



ISLANDS TRUST CONSERVANCY BOARD POLICY

Policy number: 2.2

Title: Assessing Conservation Proposals

Approved By: Islands Trust Conservancy Board

Date: Jan. 23, 2014

Resolution #: TFB-2014-004

Chair Signature:

PURPOSE

To describe how the Islands Trust Conservancy Board assesses proposals for conservation covenants and land donations that support the protection of lands of ecological significance in the Islands Trust Area.

SCOPE

This policy does not apply to land donation proposals where the purpose is to sell the donated land and use the proceeds to advance the Islands Trust Conservancy's mandate.

Proposals that include an application for the Natural Area Protection Tax Exemption Program are also guided by ITC Policy 2.5 Natural Area Protection Tax Exemption Program.

BACKGROUND

The *Islands Trust Act* establishes the Islands Trust Conservancy to acquire, hold and manage land and receive donations for the purpose of carrying out the object of the Islands Trust. The object of the Islands Trust, first legislated by the Province in 1974, is *"to preserve and protect the trust area and its unique amenities and environment for the benefit of residents of the trust area and of the province generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the Government of British Columbia"*.

The Board primarily uses statutory covenants and land donations to achieve its mandate. However, the Board may also accept land or covenants that are a requirement of a development approval process, and may occasionally work with partners to purchase land.

A: Policy - General

1. The Board will only consider a proposal that is accompanied by a completed Conservation Proposal Form and Staff Report.

2. The Board will normally only consider the acquisition of lands that meet the Board's definition of "Nature Reserve¹".
3. The Board will only accept proposals that meet one or more of the goals or objectives of the Regional Conservation Plan, and that will result in the protection of ecosystems and features identified as priorities in the Regional Conservation Plan.
4. When considering proposals, the Board will give priority to those proposals that protect larger areas of land, and may defer or decline smaller proposals.
5. The Board will only consider accepting covenants and land acquisitions of less than 2 hectares (4.9 acres) if:
 - the property contains significant habitat² for species at risk and/or a significant number of species at risk³;
 - the property adds area to an existing adjacent or nearby protected area;
 - the property is an islet or small island; or,
 - the property contains an ecosystem that is not represented in existing protected areas in that local trust area.
6. The Board will evaluate any risks that may hamper the Board's ability to protect the land's natural values in perpetuity, as identified by the Staff Report. Risks that will be assessed in the Staff Report include, without limitation:
 - contaminated soil, oil tanks or other environmental hazards;
 - mineral and water rights issues;
 - surrounding land use;
 - requested reserved rights (e.g. trails or firewood removal);
 - structures and utilities (e.g. septic fields, pump houses, wells, etc.); and
 - encumbrances on title (e.g. easements, mortgages, liens).

The Staff Report will evaluate whether any identified risk can be reduced, eliminated or managed.

¹ An Islands Trust Conservancy Nature Reserve is an area that has been set aside because it has regionally significant natural ecosystems (landscape units with little or no human development) and may contain nationally and provincially identified ecosystems and species that are considered endangered, threatened or of special concern.

The primary purpose of a Nature Reserve is the preservation and protection of the natural ecosystem. The size of a Nature Reserve should be sufficient to ensure that these ecosystems remain viable over the long term.

Activities permitted on a nature reserve will have minimal impact on the land and in general will only include hiking and only in areas that are considered not sensitive to this activity. The location and extent of hiking trails will be determined through the management plan process.

² For example, Critical Habitats as defined by the federal Species at Risk Act.

³ For example, several species of concern and at least one species that is identified as threatened or endangered federally or provincially.

7. The Board may consider proposals that protect recreational, cultural and heritage features (such as trails, significant historic or cultural landscapes and archaeological sites), but only where the proposal also meets at least one of the goals and objectives of the Regional Conservation Plan.
8. The Board will only consider accepting proposals that need extensive ecological restoration or substantial management if:
 - a. the Board has adequate staff resources to manage the on-going requirements;
 - b. a substantial cash donation that is adequate to cover on-going restoration and/or management costs is provided ; and,
 - c. the Board has adequate funds available to undertake immediate restoration and/or management requirements.
9. The Board will not accept or acquire any lands where there is an obligation to maintain buildings or structures.
10. The Board may accept and acquire lands that have buildings on-site that can be removed or maintained at the Board's discretion, but will only consider maintaining buildings if:
 - a. the Board has adequate staff resources to manage the on-going requirements;
 - b. a substantial cash donation that is adequate to cover on-going maintenance costs is provided ; and,
 - c. the Board has adequate funds available to undertake immediate maintenance requirements.If the Board chooses to maintain a building, it may consider leasing the building to a suitable group for long-term management.
11. At the time of considering a proposal, the Board will consider whether adequate funds and staff resources are in place to properly complete the acquisition or covenant. The Board may consider options for securing adequate funds, such as grants, fundraising, or endowments.
12. The Board will assess the need for the ongoing management and future legal defense of conservation properties and may, as part of an approval, request or require an endowment or restricted donation to cover management and defense costs associated with the land or covenant.
13. The Board may impose a time-limited moratorium on accepting proposals if it concludes that it has inadequate resources to support further proposals in the current fiscal year.
14. The Board will confirm its acceptance or rejection of a proposal by resolution and staff will then inform the applicant of the Board's decision.

B: Policy: Voluntary Land Donation or Covenant

15. Unless the applicant waives confidentiality in writing, all voluntary proposals, with the exception of proposals under the Natural Area Protection Tax Exemption Program, will be considered at *in camera* meetings until the covenant is registered on title or the land is transferred to the Islands Trust Conservancy or partner agency.

16. In the case of a voluntary land donation or voluntary covenant, the applicant is responsible for all costs incurred by the applicant to complete the land donation or covenant, except for registration in the Land Titles office, which will be the responsibility of the Board. An applicant who is donating land is also responsible for all property taxes for which the Islands Trust Conservancy cannot receive a statutory exemption. The Board may consider requests from the applicant for assistance with these costs.

C: Policy: Land Donation or Covenant Associated with a Development Application

17. The Board will only consider a proposal for a conservation covenant or land donation connected with a development application where the applicant provides an ecological assessment by a qualified ecologist/biologist and an archeological review of both the proposed protected area and the proposed development. The assessment and review must be completed within one year prior to the application to the Board. For covenants and acquisitions that are part of density transfers or amenities rezoning applications, this assessment must be done for both the receiving and sending areas, or for the area that is being down zoned and the area that is up zoned.
18. The applicant is responsible for all costs incurred by the applicant to complete the covenant or land transfer, and for the costs of registration in the land title office. The applicant is also responsible for all property taxes for which the Islands Trust Conservancy cannot receive a statutory exemption.
19. The Board may require an endowment or restricted donation to cover the future management of the donated land or the covenant. Charitable tax receipts will not be issued for financial contributions directly connected with a development application, but may be issued for discretionary endowments or additional gifts of land the applicant may freely offer, as permitted by law.
20. All proposals that are part of a development application are considered public and will be considered at the Board's regular meetings.

REFERENCES

Islands Trust Act

Islands Trust Conservancy's Regional Conservation Plan

Islands Trust Conservancy Plan (trust fund plan under the *Islands Trust Act*)

ITC Policy 2.1 Board Approval of Land and Financial Transactions

ITC Policy 2.4 Conservation Covenants

ITC Conservation Proposal Form (voluntary)

ITC Conservation Proposal Form for Conservation Projects Connected with a Development Application