



ISLANDS TRUST CONSERVANCY BOARD POLICY

Policy number: 2.3

Title: Acquisition and Management of Land

Approved By: Islands Trust Conservancy Board

Date: Jan. 23, 2014

Resolution #: TFB-2014-005

Chair Signature:

PURPOSE

To describe how the Islands Trust Conservancy Board acquires land, through donation or purchase, and to describe the standards for management of Islands Trust Conservancy properties.

SCOPE

This Policy does not apply to acquisitions of land with little or no ecological value that are acquired for the purposes of resale.

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 Islands Trust Conservancy primarily acquires land with significant ecological value for the purpose of establishing Nature Reserves¹; however, it may acquire land with little or no ecological value in order to resell the land to raise funds for protecting land with significant ecological value.

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.

Board management of Nature Reserves under its ownership includes the development and implementation of a management plan, annual monitoring, and in some cases, enlisting the assistance of a local management group.

A: Policy - Acquisition

1. The Board will consider each land acquisition proposal according to ITC Policy 2.2 *Assessing Conservation Proposals*.
2. The Board will normally only consider the acquisition of land that meets the Islands Trust Conservancy Board's definition of "Nature Reserve".
3. The Board primarily acquires land through donation. The Board will issue a charitable receipt for donated land, based on an appraisal of the donated property. The donor must provide an appraisal (at his or her cost) undertaken by an individual accredited in real estate appraisal in Canada, and who is independent from both the donor and the Islands Trust Conservancy Board.
4. Where the Board receives a donation of land subject to a life estate, expenses for property maintenance, property taxes, and any property indebtedness must be paid by the donor or the life estate holder.
5. The Board may consider the acquisition of land through purchase if:
 - (a) a partnership with one or more conservation groups and/or government agencies can be formed for the purposes of fundraising;
 - (b) the seller is willing to consider a conservation sale below appraised value and/or with an extended timeline for purchase; or,
 - (c) significant funding for the purchase is available through donation or grant.

Where the Board is considering the purchase of land, a feasibility assessment should be completed by staff (with partners, where appropriate) and should indicate that there is a strong likelihood of raising sufficient funds for the purchase.

6. If the Board chooses to join a partnership for the purpose of acquiring land, it will require a signed memorandum of understanding (MOU) between the partners before proceeding. The MOU will set out each partner's role, including:
 - the process for review and approval of communications;
 - which partner will hold title to the land;
 - what legal documents will be required to complete the project;
 - who will lead negotiations with the landowner;
 - who is responsible for any necessary up-front costs, legal costs and closing costs;
 - whether a covenant will be registered on the land, and if so, who will hold the covenant;
 - who is responsible for developing the management plan;
 - who will accept and manage donations for the acquisition; and,
 - what will happen to the funds raised if the acquisition does not complete.

7. The Islands Trust Conservancy's contributions to a partnership acquisition project may include the following, at the discretion of the Board:
 - developing funding proposals to foundations, corporate and government funding sources;
 - posting acquisition project information and donation opportunities on the Islands Trust Conservancy website;
 - producing communications, including media releases and newsletter articles;
 - providing staff time to assist with coordination and planning;
 - accepting donations and providing charitable receipts;
 - assisting in specific fundraising initiatives;
 - drafting transfer agreements and/or conservation covenants;
 - assisting with project expenses (e.g. survey, appraisal);
 - holding title to the land or holding covenants on acquired properties; or management planning.
8. Where the Board contributes significant resources to the acquisition of a property, the Board may request to hold a covenant or right of first refusal for the land.
9. The Board will use legal counsel to review all legal documents related to any land acquisition.

B: Policy - Management

10. The Board will prepare and approve a management plan for each property it acquires as a Nature Reserve. The Board will approve a management plan for its properties within one year of acquisition, and will update each management plan approximately every 10 years.
11. The Board will encourage input and involvement from interested community members, local First Nations and island conservation groups during the management planning process for its Nature Reserves.
12. The Board may negotiate management agreements with local conservation groups to assist with on-site property management, such as trail maintenance and invasive species removal.
13. Property management activities will focus on the preservation of the ecological integrity of the Nature Reserve. Low-impact recreational access will be accommodated only where the ecological integrity is not significantly compromised.
14. The Board will monitor all Nature Reserves annually, and assess for potential management problems such as trespass, misuse or overuse, vandalism, safety hazards or other concerns or activities as listed in the management plan. The Board will take action to address any problems identified, within budget constraints.
15. Monitoring of Ecological Gifts² will include confirmation that the present use of the property is consistent with the use at the time of the donation. Monitoring documentation relating to Ecological Gifts will be made available to Environment Canada upon request.
16. Management plans will indicate where signs should be placed on Nature Reserves. Signs will be kept to a minimum and be used only when necessary to provide visitors with essential information.

² An Ecological Gift is a gift of land or a covenant on land that is certified as ecologically sensitive by the federal Minister of the Environment or his or her designate in accordance with the provisions of the federal Income Tax Act and otherwise meets the requirements of the Income Tax Act and that gives rise to special tax benefits.

17. Generally, the following three types of signs may be used on Nature Reserves:

Management Signs- describe permitted uses or activities that are not permitted, using international symbols where appropriate.

Safety Signs- alert visitors to dangerous conditions or hazards that exist. Safety signs must be installed when a hazard or dangerous condition is identified on-site, using international symbols where appropriate.

Information Signs- provide visitors with specific information such as, the name of the property, management partners, identification of the site boundaries, identification or interpretation of features, provision of directions, and identification of facilities (e.g., trails).

18. The Board will seek appropriate conservation groups to hold conservation covenants on its lands and will work with these groups to negotiate appropriate covenant restrictions and obligations respecting the land.

REFERENCES

Regional Conservation Plan
ITC Policy 2.2 Assessing Conservation Proposals
ITC Policy 2.4 Conservation Covenants