



HAT

Creating **Conservation** Legacies

HABITAT ACQUISITION TRUST POLICY

Title: Financial Donations and Grants Received Policy

Code: HAT Policy – HAT: 01

Drafted by Land Committee: June 24, 2005

Approved By Board: July 20, 2005

Revised and approved: March 16, 2016.

Purpose:

To provide guidelines regarding how Habitat Acquisition Trust (HAT) will solicit, process, manage, and use financial donations (i.e. excluding donation of land) from individuals, businesses and government sources to further HAT's mandate..

Background:

HAT is a non-profit, regional land trust that conserves nature on south Vancouver Island. As a registered charity, we rely on local and government grants, fundraising and private donations to effectively carry out our mission. This policy applies to all financial donations and grants received by HAT. For policy on donations of land, please see *Policy-06: Policy for handling land donation proposals*.

Definitions:

"Board" refers to the Habitat Acquisition Trust Board of Directors.

"Major Donation" refers to any donation of \$10,000 or more.

"Restricted Donation" refers to any donation where the donor restricts its use to a particular project or purpose.

"Fund Agreement" refers to an agreement between HAT and the donor of a Major Donation, defining how the gift will be used by HAT.

Policy Details:

Soliciting Donations and Grants

1. Generally, when the Board approves a conservation project, it will provide direction to staff regarding whether staff should solicit donations and grants for the project.

2. The Executive Director, in consultation with the board, will determine the staff resources available and the best methods to solicit donations and grants for each project.
3. The Executive Director will provide regular updates to the Board regarding the donations and grants received for specific projects.
4. All donations received will be dealt with as per HAT's Privacy Policy.
5. The right of a donor to remain anonymous will be respected by the Board, unless otherwise directed by the donor, or if there is a legal requirement to release the information.
6. The board aims to meet industry standards and best practices when soliciting funds for HAT's projects by following the guidelines of the Canada Revenue Agency, the Association of Fundraising Professionals Code of Ethical Principals and Standards, and the Canadian Land Trust Standards and Practices.

Options for Acceptance of Financial Donations/Grants

7. HAT gratefully accepts all gifts that further HAT's mandate and current priorities.
8. Prior to acceptance, staff will seek approval from the Board for all donations that are:
 - a. Major Gifts that may not be consistent with HAT's mandate;
 - b. designated for projects or purposes that are not currently advertised as funding options on HAT communications;
 - c. designated for projects that have not been approved by the Board; or
 - d. restricted in any other way that limits the Board's discretion in the use of the funds.
9. The Board will consider the merit of each gift and make final decisions on their acceptance. The Board may decline any gift that it determines is not in HAT's best interest.

Management of Donations and Grants

10. The HAT Staff will establish and maintain a procedure and a system for tracking donors, donations/grants, and donor wishes.
11. Receipts will be provided for all donations and grants received by Habitat Acquisition Trust that total more than \$20, unless the donor requests not to receive the receipt. Generally, HAT will attempt to provide acknowledgement letters and receipts for all donations, and grants where applicable, within two weeks of receiving the donation.
12. Where necessary or as required by funders, separate bank accounts will be established for projects for which donations and/or grants are anticipated in order to ensure that dedicated funds are kept separate. All funds received for specific projects will be deposited into the respective account.
13. If a donation for a specific project is received before an account has been established, the donation/grant will be deposited into the general land acquisition bank account and will be

transferred into the designated account as soon as it is established.

14. All donations received that are not identified for a specific project and where the donor cannot be reached for clarification will be deposited in the general Habitat Acquisition Trust bank account.

Use of Donations and Grants

15. Donations and grants received for specific projects, and any interest gained on those donations/grants, will be used only for their designated purposes, unless funds in excess of what is needed for the specific project have been received.
16. Decisions regarding the allocation of funds from unrestricted Major Donations (e.g., “use where most needed” or donations with no directions) will be made by resolution of the Board.
17. In cases of Major Donations, a Fund Agreement that specifies the use of donated funds may be drafted by request of the Donor, and signed by the Donor and Executive Director.
18. If funds have been raised toward a specific acquisition project and the project fails to be completed for any reason (e.g., insufficient funds, breakdown in negotiations) the Board will contact all relevant donors to make them aware of the situation and to ask if they wish to have their donation held in the general land acquisition account, transferred to another current land or covenant project if one exists, used for other programs (e.g. stewardship projects) or returned to the donor on request.
19. If an acquisition project has been completed and excess funds remain the Board will review the following options for its use and choose the one it thinks is most appropriate based on the amount of excess funds, the anticipated management costs, potential for other conservation acquisition projects in the short term, the comments of partners in the project, and any other relevant information:
 - a. the Board may direct the monies to an account for management or monitoring of the specific property acquired or covenanted;
 - b. the Board may direct the monies to a partner group that will be managing the specific property; or
 - c. the Board may hold the monies in the general land acquisition account and direct them to another conservation acquisition project.
20. If more than \$1,000 exists as excess funds, for any reason, the Board will notify the donors of what has been done with the excess funds.

Other Considerations and Principles

21. If donations are received in the form of stocks and securities, the stock/security will generally be cashed immediately (i.e. within 2 weeks of receipt) unless the Board directs otherwise by resolution.

- 22.** If donations or grants are received in the form of an endowment, the Executive Director will immediately deposit the funds into a designated account and will research investment/management options for Board discussion and direction.
- 23.** If other types of financial donations or grants are received that are not adequately covered in this policy, the Executive Director will seek direction from the Board at the next regularly scheduled meeting.



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HABITAT ACQUISITION TRUST POLICY

Title: Conservation Land and Covenant Policy

Code: HAT Policy – HAT: 02

Drafted by Land Committee: June 24, 2005

Approved By Board: July 20, 2005

Revised: September 16, 2015, July 20, 2016

Purpose:

Consistent with its mission to help people understand and care for natural environments in the Capital region, HAT is committed to careful selection of the conservation lands it protects through fee-simple and covenant acquisition to make the best use of limited resources. Through the consistent application of HAT's values, and evaluation of rational, objective criteria to each prospective acquisition, HAT aims to:

- ensure that appropriate stewardship activities can be implemented and sustained across all HAT's protected lands;
- identify and act to mitigate potential risk factors associated with a prospective conservation acquisition or covenant proposal;
- support HAT's strategic and operational priorities as approved by the HAT Board of Directors.

Background:

HAT is a non-profit, regional land trust that conserves nature on south Vancouver Island. For clarity, this policy is not intended to provide guidance on properties acquired for reasons other than to conserve ecological values.

Definitions:

"Acquisition Project" refers to any project where HAT acquires an interest in land. This includes acquiring land fee-simple, a covenant, and other legal interests in land, such as tenures or leases.

"Waiver" refers to a document that waives restrictions to the covenant for one-time use. This is agreed upon by the covenant holder(s) and landowner and not registered with the covenant.

"Letter of Consent" refers to a document that provides consent for a specific ongoing activity(ies) that would otherwise be restricted by the terms of the covenant. This is an agreement between the covenant holder(s) and landowner and not registered with the covenant.

Initiating Projects:

1. When a potential acquisition project is identified, HAT staff will assess the project and make a recommendation to the Board for approval. The report to the Board will include an assessment of:
 - a. Whether the potential land/covenant in question supports the achievement of HAT's Vision and Mission;
 - b. The environmental significance of the land, such as known ecosystems or species-at-risk, connectivity, ecological condition, and any significant ecological features;
 - c. Consistency with and potential impact on strategic and operating plans;
 - d. An assessment of known potential risks, such as hidden oil tanks, a history of encroachment from neighbours, or any other known risks;
 - e. Estimate of annual monitoring, enforcement, and stewardship costs based on HAT's accumulated experience, and options available to fund these expenses on an ongoing basis;
 - f. Estimate of one-time costs such as property reports, or the contracting of various consultants; and
 - g. Structures, improvements, utilities and encumbrances on title.
2. The Board will review the staffs' assessment, and evaluate:
 - a. Whether adequate staff and financial resources are in place to complete the acquisition. If the required funds have not been secured, alternative secure sources of funding may be considered;
 - b. Need for ongoing management and future legal defence of conservation properties. The Board may, as part of an approval, request or require an endowment or restricted donation to cover management and defence costs associated with the land or covenant;
 - c. Where the acquisition involves HAT owning the land fee-simple, whether the land has any buildings or structures: the Board will not accept or acquire any lands where there is an obligation to maintain buildings or structures. The Board may decide to accept and acquire lands that have buildings on-site that can be removed or maintained at the Board's discretion.
3. Potential projects shall not proceed past the information gathering stage until approved by the Board of Directors.
4. 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.
5. The Board may decide that it has inadequate resources to support further proposals in the current fiscal year.

Policy - Projects in Progress:

6. Once approved by the Board of Directors, staff may proceed with negotiations and other tasks necessary to bring final acquisition documents to the Board of Directors for approval.
7. The landowner is responsible for all costs incurred by the landowner to complete the covenant. In cases of financial need, HAT may consider assisting a landowner with the costs

of covenanting at the request of the landowner via the HAT Subsidy Application. See *Acquisition Fund-Policy 4*

8. The Board of Directors shall approve final acquisition documents, such as transfer of title, covenants, Waivers, Letters of Consent, and right-of-ways.
 - a. When bringing final acquisition documents to the Board of Directors, HAT staff shall prepare a report addressing:
 - i. any direction or questions from the initial approval to proceed;
 - ii. how ongoing costs of the acquisition will be funded.
 - iii. If an endowment is required to fund ongoing costs, then the disbursement rate on donor-advised funds at the Victoria Foundation shall be used to calculate an appropriate endowment size.
 - iv. If an endowment is not available or less than the recommended amount is available, staff shall calculate the difference, and develop a proposed approach to acquiring the funds needed to manage the property in perpetuity.
9. The Board will confirm its acceptance or rejection of the final acquisition documents by resolution and staff will then inform the applicant of the Board's decision.
10. Final acquisition documents (transfer of title, covenant, waivers, letters of consent, and right-of-ways.) must be approved by the landowner and both covenant holders (if more than one) before covenant registration. If an Eco-gift applies, Environment and Climate Change Canada must also approve all documents.

Policy - Baseline Report

11. HAT will ensure that a baseline report including habitat characteristics, special features and values, structures, modifications, use, or other information relevant to the restrictions in the covenant is developed for all properties that HAT acquires or covenants. These baseline reports must be adequate as a baseline for monitoring, management and enforcement purposes and the HAT-NCC Protocol for Baselines will be used as a general guide. Baseline Reports must be approved by the Board and the covenant co-holder (if applicable) before being registered on title or before a baseline summary is registered on title.

Policy - Management Plans

12. Where HAT owns properties for purposes of conservation, a management plan will be developed as resources allow and must be approved by the Board of Directors. For covenants that include land uses other than conservation purposes (e.g. recreation, eco-forestry, agriculture), HAT will require that a management plan that addresses all land-uses be provided (or paid for) by the landowner.
13. Management Plans should be reviewed by staff every 10 years to determine if changes to the plan are necessary. These changes must be approved by the Board, and by other covenant holders, where applicable, upon completion.

Policy – Monitoring

- 14.** Each property covenanted by HAT will be visited and monitored annually by either staff, volunteers or contractors approved by the Board.
- 15.** Written documentation (a report, updated photographs and maps) of each monitoring visit will be developed to confirm that the present use of the covenant area is consistent with the baseline recorded at the time of covenant registration. The written report will be provided to the Board for review and approval. Following the Board's review of the report, staff will notify landowners regarding their compliance with the covenant.
- 16.** In situations where HAT jointly holds a covenant with another party and that party has agreed to be the lead agency for monitoring, HAT will request of its partner that it contact HAT regarding when monitoring will be conducted and will request copies of the monitoring reports following the annual monitoring.
- 17.** Generally, HAT will not conduct compliance monitoring on protected lands where HAT has no legal interest in the property. However, if requested, staff will bring the proposal to the Board for discussion and approval.
- 18.** Any observed or reported breaches to the covenant will be handled in compliance with HAT's *Covenant Enforcement Procedure and Policy-03*.



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HABITAT ACQUISITION TRUST POLICY

Title: Covenant Enforcement Procedure and Policy

Code: HAT Policy – HAT: 03

Approved By Board: April 17, 2007

Revised:

Purpose:

To establish a covenant enforcement policy for HAT conservation covenants.

Background:

It is HAT policy that covenants are enforced and all breaches are investigated. A breach is an action in violation of the provisions of the covenant. Breaches tend to be discovered during annual monitoring or through complaints from third parties. If a possible covenant breach is discovered, the breach will be investigated and appropriate enforcement actions taken according to policy. Consistent enforcement of compliance with covenants is important to ensure that HAT does not lose its right to seek enforcement remedies in court.

Definitions:

“**covenantor**” refers to the covenant holder

Policy Details:

Initiating Breach Investigations

1. A possible breach will be investigated where:
 - a. HAT is the only covenant holder or is the lead co-covenant holder of the property, and
 - b. One of the following three occurrences takes place
 - i. the monitor advises HAT of a possible breach,
 - ii. HAT receives a written or oral complaint from a third party, or
 - iii. where HAT staff, the staff of a co-covenantor or a local government are concerned about a possible breach.
2. Staff will acknowledge receipt of all complaints and advise the complainant that an investigation will be undertaken by the HAT Board or that HAT Staff have notified the lead

co-covenantor of the possible breach, as applicable.

3. If HAT initiates the breach investigation, Staff will notify all co-covenantors of the possible breach and that HAT will be initiating an investigation.
4. If HAT is not the lead co-covenant or, Staff will keep apprised of the status of actions taken by the lead co-covenantor to address the possible breach and will update the Land Committee of the status of the actions taken by the lead co-covenantor.
5. If the Land Committee is not satisfied that the lead co-covenantor is taking appropriate actions to investigate and remedy a possible breach, the Board on the recommendation of the Land Committee may direct Staff to undertake the investigation of a possible breach.
6. HAT Staff will investigate any potential breaches that are identified as a HAT responsibility under section 1 or section 5 of this Part and will advise the Land Committee of the status of all investigations.
7. The Land Committee will review the investigation and make a recommendation to the Board on an appropriate course of action.
8. The Board will determine the appropriate course of action and HAT staff will initiate that course of action.
9. Where voluntary compliance fails, the Board on the recommendation of the Land Committee will consider whether enforcement proceedings should be commenced and direct staff to instruct legal counsel as necessary.

Voluntary Compliance and Rent Charge Enforcement

10. HAT staff will work with the landowner to seek voluntary compliance with the covenant and ensure the owner takes the actions necessary to remedy a breach.
11. Owners in breach of covenants are given notice to cease the activity and are given the opportunity to achieve compliance before further action is taken by HAT.
12. HAT staff will notify the landowner about the nature of the breach and advise the landowner on how to achieve compliance within the covenant.
13. If an owner fails to cease the breaching activity after notice from HAT, HAT may decide to collect the rent charge in accordance with the terms of the covenant or initiate other enforcement proceedings.

Breach Investigation and Enforcement

14. Staff will keep detailed records of all complaints and notifications of possible breaches, as well as respecting all investigations and enforcement proceedings undertaken.

- 15.** Staff will advise the Land Committee and co-covenant holder when a covenant breach is alleged and a new file has been opened.
- 16.** Staff will undertake a preliminary review of all breach complaints to determine whether there is sufficient evidence of a breach and will advise the Land Committee accordingly.
- 17.** Staff will in each case assess the breach and use their best judgment to determine whether the breach is minor or significant, taking into consideration the intent of the covenant. Staff may consult with the co-covenant holder and seek legal advice as necessary.
- 18.** If the Land Committee on the recommendation of Staff determines that no breach exists, the matter will be closed and any complainant will be advised accordingly.
- 19.** If the Land Committee on the recommendation of Staff determines that a breach exists, the landowner will be asked to cease the activity immediately and HAT staff will conduct a full investigation.
- 20.** Staff will provide ongoing reports to the Land Committee respecting breach investigations.
- 21.** Where a breach is confirmed, Staff will attempt to achieve voluntary compliance with the landowner and will inform the landowner of time limits for voluntary compliance.
- 22.** Where an activity has not ceased or where compliance is not achieved:
 - a.** Staff, at the direction of the Board, will prepare a report indicating whether the rent charge should be collected and whether other enforcement procedures should be commenced.
 - b.** The report will include an estimate for legal services for enforcement and a request for legal funding support.
 - c.** Staff will present the report to the Board for approval.
 - d.** The approved report will be forwarded to co-covenantors for information.
- 23.** The Board will decide whether to proceed with enforcement and legal action.
- 24.** Where the Board has approved enforcement proceedings, Staff will direct legal counsel to initiate legal proceedings.
- 25.** On resolution of enforcement proceedings, Staff will advise the Land Committee and the Board of the outcome and the file will be closed.



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HABITAT ACQUISITION TRUST POLICY

Title: Acquisition Fund Policy

Code: HAT Policy – HAT: 04

Approved By Board: Oct 29, 2010

Revised:

Purpose:

The purpose of HAT's Acquisition Fund is to support the permanent protection of ecologically significant land in the Capital region through purchase or conservation covenant. HAT's Acquisition Fund can be used to support land acquisitions in the region that are led by either HAT or a partner organization, or to subsidize associated costs for private landowners entering into a conservation covenant with HAT.

Background:

The Acquisition Fund was established with the general intent to support land acquisition projects in the southern Vancouver Island and southern Gulf Islands region. This policy was developed to guide the Board's allocation of these funds towards costs associated with both land acquisition and conservation covenants.

Policy Details:

Building HAT's Acquisition Fund

1. HAT's Acquisition Fund is funded by:
 - a. donations from the general public that are specifically directed to HAT's Acquisition Fund
 - b. undesignated donations and bequests as directed by HAT's Board
2. Fundraising for HAT's Acquisition Fund will be advertised regularly through HAT's regular communications materials (e.g. newsletter, website, e-newsletter) and may also be the focus of specific fundraising campaigns

Use of moneys held in HAT's Acquisition Fund

3. HAT's Board may use the money held in this Fund to:
 - a. Match donations to land acquisition campaigns led by HAT or partner organizations

- i. Prior to partnering on an acquisition campaign, the Board must determine the maximum amount of the contribution and the ratio of the contribution (e.g. dollar for dollar) and communicate this decision to partners and potential donors
- b. Contribute to the “hard to fundraise” land acquisition expenses, including surveys, appraisals and start-up costs, of HAT- or partner-led acquisition projects
- c. Contribute to the purchase of ecologically significant land in the Capital region
- d. Subsidize associated costs for landowners entering into a HAT-held conservation covenant on privately-owned land, including landowner’s survey, appraisal, baseline report, covenant registration and/or legal costs. Amount of funding provided to any individual project is at the Board’s discretion, but landowners are strongly encouraged to provide matching funds.
- e. Other types of projects may also be considered at the Board’s discretion

Eligible Requests for moneys from Fund

- 4. The Board will consider requests for acquisition funding from non-profit, charitable organizations within the Capital region who are working to acquire land with significant ecological values
- 5. To be considered by HAT’s Board, requests for acquisition funding must include:
 - a. Lead organization and charitable number
 - b. Partnering organizations
 - c. Total purchase price and funds secured to date
 - d. Amount and type of funds requested (matching, expense, purchase)
 - e. What the requested funds will be used for
 - f. When the funds are required
 - g. Who will be the ultimate land owner, and what level of protection will the land ultimately have
 - h. Project timeline
- 6. Funding requests that support HAT’s land acquisition goals as outlined in the Five Year Plan will be considered a priority
- 7. Landowners requesting a subsidy towards the costs associated with placing a conservation covenant on their land should discuss their need with HAT’s Covenants and Acquisition Coordinator or Executive Director and submit a **Request for Covenant Expenses Subsidy** form.

Request Timeline

The Board will consider subsidy application requests at their quarterly board meetings. Meetings are generally held the third week of January, April, July, and October. Requests

should be received in writing two weeks before the meeting date. Late submissions that are time sensitive may be considered.

HAT Request for Covenant Expenses Subsidy

Land Owner:		
Contact address:		
Phone:	Email:	
Name of Proposed Covenant subsidy is being applied for:		
Briefly describe how a subsidy would help you register the proposed covenant:		
What services are you seeking a subsidy for:		
Services	Estimated Cost	Requested Subsidy
Legal Survey		
Baseline Survey and Report		
Legal Advice		
Appraisal		
Land Title Office Registration Fees		
Other:		
Total		

I understand that if this application is successful, and the proposed covenant is not registered within 1 calendar year of receipt of funds, any funds received must be returned to Habitat Acquisition Trust.

Signed: _____

Date: _____



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HABITAT ACQUISITION TRUST POLICY

Title: Privacy Policy

Code: HAT Policy – HAT: 05

Approved By Board:

Revised:

Background:

Habitat Acquisition Trust respects and upholds an individual's right to privacy and is committed to protecting personal information. Habitat Acquisition Trust is committed to ensuring compliance with applicable privacy legislation.

Accountability

Habitat Acquisition Trust is accountable for the personal donor and member information under our control.

Purposes for Collection, Use, and Disclosure

Habitat Acquisition Trust collects and uses personal information about donors, members and project participants for the following purposes:

- 1) To issue tax receipts for donations
- 2) To issue membership cards and renewal reminders to members
- 3) To process donations, membership payments and purchases
- 4) To hold raffles, door prize draws and other fundraising events
- 5) To contact individuals about stewardship programs we offer
- 6) To maintain records of landowners contacted through our stewardship programs
- 7) To keep our members, donors and participants informed of our activities and programs, special events, funding needs, and opportunities to volunteer or to give through periodic contacts

Disclosure to Third Parties

If personal information is disclosed to third parties for any of the purposes identified above, we will ensure that appropriate security undertakings, such as confidentiality clauses in contractual agreements, are employed to protect the transfer and use of personal information. Habitat Acquisition Trust never shares, sells, or trades any personal information with any other organization.

Consent to Collection, Use, and Disclosure

If you do not wish us to use or disclose your information for any of the purposes identified above, please contact us at the number indicated below. Also, please notify us if you wish to update your information so that we maintain accurate records. We may require up to 14 business days to update your records.

Subject to any legal or statutory requirements, we will abide by your preferences. If you have not notified us previously regarding your preferences and do not do so now, we will consider that you have consented to our continued use, disclosure and retention of your information for these purposes. You may contact us to withdraw or change your consent at any time.

Limiting Use, Disclosure, and Retention

We do not use or disclose personal information for any purposes other than those for which it was collected, or as required by law.

Our personnel are authorized to access personal information based only on their need to deal with the information for the reason(s) for which it was obtained.

Personal information is retained only as long as is necessary for the fulfillment of the purposes for which it was collected, or as required by law.

Accuracy

Habitat Acquisition Trust will make all reasonable efforts to ensure that personal information is as accurate, complete, and current as required for the purposes for which it was collected.

Safeguards

Habitat Acquisition Trust protects personal information with appropriate security safeguards. Safeguards include physical, administrative, and electronic security measures.

Access

You have the right to access your personal information under the control of Habitat Acquisition Trust. The Privacy Officer will assist you with your access requests. In certain exceptional situations, Habitat Acquisition Trust may not be able to provide access to certain personal information that it holds about you, as required by law. If access cannot be provided, we will notify you in writing of the reasons for the refusal.



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HABITAT ACQUISITION TRUST POLICY

Title: Covenant Monitoring and Land Owner Relations Policy

Code: HAT Policy: 06

Drafted by Land Committee: June 24, 2005

Revised: March 5 2016.

Approved by board:

Purpose:

To identify general practices associated with Annual Monitoring of conservation covenants held by Habitat Acquisition Trust (HAT) to ensure:

- all covenant terms have been met and respected across all HAT's protected lands by landowners;
- any breaches of the covenant terms that have occurred are identified and steps are taken to mitigate;
- any disruptions to ecological processes and functions that threaten the natural values for which the property was protected are identified and steps taken to mitigate against.

Background:

Consistent with its mission to conserve nature in the Capital region, HAT is committed to responsible management and oversight of all land and covenant acquisitions. HAT aims to maintain the ecological values of the land and build positive relationships with land owners through our annual monitoring program.

General Monitoring Policy:

- Compliance monitoring will be conducted, at least annually, on all conservation property owned by HAT with the intent of determining whether violations are occurring on the property.
- Generally, annual Compliance Monitoring takes place between March and June of each year unless there are specific ecological reasons to conduct it at a different time. Monitoring will

be conducted by staff and/or Board members and, as necessary, qualified professional or volunteers.

- HAT will conduct annual compliance monitoring of all covenanted lands based on the values and intent of the covenant (where HAT has agreed to be the lead agency for monitoring). Compliance monitoring will involve conducting a site visit to determine if any potential breaches to the conservation covenant have occurred, and producing an annual Monitoring Report. Monitoring reports will be provided to the landowner and to any co-covenant holders.
- HAT staff will report the results of annual monitoring to the Board upon completion.
- In situations where HAT jointly holds a covenant with another party and that party has agreed to be the lead agency for monitoring, HAT will request of its partner that it contact HAT regarding when monitoring will be conducted and will request copies of the monitoring reports following the annual monitoring.
- Prior to or during annual monitoring site visits, HAT representatives will attempt to contact the landowners in order to build and maintain a positive working relationship. This may involve a phone discussion or a visit on-site to discuss, from the owners perspective the state of the Land, what has changed over the year, and any upcoming plans that they have. HAT representatives should also provide an update about HAT to the landowner.
- When HAT becomes aware that one of its covenanted lands has been sold, HAT will make efforts to contact the new landowner and arrange a meeting with them in order to build positive working relationships, explain what HAT is and what the purpose and requirements of the covenant are, and inform them of annual monitoring.
- Generally, at ten year intervals (10 years after the initial baseline documentation) HAT will conduct more thorough ecological monitoring on its covenanted lands. The intent of this is to update the baseline ecological information.
- Generally, HAT will not conduct compliance monitoring on protected lands where HAT has no legal interest in the property. However, if requested, staff will bring the proposal to the board for discussion and decision.
- Any observed or reported breaches will be handled in compliance with HAT's *Covenant Breach Policy-03*



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HABITAT ACQUISITION TRUST POLICY

Title: Disposal of Land Policy

Code: HAT Policy – HAT: 07

Approved By Board: December 5 2012

Revised:

Purpose:

This policy established how the Habitat Acquisition Trust Board will dispose of lands that it owns.

Background:

The Canadian Land Trust Alliance Standards and Practices states the following:

- A land trust may receive land that does not meet its protection selection criteria with the intent of using the proceeds from the sale of the property to advance its mission. If the land trust intends to sell the land, it provides clear documentation to the donor of its intent before accepting the property.

Definitions:

“Board” means the Habitat Acquisition Trust Board of Directors.

“Market Value” means the value of a property as set by a professional appraiser.

“Upset Price” means the minimum price the Board will accept for a parcel of land.

Policy Details:

1. The Board will consider a land disposition based on a proposal from a government agency, another conservation agency, or from Habitat Acquisition Trust staff. The proposal to the Board will be accompanied by a staff report stating the following:
 - Any legal or other impediments to transferring the land as proposed;
 - The land’s ecological significance; and
 - Commitments to and expectations of the land’s donor (in the case of land gifts) or of Habitat Acquisition Trust’s conservation partners (in the case of conservation land purchases).
2. The Board shall not engage in the disposal of property owned by Habitat Acquisition Trust without the following:

- Honouring commitments to and expectations of the land's donor (in the case of land gifts) or of Habitat Acquisition Trust's conservation partners (in the case of conservation land purchases); and
 - Obtaining reasonable Market Value for the property if offered for sale to the open market.
3. The Board will obtain legal review of every disposal of property transaction, appropriate to its complexity, by an attorney experienced with real estate law. As dictated by the project, the Board will secure appropriate expertise in financial, real estate, and tax matters.
 4. If upon receipt of land, the land is deemed not ecologically significant as defined by the Land and Covenant Acquisition Strategy and Approval Policy – LCP02, the Board will, within one month of receipt of the land, initiate proceedings for the sale of the land. When selling the property, the Board will market the property in a manner sufficient to ensure that the property is sold at or above fair market value. The Board shall not approve the sale of the property at an amount lower than the Upset Price. The Board may only approve the sale of the property at an amount lower than the Upset Price if the property remains on the market for a period of time that the carrying costs place an undue burden on Habitat Acquisition Trust's annual operating budget.
 5. Any proceeds arising from the sale of land will be used or invested at the discretion of the Board with consideration to any recorded wishes of the land's donor.
 6. If the land is ecologically significant as defined by the Land and Covenant Acquisition Strategy and Approval Policy – LCP02, the Board will follow the following steps listed below.
 - The Board will direct that a conservation covenant be registered on the title to the land before the transfer if the Board believes that such a covenant will further the mandate of Habitat Acquisition Trust.
 - If a conservation covenant is already registered on title to the land, the Board will advise the covenant holder that it is considering transferring the title to the land, and consider any comments provided by the covenant holder(s) in respect of the possible transfer.
 - The Board will consider the investments made in the land before the transfer, the investments needed after the transfer and the financial circumstances of both parties, in deciding whether to seek reimbursement from or offer payment to the recipient as part of the transfer.
 7. If the land is ecologically significant as defined by the Land and Covenant Acquisition Strategy and Approval Policy – LCP02, the board must conduct a thorough analysis before deciding to dispose of the land. The analysis will include answers to the following questions:
 - Was the original donation done as a bequest limiting the use of the land or associated endowment, and would that prohibit the transfer?
 - What level of management expertise is needed to manage the site (high, medium, low, specific expertise)? How does Habitat Acquisition Trust's access to the required expertise compare to the potential transferee's access to the required expertise (e.g. ability to plan, manage and rehabilitate the key features and values of the site)?

- What is the likely cost of maintaining the land annually over the next 5 years and in perpetuity? What level of resources does the Habitat Acquisition Trust have for this land?
 - What level of resources does the potential transferee have to cover the anticipated costs in perpetuity and how does this level compare to the Board's level of resources?
 - How likely is the proposed transferee to exist in perpetuity?
 - Are there alternatives to a fee simple transfer that would achieve the goal of the proposed transfer (e.g. lease, licence or covenant)? If so, what are they and what are the relative costs, benefits and other implications of these alternatives?
 - Is there an active management group managing the site on behalf of the Board? If so, would the management agreement be affected by the transfer? If yes, in what ways?
 - Would ownership by the potential transferee provide more long term public use of the site than continued Board ownership? If so, how? Is this use a positive or negative change, given the site features and values?
8. The Board will only dispose of ecologically significant land after the Board determines that
- The property will be managed as well, or better, in perpetuity as it would be under the Board's ownership;
 - The interests of Habitat Acquisition Trust would be best served by disposing of the land, and
 - There is little opposition to the disposal of the land
9. The Board will only dispose of ecologically significant land if appropriate legally binding agreements are put in place prior to the transfer to ensure that the land and its values will be protected in perpetuity for the residents of the Capital Regional District and that the land will revert to the Board if the land is no longer being used as specified in the agreement.