

Land Acquisition and Disposal Policy

Policy Name	Land Acquisition Policy
Date Adopted by Board	Sept 9, 2022
Date Last Reviewed	

1. Interpretation

In this document and its appendices, the following terms have the following meanings:

- a. *Baseline Report* - Means a report that records the ecological, physical, and cultural features of a property and its uses at the time the property is secured for conservation purposes
- b. *Board* - Means the Board of Directors of the Trust
- c. *Conservation easement* - Means an easement within the meaning of section 219 of the BC Land Titles Act
- e. *Ecologically significant* - Means ecologically important in terms of features, functions, representation or amount, or contributing to the quality and diversity of an identifiable geographic area or natural heritage system. It includes areas that have been recognized (*e.g.*, wetlands or ANSIs) by others, or that are consistent with criteria used to certify ecologically significant lands for purposes of the *Income Tax Act* under the Eco-Gift Program.
- g. *Fee Simple* - Means the highest estate in land, this is generally regarded as absolute ownership.
- i. *Stewardship Plan* - Means a plan that describes the purpose (goal) for owning a property or holding a conservation agreement. It is a detailed document that comprises at least (i) a set of conservation and/or rehabilitation objectives (ii) recommended plans to implement and achieve those objectives, and (iii) a Monitoring Plan
- j. *Trust* - Means the Elk Valley Regional Land Trust Society or its successor
- k. *Reallocation* - Means the transfer of management of a conservation easement to another body.
- l. *Site Assessment* - Means a preliminary identification of plant and animal species, habitat types, and ecological features and functions of an area, sometimes including mapping, undertaken before acquisition decisions are made.

2. Purpose of the Trust

The declared corporate and charitable purposes of EVRLT are (i) to conserve and protect the environment of the Elk Valley by acquiring and managing property for the benefit of the public and (ii) to provide a public amenity in the form of recreational use, and (iii) to undertake activities ancillary and incidental to the furtherance of the above charitable purposes.

3. Role of the Board

The Board has overall responsibility for the acquisition, management, and disposal of lands. The Board may establish such committees as are necessary for the effective acquisition, management, and disposal of lands, in addition to those established in the Policy and herein and its Appendices.

4. Test for Initial Engagement of the Trust

The Trust will consider engaging in any parcel where it appears to the Board (i) the Trust's involvement may achieve substantial conservation and rehabilitation objectives, as compared to the next most likely alternative use of the parcel in question, and (ii) patterns of historical use of the parcel are sustainable and can be reconciled with those conservation and rehabilitation objectives.

5. Evidence Based Decisions

The Trust will consider acquisitions and disposals on a case-by-case basis, having due regard to the available scientific evidence, with the assistance of its scientific and professional advisors.

6. Basic Rule

Lands may be acquired by the Trust if and only if the Board is satisfied that:

- (a) the Acquisition Criteria specific herein have been applied and that recommendations supporting the acquisition have been made both the Land Acquisition Committee and the Finance Committee, and
- (b) the scientific evidence establishes that it is more likely than not that Trust's involvement will achieve substantial conservation and rehabilitation objectives, as compared to the next most likely alternative use of the parcel in question, and
- (c) patterns of historical use of the parcel in question are sustainable and can be reconciled with those conservation and rehabilitation objectives.
- (d) or, in the alternative to (a) (b) an (c) the land is trade land and suitable financial provision has been made for the costs of its ownership pending disposal.

9. Acquisition Criteria

Specifies acquisition criteria must be considered in land acquisition. The applicable criteria are described in Appendix 2 to this document.

10. Acquisition Process

The Trust will apply the land acquisition process described in Appendix 3 to this document as a guideline.

11. Orderly Disposal of Properties

The Land Acquisition Committee may make a recommendation to the Board of Directors to dispose of a property or to reallocate an easement to another conservation organization. The decision to dispose of a property or reallocate an easement rests with the Board of Directors. Disposal must be consistent with the objectives and mandate of the Land Conservancy and benefit its long-term purposes.

When the Trust is considering the reallocation of a conservation easement, it must send notice to the landowner advising him or her that the Trust no longer wishes to manage the easement. It may ask the landowner for suggestions. It must pass the easement on to another eligible easement holder. The recipient easement holder must play the same role, for the same purposes, as the Land Conservancy.

END DOCUMENT

Appendices attached.

**Land Acquisition and Disposal Policy
Appendix 2 - Acquisition Criteria**

Policy Name	Land Acquisition and Disposal Policy Appendix 2 - Acquisition Criteria
Date Adopted by Board	September 9, 2022
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1. In determining whether to make an acquisition the Board will direct its advisors to inquire into and the Board shall consider the following primary criteria:
 - a) Ecological significance, with an emphasis on protection and enhancement of:
 - i. areas that contribute to connectivity;
 - ii. wildlife habitat in the Elk Valley;
 - iii. sensitive, threatened, and endangered species;
 - iv. areas with high restoration potential; and
 - v. the Elk River and its tributaries and associated wetlands
 - b) Public benefit, with an emphasis on continuation of sustainable recreational use within limits established by defined conservation objectives;
 - c) Financial feasibility, with an emphasis on ensuring that both capital and operating costs are fully funded, applying prudent estimates and assumptions.
2. In reaching its conclusion on the primary criteria, the Board shall consider the following factors:
 - a. the role which parcel plays or could play in North/South connectivity
 - b. natural links or corridors between areas identified under other ecologically sensitive lands categories or criteria that contribute to the conservation of biodiversity
 - c. significant water bodies, river, stream, shoreline, valley, wetland, groundwater recharge area, headwater, aquifer

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Appendix 2 - Acquisition Criteria

- d. the quality and significance of the wildlife and fish habitat
- e. the use to which adjoining lands are or may be put
- f. tree species, distribution, health and significance
- g. wildlife and fish species, distribution, health and significance
- h. flora species, distribution and significance
- i. presence of or importance to threatened or endangered species
- j. next most likely use of the parcel and degree of threat
- k. extent/viability/condition of habitat requiring restoration
- l. proportionality (proportion of a property that contains a desired or specific feature)
- m. external reports
- n. suitability for Ecological Gift Program
- o. adverse conditions
- p. parcel size
- q. conservation plans of other organizations
- r. reconcilability of conservation and recreational use
- s. potential stewardship issues
- t. potential management issues
- u. partnership support (stewardship endowment reserve)
- v. synergy (enhancing adjacent lands, part of multiple assembly, or provision of multiple benefits)
- w. legal, ethical or public perception issues
- x. public support / opposition

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Appendix 2 - Acquisition Criteria

- y. all costs of ownership
- z. revenue potential and difficulty in realizing revenue.

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Land Acquisition and Disposal Policy
Appendix 6 – Stewardship Plans

Policy Name	Land Acquisition and Disposal Policy Appendix 6 – Stewardship Plans
Date Adopted by Board	September 9, 2022
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1. General

A Stewardship Plan describes the purpose (goal) for owning a property or holding a conservation agreement. It is a detailed document that comprises at least (i) a set of conservation and/or rehabilitation objectives (ii) recommended plans to implement and achieve those objectives, and (iii) a Monitoring Plan.

The scope of any Stewardship Plan should be determined by the degree of change proposed, the complexity of proposals and level of public interest.

2. Objectives

The conservation / rehabilitation objectives in respect of a given parcel are predicated on the Baseline Report and will vary with the parcel. Objectives should be as specific as circumstances permit.

3. Implementation

Implementation requires that the Stewardship Plan specify the actions to be undertaken (i) to meet the objectives and (ii) their priority.

A Stewardship Plan must estimate a budget for each action, applying prudent estimates and assumptions. A Stewardship Plan must also specify roles and responsibilities.

A Stewardship Plan must account for patterns of and demands for recreational use and, where necessary, reconcile those patterns / demands with conservation and rehabilitation objectives.

4. Monitoring

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Appendix 6 – Stewardship Plans

Monitoring recommendations in the Stewardship Plan should focus on (i) tracking progress towards achieving defined objectives (ii) perceived short- and long-term threats, and (iii) features on the property that are most sensitive to disturbance.

Monitoring recommendations should address such questions as (i) what exactly is to be monitored (ii) how often (iii) by whom (iii) using what methods (iv) against what standards, and (v) how and to whom results are reported.

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Land Acquisition and Disposal Policy Appendix 4 - Preliminary Assessment

Policy Name	Land Acquisition and Disposal Policy Appendix 4 - Preliminary Assessment
Date Adopted by Board	September 9, 2022
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A. GENERAL INFORMATION

Ownership, Location and Description of Property	
Owner	
Legal Description	
Acres	
Water	
OP Designation	
Zoning	
Survey	
Roll	
Assessment	
Property Tax	
Building (type / condition)	
Neighboring Land Use	
Description	

B. GENERAL DESCRIPTION AND COMMENT

C. LOCATION AND MAPPING

D. PRELIMINARY ASSESSMENT OF PRIMARY CRITERIA

Land Acquisition and Disposal Policy Appendix 4 - Preliminary Assessment

The primary criteria on a preliminary assessment are ecological significance, public benefit and financial feasibility.

Ecological Significance	
Criteria	Comment
Wildlife habitat?	
Contributes to habitat connectivity?	
Sensitive, threatened, endangered species?	
Areas with high restoration potential?	
Impact on Elk River?	

Public Benefit	
Continuation of sustainable recreational use within limits established by evidence?	

Financial Feasibility	
Are capital and operating costs likely to be fully funded?	

E. ADDITIONAL CRITERIA

Criteria	Comment
the role which parcel plays or could play in North/South conductivity	
natural links or corridors between areas identified under other ecologically sensitive lands categories or criteria that contribute to the conservation of biodiversity	
significant water bodies, river, stream, shoreline, valley, wetland, groundwater recharge area, headwater, aquifer	
the quality and significance of the wildlife and fish habitat	

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Appendix 4 - Preliminary Assessment

the use to which adjoining lands are or may be put	
tree species, distribution, health and significance	
wildlife and fish species, distribution, health and significance	
flora species, distribution and significance	
presence of or importance to threatened or endangered species	
next most likely use of the parcel and likelihood of threat	
extent/viability/condition of habitat requiring restoration	
proportionality (proportion of a property that contains a desired or specific feature)	
external reports	
suitability for Ecological Gift Program	
adverse conditions	
parcel size	
conservation plans of other organizations	
reconcilability of conservation and recreational use	
potential stewardship issues	
potential management issues	
partnership support (stewardship endowment reserve)	
synergy (enhancing adjacent lands, part of multiple assembly, or provision of multiple benefits)	
legal, ethical or public perception issues	
all costs of ownership	
revenue potential and difficulty in realizing revenue.	

E. RECOMMENDATION

Land Acquisition and Disposal Policy
Appendix 4 - Preliminary Assessment

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Land Acquisition and Disposal Policy
Appendix 5 – Baseline Report

Policy Name	Land Acquisition and Disposal Policy Appendix 5 – Baseline Report
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1. The Baseline Report records the ecological, physical, and cultural features of a property and its uses at the time the property is secured for conservation purposes. It provides an inventory of the property’s baseline conditions and is used together with the Stewardship Plan and a regular Management Plan program to ensure the property remains protected in the long term.
2. The Baseline Report should conform, as nearly as is reasonably practicable, to the Annotated Baseline Documentation Report Template published by the Land Trust of British Columbia in March 2021, attached hereto for reference.

Land Acquisition and Disposal Policy Appendix 3- Land Acquisition Process

Policy Name	Land Acquisition and Disposal Policy Appendix 3- Land Acquisition Process
Date Adopted by Board	September 9, 2022
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1. General

The typical process for land acquisition is described below. The full process is often complex and typically takes many months. Not all steps listed may apply, and the order of the steps may vary.

2. Declaration Of Interest

When a property comes to the attention of the Trust, the Board, or in the case of an urgent situation the Executive Committee, shall pass a motion declaring its interest in exploring the possibilities of acquisition and instructing the Land Acquisition Committee to assess the property.

Property Assessment Teams

3. Formation Of a Property Assessment Team

The Land Acquisition Committee will appoint a team of two to four people to conduct an initial assessment of a given property. Members of a Team may be but need not be members of the Land Acquisition Committee. The Land Acquisition Committee shall name one such person Team Leader.

4. Initial Discussions with Donor / Landowners.

Through discussion, the Team Leader will identify the goals of the donor / landowner and identify any other legal owners and may solicit their opinions. Possible options to achieve these goals and the goals the Land Conservancy may be presented and discussed. Relevant information about the property will be collected. Arrangements may be made with the landowner about the timing and circumstances of site visits.

The Team Leader may delay discussions with the landowner to obtain such information as the Team Leader considers necessary to ensure that later discussions with a landowner are meaningful. The Team Leader may, for example, elect to delay the discussions of the landowner until such time as a Preliminary Assessment and/or Desktop Study has been completed.

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Appendix 3- Land Acquisition Process

5. Landowner to Be Advised to Obtain Independent Advice

When a landowner is approached, the landowner must be told the importance of and strongly encouraged to obtain independent legal and financial advice before concluding a land transaction with the Trust.

Preliminary Assessments

6. Preliminary Assessment

If the team leader considers that the property is of sufficient interest, he or she will complete a Preliminary Assessment, in the form provided in Appendix 4, and shall provide that completed form to the Land Acquisition Committee.

6. Desktop Study

If, having completed a Preliminary Assessment, the Land Acquisition Committee considers the property to be of sufficient interest, it may recommend to the Board that a wildlife biologist, registered professional forester, or other appropriate professional be retained to conduct a Desktop Study, as the Board may consider appropriate.

The Board may elect to proceed with the Desktop Study, in which case it must designate the professional or professionals, allocate the necessary funds, and require the team leader to retain and instruct the selected professional(s).

The purpose of the Desktop Study is to receive preliminary advice, with or without a site visit, from a duly qualified professional or professionals which is directed to the extent possible to a review of the Preliminary Assessment and the selection criteria specified in Appendix 2.

Site Assessment

7. Site Assessment

Regardless whether a Desktop Study has been completed, the Board may, on the recommendation of the Land Acquisition Committee, retain the services of a wildlife biologist, registered professional forester, or other professional, or any combination of professionals, to conduct a Site Assessment.

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Appendix 3- Land Acquisition Process

A Site Assessment is a formal assessment, premised on one or more site visits, the purpose of which is to allow the professionals retained to express a full and considered opinion in respect of the applicable criteria and factors set out in Appendix 2.

8. Site Assessment Must Include Draft Baseline Report, Stewardship Plan and Budget

Each Site Assessment so conducted must include a draft Baseline Report per Appendix 5, draft Stewardship Plan per Appendix 6, and a budget of estimated all costs related to the ownership, stewardship and management of the property

9. Land Acquisition Committee to Make Recommendation

A Site Assessment is to be delivered to the Team Leader, and the Land Acquisition Committee. The Land Acquisition Committee may instruct the Team Leader to obtain such additional information as it considers necessary and appropriate. Once the Land Acquisition Committee has determined that the Site Assessment is complete, it must make a recommendation to the Board whether to proceed with acquisition and, if so, on what terms.

Preliminary Determination by Board

10. Board to Make Preliminary Determination

A Board in receipt of the Site Assessment may make a preliminary determination to proceed towards an acquisition and, if so, on what terms and with what conditions.

The Board's preliminary determination to proceed towards an acquisition is not final and does not bind the Board or the Trust.

11. Legal Review

Where the Board has made or is contemplating a preliminary determination to acquire a property, it may direct the Land Acquisition Committee to retain and instruct counsel to (i) provide an opinion with respect to the transferability of title or (ii) prepare a conservation covenant meeting the requirements of section 219 of the BC Land Titles Act, and (iii) to provide such other legal advice as is required or prudent.

12. Appraisal¹

Where the Board has made or is contemplating a preliminary determination to acquire a property, it may direct the Land Acquisition Committee to retain and instruct a duly qualified

¹ In selecting and appraiser the committee may have regard to https://www.canada.ca/en/environment-climate-change/services/environmental-funding/ecological-gifts-program/publications/engaging-appraisers.html#_3

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Appendix 3- Land Acquisition Process

appraiser to undertake such work as is required to appraise property in accord with such guidelines as may be applicable.

In no circumstance will the Board acquire a property at a price which exceeds 5% of the appraised value, or, where the was delivered as a range, at a price which is exceeds 5% of the top of the range.

13. Financial Review

Where the Board has made or is contemplating a preliminary determination to acquire a property, it may instruct the Finance Committee to undertake the work necessary to determine the costs of acquisition and the costs of owning the property or holding the conservation easement. These include, inter alia, the costs of property taxes, insurance, land stewardship and management.

The Finance Committee shall apply prudent estimates and assumptions. No acquisition may be made without a report from the Finance Committee to the Board.

14. Eco-Gift Classification

If the landowner is interested in participating in the Ecological Gifts Program, the Land Acquisition Committee will prepare and submit the necessary documents to the Ecological Gifts Program, Environment Canada. The decision to certify a property as an Eco-Gift is made by Environment Canada.

15. Final Recommendation of The Land Acquisition Committee

The Land Acquisition Committee will make a final recommendation to the Board. The recommendation will include a summary of the results of the Site Assessment, information about the property's Eco-Gift status, a summary of the monitoring strategy and stewardship plan required for the property, an appraisal, and counsel's report

Final Decision by Board

16. Decision of the Board

The Board will make a final determination whether to acquire the property. When the Board decides to acquire a property or a conservation easement on a property, the Board may establish the conditions for and terms of the acquisition.

17. Preparation of the Purchase or Conservation Agreement and Supporting Documents

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Appendix 3- Land Acquisition Process

Where a final determination has been made to acquire a property the Land Acquisition Committee will prepare, or have prepared with the assistance of the Owners, lawyers, surveyors, and consultants as needed, a Purchase Agreement of a Conservation Covenant.

18. Transfer of Property or Registration of Conservation Covenant

Only the Board of Directors can commit the Land Conservancy to acquire a property. Two officers of the Board will be authorized to sign the required legal documents.

A formal written offer to purchase (in the case of a donation for a nominal amount) will be sent to the owner, or a conservation covenant will be registered.

The Board will identify and assign responsibility for all requirements to be met before closing (severance approvals, mortgage postponements, planning approvals). The documents will be signed and registered. Receipts will be issued for donations if applicable.

At any time during the land acquisition process, the Board may decide not to continue and may withdraw any expression of interest in acquiring the property or a conservation easement on the property.

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