



## Canadian Land Trust Standards and Practices

IN PRACTICE

---

OLTA Gathering – Thursday Oct 18  
Marie-Michèle Rousseau-Clair & Laura Kucey



### **Canadian Land Trust Standards and Practices**

guide the work of land trusts across Canada and provide ethical and technical guidelines for the responsible operation of land trusts.

They were created for and by the land trust community and guide the core activities of land trusts, focused around two areas:  
**organizational strength** and **land transactions**.

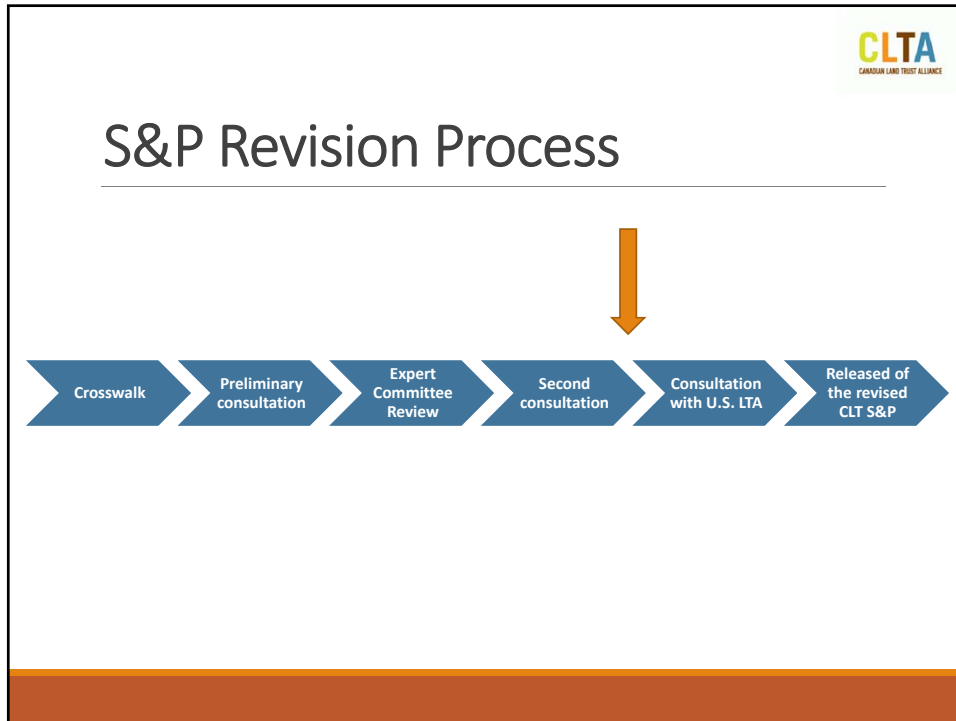


## Best Practices vs. Obligations vs. Requirements



## EGP Recipient Eligibility

- full contact details
- an explanation of the **mission** of the organization (and primary purposes, “**the conservation and protection of Canada’s environmental heritage**”) and some examples of the types of projects it undertakes
- the organization’s Charitable Registration Number and a complete certified copy of the organization’s Letters Patent, incorporation papers or other governing documents that include the full statement of objects or purpose
- an expression of the organization’s willingness and demonstration of its **financial and human resource capacity to receive and manage Ecological Gifts**
- evidence that the organization has **adopted, or has committed to adopt, national or provincial guidelines to direct its land acquisition and management practices**
- a **dissolution or winding-up clause** that is compatible with the requirements of the Ecological Gifts Program



- 
- The slide is titled 'Frequently asked questions!' and lists 12 items. The CLTA logo is in the top right corner. The items are:
- 1B. Mission, Planning and Evaluation
  - 2B. Not-for-profit Incorporation and Bylaws
  - 3C. Board Governance
  - 4B. Payments to Board Members
  - 5A. Legal and Ethical Practices
  - 8A. Project Selection Criteria
  - 9A. Legal Review and Technical Expertise
  - 9C. Environmental Due Diligence
  - 9G. Recordkeeping
  - 11B. Baseline Documentation Report
  - 11C. Conservation Agreement Compliance Monitoring
  - 12B. Land Management and Stewardship



## Frequently asked questions!

- **Standard 1**

- B. Mission, Planning and Evaluation**

1. Adopt a mission that advances conservation and serves the public interest
2. Establish strategic goals for implementing the mission, and then review and update them, as needed, at least once every five years
  - a) Revisit the mission during the strategic review to confirm it is relevant
3. Review programs and activities at least annually to ensure they are advancing the strategic goals and make adjustments, as appropriate

✓ *What is the value added of such frequent review?*

- **Standard 2**

- B. Not-for-profit Incorporation and Bylaws**

1. Incorporate or organize according to the requirements of provincial or federal law and maintain legal status
2. Operate in accordance with established bylaws
3. Review the bylaws at least once every five years to ensure consistency with current operations, the organizing documents and provincial and/or federal law

✓ *How can we make this a useful exercise?*



## Frequently asked questions!

- **Standard 3**

- C. Board Governance**

1. Provide board members with written expectations for their service on the board
2. The board meets a minimum of three times per year and maintains adopted minutes of each meeting
3. Provide board members with sufficient and timely informational materials prior to each meeting to make informed decisions
4. Board members evaluate their performance annually as a group and as individuals at least once every three years
5. Adopt procedures for removing board members who are not fulfilling their responsibilities
6. Have governing documents that contain policies and procedures (such as provisions for a quorum and adequate meeting notices) to encourage broad participation and to prevent a minority of board members from acting for the land trust without proper delegation of authority

✓ *Is it reasonable for smaller land trusts to have a board meet three times a year?*



## Frequently asked questions!

- **Standard 4**
  - B. Payments to Board Members**
    1. Do not financially compensate board members for board service, except for reimbursement of expenses
    2. If, in limited circumstances, the land trust compensates a board member for professional services that would otherwise be contracted out,
      - a) Document the circumstances surrounding the decision to do so
      - b) Document how the land trust uses appropriate comparability data to determine the amount to be paid and to confirm that there is no private or undue benefit
    3. Do not provide loans to members, directors, officers or trustees

✓ *What would happen if board members are provided a per diem as my board is?*
- **Standard 5**
  - A. Legal and Ethical Practices**
    1. Conduct an analysis of provincial and federal charitable fundraising laws and register where the land trust determines it is appropriate
    2. Do not compensate internal or external fundraisers based on a commission or a percentage of the amount raised

✓ *A commission provides the LT with assurance they'll get results. The fees must be reasonable compared to the money raised. What is wrong with this?*



## Frequently asked questions!

- **Standard 8**
  - A. Project Selection Criteria**
    1. Develop and implement a written process to select land and conservation agreement projects
    2. Develop and apply written project-selection criteria that are consistent with the land trust's conservation priorities
    3. Document the conservation benefit of every land and conservation agreement project

✓ *Why is the examination of financial implications of a project not included in this practices?*
- **Standard 9**
  - A. Legal Review and Technical Expertise**
    1. Obtain a legal review of every land and conservation agreement transaction, appropriate to its complexity, by a lawyer or notary experienced in real estate law
    2. As dictated by the project, secure appropriate technical expertise, such as in financial, real estate, tax, scientific and land and water management matters

✓ *Is it reasonable to rely on internal expertise?*

## Frequently asked questions!

- **Standard 9**

- C. Environmental Due Diligence

1. For every land and conservation agreement transaction, conduct or obtain a preliminary environmental investigation to identify whether there are any conditions that pose environmental risks
2. If evidence of environmental risks is found, conduct or obtain a more thorough investigation, such as a Phase 1 assessment, and take steps to address any significant concerns

✓ *What is the importance of environmental assessment when relatively virgin land is being acquired?*

- **Standard 9**

- G. Recordkeeping

1. Adopt a written records policy that governs how and when organization and transaction records are created, collected, retained, stored and destroyed
2. Keep originals of all documents essential to the defense of each real property transaction in a secure manner and protected from damage or loss

✓ *The recordkeeping practice should say something about digital copies.*

## Frequently asked questions!

- **Standard 11**

- B. Baseline Documentation Report

1. For each conservation agreement, have a baseline documentation report signed-off by the necessary technical expertise, with written descriptions, maps and photographs, that documents:
  - a) The conservation values protected by the agreement
  - b) The relevant conditions of the property as necessary to monitor and enforce the agreement
2. Prepare the baseline documentation report prior to closing and have it signed by the landowner and land trust at or prior to closing
  - a) Baseline documentation reports that require technical data collection are prepared with the support of professional(s) having appropriate background and expertise
  - b) In the event that seasonal conditions prevent the completion of a full baseline documentation report by closing, the landowner and land trust sign a schedule for finalizing the full report and an acknowledgement of interim data at closing
3. In the limited circumstances when there are significant changes to the land (such as a result of a wildfire or bank erosion) or the conservation agreement (such as a result of an amendment or the exercise of a permitted right), document those changes in an appropriate manner, such as through monitoring reports, a baseline supplement or current conditions report
4. The landowner and the land trust each hold at least one original copy of the signed baseline documentation report

✓ *It is usually impractical to complete a BDR prior to closing when wording changes or the deal never closes. How is that practical?*

## Frequently asked questions!

- **Standard 11**

- C. **Conservation Agreement Compliance Monitoring**

1. Adopt a written policy and/or procedure for compliance monitoring of conservation agreements that establishes consistent monitoring protocols and recordkeeping procedures
2. Monitor each conservation agreement property at least once per calendar year
  - a) If the land trust uses aerial monitoring, conduct on-the-ground monitoring at least once every five years
  - b) Promptly document the outcomes of annual compliance monitoring activities for each conservation agreement, including communications to and from owners of conservation agreement properties
  - c) Conduct on-the-ground verification in a timely manner for any suspected violation or breach of conservation agreements

✓ *The requirement for ground monitoring every 5 years should be a decision of the land trust. Given improved availability and resolution of aerial photography and better remote sensing, many CE don't require ground monitoring to determine if conservation values are being met.*

✓ *Should there be something here about providing a letter or email to the landowner indicating findings of the annual monitoring? And having landowner sign or acknowledge?*

## Frequently asked questions!

- **Standard 12**

- B. **Land Management and Stewardship**

1. Develop a written land management plan for each conservation property within 12 months after acquiring the land to:
  - a) Identify the property's conservation values, including any significant cultural, historical and natural features, and identify threats to those features
  - b) Identify the overall management goals for the property
  - c) Identify activities and timeline to achieve the goals and to reduce any risks or threats to the conservation values
  - d) Specify the uses that are appropriate for the property, in keeping with the property's conservation values, any restrictions and donor or funder requirements
2. Manage each conservation property in accordance with its management plan, and review and update the plan periodically
3. Perform administrative duties (such as paying insurance, filing required forms, keeping records) in a timely and responsible manner
4. Maintain the property in a manner that retains the land trust's public credibility, manages community expectations and minimizes risk consistent with the land trust's mission

✓ *A standard management plan applicable to many properties eliminates the need for many unique plans. Is that true?*



## For further thought....

- Your Land Trust's knowledge of the revised S&P
- Self-identification of adherence to, or working towards S&P
- Obstacles and barriers to adherence to S&P
- Where might your land trust requires assistance with S&P adherence?
- S&P excellence:
  - ✓ sample exemplary S&P documents from land trusts (such as conflict of interest guidelines, written records management policy, stewardship endowment policy, etc.) for sharing and distribution amongst the Ontario land trust community
  - ✓ Contemplate a library of S&P supporting documents
- Identify ways to communicate S&P to land trust boards, staff, volunteers

**Best Practices Overview**

- Standard 1: Mission
- Standard 2: Compliance with Laws
- Standard 3: Board Composition
- Standard 4: Conflict of Interest
- Standard 5: Policy/Minutes and Reporting
- Standard 6: Financial and Asset Management
- Standard 7: Volunteers, Staff and Supporters
- Standard 8: Evaluating and Selecting Conservation Projects
- Standard 9: Funding Fund
- Standard 10: No Consequences
- Standard 11: Donor/Donation Agreements/Receipts
- Standard 12: Land Rerouting

**Overview**

This Collection of Best Practices, Resources and Template Documents is listed in the order of the Canadian Land Trust Standards & Practices

These sample documents and templates were selected from the original collection provided in the LTABC's Land Trust Best Practices, Resources and Template Documents 2005 CD. Additional new samples were supplied by members of the Land Trust Alliance of British Columbia in 2007-8. However the original CD collection should be referred to and kept as an additional resource because it includes many more sample documents sorted in a straight forward order and includes a search tool.

Successful land conservation has resulted in the public, government and private agencies requiring assurances that land trust's practices conform to professional standards that they can rely on. Thus, the collection is catalogued according to the most recent versions of the updated Canadian Land Trust Standards and Practices, (2007).

**Assurance**

Note that the sources of most of the documents are plainly identified within it. We have sought permission from any outside sources, and thank of those who generously provided their work for others to use and share. We hope that further additions of the collection will be available based on continued input of template documents and research from our members and associated organizations. We appreciate the numerous authors and organizations that provided these samples, original in 2004-5, and again in 2007-8. We invite users to contact [info@landtrustalliance.bc.ca](mailto:info@landtrustalliance.bc.ca) with additional samples or requests. One free registration at the LTABC annual General Series will be provided to a land trust that submits a substantial number of documents for inclusion within a calendar year.

**"NEW" BC GUIDE TO ASSESSING LAND TRUST PRACTICES WITH THE CANADIAN LAND TRUST STANDARDS & PRACTICES**

**S & P Assessment - An LTA BC Guide to Self Assessment - 2010**

The Assessment Tool is linked to several associated tools to help land trusts assess, update, and find associated laws, sample documents and policies that you can use to work toward full compliance with the Canadian Land Trust Standards & Practices.

The web-based assessment tool links to the following:

Each Standard - the text with:

- A. The Laws Associated with the Practice (link)
- B. The Practices Associated with the Standard (link)
- C. The Background Associated with the Practice (link)
- D. The sample documents from the BP collection (link)
- E. An example policy (link) associated with the Practice (provided by a pilot land trust)
- F. Web-based worksheets that land trust staff and board members can use (in a password protected area) to review, assess, record actions and notes, and attach your related policies to help you self assess your land trust. This allows each land trust to maintain a protected record of your policies, track the last time you have updated or reviewed the practice, and report on further actions needed to comply with the Standards & Practices. The Worksheet consists of:
  - a. CLTA's assessment questions
  - b. Additional assessment questions from BC Land Trusts
  - c. Priority
  - d. Done/ or Recommended other associated Land Trust Policy
  - e. Date of Last Revised/ Update
  - f. Comments or Further Actions to be Taken by Lead
- G. Assessment Ranking: 1 - not compliant; 2 - we have some of the but need to update, add more policy/planning; 3 - we are compliant; 4 - exemplary area - we are willing to share our policies/practices or can train on this.
- G. G. Summary Report - which provides a summary of the practices and their associated priority, action to follow up, lead person and further notes

<http://best-practices.ltabc.ca/>



