

**LETTER OF UNDERSTANDING**  
**between**  
**SUNSHINE COAST REGIONAL DISTRICT**  
**and**  
**ISLANDS TRUST**  
**concerning**

**THE ADMINISTRATION OF THE NATURAL AREA PROTECTION TAX EXEMPTION  
PROGRAM (NAPTEP)**

This Letter of Understanding outlines a consultative process between the Islands Trust (“the Trust”) and the Sunshine Coast Regional District (“the District”) to co-ordinate the administration of the Natural Area Protection Tax Exemption Program (“NAPTEP”) for conservation of private lands within the Gambier Island Local Trust Area.

This Letter of Understanding refers to and uses terms from the *Islands Trust Natural Area Protection Tax Exemption Regulation* (“the Regulation”) and the procedural policy of the Islands Trust Council entitled *Administration of Natural Area Protection Tax Exemption Program – Gambier Island Pilot Project* (“the Administrative Policy” — see Schedule 1).

1.0 PURPOSES

- 1.1 To establish processes for the administration of those aspects of the NAPTEP that affect both the District and the Trust, including the application and approval process, consultation, promotion, enforcement, evaluation, costs and the duration of the program.

2.0 PRINCIPLES

- 2.1 Both parties acknowledge that the Trust has a provincial mandate from the *Islands Trust Act* to preserve and protect the natural environment and unique amenities of the Trust Area.
- 2.2 Both parties acknowledge that the District is responsible for the delivery of services in part of the Trust Area.
- 2.3 Both parties recognize that cooperation and the sharing of information is essential to the success of the NAPTEP.

3.0 APPLICATION AND APPROVAL PROCESS FOR NATURAL AREA EXEMPTION  
CERTIFICATES

- 3.1 The Administrative Policy describes the NAPTEP application and approval process the Trust will use. Islands Trust Council may modify or refine the Administrative Policy from time to time. It will not change those parts of the Administrative Policy that affect the District without the agreement of the Administrator of this Letter of Understanding.
- 3.2 The District and the Trust will accept NAPTEP applications at their offices by mail or hand delivery. The District will forward any applications received to the Trust’s Victoria office.
- 3.3 Upon receipt of a complete application, Trust staff will conduct an initial evaluation to confirm eligibility for the NAPTEP process according to the Regulation. If they

determine that the application may be eligible for the NAPTEP, they will refer the application and the initial evaluation to the District for comment.

- 3.4 The District will provide any comments it may have regarding the application to the Trust's Victoria office within 60 days of receipt of the referred application.
- 3.5 Trust staff will prepare a report with recommendations to Islands Trust Council regarding each NAPTEP application that is determined to be eligible. Any comments received from the District within the referral period will be included in the report to Islands Trust Council.
- 3.6 On the basis of staff recommendations and referral comments, Islands Trust Council will decide whether to issue a natural area exemption certificate in regards to each application it receives.
- 3.7 The Trust will notify the District of all natural area exemption certificates it issues within the Gambier Island Local Trust Area.

#### 4.0 CONSULTATION

- 4.1 Both Parties will use their best efforts to achieve interagency co-operation with mutually agreeable terms and periods.
- 4.2 Responsibility for the coordination of this Agreement by the respective parties is assigned to the Chief Administrative Officer of the District and the Executive Director of the Trust.
- 4.3 Either party may request a meeting to discuss outstanding concerns. Such a meeting will occur within 15 working days of the request or within another period that the parties agree to.

- 4.4 Where anything is to be delivered, or otherwise sent to the Parties it will be delivered to:

Islands Trust Council                      #200 - 1627 Fort Street  
Victoria BC V8R 1H8  
Attention: Director, Trust Area Services

Regional District Board:                Box 800  
5477 Wharf Road  
Sechelt BC V0N 3A0  
Attention: Chief Administrative Officer

- 4.5 Both Parties will bear the full cost of this agreement unless otherwise agreed to, in writing, by both Parties.

#### 5.0 PROMOTION

- 5.1 The District Board and the Trust will commit resources to promote the NAPTEP within the Gambier Island Local Trust Area.
- 5.2 The District will make NAPTEP promotional and informational materials produced by the Trust available to the public from its offices and through links on its website.

## 6.0 MONITORING AND ENFORCEMENT

- 6.1 The Trust will not issue a natural area exemption certificate unless the related property is subject to a protection covenant as outlined in the *Regulation*.
- 6.2 The Trust will ensure that a qualified individual monitors each property that is subject to a natural area exemption certificate annually to confirm that there are no contraventions of the protection covenant.
- 6.3 Should the District become aware of a contravention or suspected contravention of a protection covenant related to a natural area exemption certificate in the Gambier Island Local Trust Area, it will notify the Trust.
- 6.4 Should there be a contravention of a protection covenant, staff will develop recommendations to Islands Trust Council. In some cases, the contravention will be remediated. In other circumstances, Islands Trust Council will decide to cancel the natural area exemption certificate. Cancellation of natural area exemption certificates will follow the requirements of the *Regulation* and the Administrative Policy.
- 6.5 The Trust will notify the District of all natural area exemption certificates that it cancels within the Gambier Island Local Trust Area.
- 6.6 Should the Trust receive recaptured taxes related to the cancellation of a tax exemption certificate (see s.4.3 of the Regulation and s.18 of Schedule 1 -- the Agreement) it will provide to the District an amount equal to the taxes that the Region would have collected in the absence of a tax exemption certificate. The amount to be provided to the District will be calculated in consultation with the BC Assessment Authority and will be subject to mutual agreement by the District and the Trust.

## 7.0 EVALUATION OF PROGRAM

- 7.1 Both Parties will commit resources and cooperate to evaluate the success and impacts of the NAPTEP. Evaluation will include an assessment of the amount of land protected, the financial impact on taxing authorities and the identification of external influences on the success of the program.

## 8.0 RELATED ADMINISTRATIVE ACTIVITIES

- 8.1 Both Parties agree to refer inquiries or complaints regarding the NAPTEP to each other, as appropriate.

## 9.0 TERMS OF AGREEMENT

- 9.1 The Executive Director of the Islands Trust and the Chief Administrative Officer of the Regional District may amend this agreement upon mutual agreement.
- 9.2 The NAPTEP in the Gambier Island Local Trust Area and this Agreement are valid for ten (10) years from the date this Agreement is signed.
- 9.3 The NAPTEP in the Gambier Island Local Trust Area may be extended for a further period upon recommendation of the Regional District Board and Islands Trust Council.

- 9.4 Both parties agree to provide reasonable effort within the limits of their resources to implement this agreement on the basis that neither party may assign responsibilities to the other.

**APPROVALS**

APPROVED BY RESOLUTION OF THE SUNSHINE COAST REGIONAL DISTRICT BOARD THE 28<sup>TH</sup> DAY OF NOVEMBER, 2002.

APPROVED BY RESOLUTION OF ISLANDS TRUST COUNCIL THE 21<sup>ST</sup> DAY OF NOVEMBER, 2002.

**Schedule 1**

**Islands Trust Administrative Policy**  
***Administration of Natural Area Protection Tax Exemption Program – Gambier Island Pilot Project (“the Administrative Policy”)***