



Islands Trust Fund

POLICY MANUAL

Code: TFB 02008 Policy Procedure Guideline

Title: NATURAL AREA PROTECTION POLICY

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Chair Signature:

Purpose

This policy establishes how the Trust Fund Board will consider requests to hold conservation covenants associated with an application to the Natural Area Protection Tax Exemption Program (NAPTEP).

Background

Islands Trust Council worked for 8 years to create a property tax exemption for landowners who agreed to protect the natural values on their land. In 1998, the Trust Fund board joined Trust Council in the development of the Natural Area Protection Tax Incentive Program. In 2000, the Province amended the Islands Trust Act to allow Trust Council and Regional Districts to cooperatively establish a tax exemption program. In 2002, the related regulations were developed and approved by the Province.

The program, known as the Natural Area Protection Tax Exemption Program (NAPTEP) offers qualified landowners an exemption of 65% of the property taxes for the portion of the land that is covenanted. The land to be protected must qualify as stipulated in the Regulations and the landowner must register a suitable conservation covenant on the land's title to protect the specified features and values in perpetuity.

Policy

1. While adhering to Islands Trust legislation, regulations, bylaws and policies and considering annual budget and staffing resources, the Trust Fund Board will administer the NAPTEP program on behalf of Trust Council.
2. The Trust Fund Board will continue to deliver this program as long as there are sufficient funds in the annual budget approved by Trust Council to cover the cost of

ISLANDS TRUST FUND POLICY MANUAL

promotion of the program, processing of all applications and monitoring and enforcement of all covenants.

3. The Trust Fund Board agrees to accept and hold covenants on lands that are identified as having the following natural area values and amenities as defined in section 2 of the Islands Trust Natural Area Protection Tax Exemption Regulation:
 - a. areas that are relatively undisturbed by human activity and are good examples of one or more of the ecosystems described in the Schedule of the above noted regulation;
 - b. areas that are relatively undisturbed by human activity and are key habitat for rare native plant species or plant communities;
 - c. areas that are critical habitat for native animal species in relation to breeding, rearing, feeding or staging;
 - d. geological features as described in the above noted regulation;
 - e. and will give priority to those NAPTEP proposals that meet one or more of the goals or objectives of the Regional Conservation Plan.
4. The Trust Fund Board is not willing to accept covenant on lands where the only natural values or amenities are those defined in section 2 (e) and (f) of the Islands Trust Natural Area Protection Tax Exemption Regulation as having historical features, and/or social or recreational features.
5. The Trust Fund Board will not review any NAPTEP proposals relating to parcels currently involved in any other development applications to a Local Trust Committee or Municipality until all application processes are complete and are not under appeal.
6. The Trust Fund Board will consider sponsoring some or all of the application fee where the applicant demonstrates financial need and where the Land has unusually high conservation value.
7. NAPTEP certificates will be placed over the Covenant Area and not over the whole of the Land. Restrictions relating to the whole of the Land will be drafted in a separate covenant.

Procedure

1. In processing applications, staff will follow the steps laid out in Trust Council's Procedural Policy 2.1.x - Administration of the Natural Area Protection Tax Exemption Program.
2. Staff will submit fully completed NAPTEP applications to the Trust Fund Board as Islands Trust Fund conservation proposals, once the Phase 1 fees are received.
3. The Islands Trust Fund Manager will maintain an information chart of active NAPTEP covenants being undertaken by the Board and provide an update to the Trust Fund Board at each regularly scheduled Board meeting.
4. The Board may consider delegating to the Islands Trust Fund Manager, or Director of Trust Area Services in the absence of the Manager, the authority to approve covenants on behalf of the Board and direct them to the Board Chairperson for execution as necessary.
5. Monitoring and enforcement procedures for NAPTEP covenants will be consistent with procedures followed for all Trust Fund Board covenants.

ISLANDS TRUST FUND POLICY MANUAL

References

- Islands Trust Act*, Sections 49.1 to 49.8
- Islands Trust *Natural Area Protection Tax Exemption Regulation* 41/2002
- Islands Trust *Fees Bylaw 115 (NAPTEP Application Fees)*
- Islands Trust Procedural Policy 2.1.x - *Administering the NAPTEP program*
- Trust Fund Board *Regional Conservation Plan 2005-2010*
- Trust Fund Board Policy 01008 - *Assessing Voluntary Conservation Covenant and Land Donation Proposals for the Protection of Land of Ecological Significance*
- Trust Fund Board Covenant Monitoring Report Form
- Trust Fund Board *Covenant Enforcement Policy* (in development)
- Trust Fund Board *Risk Management and Liability Protection Policy*

Additional References

- Canadian Land Trust Standards and Practices*, 2005
- Hillyer, A. and J. Atkins, *Greening your title: a guide to best practices for conservation covenants, second edition*. 2005. West Coast Environmental Law Research Foundation. Vancouver, B.C.