



POLICY MANUAL

Code: TFB 03007

Policy X Procedure Guideline

Title: Policy on Monitoring Other Agencies' Covenants

Approved By: Trust Fund Board

Approved: September 8, 2003
Resolution #: TFB 03/605

Chairperson signature:

Further References:

PURPOSE: To clarify how the Trust Fund Board will address requests to monitor other agencies' covenants.

BACKGROUND

The Islands Trust Fund Board undertakes an annual program of monitoring lands that it holds conservation covenants on to ensure that landowners are upholding the covenant agreement. In the conservation community it is generally held that conservation covenants should be monitored at least annually to be upheld in court should enforcement be necessary. On-site assessment of the land should be conducted with respect to the restriction in the covenant.

On one occasion in the past the Trust Fund Board was asked if it would conduct monitoring of a conservation covenant held by a Local Trust Committee. In this case, the property was adjacent to land covenanted by the Trust Fund Board. The Board's response in this case was that it would ask its contracted monitor to conduct annual monitoring so long as the Local Trust Committee provided prior written acknowledgement that the Local Trust Committee would cover all costs associated with the additional monitoring.

DETAILS:

1. The Trust Fund Board generally will not undertake monitoring on other agencies' covenants where the Board has no legal interest in the covenant (e.g. covenants held by Local Trust Committees, local, regional, provincial or national conservancy/land trust groups).
2. In cases where the Board and a second group (e.g. Local Trust Committee or local, regional, provincial or national conservancy/land trust) hold a conservation covenant jointly, the Islands Trust Fund may take the lead in contracting independent monitoring unless the partner group or the Islands Trust Fund has staff resources to conduct the monitoring. In either case, monitoring must be done to the Islands Trust Fund standard and costs sharing may be undertaken.
3. In cases where the Board is requested by a Local Trust Committee or Island Municipality within the Islands Trust Area to assist with monitoring a covenant held by the Local Trust Committee or Island Municipality the Board will only consider the request if the Local Trust Committee or Island Municipality has indicated, in writing, that it will cover all costs associated with the monitoring and where the Local Trust Committee or Island Municipality staff provides necessary information for the monitoring visit (e.g., copy of the covenant, air photos, background including landowner contact information). The Islands Trust Fund will only assist in organizing monitoring if the property is adjoining a Trust Fund Board property or covenant that would be monitored at the same time.
4. The Trust Fund Board will educate others about the responsibilities associated with holding conservation covenants and will advocate that when other parties within Islands Trust take on conservation covenants that they do so judiciously and that they monitor the covenants adequately.