

Acquisitions Policy

Purpose

To describe how The Land Conservancy of British Columbia (TLC)'s Board assesses proposals for conservation covenants and land donations that support the protection of lands of ecological significance and biological diversity.

Scope

This policy does not apply to land donation proposals where the purpose is to sell the donated land and use the proceeds to advance TLC's mandate.

Background

TLC's constitution under the *Societies Act* establishes the TLC Board's authority to acquire, hold and manage land and received donations for the purpose of carrying out the objectives of TLC's mission, vision, and goals. TLC primarily uses statutory covenants and land donations to achieve its mandate, but may also raise funds to purchase lands.

A: Policy – General

1. TLC's Board will consider an acquisition or covenant proposal
 - a. directly from a landowner that is accompanied by a completed Landowner Application Form;
 - b. if bequeathed to TLC; or
 - c. initiated by TLC staff.
2. TLC's Board will only accept proposals that meet one or more of the goals of the current Strategic Plan, and that will result in the protection of ecosystems and features identified as priorities using the Acquisition Framework.
3. When considering proposals, TLC's Board will give priority to those proposals that protect areas of ecological significance and biological diversity.
4. TLC's Board will evaluate any risks that may hamper TLC's ability to protect the land's natural values in perpetuity, as identified by the Staff Report. Risks that will be assessed in the Staff Report include, without limitation:
 - a. Contaminated soil, oil tanks or other environmental hazards;
 - b. Mineral and water rights issues;
 - c. Surrounding land use;
 - d. Requested reserve rights (ie. trails or firewood removal);
 - e. Structures and utilities (eg. Septic fields, pumphouses, wells, etc.); and
 - f. Encumbrances on title (eg. Easements, mortgages, liens).

The Staff Report will evaluate whether any identified risk can be reduced, eliminated or managed.

5. TLC's Board will only consider accepting proposals that need extensive ecological restoration or substantial management if:

- a. TLC has adequate staff resources to manage the on-going requirements;
 - b. A substantial cash donation that is adequate to cover on-going restoration and/or management costs is provided; and,
 - c. TLC has adequate funds available to undertake immediate restoration and/or management requirements.
6. TLC's Board may accept and acquire lands that have buildings on-site that can be removed or maintained at TLC's Board discretion, but will only consider maintaining buildings if:
- a. TLC has adequate staff resources to manage the on-going requirements;
 - b. A substantial cash donation that is adequate to cover on-going maintenance costs is provided; and,
 - c. TLC has adequate funds available to undertake immediate maintenance requirements.

If the Board chooses to maintain a building, it may consider leasing the building to a suitable group for long-term management.

7. At the time of considering a proposal, TLC's Board will consider whether adequate funds and staff resources are in place to properly complete the acquisition or covenant. The Board may consider options for securing adequate funds, such as grants, fundraising, or endowments.
8. TLC's Board will assess the need for the ongoing management and future legal defense of conservation properties and will require an endowment, restricted donation or annual monitoring fee to cover management and defense costs associated with the land or covenant.
9. TLC's Board may impose a time-limited moratorium on accepting proposals if it concludes that it has inadequate resources to support further proposals in the current fiscal year.
10. TLC's Board will confirm its acceptance or rejection of a proposal by resolution and staff will then inform the applicant of the Board's decision.

B: Policy: Voluntary Land Donation or Covenant

11. Unless the applicant waives confidentiality in writing, all voluntary proposals will be considered at *in camera* meetings until the covenant is registered on title or the land is transferred to TLC or partner agency.
12. In the case of voluntary land donation or voluntary covenant, the applicant is responsible for all costs incurred by the applicant to complete the land donation or covenant, except for registration in the Land Titles Office, which will be responsibility of TLC. An applicant who is donating land is also responsible for all property taxes for which TLC cannot receive an exemption. TLC's Board may consider requests from the applicant for assistance with these costs.

References

Land Title Act

Canadian Land Trust Standards and Practices (2019)

Greening Your Title: A Guide to Best Practices for Conservation Covenants. West Coast Environmental Law (2013)

TLC Covenant Policy