

Project Implementation and Long-term Stewardship Responsibilities

Background / Rationale:

NCC's policies with respect to its core conservation activities (here meant to include science, securement and stewardship) were primarily drafted in the late 1990s and clearly reflected the organizational emphasis on land securement as the primary focus of conservation activity. Several key factors have changed since then, including the emergence of science and stewardship as essential program areas complementing securement, and increased staff capacity in same, that warrant a revisiting of NCC's conservation policies to bring them up to date with the current reality of the organization.

With this in mind, NCC's National Board of Directors mandated the Conservation and Stewardship Committee to review existing policies and strategies with respect to science and with respect to the identification, securement and stewardship of NCC lands and conservation agreements, and to recommend National Board policies on these matters. The Committee kept in mind a few key principles in approaching its task including the need to a) focus on governance and the establishment (and monitoring) of broad policies to ensure the integrity and appropriate management of the organization, b) enable efficiency through delegation of certain responsibilities to professional staff while ensuring governance and fiduciary responsibilities are met and c) integrate, NCC's core conservation activities of science, securement and stewardship and address cross-cutting issues where applicable.

In the fall of 2006, the National Board approved the *Conservation Policy Framework* containing three policies in the areas of science and conservation planning, approval requirements for Natural Area Conservation Plans and securement activities, and stewardship and reporting obligations.

In 2008, an integrated approach for National Board, management and business unit policies, procedures, guidelines and standards was adopted by management. It is now appropriate to reorganize the *Conservation Policy Framework* into its three constituent policies and to update them as necessary.

The following policy ensures that plans and projects, once approved to move forward, are implemented and looked after to appropriate standards over the long-term and provides the roadmap for the long-term conservation of lands/waters conserved by NCC to ensure they contribute toward meeting NCC's biodiversity conservation goals.

Scope: This policy applies to all NCC staff and Business Units (National departments and Regions).

Definitions:

For the purpose of this policy:

"Conservation Agreements" include covenants, servitudes and easements.

"Conservation Project" means a specific Land transaction undertaken by NCC, commonly including purchase and/or donation of Land and/or financial contributions to third parties to support such transactions.

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"Land" means real property and any interest therein and includes conservation agreements, leasehold interests, mortgage interests and other agreements with the owner(s) of real property.

"National Board" means the National Board of Directors of the Nature Conservancy of Canada.

"National Board approval" means approval by the National Board or the Executive Committee of the National Board or any other person(s) delegated in writing by the National Board to provide approval under this policy on behalf of the National Board.

"President" means the President of NCC or any other person(s) delegated in writing by the President to perform a particular function under this policy on behalf of the President.

"Natural Area Conservation Plan" means a conservation plan for a defined geographic area (i.e. natural area) which has been identified by a Conservation Blueprint and assessment by an NCC Regional Board as a priority for conservation where there is an intersection of biological values, opportunity and threat. These are generally multi-property areas where ecologically functioning or restorable landscapes are conserved at scales appropriate to the features (species or ecosystems) to be conserved.

"Regional Board" means a committee of the National Board so named in regard to the respective region in which it operates.

Board Policy:

1) Implementation of Conservation Activities

Conservation activities, including those related to conservation planning, securement and stewardship, are to be implemented in accordance with procedures as described in the Conservation Framework, Land Securement Manual, Stewardship Manual, or other such documents, forms or reference materials, as approved by the President.

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2) Compliance with Conservation Agreement Terms

- a) NCC must encourage long-term compliance with the terms of conservation agreements through sound practices and strong landowner relations and, in so far as possible, ensure legal defensibility of such agreements in the event of breach.
- b) National Board approval is required to proceed with litigation where it is recommended in order to remedy a breach of conservation agreement terms.

3) Stewardship Financing and Planning

- a) NCC will allocate resources to ensure that the short and long-term stewardship needs of NCC properties are met through a combination of Stewardship Endowment Funds and annual fundraising.
- b) Each NCC Region will prepare and submit for approval to its Regional Board and the President an annual business plan that, in part, identifies a) the sources of funds for covering anticipated stewardship costs (i.e., funds raised annually and withdrawals from the Stewardship Endowment Fund), b) expected contributions into the Stewardship Endowment Fund, and c) any forecasted deficiencies between anticipated resources and anticipated costs including a description of suggested remedies moving forward.

4) Land Held by Third Parties

- a) Transfers of Land to third parties for conservation purposes, closings in the names of third parties, and assists through funding contributions will be subject to an appropriate landholding, funding or other similar agreement that ensures future management of the Land is in keeping with NCC conservation goals and safeguards NCC's financial investment, unless otherwise approved by the National Board.
- b) NCC must obtain reports, on a regular basis, regarding the status of Land held by third parties in which it has an investment. The timing of such reports will be determined by the nature of the landscape and its management needs.
- c) Should a third party fail to comply with the intent of a signed agreement, NCC will apply all practical means to remedy the situation and ensure the long-term conservation of the Land in question.
- d) National Board approval is required to proceed with litigation where it is recommended in order to remedy a breach of an agreement.

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5) Data on Land Holdings

NCC will ensure that a system is in place to track key data on Land holdings and conservation activities and will provide summary reports to the National Board of Directors on at least an annual basis. To the extent possible, reporting will include metrics of "conservation" performance (i.e., that reflect mission success) as well as metrics of "compliance" or "risk management" performance.

6) Insurance and Risk Assessment

NCC mitigates risk by purchasing insurance coverage when it is deemed cost effective to do so. The Audit Committee, as part of its risk management monitoring, shall annually review and approve an insurance report, prepared by the VP Corporate, which will include a review of the amounts and types of insurance related to NCC's conservation properties. The VP Corporate will consult with the VP Conservation as to the appropriate level and type of insurance to be held on conservation properties.

Key Words: National Board, Regional Board, Conservation Project, Securement, Natural Area Conservation Plan, Approval, Disposition, Stewardship, Conservation Agreement Violation, Litigation, Insurance, Audit Committee, Risk Assessment, Landholding Agreement, Conservation Agreement Compliance, Stewardship Endowment Fund

Responsible Business Unit / person / job title: Vice President, Conservation

Authorized By: National Board

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Next Review date: 31 December 2012

Associated Documents: *Conservation Policy Framework, 29 September 2006*
Conservation Framework
Land Securement Manual
Stewardship Manual

Associated Forms: *Natural Area Conservation Plan*
Annotated Template