



## POLICY MANUAL

**Code:** TFB 09003

**Policy** ○ **Procedure** ○ **Guideline** ☉

**Title:** Covenant Management and Defence Fund Guidelines

**Approved By:** Islands Trust Conservancy Board

**Date:** Aug. 13 2009

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### Purpose

The Covenant Management and Defence Fund's purpose is to provide funding for the long-term management, enforcement and defence of conservation covenants held by the Islands Trust Conservancy.

### Background

The Islands Trust Conservancy has an on-going obligation to its donors, as well as to the landowners and residents of the Islands Trust Area and British Columbia generally, to steward and defend its conservation covenants. As with other land conservancies, the Islands Trust Conservancy needs secure and lasting sources of dedicated funds sufficient to cover the costs of stewarding covenanted land and enforcing and defending its conservation covenants.

The Board established the Covenant Management and Defence Fund in 2009 in response to receiving a cash donation from a covenant donor for the long-term management and defence of the covenant. These Guidelines set out how the Board will manage and use funds that are donated to support specified conservation covenants.

### Use of Moneys held in the Covenant Management and Defence Fund

Generally, cash donations given to the Islands Trust Conservancy to provide funding for the management of conservation covenants will be deposited into the Covenant Management and Defence Fund.

The Board will use the money held in this Fund only to cover costs associated with the following purposes:

- Maintenance, enhancement, restoration and improvement of the natural features, habitats, ecosystems and amenities protected by a conservation covenant, as identified in the covenant or the baseline documentation report referenced in the covenant.
- Monitoring compliance with a conservation covenant held by the Board.
- Enforcing a conservation covenant held by the Board in the event of a breach or alleged breach of the covenant.
- Defending a conservation covenant held by the Board in the event of a challenge to the terms of the covenant

The Board may also use moneys held in this Fund to

- assist a co-holder of a covenant to pay the costs of enforcing or defending the jointly-held covenant; or
- assist an owner on whose lands the Board holds a covenant to pay the costs of seeking damages from a third party trespasser who has caused damage to the covenant area.

Contributing moneys to a co-covenant holder for enforcement and defence purposes, or to an owner for litigation costs, will be in the Board's sole discretion and on such terms and conditions it considers appropriate in each case. Prior to contributing money held in the Fund for these purposes, the Board will require a written agreement with the co-covenant holder or the owner setting out how the moneys may be used, and how any costs compensation or damages received through the process will be used, or distributed between the Board and the co-covenant holder.

The Board will not use the funds held in the Covenant Management and Defence Fund for costs associated with the acquisition of conservation covenants.

### **Allocation of Funds to Specific Covenants**

Where a landowner requests that donated funds be used to support the management and defence of one or more specific covenants, the Board will identify and keep a separate accounting of those funds for the management of the specified covenants in accordance with these Guidelines.

Generally, the Board will use moneys that are allocated to a specific covenant only for purposes relating to the management and defence of that covenant. However, the Board may in its discretion use all or a portion of such funds for the management and

defence of other covenants held by the Board. While such decisions are in the Board's sole discretion, reasons it may decide to reallocate such funds include where:

- the Board ceases to hold a covenant on the specified lands;
- the Board determines that there is sufficient money to use a portion for another covenant management use without detracting from the original allocated use; or
- where the donating landowner agrees with the proposed alternate use.

### **Maintaining the Fund**

The Islands Trust Conservancy will solicit donations to the Covenant Management and Defence Fund on an on-going basis through its covenant program, its website, Islands Trust newsletters and other regular communications.

### **Reviewing and Revising These Guidelines**

These Covenant Management and Defence Fund Guidelines will be reviewed and revised as needed.

Partner agencies and the public are welcome to provide feedback to the Board on these Guidelines and can direct comments in writing to the Board Chairperson.