



Islands Trust Conservancy

Regular Meeting Agenda

Date: October 5, 2021
Time: 10:00 am
Location: Islands Trust - Victoria
200 - 1627 Fort Street, Victoria, BC

Pages

1. CALL TO ORDER

1.1. ITC Manager Update

2. APPROVAL OF AGENDA

3. CLOSED MEETING

3.1. Motion to Close the Meeting

That the meeting be closed to the public in accordance with the Community Charter, Part 4 Division 3, section: 90 (1) (e) the acquisition, disposition or expropriation of land or improvements, if the board considers that disclosure could reasonably be expected to harm the interests of the Islands Trust Conservancy board; (k) negotiations and related discussions respecting the proposed provision of a service that are at their preliminary stages and that, in the view of the Board, could reasonably be expected to harm the interests of the Islands Trust Conservancy if they were held in public; and that staff be invited to remain in the meeting.

4. RISE AND REPORT

The Islands Trust Conservancy Board approved a \$10,000 contribution to the BC Parks Foundation for the Young Point acquisition campaign (Lasqueti Island).

5. MINUTES/COORDINATION

5.1. Minutes of Meetings/Resolutions without Meetings

5.1.1. Approval of the August 24, 2021 Special Meeting Minutes

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5.2. Follow-up Action List

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6. BUSINESS

6.1. Items for Approval

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6.3.	Correspondence - none	
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9.	NEXT MEETING	
	November 23, 2021	
10.	ADJOURNMENT	



Islands Trust Conservancy

Minutes of Special Meeting

Date: Tuesday, August 24, 2021
Time: 1:00 pm
Location: Electronic Zoom Meeting

Board Members Present Kate-Louise Stamford, Chair
Doug Fenton
Linda Adams

Board Members Regrets Sue Ellen Fast, Vice Chair
Donald Clarke

Staff Present Kate Emmings, Islands Trust Conservancy Manager
Carla Funk, Acting Fundraising Specialist
Clare Frater, Trust Area Services Director, joined the meeting at 1:10 pm
Corlynn Strachan, Administrative Assistant/Recorder
Devin Hentschel, Conservation Technician
Julia Mobbs, Administrative Services Director
Kathryn Martell, Ecosystem Protection Specialist
Wendy Tyrrell, Species at Risk Program Coordinator

Guests Lenora Lee, KPMG Auditor

1. CALL TO ORDER

Chair Stamford called the meeting to order at 1:00 pm and acknowledged that the meeting was being held in Coast Salish First Nations territory.

2. APPROVAL OF AGENDA

The following change and additions to the agenda were presented for consideration:

- Move the Audit Report item 5.0 up to after item 2.0 Approval of Agenda, to accommodate the Auditor's schedule
- Addition of item 6.4.1 Updates for information - Staff/Board Updates
- Addition of item 6.4.2 Covid-19 Update

By general consent, the agenda was approved as amended.

3. MINUTES/COORDINATION

3.1 Minutes of Meetings/Resolutions without Meetings

3.1.1 Approval of July 13, 2021 Regular Meeting Minutes

By general consent, the Islands Trust Conservancy meeting minutes of July 13, 2021 were adopted.

3.1.2 Approval of the July 13, 2021 ITC-EC Liaison Meeting Minutes

The following change to the minutes was presented:

- Identify Trustee Fast as a member of both the ITC Board and the Executive Committee

By general consent, the Islands Trust Conservancy meeting minutes of July 13, 2021 were adopted, as amended.

3.2 Follow-up Action List

The Islands Trust Conservancy Manager provided an update on the following:

- The Species at Risk (SAR) project charter will come to the Board in October since we now have the SAR Program Coordinator on staff.
- The NAPTEP item requesting that Trust Council provide policy guidance on NAPTEP fees will go into the September Trust council package.

4. RISE AND REPORT

There were no items for rise and report.

5. AUDIT REPORT

The Islands Trust Conservancy Manager provided a background on the process involved in the audit of Islands Trust Conservancy's financial statements and highlighted notes regarding grant funding and creation of new property management fund.

Auditor Lenora Lee presented the highlights in the Financial Statements for 2020-2021, noting that its status is complete and without any matters of significance that are outstanding, the report is consistent with previous years.

Board members commented the financial statements were provided the day before the meeting and it would be beneficial to see statements earlier in future.

Trustee Adams thanked Lenora, the audit group, and staff for their work in the audit.

ITC-2021-029

It was MOVED and SECONDED,

that the Islands Trust Conservancy approve the Audited Financial Statements for the 2020/21 fiscal year, and refer the statements to Islands Trust Council for information.

CARRIED

6. BUSINESS

6.1 Items for Approval

6.1.1 Sidney Island Ecological Restoration Plan - Request for Decision

The ITC Manager presented the request and highlighted additions to the deer eradication plan and the community engagement results.

Board members and staff discussed Sallas Strata individual member feedback, different views and voting process within strata, added ethics for deer, and mindful herbicide use for managing hawthorn.

ITC-2021-030

It was MOVED and SECONDED,

that the Islands Trust Conservancy Board approve the Sidney Island Ecological Restoration Project Plan, including the Sidney Island Forest Restoration Strategy (Part A) and Fallow Deer Eradication on Sidney Island (Part B), dated July 2021 and provided to staff August 18, 2021.

CARRIED

ITC-2021-031

It was MOVED and SECONDED,

that the Islands Trust Conservancy Board direct staff to work with the Steering Committee of the Sidney Island Ecological Restoration Project to develop appropriate waivers to the Sidney Island conservation covenants for the Sallas Forest Strata once an operations plan is developed to implement the Sidney Island Ecological Restoration, and to return to the Board for approval of proposed waivers.

CARRIED

6.1.2 Property Management Fund Guidelines - Request for Decision

The ITC Manager presented the request and highlighted minor formatting edits and feedback from the Legislative Services manager noting it was unusual to request feedback from public for policies.

Board members drafted and presented the following resolution:

ITC-2021-032

It was MOVED and SECONDED,

that the ITC Board approve the revised Property Management Fund Guidelines with the following amendments:

1. Removal of the word “generally” from Section 5.
2. Removal of section 8.

CARRIED

6.2 Items for Discussion/Direction

There were no items.

6.3 Correspondence

There were no items.

6.4 Updates for Information

6.4.1 Staff and Board Updates

The Islands Trust Conservancy Manager updated the Board on the following:

- Erin Coulson left the Communications Specialist position early to pursue a permanent full time position with Brentwood College, we are short staffed in that area, and the Conservancy is currently looking for a replacement.
- Devin Hentschel's summer co-op position is drawing end to end, thanked him for his significant contribution, and noted it has been a pleasure to have him on staff.
- Linda Adams was reappointed by the Board Resourcing office until Aug 2023.
- Dr. Risa Smith was appointed to the Board. Her work has mainly been with the International Union of Conservation for Nature (IUCN) and natural climate solutions.
- Chair Stamford acknowledged Trustee Clark's term has ended. She thanked him for his service, noted the importance of an exit interview, and requested a thank you card sent.

6.4.2 Covid-19 Update

The ITC Manager updated Board members of the provincial announcement regarding vaccine and masking mandates, noting that all Islands Trust offices will return to a masking requirement as part of the Covid safety plan. Islands Trust senior management is staying updated on provincial requirements and how they impact our work.

7. PUBLIC COMMENTS AND DELGATIONS

There were not public comments or delegations.

8. NEW BUSINESS

There was no new business.

9. NEXT MEETING

The next meeting will take place on October 5, 2021 at 10:00 am.

10. CLOSED MEETING

10.1 Motion to Close the Meeting

ITC-2021-033

It was MOVED and SECONDED,

that the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, section 90 (1) (e) the acquisition, disposition or expropriation of land or improvements, if the board considers that disclosure could reasonably be expected to harm the interests of the Islands Trust Conservancy; (k) negotiations and related discussions respecting the proposed provision of a service that are at their preliminary stages and that, in the view of the Board, could reasonably be expected to harm the

interests of the Islands Trust Conservancy if they were held in public; and that staff be invited to remain in the meeting.

CARRIED

11. ADJOURNMENT

By general consent, the meeting adjourned at 2:10 pm.

Kate-Louise Stamford, Chair

Certified Correct:

Corlynn Strachan, Recorder



Follow Up Action Report

Trust Conservancy Board

24-Sep-2010

Activity	Responsibility	Dates	Status
1 Staff to work with landowners to clarify wording of Cunningham Covenant (Salt Spring) regarding vegetation removal, while maintaining conservation as a priority.	Jemma Green Kate Emmings	Target: 17-Dec-2021	In Progress

26-Nov-2019

Activity	Responsibility	Dates	Status
1 Staff to: a) develop a modification agreement to allow for maintenance of the septic field in the Woodwinds NAPTEP Covenant (North Pender); and, b) allow for maintenance of the septic field in the Woodwinds NAPTEP Covenant; and, c) provide resources about alternatives to traditional septic fields to land owners contemplating septic field maintenance or replacement, and new covenants.	Jemma Green Kathryn Martell	Target: 31-Dec-2021	In Progress

26-May-2020

Activity	Responsibility	Dates	Status
1 Determine and develop access for Fairyslipper Forest Nature Reserve (Thetis Island). *See IC minutes of May 26, 2020 meeting.	Kathryn Martell Nuala Murphy	Target: 31-Oct-2021	In Progress

Follow Up Action Report

Trust Conservancy Board

06-Oct-2020

Activity	Responsibility	Dates	Status
1 Staff to complete an ITC Reconciliation Action Plan that incorporates actions in Goal 2 of the Regional Conservation Plan.	Kate Emmings Lisa Wilcox	Target: 31-Jan-2022	In Progress

24-Nov-2020

Activity	Responsibility	Dates	Status
1 Staff to investigate the use of electronic meetings and return to the Board with a revised meeting bylaw to increase use of electronic meetings if possible.	Carmen Thiel Kate Emmings	Target: 23-Nov-2021	In Progress
2 Staff to report back to board on the progress of of sustainable investing using the "Impact GIC" offered by Cash Management Group at Canaccord Genuity.	Julia Mobbs Kate Emmings	Target: 23-Nov-2021	In Progress

26-Jan-2021

Activity	Responsibility	Dates	Status
1 Staff to provide recommendations about revised objectives to the Interim SAR Project Charter after a SAR Program Coordinator is in place.	Wendy Tyrrell	Target: 23-Nov-2021	In Progress
2 Staff to proceed with the approved actions regarding the Morrison Waxler Biodiversity Protection Legacy Fund. *See IC minutes January 26, 2021	Carla Funk	Target: 31-Dec-2021	In Progress

Follow Up Action Report

Trust Conservancy Board

30-Mar-2021

Activity	Responsibility	Dates	Status
1 Staff to request that Trust Council develop policy guidance for sponsorship of Natural Area Protection Tax Exemption Program (NAPTEP) applications.	Clare Frater Kate Emmings	Target: 21-Sep-2021	Completed
2 ITC Staff to update the Climate Change Impacts Project Charter and to return to the Board for approval	Kathryn Martell	Target: 23-Nov-2021	In Progress

25-May-2021

Activity	Responsibility	Dates	Status
1 Staff to move forward with the Crystal Mountain Society proposal to register a Statutory Right of Way across Lot A on the upper ridge, in favour of Islands Trust Conservancy, to provide legal access to the eastern part of Lot A via the legal easement across neighbouring Lots B and C.	Kathryn Martell	Target: 31-Dec-2021	In Progress
2 Staff to request that the Crystal Mountain Society update the Ecological Inventory report and other relevant documents to reflect the proposed boundary changes, prior to transfer of the land.	Kathryn Martell	Target: 30-Jun-2021	Completed

Follow Up Action Report

Trust Conservancy Board

25-May-2021

Activity	Responsibility	Dates	Status
3 Staff to indicate to the Crystal Mountain Society that the Islands Trust Conservancy Board accepts their proposal to register a Statutory Right of Way for emergency access on Lot A in favour of the Capital Regional District prior to subdivision, subject to Crystal Mountain Society's working with ITC staff to develop an appropriate agreement.	Kathryn Martell	Target: 30-Jun-2021	Completed
4 Staff to link "A Place in the Islands" document to information provided for the landowner contact partnership with Gabriola Land and Trails Trust.	Jemma Green	Target: 30-Jun-2021	Completed

24-Aug-2021

Activity	Responsibility	Dates	Status
1 Staff to refer the approved Audited Financial Statements for the 2020/21 fiscal year to Islands Trust Council for information.	Kate Emmings	Target: 05-Oct-2021	Completed
2 Staff to work with the Steering Committee of the Sidney Island Ecological Restoration Project to develop appropriate waivers to the Sidney Island conservation covenants for the Sallas Forest Strata once an operations plan is developed to implement the Sidney Island Ecological Restoration, and to return to the Board for approval of proposed waivers	Jemma Green	Target: 31-Mar-2022	In Progress

Follow Up Action Report

Trust Conservancy Board

24-Aug-2021

Activity	Responsibility	Dates	Status
3 Staff to revise the Property Management Fund Guidelines with the following amendments: 1. Removal of the word "generally" from Section 5. 2. Removal of section 8.	Kate Emmings	Target: 05-Oct-2021	Completed
4 Staff to send a thank you card to Trustee Donald Clark and to arrange an exit interview with the ITC Chair.	Carla Funk Kate Emmings	Target: 05-Oct-2021	Completed
5 Staff to report on the potential of using notations of interest as possible tools for Crown Land conservation as part of the Crown Land discussion report at the October 5 Board meeting.	Kate Emmings	Target: 05-Oct-2021	In Progress
6 Staff to indicate to the Ministry of Forests, Lands, Natural Resource Operations and Rural Development that the Islands Trust Conservancy wishes to keep its notations of interest on Lasqueti Island. See IC Meeting minutes dated August 24, 2021.	Kate Emmings	Target: 05-Oct-2021	Completed



Follow Up Action Report

Trust Conservancy Board

24-Aug-2021

Activity	Responsibility	Dates	Status
7 Staff to prepare an ITC Budget request, including the following items, and to return to the ITC Board for review in October: - Increases to the ITC budget to reflect the species at risk grant commitments, totaling \$213,500; - An increase to the property management budget of \$6,970 to reflect new nature reserves and covenants; - An increase to the travel budget of approximately \$1,000 to accommodate additional travel needs for newly acquired remote properties; - Consideration of further increases to the property management budget to accommodate management planning needs for new nature reserves; and - Development of a business case for an increase to staff positions to expand the communications and fund development capacity of the ITC.	Kate Emmings	Target: 05-Oct-2021	Completed



REQUEST FOR DECISION

To: ITC Board

For the Meeting of: October 5, 2021

From: Staff

Date Prepared: September 22, 2021

SUBJECT: ITC 2022/23 Budget Submission

RECOMMENDATION: That the Board approve the draft 2022/23 ITC Budget as presented and direct staff to provide it to the Director of Administrative Services and the Director of Trust Area Services for inclusion in the Islands Trust draft 2022/23 budget.

1 PURPOSE: To provide the Islands Trust Conservancy (ITC) Board with a proposed 2021/22 budget to assist in making a budget request to Trust Council.

2 BACKGROUND:

ITC Policy 1.6 requires that the ITC Manager prepare a proposed ITC budget for ITC Board approval. The ITC Board discussed budget options at its August 24 Special Meeting and passed the following resolution:

ITC-IC-2021-029

It was MOVED and SECONDED,

that the ITC Board direct staff to prepare an ITC Budget request, including the following items, and to return to the ITC Board for review in October:

- Increases to the ITC budget to reflect the species at risk grant commitments, totalling \$213,500;
- An increase to the property management budget of \$6,970 to reflect new nature reserves and covenants;
- An increase to the travel budget of approximately \$1,000 to accommodate additional travel needs for newly acquired remote properties;
- Consideration of further increases to the property management budget to accommodate management planning needs for new nature reserves; and
- Development of a business case for an increase to staff positions to expand the communications and fund development capacity of the ITC.

The ITC Manager has prepared a budget (Table 1) and has incorporated Board requests.

Additional changes to the budget request, not noted in the ITC Board resolution are as follows:

- Separation of Subscriptions and Membership from Communications allocations to reflect Islands Trust budget lines
- Addition of \$9,000 to the Property Management budget to accommodate an additional management plan required for Saturnina Island. The ITC Property Management formula (Table 2) contemplates the addition of one nature reserve per year. In 2021, the ITC has acquired management responsibilities for two properties and therefore needs an additional property management increase to accommodate the extra nature reserve.

Table 1. Proposed Islands Trust Conservancy 2022/23 budget request.

Description	Reference	2021/22	2022/23		
		Approved Budget	Islands Trust contribution	SAR grant contribution	TOTAL BUDGET
Salaries and Benefits	Note 1	582,364	483,192	125,510	608,702
Communications		20,000	11,630	3,150	14,780
Subscriptions			1,000	-	1,000
Memberships			370	-	370
Board Honoraria		6,600	6,600	-	6,600
Board Meeting Expense		6,925	13,850	-	13,850
Board Training and Conferences		2,000	2,000	-	2,000
Property Management		124,810	97,780	40,000	137,780
Conservation Planning and Land Securement		30,000	16,000	13,500	29,500
Ecosystem Mapping		20,000	15,000	5,000	20,000
Legal		18,000	15,000	3,000	18,000
Mobile Devices		2,470	2,400	-	2,400
Training and Conferences		4,200	4,200	-	4,200
Travel for Training		2,200	2,200	-	2,200
Travel		15,950	12,880	5,000	17,880
0.6 FTE Communications Specialist			53,186	-	53,186
Summer Co-op Student		15,256	-	17,690	17,690
TOTAL Direct ITC Costs		850,775	737,288	212,850	950,138
Admin Allocation*	Note 2	252,560	251,910	650	252,560
TOTAL		1,103,335	989,198	213,500	1,202,698
Funded by SAR monies**	Note 3	(205,000)			
Total for Tax Requisition		898,335			

Note 1 - Estimate of ITC salaries and benefits for draft budget 2022-23, assumes 2% wage increase.

Note 2 - Estimate of Admin Allocation based on previous year's budget.

Note 3 - Budget amount listed for prior year is as per the approved budget. SAR funding for 2021/22 was increased to \$242,500 in May 2021.

As noted in the resolution, staff have included an **automatic increase to the Property Management budget of \$6,970** to accommodate additional needs for the Saturnina Island Nature Reserve, the Pare/Baile NAPTEP Covenant and the Moss Mountain NAPTEP Covenant, as well as a new covenant (approval pending, in camera) and the conversion of a covenant area to a nature reserve (transfer pending, in camera). Costs are allocated according to the approved property management formula (Table 2).

Table 2. Property Management formula, as approved in October 2020. Amount assumes that property monitoring is done by staff without requiring external contractors and that extra lands do not result in extra travel or unusual management needs, which are budgeted separately. Amounts also incorporate management planning for one new nature reserve per year and management plan renewal on a 10 year cycle.

Average Annual Cost	Nature Reserve	Covenant
Management Plan Renewal	\$600	
Recreation Management	\$400	
Habitat Restoration	\$675	\$675
Signage	\$65	\$65
Species/Ecosystem Inventory and Surveys	\$250	\$250
First Nations engagement and cultural site management	\$335	\$170
TOTAL	\$2,325	\$1,160

3 IMPLICATIONS OF RECOMMENDATION:

ORGANIZATIONAL: If the budget is approved by Trust Council it will form the basis for the ITC work program in 2022/23. The influx of funding from Environment and Climate Change Canada will increase the work program of the ITC and will support staff positions and contractors among other expenses.

FINANCIAL: None.

POLICY: None.

IMPLEMENTATION/COMMUNICATIONS: The ITC Manager will provide the ITC budget request to the Director of Trust Area Service and the Director of Administrative Services at the Islands Trust with explanatory notes for the requested changes. The Director of Administrative Services will prepare the budget for review by the Financial Planning Committee and approval by Trust Council. The ITC Chair may make representations to the Financial Planning Committee regarding the ITC budget request.

FIRST NATIONS: The budget includes funds for archaeological assessments and funds to engage First Nations knowledge holders, particularly to assist staff in assessing conservation proposals and in land management. These funds were previously included in the Property Management Budget, but have been separated out for clarity as work with First Nations is not always connected to property management.

CLIMATE CHANGE: The budget increases anticipate an increase in travel which will increase the carbon emissions of the ITC work. It is hoped that these emissions will be balanced by an increase in habitat conservation which will result in ensured carbon storage and sequestration. At this time, staff are not able to predict these tradeoffs in a meaningful way. Islands Trust uses Modo Car Share for most of its travel needs and where possible, staff book lower emissions vehicles.

OTHER: None.

4 RELEVANT POLICY(S): [6.3.1 Budget Process](#)

RESPONSE OPTIONS

Recommendation: That the Board approve the draft 2022/23 ITC Budget as presented and direct staff to provide it to the Director of Administrative Services and the Director of Trust Area Services for inclusion in the Islands Trust draft 2022/23 budget.

Alternative:

- 1) That the Board approve the 2022/23 ITC Budget as presented with the removal of the additional staffing request for the 0.6 FTE communications position.

Option 1 would likely result in decreased capacity in fund development due to ongoing communications needs.

- 2) That the Board approve the 2022/23 ITC Budget as presented with the following amendments:
 - *[insert amendments]*and direct staff to provide it to the Director of Administrative Services and the Director of Trust Area Services for inclusion in the Islands Trust draft 2022/23 budget.

Option 2 is at the discretion of the ITC Board. Staff recommend against reducing property management and travel costs if the Board wishes to continue to acquire and covenant land for conservation. Also, legal costs have been increasing and limits to the legal budget may require reductions in land securement.

Prepared By: Kate Emmings, ITC Manager

Reviewed By/Date: Clare Frater, Director of Trust Area Services / September 25, 2021



REQUEST FOR DECISION

To: ITC Board

For the Meeting of: October 5, 2021

From: Staff

Date Prepared: September 27, 2021

SUBJECT: Islands Trust Policy Statement Referral

RECOMMENDATIONS:

- 1) That the Islands Trust Conservancy Board indicate to the Islands Trust Council that it recommends approval of Islands Trust Council Draft Bylaw 183, Islands Trust Policy Statement subject to the following conditions:
 - a. That page 2, final paragraph be edited to indicate that, in addition to the assignment of a regional-level planning function to Islands Trust Council in 1990, the most notable change to the Islands Trust Act was the creation of the Islands Trust Conservancy, then known as the Islands Trust Fund or Trust Fund Board;
 - b. That on page 10, "Role of the Islands Trust Conservancy" be edited to include the phrase, "The work of the Islands Trust Conservancy is guided by the Islands Trust Conservancy Five-Year Plan, which is approved by the Minister of Municipal Affairs under Section 44 of the *Islands Trust Act*"; and,
 - c. That on page 17, policy 4.1.2, bullet two, "Islands Trust Conservancy" be added as an agency for consultation.
- 2) That the Islands Trust Conservancy Board encourages Islands Trust staff to clarify terms and phrases as they relate to the fields of biology, ecology, and restoration.

1 PURPOSE: To assist the Islands Trust Conservancy (ITC) Board to provide feedback regarding the Islands Trust Policy Statement, Islands Trust Council Draft Bylaw No. 183.

2 BACKGROUND:

Policy Statement Background:

The *Islands Trust Act* stipulates that Trust Council must, by bylaw, adopt a Policy Statement that serves as a general statement of the policies of Trust Council to carry out the Islands Trust Object. The Policy Statement contains the principles and policies that guide the Islands Trust's work. It also guides the development of official community plans and regulatory land-use bylaws of local trust committees and Bowen Island Municipality and the development of Trust Council's Strategic Plan, advocacy program, and engagement with First Nations and the public. All official community plans and land use bylaws must be consistent with the Policy Statement. The Policy Statement may be used by other agencies such as regional districts and provincial agencies to determine if their plans and policies are compatible with those of Islands Trust.

Policy Statement Amendment Project Background:

In September 2019, Islands Trust Council launched [Islands 2050](#), a project to amend the Policy Statement. Islands Trust Council assigned Executive Committee (EC), with involvement from Trust Programs Committee (TPC) as appropriate, the task of:

- General update: Introduction, Part 1, Part 2 and 'Schedule 1 – Definitions;
- Update of the whole document through the lens of Reconciliation;
- Update of the whole document through the lens of Climate Change;

- Update regarding Affordable Housing to ensure that the document:
 - gives affordable housing a greater profile for its role in sustainable communities;
 - includes a reference to affordable housing in its policy direction to Local Trust Committees and Island Municipalities;
 - includes a clear and well thought-out definition of ‘affordability’;
 - includes a clearly articulated vision, goals and objectives for affordable housing.

ITC Board Review

The ITC Board received a first draft of the Policy Statement Bylaw for review at its May 14, 2021 meeting. The draft was presented by the Islands Trust Senior Policy Advisor and the ITC Board was provided with an opportunity to ask questions. ITC Board members inquired about the role of the ITC in the document and suggested that the document should be a ‘living’ document with a focus on island ecosystems and island biodiversity where appropriate. Additions were made to the draft to provide more background about the Islands Trust Conservancy and to emphasize the importance of islands in the interpretation of the Object of the Islands Trust.

On July 8, 2021, Trust Council considered First Reading of the Policy Statement Bylaw and decided to postpone first reading to the December 2021 Trust Council meeting; however, Trust Council passed a resolution referring the draft Policy Statement Bylaw to several agencies, including the Islands Trust Conservancy.

TC- 2021-073

Amended by TC-2021-074

That the Islands Trust Council receive the draft new Policy Statement and request that the draft new Policy Statement be referred to First Nations, Bowen Island Municipality, Local Trust Committees, the Islands Trust Conservancy Board, Regional Districts, Improvement Districts, School Districts and Provincial and Federal government agencies or departments having jurisdiction in the Trust Area.

ITC staff have reviewed the draft Policy Statement Bylaw and recommend the edits in table 1, below. ITC staff have reviewed the bylaw for areas that 1) affect the work of the ITC; or 2) provide background information about the ITC.

Table 1. Islands Trust Conservancy proposed edits to the draft Policy Statement Bylaw No. 183.

Page Reference	Suggested Edit (see highlighted portion)
P. 2, last paragraph	In 1987, the provincial government initiated a second review related to the Islands Trust Area, this time focusing on public opinion of Islands Trust and its role. The results showed overwhelming public support for both Islands Trust and the Islands Trust Object, and suggested ways in which the Trust and its legislation could be strengthened. In response, an amended <i>Islands Trust Act</i> was put into effect in 1990, reaffirming the Province’s commitment to careful planning and development in the Trust Area. In the amended Act, Islands Trust retained its original authority and its dual responsibility to residents of both the Trust Area and British Columbians more broadly. The new legislation also amended the structure of Islands Trust and greatly broadened its functions and responsibilities. One of the most notable changes were ^{was} the assignment of a regional-level planning function to Islands Trust Council and the creation of the Islands Trust Conservancy, then known as the Islands Trust Fund and Trust Fund Board.
p. 10	Role of the Islands Trust Conservancy Board The <i>Islands Trust Act</i> assigns the Islands Trust Object to the Islands Trust Conservancy Board, as well as to Trust Council, local trust committees and island

	municipalities. The work of the Islands Trust Conservancy is guided by the Islands Trust Conservancy Five-Year Plan, which is approved by the Minister of Municipal Affairs under Section 44 of the <i>Islands Trust Act</i>. Although the Islands Trust Conservancy Board does not take direction from Trust Council, it plays an essential role in helping to support the Policy Statement objectives and the fulfilment of place protection planning in the Trust Area through science based conservation planning, engagement with First Nations, identification and protection of core conservation areas, as well as education and communication initiatives. To support the Islands Trust Object, the Islands Trust Conservancy Board also plays a key role in accepting voluntary donations of property and covenants and purchasing lands. Close collaboration and policy alignment between Islands Trust and Islands Trust Conservancy is critical to carrying out the Islands Trust Object.
p. 17, 4.1.2	4.1.2 Trust Council shall coordinate with, and advocate to, other government agencies to: • regulate and monitor the harvesting of fish, wildlife, and vegetation in the Trust Area so as to protect terrestrial and aquatic species populations and habitats (4.3.1) • consult with First Nations, local trust committees, island municipalities, Islands Trust Conservancy and Trust Area communities prior to decisions regarding regulation of hunting or harvesting of wildlife or vegetation in the Trust Area (4.3.1) • consult with First Nations to preserve First Nations' traditional harvesting areas; and (new) • to protect, for public use, areas supporting naturally occurring shellfish populations and other marine life, and to establish public shellfish reserves in the Trust Area. (4.3.2)

As part of the review of the draft Policy Statement Bylaw, ITC staff noted several areas where definitions for terms are proposed and applied in the draft bylaw. Many of these are related to fields of ecology, forestry, biology and climate science. ITC staff have not suggested edits in these areas, but believe that a review of the draft Policy Statement Bylaw to clarify terms and phrases as they relate to the fields of biology, ecology, and restoration would be helpful.

3 IMPLICATIONS OF RECOMMENDATION:

ORGANIZATIONAL: The policy statement will guide the work of the Trust Council and local trust committees. Bowen Island Municipality land use planning will also be guided by the Policy Statement Bylaw. The ITC is not subject to the Policy Statement Bylaw but will work collaboratively with Trust Council, the Bowen Island Municipality and the local trust committees to implement areas of joint interest under the Policy Statement Bylaw and the ITC Five-Year Plan.

FINANCIAL: None.

POLICY: None. Referral is consistent with [Islands Trust Council Bylaw No. 86](#).

IMPLEMENTATION/COMMUNICATIONS: ITC Staff will provide the ITC referral response to Trust Council.

FIRST NATIONS: The draft Policy Statement Bylaw recognizes Islands Trust Reconciliation commitments to First Nations. Engagement with First Nations has taken place and was described in a [First Nations Engagement Status Report](#) provided to Trust Council on July 8, 2021.

CLIMATE CHANGE: The draft Policy Statement Bylaw has been drafted to incorporate climate change policies.

OTHER: At its September 2021 meeting, the Islands Trust Council approved the Islands 2050 Phase 3 Public Engagement Project Charter.

4 RELEVANT POLICY(S):

[Trust Council Policy 1.2.1, Policy Statement Amendment](#)
[Islands Trust Council Bylaw No. 86: Islands Trust Council/Islands Trust Conservancy Board Memorandum of Agreement](#)

5 ATTACHMENT(S):

- Email, Re: Referral of Islands Trust Policy Statement - Draft Bylaw No. 183, July 22, 2021
- Islands Trust Council Draft Bylaw No. 183
- Islands 2050 Bylaw Response Form
- Islands 2050 Presentation, July 28, 2021

RESPONSE OPTIONS

Recommendations:

- 1) That the Islands Trust Conservancy Board indicate to the Islands Trust Council that it recommends approval of Islands Trust Council Draft Bylaw 183, Islands Trust Policy Statement subject to the following conditions:
 - a. That page 2, final paragraph be edited to indicate that, in addition to the assignment of a regional-level planning function to Islands Trust Council in 1990, the most notable change to the Islands Trust Act was the creation of the Islands Trust Conservancy, then known as the Islands Trust Fund or Trust Fund Board;
 - b. That on page 10, “Role of the Islands Trust Conservancy” be edited to include the phrase, “The work of the Islands Trust Conservancy is guided by the Islands Trust Conservancy Five-Year Plan, which is approved by the Minister of Municipal Affairs under Section 44 of the *Islands Trust Act*”; and,
 - c. That on page 17, policy 4.1.2, bullet two, “Islands Trust Conservancy” be added as an agency for consultation.
- 2) That the Islands Trust Conservancy Board encourages Islands Trust staff to clarify terms and phrases as they relate to the fields of biology, ecology, and restoration.

Alternatives:

- 1) That the Islands Trust Conservancy Board indicate to the Islands Trust Council that it recommends approval of Islands Trust Council Draft Bylaw 183, Islands Trust Policy Statement.
- 2) That the Islands Trust Conservancy Board indicate to the Islands Trust Council that its interests are unaffected by Islands Trust Council Draft Bylaw 183, Islands Trust Policy Statement.
- 3) That the Islands Trust Conservancy Board indicate to the Islands Trust Council that it recommends approval of Islands Trust Council Draft Bylaw 183, Islands Trust Policy Statement subject to the following conditions:
 - a. *[insert conditions]*

Prepared By: Kate Emmings, ITC Manager

Kate Emmings

From: Daniela Murphy
Sent: Thursday, July 22, 2021 1:57 PM
To: Becky McErlean; Jas Chonk; Kate Emmings
Cc: Corlynn Strachan
Subject: Referral of Islands Trust Policy Statement - Draft Bylaw No. 183
Attachments: TC-BL-183_Policy Statement Bylaw Referral Form.pdf; New-Draft-Policy-Statement-Colour-Coded.pdf

Dear Referral Coordinator,

Islands Trust is engaging with agencies and community groups for input concerning an update to the Islands Trust Policy Statement. As per Section 15 of the Islands Trust Act, the Policy Statement is a general statement of Islands Trust Council's policies to carry out its preserve and protect mandate. It guides the development of local official community plans and regulatory bylaws throughout the Islands Trust Area. The document has not been substantively updated in over 25 years. In the face of new environmental, social, and economic realities, Trust Council is now striving to update the document through the lenses of reconciliation, climate change and affordable housing.

There are many draft amendments to the Policy Statement in different locations throughout the document that may affect your agency. We would encourage you to review the [Project Overview Briefing](#) along with other resources available on the [Islands 2050 webpage](#). Your response is important to this process as it can help us prepare for the future and ensure that the Policy Statement furthers the Islands Trust mandate to preserve and protect.

Agencies Information Session Webinar

On **Wednesday, July 28, 2021 from 1:00 p.m. to 3:00 p.m.**, Islands Trust will be hosting a Zoom webinar for referral agencies to provide information on the draft Policy Statement Bylaw and an opportunity for questions and answers.

Please register in advance for this Zoom webinar:

https://islandstrust.zoom.us/webinar/register/WN_nyXptbv6RWugCwftiQyJmA

After registering, you will receive a confirmation email containing information about joining the webinar.

Your Response is Respectfully Requested:

Attached to this email is a bylaw referral package that includes our referral form and links to the draft bylaw. Project information can be found on our website here: <https://islandstrust.bc.ca/programs/islands-2050/>

We understand that there are numerous demands on your time, however, we genuinely welcome any comments you may have. Your referral response with regards to this draft bylaw is respectfully requested by **Tuesday, October 22, 2021**. If we do not receive a response from you within the time requested, we will proceed with the approval process.

Should you have any questions or require further information, please contact David Marlor, Director – Local Planning Services at islands2050@islandstrust.bc.ca or at 250-405-5151.

Please direct referral responses to islands2050@islandstrust.bc.ca

or by mail to:

Islands Trust - Islands 2050
200 – 1627 Fort Street
Victoria, BC
V8R 1H8

Thank you for your time and attention to this matter.

Respectfully,

Daniela Murphy

Daniela Murphy

Legislative Clerk/Deputy Secretary

Islands Trust

1-500 Lower Ganges Road | Salt Spring Island BC V8K 2N8

T 250-538-5606 | islandstrust.bc.ca

You can also reach us toll-free via Service BC 1-800-663-7867 | 604-660-2421

Preserving and protecting over 450 islands and surrounding waters in the Salish Sea

I am humbly thankful to live and work in the treaty lands and territories of the BOKÉĆEN, K'ómoks, Lákw'əḡən, Lyackson, MÁLEXEL, Qualicum, Quw'utsun Tribes, scəwəḡən məsteyəxʷ, Scia'new, səlilwətaḡʔ, SEMYOME, shíshálh, Skwxwú7mesh, Snaw-naw-as, Snuneymuxw, Spune'luxutth, SṠÁUTW, Stz'uminus, ʔaḡəmen, toq qaymíxʷ, Ts'uubaa-asatx, Wei Wai Kum, We Wai Kai, WJOŁŁP, WSIKEM, Xeláltxw, Xwémalhkwu/ḡop qaymíxʷ, and xʷməḡkʷəḡəm.



Islands Trust

Islands Trust Council **DRAFT Bylaw No. 183**
ISLANDS TRUST POLICY STATEMENT BYLAW, 2021

ISLANDS TRUST POLICY STATEMENT

Updated – July 15, 2021

(Engagement Draft - Colour-Coded Version)

Sections highlighted in blue: primarily reconciliation related amendments

Sections highlighted in green: primarily climate change related amendments

Sections highlighted in pink: primarily housing related amendments

Sections highlighted in yellow: general edits for clarity, accuracy, or brevity

References highlighted in (blue parentheses) at the end of each policy refer to the corresponding policy in the 2003 consolidated version of the Policy Statement or indicate (new) policies.

A clean version of this draft (without colour coding) is available on the Islands 2050 webpage at: <https://islandstrust.bc.ca/programs/islands-2050/>.

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PART 1 - INTRODUCTION

1.1 ACKNOWLEDGMENT (new)

Islands Trust Council acknowledges that the Islands Trust Area is located within the treaty and territorial lands and waters of the BOKEĆEN, K'ómoks, Lək'wəŋən, Lyackson, MÁLEXEŁ, Qualicum, Quw'utsun Tribes, scəwəθən məsteyəxʷ, Scia'new, sə́lílwətaʔt, SEMYOME, shíshálh, Skwxwú7mesh, Snaw-naw-as, Snuneymuxw, Spune'luxutth, SṐÁUTW, Stz'uminus, łaʔəmen, toq qaymıxʷ, Ts'uubaa-asatx, Wei Wai Kum, We Wai Kai, WJOŁŁP, WSIKEM, Xeláltxw, Xwémalhkwx/ʔop qaymıxʷ, and xʷməθkʷəy̓əm (collectively referred to hereinafter as 'First Nations').

Islands Trust Council acknowledges that the lands and waters encompassing the Trust Area are subject to the treaty and territorial rights of First Nations. The Trust Area has been home to Indigenous Peoples since time immemorial and their relationship to these lands and waters continues to this day. Islands Trust Council honours the rich history and cultural heritage within the region and has stated its commitment to reconciliation and meaningful engagement with First Nations in the Trust Area.

1.2 ESTABLISHMENT OF THE ISLANDS TRUST

To understand the Islands Trust governance model, it is helpful to understand its origins. In the 1960s, as the urban centres of Vancouver, Nanaimo, and Victoria were experiencing rapid population growth, the Gulf Islands in British Columbia began facing unprecedented pressure for residential development. Gulf Island residents, whose islands were under the jurisdiction of regional districts at the time, began expressing widespread concern that the area's highly-valued and fragile environment could be irreversibly damaged by unrestrained development. In 1969, the provincial government responded by instituting a temporary 10-acre minimum lot size freeze on the subdivision of land until island communities could adopt plans and regulations to control growth.

In 1972, an all-party provincial Select Standing Committee on Municipal Affairs was established to investigate the unique problems facing the Trust Area. In its 1973 report¹ to the Legislative Assembly of British Columbia, the Committee concluded that development pressures arising from the area's proximity to major urban centres were damaging the very features that made the region so attractive to residents and visitors. The Committee recommended the formation of an 'Islands Trust' to assume the primary responsibility for coordinated governance of the region.

In response to the Committee's recommendations, the Government of British Columbia enacted the *Islands Trust Act*² in 1974. The Act established Islands Trust as a trust with a conservation-oriented responsibility to preserve and protect the Islands Trust Area for the benefit of residents of the Trust Area and of British Columbia more broadly.

In the years following the establishment of Islands Trust, pressure for development of the Trust Area islands continued. Between 1974 and 1987, the Area's resident population increased by sixty per cent, far exceeding the growth rate of adjacent areas. Several amendments were made to the *Islands Trust Act* during this period, giving Islands Trust community planning and land use authority comparable to that of a regional district under the *Local Government Act*. From 1974 to 1977, local trust committees vetted regional district bylaws for compliance with the Islands Trust Object. In 1977, in response to concerns about administrative inefficiencies, the *Islands Trust Act* was amended to transfer land use regulation from regional districts to local trust committees. Aware of the urgent need for plans to guide decisions on growth management and land use, Trust Area communities developed official community plans. Nonetheless, pressure for residential development continued, as did public concern for the future of the Trust Area.

In 1987, the provincial government initiated a second review related to the Islands Trust Area, this time focusing on public opinion of Islands Trust and its role. The results showed overwhelming public support for both Islands Trust and the Islands Trust Object, and suggested ways in which the Trust and its legislation could be strengthened. In response, an amended *Islands Trust Act* was put into effect in 1990, reaffirming the Province's commitment to careful planning and development in the Trust Area. In the amended Act, Islands Trust retained its original authority and its dual responsibility to residents of both the Trust Area and British Columbians more broadly. The new legislation also amended the structure of Islands Trust and greatly broadened its functions and responsibilities. One of the most notable changes was the assignment of a regional-level planning function to Islands Trust Council.

¹ British Columbia, [Official Report of Debates of the Legislative Assembly \(Hansard\)](#), 30th Parl, 3rd Sess, p 255 (25 September 1973).

² British Columbia, [Islands Trust Act](#), RSBC 1996, c 239.

1.3 PRESENT CONTEXT

Many of the challenges that the Islands Trust Area was facing in 1974 remain pressing today, and are further complicated by new social, economic, and environmental dynamics.

In 2019, Trust Council adopted a Reconciliation Declaration acknowledging that First Nations have resided in the lands and waters that encompass the Trust Area since time immemorial and honouring the rich history and cultural heritage of this special region. Trust Council acknowledges that it has a duty to seek meaningful engagement with First Nations in the Trust Area and strives to be guided by the specific reconciliation principles and recommendations of the Truth and Reconciliation Commission's Calls to Action, the United Nations Declaration on the Rights of Indigenous Peoples, the *Declaration on the Rights of Indigenous Peoples Act*, and the Missing and Murdered Indigenous Women and Girls Calls for Justice, that fall within Trust Council's jurisdiction.

Trust Council also adopted a Climate Emergency Declaration in 2019, committing to urgent and equitable climate action across the region. The health and integrity of ecosystems, communities, and the built environment are increasingly compromised by the adverse impacts of climate change such as rising sea levels, ocean acidification, storm surge flooding, windstorms, droughts, wildfires, and invasive species. Biodiversity - the diversity within species, between species, and of ecosystems - is declining at an alarming rate, leading to species extinctions locally and across the globe. In order to effectively preserve and protect the unique amenities and environment of the Trust Area in this context, it will be critical to identify, monitor, mitigate, and adapt to the ripple effects of climate change on both ecosystems and communities. In this context, Trust Council will benefit from being guided by the best available science, social science, local knowledge, and Indigenous ways of knowing. In the face of uncertainties around the rate and scale of climate impacts, it will also be important to foster more precautionary and adaptive approaches to decision-making, safeguarding future generations as best as possible.

Research by the Islands Trust Conservancy on the conversion of natural areas for human use highlights that some islands in the Trust Area are reaching or surpassing accepted thresholds for ecosystem health³. A widely accepted threshold for the region is approximately 30-40% of converted area for any given habitat. As land conversion begins to go above this threshold, the number of species in a given habitat can be expected to decline far more rapidly. A 2021 report on *The State of the Salish Sea*⁴ describes the Salish Sea bioregion as being under relentless pressure from an accelerating convergence of global and local environmental stressors and the cumulative impacts of 150 years of development. It chronicles how ecosystem decline has outpaced protection and restoration efforts, and how population growth and urbanization have led to detrimental changes to the landscape and seascape, including habitat fragmentation, shoreline armoring, conversion of vegetated areas to impervious surfaces, and profound changes in watershed and wetland hydrology. The report calls for strategic, multijurisdictional policy approaches, informed by multiple ways of knowing and grounded in an understanding of the complex relationships between people and place:

"...Now is the time to shift thought and policy paradigms from treating the environment as a resource to instead build systems of relationships and responsiveness that are based in science and incorporate the interconnected system of humans and environments."

³ Islands Trust (2019). *State of the Islands Indicator Project: Final Report*

⁴ Sobocinski, K.L. (2021). *State of the Salish Sea*. G. Broadhurst and N.J.K. Baloy (Contributing Eds.). Salish Sea Institute, Western Washington University.

Many islands in the Trust Area are also facing a lack of safe, secure, and affordable housing that is threatening the long-term sustainability and resilience of Trust Area communities. The gap between those who can, and those who cannot, afford a home is growing rapidly amidst a backdrop of skyrocketing real estate values, loss of rental stock, prevalence of not-permitted, unsafe, and unhealthy housing with no permanency or security for families, and growing rates of homelessness. Without affordable, safe, secure, and diverse housing options, seniors are finding it difficult to age in place and an increasing percentage of island workers must commute from off-island locations. First Nations community members continue to be alienated from their homelands and opportunities to live on the islands due to the forced removal and genocide they experienced and continue to experience to this day. As Trust Council endeavours to support community needs for affordable housing within the confines of its jurisdictional mandate, it acknowledges the need for place-based, multigenerational, and integrated solutions to sustainability that address equity, diversity, and inclusion in meaningful ways, while respecting the natural limitations and adaptive capacities of island ecosystems.

In this complex policy landscape, the Policy Statement plays a vital role in articulating Trust Council's strategic policy priorities, principles, and approaches, centred firmly in the Islands Trust Object to preserve and protect the unique amenities and environment of the Trust Area, not only for this generation, but also for many generations to come, including First Nations who wish to come home or have access to traditional uses.

1.4 THE ISLANDS TRUST OBJECT AND ITS MEANING

The *Islands Trust Act* sets out the special-purpose mandate for Islands Trust, referenced in the legislation as its “object”:

“The object of the Trust is to preserve and protect the Trust Area and its unique amenities and environment for the benefit of the residents of the Trust Area and of British Columbia generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the government of British Columbia.” (*Islands Trust Act*)

The following sections provide a fuller explanation of key phrases in the Islands Trust Object.

“... to preserve and protect the Trust Area...”

The Islands Trust Area is a scenic archipelago of 13 major islands, over 450 smaller islands and islets, and surrounding waters in the Salish Sea. The area of jurisdiction is established by Schedule A of the *Islands Trust Act*. The region is home to more than 26,000 residents and is the homeland of more than 28,000 Coast Salish Peoples.

The mandate to ‘preserve and protect’ aims to ensure the continued existence, either at current or enhanced levels, of the unique amenities and environment of the Trust Area. This involves first identifying the unique amenities and environment in each local planning area and then instituting measures for their preservation and protection. Appropriate developments can thus be guided to areas which are most suitable, with minimal impact to the unique amenities and environment of the area. Official community plan and bylaw provisions such as setbacks and parcel size can be used as site specific protection measures where development is permitted.

“...and its unique amenities and environment...”

The Trust Area is valued and unique, not because of any one quality or feature, but rather because of its particular combination of characteristics and location.

Located within the Coastal Douglas-fir and Coastal Western Hemlock biogeoclimatic zones, the Trust Area is home to an exceptionally high biodiversity of rare and culturally significant species, including over 100 federally-listed and over 300 provincially-listed species at risk. These ecosystems are classified as ‘sensitive’ because of their rarity and vulnerability to disturbances such as human impacts and climate change. The Trust Area also plays an important role in provincial and national efforts to reduce greenhouse gas emissions by capturing and storing carbon in natural areas such as forests, soils, mycelium networks, wetlands, and eelgrass meadows.

Islands are places of last refuge and first (local) extinction. Existing at the interface of land and sea, they provide transition habitats that support high terrestrial and marine biodiversity. At the same time, islands need extra care due to a number of unique vulnerabilities they hold as small, closed systems, surrounded by water. Unlike larger islands or the mainland, islands in the Trust Area have significant water supply constraints, due to small watersheds, shallow soils, a heavy reliance on groundwater, and a high vulnerability to the impacts of a changing climate, such as drought and saltwater intrusion. Species habitat and migration corridors on these islands are also constrained by the natural boundaries of shorelines and are impacted by the proportion and configuration of land converted for human use. In addition, coastal and marine ecosystems, resident communities, and First Nations’ archaeological sites and shoreline harvesting are all highly vulnerable to the climate change impacts associated with sea level rise and ocean acidification.

The Trust Area is also valued and unique because it is located within the treaty and territorial lands and waters of the Coast Salish Peoples. First Nations have called these lands and waters home since time immemorial and their relationship with this place continues to this day as stewards and caretakers for seven generations to come. First Nations in the Trust Area have creation stories that describe the spiritual and geophysical formation of the islands in the Salish Sea. Their history, stewardship, and knowledge of the region is reflected through oral history, language, place names, cultivated features of the landscape, Indigenous law, and protocols. Indigenous descriptions of the interrelationships between the landscape and all beings provide important context to the understanding of this special place. In this context, Indigenous cultural heritage is recognized as a unique amenity in the Trust Area and includes, but is not limited to: cultural and spiritual sites; ancestral loved ones' burial cairns and resting places; artifacts; petroglyphs; pictographs; place names; culturally significant species; medicinal plants; and traditional harvesting areas.

Trust Area islands are also home to vibrant communities that aspire to live sustainably and in respectful relationship with these lands and waters. Trust Council understands its preserve and protect mandate is strengthened by healthy and inclusive communities that are dependent on sustainable, energy efficient, and appropriately located housing, transportation, and infrastructure. Trust Area communities strongly value the rich natural beauty and biodiversity of the islands, the silence, quietude and tranquility of rural island landscapes and dark night skies, and the abundant opportunities for nature connection that the islands afford. These opportunities are not only to be enjoyed by residents, but also by British Columbians and visitors to the region, who all play important roles in helping to preserve and protect the Trust Area. Effective stewardship of the Trust Area relies on a collective community commitment to foster lower ecological footprints by reducing greenhouse gas emissions, striving to find new paths to conserve finite natural resources, and seeking nature-based solutions to climate change.

“...for the benefit of the residents of the Trust Area and of British Columbia generally ...”

Islands Trust is responsible to the present and future resident communities of the Trust Area and British Columbia, as well as to First Nations who have resided in the area since time immemorial. Resident communities include a diverse mix of year-round residents, part-time residents, absentee land owners, and First Nations who were forcibly removed from their homelands through colonization. The benefits to British Columbians include the preservation and protection of one of the most ecologically sensitive and biodiverse regions in the country, the safeguarding of natural carbon sinks to sequester greenhouse gas emissions, and opportunities for nature connection in close proximity to major urban centres.

“... in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the Government of British Columbia ...”

First Nations, and a number of municipalities, regional districts, improvement districts, other persons and organizations, and provincial agencies have responsibilities and interests related to the preservation and protection of the Trust Area. Trust Council recognizes that it does not have the jurisdictional powers to fulfill its mandate independently and must obtain the assistance of other jurisdictions. To achieve its object, Islands Trust must be an educator, coordinator, collaborator, and initiator, guiding individuals, communities, organizations, and other government agencies to uphold and support the Islands Trust Object. While Trust Council can provide the necessary leadership, responsibility for the preservation and protection of the Trust Area rests with many, including Trust Area residents, communities, other government agencies, organizations, and the Province. Trust Council further recognizes that meaningful engagement and cooperation with First Nations is critical to the preservation and protection of the region, to Trust Council's reconciliation commitments, and to the implementation of the provincial *Declaration on the Rights of Indigenous Peoples Act*.

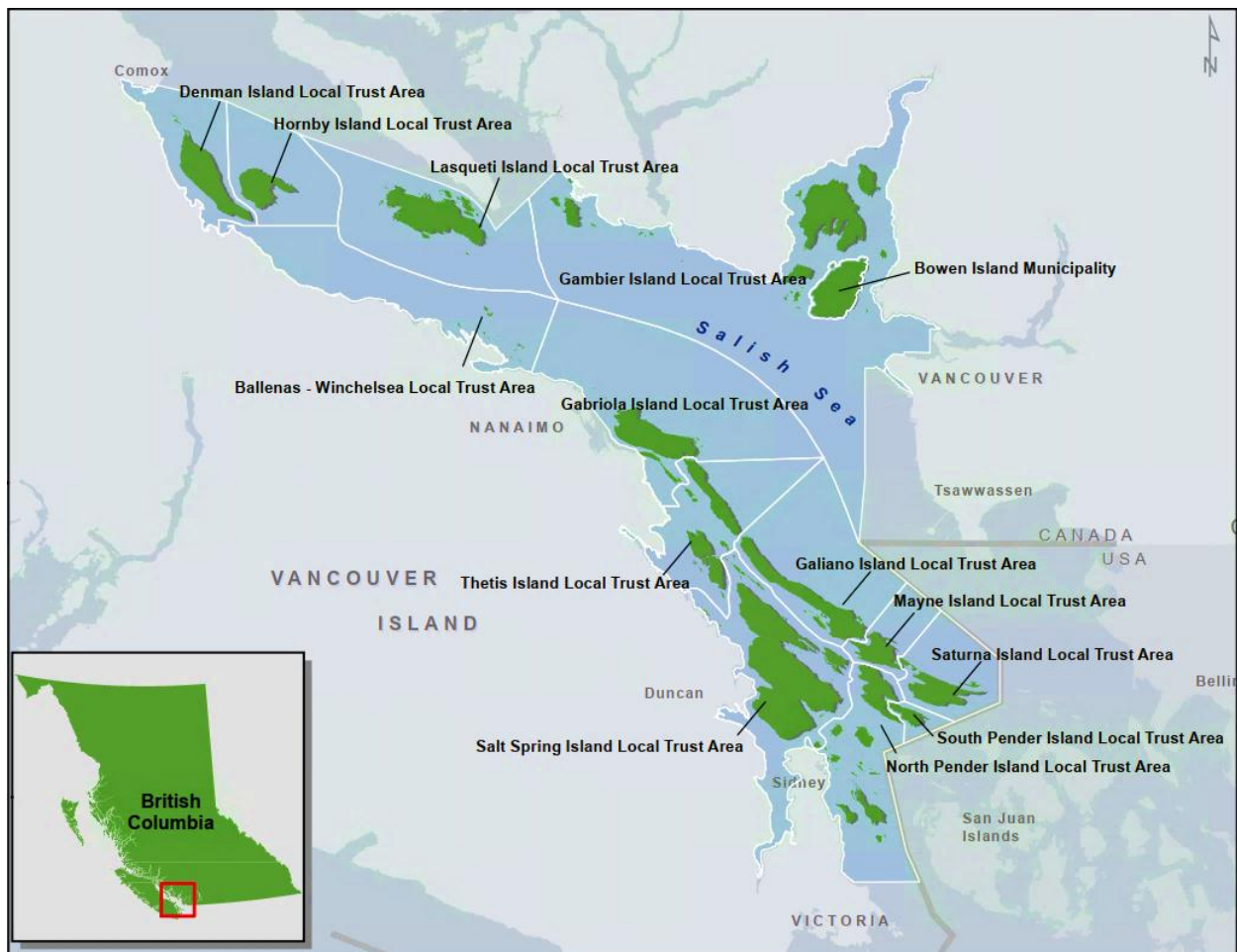
1.5 LOCATION OF THE ISLANDS TRUST AREA

The Islands Trust Area is an archipelago of 13 major islands and more than 450 smaller islands and surrounding waters in the Salish Sea, situated between the mainland of British Columbia and southern Vancouver Island. The specific boundaries of the Trust Area are noted in Schedule A of the *Islands Trust Act*.

The 13 major islands include:

- Bowen Island
- Denman Island
- Gabriola Island
- Galiano Island
- Gambier Island
- Hornby Island
- Lasqueti Island
- Mayne Island
- North Pender Island
- Salt Spring Island
- Saturna Island
- South Pender Island
- Thetis Island

(new map)



PART 2: PURPOSE AND IMPLEMENTATION OF THE POLICY STATEMENT

2.1 PURPOSE OF THE ISLANDS TRUST POLICY STATEMENT

Section 15 of the *Islands Trust Act* stipulates that Trust Council must, by bylaw, adopt a Trust Policy Statement that applies to the Trust Area. The purpose of the Policy Statement is to establish a general statement of policies of Trust Council to carry out the Islands Trust Object to preserve and protect the unique amenities and environment of the Trust Area.

The Policy Statement aims to establish a vision for the future of the Trust Area that reflects the values and interests of the environment, residents, First Nations, and British Columbians, for this generation and for generations to come. It provides a framework for Trust Council to assume a leadership role in 'place protection planning' in the Trust Area, which entails preserving and protecting the unique amenities and environment of the Trust Area through a combination of:

- conservation-oriented land use planning and regulation;
- engagement with First Nations;
- inter-agency coordination and advocacy;
- public / community engagement; and
- stewardship education.

As the Trust's overarching policy document, the Policy Statement guides the formulation of Trust-wide strategic plans, official community plans and regulatory bylaws, protocol agreements and other cooperative arrangements with First Nations, inter-agency coordination and advocacy, thematic action plans and strategies, as well as public engagement and education initiatives.

The Policy Statement bylaw becomes effective upon the date of adoption. It is not retroactive and has no effect on any local trust committee or municipal bylaw in effect before its adoption.

2.2 ROLES AND RESPONSIBILITIES

Islands Trust Council cannot effectively implement the Policy Statement without the support of First Nations and a wide range of partners. The original 1974 vision was that the Trust would be a "fully representative co-coordinating body", whose task it was to bring together each group, agency, or government partner to act in the best interests of the islands and residents, with due regard for the broader and Province-wide interest. Assistance, cooperation, and collaboration are required from local trust committees, island municipalities, the Islands Trust Conservancy Board, First Nations and their associations and organizations, the provincial government, other government agencies, non-governmental organizations, communities, property owners, residents and visitors. In the spirit of the *Islands Trust Act*, it is expected that all corporate entities of the Trust will coordinate and advocate to other agencies on matters involving potential conflict between the legislated Islands Trust Object and the legislated mandates of other agencies.

Role of the Minister of Municipal Affairs

The Minister of Municipal Affairs of the Government of British Columbia (or the designated provincial minister responsible for municipal affairs) approves the Policy Statement bylaw and provides an avenue of appeal for municipalities if neither the Executive Committee nor Trust Council approves a bylaw that has been submitted to them. The Minister and Ministry staff can also facilitate communication between the Islands Trust and other government agencies on policy matters.

Role of Islands Trust Council

The *Islands Trust Act* assigns to Islands Trust Council the responsibility for development, adoption, amendment, and implementation of the Policy Statement. Recognizing the varying roles and responsibilities of other parties to help fulfill the Islands Trust Object, Trust Council has included three types of policies in the Policy Statement:

a) Commitments of Trust Council

These policies reflect Trust Council's high-level regional commitments, positions, priorities, and approaches related to the Islands Trust Object and its implementation. They help clarify Trust Council's regional governance approach and offer interpretive context to guide decision-making.

b) Directive Policies for Local Trust Committees and Island Municipalities

These policies direct local trust committees and island municipalities to include certain types of policies and approaches in their official community plans and bylaws, unless explicit reasons are given to justify not doing so. Directive policies generally commence with the phrase "Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws..." These policies generally strive for a harmonized regional approach while also leaving flexibility for more detailed, locally-appropriate implementation tools and strategies.

c) Coordination Policies for Trust Council

These policies reflect Trust Council's role in coordinating, advocating, and engaging with a host of other parties (including government agencies, non-governmental organizations, property owners, residents and visitors) regarding decisions or actions they can undertake in support of the Policy Statement and the Islands Trust Object. In some cases, these can form the basis of protocol agreements between the Trust and other agencies. Sections 8 and 9 of the *Islands Trust Act* stipulate that Trust Council may enter into coordination agreements and make recommendations to other parties for the purpose of carrying out the Islands Trust Object. Section 8 also stipulates that Trust Council may make recommendations to the Lieutenant Governor in Council respecting the determination, implementation, and carrying out of policies for the preservation and protection of the Trust Area and its unique amenities and environment.

Trust Council may review the Policy Statement annually to prioritize actions, assess progress, and consider possible amendments. Trust Council also serves as an avenue of appeal for local trust committees and island municipalities if a bylaw submitted to the Executive Committee is not approved.

Role of Executive Committee

Part 3 of the *Islands Trust Act* stipulates that the Executive Committee of Trust Council is required to review all bylaws of local trust committees and those bylaws of island municipalities that deal with the adoption of an official community plan. Such bylaws have no effect unless approved by Executive Committee, and the Committee cannot approve such a bylaw if it is "contrary to or at variance with" the Policy Statement. If there is no official community plan in place for an island municipality, Executive Committee is required to review all bylaws of the municipality and no bylaw that is contrary to the Policy Statement can be approved. Executive Committee also monitors the progress of Trust Council in achieving the goals defined in the Policy Statement, and makes recommendations to Trust Council in this regard.

Role of Local Trust Committees

As set out in the *Islands Trust Act*, bylaws of local trust committees cannot be "contrary to or at variance with" the Policy Statement. The Policy Statement contains policies that direct local trust committees to address certain matters in their official community plans and regulatory bylaws, but generally does not stipulate the specific policies, planning tools, or regulations to be used because the social and environmental characteristics of islands vary. Official community plans must contain policies relating to

Trust Council's directives or must explicitly state the reasons and justifications for not doing so. Each local trust committee works with its island community to develop policies and regulations to fulfill the Islands Trust Object and Policy Statement in ways that are suitable to local needs and conditions.

Role of Island Municipalities

Municipalities in the Trust Area, like local trust committees, are directed to address certain matters in their official community plans. Where a particular policy requires an island municipality to address a particular matter, the official community plan must contain policies that implement Trust Council's directive or must explicitly state the reasons and justifications for not doing so.

Role of the Islands Trust Conservancy Board

The *Islands Trust Act* assigns the Islands Trust Object to the Islands Trust Conservancy Board, as well as to Trust Council, local trust committees and island municipalities. Although the Islands Trust Conservancy Board does not take direction from Trust Council, it plays an essential role in helping to support the Policy Statement objectives and the fulfillment of place protection planning in the Trust Area through science-based conservation planning, engagement with First Nations, identification and protection of core conservation areas, as well as education and communication initiatives. To support the Islands Trust Object, the Islands Trust Conservancy Board also plays a key role in accepting voluntary donations of property and covenants and purchasing lands. Close collaboration and policy alignment between Islands Trust and Islands Trust Conservancy is critical to carrying out the Islands Trust Object.

Role of First Nations

First Nations play an integral role in governance and cooperative decision-making in the Trust Area. Trust Council acknowledges the treaty and territorial rights and title of First Nations in the Trust Area and is committed to aligning Islands Trust policies and processes with the *Declaration on the Rights of Indigenous Peoples Act*. Trust Council is further committed to ensuring that it seeks meaningful engagement with First Nations now and into the future. Cooperative mechanisms such as protocol agreements and mutually supportive strategies and action plans provide frameworks for effective communication, information sharing, and cooperative decision-making.

Role of Other Government and Non-Governmental Organizations

Other government agencies and non-governmental organizations play an important role in contributing to the preservation and protection of the unique amenities and environment of the Trust Area through cooperative actions based on the Policy Statement and the Islands Trust Object. Cooperative mechanisms such as protocol agreements and mutually supportive strategies and action plans support the sustainability of the Trust Area and fulfillment of the Islands Trust Object.

Role of Property Owners, Residents, Visitors and Communities

The assistance and cooperation of property owners, residents, visitors, and communities is vital to the preservation and protection of the unique amenities and environment of the Trust Area and to the implementation of the Policy Statement in each local planning area. Individuals have many opportunities to participate in local planning decisions and to work with other members of their communities to support the Islands Trust Object. The Trust can also equip communities and individuals with education and tools to help support the preserve and protect mandate and specific policies contained in the Policy Statement.

2.3 IMPLEMENTATION AND AMENDMENT POLICIES

Trust Council's Policies 1.2.1 (Policy Statement Amendment Policy) and 1.3.1 (Policy Statement Implementation Policy) guide the implementation and amendments of the Policy Statement. These are separate policies approved by Trust Council and do not require a legislative approval process.

The Policy Statement bylaw may be amended by Trust Council with the approval of the minister responsible for municipal affairs. Regardless of the source, all proposals for amendments to the Policy Statement are compiled by Executive Committee and brought forward for the consideration of Trust Council. Trust Council may, from time to time, initiate a review of the entire Policy Statement.

Trust Council's Policy Statement Implementation Policy establishes policies and procedures for statutory bylaw referrals and other implementation strategies and decision support tools that assist Executive Committee, local trust committees, island municipalities, Islands Trust planning staff, and other relevant parties to ensure that bylaws are consistent with the Islands Trust Policy Statement.

PART 3: REGIONAL GOVERNANCE (new)

GOAL: To establish regional governance approaches that uphold the Islands Trust Object

CONTEXT:

The Governance Challenge: The Islands Trust Area today faces converging challenges and compounding vulnerabilities. Trust Council must contend with intense development pressures, increasing climate change impacts, one of the highest densities of species at risk in Canada, freshwater scarcity, changing demographics, and a widespread lack of affordable housing. While populations, numbers of visitors, and the demand for intensified use and residential development of the Trust Area can be expected to continue to grow, capacities of the Trust Area's natural systems remain limited and are increasingly compromised by climate change and the cumulative effects of human activity. Potential for conflict exists: conflict between the unending pressures for development and intensified use, and the duty to preserve and protect the unique amenities and environment of this special place. To keep everything in the Trust Area exactly as it is today would be impossible. Changes will occur. Nonetheless, if the Trust Area's unique amenities and environment are to be preserved and protected for current and future generations, priorities must be defined and management strategies established.

Establishing Priorities and Limitations: Advancing the Islands Trust Object is the preeminent duty of Trust Council, its committees, and all locally elected trustees in the Trust Area. This unique statutory mandate prioritizes the preservation and protection of the unique amenities and environment of the Trust Area. Acknowledging the need to shift towards less human-centric and less settler-centric planning paradigms, Trust Council commits to place priority on preserving and protecting the integrity of the environment and Indigenous cultural heritage in the Trust Area. This entails, first and foremost, the identification and safeguarding of protected area networks, freshwater sustainability, a healthy marine environment, and Indigenous cultural heritage. To these ends, Trust Council should be guided by detailed, area-based understandings of the Trust Area and its unique amenities and environment, that are informed by multiple ways of knowing, including the best available area-based mapping, science, social science, local knowledge, and Indigenous ways of knowing. Furthermore, the uncertainties around the rate and scale of climate change are mandating more precautionary approaches to stewardship of the Trust Area. The **Precautionary Principle** states that the lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental damage to habitats or species when there is a threat of serious or irreversible environmental degradation. Having established these clear understandings, priorities, and approaches, community needs can then be addressed sustainably, equitably, and within the natural limitations of these special islands, for the benefit of current and future generations.

Regional and Localized Approaches: Underpinning the Islands Trust regional governance approach is a strong acknowledgment that a degree of local autonomy supports effective governance in the Trust Area. Each island within the Trust Area has unique characteristics and has developed in its own unique way over the years. While the preeminent duty of all locally elected officials is to uphold the Islands Trust Object and regional mandate in all aspects of local planning and decision-making, they are to do so in a way that is sensitive and suitable to local circumstances, and guided by open, consultative public participation.

3.1 Regional Governance Policies

Commitments of Trust Council

- 3.1.1 The primary responsibility of Trust Council is to provide leadership for the preservation and protection of the **unique amenities and environment** of the Trust Area. (Guiding Principle #1)
- 3.1.2 Trust Council commits to place priority on preserving and protecting the integrity of the environment **and Indigenous cultural heritage** in all decision-making. (Guiding Principle #2)
- 3.1.3 It is Trust Council's policy that, to achieve the Islands Trust Object, the rate and scale of growth and development in the Trust Area must be carefully managed and requires limitation. (Guiding Principle #4)
- 3.1.4 It is Trust Council's policy that **decision-making should be guided by the Precautionary Principle, and the best available area-based mapping, science, social science, local knowledge, and Indigenous ways of knowing.** (Guiding Principle #3)
- 3.1.5 **Trust Council commits to seek close collaboration and policy alignment with the Islands Trust Conservancy Board, acknowledging the interconnected roles each entity plays in regional conservation planning and in carrying out the Islands Trust Object.** (new)
- 3.1.6 **Trust Council commits to seek meaningful engagement with First Nations in the Trust Area, recognizing First Nations' treaty and territorial lands and waters, and will be guided by the specific reconciliation principles and recommendations of the Truth and Reconciliation Commission's Calls to Action, the United Nations Declaration on the Rights of Indigenous Peoples, the Declaration on the Rights of Indigenous Peoples Act, and the Missing and Murdered Indigenous Women and Girls Calls for Justice, that fall within Trust Council's jurisdiction.** (new)
- 3.1.7 **Trust Council commits to take a leadership role in coordinating with, and advocating to, other government agencies and non-governmental organizations, and making recommendations to the provincial government, for the purpose of carrying out the Islands Trust Object.** (new)
- 3.1.8 Trust Council commits to seek open, consultative public participation, acknowledging its importance to effective decision-making in the Trust Area. (Guiding Principle #5)
- 3.1.9 It is Trust Council's policy that island communities within the Trust Area are themselves best able to determine the most effective local government structure to support their local autonomy and specific community needs within the Islands Trust Object. (5.8.3)
- 3.1.10 It is Trust Council's policy that island municipalities shall, in all of their actions, have regard for the Islands Trust Policy Statement and the Islands Trust Object. (5.8.4)
- 3.1.11 Trust Council commits to implement a plan for the advancement of the Policy Statement as part of its annual budget process, and to direct Executive Committee to report on progress achieved in fulfilling the goals defined in the Policy Statement. (Guiding Principle #6)

Directive Policies for Local Trust Committees and Island Municipalities

- 3.1.12 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, place priority on the integrity of the environment and Indigenous cultural heritage in all decision-making and limit the rate and scale of growth and development in their planning area. (new, based on Guiding Principles #1 and #4)
- 3.1.13 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, ground decision-making in the best available area-based mapping, science, social science, local knowledge, and Indigenous ways of knowing. (new, based on Guiding Principle #3)
- 3.1.14 Local trust committees and island municipalities shall, in the development and implementation of official community plans and regulatory bylaws, provide opportunities for public engagement and collaboration. (5.8.2)
- 3.1.15 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, seek meaningful engagement with First Nations and strive to align decision-making with the principles of the *Declaration on the Rights of Indigenous Peoples Act* that fall within their jurisdiction. (new)

PART 4: ECOSYSTEM PRESERVATION AND PROTECTION

GOAL: To Preserve, Protect, **Restore,** and **Sustainably Steward** Trust Area Ecosystems

CONTEXT:

Environmental Integrity: The Islands Trust Area contains the most biodiverse and endangered ecosystems in British Columbia and a number of species that are of high cultural significance to First Nations. These ecosystems are treasured for their intrinsic value and also for the many supports they provide to human well-being. An **ecosystem** is understood as a dynamic system of living species interacting with their non-living environment. Some ecosystems rely on a delicate mix of species and conditions that are easily affected by human activities and environmental disturbances. These ecosystems are termed 'sensitive' and are prevalent in the Trust Area. An ecosystem has '**environmental integrity**' when its dominant characteristics, natural composition, structure, function, and processes occur within their natural ranges of variation and can withstand and recover from most disruptions imposed by human activity or environmental dynamics such as climate change. In the Trust Area, the establishment of networks of protected areas and unfragmented forest reserves that are large enough to contain and sustain native Trust Area species is essential to environmental integrity.

Restoration: In the face of the global climate and biodiversity crises, it has never been more critical to preserve and protect ecosystems in the Trust Area. In addition, there is now an imperative to restore these fragile ecosystems and assist in their recovery due to the cumulative impacts of development and human use of natural areas, as well as the impacts of a changing climate. **Ecosystem restoration** is the process of assisting the recovery of an ecosystem that has been degraded, damaged, or destroyed. Restoration can happen in many ways, such as active reforestation or wetland remediation, or by simply removing pressures so that nature can recover and adapt on its own.

Adaptive Management: The specific impacts of the climate and biodiversity crises and their policy implications may be difficult to predict in exact detail, timing, and scope. Adaptive management approaches offer pathways to minimize uncertainty and maximize policy effectiveness. These are structured, iterative processes of decision-making intended to reduce uncertainty over time through periodic monitoring and evaluation, and evidence-based policy adjustments.

Nature-Based Solutions: In seeking integrated solutions that address the impacts of climate change on both ecosystems and communities, nature-based solutions offer opportunities for multiple co-benefits. Nature-based solutions are actions to protect, sustainably manage, and restore ecosystems that address societal challenges effectively and adaptively, simultaneously providing human well-being and biodiversity benefits.

Sustainable Stewardship: As humans modify the Trust Area, ecosystems are subject to various pressures. With sustainable, regenerative use, ecosystems will be more healthy and resilient and better able to support human well-being in a variety of ways. **Sustainability**, in this context, is defined as the ability to meet the needs of the present without compromising the ability of future generations to meet their own needs. **Stewardship**, in this context, refers to the responsible use and protection of natural systems, through conservation and sustainable use.

4.1 Environmental Integrity Policies

Commitments of Trust Council

- 4.1.1 It is Trust Council's policy that proactive land use planning is essential to the preservation and protection of Trust Area ecosystems. (3.1.1 first bullet)
- 4.1.2 It is Trust Council's policy that protection must be given to the natural processes, habitats, and species of the Trust Area, including those of old forests, Coastal Douglas-fir forests, Coastal Western Hemlock forests, Garry Oak/Arbutus forests, wetlands, open coastal grasslands, the vegetation of dry rocky areas, lakes, streams, estuaries, tidal flats, salt water marshes, drift sectors, lagoons, kelp forests, eelgrass meadows, and spawning areas. (3.1.1 second bullet)
- 4.1.3 Trust Council commits to establish and sustain a network of protected areas throughout the Trust Area, in collaboration with the Islands Trust Conservancy Board, acknowledging that unfragmented connectivity is necessary to preserve ecosystems in sufficient size and distribution to sustain their environmental integrity. (3.1.2)
- 4.1.4 Trust Council shall strive to account for the cumulative effects of existing and proposed development to avoid detrimental effects on watersheds, groundwater supplies, and Trust Area species and their habitats, informed by the best available area-based mapping, science, social science, local knowledge, and Indigenous ways of knowing. (3.1.1 third bullet)
- 4.1.5 Trust Council shall strive to identify and monitor the impacts of climate change on ecosystems through climate vulnerability assessments and shall utilize adaptive management processes and nature-based solutions that are informed by the best available area-based mapping, science, social science, local knowledge, and Indigenous ways of knowing. (new)

Directive Policies for Local Trust Committees and Island Municipalities

- 4.1.6 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, identify, establish, and maintain a network of protected areas of sufficient size and distribution to preserve the environmental integrity of ecosystems in their planning area. (3.1.4)
- 4.1.7 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, and in collaboration with the Islands Trust Conservancy Board, identify, preserve, protect, and support the restoration of the following elements in their planning area, utilizing the best available quantitative and qualitative data, inclusive of Indigenous ways of knowing and community input: (3.1.3)
- sensitive ecosystems (cliff, freshwater, herbaceous, old and mature forest, riparian, wetland, and woodland ecosystems)
 - contiguous, unfragmented forests and associated ecosystems
 - freshwater networks and groundwater recharge areas
 - eelgrass meadows, kelp forests, and forage fish spawning areas
 - species and ecosystems at risk
 - Indigenous cultivation and harvesting areas such as clam gardens, camas meadows, and other areas as identified by First Nations

- 4.1.8 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, regulate land use and development to **reduce emissions to air, land, and water**. (3.1.5)
- 4.1.9 **Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, identify means to reduce climate vulnerability and support climate adaptation measures for ecosystems within their planning area.** (new)

Coordination Policies for Trust Council

- 4.1.10 **Trust Council shall, in collaboration with the Islands Trust Conservancy Board, seek the best available area-based mapping, science, social science, local knowledge, and Indigenous ways of knowing regarding ecosystem preservation, protection, restoration, and sustainable stewardship in the Trust Area through respectful, culturally-sensitive and collaborative approaches with First Nations, Indigenous Knowledge Holders, the Province, other government agencies, non-governmental organizations, and communities.** (new)
- 4.1.11 Trust Council shall coordinate with, and advocate to, other government agencies to foster actions, programs, and incentives that: (3.1.9)
- place priority on the integrity of the environment in the Trust Area
 - protect the diversity of native species and habitats in the Trust Area; and
 - prevent pollution of the air, land, **freshwater networks**, and marine waters of the Trust Area
- 4.1.12 Trust Council shall coordinate with, and advocate to, other government agencies to:
- regulate and monitor the harvesting of fish, wildlife, and vegetation in the Trust Area so as to protect **terrestrial and aquatic species** populations and habitats (4.3.1)
 - consult with **First Nations**, local trust committees, island municipalities, and Trust Area communities prior to decisions regarding regulation of hunting or harvesting of wildlife or vegetation in the Trust Area (4.3.1)
 - **consult with First Nations to preserve First Nations' traditional harvesting areas;** and (new)
 - to protect, for public use, areas supporting naturally occurring shellfish populations and other marine life, and to establish public shellfish reserves in the Trust Area. (4.3.2)
- 4.1.13 Trust Council shall advocate to the provincial government to enforce standards for the control of emissions polluting the **air, lands, and waters** of the Trust Area. (3.1.10)
- 4.1.14 Trust Council shall, **in cooperation with First Nations and the Islands Trust Conservancy Board**, advocate to **other government agencies**, non-governmental organizations, Crown corporations, municipalities, regional districts, non-governmental organizations, property owners, **residents, and visitors** to protect **natural areas** in the Trust Area through education, stewardship tools, acquisitions, conservation covenants and careful management. (3.1.11)

4.2 Freshwater Stewardship Policies

Commitments of Trust Council

- 4.2.1 Trust Council commits to take a precautionary approach to the sustainable stewardship of watershed ecosystems, freshwater networks, and groundwater recharge areas in the Trust Area, in cooperation with First Nations, Indigenous Knowledge Holders, other government agencies, and the public, and on the basis of the best available area-based mapping, science, social science, local knowledge, and Indigenous ways of knowing. (new)
- 4.2.2 It is Trust Council's policy that: (3.3.1)
- the watershed ecosystems, freshwater networks, and groundwater recharge areas of the Trust Area should be identified, protected, and where possible, restored or rehabilitated; and
 - the wetlands of the Trust Area, including those in the Agricultural Land Reserve that have not been altered in the past for agriculture, should not be drained, filled, or degraded.
- 4.2.3 It is Trust Council's policy that freshwater use in the Trust Area should not impede the inherent rights of First Nations to access freshwater streams for cultural and spiritual purposes.
- 4.2.4 It is Trust Council's policy that islands in the Trust Area should be self-sufficient in their supply of freshwater.⁵ (4.4.1)
- 4.2.5 It is Trust Council's policy that new desalination plants should not be permitted in the Trust Area due to their high energy demands and adverse impacts to coastal and marine ecosystems. (new)

Directive Policies for Local Trust Committees and Island Municipalities

- 4.2.6 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, identify means to prevent further loss or degradation of watershed ecosystems, freshwater networks, groundwater recharge areas, and freshwater aquatic species in their planning area. (3.3.2)
- 4.2.7 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, ensure: (4.4.2)
- that neither the density nor intensity of land use is increased in groundwater regions⁶ where the quality or quantity of the supply of freshwater is likely to be inadequate or unsustainable;
 - that existing, anticipated, and seasonal water demand and supply projections are considered and allowed for;
- and shall strive to ensure: (4.4.2, 4.4.1)
- that freshwater quality is maintained; and
 - that islands are self-sufficient in their supply of freshwater⁵.
- 4.2.8 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, strive to ensure that freshwater use is not to the detriment of in-stream uses such as: fish and fish habitat uses; Indigenous cultural and spiritual use; aesthetic and recreational uses; and, the maintenance of water quality in lakes, streams, and wetlands. (4.4.3)
- 4.2.9 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, prohibit new desalination plants in the Trust Area. (new)

⁵ ...with the sole exception of Piers Island which is supplied by the Capital Regional District water system.

⁶ Groundwater regions are delineated water management areas that provide a useful basis for assessing area-specific water quality and quantity characteristics for planning purposes.

Coordination Policies for Trust Council

- 4.2.10 Trust Council shall coordinate with, and advocate to, the provincial government, regional districts, improvement districts, and other agencies to enact legislation protecting freshwater sustainability, watershed ecosystems, freshwater networks, groundwater recharge areas, and freshwater aquatic species at risk in the Trust Area, in accordance with the Islands Trust Object. (4.4.6)
- 4.2.11 Trust Council shall coordinate with, and advocate to, the provincial government to implement property tax incentives for the retention of groundwater and watershed recharge areas and freshwater wetlands in the Trust Area. (4.4.5)
- 4.2.12 Trust Council shall encourage, educate, and advocate to government agencies and non-governmental organizations, property owners, residents, and visitors to adopt water conservation practices in the Trust Area, including through the use of innovative technologies such as rainwater harvesting, above-ground water cisterns, alternative sewage disposal systems, reuse of water, the treatment and use of grey water, and the use of water saving devices. (4.4.4, 4.4.7)
- 4.2.13 Trust Council shall, in collaboration with Islands Trust Conservancy, encourage government agencies, non-governmental organizations, property owners, residents, and visitors to protect watershed ecosystems through voluntary donations, acquisitions, conservation covenants, and careful management. (3.3.3)

4.3 Forest Stewardship Policies

Commitments of Trust Council

- 4.3.1 Trust Council commits to take a precautionary approach to the stewardship of forest ecosystems in the Trust Area, in cooperation with First Nations, Indigenous Knowledge Holders, other government agencies, and the public, and on the basis of the best available area-based mapping, science, social science, local knowledge, and Indigenous ways of knowing. (new)
- 4.3.2 It is Trust Council's policy that:
- forest ecosystems in the Trust Area should be protected; (3.2.1)
 - the remaining stands of relatively undisturbed Coastal Douglas-fir and Coastal Western Hemlock zones, and their associated ecosystems, should be preserved and protected; (3.2.1)
 - forest cover is a representative characteristic of the Trust Area and should be maintained; and (4.2.4)
 - the aesthetic value of forest land should be protected. (4.2.5)
- 4.3.3 It is Trust Council's policy that forest harvesting in the Trust Area should be limited, small-scale, sustainable, regenerative, supportive of climate action, respectful of Indigenous harvesting areas, and protective of the environmental integrity of the Trust Area. (new, replacing 4.2.1 - 4.2.2)
- 4.3.4 It is Trust Council's policy that management plans related to sustainable forest harvesting in the Trust Area should include appropriate monitoring and evaluation mechanisms to uphold the long-term environmental integrity of forest ecosystems, and should preserve and protect the inherent rights of First Nations to harvest forest resources for cultural purposes. (4.2.3 + new)
- 4.3.5 It is Trust Council's policy that the clear-cutting of forests and logging of old-growth trees is inappropriate anywhere in the Trust Area, acknowledging the multiple adverse impacts these activities incur on the fragile ecosystems, environmental integrity, and carbon capture and storage potential of the Trust Area. (new)

Directive Policies for Local Trust Committees and Island Municipalities

- 4.3.6 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, prioritize the environmental integrity of the Trust Area by protecting unfragmented forest ecosystems, on a scale of forest stands and landscapes, from the potentially adverse impacts of growth, development and land use. (3.2.2, 4.2.6)
- 4.3.7 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, retain large land holdings and parcel sizes to enable sustainable forest harvesting practices and direct the location of roads and utility corridors to minimize the fragmentation of forests. (4.2.7)
- 4.3.8 Local Trust Committees and Island Municipalities shall, in their Official Community Plans and regulatory bylaws, designate protected forest ecosystem reserves where the preservation of native biodiversity and corridors is especially critical and where there should be no extraction. (4.2.8)

Coordination Policies for Trust Council

- 4.3.9 Trust Council shall coordinate with, and advocate to, the provincial government to grant Islands Trust the necessary jurisdictional authority to preserve and protect forest ecosystems, including:
- legislation to prohibit clear-cutting and logging of old-growth in the Trust Area; and
 - authority to regulate tree cutting in the Trust Area. (new)
- 4.3.10 Trust Council shall coordinate with, and advocate to, the provincial government to adopt legislation establishing sustainable forest harvesting practices that protect environmental integrity on a scale of forest stands and landscapes by preserving, protection, and restoring: (4.2.11)
- the diversity of forest structure and composition;
 - the physical, chemical, and biotic diversity of soils;
 - natural aquatic and wetland ecosystems;
 - the full range of natural habitats in the forest landscape, including old-growth; and
 - connectivity of forest habitats sufficient for different life stages and dispersal needs of native species.
- 4.3.11 Trust Council shall coordinate with, and advocate to, the provincial government to:
- implement engagement mechanisms that ensure the full and meaningful participation of First Nations and Trust Area communities in decisions concerning the use of forest lands; (4.2.9)
 - provide education and extension programs to promote sustainable forest harvesting and the protection of forest ecosystems; (4.2.10)
 - adopt statutes and guidelines to reduce invasive non-native species in forest ecosystems; (4.2.12)
 - designate forest ecosystem reserves where no extraction shall take place in order to promote the preservation of native biodiversity; (4.2.13)
 - require that applicants identify the protective actions needed to maintain sustainable forest land use and environmental integrity, prior to approval of tree cutting plans; and (4.2.14)
 - implement property tax incentives for the practice of sustainable forest harvesting. (4.2.15)
- 4.3.12 Trust Council shall coordinate with, and advocate to, the Province, when developing specific forest tenures, to assign to Trust Council or to the Islands Trust Conservancy Board, the holding of areas not to be harvested. (4.2.16)
- 4.3.13 Trust Council shall, in collaboration with the Islands Trust Conservancy Board, encourage government agencies, non-governmental organizations, property owners, residents, and visitors to protect forest ecosystems through voluntary donations, acquisitions, conservation covenants, and careful management. (3.2.3)

4.4. Agricultural Land Stewardship Policies

Commitments of Trust Council

- 4.4.1 Trust Council commits to take a precautionary approach to the stewardship of agricultural lands in the Trust Area, in cooperation with First Nations, Indigenous Knowledge Holders, other government agencies, and the public, and on the basis of the best available area-based mapping, science, social science, local knowledge, and Indigenous ways of knowing. (new)
- 4.4.2 It is Trust Council's policy that agricultural activity in the Trust Area should be small-scale, sustainable, regenerative, supportive of local climate action and food security, respectful of Indigenous harvesting areas, and protective of the environmental integrity of the Trust Area. (new, 4.1.2, 4.1.3)

Directive Policies for Local Trust Committees and Island Municipalities

- 4.4.3 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, identify and preserve appropriate areas for agricultural land to support small-scale, sustainable, regenerative agriculture, while carefully considering downstream impacts, wildlife habitat, and adjacent properties. (4.1.3, 4.1.4, 4.1.6)
- 4.4.4 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, direct the location and construction of roads and utility corridors to minimize fragmentation of agricultural lands. (4.1.7 simplified)
- 4.4.5 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, encourage sustainable farming and consider land uses and activities that support the economic viability of farms without compromising the agricultural capability of agricultural land. (4.1.5, 4.1.8)

Coordination Policies for Trust Council

- 4.4.6 Trust Council shall coordinate with, and advocate to, the provincial government to ensure:
- that where a road must sever agricultural land to provide access to lands beyond, the road is built to the minimum standard necessary to service that land; (4.1.10)
 - that farming in the Agricultural Land Reserve in the Trust Area does not adversely impact Indigenous food security and traditional harvesting practices, cultural heritage, or the environmental integrity of protected area networks in the Trust Area; (new)
 - that legislation, guidelines, and incentives are established to support local farmers in adopting the highest standards of environmental protection of ecosystems, wildlife habitats, and native species diversity, in accordance with the Islands Trust Object; (new)
 - that support is given to small-scale sustainable farmers to reduce greenhouse gas emissions emanating from agriculture and adapt to climate variability in the Trust Area; (new)
 - that a separate farm class to provide property tax incentives be retained; (4.1.12)
 - that the threshold for farm income necessary for farm class status is appropriate to the small scale of sustainable agriculture within the Trust Area; and (4.1.12)
 - that the total land area subject to the farm class may include land that is left uncultivated to protect environmental integrity. (4.1.12)

4.5 Soil and Mineral Stewardship Policies

Commitments of Trust Council

- 4.5.1 It is Trust Council's policy that the preservation and protection of healthy and productive soils is integral to the environmental integrity, food security, and carbon capture and storage capacity of the Trust Area. (new)
- 4.5.2 It is Trust Council's policy that there should be no extraction of peat, metals, minerals, or petroleum resources in the Trust Area. (4.6.1)
- 4.5.3 It is Trust Council's policy that there should be no extraction of aggregate from the foreshore or the sea floor of the Trust Area. (4.6.2)
- 4.5.4 It is Trust Council's policy that there should be no removal or excavation of soil or fill from middens or foreshore areas that have been identified as culturally significant areas. (new)

Directive Policies for Local Trust Committees and Island Municipalities

- 4.5.5 Local trust committees and island municipalities shall, in their regulatory bylaws related to soil removal and deposit, include policies that foster the preservation, protection, and restoration of productive soils in the Trust Area. (4.6.3)
- 4.5.6 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, prohibit the removal or excavation of soil or fill from middens or foreshore areas that have been identified as culturally significant areas. (new)

4.6 Coastal and Marine Stewardship Policies

Commitments of Trust Council

- 4.6.1 Trust Council commits to take a precautionary approach to the stewardship of coastal and marine ecosystems in the Trust Area, in cooperation with First Nations, Indigenous Knowledge Holders, other government agencies, and the public, and on the basis of the best available area-based mapping, science, social science, local knowledge, and Indigenous ways of knowing. (new)
- 4.6.2 It is Trust Council's policy that coastal and marine food harvesting and aquaculture in the Trust Area should be small-scale, sustainable, regenerative, supportive of local climate action and food security, respectful of Indigenous harvesting areas, and protective of the environmental integrity of the Trust Area. (new/4.5.1)
- 4.6.3 It is Trust Council's policy that development, activity, buildings, or structures should not result in a loss of marine or coastal habitat, restrict public access to, from or along the marine shoreline, or interfere with natural coastal processes. (4.5.3, 4.5.4)
- 4.6.4 It is Trust Council's policy that development should be directed to sites away from: (4.5.5)
- areas of environmental sensitivity, including eelgrass meadows, kelp forests, forage fish spawning areas, tidal salt marshes, mud flats, and coastal wetlands;
 - areas of naturally occurring stocks of clams or oysters; and
 - First Nations' traditional harvesting areas, middens, and other archaeologically significant resources.
- 4.6.5 It is Trust Council's policy that aquaculture should be directed to sites away from: (4.5.6)
- areas of recreational significance;
 - areas where an aquaculture operation would conflict with established or designated upland land uses; and
 - areas where an aquaculture operation would conflict with marine or freshwater protection
 - areas where an aquaculture operation would conflict with established or designated anchorage or moorage.
- 4.6.6 It is Trust Council's policy that aquaculture related development, activity, buildings, or structures should not result in site alteration including, but not limited to, substrate modification or the use of metal pipes or plates. (4.5.7)
- 4.6.7 It is Trust Council's policy that the following restrictions are necessary in order to preserve and protect the sensitive coastal and marine waters of the Trust Area:
- finfish farms should not be permitted; (4.5.2)
 - artificial reefs should not be developed, except where they provide significant environmental benefit;⁷ (3.4.3)
 - ocean dumping should not be permitted; (new)
 - seawalls and other hard shoreline armouring should not be developed; (new)
 - moorage and anchorage sites in eelgrass meadows should not be permitted; (new)
 - new private docks should be limited to boat access only properties; (new)
 - freighter anchorage sites in the Trust Area should be eliminated; and (new)
 - oil tankers should not be permitted to transit through Trust Area waters. (new)

⁷ Interpretive Note: Small scale habitat enhancement structures known as 'reef balls', which are placed in marine areas with the approval of Fisheries and Oceans Canada, are not considered to be artificial reefs for the purposes of this policy.

Directive Policies for Local Trust Committees and Island Municipalities

- 4.6.8 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, identify appropriate locations for marine dependent land uses and means to prevent further loss or degradation of coastal and marine ecosystems in their planning area. (3.4.4, 4.5.8)
- 4.6.9 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, include policies that preserve, protect, and support the restoration of eelgrass meadows, kelp forests, forage fish spawning areas, tidal salt marshes, mud flats, and coastal wetlands, acknowledging their multifaceted roles in supporting carbon capture and storage, soft shoreline protection, and the provision of habitats and spawning areas for coastal and marine aquatic species. (new)
- 4.6.10 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, direct the location of buildings and structures such that they do not: (4.5.5, 4.5.10)
- adversely impact sensitive coastal and marine ecosystems, naturally occurring stocks of shellfish, eelgrass meadows, kelp forests, forage fish spawning areas, tidal salt marshes, mud flats, coastal wetlands, middens, or archaeological sites;
 - interfere with natural coastal processes;
 - restrict First Nations' access to traditional coastal and marine harvesting sites;
 - restrict public access to, from, or along the marine shoreline
- 4.6.11 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, direct the location and operation of commercial aquaculture tenures away from:
- areas of cultural, spiritual, archaeological, or recreational significance;
 - areas where an aquaculture operation would conflict with established or designated upland land uses, anchorages or moorages. (new, based on 4.5.6)
- 4.6.12 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, direct the location, size, and nature of marinas such that they do not compromise the environmental integrity of the coastal and marine environment, Indigenous cultural heritage, or community character in their planning area. (4.5.9)
- 4.6.13 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, identify opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boathouses, boardwalks, and causeways. (4.5.11)
- 4.6.14 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, prohibit new private docks except where properties are boat-access only. (new)
- 4.6.15 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, consider the current and anticipated impacts of sea level rise and determine shoreline buffers and setbacks accordingly. (new)
- 4.6.16 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, prohibit the use of seawalls and other hard shoreline armouring in the Trust Area and include policies that foster soft shoreline protection. (new)

Coordination Policies for Trust Council

4.6.17 Trust Council shall coordinate with, and advocate to, federal and provincial government agencies to:

- establish a network of protected coastal and marine areas and implement statutes and guidelines for sustainable coastal zone management (3.4.2)
- adopt legislation establishing sustainable aquaculture practices that protect environmental integrity and First Nations rights to traditional shellfish harvesting in the Salish Sea; (new)
- develop existing and new programs such as “harvest refugia”, which protect and enhance the populations of native marine species of the Trust Area; (3.4.6)
- research the impacts of the introduction of new marine species into the coastal and marine waters of the Trust Area before such species are introduced; (3.4.7)
- prohibit finfish farms in the marine waters of the Trust Area; (4.5.2)
- prohibit the development of artificial reefs in the Trust Area except where they provide significant environmental benefit. (3.4.3)

4.6.18 Trust Council shall coordinate with, and advocate to, federal and provincial government agencies to:

- develop legislation to regulate sewage discharge from shoreline areas and boats; and (3.4.8)
- support the removal of abandoned and derelict vessels, plastics, ghost fishing gear, and other marine debris from the coastal and marine waters of the Trust Area; (new)
- eliminate and prohibit the use of commercial freighter anchorage sites in the Trust Area, acknowledging the multiple adverse impacts this practice incurs on the sensitive coastal and marine ecosystems, environmental integrity, and carbon capture and storage potential in the Trust Area; and (new)
- prohibit oil tankers from transiting through the coastal and marine waters of the Trust Area. (new)
- develop effective oil spill prevention, preparedness, and geographic response plans for the Trust Area, acknowledging the unique risks and vulnerabilities of the Salish Sea. (new)

PART 5: HERITAGE PRESERVATION AND PROTECTION (new)

GOAL: To Preserve and Protect Natural, Cultural, and Community Heritage in the Trust Area

CONTEXT:

The Islands Trust Area is a place of exceptional cultural heritage and has been home to the BOKEĆEN, K'ómoks, Lək'wəḡən, Lyackson, MÁLEXET, Qualicum, Quw'utsun Tribes, scəwəθən məsteyəxʷ, Scia'new, səliłwətaʔt, SEMYOME, shíshálh, Skwxwú7mesh, Snaw-naw-as, Snuneymuxw, Spune'luxutth, SṠÁUTW, Stz'uminus, ʔaʔəmen, toq qaymıxʷ, Ts'uubaa-asatx, Wei Wai Kum, We Wai Kai, WJOŁŁP, WSIKEM, Xeláltxw, Xwémalhkwxu/ʔop qaymıxʷ, and xʷməθkʷəy̓əm Peoples since time immemorial. The relationship of First Nations to these lands, waters, and place is intrinsically linked to the preservation and protection of the Trust Area.

Heritage Preservation: Trust Council recognizes heritage as a 'unique amenity' of the Trust Area that is to be preserved and protected under the Islands Trust Object. In this context, heritage includes places, objects, knowledge, artistic expressions, or events that are of historical, cultural, aesthetic, educational, or scientific significance. In the Trust Area, heritage preservation includes the Indigenous cultural heritage of First Nations who have called these lands and waters home since time immemorial, in addition to the extraordinary natural landscapes and community heritage buildings on each island.

Indigenous Cultural Heritage: Indigenous cultural heritage in the Trust Area includes, but is not limited to, areas utilized and occupied by Indigenous Peoples such as village sites, cultural and spiritual areas, known and unknown archaeological areas, objects and artifacts, culturally modified trees, cultivation areas, harvesting areas on land and marine foreshores, fish weirs and clam gardens, medicinal plants and culturally significant species and landmarks. Indigenous cultural heritage also includes ancestral loved ones' resting places, trees used for burial boxes, cairns, caves used for cultural purposes, petroglyphs and pictographs, and place names. First Nations have an inherent right to identify their own cultural heritage, interpret its meaning, and safeguard its value. This inherent right exists outside of the colonial frameworks that have traditionally regulated and defined heritage.

Community Heritage:

Community heritage in the Trust Area can include buildings, settlement areas, places, objects, artistic expressions, or events identified by the community as having heritage character or heritage value to the community, to be protected for future generations.

Natural Heritage:

Natural heritage in the Trust Area is understood to include natural features, geological and physiographical formations, and delineated natural areas which are of outstanding universal value from an aesthetic, conservation, or scientific perspective.

5.1 Heritage Preservation and Protection Policies

Commitments of Trust Council

- 5.1.1 It is Trust Council's policy that the preservation, protection, and restoration of natural, cultural, and community heritage in the Trust Area is essential to the Islands Trust Object and must be guided by meaningful, respectful, and culturally sensitive engagement with First Nations. (5.6.1)
- 5.1.2 It is Trust Council's policy that local and regional planning decisions should not incur adverse impacts to the natural heritage, Indigenous cultural heritage, or community heritage in the Trust Area. (new)

Directive Policies for Local Trust Committees and Island Municipalities

- 5.1.3 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, identify, preserve, protect, and support the restoration of natural heritage sites in their planning area. (new)
- 5.1.4 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, identify, preserve, protect, and support the restoration of Indigenous cultural heritage in their planning area in cooperation with First Nations and other government agencies. (5.6.3)
- 5.1.5 Local trust committees and island municipalities shall, in their Official Community Plans and regulatory bylaws, identify, preserve, protect, and support the restoration of local community heritage in their planning area. (5.6.2)

Coordination Policies for Trust Council

- 5.1.6 Trust Council shall engage with First Nations, First Nation organizations and societies, Indigenous Knowledge Holders, other government agencies, non-governmental organizations, and Trust Area communities to seek the best available archaeological inventory data, Indigenous Knowledge, and cultural knowledge regarding natural heritage, Indigenous cultural heritage, and local community heritage in the Trust Area. (new)
- 5.1.7 Trust Council shall engage with, and advocate to, other government agencies, non-governmental organizations, property owners, residents, and visitors with educational materials and tools to help preserve and protect natural heritage, Indigenous cultural heritage, and local community heritage in the Trust Area. (new)
- 5.1.8 Trust Council shall encourage other government agencies, non-governmental organizations, property owners and residents to protect natural, cultural, and community heritage in the Trust Area through tax incentive programs, voluntary donations, acquisitions, conservation covenants and careful management. (new)

PART 6: SUSTAINABLE AND RESILIENT COMMUNITIES

GOAL: To Foster Sustainable and Resilient Communities in the Trust Area

CONTEXT:

Sustainability and Resilience: Sustainable and resilient communities can be understood to be communities that are able to meet their own needs and adapt to new environmental, social, and economic pressures without compromising the integrity of the environment or the ability of future generations to meet their own needs. Resilience, in this context, refers to the capacity of communities to continue to function in the face of external stressors such as climate change, while also learning to adapt, reorganize and evolve into new modes of sustainability. With responsible stewardship and sustainable, regenerative use, ecosystems will be better able to support Trust Area communities in a myriad of ways, including through the provision of clean drinking water, natural processes of carbon capture and storage, nature-based mitigation of climate impacts to the built environment, the safeguarding of local and Indigenous food security and harvesting, as well as the many health benefits of nature connection.

Rural Island Planning: Islands within the Trust Area are rural and contrast markedly with surrounding urban areas, as do their respective resident communities. Traditional land use planning approaches are often ill-suited or insufficient in addressing the unique strengths, vulnerabilities, and water supply constraints of island ecosystems, or the higher standards of preservation and protection mandated by the Islands Trust Object. In the face of accelerating climate and biodiversity crises, business as usual is no longer viable. Trust Area communities play a critical role in the stewardship of the islands and must collectively and equitably work towards place-based, multigenerational, and integrated solutions to sustainability. This involves collective commitments to reduce greenhouse gas emissions, foster new low-carbon ways of living, reduce individual and community ecological footprints, and support those most vulnerable to adapt to the impacts of climate change. Trust Council also recognizes that new development models must be established to transition to more compact, energy efficient, and appropriately situated development that is carefully planned and managed to safeguard protected area networks, freshwater sustainability, a healthy marine environment, and Indigenous cultural heritage, now and into the future.

Affordable Housing: The Trust Area is facing an acute shortage of diverse and affordable housing options needed to support the long-term sustainability and resilience of Trust Area communities. The Canada Housing and Mortgage Corporation considers housing to be 'affordable' when it costs less than 30% of before-tax household income. Housing is not affordable when it costs so much that individuals and families have trouble paying for other necessities such as food, health and transportation. For renters, shelter costs include rent and any payments for electricity, fuel, water and other municipal services. For owners, shelter costs include mortgage payments (principal and interest), property taxes, and any condominium fees, along with payments for electricity, fuel, water and other municipal services. In the Trust Area, factors such as rising real estate prices and building costs, an increase in short-term rentals paired with a growing lack of long-term rentals, changing demographics, and increasing numbers of people wanting to move to the islands, are all significantly affecting the availability, affordability, and suitability of housing options across the Trust Area. An increasing percentage of island workers are thus forced to commute from off-island locations. Seniors are finding it challenging to age in place. Socio-economic disparities are widening. In this context, Trust Council acknowledges the need for multijurisdictional and integrated approaches to address these community housing needs in a manner that is appropriate to the Trust Area and its unique amenities and environment.

6.1 Rural Island Planning Policies

Commitments of Trust Council

- 6.1.1 It is Trust Council's policy that the rural characteristics of islands in the Trust Area, including the scenic value of rural landscapes, opportunities for nature connection, and low levels of noise and light pollution, are unique amenities that are to be preserved and protected in accordance with the Islands Trust Object. (5.1.1-5.1.3)
- 6.1.2 It is Trust Council's policy that all development in the Trust Area, of any scale or for any purpose, should be compact, energy-efficient, sustainable, and appropriately situated in order to minimize greenhouse gas emissions and safeguard protected area networks, freshwater sustainability, a healthy marine environment, and Indigenous cultural heritage in the Trust Area. (new)
- 6.1.3 It is Trust Council's policy that growth, development, and economic opportunities in the Trust Area should be small scale, sustainable, climate resilient, compatible with community character, and in alignment with the Islands Trust Object. (5.2.1, 5.7.1)
- 6.1.4 Trust Council shall strive to identify, monitor, and address the impacts of climate change on Trust Area communities through climate vulnerability assessments, adaptive management approaches, and nature-based solutions that are informed by the best available area-based mapping, science, social science, local knowledge, and Indigenous ways of knowing. (new)
- 6.1.5 It is Trust Council's policy that recreational activities, trails, and active transportation networks in the Trust Area should be small scale, appropriately located, and sustainable, and should safeguard protected area networks, freshwater sustainability, a healthy marine environment, and Indigenous cultural heritage in the Trust Area. (5.5.1)
- 6.1.6 It is Trust Council's policy that destination gaming facilities such as casinos and commercial bingo halls are not appropriate to, and should not be located in, the Trust Area. (5.5.2)
- 6.1.7 It is Trust Council's policy that there should be public access, on each major island in the Trust Area, to beaches and areas of recreational significance, while not compromising Indigenous cultural heritage or First Nations access to coastal and marine harvesting areas, or the environmental integrity of terrestrial and aquatic ecosystems. (5.5.5)

Directive Policies for Local Trust Committees and Island Municipalities

- 6.1.8 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, ensure that growth and development, of any scale or for any purpose, is compact, energy-efficient, sustainable, and appropriately situated in order to minimize greenhouse gas emissions and safeguard protected area networks, freshwater sustainability, a healthy marine environment, and Indigenous cultural heritage in the Trust Area. (new)
- 6.1.9 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, prioritize the protection of tree cover, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area. (5.1.3, 5.2.2)
- 6.1.10 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, include policies related to the aesthetic, environmental, and social impacts of development. (5.2.3)

- 6.1.11 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources, and community character. (5.2.4)
- 6.1.12 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, establish appropriate density limits for efficient and sustainable use of the land base that help to safeguard protected area networks, freshwater sustainability, a healthy marine environment, and Indigenous cultural heritage in the Trust Area. (5.2.5)
- 6.1.13 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, identify areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards. (5.2.6)
- 6.1.14 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, identify appropriate locations, types, and safe public access to:
- recreational facilities;
 - bicycle, pedestrian, and equestrian trail systems; and
 - community marinas, boat launches, docks, and anchorages that are small scale, sustainable, and that do not compromise the integrity of protected areas, terrestrial and aquatic ecosystems, Indigenous cultural heritage, or Indigenous access to coastal and marine harvesting areas. (5.5.4-5.5.7)
- 6.1.15 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, prohibit destination gaming facilities such as casinos and commercial bingo halls. (5.5.3)
- 6.1.16 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, include policies addressing economic opportunities that are compatible with sustainability and protection of community character. (5.7.2)
- 6.1.17 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, include policies addressing their community's long-term needs for educational, institutional, community, and health-related facilities and services, as well as cultural and recreational facilities and services. (5.8.6)
- 6.1.18 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, identify means to reduce the climate vulnerability of communities, including nature-based solutions and actions that prioritize:
- protection of the carbon capture and storage capacity of natural areas;
 - low-carbon housing, buildings, transportation, and agriculture;
 - preservation, protection, and restoration of biodiversity;
 - freshwater sustainability;
 - soft shoreline and foreshore protections; and
 - wildfire risk mitigation (new)

Coordination Policies for Trust Council

- 6.1.19 Trust Council shall coordinate with, and advocate to, regional districts, improvement districts, and provincial and federal government agencies to adapt their policies and support systems to safeguard the rural island character, sustainability, and resilience of Trust Area communities, in accordance with the Islands Trust Object. (new)
- 6.1.20 Trust Council shall coordinate with, and advocate to, government agencies, non-governmental organizations, communities, property owners, residents, and visitors to help develop and adopt climate mitigation and adaptation strategies, action plans, and measures that are appropriate to the unique strengths and vulnerabilities of rural islands in the Trust Area. (new)
- 6.1.21 Trust Council shall advocate to provincial government agencies to work with local communities through public consultation processes to evaluate and modify road construction and road system proposals to encompass the environmental, economic, and social values of the community. (5.3.9)
- 6.1.22 Trust Council shall advocate to property owners, residents, and visitors to reduce the burning of wood and fossil fuels by adopting sustainable alternative technologies. (5.1.4)
- 6.1.23 Trust Council shall advocate to government agencies, non-governmental agencies, property owners, residents, and visitors to use renewable sources of energy within the Trust Area. (5.8.8)

6.2 Housing Policies

Commitments of Trust Council

- 6.2.1 It is Trust Council's policy that all housing in the Trust Area should be compact, energy-efficient, sustainable, and appropriately situated in order to minimize greenhouse gas emissions and safeguard protected area networks, freshwater sustainability, a healthy marine environment, and Indigenous cultural heritage in the Trust Area.
- 6.2.2 It is Trust Council's policy that community sustainability and resilience are supported by the availability of diverse and affordable housing that cater to a range of age groups and income levels. (5.8.6)
- 6.2.3 Trust Council commits to foster a strategic, multijurisdictional, equitable, and integrated approach to addressing the diverse housing needs of Trust Area communities, in cooperation with First Nations, Indigenous Knowledge Holders, other government agencies, and the public, and on the basis of the best available area-based mapping, science, social science, local knowledge, and Indigenous ways of knowing.

Directive Policies for Local Trust Committees and Island Municipalities

- 6.2.4 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, strive to address housing needs in their planning area by identifying appropriate locations where density increases could support safe, secure, and affordable housing, while safeguarding protected area networks, freshwater sustainability, a healthy marine environment, and Indigenous cultural heritage. (new)
- 6.2.5 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, identify and assess the impacts of short-term rentals of dwellings on the availability of safe, secure, and affordable housing in their planning area and, where necessary, regulate and limit the number of short-term rentals accordingly. (new)
- 6.2.6 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, identify appropriate floor area and lot coverage limits for residential development in their planning area, in order to effectively minimize greenhouse gas emissions, cumulative effects, biodiversity loss, climate vulnerability, and destruction of Indigenous cultural heritage. (new)

Coordination Policies for Trust Council

- 6.2.7 Trust Council shall coordinate with, and advocate to, other government agencies, non-governmental organizations, and Trust Area communities, to foster safe, secure, and affordable housing in the Trust Area, in alignment within the Islands Trust Object, and respectful of the integrity of the environment and Indigenous cultural heritage in the Trust Area. (new)
- 6.2.8 Trust Council shall advocate to other government agencies, non-governmental organizations, and property owners to foster safe, secure, and affordable housing for Indigenous Peoples in the Trust Area, in alignment with the Islands Trust Object and respectful of protected area networks, freshwater sustainability, a healthy marine environment, and Indigenous cultural heritage in the Trust Area. (new)

6.3 Transportation Policies

Commitments of Trust Council

- 6.3.1 It is Trust Council's policy that community sustainability and resilience are supported by appropriately situated public and active transportation networks that serve to reduce greenhouse gas emissions, support electric vehicles and electric bicycles, and promote health and well-being. (new)
- 6.3.2 It is Trust Council's policy that no island in the Trust Area should be connected to Vancouver Island, the mainland or another island by a bridge or tunnel⁸. (5.3.2)
- 6.3.3 It is Trust Council's policy that local trust committees and island municipalities should be consulted and involved in decision-making related to the provision of transportation and ferry services, utilities, or facilities that may affect the sustainability and resilience of communities in their planning areas. (5.3.1)

Directive Policies for Local Trust Committees and Island Municipalities

- 6.3.4 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, foster the establishment of appropriately situated public and active transportation networks, including but not limited to bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use and support a transition to electric vehicle and electric bicycles. (5.3.7)
- 6.3.5 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, strive to ensure that road location, design, construction, and systems do not adversely impact the integrity of protected area networks, contiguous forests, watershed ecosystems, freshwater networks, groundwater recharge areas, agricultural lands, coastal and marine areas, or Indigenous cultural heritage in the Trust Area. (5.3.5)
- 6.3.6 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, develop a classification system of rural roadways, including scenic or heritage road designations, in recognition of the Islands Trust Object. (5.3.4)
- 6.3.7 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, identify appropriate areas for the landing of emergency helicopters. (5.3.6)

Coordination Policies for Trust Council

- 6.3.8 Trust Council shall advocate to provincial and federal agencies to ensure safe shipment of materials that are hazardous to the environment. (5.3.8)
- 6.3.9 Trust Council shall advocate to provincial government agencies to work together with local communities through public consultation processes to evaluate and modify road construction, road system proposals, and active transportation networks to address the environmental, economic, and social values of communities in the Trust Area. (5.3.9)
- 6.3.10 Trust Council shall advocate to provincial government agencies in support of the electrification of ferries in the Trust Area. (new)

⁸ ...with the sole exception of the existing bridge between North and South Pender Islands

6.4 Waste Disposal Policies

Commitments of Trust Council

- 6.4.1 It is Trust Council's policy that it is acceptable for waste originating in the Trust Area to be safely disposed of within the Trust Area. (5.4.1)
- 6.4.2 It is Trust Council's policy that:
- neither hazardous nor industrial waste should be disposed of in the Trust Area;
 - local recycling operations should be established; and
 - local programs for chipping of wood waste and disposal of hazardous wastes should be established. (5.4.2)
- 6.4.3 It is Trust Council's policy that there should be minimal burning of solid waste in the Trust Area. (5.4.3)

Directive Policies for Local Trust Committees and Island Municipalities

- 6.4.4 Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, identify acceptable locations for the disposal of solid waste. (5.4.4)

Coordination Policies for Trust Council

- 6.4.5 Trust Council shall coordinate with, and advocate to, government agencies, corporations, property owners, and residents to contribute to the reduction of greenhouse gas emissions by reducing waste, and to use innovative technologies and safe alternatives for disposal of sewage effluent. (5.4.5)



ISLANDS 2050 BYLAW REFERRAL FORM

Islands Trust – Islands 2050
200 – 1627 Fort Street
Victoria, BC V8R 1H8
islands2050@islandstrust.bc.ca
www.islandstrust.bc.ca

Island: Islands Trust Area Bylaw No.: TC 183 Date: July 22, 2021

You are requested to comment on the attached Bylaw for potential effect on your agency's interests. We would appreciate your response within 90 days. If no response is received within that time, it will be assumed that your agency's interests are unaffected.

PURPOSE OF BYLAW:

The Islands Trust Act requires that Islands Trust Council adopt a Policy Statement. The current Policy Statement has not been substantively updated in over 25 years. The purpose of this bylaw is to update the Policy Statement through the lenses of reconciliation, climate change, and affordable housing.

GENERAL LOCATION:

The Islands Trust Policy Statement is a general policy that applies to all of the Islands Trust Area, including Bowen Island Municipality. For a map of the Islands Trust Area, please visit: <https://islandstrust.bc.ca/mapping-resources/mapping/>

YOUR RESPONSE IS RESPECTFULLY REQUESTED:

Your response to this referral will help to ensure that the Policy Statement furthers the mandate of the Islands Trust, in cooperation with the Province and other agencies. Please note that the Islands Trust Policy Statement requires the approval of the Minister of Municipal Affairs before Trust Council can adopt this bylaw.

There are many draft amendments to the Policy Statement in different locations throughout the document that may affect your agency. We would encourage you to review the [Project Overview Briefing](#) along with other resources available on the [Islands 2050 webpage](#).

On Wednesday, July 28, 2021, from 1:00 p.m. to 3:00 p.m., Islands Trust will be hosting a Zoom webinar to provide information to referral agencies on the draft Policy Statement Bylaw and an opportunity for questions and answers.

Please register in advance for this Zoom webinar: <https://islandstrust.zoom.us/j/nyXptbv6RWugCwftiQyJmA>

After registering, you will receive a confirmation email containing information about joining the webinar.

If you are unable to attend on this day, the session will be recorded and posted to the [Islands 2050 webpage](#) on the Islands Trust website.

Please return the response form by **Tuesday, October 22, 2021** to islands2050@islandstrust.bc.ca

OTHER INFORMATION:

For more information on the Islands 2050 Policy Statement Amendment Project, including the Draft New Policy Statement: <https://islandstrust.bc.ca/programs/islands-2050/>

Please fill out the Response Summary on the back of this form. If your agency's interests are "Unaffected", no further information is necessary. In all other cases, we would appreciate receiving additional information to substantiate your position and, if necessary, outline any conditions related to your position. Please note any legislation or official government policy which would affect our consideration of this Bylaw.

(Signature)

Name: David Marlor

Title: Director, Local Planning Services

This referral has been sent to the following agencies:

Federal Agencies

Environment and Climate Change
Fisheries & Oceans, Canada (Fish Protection and Aquaculture - Pacific Region)
Transport Canada
Parks Canada

Regional Agencies

Capital Regional District
Comox Valley Regional District
Cowichan Valley Regional District
Metro Vancouver Regional District
Nanaimo Regional District
qathet Regional District
Sunshine Coast Regional District

School District Boards

School District No. 45 (West Vancouver – Gambier)
School District No. 46 (Gambier)
School District No. 64 (Gulf Islands: Galiano, Mayne, North Pender, South Pender, Salt Spring, Saturna)
School District No. 68 (Gabriola/Ballenas Winchelsea)
School District No. 69 (Lasqueti/Ballenas Winchelsea)
School District No. 71 (Denman/Hornby)
School District No. 79 (Thetis)

First Nations

Cowichan Tribes
SXIMELEŁ (Esquimalt) Nation
Halalt First Nation
Homalco First Nation
K'ómoks (Comox) First Nation
Klahoose First Nation
Lake Cowichan First Nation
Lyackson First Nation
MÁLEXEŁ (Malahat) Nation
xʷməθkʷəy̓əm Musqueam Indian Band
BOKEĆEN (Pauquachin) First Nation
Penelakut Tribe
Qualicum First Nation
Scia'new (Beecher Bay) First Nation
Semiahmoo First Nation
Shíshálh (Sechelt) Nation
Snaw-naw-as (Nanoose) First Nation
Snuneymuxw (Nanaimo) First Nation
Lekwungen (Songhees) Nation
Skwxwú7mesh (Squamish) Nation
Stz'uminus First Nation
Tla'amin (Sliammon) First Nation
T'Sou-ke (Sooke) Nation
WJOŁEŁP (Tsartlip) First Nation
S7ÁUTW (Tsawout) First Nation
Tsawwassen First Nation
Tsleil-Waututh/ Səlílwətaʔ/Selilwitulh (Burrard Inlet) Nation
WŚIKEM (Tseycum) First Nation
We Wai Kai (Cape Mudge) First Nation
Wei Wai Kum (Campbell River) First Nation

Treaty Groups

Nanwakolas Council
Hul'qumi'num Treaty Group
Laich-kwil-tach Treaty Society
Naut'sa mawt Tribal Council
Te'Mexw Treaty Association

Adjacent Local Trust Committees and Municipalities

Ballenas-Winchelsea Islands Local Trust Committee
Bowen Island Municipality
Denman Island Local Trust Committee
Gabriola Island Local Trust Committee
Galiano Island Local Trust Committee
Gambier Island Local Trust Committee
Hornby Island Local Trust Committee
Lasqueti Island Local Trust Committee
Mayne Island Local Trust Committee
North Pender Island Local Trust Committee
Salt Spring Island Local Trust Committee
Saturna Island Local Trust Committee
South Pender Island Local Trust Committee
Thetis Island Local Trust Committee
Islands Trust Conservancy Board

Provincial Agencies

Agricultural Land Commission
Attorney General (Housing Policy Branch)
BC Ferries
Ministry of Agriculture
Ministry of Energy, Mines and Petroleum Resources
Ministry of Environment and Climate Change Strategy
Ministry of Environment and Climate Change Strategy (BC Parks and Conservation Officer Service Division)
Ministry of Environment and Climate Change Strategy (Climate Action Secretariat)
Ministry of Forests, Lands, Natural Resource Operations and Rural Development – South Coast Office, Crown Lands, Water Licensing, Ecosystems, Archaeology
Ministry of Health
Ministry of Indigenous Relations and Reconciliation (West Coast Office; South Coast Office)
Ministry of Municipal Affairs and Housing (Intergovernmental Relations and Planning Branch)
Ministry of Transportation and Infrastructure on Vancouver Island and South Coast

Improvement District Boards

Gabriola Fire Protection District
Graham Lake Improvement District
Schmidt Improvement District
Galiano Estates Improvement District
Gossip Island Improvement District
Montague Improvement District
Spanish Hills Improvement District
Wise Island Improvement District
Bennett Bay Waterworks District
Campbell-Bennett Bay Improvement District
Lighthouse Point Waterworks District
Mayne Island Improvement District
Village Point Improvement District
Georgina Improvement District
Razor Point Improvement District
Trincomali Improvement District
Harbour View Improvement District
Mount Belcher Improvement District
North Salt Spring Waterworks District
Piers Island Improvement District
Salt Spring Island Fire Protection District
Scott Point Waterworks District
Saturna Shores Improvement District
Thetis Island Improvement District
Vaucroft Improvement District

**BYLAW REFERRAL FORM
RESPONSE SUMMARY**

- ☐ Approval Recommended for Reasons Outlined Below
- ☐ Approval Recommended Subject to Conditions Outlined Below
- ☐ Interests Unaffected by Bylaw
- ☐ Approval Not Recommended Due to Reason Outlined Below

Islands Trust Area (Islands 2050)

(Island)

(Signature)

(Date)

TC 183

(Bylaw Number)

(Title)

(Agency)

Islands 2050:

The Future of the Trust Area

Policy Statement Amendment Project

Draft New Islands Trust Policy Statement

Project Overview and
Key Amendments

Information Session for
Referral Agencies
July 28, 2021



Acknowledgment

*We respectfully and
humbly acknowledge...*

The Islands Trust Area is located within the treaty lands and territories of the BOKÉCEN, K'ómoks, Lək'wəḡən, Lyackson, MÁLEXEŁ, Qualicum, Quw'utsun Tribes, scəwáθən məsteyəxʷ, Scia'new, səlilwətaʔt, SEMYOME, shíshálh, Sḵwḵwú7mesh, Snaw-naw-as, Snuneymuxw, Spune'luxutth, SḶÁUTW, Stz'uminus, ʔaʔəmen, toq qaymıxʷ, Ts'uubaa-asatx, Wei Wai Kum, We Wai Kai, WJOŁEŁP, WSIKEM, Xeláltxw, Xwémalhkwxu/ʔop qaymıxʷ, and xʷməθkʷəy̓əm.

*...these lands and waters
have been home to
Indigenous Peoples since
time immemorial*

*...we honour the rich
history, stewardship
and cultural heritage
of this place*

Information Session: Referral Agencies

Draft New Policy Statement Bylaw No. 183



Presentation Overview

Part 1

- Overview of Islands Trust
- The Islands Trust Policy Statement
- Islands 2050 – The Future of the Trust Area
- Project Timeline
- Referrals Process
- **Part 1 – Q&A**

Part 2

- Trust Council's Amendment Priorities
- Key Amendment Highlights
- Where to Find More Info
- **Part 2 – Q&A**

Islands Trust

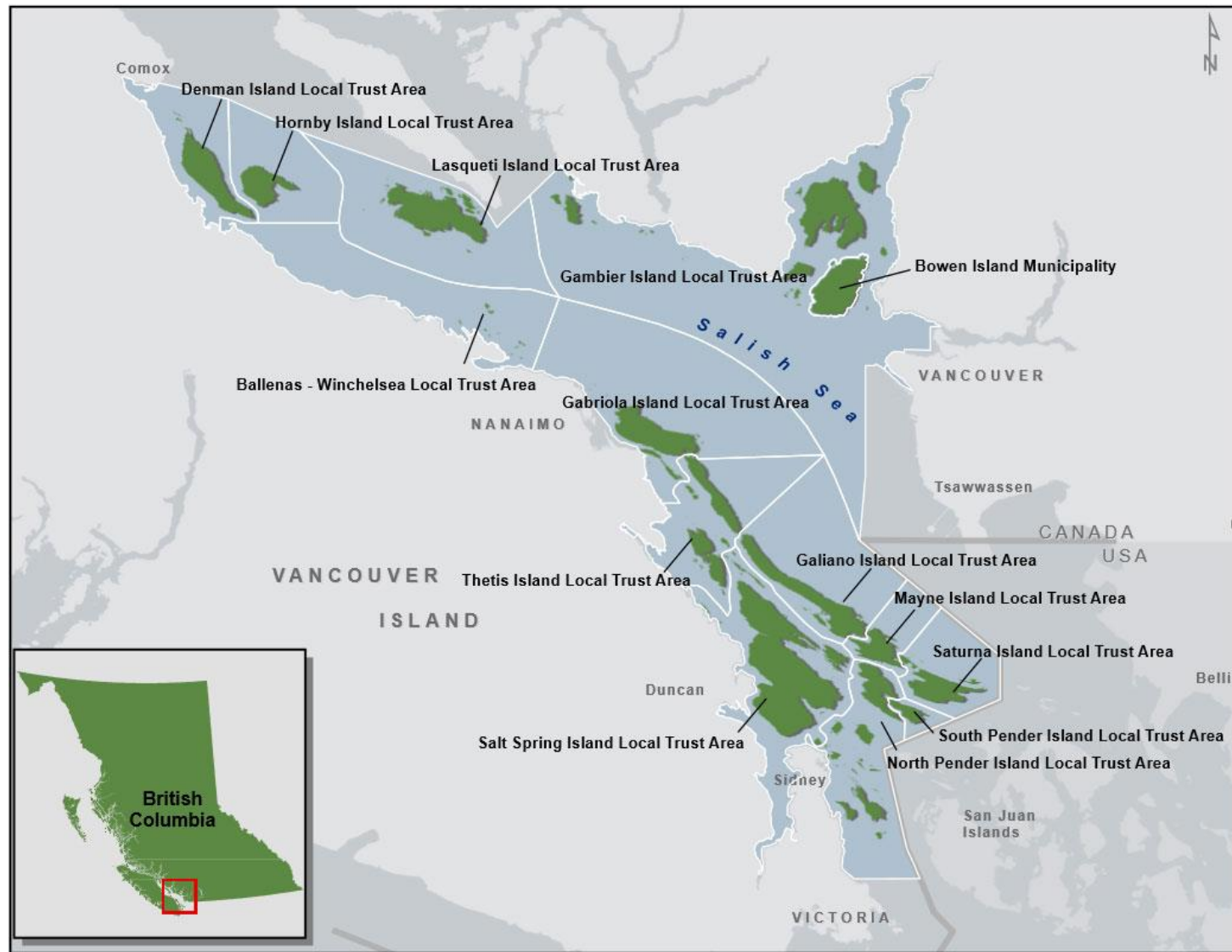
A Unique Mandate to Preserve & Protect

Islands Trust is a special purpose government mandated to **preserve and protect** over 450 islands and surrounding waters in the Salish Sea.

- Conservation-Oriented Land Use Planning
- First Nations Engagement
- Public Engagement
- Inter-Agency Cooperation and Advocacy
- Stewardship Education

Collaboration
with
**Islands Trust
Conservancy**

Islands Trust Area



Policy Statement

A Regional Vision to Preserve and Protect

Islands Trust Act

Islands Trust Object:

“to preserve and protect the Trust Area and its unique amenities and environment for the benefit of the residents of the Trust Area and of British Columbia generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the government of British Columbia.”



Policy Statement

a general statement of the policies of Trust Council to carry out the Islands Trust Object

1994...

...2021

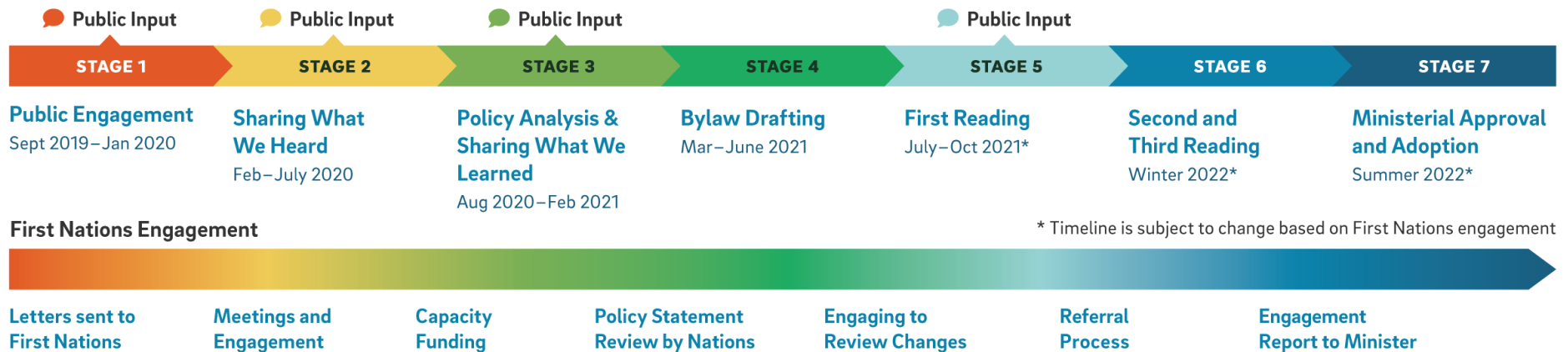
Islands 2050

The Future of the Trust Area

[view this video online](#)



Project Timeline



Recent Updates :

- Trust Council received draft new Policy Statement on July 8
- Trust Council called for further engagement and referrals prior to First Reading (est. Dec 2021 / Mar 2022)
- Note: First Nations and Public Engagement Update Reports are available on the Islands 2050 webpage

Referrals Process



Request to Referral Agencies:

- Review the entire new draft Policy Statement to identify areas that affect your agency's interests
- Consult the Islands 2050 webpage for more detailed project information
- Email islands2050@islandstrust.bc.ca if you have any questions or would like to arrange to speak with one of our staff advisors
- Send us your completed **Bylaw Referral Form** by October 22, 2021

Response Options

BYLAW REFERRAL FORM RESPONSE SUMMARY

☐

Approval Recommended for Reasons Outlined Below

☐

Approval Recommended Subject to Conditions Outlined Below

☐

Interests Unaffected by Bylaw

☐

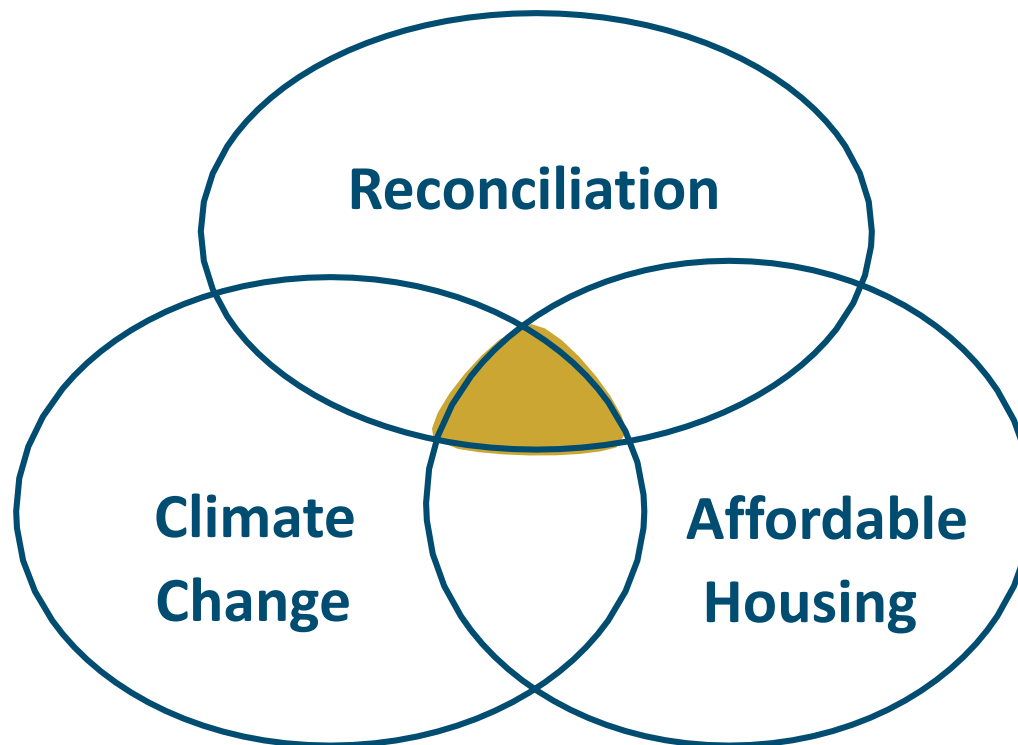
Approval Not Recommended Due to Reason Outlined Below

Questions?

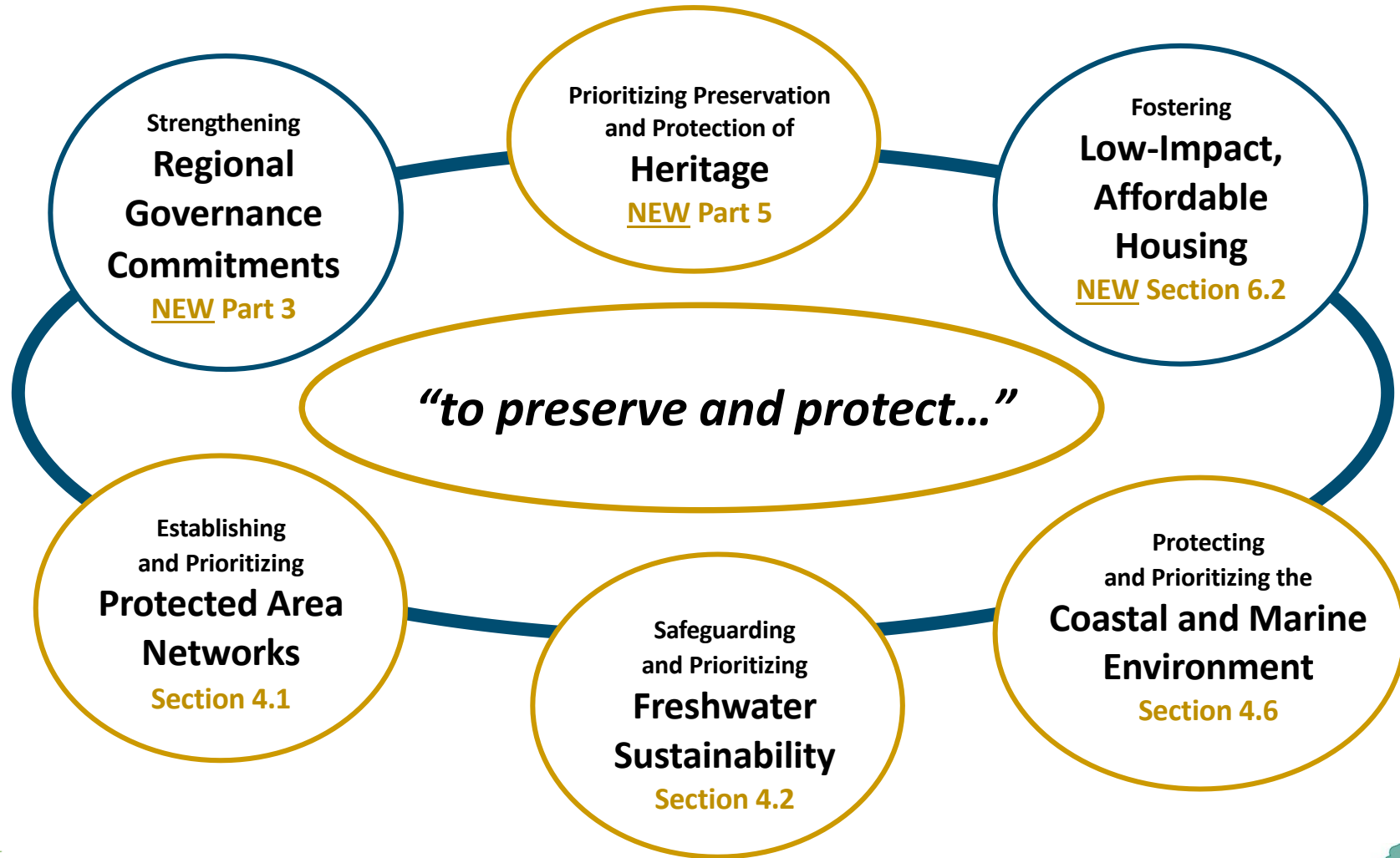


Amendment Priorities

Trust Council identified **three strategic priorities** for Policy Statement amendments this term:



Amendment Highlights



Reconciliation

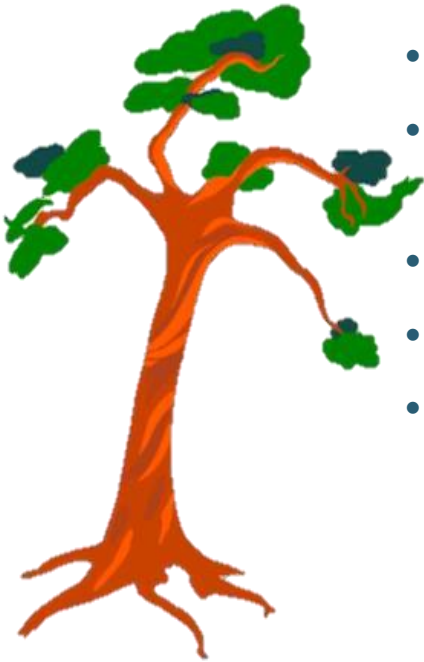
Amendment Highlights



- Acknowledgment of First Nations' relationships with the islands and waters and commitment to seek meaningful engagement
- Removal of offensive language
- Policies related to Indigenous cultural heritage, culturally significant species, and Indigenous Ways of Knowing
- Enhanced protection of coastal and marine environment, Indigenous food security, and shoreline archaeological sites
- Commitment to be guided by reconciliation principles:
 - Truth & Reconciliation Commission Calls to Action
 - United Nations Declaration on the Rights of Indigenous Peoples
 - *Declaration on the Rights of Indigenous Peoples Act*
 - Missing & Murdered Indigenous Women and Girls Calls for Justice

Climate Change

Amendment Highlights



- Enhanced multidisciplinary knowledge base for decision-making
- The Three 'R's of Resilience: Relational, Restorative, Regenerative
- Climate vulnerability assessments, precautionary principle, nature-based solutions, and adaptive management
- Enhanced focus on establishing protected area networks
- Protection of natural areas for carbon sequestration
- Bolder protective policies around freshwater sustainability and coastal and marine protection, including prohibitions of:
 - new private docks (except boat-access only properties)
 - new desalination plants
 - new seawalls or hard shoreline armoring
- Low-impact sustainable development directives
- Support for sustainable transportation networks

Affordable Housing

Amendment Highlights



- Commitment to foster a strategic, multijurisdictional, equitable, and integrated approach to address housing needs
- Directives to identify appropriate locations where density increases could support affordable housing without compromising other goals
- Directives to assess and, where necessary, regulate impacts of short-term rentals on housing availability and affordability
- Directives to identify appropriate floor area and lot coverage limits for residential development
- Commitment to inter-agency coordination and advocacy to foster safe, secure, and affordable housing for Trust Area communities and Indigenous Peoples, in alignment with the Islands Trust Object

More Information

Find detailed project information at:

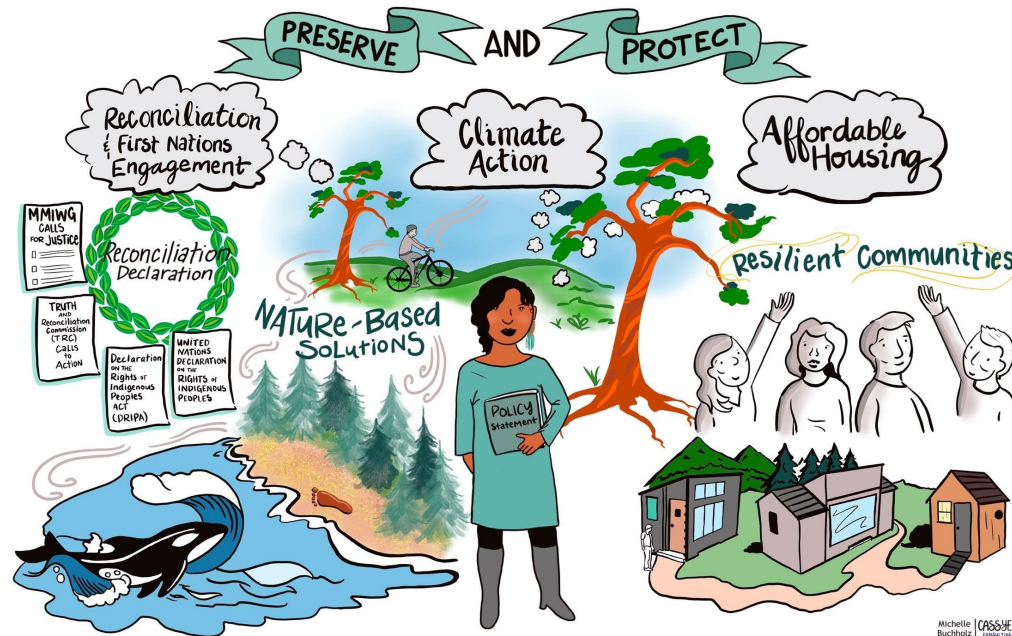
islandstrust.bc.ca/islands2050

Contact us with any questions
or arrange to speak with a staff advisor:

islands2050@islandstrust.bc.ca

reconciliation@islandstrust.bc.ca

Tel: 250-405-5151



Questions?





REQUEST FOR DECISION

To: ITC Board

For the Meeting of: October 5, 2021

From: Staff

Date Prepared: September 26, 2021

SUBJECT: Gambier Island Local Trust Committee Bylaws 153 and 154

RECOMMENDATION: That the Islands Trust Conservancy Board indicate to the Gambier Island Local Trust Committee that its interests are unaffected by the proposed Bylaws 153 and 154.

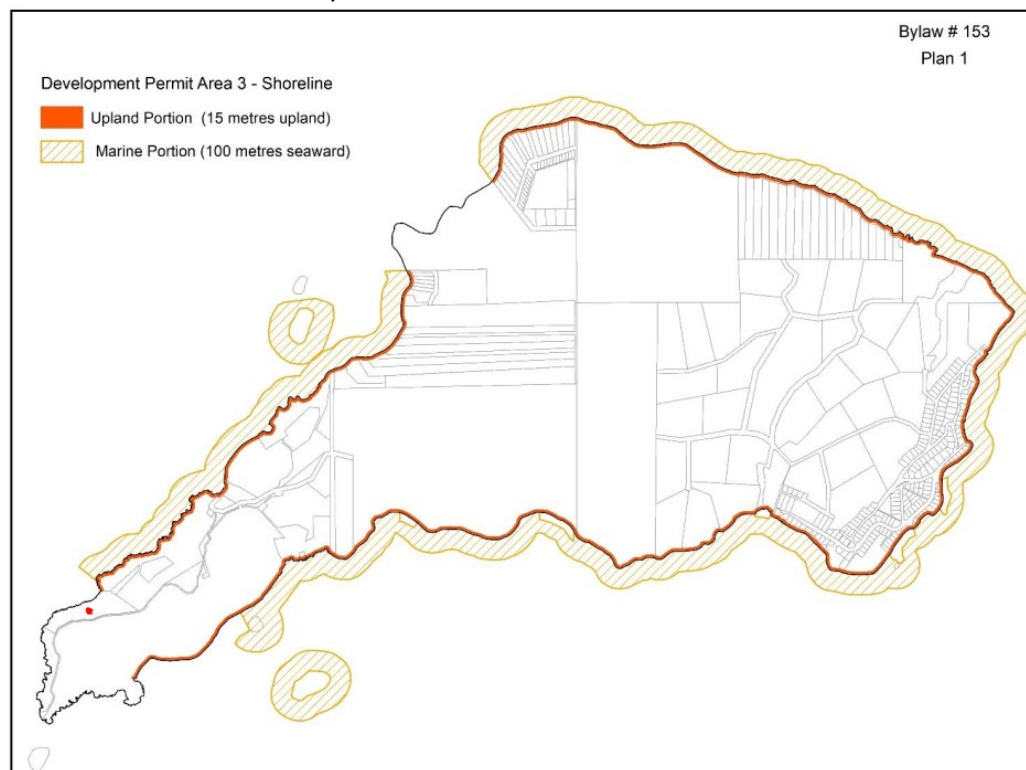
1 PURPOSE: To provide guidance to the Islands Trust Conservancy (ITC) Board regarding a response to the referral from the Gambier Island Local Trust Committee of Bylaw 153 (Official Community Plan) and Bylaw 154 (Land Use Bylaw), pertaining to Keats Island shoreline protection.

2 BACKGROUND:

The Gambier Island Local Trust Committee (LTC) is seeking to modify its:

- 1) Official Community Plan to establish a Shoreline Development Permit Area (DPA) for the purposes of protecting the natural environment and protecting development from hazardous conditions; and,
- 2) Land Use Bylaw to restrict the size and type of identified marine structures.

The ITC manages the Sandy Beach Nature Reserve on Keats Island and has been referred the bylaws because they affect lands adjacent to the nature reserve. "Development Permit Area 3 – Shoreline" is shown below. Sandy Beach Nature Reserve is marked with a red dot.



The bylaws do not affect management of the Sandy Beach Nature Reserve and the uses proposed on adjacent lands are compatible with the management of the Sandy Beach Nature Reserve.

3 IMPLICATIONS OF RECOMMENDATION:

ORGANIZATIONAL: None.

FINANCIAL: None.

POLICY: None.

IMPLEMENTATION/COMMUNICATIONS: Staff will provide the ITC Board response to the Gambier Island Local Trust Committee.

FIRST NATIONS: None. The Gambier Island Local Trust Committee is responsible for engagement of First Nations regarding the Lasqueti OCP. Referrals have been sent to: Skwxwú7mesh Úxwumixw (Squamish Nation), Tsleil-Waututh Nation, Musqueam First Nation, Sechelt First Nation, Halalt First Nation, Penelakut Tribe, Lake Cowichan First Nation, Cowichan Tribes, Stz'uminus First Nation, Lyackson First Nation, Snaw'Naw'As Nation and Te'Mexw Treaty Association.

CLIMATE CHANGE: None.

OTHER: None.

4 RELEVANT POLICY(S):

- [ITC Policy 3.1, Islands Trust Conservancy and Local Planning Services Coordination](#)
- [MOU between the Gambier Island Local Trust Committee and the Islands Trust Conservancy concerning Coordination of Activities](#) (1996)

5 ATTACHMENT(S):

- Email, dated August 4, 2021
- Gambier Island Local Trust Committee Proposed Bylaw 153 (Keats Island OCP)
- Gambier Island Local Trust Committee Proposed Bylaw 154 (Keats Island LUB)
- Bylaws 153 and 154 Referral Form

RESPONSE OPTIONS

Recommendation: That the Islands Trust Conservancy Board indicate to the Gambier Island Local Trust Committee that its interests are unaffected by the proposed Bylaws 153 and 154.

Alternative: That the Islands Trust Conservancy Board indicate to the Gambier Island Local Trust Committee that approval of proposed Bylaws 153 and 154 is recommended because of the increased protection provided to shoreline ecosystems.

Prepared By: Kate Emmings, ITC Manager

Kate Emmings

From: Becky McErlean
Sent: Wednesday, August 4, 2021 4:27 PM
To: Corlynn Strachan; Kate Emmings; information
Subject: Referral Package for BL Nos. 153 & 154 Keats Is Shoreline Protection - ITC
Attachments: Bylaw 153 and 154 Referral Form.docx; Gambier LTC Bylaw No. 153 OCP.pdf; Gambier LTC Bylaw No. 154 LUB.pdf

Importance: High

Attention: Islands Trust Conservancy,

Hello,

Please find attached a referral package related to Keats Island from the Gambier Island Local Trust Committee of the Islands Trust, regarding proposed bylaws No. 153 and 154.

Proposed Bylaw No. 153 will, if adopted, amend the Keats Island Official Community Plan Bylaw No. 77, 2002 to:

- Designate nearshore upland and marine areas as a Shoreline Development Permit Area for the purpose of protecting the natural environment, ecosystems and biodiversity, and to protect development from hazardous conditions.
- Areas currently proposed to be designated within the Development Permit Area are as follows:
 - 15 metres measured upland of the present natural boundary of the sea;
 - 100 metres seaward of the natural boundary of the sea;
 - Note that Plumper Cove Provincial Park and areas zoned Marine Conservation (MC) in the LUB have not been included.

Proposed Bylaw No. 154 will, if adopted, amend the Keats Island Land Use Bylaw No. 78, 2002 to:

- Increase the setback from the natural boundary of the sea for buildings and structures from 7.5 metres to 15 metres;
- Limit the size and type of structures exempted from the setback from the natural boundary of the sea;
- Update marine structure regulations, including:
 - Reducing dock float size and ramp widths;
 - Increasing setbacks between adjacent docks and lot boundaries.
- Include new Shoreline Development Permit Area guidelines intended to protect the marine shoreline, guide dock construction and shoreline modifications, and restore or enhance vegetation along the shoreline.

For background information, staff reports and location maps, please see the Gambier Island Local Trust Committee Projects webpage: <https://islandstrust.bc.ca/island-planning/gambier/projects/>.

To access the Keats Island Official Community Plan and Land Use Bylaw, please click: <https://islandstrust.bc.ca/island-planning/gambier/bylaws/>. In addition to seeking your input, this matter is also being forwarded to a number of other agencies and First Nations.

We will be reviewing all referral responses on or before the Gambier Island Local Trust Committee regular business meeting scheduled on **November 4, 2021**. If you have any questions or concerns regarding the proposed bylaws, or you would like to participate in the Gambier Island Local Trust Committee electronic meetings, please contact Jaime Dubyna, Planner, by email to jdubyna@islandstrust.bc.ca or phone (250-247-2212).

Responses should be addressed to northinfo@islandstrust.bc.ca or by mail to Islands Trust, 700 North Road, Gabriola Island, BC V0R 1X5. If we do not receive a reply from you within the time requested, we will proceed with the bylaw process.

Thank you for your attention to this matter.

Becky McErlean

Legislative Clerk/Deputy Secretary

Islands Trust

700 North Road | Gabriola BC V0R 1X3

T 250-247-2206 | islandstrust.bc.ca

You can also reach us toll-free via Service BC 1-800-663-7867 | 604-660-2421

Preserving and protecting over 450 islands and surrounding waters in the Salish Sea

I am humbly thankful to live and work in the treaty lands and territories of the BOᑕÉĆEN, K'ómoks, Lək'wəᑕən, Lyackson, MÁLEXET, Qualicum, Quw'utsun Tribes, scəwəᑕən məsteyəx", Scia'new, səlilwəᑕəᑕ, SEMYOME, shíshálh, Skwxwú7mesh, Snaw-naw-as, Snuneymuxw, Spune'luxutth, SᑭÁUTW, Stz'uminus, ᑭəᑕəmen, toq qaymıx", Ts'uubaa-asatx, Wei Wai Kum, We Wai Kai, WJOŁŁP, WSIKEM, Xeláltxw, Xwémalhkwxu/ᑭəp qaymıx", and x"məᑕk"əᑕəm.

PROPOSED

GAMBIER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 153

A BYLAW TO AMEND KEATS ISLAND OFFICIAL COMMUNITY PLAN, 2002

The Gambier Island Local Trust Committee, being the Local Trust Committee having jurisdiction in respect of the Gambier Island Local Trust Area under the *Islands Trust Act*, enacts as follows:

1. Bylaw No. 77, cited as “Keats Island Official Community Plan, 2002” is amended as per Schedules “1” and “2” attached to and forming part of this bylaw.
2. This bylaw may be cited for all purposes as “Keats Island Official Community Plan, 2002, Amendment No. 1, 2021”.

READ A FIRST TIME THIS 22ND DAY OF JULY , 2021

READ A SECOND TIME THIS _____ DAY OF _____ , 20XX

PUBLIC HEARING HELD THIS _____ DAY OF _____ , 20XX

READ A THIRD TIME THIS _____ DAY OF _____ , 20XX

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

_____ DAY OF _____ , 20XX

APPROVED BY THE MINISTER OF MUNICIPAL AFFAIRS AND HOUSING THIS

_____ DAY OF _____ , 20XX

ADOPTED THIS _____ DAY OF _____ , 20XX

Chair

Secretary

**GAMBIER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 153**

Schedule “1”

1. Schedule “A” of “Keats Island Official Community Plan, 2002” is amended as follows:
 - 1.1 **PART A – ADMINISTRATION AND INTERPRETATION**, is amended by replacing *Local Government Act* references to “Section 911” with “Section 528”.
 - 1.2 **PART B – GOALS, OBJECTIVES AND POLICIES**, is amended by replacing *Local Government Act* references to “Section 946” with “Section 514”.
 - 1.3 **PART C – DEVELOPMENT PERMIT AREAS**, is amended by replacing *Local Government Act* references to “Section 919.1(1)” with “Section 488(1)” and “Section 920.01” with “Section 485”.
 - 1.4 **PART C – DEVELOPMENT PERMIT AREAS**, is amended by adding a new subsection 3:

“3. DEVELOPMENT PERMIT AREA 3: SHORELINE

The development permit area (DPA) is established, pursuant to Section 488(1)(a) of the *Local Government Act* for the protection of the natural environment, its ecosystems and biological diversity; and Section 488(1)(b) of the *Local Government Act* for the protection of development from hazardous conditions.

The Shoreline DPA (DP-3) is designated as an area for which development approval information may be required as authorized by Section 484 of the *Local Government Act*.

Location

The Shoreline Development Permit Area (DP-3) includes all land designated on **Schedule E – Development Permit Areas** of this plan.

The Shoreline Development Permit Area applies to all land measured 15 metres upland of the present natural boundary of the sea, the foreshore area and all that area of land covered by water between the natural boundary of the sea and a line drawn parallel to and 100 metres seaward of the natural boundary of the sea.

Justification

It is the Object of the Islands Trust to “preserve and protect the Trust Area and its unique amenities and environment for the benefit of the residents of the Trust Area and of British Columbia generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the government of British Columbia.”

It is the policy of the Islands Trust Council that protection must be given to the natural processes, habitats and species of the Trust Area, and that development activity, buildings or structures should not result in a loss of significant marine or coastal habitat, or interfere with natural coastal processes.

It is also policy of the Islands Trust Council that local trust committees shall in their Official Community Plans and regulatory bylaws, address:

- the protection of sensitive coastal areas;
- the planning for and regulation of development in coastal regions to protect natural coastal processes;
- the protection of public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments; and
- the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and to direct development away from such hazards.

Keats Island includes a mix of rock (hard) and sediment (soft) shorelines that offer a range of natural habitats, ecological functions, cultural heritage and aesthetic values. The shoreline has environmental and cultural significance for forage fish, eelgrass, shorebirds and shellfish, marine mammals such as seals and many other marine organisms, as well as values that define the character of the Keats Island community. The Keats shoreline has been the location of cultural sites, canoe landings and gathering places for First Nations since time immemorial. The shoreline also includes area that are transition zones of uplands and wetlands that may be susceptible to erosion or flooding.

Development activities on the upland such as land clearing and increasing impermeable surfaces can have harmful impacts on site drainage, bank stability, nesting habitat, sensitive natural areas, shading of intertidal areas critical for fish habitat and cultural and heritage sites.

Since the adoption of the OCP, there has been an increase in residential development on Keats Island along the shoreline. As of 2020, there were 90 individual parcels fronting the natural boundary of the sea on Keats Island. The subdivision and development of these parcels in combination with the development that has already occurred, may, cumulatively, have a detrimental impact on the 13.72 km of shoreline habitat and function.

In 2013, approx. 9% of the Keats shoreline was identified to have been modified by 30% or more by development, principally by boat ramps, seawalls, rip rap and revetments. Applications for private docks and shoreline protection structures have increased since that time. Shoreline armouring, such as retaining walls, alter the shoreline and can result in loss of habitat and upland connectivity and may increase wave action and erosion on adjacent properties. Marine structures, such as ramps or docks, and their supporting pilings can have significant impact on fish movement and their habitat, and damage important marine vegetation.

Anticipated sea level rise and more frequent severe storm events as a result of climate change, may increase coastal flooding and erosion. It is recognized that there is a need for balance between ecological protection or other environmental values and the use of privately owned land.

Objectives

The objectives of this development permit area are as follows:

OBJ 3.1 TO PLAN AND REGULATE NEW DEVELOPMENT IN A MANNER THAT PRESERVES, PROTECTS AND RESTORES THE LONG-TERM PHYSICAL INTEGRITY, CONNECTIVITY, AND ECOLOGICAL AND MARINE RESOURCE VALUES OF SHORELINES AND ASSOCIATED FORESHORE AND UPLAND AREAS;

- OBJ 3.2** TO BALANCE DEVELOPMENT OPPORTUNITIES WITH THE ECOLOGICAL CONSERVATION AND RESTORATION OF THE SHORELINE AND MARINE ENVIRONMENT;
- OBJ 3.3** TO MINIMIZE THE DISRUPTION OF NATURAL FEATURES AND PROCESSES AND TO RETAIN, WHEREVER POSSIBLE, NATURAL VEGETATION AND NATURAL FEATURES;
- OBJ 3.4** TO MAINTAIN THE PUBLIC'S SAFE USE AND ACCESS TO IMPORTANT RECREATION AREAS IN A WAY THAT DOES NOT COMPROMISE THE ECOLOGICAL INTEGRITY OF THE SHORELINE;
- OBJ 3.5** TO ADAPT TO THE ANTICIPATED EFFECTS OF CLIMATE CHANGE;
- OBJ 3.6** TO PROTECT COASTAL PROPERTIES AND DEVELOPMENT FROM DAMAGE AND HAZARDOUS CONDITIONS THAT CAN ARISE FROM EROSION AND FLOODING.

Development Approval Information

Development Permit Area 3 is designated as an area for which development approval information may be required as authorized by Section 485 of the *Local Government Act*. Development approval information in the form of a report from a Qualified Professional may be required due to the special conditions and objectives described above.

INFORMATION NOTE: Development Permit Area guidelines for DP-3 Shoreline are in the Keats Island Land Use Bylaw."

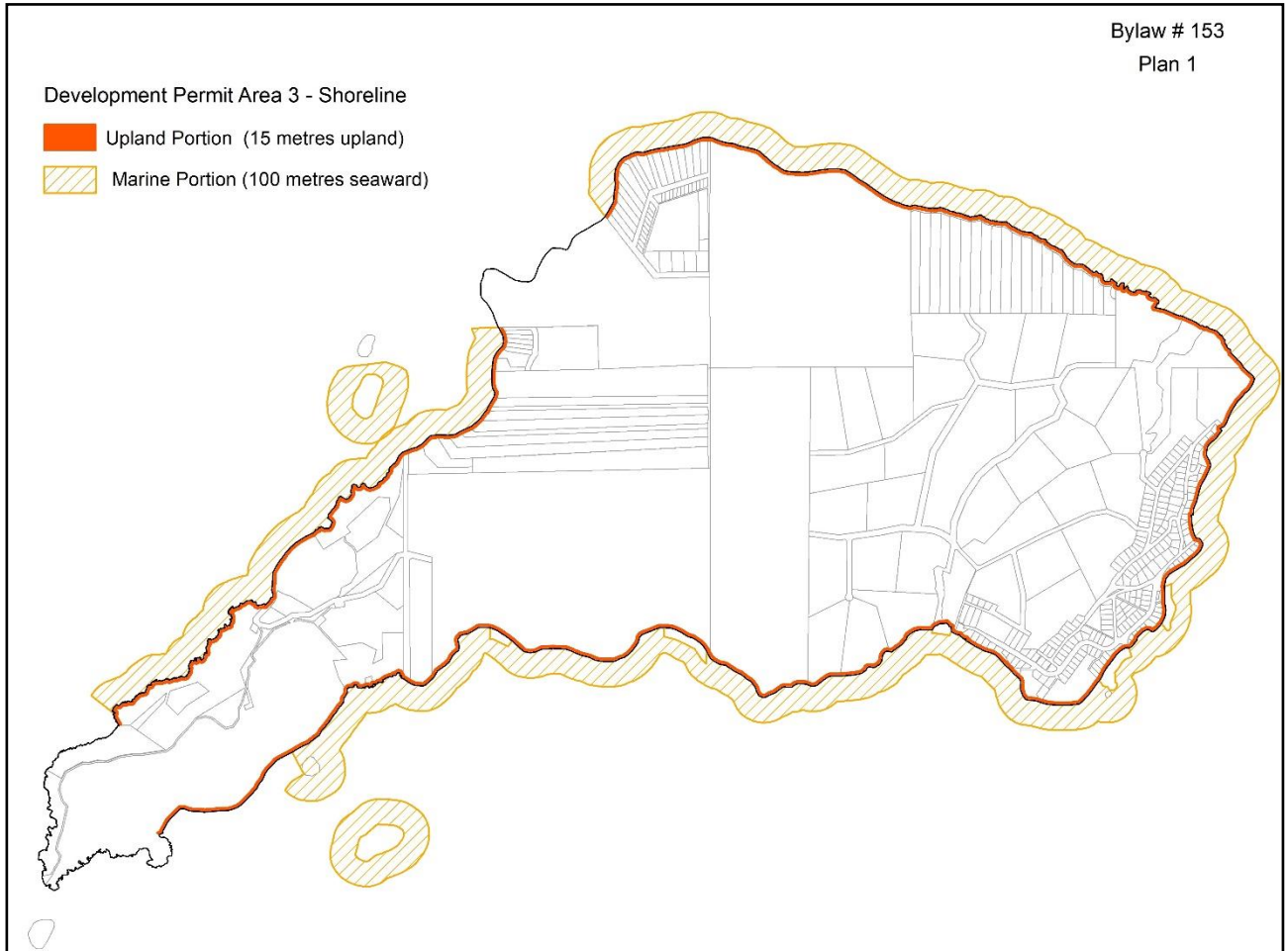
**GAMBIER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 153**

Schedule "2"

1. **Schedule "E" – DEVELOPMENT PERMIT AREAS**, is amended by designating a new Development Permit Area 3: Shoreline as shown on Plan No. 1 attached to and forming part of this bylaw and by making such alterations to Schedule "E" of Bylaw No. 77 as are required to effect this change.

**GAMBIER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 153**

Plan No. 1



PROPOSED

GAMBIER ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 154

A BYLAW TO AMEND KEATS ISLAND LAND USE BYLAW, 2002

The Gambier Island Local Trust Committee, being the Local Trust Committee having jurisdiction in respect of the Gambier Island Local Trust Area under the *Islands Trust Act*, enacts as follows:

1. Bylaw No. 78, cited as “Keats Island Land Use Bylaw, 2002” is amended as per Schedule “1” attached to and forming part of this bylaw.
2. This bylaw may be cited for all purposes as “Keats Island Land Use Bylaw, 2002, Amendment No. 1, 2021”.

READ A FIRST TIME THIS 22ND DAY OF JULY , 2021

READ A SECOND TIME THIS _____ DAY OF _____ , 20XX

PUBLIC HEARING HELD THIS _____ DAY OF _____ , 20XX

READ A THIRD TIME THIS _____ DAY OF _____ , 20XX

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS

_____ DAY OF _____ , 20XX

ADOPTED THIS _____ DAY OF _____ , 20XX

Chair

Secretary

**GAMBIER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 154**

Schedule “1”

1. Schedule “A” of Keats Island Land Use Bylaw, 2002 is amended as follows:
 - 1.1 **PART 1 – ADMINISTRATION AND INTERPRETATION**, Section 1.5 **DEFINITIONS**, Subsection 1.5.1 is amended by adding the following definition in alphabetical order:

“**platform** means an unenclosed flat surface raised from the ground to serve for the loading and offloading of materials and supplies.”
 - 1.2 **PART 2 – GENERAL LAND USE REGULATIONS**, Section 2.7 **MEASUREMENT OF SETBACKS Buildings and Structures**, Subsection 2.7.3 is amended by removing it in its entirety and replacing it with the following:

“No building or structure except a platform with a maximum area of 5 square metres, or a set of stairs or a walkway for the purposes of accessing the foreshore or a permitted float, dock, wharf or other permitted marine related structure, may be constructed, reconstructed, moved, extended or located within 15 metres (49.2 feet) of the natural boundary of the sea.”
 - 1.3 **PART 2 – GENERAL LAND USE REGULATIONS**, Section 2.7 **MEASUREMENT OF SETBACKS Buildings and Structures**, Subsection 2.7.5 is amended by replacing “3.0 metres” with “5.0 metres”.
 - 1.4 **PART 2 – GENERAL LAND USE REGULATIONS**, Section 2.7 **MEASUREMENT OF SETBACKS Buildings and Structures**, is amended by inserting the following new subsection as follows:

“**2.7.6** Private floats and docks shall be sited at least 10 metres from any existing dock or structure.”
 - 1.5 **PART 2 – GENERAL LAND USE REGULATIONS**, Section 2.7 **MEASUREMENT OF SETBACKS Buildings and Structures**, is amended by renumbering Subsection 2.7.6 – Sewage Disposal Fields to Subsection 2.7.7.
 - 1.6 **PART 4 – ZONE REGULATIONS**, Section 4.1 **COMMUNITY RESIDENTIAL 1 (CR1) ZONE**, Subsection 4.1.4 is amended by inserting the words “, dock ramps” after “docks” and before “and stairs”.
 - 1.7 **PART 4 – ZONE REGULATIONS**, Section 4.1 **COMMUNITY RESIDENTIAL 1 (CR1) ZONE**, Subsection 4.1.6 is amended by replacing “65 square metres (700 square feet)” with “35 square metres (377 square feet)”.
 - 1.8 **PART 4 – ZONE REGULATIONS**, Section 4.1 **COMMUNITY RESIDENTIAL 1 (CR1) ZONE**, Subsection 4.1.7 is amended by replacing “47 square metres (500 square feet)” with “25 square metres (269 square feet)” and by replacing “158 square metres (1,700 square feet)” with “85 square metres (915 square feet)”.

- 1.9 **PART 4 – ZONE REGULATIONS**, Section 4.1 **COMMUNITY RESIDENTIAL 1 (CR1) ZONE**, Subsection 4.1.8 is amended by replacing “2.4 metres (8 feet)” with “1.5 metres (4.9 feet)”.
- 1.10 **PART 4 – ZONE REGULATIONS**, Section 4.4 **RURAL RESIDENTIAL (RR) ZONE**, Subsection 4.4.6 is amended by replacing “65 square metres (700 square feet)” with “35 square metres (377 square feet)”.
- 1.11 **PART 4 – ZONE REGULATIONS**, Section 4.4 **RURAL RESIDENTIAL (RR) ZONE**, Subsection 4.4.7 is amended by replacing “47 square metres (500 square feet)” with “25 square metres (269 square feet)” and by replacing “158 square metres (1,700 square feet)” with “85 square metres (915 square feet)”.
- 1.12 **PART 4 – ZONE REGULATIONS**, Section 4.4 **RURAL RESIDENTIAL (RR) ZONE**, Subsection 4.4.8 is amended by replacing “2.4 metres (8 feet)” with “1.5 metres (4.9 feet)”.
- 1.13 **PART 4 – ZONE REGULATIONS**, Section 4.5 **RURAL COMPREHENSIVE (RC) ZONE**, Subsection 4.5.7 is amended by replacing “Article 6 of this subsection” with “Subsection 4.5.6”.
- 1.14 **PART 4 – ZONE REGULATIONS**, Section 4.5 **RURAL COMPREHENSIVE (RC) ZONE**, Subsection 4.5.6 is amended by replacing “65 square metres (700 square feet)” with “35 square metres (377 square feet)”.
- 1.15 **PART 4 – ZONE REGULATIONS**, Section 4.5 **RURAL COMPREHENSIVE (RC) ZONE**, Subsection 4.5.7 is amended by replacing “47 square metres (500 square feet)” with “25 square metres (269 square feet)” and by replacing “158 square metres (1,700 square feet)” with “85 square metres (915 square feet)”.
- 1.16 **PART 4 – ZONE REGULATIONS**, Section 4.5 **RURAL COMPREHENSIVE (RC) ZONE**, Subsection 4.5.8 is amended by replacing “2.4 metres (8 feet)” with “1.5 metres (4.9 feet)”.
- 1.17 **PART 4 – ZONE REGULATIONS**, Section 4.6 **PRIVATE INSTITUTIONAL 2 (PI2) ZONE**, Subsection 4.6.5 is amended by replacing “3,000 square metres (32,970 square feet)” with “1,000 metres (10,764 square feet)”.
- 1.18 **PART 4 – ZONE REGULATIONS**, Section 4.10 **PROVINCIAL MARINE PARK (P2) ZONE**, Subsection 4.10.6 is amended by replacing “dock floats” with “a wharf float”.
- 1.19 **PART 4 – ZONE REGULATIONS**, Section 4.10 **PROVINCIAL MARINE PARK (P2) ZONE**, Subsection 4.10.7 is amended by replacing “dock” with “wharf”.
- 1.20 **PART 4 – ZONE REGULATIONS**, Section 4.12 **MARINE 2 – COMMUNAL MOORAGE (M2) ZONE**, Subsection 4.12.5 is amended by replacing “2.4 metres (8 feet)” with “1.5 metres (4.9 feet)”.
- 1.21 **PART 4 – ZONE REGULATIONS**, Section 4.12 **MARINE 2 – COMMUNAL MOORAGE (M2) ZONE**, Subsection 4.12.6, **Table 4.1**, Site Specific Regulation (a) is amended by replacing “65 square metres (700 square feet)” with “35 square metres (377 square feet)” and by replacing “47 square metres (500 square feet)” with “25 square metres (269 square feet)”.

and by replacing “158 square metres (1,700 square feet)” with “85 square metres (915 square feet)”.

- 1.22 **PART 9 – DEVELOPMENT PERMIT AREA GUIDELINES**, is amended by adding a new Section **9.3 DP-3 SHORELINE** as shown on Appendix 1 attached to and forming part of this bylaw.

**GAMBIER ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 153**

Appendix 1

9.3 DP-3 SHORELINE

Applicability

.1 The following activities shall require a development permit whenever they occur within the Development Permit Area 3: Shoreline (DP-3), unless specifically exempted under Subsection 9.3.2:

- construction of, addition to or alteration of a building or structure;
- land alteration, including vegetation removal and disturbance of soils; and
- subdivision of land.

Exemptions

.2 The following activities are exempt from the requirement to obtain a development permit for DP-3:

- a) Development or alteration of land to occur outside the designated Development Permit Area, as determined by a BC Land Surveyor;
- b) Repair and maintenance of pre-existing lawful buildings, structures or utilities, except for shoreline protection structures, provided there is no alteration of undisturbed land or vegetation and that they are entirely within the existing building or structure footprint. For clarity, repair, maintenance, alteration or reconstruction of shoreline protection works such as retaining walls, requires a development permit whether or not they meet the definition of 'structure' in the Keats Island Land Use Bylaw;
- c) The installation of a mooring buoy;
- d) Construction, reconstruction or repair of the following structures sited within the setback from the natural boundary of the sea:
 - i. A platform not exceeding 5 square metres in area;
 - ii. A set of stairs or a walkway for the purpose of accessing the foreshore or a permitted marine related structure;
- e) Small-scale manual removal of non-native, invasive plants or noxious weeds, conducted in accordance with best management practices;
- f) Construction of a fence so long as no trees of native species are removed and the disturbance of native vegetation is restricted to 0.5 metres on either side of the fence;
- g) The construction of a trail if all of the following apply:
 - i. Trail design and location must minimize vegetation disturbance;
 - ii. No native trees are removed;
 - iii. The trail is 1 metre wide or less;
 - iv. The trail is for personal, non-vehicular use only;
 - v. The trail is constructed of soil, gravel, mulch or other pervious surface;
 - vi. The trail is designed to prevent soil erosion where slopes occur;
- h) Repair and maintenance of existing roads, driveways, paths and trails, provided there is no expansion of the width or length of the road, driveway, path or trail, and no creation of additional impervious surfacing, including paving, asphaltting or similar surfacing;

- i) Gardening and property maintenance activities, not involving artificial fertilizer, pesticides or herbicides, within a pre-existing landscaped area, including lawn mowing, weeding, shrub pruning, vegetation planting and minor soil disturbances that do not alter the general contours of the land;
- j) Pruning of not more than two trees in one growing season in accordance with the standards and recommendations of the International Society of Arboriculture (ISA), which does not involve: the lift pruning of lower limbs to the extent that the live crown ratio is less than 50%, the removal of more than 25% of the crown, or the pruning or removal of a structural root within the critical root zone;
- k) The removal of trees that have been examined by an International Society of Arboriculture (ISA) certified arborist or registered professional forester and certified in writing to pose an immediate threat to life or property;
- l) Vegetation removal to prevent wildlife or other potential emergencies;
- m) Emergency works required to prevent, control or reduce an immediate threat to human life, the natural environment or public or private property, including:
 - i. Forest fire, flood and erosion protection works;
 - ii. Protection, repair or replacement of public facilities;
 - iii. Clearing of an obstruction from a bridge, culvert, dock wharf or stream;
 - iv. Bridge repairs.
- n) A farm operation as defined in the *Farm Practices Protection (Right to Farm) Act*;
- o) Forest management activities, as defined in the *Private Management Forest Land Regulation*, on land classified as managed forest land under the *Private Managed Forest Land Act*;
- p) The subdivision of land parcels where a conservation covenant satisfactory to and in favour of the Gambier Island Local Trust Committee or the Islands Trust Conservancy Board has already been registered for the maintenance of natural drainage and protection of environmentally sensitive areas;
- q) Subdivision involving lot consolidation;
- r) Works conducted and/or authorized by the Province and its Ministries or Agencies, and by Fisheries and Oceans Canada (or subsequent federal department).

Guidelines

- .3** Prior to undertaking any applicable development activities within DP-3, an owner of property shall apply to the Local Trust Committee for a development, and the following guidelines apply:

General Guidelines:

- a) In general, development of the shoreline area should be limited, should minimize negative impacts on the ecological health of the immediate area, should not disrupt coastal sediment transport processes, and should not impede public access.
- b) It should be demonstrated that locating development entirely outside of the Development Permit Area has been considered, and a description of why that is not being proposed should be provided.
- c) New, or additions to, upland buildings or structures should be located and designed to avoid the need for shoreline protection works throughout the life of the structure.
- d) New development on steep slopes or bluffs should be set back sufficiently from the top of the slope or bluff to ensure that shoreline protection measures will not become necessary during the life of the structure, as demonstrated by a geotechnical analysis and recommendations for the site by a Geotechnical Engineer or Professional Geoscientist.

- e) Sea level rise, storm surges and other anticipated effects of climate change should be addressed in all development permit applications.
- f) All development within this Development Permit Area is to be undertaken and completed in such a manner as to prevent the release of sediment to the shore or to any watercourse or storm sewer that flows to the marine shore. An erosion and sediment control plan, including actions to be taken prior to land clearing and site preparation and the proposed timing of development activities to reduce the risk of erosion, may be required as part of the development permit application.
- g) Where this Development Permit Area includes critical habitat of any Species at Risk, including terrestrial or aquatic provincial red- and blue-listed species or SARA-listed species; or where a unique, sensitive or rare species has been identified by Islands Trust mapping, these areas should be left undisturbed. If disturbance cannot be entirely avoided, development and mitigation and/or compensation measures shall be undertaken only under the supervision of a Registered Professional Biologist with advice from applicable senior environmental agencies.
- h) Development activities along the foreshore or in marine areas should be conducted during the low risk timing window for spawning and nursery periods.
- i) All development that takes place below the natural boundary of the sea should be done in a way that minimizes degradation of water quality and disturbance of the substrate.

Guidelines for the Construction and Replacement of Docks and Ramps

- j) Construction details such as design, materials, methods, timing of construction and access shall be provided at the time of permit application.
- k) Docks, floats and ramps should be sited to avoid sensitive ecosystems such as eelgrass beds, forage fish habitat and to avoid interference with natural processes such as currents and littoral drift. This may require an environmental assessment by a Qualified Professional Biologist to identify such features and processes on the site in question.
- l) Docks must be designed to ensure that public access along the shore is maintained.
- m) Dock and float design should allow natural light penetration to the submerged land underneath. Natural light penetration can be facilitated by spacing the decking surface of the dock, incorporating grating and minimizing the width of the structure. Where possible, docks should be aligned in a north-south direction to allow for the maximum extent of light.
- n) Piers on pilings and floating docks are preferred over solid-core piers or ramps. Piers should use the minimum number of pilings necessary, with preference to large spans over more pilings.
- o) All docks shall be constructed so that they do not rest on the bottom of the seabed at low water/low tide levels. Dock and float design shall allow the free flow of water beneath it.
- p) Docks should not use unenclosed plastic foam or other non-biodegradable materials that have the potential to degrade over time. Docks should be constructed of stable materials that will not degrade water quality. The use of creosote-treated pilings is not permitted.
- q) The access ramps, walkways and stairs for docks should not exceed a maximum width of 1.5 metres.
- r) Preference is given to mooring buoys that are considered “seagrass-friendly” and are designed to reduce scouring of the sea floor. These include buoys with a mid-line float so as to prevent unnecessary damage to eelgrass habitat.

Guidelines for Shoreline Modifications

- s) Shoreline protection or stabilization measures shall not be permitted for the sole purpose of reducing the setback regulations in the Land Use Bylaw or for reclaiming land lost due to erosion.
- t) Shoreline protection measures should not be allowed for the purpose of extending lawns or gardens, or to provide space for additions to existing or new structures.
- u) Applications for shoreline protection or stabilization works may be considered to protect existing structures and shall include a report, prepared by a Professional Engineer with experience in coastal and/or geotechnical engineering, which describes the proposed modification and shows:
 - i. The need for the proposed modification to protect existing structures;
 - ii. If any natural hazards, erosion, or interruption of geohydraulic processes may arise from the proposed modification, including at sites on other properties or foreshore locations;
 - iii. The cumulative effect of shoreline protection or stabilization along the drift sector where the works are proposed;
 - iv. Whether there will be any degradation of water quality or loss of fish or wildlife habitat because of the modification;
 - v. Whether conditions should be incorporated into the development permit to achieve the objectives of this Development Permit Area.
- v) Where shoreline protection or stabilization measures are proposed, they shall be designed by a Professional Engineer with experience in coastal and/or geotechnical engineering, and:
 - i. Limit the size to the minimum necessary to prevent damage to existing structures or established uses on the adjacent upland;
 - ii. Apply the 'softest' possible shoreline protection measure that will still provide satisfactory protection;
 - iii. Not be expected to cause erosion or other physical damage to adjacent or down-current properties, or public land;
 - iv. Address compatibility with adjacent shoreline protection works.

Shoreline protection or stabilization measures are modifications to the shoreline, or adjacent seaward or landward areas, for the purpose of protection against erosion. Structural protection measures are often referred to as 'hard' or 'soft'. 'Hard' measures refer to those with solid, hard surfaces, such as concrete bulkheads, while 'soft' measures rely on less rigid materials such as biotechnical vegetation measures (i.e. the specialized use of woody plant materials to stabilize soil) or beach enhancement. There is a range of measures varying from soft to hard that include:

• Vegetation enhancement • Upland drainage control • Biotechnical measures • Beach enhancement • Anchor trees • Gravel placement • Rock (rip rap) revetments • Gabions • Concrete groins • Retaining walls or bulkheads • Seawalls	SOFT  HARD
---	--

In general, the harder the construction measure, the greater the impact on shoreline processes, including sediment transport, geomorphology and biological functions.

- w) Entirely 'hard' structural shoreline protection measures such as concrete walls, lock block or stacked rock (rip rap), may be considered as a last resort only when a geotechnical and biophysical analysis demonstrates that:
 - i. An existing structure is at immediate risk from shoreline erosion caused by tidal action, currents or waves. Evidence of normal sloughing, erosion or steep bluffs, or shoreline erosion itself, without a scientific or geotechnical analysis, is not sufficient demonstration of need;
 - ii. It is not feasible to instead construct a retaining wall that meets the land use bylaw setback;
 - iii. The erosion is not being caused by upland conditions, such as the loss of vegetation and uncontrolled drainage associated with upland development;
 - iv. All possible on site drainage solutions by directing drainage away from the shoreline have been exhausted;
 - v. Non-structural or 'soft' shoreline protection measures are not feasible or not sufficient to address the stabilization issues;
 - vi. The shoreline protection measure is designed so that neighbouring properties are not expected to experience additional erosion; and
 - vii. All shoreline protection structures are installed upland of the present natural boundary of the sea.
- x) An existing shoreline protection structure may be replaced if the existing structure can no longer adequately serve its purpose, provided that:
 - i. The replacement structure is of the same size and footprint as the existing structure;
 - ii. The replacement structure is designed, located, sized and constructed to mitigate the loss of ecological functions, and include habitat restoration measures when feasible;
 - iii. Replacement walls or bulkheads do not encroach seaward of the natural boundary or seaward of the existing structure unless there are significant safety or environmental concerns. In such cases, the replacement structure should utilize the 'softest' approach possible and should abut the existing shoreline protection structure;
 - iv. Where impacts to critical marine habitats would occur by leaving the existing works in place, they can be removed as part of the replacement measure.
- y) Materials used for shoreline protection or stabilization should consist of inert materials. Materials should not consist of debris or contaminated material that could result in pollution of tidal waters.
- z) Placement of fill upland of the natural boundary of the sea greater than (10) cubic metres in volume shall only be considered when necessary to assist in the enhancement of the natural shoreline's stability and ecological function. Such fills shall be located, designed and constructed to protect shoreline ecological functions and ecosystem-wide processes, including channel migration. This may require a sediment and erosion plan prepared by a Professional Engineer or Geoscientist with experience in coastal and/or geotechnical engineering.
- aa) Placement of fill below (seaward of) the natural boundary shall be considered only when necessary to assist in the enhancement of the natural shoreline's stability and ecological function, typically as part of a beach nourishment design. All fill proposals

below the natural boundary are subject to approval by the appropriate provincial and/or federal authorities.

- bb) All upland fill and beach nourishment materials should be clean and free of debris and contaminated material.

Guidelines for Vegetation Management, Restoration and Enhancement

- cc) Existing native vegetation and trees should be retained or replaced wherever possible to protect against erosion and slope failure, and to minimize disruption to fish and wildlife habitat.
- dd) Existing vegetation and trees to be retained should be clearly marked prior to development, and temporary fencing installed at the drip line to protect them during clearing, grading and other development activities.
- ee) If the area has been previously cleared of native vegetation, or is cleared during the process of development, the development permit may specify replanting requirements to restore or enhance the natural environment or control erosion. Areas of undisturbed bedrock exposed to the surface or sparsely vegetated areas should not require planting. The Local Trust Committee may require provision of a security to be used to fulfill the replanting and vegetation maintenance conditions of the permit if the permit holder fails to do so.
- ff) Vegetation species used in replanting, restoration or enhancement should be selected to suit the soil, light and groundwater conditions of the site, should be native to the area, and be selected for erosion control and/or fish and wildlife habitat values as needed. While native species are preferred, suitably adapted, non-invasive, non-native vegetation may be acceptable.
- gg) All replanting shall be maintained by the property owner for a minimum of 2 years from the date of completion of the planting to ensure survival. This may require removal of invasive, non-native weeds and irrigation. Unhealthy, dying or dead stock will be replaced at the owner's expense within that time in the next regular planting season. The Local Trust Committee may require provision of a security to be used to fulfill the replanting and vegetation maintenance conditions of the permit if the permit holder fails to do so.

Guidelines for Subdivision

- hh) All lots in a proposed subdivision must be configured to have sufficient area for permitted principal and accessory uses without encroaching into land use bylaw setbacks, the Development Permit Area, or creating a likelihood of shoreline protection measures for the permitted level of development.
- ii) New roads, driveways and wastewater disposal (septic) systems should not be located within the Development Permit Area.



BYLAW REFERRAL FORM

700 North Road
Gabriola Island BC V0R 1X3
Ph: (250) 247-2063
Fax: (250) 247-7514
northinfo@islandstrust.bc.ca
www.islandstrust.bc.ca

Island: Gambier Island Local Trust Area – Keats Island **Bylaw Nos.:** 153 (OCP) & 154 (LUB) **Date:** July 27, 2021

You are requested to comment on the attached Bylaw for potential effect on your agency's interests. We would appreciate your response within approximately 60 days by **October 18, 2021**. If no response is received within that time, it will be assumed that your agency's interests are unaffected.

APPLICANTS NAME / ADDRESS:

Gambier Island Local Trust Committee

PURPOSE OF BYLAWS:

The purpose of the bylaws is to establish a new Development Permit Area (Shoreline) and to amend siting and size regulations in relation to the natural boundary of the sea and marine structures.

Proposed Bylaw No. 153 will, if adopted, amend the Keats Island Official Community Plan Bylaw No. 77, 2002 to establish Development Permit Area 3: Shoreline (DPA 3) for the purpose of protecting the natural environment, its ecosystems and biodiversity, and to protect development from hazardous conditions. The DPA 3 would be applicable to nearshore upland and marine areas, and includes objectives to:

- regulate new development to preserve, protect and restore foreshore and marine areas;
- balance development opportunities with the conservation and restoration of the shoreline and marine environment;
- minimize disruption of natural features and processes and retain natural vegetation;
- maintain safe public use and access to important recreation areas, while not compromising shoreline ecological integrity;
- adapt to anticipated effects of climate change;
- protect coastal properties and development from hazardous conditions.

Proposed Bylaw No. 154 will, if adopted, amend the Keats Island Land Use Bylaw No. 78, 2002 to:

- increase the setback from the natural boundary of the sea from 7.5 metres to 15 metres;
- limit the floor area, number and types of structures permitted within the setback from the natural boundary of the sea;
- increase setbacks between private floats and docks from side lot lines and from adjacent private floats and docks;
- reduce the permitted float area and dock ramp width.

Proposed Bylaw No. 154 would also include the DPA 3 guidelines, exemptions and applicability.

GENERAL LOCATION:

Keats Island

OTHER INFORMATION:

Please direct any communications regarding this referral to Jaime Dubyna, Island Planner, at (250) 247-2212 or by email to jdubyna@islandstrust.bc.ca.

Please fill out the Response Summary on the back of this form for each bylaw. If your agency's interests are "*Unaffected*", no further information is necessary. In all other cases, we would appreciate receiving additional information to substantiate your position and, if necessary, outline any conditions related to your position. Please note any legislation or official government policy which would affect our consideration of this Bylaw.

Jaime Dubyna

Jaime Dubyna

Name:

Title:

Island Planner

This referral has been sent to the following agencies:

First Nations

Skwxwú7mesh Úxwumixw (Squamish Nation)
Tsleil-Waututh Nation
Musqueam First Nation
Sechelt First Nation
Halalt First Nation
Penelakut Tribe
Lake Cowichan First Nation
Cowichan Tribes
Stz'uminus First Nation
Lyackson First Nation
Snaw'Naw'As Nation and Te'Mexw Treaty Association

Regional Agencies

Sunshine Coast Regional District

Provincial Agencies

Ministry of Forests, Lands, Natural Resource Operations and Rural Development

Adjacent Local Trust Committees and Municipalities

Lasqueti Local Trust Committee
Gabriola Local Trust Committee
Galiano Local Trust Committee

Non-Agency Referrals

Islands Trust Conservancy, Keats Conservation Group, Eastbourne Community Association, Keats Landing Leaseholders, Keats Camp, Barnabas Ministries and Keats Island Shoreline Protection Working Group

PLEASE TURN OVER

BYLAW REFERRAL FORM RESPONSE SUMMARY

☐

Approval Recommended for Reasons Outlined Below

☐

Approval Recommended Subject to Conditions Outlined Below

☐

Interests Unaffected by Bylaw

☐

Approval Not Recommended Due to Reason Outlined Below

Gambier Island Local Trust Area – Keats Island

(Island)

Bylaw No. 153 (OCP)

(Bylaw Number)

(Signature)

(Title)

(Date)

(Agency)

BYLAW REFERRAL FORM RESPONSE SUMMARY

☐

Approval Recommended for Reasons Outlined Below

☐

Approval Recommended Subject to Conditions Outlined Below

☐

Interests Unaffected by Bylaw

☐

Approval Not Recommended Due to Reason Outlined Below

Gambier Island Local Trust Area – Keats Island

(Island)

Bylaw No. 154 (LUB)

(Bylaw Number)

(Signature)

(Title)

(Date)

(Agency)



REQUEST FOR DECISION

To: Islands Trust Conservancy Board **For the Meeting of:** October 5, 2021
From: Staff **Date Prepared:** September 10, 2021

SUBJECT: S'ul-hween X'pey (Elder Cedar) Nature Reserve, Gabriola Island

RECOMMENDATION: That the Islands Trust Conservancy Board approve the 2021 update of the S'ul-hween X'pey (Elder Cedar) Nature Reserve Nature Reserve Management Plan, dated June 10, 2021.

1 PURPOSE:

To approve the revision of the management plan for the S'ul-hween X'pey (Elder Cedar) Nature Reserve.

2 BACKGROUND:

Islands Trust Conservancy Board policy (ITC 2.3) indicates, "The Board will prepare and approve a management plan for each property it acquires as a Nature Reserve...within one year of acquisition, and will update each management plan approximately every 10 years." Islands Trust Conservancy management plans:

- Provide general and descriptive information on the property, including location, history, and land use;
- Set out the conservation goals and objectives for the property;
- Identify the property's ecological and/or cultural values and features;
- Describe the management issues associated with the property; and
- Provide short and long-term management recommendations (action items or tasks) on issues such as: invasive species management; species at risk protection; public access and safety; educational and research opportunities; and signage needs;
- Preserve and protect cultural, spiritual, and sacred locations.

S'ul-hween X'pey (Elder Cedar) Nature Reserve (SXNR) is a 65.36-hectare mixed-age forest that includes areas of old growth Coastal Douglas-fir habitat on Gabriola Island (Figure 1). The property possesses high biodiversity values due to a diverse range of habitats which provide, among other things, potential breeding grounds for multiple species. The property also has a rich First Nations history, as it was likely used by the Snuneymuxw First Nation (SFN) for foraging and freshwater resources. Within the property boundaries, there are: moisture-rich wetlands connected by a variety of streams/riparian areas with red alder (*Alnus rubra*) and bigleaf maple (*Acer macrophyllum*); dry upland forests with (*Arbutus menziesii*); and temperate moist forests with several large veteran Douglas-fir (*Pseudotsuga menziesii*) and Western red cedar (*Thuja plicata*) trees (Figure 2).

Documented occurrence of a rare species and/or ecological community was a CDC-mapped rare ecological community (see Table 1) and five species in Table 2.

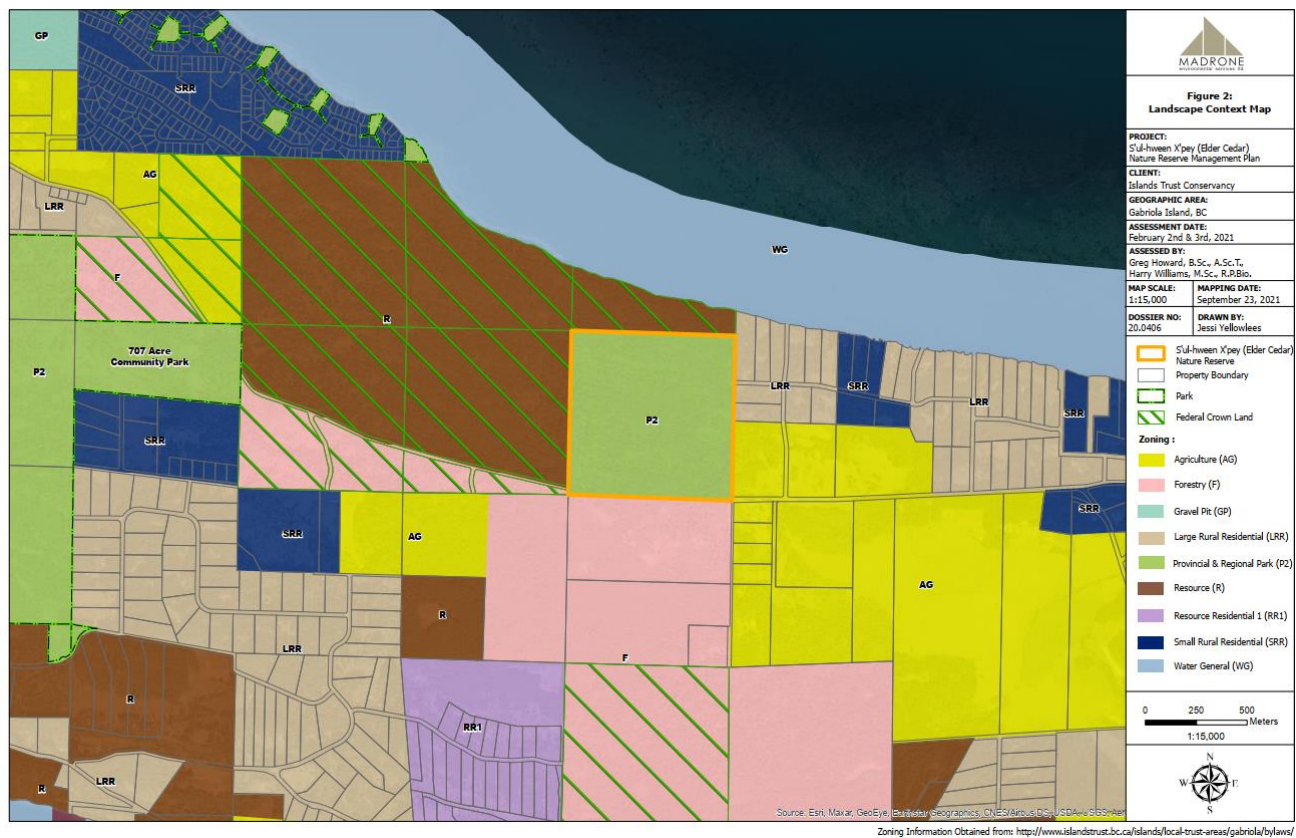


Figure 1. Landscape Context Map.

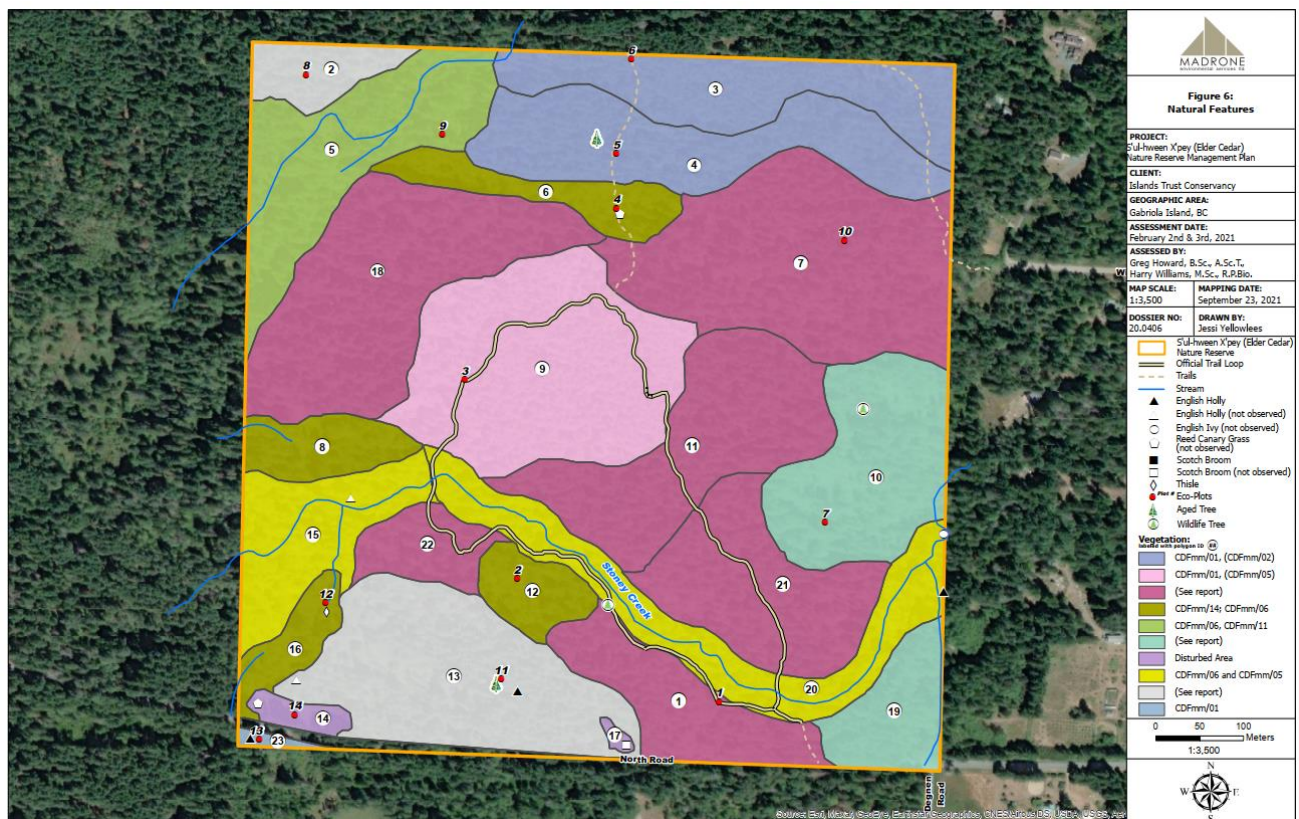


Figure 2. Natural Features

Table 1. Documented Occurrences of Ecosystems at Risk within SXNR.

Ecological Community Name		Status		
English	Scientific	Provincial	BC List	Global
Douglas-fir/dull Oregon-grape	<i>Pseudotsuga menziesii</i> – <i>Berberis nervosa</i>	S1 (2018)	Red	G2

Table 2. Documented Occurrences of Species at Risk within SXNR.

Species Name		Status				
English	Scientific	Provincial	BC List	COSEWIC	SARA	Global
Northern Red-legged Frog	<i>Rana aurora</i>	S3 (2016)	Blue	Special Concern	Special Concern	G4 (2015)
Band-tailed Pigeon	<i>Patagioenas fasciata</i>	S3S4 (2015)	Blue	Special Concern	Special Concern (2011)	G4 (2016)
Western Screech-Owl	<i>Megascops kennicottii</i>	S4 (2015)	Yellow	Threatened	Threatened	G4G5 (2016)
Western Screech-Owl, kennicottii subspecies	<i>Megascops kennicottii kennicottii</i>	S2S3 (2017)	Blue	Threatened	Threatened (2005)	G4G5T4 (2016)
Townsend's Big-eared Bat	<i>Corynorhinus townsendii</i>	S3S4 (2015)	Blue	N/A	N/A	G4 (2016)

The initial management plan was approved in 2008. In 2021, the management plan was updated by Madrone Environmental Services Ltd. to be consistent with a new template and additional field work was done to complete the ecological descriptions of the property. A draft was provided to the covenant holders, Gabriola Land and Trails Trust and Nanaimo Area Land Trust; their edits have been incorporated into the attached management plan and the final management plan will be sent to the covenant holders for approval before being implemented.

ITC put on a public webinar instead of an in-person public open house for the first time to facilitate the community engagement piece of the management plan. Elder Geraldine Manson, from the Snuneymuxw First Nation, gave a welcome for the virtual open house.

Currently, management efforts are directed at ensuring SXNR remains as undisturbed as possible, while permitting low-impact public access on designated trails. Remediation efforts are being implemented where invasive plant species are present, and where public use has created ecological impacts (i.e., construction of boardwalks to protect sensitive areas). Specific management recommendations include methods to eradicate an established patch of Scotch Broom (*Cytisus scoparius*) in the southwest corner of SXNR, and the construction of a clear span crossing over Stoney Creek where the existing stepping stones are creating a safety hazard to the public.

ITC will continue to incorporate new information and knowledge sharing of First Nations interests, species-at-risk, invasive species, and management techniques over the course of the lifetime of the plan.

Immediate Actions (1-2 years):

1. Support all partners, contractors and volunteers to complete cultural competency training in regard to reconciliation, knowledge and history of Coast Salish and Indigenous Peoples.
2. Engage with First Nations to ensure that the management plan is reflective of treaty, inherent rights, and the territories of each Nation.

3. Work in collaboration towards a Management Plan for Areas of Cultural Heritage, gathering and harvesting, and Sacred Significance with First Nations.
4. Conduct annual monitoring of SXNR to ensure covenant compliance and evaluate management considerations.
5. Conduct trail maintenance as required (i.e., removal of fallen logs, minor overgrowth pruning)
6. Close off the western (seasonally wet) section of the braided portion of the North Trail.
7. Engage contractors to design a crossing to replace the stepping stones across Stoney Creek. Determine a budget for materials and labour.
8. Develop and implement an invasive species management work plan for the disturbed area in the southwestern corner of SXNR to ensure the establishment of Scotch broom is appropriately addressed.

Short term Actions (3-5 years):

1. Implement the work plan for construction of the Stoney Creek crossing if funding allows.
2. Implement the work plan for Scotch broom removal in the southwestern corner of the property and begin restoration (i.e., replanting) efforts.

Long term Actions (5+ years):

1. Seek cost estimates on a hydrological consultation regarding potential impacts of the ditch connecting to Stoney Creek along the eastern boundary of SXNR.

Ongoing or Annual Action Items:

1. Conduct annual monitoring of SXNR to ensure covenant compliance and evaluate management considerations.
2. Conduct trail maintenance as required (i.e., removal of fallen logs, minor overgrowth pruning)

3 IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL: This management plan will guide the management of this property and assist staff in budgeting property management funds over the next 10 years.

FINANCIAL: The property management budget is allocated each year depending on available funds and the work that is most needed, balanced between all ITC properties. The primary management costs for the SXNR will be the continuation of invasive species removal and trail upkeep, as well as a hydrological consultation regarding potential impacts of a ditch connecting to Stoney Creek along the eastern boundary of SXNR. Budget allocation will also be required to engage with First Nations toward cooperative management, conduct climate change research and coordinate species at risk surveys.

POLICY: Consistent with policy.

IMPLEMENTATION/COMMUNICATIONS: Staff will provide the Board-approved version of the management plan to the covenant holders, Gabriola Land and Trails Trust (GaLTT) and Nanaimo & Area Land Trust (NALT), for their final approval. Once approved by all parties, the management plan will be posted to the ITC website. ITC contractors and conservation partners working within the Nature Reserve will be provided with the management plan.

FIRST NATIONS: The Lands Clerk of the Snuneymuxw First Nation (SFN) was contacted multiple times throughout the development of this report in 2021 by Madrone. Letters were mailed from ITC to the following First Nations on February 11, 2021 (Appendix D): Cowichan Tribes, Halalt First Nation, Lyackson First Nation, Penelakut Tribe, SEMYOME (Semiahmoo) First Nation, Snuneymuxw First Nation, Stz'uminus (Chemainus) First Nation and Ts'uubaa-asatx (Lake Cowichan) First Nation. A shelter-in-place order was in effect for the SFN due to the global COVID-19 pandemic and outbreaks within the SFN community. This prevented a formal response on input for this recent management plan to be provided, though the SFN

have expressed interest in reviewing the management plan upon its completion. Over the 10-year timeframe of this revised management plan, ITC will strive to work more closely with First Nations to build trust through in-person meetings and development of a Management Plan for Areas of Cultural Heritage and Sacred Significance.

CLIMATE CHANGE: An ecological progression observed in Coastal B.C. is the inland movement of the transition zone from the Coastal Douglas-fir moist maritime (CDFmm) biogeoclimatic zone to the Coastal Western Hemlock very dry maritime (CWHxm1) biogeoclimatic zone. Gabriola Island is already entirely in the CDFmm, and therefore drastic changes to its ecology are not anticipated; however, changing temperature and precipitation averages will have an impact. These impacts will likely be observed with changes in moisture regimes, and ultimately changes in the shape, and size of the polygons delineated in the ecosystem classification assessment. Signs of drought should be monitored for in mature trees on SXNR, and if warranted, management actions may be implemented to address potential ecological shifts.

OTHER: A new entrance sign has just been designed by Eliot White-Hill, Kwulasultun, a Snuneymuxw First Nation artist, and also the great-grandson of Elder Dr. Ellen White who gave the name S'ul-hween X'pey (Elder Cedar) to the nature reserve in 2008. The sign was designed with guidance from Elder Geraldine Manson. The covenant holders have given their edits to the sign design but it still needs to be produced and installed.

4 **RELEVANT POLICY(S):** [ITC 2.3 - Acquisition and Management of Land](#)

5 **ATTACHMENT(S):**

- S'ul-hween X'pey (Elder Cedar) Nature Reserve Management Plan

RESPONSE OPTIONS

Recommendation: That the Islands Trust Conservancy Board approve the 2021 update of the S'ul-hween X'pey (Elder Cedar) Nature Reserve Management Plan, dated June 10, 2021.

Alternative: That the Islands Trust Conservancy Board approve the S'ul-hween X'pey (Elder Cedar) Nature Reserve Management Plan with the following amendments:

- *[to be inserted by the ITC Board]*

Prepared By: Nuala Murphy, Property Management Specialist

Reviewed By/Date: Kate Emmings, ITC Manager / September 21, 2021



**S'ul-hween X'pey (Elder Cedar)
Nature Reserve
Management Plan
Gabriola Island, BC**



PREPARED BY
Madrone Environmental Services Ltd.
Duncan, BC

APPROVED BY
Islands Trust Conservancy Board on **DATE** Resolution ITC-20XX-XXX
Gabriola Land and Trails Trust on **DATE**
Nanaimo Area Land Trust on **DATE**

i. Executive Summary

Islands Trust Conservancy acknowledges and respects that Gabriola Island is within the traditional territory of Coast Salish Peoples, Cowichan Tribes, Halalt First Nation, Lyackson First Nation, Penelakut Tribe, SEMYOME (Semiahmoo) First Nation, Snuneymuxw First Nation, Stz'uminus (Chemainus) First Nation and Ts'uubaa-asatx (Lake Cowichan) First Nation. The historical relationship to the land, culture, and spirit of this place continues to this day. Islands Trust Conservancy is committed to honouring the rich history of Indigenous stewardship in the lands and waters of the Islands Trust Area and to building mutually respectful relationships between Indigenous and non-Indigenous partners in conservation. Therefore, this Management Plan for the S'ul-hween X'pey (Elder Cedar) Nature Reserve is a living document that will evolve as opportunities for knowledge sharing arise and understanding grows¹.

The S'ul-hween X'pey (Elder Cedar) Nature Reserve is a 65.36-hectare, square parcel of land of mixed-age forest that includes areas of old growth Coastal Douglas-fir habitat. The property possesses high biodiversity values due to a diverse range of habitats providing potential breeding grounds for a multitude of species, including those provincially listed to be of conservation concern. The property also has a rich First Nations history, as it was likely used by the Snuneymuxw First Nation (SFN) for foraging and freshwater resources. Islands Trust Conservancy (ITC) is the land holder, and the co-covenant holders are Gabriola Land and Trails Trust (GaLTT) and Nanaimo & Area Land Trust (NALT).

Wildlife species were assessed under the lens of potential critical breeding habitat. This provides management efforts with a focus toward areas directly related to the reproductive success of documented species of conservation concern. Species of conservation concern with confirmed, or future potential critical breeding habitat in SXNR include the Northern Pygmy-owl, *swarthi* subspecies (*Glaucidium gnoma swarthi*), Band-tailed Pigeon (*Patagioenas fasciata*), Evening Grosbeak (*Coccothraustes vespertinus*), Great Blue Heron, *fannini* subspecies (*Ardea herodias fannini*), Green Heron (*Butorides virescens*), Marbled Murrelet (*Brachyrampuhus marmoratus*), Northern Goshawk, *laingi* subspecies (*Accipiter gentilis laingi*), Olive-sided Flycatcher (*Contopus cooperi*), Townsend's Big-eared Bat (*Corynorhinus townsendii*), Northern Red-legged Frog (*Rana aurora*), and the Western Toad (*Anaxyrus boreas*).

Ecological communities were also assessed using vegetation mapping created in the previous management plan and refining the linework as needed. A total of 23 individual polygons were delineated in this latest revision, varying in site series within the Coastal Douglas-fir moist maritime (CDFmm) biogeoclimatic zone. Some of the polygons possessing old-growth habitats are provincially red-listed.

Currently, management efforts are directed at ensuring SXNR remains as undisturbed as possible, while permitting low-impact public access for the purposes of environmental stewardship. Remediation efforts are continuously being implemented where invasive plant

¹ First Nations/reconciliation content written by Lisa Wilcox, Islands Trust

species are present, and where public use has created ecological impacts (*i.e.*, construction of boardwalks to protect sensitive areas). Specific management recommendations include methods to eradicate an established patch of Scotch Broom (*Cytisus scoparius*) in the southwest corner of SXNR, and the construction of a clear span crossing over Stoney Creek where the existing stepping stones are creating a safety hazard to the public. These short-term management options, and other suggested long-term options listed in this report will be considered by ITC, and covenant holders, with the objectives of ensuring conservation of ecological and historical values, along with ensuring public safety.

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iii. Acknowledgements

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Nuala Murphy	Property Management Specialist, Islands Trust Conservancy (ITC)		Representative of the Landholder (ITC); draft review
Ava Breakwell	Nanaimo Areas and Land Trust (NALT)		Covenant Holder; draft review
Anne Landry	Gabriola Land and Trails Trust (GaLTT)	Local knowledge, Conservation Committee Chair	Covenant Holder; presenter at webinar, draft review

1 Introduction

Gabriola Island is situated within the territory of Coast Salish Peoples, who share a rich history of stewardship in the lands and waters of the Islands Trust Area that inspires the work of Islands Trust Conservancy and its partners.

S’ul-hween X’pey (Elder Cedar) Nature Reserve (SXNR) is a 65.36-hectare, square parcel of land of mixed-age forest that includes areas of old growth Coastal Douglas-fir habitat. The property possesses high biodiversity values due to a diverse range of habitats providing potential breeding grounds for a multitude of species, including those provincially listed to be of conservation concern. The property also has a rich First Nations history, as it was likely used by the Snuneymuxw First Nation (SFN) for foraging and freshwater resources. Islands Trust Conservancy (ITC) is the property landholder, and co-covenant holders Gabriola Land and Trails Trust (GaLTT) and Nanaimo & Area Land Trust (NALT).

1.1 Islands Trust Conservancy

Since time immemorial, the lands and waters between Vancouver Island and mainland British Columbia have been home to the Coast Salish People, whose ecological, cultural, and spiritual connections to this place continue to this day. In 1974, the Province of British Columbia recognized this region as a special place within the province where the unique beauty, cultural heritage, rural character and diverse ecosystems should be protected for future generations. Through the Islands Trust Act, the province established the Islands Trust, a local government, with the following mandate (known as the Object of the Islands Trust):

“To preserve and protect the trust area and its unique amenities and environment for the benefit of the residents of the Trust Area and of British Columbia generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the government of British Columbia.” (Islands Trust 2020a)

In 1990, through the enactment of a section of the Islands Trust Act, the Islands Trust Conservancy (originally called the Islands Trust Fund) was established as a conservation land trust to assist in carrying out the “preserve and protect” mandate. Part 6 of the Islands Trust Act establishes the corporate status, responsibilities, and governance structure of the Islands Trust Conservancy. The Islands Trust Conservancy is one of sixteen corporate entities² charged to uphold the Object of the Islands Trust and since 1990 has protected over 1,300 hectares (3,220 acres) of land as nature reserves and conservation covenants.

The vision of the ITC is for a network of protected areas that preserve in perpetuity the natural systems of the islands in the Salish Sea. The mission of the ITC is to protect special places by encouraging, undertaking, and assisting in voluntary conservation initiatives within the Islands Trust Area. ITC nature reserves are managed to maintain, preserve, and protect the natural features and values of ecosystems.

² The corporate entities charged to uphold the Object of the Islands Trust are the Trust Council, the Executive Committee, twelve local trust committees, one island municipality and the Islands Trust Conservancy Board.

1.2 Purpose of Islands Trust Conservancy Management Plans

ITC management plans provide background information and set out the direction of property management as follows:

- Provide general and descriptive information on the property, including location, history, and land use;
- Set out the conservation goals and objectives for the property;
- Identify the ecological and/or cultural values and features of the property;
- Describe the management issues associated with the property;
- Provide short-, medium- and long-term management recommendations (action items or tasks) on issues such as species at risk protection, ecological restoration, public access, educational and research opportunities, invasive species management, and signage needs; and
- Preserve and protect cultural, spiritual, and sacred locations.

Once the management plan process is completed, the ITC works to carry out the management actions or strategies identified in the plan, as resources allow. Following general practice and as outlined in the conservation covenant and statutory right of way, the ITC revises the Management Plan every ten years.

1.3 The Scope of Islands Trust Conservancy Management Plans

Consistent with the Islands Trust Reconciliation Declaration (Islands Trust 2020b), ITC recognizes that nature reserves may be places of great cultural and spiritual significance to First Nations. Cooperative management of these protected places will provide opportunities to establish and maintain mutually respectful relationships between Islands Trust Conservancy and First Nations, as well as upholding the guiding principles of United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)³ and the Truth and Reconciliation (TRC) Calls to Action. Relationship-building, knowledge-sharing, healing, and establishment of trust take time. Islands Trust Conservancy is committed to developing a parallel *Management Plan for Areas of Cultural Heritage and Sacred Significance*. This parallel Management Plan sets out guiding principles for cooperative collaboration between ITC and First Nations with traditional and treaty territories and cultural interests in the area defined by one or more nature reserve. Moreover, the Management Plan defines the common vision, objectives, policies, and best management practices for the nature reserve(s) to ensure that its natural values and cultural heritage and sacred significance are maintained for future generations.

1.4 Protected Area Purpose

The purpose of the establishment and management of the S'ul-hween X'pey (Elder Cedar) Nature Reserve (SXNR) is to:

³ The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) is an international instrument adopted by the United Nations on September 13, 2007, to enshrine (according to Article 43) the rights that “constitute the minimum standards for the survival, dignity and well-being of the indigenous peoples of the world.” The UNDRIP protects collective rights that may not be addressed in other human rights charters that emphasize individual rights, and it also safeguards the individual rights of Indigenous people. Canada signed in 2010.

- Preserve and protect, in perpetuity, the historical, natural and scenic values of SXNR;
- To allow natural succession of SXNR's ecosystems to occur unimpeded; and
- To protect the site in accordance with the objectives of the Islands Trust and Islands Trust Conservancy.

1.5 Protected Area Objectives

The Islands Trust Conservancy objectives for the management of SXNR are as follows:

- Support and protect continued use of areas of sacred and cultural significance by First Nations as per Section 35 of the Constitution Act⁴ and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP);
- Preserve the natural features and functioning of SXNR;
- To allow for continued, low impact recreational use and enjoyment of SXNR;
- To protect, and enhance where necessary, the natural succession processes of the plant and animal communities at the site;
- To ensure that permitted uses do not negatively impact the ecological attributes of SXNR; and
- To provide for educational and research opportunities, where deemed appropriate.

2. Property Information

The S'ul-hween X'pey (Elder Cedar) Nature Reserve is a 65.36 hectare (161.5 acres) property located in central Gabriola Island, just south of the northern shoreline. Its northwestern and northeastern corners are approximately 300 and 130 metres from the northern shoreline, respectively. The southern border of SXNR follows the northern boundary of North Road.

2.1 Location

SXNR is located on Gabriola Island, one of the Gulf Islands in the Strait of Georgia directly east of Nanaimo. A short ferry trip from Nanaimo provides access to Gabriola Island. SXNR is located a short drive east of the ferry terminal on North Road, along what local residents refer to as 'The Tunnel', a stretch of scenic tree-lined road favored by drivers and cyclists.

2.2 Legal description

SXNR includes those lands described as:

- Parcel Identification Number 026-664-453
- Block A, Section 16, Gabriola Island, Nanaimo District, Plan 57324

2.3 Legal Access

Legal access is from the southern part of SXNR that abuts North Road. Access to the northeastern corner of SXNR is also available from Windecker Road. This trail does not connect to the official loop, and only allows the public to view a small portion of SXNR before the trail crosses into federally managed land.

⁴ Section 35 of the Constitution Act, 1982 recognizes and affirms the existing aboriginal and treaty rights of the aboriginal peoples of Canada and the courts have stated that aboriginal rights include aboriginal title.

2.4 Landscape Context

SXNR is located in the Gulf of Georgia region (now known as part of the Salish Sea). This area has been traditionally occupied by several local groups primarily described as the Central Coast Salish (Suttles 1990). The Central Coast Salish are comprised of five distinct language groups known as the Halkomelem, Squamish, Nooksack, Northern Straits, and Clallam (Suttles 1990). Halkomelem speakers traditionally lived in an area ranging from Harrison Lake and the Fraser Canyon to the mouth of the Fraser River on the mainland, across the Gulf Islands, and along southeastern Vancouver Island (Suttles 1990: 453). Three different dialects of the Halkomelem language have been distinguished, dividing the group further into the Island Hul'q'umi'num, and the Upriver Halkomelem, and the Downriver Halkomelem. The Island Hul'q'umi'num speakers commonly occupied winter villages on southeastern Vancouver Island (Suttles 1990). SXNR is within the Traditional Territory of Snuneymuxw First Nation, speakers of the Island Hul'q'umi'num.

SXNR is located on the northern shores of Gabriola Island (see Figure 1), directly adjacent to the Salish Sea. Adjacent properties to the west and north are Federal lands under a Treaty Settlement with the Snuneymuxw First Nations (see Figure 2). This land extends west to where 707 Community Park intersects with North Road.

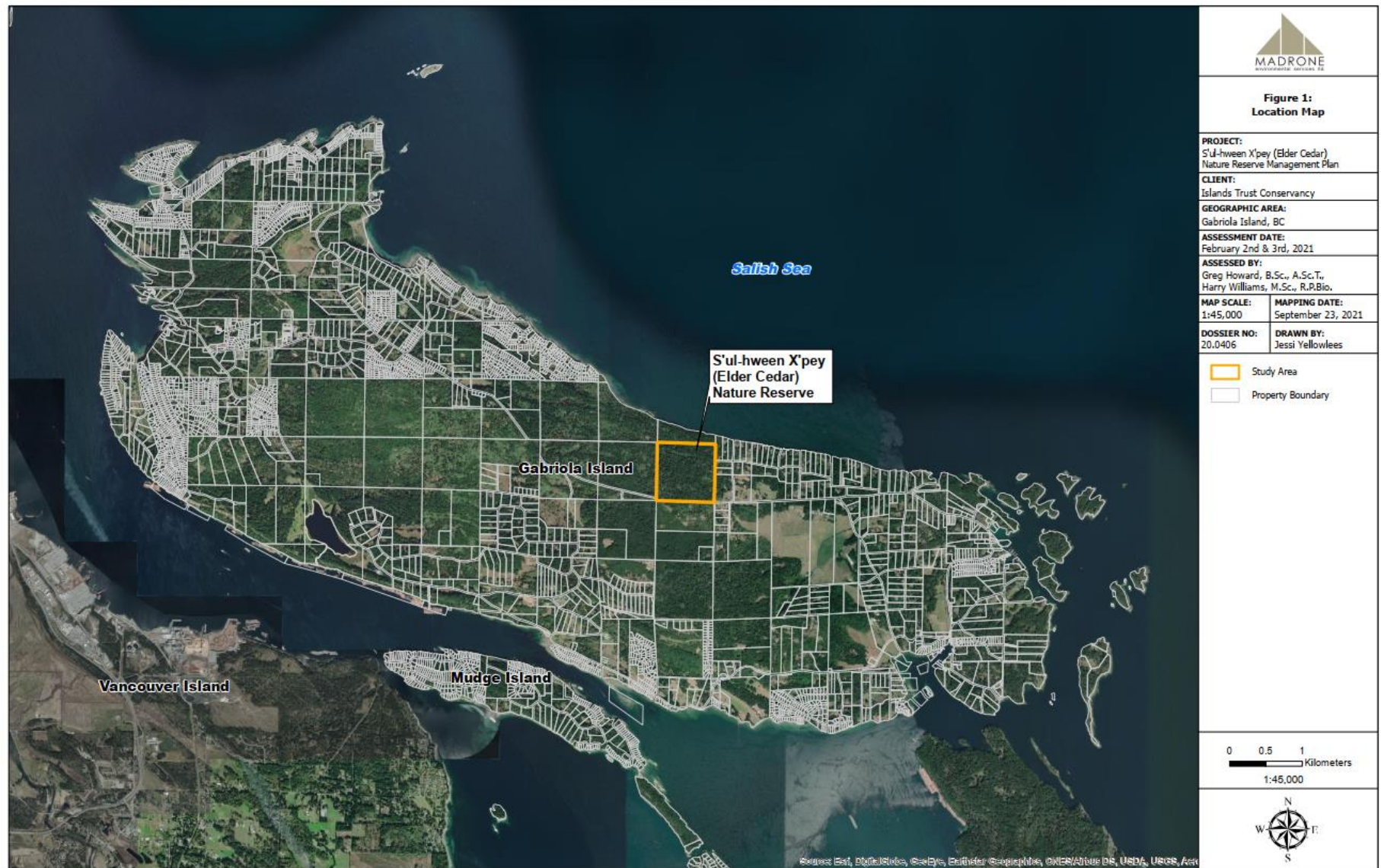


Figure 1. Location Map.

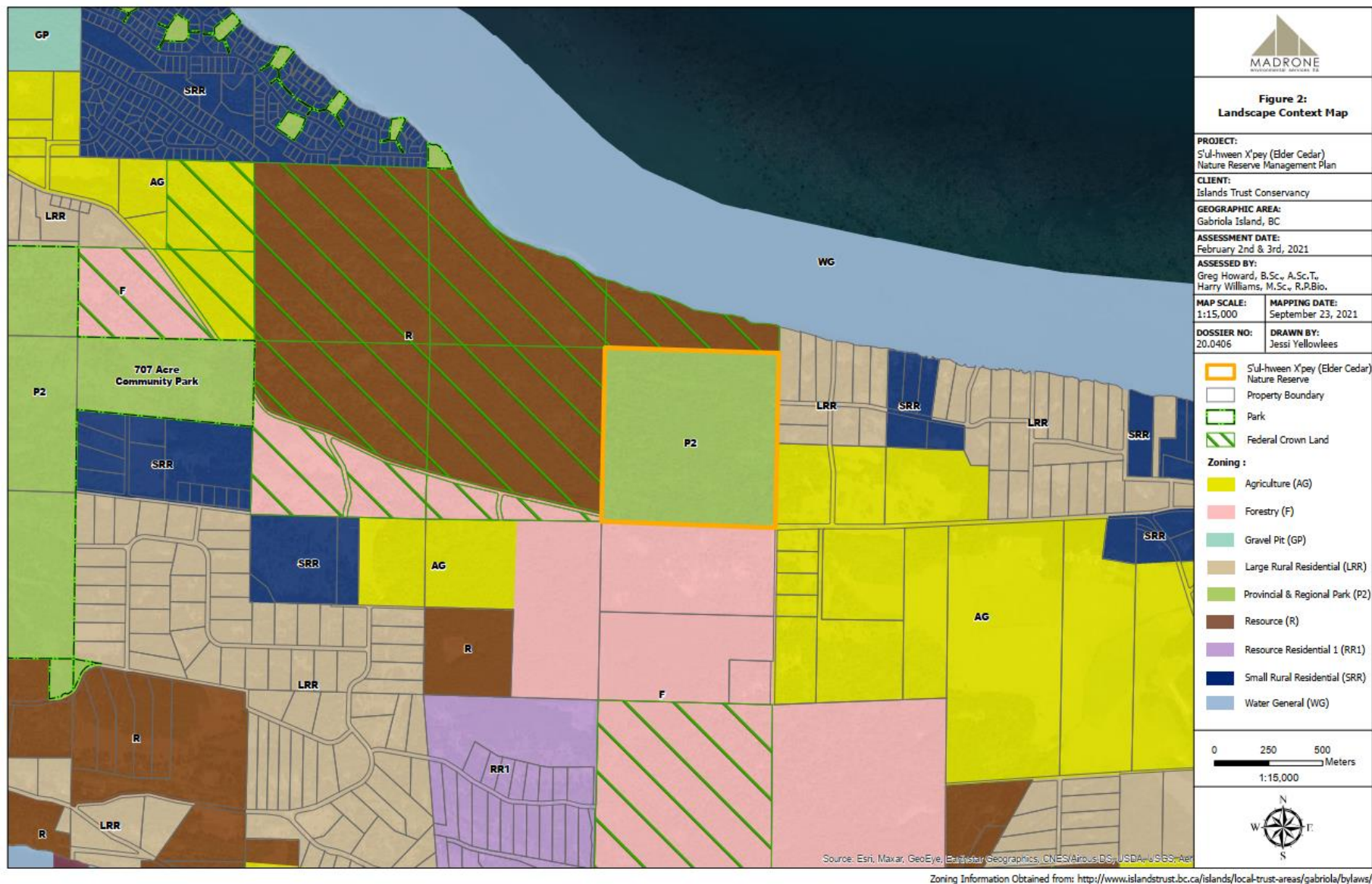


Figure 2. Landscape Context Map.

Lands to the south and southwest of SXNR are designated as forestry lands. Property along the east of SXNR includes multiple residential lots and agricultural land. Residential lots extend to the east along the island coastline, and agricultural lands extend to the east for approximately 1 km, and to the southeast for several kilometers.

2.5 Site History

Gabriola Island is within the treaty and territories of the Coast Salish People. The island has since time immemorial been the homeland and gathering place for First Peoples including the Cowichan Tribes, Halalt First Nation, Lyackson First Nation, Penelakut Tribe, SEMYOME (Semiahmoo) First Nation, Snuneymuxw First Nation, Stz'uminus (Chemainus) First Nation and Ts'uubaa-asatx (Lake Cowichan) First Nation; this rich history and cultural heritage continues to this day.

The ethnographic information for this region states that there were five or six associated local groups living in the Nanaimo area (Barnett 1935-1936, 1955: 22-23): the *kwelsiwlh*, the *teytexen*, the *yeshexen*, the *enwines*, the *xwsol'exwel*, and the *tletxw*. Although they are often referred to by their anglicized name, the “Nanaimo” First Nation, the groups are collectively known as the Snuneymuxw. These groups consisted of the household (established kin group) along with several dependent households or kin groups. The local group *tletxw* are identified as from a large and important village site called *Tle:ltxw* on Gabriola Island.

Tle:ltxw, located at False Narrow on Gabriola Island (approximately 2.7 km south of S'ul-hween X'pey), means “rich place” or “expensive dwellings” by the Snuneymuxw. *Tle:ltxw* was also known to be a burial place and regarded as a sacred site (Littlefield 2000: 2 – 4). In the spring, Snuneymuxw groups travelled to *Tle:ltxw* and other sites on Gabriola Island to collect camas, with each family having their own camas bed located along the bluffs of the island. Camas bulbs, usually slowly roasted in earthen pits filled with hot stones and dry foliage, were a staple food for people in the region, providing a substantial amount of carbohydrates and families usually owned and tended specific camas plots (Turner 1995). Early reports also noted that the False Narrows area was also rich in clam beds (Bouchard 1992: 11) and that the local groups visited Gabriola Island to obtain clams, a variety of fish species, eggs, vegetable foods, seal and sea lions. The importance of the False Narrows area as a clam digging location was also emphasized in recollections made by Snuneymuxw elders (Littlefield 2000: 3 – 4). The waters of False Narrows and Gabriola Passage were also known to be rich in salmon and cod and local groups often trolled in the vicinity of the shallow waters of False Narrows (Littlefield 2000: 5).

The forests of S'ul-hween X'pey (Elder Cedar) Nature Reserve were likely used by the Snuneymuxw to access the northern shoreline and for freshwater resources within SXNR. There is also potential for gathering of camas bulbs to occur in SXNR. The Snuneymuxw graciously excluded what is now known as S'ul-hween X'pey (Elder Cedar) from the Treaty Settlement on land to the north and west of SXNR to protect the ecological and historical values of the property. To recognize the rich First Nations history embedded within the site, the Islands Trust Conservancy with the assistance of Snuneymuxw linguist and elder Dr. Ellen

White, named the Reserve “S’ul-hween X’pey” which directly translates to “elder cedar”. However, this name it has a deeper meaning as it possesses connotations of unseen ancestors and guardians.

Logging events have occurred on Gabriola Island since the early twentieth century, which are evidenced in SXNR by remnant stumps dating back to that era. Fortunately, there are veteran Douglas-fir and Western red cedar trees that survived these events and are still standing today. Heavy logging occurred on Gabriola island in the late 1980s, where the provincial forest lands tenure included what is now SXNR. Weldwood of Canada Ltd. acquired the harvesting rights for surrounding properties in the 1980s, but SXNR itself was not logged. In 1992, the Gabriola community recognized special natural features on the land and sought out, with the Gabriola Conservancy, to request that the Islands Trust Fund (now Islands Trust Conservancy) apply for the property to be transferred for conservation purposes due to its high ecological importance.

By 1993, BC Parks recognized the area as an ‘important contribution needed in the ecological reserve system’. Triton Environmental Consultants conducted an ecological study of the property and additional woodlots in the area where provincially listed species and ecological communities were identified on the property. Ecological values were also confirmed by a provincial biologist in 1999 stating that the area contained ‘very high biodiversity values.’ Following these acknowledgements and observations, however, the area was never added to the BC Parks ecological reserve system.

In 2002, a resolution was passed by the Local Trust Committee for Gabriola Island supporting the property acquisition by the Islands Trust Conservancy. A revision in the Province’s Free Crown Land Grant program in 2004 was the final mechanism to have the Islands Trust Conservancy’s application to transfer the property for conservation purposes approved. Islands Trust Conservancy officially acquired the property in 2006. In 2012, a conservation covenant for SXNR was finalized between the Islands Trust Conservancy, the Gabriola Land and Trails Trust and the Nanaimo & Area Land Trust. The Gabriola Land and Trails Trust is the acting on-island management group on behalf of the Islands Trust Conservancy.

2.6 Anthropogenic Features

As due diligence, a query for known archaeological sites in or approximate to SXNR was conducted using the Provincial Database, Remote Access to Archaeological Data (RAAD). The closest known site is DhRw-14, an ancestral remains burial site located 760 m northwest. In addition to known archaeological sites RAAD also provides an archaeological predictive model for the region. SXNR does overlap with a small area of modeled archaeological potential on the northern boundary (Archaeology Branch 2021).

There are no buildings located on the property, as the land use designation and conservation covenant for SXNR prohibits the construction of buildings. The only constructed features observed on the property were the wooden boardwalks placed along the trail in seasonally moist areas, a directional sign at the north end of the trail loop, property boundary signs, a groundwater monitoring well, and the welcome sign at the trail loop entrance from North

Rd. A summary of these features and land modifications are described below in Table 1 and are shown in Figure 3.

Table 1 Anthropogenic Features in Elder Cedar Nature Reserve.

Anthropogenic Feature	Description	Condition	Photopoint Location
Boardwalks throughout the trail loop	Wooden boardwalk structures of varying length, approximately 24" wide.	Recent build (less than approximately 10 yrs old). In good condition.	P4, P6
Welcome sign	Large sign approximately 4' x 5' raised by two wooden posts.	No sign of rotting, starting to fade slightly. No repairs needed at this time	None
Reserve Boundary Sign	Embedded metal pole signage at surveyed corners of the property boundary; approximately 1.5 m in height. Sign is metal and approximately 30 cm X 20 cm.	Good condition, no signs of vandalism or degradation.	P9, P31, P33
Stepping stones on Stoney Creek	Stepping stones have been placed in the Stoney Creek channel allowing people to cross.	Rocks are in good condition, but high water levels evidently submerge the rocks and make the surface slippery.	P29
Groundwater Monitoring Well	Metal boxed structure mounted on a hollow metal pole feeding down into the groundwater aquifer	Good condition, no signs of vandalism or degradation.	P25
Trails	Walking trails for personal use throughout property as mapped	60 cm average cleared width	P2, P7, P8, P9, P12, P13, P14, P30, P33

2.7 Undersurface Rights

The registered owner of charge for undersurface rights is the Crown in right of British Columbia.



Figure 3. Anthropogenic Features.

2.8 Notations, Charges, Liens and Interests

No legal notations, charges, liens and/or interests exist on the property at this time.

In 2012, a Section 219 Conservation Covenant and Section 218 Statutory Right of Way (CA2621977) for SXNR was finalized between the Islands Trust Conservancy (the Owner), the Gabriola Land and Trails Trust and the Nanaimo & Area Land Trust. Collectively the Parties entered the agreement whereas:

- a) The Owner is the registered owner in fee simple of the Land;
- b) The Land contains significant natural area values and amenities including flora, fauna and natural features of great importance to the Owner, the Covenant Holders and the public;
- c) The Owner wishes and has agreed to grant the Covenant Holders a covenant pursuant to section 219 of the *Land Title Act*, to restrict the use of the Land, and a statutory right of way pursuant to section 218 of the *Land Title Act*;
- d) A statutory right of way in favour of each Covenant Holder is necessary for the operation and maintenance of the undertakings of each Covenant Holder;
- e) The Gabriola Land and Trails Trust has been designated by the minister under section 219(3)(c) of the *Land Title Act* and as a person authorized to accept statutory rights of way under section 218 of the *Land Title Act*; and
- f) The Nanaimo & Area Land Trust has been designated by the minister under section 219(3)(c) of the *Land Title Act* and as a person authorized to accept statutory rights of way under section 218 of the *Land Title Act*

The intent of the agreement was stated as follows:

- a) *To protect, preserve, conserve, maintain, enhance and, if applicable from time to time, restore the natural state of the Land and the Amenities as described in the Report; and*
- b) *To prevent any occupation or use of the Land that will impair or interfere with the natural state of the Land and the Amenities as described in the report.*

This conservation covenant on SXNR is effective in perpetuity.

2.9 Local Planning Designations

The Gabriola Island Land Use Plan (Bylaw No. 177, 1999)⁵ currently designates the property as 'Park 2' (Passive Recreation Community Park) and the parcel is designated as 'Park' in the Gabriola Island Official Community Plan (Bylaw No. 166, 1997)⁶. There is one Development Permit Area (DPA) on the property - DP-1, The Tunnel, located along the southern boundary of SXNR (See Figure 4). The purpose of this DPA is to maintain the natural values of the shrub and tree canopy along North Road by minimizing encroachment of subdivision roads, works/services, buildings, and structures.

⁵ <http://www.islandstrust.bc.ca/media/342215/blgb177-lub-consolidated-february-7-2017.pdf> [Accessed July 4, 2020]

⁶ <http://www.islandstrust.bc.ca/media/350052/blgb166-ocp-consolidated-sept-2-2019.pdf> [Accessed July 4, 2020]

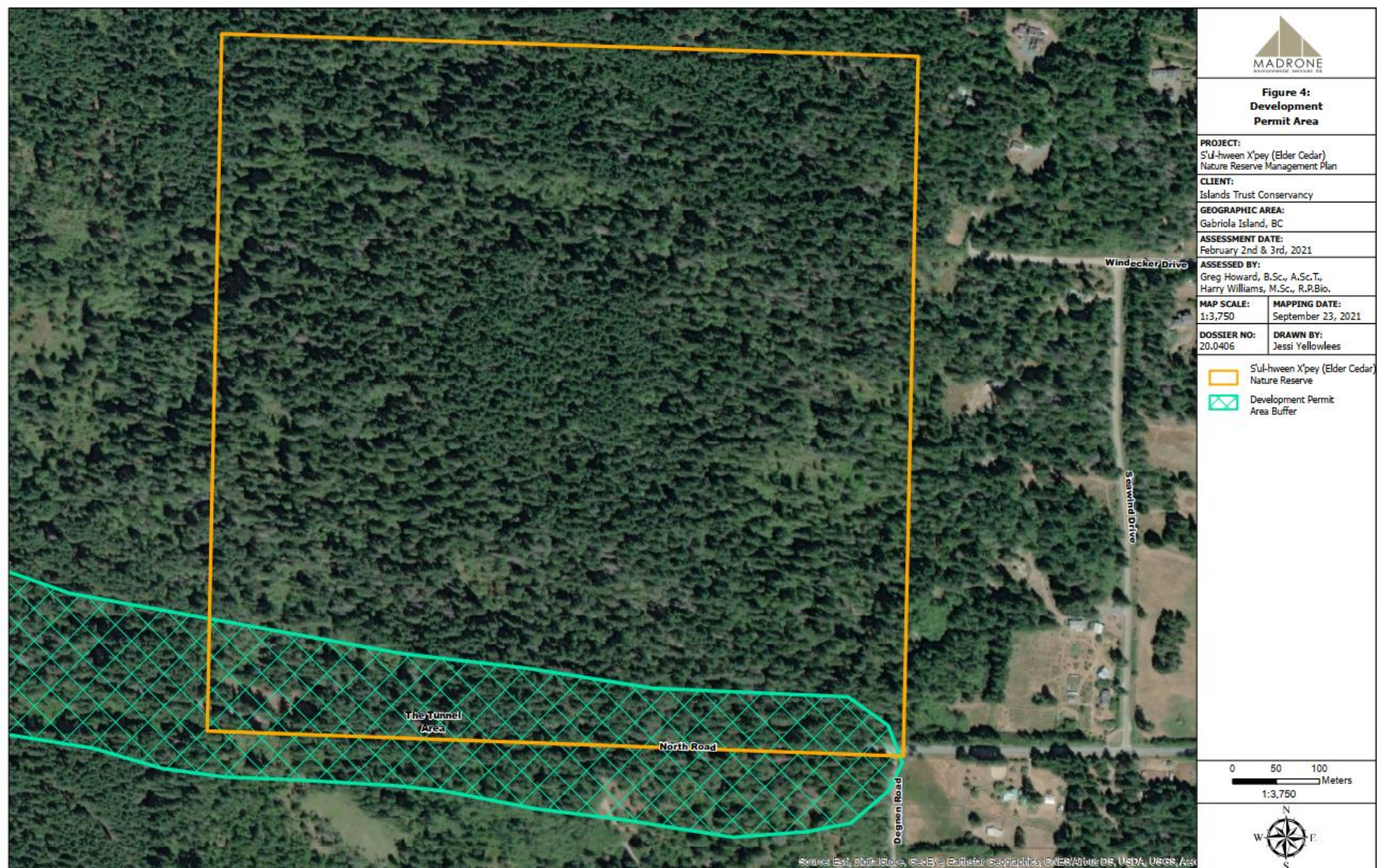


Figure 4. Development Permit Area.

DP-1 is consistent with the objectives specified in its Park 2 zoning where buildings are prohibited, and the only permissible development is for structures that would accommodate passive outdoor activities. There are wetlands and riparian areas mapped in SXNR, however, there are no Riparian DPAs designated within the property boundaries.

2.10 Existing Public and Other Use

Existing trail access public infrastructure feature locations are depicted in Figure 3 (Section 2.6). Currently there is one access point to the main trail loop, from a trail connected with North Road. An unpaved roadway leads from North Road, approximately 100 metres into SXNR where the main trail loop begins. Public access permits hiking, nature viewing, photography, and other low-impact activities that can be limited to designated trails. There is an access point located on the eastern boundary in the northern portion to the site, where there is a trail off Windecker Drive. This trail does not connect to the official loop, and only allows the public to view a small portion of SXNR before the trail crosses into private land.

Multiple boardwalks have been constructed throughout the main trail loop, and the northern trail in SXNR to prevent disturbance to seasonally inundated wetlands. These boardwalks, and the walking trails themselves have been maintained through efforts by the Islands Trust Conservancy and the Gabriola Land and Trails Trust. A groundwater monitoring well is also in SXNR, located in a disturbed area of land in the southwest corner.

3 Inventory by Ecological Community⁷

ITC acknowledges that there is a wealth of Traditional Ecological Knowledge and a long history of ecosystem stewardship among the First Nations whose territory encompasses SXNR. ITC will strive to work with First Nations knowledge holders to deepen its understanding, improve its stewardship practices, and, ultimately, support the transfer of Traditional Ecological Knowledge to younger generations within First Nations communities to ensure that it is not lost. At this time, the ecological information presented in this management plan was formed using systems that are based in foundations of Western science.

3.1 Ecological Significance

SXNR consists of a diverse forest taking on the characteristics of an old growth (<250 years old) forest in the Coastal Douglas-fir (CDF) Zone. Within the property boundaries, there are moisture-rich wetlands connected by a variety of streams/riparian areas with red alder (*Alnus rubra*) and bigleaf maple (*Acer macrophyllum*); dry upland forests with (*Arbutus menziesii*); and temperate moist forests where several large veteran Douglas-fir (*Pseudotsuga menziesii*) and Western red cedar (*Thuja plicata*) trees are observed throughout the property. Moist areas are covered by an array of mosses, herbs and shrubs that likely provide food and shelter for invertebrates. Drier sites are located on the northern end, where the arbutus trees occur and vegetation growth is generally stunted due to the

⁷ Ecological communities are used by the B.C. Conservation Data Centre and NatureServe to describe both forested and non-forested natural areas. More information about ecological communities, including descriptions of ecological communities in the Islands Trust Area, can be found on the B.C. Conservation Data Centre website.

lack of soil nutrients. Several large Wildlife Trees are scattered throughout the property with cavities of adequate size for all cavity nesters with potential to occur in the area.

To check for documented occurrence of rare species and/or ecological communities, queries were made in the BC Conservation Data Centre (CDC), the Wildlife Tree Stewardship Atlas, the Sensitive Ecosystem Inventory, e-Bird, along with reviewing previously conducted field surveys (e.g., Triton Environmental). Table 2a and 2b show the documented occurrences of rare species and ecological community documented as occurring though this background review.

Table 2a. Documented Occurrences of Ecosystems at Risk within S'ul-hween X'pey (Elder Cedar) Nature Reserve.

Ecological Community Name		Status		
English	Scientific	Provincial	BC List	Global
Douglas-fir/dull Oregon-grape	<i>Pseudotsuga menziesii</i> – <i>Mahonia nervosa</i>	S1 (2018)	Red	G2

Table 2. Documented Occurrences of Species at Risk within S'ul-hween X'pey (Elder Cedar) Nature Reserve.

Species Name		Status				
English	Scientific	Provincial	BC List	COSEWIC	SARA	Global
Northern Red-legged Frog	<i>Rana aurora</i>	S3 (2016)	Blue	Special Concern	Special Concern	G4 (2015)
Band-tailed Pigeon	<i>Patagioenas fasciata</i>	S3S4 (2015)	Blue	Special Concern	Special Concern (2011)	G4 (2016)
Western Screech-Owl	<i>Megascops kennicottii</i>	S4 (2015)	Yellow	Threatened	Threatened	G4G5 (2016)
Western Screech-Owl, <i>kennicottii</i> subspecies	<i>Megascops kennicottii kennicottii</i>	S2S3 (2017)	Blue	Threatened	Threatened (2005)	G4G5T4 (2016)
Townsend's Big-eared Bat	<i>Corynorhinus townsendii</i>	S3S4 (2015)	Blue	N/A	N/A	G4 (2016)

3.2 Climate

Climatic normals were obtained from weather data collected at the Gabriola Island Weather Station by Environment Canada between the years 1981 and 2010. This weather station is at an elevation of 46.00 m above sea level (ASL), approximately 1.6 km east of SXNR. Mean annual precipitation (rainfall) at the weather station was 922.9 mm and mean annual snowfall was 34.7 cm (Government of Canada 2021). The monthly averages for daily average, minimum and maximum temperature and monthly averages for precipitation are shown in Figure 5, below.

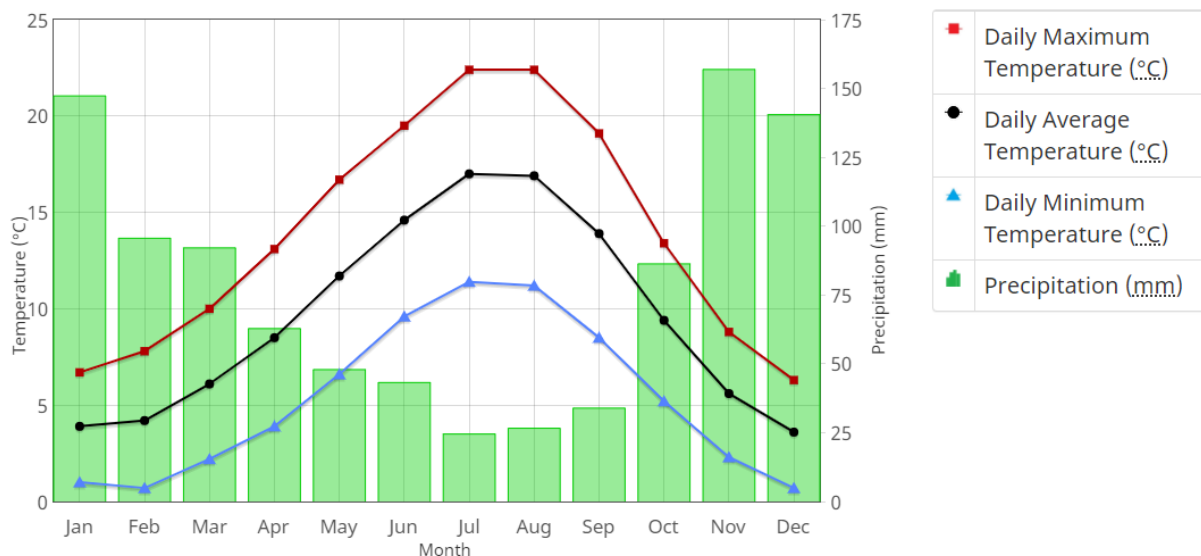


Figure 5. Maximum, average, and minimum monthly temperatures and average monthly rainfall from 1981-2010 at the Gabriola Island weather station monitored by Environment Canada.

A secondary source for historical climate modelling was consulted. A modelling program was developed by the University of British Columbia that incorporates historical climate data and uses it to model annual, seasonal and monthly variables at any given geographic point. This addresses differences in elevation and general location between the subject site and the weather station monitored by Environment Canada, which can sometimes be significant. This model provides a mean annual precipitation (rainfall) at SXNR of 1038 mm, and a mean annual snowfall of 46.0 cm (Wang et al. 2016).

3.3 Geology and Physiology

Bedrock mapping shows that SXNR, and the rest of Gabriola Island, is underlain by an Upper Cretaceous Nanaimo Group stratigraphic unit comprising of undivided sedimentary rocks⁸. The five uppermost formations that characterize Gabriola Island include the Gabriola, Spray, Geoffrey, Northcumberland and De Courcy formations.

Surficial geology reports have documented the north end of SXNR as underlain by the Geoffrey formation, comprised of arkosic arenite, sandstone and conglomerate. South of the Geoffrey formation is the Spray formation, comprised of mudstone, siltstone, sandstone and conglomerate. Mapped in the southeast region of SXNR is the Gabriola formation, comprised of arkosic arenite and conglomerate. The southern border of SXNR is characterized as a Quaternary formation, comprised of ice age sediments (glacial till, sand, gravel). (SRK Consulting 2013).

Only one geological fault line is present on the eastern end of Gabriola Island, approximately 2 km southeast of SXNR (BC Data Catalogue, 2011). This fault line does not present any concerns to SXNR due to the subdued topography and relative distance.

⁸ <https://maps.gov.bc.ca/ess/hm/imap4m/> [Accessed January 6, 2020]

3.4 Hydrology

SXNR is located on bedrock Aquifer 709⁹, which is characterized with high vulnerability and low productivity. The geometric mean static water level is 5.6 m. The direction of groundwater flow has not been determined but is likely linear along fractures flowing towards the Strait of Georgia to the north.

Surface flows in the southern half of SXNR generally flow to the east, draining into Stoney Creek, which meanders eastward in the southern portion of the property. Wetland areas on the south side of Stoney Creek demonstrate seasonal connectivity. It is unclear whether the wetland north of Stoney Creek along the western Reserve boundary is seasonally connected, but it is likely that all seasonal precipitation in that area is absorbed into the groundwater. In the southeastern corner of SXNR, Stoney Creek flows turn northward, paralleling the eastern border where it eventually receives flow from a manmade ditch. This ditch begins at a roadside ditch on the north side of North Road and flows north paralleling SXNR's eastern boundary until discharging into Stoney Creek. Shortly after this confluence between Stoney Creek and the manmade ditch, Stoney Creek flows eastward off the property.

Surface flows in the northwest section of SXNR are captured by an ungazetted stream that crosses through the northwestern corner of the property and continues north into the ocean. The wetland area in the middle-northern section of SXNR likely drains into this watercourse, but surface flow connectivity was not confirmed. Surface flows in the northeast portion of SXNR flow east onto adjacent properties, and ultimately to the ocean.

3.5 Soils

This general description of the soils in SXNR is similar to what was described in the 2008 Management Plan (Taara 2008). As mentioned in that report, the soils of SXNR, and their respective moisture and nutrient regimes, support the various ecosystems that exist on the property. Soils on SXNR are loamy (sandy loam or loamy sand) with a fairly high sand content, as a result of developing in proximity to sandstone.

Sandstone bedrock occurs at the surface in the northern part of SXNR, especially in the middle and eastern parts. Pockets of shallow soil support trees such as arbutus, and areas with very shallow soil are covered by herbs and grasses.

Soils elsewhere on SXNR are generally deeper and are sandy and well-drained. In wetter areas more silts and clays are found in the soil profile resulting in richer soils – such as along Stoney Creek. Soils in the interior areas of SXNR are well-drained but have reasonable moisture retention due to deeper soil. The largest trees in SXNR grow on these soils. The soils in the centre of SXNR are quite rocky, resulting in drier soils, and slower tree growth.

The slough sedge wetlands in SXNR occur on slightly gravelly mineral soil, but also have clay at depth. These soils are inundated in the winter, and likely stay moist until the late summer.

⁹ https://s3.ca-central-1.amazonaws.com/aquifer-docs/00700/AQ_00709_Aquifer_Mapping_Report.pdf
[Accessed January 6, 2021]

3.6 Ecological Classifications

SXNR is within the Eastern Vancouver Island Ecoregion of the Georgia Depression Ecoprovince. This Ecoprovince is characterized by heavy fall and winter rains that reach extreme levels from October to February. These are from either warm subtropical systems from the southwest, or temperate systems from the northeast Pacific via the Strait of Juan de Fuca (Demarchi 2011).

The entire Reserve is within the Coastal Douglas Fir moist mild (CDFmm) Biogeoclimatic Zone – which covers the Gulf Islands and occurs below 200 m in elevation on the east side of Vancouver Island. This zone is considered to have the mildest climate in Canada, with warm, dry summers and mild, wet winters (Green and Klinka 1994).

3.7 Ecological Communities and Site Series

Data was collected over two field days on February 2nd and 3rd, 2021. Weather conditions were mild, with partial cloud and minimal precipitation. Temperatures ranged from 2°C to 12°C throughout both field days. Forested ecosystems were mapped using the *Site Identification and Interpretation for the Vancouver Forest Region* (Green and Klinka 1994). Wetlands were classified based on the *Wetlands of BC: A Guide to Identification* (Mackenzie and Moran 2004).

The objectives of the ecosystem and vegetation sampling were to describe and collect data on the representative ecosystems and associated vegetation that occur on SXNR. Ecosystem sampling followed the protocols outlined in the provincial Land Management Handbook 25 – Field Manual for Describing Terrestrial Ecosystems (BC MoFR and BC MoE 2010). Data was recorded on the provincial Site Visit Form (FS1333). Sampling locations were chosen in representative areas (away from edges), and tree heights were estimated visually. Additional notes on management recommendations and to inform mapping were recorded on either paper or recorded with photos and GPS waypoints taken on an iPad.

All vegetation types specified in the previous management plan (Taara 2008) were sampled for in-field re-assessment. A total of 14 formal eco-plots (plots) were done using the methodology mentioned above. For each plot, the ecological classification of the forest was determined, and the observed plants were recorded. Most polygons have more than one ecological community present, so classification includes the dominant community, as well as the secondary ones, and other possible ecosystem types (not seen).

The map that was presented in the 2008 management report was refined to reflect the observations made in the field. The main edits were creating a new polygon along the length of Stoney Creek (polygon 20) and redrawing the lines of Polygon 10 so that the linework follows the wetland edges more accurately. Four new polygons were created for a total of 23 polygons, which are depicted in Figure 6.

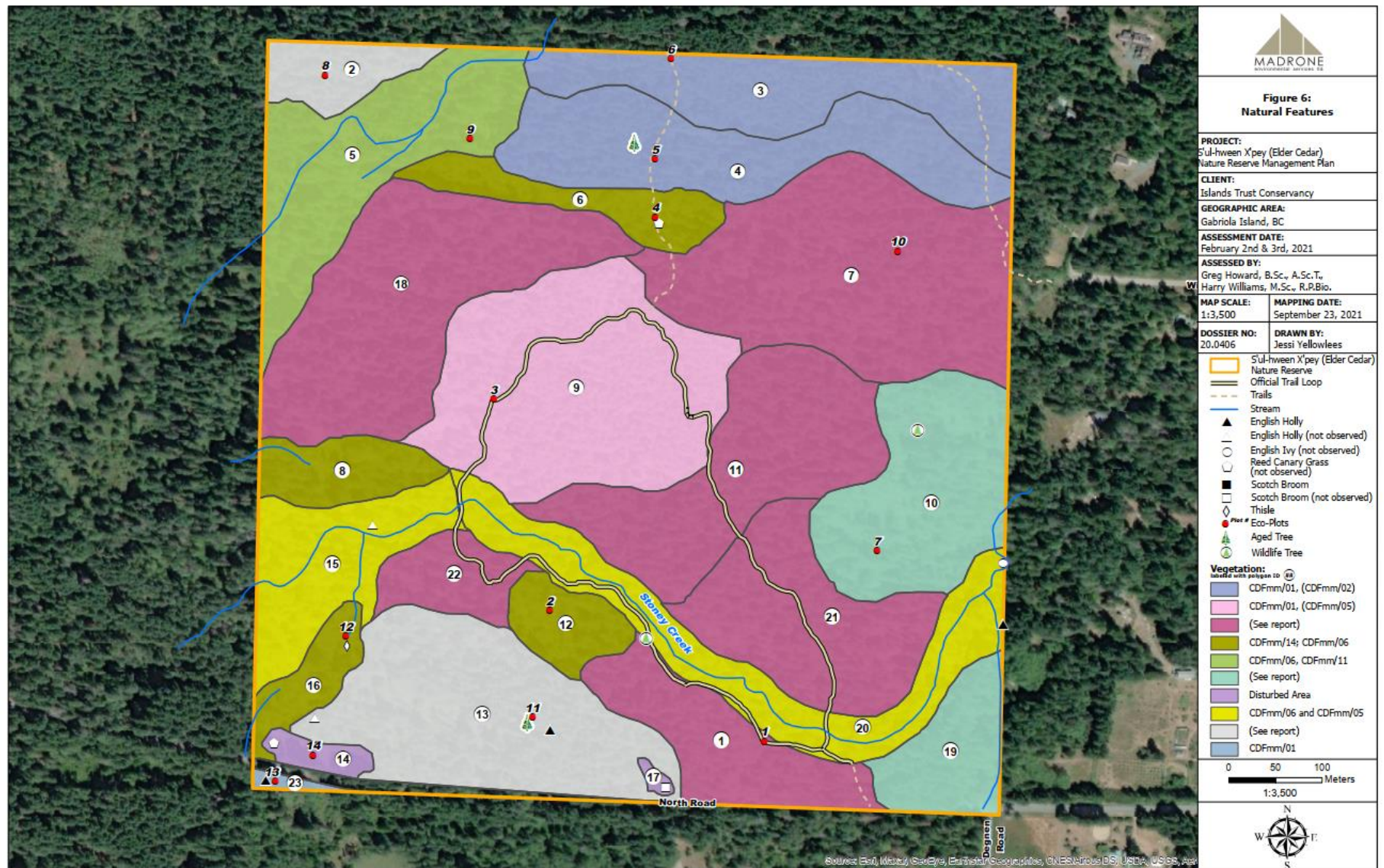


Figure 6. Natural Features.

Polygon 1

The dominant ecological community in this polygon is **Douglas-fir – Grand fir - Oregon Grape**, and includes trees of structural stages 6 (80-250 years) and 7 (>250 years). This is a **red-listed** plant community (site series CDFmm/04) (BCCDC 2021). Soils in this polygon are deeper than elsewhere in SXNR allowing for increased growth rates in all vegetation, as observed with large Douglas-fir and Western red cedar trees.

Polygon ID	1
Madrone Eco-Plot #	1
Vegetation Type (as designated by the 2008 management plan)	3
Dominant Ecological Community	Douglas-fir – Grand fir - Oregon Grape
Ecosystem Classification	CDFmm/04
Structural Stage (SS)	7 – Old Forest, also many mature trees present (Structural stage 6)
Status (BC List)	Red-listed
Photopoint(s)	P2
Ecological Community Description	This polygon has an impressive forest dominated by mature trees and many large, old Douglas-fir vets – often over 40m in height. Other trees include western red cedar, grand fir, bigleaf maple, and several scattered western yew trees. The understorey is dominated by sword fern, dull Oregon-grape, Oregon beaked moss, and scattered herbs. Soils are a little deeper in this polygon (than elsewhere in SXNR) providing a good rooting medium for trees.
Disturbance Notes	Little disturbance was seen in this polygon, aside from the trail. There were signs of historical logging activity such as old stumps. Some windfall trees were seen.
Anticipated Change/Succession	With time the mature trees will become old trees. Old forest is by definition uneven aged, the result of gaps being created by windfall and younger trees growing up. The gaps also provide growing opportunities for herbs and mosses. Deer grazing may impact the growth of young cedar, Douglas-fir, deciduous species and herbs
Wildlife observations	Wildlife Trees observed with large cavities, likely made by a Pileated Woodpecker (<i>Dryocopus pileatus</i>); Deer browse; Bald Eagles (<i>Haliaeetus leucocephalus</i>) and Common Ravens (<i>Corvus corax</i>) flying overhead.

Polygon 1: Vegetation Data

Common name	Scientific name	Main Canopy	Secondary Canopy	Shrub layer	Herb Layer	Moss and Lichens	Non-native	Notes
Douglas-fir	<i>Pseudotsuga menziesii</i>	30	20					MC: uneven aged with vets; 120-250yr, HT: 30-40m, DBH 60-105cm. SC: 40-120, HT 20-30, DBH: 30-60cm
big leaf maple	<i>Acer macrophyllum</i>		15					20-60yrs, HT10-25, DBH 15-45
red alder	<i>Alnus rubra</i>		5					20-55yrs, HT10-18, DBH 15-40
western redcedar	<i>Thuja plicata</i>	25	15	10				MC: uneven aged; 120-200yr, HT: 30-40m, DBH 60-110cm. SC: 60-120, HT 18-30, DBH: 30-60cm
grand fir	<i>Abies grandis</i>	5	10					MC: 80-120yrs, HT: 30-40m, DBH 60-95cm. SC: 60-120yrs, HT 18-30, DBH: 30-60cm
western yew	<i>Taxus brevifolia</i>			3				8 m tall, 70yrs, DBH 25 cm
red huckleberry	<i>Vaccinium parvifolium</i>			3				Growing on wood
salal	<i>Gaultheria shallon</i>			5				Growing on wood
dull Oregon grape	<i>Mahonia nervosa</i>			6				aka <i>Berberis nervosa</i>
bracken fern	<i>Pteridium aquilinum</i>				1			
wall lettuce	<i>Lactuca muralis</i>				1			
sword fern	<i>Polystichum munitum</i>				40			
thistle sp.	<i>Cirsium spp.</i>						1	
Grass species	<i>Poa spp.</i>				2			
orchard grass	<i>Dactylis glomerata</i>				1			
Groundsel sp.	<i>Senecio spp.</i>						1	
foamflower	<i>Tiarella trifolia</i>				2			
sweet-scented bedstraw	<i>Galium triflorum</i>							

coastal leafy moss	<i>Plagiomnium insigne</i>					5		
Oregon beaked moss	<i>Kindbergia oregana</i>					25		aka <i>Eurhynchium oreganum</i>
stepmoss	<i>Hylocomnium splendens</i>					5		Growing on wood
Tree moss	<i>Climacium dendroides</i>					2		
rough moss	<i>Claopodium crispum</i>					2		
Totals		60	65	27	47	39	2	

Polygon 2

The dominant ecological community in this polygon is **Douglas-fir – Salal** and includes trees in structural stage 5 (40-80 years). Judging by the approximate age of the trees in this polygon, logging activities occurred sometime at least 40 years ago. Salal is dense in this area and is at a height of at least 1 m. Well-used trails run through this polygon.

Polygon ID	2
Madrone Eco-Plot #	8
Vegetation Type (as designated by the 2008 management plan)	1a
Dominant Ecological Community	Douglas-fir – Salal
Ecosystem Classification	CDFmm/01
Structural Stage (SS)	5 – young even-aged forest, no vets seen
Status (BC List)	N/A
Photopoint(s)	P13
Ecological Community Description	This polygon has well-drained soils on gentle slopes. The forest is an even-aged stand dominated by young Douglas-fir. Douglas-fir – Salal plant is the dominant plant community. Other species seen were young western red-cedar and grand fir, and scattered arbutus. Salal cover is high, and moss cover is also high.
Disturbance Notes	Judging by the age of the trees, this polygon was likely logged about 40 years ago. A well-used trail runs through the polygon and deer browse is common in places.
Anticipated Change/Succession	With a forest dominated by Douglas-fir, it is expected that this will continue to the dominant tree in this polygon, with a minor component of western red cedar and grand fir.
Wildlife observations	Deer browse; and Common Ravens (<i>Corvus corax</i>) flying overhead.

Polygon 2: Vegetation Data

Common name	Scientific name	Main Canopy	Secondary Canopy	Shrub Layer	Herb Layer	Moss and Lichens	Non-native	Notes
Douglas-fir	<i>Pseudotsuga menziesii</i>	45	15					MC: even aged; 35-50yrs, HT: 18-25m, DBH 12-20cm. SC: 20-35yrs, HT 8-18m, DBH: 8-18 cm
western redcedar	<i>Thuja plicata</i>		5	3				SC: 20-30yrs; HT: 8-15m, DBH 10-16cm.
red alder	<i>Alnus rubra</i>		5	3				SC: 20-35yrs; HT: 8-15m, DBH: 12-20cm.
grand fir	<i>Abies grandis</i>		5	3				SC: 15-30yrs; HT: 6-8m, DBH: 10-15cm.
western hemlock	<i>Tsuga heterophylla</i>		5	4				SC: 15-30yrs; HT: 5-8m, DBH: 10-15cm.
red huckleberry	<i>Vaccinium parvifolium</i>			2				Growing on old logs and stumps
evergreen blueberry	<i>Vaccinium ovatum</i>			2				
salal	<i>Gaultheria shallon</i>			52				Widespread on site
dull Oregon grape	<i>Mahonia nervosa</i>			5				aka <i>Berberis nervosa</i>
hairy honeysuckle	<i>Lonicera hispidula</i>			2				
ocean spray	<i>Holodiscus discolor</i>			4				
twinflower	<i>Linnaea borealis</i>				4			
sword fern	<i>Polystichum munitum</i>				4			
western fescue	<i>Festuca occidentalis</i>				1			In tiny openings
yerba buena	<i>Satureja douglasii</i>				1			In tiny openings
rattlesnake-plantain	<i>Goodyera oblongifolia</i>				2			In mossy areas
Oregon beaked moss	<i>Kindbergia oregana</i>					30		aka <i>Eurhynchium oreganum</i>
stepmoss	<i>Hylocomnium splendens</i>					25		Growing on wood
broom moss	<i>Dicranum scoparium</i>					4		

electrified cat's tail moss	<i>Rhytidiadelphus triquetrus</i>					3		
TOTALS		45	35	80	12	62	0	

Polygon 3

The dominant ecological community in this polygon is **Douglas-fir – Salal**, with a secondary unit of **Douglas-fir- Lodgepole pine – Arbutus**. This forest includes even-aged trees in structural stage 5. Well-drained, shallow soils encapsulate this area, and in canopy gaps, arbutus trees are observed. Other areas with canopy gaps consist of grasses, mosses and herbs.

Polygon ID	3
Madrone Eco-Plot #	6
Vegetation Type (as designated by the 2008 management plan)	1a
Dominant Ecological Community	Douglas-fir – Salal; secondary unit Cedar – Douglas-fir- Lodgepole pine – Arbutus
Ecosystem Classification	CDFmm/01, (CDFmm/02)
Structural Stage (SS)	5 – young even-aged forest, no vets seen
Status (BC List)	N/A
Photopoint(s)	P9
Ecological Community Description	This polygon has well-drained shallow soils. The forest is even-aged and dominated by young Douglas-fir. Douglas-fir - Salal plant is the dominant plant community, however Douglas-fir – Lodgepole pine – Arbutus is also present on thin soils over bedrock and in gaps.
Disturbance Notes	This polygon has signs of logging activity dating from the 1980's or 1990's – judging by the age of the trees now growing. Deer browse is high in places. A trail runs through the polygon, and the polygon borders the property to the north which is used by the public.
Anticipated Change/Succession	With a forest dominated by Douglas-fir, it is expected that this will continue to the dominant tree in this polygon, with a minor component of arbutus, cedar and grand fir.
Wildlife observations	Deer browse; and Common Ravens (<i>Corvus corax</i>) flying overhead.

Polygon 3: Vegetation data

Common name	Scientific name	Main Canopy	Secondary Canopy	Shrub Layer	Herb Layer	Moss and Lichens	Non-native	Notes
Douglas-fir	<i>Pseudotsuga menziesii</i>	65	16					MC: even aged; 35-50yrs, HT: 12-20m, DBH 12-20cm. SC: 20-35yrs, HT 8-12m, DBH: 8-15 cm
western redcedar	<i>Thuja plicata</i>		5	3				SC: 20-35yrs; 8-12m, DBH 10-20cm.
arbutus	<i>Arbutus menziesii</i>		4					SC: 20-35yrs; 8-15m, DBH 12-20cm.
grand fir	<i>Abies grandis</i>		5	2				SC: 20-30yrs; 6-12m, DBH 10-20cm.
red huckleberry	<i>Vaccinium parvifolium</i>			4				Growing on wood
evergreen blueberry	<i>Vaccinium ovatum</i>			2				
salal	<i>Gaultheria shallon</i>			30				
dull Oregon grape	<i>Mahonia nervosa</i>			8				aka <i>Berberis nervosa</i>
hairy honeysuckle	<i>Lonicera hispidula</i>			3				
ocean spray	<i>Holodiscus discolor</i>			2				
falsebox	<i>Pachistima myrsinites</i>			1				
Pacific sanicle	<i>Sanicula crassicaulis</i>				2			
bracken fern	<i>Pteridium aquilinum</i>				2			
twinflower	<i>Linnaea borealis</i>				3			
sword fern	<i>Polystichum munitum</i>				3			

licorice fern	<i>Polypodium glycyrrhiza</i>				1			
western fescue	<i>Festuca occidentalis</i>				2			
rattlesnake-plantain	<i>Goodyera oblongifolia</i>				1			
prince's pine	<i>Chimaphila umbellata</i>				2			
Oregon beaked moss	<i>Kindbergia oregana</i>					30		aka <i>Eurhynchium oreganum</i>
stepmoss	<i>Hylocomnium splendens</i>					28		Growing on wood
broom moss	<i>Dicranum scoparium</i>					5		
electrified cat's tail moss	<i>Rhytidiadelphus triquetrus</i>					6		
juniper haircap moss	<i>Polytrichum juniperinum</i>					1		
Totals		65	30	55	13	70		

Polygon 4:

The dominant ecological community in this polygon is **Douglas-fir – Salal**, with a secondary unit of **Douglas-fir- Lodgepole pine – Arbutus**. This forest includes trees of varying age, with the majority classified as structural stage 6 (80-250 years), with scattered old (>250 years) Douglas-fir trees. One Douglas-fir tree was cored in this polygon and aged to approximately 250 years old. Well-drained, shallow soils encapsulate this area, and in canopy gaps, arbutus trees are observed. Other areas with canopy gaps consist of grasses, mosses and herbs.

Polygon ID	4
Madrone Eco-Plot #	5
Vegetation Type (as designated by the 2008 management plan)	1b
Dominant Ecological Community	Douglas-fir – Salal, secondary unit Douglas-fir- Lodgepole pine – Arbutus
Ecosystem Classification	CDFmm/01, (CDFmm/02)
Structural Stage (SS)	6 – mature forest, with scattered old Douglas-fir vets
Status (BC List)	N/A
Photopoint(s)	P7
Ecological Community Description	This polygon has well-drained soils, but shallow over bedrock in places. The stand is an uneven-aged forest with a mix of young, mature, and old trees. Douglas-fir - is the dominant plant community, however Douglas-fir – Lodgepole pine – Arbutus is present on dry sites and near bedrock (however, no lodgepole pine was seen).
Disturbance Notes	This polygon has signs of logging activity dating from the 1960's or 1970's – remaining stumps are still visible. Deer browse is high in places. A trail runs through the polygon.
Anticipated Change/Succession	With a forest dominated by Douglas-fir, it is expected that this will continue to the dominant tree in this polygon, with a minor component of arbutus, cedar and grand fir. Gaps occur on shallow soil over bedrock – these have a higher cover of grasses and herbs.
Wildlife observations	Common Ravens (<i>Corvus corax</i>) flying overhead.

Polygon 4: Vegetation Data

Common name	Scientific name	Main Canopy	Secondary Canopy	Shrub Layer	Herb Layer	Moss and Lichens	Non-native	Notes
Douglas-fir	<i>Pseudotsuga menziesii</i>	10	40	5				MC: un-even aged; 80-160yrs, HT: 15-25m, DBH 40-65cm. SC: 8-15yrs, HT 8-12m, DBH: 20-40 cm
western redcedar	<i>Thuja plicata</i>		10					SC: 35-55yrs; 12-20m, DBH 20-55cm.
arbutus	<i>Arbutus menziesii</i>		5					SC: 25-45yrs; 8-15m, DBH 15-25cm.
grand fir	<i>Abies grandis</i>		5					SC: 25-35 yrs; 8-12m, DBH 15-25cm.
red huckleberry	<i>Vaccinium parvifolium</i>			4				Growing on wood
salal	<i>Gaultheria shallon</i>			15				
dull Oregon grape	<i>Mahonia nervosa</i>			10				aka <i>Berberis nervosa</i>
hairy honeysuckle	<i>Lonicera hispidula</i>			5				
Pacific sanicle	<i>Sanicula crassicaulis</i>				2			
bracken fern	<i>Pteridium aquilinum</i>				2			
twinlineflower	<i>Linnaea borealis</i>				4			
sword fern	<i>Polystichum munitum</i>				5			
licorice fern	<i>Polypodium glycyrrhiza</i>				2			
western fescue	<i>Festuca occidentalis</i>				1			
Oregon beaked moss	<i>Kindbergia oregana</i>					15		aka <i>Eurhynchium oreganum</i>

stepmoss	<i>Hylocomnium splendens</i>					5		Growing on wood
Tree moss	<i>Climacium dendroides</i>					2		
rough moss	<i>Claopodium crispum</i>					1		
Totals	Totals	10	60	34	16	23	0	

Polygon 5

The dominant ecological community in this polygon is **Western redcedar – Grand fir – Foamflower** and includes trees of structural stages 6. This is an area of increased soil moisture, as it collects surface and subsurface flows from adjacent areas ultimately discharging into the stream flowing through it. Western redcedar - Grand fir – Foamflower is the dominant plant community, with small swampy areas close to the creek (Western redcedar - skunk cabbage plant community).

Polygon ID	5
Madrone Eco-Plot #	9
Vegetation Type (as designated by the 2008 management plan)	5
Dominant Ecological Community	Western redcedar - Grand Fir – Foamflower, with Western redcedar – skunk cabbage in smaller areas.
Ecosystem Classification	CDFmm/06, CDFmm/11
Structural Stage (SS)	6 – Mature uneven-aged forest, scattered vets seen
Status (BC List)	N/A
Photopoint(s)	P16
Ecological Community Description	This polygon has a stream running through it, with areas of moist forest adjacent to it. The forest is uneven-aged and dominated by large Douglas-fir, cedar, and grand fir. Western redcedar - Grand fir – Foamflower is the dominant plant community, with small swampy areas close to the creek (Western redcedar - Skunk Cabbage plant community). Other species seen were big leaf maple, western hemlock, and red alder. The soils in this polygon are rich.
Disturbance Notes	Parts of the polygon have been logged – an old skid road was seen. However, some large trees are present, suggesting that the area was logged selectively.
Anticipated Change/Succession	With a forest dominated by Douglas-fir and Cedar, it is expected that these will continue to be the dominant trees in this polygon, with a minor deciduous component of maple and alder.
Wildlife observations	Deer browse; and Common Ravens (<i>Corvus corax</i>) flying overhead.

Polygon 5 Vegetation Data

Common name	Scientific name	Main Canopy	Secondary Canopy	Shrub Layer	Herb Layer	Moss and Lichens	Non-native	Notes
Douglas-fir	<i>Pseudotsuga menziesii</i>	15	10					MC: un-even aged w. vets; 80-160yrs, HT: 25-35m, DBH 65-95 cm. SC: 30-80 yrs, HT 15-35m, DBH: 30-60 cm
red alder	<i>Alnus rubra</i>		8	5				SC: 30-45yrs; 12-16m, DBH 15-35cm.
western redcedar	<i>Thuja plicata</i>	15	15	4				MC: 80-120yrs, HT: 25-35M, DBH: 70-105cm. SC: 40-80yrs; 15-25m, DBH 30-70cm.
grand fir	<i>Abies grandis</i>	5		2				SC: 40-75 yrs; 20-30m, DBH 50-80 cm.
western hemlock	<i>Tsuga heterophylla</i>		2	2				SC: 40-70 yrs; 15-25m, DBH 40-60 cm.
red huckleberry	<i>Vaccinium parvifolium</i>			2				Growing on wood
salmon berry	<i>Rubus spectabilis</i>			2				
salal	<i>Gaultheria shallon</i>			35				
dull Oregon grape	<i>Mahonia nervosa</i>			4				aka <i>Berberis nervosa</i>
bracken fern	<i>Pteridium aquilinum</i>				2			
deer fern	<i>Blechnum spicant</i>				2			
sword fern	<i>Polystichum munitum</i>				12			
slough sedge	<i>Carex obnupta</i>				5			
common rush	<i>Juncus effusus</i>				2			
grass species	<i>Poa spp.</i>				2			
nodding wood reed	<i>Cinna latifolia</i>				2			
foamflower	<i>Tiarella trifolia</i>				2			
sweet-scented bedstraw	<i>Galium triflorum</i>				1			
coastal leafy moss	<i>Plagiomnium insigne</i>					4		

Oregon beaked moss	<i>Kindbergia oregana</i>					15		aka <i>Eurhynchium oreganum</i>
tree moss	<i>Climacium dendroides</i>					3		
Step moss	<i>Hylocomnium splendens</i>					10		
Totals		35	35	56	30	32		

Polygons 6, 8, 12, & 16

These polygons are all **Western redcedar – Slough Sedge** wetlands, and surrounding forests are classified as the Western redcedar – Grand fir - Foamflower community. Red alder and bigleaf maple are observed along the fringes of these wetlands. With fairly rich soils, these polygons could eventually have impressive forests of redcedar with a minor component of maple and alder.

Polygon ID	6, 8, 12, 16 (These polygons have similar ecological attributes)
Madrone Plot #	2, 4, 12
Vegetation Type (as designated by the 2008 management plan)	4
Dominant Ecological Community	Western redcedar – Slough Sedge wetland; the adjoining community is Western redcedar – Grand fir - Foamflower
Ecosystem Classification	CDFmm/14; CDFmm/06
Structural Stage (SS)	2b – graminoid herb (wetland); 5- 6 young to mature (forested portions)
Status (BC List)	N/A
Photopoint(s)	P3, P6, P19, P23
Ecological Community Description	These 4 polygons contain Western redcedar – Slough Sedge wetlands as well as areas of moist open forest. The wetlands have fringes of small alder and maple trees, with the main portion of the wetlands dominated by slough sedge (<i>Carex obnupta</i>)
Disturbance Notes	These polygons have historical logging activity – some of the remaining stumps are still visible. Deer browse is common, and some windfall trees were seen.
Anticipated Change/Succession	Over time these wetlands should remain relatively unchanged, but the trees elsewhere in the polygon will develop into mature and old trees. With fairly rich soils these polygons could eventually have impressive forests of cedar with a minor component of maple and alder. Some of the forest gaps have young trees as well as herbs. Deer grazing may impact the growth of young cedar, Douglas-fir, and deciduous species.
Wildlife observations	Deer browse; Bald Eagles (<i>Haliaeetus leucocephalus</i>) and Common Ravens (<i>Corvus corax</i>) flying overhead.

Polygons 6, 8, 12, & 16: Vegetation Data

Common name	Scientific name	Main Canopy	Secondary Canopy	Shrub Layer	Herb Layer	Moss and Lichens	Non-native	Notes
big leaf maple	<i>Acer macrophyllum</i>		5					Along perimeter of wetland; HT: 10-15, DBH:15-25
red alder	<i>Alnus rubra</i>		5					Along perimeter of wetland; HT: 8-15, DBH:15-20, alder snags present
western redcedar	<i>Thuja plicata</i>		4					Along perimeter of wetland; HT: 12-14, DBH 10-20
grand fir	<i>Abies grandis</i>			3				Along perimeter on raised areas
Pacific crab-apple	<i>Malus fusca</i>			3				Along perimeter in moist areas
Red huckleberry	<i>Vaccinium parvifolium</i>							Growing on wood
salal	<i>Gaultheria shallon</i>							On stumps
hardhack (Douglas spirea)	<i>Spiraea douglasii</i>			5				
salmonberry	<i>Rubus spectabilis</i>			5				
bracken fern	<i>Pteridium aquilinum</i>				2			
lady fern	<i>Athyrium filix-femina</i>				2			
slough sedge	<i>Carex obnupta</i>				60			
sword fern	<i>Polystichum munitum</i>				10			
thistle sp.	<i>Cirsium spp.</i>						2	
Grass species	<i>Poa spp.</i>				4			
orchard grass	<i>Dactylis glomerata</i>						1	
Common horsetail	<i>Equisetum vulgare</i>				5			
groundsel sp.	<i>Senecio spp.</i>						1	
coastal leafy moss	<i>Plagiomnium insigne</i>					15		
Tree moss	<i>Climacium dendroides</i>					5		
TOTALS			14	16	83	20	4	

Polygon 7

Similar to Polygon 1, Polygon 7 has a dominant ecological community of **Douglas-fir – Grand fir - Oregon Grape**, and includes trees of structural stages 7 (>250 years), with a minor assemblage of mature trees (structural stage 6). This is a **red-listed** plant community (site series CDFmm/04). Soils in this polygon provide a good rooting medium for trees, with loamy rich textures. Wet pockets exist in this polygon, where there are minor components of Western redcedar – Grand fir – Foamflower communities.

Polygon ID	7
Madrone Plot #	10
Vegetation Type (as designated by the 2008 management plan)	3
Dominant Ecological Community	Douglas-fir – Grand fir – Oregon grape
Ecosystem Classification	CDFmm/04, CDFmm/06
Structural Stage (SS)	7 – Old forest, with Mature trees present (uneven-aged forest)
Status (BC List)	Red-listed
Photopoint(s)	P17
Ecological Community Description	This polygon is similar to polygon 1 – a forest dominated by large old and mature Douglas-fir and cedar. Soils are loamy, rich, and well-drained, providing a good rooting medium for these trees. The forest is uneven-aged forest with the dominant plant community being Douglas-fir - Grand Fir – Oregon grape. There is a minor component of Cedar – Grand fir – Foamflower in wet areas. Other tree species present are big leaf maple, western hemlock, and red alder.
Disturbance Notes	Parts of the polygon have been logged – but many years ago. The trail from Windecker Road goes through part of the polygon. Deer browse is high in areas, which will impact herbs, wildflowers, and young trees.
Anticipated Change/Succession	With a forest dominated by Douglas-fir and Cedar, it is expected that these will continue to be the dominant trees in this polygon, with a minor component of grand fir, maple, and alder.
Wildlife observations	Deer browse; Bald Eagles (<i>Haliaeetus leucocephalus</i>) and Common Ravens (<i>Corvus corax</i>) flying overhead.

Polygon 7: Vegetation Data

Common name	Scientific name	Main Canopy	Secondary Canopy	Shrub Layer	Herb Layer	Moss and Lichens	Non-native	Notes
Douglas-fir	<i>Pseudotsuga menziesii</i>	15	10					MC: un-even aged w. vets; 120-250yrs, HT: 30-40m, DBH 75-95 cm. SC: 70-120 yrs, HT 20-30m, DBH: 45-75 cm
red alder	<i>Alnus rubra</i>		3					SC: 30-45yrs; 12-16m, DBH 15-35cm.
western redcedar	<i>Thuja plicata</i>	10	25					MC: 80-140yrs, HT: 25-35M, DBH: 70-105cm. SC: 40-80yrs; 15-25m, DBH 30-70cm.
grand fir	<i>Abies grandis</i>		5					SC: 40-75 yrs; 20-25m, DBH 55-80 cm.
western hemlock	<i>Tsuga heterophylla</i>		5	4				SC: 40-70 yrs; 15-25m, DBH 40-60 cm.
red huckleberry	<i>Vaccinium parvifolium</i>			2				Growing on rotting wood
salal	<i>Gaultheria shallon</i>			10				
dull Oregon grape	<i>Mahonia nervosa</i>			16				aka <i>Berberis nervosa</i>
sword fern	<i>Polystichum munitum</i>				30			
foamflower	<i>Tiarella trifolia</i>				2			
Columbia brome	<i>Bromus vulgaris</i>				1			
sweet-scented bedstraw	<i>Galium triflorum</i>				2			
coastal leafy moss	<i>Plagiomnium insigne</i>					5		
Oregon beaked moss	<i>Kindbergia oregana</i>					35		aka <i>Eurhynchium oreganum</i>
stepmoss	<i>Hylocomnium splendens</i>					10		Growing on wood
wavy-leaved cotton moss	<i>Plagiothecium undulatum</i>					1		
rough moss	<i>Claopodium crispum</i>					5		
TOTALS		35	48	32	35	56		

Polygon 9

The dominant ecological community in this polygon is **Douglas-fir – Salal**, with a secondary unit of **Douglas-fir- Oregon Beaked Moss**. This area encompasses a young forest of structural stage 5, with sporadic mature trees. The majority of the polygon has well-drained, medium rich soils supporting the dominant community, and wetter soils encapsulate the secondary unit.

Polygon ID	9
Madrone Plot #	3
Vegetation Type (as designated by the 2008 management plan)	2
Dominant Ecological Community	Douglas-fir – Salal, Secondary unit Western redcedar – Douglas-fir- Oregon Beaked moss.
Ecosystem Classification	CDFmm/01, (CDFmm/05)
Structural Stage (SS)	5 – young forest (with a few scattered mature trees)
Status (BC List)	N/A
Photopoint(s)	P5
Ecological Community Description	This polygon has well-drained, and medium rich soils, which support an even-aged forest with a young Douglas-fir - Salal plant community. In wetter portions along the west side of the polygon there are some occurrences of the Western redcedar – Douglas-fir – <i>Kindbergia</i> plant community
Disturbance Notes	This polygon has signs of more recent logging activity (1960's or 1970's) – remaining stumps are still visible.
Anticipated Change/Succession	With a forest dominated by Douglas-fir, it is expected that this will continue to the dominant tree in this polygon. There are few gaps in this even-aged forest.
Wildlife observations	Deer browse observed

Polygon 9: Vegetation Data

Common name	Scientific name	Main Canopy	Secondary Canopy	Shrub Layer	Herb Layer	Moss and Lichens	Non-native	Notes
Douglas-fir	<i>Pseudotsuga menziesii</i>	20	15					MC: uneven aged; 80-160yr, HT: 25-35m, DBH 55-75cm. SC: 40-80, HT 20-25, DBH: 30-55cm
red alder	<i>Alnus rubra</i>		5					SC: 25-45, HT 14-20, DBH: 15-30cm
western redcedar	<i>Thuja plicata</i>	15	20					MC: uneven aged; 80-120yr, HT: 25-35m, DBH 50-70cm. SC: 40-80, HT 12-25, DBH: 30-50cm
western hemlock	<i>Tsuga heterophylla</i>		15	6				SC: 25-45, HT 14-20, DBH: 15-30cm
red huckleberry	<i>Vaccinium parvifolium</i>			10				Growing on wood
evergreen huckleberry	<i>Vaccinium ovatum</i>			4				
salal	<i>Gaultheria shallon</i>			35				
sword fern	<i>Polystichum munitum</i>				15			
deer fern	<i>Blechnum spicant</i>				3			
foamflower	<i>Tiarella trifolia</i>				2			
large leafy moss	<i>Rhizomnium glabrescens</i>					5		
Oregon beaked moss	<i>Kindbergia oregana</i>					18		aka <i>Eurhynchium oreganum</i>
stepmoss	<i>Hylocomnium splendens</i>					25		Growing on wood
rough moss	<i>Claopodium crispum</i>					4		
wavy-leaved cotton moss	<i>Plagiothecium undulatum</i>					2		aka flat moss; on wood
TOTALS		35	55	55	20	54		

Polygon 10

The dominant ecological community in this polygon captures 3 ecological communities of high-moisture regimes: **Western Redcedar – Grand fir – Foamflower**, **Western redcedar – Slough Sedge**, and **Western redcedar – Skunk Cabbage**. This polygon was originally delineated in the previous management plan based on a variety of ecotypes including “young to mature forests, seepage areas, and well-defined wetlands”. In this report, our map edits refined the linework so that some of the forested areas were merged with adjacent polygons – leaving the wetter portions to form a greater portion of the polygon.

Polygon ID	10
Madrone Plot #	7
Vegetation Type (as designated by the 2008 management plan)	6
Ecological Communities	Western redcedar – Grand fir – Foamflower; Western redcedar – Slough Sedge; Western redcedar – Skunk Cabbage
Ecosystem Classification	CDFmm/06 (CDFmm/14, CDFmm11)
Structural Stage (SS)	6 – mature trees present, 2b - graminoid
Status (BC List)	N/A
Photopoint(s)	P15
Ecological Community Description	This polygon was originally delineated based on a variety of ecotypes including “young to mature forests, seepage areas, and well-defined wetlands”. In this report, our map edits refined the linework so that some of the forested areas were merged with adjacent polygons – leaving the wetter portions to form a greater portion of the polygon. The soils in the polygon are rich, and the plant communities seen were as mentioned above.
Disturbance Notes	In spite of field work being done in the wet season, there was no water in this area that appeared to be a wetland. It is possible that the drainage ditch connecting to Stoney Creek near this polygon has altered the hydrology of the area. There is also considerable windthrow in this polygon. Beavers may also be present although no signs were seen.
Anticipated Change/Succession	It is recommended to assess the hydrology of the area to see if the drainage ditch has contributed to the lack of water in this wetland. If so, restoring the original hydrology could be considered.
Wildlife observations	Wildlife Trees observed with large cavities, likely made by a Pileated Woodpecker (<i>Dryocopus pileatus</i>); Deer browse; Bald Eagles (<i>Haliaeetus leucocephalus</i>) and Common Ravens (<i>Corvus corax</i>) flying overhead.

Polygon 10: Vegetation Data

Common name	Scientific name	Main Canopy	Secondary Canopy	Shrub Layer	Herb Layer	Moss and Lichens	Non-native	Notes
red alder	<i>Alnus rubra</i>		5					SC: 25-45, HT 14-20, DBH: 15-30cm
western redcedar	<i>Thuja plicata</i>	8	5					MC: uneven aged; 80-120yr, HT: 25-35m, DBH 50-70cm. SC: 40-80, HT 12-25, DBH: 30-50cm
salal	<i>Gaultheria shallon</i>			6				On dead wood
red elderberry	<i>Sambucus racemosa</i>			3				
Sitka willow	<i>Salix sitchensis</i>			3				
Himalayan blackberry	<i>Rubus armeniacus</i>						2	Aka <i>R. discolor</i>
sword fern	<i>Polystichum munitum</i>				8			On raised microsites
deer fern	<i>Blechnum spicant</i>				3			
foamflower	<i>Tiarella trifolia</i>				5			
common horsetail	<i>Equisetum arvense</i>				10			Growing on wood
reed canary grass	<i>Phalaris arundinacea</i>						2	
skunk cabbage	<i>Lysichiton americanum</i>				8			
common rush	<i>Juncus effusus</i>				2			
slough sedge	<i>Carex obnupta</i>							
coastal leafy moss	<i>Plagiomnium insignis</i>					5		
TOTALS		8	10	12	36	5	4	

Polygon 11

A formal vegetation plot was not conducted in this polygon, rather it was assessed and confirmed to be similar to polygons 1, 7, and 21. The dominant ecological community in this polygon is **Douglas-fir – Grand fir – Oregon grape**. This area encompasses a mature forest of structural stage 6, with sporadic old trees. Other trees observed in this area were western hemlock, red alder and bigleaf maple.

Polygon ID	11
Madrone Plot #	Polygon was visited but no formal vegetation data was collected.
Vegetation Type (as designated by the 2008 management plan)	3
Dominant Ecological Community	Douglas-fir – Grand fir – Oregon grape
Ecosystem Classification	CDFmm/04
Structural Stage (SS)	6 – Mature, uneven-aged forest
Status (BC List)	N/A
Photopoint(s)	None
Ecological Community Description	This polygon is similar to polygons, 1, 7, 21. The polygon has an uneven-aged forest dominated by mature Douglas-fir and cedar. Scattered Douglas-fir vets are present. The dominant plant community is Douglas-fir - Grand Fir – Oregon grape. Other tree species present are big leaf maple, western hemlock, and red alder.
Disturbance Notes	The only disturbances noted were the trail, and fairly high deer browse in places.
Anticipated Change/Succession	With a forest dominated by Douglas-fir, it is expected that this species will continue to be the dominant tree in this polygon, with a minor component of western redcedar, grand fir, maple, and alder.
Wildlife observations	Deer browse; Common Ravens (<i>Corvus corax</i>) flying overhead.

Polygon 13

The dominant ecological community in this polygon is **Douglas-fir – Grand fir – Oregon grape**. This area encompasses a mature forest of structural stage 6, with sporadic old trees. One old Douglas-fir was aged in this area to be approximately 210 years old. Other trees observed in this area were western hemlock, red alder and bigleaf maple. English Ivy and English Holly were observed in areas of this polygon.

Polygon ID	13
Madrone Plot #	11
Vegetation Type (as designated by the 2008 management plan)	1c
Dominant Ecological Community	Douglas-fir – Grand fir – Oregon grape
Ecosystem Classification	CDFmm/04
Structural Stage (SS)	6 – Mature, uneven-aged forest
Status (BC List)	N/A
Photopoint(s)	P19
Ecological Community Description	This polygon has an uneven-aged forest dominated by mature Douglas-fir and cedar. Scattered Douglas-fir vets are present. Soils are loamy and well-drained, providing a good rooting medium for these trees. The dominant plant community is Douglas-fir - Grand Fir – Oregon grape. Other tree species present are big leaf maple, western hemlock, and red alder.
Disturbance Notes	Parts of the polygon have been logged – one patch close to polygon 16 harvested about 15 years ago. Deer browse is quite high in areas, impacting herbs, wildflowers, and young trees. A few occurrences of English ivy and English holly were seen.
Anticipated Change/Succession	With a forest dominated by Douglas-fir, it is expected that this species will continue to be the dominant tree in this polygon, with a minor component of western redcedar, grand fir, maple, and alder.
Wildlife observations	Deer browse; Common Ravens (<i>Corvus corax</i>) flying overhead.

Polygon 13: Vegetation Data

Common name	Scientific name	Main Canopy	Secondary Canopy	Shrub Layer	Herb Layer	Moss and Lichens	Non-native	Notes
Douglas-fir	<i>Pseudotsuga menziesii</i>	15	25	2				MC: uneven aged with vets, 80-210 yrs, HT: 30-40, DBH 65- 105 cm. SC 30-80yrs, HT: 10-30m, DBH: 30-65cm
big leaf maple	<i>Acer macrophyllum</i>		5	5				SC: 25-55yr, HT 15-25, DBH 25-30
red alder	<i>Alnus rubra</i>		5					SC: 25-45yrs, HT 10-15, DBH 15-25
western redcedar	<i>Thuja plicata</i>		5					Age 60-160; HT 20-30, DBH 3-65-105
grand fir	<i>Abies grandis</i>			5				
English holly	<i>Ilex aquifolium</i>						2	Invasive plant
English Ivy	<i>Hedera helix</i>						2	Invasive plant
red huckleberry	<i>Vaccinium parvifolium</i>			1				Growing on wood
salal	<i>Gaultheria shallon</i>			15				Deer browse
ocean spray	<i>Holodiscus discolor</i>			5				
dull Oregon grape	<i>Mahonia nervosa</i>			10				aka <i>Berberis nervosa</i>
bracken fern	<i>Pteridium aquilinum</i>				2			Deer browse present on all herbs
sword fern	<i>Polystichum munitum</i>				35			
Columbia brome	<i>Bromus vulgaris</i>				2			
sweet-scented bedstraw	<i>Galium triflorum</i>				3			
coastal leafy moss	<i>Plagiomnium insigne</i>					5		On moist rich soil
Oregon beaked moss	<i>Kindbergia oregana</i>					35		aka <i>Eurhynchium oreganum</i>

stepmoss	<i>Hylocomnium splendens</i>					10		Growing on wood
Tree moss	<i>Climacium dendroides</i>					2		
rough moss	<i>Cladopodium crispum</i>					2		
TOTALS		15	40	43	42	54	4	

Polygons 14 & 17

These polygons did not receive a detailed vegetation assessment, as they are disturbed clearings with no young trees present. A few seedlings of Douglas-fir and grand fir were observed, but they are generally covered by grasses. Polygon 14 had significant densities of Scotch Broom, of which management recommendations are provided for in Section 6. Polygon 17 had no observations of invasive plant species. Photo points for Polygons 14 and 17 are P25 and P28, respectively.

Polygons 15 & 20

The dominant ecological community in these polygons is **Western redcedar – Grand fir – Foamflower**, with a secondary component of **Western redcedar – Douglas-fir – Oregon Beaked Moss** that is more common in wetter areas. This polygon is mixed in age, including trees of structural stages 5, 6 and 7. These two polygons capture the flows of Stoney Creek. No formal vegetation data was documented for these polygons, as its intention was to delineate the dynamic ecosystems that surround the flowing water.

Polygon ID	15 & 20
Madrone Plot #	These polygons were visited but no formal vegetation data was collected.
Vegetation Type (as designated by the 2008 management plan)	3
Dominant Ecological Community	Western redcedar – Grand fir – Foamflower; secondary Western redcedar – Douglas-fir – Oregon Beaked Moss
Ecosystem Classification	CDFmm/06 and CDFmm/05
Structural Stage (SS)	6 – Mature, uneven-aged forest, some old Western red cedar and Douglas-fir
Status (BC List)	N/A
Photopoint(s)	None
Ecological Community Description	This polygon is an upstream continuation of polygon 20, similar in that Stoney Creek flows through both of these polygons. The flowing water creates dynamic ecosystems that can support healthy and diverse forests. Currently this polygon has an uneven-aged forest dominated by mature Douglas-fir and cedar. The dominant plant community is Western redcedar – Grand fir – Foamflower, but the Western redcedar – Douglas-fir – Oregon beaked moss plant community is also common, especially in wetter areas with imperfect drainage. Other tree species present are big leaf maple and red alder
Disturbance Notes	The only disturbances noted were the trail, and fairly high deer browse in places.
Anticipated Change/Succession	With a stand dominated by Douglas-fir and western red cedar it is expected that these species will continue to be the dominant trees in this polygon, with a component of grand fir, maple, and alder.
Wildlife observations	Deer browse; Common Ravens (<i>Corvus corax</i>) flying overhead.

Polygon 18

The dominant ecological communities in this polygon are **Douglas-fir - salal** and **Western redcedar – Douglas-fir – Oregon beaked moss**, both of which includes trees largely of structural stage 6. The latter ecological community is observed in wetter areas where subdued terrain prevents surface flows from rapidly flowing off the soils. Other species present in this area are western hemlock and red alder.

Polygon ID	18
Madrone Plot #	This polygon was visited but no formal vegetation data was collected.
Vegetation Type (as designated by the 2008 management plan)	3
Dominant Ecological Community	Douglas-fir – Salal, and Western redcedar – Douglas-fir – Oregon beaked moss
Ecosystem Classification	CDFmm/01 and CDFmm/05
Structural Stage (SS)	6 – Mature, uneven-aged forest
Status (BC List)	N/A
Photopoint(s)	None
Ecological Community Description	This polygon is similar to others within vegetation type 3, notably polygon 22. The polygon has an uneven-aged forest dominated by mature Douglas-fir and cedar. The dominant plant community is Douglas-fir – Salal, but the Western redcedar – Douglas-fir – Oregon beaked moss plant community is also common, especially in wetter areas with imperfect drainage. Other tree species present are western hemlock, and red alder.
Disturbance Notes	The only disturbances noted were the trail, and fairly high deer browse in places.
Anticipated Change/Succession	With a stand dominated by Douglas-fir, it is expected that this species will continue to be the dominant tree in this polygon, with a component of western redcedar, grand fir, hemlock, maple, and alder.
Wildlife observations	Deer Browse observed.

Polygon 19

The dominant ecological community in this polygon is **Western redcedar – Grand fir – Foam Flower**. This area encompasses a young forest of structural stage 5, with sporadic mature trees. The soils in this area appear to be moist, rich and deep. Other trees observed in this area were red alder and bigleaf maple. It is possible that the hydrology in this area is altered by the stormwater ditch in along the eastern boundary of the property.

Polygon ID	19
Madrone Plot #	no formal vegetation data collected
Vegetation Type (as designated by the 2008 management plan)	6
Dominant Ecological Community	Western redcedar – Grand fir – Foamflower
Ecosystem Classification	CDFmm/06
Structural Stage (SS)	5 – young forest, with scattered mature trees
Status (BC List)	N/A
Photopoint(s)	None
Ecological Community Description	This polygon was originally connected to polygon 10, however it is now a separate polygon in the SE corner of SXNR. The main ecosystem type is Western redcedar – Grand fir – Foamflower. The soils in this area appear to be moist, rich and deep. Currently this polygon has a young uneven-aged forest dominated by mature cedar, with some Douglas-fir and grand fir. The dominant plant community is Cedar – Grand fir – Foamflower. Other tree species present are big-leaf maple and red alder.
Disturbance Notes	The main disturbance in this polygon is a drainage ditch with may drain the wetland in Polygon 10, and possible Stoney Creek. There are also signs of historical logging activity.
Anticipated Change/Succession	With a stand dominated by western redcedar it is expected that this species will continue to be the dominant tree in this polygon, with a minor component of grand fir, Douglas-fir, maple, and alder.
Wildlife observations	Deer Browse observed.

Polygon 21

A formal vegetation plot was not conducted in this polygon, rather it was assessed and confirmed to be similar to polygons 1, 7, and 11. The dominant ecological community in this polygon is **Douglas-fir – Grand fir – Oregon grape**. This area encompasses a mature forest of structural stage 6, with old-growth veteran trees. Other trees observed in this area were western hemlock, red alder and bigleaf maple. As this area continues to age, it will develop into the **red-listed** plant community (site series CDFmm/04).

Polygon ID	21
Madrone Plot #	This polygon was visited but no formal vegetation data was collected.
Vegetation Type (as designated by the 2008 management plan)	3
Dominant Ecological Community	Douglas-fir – Grand fir – Oregon grape
Ecosystem Classification	CDFmm/04
Structural Stage (SS)	6 – Mature, uneven-aged forest with old growth vets
Status (BC List)	None, though approaching red-listed status
Photopoint(s)	None
Ecological Community Description	This polygon is similar to others within vegetation type 3, notably polygons, 1, 7, & 11. The polygon has an uneven-aged forest dominated by mature Douglas-fir and cedar. Scattered Douglas-fir vets are present. The dominant plant community is Douglas-fir - Grand Fir – Oregon grape. Other tree species present are big leaf maple, western hemlock, and red alder.
Disturbance Notes	The only disturbances noted were the trail, and fairly high deer browse in places.
Anticipated Change/Succession	With a forest dominated by Douglas-fir, it is expected that this species will continue to be the dominant tree in this polygon, with a minor component of cedar, grand fir, maple, and alder.
Wildlife observations	Deer browse; Bald Eagles (<i>Haliaeetus leucocephalus</i>) and Common Ravens (<i>Corvus corax</i>) flying overhead.

Polygon 22

A formal vegetation plot was not conducted in this polygon. The dominant ecological community in this polygon is **Western redcedar – Douglas-fir – Oregon Beaked Moss** with a secondary component of **Western redcedar – Grand fir – Foamflower**. The water table is close to the surface in this polygon, but drainage is imperfect, leading to slight stagnant conditions that favor species such as salal, red huckleberry and western hemlock.

Polygon ID	22
Madrone Plot #	This polygon was visited but no formal vegetation data was collected.
Vegetation Type (as designated by the 2008 management plan)	3
Dominant Ecological Community	Western redcedar – Douglas-fir – Oregon Beaked Moss; secondary Western redcedar – Grand fir – Foamflower
Ecosystem Classification	CDFmm/05, and CDFmm/06
Structural Stage (SS)	6 – Mature, uneven-aged forest
Status (BC List)	N/A
Photopoint(s)	None
Ecological Community Description	This polygon is close to Stoney Creek, as well as the wetlands in Polygons 12 and 16. The water table is close to the surface in this polygon, but drainage is imperfect, leading to slight stagnant conditions that favor species such as salal, red huckleberry and western hemlock. Currently this polygon has an uneven-aged forest dominated by mature cedar with hemlock and scattered Douglas-fir. The dominant plant community is Cedar – Douglas-fir – Oregon beaked moss.
Disturbance Notes	The only disturbances noted were the trail, and fairly high deer browse in places. Some windthrow was also seen.
Anticipated Change/Succession	With a stand dominated by redcedar, and some hemlock and Douglas-fir, it is expected that these species will continue to be the dominant trees in this polygon, with a component of grand fir, maple, and alder.
Wildlife observations	Deer browse; Common Ravens (<i>Corvus corax</i>) flying overhead.

Polygon 23

This polygon is a small sliver on the south side of North Road, directly adjacent to a wetland west of the area, dominated by Pacific crab-apple, that drains under North Road, through Polygon 14, and into the wetland area in Polygon 16. However, wetland characteristics are not within this polygon, only adjacent to it. The dominant community in this area is **Douglas-fir – Salal**.

Polygon ID	23
Madrone Plot #	13
Vegetation Type (as designated by the 2008 management plan)	10
Dominant Ecological Community	Douglas-fir – Salal
Ecosystem Classification	CDFmm/01
Structural Stage (SS)	5 – young forest
Status (BC List)	N/A
Photopoint(s)	P20
Ecological Community Description	This polygon is a very small sliver-shaped polygon on the extreme south-west corner of the nature reserve. It has an uneven-aged forest dominated by Douglas-fir, arbutus, and grand fir. Portions of the polygon overlap slightly with a swampy area dominated by Pacific crab-apple (<i>Malus fusca</i>).
Disturbance Notes	This polygon is immediately adjacent to the public road and has had some vegetation removal in the past as part of the road maintenance. There is an occurrence of English holly.
Anticipated Change/Succession	With a small stand dominated by Douglas-fir, it is expected that this species will continue to be the dominant tree in this polygon, with a component of grand fir, and arbutus.
Wildlife observations	Deer browse; Common Ravens (<i>Corvus corax</i>) flying overhead.

Polygon 23: Vegetation Data

Common name	Scientific name	Main Canopy	Secondary Canopy	Shrub Layer	Herb Layer	Moss and Lichens	Non-native	Notes
Douglas-fir	<i>Pseudotsuga menziesii</i>	5	15					MC and SC : 35- 40 yrs; HT: 8-14 m; DBH 10-20 cm
grand fir	<i>Abies grandis</i>		10					SC: 35- 40 yrs; HT: 6-10 m; DBH 8-15 cm
arbutus	<i>Arbutus menziesii</i>			4				SC: 35- 40 yrs; HT: 5-8 m; DBH 10-15 cm
western redcedar	<i>Thuja plicata</i>		5					SC: 25- 30 yrs; HT: 5-8 m; DBH 10-15 cm
Pacific crab-apple	<i>Malus fusca</i>			5				
red huckleberry	<i>Vaccinium parvifolium</i>			2				Growing on wood
Nootka rose	<i>Rosa nutkatensis</i>			2				
English holly	<i>Ilex aquifolium</i>						2	Invasive plant
common snowberry	<i>Symphoricarpos albus</i>			2				
salal	<i>Gaultheria shallon</i>			60				Dense
hairy honeysuckle	<i>Lonicera hispidula</i>			2				
sword fern	<i>Polystichum munitum</i>				2			
Oregon beaked moss	<i>Kindbergia oregana</i>					15		aka <i>Eurhynchium oreganum</i>
stepmoss	<i>Hylocomnium splendens</i>					10		Growing on wood
electrified cat's tail moss	<i>Rhytidiadelphus triquetrus</i>					5		
TOTALS		5	30	77	2	30	2	

3.8 Wildlife Species

3.8.1 BC CDC – Species and Ecosystem Explorer Query

A list of provincially listed species of conservation concern that were likely to occur in SXNR was compiled using the BC Species and Ecosystem Explorer tool¹⁰ provided by the BC Conservation Data Centre (CDC). A query for potential species was made by selecting SXNR area as the Area of Interest (AOI) on the query map. The output was then reviewed by a qualified environmental professional (QEP) and further reduced based on critical breeding habitat requirements and known ecological features in SXNR. This resulted in a Focal Species List that could be brought in the field. The Wildlife Habitat Assessments (WHA) were conducted for each selected species at locations that would encompass the variety of habitats in SXNR. The WHAs focused on the occurrence of potential breeding habitat for the Focal Species (Table 3).

Table 3. Focal Species List - Provincially listed vertebrates with potential to use S'ul-hween X'pey (Elder Cedar) Nature Reserve for breeding habitat; based on a reviewed output from the CDC database.

Species Name		Status				
Common Name	Latin Name	Provincial	BC List	COSEWIC	SARA	Global
Northern Red-legged Frog*	<i>Rana aurora</i>	S3 (2016)	Blue	Special Concern	Special Concern (2005)	G4 (2015)
Western Toad	<i>Anaxyrus boreas</i>	S4 (2016)	Yellow	Special Concern	Special Concern (2018)	G4 (2008)
Band-tailed Pigeon*	<i>Patagioenas fasciata</i>	S3S4 (2015)	Blue	Special Concern	Special Concern (2011)	G4 (2016)
Barn Swallow	<i>Hirundo rustica</i>	S3S4B (2015)	Blue	Special Concern	Threatened (2017)	G5 (2016)
Black Swift	<i>Cypseloides niger</i>	S2S3B (2015)	Blue	Endangered	Endangered (2019)	G4 (2016)
Common Nighthawk	<i>Chordeiles minor</i>	S4B (2015)	Yellow	Special Concern	Threatened (2010)	G5 (2016)
Evening Grosbeak	<i>Coccothraustes vespertinus</i>	S5 (2015)	Yellow	Special Concern	Special Concern (2019)	G5 (2016)
Great Blue Heron, <i>fannini</i> subspecies	<i>Ardea herodias fannini</i>	S2S3B, S4N (2018)	Blue	Special Concern	Special Concern (2010)	G5T4 (2016)
Green Heron	<i>Butorides virescens</i>	S3S4B (2015)	Blue	No Status	No Status	G5 (2016)
Marbled Murrelet	<i>Brachyramphus marmoratus</i>	S3B, S3N (2015)	Blue	Threatened	Threatened (2003)	G3 (2016)
Northern Goshawk, <i>laingi</i> subspecies	<i>Accipiter gentilis laingi</i>	S2 (2010)	Red	Threatened	Threatened (2003)	G5T2 (2016)
Northern Pygmy-owl,	<i>Glaucidium gnoma</i>	S3S4 (2018)	Blue	No Status	No Status	G4G5T3T4Q

¹⁰ B.C. Conservation Data Centre. 2021. BC Species and Ecosystems Explorer. B.C. Minist. of Environ. Victoria, B.C. Available: <https://a100.gov.bc.ca/pub/eswp/> [accessed Jan 8, 2021]

<i>swarthi</i> subspecies	<i>swarthi</i>					(2019)
Olive-sided Flycatcher	<i>Contopus cooperi</i>	S3S4B (2015)	Blue	Special Concern	Threatened (2010)	G4 (2016)
Western Screech-Owl*	<i>Megascops kennicottii</i>	S4 (2015)	Yellow	Threatened	Threatened	G4G5 (2016)
Western Screech-Owl, <i>kennicottii</i> subspecies*	<i>Megascops kennicottii kennicottii</i>	S2S3 (2017)	Blue	Threatened	Threatened (2005)	G4G5T4 (2016)
Townsend's Big-eared Bat*	<i>Corynorhinus townsendii</i>	S3S4 (2015)	Blue	N/A	N/A	G4 (2016)

*Occurrence confirmed through documents shared by the Islands Trust Conservancy (e.g., Triton surveys)

A comprehensive species inventory involving the necessary field surveys to confirm presence/absence in SXNR is not part of the scope of this management plan. Additionally, the time of year in which this management plan was created was also not during a period when these assessments could be conducted. However, a detailed ecological inventory was conducted in 1996 by Triton Environmental Consultants (Triton 1996), where a number of species in the Focal Species List were confirmed in SXNR. Confirmed presence from this inventory survey is designated accordingly in the Focal Species list. Protecting critical breeding habitat is an effective way to support conservation of wildlife species, as it directly impacts the reproductive success of the targeted species.

3.8.2 Field Assessment of Focal Species

To determine the potential wildlife quality within SXNR for each focal species, methodologies under Section 5, Wildlife Habitat Assessment of the *Describing Ecosystems in the Field (DEIF)*, also known as BC Land Management Handbook #25 (LMH 25) (BCMFR and BCMOE 2010), were utilized. Each plot was assessed for suitability of critical breeding habitat for the species of consideration. Using the *DEIF* we provided a class quality for each focal species to establish a suitability rating for the various ecological communities in SXNR. Rating Schema according to the *DEIF* is shown in Table 4. Plot locations for wildlife habitat assessments were conducted in the same locations as plots 1 to 13 in the ecological community assessments discussed in section 3.7 (Figure 6). The results for each plot are shown in Table 5.

Table 4. Relative quality classes for assessing the plot type quality relative to the best in British Columbia (Adapted from Land Management Handbook 25: Field Manual for Describing Terrestrial Ecosystems 2010).

Class Quality	Suitability/Capability	Lower Limit (%)	Upper Limit (%)	
1	High	>75	≤100	Equivalent
2	Mod. high	>50	≤75	Slightly less
3	Moderate	>25	≤50	Moderately less
4	Low	>5	≤50	Substantially less
5	Very low	>0	≤5	Much less
6	Nil	0	0	Habitat or attribute is absent

Table 5. Summary of Wildlife Habitat Assessment Ratings for Elder Cedar Nature Reserve.

Common Name	Wildlife Habitat Area Ratings													Observed Habitat Attributes
	WHA1	WHA2	WHA3	WHA4	WHA5	WHA6	WHA7	WHA8	WHA9	WHA10	WHA11	WHA12	WHA13	
Northern Red-legged Frog	4	2	5	3	5	6	3	6	4	6	4	2	3	Potentially perennial wetland habitat either in or adjacent to the plot.
Western Toad	4	2	5	3	5	6	3	6	4	6	4	2	3	Potentially perennial wetland habitat either in or adjacent to the plot.
Band-tailed Pigeon	4	4	3	4	4	4	4	4	3	3	3	4	4	Trees of sufficient size/structure for support of stick nests. Western redcedar and Douglas-fir stands with fruiting shrubs in understory.
Barn Swallow	5	5	5	5	5	5	5	5	5	5	5	5	5	No critical habitat present for breeding
Black Swift	5	5	5	5	5	5	5	5	5	5	6	6	6	No critical habitat present for breeding
Common Nighthawk	6	6	6	6	6	6	6	6	6	6	6	6	6	No critical habitat present for breeding
Evening Grosbeak	4	4	3	4	4	4	4	4	3	3	3	4	5	No critical habitat present for breeding
Great Blue Heron, <i>fannini</i> subspecies	3	4	3	4	3	4	5	4	3	3	4	4	5	Suitable larger trees to build nesting platforms that would support a rookery.
Green Heron	4	3	3	3	4	4	3	4	3	4	3	3	4	Suitable trees to build nesting platforms. Wetland areas nearby.
Marbled Murrelet	2	4	3	4	3	5	5	5	2	2	4	4	5	Suitable old-growth trees with mossy branches of a sufficient diameter to support a nest-platform.

Northern Goshawk, <i>laingi</i> subspecies	2	4	2	3	3	5	5	4	3	2	4	4	6	Suitable sized branches in understory to support stick nests; good quality flyways and habitat for mammalian and avian prey species.
Northern Pygmy-owl, <i>swarthi</i> subspecies	2	3	2	4	3	4	4	4	3	3	3	4	5	Mature Douglas-fir trees (>60 cm dbh) with suitable potential for nesting cavities.
Olive-sided Flycatcher	4	4	3	4	4	4	3	3	3	3	4	5	5	Mature second growth to old growth habitat. Adjacent to clearing areas along with wetlands and/or rocky outcrops for insect foraging.
Western Screech-Owl, <i>kennicottii</i> subspecies	2	4	2	4	3	4	3	4	3	3	4	4	5	Mature second growth to old growth habitat. Gentle slope grade, lower slope positioning, presence of wildlife trees, presence of prey species (insects, squirrels, small-medium sized birds).
Townsend's Big-eared Bat	3	5	4	5	4	5	5	5	4	3	5	5	5	Rated low overall due to lack of suitable critical habitat. Few areas with old growth trees where bark could be used, but unlikely hibernacula.

Moderate- to high-quality breeding habitats were observed in SXNR for a number of Focal Species. Forests maturing into the old growth stage possess a variety of unique niche environments suitable for a large diversity of species, which is why they are so ecologically valuable. Wetland habitats observed throughout SXNR have the capability of providing moisture rich habitats required for breeding of the two amphibian Focal Species: Northern Red-legged Frog and Western Toad. For the Great Blue Heron, areas throughout SXNR with adequate canopy structure for an established rookery were observed. Wetland areas and proximity to the ocean are also key factors in heron breeding habitat, which also resulted in moderate-quality ratings for the Green Heron.

Marbled Murrelet breeding habitat requires old growth Douglas-fir forests in close proximity to the ocean, where the trees have large-diameter branches with mossy platforms to lay eggs on. Several veteran Douglas-fir trees were observed throughout SXNR with adequate branch size and structure. Northern Goshawks also use old-growth Douglas-fir habitats for breeding. Suitable flyways providing access to foraging grounds along with a relatively closed canopy structure also factor into high-quality goshawk breeding habitat, which was observed in SXNR. Quality breeding/nesting habitat was observed for both the Northern Pygmy Owl and Western Screech-owl in areas with large cavities in wildlife trees surrounded by forest with a diverse canopy structure and significant amounts of large woody debris and shrubbery to support prey species (i.e., small mammals and birds). Olive-sided flycatcher breeding/nesting habitat was observed in the mature to old growth forest regions that provided tree top views over areas that facilitate large densities of flying invertebrates for food (i.e., clearings, wetlands). Band-tailed Pigeon and Evening Grosbeak breeding/nesting habitat was rated moderate in areas with adequate mixed-forest canopy structure along with understorey vegetation assemblages that provide fruiting shrubs for food. The Townsend's Big Eared Bat did not have a large amount of critical breeding habitat, as there were no rocky areas suitable for hibernacula (caves). However, it is possible that this species adaptively utilizes the complex bark structures found in SXNR's oldest Douglas-fir trees.

3.8.3 Avian surveys, E-bird, and other potential species.

E-bird¹¹ is an online database of bird observations providing scientists, researchers and naturalists with real-time data about bird distribution and abundance at global, national and regional scales. There are specific locations where observations can be added; Elder Cedar Nature Reserve is one of them.

Along with e-Bird data, avian surveys completed in 1996 by Triton and documented in the previous management plan have been incorporated into this updated plan. Data from these sources are summarized in Table 6.

¹¹ <https://ebird.org/hotspot/L4822917> [Accessed January 8, 2021]

Table 6. Documented avian observations in Elder Cedar Nature Reserve from E-bird and the 2008 Elder Cedar Management Plan.

Common Name	Latin Name	Common Name	Latin Name
American Kestrel**	<i>Falco sparverius</i>	Northern Flicker***	<i>Colaptes auratus</i>
American Robin***	<i>Turdus migratorius</i>	Northwestern Crow**	<i>Corvus caurinus</i>
Anna's Hummingbird*	<i>Calypte anna</i>	Pacific Wren*	<i>Troglodytes pacificus</i>
Bald Eagle***	<i>Haliaeetus leucocephalus</i>	Pacific-slope Flycatcher***	<i>Empidonax difficilis</i>
Band-tailed Pigeon**	<i>Patagioenas fasciata</i>	Pigeon Guillemot*	<i>Cephus columba</i>
Belted Kingfisher*	<i>Megasceryle alcyon</i>	Pileated Woodpecker***	<i>Dryocopus pileatus</i>
Black Swift**	<i>Cypseloides niger</i>	Red Crossbill**	<i>Loxia curvirostra</i>
Brown Creeper***	<i>Certhia americana</i>	Red-breasted Nuthatch***	<i>Sitta canadensis</i>
Bushtit**	<i>Psaltiriparus minimus</i>	Red-breasted Sapsucker***	<i>Sphyrapicus ruber</i>
Cassin's Vireo**	<i>Vireo cassinii</i>	Rock Pigeon*	<i>Columba livia</i>
Chestnut-backed Chickadee***	<i>Poecile rufescens</i>	Rufous Hummingbird**	<i>Selasphorus rufus</i>
Common Nighthawk**	<i>Chordeiles minor</i>	Song Sparrow***	<i>Melospiza melodia</i>
Common Raven***	<i>Corvus corax</i>	Spotted Towhee***	<i>Pipilo maculatus</i>
Common Yellowthroat**	<i>Geothlypis trichas</i>	Steller's Jay***	<i>Cyanocitta stelleri</i>
Cormorant sp.*	<i>Phalacrocoracidae sp.</i>	Swainson's Thrush**	<i>Catharus ustulatus</i>
Dark-eyed Junco***	<i>Junco hyemalis</i>	Turkey Vulture***	<i>Cathartes aura</i>
Downy Woodpecker**	<i>Picoides pubescens</i>	Western Tanager**	<i>Piranga ludoviciana</i>
Glaucous-winged Gull*	<i>Larus glaucescens</i>	Western Wood-pewee**	<i>Contopus sordidulus</i>
Golden-crowned Kinglet***	<i>Regulus satrapa</i>	White-crowned Sparrow**	<i>Zonotrichia leucophrys</i>
Great Blue Heron*	<i>Ardea herodias</i>	Willow Flycatcher*	<i>Empidonax traillii</i>
Hairy Woodpecker***	<i>Picoides villosus</i>	Wilson's Warbler**	<i>Wilsonia pusilla</i>
Hermit Thrush**	<i>Catharus guttatus</i>	Winter Wren (Pacific Wren)**	<i>Troglodytes troglodytes</i>
Hutton's Vireo*	<i>Vireo huttoni</i>	Yellow Warbler**	<i>Dendroica petechia</i>
Loon sp.*	<i>Gavia sp.</i>		

* = from e-Bird; ** = from 2008 management plan; *** = observed in both

Other species that may occur throughout the site are shown in Table 7, below. This is not an exhaustive list but provides a sample of those that may transiently occur.

Table 7. Other terrestrial species likely to occur in Elder Cedar Nature Reserve.

Common Name	Latin Name
Columbian black-tailed deer	<i>Odocoileus hemionus columbianus</i>
Cougar	<i>Puma concolor</i>
Deer mouse	<i>Peromyscus maniculatus</i>
Little Brown Bat	<i>Myotis lucifungus</i>
Northern Pacific Tree Frog	<i>Pseudacris regilla</i>
Raccoon	<i>Procyon lotor</i>
Red squirrel	<i>Tamiasciurus hudsonicus</i>
White-tailed deer	<i>Odocoileus virginianus</i>

3.9 Expected Change Over Time

Over time SXNR will progress from the young and mature (structural stages 5 and 6) to the old growth stage (structural stage 7). Some forested areas in the northern section of SXNR have recently been classified as old (>250 years), based on coring of Douglas-fir trees. There are areas in the northern sections of SXNR where significantly variable age classes were observed. This is a result of logging that occurred in the 1960's and 1970's, which was evidenced by stumps. It is expected that over time, these areas in the north will continue to be dominated by Douglas-fir, with a minor component of Western redcedar, Grand fir, and in drier areas, arbutus. Gaps in forest cover where soil is shallow over bedrock will increase in cover of grasses and herbs.

Wetland areas observed throughout SXNR will remain relatively unchanged over time. Red alder and bigleaf maple trees will mature within, and along the edges of these areas as it transitions back into forests of Western redcedar, grand fir and Douglas-fir. Soils richness in this area will allow for more rapid annual growth relative to the dry, shallow areas in the northern sections of SXNR. These areas will likely develop into a multitude of niche habitats for a variety of invertebrates and wildlife species that require moisture-rich habitat for breeding (*i.e.*, amphibians).

Most of the Douglas-fir and Western redcedar dominated forests in the middle and southern portions of SXNR will continue to mature with the current species assemblages. Grasses and herbs will continue to dominate in areas where there are gaps in the forest canopy. No drastic changes in vegetation composition are expected in these areas. It is likely that the canopy cover in these forests will remain relatively similar over time, shading out the potential for a secondary canopy cover to develop. These areas will continue to provide quality habitat for species that favour old-growth Douglas-fir forests, and large-cavity nesters as older trees naturally perish and add to the congregations of larger Wildlife Trees in SXNR.

4 Threats

Table X. Threats to Natural Values in SXNR.

Threats (examples below)	Coastal Douglas-fir Forest	Upland Douglas-fir, arbutus areas	Wetlands & Creeks	Overall Threat Rank
Recreational Activities: Areas that have not been historically disturbed in the form of designated trails are highly susceptible to negative impacts from recreational use. Moisture-rich areas (<i>i.e.</i> , wetlands) are susceptible to soil compaction, affecting hydrology and root structures. Other forested areas have understorey grasses, herbs and shrubs that are sensitive to mechanical disturbance. Trails can tolerate pedestrian disturbance, but anything more impactful (<i>e.g.</i> , mountain biking, horseback riding, motorized vehicle use) would cause harmful disruption to the surrounding ecosystems.	Medium	High	High	High
Fire: Fires, both anthropogenically and naturally caused are a hazard to the ecological integrity of the site. Fire suppression has altered the fuel regime of the forest, along with clearing adjacent lands which create more wind-exposed areas. A more intense fire than what would naturally occur in Coastal Douglas-fir forests could significantly impact all ecosystems in SXNR.	Medium	Medium	Low	Medium
Water Management Ditches: Stormwater ditches can have an impact on the hydrological regime of a landscape. Altered surface and subsurface flows can affect the ecology of areas through shifts in soil moisture and nutrient regimes, which can then shift species composition. The stormwater ditch in the southeast section of SXNR that connects with Stoney Creek likely has some impact on the area's hydrology, but the degree of negative impact to ecosystems may be minimal.	N/A	N/A	Medium	Low
Invasive Non-Native Species: Presence of non-native, invasive plant species on SXNR is generally confined to small, disturbed openings. Old growth forests are resilient to invasive species due to a large canopy shading out more drought-tolerant non-natives (<i>i.e.</i> , Scotch Broom). English Holly and Thistle were observed in small quantities, and Reed Canary grass management efforts have proven to be effective in treated areas.	Low	Medium	Low	Medium
Deer Browsing: Browsing by deer was observed throughout SXNR during the site visit. This can stifle the proliferation of native plant and herb species and alter the understory vegetation composition. This can also lead to impacts on resident songbird species that use the understorey vegetation for nesting.	Medium	Medium	N/A	Medium
Overall Threat Status for Protected Area	Medium	Medium	Medium	Medium

Very High: The threat is likely to destroy or eliminate the biodiversity target.

High: The threat is likely to seriously degrade the biodiversity target.

Medium: The threat is likely to moderately degrade the biodiversity target.

Low: The threat is likely to only slightly impair the biodiversity target

4.1 Expected Change to Threats Over Time

These threats, particularly fires, deer browsing, and non-native invasive species management, will generally be persistent issues on the site that can be mitigated rather than eliminated. An old growth Coastal Douglas-fir site directly adjacent to developed lands will always be susceptible to anthropogenically derived fires, and increased risk of larger fires due to fire suppression. Forested areas in SXNR that are mature and/or old generally have established trees that will not create issues with regards to excessive fuel loading. Areas in the north portion of SXNR that are still in the younger structural stages may have increased fuel loading over time, which may require management attention in future decades as the area progresses into a more mature structural stage. In the future, it will be important to monitor fuel loads within the northern area of SXNR to ensure that risks to adjacent residential areas are not increasing.

Invasive plant species historically observed on SXNR (e.g., Scotch Broom, English Holly) will always be a threat since the property is directly adjacent to disturbed, developed land. Seeds from these species will always have the potential to blow into SXNR from disturbed areas where they are not properly managed. The only potential areas for non-native, invasive plants to become quickly established are the two disturbed clearings along the southern border of SXNR. These exposed areas will be susceptible to establishment until native species either fill in from adjacent forests or are artificially planted to shade out these areas. Continuing current invasive species monitoring and management practices will gradually reduce the level of threat to SXNR.

Deer browsing is a natural part of Coastal Douglas-fir forests, and to a certain degree, are not a high threat to mature/old forests. SXNR will be resilient to deer browsing in the future, but if deer populations continue to increase, browsing levels may also increase to the point of negatively impacting understorey vegetation. Monitoring the levels of deer browse in shrubs throughout SXNR will ensure management efforts can be implemented before threat levels increase. Any areas where future restoration efforts take place will be highly threatened by deer browsing, and planted areas should be adequately fenced to prevent failed restoration efforts.

Water management ditches are only present in the southeast corner of SXNR where roadside ditches drain into a ditch line that connects with Stoney Creek. It is unclear what degree of impact this drainage ditch has on the hydrology of the wetland areas in this portion of SXNR. The threats to adjacent ecosystems resulting from this ditch are likely not major but considering a hydrological assessment would be useful to determine if it is disproportionately draining the adjacent wetland areas. The progression of this threat in the future is unclear, and a preliminary hydrological assessment would allow for accurate evaluation, and appropriate management.

Allowing public access for low-impact recreational activities in SXNR is a critical part of environmental stewardship. Hiking, walking, photography, and other activities that can be conducted on-foot, and limited to already disturbed areas (i.e., designated trails), will not increase threat levels to adjacent ecosystems. Activities such as horseback riding and mountain biking, however, will increase the threat to the ecosystem as soil compaction and

general disturbance will affect root systems and seasonally inundated soils beyond natural recovery. Activities beyond designated trails (*i.e.*, off-leash dog walking) will also increase the threat to surrounding ecosystems from disturbing sensitive vegetation and potentially disturbing ground-nesting wildlife. Management efforts to limit recreational activities to those that are low-impact, and confined to designated areas, will ensure threats do not manifest into detrimental effects.

5 Community Engagement¹²

The Islands Trust Conservancy undertook a limited public consultation process as part of the development of this management plan. A dedicated page on the ITC website provided a brief summary of SXNR and provided a link to an online survey questionnaire (Appendix B). Responses for the survey were collected by the ITC until March 15, 2021. All information gathered through the survey was considered as part of this management plan. The webpage also provided information regarding registration for a public webinar hosted by the ITC on February 22, 2021. During the webinar, the preliminary results of the field assessments and proposed management recommendations were presented to the public. A member of the Gabriola Land and Trails Trust also presented some historical information about SXNR as well as some suggested future uses for the site. The webinar format allowed for members of the public to ask questions specific to SXNR, which were answered during the webinar.

5.1 Adjacent Landholders

Adjacent landowners were mailed a letter (Appendix C) to inform them that a management plan was in development for SXNR and to ask them to complete the questionnaire so that they could share their thoughts on the broad-scale management concerns of SXNR.

5.2 First Nations

The Lands Clerk of the Snuneymuxw First Nation (SFN) was contacted multiple times throughout the development of this report in 2021. Letters were mailed to the following First Nations on February 11, 2021 (Appendix D): Cowichan Tribes, Halalt First Nation, Lyackson First Nation, Penelakut Tribe, SEMYOME (Semiahmoo) First Nation, Snuneymuxw First Nation, Stz'uminus (Chemainus) First Nation and Ts'uubaa-asatx (Lake Cowichan) First Nation.

A shelter-in-place order was in effect for the SFN due to the global COVID-19 pandemic and outbreaks within the SFN community. This prevented a formal response on input for this recent management plan to be provided, though the SFN have expressed interest in reviewing the management plan upon its completion.

5.3 Conservation Partners and Community Members

The Covenant holders were invited to participate in the webinar and provide feedback to be considered for the management plan. Other community members had the opportunity to participate and voice any concerns about SXNR during the public webinar by submitting questions or concerns in the chat section, or through the online survey.

¹² ITC staff usually contribute to Section 5 by providing contact details, questionnaires, letter to neighbours etc.

5.4 Engagement Results

A total of 87 individuals participated in the publicly available online survey. The results from the multiple-choice questions are shown below in Figures 7, 8, 9 and 10.

Q1: Are you a resident of Gabiola Island?

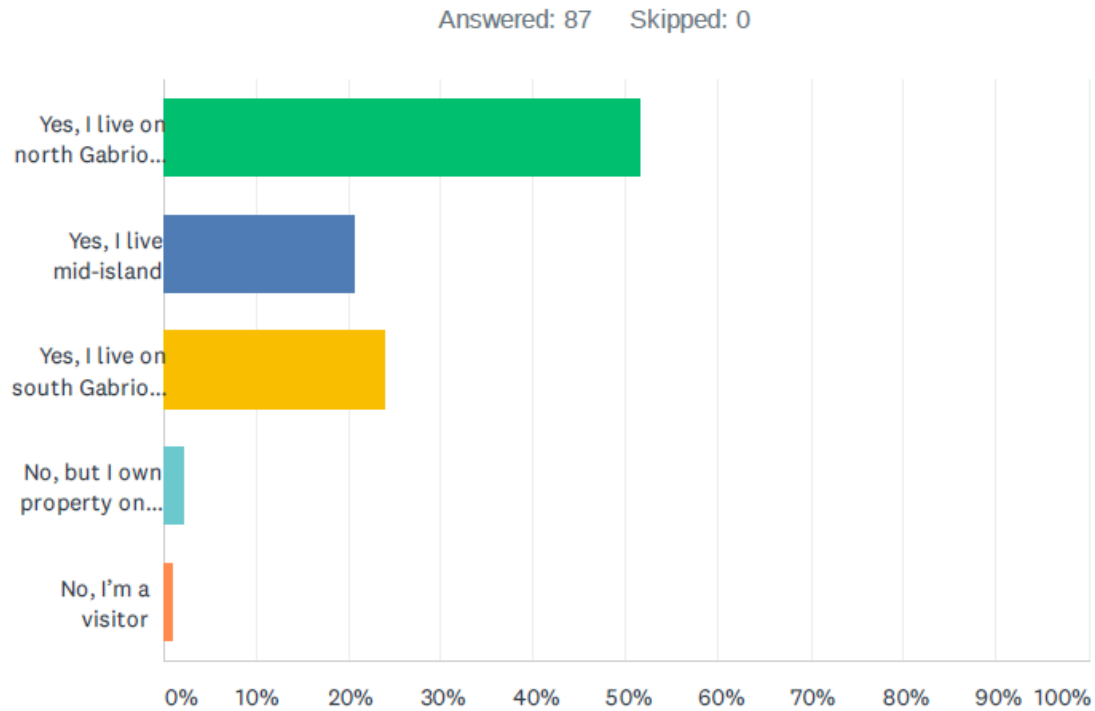


Figure 7. Survey results for Q1 of the public questionnaire

Q2: Have you ever visited the S'ul-hween X'pey/Elder Cedar Nature Reserve? If so, how often?

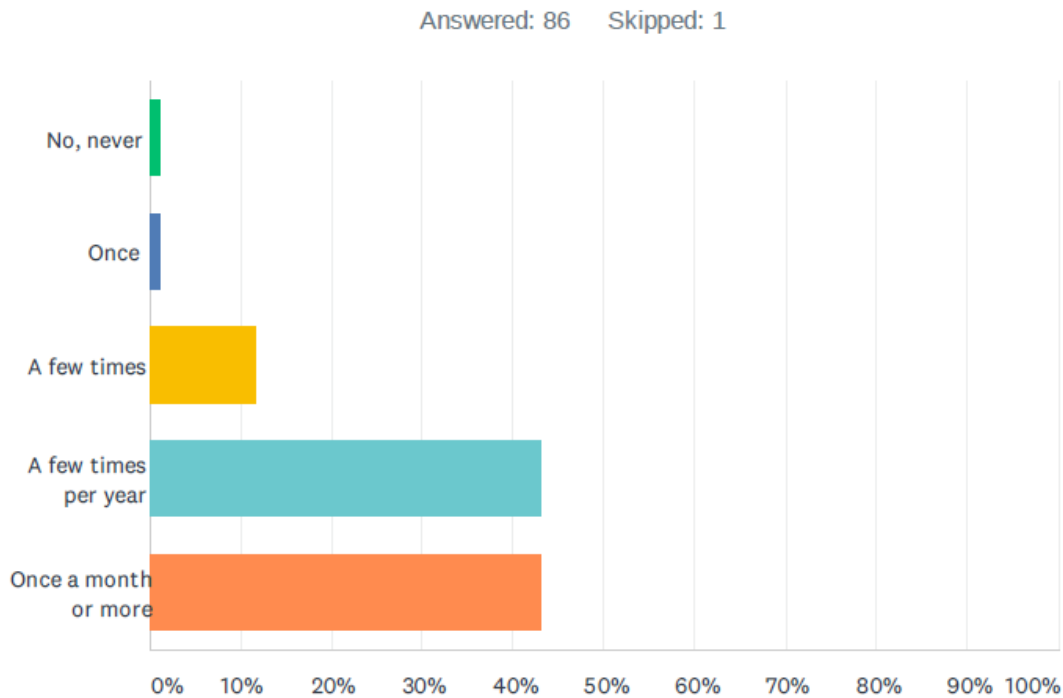


Figure 8. Survey results for Q2 of the public questionnaire

Q3: If you have visited S’ul-hween X’pey/Elder Cedar Nature Reserve before, what did you do there?

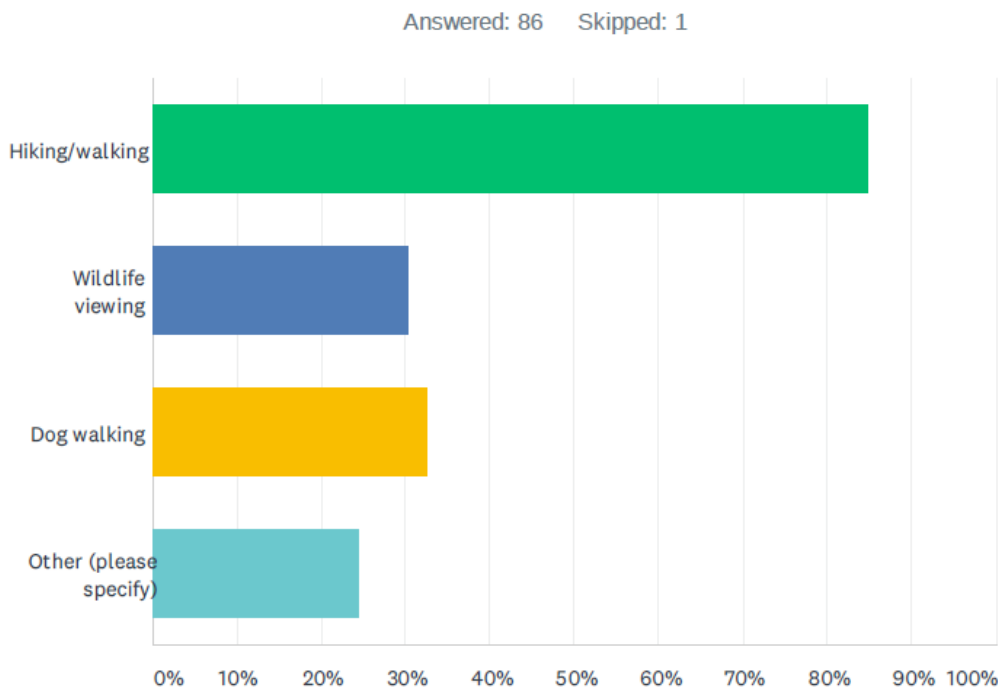


Figure 9. Survey results for Q3 of the public questionnaire

Q5: What do you believe to be the most important values of nature reserves? (choose three)

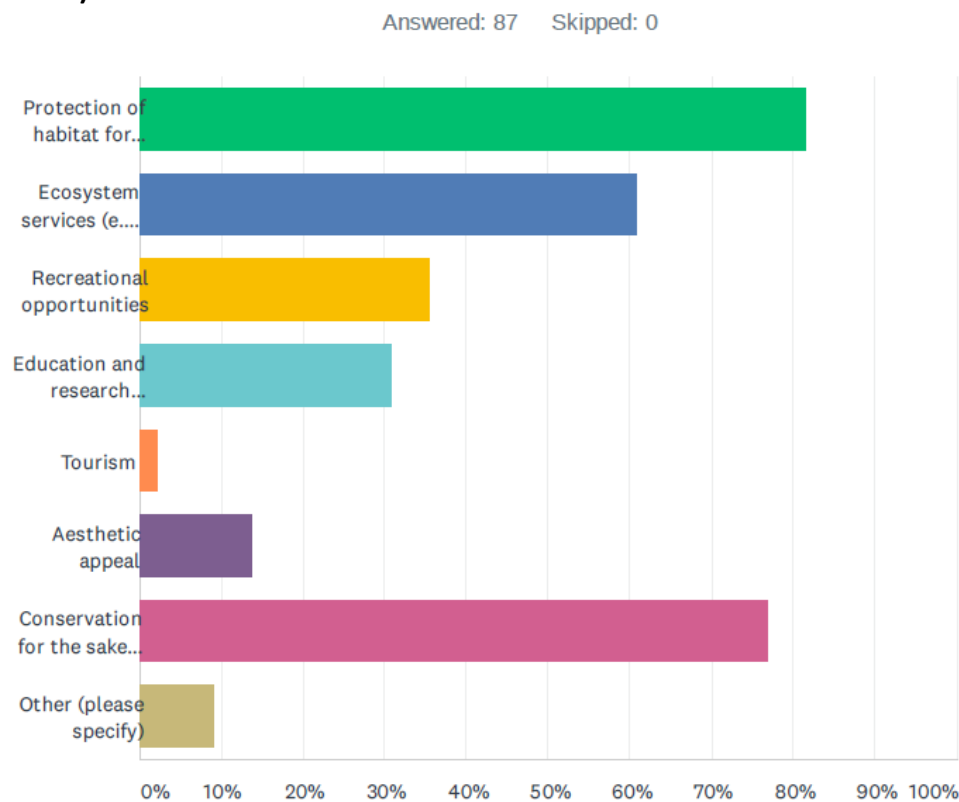


Figure 10. Survey results for Q5 of the public questionnaire

Based on the public input provided, it is apparent that the majority of visitors to SXNR are residents of Gabriola Island. Visitors regularly use SXNR for recreational activities with hiking/walking being the most popular one. The top three items selected as ‘most important values for SXNR’ were: Protection of habitat for at-risk species, ecosystem services, and conservation for the sake of the intrinsic value of nature.

Results from both the written survey questionnaire responses and the community engagement seminar were reviewed. The community engagement process demonstrated public concern for the following management issues:

- Off-leash dog walking and cleaning up after dogs
- Keeping to designated trails
- Motorized vehicle use
- Ensuring nearby developments do not encroach into SXNR
- Invasive plant species compromising the health of native ecosystems
- Horse use
- Camping
- Fire hazards – natural and anthropogenic (drought, smoking, campfires)
- Vandalism/dumping
- Bicycle use

6 Management Recommendations

6.1 Management Roles

Partner	Role
Island Trust Conservancy (ITC)	Landholder
Gabriola Land & Trails Trust (GaLTT)	Lead Co-covenant Holder
Nanaimo & Areas Land Trust (NALT)	Co-covenant Holder

6.2 Permitted and Prohibited Uses

Activities permitted on SXNR must be in congruence with the purpose and objectives of this management plan specified in sections 1.4 and 1.5. To that effect, certain low-impact activities are permitted for the public to appreciate conservation efforts put towards the various sensitive ecological attributes throughout SXNR. These activities were determined based on public input and consultations with local stakeholders. The Islands Trust Conservancy reserves the right to re-examine any of the permitted activities listed and prohibit use, if warranted, in the future. This section outlines all permitted uses in totality. Activities not listed in this section, therefore, are not permitted within SXNR boundaries and will be subject to penalty.

The following activities by the public are prohibited¹³:

- Hunting¹⁴
- Use of motorized vehicles

¹³ ITC acknowledges the inherent rights of Indigenous Peoples under Section 35 of the Canadian Constitution

¹⁴ Hunting under Section 35 of the Constitution Act, 1982 recognizes and affirms the inherent rights of Indigenous Peoples.

- Bicycling
- Horseback riding
- Camping
- Fires
- Forestry
- Livestock grazing
- Trail development
- Tree cutting
- Collection of plants, animals or fungi¹⁵

6.2.1 Northern Trail Access

As discussed in the 2008 Elder Cedar Management Plan, using SXNR as an access route to adjacent federal lands for horses and cyclists via the northern trail remains prohibited. The adjacent lands remain Treaty settlement lands for the Snuneymuxw First Nation, and this management plan does not promote, facilitate, or encourage trespassing onto these lands. The use of the northern trail system by cyclists and horses will be re-examined at the discretion of the Snuneymuxw First Nation with regards to public recreational use of their lands.

6.2.2 Pedestrian Use

One of the best ways to appreciate the values of ecological conservation is to experience it first-hand. Established trail systems have been developed throughout SXNR to allow for permitted public access while limiting the impacts that occur due to high-traffic soil compaction and vegetation disturbance. These mitigation practices are only effective when full compliance is met, therefore, access to areas of SXNR beyond designated trails is not permitted. It is important to be aware that natural hazards such as fallen trees or branches may temporarily prevent trail access to all parts of SXNR. Notwithstanding natural hazards or signage posting otherwise, pedestrian use of trails is a permitted activity.

6.2.3 Wildlife Viewing and Photography

A focal point of SXNR is the valued biodiversity found throughout the property. Wildlife viewing and photography is permitted, even encouraged. This activity can provide a sense of community on Gabriola Island as locals can significantly contribute to the knowledge of local plant and wildlife species in SXNR. As more information on the many plant and wildlife species in SXNR is gathered, management efforts can focus more on monitoring ecological changes and growth.

Wildlife viewing consists of activities such as bird watching, plant identification and insect observation. Nature photography is a growing field, as it has become a major tool in promoting conservation through social media and other news outlets. It is an excellent way to document the progress of SXNR as it matures into the old-growth stage – a forest age class that is becoming more and more rare. All these activities are considered low-impact, so

¹⁵ Harvesting and gathering under Section 35 of the Constitution Act, 1982 recognizes and affirms the inherent rights of Indigenous Peoples.

long as they are limited to designated trails. Wildlife viewing and photography on designated trails is a permitted activity.

6.2.4 On-leash Dog Walking

Along with pedestrian use of SXNR, on-leash dog walking is also permitted. Conditions of this activity are strict to dogs remaining on a leash at all times within SXNR, and that owners must pick up their dog's feces and deposit them off site. The Islands Trust Conservancy has stated that if neither of these conditions are met, dog access will be prohibited in the future.

6.2.5 Traditional Gathering and Use

The use of SXNR by First Nations for traditional gathering of medicinal plants and other foods or materials will be permitted to continue.

6.3 Proposed Monitoring Program

GaLTT, NALT and ITC monitor SXNR annually. A monitoring report with recommendations is prepared by GaLTT and sent to both NALT and ITC. A signed Memorandum of Understanding (MOU) has been signed between NALT and GaLTT designating GaLTT as the lead co-covenant holder. During the year, members of GaLTT help clear the trails of fallen trees, conduct minor trail-trimming and check SXNR when there are reports of wrong-doing. During the annual monitoring, those involved have followed the monitoring route provided in the 2008 management plan. This route (Figure 7) is thorough and addresses all potential areas of concern. It is recommended that this continues to be the standard annual monitoring route for SXNR. Monitoring should occur in the spring if possible and continue to involve representatives from ITC, GaLTT and NALT. Inclusion of all stakeholders will provide opportunities for discussion on future management actions on observed areas of concern (e.g., requirement for boardwalks). Items that should be looked for in the annual monitoring include:

- Presence of any invasive plant species specified in section 6.10
- Areas along the trail that appear to be exceptionally high in moisture, and/or areas with increasingly exposed roots
 - These areas may require a boardwalk to protect from degradation
- Structural integrity of boardwalks
- Significant increases in deer browse throughout the understory vegetation
- Public use beyond the designated trails
- Evidence of littering and/or dumping of organic wastes

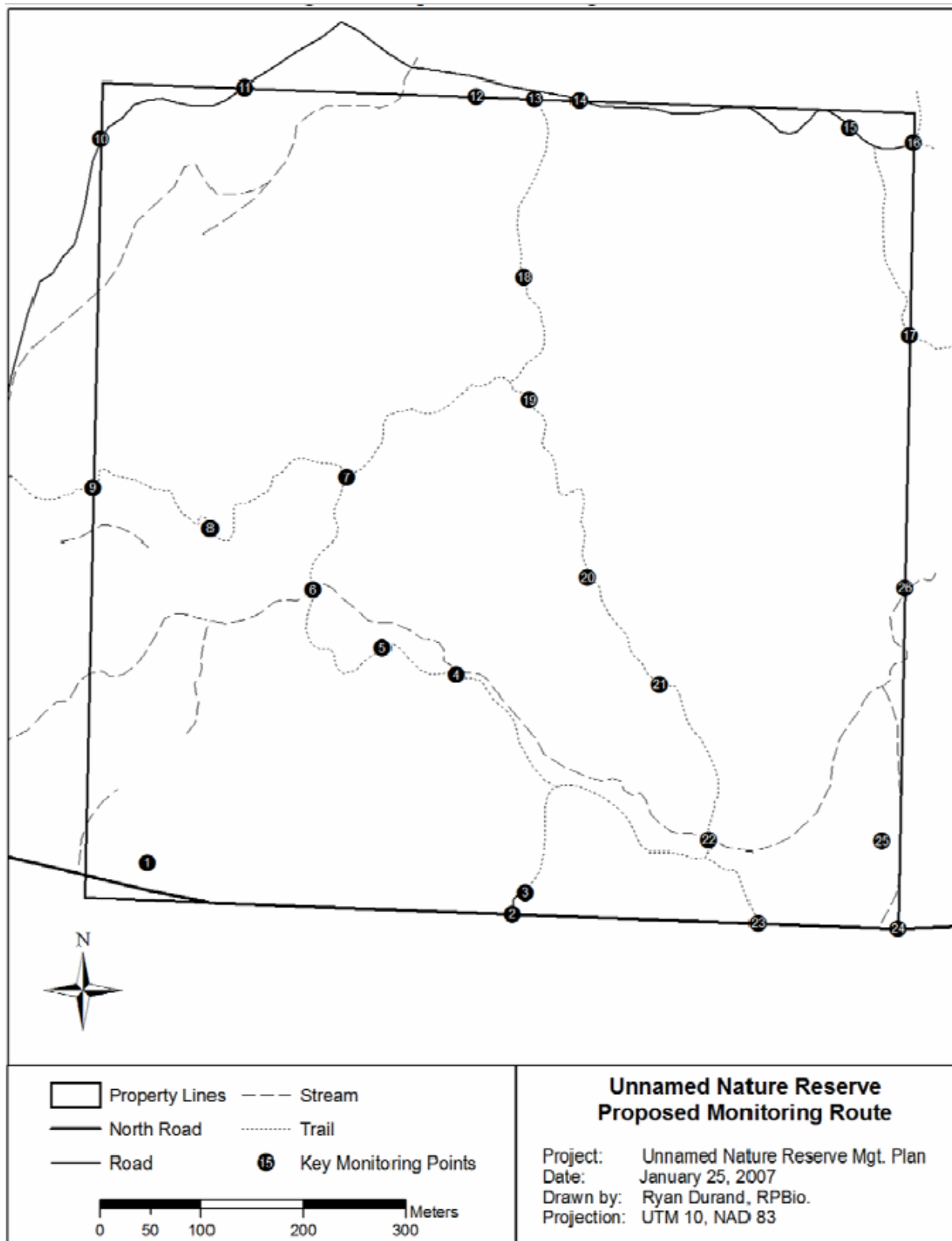


Figure 11. Monitoring route proposed by the previous management plan (Taara 2008).

- Evidence of cycling and/or motorized vehicle use within SXNR, particularly on the trail accessing Windecker Road
- Evidence of horseback riding
- Efficacy of restoration efforts

6.4 Public Access

Public access to SXNR is limited to the Official Trail Loop, accessed off North Road. There is also access to the northern portion of SXNR via the north trail, connected to the north end of the Official Trail Loop. Another trail also provides access to the northeastern corner of SXNR through a trail extending from Windecker Drive. However, this northeastern trail does not provide access to the rest of SXNR and leads onto private property. The ITC does not condone trespassing onto any adjacent private properties from SXNR. It is recommended that public access regulations for SXNR are upheld until future discussions can be made with adjacent landowners.

6.5 Signage

Currently, signage within the park boundary is adequate, with a welcome sign accompanied by an informative map of the designated trail loop, a directional sign at the northern trail loop intersection, and property boundary signs. This signage is sufficient to designate where public access is permitted within SXNR. No additional signage is recommended for management purposes at this time.

For educational purposes, increased signage could be added at the start of the Official Trail Loop. This signage could further discuss areas where Wildlife Trees have been observed (as noted in Figure 6), along with other interesting features about SXNR and its history. This is only a supplemental recommendation, and not considered imperative.

6.6 Trail Use, Maintenance and Development

For the past several years, GaLTT has had an annual contract with ITC for trail maintenance. This includes the building of boardwalks over areas with exposed tree roots, and seasonally inundated soils; addressing fallen trees on the trail; and minor trimming of overgrowth on the trail. Supplies have been funded by ITC, and labour provided by dedicated volunteers from GaLTT. Over 100 feet of boardwalk has been built in the western section of the Official Trail Loop, and most recently, 165 feet of boardwalk was constructed in the northeast corner. The priorities for boardwalks become apparent during the annual monitoring. General trail maintenance appeared appropriate during the assessment with consideration of both public safety and the surrounding ecosystems. Continued construction of boardwalks is recommended in areas where seasonally wet patches and/or increased exposure of tree roots is observed.

Since the establishment of the conservation covenant, a boardwalk surrounding an old Western redcedar was constructed on the west side of the Official Trail Loop. GaLTT and ITC considered design concepts, and the chosen design was constructed by Chris Drake. Volunteers from GaLTT and the local Gabriola Girl Scout Troop spread mulch following construction to aid in restoration of the area. Tree plantings were also observed around this

boardwalk. No further restoration efforts to this area are recommended, as the area will naturalize over time when surrounding flora encroaches inward.

At the small parking area accessed from North Road, GaLTT has arranged to have gravel added to help with winter water-filled potholes. Arrangements have also been made to place boulders in the parking area to prevent vehicular disturbance to roots and soils beyond the designated parking area. It is recommended that these activities occur in a time frame that is deemed appropriate by ITC and the covenant holders during the annual monitoring.

Stepping stones are currently being used to cross Stoney Creek on the eastern section of the Official Loop Trail (Photopoint P29). Although these stones are aesthetically pleasing, they present a safety concern when water levels increase above the stones. A clear span crossing is recommended to replace the stepping stones, and prevent public injury from slipping and falling. Specifications for the crossing can be discussed between stakeholders to determine feasibility and budget.

6.7 Protection Initiatives for Sensitive Ecosystems and Species and Ecosystems at Risk

SXNR is currently managed in a manner that prohibits harmful alteration, disturbance, and destruction of sensitive ecosystems and species at risk. Upholding the public to a high standard of compliance with regards to keeping on designated trails will allow for harmonious co-existence with species and ecosystems at risk in SXNR. Continued management with the primary objectives of conserving the ecological and historical values of SXNR is recommended.

6.8 Ecological Restoration Options

There are two areas on SXNR that would benefit from ecological restoration activities: the disturbed area in the southwest corner, where Scotch Broom is established, and a location approximately mid-way along the northern trail where braiding has occurred (see Figure 3, and Photopoint 8)

Restoration recommendations for the southwestern clearing are as follows:

Removal of Scotch Broom

- For stems less than the diameter of a pencil, pull by hand from the base of the stem
- For stems larger than the diameter of a pencil, cut at the base of the stem, approximately 1 inch below the surface, to avoid disturbance of soils.

Removal is recommended in the early spring, when the plants are in peak flower and their resources are allocated to above-ground structures as opposed to the roots. Following removal, annual removal of seedlings will be required until current vegetation grows to a height that will shade the area, or once planted native species have become established.

Planting Native Species

It is recommended to plant native species in this area once the large-scale broom removal has occurred. The trees will eventually create a closed canopy and prevent the re-establishment of shade intolerant broom. Trees recommended for this area include Grand

Fir (*Abies grandis*), Douglas-fir (*Pseudotsuga menziesii*), Western redcedar (*Thuja plicata*) and bigleaf maple (*Acer macrophyllum*). These should be planted as follows:

- The roots of plant stock must not be exposed to sunlight, must be kept moist and must be disturbed as little as possible.
- Planting holes must be dug at least 1.5 times wider than the diameter of the root-ball and several centimetres (cm) deeper.
- Holes must be backfilled with loose soil that covers the top of the root-ball with several cm of soil.
- Plants (especially the root-ball) must be fully supported when removed from containers.
- Plants should be set gently into place, with care taken not to crush or damage the roots by over compressing the soil.
- Each plant must be planted in a way that creates a slight depression around the plant to collect and retain moisture.
- Each plant must be watered thoroughly at the time of planting.

Bark mulch must be applied to a depth of at least 15 cm to cover exposed soil, with care taken to not cover shrubs that are regenerating naturally. Applied mulch will help to retain moisture and decrease the severity of invasive plant regeneration. Existing on-site woody debris can be chipped and used as mulch (avoiding cedar).

To combat deer browsing, 5-gallon pots are recommended for planted trees. This will allow for establishment to occur and the trees to grow beyond browsing height within a few years. Physical protection is recommended in the first 2-3 years after planting. This requires installing a ring of plastic or metal wire fencing around each tree – these must be 1.2 m high and the mesh spacing must be no larger than 5 cm.

Restoration recommendations for the braided section of the north trail are as follows:

- The western braid of the trail, where soils are seasonally inundated, should be closed off by selecting one (or more) of the following options:
 - Piling woody debris at the north and south entry points of the braid, discouraging public use;
 - Piling woody debris on the trail itself, allowing organic substrates to naturalize in the area; and
 - Planting shrubs (e.g., salal, sword fern) to promote regeneration of habitat in the affected area.

6.9 Scientific Research/Education Opportunities

SXNR is an old-growth Coastal Douglas-fir forest, which has become increasingly rare due to industrial production. This area has many opportunities for upper-level academic research, and public education for all ages. Education for younger demographics along the designated trails paired with discussions about environmental conservation have great value. This can be done for ages, from preschool through to post-secondary. Depending on the age group, information provided during environmental discussions should be tailored appropriately.

There are several research opportunities that can be conducted in SXNR, all with varying budgets. A sample list of these opportunities include:

- Rare flower surveys during the spring;
- Butterfly surveys during peak flight windows;
- Audio recording surveys to determine presence, and nesting periods of specific birds/owls;
- Point-count surveys for breeding birds;
- Wetland/riparian surveys for presence and abundance of amphibians (breeding period); and
- Wildlife camera surveys (good for monitoring cavities in Wildlife Trees)

6.10 Exotic and Invasive Species Management

In general, invasive species are not well-established in many areas of SXNR. There are only two areas of concern on SXNR where significant densities were observed. One large English holly (*Ilex aquifolium*) tree was observed along the eastern boundary of SXNR. It was unclear with the accuracy of an iPad GPS whether it is inside SXNR boundary or not. If it is, then it should be removed before further establishment occurs in that area from its berries. The second area is the southwestern clearing where the groundwater monitoring well is found. Scotch broom (*Cytisus scoparius*) is found throughout this area, and restoration options to manage this area have been specified in Section 6.8. Other invasive species that have been historically observed on SXNR include tansy ragwort (*Jacobaea vulgaris*), Canada thistle (*Cirsium arvense*), and English ivy (*Hedera helix*). Observations of these plants have been documented in Figure 6, and the Ecological Communities tables in section 3.7.

It is impractical to document every single occurrence of invasive species in SXNR. There have likely been multiple undocumented occurrences of invasive plants that have been outcompeted by the well-established native species. Management efforts are to be directed at larger establishments of invasive species that become prevalent in SXNR's ecological communities. ITC, GaLTT, and NALT have made considerable efforts to annually monitor SXNR and address any prevalent establishments of invasive species. For example, the disturbed area in the southwest corner of SXNR was once covered by tansy ragwort, which has since been removed through volunteer efforts by GaLTT. These continued efforts will adequately manage invasive species in SXNR and prevent degradation of the native vegetation assemblages.

6.11 Wildfire Risk Management (if applicable)

Residential areas to the east of SXNR are at risk of exposure to potential wildfires. To prevent risk of wildfire, no fires of any sort are permitted within the boundaries of SXNR. Fire protection is also provided by the Gabriola Island Fire Department and the British Columbia Forest Fire Service. Over time, the trees in the northern portion of the property will mature and smaller branches will fall to the forest floor and accumulate. It is recommended that in the next update of this management plan (approximately 10 years from now), the requirement for a fuel management prescription in this part of SXNR is evaluated.

6.12 Climate Change Impacts and Management

Climate change is a management consideration that is becoming increasingly prevalent with regards to ecological conservation. The impacts of climate change include altering averages and extremes in temperature, wind, and precipitation events. Historical climate data show that from 1900-2013, the average annual temperature in the coastal regions of B.C. warmed by 0.6°C to 0.8°C, and it is projected that by the 2080s this will increase by an estimated 1.7°C to 4.5°C (BC MOE 2016). Although these may seem like minute differences, an increase of 5°C was enough to melt the ice sheets covering earth in its latest glacial event 10,000 years ago. Temperature changes are intrinsically connected to precipitation and wind events, and therefore, can alter representative ecological communities in a given landscape. As changes in these variables occur, so will the ecological processes, and species assemblages that are encompassed by them.

An ecological progression observed in Coastal B.C. is the inland movement of the transition zone from the Coastal Douglas-fir moist maritime (CDFmm) biogeoclimatic zone to the Coastal Western Hemlock very dry maritime (CWHxm1) biogeoclimatic zone. Gabriola Island is already entirely in the CDFmm, and therefore drastic changes to its ecology are not anticipated; however, changing temperature and precipitation averages will have an impact. Elder Cedar Nature Reserve will likely not experience any noticeable impacts that would warrant management considerations for a few decades. These impacts will likely be observed with changes in moisture regimes, and ultimately changes in the shape, and size of the polygons delineated in the ecosystem classification assessment. Signs of drought should be monitored for on a decadal basis in mature trees on SXNR, and if warranted, management actions may be implemented to address potential ecological shifts. No recommendations with regards to climate change are made at this time.

7 Action Items

7.1 Immediate Actions (1-2 years):

1. Support all partners, contractors and volunteers to complete cultural competency training in regard to reconciliation, knowledge and history of Coast Salish and Indigenous Peoples.
2. Engage with First Nations to ensure that the management plan is reflective of treaty, inherent rights, and the territories of each Nation.
3. Work in collaboration towards a Management Plan for Areas of Cultural Heritage, gathering and harvesting, and Sacred Significance with First Nations.
4. Conduct annual monitoring of SXNR to ensure covenant compliance and evaluate management considerations.
5. Conduct trail maintenance as required (*i.e.*, removal of fallen logs, minor overgrowth pruning)
6. Close off the western (seasonally wet) section of the braided portion of the North Trail.
7. Engage contractors to design a crossing to replace the stepping stones across Stoney Creek. Determine a budget for materials and labour.
8. Develop and implement an invasive species management work plan for the disturbed area in the southwestern corner of SXNR to ensure the establishment of Scotch broom is appropriately addressed.

7.2 Short term Actions (3-5 years):

1. Implement the work plan for construction of the Stoney Creek crossing.
2. Implement the work plan for Scotch broom removal in the southwestern corner of the property and begin restoration (*i.e.*, replanting) efforts.

7.3 Long term Actions (5+ years)

1. Seek cost estimates on a hydrological consultation regarding potential impacts of the ditch connecting to Stoney Creek along the eastern boundary of SXNR.

7.4 Ongoing or Annual Action Items

1. Conduct annual monitoring of SXNR to ensure covenant compliance and evaluate management considerations.
2. Conduct trail maintenance as required (*i.e.*, removal of fallen logs, minor overgrowth pruning)

8 Conclusion

S'ul-hween X'pey (Elder Cedar) Nature Reserve is an area of unique ecological and historical value. Many areas of SXNR are approaching maturity with a few areas noted as being or nearing 250 years old. Old growth forests (>250 years) within the Coastal Douglas-fir moist maritime (CDFmm) biogeoclimatic zone are red-listed in British Columbia. Multiple provincially-listed wildlife species have moderate- to high-class potential for breeding habitat in SXNR; the presence of some of these species has been confirmed in previous studies.

Currently, management efforts are directed at ensuring SXNR remains as undisturbed as possible, while permitting low-impact public access for the purposes of environmental stewardship. Remediation efforts are continuously being implemented where invasive plant species are present, and where public use has created ecological impacts (*i.e.*, construction of boardwalks in sensitive areas). The management options (short- and long-term) provided in this management plan will be considered by the ITC and covenant holders with regards to public safety and ecological conservation.

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Appendix A –Photographic Documentation

Photo Location Map

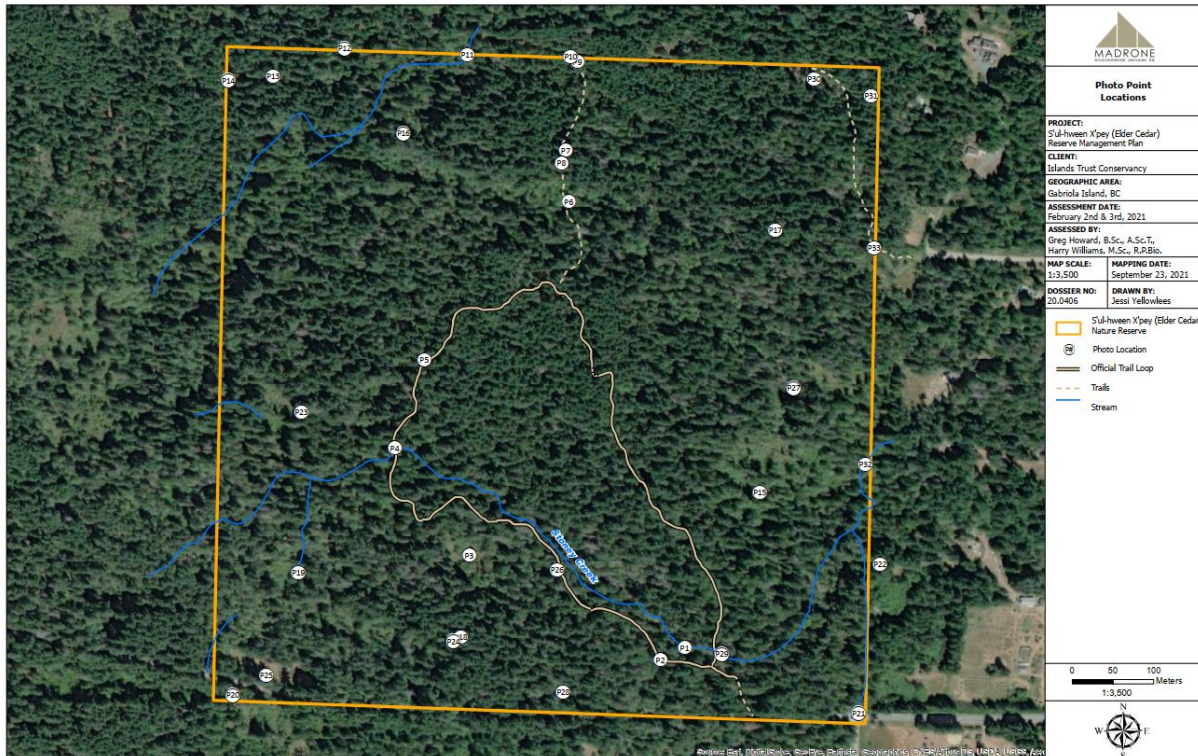


PHOTO STATION	LOCATION (UTM Coordinates [zone, easting, northing])	DIRECTION	PHOTOGRAPHER	DATE YYYY-MM-DD	DESCRIPTION
P1a	10U 444739 5445130	NW	GH*	2021-02-02	Stoney creek – looking upstream.
P1b	10U 444739 5445130	SE	GH	2021-02-02	Stoney Creek – looking downstream.
P2a	10U 444710 5445116	E	GH	2021-02-02	Eco-plot #1 (WHA/Vegetation) – Douglas fir – Grand Fir- Oregon Grape Community
P2b	10U 444710 5445116	N	GH	2021-02-02	Eco-plot #1 (WHA/Vegetation) – Douglas fir – Grand Fir- Oregon Grape Community
P2c	10U 444710 5445116	S	GH	2021-02-02	Eco-plot #1 (WHA/Vegetation) – Douglas fir – Grand Fir- Oregon Grape Community
P2d	10U 444710 5445116	W	GH	2021-02-02	Eco-plot #1 (WHA/Vegetation) – Douglas fir – Grand Fir- Oregon Grape Community

					Grape Community
P3a	10U 444478 5445244	E	GH	2021-02-02	Eco-plot #2 (WHA/Vegetation) – Slough Sedge wetland
P3b	10U 444478 5445244	N	GH	2021-02-02	Eco-plot #2 (WHA/Vegetation) – Slough Sedge wetland
P3c	10U 444478 5445244	S	GH	2021-02-02	Eco-plot #2 (WHA/Vegetation) – Slough Sedge wetland
P3d	10U 444478 5445244	W	GH	2021-02-02	Eco-plot #2 (WHA/Vegetation) – Slough Sedge wetland
P4a	10U 444384 5445376	S	GH	2021-02-02	Looking at slight erosion on north side of creek crossing
P4b	10U 444384 5445376	N	GH	2021-02-02	Looking at bridge crossing from the south side of the creek.
P5a	10U 444422 5445485	E	GH	2021-02-02	Eco-plot #3 –Douglas fir- Salal; Secondary: Cedar-Douglas Fir- Kindbergia
P5b	10U 444422 5445485	N	GH	2021-02-02	Eco-plot #3 –Douglas fir- Salal; Secondary: Cedar-Douglas Fir- Kindbergia
P5c	10U 444422 5445485	S	GH	2021-02-02	Eco-plot #3 –Douglas fir- Salal; Secondary: Cedar-Douglas Fir- Kindbergia
P5d	10U 444422 5445485	W	GH	2021-02-02	Eco-plot #3 –Douglas fir- Salal; Secondary: Cedar-Douglas Fir- Kindbergia
P6a	10U 444599 5445679	E	GH	2021-02-02	Eco-plot #4 (WHA/Vegetation) – Slough Sedge wetland
P6b	10U 444599 5445679	N	GH	2021-02-02	Eco-plot #4 (WHA/Vegetation) – Slough Sedge wetland; Boardwalk and Reed Canary Grass Remediation observed
P6c	10U 444599 5445679	S	GH	2021-02-02	Eco-plot #4 (WHA/Vegetation) – Slough Sedge wetland; Boardwalk and Reed Canary Grass Remediation observed
P6d	10U 444599 5445679	W	GH	2021-02-02	Eco-plot #4 (WHA/Vegetation) – Slough Sedge wetland
P7a	10U 444592 5445742	E	GH	2021-02-02	Eco-plot #5 Douglas-fir – Salal, secondary unit Cedar – Douglas-fir- Lodgepole pine – Arbutus
P7b	10U 444592 5445742	N	GH	2021-02-02	Eco-plot #5 Douglas-fir – Salal, secondary unit Cedar – Douglas-fir- Lodgepole pine – Arbutus
P7c	10U 444592	S	GH	2021-02-02	Eco-plot #5 Douglas-fir – Salal,

	5445742				secondary unit Cedar – Douglas-fir-Lodgepole pine – Arbutus
P7d	10U 444592 5445742	N	GH	2021-02-02	Eco-plot #5 Douglas-fir – Salal, secondary unit Cedar – Douglas-fir-Lodgepole pine – Arbutus
P8	10U 444592 5445727	E	GH	2021-02-02	Braided trail, western braid muddy, eastern braid dry.
P9a	10U 444608 5445851	W	GH	2021-02-02	Eco-plot #6 Douglas-fir – Salal; secondary unit Cedar – Douglas-fir-Lodgepole pine – Arbutus
P9b	10U 444608 5445851	S	GH	2021-02-02	Eco-plot #6 Douglas-fir – Salal; secondary unit Cedar – Douglas-fir-Lodgepole pine – Arbutus
P9c	10U 444608 5445851	W	GH	2021-02-02	Eco-plot #6 Douglas-fir – Salal; secondary unit Cedar – Douglas-fir-Lodgepole pine – Arbutus
P9d	10U 444608 5445851	N	GH	2021-02-02	Eco-plot #6 Douglas-fir – Salal; secondary unit Cedar – Douglas-fir-Lodgepole pine – Arbutus. Reserve Boundary sign observed.
P10a	10U 444600 5445858	E	GH	2021-02-02	View of the road/trail along the northern boundary of SXNR.
P10b	10U 444600 5445858	W	GH	2021-02-02	View of the road/trail along the northern boundary of SXNR.
P11	10U 444469 5445859	N	GH	2021-02-02	Looking downstream from the north side of the northern trail.
P12a	10U 444323 5445867	E	GH	2021-02-02	Photo monitoring point, as per previous management plans.
P12b	10U 444323 5445867	N	GH	2021-02-02	Photo monitoring point, as per previous management plans.
P12c	10U 444323 5445867	S	GH	2021-02-02	Photo monitoring point, as per previous management plans.
P12d	10U 444323 5445867	W	GH	2021-02-02	Photo monitoring point, as per previous management plans.
P13a	10U 444236 5445834	E	GH	2021-02-02	Eco-plot #8 Douglas-fir – Salal – trail observed
P13b	10U 444236 5445834	N	GH	2021-02-02	Eco-plot #8 Douglas-fir – Salal
P13c	10U 444236 5445834	S	GH	2021-02-02	Eco-plot #8 Douglas-fir – Salal
P13d	10U 444236 5445834	W	GH	2021-02-02	Eco-plot #8 Douglas-fir – Salal – trail observed
P14a	10U 444177	E	GH	2021-02-02	Photo monitoring point as per

	5445828				previous management reports. Trail intersection.
P14b	10U 444177 5445828	N	GH	2021-02-02	Photo monitoring point as per previous management reports. Trail intersection.
P14c	10U 444177 5445828	S	GH	2021-02-02	Photo monitoring point as per previous management reports. Trail intersection.
P14d	10U 444177 5445828	W	GH	2021-02-02	Photo monitoring point as per previous management reports. Trail intersection.
P15a	10U 444836 5445322	E	GH	2021-02-03	Eco-plot #7 – Slough Sedge Wetland
P15b	10U 444836 5445322	N	GH	2021-02-03	Eco-plot #7 – Slough Sedge Wetland
P15c	10U 444836 5445322	S	GH	2021-02-03	Eco-plot #7 – Slough Sedge Wetland
P15d	10U 444836 5445322	W	GH	2021-02-03	Eco-plot #7 – Slough Sedge Wetland
P16a	10U 444395 5445763	E	GH	2021-02-03	Eco-plot #9 - Douglas-fir – Salal
P16b	10U 444395 5445763	N	GH	2021-02-03	Eco-plot #9 - Douglas-fir – Salal
P16c	10U 444395 5445763	S	GH	2021-02-03	Eco-plot #9 - Douglas-fir – Salal
P16d	10U 444395 5445763	W	GH	2021-02-03	Eco-plot #9 - Douglas-fir – Salal
P17a	10U 444853 5445644	E	GH	2021-02-03	Eco-plot #10 - Douglas-fir – Grand fir – Oregon grape
P17b	10U 444853 5445644	N	GH	2021-02-03	Eco-plot #10 - Douglas-fir – Grand fir – Oregon grape
P17c	10U 444853 5445644	S	GH	2021-02-03	Eco-plot #10 - Douglas-fir – Grand fir – Oregon grape
P17d	10U 444853 5445644	W	GH	2021-02-03	Eco-plot #10 - Douglas-fir – Grand fir – Oregon grape
P18a	10U 444462 5445144	E	GH	2021-02-03	Eco-plot #11 - Douglas-fir – Grand fir – Oregon grape
P18b	10U 444462 5445144	N	GH	2021-02-03	Eco-plot #11 - Douglas-fir – Grand fir – Oregon grape
P18c	10U 444462 5445144	S	GH	2021-02-03	Eco-plot #11 - Douglas-fir – Grand fir – Oregon grape
P18d	10U 444462 5445144	W	GH	2021-02-03	Eco-plot #11 - Douglas-fir – Grand fir – Oregon grape

P19a	10U 444266 5445224	E	GH	2021-02-03	Eco-plot 12 - Slough Sedge wetland
P19b	10U 444266 5445224	N	GH	2021-02-03	Eco-plot 12 - Slough Sedge wetland
P19c	10U 444266 5445224	S	GH	2021-02-03	Eco-plot 12 - Slough Sedge wetland
P19d	10U 444266 5445224	W	GH	2021-02-03	Eco-plot 12 - Slough Sedge wetland
P20a	10U 444184 5445073	N	GH	2021-02-03	Eco Plot 13 – Douglas fir – Salal. Very small polygon. English Holly observed.
P20b	10U 444184 5445073	W	GH	2021-02-03	Eco Plot 13 – Douglas fir – Salal. Very small polygon.
P20c	10U 444184 5445073	W	GH	2021-02-03	Eco Plot 13 – Douglas fir – Salal. Very small polygon. This photo captures its entirety.
P21a	10U 444957 5445050	W	GH	2021-02-03	Photo monitoring point as per previous management reports. Stormwater ditches and culvert flowing into ditch; watercourse leads to Stoney Creek.
P21b	10U 444957 5445050	S	GH	2021-02-03	Photo monitoring point as per previous management reports. Stormwater ditches and culvert flowing into ditch; watercourse leads to Stoney Creek.
P21c	10U 444957 5445050	N	GH	2021-02-03	Photo monitoring point as per previous management reports. Stormwater ditches and culvert flowing into ditch; watercourse leads to Stoney Creek.
P22	10U 444981 5445234	N	GH	2021-02-03	English Holly tree. Unclear whether it is inside or outside SXNR boundary based on GPS accuracy.
P23a	10U 444268 5445421	E	GH	2021-02-03	Ecological polygon 8 – confirmed similar attributes to other Slough Sedge wetland areas
P23b	10U 444268 5445421	N	GH	2021-02-03	Ecological polygon 8 – confirmed similar attributes to other Slough Sedge wetland areas
P23c	10U 444268 5445421	S	GH	2021-02-03	Ecological polygon 8 – confirmed similar attributes to other Slough Sedge wetland areas
P23d	10U 444268 5445421	W	GH	2021-02-03	Ecological polygon 8 – confirmed similar attributes to other Slough Sedge wetland areas

P24	10U 444455 5445139	W	GH	2021-02-03	Mature Douglas fir (91 cm DBH) cored and aged at approximately 210 years old.
P25a	10U 444228 5445098	E	GH	2021-02-03	Ecological Polygon 14 – Disturbed Area with significant Scotch Broom establishment.
P25b	10U 444228 5445098	N	GH	2021-02-03	Ecological Polygon 14 – Disturbed Area with significant Scotch Broom establishment.
P25c	10U 444228 5445098	S	GH	2021-02-03	Ecological Polygon 14 – Disturbed Area with significant Scotch Broom establishment.
P25d	10U 444228 5445098	W	GH	2021-02-03	Ecological Polygon 14 – Disturbed Area with significant Scotch Broom establishment. Monitoring Well observed.
P26	10U 444587 5445227	W	GH	2021-02-03	A Wildlife Tree with several cavities of adequate size for a variety of owls.
P27	10U 444873 5445450	E	GH	2021-02-03	A Wildlife Tree with a large cavity suitable for secondary cavity nesters.
P28a	10U 444593 5445076	E	GH	2021-02-03	Ecological Polygon #17 – disturbed area, no invasive plants observed.
P28b	10U 444593 5445076	W	GH	2021-02-03	Ecological Polygon #17 – disturbed area, no invasive plants observed.
P29	10U 444783 5445123	N	GH	2021-02-03	Stepping stones crossing Stoney Creek.
P30a	10U 444899 5445830	NW	GH	2021-02-03	Photo monitoring point as per previous management reports. Trail through rock outcrop.
P30b	10U 444899 5445830	S	GH	2021-02-03	Photo monitoring point as per previous management reports. Trail through rock outcrop.
P31a	10U 444972 5445810	E	GH	2021-02-03	Photo monitoring point as per previous management reports. Old road that used to extend into private property that is now overgrown and fenced.
P31b	10U 444972 5445810	E	GH	2021-02-03	Photo monitoring point as per previous management reports. Old road that used to extend into private property that is now overgrown and fenced.
P31c	10U 444972 5445810	E	GH	2021-02-03	Photo monitoring point as per previous management reports. Old

					road that used to extend into private property that is now overgrown and fenced. Nature Reserve boundary sign observed
P32a	10U 444960 5445356	N	GH	2021-02-03	Photo monitoring point as per previous management reports. Looking downstream at Stoney Creek.
P32b	10U 444960 5445356	S	GH	2021-02-03	Photo monitoring point as per previous management reports. Looking upstream at Stoney.
P33a	10U 444970 5445623	E	GH	2021-02-03	Photo monitoring point as per previous management reports. Reserve boundary sign from Windecker Drive.
P33b	10U 444970 5445623	W	GH	2021-02-03	Photo monitoring point as per previous management reports. Reserve boundary sign from Windecker Drive.

* GH = Greg Howard

Appendix B – Community Engagement Survey Documentation



COVID-19

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Community Engagement - Gabriola Island Management Plans

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We would like to hear your ideas and concerns regarding the long-term management of these special places...

S'ul-hween X'pey/Elder Cedar and Coats Millstone nature reserves

Islands Trust Conservancy acknowledges and respects that Gabriola Island is within the territory of the Coast Salish Peoples including Cowichan Tribes, Halalt First Nation, Lyackson First Nation, Penelakut Tribe, SEMYOME (Semiahmoo) First Nation, Snuneymuw First Nation, Stz'uminus (Chemalimus) First Nation, Ts'uubaa-asatx (Lake Cowichan) First Nation.

The S'ul-hween X'pey/Elder Cedar Nature Reserve (ECNR) is a 65-hectare protected area which holds some of the last remaining mature forest on Gabriola Island. Rocky outcrops, several interconnecting streams, and wetland complexes travel through the property. The diversity of landscapes provide habitat to a wide array of species, including those provincially designated as a 'species at risk'. Of the provincially designated species that have potential habitat on the property, presence of the following have been confirmed through surveys: the Red-legged Frog, Western Screech-Owl, Band-Tailed Pigeon, and Townsend's Big-eared Bat.

The Coats Millstone Nature Reserve (CMNR) is a 0.25-hectare protected area encompassing part of a ridge rising above Descanso Bay. The reserve is an old sandstone quarry. The different tiers of the ridge offer very different habitats for plants on the reserve. The young forest and water-filled millstone holes provide habitat for various birds and animals. The steep cliffs and deep millstone holes make this site very dangerous. The millstones occupy much of the upper ledge on the site and the moss-covered ground is slippery, leaving little space for walking, therefore CMNR has been closed to the public.

Islands Trust Conservancy's primary goal is to protect and nurture the sensitive ecosystems and natural values on this land. The information and actions required to achieve this goal and guide the management of the property are set out in a management plan that is updated every 10 years. We welcome community input and ask you to share your thoughts on the protection and long-term management of the S'ul-hween X'pey/Elder Cedar and Coats Millstone nature reserves.

Questionnaires can be completed online at <https://www.surveymonkey.com/r/CoatsMillstone> and <https://www.surveymonkey.com/r/ECNR>

The deadline to complete each survey is March 15, 2021.

There will be a webinar with information about the Coats Millstone Nature Reserve and the S'ul-hween X'pey/Elder Cedar Nature Reserve on February 22, 2021 at 2 p.m.

Register in advance for this webinar:
https://islandstrust.zoom.us/webinar/register/WN_08UOhRaTe-sCgy8YzSv9

After registering, you will receive a confirmation email containing information about joining the webinar.

Islands Trust Conservancy is committed to honouring the rich history of Indigenous stewardship in the lands and waters of the Islands Trust Area and to building mutually respectful relationships between Indigenous and non-Indigenous partners in conservation. In 2019, Islands Trust Conservancy passed a Reconciliation Declaration committing to building relationships to work to protect and manage the area and any cultural heritage sites in these nature reserves in a way that is reflective of treaty, inherent rights, and the territorial lands.

News

- News Releases
- The Heron Newsletter
- Conservation Success Stories

Press Room

- Community Engagement - Salt Spring & Thetis Island Management Plans
- Community Engagement - Gabriola Island Management Plans



Conservation Success Stories: The Kikuchis and Frog Song Forest

Arthur Kikuchi honoured his parents and his family's future generations by using his inheritance to purchase and protect a wetland and forest on North Pender Island.

[Read more](#)

Page last updated: 15/02/21

Public information provided on the ITC website – (February/March 2021)



S'ul-hween X'pey/ Elder Cedar Nature Reserve Management Plan Questionnaire

ECNR Questionnaire Open until March 15, 2021

Islands Trust Conservancy acknowledges and respects that Gabriola Island is within the territory of the Coast Salish Peoples including Cowichan Tribes, Halalt First Nation, Lyackson First Nation, Penelakut Tribe, SEMYOME (Semiahmoo) First Nation, Snuneymuxw First Nation, Stz'uminus (Chemainus) First Nation, Ts'uubaa-asatx (Lake Cowichan) First Nation.

The S'ul-hween X'pey/ Elder Cedar Nature Reserve is a 65 hectare protected area which holds some of the last remaining mature forest on Gabriola Island. Rocky outcrops, several interconnecting streams and wetland complexes travel through the property. The diversity of landscapes provide habitat to a wide array of species, including those provincially designated as a 'species at risk'. Of the provincially designated species that have potential habitat on the property, presence of the following have been confirmed through previous surveys: the Red-legged Frog, Western Screech-Owl, Band-Tailed Pigeon and Townsend's Big-eared Bat.

The Islands Trust Conservancy's primary goal is to protect and nurture the sensitive ecosystems and natural values on this land. The information and actions required to achieve this goal and guide the management of the property are set out in a management plan that is updated every 10 years. We welcome community input and ask you to share your thoughts on the protection and long-term management of the S'ul-hween X'pey/ Elder Cedar Nature Reserve.

1. Are you a resident of Gabriola Island?

- ☐ Yes, I live on north Gabriola Island
- ☐ Yes, I live mid-island
- ☐ Yes, I live on south Gabriola Island
- ☐ No, but I own property on Gabriola Island
- ☐ No, I'm a visitor

2. Have you ever visited the S'ul-hween X'pey/ Elder Cedar Nature Reserve? If so, how often?

- ☐ No, never
- ☐ Once
- ☐ A few times
- ☐ A few times per year
- ☐ Once a month or more

3. If you have visited S'ul-hween X'pey/ Elder Cedar Nature Reserve before, what did you do there?

- ☐ Hiking/walking
- ☐ Wildlife viewing
- ☐ Dog walking
- ☐ Other (please specify)

4. Please list any wildlife and unique plant species you have seen in or near S'ul-hween X'pey/ Elder Cedar Nature Reserve:

5. What do you believe to be the most important values of nature reserves? (choose three)

- ☐ Protection of habitat for at-risk species
- ☐ Ecosystem services (e.g. clean water and air, erosion control, groundwater recharge, etc.)
- ☐ Recreational opportunities
- ☐ Education and research opportunities
- ☐ Tourism
- ☐ Aesthetic appeal
- ☐ Conservation for the sake of the intrinsic value of nature
- ☐ Other (please specify)

6. What activities do you believe are incompatible with the protection of natural features, and should not be allowed within S'ul-hween X'pey/ Elder Cedar Nature Reserve?

7. What do you feel could be the greatest threat to the health of this nature reserve, and should be the highest management priority for the Islands Trust Conservancy?

8. Please provide any other relevant information that will help us make the best management decisions for S'ul-hween X'pey/ Elder Cedar Nature Reserve.

9. Please share with us any history you know about this property or any knowledge you have about unique cultural or other special features on the property.

10. If you would like to receive periodic updates from the Islands Trust Conservancy on this and other conservation projects on the islands, please provide your name and email address:

Appendix C – Engagement Letter to Adjacent Landholders

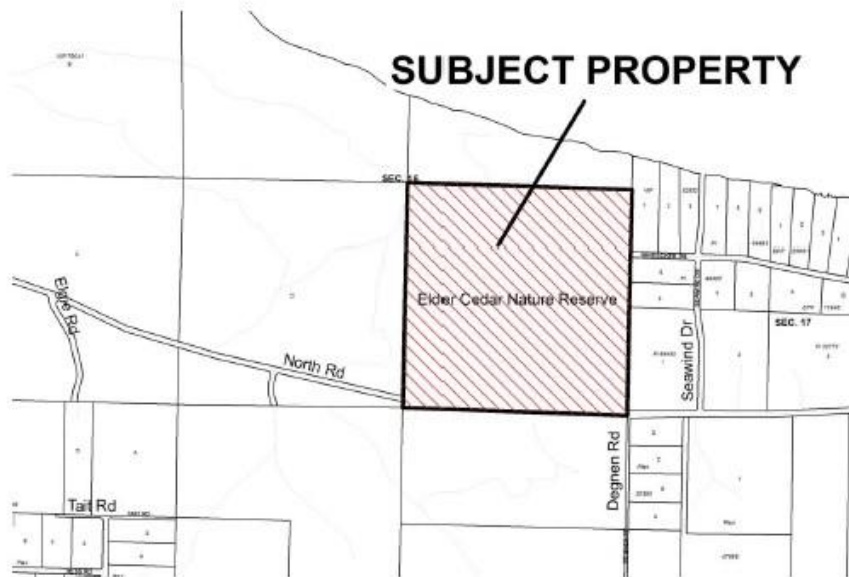


February 5, 2021

Dear Neighbour,

The Islands Trust Conservancy is updating the management plan to guide management of the S'ul-hween X'pey/ Elder Cedar Nature Reserve for the next 10 years and we are interested in hearing from you.

The S'ul-hween X'pey/ Elder Cedar Nature Reserve (PID: 026-664-453, Block A, Section 16, Gabriola Island Nanaimo District) is a 65.4-hectare (161.5-acre) protected area located in central Gabriola Island, just south of the northern shoreline. Islands Trust Conservancy acknowledges and respects that Gabriola Island is within the territory of Cowichan Tribes, Halalt First Nation, Lyackson First Nation, Penelakut Tribe, SEMYOME (Semiahmoo) First Nation, Snuneymuxw First Nation, Stz'uminus (Chemainus) First Nation, Ts'uubaa-asatx (Lake Cowichan) First Nation.



PHONE: (250) 405-5151 • FAX: (250) 405-5155 • 200-1627 FORT ST. VICTORIA, BC, V8R 1H8
ITCMAIL@ISLANDSTRUST.BC.CA • WWW.ISLANDSTRUSTCONSERVANCY.CA

The S'ul-hween X'pey/ Elder Cedar Nature Reserve holds some of the last remaining mature forest on Gabriola Island. Rocky outcrops, several interconnecting streams and wetland complexes travel through the property. The diversity of landscapes provide habitat to a wide array of species, including those provincially designated as a 'species at risk'. Of the provincially designated species that have potential habitat on the property, presence of the following have been confirmed through previous surveys: the Red-legged Frog, Western Screech-Owl, Band-Tailed Pigeon and Townsend's Big-eared Bat.

The Islands Trust Conservancy will work in partnership with the Gabriola Land and Trails Trust and Nanaimo Area Land Trust who hold a conservation covenant on the Nature Reserve. There are restrictions on the use of the property, outlined in the covenant, that have been put in place to protect the native plants and animals within the reserve.

Your input is requested for the development of the next Elder Cedar (S'ul-hween X'pey) Nature Reserve Management Plan. As a neighbour of the reserve, we would like to hear your ideas and concerns regarding the long-term management of this special place.

The enclosed questionnaire can be:

- completed online at <https://www.surveymonkey.com/r/ECNR> or through our website: <http://www.islandstrustconservancy.ca>;
- returned by mail to the Victoria office at 200 – 1627 Fort Street, Victoria, BC V8R 1H8; or,
- dropped off in person at the Islands Trust office on Gabriola Island at 700 North Road.

The deadline to complete the survey is March 15, 2021.

There will be a webinar with information about the S'ul-hween X'pey/ Elder Cedar Nature Reserve as well as the Coats Millstone Nature Reserve on February 22, 2021 at 2pm.

Register in advance for this webinar:

https://islandstrust.zoom.us/webinar/register/WN_08iJOHraTe-sCgy8iYZSvq

After registering, you will receive a confirmation email containing information about joining the webinar.

Thank you for taking the time to share your ideas regarding management of the S'ul-hween X'pey/ Elder Cedar Nature Reserve. For more information, please contact me at the phone number or email listed below.

Sincerely,



Nuala Murphy
Property Management Specialist, Islands Trust Conservancy
250-405-5193
nmurphy@islandstrust.bc.ca



Appendix D – First Nations Engagement Letter



February 11, 2021

Dear Chief and Council,

Re: Coats Millstone and S'ul-hween X'pey/ Elder Cedar Nature Reserve Management Plan

The Islands Trust Conservancy, through its work as a land trust, is drafting a management plan for the Coats Millstone and S'ul-hween X'pey/ Elder Cedar Nature Reserves on Gabriola Island.

The nature reserves are within your First Nations treaty and/or territorial lands and waters and we want to ensure that the direction of the management plans is reflective of both reconciliation and conservation goals. At this time, ITC would like to work with you to understand the cultural significance and use of the area so that these values can also be preserved and protected—now and into the future. We understand that the cultural significance of this land may be confidential and we would work with you to ensure that the management plan reflects this significance appropriately. Acknowledging the importance of naming and recognition, if there is signage, names, or place names that should be used for these areas please let us know.

Coats Millstone Nature Reserve (PID: 018-560-601, Lot 5, Section 20, Gabriola Island, Nanaimo District, Plan VIP57861) is a 0.25 hectare encompassing part of a ridge rising above Descanso Bay. Coats Millstone Nature Reserve (CMNR) is an old sandstone quarry with steep tiers on a cliff. The young forest and water-filled millstone holes provide habitat for various birds and animals, but the steep cliffs and deep millstone holes make this site very dangerous and CMNR has been closed to the public.

S'ul-hween X'pey/Elder Cedar Nature Reserve (PID: 026-664-453, Block A, Section 16, Gabriola Island, Nanaimo District) is an 65.4-hectare (161.5-acre) protected area located in central Gabriola Island, just south of the northern shoreline. S'ul-hween X'pey Nature Reserve holds some of the last remaining mature forest on Gabriola Island. Rocky outcrops, several interconnecting streams and wetland complexes travel through the property. The diversity of landscapes provide habitat to a wide array of species, presence of the following provincially designated species designated as a 'species at risk' have been confirmed through previous surveys: the Red-legged Frog, Western Screech-Owl, Band-Tailed Pigeon and Townsend's Big-eared Bat.

Islands Trust Conservancy would like to undertake an archaeological review or traditional use study in collaboration with you. Islands Trust Conservancy passed a Reconciliation Declaration, committing to building relationships to work with your Nation to protect and manage the area and any cultural heritage sites in these nature reserves in a way that is reflective of treaty, inherent rights, and the territorial lands of your Nation.





Figure 1. Gabriola Island, Islands Trust Conservancy Nature Reserves

You may also be interested to know that Islands Trust Conservancy has developed a draft management plan template that includes cultural heritage and spiritual significance. I would be pleased to provide it to you, as a starting point if you would like to comment on it.

A questionnaire can be completed online at: <https://www.surveymonkey.com/r/CoatsMillstone>
<https://www.surveymonkey.com/r/ECNR>

The survey will remain online until March 15, 2021, and I can also be contacted at any time using the contact details below.

There will be a webinar with information about the Coats Millstone Nature Reserve and the S'ul-hween X'pey/ Elder Cedar Nature Reserve on February 22, 2021 at 7:00 pm. Register in advance for this webinar:

https://islandstrust.zoom.us/webinar/register/WN_08iJOhRaTe-sCgy8iYZSvq

After registering, you will receive a confirmation email containing information about joining the webinar.



Thank you for considering our request to work together. Please contact me at the number or email listed below. Thank you for your kind consideration.

Sincerely,



Nuala Murphy
Property Management Specialist
Islands Trust Conservancy
250-405-5193 | nmurphy@islandstrust.bc.ca

Islands Trust Conservancy's Victoria office is located in Coast Salish territory and we acknowledge with respect the BOKEĆEN, Cowichan Tribes, Halalt, Homalco, K'ómoks, Klahoose, Ts'uubaa-asatx, Lək'wəŋən (SXIMELEL, Songhees, T'Sou-ke), Lyackson, MÁLEXEL, Penelakut, Qualicum, Scia'new, səliłwətaʔt, SEMYOME, shishálh, Snaw-naw-as, Snuneymuxw, Skwxwú7mesh, SṠÁUTW, Stz'uminus, Tla'amin, scaŋwaθən məsteyəxʷ, We Wai Kai, Wei Wai Kum, WJOLÉLP, WSIKEM, and xʷməθkʷəy̓əm territories in which we live and work.





REQUEST FOR DECISION

To: Islands Trust Conservancy Board **For the Meeting of:** October 5, 2021
From: Staff **Date Prepared:** September 10, 2021

SUBJECT: Coats Millstone Nature Reserve, Gabriola Island

RECOMMENDATION: That the Islands Trust Conservancy Board approve the 2021 update of the Coats Millstone Nature Reserve Nature Reserve Management Plan, dated August 18, 2021.

1 PURPOSE:

To approve the revision of the management plan for the Coats Millstone Nature Reserve.

2 BACKGROUND:

Islands Trust Conservancy Board policy (ITC 2.3) indicates, “The Board will prepare and approve a management plan for each property it acquires as a Nature Reserve...within one year of acquisition, and will update each management plan approximately every 10 years.” Islands Trust Conservancy management plans:

- Provide general and descriptive information on the property, including location, history, and land use;
- Set out the conservation goals and objectives for the property;
- Identify the property's ecological and/or cultural values and features;
- Describe the management issues associated with the property; and
- Provide short and long-term management recommendations (action items or tasks) on issues such as: invasive species management; species at risk protection; public access and safety; educational and research opportunities; and signage needs.

Coats Millstone Nature Reserve (CMNR) is a relatively small (0.25 ha) site of unique historical value, with potential to provide high ecological values to a multitude of species located just south of the Gabriola Island ferry terminal (Figure 1). There is an old sandstone quarry encompassing benches and cliffs sloping to the northwest. There are about 30 millstone pools on the rocky shelves on the eastern side of CMNR (Figure 2). The property is in the Coastal Douglas-fir moist maritime (CDFmm) biogeoclimatic zone and varies in structural stage due to disturbance from quarrying in the early 20th century. The upper and mid portions of the property are steep and dry (except the millstone pools), while the lower portion of the property has deeper, moist soils.

ITC put on a public webinar instead of an in-person public open house for the first time to facilitate the community engagement piece of the management plan. Elder Geraldine Manson, from the Snuneymuxw First Nation, gave a welcome for the virtual open house.

To check for documented occurrence of rare species and/or ecological communities, queries were made in the BC Conservation Data Centre (CDC), the Wildlife Tree Stewardship Atlas, the Sensitive Ecosystem Inventory, and e-Bird and one masked occurrence from the CDC was documented. However critical breeding habitat was identified for a number of species.

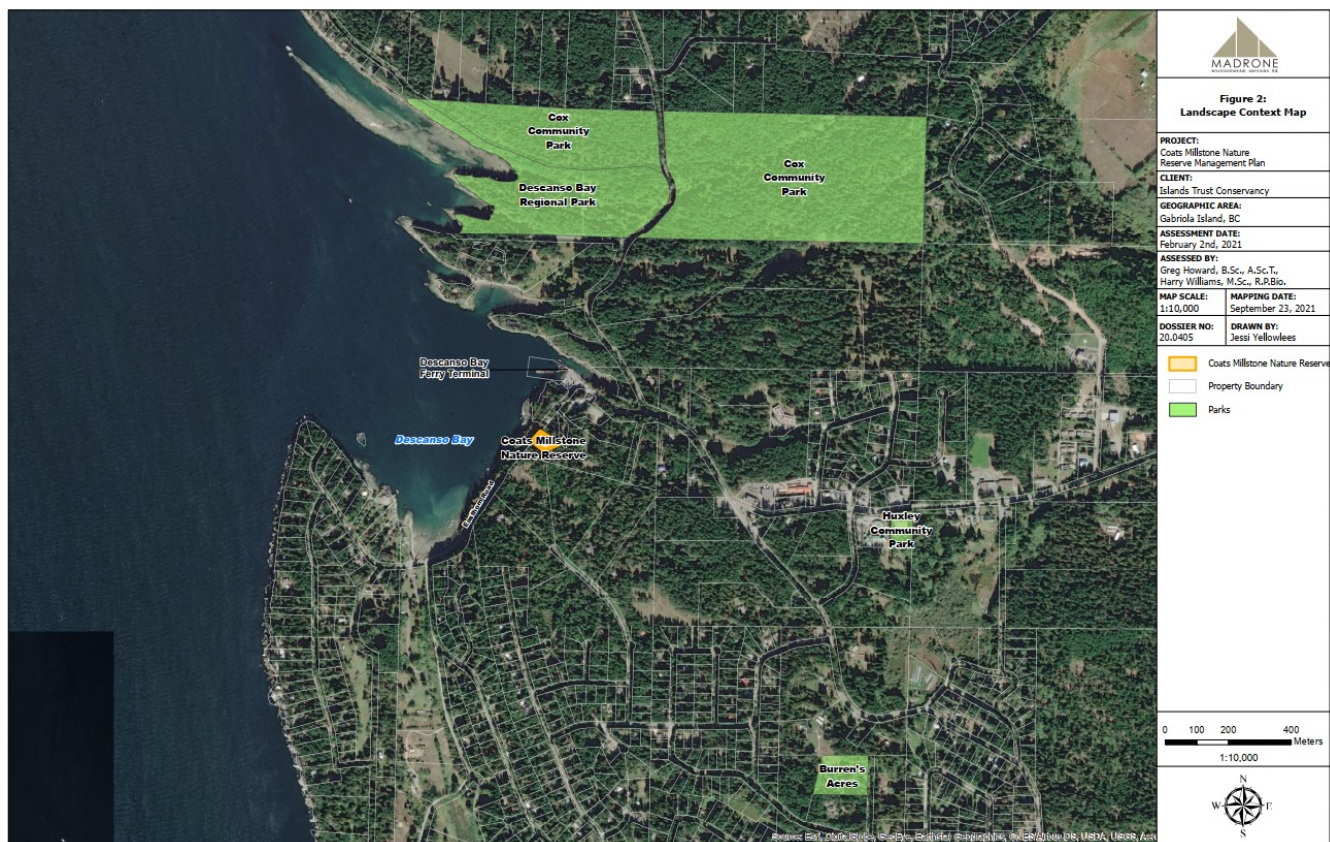


Figure 1. Landscape Context Map.

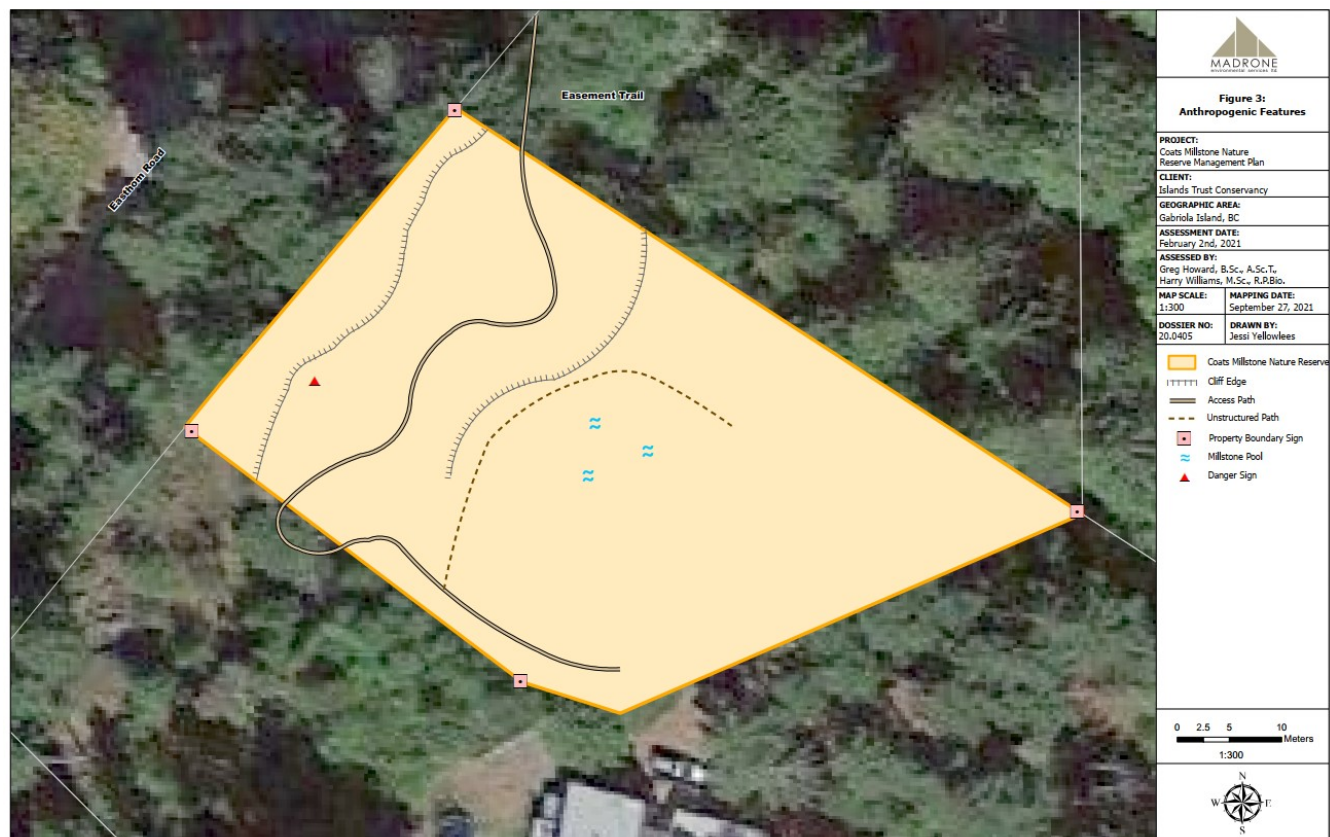


Figure 2. Anthropogenic Features

The initial management plan was approved in 1994 with an update in 1997. In 2021, the management plan was updated by Madrone Environmental Services Ltd. to be consistent with a new template and additional field work was done to complete the ecological descriptions of the property. A draft was provided to the covenant holders, Nanaimo and Area Land Trust and Gabriola Historical & Museum Society; their edits have been incorporated into the attached management plan and the final management plan will be sent to the covenant holders for approval before being implemented.

The prominent issue of the site is public safety, which resulted in its closure to the public in 2004. The exposed cliff edges and the deep millstone pools are currently a danger to the public with a high hazard for injury. Stakeholder discussions are ongoing as to how to make the site safer. A second issue of concern is the presence of invasive plant species (i.e., Scotch Broom), of which management recommendations have been outlined to achieve eradication.

ITC will continue to incorporate new information and knowledge sharing of First Nations interests, species-at-risk, invasive species, and management techniques over the course of the lifetime of the plan.

Immediate Actions (1-2 years):

1. Support all partners, contractors and volunteers to complete cultural competency training in regard to reconciliation, knowledge and history of Coast Salish and Indigenous Peoples.
2. Engage with First Nations to ensure that the management plan is reflective of treaty, inherent rights, and the territories of each Nation.
3. Work in collaboration towards a Management Plan for Areas of Cultural Heritage, gathering and harvesting, and Sacred Significance with First Nations.
4. Conduct annual monitoring of CMNR to ensure covenant compliance and evaluate management considerations.
5. Develop and implement an invasive species management work plan to ensure establishment of Scotch Broom is appropriately addressed.

Short term Actions (3-5 years):

1. Continue discussion on public safety of the site with partners and possible ways forward.
2. Continue to implement an invasive species management work plan with planting of native species if funding allows.

Long term Actions (5+ years):

1. Implement any public safety measures decided with partners if it is feasible to open the site to the public.

Ongoing or Annual Action Items:

1. Monitoring for presence of invasive plants, and prompt removal.
2. Monitoring for public use and negligence (i.e., littering, encroaching beyond trails)

3 IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL: This management plan will guide the management of this property and assist staff in budgeting property management funds over the next 10 years.

FINANCIAL: The property management budget is allocated each year depending on available funds and the work that is most needed, balanced between all ITC properties. The primary management costs for the CMNR will be the continuation of invasive species removal and working with partners to limit risk around the millstone holes. Resources will also be required to engage with First Nations toward cooperative management, conduct climate change research and coordinate species at risk surveys.

POLICY: Consistent with policy.

IMPLEMENTATION/COMMUNICATIONS: Staff will provide the Board-approved version of the management plan to the covenant holders, Nanaimo & Area Land Trust (NALT) and Gabriola Historical & Museum Society, for their final approval. Once approved by all parties, the management plan will be posted to the ITC website. ITC contractors and conservation partners working within the Nature Reserve will be provided with the management plan.

FIRST NATIONS: The Lands Clerk of the Snuneymuxw First Nation (SFN) was contacted multiple times throughout the development of this report in 2021 by Madrone. Letters were mailed from ITC to the following First Nations on February 11, 2021 (Appendix D): Cowichan Tribes, Halalt First Nation, Lyackson First Nation, Penelakut Tribe, SEMYOME (Semiahmoo) First Nation, Snuneymuxw First Nation, Stz'uminus (Chemainus) First Nation and Ts'uubaa-asatx (Lake Cowichan) First Nation. A shelter-in-place order was in effect for the SFN due to the global COVID-19 pandemic and outbreaks within the SFN community. This prevented a formal response on input for this recent management plan to be provided, though the SFN have expressed interest in reviewing the management plan upon its completion. Over the 10-year timeframe of this revised management plan, ITC will strive to work more closely with First Nations to build trust through in-person meetings and development of a Management Plan for Areas of Cultural Heritage and Sacred Significance.

CLIMATE CHANGE: An ecological progression observed in Coastal B.C. is the inland movement of the transition zone from the Coastal Douglas-fir moist maritime (CDFmm) biogeoclimatic zone to the Coastal Western Hemlock very dry maritime (CWHxm1) biogeoclimatic zone. Gabriola Island is already entirely in the CDFmm, and therefore drastic changes to its ecology are not anticipated; however, changing temperature and precipitation averages will have an impact. These impacts will likely be observed with changes in moisture regimes, and ultimately changes in the shape, and size of the polygons delineated in the ecosystem classification assessment.

OTHER: None.

4 **RELEVANT POLICY(S):** [ITC 2.3 - Acquisition and Management of Land](#)

5 **ATTACHMENT(S):**

- Coats Millstone Nature Reserve Management Plan

RESPONSE OPTIONS

Recommendation: That the Islands Trust Conservancy Board approve the 2021 update of the Coats Millstone Nature Reserve Nature Reserve Management Plan dated August 18, 2021.

Alternative: That the Islands Trust Conservancy Board approve Coats Millstone Nature Reserve Management Plan with the following amendments:

- *[insert amendments]*

Prepared By: Nuala Murphy, Property Management Specialist

Reviewed By/Date: Kate Emmings, ITC Manager / September 21, 2021



Coats Millstone Nature Reserve Property Management Plan Gabriola Island



PREPARED BY
Madrone Environmental Services Ltd.
Duncan, BC

APPROVED BY
Islands Trust Conservancy Board on **DATE** Resolution ITC-20XX-XXX
Gabriola Historical & Museum Society on **DATE**
Nanaimo Area Land Trust on **DATE**

i. Executive Summary

Islands Trust Conservancy acknowledges and respects that Gabriola Island is within the traditional territory of Coast Salish Peoples, Cowichan Tribes, Halalt First Nation, Lyackson First Nation, Penelakut Tribe, SEMYOME (Semiahmoo) First Nation, Snuneymuxw First Nation, Stz'uminus (Chemainus) First Nation and Ts'uubaa-asatx (Lake Cowichan) First Nation. The historical relationship to the land, culture, and spirit of this place continues to this day. Islands Trust Conservancy is committed to honouring the rich history of Indigenous stewardship in the lands and waters of the Islands Trust Area and to building mutually respectful relationships between Indigenous and non-Indigenous partners in conservation. Therefore, this Management Plan for the Coats Millstone Nature Reserve is a living document that will evolve as opportunities for knowledge sharing arise and understanding grows¹.

The Coats Millstone Nature Reserve (CMNR) is a relatively small (0.25 ha) site of unique historical value, with potential to provide high ecological values to a multitude of species. The property is an old sandstone quarry encompassing benches and cliffs sloping to the northwest. There are about 30 millstone pools on the rocky shelves on the eastern side of CMNR, which provide historical value to the site, as they represent the industrial history of Gabriola Island. The property is in the Coastal Douglas-fir moist maritime (CDFmm) biogeoclimatic zone and varies in structural stage due to disturbance from quarrying in the early 20th century. The upper and mid portions of the property are steep and dry (except the millstone pools), while the lower portion of the property has deeper, moist soils.

Wildlife species were assessed under the lens of potential critical breeding habitat. This provides management efforts a focus toward areas directly related to the reproductive success of documented species of conservation concern. Species of conservation concern with confirmed, or future potential critical breeding habitat in CMNR include the Northern Pygmy-owl, *swarthi* subspecies (*Glaucidium gnoma swarthi*), Band-tailed Pigeon (*Patagioenas fasciata*), Evening Grosbeak (*Coccothraustes vespertinus*), Northern Red-legged Frog (*Rana aurora*), and the Western Toad (*Anaxyrus boreas*).

Ecological succession over the next number of decades will move this area into a designation of high-quality habitat for species that this report has documented to potentially use for breeding. Increasing forest cover over time will create shade and allow for further development of the understorey. This will result in increased biodiversity as new microhabitats are introduced.

The prominent issue of the site is public safety, which resulted in its closure to the public in 2004. The exposed cliff edges and the deep millstone pools are currently a danger to the public with a high hazard for injury. Stakeholder discussions are ongoing as to how to make the site safer. A second issue of concern is the presence of invasive plant species (i.e., Scotch Broom), of which management recommendations have been outlined to achieve eradication. Management options (short- and long-term) for the protection of the historical

¹ First Nations/reconciliation content written by Lisa Wilcox, Islands Trust

and ecological integrity of Coast Millstone Nature Reserve will be considered by the ITC, and other stakeholders to ensure public safety and ecological conservation.

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ii Acknowledgements

Name	Position/Affiliation	Professional Accreditation or subject expertise	Contribution
Jennifer McEwen	Senior Biologist, Madrone Environmental Services	M.Sc., R.P. Bio.	Project Manager; Senior Review
Greg Howard	Project Ecologist, Madrone Environmental Services	B.Sc., A.Sc.T.	Project Ecologist; Technical Author
Harry Williams	Senior Vegetation Ecologist, Madrone Environmental Services	M.Sc., R.P.Bio.	Vegetation, ecosystems, and soils Lead; Senior Review
Kira Kristensen	Senior Archaeologist, Madrone Environmental Services	Member of the B.C.A.P.A.	Archaeological input and Traditional Lands research.
Nuala Murphy	Property Management Specialist, Islands Trust Conservancy (ITC)		Representative of the Landowner (ITC); draft review
Ava Breakwell	Nanaimo Areas and Land Trust (NALT)		Covenant Holder; draft review
Lisa Griffith, Joan Merrifield	Gabriola Historical and Museum Society (GHMS)	Historical input	Covenant Holder; draft review

1 Introduction

Gabriola Island is situated within the territory of the Coast Salish Peoples, who share a rich history of stewardship in the lands and waters of the Islands Trust Area that inspires the work of Islands Trust Conservancy (ITC) and its partners.

The Coats Millstone Nature Reserve is a relatively small (0.25 ha) site of mid-seral and mature stages of forest succession with unique historical values. The property is an old sandstone quarry encompassing benches and cliffs sloping to the northwest. There are about 30 millstone pools on the rocky shelves on the eastern side of CMNR, which provide historical value to the site, as they represent the industrial history of Gabriola Island. Islands Trust Conservancy (ITC) is the property owner, and covenant holders include the Gabriola Historical & Museum Society (GHMS) and the Nanaimo & Area Land Trust (NALT).

1.1 Islands Trust Conservancy

Since time immemorial, the lands and waters between Vancouver Island and mainland British Columbia have been home to the Coast Salish People, whose ecological, cultural, and spiritual connections to this place continue to this day. In 1974, the Province of British Columbia recognized this region as a special place within the province where the unique beauty, cultural heritage, rural character, and diverse ecosystems should be protected for future generations. Through the *Islands Trust Act*, the province established the Islands Trust, a local government, with the following mandate (known as the Object of the Islands Trust):

“To preserve and protect the trust area and its unique amenities and environment for the benefit of the residents of the Trust Area and of British Columbia generally, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the government of British Columbia.” (Islands Trust 2020a)

In 1990, through the enactment of a section of the Islands Trust Act, the Province established the Islands Trust Fund, now called the Islands Trust Conservancy (ITC), as a conservation land trust to assist in carrying out the “preserve and protect” mandate. Part 6 of the Islands Trust Act establishes the corporate status, responsibilities, and governance structure of the Islands Trust Conservancy. The Board of the ITC is one of the sixteen corporate entities² charged to uphold the Object of the Islands Trust. Since 1990, the ITC has protected over 1,300 hectares (3,220 acres) of land as nature reserves and conservation covenants.

The vision of the ITC is that the islands and waters of the Salish Sea will be a vibrant place of culture and ecology where humans live and work in harmony with the natural world. This special place will have a network of protected areas that preserve in perpetuity the native species and natural systems of the islands. Engaged residents and conservation partners will

² The corporate entities charged to uphold the Object of the Islands Trust are the Trust Council, the Executive Committee, twelve local trust committees, one island municipality, and the Islands Trust Conservancy Board.

work together to protect large natural areas and key wildlife habitat. Viable ecosystems will flourish alongside healthy island communities.

The mission of the ITC is to protect special places by encouraging, undertaking, and assisting in voluntary conservation initiatives within the Islands Trust Area. ITC nature reserves are managed to maintain, preserve, and protect the natural features and values of ecosystems.

1.2 Purpose of Islands Trust Conservancy Management Plans

ITC management plans provide background information and set out the direction of property management as follows:

- Provide general and descriptive information on the property, including location, history, and land use.
- Set out the conservation goals and objectives for the property.
- Identify the ecological and/or cultural values and features of the property.
- Describe the management issues associated with the property.
- Provide short-, medium- and long-term management recommendations (action items or tasks) on issues such as species at risk protection, ecological restoration, public access, educational and research opportunities, invasive species management, and signage needs.
- Preserve and protect cultural, spiritual, and sacred locations.

Once the management plan process is completed, the ITC works to carry out the management actions or strategies identified in the plan, as resources allow. Following general practice and as outlined in the conservation covenant and statutory right of way, the ITC revises the Management Plan every ten years.

1.3 The Scope of Islands Trust Conservancy Management Plans

Consistent with the Islands Trust Reconciliation Declaration (Islands Trust 2020b), ITC recognizes that nature reserves may be places of great cultural and spiritual significance to First Nations. Cooperative management of these protected places will provide opportunities to establish and maintain mutually respectful relationships between Islands Trust Conservancy and First Nations, as well as upholding the guiding principles of United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)³ and the Truth and Reconciliation (TRC) Calls to Action. Relationship-building, knowledge-sharing, healing, and establishment of trust take time. Islands Trust Conservancy is committed to developing a parallel *Management Plan for Areas of Cultural Heritage and Sacred Significance*. This parallel Management Plan sets out guiding principles for cooperative collaboration between ITC and First Nations with traditional and treaty territories and cultural interests in the area defined by one or more nature reserve. Moreover, the Management Plan defines the common vision, objectives, policies, and best management practices for the nature reserve(s) to

³ The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) is an international instrument adopted by the United Nations on September 13, 2007, to enshrine (according to Article 43) the rights that “constitute the minimum standards for the survival, dignity and well-being of the indigenous peoples of the world.” The UNDRIP protects collective rights that may not be addressed in other human rights charters that emphasize individual rights, and it also safeguards the individual rights of Indigenous people. Canada signed in 2010.

ensure that its natural values and cultural heritage and sacred significance are maintained for future generations.

1.4 Protected Area Purpose

The purpose of the establishment and management of the Coats Millstone Nature Reserve (CMNR) is to:

- Preserve and protect, in perpetuity, the historical, natural and scenic values of the site.
- To allow natural succession of the CMNR's ecosystems to occur unimpeded; and
- To protect the site in accordance with the objectives of the Islands Trust and Islands Trust Conservancy.

1.5 Protected Area Objectives

The Islands Trust Conservancy objectives for the management of the Coats Millstone Nature Reserve are as follows:

- Support and protect continued use of areas of sacred and cultural significance by First Nations as per Section 35 of the Constitution Act⁴ and UNDRIP;
- Preserve the natural features and functioning of CMNR;
- To allow for continued, low impact recreational use and enjoyment of CMNR; To protect, and enhance where necessary, the natural succession processes of the plant and animal communities at the site;
- To ensure that permitted uses do not negatively impact the ecological attributes of CMNR; and
- To provide for educational and research opportunities, where deemed appropriate.

2 Property Information

CMNR is approximately 0.248 hectares (0.613 acres) in total area, bordering the right-of-way for Easthom Road on the southeastern (upslope) side. The shoreline of Descanso Bay, directly downslope of Easthom Road, is no more than 50 metres, horizontally, to the west of CMNR.

2.1 Location

CMNR is located on Gabriola Island, one of the Gulf Islands in the Strait of Georgia, directly east of Nanaimo. A short ferry trip from Nanaimo provides access to Gabriola Island. The Gabriola Island ferry terminal is located approximately 200 metres north of CMNR. To access CMNR from the ferry landing, turn right on to Easthom Road and enter the parking lot that will soon be on the eastern (upslope) side of the road. From this parking lot, walk a short distance south along Easthom road and traverse onto a rough trail spurring off the eastern (upslope) side of Easthom Road. This trail leads through an easement on an adjoining property and then into CMNR.

⁴ Section 35 of the Constitution Act, 1982 recognizes and affirms the existing aboriginal and treaty rights of the aboriginal peoples of Canada and the courts have stated that aboriginal rights include aboriginal title.

2.2 Legal description

The Coasts Millstone Nature Reserve includes those lands described as:

- Parcel Identification Number 018-560-601
- Lot 5, Section 20, Gabriola Island, Nanaimo District, Plan VIP57861.

2.3 Legal Access

Legal access to CMNR is provided through an easement across the adjoining private property (325 Easthom Road; VIS 2994) positioned between the Easthom Road right-of-way and CMNR. This easement (EP081045 – EP081048) across the property is in favour of the Islands Trust Conservancy and has been registered by Mr. Coats.

2.4 Landscape Context

Coats Millstone Nature Reserve is located in the Gulf of Georgia region (now known as part of the Salish Sea). This area has been traditionally occupied by several local groups primarily described as the Central Coast Salish (Suttles 1990). The Central Coast Salish are comprised of five distinct language groups known as the Halkomelem, Squamish, Nooksack, Northern Straits, and Clallam (Suttles 1990). Halkomelem speakers traditionally lived in an area ranging from Harrison Lake and the Fraser Canyon to the mouth of the Fraser River on the mainland, across the Gulf Islands, and along southeastern Vancouver Island (Suttles 1990: 453). Three different dialects of the Halkomelem language have been distinguished, dividing the group further into the Island Hul'q'umi'num, and the Upriver Halkomelem, and the Downriver Halkomelem. The Island Hul'q'umi'num speakers commonly occupied winter villages on southeastern Vancouver Island (Suttles 1990). This assessment is within the Traditional Territory of Snuneymuxw First Nation, speakers of the Island Hul'q'umi'num.

CMNR located on the western shores of Gabriola Island (see Figure 1), less than 50 m from the shoreline of Descanso Bay, which encompasses all land to the west of the property. The only designated property between CMNR and Descanso Bay is the Easthom Road right-of-way. Properties surrounding CMNR are all residential and less than 200 m from the ferry terminal itself. There is no connectivity with Coats Millstone to other nature reserves. Nearby park lands include Descanso Bay Regional Park approximately 650 m to the north and Huxley Community Park approximately 1.1 km to the west (see Figure 2).



Figure 1. Location Map.

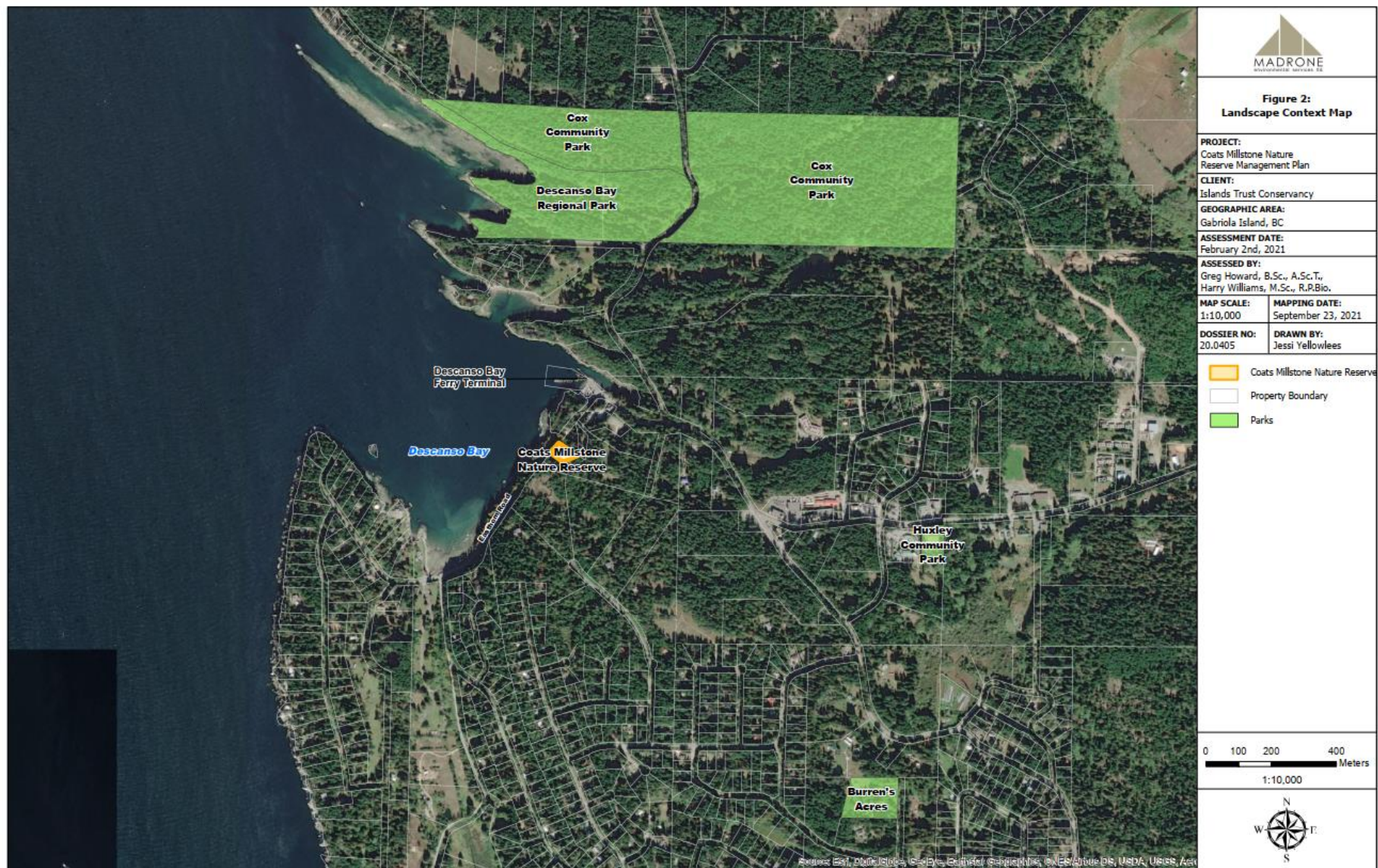


Figure 2. Landscape Context Map.

2.5 Site History

The ethnographic information for this region states that there were five or six associated local groups living in the Nanaimo area (Barnett 1935-1936, 1955: 22-23): the *kwelsiwlh*, the *teytexen*, the *yeshexen*, the *enwines*, the *xwsol'exwel*, and the *tletxw*. Although they are often referred to by their anglicized name, the “Nanaimo” First Nation, the groups are collectively known as the Snuneymuxw. These groups consisted of the household (established kin group) along with several dependent households or kin groups. The local group *tletxw* are identified as being from a large and important village site called *Tle:ltxw* on Gabriola Island.

The Coats Millstone Nature Reserve is an area that demonstrates the industrial history of Gabriola Island. The first mention of the potential value of Gabriola sandstone cliffs was recorded in 1867. In 1902, the property was purchased by the Vancouver Granite Company from its pre-emptor John Canessa to extract and market the sandstone. Island historians have noted that materials quarried from CMNR were used for construction of the Gabriola House in Vancouver and the San Francisco Mint, and for repairs on the parliament buildings in Victoria.

In 1907, the quarry fell into disuse as andesite became the chosen structural material by the building industry. In 1930, Bill Coats bought the property from the Vancouver Granite Co., where he marketed the durability of sandstone to J.A. & C.H. McDonald Co. by mounting sandstone wheels on the rear shaft of a Model A Ford. This tactic convinced J.A. & C.H. McDonald Co. to lease the quarry for millstone production. Millstones were quarried from CMNR in the 1930s and purchased by pulp mills in Port Alberni, Powell River, and Finland. The extraction of these millstones leaves the significant landmark of approximately 30 deep, cylindrical holes on CMNR. Cylinders of sandstone bedrock extracted from these holes were up to 1.5 m in length prior to processing for shipment. Eventually artificial materials superseded sandstone, leading to the closure of quarrying activities. Blasting holes, abandoned pieces of old machinery and discarded stones are also scattered throughout CMNR as a visible reminder of the industrial processes that once took place here.

Mr. Clyde Coats (son of Bill Coats) sought out to ensure the rich history of this site was protected for years to come, leading to his donation of the property to the Islands Trust Conservancy in 1993. In 2012, a conservation covenant for the Coats Millstone Nature Reserve was finalized between the Islands Trust Conservancy (the owner), the Nanaimo & Area Land Trust and the Gabriola Historical and Museum Society. The intent of the agreement was stated as follows:

- a) *To protect, conserve, maintain, enhance or restore the Land and the Amenities;*
- b) *To prevent any occupation or use of the Land that will impair or interfere with the Land or the Amenities; and*
- c) *To preserve the Land as a nature reserve.*

This conservation covenant on the Coats Millstone Nature Reserve is effective in perpetuity.

2.6 Anthropogenic Features

As due diligence, a query for known archaeological sites in or approximate to Coats Millstone Nature Reserve was conducted using the Provincial Database, Remote Access to Archaeological Data (RAAD). The closest known site is DhRx-56, a shell midden site located 260 m north east of CMNR. This site was assessed under Heritage Conservation Act permit 2007-0034. In addition to known archaeological sites, RAAD also provides an archaeological predictive model for the region. Coats Millstone does not overlap with any areas of predicted archaeological potential (Archaeology Branch 2021).

CMNR is limited in anthropogenic structures as the covenant currently restricts building of structures other than signage. Signage was observed on the property, along with a congregation of millstone pools in the sandstone bedrock. A summary of anthropogenic features is described in Table 1 and shown in Figure 3.

Table 1. Anthropogenic features observed at Coats Millstone Nature Reserve.

Anthropogenic Feature	Description	Condition	Photopoint Location
Trails	Walking trails for personal use throughout property as mapped	10-60 cm varying width, average 30 cm	P7
Millstone Pools	Cylindrical holes in the sandstone bedrock approximately 1.5 m in diameter and 1.5 m deep	Some moss growth, organic debris accumulated at the bottom.	P1
CMNR Boundary Sign	Embedded metal pole signage at surveyed corners of the property boundary; approximately 1.5 m in height. Sign is metal and approximately 30 cm X 20 cm.	Good condition, no signs of vandalism or degradation.	None
Danger – Cliff Sign	Embedded metal pole signage near the cliff edge on western boundary of the property; approximately 1.5 m in height. Sign is metal and approximately 30 cm X 20 cm.	Good condition, no signs of vandalism or degradation.	None

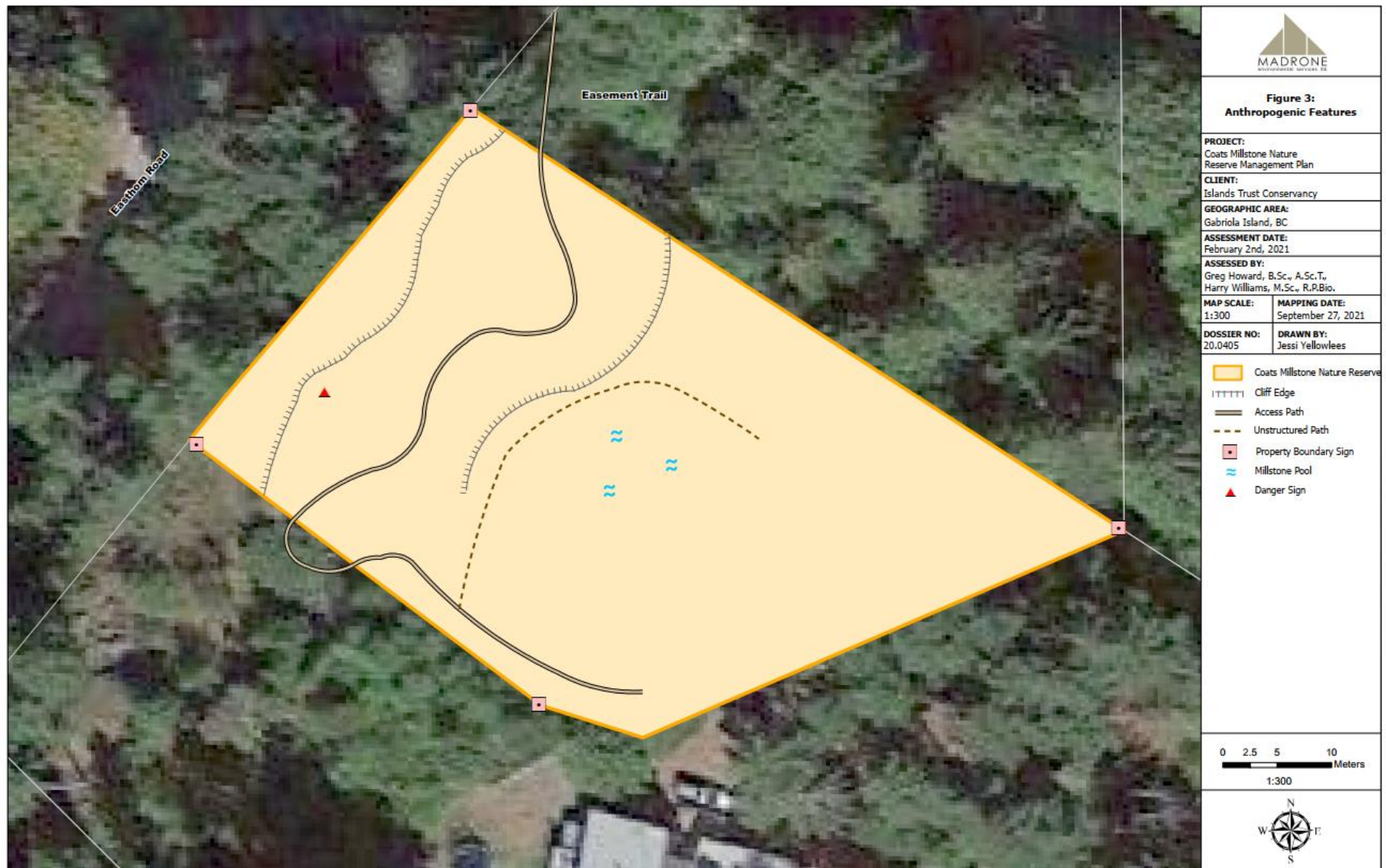


Figure 3. Anthropogenic Features.

2.7 Undersurface Rights

Undersurface rights for CMNR for mining of gold, silver, ore and coal are held by her majesty the Queen in right of the Province of British Columbia (the Crown). Coal Tax Sales Notice (TSN) was forfeited to the crown in November of 1938.

2.8 Notations, Charges, Liens and Interests

The Title owner of CMNR is the Islands Trust Conservancy, registered as of December 1993. No charges, liens or interests exist on CMNR title at the time this management plan was finalized.

CMNR is not immediately accessible from any public roads and requires an easement through Strata Lot 1 (EP081045 – EP081048), directly north of CMNR. The easement has been registered by Mr. Coats in favour of the Islands Trust Conservancy to provide access from a small parking lot on the upslope (east) side of Easthom Road.

In 2012, a conservation covenant for the Coats Millstone Nature Reserve was finalized between the Islands Trust Conservancy (the Owner), the Nanaimo & Area Land Trust and the Gabriola Historical and Museum Society. The Nanaimo & Area Land Trust and the Gabriola Historical and Museum Society are effectively the 'Covenant Holders' given that:

- a) The Islands Trust Conservancy (current Owner) is the registered owner of certain lands located at Lot 5, Section 20, Gabriola Island, Nanaimo District, Plan VIP 57861;
- b) The Land contains significant amenities including flora, fauna and natural and cultural features of great importance to the Owner, the Covenant Holders and the public;
- c) The Owner wishes and has agreed to grant to the Covenant Holders a covenant pursuant to section 219 of the *Land Title Act*, to restrict the use of the Land;
- d) A statutory right of way in favour of the Covenant Holders is necessary for the operation and maintenance of the covenant created by this Agreement and for the undertakings of the Covenant Holders; and
- e) The Nanaimo & Area Land Trust and the Gabriola Historical Museum Society have each been designated by the British Columbia Minister of Environment, Land and Parks as a person authorized to accept covenants and as a person authorized to accept statutory rights of way, pursuant to sections 218 and 219 of the *Land Title Act*.

The intent of the agreement was stated as follows:

- a) *To protect, conserve, maintain, enhance or restore the Land and the Amenities;*
- b) *To prevent any occupation or use of the Land that will impair or interfere with the Land or the Amenities; and*
- c) *To preserve the Land as a nature reserve.*

This conservation covenant on the Coats Millstone Nature Reserve is effective in perpetuity.

2.9 Local Planning Designations

The Gabriola Island Land Use Plan (Bylaw No. 177, 1999)⁵ currently designates the property as 'Park 2' (Passive Recreation Community Park) and the parcel is designated as 'Park' in the Gabriola Island Official Community Plan (Bylaw No. 166, 1997)⁶. There are no Development Permit Areas located in CMNR, as the zoning in this area only permits development of structures that would accommodate passive outdoor activities. Development of buildings on a property zoned as Park 2 is prohibited. No Riparian areas are located on CMNR that would elicit assessments under the Riparian Areas Protection Regulation⁷.

2.10 Existing Public and Other Use

Currently there is one public access point through a trail spurring off Easthom Road. This is the entry and exit point for public to access the property, and there are no structures prohibiting access into CMNR via this trail. Maps of the trail progression through the property is shown in Figure 3 (section 2.6).

3 Inventory by Ecological Community⁸

ITC acknowledges that there is a wealth of Traditional Ecological Knowledge and a long history of ecosystem stewardship among the First Nations whose territory encompasses CMNR. ITC will strive to work with First Nations knowledge holders to deepen its understanding, improve its stewardship practices, and, ultimately, support the transfer of Traditional Ecological Knowledge to younger generations within First Nations communities to ensure that it is not lost. At this time, the ecological information presented in this management plan was formed using systems that are based in foundations of Western science.

3.1 Ecological Significance

CMNR is unevenly aged, ecologically, due to the recent disturbance conducted during quarrying activities in the early 20th century. The area in general is mature (structural stage 5 to 6), as evidenced by a mixed forest of Douglas-fir (*Pseudotsuga menziesii*), Western red cedar (*Thuja plicata*), big leaf maple (*Acer macrophyllum*), arbutus (*Arbutus menziesii*), and red alder (*Alnus rubra*). Cavities were observed in trees on CMNR, which are likely used by either primary or secondary cavity nesters (e.g., woodpeckers, owls). As the trees in CMNR continue to mature, more of these cavities will be created by wildlife. An ephemeral flowing watercourse is located just beyond the northern border of the property, but never encroaches in it. The main water feature in CMNR is the millstone pools, which were filled with water at the time of observation. Some of these pools are likely to contain water perennially. These millstone pools could progress into high-quality amphibian habitat over

⁵ <http://www.islandstrust.bc.ca/media/342215/blgb177-lub-consolidated-february-7-2017.pdf> [Accessed July 4, 2020]

⁶ <http://www.islandstrust.bc.ca/media/350052/blgb166-ocp-consolidated-sept-2-2019.pdf> [Accessed July 4, 2020]

⁷ <https://www.canlii.org/en/bc/laws/regu/bc-reg-178-2019/latest/bc-reg-178-2019.html> [Accessed January 6, 2020]

⁸ Ecological communities are used by the B.C. Conservation Data Centre and NatureServe to describe both forested and non-forested natural areas. More information about ecological communities, including descriptions of ecological communities in the Islands Trust Area, can be found on the B.C. Conservation Data Centre website.

the next number of decades as ecological succession occurs. Further discussion on wildlife habitat potential is provided in section 3.8.

Queries were made on-line with the BC Conservation Data Centre (CDC), the Wildlife Tree Stewardship Atlas, the Sensitive Ecosystem Inventory, and e-Bird. The only documented occurrence of a rare species and/or ecological community was a CDC masked occurrence. The CDC was contacted regarding this occurrence but due to a Confidentiality and Non-disclosure agreement required to obtain this sensitive data, the details of this occurrence cannot be publicly shared. However, the information provided by the CDC was considered in the development of this management plan and does not warrant any management actions.

3.2 Climate

Climatic normals were obtained from weather data collected at the Gabriola Island Weather Station⁹ by Environment Canada between the years 1981 and 2010. This weather station is at an elevation of 46.00 m above sea level (ASL), approximately 9.5 km east of CMNR. Mean annual precipitation (rainfall) at the weather station was 922.9 mm and mean annual snowfall was 34.7 cm (Government of Canada 2021). The monthly averages for daily average, minimum and maximum temperature and monthly averages for precipitation are shown in Figure 4, below.

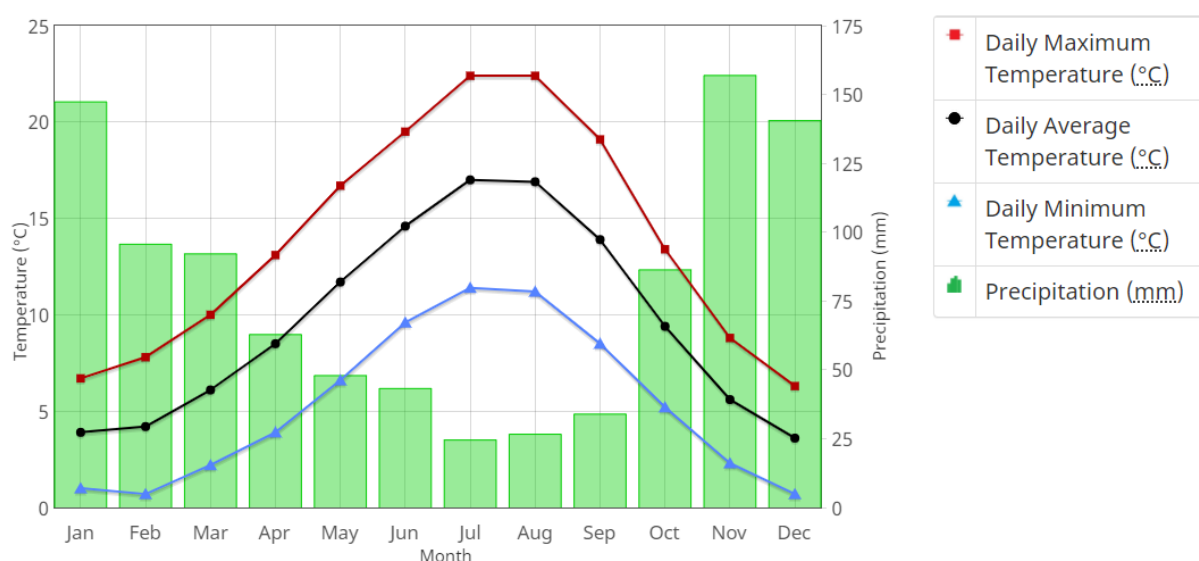


Figure 4. Maximum, average, and minimum monthly temperatures and average monthly rainfall from 1981-2010 at the Gabriola Island weather station monitored by Environment Canada.

⁹

https://climate.weather.gc.ca/climate_normals/results_1981_2010_e.html?searchType=stnProx&txtRadius=200&selCity=&selPark=&optProxType=custom&txtCentralLatDeg=49&txtCentralLatMin=10&txtCentralLatSec=33&txtCentralLongDeg=123&txtCentralLongMin=51&txtCentralLongSec=34&txtLatDecDeg=&txtLongDecDeg=&stnID=172&dispBack=0 [Accessed January 6, 2021]

A secondary source for historical climate modelling was consulted. A modelling program was developed by the University of British Columbia that incorporates historical climate data and uses it to model annual, seasonal and monthly variables at any given geographic point. This addresses differences in elevation and general location between the subject site and the weather station monitored by Environment Canada, which can sometimes be significant. This model provides a mean annual precipitation (rainfall) at CMNR of 1206 mm, and a mean annual snowfall of 30.1 cm (Wang et al. 2016).

3.3 Geology and Physiology

Bedrock mapping shows that CMNR, and the rest of Gabriola Island, is underlain by an Upper Cretaceous Nanaimo Group stratigraphic unit comprising of undivided sedimentary rocks¹⁰. The majority of CMNR is directly on bedrock, due to the quarrying activities conducted in its past. Shallow soils overlain on the bedrock are observed, and large rocky outcrops and cliffs occur due to material extraction and millstone drilling. Only one geological fault line is present on the eastern end of Gabriola Island, approximately 10 km southeast of CMNR, and therefore, is not a management concern.

3.4 Hydrology

CMNR is located on bedrock Aquifer 709¹¹, which is characterized with high vulnerability and low productivity. The geometric mean static water level is 5.6 m. The direction of groundwater flow has not been determined but is likely linear along fractures flowing towards Descanso Bay. It is possible that subsurface flows in the aquifer are connected to the millstone holes through linear bedrock fractures providing groundwater recharge.

Surface flows on CMNR drain to the northwest, ultimately discharging into Descanso Bay. The round millstone holes are filled with water and have been described as showing little evidence of flow in previous management plan reports (ITC 2004). This was consistent with observations made in this recent site evaluation. The millstones are also receptors of surface flows from upslope properties, above the eastern cliff face.

3.5 Soils

Two soil types are located on the Coats Millstone Nature Reserve, Galiano and Saturna. Galiano soils are located on the steep slopes that occur on the upper parts of the property, and the lower portion of the property has the Saturna soil type. Both soil types are shallow (<50 cm to bedrock) with a coarse fragment content greater than 50%. Saturna soils are sandy loams, or loamy sand, which have developed on colluvial and glacial drift materials over sandstone bedrock. Cliffy areas have exposed bedrock with no appreciable soil.

With generally loamy soil textures, both soil types are well-drained and retain moisture with adequate rainfall, but upon saturation (during the winter months) there will be subsurface flows. Soils in the lowest portions of the property have a higher silt and clay content, which

¹⁰ <https://maps.gov.bc.ca/ess/hm/imap4m/> [Accessed January 6, 2020]

¹¹ https://s3.ca-central-1.amazonaws.com/aquifer-docs/00700/AQ_00709_Aquifer_Mapping_Report.pdf [Accessed January 6, 2020]

increases moisture holding capacity. During the summer droughts, soils on CMNR are dry with no subsurface flow. These soils are in the Brunisolic soil order. In spite of less-than-ideal conditions, there are soils deep enough on the property to support forests. Trees are also good at exploiting cracks in the bedrock. The steep slopes observed on the property and generally rocky soil may create challenges for trail-building.

3.6 Ecological Classifications

CMNR is within the Eastern Vancouver Island Ecoregion of the Georgia Depression Ecoprovince. This Ecoprovince is characterized by heavy fall and winter rains that reach extreme levels from October to February. These are from either warm subtropical systems from the southwest, or temperate systems from the northeast Pacific via the Strait of Juan de Fuca (Demarchi 2011).

The entire CMNR is within the Coastal Douglas Fir moist mild (CDFmm) Biogeoclimatic Zone – which covers the Gulf Islands and occurs below 200 m in elevation on the east side of Vancouver Island. This zone is considered to have the mildest climate in Canada, with warm, dry summers and mild, wet winters (Green and Klinka 1994).

3.7 Ecological Communities and Site Series

The Coats Millstone Nature Reserve was visited on March 2, 2021. The objectives of the site visit were to describe and collect data on the representative ecosystems and associated vegetation that occurs on CMNR. Ecosystem sampling followed the provincial Land Management Handbook 25 – Field Manual for Describing Terrestrial Ecosystems (BC MoFR and BC MoE 2010). Data was recorded on the provincial Site Visit Form (FS1333). Tree heights were estimated visually. Additional notes on management recommendations and to inform mapping were recorded on paper or on an iPad. Sampling locations were chosen in representative areas (away from edges) of three micro-regions:

- The upper, rocky area that includes the millstone pools,
- Mid-slope areas that are quite steep, and include areas of rejected quarry material, but have deeper soil, and
- The lower portion of the property where there is an ephemeral stream.

Due to the small size of CMNR, only one small cohesive polygon was mapped, and representative species were observed and noted accordingly. The ecological characteristics of these three micro-regions are described in Tables 2 and 3, below.

Table 2. Ecological Summary for the Coats Millstone Nature Reserve.

Polygon ID	1 (size of property is 0.25 hectares)
Madrone Plot #	1
General Property Description	The property is an old sandstone quarry, with benches and cliffs. There are about 30 millstone pools on the rocky shelves. The property is sloping to the north-west. The property is in the CDFmm biogeoclimatic zone. The upper and mid portions of the property are steep and dry (except the millstone pools), while the lower portion of the property has deeper, moist soils.
Dominant Ecological Community	Douglas-fir – Lodgepole Pine – Arbutus (on driest portion of the property) Douglas-fir – Salal (mid-slope areas); Cedar- Grand fir – Foamflower (in lowest areas near ephemeral stream)
Ecosystem Classification ¹²	CDFmm/02; CDFmm/01; CDFmm/06
Structural Stage (SS)	5- 6 – mature, uneven-aged forest
Status (BC List)	N/A
Photopoint(s)	P1-P8
Ecological Community Description	Due to past disturbances the current forest is an uneven-aged mixed forest with Douglas-fir, Western red cedar, big leaf maple, arbutus, and red alder. Several mature Douglas-fir trees occur along the western edge. Other tree species present are big-leaf maple, western hemlock, and red alder
Disturbance Notes	Disturbances include the historical quarrying, as well as some tree removal (logging). Deer browse is quite high in areas, impacting herbs, wildflowers, and young trees. Walking trails occur on the property. Scotch broom is also common in open areas.
Anticipated Change/Succession	If left undisturbed, the existing trees will eventually create a closed canopy, which will help shade out and discourage the Scotch broom.
Wildlife observations	Cavities observed on Wildlife Trees, potentially from a Downy or Hairy Woodpecker (<i>Dryobates pubescens</i> ; <i>Dryobates villosus</i>), or Northern Flicker (<i>Colaptes auratus</i>). Black-tailed deer (<i>Odocoileus hemionus</i>) browse observed on shrubs.

Table 3. Species composition and percent cover for the Coats Millstone Nature Reserve.

Common name	Scientific name	Main Canopy	Secondary Canopy	Shrub layer	Herb layer	Moss and Lichens	Non-Native	Notes
Douglas-fir	<i>Pseudotsuga menziesii</i>	15	10					

big leaf maple	<i>Acer macrophyllum</i>		8					
red alder	<i>Alnus rubra</i>		10					
western redcedar	<i>Thuja plicata</i>		15					
arbutus	<i>Arbutus menziesii</i>		5					
hairy honeysuckle	<i>Lonicera hispidula</i>			3				
Scouler's willow	<i>Salix scouleriana</i>			2				next to millstone pools
red huckleberry	<i>Vaccinium parvifolium</i>			2				growing on wood
salmonberry	<i>Rubus spectabilis</i>			1				moist areas
evergreen huckleberry	<i>Vaccinium ovatum</i>			2				
salal	<i>Gaultheria shallon</i>			6				
ocean spray	<i>Holodiscus discolor</i>			4				
dull Oregon grape	<i>Mahonia nervosa</i>			4				aka <i>Berberis nervosa</i>
tall Oregon grape	<i>Mahonia aquifolium</i>				2			deer browse present on all herbs
Scotch broom	<i>Cytisus scoparius</i>						4	
trailing blackberry	<i>Rubus ursinus</i>				3			
sword fern	<i>Polystichum munitum</i>				10			
yerba buena	<i>Bromus vulgaris</i>				2			open areas
sweet-scented bedstraw	<i>Galium triflorum</i>				2			
Pacific sanicle	<i>Sanicula crassicaulis</i>				2			
wall lettuce	<i>Lactuca muralis</i>				1			
licorice fern	<i>Polypodium glycyrrhiza</i>					2		On moist rock faces
Oregon beaked moss	<i>Kindbergia oregana</i>					15		aka <i>Eurhynchium oreganum</i>

Electrified cat's tail moss	<i>Rhytidiadelphus triquetrus</i>					5		Growing on wood
Tree moss	<i>Climacium dendroides</i>					1		
TOTALS		15	48	24	22	23	4	

3.8 Wildlife Species

The assessment of wildlife species was conducted under the lens of critical breeding habitat. Protecting critical breeding habitat is an effective way to support conservation of wildlife species, as it directly impacts the reproductive success of the targeted species. Due to its size, CMNR does not have the capacity to provide breeding habitat for an extensive amount of wildlife species. At this point, it largely consists of foraging habitat (e.g., deer browsing, insectivores). CMNR is currently progressing into a young-to-mature forest stage with a large portion covered by historically disturbed areas (i.e., millstone pools and tailings). As ecological succession occurs over future decades, critical breeding habitat will develop for a more diverse array of species.

A comprehensive species inventory involving the necessary field surveys to confirm presence/absence in CMNR is not part of the scope of this management plan. Additionally, the time of year in which this management plan was created was also not during a period when these assessments could be conducted. Instead, an assessment on the occurrence of potential breeding habitat for provincially listed species of conservation concern was conducted. A selection of species to assess was compiled through a search of the BC Species and Ecosystem Explorer tool¹³; provided by the BC Conservation Data Centre (CDC). A query for potential species was made by selecting the CMNR area as the Area of Interest (AOI) on the query map. The output was then reviewed by a qualified environmental professional (QEP) and further reduced based on critical breeding habitat requirements and known ecological features in CMNR. This resulted in a Focal Species List that could be brought in the field, where Wildlife Habitat Assessments (WHA) would occur for each selected species at locations that would encompass the variety of habitats in CMNR. The Focal Species List is shown in Table 4.

¹³ B.C. Conservation Data Centre. 2021. BC Species and Ecosystems Explorer. B.C. Minist. of Environ. Victoria, B.C. Available: <https://a100.gov.bc.ca/pub/eswp/> [accessed Jan 8, 2021]

Table 4. Focal Species List.

Provincially listed vertebrates with potential to use Coats Millstone Nature Reserve for breeding habitat; based on a reviewed output from the CDC database.

Species Name		Status				
Common Name	Latin Name	Provincial Status	BC List	COSEWIC	SARA	Global
Northern Red-legged Frog	<i>Rana aurora</i>	S3 (2016)	Blue	Special Concern	Special Concern (2005)	G4 (2015)
Western Toad	<i>Anaxyrus boreas</i>	S4 (2016)	Yellow	Special Concern	Special Concern (2018)	G4 (2008)
Band-tailed Pigeon	<i>Patagioenas fasciata</i>	S3S4 (2015)	Blue	Special Concern	Special Concern (2011)	G4 (2016)
Barn Swallow	<i>Hirundo rustica</i>	S3S4B (2015)	Blue	Special Concern	Threatened (2017)	G5 (2016)
Black Swift	<i>Cypseloides niger</i>	S2S3B (2015)	Blue	Endangered	Endangered (2019)	G4 (2016)
Common Nighthawk	<i>Chordeiles minor</i>	S4B (2015)	Yellow	Special Concern	Threatened (2010)	G5 (2016)
Evening Grosbeak	<i>Coccothraustes vespertinus</i>	S5 (2015)	Yellow	Special Concern	Special Concern (2019)	G5 (2016)
Great Blue Heron, <i>fannini</i> subspecies	<i>Ardea erodias fannini</i>	S2S3B, S4N (2018)	Blue	Special Concern	Special Concern (2010)	G5T4 (2016)
Green Heron	<i>Butorides virescens</i>	S3S4B (2015)	Blue	No Status	No Status	G5 (2016)
Marbled Murrelet	<i>Brachyramphus marmoratus</i>	S3B, S3N (2015)	Blue	Threatened	Threatened (2003)	G3 (2016)
Northern Pygmy-owl, <i>swarthi</i> subspecies	<i>Glaucidium gnoma swarthi</i>	S3S4 (2018)	Blue	No Status	No Status	G4G5T3T4Q (2019)
Olive-sided Flycatcher	<i>Contopus cooperi</i>	S3S4B (2015)	Blue	Special Concern	Threatened (2010)	G4 (2016)
Peregrine Falcon	<i>Falco peregrinus</i>	S3 (2015)	No Status	Special Concern	Special Concern	G4 (2016)
Peregrine Falcon, <i>anatum</i> subspecies	<i>Falco peregrinus anatum</i>	S2? (2011)	Red	Not At Risk	Special Concern (2012)	G4T4 (2016)
Townsend's Big-eared Bat	<i>Corynorhinus townsendii</i>	S3S4 (2015)	Blue	N/A	N/A	G4 (2016)

To determine the potential wildlife habitat quality within CMNR for each focal species, methodologies under Section 5, Wildlife Habitat Assessment of the *Describing Ecosystems in the Field (DEIF)*, also known as BC Land Management Handbook #25 (LMH 25) (BCMFR and BCMOE 2010), were utilized. Each plot was assessed for suitability of critical breeding habitat for the species of consideration. Using the *DEIF*, we provided a class quality for each focal species to establish a suitability rating for the various ecological communities in CMNR. Rating Schema according to the *DEIF* is shown in Table 5. Plot locations for wildlife habitat

assessments are depicted in Figure 5, and the results for each plot are shown Table 6.

Table 5. Relative quality classes for assessing the plot type quality relative to the best in British Columbia.
(Adapted from Land Management Handbook 25: Field Manual for Describing Terrestrial Ecosystems, 2010).

Class Quality	Suitability/Capability	Lower Limit (%)	Upper Limit (%)	
1	High	>75	≤100	Equivalent
2	Mod. high	>50	≤75	Slightly less
3	Moderate	>25	≤50	Moderately less
4	Low	>5	≤50	Substantially less
5	Very low	>0	≤5	Much less
6	Nil	0	0	Habitat or attribute is absent

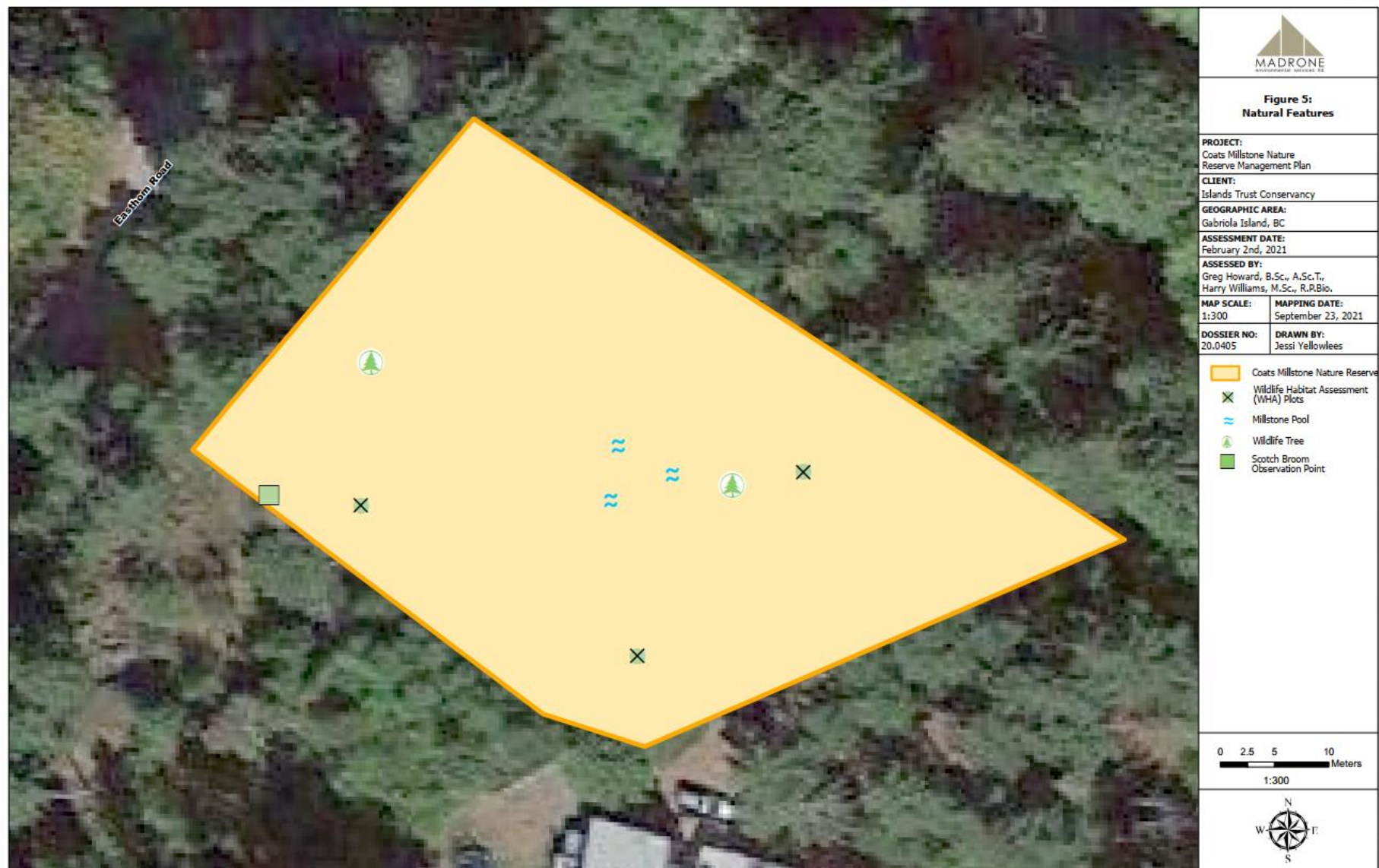


Figure 5. Natural Features.

Table 6. Summary of Wildlife Habitat Assessment Ratings for Coats Millstone Nature Reserve.

Common Name				Observed Habitat Attributes
	WHA1	WHA2	WHA3	
Northern Red-legged Frog	4	3	6	Perennial wetland habitat in millstone pool area that will obtain higher ratings as regeneration occurs over time.
Western Toad	4	3	6	Perennial wetland habitat in millstone pool area that will obtain higher ratings as regeneration occurs over time.
Band-tailed Pigeon	3	4	3	Trees of sufficient size/structure for support of stick nests. Western redcedar stands with fruiting shrubs in understory.
Barn Swallow	5	4	4	No critical habitat present for breeding
Black Swift	5	4	4	Some small cliff areas where sandstone excavation occurred in the early 20 th century.
Common Nighthawk	5	5	4	No critical habitat present for breeding
Evening Grosbeak	4	4	3	Trees of sufficient size/structure for support of stick nests. Fruiting shrub understory
Great Blue Heron, <i>fannini</i> subspecies	4	5	4	No critical habitat present for breeding
Green Heron	5	4	4	No critical habitat present for breeding
Marbled Murrelet	5	5	4	No critical habitat present for breeding
Northern Goshawk, <i>laingi</i> subspecies	5	4	4	No critical habitat present for breeding.
Northern Pygmy-owl, <i>swarthi</i> subspecies	3	3	4	One wildlife tree present on the property.
Olive-sided Flycatcher	4	4	4	No critical habitat present for breeding
Peregrine Falcon	5	4	5	No critical habitat present for breeding
Townsend's Big-eared Bat	4	4	4	No critical habitat present for breeding

Species with potential critical breeding habitat in CMNR include the Northern Pygmy-owl, Band-tailed Pigeon, Evening Grosbeak, Red-legged Frog, and the Western Toad. The Northern Pygmy-owl may use the wildlife tree on the western side of CMNR. This tree is of adequate size for cavity nesting species to create large enough holes for a Northern Pygmy-owl to nest in. There are also a variety of micro habitats in CMNR that owl prey species (i.e., small mammals and birds) likely occur in. Habitat suitability of the Evening Grosbeak and Band-tailed Pigeon was assessed with a consideration of future ecological succession. Both birds may use the area for nesting due to a presence of trees with suitable nesting platforms, and in future decades, a dense understorey of fruiting shrubs to provide food. The Western

toad and Northern Red-legged frog were also assessed with a consideration of future ecological succession, as the millstone pools will eventually progress into high-quality critical breeding habitat. As the forest canopy increases, the area will become progressively more shaded which will prevent evaporation of water in the millstone pools and provide temperature regulation. Increased insect drop and woody debris litter fall from a larger canopy will also contribute to a high-quality amphibian breeding habitat, and therefore, the millstone pools were recognized as a moderately high-potential area for breeding of the two focal amphibian species.

Other species that may occur throughout the site are shown in Table 7, below. This is not an exhaustive list but provides a sample of those that may transiently occur.

Table 7. Sample list of other terrestrial species with potential to occur in Coats Millstone Nature Reserve.

Common Name	Latin Name
American Robin	<i>Turdus migratorius</i>
Bald Eagle	<i>Haliaeetus leucocephalus</i>
Belted Kingfisher	<i>Megasceryle alcyon</i>
Black-tailed Deer	<i>Odocoileus hemionus</i>
Brown Creeper	<i>Certhia americana</i>
Bushtit	<i>Psaltiriparus minimus</i>
Chestnut-Backed Chickadee	<i>Poecile rufescens</i>
Common Raven	<i>Corvus corax</i>
Cormorant sp.	<i>Phalacrocoracidae sp.</i>
Cougar	<i>Puma concolor</i>
Dark-eyed Junco	<i>Junco hyemalis</i>
Deer mouse	<i>Peromyscus maniculatus</i>
Northern Flicker	<i>Colaptes auratus</i>
Northwestern Crow	<i>Corvus caurinus</i>
Northwestern Salamander	<i>Ambystoma gracile</i>
Pacific Chorus Frog	<i>Pseudacris regilla</i>
Pacific Wren	<i>Troglodytes pacificus</i>
Pacific-slope Flycatcher	<i>Empidonax difficilis</i>
Pigeon Guillemot	<i>Cephus columba</i>
Pileated Woodpecker	<i>Dryocopus pileatus</i>
Raccoon	<i>Procyon lotor</i>
Red Crossbill	<i>Loxia curvirostra</i>
Red-breasted Nuthatch	<i>Sitta canadensis</i>
Red-breasted Sapsucker	<i>Sphyrapicus ruber</i>
Rock Pigeon	<i>Columba livia</i>
Rufous Hummingbird*	<i>Selasphorus rufus</i>
Song Sparrow	<i>Melospiza melodia</i>
Spotted Towhee	<i>Pipilo maculatus</i>
Steller's Jay	<i>Cyanocitta stelleri</i>
Swainson's Thrush	<i>Catharus ustulatus</i>
Turkey Vulture	<i>Cathartes aura</i>

3.9 Expected Change Over Time

As ecological succession continues, the millstone pools will increase in biodiversity as surrounding trees grow and shade the area. Shading will keep the water in the millstone pools from evaporating, and at an adequate temperature for amphibian breeding habitat.

Increased forest canopy also allows for increased invertebrate density, creating a larger food supply for amphibians and other species reliant on insect drop for nutrients. Woody debris will also accumulate in the millstone pools, creating a more complex, naturalized habitat with organic bed-substrates. The increased canopy cover throughout CMNR will also shade out other more exposed areas on CMNR, protecting flora from increased evapotranspiration and creating microsites suitable for more drought-intolerant species.

Growth of mature trees will continue, but at a slower rate than that of trees in an area with less exposed rock, subdued gradients, and richer soils. As trees mature and a select few perish, more Wildlife Trees will become established for cavity nesters to exploit as shelter. As the younger trees continue to grow and reach the mature life stages, exposed areas will be progressively shaded out and prevent the continued growth of Scotch Broom.

4 Threats

Table 8. Summary of threats to Coats Millstone Nature Reserve.

Threats	Coastal Douglas-fir Forest*	Millstone Amphibian Habitat	Overall Threat Rank
Recreational Activities: CMNR is relatively small in size (0.25 ha); therefore, hiking is the most likely activity as opposed to mountain biking. Consistent disturbance throughout CMNR will stifle the proliferation of native shrub and herb species. Unlimited use of the area (i.e., not reduced to designated trails) will result in a lack of growth and natural succession throughout the property.	Medium	High	Medium
Public Danger: The most prevalent threat to CMNR is not necessarily ecological, rather it involves a threat to humans who are using the area. There are several steep cliffs with no barriers along with deep millstone pools with slippery paths circumnavigating them. Should members of the public encounter frequent injury, it may become a requirement to alter the topography of the site, and therefore, negatively impacting the ecological succession of the area.	High	High	High
Invasive Non-Native Species: Scotch Broom (<i>Cystius scoparius</i>) was observed on the southern boundary of the site. Scotch broom will continue to establish and spread throughout any areas consistently exposed to direct sunlight. Without removal, native species will not be able to establish and proliferate throughout these areas, eventually shading out Scotch Broom.	Medium	Medium	Medium
Deer Browsing: Browsing by deer was observed throughout CMNR during the site visit. This can stifle the proliferation of native plant and herb species, and ultimately alter the understory vegetation composition.	Medium	High	Medium
Overall Threat Status for Protected Area	Medium	High	Medium

Very High: The threat is likely to destroy or eliminate the biodiversity target.

High: The threat is likely to seriously degrade the biodiversity target.

Medium: The threat is likely to moderately degrade the biodiversity target.

Low: The threat is likely to only slightly impair the biodiversity target

4.1 Expected Change to Threats Over Time

With appropriate management, changes to these threats will gradually be reduced in risk. The degree of future public use to be allowed in CMNR is under review by all stakeholders and will be addressed in a manner consistent with the objectives of this management plan and the conservation covenant. Resolutions of this review will ultimately determine expected changes to levels of threat in the Recreational Activities, and Public Danger categories. The threat of recreational activities could potentially be reduced to 'low' for both habitat areas if CMNR is managed to control human interaction with the flora (e.g., use of signage). There is potential for the Public Danger risk to be reduced to low in both habitat areas depending on future management decisions discussed amongst stakeholders regarding access to high-hazard areas.

Invasive non-native species can be immediately addressed, with execution of removal procedures, which would reduce the risk to low in both habitat areas. Removal of Scotch Broom from the open areas in CMNR will provide opportunities for native species to become established as more mature vegetation begins to shade out these areas. Deer browsing will likely be the only threat to the ecological succession of CMNR that cannot be easily managed. Browsing is not a foreign concept to naturalized areas, but it should be monitored on whether its impacts become more significant in the future. It will be a matter of ensuring that browsing threats remain at medium, and do not increase to high over the next number of decades.

5 Community Engagement¹⁴

The Islands Trust Conservancy undertook a limited public consultation process as part of the development of this management plan. A dedicated page on the ITC website provided a brief summary of CMNR and provided a link to an online survey questionnaire (Appendix B). Responses for the survey were collected by the ITC until March 15, 2021. All information gathered through the survey was considered as part of this management plan. The webpage also provided information regarding registration for a public webinar hosted by the ITC on February 22, 2021. During the webinar, the preliminary results of the field assessments and proposed management recommendations were presented to the public. A member of the Gabriola Historical and Museum Society also presented some historical information about the Coats Millstone site as well as some suggested future uses for the site. The webinar format allowed for members of the public to ask questions specific to CMNR, which were answered during the webinar.

5.1 Adjacent Landholders

Adjacent landowners were mailed a letter (Appendix C) to inform them that a management plan was in development for CMNR and to ask them to complete the questionnaire so that they could share their thoughts on the broad-scale management concerns of CMNR.

5.2 First Nations

Elder Geraldine Manson gave a welcome for the virtual Zoom open house that took place on February 22, 2021. The Lands Clerk of the Snuneymuxw First Nation (SFN) was contacted

¹⁴ ITC staff usually contribute to Section 5 by providing contact details, questionnaires, letter to neighbours etc.

multiple times throughout the development of this report in 2021. A letter was also sent to the Chief and Council of the SFN (Appendix D). A shelter-in-place order was in effect for the SFN due to the global COVID-19 pandemic and outbreaks within the SFN community. This prevented a formal response on input for this recent management plan to be provided, though the SFN have expressed interest in reviewing the management plan upon its completion.

5.3 Conservation Partners and Community Members

The Covenant holders were invited to participate in the webinar and provide feedback to be considered for the management plan. Other community members had the opportunity to participate and voice any concerns about CMNR during the public webinar by submitting questions or concerns in the chat section, or through the online survey.

5.4 Engagement Results

39 individuals participated in the publicly available online survey. The results from the multiple-choice questions are shown below in Figures 6, 7, 8 and 9.

Q1: Are you a resident of Gabiola Island?

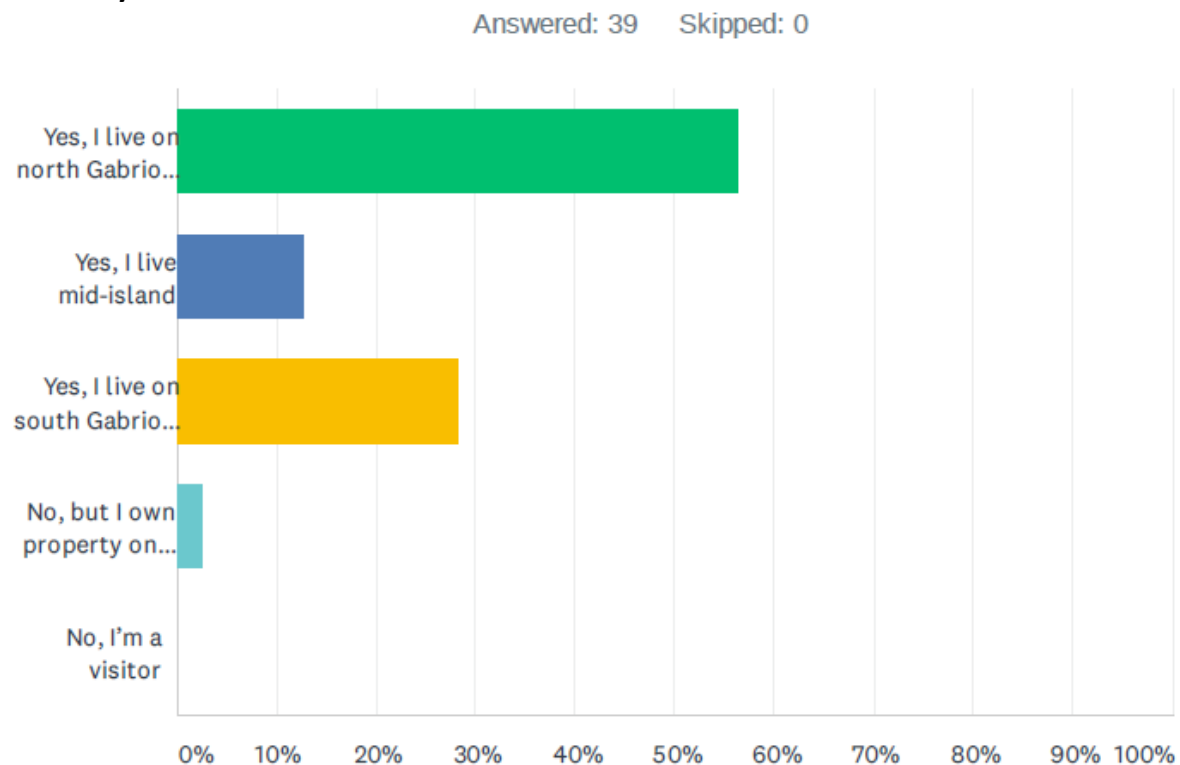


Figure 6. Survey results for Q1 of the public questionnaire

Q2: Have you ever visited the Coats Millstone Nature Reserve? If so, how often?

Answered: 39 Skipped: 0

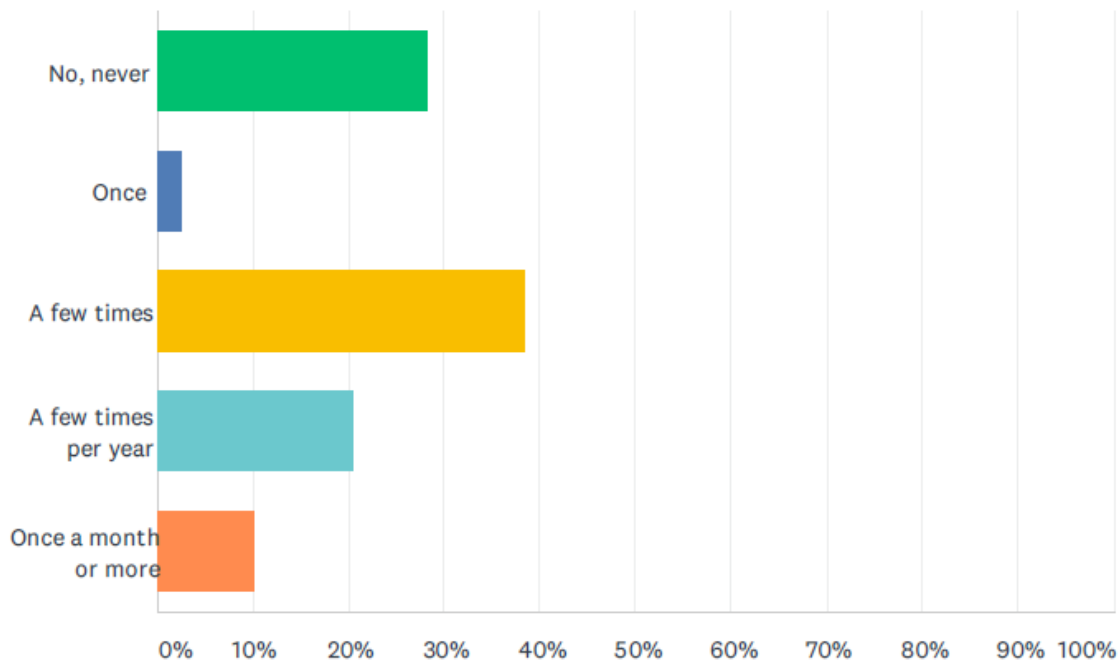


Figure 7. Survey results for Q2 of the public questionnaire

Q3: If you have visited Coats Millstone Nature Reserve before, what did you do there?

Answered: 29 Skipped: 10

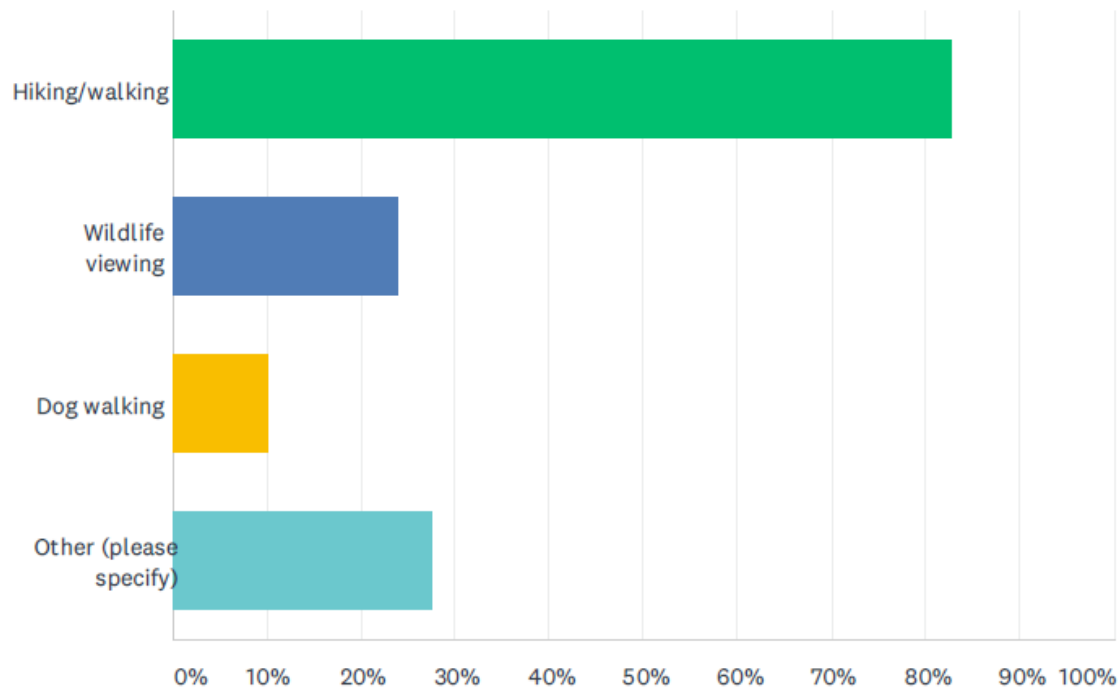


Figure 8. Survey results for Q3 of the public questionnaire

Q5: What do you believe to be the most important values of nature reserves? (choose three)

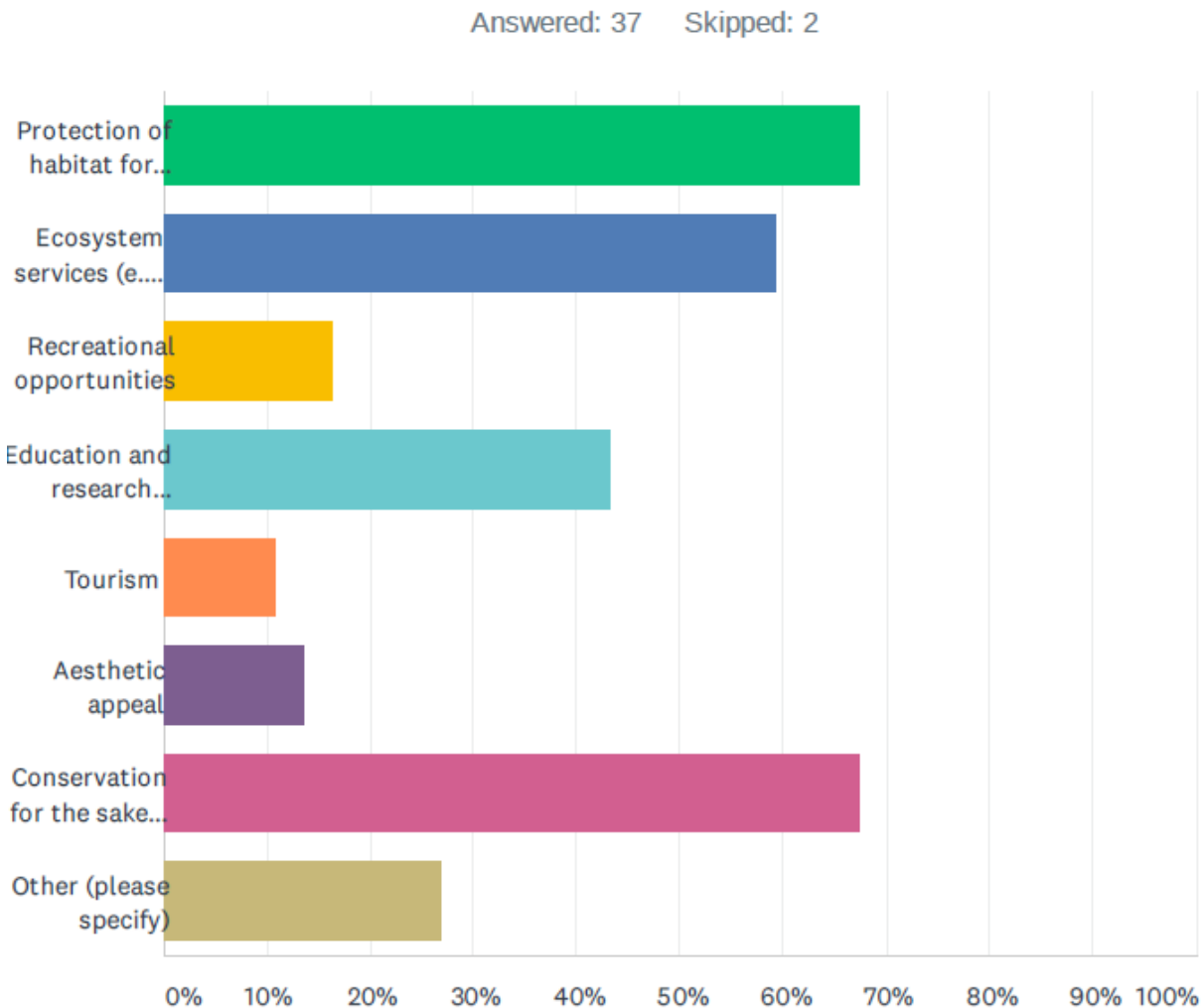


Figure 9. Survey results for Q5 of the public questionnaire

Based on the public input provided, it is apparent that the majority of visitors are residents of Gabriola Island. Several of the respondents have visited CMNR more than once or more frequently (up to several times per year), though some have never visited. The purpose of the visits to CMNR is for recreational activities with hiking/walking being the most popular one. The top three items selected as ‘most important values for CMNR’ were: Protection of habitat for at-risk species, ecosystem services, and conservation for the sake of the intrinsic value of nature. A close fourth in this selection was Education and Research Opportunities based on the historical value CMNR holds.

Results from both the written survey questionnaire responses and the community engagement seminar were reviewed. The community engagement process demonstrated public concern for the following management issues:

- Off-leash dog walking and cleaning up after dogs
- Public access due to safety concerns
- Wildlife (e.g., deer) becoming trapped in the millstone pools

- Avoidance of future resource extraction
- Increasing signage for either safety or public education
- Protection of amphibian habitat in the millstone pools
- Motorized vehicle use
- Ensuring nearby developments do not encroach into CMNR
- Invasive plant species compromising the health of native ecosystems
- Camping
- Fire hazards – natural and anthropogenic (drought, smoking, campfires)
- Vandalism/dumping

6 Management Recommendations

The objectives of this management plan are to preserve and protect the historical, natural and scenic value of CMNR; to allow for natural ecological succession; and to protect the site as per general ITC objectives. While CMNR does have significant ecological values, it possesses very high historical value. Management of public safety is the number one priority for this site, and therefore, cannot be compromised at the expense of preserving historic or ecological value. Reviews on management actions toward addressing issues with public safety on this site are currently under way. This document provides a review on the current state of CMNR, and some potential options to be considered by all stakeholders.

6.1 Management Roles

Partner	Role
Island Trust Conservancy (ITC)	Landholder
Nanaimo & Areas Land Trust (NALT)	Co-covenant Holder
Gabriola Historical & Museum Society (GHMS)	Co-covenant Holder

6.2 Permitted and Prohibited Uses

Currently, CMNR is closed to the public for any activities due to safety issues. All activities must be approved by all covenant holders (NALT and GHMS) and ITC. Restrictions as specified in the conservation covenant are described as follows:

- ITC (the owner) covenants and agrees that it will not occupy or use the Land or allow the Land to be occupied or used in such a manner that will impair or interfere with the natural state of the Land or the Amenities. The Land will be allowed to be used only as a nature reserve.
- ITC will not conduct the following activities without written approval of the covenant holders, which may be withheld in the covenant holders unrestricted discretion:
 - Use the Land or permit use for activities which:
 - causes or allows silts, leachates, fills or other deleterious substances to be released into any watercourse;
 - causes erosion, or loss of soil;
 - causes or allows pesticides, including but not limited to herbicides, insecticides or fungicides to be applied to or introduced onto the Land;
 - alters or interferes with the hydrology of the Land, including by the diversion of natural drainage or flow of water in, on or through the Land in a manner which may impact the Land;

- causes or allows fill, rubbish, ashes, garbage, waste or other material foreign to the Land to be deposited;
- causes or allows any component of the Land, including soil, gravel or rock, to be disturbed, moved, removed from or deposited in or on the Land; or
- causes or allows any indigenous flora on the Land to be cut down, removed, defoliated or in any way tampered with.
- Use the Land or allow the use of the Land for hunting, fishing, gathering or grazing of domestic animals;
- Construct, build, affix or place on the Land any buildings, structures, fixtures or improvements of any kind; or
- Lease or license the Land or any part thereof unless the lease or license is expressly made subject to the provisions of this Agreement and expressly entitles the Owner to terminate the lease or license if the tenant or licensee breaches any of the provisions of this Agreement.

6.3 Proposed Monitoring Program

The main risk to the site requiring active monitoring is the presence of invasive plant species (*i.e.*, Scotch Broom). One location of Scotch Broom was observed on the site along the southern boundary, and observations of others (e.g., English Holly, Spurge-laurel) have been made in the past. No specified monitoring route is recommended for this site, due to its size. Three monitoring locations, however, are recommended. These include:

- 1) The Scotch Broom patch along the southern boundary of the site, to:
 - a. Monitor implemented measures for addressing this invasive species.
 - b. Ensure the species is not spreading into areas of CMNR adjacent to this patch.
- 2) The millstone pools, to:
 - a. Assess the levels of public access and use (*i.e.*, littering, disturbed moss and vegetation).
 - b. Document progress of ecological succession towards an amphibian breeding habitat.
- 3) The access trail off Easthom Road, to:
 - a. Assess the levels of public use and whether access is limited to the trail and not encroaching into surrounding vegetation.
 - b. Document disturbance of the ephemeral stream crossing during high precipitation events and monitor degradation of the trail.

6.4 Public Access

Currently access to CMNR by the public is prohibited. Measures to increase the safe access to the millstones pools would involve building infrastructure and disturbance to the area that is unusual for an ITC nature reserve where management policies and conservation covenants are in place to keep the land in a natural state. Discussions between partners is ongoing, management options would be considered depending on the resulting disturbance they would cause to the site and the impacts they would have on the species present. Covenant restrictions may have to be waived for structures to be built etc. before any activities can go forward and if funding allows.

- 1) Increase signage throughout CMNR to inform public safety of hazards present.

- 2) Determine feasibility of filling or covering millstone pools to reduce the risk of people or mammals falling into the pools, resulting in either injury or drowning.
 - Should this management action be implemented, description of the millstone geology and geometry should be documented by a Qualified Professional. It is recommended that the millstone pools are mechanically pumped dry prior to these assessments for proper photo documentation.
 - Any imported fill must be washed prior to use to ensure no invasive seeds and/or spores are introduced to the site.
 - Gravel must be coarse (<1" diameter) to ensure hydrology is not altered.
 - Gravel material may only fill the holes up to 60 cm below surface, and at least 30 cm of organic debris must be placed on gravels.
- 3) Construct a boardwalk across the ephemeral stream crossing the north end of the access trail off Easthom Road.

6.5 Signage

Signage can increase awareness of the safety concerns on CMNR and inform visitors who are unfamiliar with the site. Currently, there is signage at the lower lookout before the cliff face, denoting the approaching edge and cautioning public from coming too close. There is also signage at the corners of the property boundary to discourage the public from trespassing on adjacent private land. Additional signage for CMNR is recommended as follows:

- 1) Signage at the beginning of the unstructured path leading up to the millstone pools, cautioning the public about the danger of accessing this area. It is worth noting that this signage may have an opposite effect and encourage public access to a generally hidden area by making its location more obvious. Stakeholder discussion on signage of this area will resolve whether this type of signage should be implemented on CMNR.
- 2) If safety measures are addressed and CMNR is opened to the public, educational signage is recommended in appropriate areas to inform visitors of the unique historical values of the site.

6.6 Trail Use, Maintenance and Development

Current recommendations are subject to ongoing discussions between stakeholders on permitting public access. There is one main trail off Easthom Road allowing access to an area looking out over Descanso Bay. Should public access be eventually permitted in CMNR, it is recommended that a boardwalk be constructed where an ephemeral stream crosses the north end of the Easthom Road access trail. In the winter high flows, the area becomes increasingly muddy and will only deteriorate over years of public use.

6.7 Protection Initiatives for Sensitive Ecosystems and Species and Ecosystems at Risk

During the site visit for this management plan, no sensitive ecosystems and/or species at risk were observed. As mentioned in section 3.8, there is potential for five species of conservation of concern to use CMNR for critical breeding habitat: Northern Pygmy-owl, Band-tailed Pigeon, Evening Grosbeak, Northern Red-legged Frog, and the Western Toad.

Recommended protection initiatives for all of these species are one in the same – prevent disturbance of areas that are already ecologically progressing. Where disturbance must occur for the safety of the public, it must be done in a manner where disturbance (i.e., vegetation removal, public encroachment) is reasonably minimized as much as possible.

6.8 Ecological Restoration Options

The only recommended restoration activities to be conducted in CMNR are those addressing the Scotch Broom in the exposed area along the southern border. This is discussed further in Section 6.10.

6.9 Scientific Research/Education Opportunities

CMNR is a historical site with the potential for educational demonstration of Gabriola Island's industrial progression through the 20th century. The millstone pools and sandstone cliffs on the property are unique features that can be excellent visual aids if safety concerns can be adequately addressed. Observation of ecological succession of the millstone pools can aid research on natural functions and processes. The millstone pools will gradually become more densely vegetated, with increased quantities of organic substrate and moss cover. This will ultimately lead to more biodiversity, which can be noted over the years with signage as they become established.

6.10 Exotic and Invasive Species Management

There have been past observations of English Holly (*Ilex aquifolium*) and Spurge-laurel (*Daphne laureola*) on the property. Continuous monitoring of CMNR for these species is recommended, along with immediate removal upon observation. The main invasive species of concern, however, is Scotch Broom. Discussions will be required with the neighbouring landowner on activities to remove Scotch Broom, as the plants extend beyond the property boundary. Removal of Scotch broom is prescribed for two stages of the plant:

- Stems less than the diameter of a pencil should be pulled by hand from the base of the stem, and
- Stems larger than the diameter of a pencil should be cut at the base of the stem, approximately 1 inch below the surface, to avoid disturbance of soils.

Removal is recommended in the early spring, when the plants are in peak flower and their resources are allocated to above-ground structures as opposed to the roots. Following removal, annual removal of seedlings will be required until vegetation currently present grows to a height that will shade the area, or once planted native species have become established. Recommended native species in this area are grand fir (*Abies grandis*) and bigleaf maple (*Acer macrophyllum*). Plugs are not recommended in this area, as deer browsing will likely prevent establishment. Installment of 5-gallon pots is recommended, spaced approximately 3 m apart. Deer browsing fence around the planted trees is recommended for the first 2 years following planting.

6.11 Wildfire Risk Management (if applicable)

No threats due to wildfire were noted for consideration.

6.12 Climate Change Impacts and Management

Climate change is a management consideration that is becoming increasingly prevalent with regards to ecological conservation. The impacts of climate change include altering averages and extremes in temperature, wind, and precipitation events. Historical climate data show that from 1900-2013, the average annual temperature in the coastal regions of B.C. warmed by 0.6°C to 0.8°C, and it is projected that by the 2080s this will increase by an estimated 1.7°C to 4.5°C (BC MOE 2016). Although these may seem like minute differences at a glance, an increase of 5°C was enough to melt the ice sheets covering earth in its latest glacial event 10,000 years ago. Temperature changes are intrinsically connected to precipitation and wind events, and therefore, can alter representative ecological communities in a given landscape. As changes in these variables occur, so will the ecological processes, and species assemblages that are encompassed by them.

An ecological progression observed in Coastal B.C. is the inland movement of the transition zone from the Coastal Douglas-fir moist maritime (CDFmm) biogeoclimatic zone to the Coastal Western Hemlock very dry maritime (CWHxm1) biogeoclimatic zone. Gabriola Island is already entirely in the CDFmm, and therefore drastic changes to its ecology are not anticipated; however, changing temperature and precipitation averages will have an impact. Coats Millstone Nature Reserve will likely not experience any noticeable impacts that would warrant management considerations for a few decades. Signs of drought should be monitored for on a decadal basis in mature trees on CMNR, and if warranted, management actions may be implemented to address potential ecological shifts. No recommendations with regards to climate change are made at this time.

7 Action Items

7.1 Immediate Actions (1-2 years):

1. Support all partners, contractors and volunteers to complete cultural competency training in regard to reconciliation, knowledge and history of Coast Salish and Indigenous Peoples.
2. Engage with First Nations to ensure that the management plan is reflective of treaty, inherent rights, and the territories of each Nation.
3. Work in collaboration towards a Management Plan for Areas of Cultural Heritage, gathering and harvesting, and Sacred Significance with First Nations.
4. Conduct annual monitoring of CMNR to ensure covenant compliance and evaluate management considerations.
5. Develop and implement an invasive species management work plan to ensure establishment of Scotch Broom is appropriately addressed.

7.2 Short term Actions (3-5 years):

1. Continue discussion on public safety of the site with partners and possible ways forward.
2. Continue to implement an invasive species management work plan with planting of native species if funding allows.

7.3 Long term Actions (5+ years)

1. Implement any public safety measures decided with partners.

7.4 Ongoing or Annual Action Items

As recommendations for the property are to promote ecological succession, minimal maintenance items are required at this point. Ongoing action items include:

1. Monitoring for presence of invasive plants, and prompt removal.
2. Monitoring for public use and negligence (i.e., littering, encroaching beyond trails)

8 Conclusion

The Coats Millstone Nature Reserve is a site of unique historical value, with potential to provide high ecological values to a multitude of species including those currently of conservation concern. Ecological succession over the next number of decades will move this area into a designation of high-quality habitat for species that this report has documented to potentially use the area for breeding. Forest cover shading out areas in CMNR and creating opportunities for a more developed understorey to flourish will result in increased biodiversity due to the introduction of new microhabitats.

The prominent issue of the site is public safety, which resulted in its closure to public access in 2004. The exposed cliff edges and the deep millstone pools are currently a danger to the public with a high hazard for injury as a result of slipping and falling. Another issue of concern is the present of invasive plant species, of which management recommendations have been outlined in this report to appropriately address their presence to eradicate them from CMNR.

There are a number of management options (short- and long-term) that will be considered by the ITC, and other stakeholders, with regards to resolutions on public safety and ecological conservation.

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Appendix A –Photographic Documentation

Photo Location Map

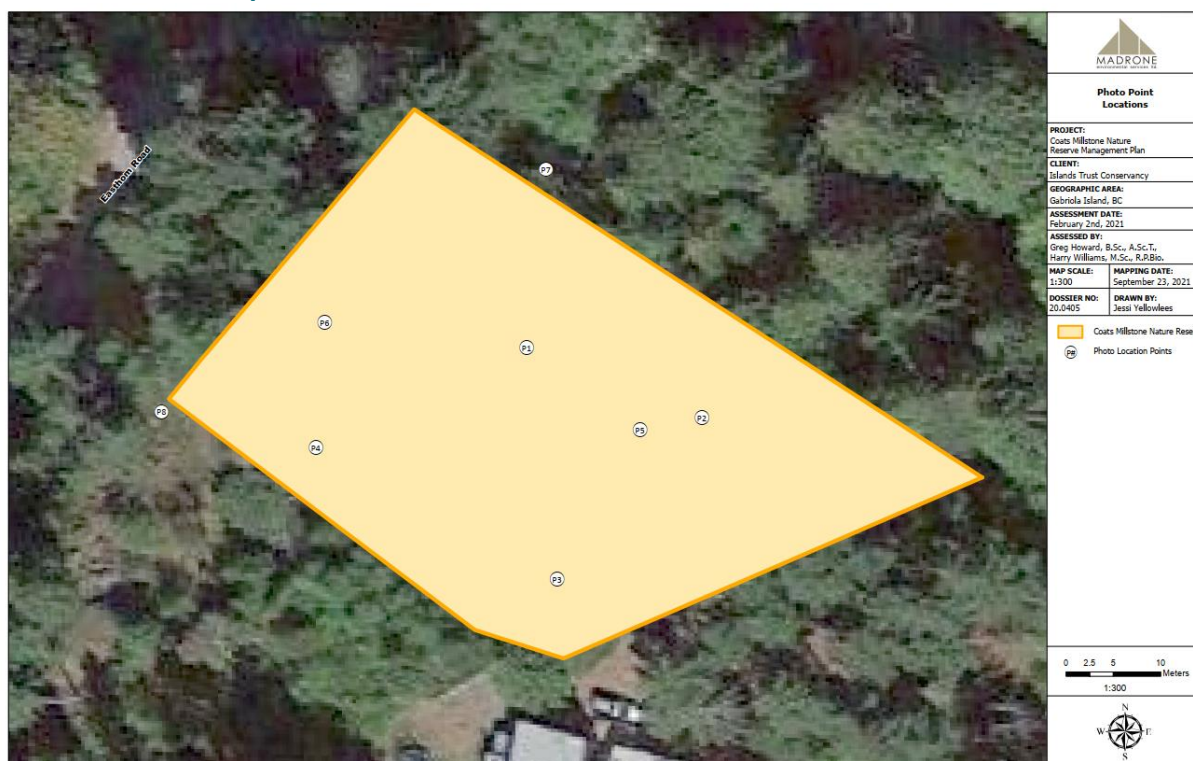


PHOTO STATION	LOCATION (UTM Coordinates [Zone, easting northing])	DIRECTION	PHOTO-GRAPHER	DATE YYYY-MM-DD	DESCRIPTION
P1a	10U 437363 5447358	N	GH*	2021-02-02	Millstone pools
P1b	10U 437363 5447358	W	GH	2021-02-02	Looking downslope from the top of the upper cliff edge where the millstone pools are.
P1c	10U 437363 5447358	E	GH	2021-02-02	Looking upslope at the congregation of millstone pools above the upper cliff edge
P2a	10U 437385 5447351	E	GH	2021-02-02	Wildlife Habitat Assessment #1
P2b	10U 437385 5447351	N	GH	2021-02-02	Wildlife Habitat Assessment #1
P2c	10U 437385 5447351	S	GH	2021-02-02	Wildlife Habitat Assessment #1

P2d	10U 437385 5447351	W	GH	2021-02-02	Wildlife Habitat Assessment #1
P3	10U 437370 5447334	SE	GH	2021-02-02	Wildlife Habitat Assessment #2 – looking at potentially future high-rated amphibian breeding habitat. Millstone pools are also located where water is observed.
P4a	10U 437341 5447349	E	GH	2021-02-02	Wildlife Habitat Assessment #3 – millstone tailings observed here.
P4b	10U 437341 5447349	N	GH	2021-02-02	Wildlife Habitat Assessment #3 - millstone tailings observed here.
P4c	10U 437341 5447349	S	GH	2021-02-02	Wildlife Habitat Assessment #3 – millstone tailings and Scotch broom observed here.
P4d	10U 437341 5447349	W	GH	2021-02-02	Wildlife Habitat Assessment #3 – Scotch Broom and cliff lookout in view.
P5	10U 437377 5447350	NE	GH	2021-02-02	Wildlife snag, potential to have future cavities for nesters.
P6	10U 437341 5447362	NE	GH	2021-02-02	Wildlife tree, currently has cavities that would suit smaller owls
P7	10U 437363 5447377	N	GH	2021-02-02	Ephemeral watercourse crossing access trail
P8	10U 437326 5447352	W	GH	2021-02-02	Looking towards Descanso Bay from the lower cliff edge

Appendix B – Community Engagement Survey Documentation



COVID-19

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Community Engagement - Gabriola Island Management Plans

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We would like to hear your ideas and concerns regarding the long-term management of these special places...

S'ul-hween X'pey/Elder Cedar and Coats Millstone nature reserves

Islands Trust Conservancy acknowledges and respects that Gabriola Island is within the territory of the Coast Salish Peoples including Cowichan Tribes, Halalt First Nation, Lyackson First Nation, Penelakut Tribe, SEMYOME (Semiahmoo) First Nation, Snuneymuxw First Nation, Stz'uminus (Chemainus) First Nation, Ts'uubaa-asatx (Lake Cowichan) First Nation.

The S'ul-hween X'pey/Elder Cedar Nature Reserve (ECNR) is a 65-hectare protected area which holds some of the last remaining mature forest on Gabriola Island. Rocky outcrops, several interconnecting streams, and wetland complexes travel through the property. The diversity of landscapes provide habitat to a wide array of species, including those provincially designated as a 'species at risk'. Of the provincially designated species that have potential habitat on the property, presence of the following have been confirmed through surveys: the Red-legged Frog, Western Screech-Owl, Band-Tailed Pigeon, and Townsend's Big-eared Bat.

The Coats Millstone Nature Reserve (CMNR) is a 0.25-hectare protected area encompassing part of a ridge rising above Descanso Bay. The reserve is an old sandstone quarry. The different tiers of the ridge offer very different habitats for plants on the reserve. The young forest and water-filled millstone holes provide habitat for various birds and animals. The steep cliffs and deep millstone holes make this site very dangerous. The millstones occupy much of the upper ledge on the site and the moss-covered ground is slippery, leaving little space for walking, therefore CMNR has been closed to the public.

Islands Trust Conservancy's primary goal is to protect and nurture the sensitive ecosystems and natural values on this land. The information and actions required to achieve this goal and guide the management of the property are set out in a management plan that is updated every 10 years. We welcome community input and ask you to share your thoughts on the protection and long-term management of the S'ul-hween X'pey/Elder Cedar and Coats Millstone nature reserves.

Questionnaires can be completed online at <https://www.surveymonkey.com/r/CoatsMillstone> and <https://www.surveymonkey.com/r/ECNR>

The deadline to complete each survey is March 15, 2021.

There will be a webinar with information about the Coats Millstone Nature Reserve and the S'ul-hween X'pey/Elder Cedar Nature Reserve on February 22, 2021 at 2 p.m.

Register in advance for this webinar:

https://islandstrust.zoom.us/join/register/WN_08iJOHraTe-sCgy8iYZSvq

After registering, you will receive a confirmation email containing information about joining the webinar.

Islands Trust Conservancy is committed to honouring the rich history of Indigenous stewardship in the lands and waters of the Islands Trust Area and to building mutually respectful relationships between Indigenous and non-Indigenous partners in conservation. In 2019, Islands Trust Conservancy passed a Reconciliation Declaration committing to building relationships to work to protect and manage the area and any cultural heritage sites in these nature reserves in a way that is reflective of treaty, inherent rights, and the territorial lands.

Page last updated: 15/02/21

News

News Releases

The Heron Newsletter

Conservation Success Stories

Press Room

- Community Engagement - Salt Spring & Thetis Island Management Plans

- Community Engagement - Gabriola Island Management Plans



Conservation Success Stories: The Kikuchis and Frog Song Forest

Arthur Kikuchi honoured his parents and his family's future generations by using his inheritance to purchase and protect a wetland and forest on North Pender Island.

[read more](#)

Public information provided on the ITC website – (February/March 2021)



Coats Millstone Nature Reserve Management Plan Questionnaire

CMNR Questionnaire Open until March 15, 2021

Islands Trust Conservancy acknowledges and respects that Gabriola Island is within the territory of the Coast Salish Peoples including Cowichan Tribes, Halalt First Nation, Lyackson First Nation, Penelakut Tribe, SEMYOME (Semiahmoo) First Nation, Snuneymuxw First Nation, Stz'uminus (Chemainus) First Nation, Ts'uubaa-asatx (Lake Cowichan) First Nation.

The Coats Millstone Nature Reserve (CMNR) is a 0.25 hectare protected area encompassing part of a ridge rising above Descanso Bay. The reserve is an old sandstone quarry. The different tiers of the ridge offer very different habitats for plants on the reserve. The young forest and water-filled millstone holes provide habitat for various birds and animals. The steep cliffs and deep millstone holes make this site very dangerous. The millstones occupy much of the upper ledge on the site and the moss-covered ground is slippery, leaving little space for walking, therefore CMNR has been closed to the public.

The Islands Trust Conservancy's primary goal is to protect and nurture the sensitive ecosystems and natural values on this land. The information and actions required to achieve this goal and guide the management of the property are set out in a management plan that is updated every 10 years. We welcome community input and ask you to share your thoughts on the protection and long-term management of the Coats Millstone Nature Reserve.

1. Are you a resident of Gabriola Island?

- ☐ Yes, I live on north Gabriola Island
- ☐ Yes, I live mid-island
- ☐ Yes, I live on south Gabriola Island
- ☐ No, but I own property on Gabriola Island
- ☐ No, I'm a visitor

2. Have you ever visited the Coats Millstone Nature Reserve? If so, how often?

- ☐ No, never
- ☐ Once
- ☐ A few times
- ☐ A few times per year
- ☐ Once a month or more

3. If you have visited Coats Millstone Nature Reserve before, what did you do there?

- ☐ Hiking/walking
- ☐ Wildlife viewing
- ☐ Dog walking
- ☐ Other (please specify)

4. Please list any wildlife and unique plant species you have seen in or near Coats Millstone Nature Reserve:

5. What do you believe to be the most important values of nature reserves? (choose three)

- ☐ Protection of habitat for at-risk species
- ☐ Ecosystem services (e.g. clean water and air, erosion control, groundwater recharge, etc.)
- ☐ Recreational opportunities
- ☐ Education and research opportunities
- ☐ Tourism
- ☐ Aesthetic appeal
- ☐ Conservation for the sake of the intrinsic value of nature
- ☐ Other (please specify)

6. What activities do you believe are incompatible with the protection of natural features, and should not be allowed within Coats Millstone Nature Reserve?

7. What do you feel could be the greatest threat to the health of this nature reserve, and should be the highest management priority for the Islands Trust Conservancy?

8. Due to the steep cliffs and slippery terrain with deep, water filled millstone holes there are no public trails apart from the pre-existing trail to the view point. Do you have any thoughts on public access?

9. Please provide any other relevant information that will help us make the best management decisions for Coats Millstone Nature Reserve.

10. Please share with us any history you know about this property or any knowledge you have about unique cultural or other special features on the property.

11. If you would like to receive periodic updates from the Islands Trust Conservancy on this and other conservation projects on the islands, please provide your name and email address:

Appendix C – Engagement Letter to Adjacent Landholders



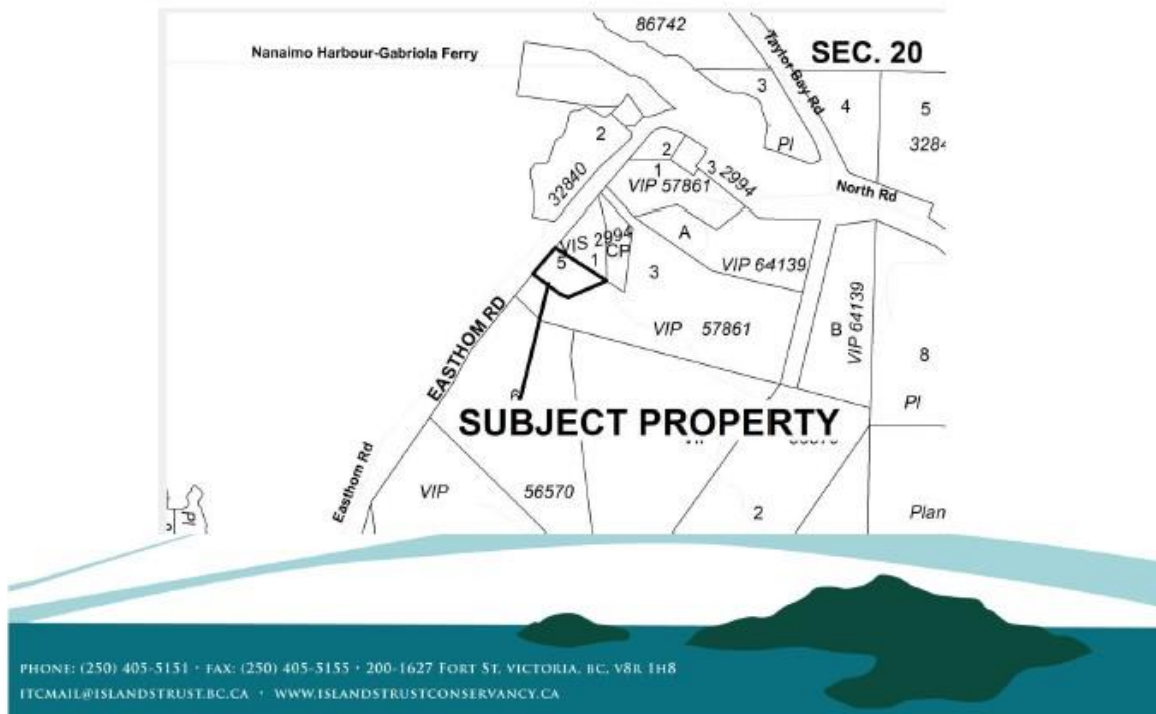
February 5, 2021

Dear Neighbour,

The Islands Trust Conservancy is updating the management plan to guide management of the Coats Millstone Nature Reserve (CMNR) for the next 10 years and we are interested in hearing from you.

Islands Trust Conservancy acknowledges and respects that Gabriola Island is within the territory of the Coast Salish Peoples including Cowichan Tribes, Halalt First Nation, Lyackson First Nation, Penelakut Tribe, SEMYOME (Semiahmoo) First Nation, Snuneymuxw First Nation, Stz'uminus (Chemainus) First Nation, Ts'uubaa-asatx (Lake Cowichan) First Nation.

The Coats Millstone Nature Reserve (PID: 018-560-601, Lot 5, Section 20, Gabriola Island, Nanaimo District, Plan VIP57861) is a 0.25 hectare encompassing part of a ridge rising above Descanso Bay. CMNR is an old sandstone quarry with steep tiers on a cliff. The young forest and water-filled millstone holes provide habitat for various birds and animals, but the steep cliffs and deep millstone holes make this site very dangerous and CMNR has been closed to the public.



The Islands Trust Conservancy will work in partnership with the Gabriola Historical & Museum Society and Nanaimo Area Land Trust who hold a conservation covenant on the Nature Reserve. There are restrictions on the use of the property, outlined in the covenant, that have been put in place to protect the native plants and animals within the reserve.

Your input is requested for the development of the next Coats Millstone Nature Reserve Management Plan. As a neighbour of the reserve, we would like to hear your ideas and concerns regarding the long-term management of this special place.

The enclosed questionnaire can be:

- completed online at <https://www.surveymonkey.com/r/CoatsMillstone> or through our website: <http://www.islandstrustconservancy.ca>;
- returned by mail to the Victoria office at 200 – 1627 Fort Street, Victoria, BC V8R 1H8; or,
- dropped off in person at the Islands Trust office on Gabriola Island at 700 North Road.

The deadline to complete the survey is March 15, 2021.

There will be a webinar with information about the Coats Millstone Nature Reserve and the S'ulhween X'pey/ Elder Cedar Nature Reserve on February 22, 2021 at 2pm.

Register in advance for this webinar:

https://islandstrust.zoom.us/webinar/register/WN_08iJOhRaTe-sCgy8iYZSvq

After registering, you will receive a confirmation email containing information about joining the webinar.

Thank you for taking the time to share your ideas regarding management of the Coats Millstone Nature Reserve. For more information, please contact me at the phone number or email listed below.

Sincerely,



Nuala Murphy
Property Management Specialist, Islands Trust Conservancy
250-405-5193
nmurphy@islandstrust.bc.ca



Appendix D – First Nations Engagement Letter



February 11, 2021

Dear Chief and Council,

Re: Coats Millstone and S'ul-hween X'pey/ Elder Cedar Nature Reserve Management Plan

The Islands Trust Conservancy, through its work as a land trust, is drafting a management plan for the Coats Millstone and S'ul-hween X'pey/ Elder Cedar Nature Reserves on Gabriola Island.

The nature reserves are within your First Nations treaty and/or territorial lands and waters and we want to ensure that the direction of the management plans is reflective of both reconciliation and conservation goals. At this time, ITC would like to work with you to understand the cultural significance and use of the area so that these values can also be preserved and protected—now and into the future. We understand that the cultural significance of this land may be confidential and we would work with you to ensure that the management plan reflects this significance appropriately. Acknowledging the importance of naming and recognition, if there is signage, names, or place names that should be used for these areas please let us know.

Coats Millstone Nature Reserve (PID: 018-560-601, Lot 5, Section 20, Gabriola Island, Nanaimo District, Plan VIP57861) is a 0.25 hectare encompassing part of a ridge rising above Descanso Bay. Coats Millstone Nature Reserve (CMNR) is an old sandstone quarry with steep tiers on a cliff. The young forest and water-filled millstone holes provide habitat for various birds and animals, but the steep cliffs and deep millstone holes make this site very dangerous and CMNR has been closed to the public.

S'ul-hween X'pey/Elder Cedar Nature Reserve (PID: 026-664-453, Block A, Section 16, Gabriola Island, Nanaimo District) is an 65.4-hectare (161.5-acre) protected area located in central Gabriola Island, just south of the northern shoreline. S'ul-hween X'pey Nature Reserve holds some of the last remaining mature forest on Gabriola Island. Rocky outcrops, several interconnecting streams and wetland complexes travel through the property. The diversity of landscapes provide habitat to a wide array of species, presence of the following provincially designated species designated as a 'species at risk' have been confirmed through previous surveys: the Red-legged Frog, Western Screech-Owl, Band-Tailed Pigeon and Townsend's Big-eared Bat.

Islands Trust Conservancy would like to undertake an archaeological review or traditional use study in collaboration with you. Islands Trust Conservancy passed a Reconciliation Declaration, committing to building relationships to work with your Nation to protect and manage the area and any cultural heritage sites in these nature reserves in a way that is reflective of treaty, inherent rights, and the territorial lands of your Nation.



PHONE: (250) 405-5151 • FAX: (250) 405-5155 • 200-1627 FORT ST. VICTORIA, BC, V8R 1H8
ITCMAIL@ISLANDSTRUST.BC.CA • WWW.ISLANDSTRUSTCONSERVANCY.CA



Figure 1. Gabriola Island, Islands Trust Conservancy Nature Reserves

You may also be interested to know that Islands Trust Conservancy has developed a draft management plan template that includes cultural heritage and spiritual significance. I would be pleased to provide it to you, as a starting point if you would like to comment on it.

A questionnaire can be completed online at: <https://www.surveymonkey.com/r/CoatsMillstone>
<https://www.surveymonkey.com/r/ECNR>

The survey will remain online until March 15, 2021, and I can also be contacted at any time using the contact details below.

There will be a webinar with information about the Coats Millstone Nature Reserve and the S'ul-hween X'pey/ Elder Cedar Nature Reserve on February 22, 2021 at 7:00 pm. Register in advance for this webinar:

https://islandstrust.zoom.us/webinar/register/WN_08iJOhRaTe-sCgy8iYZSvq

After registering, you will receive a confirmation email containing information about joining the webinar.



Thank you for considering our request to work together. Please contact me at the number or email listed below. Thank you for your kind consideration.

Sincerely,



Nuala Murphy
Property Management Specialist
Islands Trust Conservancy
250-405-5193 | nmurphy@islandstrust.bc.ca

Islands Trust Conservancy's Victoria office is located in Coast Salish territory and we acknowledge with respect the BOKEĆEN, Cowichan Tribes, Halalt, Homalco, K'ómoks, Klahoose, Ts'uubaa-asatx, Lək'wəŋən (SXIMELEt, Songhees, T'Sou-ke), Lyackson, MÁLEXEt, Penelakut, Qualicum, Scia'new, səliłwətaʔt, SEMYOME, shishálh, Snaw-naw-as, Snuneymuxw, Skwxwú7mesh, SṠÁUTW, Stz'uminus, Tla'amin, scaŋaθən məsteyəx", We Wai Kai, Wei Wai Kum, WJOLÉLP, WSIKEM, and x"məθk"əyəm territories in which we live and work.





REQUEST FOR DECISION

To: ITC Board

For the Meeting of: October 5, 2021

From: Staff

Date Prepared: September 21, 2021

SUBJECT: Moss Mountain Covenant

RECOMMENDATION: That the Islands Trust Conservancy Board authorizes the Chair to sign a covenant with Gaylene Young, over the Land described as PID 006-760-112, Lot 12, Sections 64, 65, 66, 67, and 68, South Salt Spring Island, Cowichan District, Plan 1914, through the Natural Area Protection Tax Exemption Program (NAPTEP).

1 PURPOSE: To register a covenant to protect ~44 ha of mature forests, wetlands, mossy bluffs, Garry oak and arbutus woodlands, and rocky shoreline adjacent to existing protected areas on Salt Spring Island.

2 BACKGROUND

At its November 24, 2020 meeting the board of the Islands Trust Conservancy passed the following resolution:

ITC-2020-037

It was MOVED and SECONDED that the Islands Trust Conservancy Board approve the conservation proposal submitted by Gay Young to place a NAPTEP covenant on approximately 45 ha on Salt Spring Island, PID: 006-760-112, LOT 12, SECTIONS 64, 65, 66, 67 AND 68, SOUTH SALT SPRING ISLAND, COWICHAN DISTRICT, PLAN 1914.

At its December 1-3, 2020 meeting the Islands Trust Council passed the following resolution:
TC-2020-111

that the Islands Trust Council request the Secretary issue a Natural Area Protection Tax Exemption Certificate for the covenanted portion of the property described as 'Lot 12, Sections 64, 65, 66, 67 and 68, South Salt Spring Island, Cowichan District, Plan 1914, Parcel Identifier 006-760-112' subject to registration of a conservation covenant and completion of a baseline inventory report consistent with the standards developed for NAPTEP.

The Moss Mountain Covenant will be the ITC's 79th covenant overall, the 27th NAPTEP covenant, the 11th NAPTEP covenant in the Salt Spring Island Local Trust Area and the 24th Conservancy covenant in Salt Spring Island LTA¹.

All documents, including the exemption certificate, must be registered with the Land Title Office by the end of October, 2021 to receive a property tax exemption in the 2022 tax year. The Moss Mountain NAPTEP covenant is also the subject of an Ecological Gift application through Environment and Climate Change Canada. The appraisal will be conducted once the covenant is

¹ These numbers include the Earl Batista covenant (Salt Spring Island) and the Pare-Baile NAPTEP covenant (North Pender Island) registered before this one.

finalized, and submitted to the Appraisal Review Board. The charitable gift receipt must be issued by 31 December 2021 in order to apply for the 2021 income tax year.

Covenant Overview

The covenant is consistent with the ITC standard NAPTEP conservation covenant, with the additions and changes noted below. All revisions have been reviewed by ITC legal counsel.

- 4.4 Clause added to acknowledge existing water license: *Despite section 4.2(a) and (c), the Owner may use Acton Spring for purposes permitted by Conditional Water License 113053, under the Water Act (British Columbia);*
- 9.2 Amended to include “The Covenant Holder may access the Land using any dock or access point” since the property is access only by water or by permission to cross neighbouring lands

Schedule C Permitted Encumbrance, the water license for water use from Acton Spring
Schedule D Priority Agreement over Land Tax Deferment charge

3 IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL: The covenant is consistent with the ITC standard NAPTEP conservation covenant template except as noted above.

FINANCIAL: The landholder will be responsible for covenant registration fees. Annual monitoring will be done by the Covenant Management and Outreach Specialist and the 2022/23 ITC budget will increase according to Trust Council approved amounts for ongoing covenant management, including a \$500 addition to the travel budget to reflect water taxi costs. The property management budget request has been adjusted to reflect this new conservation covenant. There may be enforcement costs over time.

POLICY: This covenant is consistent with ITC policy and the Natural Area Exemption Certificate will be issued according to Islands Trust policy.

IMPLEMENTATION/COMMUNICATIONS: The covenant will be signed following ITC Board approval. For efficiency, staff will have ITC’s lawyer conduct the conveyancing with cost recovery from the landholder. Once the covenant is registered, ITC staff will issue the Natural Area Exemption Certificate as approved by Trust Council. Staff will notify the Salt Spring Island Local Trust Committee, Trust Council, and other relevant agencies regarding the covenant and issuance of the Exemption Certificate, and planning staff. Staff will also work with the landholder to issue a news release, update the ITC website and to determine an appropriate means of celebrating the successful registration of the covenant (as per the ITC Securement Strategy).

FIRST NATIONS: The Baseline Report references First Nations use of the area. ITC will ensure that monitoring and management of the covenant are reflective of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), the Truth and Reconciliation (TRC) Calls to Action, and the *Heritage Conservation Act*.

CLIMATE CHANGE: This property contains mature forest, with components of young forest, and wetlands, and therefore contributes towards climate change mitigation by protecting carbon sequestration sources. Additionally, protecting properties that contain a mosaic of ecosystems in several seral stages provides a range of habitats and may assist with species persistence and/or migration in response to future climate instability and change.

OTHER:

At its November 24, 2020 meeting the Board of the Islands Trust Conservancy approved spending of up to \$20,000 to support securement of this conservation covenant. These funds were used towards the baseline inventory (\$8500) and initial costs of surveying the covenant area (\$9800). The initial survey concluded that the present natural boundary differs significantly from the boundary surveyed in 1914, and as a result, in order to register the covenant, a new plan needed to be registered in the Land Title Office to update the limits of title. Environment and Climate Change Canada provided \$11,500 for this additional survey work and coordination with the Surveyor General for approval. The remaining \$1700 of Board-approved funds will be used to defray costs of an appraisal for the Ecological Gifts Program (ITC staff proposes to cost-share with the landowner). Approximately \$6,200 of ITC covered costs will be funded by the ITC Species at Risk grant.

ITC has also funded a bat survey on the property (\$1250) from its species at risk grant and may consider further surveys for species at risk.

The landholder currently receives property tax deferment through the *Land Tax Deferment Act*. Staff has contacted the Province to request priority for the covenant over the tax deferment charge. The landholder has also applied to Land Titles Office to update title to her current legal name, and to remove the mortgage charge.

4 RELEVANT POLICY(S):

[2.4 Conservation Covenants Policy](#)

[2.5 Natural Area Protection Tax Exemption Covenants Policy](#)

[Islands Trust Policy 2.1.10 Administration of Natural Area Protection Tax Exemption Program](#)

5 ATTACHMENT(S):

Moss Mountain Covenant

RESPONSE OPTIONS

Recommendation: That the Islands Trust Conservancy Board authorizes the Chair to sign a covenant with Gaylene Young, over the Land described as PID 006-760-112, Lot 12, Sections 64, 65, 66, 67, and 68, South Salt Spring Island, Cowichan District, Plan 1914, through the Natural Area Protection Tax Exemption Program (NAPTEP).

Alternatives:

1. That the Islands Trust Conservancy Board authorizes the Chair to sign a covenant with Gaylene Young, over the Land described as PID 006-760-112, Lot 12, Sections 64, 65, 66, 67, and 68, South Salt Spring Island, Cowichan District, Plan 1914 and direct staff to register the covenant upon confirmation of priority over tax deferment on the land title.
2. Amend the covenant and approve as amended.
3. The ITC Board could consider funding additional amounts for the appraisal or the registration costs of the covenant, but this is unusual for NAPTEP covenants.

Prepared By: Kathryn Martell, Ecosystem Protection Specialist

Reviewed By/Date: Kate Emmings, ITC Manager / September 24, 2021

TERMS OF INSTRUMENT – PART 2

**Section 219 Conservation Covenant and
Section 218 Statutory Right of Way**

This Agreement dated for reference _____ is

BETWEEN:

GAYLENE SARAH YOUNG
[REDACTED]
[REDACTED]

(the "Owner")

AND:

Islands Trust Conservancy, a corporation under the *Islands Trust Act*
(British Columbia) with its office at 200-1627 Fort Street, Victoria,
B.C. V8R 1H8

(the "ITC")

(collectively, the "parties")

WHEREAS:

- A. The Owner is the registered owner in fee simple of the Land;
- B. The Covenant Area contains significant natural area and heritage values and amenities including flora, fauna, and natural features of great importance to the Owner, the Covenant Holder, indigenous peoples, and the public;
- C. The Owner wishes and has agreed to grant to the Covenant Holder a covenant pursuant to section 219 of the *Land Title Act*, to restrict the use of the Covenant Area, and a statutory right of way pursuant to section 218 of the *Land Title Act*;
- D. A statutory right of way in favour of the Covenant Holder is necessary for the operation and maintenance of the undertakings of the Covenant Holder;
- E. The Owner intends the grant of covenant in this Agreement to be an ecological gift under the provisions of the Income Tax Act (Canada), including sections 118.1 [for individuals] and section 207.31; and,
- F. The ITC is a Crown agent and is authorized to accept covenants and statutory rights of way under sections 219 and 218 of the *Land Title Act*, respectively.

In consideration of the payment of \$2.00 now paid by the Covenant Holder to the Owner, the receipt and sufficiency of which is acknowledged by the Owner, and in consideration of the promises exchanged below, the parties covenant and agree as follows, in accordance with sections 218 and 219 of the *Land Title Act*:

1. INTERPRETATION

1.1 In this Agreement, in addition to the words defined above:

- (a) "Administration Fee" means a fee of \$150.00 adjusted in each year as provided in section 12.2, charged by the Covenant Holders in accordance with section 12.1;
- (b) "Amenities" includes those natural, scientific, environmental, wildlife, plant [, heritage] and cultural values relating to the Covenant Area as identified in the Report, including any natural area values and amenities of the Covenant Area as prescribed by regulation for the purposes of Part 7.1 of the *Islands Trust Act*;
- (c) "Archaeological Site" means an area
 - (i) identified in the Report as an archaeological site, or
 - (ii) protected under the provisions of the *Heritage Conservation Act* as an archaeological site;
- (d) "Business Day" means any day other than Saturday, Sunday or British Columbia statutory holidays;
- (e) "Certificate" means a certificate issued by the Covenant Holder under section 14.12;
- (f) "Covenant Area" means all of the Land shown outlined in heavy black line and identified as "Covenant Area" on the Plan;
- (g) "Covenant Holder" means the ITC or its successor as defined under section 13.1;
- (h) "CPI" means the All-Items Consumer Price Index published by Statistics Canada, or its successor in function, for Vancouver, BC, where 2021 equals 100;
- (i) "Land" means the parcel of Land legally described as Parcel Identifier 006-760-112, Lot 12, Sections 64, 65, 66, 67 and 68, South Salt Spring Island, Cowichan District, Plan 1914
- (j) "Market Value" means the market value of any flora or fauna, soil, rock, gravel or minerals that is the subject of a breach identified in section 11.4, as determined by an appraiser who has been trained in the valuation of property that is the subject of an ecological gift;
- (k) "Notice of Enforcement of Rent Charge" means a Notice of Enforcement of Rent Charge given under section 11.6;
- (l) "Notice of Breach" means a notice of breach given under section 10.1;
- (m) "Plan" means the Reference Plan over part of the Land certified correct by Jordan Litke, B.C.L.S., dated **INSERT DATE OF SURVEY**, and deposited in the Land Title Office under number **EPP**, a reduced copy of which is attached as Schedule A;
- (n) "Rent Charge" means the rent charge granted by the Owner under section 11.1;

- (o) “Rent Charge Amount” means the amount determined in accordance with Article 11, the payment of which is secured by the Rent Charge; and
 - (p) “Report” means the baseline documentation report that describes the Covenant Area and the Amenities in the form of text, maps, and other records of the Covenant Area for the purposes of this Agreement, a copy of which is on file with each of the parties, and a condensed version of which is attached as Schedule B.
- 1.2 Where this Agreement provides that something is in the “sole discretion” of a party, that thing is within the sole, absolute and unfettered discretion of that party.
- 1.3 This Agreement must be interpreted in accordance with the laws of British Columbia and the laws of Canada applicable in British Columbia, and the parties agree that the courts of British Columbia have exclusive jurisdiction over any proceeding concerning this Agreement and to attorn to the jurisdiction of such courts.
- 1.4 This Agreement is comprised of the recitation of the parties, the recitals to this Agreement, the Schedules to this Agreement, Part 1 of the *Land Title Act* Form C to which this Agreement is attached, and these Terms of Instrument.
- 1.5 In this Agreement:
- (a) reference to the singular includes a reference to the plural, and vice versa, unless the context otherwise requires;
 - (b) where a word or expression is defined in this Agreement, other grammatical forms of the same word or expression have corresponding meanings;
 - (c) reference to a particular numbered Article or section, or to a particular lettered Schedule, is a reference to the correspondingly numbered or lettered Article, section or Schedule of this Agreement, except where otherwise provided;
 - (d) Article headings have been inserted for ease of reference only and are not to be used in interpreting this Agreement;
 - (e) the word “enactment” has the meaning given to it in the *Interpretation Act* on the reference date of this Agreement;
 - (f) reference to any enactment is a reference to that enactment as consolidated, revised, amended, re-enacted or replaced, unless otherwise expressly provided;
 - (g) reference to an enactment is to an enactment of the province of British Columbia except where otherwise provided;
 - (h) reference to a “party” or the “parties” is a reference to a party or the parties to this Agreement and their respective successors, assigns, trustees, administrators and receivers; and
 - (i) reference to a “day”, “month” or “year” is a reference to a calendar day, calendar month or calendar year, as the case may be, unless otherwise expressly provided.

2. REPRESENTATIONS AND WARRANTIES

- 2.1 The Owner represents and warrants to the Covenant Holders that the facts set out in Recitals A, C and E are true as of the date of this Agreement.
- 2.2 The ITC represents and warrants to the Owner that the facts set out in Recitals D and F are true as of the date of this Agreement.
- 2.3 Each party represents and warrants to each other party that the facts set out in Recital B are true as of the date of this Agreement.

3. INTENT OF AGREEMENT

- 3.1 The parties agree that the intent of this Agreement is:
 - (a) to protect, preserve, conserve, maintain, enhance and, if applicable from time to time restore, the natural state of the Covenant Area and the Amenities as described in the Report, and
 - (b) to prevent any occupation or use of the Covenant Area that will impair or interfere with the natural state of the Covenant Area or the Amenities as described in the Report,

and the parties agree that this Agreement is to be interpreted, performed and applied in that context.

- 3.2 This Agreement shall be perpetual to reflect the public interest in the protection, preservation, conservation, maintenance and enhancement of the Covenant Area and the Amenities.

4. RESTRICTIONS ON USE OF THE COVENANT AREA

- 4.1 Except as expressly permitted in this Agreement, the Owner must not do anything, omit to do anything, allow anything to be done or allow the omission of anything, that does or could reasonably be expected to destroy, impair, diminish, negatively affect or alter the Covenant Area or the Amenities from the condition described in the Report.
- 4.2 Without restricting the generality of section 4.1, the Owner must not, except with the prior written approval of the Covenant Holder, which approval may be granted or withheld in the sole discretion of the Covenant Holder:
 - (a) use or permit the use of the Covenant Area for an activity or use which:
 - (i) causes or allows silts, leachates, fills or other deleterious substances to be released into any watercourse on the Covenant Area;
 - (ii) causes the erosion of the Covenant Area to occur;
 - (iii) causes or facilitates the loss of soil on the Covenant Area;
 - (iv) alters or interferes with the hydrology of the Covenant Area, including by the diversion of natural drainage or flow of water in, on or through the Covenant Area;

- (v) causes or allows fill, rubbish, ashes, garbage, waste or other material foreign to the Covenant Area to be deposited in, on or under the Covenant Area;
 - (vi) causes or allows any component of the Covenant Area, including soil, gravel or rock, to be disturbed, explored for, moved, removed from or deposited in or on the Covenant Area;
 - (vii) causes or allows pesticides, including but not limited to herbicides, insecticides or fungicides, to be applied to or introduced onto the Covenant Area; or
 - (viii) causes or allows any indigenous flora on the Covenant Area to be cut down, removed, defoliated or in any way tampered with;
- (b) use or permit the use of the Covenant Area for hunting, fishing, or gathering, or for the grazing of domestic animals;
 - (c) construct, build, affix or place on the Covenant Area any buildings, structures, fixtures or improvements of any kind;
 - (d) lay out or construct any new roads or paths on the Covenant Area; and
 - (e) lease or license the Covenant Area or any part thereof unless the lease or license is expressly made subject to the provisions of this Agreement and expressly entitles the Owner to terminate the lease or license if the tenant or licensee breaches any of the provisions of this Agreement.
- 4.3 Without limiting sections 4.1 and 4.2, the Owner must not disturb or alter, or permit the disturbance or alteration, of an Archaeological Site, except with the prior written approval of the Covenant Holder, in the Covenant Holder's sole discretion.
- 4.4 Despite section 4.2(a) and (c), the Owner may use Acton Spring for purposes permitted by Conditional Water License 113053, under the *Water Sustainability Act* (British Columbia), a copy of which is attached as Schedule C;
- 4.5 Despite section 4.2(b), the Owner may enter into agreements with First Nations, for whom the Land is within their traditional territory, to enable those First Nations to access the Land to exercise those traditional activities which they may have engaged in on the Land, only so long as:
- (a) those activities are in keeping with the intent of this Agreement;
 - (b) the Covenant Holder provides their prior written approval of such agreements, in the sole discretion of the Covenant Holder.

5. BASELINE DOCUMENTATION REPORT

- 5.1 The parties each agree that the Covenant Area and the Amenities are described in the Report and that the Report provides an accurate description of the Covenant Area and its Amenities as of the date of registration of this Agreement.
- 5.2 The parties agree that the Report is intended to serve as an objective information baseline for monitoring compliance with the terms of this Agreement.

- 5.3 The Covenant Holders will provide a copy of the full Report to the Owner upon request from the Owner from time to time.
- 5.4 The parties each acknowledge that the flora and fauna on the Covenant Area will evolve through natural succession over time and, unless otherwise expressly stated, references to the Report in this Agreement are intended to take into account the natural succession of the flora and fauna over time, without human intervention other than as expressly permitted by this Agreement.

6. DISPUTE RESOLUTION

- 6.1 If a breach of this Agreement occurs or is threatened, or if there is disagreement as to the meaning of this Agreement, either Covenant Holder or the Owner may give notice to the other party requiring a meeting of all parties within 10 Business Days of receipt of the notice.
- 6.2 Upon receipt of a notice under section 6.1, all parties must immediately cease any activity giving rise to a breach or threatened breach of this Agreement, and any activity giving rise to a disagreement as to the meaning of this Agreement.
- 6.3 The parties must attempt to resolve the matter, acting reasonably and in good faith, within 20 Business Days of receipt of the notice under section 6.1.
- 6.4 If the parties are not able to resolve the matter within the time set out in section 6.3, the parties may, by agreement, appoint a mutually acceptable person to mediate the matter, and the parties must act reasonably and in good faith and cooperate with the mediator and with each other in an attempt to resolve the matter within 30 days after the mediator is appointed.
- 6.5 The costs of the mediator and of the mediation facilities will be shared equally by the parties.
- 6.6 This Article does not affect the right of the Covenant Holder to pursue any other legal or equitable remedy in relation to a breach or a threatened breach of this Agreement, including without limitation under Articles 10 and 11, and the Covenant Holder may pursue other remedies concurrently with any dispute resolution under this Article.

7. OWNER'S RESERVED RIGHTS

- 7.1 Subject to Article 4, the Owner reserves all of its rights as owner of the Land, including the right to use, occupy and maintain the Covenant Area in any way that is not expressly restricted or prohibited by this Agreement, so long as the use, occupation or maintenance is consistent with the intent of this Agreement.
- 7.2 Without limiting the generality of section 7.1 the following rights are, subject to Article 4, expressly reserved to the Owner:
 - (a) to maintain, restore or replace buildings and other improvements existing on the Covenant Area as of the date of registration of this Agreement (the location of which are indicated in the Report), provided the location of the buildings and improvements remain the same and the size is the same or smaller;

- (b) to maintain, replace or restore any existing waste disposal or water supply systems existing in the Covenant Area at the time of registration of this Agreement (the location of which are indicated in the Report);
 - (c) to maintain, replace or restore any utility lines running through the Covenant Area existing in the Covenant Area at the time of registration of this Agreement (the location of which are indicated in the Report), so long as the locations remain the same and the size is the same or smaller;
 - (d) to maintain, replace or restore the trails existing within the Covenant Area at the time of registration of this Agreement (the location of which are identified in the Report), so long as the location of each trail remains the same, the materials used are permeable and the size is the same or smaller; and
 - (e) to install, maintain or replace a reasonable number of signs for the purposes of public safety or informing the public about the Covenant Area and the Amenities, so long as each sign is not larger than 1 metre by 1 metre in size.
- 7.3 Subject to section 7.4, nothing in this Agreement restricts or affects the right of the Owner to do anything reasonably necessary to:
- (a) prevent potential injury or death to any individual; or
 - (b) prevent, abate or mitigate any damage or loss to any real or personal property.
- 7.4 If the Owner intends to do, or permit to be done, anything described in section 7.3, the Owner must give at least 30 days' prior written notice to the Covenant Holder, describing in reasonable detail the intended action, the reason for it and its likely effect on the Covenant Area and the Amenities. Where the Owner gives notice under this section, the Owner must permit the Covenant Holder to enter upon the Land and inspect the Covenant Area. The Covenant Holder may comment on the proposed action and the Owner must take those comments into consideration before taking or permitting the proposed action to be taken under section 7.3.
- 7.5 Notwithstanding section 7.4, in the case of an emergency situation where the Owner must take immediate action under section 7.3, the Owner may take such necessary action without first notifying the Covenant Holder. As soon as possible after the action is taken, the Owner must notify the Covenant Holder of the circumstances of the action taken, including the actual or likely effect of the action on the Covenant Area and the Amenities. Where such emergency action is taken, the Owner must permit the Covenant Holder to enter upon the Land and inspect the Covenant Area.

8. OWNER'S OBLIGATIONS

- 8.1 The Owner retains all responsibilities and bears all costs and liabilities related to the ownership, use, occupation and maintenance of the Land.
- 8.2 The Owner must indemnify the Covenant Holder, its directors, officers, employees, agents and contractors, from and against any and all liabilities, damages, losses, personal injury or death, causes of action, actions, claims, and demands made, suffered or incurred by or on behalf of any person, arising out of any act or omission, negligent or otherwise, in the use, occupation and maintenance of the Land or its Amenities by the Owner or its officers, employees, contractors, invitees, licensees or agents.

- 8.3 The Owner is liable for any and all breaches of this Agreement, but the Owner is not liable for:
- (a) breaches of this Agreement which occurred prior to the Owner becoming the registered owner of any interest in the Land, provided the previous owner has received a Certificate issued by the Covenant Holder under section 14.2 immediately before or at the time of the transfer of the Land to the Owner, or the Owner received a Certificate issued by the Covenant Holder under section 14.2 immediately after or at the time of the transfer of the Land to the Owner, certifying that there were no violations of this Agreement as of the date of issuance of the Certificate;
 - (b) injury or alteration to the Covenant Area or the Amenities resulting from natural causes, or causes beyond the Owner's reasonable control, other than as referenced in subsection (c), including accidental fire, flood, storm and earth movement, but excluding injury or alteration resulting from actions of the Owner or any other person with the actual or constructive knowledge of the Owner;
 - (c) injury or alteration to the Covenant Area or the Amenities resulting from the actions of any person without the actual or constructive consent or knowledge of the Owner, including from trespass, vandalism, nuisance or negligence, provided the Owner acts in accordance with sections 8.5 and 8.6;
 - (d) any prudent action taken by the Owner under emergency conditions to prevent, abate, or mitigate significant injury to the Covenant Area (including improvements) or the Amenities, resulting from natural causes, including accidental fire, flood, storm and earth movement; or
 - (e) injury or alteration to the Covenant Area caused by the Covenant Holder exercising its rights under this Agreement.
- 8.4 Without limiting the generality of sections 8.1, 8.2 and 8.3, the Owner:
- (a) is solely responsible and liable for any loss or damage, or liability of any kind (whether civil, criminal or regulatory), in any way connected with the existence in, on, from, to or under the Land (whether through spill, emission, migration, deposit, storage or otherwise) of any pollutant, contaminant, waste, hazardous waste, or any matter that harms the environment; and
 - (b) must indemnify the Covenant Holder from and against any loss, fine, penalty, damage, liability, cause of action, action, proceeding, regulatory action, order, directive, notice or requirement, including those of any government agency, incurred, suffered or brought against the Covenant Holder, in any way associated with anything described in subsection (a).
- 8.5 Where, as provided in subsection 8.3(b), injury or alteration is caused to the Covenant Area or the Amenities by a person without the actual or constructive consent or knowledge of the Owner, the Owner will not be responsible for the resulting breach of this Agreement provided the Owner takes all reasonable steps to identify the person responsible and
- (a) pursues and obtains compensation from that person for damage caused to the Lands and the Amenities in an amount that reasonably reflects the amount of compensation the Owner is likely to receive if the Owner pursued

- a civil action under paragraph (b) or a prosecution and restitution under paragraph (c);
- (b) pursues a civil action against that person for damage caused to the Covenant Area and the Amenities; or
 - (c) seeks a prosecution of that person under the *Trespass Act*, R.S.B.C. 1996, c. 462, including a claim for restitution for damage caused to the Covenant Area and the Amenities.
- 8.6 If the Owner does not obtain compensation under section 8.5 (a), and chooses to not take action under section 8.5(b) or (c), or if the Owner is unsuccessful in seeking a prosecution under section 8.5(c), the Owner will not be responsible for the resulting breach of this Agreement provided the Owner, at the Covenant Holder's option and with the Covenant Holder's approval
- (a) irrevocably and in writing assigns to the Covenant Holder the Owner's right to bring a civil action against that person and the right to any damages awarded should the action be successful; or
 - (b) commences a civil action against that person and irrevocably and in writing assigns the action, or the conduct of the action in the Owner's name, to the Covenant Holder, and the right to any damages awarded should the action be successful.
- 8.7 Where the Owner makes an assignment under section 8.6, the Owner must execute such agreements, and provide such documents and information, as requested by the Covenant Holder from time to time to give effect to the assignment.
- 8.8 Where the Owner, under section 8.5, receives compensation for damage caused to the Covenant Area or the Amenities, the Owner agrees to use that compensation to restore or rehabilitate the Covenant Area and the Amenities to as near the condition described in the Report as is possible, in a manner consistent with this Agreement and in consultation with the Covenant Holder.
- 8.9 Where the Covenant Holder, under section 8.6, receives compensation for damage caused to the Covenant Area or the Amenities, the Covenant Holder agrees to use that compensation to restore or rehabilitate the Covenant Area and the Amenities to as near the condition described in the Report as is possible, in a manner consistent with this Agreement and in consultation with the Owner.
- 8.10 The Owner must pay when due all taxes, assessments, levies, fees and charges of whatever description which may be levied on or assessed against the Land and must pay any arrears, penalties and interest in respect of any such amounts which are unpaid.
- 8.11 The Owner must indemnify the Covenant Holder from and against any fee, tax or other charge which may be assessed or levied against the Owner or the Covenant Holder pursuant to any enactment, including the *Income Tax Act* (Canada), with respect to the Land or this Agreement, including any fee, tax or other charge which may be assessed or levied against the Owner or Covenant Holder as a result of the amendment or termination of this Agreement.
- 8.12 Any debts or other amounts due from the Owner to the Covenant Holder under this Agreement, if not paid within 30 days after notice, will bear interest at the

annual interest rate that is 1 per cent greater than the prime rate of interest. For the purposes of this section, the “prime rate of interest” is the annual rate of interest charged from time to time by the Bank of Montreal, at its main branch in Vancouver, BC, for demand Canadian dollar commercial loans and designated from time to time by the Bank of Montreal as its prime rate.

- 8.13 The indemnities granted by the Owner to the Covenant Holder under this Article are indemnities granted as an integral part of the section 219 *Land Title Act* covenant created by this Agreement and, to the extent necessary to give effect to any obligations created prior to the termination of this agreement, survive the termination of this Agreement.

9. STATUTORY RIGHT OF WAY

- 9.1 The Owner grants to the Covenant Holder a licence, and a statutory right of way pursuant to section 218 of the *Land Title Act*, permitting the Covenant Holder to do the following:

- (a) enter upon the Land to access and inspect the Covenant Area for the purposes of monitoring compliance with this Agreement, on prior written notice by the Covenant Holder to the Owner of at least 24 hours;
- (b) for purposes other than monitoring under subsection (a), enter upon the Land to access and inspect the Covenant Area at all reasonable times upon prior written notice by the Covenant Holder to the Owner of at least 24 hours, unless, in the opinion of the Covenant Holder, there is an emergency or other circumstance which makes giving such notice impractical;
- (c) as part of inspection of the Covenant Area under subsection (a) or (b), take soil, water or other samples, photographs, and video and sound recordings as may be necessary to monitor compliance with and enforce the terms of this Agreement;
- (d) enter upon and protect, preserve, conserve, maintain, enhance, rehabilitate or restore, in the Covenant Holder’s sole discretion and at the Covenant Holder’s expense, the Covenant Area or the Amenities to as near the condition described in the Report as the Covenant Holder considers is practicable or desirable, if an act of nature or of any person other than as described in subsection (e) destroys, impairs, diminishes or negatively affects or alters the Covenant Area or the Amenities from the condition described in the Report;
- (e) in accordance with Article 10, enter upon and protect, preserve, conserve, maintain, enhance, rehabilitate or restore, in the Covenant Holder’s sole discretion and at the Owner’s expense, the Covenant Area or the Amenities to as near the condition described in the Report as in the Covenant Holder’s sole discretion is practicable or desirable, if an action of the Owner or any other person acting with the actual or constructive knowledge of the Owner contravenes any term of this Agreement;
- (f) carry out or evaluate any program agreed upon by the parties for the protection, preservation, conservation, maintenance, restoration or enhancement of all or any portion of the Covenant Area or the Amenities;

- (g) place survey pegs or other markings on the Land to clearly identify the Covenant Area or access to the Covenant Area, or to increase the visibility of existing survey pegs or other markings; and
- (h) erect a plaque or other sign on the Land, in a tasteful manner and at the expense of the Covenant Holder, indicating that the Covenant Holder holds a covenant on the Covenant Area, provided that the size, style and location of the plaque or sign must be approved by the Owner prior to its placement, such approval not to be unreasonably withheld.

9.2 The Covenant Holder may access the Land using any dock or access point, and may bring employees, volunteers, contractors and agents, and vehicles, equipment and other personal property onto the Land when exercising its rights under this Article.

10. ENFORCEMENT REMEDIES OF THE COVENANT HOLDER

- 10.1 If the Covenant Holder, in its sole discretion, believes that the Owner has failed to perform any of its obligations under this Agreement, or is otherwise in breach of any term of this Agreement, the Covenant Holder may give a Notice of Breach to the Owner setting out particulars of the breach, including the Covenant Holder's estimated maximum costs of remedying the breach.
- 10.2 On receipt of a Notice of Breach, the Owner must
 - (a) immediately cease all activities giving rise to the breach; and
 - (b) within 60 days remedy the breach or make arrangements satisfactory to the Covenant Holder to remedy the breach, including with respect to the time within which the breach must be remedied.
- 10.3 For clarity, the requirement in subsection 10.2(b) to remedy a breach requires the Owner to undertake such rehabilitation or restoration necessary to remedy any damage done to the Covenant Area contrary to this Agreement, at the Owner's sole expense.
- 10.4 If the Owner does not comply with the requirements of section 10.2 within the time required or agreed upon, the Covenant Holder may enter upon the Land and take any required actions to cease any activities giving rise to the breach, and to remedy the breach or carry out the arrangements referred to in section 10.2. The Owner must reimburse the Covenant Holder for any expenses incurred in taking any action under this section, up to the estimated maximum costs of remedying the breach as set out in the Notice of Breach.
- 10.5 Expenses incurred by the Covenant Holder under this Article, until paid, are a debt owed by the Owner to the Covenant Holder and the Owner agrees to indemnify the Covenant Holder for such expenses, which indemnity forms an integral part of the covenant under section 219 of the *Land Title Act* created by this Agreement.

11. RENT CHARGE AND ITS ENFORCEMENT

- 11.1 As security for the performance of the Owner's obligations under this Agreement, the Owner grants to the Covenant Holder a perpetual rent charge against the Land. The Rent Charge is granted both under section 219 of the *Land Title Act* as an integral part of the statutory covenant created by this Agreement and as a fee simple rent charge at common law.

- 11.2 The Rent Charge secures payment to the Covenant Holder by the Owner of the sum of \$6790 per year, subject to adjustment under section 11.3.
- 11.3 The Rent Charge Amount will be adjusted on January 1 of each year by increasing or decreasing, as the case may be, the Rent Charge Amount by the amount determined by multiplying the Rent Charge Amount on December 31 immediately preceding by the percentage increase or decrease, as the case may be, in the CPI between the previous January 1 and that December 31, and adding the amount so determined to the Rent Charge Amount as it stands on that December 31. If Statistics Canada, or its successor in function, ceases to publish a CPI or comparable indicator as determined by the Covenant Holder in its sole discretion, the parties agree that the factor to be used in determining the annual increase in the Rent Charge Amount for each year is 3%.
- 11.4 For each breach of this Agreement, the Rent Charge Amount will be increased by a sum equal to 110% of the market value at the date of the breach of any flora or fauna, soil, rock, gravel or minerals which have been altered, damaged, destroyed, moved, harvested or removed in connection with the breach.
- 11.5 The Rent Charge is suspended unless and until the Owner is in breach of any provision of this Agreement.
- 11.6 If the Covenant Holder wishes to enforce the Rent Charge in a given year, the Covenant Holder must give a Notice of Enforcement of Rent Charge to the Owner, stating the intention to enforce the Rent Charge and demanding immediate payment of the Rent Charge Amount for the year in question. The Notice of Enforcement of Rent Charge may be given at any time after a Notice of Breach is given under section 10.1.
- 11.7 The Owner must, within 10 days of receipt of the Notice of Enforcement of Rent Charge, pay the full Rent Charge Amount for the year in which the Notice is issued to the Covenant Holder.
- 11.8 The Covenant Holder may enforce the Rent Charge by any of the following:
- (a) an action against the Owner for the Rent Charge Amount;
 - (b) distraint against the Land to the extent of the Rent Charge Amount;
 - (c) an action for appointment of a receiver in respect of the Land; or
 - (d) an order for sale of the Land.
- 11.9 The Covenant Holder is entitled to recover from the Owner all reasonable expenses incurred as a result of enforcement of the Rent Charge.
- 11.10 The Rent Charge will continue to be billed to and collected from the Owner in subsequent years until the breach identified in the Notice of Breach has been satisfactorily remedied.

12. ADMINISTRATION FEE

- 12.1 The Owner agrees that the Covenant Holder may charge the Owner an Administration Fee in each and any case where the Covenant Holder is requested to provide an approval or Certificate, or to take any other action, or where a Covenant Holder visits the Covenant Area under sections 7.4 and 7.5. This

Administration Fee applies whether or not the Covenant Holder grants the approval requested.

- 12.2 The Administration Fee will be adjusted on January 1 of each year by increasing or decreasing, as the case may be, the Administration Fee by the amount determined by multiplying the Administration Fee on December 31 immediately preceding by the percentage increase or decrease, as the case may be, in the CPI between the previous January 1 and that December 31, and adjusting accordingly the Administration Fee as it stands on that December 31. If Statistics Canada, or its successor in function, ceases to publish a CPI or comparable indicator as determined by the Covenant Holder in its sole discretion, the parties agree that the factor to be used in determining the annual increase in the Administration Fee for each year is 3%.

13. ASSIGNMENT OF AGREEMENT OR DISSOLUTION OF THE COVENANT HOLDERS

- 13.1 This Agreement is assignable by the Covenant Holder, but the Covenant Holder may only assign its rights and obligations under this Agreement to a person or entity authorized to hold statutory rights of way under section 218 of the *Land Title Act* and covenants under section 219 of the *Land Title Act*.
- 13.2 The Covenant Holder agrees that before it assigns this Agreement under this Article, it must notify the Owner with respect to the proposed assignee.
- 13.3 In the event of a pending winding-up or dissolution of the Covenant Holder, the Covenant Holder must use its best efforts to assign and transfer all of its interest under this Agreement to a person or entity authorized to accept statutory rights of way under section 218 of the *Land Title Act* and covenants under section 219 of the *Land Title Act*.

14. NOTICE OF CHANGE IN OWNERSHIP BY OWNER

- 14.1 The Owner must notify the Covenant Holder of any change of ownership prior to the registration of any such change in the land title office.
- 14.2 The Owner may request that the Covenant Holder visit the Land and issue a Certificate indicating whether or not there are any violations of this Agreement as of the date of the Certificate.
- 14.3 Failure by the Owner to comply with section 14.1 does not affect the enforceability of this Agreement against the Owner or its successors in title to the Land.

15. NOTICE

- 15.1 A notice or other communication (collectively a “notice”) required or permitted under this Agreement must be in writing and must be:
- (a) delivered in person;
 - (b) sent by e-mail to the parties at their respective e-mail addresses, if the parties have provided an e-mail address; or
 - (c) sent by pre-paid registered mail addressed to the parties at their respective addresses set out in section 15.4.

15.2 A notice given by email under subsection 15.1(b) must be followed by a copy sent by ordinary mail, except that a notice given under subsection 9.1(a) may be given by email without the requirement to send a copy by ordinary mail.

15.3 Unless otherwise provided, a notice

- (a) delivered in person is deemed received on delivery;
- (b) sent by e-mail:
 - (i) if the notice is transmitted before 3:00 pm on a Business Day, the document is deemed to be received on the day of transmission;
 - (ii) if the notice is transmitted after 3:00 pm on a Business Day or is transmitted on a day that is not a Business Day, the notice is deemed to be received on the next day that is a Business Day; and
- (c) sent by pre-paid registered mail is deemed received on the fourth Business Day following the day on which the notice was sent.

15.4 The addresses of the parties for notices under this Article are as follows:

- (a) The Owner:
[REDACTED]
[REDACTED]
[REDACTED]
- (b) The ITC:
Islands Trust Conservancy
200-1627 Fort Street
Victoria, BC V8R 1H8
Fax: 250-405-5155
Email: itcmail@islandstrust.bc.ca

15.5 Each party agrees to give written notice immediately to the other party of any change in its address from that set out in section 15.4, and to keep the other party apprised of any changes to the party's e-mail address if one is provided.

16. ACCESS

16.1 Except if expressly provided in this Agreement, no right of access by the general public to any portion of the Land is conveyed by this Agreement.

17. NOTICE OF COVENANT

17.1 The Owner agrees that the Covenant Holder may publicize the existence of this Agreement in a tasteful manner.

18. NO LIABILITY IN TORT

18.1 The parties agree that this Agreement creates only contractual obligations and obligations arising out of the nature of this Agreement as a covenant under seal. Without limitation, the parties agree that no tort or fiduciary obligations or liabilities of any kind are created or exist between the parties in respect of this Agreement, and nothing in this Agreement creates any duty of care or other duty on any of the parties to anyone else. For clarity, the intent of this section is to, among other

things, exclude tort liability of any kind and to limit the parties to their rights and remedies under the law of contract and the law pertaining to covenants under seal.

19. WAIVER

- 19.1 An alleged waiver of any breach of this Agreement is effective only if it is an express written waiver signed by the Covenant Holder, and is only effective to the extent of that express waiver and does not operate as a waiver of any other breach.
- 19.2 The failure for any reason of the Covenant Holder to require performance by the Owner at any time of any obligation under this Agreement does not affect the Covenant Holder's right to subsequently enforce that obligation.

20. JOINT AND SEVERAL OBLIGATIONS

- 20.1 Where at any time there is more than one Owner in this Agreement, the obligations of those Owners are joint and several.

21. REMEDIES NOT EXHAUSTIVE

- 21.1 Exercise or enforcement by a party of any remedy or right under or in respect of this Agreement does not limit or affect any other remedy or right that party may have against the other parties in respect of or under this Agreement or its performance or breach.

22. COVENANT RUNS WITH THE LAND

- 22.1 Every obligation and covenant of the Owner in this Agreement constitutes both a personal covenant and a covenant granted under section 219 of the *Land Title Act* in respect of the Land, and the provisions of Article 9 constitute a statutory right of way granted under section 218 of the *Land Title Act*. This Agreement burdens the Land and runs with it and binds the successors in title to the Land and each and every part into which the Land may be subdivided by any means and any parcel with which the Land or any part of it is consolidated.

23. REGISTRATION

- 23.1 The Owner agrees to do everything necessary, at the Owner's expense, to ensure that this Agreement, and the interests it creates, are registered against title to the Land, with priority over all financial charges, liens and encumbrances, including options to purchase, rights to purchase and rights of first refusal, registered or pending registration in the applicable provincial land title office at the time of application for registration of this Agreement.

24. SEVERANCE

- 24.1 If any part of this Agreement is held by a court to be invalid, illegal or unenforceable, that part is to be considered to have been severed from the rest of this Agreement and the rest of this Agreement is to remain in force unaffected by that holding or by the severance of that part as if the part was never part of this Agreement.

25. NO OTHER AGREEMENTS

- 25.1 This Agreement is the entire agreement between the parties and it terminates and supersedes all other agreements and arrangements regarding its subject.

26. INDEPENDENT ADVICE

- 26.1 The Owner acknowledges and agrees that the Owner has had an opportunity to seek and obtain, to the Owner's satisfaction, independent advice from an accountant or other tax expert with respect to the income tax and other tax implications of this Agreement and acknowledges that it does not rely and has not relied on the Covenant Holder for advice in this regard and that the Covenant Holder has given no representation or warranty in that regard.
- 26.2 The Owner acknowledges and agrees that the Owner has been advised by the Covenant Holder that the Owner should seek independent legal advice as to the meaning and effect of this Agreement, and the Owner further acknowledges and agrees that no legal advisor of the Covenant Holder has advised the Owner on the meaning or effect of this Agreement or in connection with this Agreement.

27. AMENDMENTS

- 27.1 This Agreement is intended to be perpetual and may only be changed by a written instrument signed by all the parties.

28. DEED AND CONTRACT

- 28.1 By executing and delivering this Agreement, each of the parties intends to create both a contract and a deed and covenant executed and delivered under seal.

29. RIGHTS OF COVENANT HOLDER

- 29.1 The Covenant Holder may exercise its rights under this Agreement through its directors, officers, employees, agents or contractors.

As evidence of their agreement to be bound by the above terms, the parties each have executed this Agreement under seal by signing Part 1 of the *Land Title Act* Form C to which this agreement is attached.

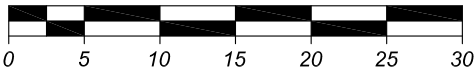
The schedules referred to throughout this document are attached after this page.

SCHEDULE A

REFERENCE PLAN

Attached to and forming Part of the Conservation Agreement between the Owner and the Covenant Holders dated for reference August 31, 2021.

REFERENCE PLAN OF PART OF LOT A, SECTIONS
64, 65, 67, AND 68, SOUTH SALT SPRING ISLAND,
COWICHAN DISTRICT, PLAN EPP67249.
FOR COVENANT PURPOSES
PURSUANT TO SECTION 99(1)(e) OF THE LAND TITLE ACT
BCGS MAP SHEET 92B.073



The intended plot size of this plan is 559mm in width by 432mm in height (C-Size) when plotted at a scale of 1:500.

All distances are in metres and decimals thereof, unless otherwise noted.

LEGEND

- denotes Standard Iron Post found
- denotes Standard Iron Post placed
- △ denotes Traverse Hub placed
- ha denotes hectare

Grid bearings are derived from GNSS observations and are referred to the central meridian of UTM Zone 10.

The UTM coordinates and estimated absolute accuracy achieved are derived from RTK GNSS observations to geodetic control monument 225276.

This plan shows horizontal ground-level distances, unless otherwise specified. To compute grid distances, multiply ground-level distances by the average combined factor of 0.9995855. The average combined factor has been determined based on an ellipsoidal elevation of 125 metres.

GNSS CONTROL POINTS UTM ZONE 10 NAD83 (CSRS) 3.0.0.BC.1.NVI ABSOLUTE ACCURACY = 0.05		
POINT	NORTHING	EASTING
508	5403104.71	460010.58
5129	5403224.93	459936.16

This plan lies within the Capital Regional District.

The field survey represented by this plan was completed on the 31st day of August, 2021.

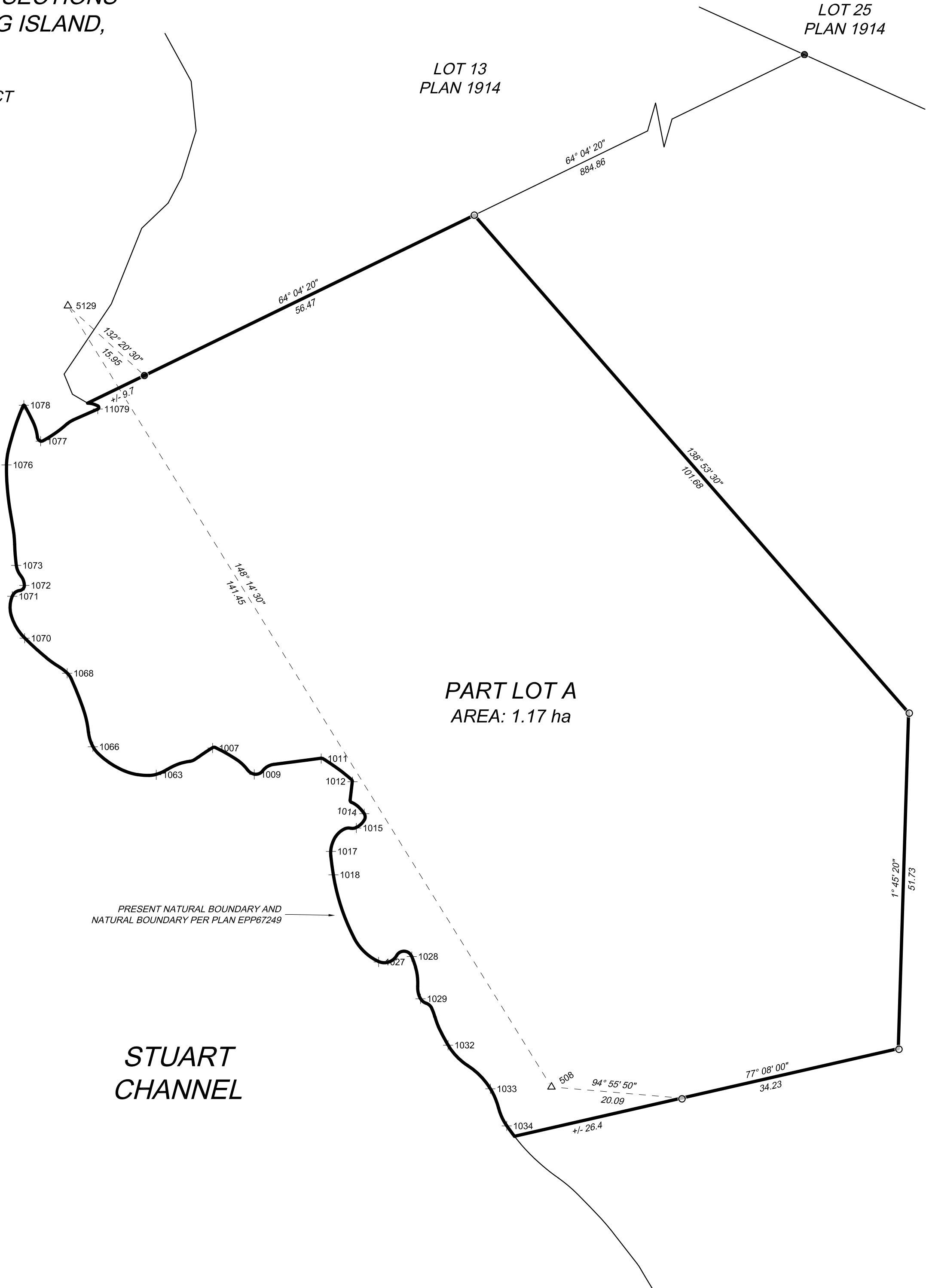
Jordan Elliot Litke, BCLS 905.

Polaris Land Surveying Inc.

Mailing & delivery address:
204 - 149 Fulford-Ganges Road,
Salt Spring Island, BC, V8K 2K9
Telephone: (250) 537-5502

File: 2282-01
Drawing: 2282-01 REF_EPP67477
Date: 2021-09-20

PLAN EPP67477



SECTION 65

LOT A
PLAN EPP67249

PRESENT NATURAL BOUNDARY UTM ZONE 10 NAD83 (CSRS) 3.0.0.BC.1.NVI		
1007	5403156.9	459958.4
1009	5403152.8	459964.9
1011	5403155.2	459975.1
1012	5403151.7	459980.0
1014	5403146.8	459981.8
1015	5403144.6	459980.5
1017	5403141.0	459976.6
1018	5403137.4	459977.0
1027	5403123.9	459984.0
1028	5403124.8	459989.1
1029	5403118.3	459990.4
1032	5403111.1	459994.7
1033	5403104.4	460001.2
1034	5403098.7	460003.7
1063	5403152.7	459949.8
1066	5403157.1	459940.0
1068	5403168.4	459936.1
1070	5403173.8	459929.5
1071	5403180.2	459927.6
1072	5403181.9	459929.5
1073	5403185.0	459928.2
1076	5403200.4	459926.7
1077	5403204.1	459932.0
1078	5403209.6	459929.4
11079	5403209.0	459940.8

SCHEDULE B

BASELINE REPORT

(Note: This is a condensed version of the full Baseline Report)

Attached to and forming part of the Covenant Agreement between the Owner and the Covenant Holder dated for reference _____, 2021.

Moss Mountain Conservation Covenant Baseline Inventory

Schedule B

Attached to and forming part of the Covenant Agreement between the Islands Trust Conservancy Board, Covenant Holder and the owner, Gay Young, dated as of the __ September, 2021.

Moss Mountain Baseline Inventory Report

1. Acknowledgements

Name	Position/Affiliation	Professional Accreditation or subject expertise	Contribution
Briony Penn, PhD	Biogeographer, Penn & Associates	PhD Geog.	Primary Author; inventory of bird and animal species, ecological communities and photography.
Jeff Shatford, MSc	Biologist, Contractor, GPS	RPBio.	Inventory of plant species, forest and vegetation. Spatial data collection & summary. Photography and GIS.

2. Property Information

2.1 The Moss Mountain covenant is approximately 44.5 hectares (110 acres) of Lot 12, Sections 64, 65, 66, 67 and 68 South Salt Spring Island, Cowichan District (VIP Plan 1914) (PID 006-760-112) (No PIN exists). It is a water access only shoreline property on Salt Spring Island's unroaded southwestern shoreline facing into Sansum Narrows. The property address is 108 Moss Mountain.

2.2 Property access information:

- The 108 Moss Mountain covenant covers 97% of Lot 12. The boundaries of the house and gardens not included in the covenant have been recently resurveyed including the shoreline which varies from the original survey. The survey pins for the lot were located for some corners. The northeast boundary is adjacent to Burgoyne Bay/Xwaaq'um Provincial Park and the southeast boundary is adjacent to Mill Farm Regional Park Reserve. The property slopes up from the shoreline of Sansum Narrows in a series of three benches. Eventually the contours fall off into a seasonal creek drainage that crosses the property diagonally running southeast to northwest. (Map 1).¹ The postal address is 108 Moss Mountain, although it is the lower flank of Mount Sullivan. To the northeast of the highest point on the property (375 metres
- Access to the property is available by water and a dock adjacent to the owner's house. Road access to the property does not exist. However, overland access (on foot) exist through Burgoyne Bay/Xwaaaw'um Provincial Park. Hiking trail #20 starts at Burgoyne Bay Road and follows the coast line to a BC Hydro powerline right-of-way (RoW). The RoW continues along the coast and reaches the northern boundary

¹ Polaris Land Surveying Inc. 2019-06-27, File: 0394-04.

of the property near the house and excluded portion. Alternatively, trail #23 connects from #20 near sea level and climbs along the Mount Sullivan ridge to within 100m of the northeast boundary of the property. Deer trails and old logging roads connect trail #23 across the last 100 m of the park to the northeast border of the property.

- The area around the house has been excluded from the covenant. The exclusion area includes part of their water system and an access road/path. A foot path leaves the house and yard in the excluded area entering the covenant following an old logging road. The BC Hydro right-of-way crosses the property from north to south through the exclusion area. A foot path follows this right-of-way for 140m from the exclusion area to the neighbouring property (to the south). There are no additional trails on the covenanted area. Deer trails and sections of old logging roads were apparent but showed no sign of regular use. Stretches of old logging roads were at times open and moss covered and elsewhere covered by dense stands of saplings making them impassable.
- The water system serving the home and gardens extends into the covenanted area including a plastic water pipe and small constructed ponds. Two holding ponds were observed in the northeastern part of the property. One of the ponds feeds into a plastic pipe running approximately 900m to the bottom of the residence (house and garden). The current holding pond is identified on Map 2. Surface wells might vary over the years as water availability shifts.
- Once on the property, there are a series of cliffs and benches around which there are a variety of informal routes. A rudimentary trail follows the water pipe up the northwestern side of the property ending at the holding pond. We recommend to those monitoring the covenant, that they follow the waterpipe from the excluded area uphill to the pond. This route provides the most obvious access and touches on many of the ecological communities and features. Much of the property is very steep with cliffs and scree slopes and may be difficult to traverse.

3. Significance of the Land and Natural Amenities

3.1 This relatively large site has a wide and rich diversity of landforms and habitats including: cliffs, ravines, scree slopes, seasonal creeks, coastal bluffs, swamps, riparian forest, old growth forest, woodlands, coastal savannahs, springs, vernal seeps, boulder fields and shoreline. The Moss Mountain name reflects that a good proportion of the site is exposed bedrock, a metamorphosed sedimentary rock from the Sicker group, covered by moss or mineral soils less than 10 cms, which also coincides with the habitat of many of our species at risk, from the sharp-tailed snakes to spring wildflowers of vernal seeps. The Moss Mountain Covenant includes a range of rare and endangered ecosystems characteristic of such varied topography on a south-facing slope that spans the Coastal Douglas-fir (CDFmm) biogeoclimatic zone in the lower elevation and Coastal Western Hemlock dry maritime (CWHxm) in the upper elevation. This covenanted area is adjacent to the largest contiguous protected area in the Gulf Islands of 1,888 hectares. Sharing a northeastern

boundary with Burgoyne Bay/Xwaaqw'um Provincial Park and a southeastern boundary with Mill Farm Regional Park Reserve, this covenant provides additional contiguity, a corridor to Sansum Narrows and a buffer to the larger protected area that came about as a result of the South and West Salt Spring Conservation Partnership (Map 1).

The parcel is bounded to the north and south by adjacent landowners who to date have not clearcut or developed their lands. Past logging is evident on portions of the property and on parcels to the northwest and northeast. The lot to the south has a large and significant patch of old growth forest which runs adjacent to the covenant area. The covenant area includes endangered ecosystems across the CDFmm and CWHxm site series from a western redcedar and skunk cabbage swamp to old growth Douglas-fir – Arbutus forest, small patches of coastal grassland communities, a manzanita community, vernal seeps and wetlands. There are veteran and culturally-modified trees creating old growth forest structure in the largely second growth forest with two small patches of old growth: at the southwest corner and in the deep ravine bisecting the land, a rich riparian zone with mature forest of both coniferous and deciduous trees.

Most of the parcel comes under some form of conservation designation including Potential Habitat for Sharp-tailed Snake (Map 1). The TEM inventory was used to map the BEC ecological communities and these polygons were used as the basis for the final mapping. All of these communities fell under the Conservation Data Centre's designation for red-listed ecosystems (Table 3.2.2).² The Sensitive Ecosystem Inventory (SEI) polygons were also ground-truthed (Map 1). They capture the old growth in the southwest corner and the contiguity of the second growth forest with the larger protected area to the north. We would recommend that the SEMs also be extended to capture the Douglas-fir – Arbutus polygons with the mixed woodland, manzanita communities, coastal savannahs and wetlands. The intention of the covenant is to protect this important and iconic landscape which is part of the South and West Salt Spring Conservation region, viewable from the Sansum Narrows corridor.

3.2 Species at Risk

Two species at risk, eight red-listed ecosystems and one blue-listed ecosystem were observed in the covenant area during the three-day survey. Some yellow-listed bird species of S4 (some cause for concern) observed were also included as this is prime nesting habitat for all three.

² Michael McPhee *et al.* *Sensitive Ecosystems Inventory Eastern Vancouver Island and Gulf Island 1993-1997*, Technical Report Series Number 345, Canadian Wildlife Service, British Columbia, 2000; Canadian Wildlife Service, *Sensitive Ecosystem Inventory Disturbance of East Vancouver Island and Gulf Islands*, Map 092B 083, March 2004

Table 3.2.1

Species Name		Status		
English	Scientific	Provincial	BC List	Global
Band-tailed Pigeon	<i>Patagioenas fasciata</i>	S3S4 (2015)	Blue	G4
Great blue heron <i>fannini</i> subspecies	<i>Ardea herodias</i> ssp. <i>fannini</i>	S4N (2018)	Blue	G5T4 (2016)
Sooty Grouse	<i>Denragapus fuliginosus</i>	S4 (2015)	Yellow	G5 (2016)
Common Nighthawk	<i>Chordeiles minor</i>	S4B (2015)	Yellow	G5
Turkey vulture	<i>Cathartes aura</i>	S4 (2015)	Yellow	G5 (2016)

Table 3.2.2

Ecological Community Name		Status		
English	Scientific	Provincial	BC List	Global
Douglas-fir / Onion grass	<i>Pseudotsuga menziesii</i> / <i>Melica subulata</i>	S1 (2018)	Red	G1
Douglas-fir / Dull Oregon-grape (Douglas-fir / Salal BEC)	<i>Pseudotsuga menziesii</i> / <i>Mahonia nervosa</i>	S1 (2018)	Red	G2
Douglas-fir / Arbutus	<i>Pseudotsuga menziesii</i> - <i>Arbutus menziesii</i>	S2	Red	GNR
Western redcedar / Swordfern - Skunk Cabbage	<i>Thuja plicata</i> / <i>Polystichum munitum</i> – <i>Lysichiton americanus</i>	S3 (2012)	Blue	G3
Douglas-fir – Western hemlock / Salal Dry maritime	<i>Pseudotsuga menziesii</i> - <i>Tsuga heterophylla</i> / <i>Gaultheria shallon</i>	S2 (2019)	Red	G3G4
Roemer's fescue - June grass	<i>Festuca roemerii</i> – <i>Koeleria macrantha</i>	S1 (2004)	Red	G1
Western hemlock – Douglas-fir / Oregon beaked moss	<i>Tsuga heterophylla</i> - <i>Pseudotsuga menziesii</i> / <i>Eurhynchium oregonum</i>	S2 (2013)	Red	G3G4
Arbutus / hairy manzanita	<i>Arbutus menziesii</i> / <i>Arctostaphylos columbiana</i>	S1S2 (2021)	Red	G2
Douglas-fir / sword fern	<i>Pseudotsuga menziesii</i> / <i>Polystichum munitum</i>	S2 (2019)	Red	G2G4

3.3 The wetlands on the site include small vernal seeps and swales (springs with water present). Three undisturbed natural swales were wet even after the 2021 50-day drought and heat dome. In addition to the one dry seasonal creek (Moss Mountain Creek) (mapped under TEM), two other dry seasonal creeks (West and East Creek) and a small creek feature with running water were mapped.

4. Conditions at Time of Data Collection

Date	Activity	Conditions	Data Collector
9:00 AM to 5:00 PM August 1 - 3, 2021	Arrival by boat and three days of ecosystem data collection	24°, sunny	Briony Penn, Jeff Shatford
10:00 AM to 4:00 PM September 6, 2021	Arrival by foot at the northwestern section to confirm species and northern boundaries.	20°, sunny	Briony Penn, Jeff Shatford

5. Report Methodology

5.1 Equipment

The surveys were conducted using the equipment listed below:

- Camera: iPhones with Avenza and GIS Kit software
- Hand-held Global Positioning System (GPS) Garmin 62sc
- Compass: Suunto MC-2
- Clinometer: Suunto
- Tree diameter measuring tape; Ben Meadows DBH tape
- measuring tape used for distances.

5.2 Pre-fieldwork

The pre-fieldwork preparations included reviewing:

- subdivision boundaries of conservation covenant with owner Gay Young;
- covenant exclusion zone survey digital file from Polaris;
- BC Conservation Data Centre records for rare features;³
- 1:50,000 Terrestrial Ecosystem Mapping for the property to identify mapped ecological community to site series polygons;⁴
- Sensitive Ecosystem Inventory (McPhee et al, 2000; Canadian Wildlife Service, 2004) to identify sensitive ecosystem polygons;⁵
- archaeological sites (BC Archaeology Branch);
- local knowledge on wildlife, logging and farming history of the area (interviews with long-term landowners on either side of Moss Mountain: Tamar Griggs (north) and Phoebe Andrew (south))

³ <http://a100.gov.bc.ca/pub/eswp/search.do>

⁴ http://a100.gov.bc.ca/appsdata/acat/documents/r15273/CDF_TEM_Landscape_Map7_1224092780170_8e248a8d30d8726e2961482c4e7d83fee73aed211e86.pdf

⁵ http://a100.gov.bc.ca/appsdata/acat/documents/r2124/SEI_4206_rpt2_1111099716576_7025110f245d45caa101abdef711671d.pdf and Canadian Wildlife Service, *Sensitive Ecosystem Inventory of East Vancouver Island and Gulf Islands*, Map 092B 083, March 2004

Note: The location of observed/suspected Species at Risk and their habitat and observed/suspected cultural/archaeological features are included as mapped Natural Features in this baseline, as well as included in a memo [as per ITC instructions]. It is understood that specialists in species at risk and archaeological features are currently or will be in the future providing comprehensive inventories. It is recommended that a bryologist/lichen specialist do an inventory as there is a high likelihood of species at risk.

5.3 Fieldwork

Briony Penn and Jeff Shatford arrived at the covenant site by water at 8:00 AM on August 1st, 2021 and were oriented to the site by owner Gay Young. We started by following the water line up through the property to orient ourselves, as the water line ran the length of the property through most of the polygons. We spent the morning orienting ourselves and doing preliminary ground truthing of the TEM/SEM polygons, recording plant and animal species and looking for rare features. In the afternoon of the first day, we started on vegetation plots for the polygons and continued into the following day and the third morning, working our way around the covenant parcel. We set up nine vegetation plots in all for representative ecosystems, extending 11.3 metres from vegetation plot centres. Photopoints were included for covenant monitoring of natural and anthropogenic features on a hand-held Garmin GPS map 62sc. Briony Penn was responsible for animal species identification and herb/moss layers in the vegetation plots. Jeff Shatford did all the GPS data collection, tree measurements and identification. Together, we assessed and adjusted boundaries of ecological communities from the original TEM mapping.

We created spatial/photopoints/linear features for the following:

<i>Photopoint</i>	<i>Description</i>	<i>Map #</i>
VP	Vegetation Plots	2
CR	Creeks and Wetland Features	2
SAR	Species at Risk (Red/Blue)	2
NF	Natural Features	3
BP	Boundary Points	3
AP	Anthropogenic Features, e.g., logging roads and dug ponds	3
LR	Linear Features	3
IS	Invasive Species	3

AR	Archaeological Features (suspected) e.g., culturally-modified trees, petroforms	4 Appendix
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During the evening, we met with the owner and recorded her knowledge of the land, the history and her observations of species. We also worked on identification of plant species in the evenings. On the afternoon of the third day, we confirmed adjusted TEM boundaries and field checked outstanding questions from the days before.

On September 6, 2021 we accessed the park by foot following trails in Burgoyne Bay Provincial Park to near the boundary and followed deer trails the last 100 metres to the northwestern pin which we found. We then surveyed the final polygon in the top north corner and confirmed boundaries. Late summer, after a prolonged drought with heat spikes was not an ideal time to survey so plant and wildlife observations are limited by the season. The understanding is to bring in SAR specialists during the spring. The report was written by Briony Penn and the mapping was done by Jeff Shatford using QGIS (Hannover 3.16) software.

6. Landscape Context

6.1 Landscape Context

This covenanted area is adjacent to the largest contiguous protected area in the Gulf Islands of 1,888 hectares, including: Burgoyne Bay Provincial Park (524 ha); Mill Farm Regional Park Reserve (317 ha); Mount Maxwell Provincial Park (231 ha); Mount Maxwell Lake Reserve (8 ha); Mount Maxwell Ecological Reserve (418); Mount Maxwell Nature Trust Reserve (22 ha); Crown Reserves for Douglas-fir forest conservation (260 ha); and Saltspring Conservancy's Alvin Indridson Nature Reserve (130 ha) (Map 1).

This region was the focus of an informal multi-agency conservation committee, the South and West Salt Spring Conservation Partnership, starting in 1996 to increase protection and contiguity for the mosaic of diverse Coastal Douglas-fir ecosystems that are nationally underrepresented. Protection has been obtained through various designations and tools by multi-jurisdictional governments and local organizations. Conservation covenants held by local and provincial land trusts are an essential part of the jigsaw that is the South and West protected area.

Canadian Wildlife Service (2004) describes the importance of these contiguous areas of second-growth, "They can serve as important buffers around sensitive ecosystems and vital links between habitat patches. They often provide critical habitat for species that require both open and forested areas during their lifecycle. The biological diversity of forests generally increases with age. Where older forests are rare or absent, older

second growth forests become more important as they gradually develop old forest characteristics.”⁶

6.2 Biogeoclimatic zone: The covenant area includes both the coastal Douglas-fir moist maritime (CDFmm) biogeoclimatic zone and the Coastal Western Hemlock dry maritime (CWHxm) zone.⁷ The different communities within this variant are strongly differentiated by available soil moisture, depth, nutrient status and elevation.

6.3 Climate: The climate of the southern portion of the Strait of Georgia has traditionally enjoyed warm, dry summers, which can lead to prolonged drought, and mild, wet winters. The maritime influence moderates the effects of elevation, latitude and aspect on local temperature and precipitation. Temperatures traditionally ranged from 35°C to -15°C though generally were moderate. The annual precipitation for the Gulf Islands - Salt Spring Island for 2018 was 987 mm.⁸

Climate change has already impacted the region with increased temperatures, changes to streamflow timing, precipitation pattern shifts and increased storm frequency.⁹ Climate change scenarios¹⁰ predict a 3° C rise by 2050. The number of summer days above 25°C can expect to triple with a 22% increase in the growing degree days. The frost-free period was traditionally just over 200 days but is predicted to have a 49% increase by 2050. Precipitation is predicted to rise in the same period by 5% and the seasonality, frequency and intensity of extreme events, especially storms, will continue to cause immediate damage to the system as well as the gradual shift in conditions over the years. The amount of rain in summer is expected to drop by about 20% and the duration of the dry spells will lengthen by about 20%. The heat dome of 2021 reached temperatures of over 40 degrees and over 50 days of continuous drought. Recent climate modelling suggests that “climate change is causing local heat extremes to be more intense and frequent in a cooler climate.”¹¹ These novel heat spikes can only exacerbate trends.

6.4 Geology and Soils: Moss Mountain (slopes of Mount Sullivan) bedrock is part of the Permian Sicker Group McLaughlin Ridge formation of metamorphosed sedimentary bedrock covered by moss or mineral soil less than 10 cms (Rock-Musgrave soil). Rock

⁶ On SEI map legend.

⁷ Del Meidinger and Jim Pojar, *Ecosystems of British Columbia*, Research Branch, Ministry of Forests, February 1991.

⁸ Current Results <https://www.currentresults.com/Weather/Canada/British-Columbia/precipitation-annual-average.php#g>

⁹ Puget Sound Science Review, 2015 <https://www.eopugetsound.org/science-review/section-2-driver-climate-change-salish-sea-ecosystem>

¹⁰ Capital Region District, *Climate Projections for the Capital Region*, 2017 https://www.crd.bc.ca/docs/default-source/climate-action-pdf/reports/2017-07-17_climateprojectionsforthecapitalregion_final.pdf All data in this section is from this document.

¹¹ Quirin Shiermeier, “Climate change made North America’s deadly heatwave 150 times more likely,” *Nature*, July 8, 2021. <https://www.nature.com/articles/d41586-021-01869-0>

consists of between 50-65% of the site. The well-bedded volcanoclastic sediments overlie the Nitinat Formation. Along northwest to southeast fault lines there are intrusions of Mount Hall Gabbro Sills, theoleilitic basalts with 'Flower Gabbro' textures and local pockets of hornblende pegmatite. Together these comprise a complex and varied surface soil structure, composition and depth.

The diversity of geological features, including steep cliff faces, scree slopes and boulder fields, provides a wide variety of habitat for wildflowers, reptiles, bats and birds specifically and wildlife generally. The cliffs provide natural exclusion zones from deer browse and small vernal seep sites and microhabitats for plants. These boulder fields are also likely rich areas for cultural use given a high proportion of archaeological sites associated with them at Mount Maxwell. The large boulder field is mapped on the covenant site and is probably a result of the 1700 earthquake that left similar geomorphological features on hillslopes, e.g., Mount Maxwell.

6.5 Hydrology: The steep bedrock and southwest aspect of this site make this a very dry site. Surface water features include seasonal creeks and seeps where water flow is concentrated at slope breaks. The most dominant hydrological feature is a small watershed (40 ha) draining the north flank of Mount Sullivan. This includes a seasonal creek flowing from east to west across the upper elevation of the property. The creek appears in the provincial Freshwater Atlas and is marked on the GeoBC topographic map 092B073(2016). The water license for the property owner indicates the name as Acton Creek. Associated with this drainage is a strip of riparian forest along the north and south bank of the creek as well as year-round wetted hollows and several springs. Two of the springs have been dug out and developed as small ponds for water supply by the owner. One of these ponds has also been lined with plastic (see Map 3 for Anthropogenic Features). An additional spring was recorded (Map 2) which was still flowing in August after several weeks of drought conditions (2021).

Elsewhere on the covenant area water features were observed at the base of cliffs and the base of scree slopes. Vernal seeps were found on the cliff faces associated with the three benches (and mapped as Roemer's fescue – Junegrass ecological communities). Two seasonal creeks drained the lower elevation of the property appear at the base of a steep slope. The creeks appear suddenly out of scree and the heavy seasonal flow evidenced by the bare cobble and gravel. The two creeks run parallel to each other and are mapped on the southwestern boundary (referred to, for survey purposes, as South Creek) and the other is just north of it (referred to as North Creek). All were mapped with photopoints under Creek and Wetland Features (Map 2).

7. Site History

7.1 First Nations: Salt Spring Island is within the treaty and territories of the Coast Salish People.¹² The island has since time immemorial been the homeland and gathering place for First Peoples including the Cowichan Tribes, Halalt First Nation, Lyackson First Nation, MÁLEXEŁ (Malahat) Nation, BOKÉĆEN (Pauquachin) First Nation, Penelakut Tribe, SEMYOME (Semiahmoo) First Nation, Stz'uminus (Chemainus) First Nation, WJOŁŁLP (Tsartlip) First Nation, SĀÁUTW (Tsawout) First Nation, Tsawwassen First Nation, WSIKEM (Tseycum) First Nation, Ts'uubaa-asatx (Lake Cowichan) First Nation; this rich history and cultural heritage continues to this day.¹³

The covenanted area is adjacent to Sansum Narrows which has historically provided a rich and diverse source of marine resources (herring, salmon, marine mammals, seabirds, etc.) The area is within the traditional territory of the WSÁNEĆ¹⁴ lands and the Hul'qumi'num Treaty Group (HTG).¹⁵ Under traditional governance systems of family rights and responsibilities for areas, boundary divisions were subject to intermarriages and changes over time (Jenness, 1938; Suttles, 1974; Eliot, 1990). Cowichan families hold responsibilities for land and their stewardship in what is known as Sluq'ihuq'wus (Mount Sullivan bluffs) and Q'iq'uwutum (Bold Bluff) in the Sansum Narrows area and Xwaaqw'um at Burgoyne Bay.¹⁶ WSÁNEĆ families have responsibilities for land and resources at what is known as KOŦEK (Musgrave Landing), MENMONTOK (Bold Bluff) and XOEKKEM (Burgoyne Bay).¹⁷

There are two existing management plans of adjacent protected areas (BC Parks, 2015¹⁸; ITC, 2021¹⁹) for which the nations (in whose territory the protected areas lie) were consulted regarding use. According to Cowichan Tribes, the central to north side of Salt Spring Island from Xwaaqw'um (Burgoyne Bay) to Stulan (Vesuvius Bay)²⁰ is part of their traditional summer gathering area. Bob Akerman wrote of his great grandfather, Chief Tusilum and his wife Taltunaat of Clem-clemelutz who had responsibilities for Xwaaqu'um.²¹ Their daughter, Tuwahwiye', married a settler, Michael Gyves, in the late

¹² The Islands Trust Conservancy recognizes that the language commonly used to refer to land may be disrespectful to First Nations. For example, notions of 'private' and 'Crown' land do not appropriately recognize aboriginal title, and imply a belief in the concept of terra nullius, the idea that land was not owned prior to the assertion of European sovereignty. The Islands Trust Conservancy acknowledges that terra nullius is a concept that doesn't apply to the Islands Trust Area. The words "provincially-managed land" or "federally managed land" will be used in place of "Crown". "Privately managed" will be used in place of "private" and "land holder" instead of "land owner."

¹³ SENCOTEN and Hul'qumi'num place names are spelled under different linguistic/phonetic systems.

¹⁴ Tsawout First Nation, *Traditional Marine Use Study*, 2015

¹⁵ Hul'qumi'num Treaty Group Core Base Map

<https://www.northcowichan.ca/assets/Departments/Engineering/PDFs/First%20Nations%20Consultation%20Summary%20Report.pdf>

¹⁶ Quw'utsun S-ul-hween Advisory Committee, *Quw'utsun Hul'q'umi'num Category Dictionary*, Cowichan Tribes, 2007

¹⁷ Elliott, Dave Sr. *Saltwater People*, School District 63, 1983

¹⁸ BC Parks, *Burgoyne Bay Parks Management Plan*, March 2015. https://bcparks.ca/explore/parkpgs/burgoyne_bay/burgoyne-bay-mp.pdf

¹⁹ Islands Trust Conservancy, *Lower Mount Erskine Nature Reserve Property Management Plan, Salt Spring Island*, 2021 https://islandstrust.bc.ca/wp-content/uploads/2005/01/ITC_2020-12-14_LMENR-MP_FNL.pdf

²⁰ Quw'utsun S-ul-hween Advisory Committee, *Quw'utsun Hul'q'umi'num Category Dictionary*, Cowichan Tribes, 2007

²¹ Bob Akerman, *The Akerman Family: Growing up with Salt Spring Island*, 2005

1800s. According to Akerman, the coastal grassy openings were used for gardening camas and other root crops and the slopes were burned traditionally for camas production.²²

According to WSÁNEĆ Leadership Council, the seasonal rounds in their territory included the stewardship by families of various gardens all of which could have existed in this area:

- SISEJ or "forest gardens"
- SPELXEN/KLO,EL,ENEC or "camas/root gardens"
- TIKEL or "wetland gardens"
- KEXAL,S SASU or "sea gardens"²³

Provincial, regional and federal governments are working with HTG and the WSÁNEĆ Leadership Council towards new relationships with respect to management of protected areas and treaty lands and this might lead to additional information regarding stewardship lineages and history.

7.2 Settlers: In 1874, the four Pimbury Brothers (from England) assembled Crown grants for a 2,800 hectare (7,000 acre) sheep farm from Musgrave Landing to Bold Bluff on the western side of the island's mountain flanks, which includes what is now the covenanted area. The surveyor, Ashdown Green, surveyed the northern boundary of the land that same year and notes the brothers were running 350 sheep.²⁴ In 1885, Edward Musgrave bought out the Pimburs and continued to run it as a sheep ranch for seven years. His shepherd, Alexander Aitkin, wrote about his work in 1891 suggesting that a drive of 300 sheep "was a very poor drive."²⁵ Musgrave sold to the Trench brothers seven years later.²⁶ From the late 1800s until 1920s, according to George Laundry, whose family farmed south of Trench's ranch, sheep from the Trenches and other landowners grazed freely across the western flanks as it was designated 'unorganized territory', i.e., sheep did not need to be fenced in, neighbours simply had to fence sheep out if they didn't want them.

Laundry also describes the early logging history of this isolated part of Salt Spring as being mostly by 'gypo' loggers, e.g., Few Brothers, who high-graded the fir on the mountain between 1921 and 1950s. Laundry remembers the Few Brothers having a fleet of 8 trucks. In 1946, the Few Brothers bought the rights to the timber on section 45 to the south of Lot 12; it is possible they had rights to this lot too. He doesn't remember any large fires in the area. He remembers wildflowers in the meadows, nighthawks as a child but few deer or cougar as they were shot by settlers. Trench's son inherited the sheep ranch, eventually selling lots 12-15 in 1937 to an engineer, James Arthur Collins,

²² Pers com. B. Akerman, 1991.

²³ Pers com. Environment Committee, WSÁNEĆ Leadership Council, July, 2021.

²⁴ Ashdown Henry Green "1874 diary of Ashdown Henry Green regarding the survey of Salt Spring Island," BCA ADD MSS 437.

²⁵ "The diary of Alexander Aitken, Shepherd." Property of Mouat family, Salt Spring Island.

<https://www.canadianmysteries.ca/sites/robinson/archives/diaryjournalreminiscence/2347en.html>

²⁶ Wilson, E.F. *Salt Spring Island, British Columbia: An Illustrated Pamphlet*, 1895

who built his home at Bold Bluff.²⁷ It was used as a summer retreat then sold in 1956 to loggers/speculators Burrige, Cabledu and Dorman who bought the land to log and flip.

Lot 12 went through a series of hands then was bought as part of a larger land package by a German syndicate during the 1980s. The syndicate had a member called Henry Roethel who carried out the most recent logging and built the house. Roethel went bankrupt and sold it in 1991 to the current owner. Immediately adjacent to the south of Lot 12 is Matheson Manor and Hope Point, currently owned by Phoebe Andrew, previously married to Johnnie Kellogg. The Kelloggs purchased Matheson Manor from Bill Mitchell, Johnnie Kellogg's uncle in the early 1960s. Their land has never been logged. According to Andrew, the Kelloggs, Mitchells and Akermans ran sheep until the late 70s. "You could see right across the top acreage up there. It was pasture but the trees have come back. Other than that, things haven't changed much, and I've been here 50 years since I was 15."²⁸

There are features left over from historic logging including stumps and roads, the latter mostly in the eastern side of the parcel where logging road access was historically pushed in from Burgoyne Bay.

All historic anthropogenic features are included in Map 3.

²⁷ Pers com. Tamar Griggs, 2021.

²⁸ Pers com, Phoebe Andrew, 2021.

8. Inventory by Ecological Community²⁹

The data was collected for each ecological community from August 1-3, 2021 (Map 2). We mapped nine ecological communities: vegetation plots were prepared for eight of these; there are two polygons of Douglas-fir / Arbutus community in the covenant area at two seral stages, (old and young forest) so vegetation plots were done for both. The provincial TEM map did not distinguish the grassy benches, characteristic of Roemer's Fescue – Junegrass, nor the manzanita communities in the upper elevation benches, so we created polygons for them. Given the small size of the manzanita ecological community (and its relative simplicity, i.e., manzanita and no herb layer) a vegetation plot was not done. Instead, we lumped it in with Fescue – Junegrass (that it is in association with) on the benches. The provincial TEM also identified a Fescue – Camas polygon, but with ground truthing, this polygon turned out to be an opening from a clearcut in a Douglas-fir / Oniongrass TEM community that was slow to regenerate. We reclassified it as Douglas-fir / Oniongrass.

A plant inventory of the entire site is also included in Appendix C.

Note: Symbols for tables:

- *Co-dominant trees, main layer of tree cover. Notable old trees are documented.
- + Trees greater than 10m that do not reach the main canopy.
- ** All woody plants less than 10m tall.
- ++ All herbaceous species, regardless of height and some low woody plants less than 15cm tall.
- *+ All bryophytes, terrestrial lichens and liverworts.
- T stands for Trace or less than 1%

²⁹ The site series reference is R.N. Green and K. Klinka, *Field Guide for Site Identification and Interpretation for the Vancouver Forest Region, Land Management Handbook Number 28*, Ministry of Forests, Province of British Columbia, 1994 <https://www.for.gov.bc.ca/hfd/pubs/docs/Lmh/Lmh28.pdf>; Ecological communities descriptions are from B.C. Conservation Data Centre Explorer <http://a100.gov.bc.ca/pub/eswp/search.do> ; the structural stage is taken from the Resource Inventory Committee's *Standard for Terrestrial Ecosystems Mapping in British Columbia*, Province of British Columbia, 1998. https://www2.gov.bc.ca/assets/gov/environment/natural-resource-stewardship/nr-laws-policy/risc/tem_man.pdf

Ecological Community Polygon Table

Polygon ID:	1
Ecological Community:	Roemer's Fescue - Junegrass ³⁰ (and Arbutus / Hairy Manzanita)
Classification ³¹ :	CDFmm/00 (TEM classification is Douglas-fir / Oniongrass CDFmm/03)
Structural Stage:	n/a
Status (BC List):	Both Red listed
Photopoint(s):	Vegetation Plot 1 (VP1)
Ecological Community Description:	South-facing, terrestrial herbaceous grassland plant community at the top of ridge crests. Shallow soil formed over weathered bedrock. Rock 25% of site. Adjacent to Douglas-fir – Arbutus plant communities. Patches of Hairy Manzanita with scattered arbutus blend into these grassland sites. There are also microsites of vernal seepages that support Monkeyflower (<i>Mimulus alsinoides</i>) and associated species. Key indicator species Roemer's fescue (<i>Festuca idahoensis</i> ssp. <i>roemerii</i>) and Junegrass (<i>Koeleria macrantha</i>) have probably been largely replaced by introduced grasses. These openings could well have been original root gardens.
Disturbance Notes:	Heavily browsed for a century by domesticated sheep and altered by introduction of agricultural grasses. Deer browse now intense. Native grasses seem to persist in tiny pockets where deer or sheep can't reach. Surprisingly, broom and gorse haven't established here. Lack of traditional gathering practices and cultural burning possibly a factor for loss of diversity in species.
Anticipated Change/Succession:	Grasslands likely to persist under increasing drought conditions. Deer management/ restoration could help establish native herbs again. Native grasses appear to do better under drought conditions competing with agricultural grasses.
Wildlife observations:	Observed: Band-tailed Pigeon (<i>Columba fasciata</i>); Turkey Vultures (<i>Cathartes aura</i>); Bald Eagle (<i>Haliaeetus leucocephalus</i>) and Merlin (<i>Falco columbarius</i>).

³⁰ B.C. Conservation Data Centre. 2009. Ecological Community Summary: *Festuca roemerii* - *Koeleria macrantha*. B.C. Minist. of Environment. Available: <https://a100.gov.bc.ca/pub/eswp/> (accessed Sep 8, 2021).

³¹ Classification to site series is taken from Green and Klinka, 1994

VEGETATION SPECIES for VP1	PERCENT COVER (%)						NOTES:
	Main Canopy*	Secondary Canopy+	Shrub Layer**	Herb Layer++	Moss, Lichen Layer*+	Non-natives ^	
<i>Pseudotsuga menziesii</i> (Douglas-fir)	2						MC: 80-200 yrs, ht: 14.6m – 22.8 DBH: 35.4 -77 cms. Snag and mature tree.
<i>Anthoxanthum odoratum</i> (sweet vernalgrass)						25	
<i>Lolium perenne</i> (perennial ryegrass)						10	
Other introduced grasses						15	
<i>Festuca roemerii</i> (Roemer's fescue)				T			
<i>Agropyron trachycaulum</i> (slender wheatgrass)				T			
<i>Cynosurus echinatus</i> (hedgehog dogtail grass)						5	
<i>Eurhynchium oreganum</i> (Oregon beaked moss)					2		
<i>Hylocomium splendans</i> (step moss)					T		
<i>Selaginella wallacei</i> (Wallace's selaginella)					3		
<i>Rhytidiadelphus loreus</i> (lanky moss)					4		
<i>Hypnum subimponens</i> (coiled-leaf moss)					T		
<i>Dicranum scoparium</i> (broom moss)					T		
<i>Polytrichum juniperinum</i> (juniper haircap moss)					T		
<i>Leucolepis acanthoneuron</i> (Menzies' tree moss)					T		
<i>Plagiothecium undulatum</i> (wavy-leaved cotton moss)					T		
Cryptogrammic crust							Much of the soil is covered with this crust
Cover by Layer (%)	2			1	10	55	Total Canopy Cover: 2%

Polygon ID:	2 (VP8 is also Douglas-fir – Arbutus but Mature forest)
Ecological Community:	Douglas-fir - Arbutus ³²
Classification ³³ :	CDFmm/02
Structural Stage:	5- Young forest
Status (BC List):	Red listed
Photopoint(s):	Vegetation Plot Centre VP2
Ecological Community Description:	Mixed woodland community on rocky knolls and hillsides with dry western exposure and slope 5%. Tree layer (50% cover) dominated by Douglas-fir and Arbutus. Arbutus leaves cover the ground, big boulders with bare and mossy rocks. Soils thin on weathered, fragmented bedrock. Shrub layer sparse on site under young forest.
Disturbance Notes:	This polygon is accessed by an old logging road coming in from the north. Big stumps of Douglas-fir indicate logging c. 1950s. Fir has grown back thickly but become moribund with no fire disturbance.
Anticipated Change/Succession:	Deer grazing may restrict recruitment of young arbutus, shrub and understorey species. Dominant vegetation is likely to continue to be Douglas-fir trees, except in rocky outcrop areas where moss will continue to dominate. Self-thinning will create more diversity over time. Current forest fire risk from laddering under young stand.
Wildlife observations:	Observed: Pileated woodpecker (<i>Dryocopus pileatus</i>) cavities observed on larger Douglas-fir stumps; Black tailed deer (<i>Odocoileus hemionus</i>) browse observed on shrubs; Bald eagle (<i>Haliaeetus leucocephalus</i>); potential bat habitat in bark of old Douglas-fir tree suspected; and alligator lizard (<i>Elgaria coerulea principis</i>) habitat from large bark slabs.

³² B.C. Conservation Data Centre. 2009. Ecological Community Summary: *Pseudotsuga menziesii* - *Arbutus menziesii*. B.C. Minist. of Environment. Available: <https://a100.gov.bc.ca/pub/eswp/> (accessed Sep 2, 2021).

³³ Classification to site series is taken from Green and Klinka, 1994

VEGETATION SPECIES VP2	PERCENT COVER (%)						NOTES:
	Main Canopy*	Secondary Canopy+	Shrub Layer**	Herb Layer++	Moss, Lichen Layer*+	Non-natives ^	
<i>Pseudotsuga menziesii</i> (Douglas-fir)	40						MC: 50-75 yrs, ht: 17m DBH: 6-37.2 cms
<i>Arbutus menziesii</i> (arbutus)	15						MC: 50-100 years, ht: 15m, DBH: 12-45 cms
<i>Gaultheria shallon</i> (salal)			8				
<i>Rosa gymnocarpa</i> (Dwarf rose)			T				
Introduced agricultural grass spp.						8	
<i>Anthoxanthum odoratum</i> (sweet vernalgrass)						12	
<i>Melica subulata</i> (Alaska oniongrass)				T			
<i>Goodyera oblongifolia</i> (Rattlesnake-plantain)				T			
<i>Polytrichum juniperinum</i> (juniper haircap moss)					5		
<i>Rhytidiadelphus loreus</i> (lanky moss)					5		
<i>Hylocomium splendans</i> (step moss)					15		
<i>Peltigera britannica</i>					T		
Cover by Layer (%)	55					0	Total Canopy Cover: 55%

Polygon ID:	VP3
Ecological Community:	Douglas-fir / Oniongrass ³⁴ (TEM classification was Fescue – Camas 00 but this was changed as it was an anthropogenic opening)
Classification ³⁵ :	CDFmm/03
Structural Stage:	logged
Status (BC List):	Red listed
Photopoint(s):	Vegetation Plot Centre VP3
Ecological Community Description:	Southwest-facing aspect, 23% scree slope, 150 metre elevation, adjacent to rock outcrops with shallow soils. Heavily disturbed with stumps of veteran Douglas-fir and 7% coarse woody debris with agricultural grasses and foxglove. Some dense thickets of slow to regenerate Douglas-fir (dog-hair). Three young Douglas-fir in plot. Stumps suggest an open canopy Douglas-fir with adjacent Garry oak and Arbutus. Shrub layer very sparse.
Disturbance Notes:	Artificially opened by logging c. 1950 with slow regeneration. Large Douglas-fir stumps and coarse woody debris. Heavily browsed for a century by domesticated sheep. Introduction of agricultural grasses. The key disturbance now on this community appears to be deer browse from lack of predators regulating this population.
Anticipated Change/Succession:	Douglas-fir might re-establish but with increasing drought, this might shift to grassland community.
Wildlife observations:	Observed: Common raven (<i>Corvus corax</i>); Pileated Woodpecker (<i>Dryocopus pileatus</i>); grasshopper ssp.; pine whites (<i>Neophasia menapia</i>).

³⁴ B.C. Conservation Data Centre. 2012. Ecological Community Summary: *Pseudotsuga menziesii* / *Melica subulata*. B.C. Ministry of Environment. Available: <https://a100.gov.bc.ca/pub/eswp/> (accessed Sep 3, 2021).

³⁵ Classification to site series is taken from Green and Klinka, 1994

VEGETATION SPECIES for VP3	PERCENT COVER (%)						NOTES:
	Main Canopy*	Secondary Canopy+	Shrub Layer**	Herb Layer++	Moss, Lichen Layer*+	Non-natives ^	
<i>Pseudotsuga menziesii</i> (Douglas-fir)	10						MC: 10-30 yrs, ht: 25m DBH: 11.5-30.5 cm
<i>Rosa gymnocarpa</i> (Dwarf rose)			1				
<i>Anthoxanthum odoratum</i> (sweet vernalgrass)						40	
<i>Digitalis purpurea</i> (Common foxglove)						5	
<i>Agrostis capillaris</i> (Colonial bentgrass)						5	
<i>Cynosurus echinatus</i> (Hedgehog dogtail grass)						5	
<i>Other agricultural grasses</i>						35	
<i>Polytrichum juniperinum</i> (Juniper haircap moss)					1		
<i>Hylocomium splendans</i> (step moss)					2		
<i>Rhytidiadelphus loreus</i> (Lanky moss)					2		
Cryptogrammic crust							
Cover by Layer (%)	10		1		5	90	Total Canopy Cover: 10

Polygon ID:	4
Ecological Community:	Western hemlock – Douglas-fir / Oregon beaked-moss ³⁶
Classification ³⁷ :	CWHxm01
Structural Stage:	5 – Young Forest
Status (BC List):	Red listed
Photopoint(s):	Vegetation Plot Centre VP4
Ecological Community Description:	Moderately dry, well-drained, second- and third-growth forest with northwest aspect, mid-slope, 17% on ridge. Flattish and lumpy, some swales. Dominated by Douglas-fir with occurrences of arbutus, redcedar, western hemlock and willow. Some veterans, nurse log and stump features. Shrub layer moderate salal/oceanspray where light reaching forest. Deeper soils with little rock outcrop.
Disturbance Notes:	Multiple pass logging indicated by different aged stumps, fire scars from slash burning and skid roads. Grazed after logging by sheep. Deer browse continuing to suppress herb and shrub layer.
Anticipated Change/Succession:	Deer grazing may restrict recruitment of young trees and understorey species. Dominant vegetation is likely to continue to be Douglas-fir trees. Forest would start to self-thin and diversify.
Wildlife observations:	Observed: Common Raven (<i>Corvus corax</i>)

³⁶ B.C. Conservation Data Centre. 2009. Ecological Community Summary: *Tsuga heterophylla* - *Pseudotsuga menziesii* / *Eurhynchium oregonum*. B.C. Minist. of Environment. Available: <https://a100.gov.bc.ca/pub/eswp/> (accessed Sep 2, 2021).

³⁷ Classification to site series is taken from Green and Klinka, 1994

VEGETATION SPECIES VP4	PERCENT COVER (%)						NOTES: Flattish lumpy north aspect. No rocky outcrops, Douglas-fir and willow dominate but Western hemlocks filling in. Logged in 90s. Dirt 50% and mossy rock 5%
	Main Canopy*	Secondary Canopy+	Shrub Layer**	Herb Layer++	Moss, Lichen Layer*+	Non-natives ^	
<i>Pseudotsuga menziesii</i> (Douglas-fir)	40	20					MC: 20-50 yrs, ht: 25m, DBH: 25.6 cms average
<i>Tsuga heterophylla</i> (western hemlock)			T				
<i>Arbutus menziesii</i> (arbutus)		10					MC: 30 years, ht: 20m, DBH: 18.2 cms
<i>Salix</i> ssp.		10					
<i>Gaultheria shallon</i> (salal)			50				
<i>Rosa gymnocarpa</i> (dwarf rose)			T				
<i>Holodiscus discolor</i> (oceanspray)			2				
<i>Mahonia nervosa</i> (dull Oregon-grape)			5				
<i>Lonicera hispidula</i> (hairy honeysuckle)			T				
Agricultural grass ssp.						T	
<i>Polytrichum juniperinum</i> (juniper haircap moss)					5		
<i>Rhytidiadelphus loreus</i> (lanky moss)					20		
<i>Hylocomium splendans</i> (step moss)					20		
<i>Eurhynchium oreganum</i> (Oregon beaked-moss)					5		
Arboreal lichen					T		
Cover by Layer (%)	40	40	57		50	0	Total Canopy Cover: 80%

Polygon ID:	5
Ecological Community:	Douglas-fir – Western Hemlock / Salal ³⁸
Classification ³⁹ :	CWHxm/03
Structural Stage:	5– Young Forest
Status (BC List):	Red listed
Photopoint(s):	Vegetation Plot Centre VP5
Ecological Community Description:	Top of slope, north aspect, 12% slope. Mostly regenerating stands of Douglas-fir after multiple passes of timber harvesting of Douglas-fir. Also patches of Western hemlock (<i>Tsuga heterophylla</i>), western redcedar (<i>Thuja plicata</i>) and Grand fir (<i>Abies grandis</i>). Understorey sparse consists of patches of salal (<i>Gaultheria shallon</i>), Oregon-grape (<i>Mahonia nervosa</i>) Step moss (<i>Hylocomium splendens</i>) and Oregon beaked-moss (<i>Eurhynchium oreganum</i>).
Disturbance Notes:	Multiple pass logging disturbance and century of grazing and browsing.
Anticipated Change/Succession:	Deer grazing may restrict recruitment of young trees and understorey species. Self-thinning will continue to diversify understorey.
Wildlife observations:	No wildlife observed during plot data collection.

³⁸ B.C. Conservation Data Centre. Ecological Community Summary: *Pseudotsuga menziesii* - *Tsuga heterophylla* / *Gaultheria shallon* Dry Maritime. B.C. Ministry of Environment. Available: <https://a100.gov.bc.ca/pub/eswp/> (accessed Sep 2, 2021).

³⁹ Classification to site series is taken from Green and Klinka, 1994

VEGETATION SPECIES VP5	PERCENT COVER (%)						NOTES:
	Main Canopy*	Secondary Canopy+	Shrub Layer**	Herb Layer++	Moss, Lichen Layer*+	Non-natives ^	
<i>Pseudotsuga menziesii</i> (Douglas-fir)	30						MC: 30 -50 yrs, ht: xm DBH: 31.7 cms average
<i>Tsuga heterophylla</i> (western hemlock)	5						MC: 30 yrs, ht: xxm, DBH: 24.2 cms average
<i>Thuja plicata</i> (western redcedar)	5	5					MC: 30-50 years, ht: xm, DBH: 34.8 cms average
<i>Abies grandis</i> (grand fir)	20						MC: 30-50 years, ht: xm, DBH: 51.4 cms
<i>Gaultheria shallon</i> (salal)			1				
<i>Mahonia nervosa</i> (dull Oregon-grape)			1				
<i>Trientalis latifolia</i> (starflower)				T			
<i>Mnium spinulosum</i> (Menzies red-mouthed mnium)					T		
<i>Hylocomium splendans</i> (step moss)					5		
<i>Eurhynchium oreganum</i> (Oregon beaked-moss)					30		
Arboreal lichen					T		
Cover by Layer (%)	60	5	2		35	0	Total Canopy Cover: 65%

Polygon ID:	6
Ecological Community:	Douglas-fir / Swordfern ⁴⁰
Classification ⁴¹ :	CWHxm4
Structural Stage:	6 – Mature Forest
Status (BC List):	Red listed
Photopoint(s):	Vegetation Plot Centre VP6
Ecological Community Description:	Flattish but lumpy, north aspect, mature second-growth moist forest of Douglas-fir and western redcedar (<i>Thuja plicata</i>). Big-leaf maples adjacent. Lumpy terrain, bare around cedars but patches of salal (<i>Gaultheria shallon</i>), sword fern (<i>Polystichum munitum</i>) and Oregon-grape (<i>Mahonia nervosa</i>). Dominant moss is step moss (<i>Hylocomium splendens</i>).
Disturbance Notes:	Multiple pass logging and grazed for over a century.
Anticipated Change/Succession:	Deer grazing may restrict recruitment of young trees and understorey species. Dominant vegetation is likely to continue to be Douglas-fir trees, except in rocky outcrop areas where moss will continue to dominate. Possible forest fire as there are dead standing and fallen trees.
Wildlife observations:	Observed: Red squirrels (<i>Tamiasciurus hudsonicus</i>); Pileated woodpecker (<i>Dryocopus pileatus</i>) cavities on wildlife trees; Black-tailed deer (<i>Odocoileus hemionus</i>) browse observed on shrubs; potential bat habitat in bark of old Douglas-fir tree suspected

⁴⁰ B.C. Conservation Data Centre. 2009. Ecological Community Summary: *Pseudotsuga menziesii* / *Polystichum munitum*. B.C. Ministry of Environment. Available: <https://a100.gov.bc.ca/pub/eswp/> (accessed Sep 2, 2021).

⁴¹ Classification to site series is taken from Green and Klinka, 1994

VEGETATION SPECIES VP6	PERCENT COVER (%)						NOTES:
	Main Canopy*	Secondary Canopy+	Shrub Layer**	Herb Layer++	Moss, Lichen Layer*+	Non-natives ^	
<i>Pseudotsuga menziesii</i> (Douglas-fir)	30						MC: 70-100 yrs, ht: xm DBH: 42.6 cms average
<i>Thuja plicata</i> (Western redcedar)	30	30					MC: 70-100 years, ht: xm, DBH: 47.6 cms average
<i>Gaultheria shallon</i> (salal)			7				
<i>Mahonia nervosa</i> (dull Oregon-grape)			1				
<i>Rosa gymnocarpa</i> (dwarf rose)			T				
<i>Polystichum munitum</i> (sword fern)			1				
<i>Vaccinium parvifolium</i> (red huckleberry)			1				
<i>Trientalis latifolia</i> (starflower)				T			
<i>Mnium spinulosum</i> (Menzies red-mouthed mnum)					T		
<i>Hylocomium splendans</i> (step moss)					40		
<i>Eurhynchium oreganum</i> (Oregon beaked-moss)					T		
<i>Polytrichum juniperinum</i> (juniper haircap moss)					T		
<i>Rhytidiadelphus luteus</i> (lanky moss)					2		
Arboreal lichen					T		
Cover by Layer (%)	60	30	10		42	0	Total Canopy Cover: 90%

Polygon ID:	7
Ecological Community:	Western Redcedar / Sword fern – Skunk cabbage ⁴²
Classification ⁴³ :	CDFmm/11 CDF/Ws53
Structural Stage:	7 – Mature Forest
Status (BC List):	Blue listed
Photopoint(s):	Vegetation Plot Centre VP7
Ecological Community Description:	North aspect receiving site in toe slope (41%). Wet conditions maintained in hollows. Western redcedar (<i>Thuja plicata</i>) dominates canopy with bigleaf maple (<i>Acer macrophyllum</i>) and western hemlock (<i>Tsuga heterophylla</i>). Red alder (<i>Alnus rubra</i>) in clearings. Moss on coarse woody debris and trees. Sword fern and skunk cabbage dominate herb layer. ⁴⁴
Disturbance Notes:	Seasonal creek was used as skid road. Vegetation gouged out by heavy equipment which increased rate of seasonal flooding. Veteran cedars and bigleaf maples left. Out of riparian zone are large Douglas-fir stumps.
Anticipated Change/Succession:	Deer grazing may restrict recruitment of young trees and understorey species. Dominant canopy is likely to continue to be Western redcedar trees, until climate conditions change soil moisture levels. With no road use, shrub layer should re-establish over time. Deer management could mitigate loss of understorey and reduce impact of drought periods.
Wildlife observations:	Observed: Sooty grouse (<i>Dendragapus obscurus</i>) pair; Turkey vultures (<i>Cathartes aura</i>) under canopy; Black-capped chickadees (<i>Poecile atricapillus</i>); gastropod ssp. in duff of Bigleaf maple; vole habitat in roots and coarse woody debris.

⁴² BEC call this ecosystem Western Redcedar / Skunk cabbage. Conservation Data Centre classify this ecosystem as Western redcedar / Sword fern – Skunk cabbage. <https://a100.gov.bc.ca/pub/eswp/speciesSummary.do?id=33511> B.C. Conservation Data Centre. 2011. Ecological Community Summary: *Thuja plicata* / *Polystichum munitum* - *Lysichiton americanus*. B.C. Minist. of Environment. Available: <https://a100.gov.bc.ca/pub/eswp/> (accessed Sep 3, 2021).

⁴³ Classification to site series is taken from Green and Klinka, 1994

⁴⁴ W.H. Mackenzie and J. H Moran *Wetlands of British Columbia: A Guide to Identification*, BC Ministry of Forest, 2004, p. 142

VEGETATION SPECIES VP7	PERCENT COVER (%)						NOTES:
	Main Canopy*	Secondary Canopy+	Shrub Layer**	Herb Layer++	Moss, Lichen Layer*+	Non-natives ^	
<i>Thuja plicata</i> (Western redcedar)	55	5					MC: 80-200 years, ht: xm, DBH: 102.4 cms average
<i>Acer macrophyllum</i> (big-leaf maple)	10						MC: 150 years, ht: xm, DBH: 71.3 cms
<i>Tsuga heterophylla</i> (western hemlock)	5	6					MC: 50 years, ht: xm, DBH: 46.8 cms
<i>Gaultheria shallon</i> (salal)			18				
<i>Mahonia nervosa</i> (dull Oregon-grape)			1				
<i>Hylocomium splendans</i> (step moss)					4		On CWD
<i>Eurhynchium oregonum</i> (Oregon beaked-moss)					4		"
<i>Isoetecium ssp.</i> (Cat-tail moss)					4		"
Cover by Layer (%)	70	11	19		12	0	Total Canopy Cover: 81%

Polygon ID:	8 (same ecological community as VP2 but different structural stage)
Ecological Community:	Douglas-fir - Arbutus ⁴⁵
Classification ⁴⁶ :	CDFmm/02
Structural Stage:	8 - Old forest
Status (BC List):	Red listed
Photopoint(s):	Vegetation Plot Centre VP8
Ecological Community Description:	Dry southern exposures (200°) mature hillside (75%) woodland community with rocky moss-covered knolls. Soils thin on fragmented bedrock. Tree layer (60% cover) dominated by Douglas-fir and Arbutus with occasional Garry oak occurring. Herb and shrub layer diverse: dull Oregon-grape, snowberry, dwarf rose, honeysuckle. Herb layer unknown as most of floor covered in arbutus leaves. Suspected to be richer, e.g., twinflower, fairy-slipper, great camas, and trillium. Moss layer variable on rocky outcrops includes: electrified cat's-tail moss, step moss, broom moss, Oregon beaked-moss and grey rock-moss.
Disturbance Notes:	This polygon is not logged probably because it was too steep. The ground cover is predominantly arbutus leaves which could have been exacerbated by the 2021 devastating attack of leaf blight this year on the arbutus. This open forest would have had sheep browsing herb and shrub layers for a century.
Anticipated Change/Succession:	Deer grazing may restrict recruitment of young trees and understorey species. Dominant vegetation is likely to continue to be Douglas-fir trees, except in rocky outcrop areas where moss will continue to dominate.
Wildlife observations:	Observed: Pileated woodpecker (<i>Dryocopus pileatus</i>); Black-tailed deer (<i>Odocoileus hemionus</i>) browse observed on shrubs; potential bat and reptile habitat in bark of old Douglas-fir trees.

⁴⁵ B.C. Conservation Data Centre. 2009. Ecological Community Summary: *Pseudotsuga menziesii* - *Arbutus menziesii*. B.C. Minist. of Environment. Available: <https://a100.gov.bc.ca/pub/eswp/> (accessed Sep 2, 2021).

Green and Klinka, 1994. <https://www.for.gov.bc.ca/hfd/pubs/docs/Lmh/Lmh28.pdf>

⁴⁶ Classification to site series is taken from Green and Klinka, 1994

VEGETATION SPECIES VP8 Douglas-fir - Arbutus	PERCENT COVER (%)						NOTES:.
	Main Canopy*	Secondary	Shrub Layer**	Herb Layer++	Moss, Lichen Layer*+	Non-natives ^	
<i>Pseudotsuga menziesii</i> (Douglas-fir)	30						MC: 90-150 yrs, ht: 29.2m average, DBH: 62.3 cms average
<i>Arbutus menziesii</i> (arbutus)	10	20					MC: 75-100 years, ht: 27m, DBH: 32.6 cms average
<i>Mahonia nervosa</i> (dull Oregon-grape)			T				
<i>Digitalis purpurea</i> (Common Foxglove)						T	
<i>Lonicera hispidula</i> (Hairy honeysuckle)			T				
<i>Symphoricarpus albus</i> (Snowberry)			T				
<i>Rubus ursinus</i> (Trailing blackberry)			T				
<i>Rosa gymnocarpa</i> (Dwarf rose)			T				
<i>Festuca roemerii</i> (Roemer's fescue)				T			
<i>Agropyron trachycaulum</i> (Slender wheatgrass)				T			
<i>Sedum spathulifolium</i> (Broad-leaved stonecrop)				T			
<i>Hieracium umbellatum</i> (Narrow-leaved hawkweed)				T			
<i>(Agrostis capillaris)</i> Colonial bentgrass						T	
<i>Selaginella wallacei</i> (Wallace's selaginella)					1		
<i>Polytrichum juniperinum</i> (Juniper haircap moss)					1		
<i>Dicranum scoparium</i> (Broom moss)					1		
<i>Neckera douglasii</i> (Douglas' neckera)					1		
Cover by Layer (%)	40	20	1	1	4	0	Total Canopy Cover: 60%

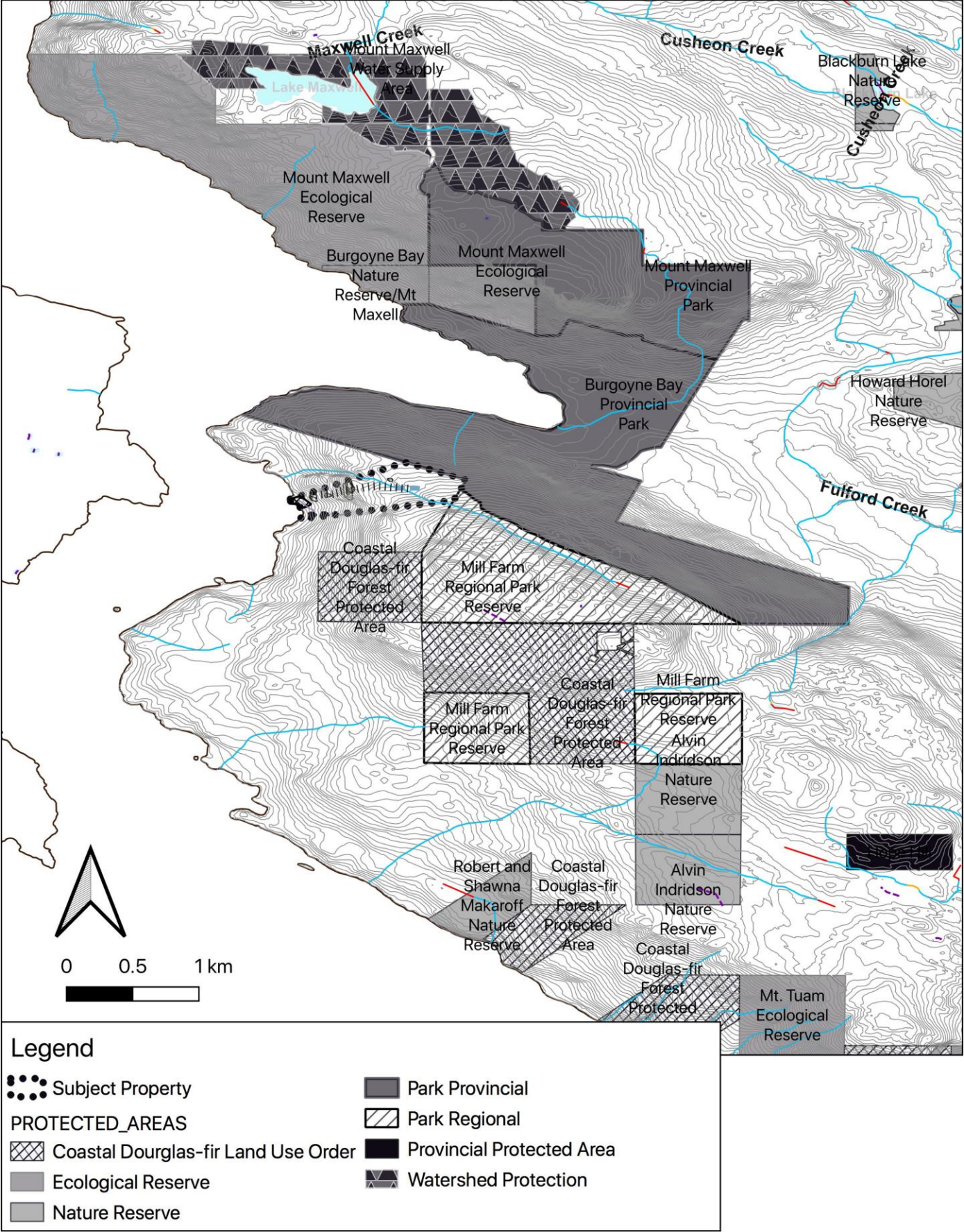
Polygon ID:	9
Ecological Community:	Douglas-fir / Dull Oregon-grape ⁴⁷ (TEM classification is CDF Douglas-fir / Salal)
Classification ⁴⁸ :	CDFmm/01
Structural Stage:	7 – Mature Forest
Status (BC List):	Red listed
Photopoint(s):	Vegetation Plot Centre VP9
Ecological Community Description:	This mature Douglas-fir / salal forest on a southwest aspect of a lower elevation slope (38%) is the matrix forest of the region. The moderately open stand of Douglas-fir with grand fir, bigleaf maple and arbutus in the tree canopy has well-developed vertical structure. The shrub layer is dominated by Oregon-grape, salal and oceanspray. Scree slope is moss-covered.
Disturbance Notes:	This polygon avoided contemporary logging although some stumps. Century of domestic grazing followed by heavy deer browse has suppressed herb and shrub layers.
Anticipated Change/Succession:	Deer grazing may restrict recruitment of young trees and understorey species. Dominant canopy is likely to continue to be Douglas-fir. Deer management and restoration of shrub layer could mitigate some impacts of drought and temperature spikes.
Wildlife observations:	Observed: <i>Ardea herodias</i> (Great blue heron); pileated woodpecker (<i>Dryocopus pileatus</i>); Red squirrels (<i>Tamiasciurus hudsonicus</i>); habitat for bats, nesting birds within forest structure.

⁴⁷ B.C. Conservation Data Centre. 2012. Ecological Community Summary: *Pseudotsuga menziesii* / *Mahonia nervosa*. B.C. Minist. of Environment. Available: <https://a100.gov.bc.ca/pub/eswp/> (accessed Sep 8, 2021).

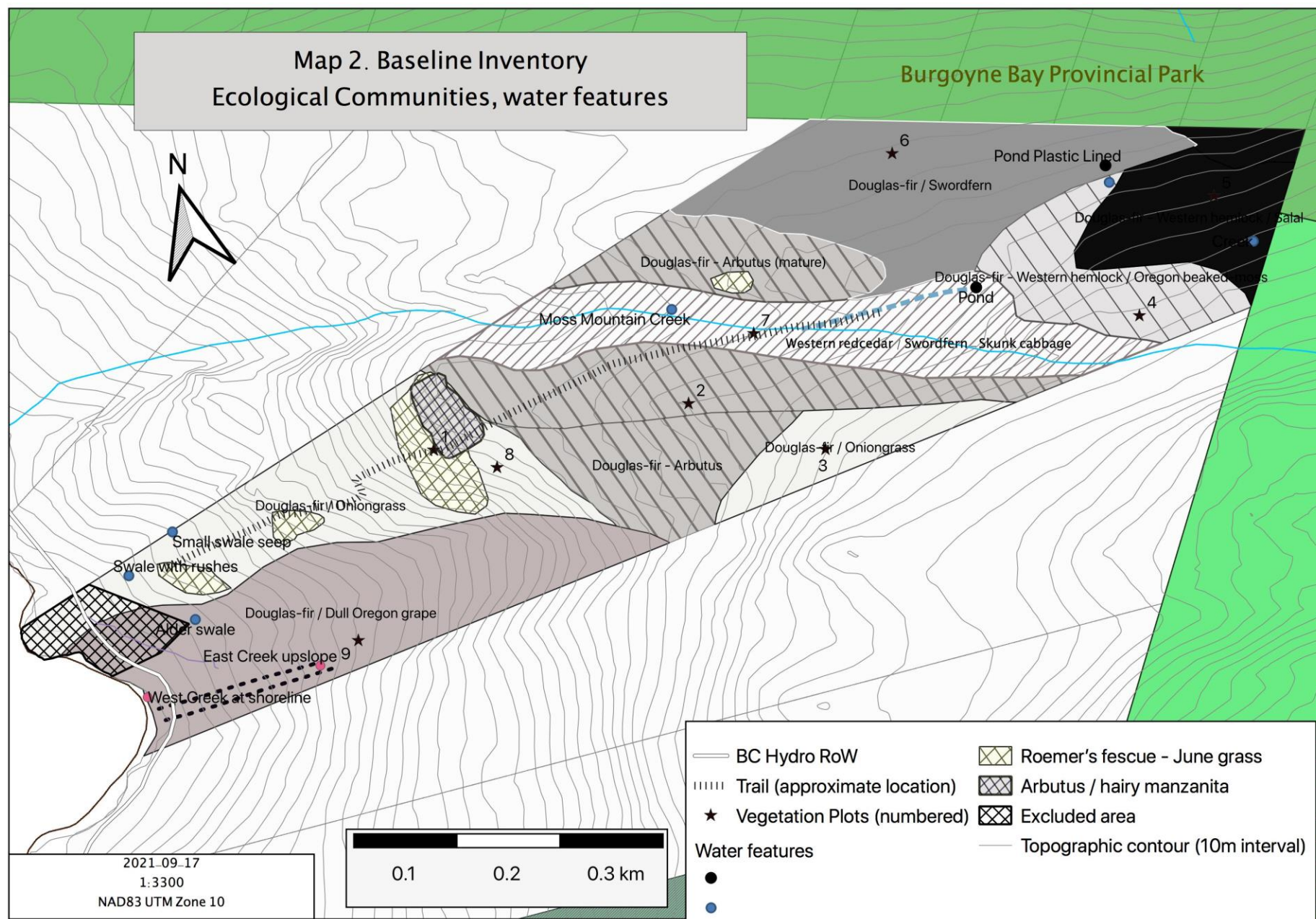
⁴⁸ Classification to site series is taken from Green and Klinka, 1994

VEGETATION SPECIES VP9	PERCENT COVER (%)						NOTES:
	Main Canopy*	Secondary	Shrub Layer**	Herb Layer++	Moss, Lichen Layer*+	Non-natives ^	
<i>Pseudotsuga menziesii</i> (Douglas-fir)	40	5					MC: 100-200 yrs, ht: 48 m, DBH: 76.3 cms average
<i>Arbutus menziesii</i> (arbutus)		5					MC: 50 years, ht: 15m, DBH: 14.2 cms average
<i>Acer macrophyllum</i> (Bigleaf maple)		35					MC: 75 years, ht: 30m DBH: 29.7 cms average
<i>Abies grandis</i> (Grand fir)		4					MC: 30 years, ht: 24m DBH: 14.6 cms average
<i>Gaultheria shallon</i> (Salal)			1				
<i>Mahonia nervosa</i> (dull Oregon-grape)			1				
<i>Lonicera hispidula</i> (hairy honeysuckle)			1				
<i>Symphoricarpos albus</i> (snowberry)			1				
<i>Holodiscus discolor</i> (oceanspray)			1				
<i>Polystichum munitum</i> (swordfern)			T				
<i>Polystichum imbricans</i> (narrow-leaved sword fern)			T				
<i>Goodyera oblongifolia</i> (rattlesnake plantain)				T			
<i>Hieracium umbellatum</i> (narrow-leaved hawkweed)				T			
<i>Digitalis purpurea</i> (common foxglove)						T	
<i>Agrostis capillaris</i> (colonial bentgrass)						T	
<i>Hylocomium splendens</i> (step moss)					25		
<i>Rhytidiadelphus loreus</i> (lanky moss)					10		
<i>Dicranum scoparium</i> (broom moss)					10		
<i>Eurhynchium oreganum</i> (Oregon beaked-moss)					10		
Cover by Layer (%)	40	49	5	3	55	0	Total Canopy Cover: 89%

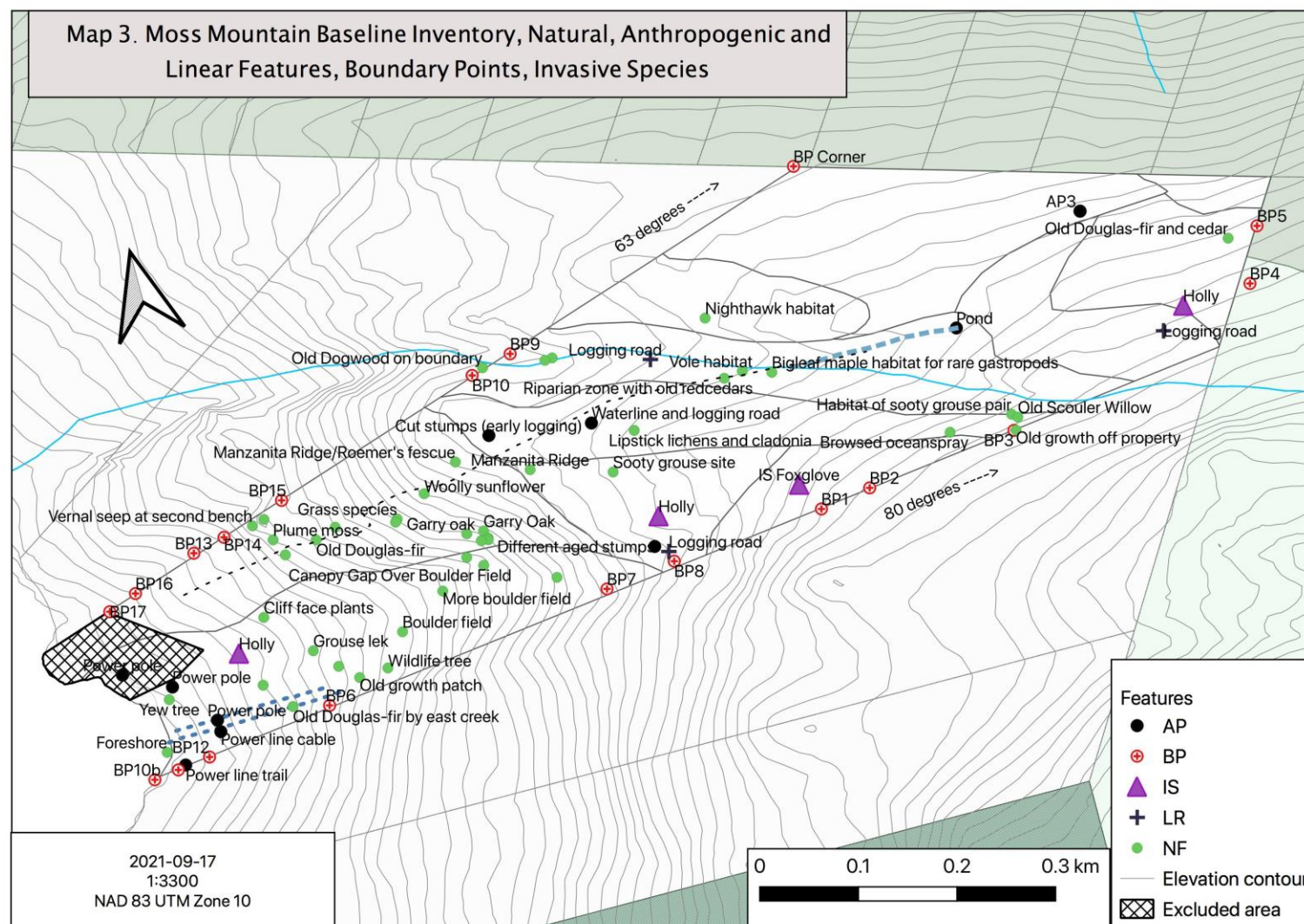
Map 1 – Context Map



Map 2 – Ecological communities, water features



Map 3 – Natural, Anthropogenic and Linear Features, Boundary Points and Invasive Species



Appendix A. Features and Photopoints

PHOTO POINT	LOCATION (UTM Zone 10) Easting Northing	DIRECTION of PHOTO	Photo #	PHOTO GRAPH ER	DATE YYYY-MM-DD	DESCRIPTION OF PHOTOGRAPH(S)
Vegetation Plot centre (VP) as noted on Map 2						
VP1	460359 5403300	0°	201n	JS	2021-08-01	Roemer's fescue – Junegrass and Arbutus – Hairy manzanita
		90°	201e			
		180°	201s			
		270°	201w			
VP2	460610 5403267	0°	202n	JS	2021-08-01	Douglas-fir – Arbutus (young forest)
		90°	202e			
		180°	202s			
		270°	202w			
VP3	460726 5403150	0°	203n	JS	2021-08-01	Douglas-fir / Onion grass
		90°	203e			
		180°	203s			
		270°	203w			
VP4	461054 5403218	0°	204n	JS	2021-08-01	Western hemlock - Douglas-fir / Oregon beaked-moss
		90°	204e			
		180°	204s			
		270°	204w			
VP5	461155 5403358	0°	205n	JS	2021-08-02	Douglas-fir – western hemlock / Salal
		90°	205e			
		180°	205s			
		270°	205w			
VP6	460865 5403542	0°	206n	JS	2021-08-01	Douglas-fir / Sword fern
		90°	206e			
		180°	206s			
		270°	206w			

VP7	460689 5403341	0°	207n	JS	2021-08-02	Western redcedar / Sword fern – Skunk cabbage
		90°	207e			
		180°	207s			
		270°	207w			
VP8	460414 5403251	0°	208n	JS	2021-08-02	Douglas-fir – Arbutus (older forest)
		90°	208e			
		180°	208s			
		270°	208w			
VP9	460239 5403060	0°	209n	JS	2021-08-02	Douglas-fir / Dull Oregon-grape
		90°	209e			
		180°	209s			
		270°	209w			
Boundary Photopoints (BP) as noted on Map 3						
BP1	460727 5403108	80°	311a	JS	2021-08-01	Views in two opposing directions along boundary
		260°	311b			
BP2	460780 5403119	80°	312a	JS	2021-08-01	“
		260°	312b			
BP3	460937 5403146	80°	313a	JS	2021-08-01	“
		260°	313b			
BP4	461207 5403268	22°	314a	JS	2021-08-01	“
		202°	314b			
BP5	461230 5403350	22°	315a	BP	2021-08-01	“
		202°	315b			
BP6	460194 5403016	80°	316a	JS	2021-08-01	“
		260°	316b			
BP7	460496 5403076	80°	317a	JS	2021-08-02	“
		260°	317b			
BP8	460569 5403090	80°	318a	JS	2021-08-02	“
		260°	318b			
		63°	319a	JS	2021-08-02	“

BP9	460466 5403463	243°	319b			
BP10	460423 5403446	63°	320a	JS	2021-08-02	“
		243	320b			
BP10b	460003 5402977	80°	321a	JS	2021-08-02	from shoreline
		n.a.	321b			
BP11	460028 5402982	80°	322a	JS	2021-08-03	Views in two opposing directions along boundary
		260°	322b			
BP12	460062 5402988	80°	323a	JS	2021-08-03	“
		260°	323b			
BP13	460103 5403296	63°	324a	JS	2021-08-03	“
		243°	324b			
BP14	460136 5403307	63°	325a	JS	2021-08-03	“
		243°	325b			
BP15	460203 5403338	63°	326a	JS	2021-08-03	“
		243°	326b			
BP16	460035 5403260	63°	327a	JS	2021-08-03	“
		243°	327b			
BP17	460004 5403243	63°	328a	JS	2021-08-03	“
		154°	328b			
BP18	460793 5403625	0°	329n	JS	2021-09-06	Corner Post Looking in 4 cardinal directions
		90°	329e			
		180°	329s			
		270°	329w			
	Species at Risk (SR) as noted on Map 2					
SAR1	460194 5403261	n.a.	221	BP	2021-08-01	Band-tail pigeon observed
SAR2	460170 5403108	n.a.	222	JS		Great blue heron observed
	Natural Feature (NF) as noted on Map 3					

NF1	460226 5403266	n.a.	337	BP	2021-08-01	Old Douglas-fir
NF2	461198 5403266	n.a.	338	BP	2021-08-01	Old Douglas-fir and Western Redcedar
NF3	460310 5403264	n.a.	339a	BP	2021-08-01	Bunchgrass 1
			339b			Bunchgrass 2
			339c			Bunchgrass 3
			339d			Bunchgrass 4
NF4	4603244 5403291	n.a.	340	BP	2021-08-01	Woolly sunflower
NF5	460383 5403325	n.a.	341	BP	2021-08-01	Manzanita patch
			342			Roemer's fescue
			343			Rock lichens
NF6	460566 5403299	n.a.	344	BP	2021-08-01	Cladonias
			345			Lipstick lichens
NF7	460874 5403169	n.a.	346	BP	2021-08-01	Heavily-browsed oceanspray
NF8	460939 5403171	n.a.	347	BP	2021-08-01	Habitat of sooty grouse pair
NF9	460944 5403164	n.a.	348	BP	2021-08-01	Old-growth Scouler's willow
			349			Leaf detail
NF10	460666 5403437	n.a.	350	BP	2021-08-01	Nighthawk habitat
NF11	460308 5403260	n.a.	351	BP	2021-08-01	Goldenback fern
			352			Narrow-leaved sword fern
NF12	460248 5403277	n.a.	353	BP	2021-08-01	Vernal seepage site with red bryum
NF13	460191 5403256	n.a.	354	BP	2021-08-01	Garry oak and plume moss

NF14	459051 5403580	n.a.	355	BP	2021-08-01	Sharp-tailed snake artificial covers
NF15	460158 5403029	n.a.	356	BP	2021-08-02	Veteran Douglas-fir by creek
NF16	460261 5403048	n.a.	357	JS	2021-08-02	Wildlife tree
NF17	460285 5403095	n.a.	358	BP	2021-08-02	Boulder field
			359			Boulder Field
NF18	460335 5403139	n.a.	360	BP	2021-08-02	More boulder field
NF19	460368 5403179	n.a.	361	BP	2021-08-02	Lichen dust
NF20	460451 5403113	n.a.	362	BP	2021-08-02	Narrow-leaved sword fern
NF21	460534 5403246	n.a.	363	BP	2021-08-02	Sooty grouse site - primary feather juvenile
NF22	460454 5403283	n.a.	364	JS	2021-08-02	Hairy manzanita patch
NF23	460668 5403340	n.a.	365	BP	2021-08-02	Riparian zone with big redcedars
NF24	460688 5403343	n.a.	366	BP	2021-08-02	Suspected vole runways and habitat
NF25	460506 5403440	n.a.	367	BP	2021-08-02	Woodpecker feather
NF26	460498 5403439	n.a.	368	BP	2021-08-02	Gummy gooseberry
NF27	460231 5403045		369	JS	2021-08-02	Old-growth Douglas-fir grove
NF28	460435 5403453		370	BP	2021-08-02	Large dogwood fruiting and grouse lek
NF29	460391 5403212		371	JS	2021-08-02	Garry oak
NF30	460022 5403012		372	JS	2021-08-02	Foreshore

NF 31	460394 5403200		373	BP	2021-08-02	Garry oak trees at polygon transition and suspected rare moss habitat
NF32	460394 5403197		374	JS	2021-08-02	Boxwood on cliff
NF33	460387 5403198		375	BP	2021-08-02	Vernal seep with heuchera and stonecrop
NF34	460039 5403089		376	BP	2021-08-02	Yew tree
NF35	460134 5403073		377	BP	2021-08-02	[Unidentified feather]
NF36	460153 5403173		378	BP	2021-08-02	Cliff face plants Garry Oak, Tall Oregon-grape
NF37	460382 5403161		379	JS	2021-08-02	Canopy gap in forest
NF38	460167 5403313		380	BP	2021-08-02	Vernal seep at Second Cliff. Mimulus.
NF39	460184 5403283		381	BP	2021-08-02	Plume Moss
NF40	460193 5403103		382	BP	2021-08-02	Grouse lek
NF41	460213 5403070		383	BP	2021-08-02	Alligator lizard habitat
NF42	460939 5403146		384	JS	2021-08-02	Old-growth forest on adjacent property to south
NF43	460180 5403317		385	JS	2021-08-02	Garry oak on cliff
NF44	460716 5403330		386?? ?	JS	[Missing photo???	Old bigleaf maple habitat for rare gastropods
NF45	460374 5403214		387	JS	2021-08-02	Garry oak

	Anthropogenic Feature (AP) Logging Roads (LR) [linear feature] as noted Map 3					
AP1	460526 5403328			BP	2021-08-01	Waterline adjacent to old skid road
AP2	460423 5403351			BP	2021-08-01	Cut stumps (early logging)
AP3	461061 5403443			JS	2021-08-02	Dug, lined pond
AP4	460908 5403321			JS	2021-08-02	Pond (water source)
AP5	460554 5403120			BP	2021-08-02	Different aged stumps
AP6	460080 5403021			JS	2021-08-02	Powerline cable
AP7	460080 5403039			JS	2021-08-02	Power pole
AP8	460045 5403107			JS	2021-08-02	Power pole
AP9	460000 5403145			JS	2021-08-02	Power pole
AP10	460037 5402986			JS	2021-08-02	Power line trail
LR1	460601 5403398			JS	2021-08-02	Logging road
LR2	460567 5403106			JS	2021-08-02	Logging road
LR3	461110 5403233			BP	2021-08-02	Logging road
	Creeks and Water Features (CR) as noted on Map 2					
CR1	461179 5403279		210	BP	2021-08-01	Creek in cedar/hemlock zone (dry)
CR2	461060 5403418		211	BP	2021-08-01	Creek with running water

CR3	460028 5403061		212	BP	2021-08-01	North Creek at shoreline
CR4	460618 5403407		213	JS	2021-08-02	Acton Creek
CR5	460175 5403042		214	BP	2021-08-02	West Creek upslope Going Down To Houses long East Boundary
CR6	460045 5403026		215	BP	2021-08-02	South Creek at shoreline
CR7	460111 5403057		216	BP	2021-08-02	North Creek midslope
CR8	460092 5403153			JS	2021-08-02	Alder swale (no photo)
CR9	460042 5403240		218	JS	2021-08-02	Swale with rush
CR10	460197 5403039		219	JS	2021-08-02	South Creek upslope
CR11	460094 5403285		220	BP	2021-08-02	Small swale seep
Invasive Species (IS) as noted on Map 3						
IS1	461136 5403262	n.a.	330	BP	2021-08-01	Holly
IS2	460726 5403150	n.a.	331	JS	2021-08-02	Foxglove
IS3	460566 5403163	n.a.	332	BP	2021-08-02	Holly
IS4	460119 5403129	n.a.	333	BP	2021-08-02	Holly

* BP = Briony Penn, JS = Jeff Shatford

Appendix B. Bibliography

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Appendix C, Part 1: All Plant Species Observed in Covenant Area August 1-3, September XX, 2021

Abies grandis grand fir
Acer macrophyllum bigleaf maple
Achillea millefolium yarrow
Achyls triphylla vanilla-leaf
Adenocaulon bicolor oceanspray
Alnus rubra red alder
Amelanchier alnifolia saskatoon
Amphidium lapponicum bottle moss
Arbutus menziesii arbutus
Aster douglasii Douglas aster
Blechnum spicant deer fern
Bromus sitchensis and other brome spp.
Cirsium arvense Canada thistle
Corallorhiza sp. coralroot spp.
Cornus nutalli Pacific dogwood
Dendroalsia abietina plume moss
Dicranum scoparium broom moss
Equisetum hyemale scouring-rush
Eurhynchium oreganum Oregon beaked-moss
Eurhynchium praelongia slender beaked-moss
Festuca roemerii Roemer's fescue
Festuca occidentalis western fescue
Galium aparine cleaver
Galium triflorum sweet-scented bedstraw
Gaultheria shallon salal
Geum macrophyllum large-leaved avens
Goodyera oblongifolia rattlesnake-plantain
Heuchera micrantha small-flowered alumroot
Holodiscus discolor oceanspray
Hylocomium splendens step moss
Hypericum formosum western St. John's-wort
Hypnum subimponens coiled-leaf moss
Leucolepis acanthoneuron Menzies' tree moss
Linnaea borealis twinflower
Lonicera ciliosa orange honeysuckle
Lonicera hispidula Hairy honeysuckle
Lysichiton americanum skunk cabbage
Mahonia nervosa dull Oregon-grape
Mahonia aquifolium tall Oregon-grape
Malus fusca Pacific crab apple
Melica subulata Alaska oniongrass
Mnium spp. Fan mosses
Mnium spinulosum Menzies red-mouthed mnium

Mycelis muralis wall flower
Neckera douglasii Douglas' neckera
Oemlaria cerasiformis Osoberry
Pachistima myrsinites falsebox
Philadelphus lewisii mock-orange
Pityrogramma triangularis goldenback fern
Plagiothecium undulatum wavy-leaved cotton moss
Polypodium glycyrrhiza licorice fern
Polystichum imbricans narrow-leaved sword fern
Polystichum munitum sword fern
Polytrichum juniperinum juniper haircap moss
Prunus emarginata bitter cherry
Pseudotsuga menziesii Douglas-fir
Pteridium aquilinum bracken fern
Quercus garryana Garry oak
Rhamnus purshiana cascara
Rhytidiadelphus loreus lanky moss
Rhytidiadelphus triquetrus electrified cats-tail moss
Ribes lobbi gummy gooseberry
Ribes sanguineum red-flowering currant
Rosa gymnocarpa dwarf rose
Rosa nutkana Nootka rose
Rubus leucodermis blackcap
Rubus spectabilis salmonberry
Rubus ursinus trailing blackberry
Salix scouleriana Scouler's willow
Satureja douglasii yerba buena
Sedum spathulifolium broad-leaved stonecrop
Selaginella wallacei Wallace's selaginella
Symphoricarpos albus common snowberry
Taxus brevifolia Pacific yew
Tiarella trifoliata foamflower
Thuja plicata western redcedar
Trientalis latifolia western starflower
Tsuga heterophylla western hemlock
Urtica dioica stinging nettle
Vaccinium parvifolium red huckleberry

Invasive Species

Agropyron trachycaulum slender wheatgrass
Agrostis capillaris colonial bentgrass
Anthoxanthum odoratum sweet vernalgrass
Cirsium spp. thistles
Cynosurus echinatus hedgehog dogtail grass
Cytisus scopariius Scotch broom
Digitalis purpurea common foxglove
Ilex aquifolium holly

Lolium perenne perennial ryegrass
Rumex acetosella sheep sorrel
Verbascum thapsus common mullein

Appendix C, Part 2: Gay Meaghley's List of Observed Species since 1991

Animals

Black Bear
Harbour Porpoise
Cougar
Alligator Lizard
Black-tailed Deer
Long-toed Salamander
Rough-skinned Newt
River Otter
Mink
Marten
Muskrat
Nutria

Birds

Audubon's Warbler
Pine Siskin
Hairy Woodpecker
Towhee
Pacific Wren
House Wren
Song Sparrow
Varied Thrush
Barred Owl
Pygmy Owl
Great Horned Owl
Violet-green backed Swallow
Chickadee
Band-tailed Pigeon
Robin
Rufous Hummingbird
Anna's Hummingbird
Vireo
Merlin
Gold-crowned Kinglet
Ruby-crowned Kinglet
Steller's Jay
White-crowned Sparrow

Golden-crowned Sparrow

Notable insects

Cinnabar moth

Notable plants observed over years

Camas

Calypso

Wild onion ssp.

Phantom orchid has been suspected

SCHEDULE C

Conditional Water License

Conditional Water License 113053, under the *Water Sustainability Act* (British Columbia)

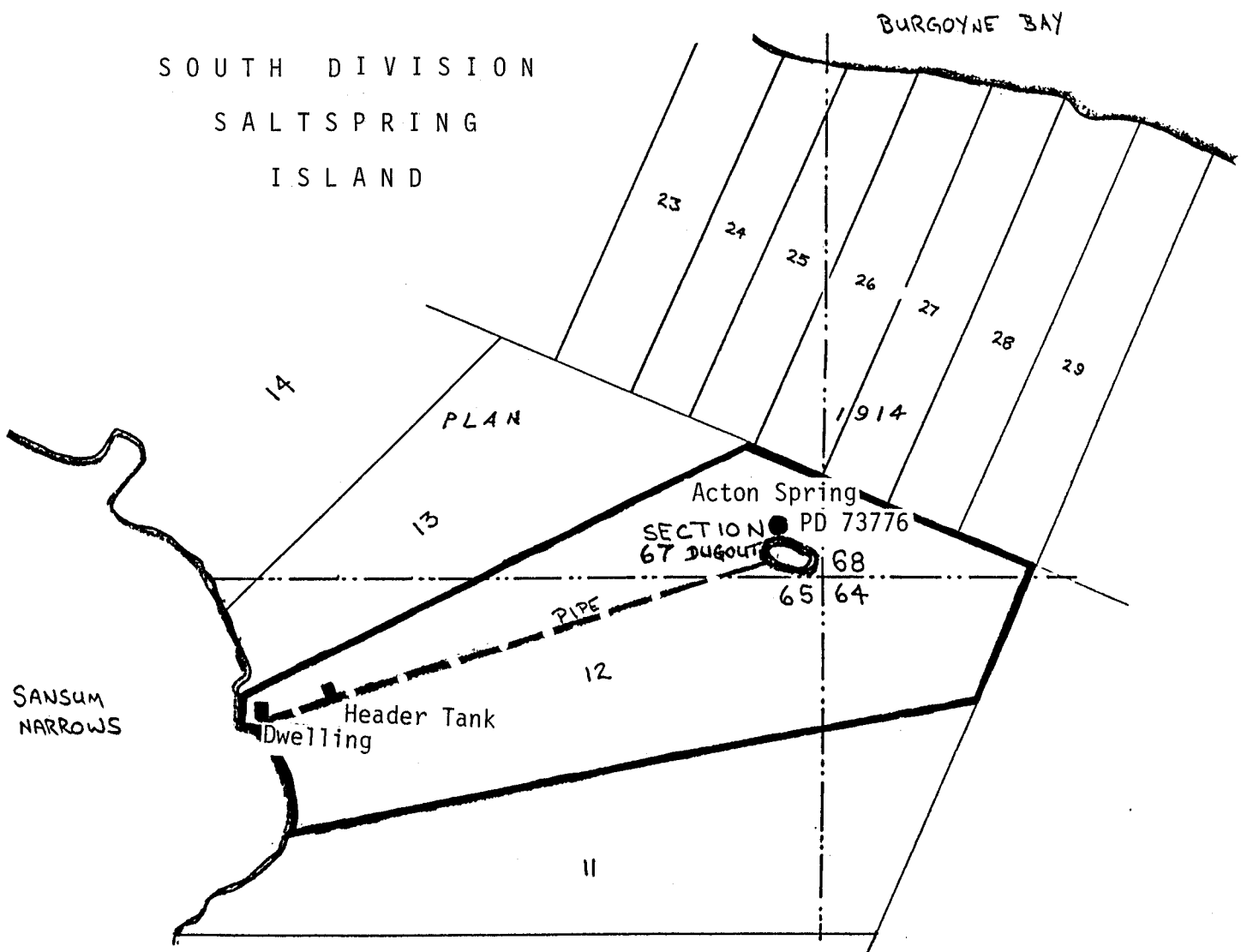


CONDITIONAL WATER LICENCE

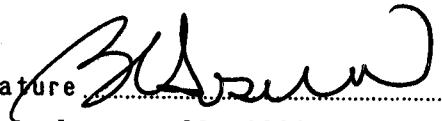
The owners of the land to which this licence is appurtenant are hereby authorized to divert, store and use water as follows:

- (a) The source of the water-supply is Acton Spring.
- (b) The point of diversion and storage structure are located as shown on the attached plan.
- (c) The date from which this licence shall have precedence is 23rd February, 1998.
- (d) The purposes for which this licence is issued are storage and domestic.
- (e) The maximum quantity of water which may be held in storage is 0.1 acre foot per annum; and the maximum quantity of water which may be used for domestic purpose is 500 gallons a day, subject to the water being available from storage.
- (f) The period of the year during which the water may be held in storage and used for domestic purpose is the whole year.
- (g) The land upon which the water is to be used and to which this licence is appurtenant is Lot 12, Sections 64, 65, 66, 67 and 68, South Division, Saltspring Island, Cowichan District, Plan 1914.
- (h) The works authorized to be constructed are diversion structure, pipe, dugout, and header tank, which shall be located approximately as shown on the attached plan.
- (i) The construction of the said works shall be completed and the water beneficially used, on or before the 31st day of December, 2002.
- (j) This licence authorizes the use of water for domestic purpose in one dwelling, located approximately as shown on the attached plan.


B. Hollingshead
Regional Water Manager



WATER DISTRICT : VICTORIA
 PRECINCT : SHAWNIGAN
 LAND DISTRICT : COWICHAN

Signature 
 Date January 28, 1999
 C.L. 113053
 File: 1002011

The boundaries of the land to which this licence is appurtenant are shown thus: _____

SCHEDULE D

Priority Agreement

WHEREAS HER MAJESTY THE QUEEN IN RIGHT OF BRITISH COLUMBIA, AS REPRESENTED BY THE MINISTER OF FINANCE (the "Chargeholder") is the holder of a Land Tax Deferment Act Agreement (the "Charge") encumbering the lands (the "Lands") described in item 2 of the Land Title Act Form C attached hereto, which was registered in the Victoria Land Title Office under number FB483083.

The Chargeholder, in consideration of the premises and the sum of One Dollar (\$1.00) now paid to the Chargeholder by the Transferee, hereby approves of, joins in and consents to the granting of the within Agreement and covenants and agrees that the same shall be binding upon its interest in or charge upon the Lands and shall be an encumbrance upon the Lands prior to the Charge in the same manner and to the same effect as if it had been dated and registered prior to the Charge.

IN WITNESS WHEREOF the Chargeholder has executed this Agreement on Form D to which this Agreement is attached and which forms part of this Agreement.



REQUEST FOR DECISION

To: ITC Board

For the Meeting of: October 5, 2021

From: Staff

Date Prepared: September 17, 2021

SUBJECT: Paré-Baile NAPTEP Covenant Approval, North Pender

RECOMMENDATIONS:

1. That the Islands Trust Conservancy Board authorizes the Chair to sign a covenant with Peter Paré and Elisabeth (Lisa) Baile, over the Land described as PID 031-385-486, Lot 1 Section 22 Pender Island, Cowichan District, Plan EPP109086, through the Natural Area Protection Tax Exemption Program (NAPTEP).

2. That the Islands Trust Conservancy Board approves Peter Paré and Lisa Baile's request for consent to enter into an agreement with the Moving Around Pender Alternative Transportation Society (MAP) to maintain a public use trail through the Covenant Area of the Islands Trust Conservancy covenant (the Covenant) over Parcel Identifier 031-385-486, LOT 1, SECTION 22, PENDER ISLAND, COWICHAN DISTRICT, PLAN EPP109086, (the "Lands") as provided for in section 4.2 (c), 4.2 (e), and section 4.2 (a)(viii) of the Covenant, in accordance with and subject to the following terms and conditions:

- 1) This consent is provided for the sole purposes of authorizing Peter Paré and Lisa Baile's entering into an agreement, as reviewed by the Board, (the "Agreement") with the Moving Around Pender Alternative Transportation Society (MAP) to provide and maintain the existing trail for public access for walking or hiking;
 - 2) This consent is only valid for a period from the date of this resolution to the date of expiry of the Agreement, and is subject to termination as set out in this resolution;
 - 3) This consent is subject to MAP's acknowledgment that they have reviewed the Covenant, the limitations and restrictions on use of the Lands, and the penalties for breach, and that trail development, use, and maintenance will at all times be subject to the requirements and restrictions of the Covenant;
 - 4) This consent is not transferable by Peter Paré and Lisa Baile, and will terminate immediately, and without notice by the Islands Trust Conservancy Board, on any change in ownership of the Lands, whether through sale of the Lands, inheritance or other means;
 - 5) This consent is at all times subject to the requirements, restrictions and practices set out in relevant policies and procedures of the Islands Trust Conservancy Board, as approved by the Islands Trust Conservancy Board from time to time and the Islands Trust Conservancy Board may terminate this consent immediately if the landowner fails at any time to comply with any aspects of these documents;
 - 6) This consent for Peter Paré and Lisa Baile to enter into the Agreement with MAP, and to provide and maintain a public use trail in the Covenant Area, may be terminated immediately for any reason or no reason in the sole discretion of the Islands Trust Conservancy Board; and,
 - 7) This consent is solely for the specific purposes specified in this resolution, and does not create additional rights for Peter Paré and Lisa Baile or MAP, does not alter the terms of the Covenant in any way, and does not authorize any activities otherwise prohibited by the Covenant except as specifically set out in this resolution.
-

- 1 **PURPOSE:** To register a covenant to protect 3.63 ha of wetland, riparian areas, and both young and mature forest in close proximity to existing protected areas on North Pender Island.

- 2 **BACKGROUND**

At its March 30, 2020 meeting the Islands Trust Conservancy Board passed the following resolution:

ITC-2021-011

that the Islands Trust Conservancy Board approve the conservation proposal submitted by Peter Paré and Lisa Baile to place a conservation covenant on approximately 3.7 ha on North Pender Island, 3209 Armadale Road (PID 029-414-890) and 3210 Clam Bay Road (PID 000-543-527).

At its June 8-10, 2021 meeting the Islands Trust Council passed the following resolution:

TC-2021-059

that the Islands Trust Council request the Secretary issue a Natural Area Protection Tax Exemption Certificate (NAPTEP) for the covenanted portion of the property on North Pender Island described as '3209 Armadale Road, Parcel Identifier 029-414- 890, and 3210 Clam Bay Road, Parcel Identifier 000-543-527' subject to registration of a conservation covenant and completion of a baseline inventory report consistent with the standards developed for NAPTEP.

The lots have since been amalgamated into one property, PID 031-385-486, Lot 1 Section 22 Pender Island, Cowichan District, Plan EPP109086, with the address at 3209 Armadale Road.

The Paré-Baile Covenant will be the ITC's 78th covenant overall, the 26th NAPTEP covenant, the 10th NAPTEP covenant in the North Pender Island Local Trust Area and the 19th Conservancy covenant in North Pender LTA¹.

All documents, including the exemption certificate, must be registered with the Land Title Office by the end of October, 2021 to receive a property tax exemption in the 2022 tax year. The Paré-Baile NAPTEP covenant is also the subject of an Ecological Gift application through Environment and Climate Change Canada. The appraisal will be conducted and submitted to the Appraisal Review Board once the covenant and MAP trail license agreement are finalized. The charitable gift receipt must be issued by 31 December 2021 in order to apply for the 2021 income tax year.

Covenant Overview

The covenant is consistent with the ITC standard NAPTEP conservation covenant, with the additions and changes noted below. All revisions have been reviewed by ITC legal counsel.

7.2(c) amended to include restriction that for existing trails and to provide clarify about allowable maintenance for existing trails "...no surfacing materials are used other than the boardwalks already existing in the Covenant Area the time of registration. Other than for existing driveway, trail width cannot exceed 60 cm. For clarity, despite section 4.2, the Owner may move fallen trees or limbs that block the trail or that pose a safety concern, but the cut wood and vegetation may not be removed from the Covenant Area."

Schedule A Permitted Encumbrance, ITC did not pursue priority agreement over existing Capital Regional District Statutory Right of Way for Grover Sargent Memorial Cairn, given very small size of area of overlap and low risk of conflict with conservation objectives. Staff submitted a referral request to the Capital Regional District, who replied with no comments or concerns about the proposed conservation covenant.

¹ These numbers presume that Earl Batista Covenant on Salt Spring Island is registered before this one.

Request to continue public access trail

The landowners have created a public access trail across the property, through the proposed protected area, by informal agreement with [Moving Around Pender Alternative Transportation Society](#) (MAP). This trail runs from Armadale Road along the property's eastern and then southern boundaries, to the Grover Sargent Memorial Cairn (also in the proposed covenant area). The Capital Regional District holds a Statutory Right of Way to permit public access and maintenance of the cairn. From the cairn, there is a public trail, on the adjacent property, to Clam Bay Road.

The landholders would like to continue to provide the MAP public access trail. Both covenant holders must provide permission for this use, providing consent for both public use of the trail and its maintenance, as it otherwise would be a breach of covenant terms. The proposed resolution, when passed, will be drafted into a Letter of Permission to allow this trail licence agreement. The usual MAP agreement has been revised to ensure that it aligns with the covenant and to protect conservation values on the property (attached) and is specifically subject not only to the letter of permission but also to MAP's acknowledgment that they understand the terms of the covenant, the restrictions it imposes, and the penalties for breach. Staff recommends that appropriate signage be placed along the trail to inform users about the protected area.

The landholders, PICA, and MAP are reviewing the final drafts of the covenant, letter of permission, and MAP agreement. Staff will provide verbal updates to the Board of any suggested edits.

3 IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL: The covenant is consistent with the ITC standard NAPTEP conservation covenant template except as noted above. If the Paré-Baile NAPTEP covenant is approved as drafted, language restricting use of surfacing materials and defining maximum acceptable trail width and maintenance activities will be added to the ITC covenant template. The permission to allow trail use by MAP will be the first public trail permission provided for an ITC conservation covenant on private land (not in a Nature Reserve).

FINANCIAL: The ITC will be responsible for covenant registration fees (Resolution 2021-012, March 30, 2021). Staff anticipate that these will cost under \$1,000. Annual monitoring will be done by the Covenant Management and Outreach Specialist and the 2022/23 ITC budget will increase according to Trust Council approved amounts for ongoing covenant management. There will also be signage costs of approximately \$50-\$100 and there may be enforcement costs over time. The property management budget request has been adjusted to reflect this new conservation covenant. The presence of the public trail and the Capital Regional District Statutory Right of Way for the small cairn, and the unusual Covenant Area shape, may increase the likelihood of covenant breaches but staff consider the risk to be low.

The ITC Board has agreed to the landowner's request to pay the NAPTEP application fees of \$475 and the landowners have also received \$5,500 in assistance from the Morrison-Waxler Biodiversity Conservation Fund.

POLICY: This covenant is consistent with ITC policy and the Natural Area Exemption Certificate will be issued according to and Islands Trust policy.

IMPLEMENTATION/COMMUNICATIONS: The covenant will be signed following ITC approval and forwarded to the landholder's legal counsel to coordinate co-holder signature and registration. Once the covenant is registered, ITC staff will issue the Natural Area Exemption Certificate as approved by Trust Council. Staff will notify the North Pender Island Local Trust Committee, Trust

Council, and other relevant agencies regarding the covenant and issuance of the Exemption Certificate, and planning staff. Staff will also work with the landholder and PICA to issue a news release, update the ITC website and to determine an appropriate means of celebrating the successful registration of the covenant (as per the ITC Securement Strategy). Immediately after the covenant is registered, the letter of permission will be issued and the MAP Agreement will be signed, so that public use of the trail can continue without interruption.

FIRST NATIONS: The Baseline Report references First Nations use of the area. ITC will ensure that monitoring and management of the covenant are reflective of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), the Truth and Reconciliation (TRC) Calls to Action, and the *Heritage Conservation Act*.

CLIMATE CHANGE: This property contains mature forest, with components of young forest, and wetlands, and therefore contributes towards climate change mitigation by protecting carbon sequestration sources. Additionally, protecting properties that contain a mosaic of ecosystems in several seral stages provides a range of habitats and may assist with species persistence and/or migration in response to future climate instability and change.

OTHER: None

4 RELEVANT POLICY(S):

[2.4 Conservation Covenants Policy](#)

[2.5 Natural Area Protection Tax Exemption Covenants Policy](#)

[Islands Trust Policy 2.1.10 Administration of Natural Area Protection Tax Exemption Program](#)

5 ATTACHMENT(S):

- Paré-Baile Covenant
- Modified MAP Agreement

RESPONSE OPTIONS

Recommendation:

1. That the Islands Trust Conservancy Board authorizes the Chair to sign a covenant with Peter Paré and Elisabeth (Lisa) Baile, over the Land described as PID 031-385-486, Lot 1 Section 22 Pender Island, Cowichan District, Plan EPP109086, through the Natural Area Protection Tax Exemption Program (NAPTEP).

2. That the Islands Trust Conservancy Board approves Peter Paré and Lisa Baile's request for consent to enter into an agreement with the Moving Around Pender Alternative Transportation Society (MAP) to maintain a public use trail through the Covenant Area of the Islands Trust Conservancy covenant (the Covenant) over Parcel Identifier 031-385-486, LOT 1, SECTION 22, PENDER ISLAND, COWICHAN DISTRICT, PLAN EPP109086, (the "Lands") as provided for in section 4.2 (c), 4.2 (e), and section 4.2 (a)(viii) of the Covenant, in accordance with and subject to the following terms and conditions:

- 1) This consent is provided for the sole purposes of authorizing Peter Paré and Lisa Baile's entering into an agreement, as reviewed by the Board, (the "Agreement") with the Moving Around Pender Alternative Transportation Society (MAP) to provide and maintain the existing trail for public access for walking or hiking;
- 2) This consent is only valid for a period from the date of this resolution to the date of expiry of the Agreement, and is subject to termination as set out in this resolution;
- 3) This consent is subject to MAP's acknowledgment that they have reviewed the Covenant, the limitations and restrictions on use of the Lands, and the penalties for breach, and that trail

development, use, and maintenance will at all times be subject to the requirements and restrictions of the Covenant;

- 4) This consent is not transferable by Peter Paré and Lisa Baile, and will terminate immediately, and without notice by the Islands Trust Conservancy Board, on any change in ownership of the Lands, whether through sale of the Lands, inheritance or other means;
 - 5) This consent is at all times subject to the requirements, restrictions and practices set out in relevant policies and procedures of the Islands Trust Conservancy Board, as approved by the Islands Trust Conservancy Board from time to time and the Islands Trust Conservancy Board may terminate this consent immediately if the landowner fails at any time to comply with any aspects of these documents;
 - 6) This consent for Peter Paré and Lisa Baile to enter into the Agreement with MAP, and to provide and maintain a public use trail in the Covenant Area, may be terminated immediately for any reason or no reason in the sole discretion of the Islands Trust Conservancy Board; and,
 - 7) This consent is solely for the specific purposes specified in this resolution, and does not create additional rights for Peter Paré and Lisa Baile or MAP, does not alter the terms of the Covenant in any way, and does not authorize any activities otherwise prohibited by the Covenant except as specifically set out in this resolution.
-

Alternative:

1. Amend the covenant and approve as amended.
 2. Decline to issue the letter of permission for the MAP trail.
-

Prepared By: Kathryn Martell, Ecosystem Protection Specialist

Reviewed By/Date: Kate Emmings, ITC Manager / September 24, 2021

TERMS OF INSTRUMENT – PART 2

**Section 219 Conservation Covenant and
Section 218 Statutory Right of Way**

This Agreement dated for reference _____ is

AMONG:

Peter Paré and Elisabeth Baile

(together, the “Owner”)

AND:

Islands Trust Conservancy, a corporation under the *Islands Trust Act*
(British Columbia) with its office at 200-1627 Fort Street, Victoria,
B.C. V8R 1H8

(the “ITC”)

AND:

Pender Islands Conservancy Association, a society registered in
British Columbia (Inc No. S-29992) with a mailing address at PO Box
52, Pender Island, BC V0N 2M0

(the “Co-covenant Holder”)

(collectively, the “parties”)

WHEREAS:

- A. The Owner is the registered owner in fee simple of the Land;
- B. The Covenant Area contains significant natural area values and amenities including flora, fauna, and natural features of great importance to the Owner, the Covenant Holders and the public;
- C. The Covenant Area contains heritage values of importance to the Owner, the Covenant Holders, indigenous peoples and the public;
- D. The Owner wishes and has agreed to grant to the Covenant Holders a covenant pursuant to section 219 of the *Land Title Act*, to restrict the use of the Covenant Area, and a statutory right of way pursuant to section 218 of the *Land Title Act*;
- E. A statutory right of way in favour of each Covenant Holder is necessary for the operation and maintenance of the undertakings of each Covenant Holder;
- F. The Co-covenant Holder has been designated under section 219(3)(c) of the *Land Title Act* as a person authorized to accept covenants and under section 218(1)(d) of the *Land Title Act* as a person authorized to accept statutory rights of way;

- G. The ITC is a Crown agent and is authorized to accept covenants and statutory rights of way under sections 219 and 218 of the *Land Title Act*, respectively; and
- H. The Owner intends the grant of covenant in this Agreement to be an ecological gift under the provisions of the Income Tax Act (Canada), including sections 118.1 [for individuals] and section 207.31.

In consideration of the payment of \$2.00 now paid by each of the Covenant Holders to the Owner, the receipt and sufficiency of which is acknowledged by the Owner, and in consideration of the promises exchanged below, the parties covenant and agree as follows, in accordance with sections 218 and 219 of the *Land Title Act*:

1. INTERPRETATION

1.1 In this Agreement, in addition to the words defined above:

- (a) "Administration Fee" means a fee of \$150.00 adjusted in each year as provided in section 12.2, charged by the Covenant Holders in accordance with section 12.1;
- (b) "Amenities" includes those natural, scientific, environmental, wildlife, plant, heritage, and cultural values relating to the Covenant Area as identified in the Report, including any natural area values and amenities of the Covenant Area as prescribed by regulation for the purposes of Part 7.1 of the *Islands Trust Act*;
- (c) "Archaeological Site" means an area
 - i. identified in the Report as an archaeological site, or
 - ii. protected under the provisions of the *Heritage Conservation Act* as an archaeological site;
- (d) "Business Day" means any day other than Saturday, Sunday or British Columbia statutory holidays;
- (e) "Certificate" means a certificate issued by the Covenant Holders under section 14.12;
- (f) "Covenant Area" means that portion of the Land shown outlined in heavy black line and identified as "Area Required" on the Plan;
- (g) "Covenant Holders" means, unless the context otherwise requires, the ITC and the Co-covenant Holder, collectively and "Covenant Holder" means either of them, as the context may require;
- (h) "CPI" means the All-Items Consumer Price Index published by Statistics Canada, or its successor in function, for Vancouver, BC, where 2021 equals 100;
- (i) "Land" means the parcel of Land legally described as Parcel Identifier 031-385-486, LOT 1 SECTION 22 PENDER ISLAND COWICHAN DISTRICT PLAN EPP109086;
- (j) "Market Value" means the market value of any flora or fauna, soil, rock, gravel or minerals that is the subject of a breach identified in section 11.4, as determined by an appraiser who has been trained in the valuation of property that is the subject of an ecological gift;

- (k) "Notice of Enforcement of Rent Charge" means a Notice of Enforcement of Rent Charge given under section 11.6;
 - (l) "Notice of Breach" means a notice of breach given under section 10.1;
 - (m) "Permitted Encumbrances" means those charges and encumbrances on title pre-existing this Agreement, and listed in Schedule A;
 - (n) "Plan" means the Reference Plan over part of the Land certified correct by Lloyd R.P. Eakins, B.C.L.S., dated 5 May, 2021 and deposited in the Land Title Office under number EPP109086, a reduced copy of which is attached as Schedule B;
 - (o) "Rent Charge" means the rent charge granted by the Owner under section 11.1;
 - (p) "Rent Charge Amount" means the amount determined in accordance with Article 11, the payment of which is secured by the Rent Charge; and
 - (q) "Report" means the baseline documentation report that describes the Covenant Area and the Amenities in the form of text, maps, and other records of the Covenant Area for the purposes of this Agreement, a copy of which is on file with each of the parties, and a condensed version of which is attached as Schedule C.
- 1.2 Where this Agreement provides that something is in the "sole discretion" of a party, that thing is within the sole, absolute and unfettered discretion of that party.
- 1.3 This Agreement must be interpreted in accordance with the laws of British Columbia and the laws of Canada applicable in British Columbia, and the parties agree that the courts of British Columbia have exclusive jurisdiction over any proceeding concerning this Agreement and to attorn to the jurisdiction of such courts.
- 1.4 This Agreement is comprised of the recitation of the parties, the recitals to this Agreement, the Schedules to this Agreement, Part 1 of the Land Title Act Form C to which this Agreement is attached, and these Terms of Instrument.
- 1.5 In this Agreement:
- (a) reference to the singular includes a reference to the plural, and vice versa, unless the context otherwise requires;
 - (b) where a word or expression is defined in this Agreement, other grammatical forms of the same word or expression have corresponding meanings;
 - (c) reference to a particular numbered Article or section, or to a particular lettered Schedule, is a reference to the correspondingly numbered or lettered Article, section or Schedule of this Agreement, except where otherwise provided;
 - (d) Article headings have been inserted for ease of reference only and are not to be used in interpreting this Agreement;
 - (e) the word "enactment" has the meaning given to it in the *Interpretation Act* on the reference date of this Agreement;
 - (f) reference to any enactment is a reference to that enactment as consolidated, revised, amended, re-enacted or replaced, unless otherwise expressly provided;

- (g) reference to an enactment is to an enactment of the province of British Columbia except where otherwise provided;
- (h) reference to a “party” or the “parties” is a reference to a party or the parties to this Agreement and their respective successors, assigns, trustees, administrators and receivers; and
- (i) reference to a “day”, “month” or “year” is a reference to a calendar day, calendar month or calendar year, as the case may be, unless otherwise expressly provided.

2. REPRESENTATIONS AND WARRANTIES

- 2.1 The Owner represents and warrants to the Covenant Holders that the facts set out in Recitals A, C, and H are true as of the date of this Agreement.
- 2.2 The Co-covenant Holder represents and warrants to the ITC and the Owner that the facts set out in Recitals D and E are true as of the date of this Agreement.
- 2.3 The ITC represents and warrants to the Co-covenant Holder and the Owner that the facts set out in Recitals D and F are true as of the date of this Agreement.
- 2.4 Each party represents and warrants to each other party that the facts set out in Recital B are true as of the date of this Agreement.

3. INTENT OF AGREEMENT

- 3.1 The parties agree that the intent of this Agreement is:
 - (a) to protect, preserve, conserve, maintain, enhance and, if applicable from time to time restore, the natural state of the Covenant Area and the Amenities as described in the Report, and
 - (b) to prevent any occupation or use of the Covenant Area that will impair or interfere with the natural state of the Covenant Area or the Amenities as described in the Report,

and the parties agree that this Agreement is to be interpreted, performed and applied in that context.

- 3.2 This Agreement shall be perpetual to reflect the public interest in the protection, preservation, conservation, maintenance and enhancement of the Covenant Area and the Amenities.

4. RESTRICTIONS ON USE OF THE COVENANT AREA

- 4.1 Except as expressly permitted in this Agreement, the Owner must not do anything, omit to do anything, allow anything to be done or allow the omission of anything, that does or could reasonably be expected to destroy, impair, diminish, negatively affect or alter the Covenant Area or the Amenities from the condition described in the Report.
- 4.2 Without restricting the generality of section 4.1, the Owner must not, except with the prior written approval of both Covenant Holders, which approval may be granted or withheld in the sole discretion of each of them:
 - (a) use or permit the use of the Covenant Area for an activity or use which:

- i. causes or allows silts, leachates, fills or other deleterious substances to be released into any watercourse on the Covenant Area;
 - ii. causes the erosion of the Covenant Area to occur;
 - iii. causes or facilitates the loss of soil on the Covenant Area;
 - iv. alters or interferes with the hydrology of the Covenant Area, including by the diversion of natural drainage or flow of water in, on or through the Covenant Area;
 - v. causes or allows fill, rubbish, ashes, garbage, waste or other material foreign to the Covenant Area to be deposited in, on or under the Covenant Area;
 - vi. causes or allows any component of the Covenant Area, including soil, gravel or rock, to be disturbed, explored for, moved, removed from or deposited in or on the Covenant Area;
 - vii. causes or allows pesticides, including but not limited to herbicides, insecticides or fungicides, to be applied to or introduced onto the Covenant Area; or
 - viii. causes or allows any indigenous flora on the Covenant Area to be cut down, removed, defoliated or in any way tampered with;
- (b) use or permit the use of the Covenant Area for hunting, fishing, or gathering, or for the grazing of domestic animals;
 - (c) construct, build, affix or place on the Covenant Area any buildings, structures, fixtures or improvements of any kind;
 - (d) lay out or construct any new roads or paths on the Covenant Area; and
 - (e) lease or license the Covenant Area or any part thereof unless the lease or license is expressly made subject to the provisions of this Agreement and expressly entitles the Owner to terminate the lease or license if the tenant or licensee breaches any of the provisions of this Agreement.

4.3 Without limiting sections 4.1 and 4.2, the Owner:

- (a) must not disturb or alter, or permit the disturbance or alteration, of an Archaeological Site, except with the prior written approval of both Covenant Holders, in the sole discretion of each of them.
- (b) despite section 4.2(b), may enter into agreements with First Nations, for whom the Land is within their traditional territory, to enable those First Nations to access the Land to exercise those traditional activities which they may have engaged in on the Land, only so long as:
 - i. those activities are in keeping with the intent of this Agreement;
 - ii. the Covenant Holders provide their prior written approval of such agreements, in the sole discretion of each Covenant Holder.

5. BASELINE DOCUMENTATION REPORT

- 5.1 The parties each agree that the Covenant Area and the Amenities are described in the Report and that the Report provides an accurate description of the Covenant Area and its Amenities as of the date of registration of this Agreement.
- 5.2 The parties agree that the Report is intended to serve as an objective information baseline for monitoring compliance with the terms of this Agreement.
- 5.3 The Covenant Holders will provide a copy of the full Report to the Owner upon request from the Owner from time to time.
- 5.4 The parties each acknowledge that the flora and fauna on the Covenant Area will evolve through natural succession over time and, unless otherwise expressly stated, references to the Report in this Agreement are intended to take into account the natural succession of the flora and fauna over time, without human intervention other than as expressly permitted by this Agreement.

6. DISPUTE RESOLUTION

- 6.1 If a breach of this Agreement occurs or is threatened, or if there is disagreement as to the meaning of this Agreement, either Covenant Holder or the Owner may give notice to the other parties requiring a meeting of all parties within 10 Business Days of receipt of the notice.
- 6.2 Upon receipt of a notice under section 6.1, all parties must immediately cease any activity giving rise to a breach or threatened breach of this Agreement, and any activity giving rise to a disagreement as to the meaning of this Agreement.
- 6.3 The parties must attempt to resolve the matter, acting reasonably and in good faith, within 20 Business Days of receipt of the notice under section 6.1.
- 6.4 If the parties are not able to resolve the matter within the time set out in section 6.3, the parties may, by agreement, appoint a mutually acceptable person to mediate the matter, and the parties must act reasonably and in good faith and cooperate with the mediator and with each other in an attempt to resolve the matter within 30 days after the mediator is appointed.
- 6.5 The costs of the mediator and of the mediation facilities will be shared equally by the parties.
- 6.6 This Article does not affect the right of a Covenant Holder to pursue any other legal or equitable remedy in relation to a breach or a threatened breach of this Agreement, including without limitation under Articles 10 and 11, and a Covenant Holder may pursue other remedies concurrently with any dispute resolution under this Article.

7. OWNER'S RESERVED RIGHTS

- 7.1 Subject to Article 4, the Owner reserves all of its rights as owner of the Land, including the right to use, occupy and maintain the Covenant Area in any way that is not expressly restricted or prohibited by this Agreement, so long as the use, occupation or maintenance is consistent with the intent of this Agreement.
- 7.2 Without limiting the generality of section 7.1 the following rights are, subject to Article 4, expressly reserved to the Owner:

- (a) to maintain, restore or replace buildings and other improvements existing on the Covenant Area as of the date of registration of this Agreement (the location of which are indicated in the Report), provided the location of the buildings and improvements remain the same and the size is the same or smaller;
- (b) to maintain, replace or restore water supply systems existing in the Covenant Area at the time of registration of this Agreement (the location of which are indicated in the Report);
- (c) to maintain, replace or restore the trails existing within the Covenant Area at the time of registration of this Agreement (the location of which are identified in the Report), so long as the location of each trail remains the same, the size is the same or smaller, and no surfacing materials are used. Other than for existing driveway, trail width cannot exceed 60 cm. For clarity, despite section 4.2, the Owner may move fallen trees or limbs that block the trail or that pose a safety concern, but the cut wood and vegetation may not be removed from the Covenant Area; and
- (d) to install, maintain or replace a reasonable number of signs for the purposes of public safety or informing the public about the Covenant Area and the Amenities, so long as each sign is not larger than 1 metre by 1 metre in size.

7.3 Subject to section 7.4, nothing in this Agreement restricts or affects the right of the Owner to do anything reasonably necessary to:

- (a) prevent potential injury or death to any individual; or
- (b) prevent, abate or mitigate any damage or loss to any real or personal property.

7.4 If the Owner intends to do, or permit to be done, anything described in section 7.3, the Owner must give at least 30 days' prior written notice to each Covenant Holder, describing in reasonable detail the intended action, the reason for it and its likely effect on the Covenant Area and the Amenities. Where the Owner gives notice under this section, the Owner must permit each Covenant Holder to enter upon the Land and inspect the Covenant Area. The Covenant Holders may comment on the proposed action and the Owner must take those comments into consideration before taking or permitting the proposed action to be taken under section 7.3.

7.5 Notwithstanding section 7.4, in the case of an emergency situation where the Owner must take immediate action under section 7.3, the Owner may take such necessary action without first notifying the Covenant Holders. As soon as possible after the action is taken, the Owner must notify each Covenant Holder of the circumstances of the action taken, including the actual or likely effect of the action on the Covenant Area and the Amenities. Where such emergency action is taken, the Owner must permit each Covenant Holder to enter upon the Land and inspect the Covenant Area.

8. OWNER'S OBLIGATIONS

- 8.1 The Owner retains all responsibilities and bears all costs and liabilities related to the ownership, use, occupation and maintenance of the Land.
- 8.2 The Owner must indemnify the Covenant Holders, their directors, officers, employees, agents and contractors, from and against any and all liabilities,

damages, losses, personal injury or death, causes of action, actions, claims, and demands made, suffered or incurred by or on behalf of any person, arising out of any act or omission, negligent or otherwise, in the use, occupation and maintenance of the Land or its Amenities by the Owner or its officers, employees, contractors, invitees, licensees or agents.

8.3 The Owner is liable for any and all breaches of this Agreement, but the Owner is not liable for:

- (a) breaches of this Agreement which occurred prior to the Owner becoming the registered owner of any interest in the Land, provided the previous owner has received a Certificate issued by the Covenant Holder under section 14.2 immediately before or at the time of the transfer of the Land to the Owner, or the Owner received a Certificate issued by the Covenant Holders under section 14.2 immediately after or at the time of the transfer of the Land to the Owner, certifying that there were no violations of this Agreement as of the date of issuance of the Certificate;
- (b) injury or alteration to the Covenant Area or the Amenities resulting from natural causes, or causes beyond the Owner's reasonable control, other than as referenced in subsection (c), including accidental fire, flood, storm and earth movement, but excluding injury or alteration resulting from actions of the Owner or any other person with the actual or constructive knowledge of the Owner;
- (c) injury or alteration to the Covenant Area or the Amenities resulting from the actions of any person without the actual or constructive consent or knowledge of the Owner, including from trespass, vandalism, nuisance or negligence, provided the Owner acts in accordance with sections 8.5 and 8.6;
- (d) any prudent action taken by the Owner under emergency conditions to prevent, abate, or mitigate significant injury to the Covenant Area (including improvements) or the Amenities, resulting from natural causes, including accidental fire, flood, storm and earth movement; or
- (e) injury or alteration to the Covenant Area caused by the Covenant Holders exercising their rights under this Agreement.

8.4 Without limiting the generality of sections 8.1, 8.2 and 8.3, the Owner:

- (a) is solely responsible and liable for any loss or damage, or liability of any kind (whether civil, criminal or regulatory), in any way connected with the existence in, on, from, to or under the Land (whether through spill, emission, migration, deposit, storage or otherwise) of any pollutant, contaminant, waste, hazardous waste, or any matter that harms the environment; and
- (b) must indemnify each Covenant Holder from and against any loss, fine, penalty, damage, liability, cause of action, action, proceeding, regulatory action, order, directive, notice or requirement, including those of any government agency, incurred, suffered or brought against the Covenant Holders, or either of them, in any way associated with anything described in subsection (a).

8.5 Where, as provided in subsection 8.3(b), injury or alteration is caused to the Covenant Area or the Amenities by a person without the actual or constructive consent or knowledge of the Owner, the Owner will not be responsible for the

resulting breach of this Agreement provided the Owner takes all reasonable steps to identify the person responsible and

- (a) pursues and obtains compensation from that person for damage caused to the Lands and the Amenities in an amount that reasonably reflects the amount of compensation the Owner is likely to receive if the Owner pursued a civil action under paragraph (b) or a prosecution and restitution under paragraph (c);
- (b) pursues a civil action against that person for damage caused to the Covenant Area and the Amenities; or
- (c) seeks a prosecution of that person under the *Trespass Act*, R.S.B.C. 1996, c. 462, including a claim for restitution for damage caused to the Covenant Area and the Amenities.

8.6 If the Owner does not obtain compensation under section 8.5 (a), and chooses to not take action under section 8.5(b) or (c), or if the Owner is unsuccessful in seeking a prosecution under section 8.5(c), the Owner will not be responsible for the resulting breach of this Agreement provided the Owner, at the Covenant Holders' option and with the Covenant Holders' approval

- (a) irrevocably and in writing assigns to the Covenant Holders the Owner's right to bring a civil action against that person and the right to any damages awarded should the action be successful; or
- (b) commences a civil action against that person and irrevocably and in writing assigns the action, or the conduct of the action in the Owner's name, to the Covenant Holders, and the right to any damages awarded should the action be successful.

8.7 Where the Owner makes an assignment under section 8.6, the Owner must execute such agreements, and provide such documents and information, as requested by the Covenant Holders from time to time to give effect to the assignment.

8.8 Where the Owner, under section 8.5, receives compensation for damage caused to the Covenant Area or the Amenities, the Owner agrees to use that compensation to restore or rehabilitate the Covenant Area and the Amenities to as near the condition described in the Report as is possible, in a manner consistent with this Agreement and in consultation with the Covenant Holders.

8.9 Where the Covenant Holders, under section 8.6, receives compensation for damage caused to the Covenant Area or the Amenities, the Covenant Holders agree to use that compensation to restore or rehabilitate the Covenant Area and the Amenities to as near the condition described in the Report as is possible, in a manner consistent with this Agreement and in consultation with the Owner.

8.10 The Owner must pay when due all taxes, assessments, levies, fees and charges of whatever description which may be levied on or assessed against the Land and must pay any arrears, penalties and interest in respect of any such amounts which are unpaid.

8.11 The Owner must indemnify each Covenant Holder from and against any fee, tax or other charge which may be assessed or levied against the Owner or a Covenant Holder pursuant to any enactment, including the *Income Tax Act* (Canada), with respect to the Land or this Agreement, including any fee, tax or other charge which

may be assessed or levied against the Owner or Covenant Holder as a result of the amendment or termination of this Agreement.

8.12 Any debts or other amounts due from the Owner to the Covenant Holders under this Agreement, if not paid within 30 days after notice, will bear interest at the annual interest rate that is 1 per cent greater than the prime rate of interest. For the purposes of this section, the “prime rate of interest” is the annual rate of interest charged from time to time by the Bank of Montreal, at its main branch in Vancouver, BC, for demand Canadian dollar commercial loans and designated from time to time by the Bank of Montreal as its prime rate.

8.13 The indemnities granted by the Owner to the Covenant Holders under this Article are indemnities granted as an integral part of the section 219 *Land Title Act* covenant created by this Agreement and, to the extent necessary to give effect to any obligations created prior to the termination of this agreement, survive the termination of this Agreement.

9. STATUTORY RIGHT OF WAY

9.1 The Owner grants to each Covenant Holder a licence, and a statutory right of way pursuant to section 218 of the *Land Title Act*, permitting each Covenant Holder to do the following:

- (a) enter upon the Land to access and inspect the Covenant Area for the purposes of monitoring compliance with this Agreement, on prior written notice by a Covenant Holder to the Owner of at least 24 hours;
- (b) for purposes other than monitoring under subsection (a), enter upon the Land to access and inspect the Covenant Area at all reasonable times upon prior written notice by a Covenant Holder to the Owner of at least 24 hours, unless, in the opinion of a Covenant Holder, there is an emergency or other circumstance which makes giving such notice impractical;
- (c) as part of inspection of the Covenant Area under subsection (a) or (b), take soil, water or other samples, photographs, and video and sound recordings as may be necessary to monitor compliance with and enforce the terms of this Agreement;
- (d) enter upon and protect, preserve, conserve, maintain, enhance, rehabilitate or restore, in the Covenant Holder's sole discretion and at the Covenant Holder's expense, the Covenant Area or the Amenities to as near the condition described in the Report as the Covenant Holder considers is practicable or desirable, if an act of nature or of any person other than as described in subsection (e) destroys, impairs, diminishes or negatively affects or alters the Covenant Area or the Amenities from the condition described in the Report;
- (e) in accordance with Article 10, enter upon and protect, preserve, conserve, maintain, enhance, rehabilitate or restore, in the Covenant Holder's sole discretion and at the Owner's expense, the Covenant Area or the Amenities to as near the condition described in the Report as in the Covenant Holder's sole discretion is practicable or desirable, if an action of the Owner or any other person acting with the actual or constructive knowledge of the Owner contravenes any term of this Agreement;

- (f) carry out or evaluate any program agreed upon by the parties for the protection, preservation, conservation, maintenance, restoration or enhancement of all or any portion of the Covenant Area or the Amenities;
- (g) place survey pegs or other markings on the Land to clearly identify the Covenant Area or access to the Covenant Area, or to increase the visibility of existing survey pegs or other markings; and
- (h) erect a plaque or other sign on the Land, in a tasteful manner and at the expense of the Covenant Holder, indicating that the Covenant Holder (or the Covenant Holders) holds a covenant on the Covenant Area, provided that the size, style and location of the plaque or sign must be approved by the Owner prior to its placement, such approval not to be unreasonably withheld.

9.2 The Covenant Holders may bring workers, contractors and employees, and vehicles, equipment and other personal property, onto the Land when exercising their rights under this Article.

10. ENFORCEMENT REMEDIES OF THE COVENANT HOLDERS

- 10.1 If either Covenant Holder, in its sole discretion, believes that the Owner has failed to perform any of its obligations under this Agreement, or is otherwise in breach of any term of this Agreement, that Covenant Holder may give a Notice of Breach to the Owner and the other Covenant Holder setting out particulars of the breach, including the Covenant Holder's estimated maximum costs of remedying the breach.
- 10.2 On receipt of a Notice of Breach, the Owner must
 - (a) immediately cease all activities giving rise to the breach; and
 - (b) within 60 days remedy the breach or make arrangements satisfactory to the Covenant Holder to remedy the breach, including with respect to the time within which the breach must be remedied.
- 10.3 For clarity, the requirement in subsection 10.2(b) to remedy a breach requires the Owner to undertake such rehabilitation or restoration necessary to remedy any damage done to the Covenant Area contrary to this Agreement, at the Owner's sole expense.
- 10.4 If the Owner does not comply with the requirements of section 10.2 within the time required or agreed upon, either Covenant Holder may enter upon the Land and take any required actions to cease any activities giving rise to the breach, and to remedy the breach or carry out the arrangements referred to in section 10.2. The Owner must reimburse that Covenant Holder for any expenses incurred in taking any action under this section, up to the estimated maximum costs of remedying the breach as set out in the Notice of Breach.
- 10.5 Expenses incurred by the Covenant Holder under this Article, until paid, are a debt owed by the Owner to the Covenant Holder and the Owner agrees to indemnify the Covenant Holder for such expenses, which indemnity forms an integral part of the covenant under section 219 of the *Land Title Act* created by this Agreement.
- 10.6 By this section, each Covenant Holder appoints the other its agent for the purpose of recovering any debt owed by the Owner to the Covenant Holder who incurred expenses under this Article, including through legal proceedings, and the Covenant Holder who recovers the debt holds it, less reasonable legal fees and

disbursements and other reasonable expenses of recovery, as agent for the Covenant Holder that incurred the expenses.

11. RENT CHARGE AND ITS ENFORCEMENT

- 11.1 As security for the performance of the Owner's obligations under this Agreement, the Owner grants to the Covenant Holders a perpetual rent charge against the Land. The Rent Charge is granted both under section 219 of the *Land Title Act* as an integral part of the statutory covenant created by this Agreement and as a fee simple rent charge at common law.
- 11.2 The Rent Charge secures payment to the Covenant Holders by the Owner of the sum of \$6790 per year, subject to adjustment under section 11.3.
- 11.3 The Rent Charge Amount will be adjusted on January 1 of each year by increasing or decreasing, as the case may be, the Rent Charge Amount by the amount determined by multiplying the Rent Charge Amount on December 31 immediately preceding by the percentage increase or decrease, as the case may be, in the CPI between the previous January 1 and that December 31, and adding the amount so determined to the Rent Charge Amount as it stands on that December 31. If Statistics Canada, or its successor in function, ceases to publish a CPI or comparable indicator as determined by the Covenant Holder in its sole discretion, the parties agree that the factor to be used in determining the annual increase in the Rent Charge Amount for each year is 3%.
- 11.4 For each breach of this Agreement, the Rent Charge Amount will be increased by a sum equal to 110% of the Market Value at the date of the breach of any flora or fauna, soil, rock, gravel or minerals which have been altered, damaged, destroyed, moved, harvested or removed in connection with the breach.
- 11.5 The Rent Charge is suspended unless and until the Owner is in breach of any provision of this Agreement.
- 11.6 A Covenant Holder that wishes to enforce the Rent Charge in a given year must give a Notice of Enforcement of Rent Charge to the Owner and the other Covenant Holder, stating the intention to enforce the Rent Charge and demanding immediate payment of the Rent Charge Amount for the year in question. The Notice of Enforcement of Rent Charge may be given at any time after a Notice of Breach is given under section 10.1.
- 11.7 The Owner must, within 10 days of receipt of the Notice of Enforcement of Rent Charge, pay the full Rent Charge Amount for the year in which the Notice is issued to the Covenant Holder who delivered that notice.
- 11.8 The Covenant Holders may enforce the Rent Charge by any of the following:
 - (a) an action against the Owner for the Rent Charge Amount;
 - (b) distraint against the Land to the extent of the Rent Charge Amount;
 - (c) an action for appointment of a receiver in respect of the Land; or
 - (d) an order for sale of the Land.
- 11.9 The Covenant Holders are entitled to recover from the Owner all reasonable expenses incurred as a result of enforcement of the Rent Charge.

- 11.10 The Rent Charge will continue to be billed to and collected from the Owner in subsequent years until the breach identified in the Notice of Breach has been satisfactorily remedied.
- 11.11 The Covenant Holder receiving the Notice of Enforcement of Rent Charge has 30 days from receiving it to send notice to the notifying Covenant Holder that it wishes to enforce the Rent Charge jointly and, if it does not do so, it is deemed to have elected not to enforce the Rent Charge.
- 11.12 If the Rent Charge is enforced jointly:
- (a) reasonable expenses incurred as a result of the enforcement of the Rent Charge must be shared equally between the Covenant Holders, and
 - (b) the net proceeds obtained as a result of the enforcement of the Rent Charge must be shared equally between the Covenant Holders,
- unless otherwise agreed in writing between the Covenant Holders.
- 11.13 If the Covenant Holder receiving the Notice of Enforcement of Rent Charge does not wish to enforce the Rent Charge jointly, that Covenant Holder is not entitled to the Rent Charge unless otherwise agreed in writing between the Covenant Holders.
- 11.14 A Covenant Holder who declines to enforce the Rent Charge jointly must execute all documents which may be necessary for the enforcement and collection of the Rent Charge by the notifying Covenant Holder.

12. ADMINISTRATION FEE

- 12.1 The Owner agrees that the Covenant Holders may charge the Owner an Administration Fee in each and any case where the Covenant Holders are requested to provide an approval or Certificate, or to take any other action, or where a Covenant Holder visits the Covenant Area under sections 7.4 and 7.5. This Administration Fee applies whether or not the Covenant Holders grant the approval requested.
- 12.2 The Administration Fee will be adjusted on January 1 of each year by increasing or decreasing, as the case may be, the Administration Fee by the amount determined by multiplying the Administration Fee on December 31 immediately preceding by the percentage increase or decrease, as the case may be, in the CPI between the previous January 1 and that December 31, and adjusting accordingly the Administration Fee as it stands on that December 31. If Statistics Canada, or its successor in function, ceases to publish a CPI or comparable indicator as determined by the Covenant Holder in its sole discretion, the parties agree that the factor to be used in determining the annual increase in the Administration Fee for each year is 3%.

13. ASSIGNMENT OF AGREEMENT OR DISSOLUTION OF THE COVENANT HOLDERS

- 13.1 This Agreement is assignable by a Covenant Holder, but a Covenant Holder may only assign its rights and obligations under this Agreement to a person or entity authorized to hold statutory rights of way under section 218 of the *Land Title Act* and covenants under section 219 of the *Land Title Act*.

- 13.2 Each Covenant Holder agrees that before it assigns this Agreement under this Article, it must notify the Owner and the other Covenant Holder with respect to the proposed assignee.
- 13.3 In the event of a pending winding-up or dissolution of a Covenant Holder, that Covenant Holder must use its best efforts to assign and transfer all of its interest under this Agreement to a person or entity authorized to accept statutory rights of way under section 218 of the *Land Title Act* and covenants under section 219 of the *Land Title Act*.

14. NOTICE OF CHANGE IN OWNERSHIP BY OWNER

- 14.1 The Owner must notify the Covenant Holders of any change of ownership prior to the registration of any such change in the land title office.
- 14.2 The Owner may request that the Covenant Holders visit the Land and jointly issue a Certificate indicating whether or not there are any violations of this Agreement as of the date of the Certificate.
- 14.3 Failure by the Owner to comply with section 14.1 does not affect the enforceability of this Agreement against the Owner or its successors in title to the Land.

15. NOTICE

- 15.1 A notice or other communication (collectively a “notice”) required or permitted under this Agreement must be in writing and must be:
- (a) delivered in person;
 - (b) sent by e-mail to the parties at their respective e-mail addresses, if the parties have provided an e-mail address; or
 - (c) sent by pre-paid registered mail addressed to the parties at their respective addresses set out in section 15.4.
- 15.2 A notice given by email under subsection 15.1(b) must be followed by a copy sent by ordinary mail, except that a notice given under subsection 9.1(a) may be given by email without the requirement to send a copy by ordinary mail.
- 15.3 Unless otherwise provided, a notice
- (a) delivered in person is deemed received on delivery;
 - (b) sent by e-mail:
 - i. if the notice is transmitted before 3:00 pm on a Business Day, the document is deemed to be received on the day of transmission;
 - ii. if the notice is transmitted after 3:00 pm on a Business Day or is transmitted on a day that is not a Business Day, the notice is deemed to be received on the next day that is a Business Day; and
 - (c) sent by pre-paid registered mail is deemed received on the fourth Business Day following the day on which the notice was sent.
- 15.4 The addresses of the parties for notices under this Article are as follows:

- (a) The Owner:
Elisabeth Mary Baile
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

AND

Peter D Paré
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

- (b) The ITC:
Islands Trust Conservancy
200-1627 Fort Street
Victoria, BC V8R 1H8
Fax: 250-405-5155
Email: itcmail@islandstrust.bc.ca
- (c) Co-covenant Holder:
Pender Islands Conservancy Association
PO Box 52
Pender Island, BC V0N 2M0
Email:

- 15.5 Each party agrees to give written notice immediately to the other parties of any change in its address from those set out in section 15.4, and to keep the other parties apprised of any changes to the party's e-mail address if one is provided.

16. ACCESS

- 16.1 Except if expressly provided in this Agreement, no right of access by the general public to any portion of the Land is conveyed by this Agreement.

17. NOTICE OF COVENANT

- 17.1 The Owner agrees that the Covenant Holders may publicize the existence of this Agreement in a tasteful manner.

18. NO LIABILITY IN TORT

- 18.1 The parties agree that this Agreement creates only contractual obligations and obligations arising out of the nature of this Agreement as a covenant under seal. Without limitation, the parties agree that no tort or fiduciary obligations or liabilities of any kind are created or exist between the parties in respect of this Agreement, and nothing in this Agreement creates any duty of care or other duty on any of the parties to anyone else. For clarity, the intent of this section is to, among other things, exclude tort liability of any kind and to limit the parties to their rights and remedies under the law of contract and the law pertaining to covenants under seal.

19. WAIVER

- 19.1 An alleged waiver of any breach of this Agreement is effective only if it is an express written waiver signed by each of the Covenant Holders, and is only

effective to the extent of that express waiver and does not operate as a waiver of any other breach.

- 19.2 The failure for any reason of either or both Covenant Holders to require performance by the Owner at any time of any obligation under this Agreement does not affect either Covenant Holder's right to subsequently enforce that obligation.

20. JOINT AND SEVERAL OBLIGATIONS

- 20.1 Where at any time there is more than one Owner in this Agreement, the obligations of those Owners are joint and several.

21. REMEDIES NOT EXHAUSTIVE

- 21.1 Exercise or enforcement by a party of any remedy or right under or in respect of this Agreement does not limit or affect any other remedy or right that party may have against the other parties in respect of or under this Agreement or its performance or breach.

22. COVENANT RUNS WITH THE LAND

- 22.1 Every obligation and covenant of the Owner in this Agreement constitutes both a personal covenant and a covenant granted under section 219 of the *Land Title Act* in respect of the Land, and the provisions of Article 9 constitute a statutory right of way granted under section 218 of the *Land Title Act*. This Agreement burdens the Land and runs with it and binds the successors in title to the Land and each and every part into which the Land may be subdivided by any means and any parcel with which the Land or any part of it is consolidated.

23. REGISTRATION

- 23.1 The Owner agrees to do everything necessary, at the Owner's expense, to ensure that this Agreement, and the interests it creates, are registered against title to the Land, with priority over all financial charges, liens and encumbrances, including options to purchase, rights to purchase and rights of first refusal, registered or pending registration in the applicable provincial land title office at the time of application for registration of this Agreement.

24. SEVERANCE

- 24.1 If any part of this Agreement is held by a court to be invalid, illegal or unenforceable, that part is to be considered to have been severed from the rest of this Agreement and the rest of this Agreement is to remain in force unaffected by that holding or by the severance of that part as if the part was never part of this Agreement.

25. NO OTHER AGREEMENTS

- 25.1 This Agreement is the entire agreement between the parties and it terminates and supersedes all other agreements and arrangements regarding its subject.

26. INDEPENDENT ADVICE

- 26.1 The Owner acknowledges and agrees that the Owner has had an opportunity to seek and obtain, to the Owner's satisfaction, independent advice from an accountant or other tax expert with respect to the income tax and other tax

implications of this Agreement and acknowledges that it does not rely and has not relied on either Covenant Holder for advice in this regard and that the Covenant Holders have given no representation or warranty in that regard.

- 26.2 The Owner acknowledges and agrees that the Owner has been advised by the Covenant Holders that the Owner should seek independent legal advice as to the meaning and effect of this Agreement, and the Owner further acknowledges and agrees that no legal advisor of either of the Covenant Holders has advised the Owner on the meaning or effect of this Agreement or in connection with this Agreement.

27. AMENDMENTS

- 27.1 This Agreement is intended to be perpetual and may only be changed by a written instrument signed by all the parties.

28. DEED AND CONTRACT

- 28.1 By executing and delivering this Agreement, each of the parties intends to create both a contract and a deed and covenant executed and delivered under seal.

29. RIGHTS OF COVENANT HOLDERS

- 29.1 A Covenant Holder may exercise its rights under this Agreement through its directors, officers, employees, agents or contractors.

As evidence of their agreement to be bound by the above terms, the parties each have executed this Agreement under seal by signing Part 1 of the *Land Title Act* Form C to which this agreement is attached.

The schedules referred to throughout this document are attached after this page.

Schedule A
PERMITTED ENCUMBRANCES

Subject to only the following Permitted Encumbrances:

Charges, Liens, and Interests:

1. Statutory Right of Way EP106989

REFERENCE PLAN

[illegible]

SCHEDULE C

BASELINE REPORT

(Note: This is a condensed version of the full Baseline Report)

Attached to and forming part of the Covenant Agreement between the Owner and the Covenant Holders dated for reference September 22, 2021.

Baile-Paré Conservation Covenant, [REDACTED]

Covenant holders: Islands Trust Conservancy, Pender Islands Conservancy

BASELINE DOCUMENTATION REPORT

22 SEPT 2021



Reference Statement:

This Report is the “baseline documentation report” referred to in Section 1.1(b) of this Section 219 Conservation Covenant (“the Agreement”) between the Owner (Peter Paré and Elisabeth Baile) and the Covenant Holders (Islands Trust Conservancy and Pender Islands Conservancy Association) to which it is appended. Where a word or expression is defined in the Agreement, that word or expression shall have a corresponding meaning in this Report.

Statement of Intent:

The intent of this agreement is:

- (a) to protect, preserve, conserve, maintain, enhance and, if applicable from time to time restore, the natural state of the Covenant Area and the Amenities as described in the Report, and
- (b) to prevent any occupation or use of the Covenant Area that will impair or interfere with the natural state of the Covenant Area or the Amenities as described in the Report,

and the parties agree that this Agreement is to be interpreted, performed and applied in that context.

Baseline Documentation Report

The purpose of this Report is to describe the Natural State of the Land and the Amenities at the reference date of this Agreement in order to establish an objective information baseline against which future monitoring will assess compliance with this Agreement.

1.0 Acknowledgements

Name	Position/Affiliation	Professional accreditation or expertise	Contribution
Daniel Baxter	Project Manager and Biologist, Caurinus Environmental	B.Sc., R.P.Bio.	Co-Author, field data collection, data analysis
Erin O’Brien	Director of Science and Biologist, Caurinus Environmental	Ph.D.	Co-Author, field data collection, data analysis
Aislyn King	GIS intern, Caurinus Environmental	B.Sc. student, Department of Geography, University of Victoria	GIS Mapping

2.0 Property Information

- 2.1 The legal description of the land included in the Covenant Area is Amalgamated Lot, Parcel Identifier 031-385-486, LOT 1 SECTION 22 PENDER ISLAND COWICHAN DISTRICT PLAN EPP109086.
- 2.2 The Land area is 4.34 ha, with 3.63 ha included in the Covenant Area (Figure 1). The 0.71 ha area of the Land excluded from the Covenant Area, at [REDACTED], is primarily classified as Rural Residential and includes a dwelling, carport, sauna, short driveway, forested area and large garden. Notwithstanding the foregoing, the Agreement affects the whole of the land.
- 2.3 The Land and Covenant Area is located on North Pender Island, northeast of the Otter Bay ferry terminal. It is accessed following Otter Bay Road north to Port Washington Road, east on Port Washington Road to Clam Bay Road, and then following Clam Bay Road to the entrance at 3210 Clam Bay Rd. The Grover Sargent Memorial Cairn Trail provides access from Clam Bay Road to the northeast section of the Covenant Area along the boardwalk trail. The maintained Armadale Loop Trail connecting to the Grover Sargent Memorial Cairn Trail provides public access to the northeast section of the Covenant Area from Armadale Road. The covenant area can also be accessed through the excluded area, via [REDACTED].

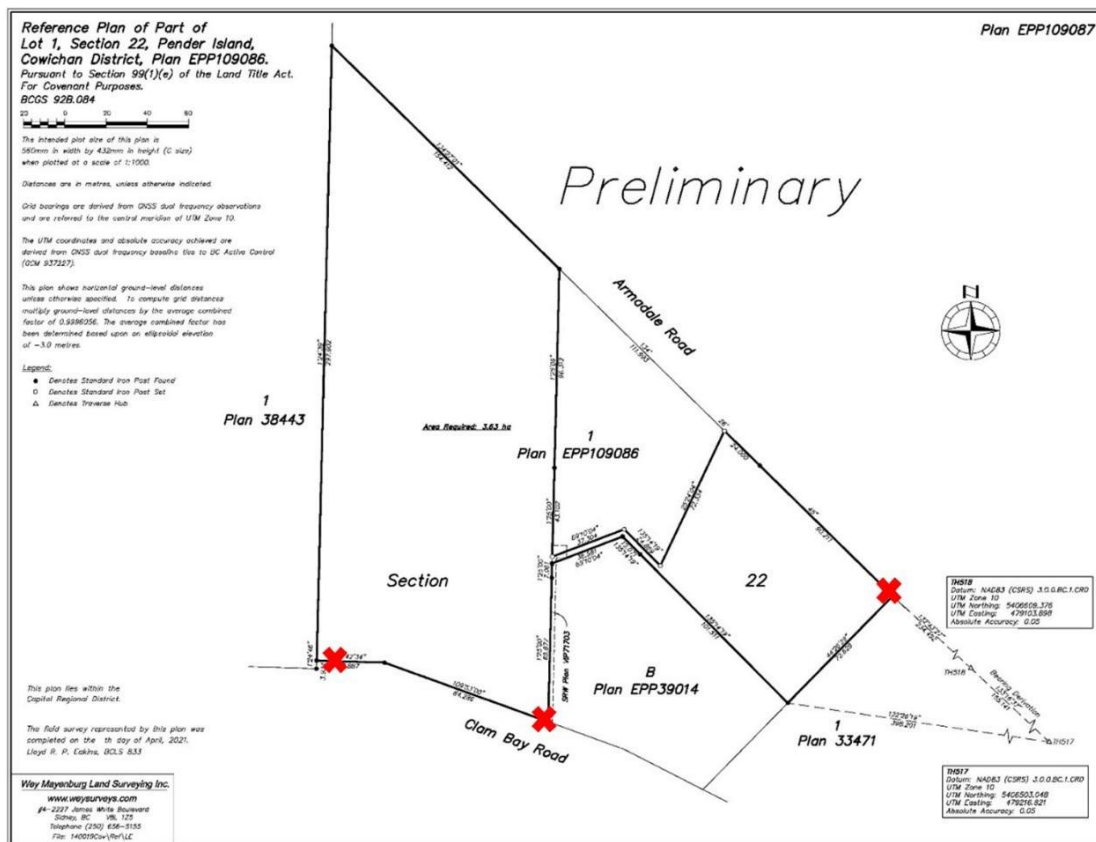


Figure 1. Reference site plan for Land and Covenant Area, 3209 Armadale Rd., Pender Island BC. Covenant access locations are indicated by "X" symbols.

3.0 Significance of the Land and Natural Amenities

3.1 The covenant area includes Douglas-fir (*Pseudotsuga menziesii*) - and Western redcedar (*Thuja plicata*)-dominated forests extending across a significant soil moisture and topographic gradient. The Douglas-fir forest on the north side of the covenant area is associated with dry, well-drained thin soils and abundant exposed bedrock, with sparse understory growth; the land then slopes down to the south side where moist, deeper organic soils support dense shrub and fern understory growth with a Western redcedar, bigleaf maple (*Acer macrophyllum*), and red alder (*Alnus rubra*) canopy. The land holders intend the grant of covenant to be an ecological gift under the provisions of the Income Tax Act (Canada).

3.2 Red- or Blue-listed ecological communities

Ecological Community Name		Status		
English	Scientific	Provincial	BC List	Global
Douglas-fir – Grand Fir - Oregon grape	<i>Pseudotsuga menziesii</i> / <i>Abies grandis</i> / <i>Mahonia nervosa</i>	S1 (2009)	Red	G1
Western redcedar - Grand fir – Foamflower	<i>Thuja plicata</i> / <i>Abies grandis</i> / <i>Tiarella trifoliata</i>	S1 (2013)	Red	G1
Western redcedar - Osoberry	<i>Thuja plicata</i> / <i>Oemleria cerasiformis</i>	S1 (2006)	Red	G1
Western redcedar - Slough sedge	<i>Thuja plicata</i> / <i>Carex obnupta</i>	S2 (2021)	Red	GNR

3.3 Hydrological features

The Western redcedar – Grand fir – foamflower ecosystems on the south side of the covenant area are characterized by deep organic soils with high water holding capacity. A man-made pond was created around the time of construction of the residence (Figure 3) and retains standing water year-round; this feature supports a variety of wildlife species including river otters (*Lontra canadensis*), mallards (*Anas platyrhynchos*), Pacific tree frog (*Pseudacris regilla*), garter snakes (*Thamnophis* sp.) and violet-green swallows (*Tachycineta thalassina*).

4.0 Conditions at Time of Data Collection

Surveys of the Land and field data collection were conducted between July 11 and August 14, 2021.

Date(s)	Activity	Climatic Condition	Name of Surveyor(s)
July 11, 2021	Located property corner markers, ecosystem data collection and mapping	22°C Sunny; Very dry – currently experiencing Extreme drought conditions	Dan Baxter and Erin O'Brien

August 14, 2021	Located property corner markers, ecosystem data collection and mapping	23°C Sunny; Very dry – currently experiencing Extreme drought conditions	Dan Baxter and Erin O'Brien
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5.0 Report Methodology

5.1 Equipment

Field surveys were completed using the following equipment:

- GPS (Garmin GPSmap 76, GAIA GPS 2021.8)
- Clinometer (Suunto)
- Compass (Suunto)
- DBH Tape
- 50m Measuring Tape
- Camera (Samsung Phone)

5.2 Methodology

We examined the surveyed reference plan (Figure 1) before conducting field surveys. During site visits, we located all property corner pins and ensured they were flagged; two of the property corners, one on the south and one on the east side of the covenant area, did not have a corner pin evident, and these locations were flagged as described in Section 9.0. Six distinct Ecological Units were identified on the property based on dominant vegetation, soil characteristics and topography (See Section 6; Figure 3). These systems are characterized by unique ecological and physical characteristics and identify sensitive ecosystems or species. Eleven photo point locations were established at property corners to document the baseline condition of the Covenant Area and its boundaries, and to facilitate ongoing monitoring. At each site a representative photograph with a Samsung phone was taken and the location (UTM coordinate) recorded. The interior of each Ecological Unit was surveyed to confirm consistency of ecosystem classifications and to document any notable ecological features or disturbances.

Mapping was completed using QGIS 3.20.1. Spatial data were sourced from the Islands Trust MapIT website (Ecosystem Unit boundaries: <http://mapit.islandtrust.bc.ca/>) and the Islands Trust North Pender Island mapping resources website (contour dataset and property boundaries: <https://islandtrust.bc.ca/mapping-resources/mapping/north-pender/>).

6.0 Landscape Context

6.1 The Covenant Area is located on North Pender Island along Clam Bay Road, surrounded by largely forested lots that have varying amounts of deforestation and disturbance due to residential development. Clam Bay farm, a large agricultural operation, is located west of the Covenant Area; however, the Lisa Baile Nature Reserve to the southwest maintains some degree of connectivity between the Covenant Area and other protected forested habitat (Figure 2).

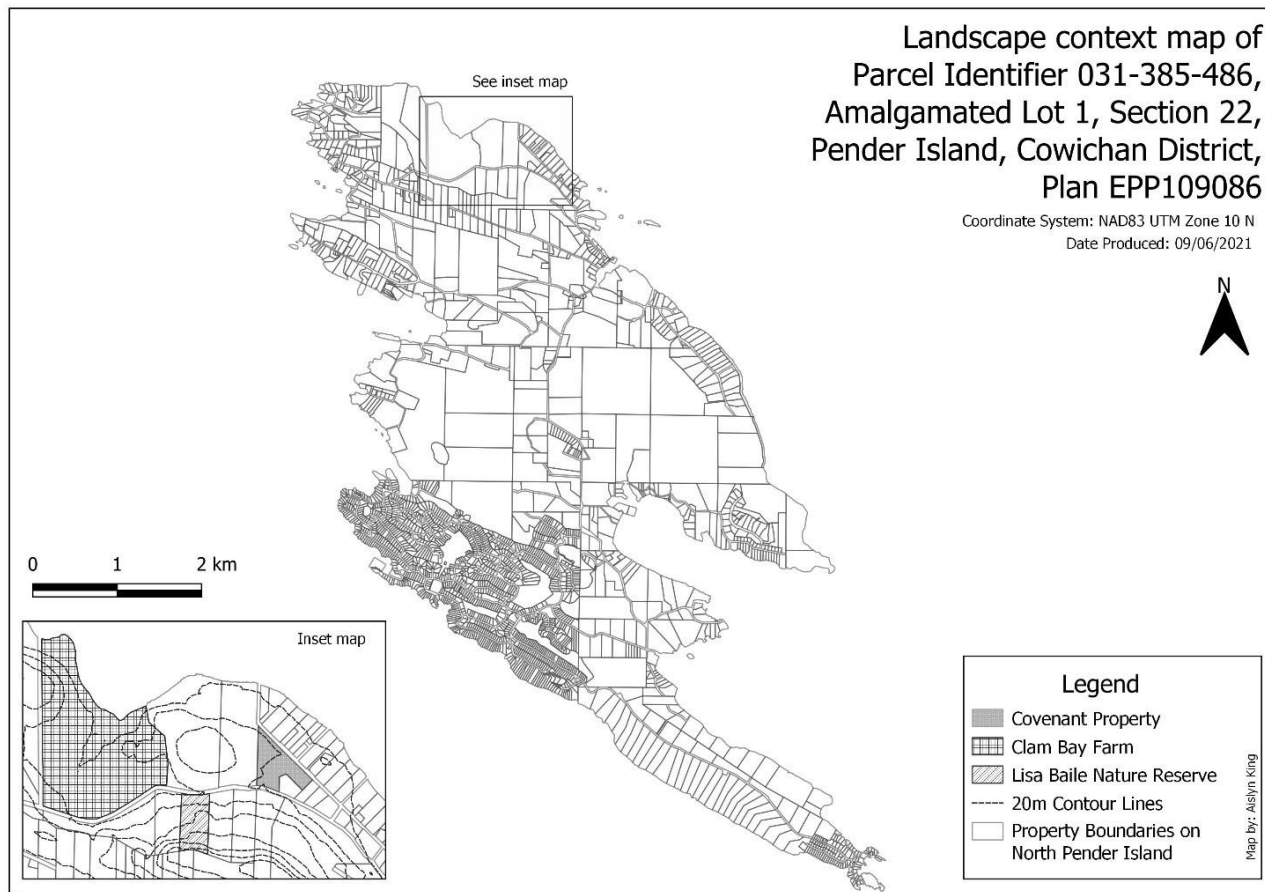


Figure 2. Landscape context for the Land and Covenant Area at 3209 Armadale Rd. on North Pender Island, BC, showing surrounding land uses.

6.2 The Land is located within the Coastal Douglas-Fir (CDF) Biogeoclimatic Zone, and the Moist Maritime CDF (CDFmm) subzone. This is the least protected zone in BC with less than 1% of old growth remaining.

A review of current information pertaining to the covenanted property and surrounding areas was conducted and included the following data sources:

- Biogeoclimatic maps and online satellite imagery of the Land
- BC Conservation Data Centre (CDC)
- Ecocat, Ecosystems Report Catalogue
- Terrestrial Ecosystem Mapping

Biogeoclimatic Ecosystem

The Southern Gulf Islands fall predominantly into the Coastal Douglas-Fir biogeoclimatic zone. The most common tree species found are Douglas-fir, Western redcedar and Garry oak (*Quercus garryana*). Other common species include salal (*Gaultheria shallon*) and Oregon grape (*Mahonia aquifolium*) in upland areas, wild rose (*Rosa acicularis*), snowberry (*Symphoricarpos albus*) and oceanspray (*Holodiscus discolor*) in rocky outcrops, and bigleaf

maple, sword fern (*Polystichum munitum*), and salmonberry (*Rubus spectabilis*) in moister regions (Meidinger and Pojar 1991; Demarchi 2011).

Ecosystems:

The Ecosystem Units present in the Covenant Area include (Figure 3):

- **2630: 100% Douglas-Fir – Salal, Young Forest**
- **3158: 100% Douglas-fir – Grand fir – Oregon grape, Young Forest**
- **2750: 50% Western redcedar – Grand fir – Foamflower, Mature Forest; 30% Douglas-fir - Grand Fir - Oregon Grape, Mature Forest; 20% Western redcedar – Osoberry, Mature Forest**
- **3191: 70% Western redcedar – Grand fir – Foamflower, Young Forest; 30% Western redcedar – Slough sedge, Young Forest**
- **3699: 80% Douglas-Fir – Salal, Mature Forest; 20% Douglas-fir – Grand Fir – Oregon grape, Mature Forest**
- **4059: 100% Rural Residential (mostly in Excluded Area)**

Woodland Plant Community Associations - CDFmm: Coastal Douglas-fir Zone, Moist Maritime

- **CDFmm DS/01: Douglas-fir – Salal**
Forested site dominated by Douglas-fir, in association with grand fir and Western redcedar. Typical site conditions for zonal DS forests are mid to upper slope positions and gentle topography. Soils are most often moderately-well to well drained and medium-textured loamy soils. Understory species can include snowberry, pinegrass (*Calamagrostis rubescens*), birch-leaved spirea (*Spiraea betulifolia*), salal, dull Oregon-grape, oceanspray, sword fern and Oregon beaked moss.
- **CDFmm DG/04: Douglas-fir – Grand Fir – Oregon grape**
Mature and old forests contain moderately open to closed stands typically dominated by Douglas-fir, in association with one or both of grand fir (*Abies grandis*) and western redcedar. Secondary species can include bigleaf maple, western hemlock (*Tsuga heterophylla*) and red alder. Typically found on middle to upper sites on gently sloping ground with deep, medium-textured soil, indicated by the absence of arbutus (*Arbutus menziesii*) which may be an incidental on some sites. In the understory, the shrub layer is dominated by dull Oregon-grape (*Mahonia nervosa*), salal, oceanspray, and trailing blackberry (*Rubus ursinus*). The herb layer generally consists of broad-leaved starflower (*Trientalis latifolia*), sword fern, and bracken fern (*Pteridium aquilinum*). Younger stands have more dense canopies due to the varying shade tolerance of leading young Douglas-fir.

The Douglas-fir – Grand Fir – Oregon grape plant community is provincially **Red Listed** (B.C. List Status 2021) and is ranked S1 (critically imperiled; Provincial Conservation Status 2021) in British Columbia. This critically imperiled habitat is situated in coastal areas and has experienced significant declines as a result extensive past timber harvesting, grazing, and extensive rural and urban development for human use. Consequently, very little of this kind of coastal old growth is left in the world, and virtually all of it is fragmented. In the entire Coastal Douglas-fir Zone, due to continued development pressures, less than 1% (possibly <0.5%) has

been identified as mature or old forest (British Columbia Ministry of Water, Land and Air Protection 2004). Threats include continued development, agriculture, fire suppression, invasive species, recreational use, grazing and browsing by domestic livestock and the overabundance of Columbian black-tailed deer (*Odocoileus hemionus columbianus*) (British Columbia Ministry of Water, Land and Air Protection 2004).

- **CDFmm RF/06: Western redcedar – Grand fir – Foamflower**

This forested ecosystem is dominated by mature to old forests of western redcedar and grand fir, with a moderate cover of Douglas-fir and western hemlock and a low occurrence of bigleaf maple and western yew (*Taxus brevifolia*). The canopy tends to have more complete closure and ingress of western redcedar, with few shade-tolerant shrubs and herbs persisting in the understory. This ecological community tends to occur on lower slopes on east to west aspects, over morainal and inactive fluvial materials. Soils are classified as moderate to fine-textured, Gleyed Dystric Brunisols and are often hummocky. Soil moisture is generally mesic and the soil nutrient regime is rich to very rich. The shrub layer consists of dull Oregon grape, salal, and red huckleberry (*Vaccinium parvifolium*). The herb layer is dominated by three-leaved foamflower (*Tiarella trifoliata*), vanilla leaf (*Achlys triphylla*) and western trillium (*Trillium ovatum*).

The Western redcedar – Grand fir – Foamflower plant community is provincially **Red Listed** (B.C. List Status 2021) and is ranked S1 (critically imperiled; Provincial Conservation Status 2021) in British Columbia. This system has been harvested throughout its range and much of the land alienated from forest re-establishment by agricultural, industrial and urban development. Less than 0.01% of this forested ecosystem is represented in the old climax stage with no known occurrences of intact forest with high ecological integrity (Cooke 2011). Due to the constant pressures from harvesting, primarily followed by development for urban/industrial use, invasive alien species and increasing Columbian black-tailed deer populations near developed areas have impacted the disturbed understory of this ecosystem resulting in a constantly disturbed community with little opportunity to recover (BC Conservation Data Centre 2013). Climate change impacts may result in summer drought becoming more common, changing actual soil moisture regimes over the long term, and possibly increasing fire, disease and insect hazards (Cooke 2011).

- **CDFmm RP/13: Western redcedar - Osoberry**

This forested ecosystem is dominated by mature to old forests comprised of Western redcedar, bigleaf maple, grand fir and western hemlock. The presence of red alder may reflect the gap dynamics of these stand types as the high-water tables limit rooting depth and soil bearing strength, causing individual trees to fall over and expose mineral soil. The Western redcedar – Osoberry forest occurs on fluctuating water tables and generally occurs in glaciomarine or glaciofluvial deposits where soils are typically deep and coarse-textured. This ecosystem has a high occurrence of berry-producing shrubs such as trailing blackberry, salmonberry, salal and oceanspray. The herb layer is relatively sparse as understory light is limited by the dense forest canopy; shade-tolerant sword fern is the most common species. The herb layer is poorly developed while moss cover is relatively high, dominated by Oregon beaked-moss (*Eurhynchium oreganum*), step moss (*Hylocomium splendens*) and palm tree moss (*Leucolepis acanthoneuron*). It often occurs within large Douglas-fir—Salal units where small streams are present and can be present in conjunction with the other two fluctuating water tables, Western redcedar—Vanilla-leaf and Western redcedar—Slough sedge.

The Western redcedar - Osoberry plant community is provincially **Red Listed** (B.C. List Status 2021) and is ranked S1 (critically imperiled; Provincial Conservation Status 2021) in British Columbia. The community has been harvested throughout its range and subjected to agricultural conversion and urban development. As a result, this small-patch forested wetland is extremely rare in its historical range along the southern BC coast. Since European settlement, the plant community has undergone a very large decline and currently very few fully intact locations have been confirmed within its range, most of which are in poor to fair condition (BC Conservation Data Centre 2009).

- **CDFmm CS/15: Western redcedar - Slough sedge**

The Western redcedar-Slough sedge swamp forest occurs on fluctuating water tables on poorly drained level sites and depressions. Tree species are limited to shade- and moisture-tolerant trees with relatively shallow roots: western redcedar, grand fir on margins, as well as red alder. Shrubs are diverse, with salmonberry, salal, trailing blackberry, red-osier dogwood (*Cornus sericea*) and common snowberry. Herbaceous species are variable, with slough sedge (*Carex obnupta*) the most common component of the herb layer, and sword fern also common. Moss tends to occupy little of the substrate with Oregon beaked-moss, step moss, slender beaked-moss (*Eurhynchium praelongum*) and palm tree moss present. Elevated mounds or dry areas can be dominated by Western redcedar and sword ferns, while uneven hollows in this community are generally comprised of sedges, lady fern (*Athyrium filix-femina*), and horsetails and skunk cabbage (*Lysichiton americanus*). Soils are moderately deep with medium texture, typically gleyed, with fluctuating water tables.

The Western redcedar-Slough sedge plant community is provincially **Red Listed** (B.C. List Status 2021) and is ranked S2 (imperiled; Provincial Conservation Status 2021) in British Columbia. This small patch ecological community has a limited distribution within its range and occurs near some of the most densely populated areas of British Columbia. This ecological community occurs largely as red alder-dominated early and mature seral stands. Very little area mapped as this ecological community is identified as old, climax forest. This ecological community is influenced by a strongly fluctuating water table and is therefore highly vulnerable to disturbances to hydrological conditions. Urban and agricultural land conversion, road construction and other developments, timber harvest, invasive alien plant species, and disturbances that change the hydrological regime have reduced both the area and the ecological integrity of remaining patches of this community and may convert the ecological community to an upland forest type. Once harvested, there is uncertainty as to the length of time required for this ecological community to progress past a seral stand dominated by red alder (BC Conservation Data Centre 2019).

Rural Residential - CDFmm: Coastal Douglas-fir Zone, Moist Maritime

- **CDFmm RR/00: Rural Residential**

The Rural Residential classification describes any area that has undergone modifications by which residences and other human developments have altered the natural habitat. As a result of these modifications, natural processes and functions have been hampered and native plant communities are not typically supported.

6.3 Climate

The Covenant Area is located in the CDFmm - Moist Maritime Coastal Douglas-fir subzone. This zone is heavily influenced by the rain shadow of the mountains on Vancouver Island and Washington's Olympic Peninsula. Pender Island experiences a Mediterranean climate, with mild, wet winters and warm, dry summers. Soils remain dry through late spring, summer and early fall. The wet season typically begins in October and quickly recharges soil moisture, bringing it back to field capacity by November. Seasonal variations in precipitation and soil moisture influence both surface water and groundwater. In the winter, almost all of the rain reaching the surface either drains downslope toward surface water bodies (lakes, ponds, wetlands and streams), or percolates deeply to recharge groundwater. In the summer, when soils are dry, any precipitation is retained in the soil, where it either evaporates or is taken up by plants.

7.0 Site History

7.1 The first evidence of Coast Salish people¹ on the Pender Islands was derived from artifacts found at the Pender Canal excavation sites. The Salish Nation probably existed in the larger region much earlier and was centered on the Saanich Peninsula. WSÁNEĆ means "the emerging people" in SENĆOŦEN, a WSÁNEĆ language, referring to an ancient story of a great flood the land emerged from. They have occupied the Saanich Peninsula, Gulf Islands, San Juan Islands and surrounding area for thousands of years. WSÁNEĆ refers to the people as well as the land and is where the English derivation of "Saanich" comes from. The WSÁNEĆ name, in SENĆOŦEN, for Pender Island is SDÁY,ES, which means 'wind drying', referring to the drying of salmon. The Land and Covenant Area are located within the WSÁNEĆ Territory. Although no archaeological sites have been documented within the Covenant Area, numerous archeological sites across SDÁY,ES are indicative of the rich Coast Salish Indigenous life that has persisted on the island for over 6000 years.

7.2 Pender Island was first settled by Europeans in the late 1870s. Until it was removed in 2020, there was a dwelling located just within the Western redcedar – Grand fir – Foamflower Ecological Unit of the Covenant Area (Unit 3191; Figure 3), at the end of the old driveway that forms the west Covenant Area access point from Clam Bay Road (Figure 1). The driveway is 3.0 m in width and has previously been filled with a crushed shale aggregate but is significantly revegetated from lack of use (Photos E,F). Water flow has been channelized parallel to the driveway, but during peak rainfall overflow runs across the driveway from west to east. The clearing is 25 m in width and appears to have been amended with added fill in the past to accommodate dwelling construction (Photos G,H). There are signs of natural regeneration in the clearing from which the building was removed; however, there are also some invasive

¹ The Islands Trust Conservancy recognizes that the language commonly used to refer to land may be disrespectful to First Nations. For example, notions of 'private' and 'Crown' land do not appropriately recognize aboriginal title, and imply a belief in the concept of terra nullius, the idea that land was not owned prior to the assertion of European sovereignty. The Islands Trust Conservancy acknowledges that terra nullius is a concept that doesn't apply to the Islands Trust Area. The words "provincially-managed land" or "federally managed land" will be used in place of "Crown". "Privately managed" will be used in place of "private" and "land holder" instead of "land owner."

species present that will require ongoing removal until the disturbed area has fully regenerated. Soil compaction from past equipment operation and dwelling construction is present in both the driveway and clearing and will slow the regeneration process. There is evidence of historical logging throughout the Covenant Area; the existing forests are mature but likely not exceeding 100 years in age. More recently, a number of red alders were removed from the area surrounding the pond, creating a small clearing around the pond (Photos D,I,J; Figure 3).

8.0 Anthropogenic Features

- 8.1 A boardwalk in the Covenant Area (Photo A), which is part of the Armadale Loop Trail, connects the Grover Sargent Memorial Cairn Trail to Armadale Road. The Armadale Loop Trail extends through the northeast section of the Covenant Area beyond the boardwalk and runs parallel to the east property line. Wetter sections of this trail have additional boardwalks installed (width of all boardwalks = 0.75 m; Photo B). Two unimproved trails are present in the western section of the Covenant Area (Figure 3); these paths receive only occasional local traffic and are not officially established or sanctioned trails. An unused capped well is located in the northeast section of the Covenant Area near Armadale Road (Photo C). North of the trail and outside the Covenant Area is the house, sauna and carport (Figure 3; Photo D).
- 8.2 Land modifications in the Covenant Area include an old driveway extending from Clam Bay Road to the clearing in the western section of the Covenant (Photos E-H), and a man-made pond to the north of the Armadale Loop Trail boardwalk (Photos D,I,J; Figure 3). A short section of wire fence extends along the south side of the Covenant Area adjacent to the Armadale Loop Trail, delineating the property boundary (Figure 3; Photo K), and a series of fence posts have been installed along the eastern boundary of the Covenant Area (Photo B).
- 8.3 There is a memorial cairn, Grover Sargent Memorial Cairn, surrounded by a gravel substrate is installed at the end of the Grover Sargent Memorial Cairn Trail (Figure 3; Photo L), located just inside the Covenant Area boundary. The Capital Regional District has a Statutory Right of Way across the property for public access and maintenance of the cairn.
- 8.4 There are no documented archaeological sites on the Land or evidence of cultural modifications; however, given the extensive Indigenous history on the Southern Gulf Islands, it is conceivable that the Covenant Area may have been used for harvesting or other purposes.

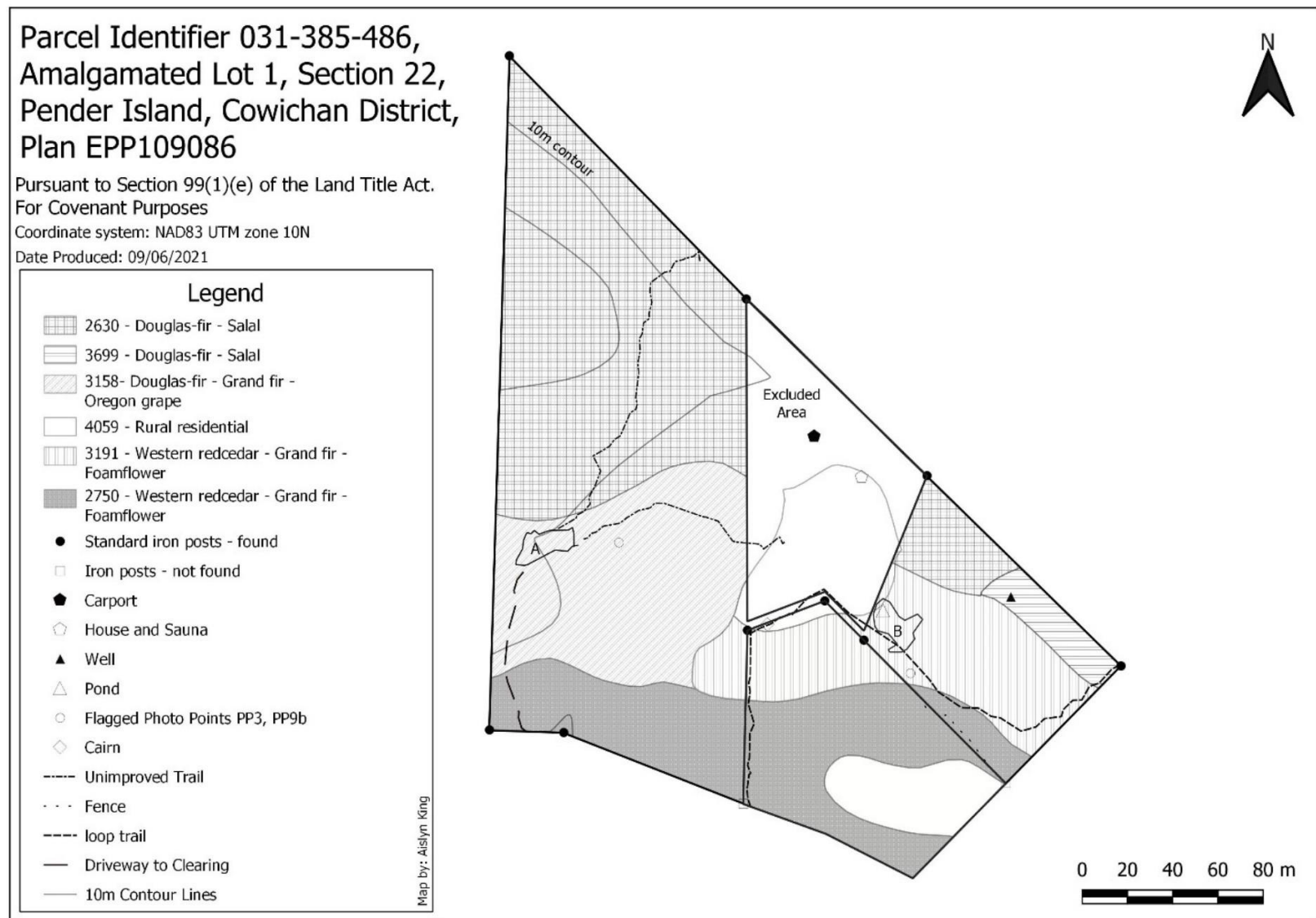


Figure 3. Ecosystem units and anthropogenic features present on the Land and Covenant Area at [REDACTED], [REDACTED]. Polygons A and B represent the clearing accessed from the driveway, and clearing around the man-made pond, respectively.

Anthropogenic Features in the Covenant Area; referenced to Figure 3

Anthropogenic Feature	Description	Condition	Photo Point Location
Well	Dug well; capped but unused by current property owners.	Good repair but water quality unknown.	Photo C
Pond	Dug to create habitat; not intended for reserve water supply by current owners.	Naturalized water feature; removal of surrounding alders allowed more light to reach the pond for enhanced primary production. Depth varies seasonally (< 1 m) but water held year-round.	PP9a; Photos D,I,J
Cairn	Memorial installation at the end of a municipal trail (Grover Sargent Memorial Cairn Trail)	Maintained feature in good repair. Maintained by Capital Regional District.	Photo L
Trails	a. <u>Unimproved trails</u> – foot paths in the western section of Covenant Area, used by few people in the surrounding community but are not established or advertised trails. Provide access from Armadale Rd to clearing, and to garden area of Excluded Area. b. <u>Maintained trail</u> – provides access to cairn and eastern section of Covenant Area c. <u>Driveway</u> – provides access to western section of Covenant Area	a. In good condition but not maintained to remove fallen trees or pruning of surrounding vegetation. Naturally vegetated surfaces. Width variable but does not exceed 0.5 m. b. In good condition; maintained by minimal trimming of surrounding vegetation and fallen tree removal from path as needed. Boardwalks installed in wetter areas. Gravel added around cairn but otherwise naturally vegetated surfaces. Width 0.75 m. c. Historical addition of shale aggregate surface. Revegetating naturally but process slowed by soil compaction from past use.	b. PP6,8,11; Photos A, B, L c. Photos E-G

9.0 Inventory by Ecological Community

Ecological community data in the Covenant Area were collected on 11 July and 14 August 2021. A complete inventory of songbird species present on the Land would require surveys to be conducted earlier in the season (i.e. April-June); hence the wildlife observations included below should not be considered comprehensive. The parties each acknowledge that the flora and fauna on the Covenant Area will evolve

through natural succession over time and, unless otherwise expressly stated, references to the Report in this Agreement are intended to take into account the natural succession of the flora and fauna over time, without human intervention other than as expressly permitted by this Agreement.

Polygon ID:	EU1 - 2630
Ecological Community:	Douglas-fir - Salal
Classification:	CDFmm DS/01
Structural Stage:	5 - Young Forest
Status (BC List):	N/A
Photo point(s):	PP1,2,12
Ecological Community Description:	Mesic Douglas-fir forest with young Western redcedar beginning to reach canopy. Surface comprised of rock outcrops with shallow soil and area of shattered surface rock. Some grand fir and single mature arbutus near ridge. Ground cover dominated by salal, Oregon grape, sword fern, baldhip rose and mosses.
Disturbance Notes:	Presence of Columbian black-tailed deer trails that are sometimes used by the public. Evidence of browsing and old fire scars are present on mature trees. Some evidence of past selective logging (Photo)
Anticipated Change/Succession:	Douglas-fir forest continuing to regenerate with canopy increasingly composed of cedar and grand fir, pending climate change-induced drought conditions. If annual drought severity continues to increase, canopy will likely be less diverse and will continue to be dominated by Douglas-fir.
Wildlife Observations:	Columbian black-tailed deer trails are present throughout forest. A Pacific tree frog was detected in the Covenant Area. The following birds were either observed or detected acoustically: hairy woodpecker (<i>Leuconotopicus villosus</i>), Pacific-slope flycatcher (<i>Empidonax difficilis</i>), brown creeper (<i>Certhia americana</i>), chestnut-backed chickadee (<i>Poecile rufescens</i>), red-breasted nuthatch (<i>Sitta canadensis</i>), house finch (<i>Haemorhous mexicanus</i>), Western tanager (<i>Piranga ludoviciana</i>), dark-eyed junco (<i>Junco hyemalis</i>) and common raven (<i>Corvus corax</i>).

VEGETATION SPECIES	PERCENT COVER (%)						NOTES (EU1 - 2630)
	Main Canopy*	Secondary Canopy+	Shrub Layer**	Herb Layer++	Moss, Lichen Layer*+	Non-natives ^	
<i>Pseudotsuga menziesii</i> (Douglas-fir)	65	10	10		35		
<i>Thuja plicata</i> (Western redcedar)	10	3					
<i>Arbutus menziesii</i> (Arbutus)		2					
<i>Abies grandis</i> (Grand fir)	5						
<i>Acer macrophyllum</i> (Bigleaf maple)			T				
<i>Gaultheria shallon</i> (salal)			2				
<i>Mahonia aquifolium</i> (Oregon grape)			1				
<i>Lonicera hispidula</i> (hairy honeysuckle)			1				
<i>Rosa gymnocarpa</i> (baldhip rose)			1				
<i>Trientalis latifolia</i> (broad-leaved starflower)				1			
<i>Galium aparine</i> (cleavers)				1			
Grasses sp.				1			
<i>Eurhynchium oreganum</i> (Oregon beaked-moss)					25		
Other mosses					10		
Ghost pipe (<i>Monotropa uniflora</i>)					T		
Cover by Layer (%)	80	15	15	3	35		Total Canopy Cover: 80-90%

*Codominant trees, main layer of tree cover. Make note of any dominant trees.

+Trees greater than 10m that do not reach the main canopy

**All woody plants less than 10m tall

++All herbaceous species, regardless of height and some low woody plants less than 15m tall

*+All bryophytes, terrestrial lichens and liverworts

T stands for Trace or less than 1%

Polygon ID:	EU2 - 3158
Ecological Community:	Douglas-fir – Grand fir – Oregon grape
Classification:	CDFmm DG/04
Structural Stage:	5 - Young Forest
Status (BC List):	Red
Photopoint(s):	PP3
Ecological Community Description:	Mesic Douglas-fir forest with young abundant young Western redcedar, grand fir reaching canopy. Rocky outcrops with shallow soil, but deeper soil pockets support dense salal understory growth. Bigleaf maple trees present at bottom of slope. Abundant snags.

Disturbance Notes:	Presence of Columbian black-tailed deer trails and old fire scars on mature Douglas-fir and snags
Anticipated Change/Succession:	Regenerating canopy trees are healthy (no sign of dead tops); however, some younger secondary canopy growth is showing stress due to drought (needles turning red), so succession may be constrained.
Wildlife Observations:	Pacific tree frogs were detected in the Covenant Area. The following birds were either observed or detected acoustically: Swainson's thrush (<i>Catharus ustulatus</i>), Pacific-slope flycatcher, brown creeper, chestnut-backed chickadee, red-breasted nuthatch, song sparrow (<i>Melospiza melodia</i>), Northern flicker (<i>Colaptes auratus</i>), downy woodpecker (<i>Picoides pubescens</i>).

VEGETATION SPECIES	PERCENT COVER (%)						NOTES (EU2 - 3158)
	Main Canopy*	Secondary Canopy+	Shrub Layer**	Herb Layer++	Moss, Lichen Layer*+	Non-natives ^	
<i>Pseudotsuga menziesii</i> (Douglas-fir)	30	5					
<i>Thuja plicata</i> (Western redcedar)	10	10					
<i>Abies grandis</i> (Grand fir)	5	5					
<i>Acer macrophyllum</i> (bigleaf maple)		5					Starting to reach canopy
<i>Tsuga heterophylla</i> (Western hemlock)			5				Single seedling present in understory
<i>Gaultheria shallon</i> (salal)			30				
<i>Mahonia aquifolium</i> (Oregon grape)			10				
<i>Lonicera hispidula</i> (hairy honeysuckle)			5				
<i>Polystichum munitum</i> (sword fern)			10				
<i>Rubus ursinus</i> (trailing blackberry)			5				
<i>Trientalis latifolia</i> (broad-leaved starflower)			5				
<i>Achlys triphylla</i> (vanilla leaf)			5				
<i>Goodyera oblongifolia</i> (rattlesnake-plantain)				3			
Grasses sp.				2			
<i>Eurhynchium oreganum</i> (Oregon beaked-moss)					35		
Other mosses					15		
Cover by Layer (%)	45	25	70	5	50		Total Canopy Cover: 65-70%

Polygon ID:	EU3 - 2750
Ecological Community:	Western redcedar – Grand fir – foamflower
Classification:	CDFmm RF/06
Structural Stage:	6 - Mature Forest
Status (BC List):	Red
Photopoint(s):	PP4,5,6,10
Ecological Community Description:	Mesic moist mixed forest with canopy formed by Douglas-fir, Western redcedar, bigleaf maple and red alder. Dense shrub understory with deep organic soil, saturated much of the year
Disturbance Notes:	Downed trees caused by windthrow and rot forming gaps in the canopy. Some evidence of historical selective logging in dryer areas. PP4, PP6 and PP9 are located adjacent to anthropogenic features (driveway, walking trail, cleared residential area on adjacent property) so will be subjected to disturbance due to ongoing land use and/or edge effects.
Anticipated Change/Succession:	Healthy wet forest and shrub layer but Western redcedar are showing signs of drought stress with red needles and dead tops. Cedar likely to become less dominant in the canopy over time with ongoing severe drought conditions. Shrub layer may also be reduced in density with ongoing drought.
Wildlife Observations:	Pacific tree frogs were detected in the Covenant Area. The following birds were either observed or detected acoustically: Pacific-slope flycatcher, song sparrow, chestnut-backed chickadee, dark-eyed junco, brown creeper, red-breasted nuthatch, Northern flicker, hairy woodpecker, Cassin's vireo (<i>Vireo cassinii</i>), American robin (<i>Turdus migratorius</i>), spotted towhee (<i>Pipilo maculatus</i>).

VEGETATION SPECIES	PERCENT COVER (%)						NOTES (EU3 - 2750)
	Main Canopy*	Secondary Canopy+	Shrub Layer**	Herb Layer++	Moss, Lichen Layer*+	Non-natives ^	
<i>Thuja plicata</i> (Western redcedar)	15						
<i>Alnus rubra</i> (red alder)	10	10					
<i>Pseudotsuga menziesii</i> (Douglas-fir)	5						
<i>Acer macrophyllum</i> (bigleaf maple)		3					

<i>Abies grandis</i> (Grand fir)		2					
<i>Urtica dioica</i> (stinging nettle)			10				Dense mixed shrub understory
<i>Stachys chamissonis</i> (coastal hedgenettle)				T			
<i>Galium aparine</i> (cleavers)			10				
<i>Rubus ursinus</i> (trailing blackberry)			5				
<i>Polystichum munitum</i> (sword fern)			20				
<i>Rubus spectabilis</i> (salmonberry)			10				
<i>Rubus parviflorus</i> (thimbleberry)			10				
<i>Holodiscus discolor</i> (oceanspray)			5				
<i>Gaultheria shallon</i> (salal)			10				
<i>Mahonia aquifolium</i> (Oregon grape)			5				
<i>Galium aparine</i> (cleavers)			5				
<i>Carex obnupta</i> (slough sedge)				7			
<i>Equisetum arvense</i> (common horsetail)				2			
<i>Pteridium aquilinum</i> (bracken fern)				3			
<i>Sanicula crassicaulis</i> (Pacific sanicle)				2			
<i>Achlys triphylla</i> (vanilla leaf)				2			
<i>Trientalis latifolia</i> (broad-leaved starflower)				2			
Grasses sp.				2			
<i>Eurhynchium oreganum</i> (Oregon beaked-moss)					60		
Other mosses					10		
Cover by Layer (%)	30	10	90	20	70		Total Canopy Cover: 30-40%

Polygon ID:	EU4A - 3191
Ecological Community:	Western redcedar – Grand fir – foamflower (with pond)
Classification:	CDFmm RF/06
Structural Stage:	6 - Mature Forest
Status (BC List):	Red
Photopoint(s):	PP9a
Ecological Community Description:	Alder forest in riparian/marsh habitat. Slough sedge robust growth in deep moist organic soil. Some non-native plant species located on the periphery of pond (e.g. fragrant waterlily (<i>Nymphaea odorata</i>), Himalayan blackberry (<i>Rubus armeniacus</i>)) as well as a mix of native and non-native plants away from the pond [common burdock (<i>Arctium minus</i>), skunk cabbage, reed canarygrass (<i>Phalaris arundinacea</i>), Canada thistle (<i>Cirsium arvense</i>), sword fern]

Disturbance Notes:	Pond is man-made and was constructed in the 1980s. Habitat has recovered, but there has been some vegetation management and removal (alder removal and shrub pruning) around the pond.
Anticipated Change/Succession:	Alder forest is regenerating with native grasses and plants abundant in open area around pond. Due to the soil moisture at the site, alder likely to remain the dominant tree/shrub in the area. Changes in canopy composition could occur if drought severity continues to increase, with bigleaf maple and Douglas-fir possibly increasing in abundance.
Wildlife Observations:	Pacific tree frogs were detected in the Covenant Area, and California myotis (<i>Myotis californicus</i> ; identified using a Wildlife Acoustics Eco Meter Touch 2 Pro detector) were documented in 2020 foraging over the pond. Racoons (<i>Procyon lotor</i>) have also been observed by the Land Holders using this habitat. The following birds were either observed or detected acoustically: chestnut-backed chickadee, Wilson's warbler (<i>Cardellina pusilla</i>), Pacific-slope flycatcher, red-breasted sapsucker (<i>Sphyrapicus ruber</i>) and song sparrow.

VEGETATION SPECIES	PERCENT COVER (%)						NOTES (EU4A - 3191)
	Main Canopy*	Secondary Canopy+	Shrub Layer**	Herb Layer++	Moss, Lichen Layer*+	Non-natives ^	
<i>Thuja plicata</i> (Western redcedar)	5	5					
<i>Alnus rubra</i> (red alder)	5	5					
<i>Cornus sericea</i> (red-osier dogwood)			5				
<i>Ribes sanguineum</i> (red-flowering currant)			5				
<i>Rubus ursinus</i> (trailing blackberry)			5				
<i>Gaultheria shallon</i> (salal)			10				
<i>Rubus armeniacus</i> (Himalayan blackberry)			4			*	
<i>Gunnera manicata</i> (giant rhubarb)				T			One plant adjacent to pond
<i>Rubus laciniatus</i> (cutleaf blackberry)			1			*	
<i>Urtica dioica</i> (stinging nettle)				1			
<i>Polystichum munitum</i> (sword fern)				5			
<i>Pteridium aquilinum</i> (bracken fern)				1			
<i>Cirsium arvense</i> (Canada thistle)				1			
<i>Equisetum arvense</i> (common)				5			

horsetail)							
<i>Carex obnupta</i> (slough sedge)				25			
<i>Lysichiton americanus</i> (skunk cabbage)				1			
<i>Phalaris arundinacea</i> (reed canarygrass)				25			
Grasses sp.				25			
<i>Eurhynchium oreganum</i> (Oregon beaked-moss)				5	4		
Other mosses				1	1		
Cover by Layer (%)	10	10	30	95	5		Total Canopy Cover: 15-20%

Polygon ID:	EU4B - 3191
Ecological Community:	Western redcedar – Grand fir – foamflower
Classification:	CDFmm RF/06
Structural Stage:	6 - Mature Forest
Status (BC List):	Red
Photopoint(s):	PP7,9b
Ecological Community Description:	Red alder forest with young bigleaf maple, Douglas-fir and Western redcedar. These photo points were established within this ecological unit to represent the unaltered forest, separate from the pond area, though both are adjacent to the walking trail and/or cairn so ongoing monitoring should ensure no encroachment of disturbance from trail use.
Disturbance Notes:	Noticeable Columbian black-tailed deer browsing on shrubs and young trees, and many of the alder have blown down in storms.
Anticipated Change/Succession:	Young Western redcedar starting to reach canopy height and old cedar showing signs of drought stress. With sufficient soil moisture, alder should continue to be a dominant component of the canopy with increasing maple, and dense shrub layer.
Wildlife Observations:	Pacific tree frogs were detected in the Covenant Area. The following birds were identified by visual or acoustic detections: Pacific-slope flycatcher, song sparrow, chestnut-backed chickadee, spotted towhee. Previous site visits during the spring have documented a variety of warblers, including Wilson's warbler (<i>Cardellina pusilla</i>), yellow-rumped warbler (<i>Setophaga coronata</i>), orange-crowned warbler (<i>Leiothlypis celata</i>), as well as warbling vireos (<i>Vireo gilvus</i>).

VEGETATION SPECIES	PERCENT COVER (%)						NOTES (EU4B - 3191)
	Main Canopy*	Secondary Canopy+	Shrub Layer**	Herb Layer++	Moss, Lichen Layer*+	Non-natives ^	
<i>Alnus rubra</i> (red alder)	70	10					
<i>Acer macrophyllum</i> (bigleaf maple)	5						
<i>Thuja plicata</i> (Western redcedar)	2	5					
<i>Pseudotsuga menziesii</i> (Douglas-fir)		5					
<i>Abies grandis</i> (Grand fir)		5					
<i>Gaultheria shallon</i> (salal)			40				
<i>Ilex aquifolium</i> (English holly)			1			*	
<i>Rubus spectabilis</i> (salmonberry)			8				
<i>Fragaria virginiana</i> (wild strawberry)			8				
<i>Mahonia aquifolium</i> (Oregon grape)			15				
<i>Lonicera hispidula</i> (hairy honeysuckle)			5				
<i>Daphne laureola</i> (spurge-laurel)			2			*	
<i>Hedera helix</i> (English ivy)			1			*	
<i>Rubus laciniatus</i> (cutleaf blackberry)			T			*	
<i>Heuchera micrantha</i> (small-flowered alumroot)			5				
<i>Polystichum munitum</i> (sword fern)				5			
<i>Pteridium aquilinum</i> (bracken fern)				5			
Grasses sp.				3			
<i>Equisetum arvense</i> (common horsetail)				5			
<i>Geranium robertianum</i> (Robert's geranium)				2			
<i>Eurhynchium oreganum</i> (Oregon beaked-moss)					20		
Other mosses					5		
Cover by Layer (%)	77	25	80	20	25		Total Canopy Cover: 80-90%

Polygon ID:	EU5 - 3699
Ecological Community:	Douglas-fir - Salal
Classification:	CDFmm DS/01
Structural Stage:	6 - Mature Forest
Status (BC List):	N/A

Photopoint(s):	PP11
Ecological Community Description:	Mesic Douglas-fir forest with young Western redcedar beginning to reach canopy. Surface comprised of rock outcrops with shallow soil and area of shattered surface rock. Some young grand fir present. Ground cover dominated by salal, Oregon grape, sword fern, and mosses.
Disturbance Notes:	Presence of Armadale Loop trails that is used by the public. Habitat polygon split by Armadale Rd.
Anticipated Change/Succession:	Healthy regenerating mesic forest with abundant coarse woody debris
Wildlife Observations:	Columbian black-tailed deer trails present throughout forest. The following birds were either observed or detected acoustically: Pacific-slope flycatcher, brown creeper, chestnut-backed chickadee, red-breasted nuthatch, Western tanager, dark-eyed junco.

VEGETATION SPECIES	PERCENT COVER (%)						NOTES (EU5 - 3699)
	Main Canopy*	Secondary Canopy+	Shrub Layer**	Herb Layer++	Moss, Lichen Layer*+	Non-natives ^	
<i>Pseudotsuga menziesii</i> (Douglas-fir)	25	10	10		35		
<i>Thuja plicata</i> (Western redcedar)	10	1					
<i>Abies grandis</i> (Grand fir)		4	5				
<i>Gaultheria shallon</i> (salal)			10				
<i>Mahonia aquifolium</i> (Oregon grape)			5				
<i>Lonicera hispidula</i> (hairy honeysuckle)			3				
<i>Rosa gymnocarpa</i> (baldhip rose)			1				
<i>Trientalis latifolia</i> (broad-leaved starflower)			1				
<i>Galium aparine</i> (cleavers)				0.5			
Grasses sp.				0.5			
<i>Eurhynchium oreganum</i> (Oregon beaked-moss)					25		
Other mosses					10		
Cover by Layer (%)	35	35	15	1	35		Total Canopy Cover: 45-50%

Polygon ID:	EU6 - 4059
Ecological Community:	Rural Residential
Classification:	CDFmm RR/00
Structural Stage:	N/A
Status (BC List):	N/A
Photopoint(s):	PP8
Ecological Community Description:	Public walking trail with boardwalk infrastructure. A variety of non-native ornamental trees are planted along the edge of the clearing next to the trail. Surrounding forest composed mostly of red alder with some young cedar. Slough sedge is present in the saturated soils
Disturbance Notes:	This section of the Covenant Area is classified as Rural Residential due to its location along an established trail and immediately adjacent to the cleared residential area. Evidence of this proximity to and influence of disturbed areas is seen particularly in the encroachment of invasive species.
Anticipated Change/Succession:	With sufficient soil moisture, alder should continue to be a dominant component of the canopy. Ongoing removal of Himalayan blackberry will be necessary to maintain native shrub diversity.
Wildlife Observations:	Pacific tree frogs were detected in the Covenant Area and California myotis (<i>Myotis californicus</i> ; identified using a Wildlife Acoustics Eco Meter Touch 2 Pro detector) were documented in 2020 foraging over the clearing and using the residence for roosting. Racoons (<i>Procyon lotor</i>) have also been observed by the Land Holders using this habitat. The following birds were identified by visual or acoustic detections: Pacific-slope flycatcher, song sparrow, chestnut-backed chickadee, spotted towhee, downy woodpecker and red-breasted sapsucker. Evidence of sapsucker foraging on surrounding trees.

VEGETATION SPECIES	PERCENT COVER (%)						NOTES (EU6 - 4059)
	Main Canopy *	Secondary Canopy+	Shrub Layer**	Herb Layer++	Moss, Lichen Layer*+	Non-natives ^	
<i>Alnus rubra</i> (red alder)	15	2			35		

<i>Thuja plicata</i> (Western redcedar)	5	6					
<i>Abies grandis</i> (Grand fir)		2					
<i>Gaultheria shallon</i> (salal)			10				
<i>Mahonia aquifolium</i> (Oregon grape)			5				
<i>Rubus ursinus</i> (trailing blackberry)			5				
<i>Carex obnupta</i> (Slough sedge)				7			
Grasses sp.				3			
<i>Eurhynchium oreganum</i> (Oregon beaked-moss)					4		
Other mosses					1		
Cover by Layer (%)	20	10	20	10	5		Total Canopy Cover: 25%

10.0 Maps

Figure 1. Reference site plan for Land and Covenant Area: P.3

Figure 2. Landscape context for the Land and Covenant Area: P.6

Figure 3. Ecosystem units and anthropogenic features present on the Land and Covenant Area: P.12

11.0 Photos

PHOTO POINT	LOCATION (UTM coordinates)	DIRECTION	PHOTO-GRAPHER	DATE YYYY-MM-DD	DESCRIPTION
Property Boundary and Corner Photo Points					
PP1	10 U 0478770 5406934	254°	DB*	2021-08-14	NE Corner pin of Western section of Covenant Area
PP2	10 U 0478659 5406963	178°	DB	2021-08-14	NW Corner pin of Western section of Covenant Area
PP3	10 U 0478694 5406848	158°	DB	2021-08-14	Large Douglas-fir with fire scar. Access from clearing off Clam Bay Road along deer trail to the NW.
PP4	10 U 0478652 5406757	10°	DB	2021-08-14	SW Corner pin of Western section of Covenant Area
PP5	10 U 0478688 5406737	12°	DB	2021-08-14	First boundary pin E of PP3 along Clam Bay Road
PP6	10 U 0478759 5406709	358°	DB	2021-08-14	Entrance to Grover Sargent Memorial Cairn Trail from Clam Bay Road access. No corner pin detected; photo point flagged.
PP7	10 U 0478768 5406796	308°	DB	2021-08-14	End of Grover Sargent Memorial Cairn Trail W of Cairn
PP8	10 U 0478800 5406794	244°	DB	2021-08-14	Boundary pin along Armadale Loop Trail
PP9a	10 U 0478820	64°	DB	2021-08-14	SW corner of Eastern

	5406766				section of Covenant Area near pond
PP9b	10 U 0478861 5406778	50°	DB	2021-08-14	42 m @ 72° from PP9a. Follow trail to the large Douglas-fir with Big Tree Registry tag on SW side of trail.
PP10	10 U 0478898 5406732	10°	DB	2021-08-14	SE corner of Eastern section of Covenant Area. No corner pin detected; photo point (large Douglas-fir at approximate property corner) flagged.
PP11	10 U 0478932 5406774	246°	DB	2021-08-14	Beginning of Armadale Loop Trail from Armadale Road access point
PP12	10 U 0478861 5406830	198°	DB	2021-08-14	NW corner of Eastern section of Covenant Area
Anthropogenic Features and Land Modifications					
Photo A	10 U 0478800 5406794	96°	DB	2021-08-14	Boardwalk located in the Covenant Area
Photo B	10 U 0478930 5406769	246°	DB	2021-09-19	Boardwalk and fence posts delineating eastern boundary of Covenant Area
Photo C	10 U 0478883 5406799	216°	DB	2021-08-14	Capped well located in the Covenant Area
Photo D	10 U 0478820 5406766	323°	DB		Man-made pond with house in background
Photos E-F	10 U 0478652 5406757	10°	DB	2021-08-14	Old driveway leading to clearing
Photo G	10 U 0478666 5406811	35°	DB	2021-08-14	Entrance to clearing from driveway
Photo H	10 U 0478690 5406824	270°	DB	2021-09-19	North side of clearing
Photo I	10 U 0478820 5406766	N/A	DB	2021-08-14	Close-up view of man-made pond
Photo J	10 U 0478820 5406766	10°	DB	2021-08-14	Cleared area around pond
Photo K	10 U 0478872 5406727	315°	DB	2021-09-19	Section of wire fence partially delineating south boundary of Covenant Area
Photo L	10 U 0478775 5406787	261°	DB	2021-09-19	Memorial cairn

*Daniel Baxter

12.0 Appendices

References

- BC Conservation Data Centre. 2009. Conservation Status Report: *Thuja plicata* / *Oemleria cerasiformis*. B.C. Ministry of Environment. Available: <https://a100.gov.bc.ca/pub/eswp/> (accessed Aug 24, 2021).
- BC Conservation Data Centre. 2013. Conservation Status Report: *Abies grandis* / *Tiarella trifoliata*. B.C. Ministry of Environment. Available: <https://a100.gov.bc.ca/pub/eswp/> (accessed Aug 19, 2021).
- BC Conservation Data Centre. 2019. Conservation Status Report: *Thuja plicata* / *Carex obnupta*. B.C. Ministry of Environment. Available: <https://a100.gov.bc.ca/pub/eswp/> (accessed Aug 24, 2021).
- BC List Status 2021. B.C. Conservation Data Centre. BC Species and Ecosystems Explorer. B.C. Ministry of Environment Victoria, B.C. Accessed Sept 29, 2021. <http://www.env.gov.bc.ca/atrisk/help/list.htm>
- British Columbia Ministry of Water, Land and Air Protection. 2004. Accounts and Measures for Managing Identified Wildlife. Version 2004. Biodiversity Branch, Identified Wildlife Management Strategy, Victoria, B.C. Available: <http://www.env.gov.bc.ca/wld/documents/identified/iwC1A9CPMMS1.pdf> (accessed Aug 21, 2021).
- Cooke, J. 2011. Coastal Douglas-fir (CDF) zone protected areas ecosystem representation analysis. Deliverables Report [for] Ministry of Forests, Lands and Natural Resource Operations. 40 pp. Report and Data Tables.
- Provincial Conservation Status. 2021. B.C. Conservation Data Centre. Species and Ecosystems Explorer. B.C. Ministry of Environment Victoria, B.C. Available: <http://www.env.gov.bc.ca/atrisk/help/srank.htm> (accessed Aug 13, 2021).

Moving Around Pender Alternative Transportation Society (MAP)

[REDACTED]

Draft Private Landowner's Agreement

Date: November 1, 2021

Property owner(s), address:

Lisa Baile and Peter Paré

[REDACTED]

(the "Property Owners")

Re:

Parcel Identifier 031-385-486, LOT 1, SECTION 22, PENDER ISLAND, COWICHAN DISTRICT, PLAN EPP109086

(the "Lands")

MAP ("the Society") is an incorporated Pender Island society dedicated to promoting safe alternatives to the automobile for transportation around the Penders. The Society is a non-profit organization.

The Society is a member of the Gulf Islands Trails Society (GITS); the primary purpose of GITS is to provide liability insurance for trails on the Gulf Islands.

In order to fulfil its objective of developing an integrated system of trails, the Society proposes to develop trails on private lands and, specifically, we are requesting permission to develop a trail (the "Trail") on your property, which are the Lands described above, in the location outlined on the map attached to this Agreement as Appendix B.

We ask that you agree to allow for the development, maintenance and use of the Trail on the Lands on the following terms. If you consent, we ask you to sign the copy of this letter and return it to us. This will then form an agreement (the "Agreement") between you as the owner(s) of the Lands and the Society pertaining to the use of the Trail.

THIS AGREEMENT is evidence that in consideration of the payment of one dollar (\$1.00) from the Society to the Property Owners, and other good and valuable consideration (the receipt and sufficiency of which the Property Owners acknowledges), the Property Owner covenants and agrees with the Society as follows:

The Society's obligations

DRAFT 4

Sept 23, 2021

1. This Agreement, and all of the Society's activities on the Lands, are subject to the covenant agreement with the Islands Trust Conservancy (ITC) and the Pender Islands Conservancy Association (PICA), attached as Appendix A, and to the Letters of Permission from ITC and PICA dated _____ and _____, respectively (the covenant agreement and letters of permission together constituting the "Covenant"). The Covenant forms part of this Agreement. By signing this Agreement, the Society acknowledges and agrees that it has reviewed the Covenant and is familiar with its limitations and restrictions on use of the Lands, shall observe and comply with all such limitations and restrictions as they relate to the Trail, and is aware of the associated penalties for breach;
2. The Society will keep the Trail in a safe and clean condition;
3. The Society will improve and maintain the Trail at the Society's cost within the limits prescribed by the Covenant with the ITC and PICA and this Agreement;
4. (a) The Society will not cut any native vegetation without the Property Owner's permission. No cutting will be done outside of a trail corridor 1m wide (including the trail width) and no trees will be cut. Any branches, trimmings, leaves, or other native plant materials must be left on the Lands;

(b) The Society may repair, maintain and replace the existing boardwalk on the Trail provided that the boardwalk shall not exceed 1 metre in width;
5. The Society will post signs at its cost for the proper and safe use of the Trail and will remove such signs upon the termination of this Agreement;
6. The Society will not use chain saws and power equipment during periods of high fire risk as determined by BC Wildfire Service, or its successor;
7. The Society shall cause GITS to obtain and maintain in force during the term of this Agreement, a general liability insurance policy with respect to the Society's use and occupation of the Trail, and will name the Property Owners as an additional insured. This insurance policy will insure against bodily injury, including death, and property damage arising out of such use and occupation of the Trail under this Agreement;
8. The Society shall cause GITS to indemnify and save harmless the Property Owners against any and all claims (except to the extent to which they are arising from the fault or negligence of the Property Owners) including all damages, liabilities, expenses and costs arising directly or indirectly from this Agreement and the use and occupation of the Trail, during the term of this Agreement;
9. The Society will give the Property Owners ninety (90) days' written notice if the Society wishes to terminate this Agreement early and the Agreement will then terminate at the end of such ninety day period. The Society may terminate this Agreement for any reason or no reason;

10. The Society shall provide evidence to the Property Owners of the placement and maintenance of the insurance required under section 7 of this Agreement within 5 days of this Agreement being fully executed, on each anniversary of that date, and upon request of the Property Owners from time to time. In the event that the insurance is allowed to lapse, this Agreement will immediately come to an end;

11. If the Society's activities cause the Property Owners to be in breach of the Covenant, the Society is liable for all costs associated with remedying the breach.

The Property Owners' Rights and Obligations

12. The Property Owners will grant to the Society a non-exclusive license for the use, maintenance, and occupation of the Trail on the Lands for pedestrian use and hiking by the general public for a period of five (5) years from the date of this Agreement or until the early termination of this Agreement;

13. The Property Owners will allow the Society to maintain and make such improvements to the Trail as the Society considers necessary, subject to sections 1 through 6 above. Such improvements and maintenance will be done at the Society's cost;

14. The Property Owners will allow the Society to post signs on the Lands informing the public as to proper and safe use of the Trail, and to publish maps showing the Trail;

15. The Property Owners may give the Society ninety (90) days' written notice if they wish to terminate this Agreement early and the Agreement will then terminate at the end of such ninety day period. Such notice may be given by either Property Owner for any reason or no reason;

16. The Property Owners shall inform the Society if they intend to sell the Lands. This Agreement will terminate automatically upon the transfer of ownership.

General Provisions

17. The licence granted in section 12 is of a contractual nature and confers no interest in land to the Society.

18. The term of this Agreement shall be 5 years from the date of this Agreement, unless terminated earlier.

19. If permission for this Agreement is withdrawn by either ITC or PICA, this Agreement will immediately come to an end. If this Agreement is terminated pursuant to this section, the Society covenants and agrees that it shall have no claim for damages resulting from the early termination of the Agreement against ITC or PICA;

20. For certainty, all obligations of the Society incurred prior to the termination or expiration of this Agreement shall survive the termination or expiration of this Agreement.

21. The following appendices are attached to and form part of this Agreement:

Appendix A – Covenant Agreement

Appendix B – Map of Trail

22. The use of headers within this Agreement is for ease of reference and shall not be construed to form a part of the terms of this Agreement.

The foregoing is hereby agreed to this ____ day of _____, 2021 .

Landowner (s)

Name: _____

MAP Director (s)

Witness

Name: _____

Address: _____



ISLANDS TRUST CONSERVANCY

Islands Trust Conservancy Board

2022 Meeting Schedule

DRAFT

DATE	TIME	LOCATION
Tuesday, January 25 th	10:00 am – 2:30 pm	Victoria
Tuesday, March 15th or 29 th	10:00 am – 2:30 pm	Victoria
Tuesday, May 17th or 31 st	10:00 am – 2:30 pm	Victoria
Tuesday, July 12 th	10:00 am – 12:30 pm	Victoria
<i>*Annual Meeting with the Executive Committee (EC meet July 13th)</i>	1:00 pm – 2:30 pm	
Tuesday, Sep 27 th or October 4th	10:00 am – 2:30 pm	Victoria
Tuesday, November 22rd or 29 th	10:00 am – 2:30 pm	Victoria

Unless approved otherwise, meetings are held in the boardroom at:

Islands Trust
Suite 200 – 1627 Fort Street
Victoria, BC V8R 1H8

The proposed meeting agenda is available one week prior to the meeting date
and may be obtained through the Islands Trust Conservancy:

Website: islandstrust.bc.ca/conservancy

Email: itcmail@islandstrust.bc.ca

Phone: 250-405-5186



Public Acquisitions Update October 5, 2021

Property Name and Island	Date (yyyy/mm/dd)	Notes
PUBLICLY CONSIDERED PRIVATE LAND ACQUISITIONS		
Crystal Mountain (Galiano) 18.3 ha.	2017/11/21	ITC previously considered a conservation covenant proposal and land transfer proposal for this property.
	2017/11/21	TFB-2017-031 It was MOVED and SECONDED, that the Trust Fund Board accept the updated Conservation Proposal from the Crystal Mountain Society, agreeing to accept transfer of approximately 18.3 hectares of Lot 9, District Lot 90, Galiano Island, Cowichan District, Plan 31200, (PID 000-851-035) and part of Lot A, District Lots 88 and 89, Galiano Island, Cowichan District, Plan VIP68079, (PID 024-351-041), subject to: 1. The release of the rent charge and related easements on the title of Lot A and any other charges determined, through legal review, to be problematic for the Trust Fund Board; 2. Establishing legal access for the Trust Fund Board to the most eastern part of Lot A; 3. Receipt of \$30,000 upon transfer of the land, with at least \$15,000 to be held in a pooled Nature Reserve Management Fund, and \$10,000 to \$15,000 to be put towards the development of a management plan and management activities for the nature reserve; 4. Staff reaching mutual agreement with the water license holders to limit the impact of accessing and maintaining the permitted water works; 5. Agreement with the Society that the portion of the proposed Emergency Access over the nature reserve would be used only in the case of emergency; 6. Written agreement with the Society about the use and maintenance of the pagoda; 7. Installation of boundary and corner pin markers at the time of survey at the expense of the applicant (locations to be determined in consultation with ITF staff); and 8. Final approval of the Trust Fund Board of the final survey plan, transfer agreement and all other associated agreements.
	2019/07/24	Received subdivision proposal plan from the planning department.
	2020/09/08	Applicant provided a revised proposal to the Galiano Island Local Trust Committee.
	2020/12/10	File transferred to TAS Director Frater due to declared conflict of interest by ITC Manager, Kate Emmings.
	2021/01/28	ITC Staff met with applicant. An application update is anticipated for the May ITC Meeting.
	2021/05/25	Update provided to ITC Board.
	2021/05/25	ITC-2021-019



Public Acquisitions Update October 5, 2021

		It was MOVED and SECONDED, that the Islands Trust Conservancy Board accept the updated approximate lot configuration proposed by the Crystal Mountain Society, subject to staff assessment that adjusted lot boundaries meet ITC conservation goals and policies, based upon a site visit and review of any necessary additional ecological information from the applicant. ITC-2021-020 It was MOVED and SECONDED, that the Islands Trust Conservancy Board accept the Crystal Mountain Society proposal to register a Statutory Right of Way across Lot A on the upper ridge, in favour of Islands Trust Conservancy, to provide legal access to the eastern part of Lot A via the legal easement across neighbouring Lots B and C. ITC-2021-021 It was MOVED and SECONDED, that the Islands Trust Conservancy Board express support for the Crystal Mountain Society proposal to alter the lot boundaries of Lot 9 and Lot 10, prior to land transfer to Islands Trust Conservancy, to remove the pagoda from the proposed nature reserve, subject to staff assessment that adjusted lot boundaries meet ITC conservation goals and policies, based upon a site visit and review of any necessary additional ecological information from the applicant ITC-2021-022 It was MOVED and SECONDED, that the Islands Trust Conservancy Board request that the Crystal Mountain Society update the Ecological Inventory report and other relevant documents to reflect the proposed boundary changes, prior to transfer of the land. ITC-2021-023 It was MOVED and SECONDED, that the Islands Trust Conservancy Board accept the Crystal Mountain Society proposal to register a Statutory Right of Way for emergency access on Lot A in favour of the Capital Regional District prior to subdivision, subject to Crystal Mountain Society's working with ITC staff to develop an appropriate agreement.
	2021/07/07	Staff site visit scheduled.
	2021/07/21	Follow-up staff visit to discuss lot boundary options.
Current Total ITC Acquisitions:		31



PUBLIC COVENANTS UPDATE October 5, 2021

NAPTEP COVENANTS		
25 NAPTEP Covenants on title, 3 NAPTEP covenants in progress.		
Property	Date	Notes
Paré-Baile Covenant North Pender Island (3.73 ha)	2021/02/23	Application received.
	2021/03/30	ITC-2021-011 It was MOVED and SECONDED , that the Islands Trust Conservancy Board approve the conservation proposal submitted by Peter Paré and Lisa Baile to place a conservation covenant on approximately 3.7 ha on North Pender Island, 3209 Armadale Road (PID 029-414-890) and 3210 Clam Bay Road (PID 000-543-527).
	2021/04/15	Application referred to CRD.
	2021/04/22	Letter received from Pender Islands Conservation Association (PICA) with official Board agreement to co-hold covenant with ITC.
	2021/05/04	ITC staff approved owner's request to hire Caurinus Consulting to conduct Baseline Inventory of the covenant area.
	2021/04/29	Referred for information to North Pender LTC. No comments received.
	2021/05/06	ITC received survey of proposed Covenant Area.
	2021/05/10	Referred to Trust Council for approval of Exemption Certificate at June meeting.
	2021/05/12	Amalgamation of lots registered on title.
	2021/06/03	CRD reply to referral expressing no concerns or comments
	2021/06/11	Draft covenant sent to co-holder (PICA) for review.
	2021/06/24	PICA reply with suggestions for agreement with MAP regarding public trail
	2021/07/19	Staff discusses covenant draft with PICA and come to agreement.
	2021/07/20	Draft covenant sent to landowner for review.
	2021/08/12	Draft MAP trail licence agreement sent to landowner, followed by phone discussion and agreement on final covenant wording.
	2021/09/15	Draft covenant, MAP trail license agreement, and letter of permission for trail sent for ITC legal review.
	2021/09/15	Draft baseline inventory report received. Staff reviewed and sent contractor necessary edits and additions.



PUBLIC COVENANTS UPDATE October 5, 2021

Moss Mountain Covenant Salt Spring Island (45 ha)	2020/09/10	Application received.
	2020/11/24	ITC-2020-037 It was MOVED and SECONDED , that the Islands Trust Conservancy Board approve the conservation proposal submitted by Gay Young to place a NAPTEP covenant on approximately 45 ha on Salt Spring Island, PID: 006-760-112, LOT 12, SECTIONS 64, 65, 66, 67 AND 68, SOUTH SALT SPRING ISLAND, COWICHAN DISTRICT, PLAN 1914.
	2020/12/02	TC-2020-111 It was Moved by Trustee Stamford and Seconded by Trustee Fenton , that the Islands Trust Council request the Secretary issue a Natural Area Protection Tax Exemption Certificate for the covenanted portion of the property described as "Lot 12, Sections 64, 65, 66, 67 and 68, South Salt Spring Island, Cowichan District, Plan 1914, Parcel Identifier 006-760-112" subject to registration of a conservation covenant and completion of a baseline inventory report consistent with the standards developed for NAPTEP.
	2020/12/15	Referred for information to the Salt Spring Island Local Trust Committee.
	2021/01/26	Comments received from CRD referral. Staff will accommodate in covenant.
	2021/02/02	Phase II application fee received
	2021/02/12	ITC contract surveyor to conduct survey of property boundaries and Covenant Area.
	2021/03/24	ITC staff visit to property to determine Covenant Area boundary.
	2021/04/29	First covenant draft sent to landowner for review.
	2021/06/07	Contract sent to contractor for baseline inventory work. Note that species-at-risk (bat, sharp-tailed snake) surveys are already underway on the property.
	2021/06/09	Surveyor reported need to conduct additional work due to differences between the present natural boundary and the natural boundary on title. Staff discussed funding opportunity with Environment and Climate Change Canada to cover these costs.
	2021/07/27	ITC contract biologists to complete Baseline Inventory Report
	2021/09/09	Surveyor completed additional required field work and began approval process with Surveyor General.
	2021/09/17	Covenant sent for legal review.
R Leader Covenant Salt Spring Island (3.54 ha)	2020/06/16	Application received.



PUBLIC COVENANTS UPDATE October 5, 2021

	2020/11/24	ITC-IC-2020-039 It was MOVED and SECONDED , that the Islands Trust Conservancy Board approve the conservation proposal submitted by Robert Leader to place a NAPTEP covenant on approximately 5 ha on Salt Spring Island, PID: 000-395-081, LOT 2, SECTION 72, SOUTH SALT SPRING ISLAND, COWICHAN DISTRICT, PLAN 36292 Except Plan 40974
	2020/12/02	TC-2020-112 It was Moved and Seconded , that the Islands Trust Council request the Secretary issue a Natural Area Protection Tax Exemption Certificate for the covenanted portion of the property described as 'Lot 2, Section 72, South Salt Spring Island, Cowichan District, Plan 36292 Except Plan 40974, Parcel Identifier 000-395-081' subject to registration of a conservation covenant and completion of a baseline inventory report consistent with the standards developed for NAPTEP.
	2020/12/15	Referred for information to the Salt Spring Island Local Trust Committee. No comments received.
	2021/04/08	Phase II application fee received
	2021/04/12	ITC staff discussion with TLC about discharging existing covenant on the property. Ongoing.
	2021/04/26	ITC staff approves contractor to conduct baseline inventory. Work underway.
	2021/05/04	ITC staff discussion with SSIC about discharging existing covenant on the property. Ongoing.
	2021/05/11	First covenant draft sent to landowner for review.
	2021/05/14	Draft covenant sent to TLC and SSIC for their Board to review as part of their discussions about discharging the existing covenant these organizations co-hold on the property. ITC staff to participate in upcoming Board meetings of these organizations to provide information about NAPTEP and this proposed covenant.
	2021/05/14	Request for legal advice about impact of clause in existing covenant, restricting ability to place additional easements on the property.
	2021/05/22	Staff participate in TLC Board meeting to provide background information about NAPTEP program and discuss details of this application for a NAPTEP covenant to replace or be placed in addition to existing TLC / SSIC covenant.
	2021/05/28	Received legal counsel that the existing covenant contains no restrictions on ability to place NAPTEP covenant on the property.
	2021/06/16	Discussion with landowner about rights and restrictions in the draft covenant. Ongoing.
	2021/07/05	SSIC and TLC agree to discharge existing covenant subject to registration of NAPTEP covenant. SSIC has requested becoming co-covenant holder for NAPTEP covenant.



PUBLIC COVENANTS UPDATE October 5, 2021

	2021/07/29	Landowner begins discussions with mortgage provider about granting priority to the Covenant and Rent Charge. Ongoing.
	2021/09/09	ITC received and accepted final baseline inventory report.
REGULAR COVENANTS		
<i>51 regular covenants on title, 3 regular public covenant in progress, 3 in-camera covenants in progress.</i>		
Property	Date	Notes
Brooks Point Covenant South Pender Island (1.17 ha, 6.02 ha if combined with surrounding covenants)	2014/03/23	It was MOVED and SECONDED, that the Trust Fund Board agrees to hold a covenant on the 2010 addition to Brooks Point Regional Park, South Pender Island, subject to agreement on the terms of the covenant and a satisfactory baseline report, and directs staff to continue working with CRD Parks and partners to determine the best way to covenant the three protected areas at Gowlland and Brooks Points.
	2014/04/08	Staff provide CRD staff with a template covenant for review.
	2014/04/15	Staff met with partners to discuss combining covenants for the Brooks Point and Gowlland Point properties.
	2014/05/22	Covenant Draft 1 sent to PICA, Friends of Brooks Point, HAT and CRD.
	2014/08/01	CRD response to Covenant Draft 1 received.
	2014/08/19	ITC/HAT/PICA express concerns to CRD with respect to Management Plan approval and other selected clauses.
	2014/08/20	Baseline Report completed.
	2014/08/22	CRD respond to ITC/HAT/PICA concerns.
	2014/09/17	ITF/HAT/PICA response re draft covenant sent to CRD.
	2014/10/08	Kate Emmings appointed to the Brooks Point Management Plan advisory group by the CRD.
	2014/10/16	ITF staff attended CRD Parks Open House for public review of the Brooks Point Management Plan update.
	2014/12/03	CRD submit revised covenant draft to ITC and HAT.
	2014/12/10	CRD Board approves revised Management Plan.
	2014/12/12	Covenant sent to legal counsel for review.
	2014/12/18	Covenant revisions and comments sent to CRD.
	2015/07/29	Met with the CRD to discuss the covenant. There are several unresolved clauses.
	2015/08/28	Met with PICA and HAT. Agreed that we were at an impasse and required more direction from PICA.
	2015/09/02	CRD returned a covenant draft for review, staff are concerned with several clauses, including the strength of restrictions and the enforcement mechanisms.



PUBLIC COVENANTS UPDATE October 5, 2021

	2015/09/09	Staff provided a briefing to PICA requesting info about the type of covenant contemplated. Staff updated the CRD that a response to the covenant draft would be post-poned until further information is available from PICA.
	2015/09/24	Staff met with HAT, Friends of Brooks Point (Paul Petrie) and the CRD to discuss covenant concerns. CRD staff agreed to revise covenant and circulate.
	2015/10/28	Staff met with HAT and CRD staff to review revised covenant draft and CRD will do further revision and circulate.
	2015/12/18	CRD Staff provided revised covenant.
	2016/01/25	ITF/HAT responded to CRD revisions.
	2016/07/15	CRD Staff provide a revised version of the covenant for further review.
	2016/08/16	HAT/ITF/CRD staff meet to discuss CRD edits. HAT/ITC agree to add definition regarding the permitted activities and will forward legal edits. CRD to re-approach NCC and TLC regarding process for discharge of prior covenants.
	2016/11/28	ITF/HAT forwarded the draft list of restricted and permitted uses for CRD review.
	2016/01/11	CRD response received, ITF/HAT to forward revised covenant draft for CRD review. Conversations ongoing regarding details.
	2017/09/07	Brooks Point covenant revised and reviewed by ITF legal and HAT.
	2017/09/21	Revised Brooks Point covenant sent to CRD Parks for review
	2018/06/14	Revised covenant received from the CRD, currently under review.
	2018/07/06	Legal review of covenant identifies ongoing concerns.
	2018/07/31	CRD notified of ITC covenant concerns and meeting of all parties with legal representatives requested.
	2019/05/01	ITC provided reviewed covenant to CRD with a request to meet with all parties and legal counsel.
	2020/12/23	Revised draft covenant received from CRD for review.
Earl Batista Covenant Salt Spring Island Property size: (0.85 ha) (previously 200 Collins Rd)	2019/07/16	It was MOVED and SECONDED that the Islands Trust Conservancy Board approve the conservation proposal submitted by Jordan Litke on behalf of Manuel and Cythia Batista, approximately 0.85 ha on Collins Road, Salt Spring Island: PID 009-595-694, Section 3, Range 2 West, North Salt Spring Island, Cowichan District, Except part in plan 3985, subject to the removal of any vehicles or equipment that are located in the covenant area.
	2019/07/25	Staff provided applicant with a covenant template for review.
	2019/08/27	Development Variance Permit approved by Salt Spring Local Trust Committee



ISLANDS TRUST CONSERVANCY

PUBLIC COVENANTS UPDATE October 5, 2021

	2019/10/01	Comments received on Draft 1 of the covenant.
	2019/10/04	Draft 2 of the covenant sent to Applicant for review.
	2019/11/05	Baseline Report received. Comments provided Nov. 7, 2019.
	2019/11/25	Revised, Final Baseline Report received.
	2020/03/31	Survey plan of covenant area received.
	2020/03/21	Draft covenant updated and sent for legal review.
	2020/06/18	Final covenant draft sent to applicant for review. Applicant expresses desire to call it the 'Earl Batista Covenant'.
	2020/06/25	ITC staff and applicant agree on final covenant. Covenant provided to ITC Board for approval, July 14.
	2020/07/14	ITC Board approved signing covenant upon confirmation that garbage noted in the Baseline Report had been removed from the covenant area, and corollary updating of Baseline Report.
	2020/07/29	Landowner indicated that garbage had been removed and staff agreed to conduct site visit to confirm.
	2020/08/21	EPS and CMOS visited the property and found that the boundary lines had been misinterpreted by the landowner, and the garbage (abandoned tent camp) remains in the covenant area. Landowner will now coordinate removal, and confirmation / updated Baseline Report using independent contractor.
	2020/09/15	Landowner sent photos of garbage being removed, EPS confirmed that condition has now been met.
	2020/09/30	Updated baseline report, sent final covenant draft to landowner's agent; discussion about order of registration and whether old charges will be discharged from title upon subdivision.
	2020/10/21	Confirmed with landowner's agent that all is complete from ITC perspective, and we do not require undertaking to secure covenant registration after subdivision registration.
	2021/02/24	IT signoff for the 200 Collins Rd subdivision issued and sent to MOTI. The covenant will be registered at time of subdivision.
	2021/04/21	Signed covenant received from landowners, for ITC Board Chair signature
	2021/05/17	Covenant signed by Chair Stamford and returned to landowner for registration.
ITC NATURE RESERVES WITH COVENANTS OUTSTANDING		
<i>9 ITC Nature Reserves are without covenants, 2 ITC Nature Reserve covenants in progress.</i>		
Property	Date	Notes
Sandy Beach Nature Reserve Keats Island (3.3 ha)	2015/03/02	Consultant has indicated that the landowners would like a covenant registered on the land at the time of transfer. ITC has approached Gambier Island Conservancy (GIC) and Sunshine Coast Conservation Association (SCCA). GIC has declined, but SCCA is potentially interested.



ISLANDS TRUST CONSERVANCY

PUBLIC COVENANTS UPDATE October 5, 2021

	2015/05/07	SCCA agrees to hold covenant; suggests TLC as a co-holder as they have worked together before.
	2015/08/18	Draft conservation covenant provided to ITC staff for review.
	2015/08/26	Edits to covenant provided to applicant and covenant holders for review.
	2015/12/15	Comments on covenant draft received from TLC.
	2015/01/12	Covenant revised with TLC edits and returned to TLC and SCCA for comment. TLC is happy with the draft. SCCA has sent the covenant for legal review, still awaiting SCCA comments.
	2016/02/10	SCCA comments received.
	2016/03/04	ITF responded to SCCA edits. SCCA reviewing with lawyer.
	2016/04/11	Requested that landowner contract development of baseline report for covenant.
	2016/06/05	SCCA comments received for covenant.
	2016/10/05	Draft 3 covenant sent to covenant holders for review. TLC and SCCA have agreed to the draft.
	2017/03/02	Covenant sent for legal review.
	2017/04/13	Revised covenant draft sent to TLC and SCCA. Comments received from both agencies.
	2017/08/31	Edits made to covenant and reviewed by legal. Draft 5 sent to TLC and SCCA for review. TLC has no further comment; awaiting SCCA comment. Both TLC and SCCA have requested a site visit.
	2017/09/07	Draft baseline report received from the applicant.
	2017/10/24	Feedback on baseline report submitted to applicant and revisions requested.
	2018/05/28	Site visit with ITC staff, trustees & SCCA
	2018/07/19	Next draft of baseline received and provided to covenant holders for feedback.
	2018/08/28	Baseline report feedback provided to applicant and biologist for review and revision.
	2019/01/04	Applicant's biologist revised draft baseline report. Forwarded baseline to covenant holder for review.
	2019/11/18	Received survey from the Applicant. Also notified that a new trail has been developed to access the beach within the proposed Sandy Beach Nature Reserve.
	2019/12/19	Met on site with applicant to review the location of the newly developed beach access trail.
	2020/04/23	ITC Staff begin a conversation with BC Hydro regarding removal of BC Hydro Statutory Rights of Way.
	2020/06/24	BC Hydro staff respond with information about mechanisms for discharge of existing Statutory Rights of Way and reregistration of a revised Statutory Right of Way.



PUBLIC COVENANTS UPDATE October 5, 2021

	2020/07/06	Staff respond to BC Hydro process regarding Statutory Rights of Way and request further information from the landowners regarding cost recovery for required surveys and fees.
	2020/12/18	Land transfer complete. Covenant still to be finalized as per Transfer Agreement by Dec. 18, 2021.
	2021/02/01	ITC Staff renew covenant discussions with TLC and SCCA.
	2021/05/15	ITC staff is including completion of baseline inventory in contract for Management Planning. Contract procurement process underway.
Fairyslipper Forest Nature Reserve Thetis Island (16.6 ha)	2018/03/20	ThINC Board approves resolution to hold a covenant on Fairyslipper Forest.
	2018/03/21	CCLT Board approves resolution to hold a covenant on Fairyslipper Forest.
	2018/04/03	TFB approves negotiation of conservation covenant in favour of ThINC and CCLT.
	2018/04/06	First draft of ITC template covenant sent to partners. Trail relocation is needed before finalizing baseline report.
	2018/10/13	Hosted Management Plan Open House on Thetis Island.
	2019/02/22	Draft management plan and baseline report sent to ThINC and CCLT staff for review.
	2019/03/11	Contractor and ITC complete ThINC and CCLT's requested revisions to management plan and baseline report. The baseline report will be finalized once the trail is relocated.
	2019/03/19	ITC consults with Islands Trust's Senior Intergovernmental Policy Advisor on opportunities to introduce First Nations content throughout management plan.
	2019/03/20	Further revisions completed by ITC and contractor to address additional edits from ThINC.
	2019/05/08	ITC completes addition of First Nations content throughout management plan and content is reviewed by Islands Trust's Senior Intergovernmental Policy Advisor.
	2019/05/12	Contractor approves First Nations content added to management plan by ITC.
	2019/05/21	ITC Board approves management plan with minor revisions.
	2019/06/12	ThINC Board approves revised management plan.
	2019/09/26	CCLT Board approves revised management plan. Staff posted Management Plan to the website.
	2020/02/03	Trail relocation completed by contracted trail builder, Penelakut youth and volunteer labour. A Statutory Right of Way is required from the adjacent property where the trailhead and parking area are planned.
	2020/03/19	ThINC is working with the Thetis Island Residents and Ratepayers Association to obtain a trail license over adjacent private lands for access and parking for the Fairyslipper Forest Nature Reserve.
	2020/05/08	ThINC informed ITC that the trail license is not proceeding.
	2020/05/26	ITC Board directs staff to work with ThINC on an appropriate trail access.



PUBLIC COVENANTS UPDATE October 5, 2021

	2020/07/14	Landowner signs Trail Licence Agreement with TIRRA (Thetis Island Residents and Ratepayers Association). Staff continues to work with owner to develop permanent legal access.
Total	76 covenants registered	



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September 15th, 2021 Media Release

September 15, 2021

Photo: Rich Duncan

New Átl'ka7tsem/Howe Sound UNESCO Biosphere Region a Centrepiece for Conservation and Sustainable Development

*The community-managed Biosphere Region—home to ancient
glass sponge reefs and two million-year-old volcanoes—
champions local solutions to global environmental challenges.*



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around the globe face the profound impacts of habitat loss and climate change, the Átl'ka7tsem/Howe Sound Biosphere Region (AHSBR) is an international showcase for how regional coordination can create a place for humanity and nature to thrive.

“My hope is that it will effectively bring all communities in Átl'ka7tsem together for effective decision making but also to help people get out on the Land. Building that connection, to the territory and the Land, will help people better honour and to respect the environment but also the Life that lives in that environment,” says Joyce Williams, Skwxwú7mesh Úxwumixw Councillor and Co-Chair of Howe Sound Biosphere Region Initiative Society Board. “Átl'ka7tsem is really about beauty and hope, as much as it is about sustainable development.”

The Biosphere Region, located on the territories of the Coast Salish people, covers a 218,723-hectare swath of land and sea encompassing the entire Howe Sound watershed. Its zoning boundaries begin near Point Atkinson (Sk'íwitsut) in West Vancouver, running north to Black Tusk (T'ek't'akmúy'in tl'a In7inyá7en) near Whistler, and as far west as Gower Point on the Sunshine Coast. The core protected area traverses five BC Provincial Parks, one BC Provincial Conservancy, and several marine refuges. AHSBR is dotted by many iconic landmarks; such as Mt. Garibaldi (Nch'kay), a diamond-shaped peak towering over the Squamish landscape.

“This Biosphere Region exists to promote conservation and sustainable development in our area for generations to come,” says Ruth Simons, Lead, Howe Sound Biosphere Region Initiative Society. “This designation, five-years in the making, is really a testament to the hard work, collaboration, and consensus-building efforts of our community. We plan to carry this momentum forward as we reconvene all partners to



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based learning, and educational programs for youth and adults. With Indigenous cultural significance, an abundance of wildlife, wilderness, and nature-based recreational activities in its midst, it is difficult to imagine that Átl'ka7tsem/Howe Sound has not always been teeming with life and biodiversity. However, it is only within the last two decades that the area has seen a dramatic (yet fragile) recovery after more than a century of environmental degradation.

Citizen scientists recently discovered glass sponge reefs in the depths of Átl'ka7tsem/Howe Sound. Thought to be extinct, these fragile reefs provide refuge for many other animals and filter vast quantities of bacteria from seawater. On land, the craggy mountains formed by ancient glaciers and prehistoric volcanoes, are a focal point for scientific and archeological research, providing both a window into the last Ice Age and a pulse check on today's climate change impacts.

As the urgency grows for communities to build a low-carbon future, the AHSBR Society will continue to play a role in consensus-building, education, and stewardship. The UNESCO Biosphere Region is the only existing framework for conservation and sustainable development encompassing the entire Átl'ka7tsem/Howe Sound watershed, finding local solutions to global environmental challenges. This "community of communities" includes First Nations, all levels of government, NGOs, various industry sectors, scientists, post-secondary institutions, and citizens.

"The designation of Átl'ka7tsem/Howe Sound fills me with optimism, providing new momentum to continue our work together to create a sustainable future for the Átl'ka7tsem/Howe Sound region. It also represents the collaborative and tireless efforts of individuals, organizations, governments and First Nations," says Karen Elliott, District of



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biodiversity and cultural richness. Biosphere Regions have the unique ability to bring people together through common ground, based on a shared vision and goal. I look forward to Squamish playing an active role in the collaborative effort to create a sustainable future for the Átl'ka7tsem/Howe Sound region."

About UNESCO Biosphere Regions

UNESCO Biosphere Regions are areas of global ecological significance that make an ongoing commitment to strive for sustainability. They are not parks, and they have no legal authority. They are international designations that bring people together towards a common purpose, where people are inspired to find ways to live and work in harmony with nature. The prestigious UNESCO designation recognizes the best practices implemented in the region towards the conservation of biodiversity and sustainable development. The framework of the UNESCO Biosphere Regions program aligns with the overarching objectives of communities around the region that are striving for a low-carbon future, while balancing livability, resilience, and prosperity.

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Islands Trust Conservancy Expenditure Tracking 2021-2022												
GL	Description	Approved Budget	Islands Trust Contribution	SAR Grant	SAR Grant Addition	CESI Grant	CESI Grant Addition	Total Available	Spent	Remaining	% Remaining	Committed Funds
75100-210/												
75110-210	Salaries and Benefits	\$ 597,620	\$ 442,120	\$ 145,700				\$ 587,820	\$196,366	\$ 391,454	67%	\$ 391,454
50700-210	Admin. Support	\$ 252,560	\$ 252,560					\$ 252,560	\$63,160	\$ 189,400	75%	\$ 189,400
54500-210	Communications	\$20,000	\$20,000	\$5,650				\$ 25,650	\$6,661	\$ 18,989	74%	\$ 5,184
61100-210	Board Honoraria	\$ 6,600	\$ 6,600					\$ 6,600	\$2,800	\$ 3,800	58%	\$ 3,400
61200-210	Board Meeting Expense	\$ 6,925	\$ 6,925					\$ 6,925	\$246	\$ 6,679	96%	\$ -
61210-210	Board Training & Conferences	\$ 2,000	\$ 2,000					\$ 2,000	\$0	\$ 2,000	100%	\$ -
61300-210	Property Management	\$124,810	\$77,810	\$30,000	\$37,500	\$ 23,570	\$ 13,500	\$ 182,380	\$39,221	\$ 143,159	78%	\$ 86,261
61500-210	Cons Planning / Land Securement	\$30,000	\$15,000	\$13,000				\$ 28,000	\$8,168	\$ 19,832	71%	\$ 15,324
63000-210	Legal	\$ 18,000	\$ 15,000					\$ 15,000	\$8,750	\$ 6,250	42%	\$ 2,884
61600-210	Ecosystem Mapping	\$ 20,000	\$ 15,000	\$ 5,000				\$ 20,000	\$0	\$ 20,000	100%	\$ -
80300-210	Mobile Devices	\$ 2,470	\$ 2,470					\$ 2,470	\$367	\$ 2,103	85%	\$ 2,103
81300-210	Training & Conferences	\$ 4,200	\$ 3,450					\$ 3,450	\$100	\$ 3,350	97%	\$ -
81305-210	Travel for Training	\$ 2,200	\$ 2,200					\$ 2,200	\$0	\$ 2,200	100%	\$ -
82300-210	Travel	\$ 15,950	\$ 10,950	\$ 5,000		\$ 1,430		\$ 17,380	\$10,933	\$ 6,447	37%	\$ 1,360
	Equipment	-	-	\$ 650				\$ 650				
		\$ 1,103,335	\$ 872,085	\$ 205,000	\$ 37,500	\$ 25,000	\$ 13,500	\$ 1,153,085	\$ 336,773	\$ 815,662	71%	\$ 697,370
Restricted Funds		Opening Balance		Revenue		Total Available		Spent		Remaining		Committed Funds
	Alton Maintenance Account		\$ 108,003		\$ 8,140	\$ 116,143		\$ 12,353		\$ 103,790		\$ 12,888
	Ruby Alton Endowment Fund		\$ 148,105		\$ 4,380	\$ 152,485				\$ 152,485		
	Opportunity Fund		\$ 14,498		\$ 2,488	\$ 16,986		\$ 2,559		\$ 14,427		\$ 4,000
	Covenant Mgmt and Defence Fund		\$ 115,273		\$ 1	\$ 115,274				\$ 115,274		
	Property Management Fund		\$ 12,000		\$ 603	\$ 12,603				\$ 12,603		\$ 2,000
	Lasqueti Island Acq Fund		\$ 35,304		\$ 120	\$ 35,424		\$ 3		\$ 35,421		
	Gambier Island Acq Fund		\$ 129,121		\$ 755	\$ 129,876				\$ 129,876		
	Morrison Waxler Legacy Fund		\$ 20,287		\$ 11	\$ 20,298		\$ 5,500		\$ 14,798		
	Thetis Island Acq Fund		\$ 1,295		\$ 1	\$ 1,295				\$ 1,295		
	McFadden Creek		\$ 23,634		\$ 13	\$ 23,647				\$ 23,647		

Updated: 21-Sep-21