELD	11.33	.24			39.46	.20		2.14		1.06		54.43
EMR	.04							288.63				288.67
IAN	131.00	71.08	684.49	48.48	5.73	21198.91	12500486.56	4659.52	62.13	92.00	6960.83	12,534,400.75
NBC							95.10					95.10
NCC		.77	197.53		12.14	1396.29	40462.69	2.87		1936.62		44,008.91
NCP	5.75	6.23			1.50	.08			10731.16			10,744.72
NHB		5.06				70.34				247.50	22774.87	23,097.77
NHW	83.39						6.72	115.87				205.98
NRC	71.39	660.65						1755.76				2,487.80
NTC	5.30	1.13			15.05	1.21				4.61	5.26	32.56
PEN								5628.68			.24	5,628.68
RCMP	20.52	464.99	139.21		.12	10.34	14.97	74.22	187.94			912.55
REE		7.50	502650.22					4.49				502,662.21
SSD						858.66				9491.10	552.27	10,902.11
SLS		.08								131103.80	41743.16	13,991,563.36
TOTAL	1741.05	3286.63	573551.00	134.31	292.62	25838.32	12554571.36	619248.37	40052.75			

Source: CRPI 1978

Table 3  
Federally Owned Land in Hectares

Province	CMA	Non-CMA	Totals
Newfoundland	1,458.8	82,509.3	83,968.1
Prince Edward Island		3,274.5	3,274.5
Nova Scotia	2,413.3	148,811.4	151,224.7
New Brunswick	1,787.2	167,788.6	169,575.8
Québec	26,922.7	120,399.5	147,322.2
Ontario	38,278.1	80,682.6	118,960.7
Manitoba	221.5	322,970.7	323,192.2
Saskatchewan	1,406.2	931,920.6	933,326.8
Alberta	4,099.8	5,713,472.7	5,717,572.5
British Columbia	8,565.3	526,803.8	535,369.1
Yukon		2,211,961.8	2,211,961.8
Northwest Territories		3,589,255.3	3,589,255.3
Totals:	85,152.9	13,899,850.8	13,985,003.7

Source: CRPI 1975.

Table 4  
Federal Holdings in the Core & Fringe of 22 CMAs  
(in hectares)

City	Core	Fringe	Total
Calgary	1104.8		1104.8
Chicoutimi	15.3	810.8	826.1
Edmonton	308.2	2686.3	2994.5
Halifax	211.4	2201.9	2413.3
Hamilton	6.8	410.6	417.4
Kitchener	4.1	1.2	5.3
London	187.9	557.2	745.1
Montréal	712.8	9518.7	10231.5
Ottawa	3238.7	19936.1 (Ont.) 8578.7 (Qué.)	31753.5
Québec	373.4	6913.3	7286.7
Regina	770.3	443.4	1213.7
St. Catharines	725.3	2339.2	3064.5
St. John	705.1	1082.5	1787.6
St. John's	362.4	1096.3	1458.7
Saskatoon	192.7		192.7
Sudbury	9.7	150.6	160.3
Thunder Bay	3.2	37.2	40.4
Toronto	63.9	9753.6	9817.5
Vancouver	894.2	4273.9	5168.1
Victoria	221.5	3175.6	3397.1
Windsor	801.0	51.4	852.4
Winnipeg	145.3	76.1	221.4
			85152.6

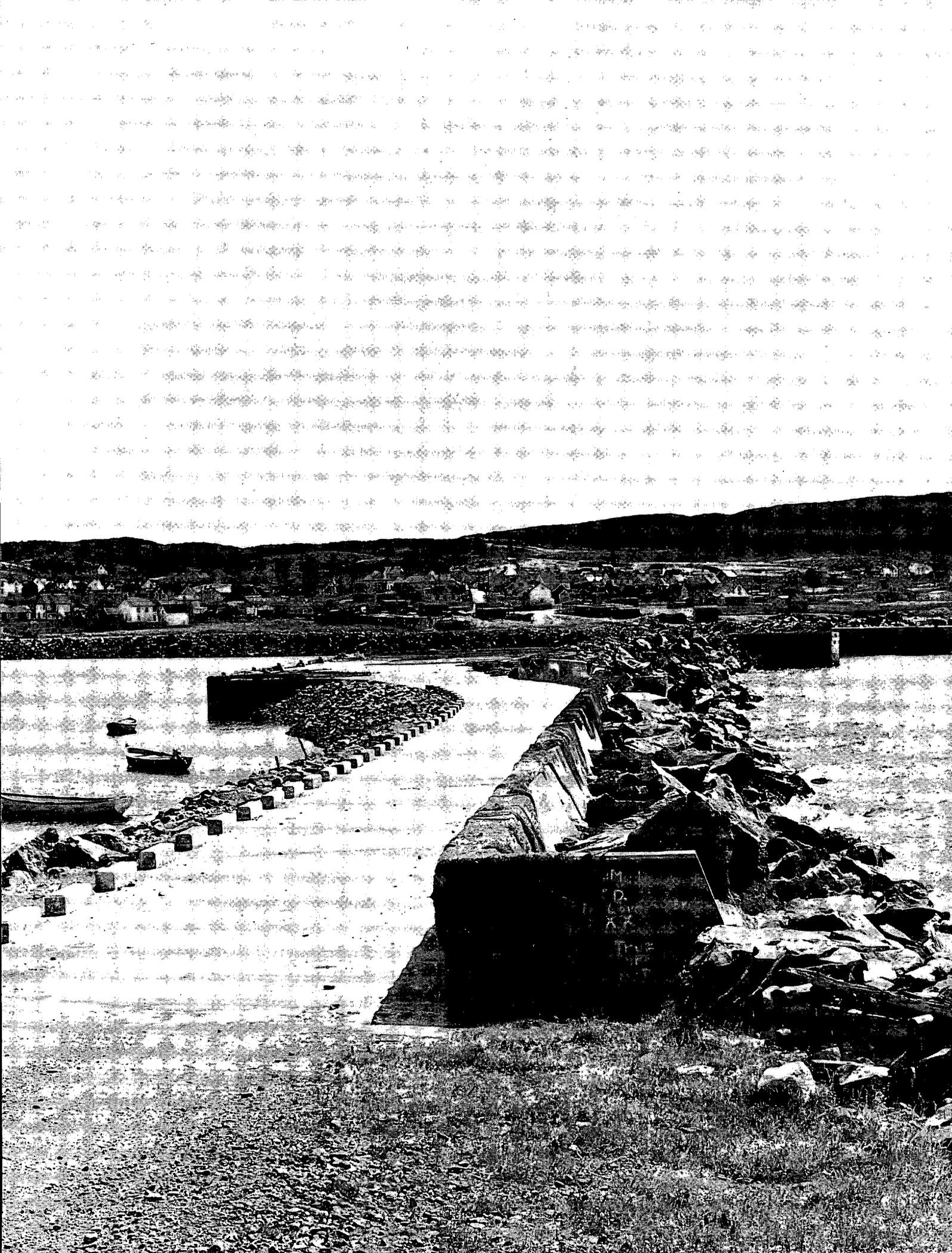
Source: DPW CRPI 1974.

Table 5

## Federal Land as a Percentage of All Land in Hectares

Province	Provincial Area	Federal Land	Percentage
Newfoundland	40,483,152.0	66,216.8	0.1
Prince Edward Island	566,092.8	4,677.2	0.8
Nova Scotia	5,553,360.0	168,038.2	3.0
New Brunswick	7,349,356.8	187,369.0	2.5
Québec	151,595,712.0	233,512.0	0.1
Ontario	106,941,254.4	799,605.5	0.7
Manitoba	65,059,200.0	529,252.9	0.8
Saskatchewan	65,240,640.0	1,510,673.9	2.3
Alberta	66,169,872.0	6,370,071.8	9.6
British Columbia	94,933,296.0	871,757.9	0.9
Yukon & NWT	391,904,956.8	376,058,149.8	95.9
Canada	995,796,892.8	386,799,325.0	38.8

Source: CRPI (1978) and Canada Yearbook (1974).



# **PUBLIC WORKS DEPARTMENT**

DPW administers two programmes that relate to Federal ownership of land: Land Management and Accomodation.

## **LAND MANAGEMENT AND DEVELOPMENT PROGRAMME**

### **Purpose**

To manage and develop Federal lands so as to combine the efficient provision of government services with the achievement of wider social, economic and environmental objectives.

### **Legislative Authority**

Under the Public Works Act (R.S.C. 1970, c. p.38), the department was made responsible for the management and direction of the public works of Canada except as specifically provided for in other statutes. This includes responsibility for the construction and maintenance of public buildings, acquiring leased accommodation for public use, construction and maintenance of wharves, piers, roads, bridges and the Trans-Canada Highway and improvement of harbours and navigable channels.

DPW administers the Expropriation Act 1970 which concentrates the expropriation powers of the Federal Government in the hands of DPW.

### **Programme Description**

DPW is the Federal department responsible for the acquisition and disposal of

Federal real property as well as its management and development. It acts as agent for administering departments and agencies in these matters and provides technical and professional services in planning and real property requirements. The administration of this programme is tied closely to the policy of the TBAC on Federal land management.

Two activities of importance to policy formulation are the Central Real Property Inventory (CRPI) and the Area Screening Canada Programme (ASC).

The CRPI is a computerized inventory of all property owned by or leased to the Federal Government and some Crown Corporations. It contains the name of the responsible agency, location, size, use and other characteristics of every parcel of federal land. Once again the most notable omission is CNR. Its records are decentralized and reporting its holdings to DPW would be a costly process.

The ASC programme was introduced in 1973 and is designed to:

1. Identify existing government properties in context

All federal properties along with the holdings of provincial and municipal government will be surveyed and cartographically represented within the context of the host community.

2. Provide a socio-economic and environmental profile of the host community

The collection and analysis of selected indicators and information regarding social, economic and environmental factors and trends that may have impact on federal property management.

3. Synthesize governments land planning principles, policies, objectives and goals

The collection and synthesis of principles, policies, objectives and goals articulated by the federal, provincial and local governments that have a bearing on comprehensive land planning and utilization.

4. Evaluate the current use of federal properties in the light of land planning objectives

The evaluation of the current use of federal land in relation to the principles, policies, objectives and goals of the various levels of governments, to assess whether federal properties fulfill these land planning objectives.

A fifth objective was to indicate possibilities for more compatible uses but practical problems were encountered. The regional staff responsible for the field work were property managers rather than policy advisers and the results were little more than guess work. The Area Screening Reports are now confined to factual information on urban profiles, local policy objectives and federal properties.

## **ACCOMMODATION PROGRAMME**

### **Purpose**

To provide departments and agencies of the Federal government with accommodation of approved standards of quantity, quality and efficiency at the most economical cost.

### **Legislative Authority**

Public Works Act

### **Programme Description**

This programme in effect is part of the Land Management Programme. Its specific purpose is to purchase, build or lease accommodation for Federal departments. In many cases this is office accommodation but includes special purpose buildings such as Post Offices, prisons, or the Parliament Buildings. Some departments such as Transport, Defence, Indian and Northern Affairs, and the Penitentiary Service administer their own property. Others such as the

Post Office and other departments that have many branch offices such as Manpower and Immigration or the Unemployment Insurance Commission occupy premises administered by Public Works. Many of the small craft harbours in the Environment programme are administered by Public Works.

## **DESCRIPTION OF LAND HOLDINGS**

DPW owns 50,427ha. across Canada 74% of which is in Quebec in farmland surrounding Mirabel Airport. The other uses of DPW land across the country are overwhelmingly commercial and transportation and communication. The Post Office or Federal Building in every community and federal offices in Ottawa are classed as commercial while a large number of small harbours in provinces other than the prairie provinces account for the transportation sector. Only Ontario has a concentration of institutional uses, which is accounted for by the Greenbelt Experimental Farm in Ottawa.

Land leased by DPW is important only in Manitoba and British Columbia. 3,551,055ha. are leased at Churchill for the NRC rocket range. In B.C. DPW leases 493ha., mainly for harbours. (See Table 6).

TABLE 6

## Public Works Department Land Holdings in Hectares by Province and Land Use

Province	Residential	Commercial	Agriculture Conservation	Mining	Industrial	Land Reserves	Open Space	Institutions	Power and Communication	Land, Air Transportation	Marine Transportation	Total
Nfld.	1.30	228.62				1 124.06					119.00	1 472.98
P.E.I.		6.07							.28	174.12	118.03	298.50
N.S.	.11	31.65			.18	78.38		37.48		.02	333.95	481.76
N.B.		165.13				13.84					448.50	627.46
Qué.	11.41	291.31	34 464.57			221.41	308.40	50.57		192.80	2 200.54	37 741.00
Ont.	35.15	654.17	1.82		24.70	72.43	23.88	1 943.22		41.10	4 058.86	6 855.34
Man.	.75	181.81				72.51		141.64			83.68	480.38
Sask.	.28	22.47			22.26	.53				.18	2.83	48.54
Alta.		34.43			7.09	9.32				.58	20.06	71.49
B.C.	35.81	79.40	.08		.98	21.98				1 530.51	373.41	2 042.16
Yukon	9.31	132.11		80.65		.20						222.28
N.W.T.	41.64	7.04				4.69				.02	31.38	84.77
Canada	135.66	1 834.21	34 466.47	80.65	55.21	1 619.35	332.28	2 172.91	.28	1 939.33	7 790.24	50 426.68

Source: CRPI 1978



# CENTRAL MORTGAGE AND HOUSING CORPORATION

## FEDERAL-PROVINCIAL LAND ASSEMBLY PROGRAMME

### **Purpose**

To provide financial assistance through CMHC to municipalities and provinces wishing to assemble and develop land for residential and associated purposes or to establish land banks of a predominantly residential nature for future development.

### **Legislative Authority: National Housing Acts 1947-1973**

#### Public Housing

40. (1) The Corporation may, pursuant to agreements made between the Government of Canada and the government of any province, undertake jointly with the government of the province or any agency thereof projects for (a) the acquisition and development of land for housing purposes or for any purpose incidental hereto;

2. (1) The Corporation may make a loan to a province, municipality or public housing agency for the purpose of assisting that province, municipality or agency to acquire and service land for housing purposes or for any purpose incidental thereto.

#### New Communities

##### Federal-Provincial Agreements

45.1 (1) The Corporation may, pursuant to agreements made between the government of Canada and the government of any province undertake jointly with the government of the province, or an agency or corporation designated in the agreement, a project for

- (a) the acquisition of lands for a new community, including land to be used for transportation corridors linking the community to other communities or for public open space in or around the new community or separating it from any other community;
- (b) the planning of the new community; and
- (c) The designing installation of utilities and other services that are required for the development of the community and normally owned.

45.2 (1) The Corporation may, upon the application of a province, and with an the approval of the Governor in Council, make a loan to the province, or an agency or corporation designed by the province, to be used for the purpose of

(a) acquiring lands for a new community, including land to be used for transportation corridors linking the community to other communities, or for public open space in or around the new community or separating it from any other community;

(b) planning the new community; and

(c) designing and installing utilities and other services that are required for the development of the community and normally publicly owned.

### **Programme Objectives**

S.40, S.42.

(1) to stabilize, and where possible to reduce serviced residential land prices by increasing supply;

(2) to change the basic nature of the residential land development process by making it less financially onerous to municipalities;

(3) to assist in the implementation and control of municipal, regional and/or provincial growth policies;

(4) to develop more efficient land use and servicing concepts for residential development.

Through Federal Government policy, public agencies participating in National Housing Act land programs are asked to relinquish any potential profit generated by the sale of commercial, industrial and market price housing lands, utilizing such funds to provide land at no cost to the municipality for community facilities and community service buildings.

S.45 (1) To promote means of urban growth other than by the continued expansion of major urban centres.

(2) To provide a mechanism for the establishment of new regional growth centres.

(3) To facilitate the balanced development of resource based new communities.

### **Implementation**

Public land assembly is normally used to provide the shortfall in land requirement that has not been met by private enterprise, provide land for low and modest income housing, and to assist in land price stabilization. The two federal land assembly programs are Section 40 (land) and Section 42 of the National Housing Act.

Federal funding under these two Sections of the National Housing Act is available only to Provinces and Municipalities with policies and goals designed to assure a continuing adequate supply of serviced residential land and thus a competitive and stable market. Funding is also conditional upon adoption of the Federal Comprehensive Land Development policy. This policy requires that all profits that may be derived from land disposed of above cost be put back into the project to provide social and recreational amenities and to provide serviced land below cost for low and modest income persons.

Two funding mechanisms are employed. Section 40 (land) employs a 75%-35% financial/managerial partnership between CMHC and the Province. The majority share of the investment is committed by CMHC and profits and losses are shared according to the same ratio. This arrangement has been actively employed. It involves that making of repayable 90% loans by CMHC to provinces or municipalities undertaking land development of a residential nature, and has been in use since 1967. Most Federal land assembly funding now occurs through Section 42.

Since the inception of the Federal program in 1950, assistance through both the above financial methods has been authorized for the acquisition of 29,611ha. and the development of 6,316ha. of land. Some of the latter is land previously acquired with Federal funds, however, a significant portion of it is land that was held and owned by the participating governments. Similarly, much of the

land authorized for acquisition has been developed by the participating governments without Federal assistance.

All provinces and territories except the Yukon Territory have taken advantage of Federal assistance in one or both of the above programs, however, the Province of Quebec has only recently begun public land activity and accordingly has a low rate of utilization (2 loans in 1974).

A geographic survey of land assembly program activity since 1950 by Region is presented below:

	A		B	
	Hectares Acquired (Federal Budget Authorization) <u>Sec. 40 and 42</u>		Hectares Developed (Federal Budget Authorization) <u>Sec. 40 and 42</u>	
Atlantic Region	5,373	(18%)	1,520	(24%)
Quebec	310	( 1%)	43	(.7%)
Ontario	12,469	(42%)	3,385	(54%)
Prairies & NWT	8,201	(28%)	783	(12%)
B.C.	<u>3,259</u>	<u>(11%)</u>	<u>584</u>	<u>( 9%)</u>
	29,612	(100%)	6,316	(100%)

Note: Not all land funded for development (Column "B") was acquired through Federal funding in Column "A".

Provinces in the Atlantic Region have used the land assembly program extensively, especially since the mid 1960's. Ontario has been the most active program user, both funding mechanisms being employed at present. Activity in the three Prairie provinces and NWT has been most pronounced since the late 1960's. In the NWT, funding under Section 42, NHA has also been made available for the development of a new resource-based site, the first such application of

land assembly assistance in this way. Similar to the Prairie experience, program activity in B.C. has been concentrated largely in the last few years.

In every geographic region, the assistance has been spread between metropolitan, large urban and rural municipalities. In such provinces as Newfoundland this funding constitutes the only substantial source of assistance for the development of residential lands in outlying areas. Similarly, in Nova Scotia and Saskatchewan large numbers of small communities benefit from these two programs. In the more urban provinces funding is directed to a greater degree to the development of land in metropolitan and large urban areas.

### **Relationship to Federal Land Management Policy**

CMHC as opposed to other federal agencies finances land acquisition either by loans or joint purchase. Title to the land however usually rests in the provincial agency. Not only is this land not federally owned or managed but it is disposed of in the short or medium term. How do the Federal guidelines apply? CMHC is now demanding that the Provinces and Municipalities have policies and goals designed to ensure an adequate supply of residential land in a stable market before funds are provided and that the Federal Comprehensive Land Development policy be adopted. This can be interpreted as consistent with wider social economic and environmental objectives.

The NHA provides for lease of land assembled under SS40, 42 but this is usually restricted to the 25% of the land. Priority is given to commercial and industrial units or non profit organizations constructing low income housing. It is not known what proportion of NHA assembled land is leased as opposed to sold. In Ontario, the province requires all land assembled by OHC & CMHC to be leased.

CMHC is increasingly making use of the words "for any purpose incidental (to housing)" in SS40, 42. Their interpretation of the amount of land devoted to such uses is 25%. They encourage a blend of land uses to achieve economic viability.

CMHC is thus able to combine the efficient provision of housing with the achievement of wider social, economic and environmental objectives.

## **DIRECT CONSTRUCTION DEMONSTRATION PROGRAMME**

### **Purpose**

To build attractive, alternative forms of communities containing housing that most people can buy. Such innovative projects demonstrate new approaches and, at the same time, test the feasibility of new programmes, and policies which the Corporation might be considering.

### **Legislative Authority**

National Housing Act S.55.

### **Programme Description**

This hitherto rarely used section of the NHA is worth noting since it accounts for the majority of land owned by CMHC. Two completed projects exist: CMHC head office in Ottawa and the Cite du Havre in Montreal. The latter was conceived as a demonstration of innovative design and construction techniques for Expo '67.

After 1967 the Direct Construction programme languished in virtual desuetude until 1973 with a budget allocation of less than one million dollars. For 1975-6, \$38 million has been allocated under S.55 for the Demonstration Programme and five projects are on the drawing-boards. Two are in Ottawa and one each in Hull, Revelstoke and Charlottetown.

## **DESCRIPTION OF LAND HOLDINGS**

CMHC holds little land in its own name (623 ha.), since its land assembly activities vest title in the province. Its major holdings are 340ha, in Quebec City, and 123ha. in land reserves in Ottawa. All of these have either been developed or will be under S.55 Direct Construction. The 17ha. in B.C. classed as industrial are on Granville Island, Vancouver, an urban

demonstration project. (See Table 7).

CMHC leases no land.

TABLE 7

## Central Mortgage and Housing Corporation Holdings in Hectares by Province and Land Use

Province	Residential	Commercial	Agriculture Conservation	Mining	Industrial	Land Reserves	Open Space	Institutions	Power and Communication	Land, Air Transportation	Marine Transportation	Total
Nfld.												
P.E.I.												
N.S.												
N.B.												
Qué.						417.41	51.72					469.12
Ont.		9.51				122.58	2.63					134.72
Man.												
Sask.												
Alta.												
B.C.	5.02	.49			17.32							22.82
Yukon												
N.W.T.												
Canada	5.02	10.00			17.32	539.99	54.35					626.67
	Source: CRP, 1978											



# INDIAN AND NORTHERN AFFAIRS DEPARTMENT

Indian and Northern Affairs has three programmes which involve the management of large tracts of land, Indian and Eskimo Affairs, Northern Affairs and Conservation. None of these programmes are subject to the Treasury Board Guidelines.

## INDIAN AND ESKIMO AFFAIRS PROGRAMME

### Objective

To innovate, support and encourage coordinated activities whereby Indians and Eskimos may achieve their cultural, economic and social aspirations within Canadian society.

Sub-objectives related to land consist of improvement of physical amenities such as housing, and resource development.

### Legislative Authority

Indian Act 1951.

### The Basis for Authority and Administration of Indian Reserve Land

An Indian reserve is defined by the Indian Act as: "a tract of land, the legal title to which is vested in Her Majesty, that has been set apart by Her Majesty for the use and benefit of a band". These reserves have been established in a number of ways: by treaty; by purchase by the Crown or Indian band; by grant of the French or British Crown; by agreement with the provinces; by statute of federal, provincial or colonial governments, or by a combination of two or more of these.

The act of setting the land apart as a reserve creates an Indian interest which

inhibits the freedom of the Crown, as legal owner, to use the land. When land is set aside for a reserve, all members of the band have the right to use and occupy the land subject to restrictions which might be imposed by the band or Department under the Indian Act. This usufructuary right is separate from the title to the land and must be surrendered before any non-Indian can acquire any interest in the land.

The British North America Act gave the Federal Parliament exclusive legislative jurisdiction over lands reserved for the Indian people but it did not automatically give it title to those lands. Except when there are special agreements provincially-owned lands remained vested in the province other than in the Prairie Provinces. Federal/provincial agreements have served to give Canada administrative control over reserve lands in Nova Scotia, New Brunswick, Ontario and British Columbia.

An Indian band has the right to the use and benefit of the reserve set aside for it. It has, under the Indian Act, the right to control that use within the band. It exercises this right through its council. The council, for example, may, by the process of allotment, give to band members possessory rights with respect to parcels of land within a reserve.

Neither a band member nor the band council, however, has any authority or jurisdiction to deal with anyone other than a member of their band with respect to reserve land. Only the Minister of Indian Affairs can grant rights or interests in this land to anyone who is not a member of that specific band.

The Minister, in turn, can, with a few exceptions only grant such rights and interests if the Indian interest has been removed when the lands have been formally surrendered by the band for which they were set aside. There are some exceptions set out in the Indian Act, but the basic rule is that the consent of the band, formally obtained through a surrender vote or referendum, is required before any such alienation or disposition can be made by the Minister.

## **Surrendered Lands**

As defined in the Indian Act, "surrendered lands" means a reserve or part of a reserve or any interest therein, the legal title to which remains vested in Her Majesty, that has been released or surrendered by the band for whose use and benefit it was set apart.

The effect of the surrender is to enable the Minister to use the land in order to achieve the objectives of the band. The Minister is bound by the terms of the surrender.

A surrender for lease may be for a fixed or an indefinite period. The authority of the Crown is exercised by the Minister of Indian Affairs and it is one of his duties to ensure that any rights the provinces may have and which arise upon the surrender of the Indian interest, are respected. This can include respecting provincial title to the land and the terms of any agreements which have been made between the provinces and the Federal Government regarding reserve lands. In this respect, agreements have been made with most of the provinces where title to reserve land is vested in the provincial Crown, so that money derived from the sale or lease of surrendered reserve lands goes directly into band funds.

## **Procedures involved in allowing Non-Indian Development on Reserve Land**

Generally speaking a sale or lease of reserve land must be preceded by a surrender which, in turn, must be accepted by the Governor-in-Council before it is of full force and effect. The purpose and effect of a surrender is the voluntary release by the Indians of their interest in the land in order that it may be utilized by others for their benefit. The Indian interest in land is restored upon fulfillment of the conditions of surrender.

In addition, special provision is made whereby non-Indians may acquire rights of use and occupation of reserve lands by way of permits, leases of individually allotted lands, easements, or rights-of-way.

## **Indian Land Management Policy**

Under Section 91 of the British North America Act legislative jurisdiction over Indians and the lands reserved for them is vested in the federal government. Indian reserves including surrendered land are exempt from provincial property taxation and land use regulatory procedures. Until recently this legal situation has not been of significant concern to the provincial/municipal system. However, the increasing emphasis on both regional government and land use planning, has resulted in conflicts where land uses on the reserve do not conform to controls placed upon use of adjoining lands.

While the Department has responsibility for the management of Indian land, in practice individual bands are encouraged to set the goals for the utilization of their reserves. The practice of the Department has been to seek application of the best general principles of land management and development in the management of Indian lands in order to maximize the economic return from their lands for the Indian people, to the extent that this has been compatible with the Indians' own objectives.

From time to time there have been instances where Band Councils have pressed for land uses which are not wholly acceptable to communities surrounding a reserve. The Department has always sought to have the Band Council meet with other local councils or agencies to resolve any differences. As a general practice, Bands do work closely with neighbouring communities to maintain harmonious relationships.

It has been necessary to recognize that in certain instances municipalities and other government agencies tend to look upon Indian Reserves as something which should be subordinated to their interest. The Department's view is that Indian Bands must in this context be considered as another community which is involved in the development process. At the same time, it is recognized that major real estate development cannot be achieved in isolation and requires close

co-operation between various levels of government and the Indian Band.

In fulfilling its responsibility in the management or development of Indian Reserve land the Department tries to minimize areas of potential conflict with Government policies being implemented by other Departments of the Federal Government. Nor is it the policy of the Department to rest on the immunity of Indian land from Provincial or municipal control as a basis for acting in a manner contrary to the interest of the neighbours of any reserve. As a general rule, this is also the attitude of the Bands themselves. On the other hand, the Department expects that other levels of government would not selfishly disregard the legitimate interests and aspirations of the Indian Band involved.

While most reserves choose to remain isolated from the provincial/municipal structure out of concern for any loss in rights they hold under their unique relationship with the federal government, there is a trend towards agreements for provision of municipal services on reserves which has led to better co-operation between reserve communities and their neighbours.

## **Current Initiatives**

### **New Housing Policy**

Proposals for an improved housing program have been developed jointly with the National Indian Brotherhood and the Department. It is felt that such a move will greatly enhance the quality and quantity of housing on Indian reserves as well as providing better infra-structure, servicing, and a more co-ordinated and planned approach to community development.

### **Utilization of DREE Incentives**

It will be possible for Indian communities to take advantage of certain DREE/Provincial subsidiary agreements which provide for improvements to community infrastructure in developing communities. Industrial developments on reserves may also be stimulated by the subsidiary agreements. DIAND will be

taking a more active role in stimulating and encouraging direct Indian involvement in the formulation and implementation of DREE Agreements.

### **Development Control Needs**

DIAND capital funds, supplemented increasingly by funds from other federal departments, will not be well spent without further attention to land use planning and development control on reserves. The past trend toward random development on reserves will give way to more orderly approaches largely because of the provisions which will be attached to federal funding. In the absence of an applicable planning act on reserves, reserve development will likely utilize guidelines set out by federal agencies such as C.M.H.C., Public Works, etc.

By-laws for development control will likely become more prevalent on larger reserves where development pressures are greatest. This will require strengthening of band policing since band by-laws are not enforceable by federal or provincial police.

There is little support within or without DIAND for initiation of a planning act for Indian reserve development control. Neither is there any potential that reserves may allow themselves to be put under provincial land use or development control. However, in the interest of mutual co-operation most reserves will make concerted efforts to avoid conflict with their neighbours provided they are given the same courtesy in return. The degree of co-operation in future (and consequently the degree of conflict over land use) will depend largely on the ability of Indian and non-Indian governing bodies to communicate, remembering that communication is a two-way street.

### **Committee on Urban Use of Indian Land**

Concern has been expressed to the Minister regarding urban use of Indian lands outside of jurisdictional control by the Provinces. As a consequence Treasury Board has requested that DIAND prepare a submission to cabinet seeking confirmation by cabinet of the Department's role in promotion of industrial,

commercial and real estate development on Indian reserve land.

### **Environmental Management Needs**

On-reserve projects with major environmental impact could be submitted to the federal Department of Environment, EARP process (Environmental Assessment and Review Process). On-reserve environmental management will likely remain a priority with most Indian bands because of strong cultural ties with the natural environment. Also, because much of the funds spent on reserves are government funds, environmental concerns are taken into consideration in reserve development.

### **Conclusions**

Although not subject to Treasury Board guidelines, the management policy for Indian Lands emphasizes compatibility with neighbouring uses, and the need for development control on reserves. Municipal regulations do not apply on reserves. Reserve lands are set aside for the use and benefit of Indian bands and are disposed of or sold only with the consent of the Indians concerned.

# **NORTHERN AFFAIRS PROGRAMME**

## **Objective**

To advance the social, cultural, political and economic development of the Yukon and Northwest Territories, in conjunction with the Territorial Governments and through co-ordination of the federal departments and agencies, with special emphasis on the needs of native northerners.

Sub-objectives related to land: To contribute to the protection and enhancement of the northern environment and the enlargement of opportunities for recreation. To manage the natural resources of the North and to stimulate economic development.

## **Legislative Authority**

Territorial Lands Act 1970.

The Territorial Lands Act is in essence, enabling legislation providing for the disposition of surface and sub-surface rights to land north of 60°N. It provides the Governor in Council with authority to sell, lease or otherwise dispose of territorial lands and to make regulations authorizing the Minister to do likewise subject to any limitations prescribed by the Governor in Council.

Under the Act the Governor in Council can also make regulations for the leasing of petroleum and mineral rights and for the issuance of permits to cut timber and can make regulations and orders with respect to enquiries, including the examination of witnesses under oath, into questions affecting territorial lands.

Finally the Governor in Council is empowered to set apart and appropriate territorial lands for various purposes including their use for certain public works, to fulfill obligations under Indian treaties, and as national forest, public parks, game preserves or other similar public purposes.

## **Territorial Land Use Regulations**

The current version of the Territorial Lands Act (RSC 1970, c. 48) contains only one major revision to the original Act. In 1970 the Act was amended authorizing the Governor in Council, "where he deems it necessary for the protection of the ecological balance or physical characteristics of any area... to set apart and appropriate any territorial lands as a land management zone." The amendment also authorized the Governor in Council to make regulations respecting the protection, control and use of territorial lands and the issuing of permits for the use of the surface of the land within a land management zone. In addition the Land Use Regulations describe the terms and conditions which may be included in a land use permit required for any operation carried out within a land management zone.

The 1970 amendment to the Territorial Lands Act and the 1971 Land Use Regulations, represent a major departure from previous Canadian Government land legislation, dating back to the enactment of the Dominion Lands Act in 1872. Previous legislation was designed to transfer surface and subsurface rights and to provide a legal basis for setting aside specific areas for particular use such as public parks. By providing for regulations designed to minimize the detrimental effects of land use operations on the land the 1970 amendment changed the spirit of the Act from that of a vehicle for allocating rights to one which also protected the land surface.

The application of the Land Use Regulations is limited in two major respects. They do not apply to mining activity in the Yukon Territory, since the Territorial Lands Act does not limit the operation of the Yukon Placer Mining Act, nor the Yukon Quartz Mining Act. They do not apply to any lands for which the surface rights have been disposed of by the minister. The latter includes territorial lands which have been leased or sold and also those lands in either of the two territories which have been transferred by Order-in-Council to either Commissioner.

## **Territorial Land Regulations**

The Territorial Land Act provides for the sale, lease or other disposition of territorial land north of 60°N. The Territorial Land Regulations deal specifically with the administration and disposal of these lands. All dispositions are subject to certain reservations, some by virtue of the Act. For example, all mineral, fishing and water rights are reserved to the Crown as is the bed below any body of water and a one hundred foot wide strip along the shoreline of any navigable water. Under the Territorial Land Regulations other reservations and conditions apply. For example, in every agreement of sale or grant, other than surveyed land in a townsite, a part of the land may be appropriated for the purpose of a public road and every lease shall contain a reservation of all mines and minerals, whether solid, liquid or gaseous, and full power to use and occupy the lands in order to extract them. Section 12 of the Land Regulations also stipulates that all leases contain a reservation: of all timber; the right to enter upon and remove any rock outcrop required for public purposes, right-of-way and of entry as may be required to construct and maintain facilities for conveying water to mining operations; and the right to enter upon the land, install and maintain a public utility.

In nearly all instances the initial occupation of land is through a lease or an agreement of sale. In the latter case title is not granted until certain improvements to the land, specified in the agreement, have been completed. Such improvements usually comprise the construction of buildings and/or facilities pertaining to a particular land-use.

An agreement of sale is usually issued for a term of five years with the purchase price of the land being paid in five equal installments. Once the conditions of the agreement have been met, the full purchase price paid, the parcel conveyed and the plan filed in the appropriate Land Titles Office, a title to the land may be issued.

Leases may be granted for any period up to thirty years. Under normal circumstances a lessee may obtain a renewal of his lease. If a renewal is not required or cannot be granted, the lessee may remove his improvements from the land and a stated period of time is allowed in which to do this.

The sale and leasing of Crown lands, other than lands suitable for grazing or muskrat farming, are limited to 65ha. and 360ha. respectively to any one person unless otherwise approved by the Governor in Council.

With the enactment of the Territorial Lands Act and the revoking of the Dominion Lands Act in 1950, the legislative provision for homesteading north of 60°N was removed. However, if an individual wishes to farm and has sufficient capital to do so he may be provided with up to 65 ha of arable land. Initial occupation is under a lease issued for a five year term with the lessee being required to construct a house and to place a stated acreage under cultivation before the lease expires. The lease may contain an option to purchase, thus allowing the lessee, once the specified improvements have been made, to make application to have the land surveyed and subsequently purchase it.

Although the Territorial Lands Act provides for the disposition of the surface and sub-surface rights to virtually all land north of 60°N, except for mines and minerals in the Yukon Territory, there are several other federal statutes which may affect northern land use, such as the Northern Inland Waters Act, the National Parks Act and the Canada Wildlife Act.

As part of the Department's continuing program of granting greater autonomy and more responsibilities over matters of local concern to the Territorial Governments, in line with the recommendations of the Advisory Commission on the Development of Government in the Northwest Territories, a five-year program was initiated in 1970 to transfer to them the administration of large tracts of land (known as Development Control Zones) within and immediately surrounding the communities under their respective jurisdiction. This will enable the Territorial Governments to plan and control development within municipal boundaries and surrounding areas in concert with the local councils. The only exclusions to the transfers of the Development Control Zones are lands required by federal departments and agencies in connection with continuing Federal Government projects, including the land occupied by or reserved for Indians and Eskimos.

To date, a total of approximately 274,022 ha. have been transferred to the administration of the Territorial Governments encompassing the City of Whitehorse and the Hamlet of Faro in the Yukon Territory, and the City of Yellowknife, the Towns of Inuvik and Fort Smith, the Hamlets of Fort Simpson, Rae-Edzo and Frobisher Bay, and Aklavik and Fort Providence Settlements in the Northwest Territories. Lands under the control of the Territorial Governments are administered by the Commissioner of the Yukon Territory and the Commissioner of the Northwest Territories, as appropriate, pursuant to the Yukon Territory Lands Ordinance and the Northwest Territories Commissioner's Land Ordinance.

**General**

On the question of size, the Yukon Territory and the Northwest Territories together comprise approximately 39.3 percent of the total area of Canada. The Yukon Territory contains a total of 536,327 square kms. (531,846 sq. km. of land and 4,880 sq. km. of fresh water), while the Northwest Territories accounts for 3,379,700 square km. (3,246,404 sq. km. of land and 133,294 sq. km. of fresh water). Geographically, the Northwest Territories is divided into three separate districts; the Mackenzie District, the Franklin District and the Keewatin District. The following table shows the land and fresh water statistics for the three districts in square kms.

<u>District</u>	<u>Land</u>	<u>Fresh Water</u>	<u>Total</u>
Mackenzie	1,277,634	8,746	1,366,380
Franklin	1,403,140	19,425	1,422,565
Keewatin	565,811	25,123	590,934

Less than two (2) percent of the total land area of the two Territories has been alienated or disposed of by lease or sale. Further, it is estimated that less than one (1) percent of the area has been surveyed. Therefore, it is impossible to prepare any kind of list showing vacant lands available for disposal. Consequently, persons interested in acquiring lands in the northern Territories are required to visit the Territories for the purpose of selecting the parcels of their choice.

## Conclusion

Today the spectrum of northern activities requires land for such purposes as: community development; road, airstrip, pipeline and communication facilities; hunting, fishing, and trapping; private, commercial and public recreation; timber harvesting, agriculture and grazing; mineral, oil and gas exploration and production; game preserves, bird sanctuaries and ecological reserves.

The Territorial Lands Act, the territorial governments' land ordinances and related regulations provide for alienating Crown land and reducing the alteration of the land surface as a result of specific land use operations. But there is a need for a process which takes into account the composite value of northern land and incorporates a course of action for guiding and determining decisions respecting the allocation of land for various uses.

The management of public land is a question of allocating a finite resource amongst several competing and sometimes conflicting uses without reducing its value. Beginning with the Dominion Lands Act, public land policy in the north has been essentially a series of responses to demands for land, rather than a framework within which decisions respecting use and management are made on the basis of the land itself.

The Department of Indian and Northern Affairs is aware of these characteristics which it may use as a guide for possible policy. The foregoing conclusions are drawn from a report by Mr. John Naysmith, in the Canadian Geographical Journal, January 1975.

# **PARKS CANADA PROGRAMME**

## **Objective**

To acquire and develop representative areas of the country, for use by the public consistent with the preservation of such areas in their natural state; to preserve, restore and operate sites, structures and travel routes of importance to Canadian history.

## **Legislative Authority**

National Parks Act 1930-1948-1974.

The preamble to the 1930 act states that "the Parks are hereby dedicated to the people of Canada for their benefit, education and enjoyment, subject to the provisions of this Act and the regulations, and such Parks shall be maintained and made use of so as to leave them unimpaired for the enjoyment of future generations.\* Under the Historic Sites and Monuments Act, a "historic place" is defined as "... a site, building or other place of national historic interest or significance, and includes buildings or structures that are of national interest by reason of age and architectural design;..."

Also, under the National Parks Act objects of historic, pre-historic or scientific interest may be preserved in national historic parks.

## **Programme Description and Purpose**

The Parks Canada Programme has three main elements: National Parks, Historic Sites and Agreements for Recreation and Conservation (ARC).

## **National Parks**

"The National Park System has as its basic purpose to preserve, for all time, outstanding natural areas and features as a national heritage. Each park has been set aside primarily to preserve for all time representative samples of the country's terrain which, by reason of their outstanding physical or historical qualities, have national significance."

\*Historical Sites Act RSC 1970 ch. 6.

## **National Historic Parks and Sites**

Part II of the National Parks Act defines the power of Governor in Council respecting national historic parks:

"10. The Governor in Council may set apart any land the title to which is vested in Her Majesty, as a National Park to

- a) commemorate an historic event of national importance, or
  - b) preserve any historic landmark or any object of historic, pre-historic or scientific interest of national importance, and may from time to time make any changes in any of the areas so set apart which he may consider expedient.
- 1930, c. 33, s. 11."

## **Agreements for Recreation and Conservation**

In October, 1972, Parks Canada announced the creation of a new programme-- Byways and Special Places, subsequently renamed ARC (Agreements for recreation and Conservation). A co-operative federal-provincial programme, it was naturally established to provide Canadians with new opportunities to appreciate their natural and cultural heritage.

The conceptual base of this new programme is a "joint venture" or Co-operative programme within which recreation and conservation projects will be established by various levels of government.

## **Programme Elements**

The principal elements of the long-range program include:

1. Historic Waterways - Those rivers, lakes, canals and coastal areas which are considered to be of major significance in the history of Canada. A number of canals have already been transferred to Parks Canada. These include the Rideau, Trent-Severn Canals, the canals on the Ottawa River, the Chambly Canal and the St. Peter's Canal in Nova Scotia.

2. Historic Byways - These trails could be reopened for hiking, bicycling, horseback riding, etc.
3. Scenic Byways - Using, where possible, secondary roads which can be upgraded to low-speed parkway standards. These land routes will link major National, Provincial and Historic Parks.
4. Wild Rivers - Over the past four years Parks Canada has undertaken an inventory of rivers in Canada, still in a natural state, in anticipation of developing a representative system of natural rivers forever free of exploitation. This not only includes white water rivers but also slower free flowing rivers in a natural state.

## **Land Management Policy**

The National Parks Branch policy on park management is indivisible from land management insofar as the objective of their programme is to preserve selected tracts of land and make them available to the public. The Branch has articulated its policy on the following topics related to land:

Nature: Objects of nature in National Parks should be preserved for the benefit, enjoyment and education of future generations.

Access: Since roads and railways impair the natural state of a park, new road and rail construction can only be countenanced in the national interest. New park locations should be away from existing or proposed routes. Access roads are necessary for public enjoyment of parks but should avoid interference with special features. Airfields are strongly discouraged. Small boat facilities are compatible with parks and should be government built and owned. Foot and horse trails are encouraged except in areas of scientific research.

Accommodation: Private hotel accommodation either grouped in a service centre or just outside the park is encouraged. Campsites should be provided in which the maximum of tree cover is maintained. They should be of the fully serviced variety near roads access; and primitive in areas away from roads for use by walkers. The importance of campgrounds is that they are cheaper than hotels and make a visit to a National Park possible for more people.

Townsites: Permanent settlements in parks should exist only for the provision of park related services. The population of such communities should be no larger than is necessary for such activities. Vacation homes within the town or outside are discouraged.

Park Zoning: People differ greatly in their habits and desires. Therefore they will wish to make use of a park in different ways according to age, family circumstances, inclinations and abilities. Most of the existing parks have characteristics that will allow flexibility of use without causing appreciable impairment or sacrifice of purpose. The concept of zoning is introduced as a means of providing administrative and development control that will ensure a proper balance between visitor use and purpose for each park.

Long-range planning cannot go forward, with assurance that the desired objectives will be met, without the guidance of an established zoning plan. Specifically, the purpose of a zoning plan is to define areas within the park in accordance with acceptable use and development. It would detail not only type and extent of acceptable use and development, but also acceptable means of access to each of the zoned areas. The extremes of a zoning plan would be a strict Nature Sanctuary on one hand, and a permanent townsite on the other, but either extreme would not necessarily be part of a zoning plan for every park. Without such a plan, each succeeding administration will add to the already complicated development pattern. Lacking a zoning plan, eventually parks may find themselves without a suitable wilderness area, without lakes or valleys that are accessible only by foot, horse or canoe, or without other of the many qualities that are park of the reason for their establishment. Essentially, what is involved is a plan for land use within the purposes of each of the parks. It is assumed in such planning that, in the future, the pressure on the parks as a whole will be very great, as the population of Canada grows, and especially as the demand for recreational use increases. It is, therefore, essential that recreational resource and recreational land use studies be

carried out, in order that the lines of development for each park may make the optimum use of the land available within the limitations of the basic park purposes.

It is clear that zoning within a park should be based on certain priorities in preservation and use, i.e.,

- (1) outstanding park features must be preserved in their natural state for public benefit, education and enjoyment;
- (2) areas adjacent to outstanding park features are to be preserved as part of the scene or reserved to facilitate public use and enjoyment of the feature;
- (3) facilities for the convenience of visitors such as parking areas, rest rooms, picnic areas and campgrounds, etc., may be located near a feature but not so close as to detract from the natural feature or its setting;
- (4) in general, beaches and their backshores should be reserved for day use.
- (5) Visitor Service Centres: areas containing accomodation such as motels, cabins, hotels, campgrounds, trailer parks, and stores, restaurants, service stations, etc., should be located in reasonably attractive surroundings where the services available will assist in enjoyment of the park. Such areas should not occupy or encroach upon outstanding natural features.
- (6) Residences for park staff: these should have a reasonably attractive area but they may not be sited on or near park features and attractions. Preferably, the location should be in a community adjacent to the park.
- (7) Park Maintenance: compounds and other purely servicing establishments should be sited where the buildings and activities are inconspicuous; preferably outside the park.

### **Criteria for New National Parks**

1. To be considered as a potential National Park an area must be worthy of preservation. This means that it should:
  - (a) be an outstanding example of the best scenery in Canada, or
  - (b) have unique scenic, geographical or geological features of national interest, or
  - (c) have outstanding examples of flora and fauna of national interest, or

(d) provide outstanding opportunities for enjoying appropriate non-urban forms of outdoor recreation amid superb surroundings.

2. Preferably and in accordance with its purpose, it should be large enough to support indigenous flora and fauna.

3. Depending on the size of the area and the purposes of the proposed park, it is usually desirable that the area or part of it be suitable for recreational purposes and for accommodation or other visitor services.

4. It must be evident that the area is of sufficient value now or for the future to justify the expenditure required for preservation and development

### **Description of Land Holdings — Parks Canada**

Parks Canada Program: INA owns 13,000,583ha. of National Parks and Historic Sites. The major concentrations are in Alberta (5.3 million), Northwest Territories (3.6 million) and the Yukon (2.2 million). Parks Canada controls the disposition of certain park lands in a number of major urban centres: Stanley Park in Vancouver, Point Pleasant Park in Halifax, the Halifax Citadel and related portions of the Defence Complex, the Plains of Abraham and Artillery Park in Quebec. The balance of Parks Canada's urban holdings are generally small parcels related to historic parks.

### **Effects of Parks Canada Programme**

The social, economic and environmental effects of the programme and its land management policy depend on the characteristics and location of the park or site. By their very nature they are resource specific, be that resource a special landscape or a historic site. Park location is independent of the location of the clientele.

1. Social effects: the fact that most National Parks are accessible only by a long car journey effectively bars them to those not having the use of a reliable car or who cannot spare enough time for such a trip. Many historic sites are urban-oriented and are easily accessible, making good destinations for day trips. The Agreements for Recreation and Conservation sites are also suited to this.

2. Economic effects: These are mainly related to regional development or dislocation. A park in a remote area generates employment in secondary industries. Secondary industry however is a poor generator of linkages and agglomeration effects. The major economic impact of parks occurs for local people, through transfer payments brought about by governments in park management or through expenditures by visitors.

3. Environmental Effects: The National Parks provide the highest degree of environmental protection available in Canada. Through the judicious development of facilities and through the earlier mentioned zoning plans, a continuum of visitor use can be provided for without destruction of the natural resources.

### **Conclusion**

The Conservation Program is not subject to Treasury Board land use guidelines. The program in part responds to social and economic objectives but its attention to environmental objectives overrides other considerations.

## **DESCRIPTION OF LAND HOLDINGS**

Indian and Northern Affairs holds land under three separate programmes: Northern, Indian and Conservation. (See Tables 8 and 9)

Northern Programme: INA is responsible for 376,058,149ha of unalienated crown land north of 60°N.

Indian Affairs Programme: There are 2,541,199ha of Indian reserves in Canada, three quarters of which is in Ontario, Saskatchewan and Alberta. Two thirds of the reserves are rural or isolated, the rest, 850,000ha., is urban or semi-urban. Thus Indian reserves are an important holder of urban land.

In addition to reserves, INA owns 4,660ha for off-reserve schools for Indians, concentrated in Manitoba, B.C., Saskatchewan and Ontario. Manitoba alone accounts for 2,530ha.

Conservation Programme: INA owns 12.5 million ha of National Parks and Historic Sites. The major concentrations are in Alberta (5.3 million),

Northwest Territories (3.6 million) and the Yukon (2.2 million).

Alone among the major landowning programmes, the Conservation programme's urban holdings are insignificant. Signal Hill, St. John's, and the Plains of Abraham, Quebec (strictly speaking owned by the National Battlefield Commission), are the only holdings of note.

### **Miscellaneous Holdings**

INA has other lands related to its three programmes classed as industrial, transport and land reserve. Its mining land consists of a fuel depot (which has evidently been misclassified) for Indian schools in northern Manitoba. An example of its transportation holdings is a CPR right-of-way through the Oromocto Military Reserve held by INA and its predecessors since 1875. This may be a relic of the days before the transfer of unalienated crown land to the provinces.

Although National Parks, Indian reserves and unalienated land north of 60°N, are not subject to the Treasury Board guidelines, there are some 5,000ha. of INA land that is subject to them, off-reserve Indian schools accounting for most of it.

Table 8

Number and Area of Reserves and  
Number of Settlements by Region

<u>Region</u>	<u>Reserves</u>	<u>Area (ha.)</u>	<u>Settlements*</u>	<u>Area (ha.)</u>
Maritimes	65	28910.2	1	80.9
Québec	33	82799.2	1	
Ontario	169	669875.2	6	
Manitoba	92	205402.8	3	6429.6
Saskatchewan	132	558149.4	4	41050.9
Alberta	90	656546.8	7	
B.C.	1604	336325.8	0	
Yukon	24	3193.6	17	
Mackenzie District	0	0	31	
Canada	2209	2541203.0	70	

\* Settlements: Crown lands which are not reserves within the meaning of the Indian Act. Area statistics are not available for most of these settlements.

Source: Departmental Statistics Division - D.I.N.A.  
December 31, 1973.

TABLE 9

## Indian and Northern Affairs Department Land Holdings in Hectares by Province and Land Use

Province	Residential	Commercial	Agriculture Conservation	Mining	Industrial	Land Reserves	Open Space	Institution	Power and Communication	Land, Air Transportation	Marine Transportation	Total
Nfld.	3.89						48 637.95					48 641.84
PEI							2 371.46					2 371.46
N.S.	10.32					93.24	138 245.76				13.76	138 363.07
N.B.	6.15					8.50	20 945.11			80.94		21 040.70
Qué.	1.21	65.19			.28	2.70	24 206.30	3.16		8.38	244.12	24 531.35
Ont.	25.34	.08			3.16	2132.49	4 237.78	429.74	7.28	.93	6 702.95	13 539.73
Man.	32.98		282.31	48.40		13.11	297 911.54	2530.42				300 818.76
Sask.	6.35	1.38			.24	18647.91	389 373.55	486.36				408 515.79
Alta.	26.06	2.51	24.20			77.13	5 408 771.20	116.99	44.72	1.46		5 409 064.28
B.C.	8.62	.04				221.04	444 473.76	695.45				445 398.92
Yukon	8.64		304.58		2.05		2 201 517.52	362.47	.093	.29		2 202 195.65
N.W.T.	1.44	1.88	73.40	.08		2.79	3 519 794.63	34.93	10.04			3 519 919.20
Canada	131.00	71.08	684.49	48.48	5.73	21198.91	12500 486.56	4659.52	62.13	92.00	6 960.83	12534 400.75

Source: CRPI 1978



# DEPARTMENT OF NATIONAL DEFENCE: DEFENCE SERVICES PROGRAMME

## **Purpose**

To ensure the security of Canada and to contribute to the maintenance of world peace.

## **Legislative Authority**

National Defence Act 1922.

## **Programme Objectives**

In this report on land management policies it suffices to say that none of the objectives relate to land management.

## **Implementation**

The Defence Department owns a large amount of land for purposes of quartering, material storage, training and operations. Their locational criteria are determined more by strategic and political considerations rather than economic, social or environmental ones.

Land acquisition and disposal is subject to the Treasury Board guidelines. Management policy is influenced by the traditional military concept that bases should be self sufficient units. Housing, recreation and shopping facilities are provided on the base, even near large urban centres. On the operational side much military land is closed to the public for reasons of safety or national security. Firing ranges are a special case, they have to remain closed to any other use because of the impossibility of clearing them of all unexploded ordnance.

## **Effects of Defence Land Holdings**

Any discussion of the effects of Defence Lands is inseparable from the effects of a Defence establishment. It is the social and economic effect of its operation and of the personnel and their families that is important. As for the question of misuse of land which the existence of a large military reserve

might raise, the two largest, Suffield and Gagetown appear to be on Class 4,5,6, and Class 3 and 4 agricultural land respectively. Reserves are not classified in the CLI but inferences can be drawn from surrounding land. These two reserves account for two thirds of Defence lands.

The economic and social effects are determined by:

1. The relative sizes of the base and the host community
2. The proximity of the base to its nearest community
3. The nature of military bases as economic units
4. The characteristics of military personnel

### **1. Relative Size**

A large base in a small community will naturally dominate the economy and social life of that community. The base will undoubtedly have a wider range of services for recreation and emergency services than the town will have. It will be a major employer of civilians. However a base in a major city has a minor impact on provision of services to the community.

### **2. Proximity**

The impact of a base is considerably reduced if it is some distance from the nearest town. The townspeople do not consider it to be part of their community and the base personnel, faced with a long ride into town will go to a larger centre for their services. An example is Shilo, 18 km. from Brandon and easily accessible to Winnipeg.

### **3. The Base as an Economic Unit**

Military bases have four economic characteristics that make them poor contributors to the economic growth of the host community.

- a) They are a tertiary industry, creating no linkages horizontal or vertical as would secondary industry.
- b) They are self contained, reducing demand for services off base by personnel and their families.
- c) Their supplies are not procured locally.
- d) They have no competitors to create agglomeration effects as would secondary

industry.

For these reasons they are poor generators of regional economic growth. Thus the Defence Department is not keen to keep unnecessary bases open for the benefit of the regional economy.

#### **4. Military Personnel**

Military personnel are predominantly male. Some bases, mainly for training camps, have a large single population whose stay is brief. This causes the usual social problems in the host communities. Other bases have a large number of married personnel whose wives form a pool of labour, skilled and unskilled, which benefits local schools, hospitals, stores and offices as well as forming part of the base civilian labour force. The presence of highly educated personnel has a beneficial effect on the community and in some circumstances can lead to agglomeration effects on industry. The early retirement age for military personnel allows them to pursue a second career. The existence of a high technology base at Trenton has contributed to the location of associated industry there to take advantage of retired military men.

Military personnel are also transitory, moving every three or four years. This combined with the self contained nature of bases militates against participation in community affairs or politics.

### **Conclusion**

The Defence Department appears to have heeded the Treasury Board's admonition to consider the wider social and economic effects of their land use and location decisions. They are studying the socio-economic effects of their bases and the preceding discussion was based on research material supplied by the Defence Department. It is concerned about base - community interaction and the fact that Defence installations are weak generators of economic growth.

### **DESCRIPTION OF LAND HOLDINGS**

DND owns 597,139ha. of land of which 568,839 are military bases and installations. About 400,000ha. are accounted for by Suffield, Alberta, and

Gagetown, N.B.; 22,853ha. are situated in census metropolitan areas, making DND an important urban land holder. The cities with the most important holdings are Quebec, Ottawa, Montreal, Halifax, and Edmonton. (See table 10)

Two holdings worth noting are the 389ha. of open space in B.C., which is Stanley Park, Vancouver, and 2,659ha. of agricultural land in Ontario which is an experimental forest leased to Environment at Petawawa.

National Defence leases 1,266,610ha of provincial crown land in Alberta and Saskatchewan.

TABLE 10

## Department of National Defence Land Holdings in Hectares by Province and Land Use

Province	Residential	Commercial	Agriculture Conservation	Mining	Industrial	Land Reserves	Open Space	Institutions	Power and Communication	Land, Air Transportation	Marine Transportation	Total
Nfld.	3.60							1.09	1 226.86			1 231.56
P.E.I.								659.60	1.46	.93		661.99
N.S.	24.04				.47			6 458.47	2 291.74	2.77	12.14	8 789.63
N.B.		13.84						131 325.32	15.67	67.18		131 422.00
Qué.	14.96					14.16		26 895.80	182.84	29.99		27 137.76
Ont.	17.36	2.71	2 658.99			1.82	.77	50 868.36	1 212.92	7.65		54 770.58
Man.	.12							7 735.12	344.91	2.31		8 082.46
Sask.								25 265.46	7.24			25 272.70
Alta.								273 941.69	881.00			274 822.69
B.C.	36.60					3.48	388.66	45 649.80	664.25	630.58		47 373.38
Yukon								37.15	66.73			103.88
N.W.T.								.89	17 469.65			17 470.54
Canada	96.69	16.55	2 658.99		.47	19.46	389.43	568 838.75	24 365.27	741.41	12.14	597 139.17

Source: CRPI 1978



# DEPARTMENT OF REGIONAL ECONOMIC EXPANSION

## PRAIRIE FARM REHABILITATION ACT

### **Purpose**

The purpose of the PFRA is to provide for the undertaking of projects to rehabilitate the drought and soil drifting areas in the provinces of Manitoba, Saskatchewan and Alberta. These projects are designed to promote, within the region, systems of farm practice, tree culture, water supply, and land utilization which result in greater economic security for area residents.

### **Legislative Authority**

Prairie Farm Rehabilitation Act 1935 et. seq. (RSC 1970, CP - 17). An amendment in 1937 provided for the removal of submarginal land from arable production and for its return to permanent pasture in government ownership. In Saskatchewan most community pasture is owned by DREE. In Manitoba and Alberta, it is provincial crown land managed by DREE.

### **Programme Objectives**

Under the auspices of the PFRA, DREE operates two programmes that involve large scale land ownership; community pastures and water control.

#### **I Community Pastures**

The main objective of the PFRA Community Pasture programme is to manage and improve the Lands under PFRA jurisdiction to sustain or increase long term cattle production. A further objective is the stabilization of farm units in surrounding areas at reasonable levels of employment and income.

#### **II Water Development Service**

The Water Development Service constructs and operates irrigation and water conservation projects for the purpose of rehabilitating land and improving crop production.

## **Implementation**

### **I Community Pastures**

#### Procedures for Establishing a Community Pasture

Prairie Farm Rehabilitation Administration Community Pastures are established on lands selected by provincial governments. This selection is based on suitability for grazing and local demand for a community pasture.

Acting on the request of the province, PFRA, on behalf of the Minister of Regional Economic Expansion, will conduct surveys of the land selected to confirm its suitability. Actual and potential livestock carrying capacities and the costs of development, including water storage works, regrassing and fencing are determined. Should PFRA deem it desirable to proceed with development, the province will be required to obtain control of all lands involved as set out in the agreement between the federal government and the provincial government concerned.

Canada will then proceed with the construction or development of fences, corrals, water supplies and regrassing. Based on sound range management principles, a survey of the herbage resource will be made to determine the carrying capacity of the pasture.

Upon completion of construction, a public meeting will be called for the purpose of organizing a Community Pasture Grazing Association.

### **Management**

Usage of both PFRA and Provincial/ARDA pastures by farmers is determined by allocation systems. While the systems vary in procedure their intent is similar. Basically the policy objective is two-fold.

- to manage and improve the lands to sustain or increase long term cattle production
- to stabilize farm units in surrounding areas at reasonable levels of employment and income.

This latter is achieved through consideration of farming status, farm size and/or productive capability. Continuity of use, proximity and availability of

other public grazing resources are given consideration.

Where possible special consideration is given to young farmers and patrons over 65 years of age are phased out.

Fees paid for grazing and services including the provision of breeding bulls are similar. At present PFRA charges are \$2.40 per adult per month plus \$5.00 per calf and \$10.00 for breeding services. Grants equivalent to the taxes levied by the rural municipality were paid by the department on lands included in Provincial Pastures and recovered from individual patrons on a per adult head basis. PFRA collects and pays to the municipalities a levy in lieu of taxes.

Both provincial and PFRA pastures have development and improvement programs, but these differ significantly. PFRA pastures historically are based on the use for grazing of lands in the Brown and Dark Brown soil zones which when given over to PFRA (in the late 30's and early 40's) were designated as being submarginal for cereal production. As a consequence PFRA ordinarily confined grassland improvement at the time of initial acquisition to the revegetation of lands which had been farmed previously.

Of the 68 community pastures PFRA operates in Saskatchewan the majority were established prior to 1944. By 1973 the total area of development by reseeding to cultivated forage crops was 90,212ha (12 per cent). Land clearing from bush totaled only 55,586ha.

In 1974 PFRA entered upon a 5 year \$12,000,000 expanded pasture improvement program. By the end of the 1975-76 winter season a total of 13,365ha. was to have been cleared from bush and 14,276ha of bush and prairie seeded to forages. The program, (which incidentally will not be completed in 5 years) envisages the development of a total acreage of 101,250ha. in Saskatchewan. The majority of work will be the improvement of scrub brush and weed forest by conversion to cultivated pasture, although a portion will be the breaking up and reseeding of native grasslands in the open prairie. It will on completion see the

development of approximately 25 per cent of the land resource within the PFRA pastures.

## **II Water Development**

The Water Development Service has constructed two large irrigation projects, in South-West Saskatchewan and in the Bow Valley of Alberta totaling some 68,850 ha. The Bow Valley scheme (43,740ha) has been transferred to a farmers' cooperative.

In Saskatchewan, of some 24,300ha originally owned by DREE, 8,500 of 9,300ha. of irrigated land have been sold in 16-24ha. lots since 1940. The purchaser is required to be a resident of the municipality where the land is situated. An attempt was made to restrict speculation by purchasers by refusing to accept the last payment of the 15 year repayment term, thus leaving the title vested in DREE. This practice has been discontinued because its legality is in doubt.

The remaining 14,580ha consist of water storage areas, canals and associated works. DREE and the Saskatchewan government both run irrigation schemes. Since water is a provincial natural resource DREE would be happy to transfer their operation to the province. The original reason for federal involvement in the late 1930s was the inability of the province to raise capital. This condition no longer exists.

## **Conclusion**

Although subject to the Treasury Board guidelines, the sale or lease of irrigated lots to farmers is not of real interest to the TBAC. Perhaps the odd parcel of land may have potential for urban development and should be considered.

## **DESCRIPTION OF LAND HOLDINGS**

DREE owns 502,622ha in Manitoba and Saskatchewan. The vast majority is community pasture, 500,730ha. The rest is used for irrigation and flood control in Saskatchewan. (See Table 11)

DREE also leases 312,017ha of community pasture, 202,500ha. in Saskatchewan, 101.250ha in Manitoba and the rest in Alberta. The land is leased from the province and administered under the terms of the PFRA.





# MINISTRY OF TRANSPORT

The Ministry of Transport owns land for the purpose of its Marine and Air Transportation Programmes. It is also the ministry responsible for four crown corporations which own large amounts of land: Canadian National Railways, National Harbours Board, the Northern Transportation Company, and the St. Lawrence Seaway Authority. All federal airports are controlled by the Ministry but not all federal ports are operated by NHB. Some are operated by the Ministry while still more are owned by NTC, DPW, and DOE. To add to the confusion, NHB also has a railway operation. A major use of MOT's airports is Air Canada, a wholly-owned subsidiary of CNR. Transport follows the Treasury Board land management policy.

## MARINE TRANSPORTATION PROGRAMME

### Objective

To provide facilities to foster the optimum development of the marine mode of transport consistent with the protection of the environment, on a cost recoverable basis to the maximum practicable extent.

### Legislative Authority

Too numerous to mention, see Organization of Government of Canada paragraph 8785.

### Programme Description

The Ministry administers 375 public harbours and other federal marine properties and provides navigational aids.

### Land Use Effects

The federal government owns and administers a large part of the land used for marine transportation purposes. The influence of the presence of federal installations, however, greatly surpasses that of others since the federal

infrastructure tends to be located in larger urban areas where land use conflicts are paramount.

Since many major harbours are already in place, further acreage required for expansion will probably be moderate in these areas. The impact of port facilities on their surrounding environment, however, is quite significant. Port facilities frequently have the effect of restricting land use possibilities in adjacent areas and of effectively constituting a barrier between cities and their waterfronts. Furthermore, the port facilities influence the pattern of surface and rail commodity transport in the adjoining city and port hinterland. In addition, warehouses, terminal buildings and equipment tend to have a negative effect on the visual amenities in their area. Due to these problems, the need to accommodate deeper draught vessels, and the suitability of other sites further removed from major urban areas, port facilities and ancillary industrial facilities are moving away from urban centres, thereby returning waterfront lands to public residential, commercial and recreational use. In Toronto, for example, the port facilities have been gradually moved from the downtown area eastward, much of the old waterfront property has been filled and a large residential, hotel, office and recreational complex called Harbour Square has been constructed. In the future, emphasis may be put on initiating the development of ports in slower growth areas thereby contributing to regional economic development. In these areas, land use conflicts would not be nearly so crucial as they tend to be in large urban agglomerations.

## **AIR TRANSPORTATION PROGRAMME**

### **Objective**

To provide facilities and foster the optimum development of the air mode of transport, consistent with the protection of the environment, on a cost recoverable basis to the maximum practicable extent.

### **Legislative Authority**

Civil aviation in Canada is under the jurisdiction of the Federal government

and is administered under the authority of the Aeronautics Act and the National Transportation Act. Virtually all civil aviation infrastructure is owned and operated by the Federal government.

## **Land Use Effects**

From the viewpoint of actual acreage used, the importance of air installations is minimal; their impact on their surrounding environment, on the other hand, is pervasive. For example, airport construction can be an important factor in shaping settlement patterns since these installations strengthen both inter-city and international connections. As such, airports may play a useful role in influencing the configuration of future growth: for example, the location of Mirabel north of Montreal attracts future urban expansion in this direction; similarly, Pickering may be an instrument to direct growth in the Toronto area in an easterly direction, as was deemed desirable by the Toronto Centered Region Plan.

A second example of the influence of the aviation mode is the sizable impact which it has had on the north and on remote areas. In some cases it is the only mode of transport for all or part of the year and thus is fully responsible for social and economic accessibility.

Large air installations affect a great deal of land in the nearby environs as well as the actual land on which runways or terminal buildings are constructed. Much of the "land bank" consists of areas which will be exposed to the effects of airport flight operations such as noise or height restrictions. By controlling the use of these areas for purposes compatible with aircraft flight operations, the land bank performs the function of protecting the airport. In economic terms such control ensures the ability of the airport to operate twenty-four hours a day and take maximum advantage of new aircraft technology; the land bank in this manner protects the very large airport investment. The land bank contributes also to public safety. Aircraft accidents are infrequent but from time to time they do occur; clearly, it is preferable to avoid extensive residential development under heavily used flight paths.

The peripheral lands also contain a significant amount of acreage that will have minimal or no exposure to aircraft flight operations and can be developed for uses that are complementary to airport functions. The general public reaction to airport infrastructure is an adverse one; one of the primary objectives is that good agricultural land is taken out of use and devoted to sprawling aviation facilities. In actual fact, proper management of peripheral lands around airports may ensure that agricultural productivity is much higher than previously and that the land is more intensively cultivated. In many cases the land which was expropriated for airport development previously lay dormant since it had been purchased by speculators who expected urban encroachment to augment substantially the capital value of their investment. For example, prior to the decision to construct an airport at Pickering, the effects of proximity to the urban area of Metropolitan Toronto were already being felt. Despite the fact that over 90% of the site and surrounding area affected by flight operations had been cleared for agriculture, the land had already started to change hands at prices which clearly reflected development potential rather than agricultural capability; fewer than 50% of the farms were owner-operated. Other possible uses of peripheral lands include the provision of warehousing or sophisticated manufacturing activities, employment generation schemes, recreational usage or other economic development.

A Ministry of State for Urban Affairs study has shown that the proximity of an airport to a residential area has non long-term impact on housing prices. Only at times when some airport expansion takes place are prices temporarily depressed. Another effect of airport expansion is to increase the proportion of adjacent land zoned for commercial and industrial uses.

## **DESCRIPTION OF LAND HOLDINGS**

MOT owns 129,553ha. of land of which 176,318ha. are for the Air Transportation programme and 6204ha. are for Marine Transportation. Some of the port holdings are underwater, and it has not been possible to exclude these; these areas should be excluded but may not always have been. (See tables 12)

About one eighth, 25,060ha, are in CMAs making MOT an important urban land holder. However, this figure understates the urban orientation of transport land since many airports are beyond CMA limits. Edmonton, Halifax, Montreal, (Mirabel), Thunder Bay and Winnipeg are examples of this.

TABLE 12

## Department of Transport Land Holdings in Hectares by Province and Land Use

Province	Residential	Commercial	Agriculture Conservation	Mining	Industrial	Land Reserves	Open Space	Institutions	Power and Communication	Land, Air Transportation	Marine Transportation	Total
Nfld.	10.41	.57	303.92						772.61	12 905.31	9.55	14 002.35
P.E.I.			.72			5.79			1.38	321.60	52.17	381.66
N.S.	26.22	.12		5.18	.73	37.84	.24		120.62	5 688.50	34.49	5 913.95
N.B.						5.75			57.47	3 252.22	5.18	3 320.61
Qué.	2.01	.08	6 920.12			1.25		548.35	177.62	9 533.70	187.77	17 370.91
Ont.	.08	4.29			.49	2.27		29.88	257.17	21 168.02	1 267.71	22 729.90
Man.	.32	.85						.89	10.36	5 480.67		5 493.09
Sask.	.82							1.46	18.49	3 199.34		3 220.11
Alta.	.97	2.19							186.72	8 494.31		8 684.18
B.C.	1.19	51.96				.21		1.78	372.19	12 709.36	1 260.64	14 397.35
Yukon	.16					.04			109.10	4 781.83		4 891.14
N.W.T.	2.27	1.66						33.63	687.20	28 407.85	15.62	29 148.22
Canada	44.45	61.73	7 224.76	5.18	1.22	53.15	.24	615.99	2 770.93	115 942.71	2 833.13	129 553.48

Source: CRPI 1978



# CANADIAN NATIONAL RAILWAYS

## **Objective**

To supply surface transport and other related services and to attain as nearly as possible a position of economic self-sufficiency.

## **Legislative Authority**

Canadian National Railways Acts 1919, 1955.

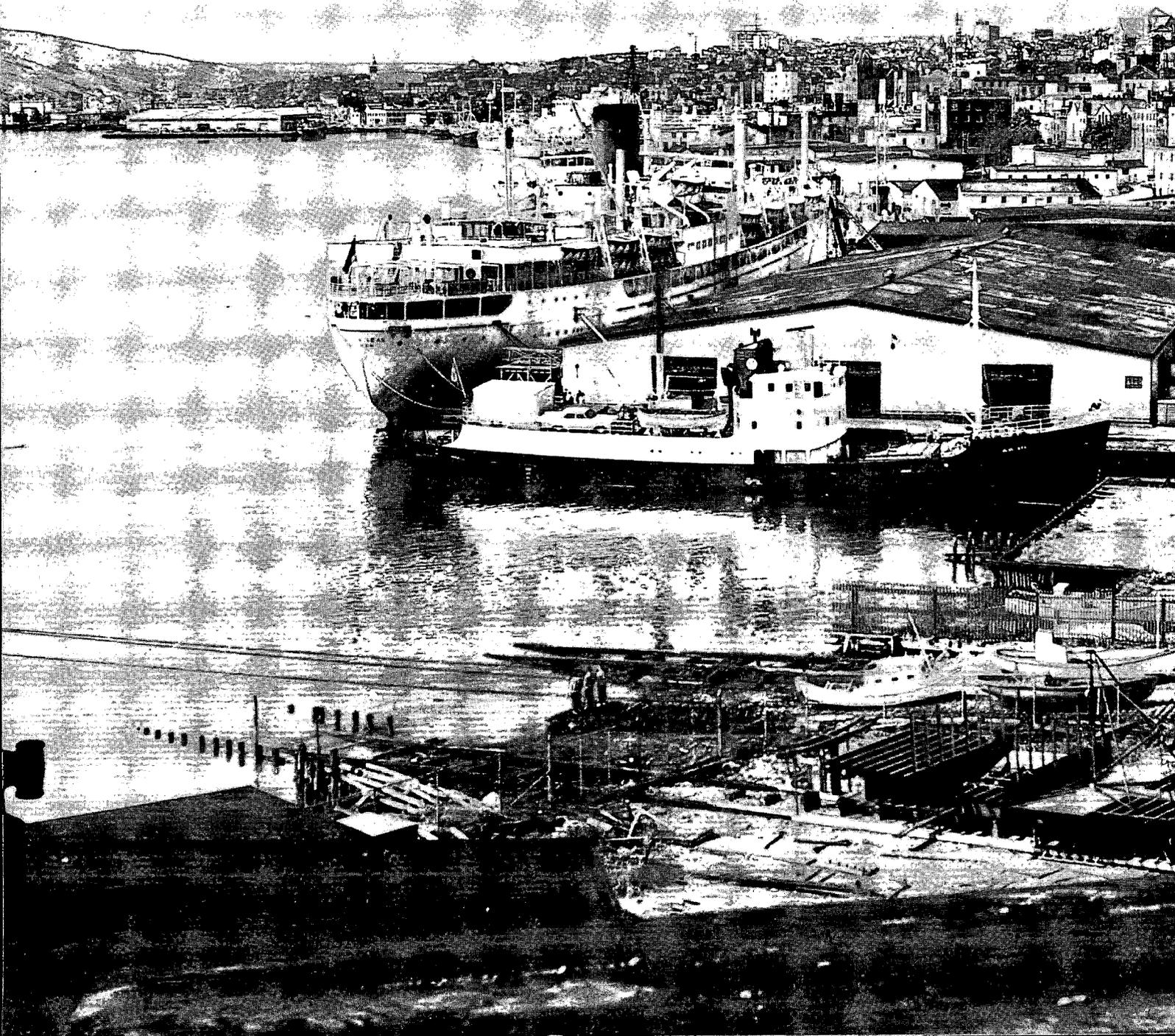
This act empowers CNR to acquire and operate lands, docks, hotels and other buildings.

## **LAND USE DESCRIPTION**

CNR operates 38,400km of active railway tracks. At its inception in 1919 the Company inherited the roadbeds, land grants and mineral rights of its predecessors. Since then much of the surplus land and rights-of-way have been sold and mineral rights either leased or sold. In the case of abandoned rights-of-way the practice has been to offer the land to utilities, provincial governments, or neighbouring owners.

Treasury Board policy applies to CNR as a schedule D corporation. It holds land in its own name and administers land held in the right of Canada for Canadian Government Railways. Since CNR is a revenue-dependent corporation a recent cabinet decision applied to land that they own. Cabinet decided that, if the government directs a crown corporation to take actions that are not in its commercial interest, compensation will be paid. However, this does not apply to land held in the right of Canada. CNR cannot sell that land but may be required to grant it to Public Works if it becomes surplus to the company's needs.

At present the company has its land records in a manual index but is discussing the possibility of reporting them to the Central Real Property inventory.



# NATIONAL HARBOURS BOARD

## Objectives

This program contributes to the objectives of MOT's Marine Transportation Program, i.e. to provide facilities and to foster the optimum development of the marine mode of transportation, consistent with the protection of the environment, on a cost-recoverable basis to the maximum practicable extent. Sub-objectives of the NHB program are:

1. To provide facilities for the berthing of vessels.
2. To provide facilities for the handling and protection of waterborne transit cargo.
3. To promote utilization of national harbours.

## Legislative Authority

The legal basis for the NHB is outlined by the National Harbours Board Act (R.S.C. c.187, s.1). The Board has administrative and management control over 11 harbours, 2 elevators, 3 bridges and all works and property that on the first day of October 1936, were administered and controlled by individual harbour corporations.

## Power Related to Land Use

According to the Act, the National Harbours Board may, with Cabinet approval or authorization:

1. establish at any time a limit in the waters of any harbour under its jurisdiction beyond which construction from the shore may not be extended;
2. acquire, hold, possess, sell, dispose of, or lease real and personal, movable and immovable property; and may construct, maintain and operate roads, railways, vessels, plants and equipment; and generally do such things as it deems necessary for the efficient administration, management and control of the harbours, works and other properties under its jurisdiction;

3. acquire and take lands or a limited estate or interest in lands, without the consent of the owner, under the Expropriation Act.

### **Management System**

NHB operates 13 ports across the country on a revenue dependent basis. The NHB owns the land, buildings and plant while each port has a port authority committee that directs policy and a manager responsible for operation of the port. Land management however is vested in the NHB. Acquisition, disposal and leasing are subject to NHB approval although the local manager handles the details. NHB is a schedule C corporation under the financial administration act and as such is subject to the Treasury Board guidelines.

### **Land Management Policy**

The NHB has always believed in retaining surplus land for possible future use. Many of its ports are situated in congested urban cores where acquisition of additional land is either expensive or impossible. Such surplus or underused waterfront land that does exist may come under pressure from municipal authorities for other uses incompatible with port operations such as recreation or a new road. Since a port by definition must be at the water's edge, NHB's locational requirements are less flexible than those of other users. The location of a road too close to the water's edge can render a port site useless.

Technological change has made more back up space necessary in ports (they have to go back further from the water's edge), causing land use conflict with neighbouring land. In ports such as Montreal the port is in conflict with the old city. The technological change that requires more space is the use of containers. Merchandise is no longer stored in multi-storey warehouses, but in containers stacked one or two deep on open ground. Present handling techniques and the strength of the wharves prevent them being stacked higher.

Another innovation that affects land use is the increase in roll-on roll-off traffic. This however can be accommodated in parking space away from the harbour front.

The decline in passenger traffic has caused a reallocation of space in major terminals.

The NHB's leasing policy is determined by the nature of the lessee's business. Lessees of port space install heavy equipment and want to be assured of long tenure so leases run up to 99 years.

### **Land Use Effects**

1. Economic: As an example in the Port of Montreal the organizations with activities totally or partially relying on the flow of goods through the port employ 9,778 people. A further 8,086 are employed in providing services to the port, totalling 17,864 jobs. The annual salaries paid to these employees amounts to \$136 million and it can be estimated tha some 55,000 owe their living to the port. The total impact of the port in wages and services purchased is \$261,000,000 p.a.

2. Social: Taking the example of the Port of Churchill; this port is not only the major industry of Churchill but the major reason for the existence of the railway beyond Wabowden. It has the advantage of being the nearest port to the Prairies but is only open 90 days a year. It supports a community of 2000 people plus those who work on the railway. The cost to the NHB is about \$1 million p.a. in operating deficits.

### **DESCRIPTION OF LAND HOLDINGS**

The land holdings of NHB are listed as 23098ha. but this includes underwater holdings. Their dry land holdings are about one tenth of this. The largest port is Vancouver having 1800ha. followed by Montreal with 854ha. Apart from Vancouver, Prince Rupert and Churchill, NHB ports are on the East coast in Quebec and the Atlantic Provinces.(see table 13)

TABLE 13

## National Harbours Board Land Holdings in Hectares by Province and Land Use

Province	Residential	Commercial	Agriculture Conservation	Mining	Industrial	Land Reserves	Open Space	Institutions	Power and Communication	Land, Air Transportation	Marine Transportation	Total
Nfld.		.49				16.43					125.41	142.33
P.E.I.											90.97	90.97
N.S.											90.97	90.97
N.B.		.08								.73	1 030.25	1 031.06
Qué.		4.49				.41				244.75	1 570.19	1 819.84
Ont.											177.87	177.87
Man.											370.57	370.57
Sask.												
Alta.												
B.C.						53.50				2.02	19 409.61	19 465.14
Yukon												
N.W.T.												
Canada		5.06				70.34				247.50	22 774.87	23 097.77

Source: CRPI 1978



# THE ST. LAWRENCE SEAWAY AUTHORITY

## **Purpose**

To provide and maintain a deep waterway for marine transportation between the Port of Montreal and Lake Erie.

## **Legislative Authority**

St. Lawrence Seaway Authority Act (RSC 1970 c S-1)

## **Responsibilities Related to Land**

The St. Lawrence Seaway Authority is incorporated for the purposes of:

- A) acquiring lands for and constructing, maintaining and operating all such works as may be necessary to provide and maintain, either wholly in Canada or in conjunction with works undertaken by an appropriate authority in the United States, a deep waterway between the Port of Montreal and Lake Erie, and
- B) constructing, maintaining, and operating all such works in connection with such a deep waterway as the Governor-in-Council may deem necessary to fulfill any obligation undertaken pursuant to any present or future agreement;
- C) acquiring lands for, and constructing, maintaining and operating, alone or jointly or in conjunction with an appropriate authority in the United States bridges connecting Canada with the United States as authorized by the Act, and in connection therewith, or as incidental thereto, acquiring with the approval of the Governor-in-Council shares of property of any bridge company and operating and managing bridges;
- D) acquiring lands for, and constructing or otherwise acquiring, maintaining and operating such works or other property as the Governor-in-Council may deem to be necessary incidental to works undertaken pursuant to the Act.

## Land Management Policy

The Seaway Authority has a land management policy which conforms to the Treasury Board Guidelines with the exception of some long term leases.

The Authority classifies its land as:

1. Land for operations.
2. Land that may be required for extension of operations.
3. Land that may be surplus to operational requirements.

Number one is self-explanatory. Reserves for future extensions are situated in Niagara-on-the-Lake and Cornwall, Province of Ontario, and in Beauharnois, Province of Quebec. In the Cornwall area are situated some thirty-three residential units which are leased in accordance with the market value concept.

Surplus land is disposed of as follows:

A) Lands held under the right of Canada are transferred to D.P.W., e.g., part of the former Second, Third and Fourth Welland Canal reserve lands in the cities of Welland and St. Catharines, in the Regional Municipality of Niagara, Province of Ontario and the Lachine Canal, Province of Quebec, were transferred to D.P.W. without compensation.

B) Lands acquired by purchase or expropriation using Seaway Authority funds are declared for disposal through D.P.W. Where these lands are held in the federal inventory the Authority would expect to recover its costs. Where they are disposed of to the public, the Authority would expect to receive market value.

Long term leases on occasion may be granted under certain circumstances to ensure tenants making large capital investments some security of tenure. This type of lease when issued is subject to the Seaway Authority's navigational requirements, which pre-empt all other terms of the lease. The Seaway Authority is exempt as a schedule 'D' Crown Corporation from Treasury Board regulations, however, Treasury Board Advisory Committee, Federal Land

Management policies are generally adhered to.

## **DESCRIPTION OF LAND HOLDINGS**

The Seaway administers and controls a total of 10,902ha. of land. There are 5,674ha. located in the Province of Ontario and 5,229ha. in the Province of Quebec. ( See Table 14).

TABLE 14

St. Lawrence Seaway Authority Land Holdings in Hectares by Province and Land Use

Province	Residential	Commercial	Agriculture Conservation	Mining	Industrial	Land Reserves	Open Space	Institutions	Power and Communication	Land, Air Transportation	Marine Transportation	Total
Québec										5 228.60		5 228.60
Ontario		.08				858.66				4 262.50	552.27	5 673.51
Canada		.08				858.66				9 491.10	552.27	10 902.11

Source: CRPI 1978



# DEPARTMENT OF ENVIRONMENT

## ENVIRONMENTAL SERVICES PROGRAMME

### **Purpose**

To promote and undertake programmes to protect and enhance the quality of the environment, and programmes designed to improve the management and sustained economic utilization of the forest wildlife and inland water resources of the nation.

### **Legislative Authority**

Government Reorganization Act 1971

### **Programme Description**

The parts of the Environmental Services programme that use most of the land administered by Environment are the Forest Management Institute, the Canadian Wildlife Service and the Small Craft Harbours Branch.

The Forest Management Institute is responsible for silvicultural research and management of forest resources. Some of its experimental forests are on land administered by Environment, others are on land leased from National Defence, as at Val Cartier and Petawawa.

The Canadian Wildlife Service is responsible for management of wildlife on Federal lands and of migratory birds. The lands on which the Service operates are National Parks, National Wildlife areas, Migratory Bird Sanctuaries, and Wildlife Interpretation Centres. The Canada Wildlife Act empowered the Service to buy land for the protection and conservation of wildlife habitat. Otherwise the Service's jurisdiction over wildlife is effectively restricted to National Parks. The National Wildlife areas that have been purchased so far are mainly wetlands of no interest to other Federal departments. Since jurisdiction over wildlife is a provincial responsibility, the only means of subjecting an area to Federal jurisdiction is to purchase it. This does not apply to Migratory

Bird Sanctuaries, many of which are on provincially-owned land.

The Small Craft Harbour Branch operates harbours for the use of recreational craft. Administration of these harbours varies from province to province. On the east coast, Public Works, Transport and Environment each administer a number of harbours, although their operation is the responsibility of Environment. In British Columbia most small craft harbours are leased to Public Works by the province for operation by Environment.

### **Land Use Effects**

Land Holdings of the three services are subject to Treasury Board policy. Small Craft Harbours, whose land holdings are relatively small compared with Forests and Wildlife probably has the greatest effect on the social and economic activity of the area surrounding each site. These harbours contribute to the local infrastructure and recreational amenities. Forests and Wildlife contribute more to the quality of the natural environment.

It is worth noting that Environment is represented on the Treasury Board Advisory Committee by the Lands Directorate which is a policy and research group administering no act and holding no land. The land administration and policy advice to Treasury Board functions are separate.

### **DESCRIPTION OF LAND HOLDINGS**

Environment administers 52,396ha. of which 25,289ha. are wildlife refuges; they show in the table in the Agriculture and Conservation column. (See Table 15) These sites are concentrated in Saskatchewan and Quebec. The Forest Management Institute is responsible for most of the 12,817ha. in the Institutions column. This land would be experimental forests, the largest of which is Acadia in New Brunswick. The Small Craft Harbours account for a relatively minor proportion of Environment's land, 813ha. mainly in B.C., Nova Scotia and New Brunswick.

TABLE 15

## Environment Department Land Holdings in Hectares by Province and Land Use

Province	Residential	Commercial	Agriculture Conservation	Mining	Industrial	Land Reserves	Open Space	Insti- tution	Power and Communication	Land, Air Transportation	Marine Transportation	Total
Nfld.	2.39	2.08	1.82			.20		85.87		55.00	19.91	167.27
PEI		.49									17.69	18.17
N.S.		1.38	429.90				1 271.28	145.08			190.12	2 037.75
N.B.		.49	1 214.07			10.97	1 353.31	9 129.30			143.18	11 851.33
Qué.			3 384.35			.04	788.72	15.38		8.34		4 196.82
Ont.	.81		1 665.16			.08	43.30	180.22		6.29	9.70	1 905.55
Man.			87.01					8.90		1.13	64.75	161.79
Sask.			1 170.78				9 092.33	10.93		543.78		10 817.82
Alta.	.04		15 717.99					13.15				15 731.18
B.C.	7.41	1.09	1 617.55		.04	7.12	178.06	21.81		3.03	364.27	2 200.40
Yukon			.04					3 203.09			1.23	3 204.36
N.W.T.	.15	3.40	.36			4.10		3.97		89.76	2.23	103.96
Canada	10.80	8.93	25 289.03		.04	22.51	12 727.00	12 817.70		707.33	813.08	52 396.42

Source: CRPI 1978



# NATIONAL CAPITAL COMMISSION

## **Statutory Authority**

National Capital Act 1958

## **Purpose of Programme**

To prepare plans for and assist in the development, conservation and improvement of the National Capital Region

## **Land Ownership Powers**

The NCC is empowered to acquire, hold and dispose of land, but in the event of a purchase for a consideration in excess of \$25,000 or a sale in excess of \$10,000, the approval of Cabinet is required. The NCC has the same status as the Crown for the purpose of expropriation. The Commission may advise the Department of Public Works to expropriate any land required by the Commission.

There is also some case law on the expropriation powers of the NCC - the Supreme Court in the case of Munro vs. NCC, 1966 decided that the NCC as an agency of the federal government was entitled to expropriate land for the purpose of implementing a plan of land use in the Capital. The appellants claimed that such activity was within the exclusive jurisdiction of the provinces, but the court took the view that the development and improvement of the Capital, not being mentioned in the British North America Act 1867, fell within the reserve of power granted to the Dominion.

## **Programme Objectives**

The NCC embarked on its land acquisition programme during the 1950's in order to implement the Plan for the National Capital created by Jacques Greber and adopted by the Federal Government in 1950. Its main points were:

1. The creation of parks along waterfronts.
2. The removal of railways from the urban area and their relocation

at the periphery.

3. The improvement of the road system.
4. The creation of a greenbelt.
5. The provision of land for the expansion of Federal Government accommodation.

The latest restatement of programme objectives is contained in Tomorrow's Capital 1975. This publication has no legal status, it is merely a concept. The proposed priorities for action that concern land management are as follows:

1. Pursue the implementation of federal building programmes in central Hull and Rideau Centre in Ottawa.
2. Adjust the boundaries of the greenbelt to extend open space.
3. Protect agricultural land in the greenbelt.
4. In partnership with other levels of government, seek to ensure the public control of strategic land.
5. Help protect environmentally vulnerable areas on the urban fringe.

## **Management Policy**

The NCC is exempt at present from the Treasury Board guidelines, so a more detailed examination of their policy may be appropriate.

### Approach and Methods of Acquisition

The NCC and its predecessors, the Federal District Commission and the Ottawa Improvement Commission, have used a variety of methods and approaches to the acquisition of land for purpose as authorized by the respective Acts.

In 1959, the new National Capital Act amplified the NCC powers and permitted acquisition by expropriation without a prior offer having been made to the property owner. In 1970, however, under the new Expropriation Act, the right to expropriate property was vested in the Minister of Public Works, and it then became necessary for the Commission to request expropriations through that Department.

In addition, the National Capital Act required Governor-in-Council approval of all purchases or settlements over \$25,000 and for disposal of any property valued in excess of \$10,000, whether by transfer or outright sale. The Commission's methods of proceeding with the acquisition of property have been so successful that over 98 per cent of all settlements have been obtained without recourse to the Federal Court for a decision. Since the last Joint Parliamentary Committee, the Commission has successfully negotiated over 3,000 property settlements.

### **Approaches to Leasing and Management**

In its approach to property management, the Commission endeavours to meet the social and economic plans and needs of the regional community through humanitarian stewardship and the requirements of the tenants.

Rental properties are put to their highest and best economic use within the framework of the Commission's development plans. Where economically possible and when their life expectancy is curtailed as the result of a planned ultimate use which is different from the existing one, properties are put to the best interim use possible. Leases are made on a first-come, first-served basis to the most responsible applicant.

### **Development**

Proper management of the properties owned or administered by the Commission also implies a degree of development of these properties to exploit their highest potential in terms of use and a beneficial return--whether in monetary or other form--on the public funds invested. In broad terms, this means to effectively utilize and develop open space around the urban core of Ottawa-Hull as in the Greenbelt and Gatineau Park; to develop, maintain and administer useful services in the urban core by providing places for people to live, work and relax; to conserve and preserve places and things of historic and aesthetic significance in the national interest; and to participate with other government departments and agencies in the orderly development and growth of federal government facilities in the National Capital Region.

In pursuit of this objective the National Capital Region Land Use Policy Committee has been formed. It is an inter-Ministerial body set up to preside over the formulation of a comprehensive land use policy. An inventory of current federal land use is being made concurrently with a survey of estimated land requirements of federal departments in the National Capital Region. The project is similar to the Area Screening Programme of DPW.

The Commission has upgraded all of its rented properties through a major repair program, where the expected life span of these properties warranted. Particular emphasis was placed on the fire marshal's requirements, usually ignored by previous owners, so as to set an example of what could be expected of a good landlord.

In the case of historic buildings and sites, the Commission restored the historical character while renovating the inside to modern standards and in terms of recovering, through appropriate rentals, the cost of such renovations on a basis of long-term amortization of the investment. Improvements to such rental properties has resulted in the revitalization of the Sussex Drive area, which has several prosperous shops and small businesses. The investment has resulted in extending the economic life of the buildings while, at the same time, preserving the historic nature of the street and injecting new commercial life in the Byward-Sussex area. The Commission's lead in this respect is being followed by the municipality and private industry.

Investment of capital in the Greenbelt has been to improve the residential and farm units. The result is that the economic life of the farms and dwellings has been extended. Improvements to date have been directed mainly at correcting faults in existing structures which cause high maintenance expenditures, and on items which make the property more attractive to the rental market.

Farm improvements were directed toward updating the farm operation, taking advantage of new technological innovations and installing tile drainage on fields where necessary. An agricultural improvement program has been initiated

to improve farm units to make them viable production units for the next 15 to 20 years or longer. This is an investment in the economic and social sense and, at the same time, is a practical method of maintaining the open space concept of the Greenbelt while effectively utilizing its soil resources.

### **Disposals and Transfers**

Usually the Commission acquires property for a specific purpose, project or use. Sometimes, after the completion of the project for which certain properties were acquired, parts thereof become available for disposition. Such availability is occasioned by either the final alignment of a road or the final use requirements for a particular activity, or because the land had to be acquired for the project, although not needed, because the seller insisted on disposing of the entire holdings rather than only the part that was needed for the project.

The policy of the Commission generally is to lease rather than sell such available property. However, sometimes when another federal government department or another level of government needs a particular piece of such property for a permanent use, desired by or acceptable to the Commission, title to the property may be transferred to the other authority. Transfers are usually paid for in cash or equivalent land, based on an evaluation at market. The Commission prefers to receive land holdings of the other party that would complement its own acquisition program.

Occasionally, exchanges of property are negotiated with other public or private parties when to do so is of mutual benefit. Market value is used to establish compensation for each part of the exchange. Transfers are also made of properties, acquired by the Commission with loan funds in advance of need for future government building sites, when such properties are to be put to their designated use. The loans are then repaid from the proceeds of such sale/transfers.

Transfers with other government departments generally take place to accommodate the land requirements of their programs or to consolidate land holdings with the particular program that makes a permanent use of such properties. A

typical example would be the transfer of the Union Station--acquired by the NCC as part of the railway relocation program--to DPW, which has a permanent use for this property--namely that of a Conference Centre--while obtaining the lands adjoining the Rideau Canal from Parks Canada.

## **Conclusion**

Over its 75-year history, the land acquisition program of the NCC and its predecessors had undergone at least two changes in philosophy and approach. At the outset, it was orientated to the provision of land necessary for immediate project implementation and geared to the specific requirements of this purpose only. With the expansion of projects in magnitude and scope there arose the need to allow for changes to project boundaries without causing difficulties in negotiating for land required as a result of last minute project boundary realignments.

The demands of modern day planning considerations and approaches eventually led to the acquisition of property for broad objectives of the federal government, rather than specific project requirements. The establishment of the Greenbelt in Ontario, the acquisition of those parts of the E.B. Eddy property that contributed most to water and air pollution and the acquisition of properties on a large scale, such as LeBreton Flats and Rideau Centre, represent acquisitions in the pursuit of these broader objectives.

The Joint Parliamentary Committee in 1956 recommended that federal policy be exercised as far as possible through the ownership and use of property. The Commission thereafter proceeded to implement the major recommendations of the Greber Report and used the acquisition of land as the major instrument to influence the development of the Region

The impact of land ownership made itself felt in various ways and forms:

It enabled the federal government to have at its disposal, in advance of need and therefore--in a rising market condition--at relatively low cost, sites for government buildings and facilities in locations

designated for such use in accordance with established planning objectives.

It made possible the implementation of an open-space concept that provided the protection of waterfronts, the availability of areas for passive and active recreational activities and, in general, a loosening-up of dense urban environments.

It forced the municipalities and the private sector to concentrate on the better utilization of lands available between the Ottawa River waterfront and the inner limits of the Greenbelt and to maximize infrastructure service installation before becoming committed to heavier expenditures in areas outside the Greenbelt. Through the granting of appropriate easements crossing the Greenbelt, the Commission was in a position to influence, to a certain extent, the location and growth of these outside areas.

It permitted the removal of undesirable industrial activities (LeBreton Flats, E.B. Eddy, railway relocation) and their placement in more appropriate locations with vastly improved site appearances.

It makes it feasible, now, for the federal government to undertake major development projects in the urban core area which will reflect modern thought on urban environmental living, with heavy emphasis on housing and commercial activities.

The NCC owns some 44,009ha., 15,554 in Ontario and 28,465 in Quebec. The vast majority of land is in the Greenbelt and Gatineau Park, 14,327 and 31,358ha. respectively. Another 2,430ha. are devoted to parks and parkways and the rest to surplus railway land and redevelopment in Hull. (See Table 16)

TABLE 16

National Capital Commission Land Holdings in Hectares by Province and Land Use

Province	Residential	Commercial	Agriculture Conservation	Mining	Industrial	Land Reserves	Open Space	Institution	Power and Communication	Land, Air Transportation	Marine Transportation	Total
Québec						34.12	27 789.77			640.87		28 464.77
Ontario		.77	197.53		12.14	1 362.17	12 672.92	2.87		1 295.75		15 544.14
Canada		.77	197.53		12.14	1 396.29	40 462.69	2.87		1 936.62		44 008.91
	Source: CRPI 1978											

# CONCLUSIONS

The conclusions to be drawn from this study concern the approach of individual departments to land management and their relations with the Treasury Board on the subject.

Since the evaluative content of the reports on the individual departments was based largely on material supplied by themselves, they tend to reflect the departments' own attitudes. The departments for whom land management is an integral part of their programmes, namely CMHC, DPW, INA, and REE (PFRA), have a land use policy and have produced evaluative material on the subject. The departments who are major land owners because their operations need large amounts of space, i.e. DND and MOT do not have an express land use policy other than a commitment to follow Treasury Board land management policy but DND in particular conducts research into the effects, land use effects included, of its operations. The Crown corporations, CNR, NHB and the St. Lawrence Seaway Authority have an express land use policy distinct from that of the Federal Government. Their duty is to manage their assets for revenue and, if possible, profit. Thus they have come into conflict with the Treasury Board's instruction to consider the wider implications of their activities, a conflict which has been resolved by Cabinet's decision to compensate them for losses incurred in following federal policy.

It appears that the major effect of the Treasury Board guidelines will be on urban land where competition between uses is the greatest. Those agencies that have urban holdings and a defined land use policy may find themselves coming into conflict with the Treasury Board. The latter department wants to supervise the management of federal land in a manner that optimizes its use for the purpose of providing federal services in combination with the advancement of wider social, economic and environmental goals regardless of the agency that owns the land. This approach works well if the department or agency holding a parcel of surplus land transfers it to DPW. However, if the department or agency wishes to retain land that a DPW cyclical review has identified as

unused, it must justify its decision. In the event of this land being needed for some federal project, the Treasury Board Advisory Committee on Federal Land Management is responsible for evaluating the relative merits of the proposed project and the intentions of the holding department or agency.

These remarks are particularly relevant to crown corporations. An added complication in their case is that they own land which they have bought or inherited from the private sector and will only dispose of at market price.

The Treasury Board's responsibility for land management policy through the Federal Government, to put it in perspective, is but one aspect of the Board's role as manager of the Federal Government and all its works. It is evident that its land management guidelines are one of several bargaining instruments that it can use in its negotiations with federal agencies to achieve its overall management objectives.

# APPENDIX

## DEPARTMENTAL CODES

AEB ATOMIC ENERGY CONTROL BOARD  
AEL ATOMIC ENERGY OF CANADA LTD  
AGR AGRICULTURE, Department of  
AIR AIR CANADA  
ARC PUBLIC ARCHIVES  
AUD AUDITOR GENERAL'S OFFICE  
BAB ROYAL COMMISSION ON BILINGUALISM AND BICULTURALISM  
BAN BANK OF CANADA  
BGC BOARD OF GRAIN COMMISSIONERS (CANADIAN GRAIN COMMISSION)  
BRI SEAWAY INTERNATIONAL BRIDGE CORPORATION LTD  
BUR COMPUTER SERVICES BUREAU  
CAD CROWN ASSETS DISPOSAL CORPORATION  
C&E NATIONAL REVENUE, CUSTOMS AND EXCISE, Deptment of  
CAL CANADIAN ARSENALS LTD  
CBC CANADIAN BROADCASTING CORPORATION  
CBD CAPE BRETON DEVELOPMENT CORPORATION  
CCA CONSUMER AND CORPORATE AFFAIRS, Department of  
CCL CANADA COUNCIL  
CDC CANADIAN DAIRY COMMISSION  
CEC CANADIAN GOVERNMENT EXHIBITION COMMISSION  
CEO CHIEF ELECTORAL OFFICER, Office of the  
CMH CENTRAL MORTGAGE AND HOUSING CORPORATION  
CNR CANADIAN NATIONAL RAILWAYS  
COM COMMUNICATIONS, Department of  
CTC CANADIAN TRANSPORT COMMISSION  
CTR COMPTROLLER OF THE TREASURY  
CWB CANADIAN WHEAT BOARD  
DBS DOMINION BUREAU OF STATISTICS (STATISTICS CANADA)  
DCB DOMINION COAL BOARD

DND NATIONAL DEFENCE, Department of  
DOE ENVIRONMENT, Department of  
DOT TRANSPORT, Ministry of  
DPW PUBLIC WORKS, Department of  
DRB DEFENCE RESEARCH BOARD  
DVA VETERANS AFFAIRS, Department of  
EAL ELDORADO AVIATION LTD  
ECC ECONOMIC COUNCIL OF CANADA  
ECI EXPORT CREDITS INSURANCE CORPORATION  
ELD ELDORADO NUCLEAR LTD  
EMO EMERGENCY MEASURES ORGANIZATION  
EMR ENERGY, MINES & RESOURCES, Department of  
ENR NATIONAL ENERGY BOARD  
EXT EXTERNAL AFFAIRS, Department of  
FCC FARM CREDIT CORPORATION  
FIN FINANCE, Department of  
FLB CANADIAN FARM LOAN BOARD  
GAL NATIONAL GALLERY OF CANADA  
GGG GOVERNOR GENERAL'S SECRETARY, Office of the  
HOC HOUSE OF COMMONS  
IAN INDIAN AFFAIRS & NORTHERN DEVELOPMENT, Department of  
IDA CANADIAN INTERNATIONAL DEVELOPMENT AGENCY  
IDB INDUSTRIAL DEVELOPMENT BANK  
IJC INTERNATIONAL JOINT COMMISSION  
INS INSURANCE, Department of  
ITC INDUSTRY, TRADE & COMMERCE, Department of  
JUS JUSTICE, Department of  
LAB LABOUR, Department of  
LFB CANADIAN LIVESTOCK FEED BOARD  
LIB LIBRARY OF PARLIAMENT  
M&I MANPOWER & IMMIGRATION, Department of  
MDB MUNICIPAL DEVELOPMENT AND LOAN BOARD  
MNT ROYAL CANADIAN MINT

MRC MEDICAL RESEARCH COUNCIL  
NAC NATIONAL ARTS CENTRE CORPORATION  
NBC NATIONAL BATTLEFIELDS COMMISSION  
NCC NATIONAL CAPITAL COMMISSION  
NFB NATIONAL FILM BOARD  
NHB NATIONAL HARBOURS BOARD  
NHW NATIONAL HEALTH & WELFARE, Department of  
NLI NATIONAL LIBRARY  
NMC NATIONAL MUSEUMS OF CANADA  
NPB NATIONAL PAROLE BOARD  
NRC NATIONAL RESEARCH COUNCIL  
NTC NORTHERN TRANSPORTATION COMPANY LTD  
PCO PRIVY COUNCIL OFFICE  
PDL CANADIAN PATENTS AND DEVELOPMENT LTD  
PEN CANADIAN PENITENTIARY SERVICE  
POD POST OFFICE Department  
POL POLYMER CORPORATION LTD  
POW NORTHERN CANADA POWER COMMISSION  
PSC PUBLIC SERVICE COMMISSION  
RCM ROYAL CANADIAN MOUNTED POLICE  
REE REGIONAL ECONOMIC EXPANSION, Department of  
REG REGISTRAR GENERAL OF CANADA  
REP REPRESENTATION COMMISSIONER, Office of the  
ROY ROYAL COMMISSIONS  
RTC CANADIAN RADIO-TELEVISION COMMISSION  
SCC SCIENCE COUNCIL OF CANADA  
SEC SECRETARY OF STATE, Department of the  
SEN SENATE  
SEA ST LAWRENCE SEAWAY AUTHORITY  
SOL SOLICITOR GENERAL, Department of the  
SSD SUPPLY & SERVICES, Department of  
TAR TARIFF BOARD  
TAX NATIONAL REVENUE: TAXATION, Department of  
TBD TREASURY BOARD

TEL CANADIAN OVERSEAS TELECOMMUNICATION CORPORATION  
TXB TAX APPEAL BOARD (TAX REVIEW BOARD)  
UIC UNEMPLOYMENT INSURANCE COMMISSION  
WEX CANADIAN CORPORATION FOR THE 1967 EXHIBITION

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