



<b>Policy:</b>	2.1.16
<b>Approved By:</b>	Trust Council
<b>Approval Date:</b>	September 21, 2022
<b>Amendment Date(s):</b>	None
<b>Policy Holder:</b>	Director of Trust Area Services

## **GUIDELINES FOR EXECUTIVE COMMITTEE SPONSORED OR ISLANDS TRUST CONSERVANCY INITIATED NAPTEP APPLICATIONS**

### **Purpose**

To clarify the circumstances when it is appropriate for the Executive Committee (EC) or Islands Trust Conservancy Board (ITC) to sponsor or initiate a Natural Area Protection Tax Exemption Program (NAPTEP) application.

### **A. Definitions**

**Executive Committee Sponsored Application** – means when the EC assumes sponsorship of a NAPTEP application for a specific property or properties and pays the appropriate fee on behalf of an applicant.

**Islands Trust Conservancy Initiated Application** – means when the ITC, through a resolution of the ITC Board, initiates a NAPTEP application for a specific property or properties without fee on its own behalf or on behalf of a property owner.

### **B. Policy**

1. A NAPTEP Application includes any NAPTEP application received according to Trust Council policy.
2. Conditions appropriate for Executive Committee sponsorship of a NAPTEP application are:
  - 2.1 When the application is initiated by the ITC.
  - 2.2 When the applicant is a non-profit agency or organization seeking to apply to NAPTEP for the benefit of the community at large and consistent with goals in the ITC Regional Conservation Plan (RCP) as determined by the ITC Manager.
  - 2.3 When the applicant submits a voluntary proposal and seeks to protect over eight hectares of land or seeks to protect land that has significant habitat for endangered or threatened species under the federal *Species at Risk Act* and where the conservation proposal is consistent with goals in the ITC Regional Conservation Plan (RCP) as determined by the ITC Manager.
  - 2.4 When the applicant submits a voluntary proposal and seeks to protect important Indigenous cultural sites such as archaeological sites or other culturally significant places.
  - 2.5 When the applicant submits a voluntary proposal and seeks to protect areas that mitigate climate change impacts or provide for significant carbon storage and sequestration opportunities as determined by the ITC Manager.
  - 2.6 When the ITC Board, through resolution, requests sponsorship of the NAPTEP application.

3. Conditions appropriate for an ITC initiated NAPTEP application include:
  - 3.1 Where an error has been made (e.g., as part of a covenant registration) in a NAPTEP application process and an additional application process is required to correct the error.
  - 3.2 Where the ITC Board wishes to expand or modify the extent of a NAPTEP covenant or modify the terms of a NAPTEP covenant and a NAPTEP application process is required.
  - 3.3 Where the ITC Board deems a NAPTEP application is significant for meeting ITC goals and objectives under the Regional Conservation Plan or the Trust Fund Plan (described in the *Islands Trust Act*) and where a landowner authorizes the ITC Board to act on their behalf.
4. Conditions not appropriate for Executive Committee sponsorship or ITC initiation of a NAPTEP application include:
  - 4.1 When the application is deemed a development application under ITC policies or is subject to an application process with a local trust committee or island municipality.
  - 4.2 When an applicant claims that he or she cannot afford the cost of the application and the application would not otherwise qualify for sponsorship or initiation.
5. Where the Executive Committee wishes to sponsor a NAPTEP application, the costs of the relevant application fees will be charged to the budget line for the sponsorship of NAPTEP applications by resolution.
6. Initiation of a NAPTEP application by the Islands Trust Conservancy does not fetter the discretion of the Islands Trust Conservancy or the Trust Council when they make decisions about the outcome of a NAPTEP application. Islands Trust Conservancy, Trust Council, and Executive Committee members and staff must ensure that applicants and members of the public are fully aware of the distinction between sponsorship or initiation of an application and Trust Council and Islands Trust Conservancy roles in decision-making regarding that application.

**C. Legislated References**

1. [Local Government Act, Section 397](#)
2. [Islands Trust Act, Part 7.1](#)
3. [Islands Trust Natural Area Protection Tax Exemption Regulation \(B.C. Reg. 41/2002\)](#)
4. [Trust Council Bylaw No. 115: A bylaw to prescribe fees for issuing Natural Area Exemption Certificates](#)

**D. Attachments/Links to Supporting Forms, Documents, Websites, Related Policies and Procedures**

1. [TC Policy 2.1.10: Administration of Natural Area Protection Tax Exemption Program](#)
2. [ITC Policy 2.5: Natural Area Protection Tax Exemption Covenants](#)