



Islands Trust Conservancy

Regular Meeting Agenda

Date: November 23, 2021
Time: 10:00 am
Location: Islands Trust Victoria Boardroom
200-1627 Fort Street, Victoria, BC

Pages

1. CALL TO ORDER
 - 1.1. Staff Updates
2. APPROVAL OF AGENDA
3. RISE AND REPORT
4. MINUTES/COORDINATION
 - 4.1. Minutes of Meetings/Resolutions without Meetings
 - 4.1.1. Approval of October 5, 2021 Regular Meeting Minutes 3 - 10
 - 4.1.2. Approval of revised August 24, 2021 Special Meeting Minutes 11 - 15
 - 4.1.3. Moss Mountain NAPTEP Covenant Revision (Salt Spring) RWM 16 - 19
 - 4.2. Follow-up Action List 20 - 28
5. BUSINESS
 - 5.1. Items for Approval
 - 5.1.1. Revised Climate Change Project Charter – Request for Decision 29 - 31
 - 5.1.2. ITC Nature Reserve Monitoring Report 2021 - Request for Decision 32 - 41
 - 5.1.3. ITC NAPTEP Monitoring Report 2021 – Request for Decision 42 - 50
 - 5.1.4. Conservation Proposal: Nighthawk Hill NAPTEP expansion (North Pender) – Request for Decision 51 - 65
 - 5.1.5. Species at Risk Project Charter – Request for Decision 66 - 69
 - 5.1.6. Development Variance Permit Referral (Hornby) – Request for Decision 70 - 88
 - 5.1.7. ITC Meeting Procedure Bylaw Amendment – Request for Decision (late item)
 - 5.1.8. 2022 ITC Meeting Schedule – Request for Decision 89 - 91

5.1.9.	2022 Salish Sea Ecosystem Conference – Request for Decision	92 - 93
5.2.	Items for Discussion/Direction	
5.2.1.	ITC Workloads and Projects – Briefing	94 - 97
5.3.	Correspondence - None	
5.4.	Updates for Information	
5.4.1.	Executive Committee Updates - Verbal	
5.4.2.	Public Acquisitions Report	98 - 99
5.4.3.	Public Covenants Report	100 - 109
5.4.4.	Budget Report	110 - 110
5.4.5.	Kelp Mapping - Briefing	111 - 114
5.4.6.	ITC Budget Request - Briefing	115 - 122
6.	PUBLIC COMMENTS AND DELGATIONS	
7.	NEW BUSINESS	
8.	NEXT MEETING	
	January 25, 2022 at 10:00 am	
9.	CLOSED MEETING	
9.1.	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; and that staff be invited to remain in the meeting.	
10.	ADJOURNMENT	



Islands Trust Conservancy Regular Meeting Minutes

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

Board Members Present Kate-Louise Stamford, Chair
Sue Ellen Fast, Vice Chair
Doug Fenton
Linda Adams
Risa Smith

Staff Present Kate Emmings, Islands Trust Conservancy Manager
Carla Funk, Acting Fundraising Specialist, left the meeting at 11:40 am and rejoined the meeting at 12:43 pm
Clare Frater, Trust Area Services Director, joined the meeting at 11:35 am
Corlynn Strachan, Administrative Assistant/Recorder, left the meeting at 11:40 am and rejoined the meeting at 12:43 pm
Kathryn Martell, Ecosystem Protection Specialist, left the meeting at 11:40 am and rejoined the meeting at 12:43 pm
Nuala Murphy, Property Management Specialist, left the meeting at 11:40 am and rejoined the meeting at 12:43 pm
Wendy Tyrrell, Species at Risk Program Coordinator, left the meeting at 11:40 am and rejoined the meeting at 12:43 pm

1. CALL TO ORDER

Chair Stamford called the meeting to order at 10:06 am and acknowledged that the meeting was being held virtually from locations across the treaty and unceded territories of the Coast Salish people.

1.1 Board Update

The Islands Trust Conservancy Chair welcomed Dr. Risa Smith and Board members provided introductions.

2. APPROVAL OF AGENDA

The following addition to the agenda was presented for consideration:

- Addition of item 6.4.5 Update for Information, Property Management Specialist visit to Sandy Beach, Keats Island

By general consent, the agenda was approved as amended.

3. CLOSED MEETING

The Islands Trust Conservancy Board convened the closed portion of the meeting at 10:10 am and resumed in open meeting at 12:45 am to Rise and Report.

3.1 Motion to Close the Meeting

ITC-2021-034

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 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.

CARRIED

4. RISE AND REPORT

The Islands Trust Conservancy Board reported on the following item:

- The Islands Trust Conservancy Board approved a \$10,000 contribution to the BC Parks Foundation for the Young Point acquisition campaign (Lasqueti Island).
- The Islands Trust Conservancy Board incorporate an increase of a 0.6 FTE fund development/communications position into its 2022/23 Trust Council Budget Request.

5. MINUTES/COORDINATION

5.1 Minutes of Meetings/Resolutions without Meetings

5.1.1 Approval of the August 24, 2021 Special Meeting Minutes

By general consent, the Islands Trust Conservancy meeting minutes of August 24, 2021 were adopted.

5.2 Follow-up Action List

The Islands Trust Conservancy Manager highlighted the following items:

- The Provincial government passed legislation that allows us to provide clarity on holding electronic meetings. Staff are consulting with Legislative Services Manager to bring forward a meeting bylaw to allow electronic meetings. This will hopefully come to the next board meeting for first reading.
- Impact GICs are moving forward, will complete soon
- Species at risk project charter will be in the November meeting, possibly workshops and webinar series in early spring
- NAPTEP sponsorship request to Trust Council was approved, staff will work with Trust Area Services staff to develop policy guidance to allow for Executive to approve forgiveness of fees
- Crown land report delayed due to workload

6. BUSINESS

6.1 Items for Approval

6.1.1 ITC Budget Request – Request for Decision

Board members requested that the 0.6 FTE Communications Specialist Business Case be edited to highlight that its intent is to add capacity for Fund Development. Board members suggested that the name of the business case be changed to better reflect this role.

ITC-2021-035

It was MOVED and SECONDED,

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.

CARRIED

6.1.2 Policy Statement Referral – Request for Decision

Board members and staff discussed:

- the role of the ITC Board
- different lenses including conservation, ITC Board, community, climate change, First Nations
- suggested Board members provide feedback through the Islands Trust website/email as private community members
- framework, document length, accuracy of details
- clarification that this is an existing policy document – highlighting coloured text are suggested edits
- referral and engagement process

ITC-2021-036

It was MOVED and SECONDED,

that the Islands Trust Conservancy Board encourages Islands Trust staff to clarify terms and phrases in the Islands Trust Council Draft Bylaw 183, Islands Trust Policy Statement as they relate to the fields of biology, ecology, and restoration.

CARRIED

ITC-2021-037

It was MOVED and SECONDED,

that the Islands Trust Conservancy Board request that it receive a referral of the Policy Statement after first reading as it understands that the Policy Statement is currently undergoing further engagement.

CARRIED

ITC-2021-038

It was MOVED and SECONDED,

that the Islands Trust Conservancy Board indicate to the Islands Trust Council that it recommends that the Islands Trust Council Draft Bylaw 183, Islands Trust Policy Statement have the following amendments:

- a) 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) 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) page 17, policy 4.1.2, bullet two, “Islands Trust Conservancy” be added as an agency for consultation.

CARRIED

6.1.3 Keats Island Bylaw Referral – Request for Decision

The Islands Trust Conservancy Manager provided a background, highlighted the Sandy Beach Nature Reserve, and noted ITC Conservancy properties are not affected by this bylaw.

Board members discussed the process of referrals to First Nations, recommendation on 15 meter set backs, and wording of properties versus interests in the referral response.

ITC-2021-039

It was MOVED and SECONDED,

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

CARRIED

6.1.4 S’ulhween X’pey (Elder Cedar) Nature Reserve Management Plan - Request for Decision

Board members discussed edits to the plan, timelines, climate change, and opportunity to use properties to determine how climate change is occurring.

ITC-2021-040

It was MOVED and SECONDED,

that the Islands Trust Conservancy Board approve the 2021 update of the S’ulhween X’pey (Elder Cedar) Nature Reserve Management Plan, dated June 10, 2021, amended as follows:

- to indicate that climate change is having a real impact on CDF forests currently;
- to indicate that the current signage is rotting and requires replacement; and,
- to note that Islands Trust is a special purpose government and not a local government.

CARRIED

6.1.5 Coats Millstone Management Plan, Gabriola - Request for Decision

The Islands Trust Conservancy Property Management Specialist presented the plan to Board members, noting it has been longer than 10 years since last property management plan was complete, and species at risk were identified but not provided to the public.

Board members discussed edits to the plan, the idea of using non-permanent mesh screen below the water line for safety measures, and suggested using updated Environment Canada data.

ITC-2021-041

It was MOVED and SECONDED,

that the Islands Trust Conservancy Board approve the 2021 update of the Coats Millstone Nature Reserve Management Plan, dated August 18, 2021, amended as follows:

- To indicate that climate change is having a real impact on CDF forests currently; and
- To note that Islands Trust is a special purpose government and not a local government.

CARRIED

6.1.6 Moss Mountain NAPTEP Covenant, Salt Spring – Request for Decision

Board members discussed conflict of land use in the covenant versus Indigenous hunting rights.

ITC-2021-042

It was MOVED and SECONDED,

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).

CARRIED

6.1.7 Pare/Baile NAPTEP Covenant, North Pender – Request for Decision

The Islands Trust Conservancy Ecosystems Protection Specialist presented the request to Board members highlighting a trail use agreement with the owners, letter of permission suggested by legal counsel, and the presence of a small cairn on the property.

ITC-2021-043

It was MOVED and SECONDED,

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).

CARRIED

ITC-2021-044

It was MOVED and SECONDED,

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.

CARRIED

6.2 Items for Discussion/Direction

6.2.1 2022 Annual Meeting Schedule

Board members reviewed the suggested dates and noted the following:

- Possible conflict with Local Trust Committee meeting during the last week September, October 4th preferred
- Tuesday mornings can be difficult for Vice Chair Fast due to attendance of the Bowen Island Municipality meeting Monday evenings until 10:00 pm

6.3 Correspondence - none

6.4 Updates for Information

6.4.1 Public Acquisitions Report

The Islands Trust Conservancy Board reviewed the Public Acquisitions Report for information.

6.4.2 Public Covenants Report

The Islands Trust Conservancy Board reviewed the Public Covenants Report for information.

6.4.3 Howe Sound Biosphere Reserve – September 15, 2021 Media Release

Provided for information.

6.4.4 Budget Report

The Islands Trust Conservancy Board reviewed the Budget Report for information.

6.4.5 Property Management Specialist visit to Sandy Beach, Keats Island

Not discussed due to time limitations.

7. PUBLIC COMMENTS AND DELGATIONS

There was no public in attendance.

8. NEW BUSINESS

There was no new business.

9. NEXT MEETING

The next meeting will take place on Tuesday November 23, 2021 at 10:00 am.

10. ADJOURNMENT

By general consent, the meeting adjourned at 3:03 pm.

Kate-Louise Stamford, Chair

Certified Correct:

Corlynn Strachan, Recorder

DRAFT



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

The Islands Trust Conservancy Board reported on the following items:

- 1) The ITC Board requested 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, 2021 Board meeting.
- 2) The ITC Board directed 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.

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-19 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

ISLANDS TRUST CONSERVANCY

SPECIAL VOTE ON URGENT MATTER (BC Reg. 189/92)

ISSUE TITLE: Revision to Moss Mountain NAPTEP Covenant, Salt Spring Island

Chair Kate-Louise Stamford and Vice Chair Sue Ellen Fast consider that the following issue is urgent and that calling a regular or special meeting to conduct the voting is impractical.

At its October 5, 2021 meeting, the Islands Trust Conservancy Board approved a covenant for the Moss Mountain NAPTEP Application. The covenant included a priority agreement which would provide priority for the covenant over a tax deferment charge on the land title. After consulting the Tax Deferment Office, staff have been unable to obtain priority for the covenant over the tax deferment charge.

To resolve conflicts between the tax deferment charge and the covenant, the landowner has elected to pay off the tax deferment and to discharge it from the land title. The landowner intends to submit required payment on October 27, 2021, but the payment will not be processed in time to discharge the tax deferment notice from the land title prior to the October 31, 2021 registration deadline for the NAPTEP program. Therefore, it is recommended:

That the Islands Trust Conservancy Board authorizes the Chair to sign the revised 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).

Please vote on the above motion by completing the ballots below:

☒ IN FAVOUR

KATE-LOUISE STAMFORD

by email _____
Signature/Email Approval

23-OCT-21
Date

☒ IN FAVOUR

SUE ELLEN FAST

by email _____
Signature/Email Approval

23-OCT-21
Date

☒ IN FAVOUR

DOUG FENTON

by email _____
Signature/Email Approval

23-OCT-21
Date

☒ IN FAVOUR

LINDA ADAMS

By email _____
Signature/Email Approval

24-OCT-21
Date

☒ IN FAVOUR

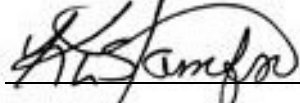
RISA SMITH

by email _____
Signature/Email Approval

23-OCT-21
Date

THE CHAIR DECLARED THE ABOVE NOTED RESOLUTION PASSED IN ACCORDANCE WITH THE ISLANDS TRUST SPECIAL VOTING REGULATION THIS 25 DAY OF OCTOBER, 2021.

RESOLUTION NUMBER: ITC-2021-045



CHAIR'S SIGNATURE



SECRETARY'S SIGNATURE



REQUEST FOR DECISION

To: ITC Board **For the Meeting of:** RWM
From: Kathryn Martell, Ecosystem Protection Specialist **Date Prepared:** October 22, 2021

SUBJECT: Revision to Moss Mountain NAPTEP Covenant, Salt Spring Island

RECOMMENDATION: That the Islands Trust Conservancy Board authorizes the Chair to sign the revised 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 acquire Islands Trust Conservancy (ITC) Board approval to register the NAPTEP covenant at Moss Mountain, Salt Spring Island, without priority over the tax deferral charge.

2 BACKGROUND:

ITC has been negotiating a NAPTEP 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. At its November 24, 2020 meeting the ITC Board 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

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 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.

At its October 5, 2021 meeting, ITC Board passed the following resolution:

ITC-2021-042

It was moved and seconded,

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).

All documents, including the covenant and 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 Issue

The landowner currently receives property tax deferment through the *Land Tax Deferment Act*. [Property tax deferment](#) is a low interest loan program available for eligible BC homeowners (usually seniors) to assist with paying their annual property taxes on their principal residence. A lien is placed on property title. This lien takes priority over all subsequently registered charges on the land title. In the event that the debt incurred by tax deferral cannot be paid, one of the remedies open to the Province is to foreclose on the land and erase any subsequent charges from the land title. To eliminate the risk that the covenant might be removed from the land title, ITC staff contacted the Province to request priority for the covenant over the tax deferment charge. Unfortunately, Provincial policy prevents any other charge from having priority over a tax deferment charge. Options to continue with this securement project are to register the covenant without priority, or for the landowner to pay out the deferment loan in order to have the charge removed. To eliminate the small risk of losing the covenant, staff pursued the second option with the landowner.

The landowner has agreed to pay out the deferment loan and intends to make the payment on October 27, 2021. The Tax Deferment Office has indicated that they will be able to process the payment in 2-3 days, including closing the account and sending a Notice of Satisfaction to Land Title Office, who will then release the tax deferment lien. Land Titles Office then typically takes 5-10 days to confirm the discharge of the lien. If staff wait for the discharge of the tax deferment to register, the landowner will miss the October 31, 2021 registration deadline for the covenant and Natural Area Exemption Certificate which is required to receive her NAPTEP property tax exemption for the 2022 tax year.

Analysis & Recommendation

In order to meet the October 31, 2021 deadline for registration of the covenant and Natural Area Exemption Certificate, staff proposes to register the covenant, without a priority agreement over the tax deferment charge, before the tax deferment charge is confirmed as removed from title. Rationale:

- The size of the covenant area and the natural values protected are significant and are an excellent candidate for covenanting under NAPTEP.
- The landowner has taken immediate steps to discharge this deferment loan before covenant registration, and will provide evidence that the funds have been transferred as soon as they are available.
- Given the landowner's intent and efforts to pay the tax deferment loan, the covenant will likely be subservient to the tax deferral charge for only a short period of time.
- Legal counsel considers the risk to the covenant to be low, even with a tax deferment notice having priority over the covenant. It would be an extraordinary circumstance for the Province to order sale of the property or other actions that affect the covenant, considering that the value of the current loan amount is a fraction of the property value.
- Covenant negotiations are complete aside from this issue and considerable effort, including almost \$20,000 of ITC funds, have gone towards securement.
- The lien charge does not affect ability to pursue enforcement following a breach.

3 IMPLICATIONS OF RECOMMENDATION:

ORGANIZATIONAL: Significant staff time will be required to accelerate the covenant and tax exemption registrations for a registration deadline of October 31. This time allocation will displace other work, including work towards evaluation of incoming conservation proposals; however, staff believe these delays to current workload to be manageable and reasonable. Additionally, in the unlikely event that the covenant is extinguished due to foreclosure, there is a reputational risk to ITC. Staff believe this risk to be extremely low.

FINANCIAL: To date, ITC has spent approximately \$18,300 (from Species-at-Risk grant funds) for development of the baseline report and survey, and \$1,400 in legal fees. The landowner has also invested considerably in time and fees to clear the land of other charges and update legal name on title. The only remaining expense is registration of the covenant, and conveyancing costs will be borne by the landowner.

POLICY: Under current policy, staff must evaluate options to reduce, eliminate or manage risks associated with encumbrances on the land title. The ITC Board practice is to ask for and receive priority for its covenants and associated rent charges and statutory rights of way over other charges. The recommendation before the Board is a departure from Board practice, but staff suggest that the risk is minimal and that the Board may wish to operate outside of its typical practice in this instance.

IMPLEMENTATION/COMMUNICATIONS: ITC staff will share the Board decision with the landowner and will proceed as directed.

FIRST NATIONS: The Moss Mountain Covenant reinforces existing protections for archaeological sites. 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:

- There is no statutory requirement to secure a priority agreement over existing financial charges for NAPTEP covenants.
- The Moss Mountain NAPTEP covenant is the subject of an Ecological Gift application through Environment and Climate Change Canada. The appraisal will be conducted once the covenant is 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.
- Environment and Climate Change Canada (ECCC) has contributed \$11,500 towards additional survey needs. ECCC staff have been informed of the intended discharge of the tax deferment charge and registration of the covenant and have not raised concerns.

4 RELEVANT POLICY(S):

[2.2 Assessing Conservation Proposals](#)

[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 (revised Oct 22, 2021 to remove priority agreement for tax deferment charge)

RESPONSE OPTIONS

Recommendation: That the Islands Trust Conservancy Board authorizes the Chair to sign the revised 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).

Alternative: That the Islands Trust Conservancy Board elect not to approve the recommendation. Staff would communicate this decision to the landowner and would discuss next steps. Staff would return to the Board at a later date with further information.

Prepared By: Kathryn Martell, Ecosystem Protection Specialist and Kate Emmings, Manager, Islands Trust Conservancy



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	Completed
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	Completed

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	Completed
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	Completed

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: 25-Jan-2022	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

05-Oct-2021

Activity	Responsibility	Dates	Status
1 Staff to process the Islands Trust Conservancy Board approval of a \$10,000 contribution to the BC Parks Foundation for the Young Point acquisition campaign (Lasqueti Island).	Kate Emmings	Target: 23-Nov-2021	Completed

Follow Up Action Report

Trust Conservancy Board

05-Oct-2021

Activity	Responsibility	Dates	Status
2 Staff to proceed with Islands Trust Budget Funding Request, Short-Form Business Case: New Staff Resources: ITC Communications and Fund Development (0.6 FTE), subject to CAO review.	Kate Emmings	Target: 23-Nov-2021	Completed
3 Staff to provide the draft 2022/23 ITC Budget to the Director of Administrative Services and the Director of Trust Area Services for inclusion in the Islands Trust draft 2022/23 budget.	Kate Emmings	Target: 23-Nov-2021	Completed
4 ITC staff to encourage Islands Trust staff to clarify terms and phrases in the Islands Trust Council Draft Bylaw 183, Islands Trust Policy Statement as they relate to the fields of biology, ecology, and restoration.	Kate Emmings	Target: 08-Oct-2021	Completed
5 Staff to request that the Islands Trust Conservancy Board receive a referral of the Policy Statement after first reading as it understands that the Policy Statement is currently undergoing further engagement.	Kate Emmings	Target: 08-Oct-2021	Completed
6 That the Islands Trust Conservancy Board indicate to the Islands Trust Council that it recommends that the Islands Trust Council Draft Bylaw 183, Islands Trust Policy Statement be amended as per the Board discussion (see minutes).	Kate Emmings	Target: 08-Oct-2021	Completed
7 That the Islands Trust Conservancy Board indicate to the Gambier Island Local Trust Committee that its properties are unaffected by the proposed Bylaws 153 and 154.	Kate Emmings	Target: 10-Oct-2021	Completed

Follow Up Action Report

Trust Conservancy Board

05-Oct-2021

Activity	Responsibility	Dates	Status
8 That the Islands Trust Conservancy Board approve the 2021 update of the S'ulhween X'pey (Elder Cedar) Nature Reserve Management Plan, dated June 10, 2021, amended as follows: - to indicate that climate change is having a real impact on CDF forests currently; - to indicate that the current signage is rotting and requires replacement; and, - to note that Islands Trust is a special purpose government and not a local government.	Nuala Murphy	Target: 23-Nov-2021	Completed
9 That the Islands Trust Conservancy Board approve the 2021 update of the Coats Millstone Nature Reserve Management Plan, dated August 18, 2021, amended as follows: - To indicate that climate change is having a real impact on CDF forests currently; and - To note that Islands Trust is a special purpose government and not a local government.	Nuala Murphy	Target: 23-Nov-2021	Completed

Follow Up Action Report

Trust Conservancy Board

05-Oct-2021

Activity	Responsibility	Dates	Status
10 That the Chair 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).	Kathryn Martell	Target: 15-Oct-2021	Completed
11 That the Chair 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).	Kathryn Martell	Target: 15-Oct-2021	Completed
12 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, 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 several terms and conditions.	Kathryn Martell	Target: 02-Nov-2021	Completed



REQUEST FOR DECISION

To: ITC Board **For the Meeting of:** November 23, 2021
From: Kathryn Martell, Ecosystem Protection Specialist **Date Prepared:** November 5, 2021

SUBJECT: Revised Climate Change Impacts Project Charter

RECOMMENDATION: That the Islands Trust Conservancy Board approves the revised Climate Change Impacts Project—Phase I Project Charter v2 as drafted.

1 PURPOSE:

To present the Board with a revised Project Charter for the Climate Change Impacts Project.

2 BACKGROUND:

In May 2020, the ITC Board reviewed and approved a Project Charter (v1.0) for the Climate Change Impacts Project. The project charter was developed to follow up on the [Climate Change Projections Report](#), and defined the project purpose as,

“To determine the costs and scope of work associated with better identifying the local area impacts of climate change, in order to adapt ITC’s work to best protect local species and ecosystems”.

The project charter anticipated that this phase of the project would complete in 2020, and then ITC work plans and budgets would be updated in February 2021 with identified adaptation actions. In January, 2021, staff informed the Board of delays implementing the Climate Change Impacts Project due to capacity constraints and in order to align with ITC’s new Species at Risk Program.

Staff is now presenting a revised Project Charter for Board consideration, reflecting reworked activities, timelines, and budget. Key changes include:

- Recognition that meaningful First Nations involvement and knowledge-sharing is a fundamental component of project implementation, and will require both time and capacity support;
- Shift in project activities to remove mapping of sea-level rise and species and ecosystem shift, expert-led workshops, and facilitated internal workshops as priority actions. Over 2020, the Ecosystem Protection Specialist’s preliminary research and training has revealed a large array of existing analyses, data, and procedures that staff can use to take this initiative forward internally.
- Preliminary emphasis on understanding climate change impacts on individual ITC Nature Reserves. A pilot will conduct vulnerability assessments for 2 or 3 Nature Reserves, followed by identifying potential management actions to mitigate vulnerabilities and increase chances of persistence of species and ecosystems present on those properties. Lessons learned from the pilot will then be used to plan activities, timelines, and budget required to conduct similar assessments for all ITC properties (Phase II and Phase III).
- Defer updating the 2017-2027 Land Securement Strategy to specifically address climate change to a later project phase (IV), and incorporate Phase II and Phase III components into the next ITC 3-year work plan.

3 IMPLICATIONS OF RECOMMENDATION:

ORGANIZATIONAL: ITC has committed to developing feasible actions to address climate change. Despite this clear organizational direction, continued work on this project will require dedicated staff capacity. Staff estimates that up to 1 day / week of the Ecosystem Protection Specialist's time will be required (~20% FTE) over the next 12 months to complete Phase I and plan for Phase II. Effective implementation will necessitate deferring or pausing work on other Ecosystem Protection Specialist projects, such as the Regional Conservation Plan evaluation, and potentially accepting fewer securement proposals. Alternatively, this climate change project would be paused or delayed if ITC takes on more or more complex other projects. A portion of Manager time, and of other ITC staff, will also need to be dedicated to reviewing vulnerability assessments and opportunities for specific properties.

FINANCIAL: Staff requests that the Board authorize spending of up to \$14,000, as outlined in the Project Charter, to advance this program. If scoping shows different needs, staff will bring options back to the Board for consideration and approval.

POLICY: None currently. As vulnerabilities and opportunities are identified and analysed, staff may recommend changes to ITC policies.

IMPLEMENTATION/COMMUNICATIONS: Staff will implement next steps as directed by the Board and according to the project charter.

FIRST NATIONS: Integrating local knowledge holders and First Nations communities is a fundamental part of this project. ITC will need to spend significant time continuing to build relationships. In Phase I, the EPS will work with the Senior Intergovernmental Policy Advisor (SIPA) and other Islands Trust staff to develop appropriate collaboration mechanisms for the project as a whole. Coordinating First Nations involvement may be beyond the capacity of the SIPA and EPS, and the proposed budget includes a contractor to assist with engagement for the pilot assessments. ITC should also consider explicitly reaching out to all local First Nations to share the *Climate Projections for Islands Trust Area* report.

CLIMATE CHANGE: The work approved through the Climate Change Impacts Project Charter will form the basis for addressing climate change mitigation and adaptation in ITC Nature Reserves and conservation covenants.

OTHER: ITC staff has assisted with Islands Trust's efforts to amend *the Islands Trust Policy Statement* to add climate change mitigation, adaptation and resiliency policies.

4 RELEVANT POLICY:

- ITC [Regional Conservation Plan](#), Goal 1, Goal 3
- [ITC Policy 2.1, Board Approval of Projects and Transactions](#)

5 ATTACHMENT:

- Climate Change Impacts Project—Phase I, Project Charter v 2

RESPONSE OPTIONS

Recommendation: That the Islands Trust Conservancy Board approves the revised Climate Change Impacts Project—Phase I Project Charter v2 as drafted.

Alternative: That the Islands Trust Conservancy Board approves the revised Climate Change Impacts Project—Phase I Project Charter v2, with the following changes: *[insert changes]*:

Prepared By: Kathryn Martell, Ecosystem Protection Specialist

Reviewed By / Date: Kate Emmings, Islands Trust Conservancy Manager / November 10, 2021

Climate Change Impacts Project — Phase I

Project Charter v2

Islands Trust Conservancy

Date: November 23, 2021

Purpose: To conduct a pilot analysis of climate change impacts and opportunities for 2–3 ITC Nature Reserves, as a first step in adapting ITC’s work to best protect local species and ecosystems through climate futures.

Background: Islands Trust Conservancy’s Board directed staff to incorporate climate change actions into work programs and budgets. ITC staff commissioned a data review synthesizing available climate [change projections for key indicators](#) for the Islands Trust Area. This information will support development of policies and strategic approaches to explicitly consider climate change impacts in how ITC manages existing nature reserves and prioritizes land securement. The Climate Change Impacts Project is divided into four phases over several fiscal years: I—scoping and budget development; pilot analysis and management recommendations for 2-3 Nature Reserves; II—develop procedure and plan to assess all ITC properties; III—assessment and management planning for remaining ITC properties; IV—identify potential changes to conservation planning; develop updated Securement Strategy. This project charter is for phase I.

Objectives

- Identify properties for pilot analyses of climate change impacts
- Liaise with area First Nations about project involvement
- Conduct analysis of climate change vulnerabilities and potential management recommendations for pilot Nature Reserves

In Scope

- Liaison with Islands Trust staff via internal Climate Action Working Group
- Build relationships to develop First Nations engagement and involvement
- Consultations with applied ecologists and protected areas managers with other agencies, including hiring consultants
- Conduct vulnerability assessment and identify potential adaptive management actions on pilot suite of ITC properties
- Develop communications plan and/or appropriate materials related to this project, subject to communications capacity

Out of Scope

- Original research
- Production of data
- Developing outreach materials or stewardship actions for land holders

Workplan Overview

Deliverable/Milestone	Date
Determine appropriate approaches for First Nations involvement	December 2021 - January 2022
Project scoping and budget planning	February 2022
Develop detailed project plan and choose pilot properties	February - March 2022
Analyse climate change vulnerabilities and potential management actions for pilot ITC Nature Reserves	March - October 2022
Scope Phase II and bring budget to Board	October 2022

Project Team

Kate Emmings	Project Manager
Kathryn Martell	Project Lead
Wendy Tyrrell	SAR support
Carmen Smith	Communications
Lisa Wilcox	FN engagement support

Budget

Budget Source: proposed Property Management budget

Item	Estimated Cost
First Nations involvement (contracts, workshop, travel)	\$8,000
Expert consultations	\$2,000
FN involvement coordinator	\$3,000
Contingency	\$1,000
Total	\$14,000

Approved by:

ITC Board

Date:

Endorsement:

Resolution #:

Date:



REQUEST FOR DECISION

To: Islands Trust Conservancy Board **For the Meeting of:** November 23, 2021
From: Nuala Murphy, Property Management Specialist **Date Prepared:** November 5, 2021

SUBJECT: Islands Trust Conservancy Nature Reserve Monitoring Report 2021

RECOMMENDATION: That the Islands Trust Conservancy accept the "Islands Trust Conservancy Nature Reserve Monitoring Report 2021."

1 PURPOSE: To review the Islands Trust Conservancy Nature Reserve Monitoring Report for 2021.

2 BACKGROUND:

Islands Trust Conservancy (ITC) nature reserves are monitored annually to assess the character and key features of the sites, evaluate the effectiveness of the management program, identify any new issues that need to be addressed by ITC and/or the covenant holders, and identify and respond to any trespass that may lead to breaches to the terms of the conservation covenant. The Islands Trust Conservancy Nature Reserve Monitoring Report 2021 provides the monitoring results for 31 of the ITC-owned nature reserves.

This year all of the monitoring was completed by ITC staff except for Horton Bayviary Nature Reserve (Mayne Island). Mayne Island Conservancy Association is the covenant holder and management group and was contracted by ITC to complete the monitoring as the Horton Bayviary Nature Reserve is the only ITC property on Mayne Island.

The monitors were responsible for organizing and conducting site visits, filling out the site monitoring form, recording the monitoring route taken, taking photos of sites of interest, noting possible concerns of the conservation covenant if there is one registered on the nature reserve. A summary monitoring report with recommendations identifies any management issues, trespass or other major issues that require immediate attention. This report is attached as Islands Trust Conservancy Nature Reserve Monitoring Report for 2021. For nature reserves, a general assessment has been made regarding achievement of management objectives and public safety issues.

Issues identified in this report:

- 1. Vanilla Leaf Land Nature Reserve, Galiano Island:** A tree was cut and removed on the property line and dragged through the nature reserve to reach an access road. Staff working with covenant holder, Galiano Conservancy Association, to assess the damage.
- 2. Sandy Beach Nature Reserve, Keats Island:** Trail improvement is required on the overgrown section from the beach to ensure the public stay on the nature reserve and do not enter adjacent private property. ITC is currently engagement in management planning for the Sandy Beach Nature Reserve and will address trail management in that process.

3. **Long Bay Wetland Nature Reserve, Gambier Island:** Removal of invasive species is a high priority as there is an abundance of English holly on site. Staff will work with the Gambier Island Conservancy to plan a work party in the spring and there is also a potential partnership with Capilano University in the Howe Sound for work such as this. Restoration efforts of planting and caging continue to improve the former logged and gravel pit sites both here and at Brigade Bay Bluff Nature Reserve.
4. **Horton Bayviary Nature Reserve, Mayne Island:** Very dry conditions and poor soil moisture content. Minor increase in shore erosion over previous year. A service contract is in place to develop and carry out a restoration plan to help improve the understory health and to combat shoreline erosion.
5. **Moore Hill Nature Reserve, Thetis Island:** A felled and bucked tree was found that looked a few years old, off a trail from the road. There has not been any issues identified since placing in 'no tree cutting' signs along the road in 2020 after a downed tree was removed.

3 IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL: This monitoring report helps set priorities for management activities and identifies work that needs to be done to resolve any concerns.

FINANCIAL: The property management budget is allocated each year depending on available funds and the work that is most needed, balanced between all ITC protected areas.

POLICY: Consistent with existing policy.

IMPLEMENTATION/COMMUNICATIONS: Staff will continue to address the recommendations in the report as part of the regular work plan.

FIRST NATIONS: ITC staff and partners are learning how to be on the nature reserves in a respectful way. Staff will review the archaeological sites database before undertaking any trail building restoration that requires digging and will contact First Nations in areas where there may be impacts to archaeological sites. Staff will follow the Islands Trust Cultural Protocol for Chance Finds and Ancestral Remains as required.

CLIMATE CHANGE: The property monitoring report provides staff with the most current information on the state of the land, which helps to contextualize information about climate change, allows for site-specific predictions of changes to the land, and supports development of mitigation and adaptation strategies.

OTHER: None

4 RELEVANT POLICY(S):

[ITC 2.3 Acquisition and Management of Land](#)

5 ATTACHMENT(S): Islands Trust Conservancy Nature Reserve Monitoring Report 2021

RESPONSE OPTIONS

Recommendation:

That the Islands Trust Conservancy accept the "Islands Trust Conservancy Nature Reserve Monitoring Report 2021."

Alternative: That the Islands Trust Conservancy accept the “Islands Trust Conservancy Nature Reserve Monitoring Report 2021,” amended as follows:
[insert recommended amendments]

Prepared By: Nuala Murphy, Property Management Specialist

Reviewed By/Date: Kate Emmings, ITC Manager / November 8, 2021

Islands Trust Conservancy Nature Reserve Monitoring Report 2021



John Osland Nature Reserve, Lasqueti Island

Prepared By:
Nuala Murphy, Property Management Specialist
Islands Trust Conservancy
November 1, 2021

EXECUTIVE SUMMARY

Islands Trust Conservancy (ITC) nature reserves are monitored annually to assess the character and key features of the sites, evaluate the effectiveness of the management program and to identify any new issues that need to be addressed by ITC and/or the covenant holders. Relationship building is a key focus and there is great importance to meeting all the partners of the nature reserves on-site to discuss and observe past and future work and plan for the year ahead. Management partners include conservation covenant holders, local management groups, as well as volunteer wardens and neighbours. There was an exceptionally good turnout of management partners this year and it was a very productive monitoring season.

In 2021, all of the nature reserves were visited despite the COVID-19 travel restrictions delaying visits in the spring. ITC staff completed monitoring on all but one of the nature reserves and ITC employed a summer intern, Devin Hentschel, for the very first time to assist with monitoring. Local covenant holders and/or management groups are sometimes contracted to complete the monitoring visits. This year a service contract was used for Horton Bayviary Nature Reserve on Mayne Island, which has been completed by Mayne Island Conservancy Association since 2009 to save travel costs as it is the only ITC protected area on Mayne Island.

Observations and comments arising from each visit are reported here. Recommendations have been made in some cases where there is an issue requiring action, unless the issue is already being addressed. A general assessment has been made regarding achievement of management objectives and public safety issues.

Bowen Island



David Otter Nature Reserve was visited on September 23, 2021 by Nuala Murphy, accompanied by A. Drake and P. Hay (Bowen Island Conservancy) and the new neighbour and volunteer warden. There were no public safety issues identified in the reserve and the objectives of the management plan are generally being met. *Photo: On-site discussion*

Fairy Fen Nature Reserve was visited on September 23, 2021 by Nuala Murphy, accompanied by A. Drake and P. Hay (Bowen Island Conservancy). There were no public safety issues

identified in the reserve and the objectives of the management plan are generally being met.

Singing Woods Nature Reserve was visited on September 23, 2021 by Nuala Murphy, accompanied by A. Drake and P. Hay (Bowen Island Conservancy). There were no public safety issues identified in the reserve and the objectives of the management plan are generally being met.

Denman Island

Inner Island Nature Reserve was visited on June 15, 2021 by Nuala Murphy and Devin Hentschel, accompanied by J. Balke and E. Bland (Denman Conservancy Association) and S. Basi-Primeau (Nature Conservancy of Canada- NCC) and the NCC rapid wetland assessment team. There were no public safety issues identified in the reserve and the objectives of the management plan are generally being met.

Recommendation: Continue invasive species removal and trail maintenance where erosion is occurring around tree roots and in wet areas by relocating on-site materials (bark mulch) to build up trails in these sections.

Lindsay Dickson Nature Reserve was visited on June 16, 2021 by Nuala Murphy and Devin Hentschel accompanied by E. Bland, J. Thorton, S. Ward (Denman Conservancy Association) and voluntary wardens. There were no public safety issues identified in the reserve and the objectives of the management plan are generally being met.

Recommendation: Continue invasive species removal.

Morrison Marsh Nature Reserve was visited on June 16, 2021 by Nuala Murphy accompanied by E. Bland (Denman Conservancy Association) and prospective voluntary wardens. There were no public safety issues identified in the reserve and the objectives of the management plan are generally being met.

Recommendation: Continue invasive species removal. Barrier to discourage use of seasonally flooded trail through Grape Fern Marsh.



Valens Brook Nature Reserve was visited on June 15, 2021 by Nuala Murphy and Devin Hentschel accompanied by J. Balke (Denman Conservancy Association) and the volunteer wardens. There were no public safety issues identified in the reserve and the objectives of the management plan are generally being met. *Photo: On-site discussion*

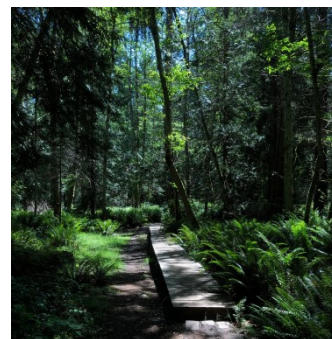
Recommendation: Continue invasive species removal.

Gabriola Island

Burren's Acres Nature Reserve was visited on June 17, 2021 by Nuala Murphy and Devin Hentschel accompanied by the volunteer warden. Scotch Broom needs to be removed. The objectives of the management plan are generally being met. There were no safety issues identified in the reserve other than the existing natural hazards.

Coats Millstone Reserve was visited on June 17, 2021 by Nuala Murphy and Devin Hentschel accompanied by E. Barnewall (Nanaimo and Area Land Trust). The objectives of the management plan are generally being met. There were no safety issues identified in the reserve other than the existing natural hazards and it remains closed to the public.

Elder Cedar Nature Reserve was visited on June 17, 2021 by Nuala Murphy and Devin Hentschel, accompanied by E. Barnewall (Nanaimo and Area Land Trust), F. Shoemaker and N. Johnston (Gabriola Land and Trails Trust). Two new boardwalks were built in the fall and winter 2021/21 observed and trees planted and net tubing used as part of the 'Trees 4 Tomorrow' program. Management objectives for the reserve are generally being met. No public safety issues were identified in the reserve. *Photo: New section of boardwalk*



Recommendation: Continue invasive species removal and trail maintenance. Large entrance sign is in the process of being replaced with

Galiano Island

Laughlin Lake Nature Reserve Addition was visited on August 11, 2020 by Jemma Green and Devin Hentschel, when monitoring the Laughlin Lake Nature Reserve Covenant. The management objectives for the reserve are generally being met. No public safety issues were identified in the reserve.

Trincomali Nature Sanctuary was visited on October 12, 2021 by Nuala Murphy and Wendy Tyrrell. The management objectives for the reserve are generally being met. Habitat Acquisition Trust completed Scotch broom removal in the cliffs area in the fall. No public safety issues were identified in the reserve.

Recommendation: Continue invasive species removal and dispose of old sign that is starting to shed plastic.

Vanilla Leaf Land Nature Reserve was visited on October 12, 2021 by Nuala Murphy and Wendy Tyrrell accompanied by C. Miltner (Galiano Conservancy Association). There was evidence of a trespass where a downed tree was dragged out through the nature reserve to get to an emergency access road. The management objectives for the reserve are generally being met. No public safety issues were identified in the reserve. *Photo: Alder and ground cover damage from a tree removal*



Recommendation: Work with the covenant holder to explore options regarding the trespass.

Gambier Island

Brigade Bay Bluffs Nature Reserve was visited on September 25, 2021, by Nuala Murphy accompanied by P. Scholefield (Gambier Island Conservancy), P. Klassen and C. Petroski (Brigade Bay owners group) and S. Senger (Sunshine Coast Conservancy Association). Restoration area of planted trees doing well. The management objectives for the reserve are generally being met and no public safety issues were identified in the reserve.

Long Bay Wetland Nature Reserve was visited on September 25, 2021, by Nuala Murphy accompanied by P. Scholefield (Gambier Island Conservancy), P. Klassen and C. Petroski (Brigade Bay owners group) and S. Senger (Sunshine Coast Conservancy Association). Restoration area of planted trees doing well. The management objectives for the reserve are generally being met and no public safety issues were identified in the reserve.

Recommendation: Invasive species removal needed especially for infestations of English holly. Remove cages from trees that are growing too large.



Mount Artaban Nature Reserve was visited on September 25, 2021, by Nuala Murphy accompanied by P. Scholefield (Gambier Island Conservancy), P. Klassen (Brigade Bay owners group) and S. Senger (Sunshine Coast Conservancy Association). The trail route was more defined with markers and ongoing work is happening to keep it cleared of fallen logs by volunteer P. Klasson who has ‘adopted’ this section of trail. The management objectives for the reserve are generally being met and no public safety issues were identified in the reserve. *Photo: The summit of Mt. Artaban*

Keats Island

Sandy Beach Nature Reserve was visited on September 24, 2021 for the first time, by Nuala Murphy accompanied by D. Rogers and K. Stamford (Gambier Island Local Trust Area trustees), J. Lepin (Baptist Camp), R. Beard and W. Kaulbach (Keats Conservancy), S. Senger (Sunshine Coast Conservancy Association) and C. Schaefer (contract biologist). The first management plan is underway to guide objectives and no trespass or public safety issues were identified.

Recommendation: Trail improvement is required on the overgrown section from the beach to ensure the public stay on the nature reserve and do not enter adjacent private property.

Lasqueti Island



John Osland Nature Reserve was visited on May 27, 2021 by Nuala Murphy accompanied by D. Hopwood, W. Schnieble (Lasqueti Island Nature Conservancy) and E. Barnewall (Nanaimo and Area Land Trust). Work on the restoration is ongoing with new planting and fencing this October and November 2021. The management objectives for the reserve are being met and no public safety issues were identified. *Photo: Roughskin Newt*

Recommendation: Monitoring is important to ensure ungulates do not get into the fenced areas. Continue invasive species removal.

Kwel Nature Sanctuary was visited on May 28, 2021 by Nuala Murphy accompanied by E. Barnewall (Nanaimo and Area Land Trust) and W. Schnieble (Lasqueti Island Nature Conservancy). The management objectives for the reserve are being met and no public safety issues were identified.

Mount Trematon Nature Reserve was visited on May 27, 2021 by Nuala Murphy accompanied by D. Hopwood, E. Barnewall (Nanaimo and Area Land Trust), W. Schnieble and J. Schwartz (Lasqueti Island Nature Conservancy). New fenced area plot put in place in October 2021 and planting to begin a multi-year research project. The management objectives for the reserve are being met and no public safety issues were identified.

Recommendation: Monitoring is important to ensure ungulates do not get into the fenced areas. Continue invasive species removal.

Salish View Nature Reserve was visited on May 28, 2021 by Nuala Murphy accompanied by W. Schnieble and J. Schwartz, (Lasqueti Island Nature Conservancy) and E. Barnewall (Nanaimo and Area Land Trust). This was the first monitoring visit. Restoration planting around the pond enclosure is doing well and more plants were placed in the fencing in October 2021. The management objectives for the reserve are being met and no public safety issues were identified.

Recommendation: Monitoring is important to ensure ungulates do not get into the fenced areas. Continue invasive species removal.

Mayne Island

Horton Bayviary Nature Reserve was visited on July 14, 2021 by M. Dunn (Mayne Island Conservancy Society). Understory appears less robust than in previous years especially salal and shoreline erosion continues. The management objectives for the reserve are being met and no public safety issues were identified.

Recommendation: Work on the restoration of the lower part of the property will improve the tree diversity in the lower part and reduce some of the shade intolerant grasses. A restoration plan is being developed to help improve the understory health and to combat shoreline erosion with special concern for disturbance to the area and involve an indigenous monitor.

North Pender Island

Medicine Beach (E,HO,) Nature Sanctuary was visited on June 23, 2021 by Nuala Murphy and Devin Hentschel accompanied by G. Boffey (Pender Islands Conservancy Association), S. Basi-Primeau (Nature Conservancy of Canada) and D. Morrison (North Pender Island Local Trust Area Trustee). The management objectives for the reserve are being met and no public safety issues were identified.

Recommendation: Place a log to deter use on unauthorized trail that goes steeply down from view point bench to Shell Beach. Replace fence by marsh and parking area. Direct water over steep section of trail in the northwestern part of the nature reserve with water bar/culvert.

Lisa Baile Nature Reserve was visited on September 24, 2021 for the first time, by Nuala Murphy and Devin Hentschel accompanied by the volunteer warden. The first management plan is underway to guide objectives and no trespass or public safety issues were identified.

Salt Spring Island

Cyril Cunningham Nature Reserve was visited on September 13, 2021 by Nuala Murphy accompanied by R. Bevington and S. Hannon (Salt Spring Island Conservancy). The management objectives for the reserve are being met and no public safety issues were identified.

Recommendation: Begin an invasive species removal program as some clusters of holly were found.

Deep Ridge Nature Reserve was visited on July 29, 2021 by Nuala Murphy and Devin Hentschel. The management objectives for the reserve are being met and no public safety issues were identified.

Lower Mount Erskine Reserve was visited on July 29, 2021 by Nuala Murphy and Devin Hentschel. The management objectives for the reserve are being met and no public safety issues were identified.

Recommendation: Continue invasive species removal and complete some planting and caging on heavy use areas to prevent trail widening.

McFadden Creek Nature Sanctuary was visited on September 13, 2021 by Nuala Murphy R. Bevington and S. Hannon (Salt Spring Island Conservancy). Some encroachment by neighbours with garbage and tree falling right up to boundaries. The management objectives for the reserve are being met and no public safety issues were identified.

Recommendation: Begin an outreach program for the neighbours to give information about the importance of the nature reserve with a brochure about herons. Continue invasive species removal.

Ruby Alton Nature Reserve was visited on July 29, 2021 by Nuala Murphy and Devin Hentschel, accompanied by Larissa Bron, Karen Iwachow, Kayla Jones (TLC The Land Conservancy). The management objectives for the reserve are being met and no public safety issues were identified.

Recommendation: Continue with invasive species removal.

Thetis Island

Fairyslipper Forest Nature Reserve was visited on June 8, 2021 by Nuala Murphy and Devin Hentschel, accompanied by S. Cottell and T. Brouwer (Cowichan Community Land Trust) and A. Eriksson (Thetis Island Nature Conservancy). The management objectives for the reserve are generally being met and no public safety issues were identified in the reserve.

Recommendation: Continue with Western Screech-Owl box and Sharp-Tailed Snake monitoring as well as invasive species removal.

Moore Hill Nature Reserve was visited on June 8, 2021 by Nuala Murphy and Devin Hentschel accompanied by T. Brouwer (Cowichan Community Land Trust) and A. Eriksson (Thetis Island Nature Conservancy). A felled and bucked tree was found that looked a few years old, off a trail from the road. There have not been any issues identified since placing 'no tree cutting' signs along the road in 2020 after a downed tree was removed. The management objectives for the reserve are generally being met and no public safety issues were identified in the reserve.

Recommendation: Continue with Western Screech-Owl box monitoring as well as invasive species removal.



REQUEST FOR DECISION

To: ITC Board **For the Meeting of:** November 23, 2021
From: Jemma Green, Covenant Management and Outreach Specialist **Date Prepared:** November 4, 2021

SUBJECT: Islands Trust Conservancy NAPTEP Monitoring Report 2021

RECOMMENDATION: That the Islands Trust Conservancy accept the *Islands Trust Conservancy NAPTEP Covenant Monitoring Report 2021* and direct staff to address breaches as identified in the report.

- 1 **PURPOSE:** To review the Islands Trust Conservancy Natural Area Protection Tax Exemption Program (NAPTEP) Covenant Monitoring Report for 2021.
- 2 **BACKGROUND:** Islands Trust Conservancy (ITC) NAPTEP covenanted areas are monitored annually to assess the overall ecological health of the sites, identify any new management issues that should be addressed by the covenant holder(s) or landholder, and identify and respond to any violations of the terms of the covenant agreement. The *Islands Trust Conservancy NAPTEP Covenant Monitoring Report* provides the monitoring results for 24 of 25 NAPTEP covenants in 2021. The results summary for each NAPTEP covenant includes a statement of good standing or non-compliance, a brief description of any violations (breach or trespass), and a list of any management concerns. Recommendations for responding to violations or management concerns are provided as appropriate.

Monitoring inspections identified three new violations in 2021. Two of these are breaches in one covenant area that are minor in terms ecological impacts and quickly and easily remedied. The third is a breach of moderate severity in terms of immediate ecological impact, but which is straightforward to remedy with no long-term ecological impacts anticipated. The Covenant Management & Outreach Specialist will work with the landholders and co-covenant holders to resolve these breaches and restore the affected areas, as needed.

Management concerns are noted for all but four NAPTEP covenants. In the remaining 20 NAPTEP covenant areas, invasive species are a major or minor management concern. Other less common concerns relate to trespass impacts (e.g. fire pits, unauthorized trails) or poor forest understory regeneration. A covenant agreement under NAPTEP authorizes ITC to “protect, preserve, and conserve” as well as to “maintain, enhance, rehabilitate, and restore” the land and amenities, and this is reflected in the recommendations provided in this report.

3 IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL: This monitoring report helps set priorities for NAPTEP covenant management and landholder stewardship, and identifies the actions needed to resolve violations.

FINANCIAL: The property management budget is allocated each year depending on available funds and the work that is most needed, balanced between all ITC protected areas.

POLICY: None.

IMPLEMENTATION/COMMUNICATIONS: Staff will continue to address the recommendations in the report as part of the regular work plan.

FIRST NATIONS: Where the ITC undertakes any restoration work, it will check the archaeological sites database for archaeological sites prior to soil disturbance. The ITC will also request that landholders investigate archaeological sites prior to disturbing soil for restoration, trail building or other activities. More generally, the monitoring report can be used to help identify local or regional land stewardship issues of mutual interest when working with First Nations. Staff will follow the *Islands Trust Cultural Protocol for Chance Finds and Ancestral Remains* as required and will request that covenant landholders do the same when working in covenant areas.

CLIMATE CHANGE: The property monitoring report provides staff with the most current information on the state of the land, which helps to contextualize information about climate change, allows for site-specific predictions of changes to the land, and supports development of mitigation and adaptation strategies.

OTHER: ITC Staff are still awaiting the monitoring report for Owl's Call NAPTEP Covenant (Salt Spring Island) by a third party. The monitoring report was not concluded at the time of writing this request for decision. Once this report is received, annual monitoring of NAPTEP covenants will be complete.

- 4 **RELEVANT POLICY(S):**
 [ITC 2.5 Natural Area Protection Tax Exemption Covenants](#)
 [ITC 2.8 Covenant Enforcement Policy](#)

- 5 **ATTACHMENT(S):** Islands Trust Conservancy NAPTEP Covenant Monitoring Report 2021

RESPONSE OPTIONS

Recommendation: That the Islands Trust Conservancy Board accept the *Islands Trust Conservancy NAPTEP Covenant Monitoring Report 2021* and direct staff to address breaches as identified in the report.

Alternative: That the Islands Trust Conservancy Board accept the *Islands Trust Conservancy NAPTEP Covenant Monitoring Report 2021* as amended and direct staff to address breaches as identified in the report.

Prepared By: Jemma Green, Covenant Management & Outreach Specialist

Reviewed By/Date: Kate Emmings, Manager, Islands Trust Conservancy / November 8, 2021

Islands Trust Conservancy

NAPTEP Covenant Monitoring Report 2021



Little D'Arcy Island NAPTEP Covenant, August 2021

Prepared By:
Jemma Green, Covenant Management and Outreach Specialist
Islands Trust Conservancy
November 2, 2021

Executive Summary

The Islands Trust Conservancy (ITC) is responsible for annually monitoring the 25 NAPTEP (Natural Area Protection Tax Exemption Program) covenants on which it holds an interest. This ensures that the natural values on which the covenant is based continue to be protected and that any violations of the covenant agreement are remedied as soon as possible. Annual compliance monitoring involves contacting the landholder and the co-covenant holder to advise of and coordinate the monitoring visit; walking the land along established monitoring routes, including along accessible property boundaries and any trails; filling out a site monitoring form that takes into account the standard land use restrictions under a conservation covenant; taking repeat photos at established monitoring stations; documenting any ecological, compliance, and trespass concerns; and providing a summary report with recommendations, which can be followed up on by ITC staff and co-covenant holders as needed.

This year, despite a slight delay to the start of the season and initial travel restrictions due to the ongoing COVID-19 pandemic, all NAPTEP covenants were visited and monitored.¹ The covenant monitoring program was enhanced this year with the addition of ITC's first co-op student, Devin Hentschel, who assisted staff with all aspects of monitoring fieldwork and reporting in his role as Conservation Technician.

This document contains the summary reports from monitoring inspections of 24 of 25 NAPTEP covenants.¹ Three new breaches in two covenant areas were detected. Fortunately, all of the breaches can be easily remedied and two are minor in terms of ecological impacts. The Covenant Management and Outreach Specialist will work with the landholders and co-covenant holders to resolve compliance issues and restore the affected areas. New and ongoing ecological concerns identified in this report will also be assessed, prioritized, and addressed as the property management budget permits.

Gabriola Island

Bachmann NAPTEP Covenant was monitored by Jemma Green and Devin Hentschel with members of Gabriola Land and Trails Trust and the landholder on July 16, 2021. The covenant was found to be in good standing. Of primary management concern are infestations of Himalayan blackberry and Scotch broom, which encroach into the covenant area from bordering road allowances. Infestations of tansy ragwort, thistles, Daphne, and English ivy are a secondary management concern.

Recommendation: Support the landholder and/or the co-covenant holder to manage invasive species and replant treated areas with suitable native species.

McRae NAPTEP Covenant was monitored by Jemma Green and Devin Hentschel on July 16, 2020. The covenant was found to be in good standing. Of primary management concern are: damage to the clearing's fragile shallow-soil ecosystem by unauthorized-trail users, unauthorized water diversion ditches from the trail created by trail users, and compost dumping by neighbours. Of secondary management concern are scattered Daphne and English holly in forested areas, and thistle in exposed areas, all of which are currently in the early stages of invasion.

¹ Monitoring of Owl's Call NAPTEP Covenant is to be carried out by a third party but was not concluded at the time of writing.

Recommendation: Work with the new landholder to (1) install interpretive signage to encourage the public to stay on the trail, as is recommended in the Baseline Report of the 2010 Covenant Agreement, and (2) monitor and manage invasive species.

Galiano Island

Barrineau NAPTEP Covenant was monitored by Jemma Green and Devin Hentschel on August 12, 2021. The covenant was found to be in good standing. Of minor management concern is the infestation of Canada thistle, which is invading the covenant area from neighbouring fields using the driveway as a dispersal corridor.

Recommendation: (1) Continue to encourage the landholder to mow the field of thistle adjacent to the covenant area when plants are in bud. (2) Manage thistle within the covenant area.

Westbourne NAPTEP Covenant was monitored by Jemma Green and Devin Hentschel on August 13, 2021. The covenant was found to be in good standing. Of management concern are infestations of Himalayan blackberry and English holly that are limited in extent.

Recommendation: Manage English holly, of which there are multiple large, fruit-bearing individuals.

Hornby Island

Myra Powers NAPTEP Covenant was monitored by Jemma Green and Devin Hentschel with the landholder on May 26, 2021. The covenant was found to be in good standing and no management concerns were identified, though the landholder expressed concern over the declining health of Western redcedar and Douglas-fir trees in the canopy and salal in the understory.

Link Island

Link Island NAPTEP Covenant was monitored by Jemma Green, Nuala Murphy and Devin Hentschel with Emily Barnewall of Nanaimo and Area Land Trust on July 27, 2021. The covenant was found to be in good standing. Of management concern are the impacts of trespass by the general public, which this year included the renewal of a small fire pit and litter at the north end of the island. A “No campfires” sign was installed at the location of the fire pit in hopes of discouraging its use. Also of management concern are the tansy ragwort infestations throughout the island, which are regularly monitored and managed by the Swift family (and by the covenant holders in 2020 and 2021), and the scattered thistle and small English holly plants.

Recommendation: (1) Continue to support the landholders with management of tansy ragwort, as requested. (2) Remove English holly while in the early stages of infestation (while eradication is feasible).

Little D’Arcy Island

Little D’Arcy NAPTEP Covenant was monitored by Jemma Green on August 17, 2021. The covenant was found to be in good standing, the landholders having remedied the compliance concerns identified in 2019 and 2020. A primary management concern is the large thistle infestation on the tombolo and other coastal areas. The infestation will require many person-hours to manage each year, based on the area

treated by the Conservation Technician during the 1.5-hour monitoring visit. Another management concern is the large volume of Styrofoam debris washing onto the island's beaches.

Recommendation: Work with the landholders to coordinate thistle removal (timed to coincide with bud or bloom) and beach cleanup work parties.

North Pender Island

Garry Oak NAPTEP Covenant was monitored by Jemma Green with Pender Islands Conservancy Association's three summer students on June 16, 2021. The covenant was found to be in good standing. The primary management concern identified is the Scotch broom that is re-establishing in many parts of the covenant. The monitors worked with the landholders on broom removal during this monitoring inspection, but a greater, more regular, and strategically-timed effort is required. Of secondary management concern is the encroachment of Himalayan blackberry from the road allowance on Port Washington Road.

Recommendation: With the landholders' permission, and with special care given to respect sensitive habitat, support a Pender Islands Conservancy Association-led "broom bash."

King Lot A NAPTEP Covenant was monitored by Jemma Green and Devin Hentschel on August 3, 2021. The covenant was found to be in good standing. Of management concern are the scattered patches of Himalayan and cutleaf blackberry and Scotch broom, which threaten the integrity of this red-listed Douglas-fir/Arbutus woodland.

Recommendation: Work with the landholder's gardener to manage invasives.

King Lot 16 NAPTEP Covenant was monitored by Jemma Green and Devin Hentschel on August 3, 2021. The covenant was found to be in good standing. Of primary management concern are the large patches of mature Scotch broom, which threaten the integrity of this red-listed Douglas-fir/Arbutus woodland. Of secondary management concern is blackberry encroachment from the road allowance.

Recommendation: Work with the landholder's gardener to manage Scotch broom.

Nighthawk Hill NAPTEP Covenant was monitored by Jemma Green with Elizabeth Miles from Pender Islands Conservancy Association on June 17, 2021. The covenant was found to be in good standing and no management concerns were identified.

Oscar's Landing (King Lot 12) NAPTEP Covenant was monitored by Jemma Green on August 3, 2021. The covenant was found to be in good standing and no major management concerns were identified. Of minor concern is the small number of Himalayan blackberry and Scotch broom plants along the southwest shoreline, which should be removed while in this very early stage of invasion.

Recommendation: Work with the landholder's gardener to manage invasives.

Steil's Woods NAPTEP Covenant was monitored by Jemma Green with the new landholder on June 15, 2021. The covenant was found to be in good standing. A major management concern is the recent proliferation of invasive reed canarygrass around Gardom Pond, facilitated by the lowering of water levels with the decommissioning of the dam by the Capital Regional District in 2019. An ongoing

management concern is the near-complete absence of understory vegetation in the forested areas of this covenant.

Recommendation: (1) In collaboration with the landholders, encourage the Capital Regional District to follow its *Gardom Pond Dam Decommissioning Environmental Management Plan* by restoring disturbed sites and promoting revegetation with native species. (2) With the cooperation of the landholder and the co-covenant holder, enhance the forest ecosystem by planting shade-tolerant native shrubs and herbs in deer exclosure areas.

Wallace Point NAPTEP Covenant was monitored by Jemma Green on June 17, 2021. The covenant was found to be in good standing. Of primary management concern are well-established Scotch broom, rose campion, and thistle infestations, which threaten the integrity of fragile and endangered ecosystems.

Recommendation: Support the landholder with invasive species management.

Woodwinds NAPTEP Covenant was monitored by Jemma Green with Erin O'Brien of Pender Islands Conservancy Association on September 2, 2021. The covenant was found to be in good standing. Ongoing management concerns include abundant Daphne in forested areas, several large Himalayan blackberry infestations, Scotch broom on rocky bluffs, and a large patch of thistle on the septic field. Also of management concern are three sizeable piles of woody debris (left in 2019 when intruding trees were cleared to replace the septic field), which pose a fire hazard.

Recommendation: (1) With approval from the landholder, support invasive species removal work parties led by Pender Islands Conservancy Association; prioritize removal of Scotch broom and Daphne, and control of Himalayan blackberry. (2) Encourage the landholder to address fire hazards by managing Scotch broom near the house and dispersing, chipping, or removing the woodpiles.

Salt Spring Island

Arthur Lineham NAPTEP Covenant was monitored by Jemma Green and Devin Hentschel on July 22, 2021. The covenant was found to be in good standing and no major management concerns were identified. A small number of English holly seedlings were observed and removed.

Frog Haven NAPTEP Covenant was monitored by Jemma Green with Pierre Mineau of Salt Spring Island Conservancy and the landholders on September 8, 2021. The covenant was not found to be in compliance: the monitors observed that a significant patch of native vegetation, mainly hardhack, salal and other native shrubs, had been cut down near the south end of the pond. The cause of the breach was identified as the landholders' attempt to control hardhack encroachment into the pond and reduce the amount of organic matter inputs in hopes of slowing the pace of pond shrinkage. Fortunately, the vegetation was cut down rather than being pulled out, and this has enabled the vegetation to begin to regenerate naturally from the stumps. Therefore, the covenant holders will require the following remedial actions of the landholders: (1) allow the vegetation to continue to regenerate, (2) monitor the area and replace any cut plants that do not regenerate with a plant of the same species, and (3) ensure that future stewardship actions are in compliance with the Covenant Agreement.

An ongoing management concern is the dense infestation of exotic water violet (*Hottonia palustris*) in the amphibian breeding pond, which has degraded habitat through intense shading and displacement of

native vegetation. Of minor management concern are small Scotch broom and Himalayan blackberry infestations in woodland clearings, which are being managed by the landholders.

Recommendation: Work with the landholders and co-covenant holder to implement careful control of water violet, beginning in late summer/early fall 2021 (after amphibians have completed metamorphosis). Next year's annual monitoring visit will determine whether further actions or enforcement are required to remedy the breach, though none are anticipated.

Leader NAPTEP Covenant was monitored by Jemma Green with Gail Bryn-Jones of Salt Spring Island Conservancy on August 23, 2021. The covenant was found to be in good standing. Of management concern is the Scotch broom that is well-established on the coastal bluffs, English holly in moist forested depressions, and scattered English hawthorn in open woodland areas.

Recommendation: Work with the co-covenant holder to manage Scotch broom when plants are in bloom but before they set seed. Develop an English holly and English hawthorn management strategy.

My Whim NAPTEP Covenant was monitored by Jemma Green with Larissa Bron of TLC The Land Conservancy of BC on September 27, 2021. The covenant was found to be in good standing. However, monitors noted the following ongoing management concerns: (1) extensive infestations of reed canarygrass and Himalayan and cutleaf blackberry on the pond margins, which may impede access by the red-listed Western Painted Turtle; (2) Scotch broom scattered in upland areas; (3) blackberry and broom encroachment from the adjacent road allowance; and (4) trespass via authorized and unauthorized footpaths. A new management concern is the low survival of restoration plantings in areas treated for invasive species in 2020, which was likely caused by the record drought and high temperatures over the summer.

Recommendation: (1) Continue invasive species management. (2) Replace worn covenant sign and install additional signs where unauthorized footpaths have developed. (3) Incorporate a watering strategy in future planting projects.

Old Divide NAPTEP Covenant was monitored by Jemma Green and Devin Hentschel with Pierre Mineau of Salt Spring Island Conservancy and the landholder on June 3, 2021. The covenant was found to be in good standing and no management concerns were identified.

Owl's Call NAPTEP Covenant will be monitored by a third party, a Salt Spring Island biologist, in late 2021, at the request of the landholder and as allowed by the covenant agreement. A copy of the monitoring report will be submitted to Islands Trust Conservancy.

Polden NAPTEP Covenant was monitored by Jemma Green with Susan Hannon of Salt Spring Island Conservancy and the landholder on August 26, 2021. The covenant was found to be in good standing. Of ongoing management concern are the Scotch broom infestations in ridgetop clearings, which are being diligently managed by the landholder. English holly infestations at the south end of the covenant area were identified as a new management concern.

Recommendation: Support the landholder to manage Scotch broom and English holly.

Richardson NAPTEP Covenant was monitored by Jemma Green with Penny Barnes of Salt Spring Island Conservancy on August 26, 2021. The covenant was not found to be in compliance. Several minor breaches were noted. First, one of two breaches of the covenant agreement identified in 2020 has not

been remedied; however the landholder has indicated that the tarped pile of shingles will be removed from the covenant area imminently. Second, there was a considerable amount of litter within the covenant area, most notably several bundles of chicken wire near the road allowance and a large bag of garbage near a trail. This is another violation of Section 4.2(a)(v) which does not allow the landholder to “cause or allow... waste or other material foreign to the Covenant Area to be deposited in, on or under the Covenant Area.” Third, a livestock fence is encroaching into the covenant area where the fencing has been moved from an old fencepost within the exclusion boundary to a tree within the covenant area. In consultation with the co-covenant holder, the Covenant Management and Outreach Specialist will issue a notice of breach to the landholder setting out the particulars of the breaches and the actions required to remedy them within 60 days; specifically, removal of litter and other foreign materials and correction of the livestock fence.

Other management concerns include a Himalayan blackberry infestation next to the dug pond, and a thistle infestation encroaching out of the exclusion area, and an ornamental bamboo planted at the driveway entrance in the road allowance, which will readily spread into the covenant area immediately adjacent and become difficult to control.

Recommendation: (1) Advise the landholder against planting bamboo in close proximity to the covenant area unless it is contained. (2) Remind the landholder to be mindful of keeping litter out of the covenant area. (3) Continue to encourage the landholder to mow the thistle infestations within the exclusion area, ideally when plants are at the bud stage.

Walter Bay NAPTEP Covenant was monitored by Jemma Green and Devin Hentschel on June 3, 2021. The covenant was found to be in good standing, pending the outcome of the investigation into the water use license on Mawhinna Creek and related dredging and silt piling by the landholder. Of management concern are infestations of English holly throughout the forest; English ivy above the shore and along the riparian area; and thistle and English hawthorn in the field.

Recommendation: (1) The covenant holders should review the terms of the landholder’s water use license and consider whether it is (a) necessary to modify the covenant agreement to acknowledge the clearing of silt from the creek as a landholder’s reserved right and (b) whether dumping of silt within the covenant area should be allowed to continue. (2) Continue to manage English holly and English ivy in riparian and forest areas. (3) With landholder and co-covenant holder cooperation, develop a restoration plan for (a) the field area, which is dominated by exotic and/or invasive species and (b) the shoreline, which will require special care for ivy control to protect the shell midden.

Wennanec NAPTEP Covenant was monitored by Jemma Green on August 23, 2020. The covenant was found to be in good standing. Of management concern are the English holly scattered throughout the forest and persistent infestations of gorse, Scotch broom, and thistles in the northeast corner of the covenant area, all of which the landholder is attempting to control.

The landholder has developed a low-impact recycled-netting enclosure fence hung from trees to protect the rocky outcrop habitat. The enclosure area extends into the covenant area and was pre-approved by the covenant holders. The landholder reports that they have planted native shrubs grown from local provenance and are already seeing natural shrub and oak regeneration.

Recommendation: Support the landholder with gorse, Scotch broom and English holly management.

File No.: NP-NAP-2011.3, Nighthawk Hill NAPTEP Covenant

DATE OF MEETING: November 23, 2021

TO: Islands Trust Conservancy Board

FROM: Kathryn Martell, Ecosystem Protection Specialist

SUBJECT: Conservation Proposal—Nighthawk Hill NAPTEP expansion (North Pender Island)

Applicant: Andreas Nowak and Mary Reher

Location: 5900 Pirates Road, PID: 001-081-110, Lot 38, Section 7, Pender Island, Cowichan District, Plan 32261, Except Part in Plan 35333

RECOMMENDATION

1. That the Islands Trust Conservancy Board approve the conservation proposal submitted by Andreas Nowak and Mary Reher to add approximately 1 ha to the existing NAPTEP conservation covenant over a portion of the land described as Lot 38, Section 7, Pender Island, Cowichan District, Plan 32261, Except Part in Plan 35333, PID 001-081-110, to protect small seasonal wetlands and connectivity to the already-protected mature dry Douglas-fir forests.

REPORT SUMMARY

The landowners have a Natural Area Protection Tax Exemption Program (NAPTEP) covenant, registered in 2012, on a 0.9 ha area of this property, to protect Douglas-fir / Arbutus woodland and in particular, an undeveloped, steep ridge with moss- and lichen-covered rocky outcrops, and a known Common Nighthawk (SARA Schedule 1 Threatened, BC Yellow) nesting location. Dozens of bird species have been spotted in and above the covenant area including Barred Owls, Bald Eagles, Osprey and Turkey Vultures. This covenant is co-held by Pender Islands Conservancy Association (PICA).

The applicants submitted a Conservation Proposal for Islands Trust Conservancy (ITC) Board consideration on March 30th, 2021, to expand the covenant to include a small wetland and riparian area to the southeast of the current protected area. The Islands Trust Policy 2.1.10 [Administration of Natural Area Protection Tax Exemption Program](#) provides that a modification to an existing NAPTEP covenant and natural area exemption certificate to enlarge the protected area will be approved only if it increases the conservation value of the covenant, as determined by the ITC Board. This staff report presents an assessment of the Conservation Proposal, based on selection criteria outlined in Policy 2.2, Policy 2.4 *Assessing Conservation Proposals*, and the ITC Land Securement Strategy.

This proposal is to add approximately 1 ha to the existing covenant area, extending the protection to a small wetland complex and surrounding young forest, and also protecting continuity and transition from the wetland to the dry upper ridge of the current covenant area. The proposed covenant area contains 3 ecological communities considered at-risk in BC. Although relatively small, this area would almost double the size of the covenant on this property. The presence of seasonally wet areas, including the headwaters of a seasonal creek, and the habitat transition between the wetlands and the upper dry ridge increase the conservation value of this property.

1 PROPERTY INFORMATION

Property Description:

5900 Pirates Road, North Pender Island

PID: 001-081-110

Lot 38, Section 7, Pender Island, Cowichan District, Plan 32261, Except Part in Plan 35333

Property size: 3.97 ha

Proposed protected area size: ~ 1 ha, to add to existing 0.91 ha covenant area, total combined area of ~ 1.9 ha

Partners: Existing covenant is co-held by Pender Islands Conservancy Association (PICA). Staff has sent PICA the Conservation Proposal and discussed the project. PICA is generally supportive of this covenant expansion but has not yet reviewed the application or discussed it in detail with ITC staff.

Property notes: The Ecosystem Protection Specialist (EPS) visited the property on August 5th, 2021.

2 BACKGROUND

The existing NAPTEP covenant has been in place since 2012. The landowners would like to increase protection on their property to include a small wetland area, which is the headwaters for a little seasonal creek that flows into Bedwell Harbour. The property is bounded to the southwest by Pirates Road and by largely undeveloped private properties to the northwest, north, and southeast. The neighbouring property to the northeast was recently cleared, and the neighbour to the north may soon be clearing and blasting to build a driveway along the property's eastern boundary; these landscape changes, combined with other development on the Pender Islands, has convinced the landowners to increase protection on their own property. There is a small trail through the proposed covenant area, from the driveway to the property's southern boundary, with a small wooden log placed as a bridge over the seasonal creek and wetlands.

Figure 1. Location of property (blue outline) on North Pender Island, showing landscape context of nearby Protected Areas. Shown are: Federal Park (dark green), Federal Marine Park (violet), Community Park (light orange), ITC Nature Reserve (red), ITC Covenant (orange).

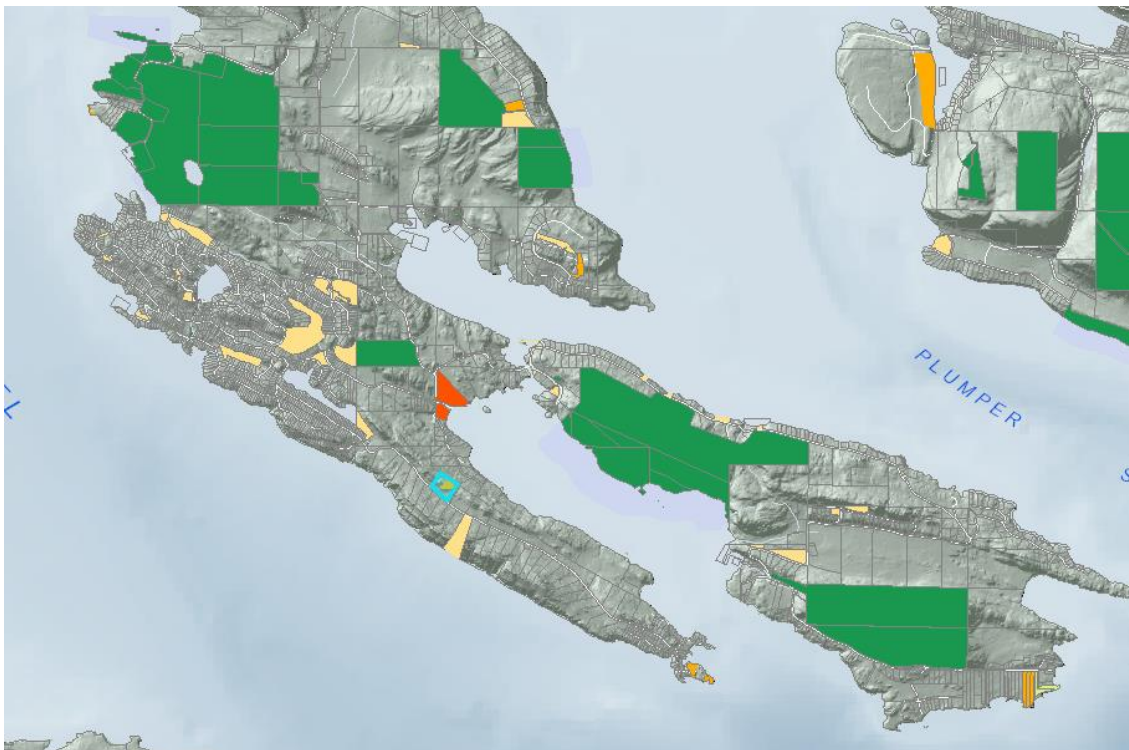
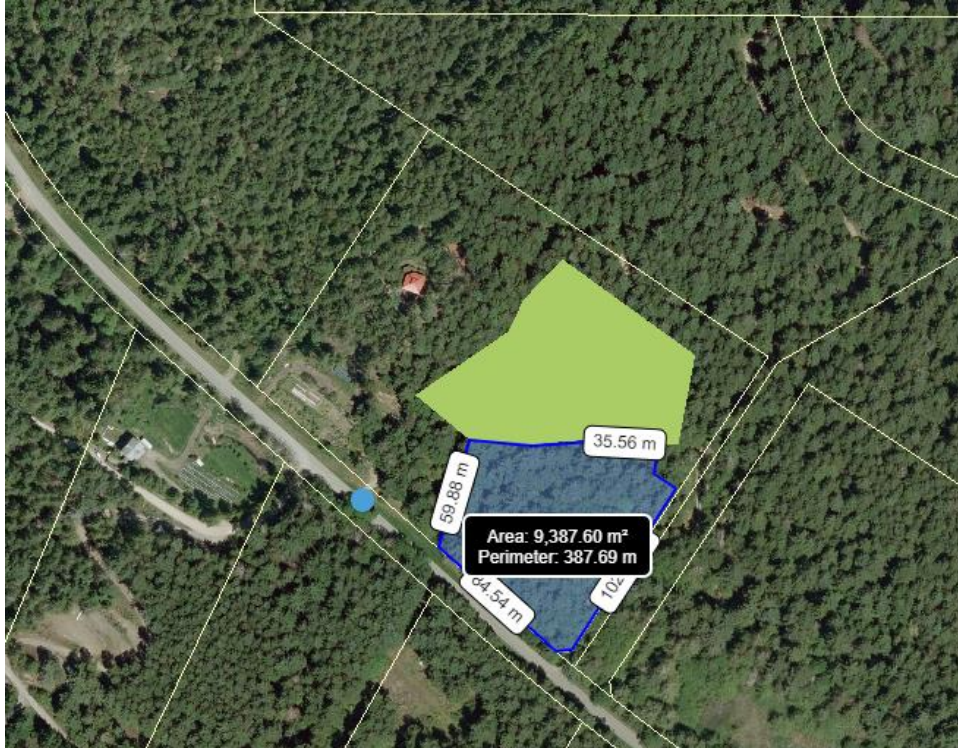


Figure 2. Proposed covenant addition (approximate location). Existing NAPTEP covenant area shown in light green. Boundary and measurements are approximate.



3 ANALYSIS

Values were determined by evaluating the application submitted by the property holder, Islands Trust and other mapping resources, and based on the site visit.

Natural Values

The current covenant is bounded at its southern end by the driveway, which lies approximately mid-slope between the ridgetop and the wetlands. This proposed covenant expansion would extend protection from the driveway down to the property's southeastern corner, protecting a corridor and transition between the ridge and the wetlands as well as the wetland areas themselves.

The proposed protected area contains largely young forest. The wetlands consist of seasonally standing water in a matrix of young Douglas-fir and Western redcedar. The wetter areas have emergent horsetails and sedges. There is also a dug pond, which, although small, has the potential to become critical year-round aquatic habitat as climate change increases seasonal water scarcity and summer drought.

The proposed covenant area contains 3 ecological communities considered at-risk in BC (see details in next section). Although relatively small, this area would almost double the size of the covenant on this property. The presence of seasonally wet areas, including the headwaters of a seasonal creek, and the habitat transition between the wetlands and the upper dry ridge increase the conservation value of this property.

This property qualifies for the NAPTEP program based on the presence of areas relatively undisturbed by human activity that are good examples of target ecosystems (Regulation 2[a]), that are key habitat for rare native plant communities (2[b]).



Photo 1. A small wetland forms the headwaters of a seasonal creek draining into Bedwell Harbour. The landowners have built a small trail through this area of the property, including this log bridge to protect the wetland.



Photo 2. Mixed young forest throughout the proposed covenant expansion area. This photo was taken from the driveway just beyond the southern boundary of the existing protected area, looking south towards Pirates Road.

Ecosystems and Species at Risk

BC's Conservation Data Centre shows most of the area as a polygon of a mixture of 2 at-risk ecological communities:

- a. Douglas-fir – Dull Oregon-grape (Red-listed)
- b. Grand fir – Dull Oregon-grape (Red-listed)

ITC's Terrestrial Ecosystem Mapping / Sensitive Ecosystem Mapping indicates that the proposed covenant area contains several ecological communities that are considered at-risk in British Columbia:

- c. Western redcedar – Douglas-fir – Oregon beaked moss (Red-listed)
- d. Western redcedar – Skunk cabbage (Blue-listed)
- e. Western redcedar – Slough sedge (Red-listed)

There are no recorded sightings of species at risk on the proposed new covenant area, however, a detailed baseline survey has not been done. The wetland complexes and creek provide diverse habitat for a variety of bird, amphibian, and insect species.

Sensitive Ecosystems

The proposed covenant area contains mapped areas of 1 sensitive ecosystem, Wetlands.

Regional Conservation Plan Context

The proposed covenant is not within the Islands Trust Conservancy's top 3000 identified hectares for conservation. However, it does directly address conservation of *Sensitive Ecosystems*, one of the Biodiversity Priorities of the 2018-2027 Regional Conservation Plan (RCP) (see attached SEM map).

The ITC conservation prioritization model indicates that the property is a medium priority for conservation. Compared with other islands in the Trust Area, protection of Sensitive Ecosystems and of Forests is considered of Medium conservation priority for the North Pender Island Local Trust Area, and the North Pender LTA in general is considered a medium conservation priority in the RCP.

This proposed covenant expansion will double the size of the protected area, increasing its ecological integrity, and including both the wetlands and the transition from lower, moist areas to upper dry slopes protects the type of transition zone that is likely to be critical to species' and ecosystems' survival as climate changes.

Securement Strategy Assessment

Assessment category	Score	Comments
Representation:	9/15	Wetlands are reasonably well-protected in the NP LTA but are critical for biodiversity persistence; there is considerably less protection of seasonal creeks and their headwaters
Site Condition:	10/15	Evidence of heavy deer browse (understory suppression), but otherwise impacts only from proximity to road, driveway, and from past logging
Viability:	7/15	Seasonally wet areas part of larger wetland complexes on adjacent properties but although small, this proposed covenant area is the headwaters; uncertain ability to persist with future water shortages
Known Rare Species:	0/15	Known Common Nighthawk nesting nearby and probable bat and bird use but no documented at-risk species in this portion of the property

Ecological Value Subtotal:	26/60	
Management Ease:	8/10	The dug pond was recently excavated deeper and some restoration may be necessary (invasives removal, native species planting) but this will be responsibility of the landowner
Time/Urgency	3/10	Landowners are motivated to expand covenant protection
Threat Subtotal:	11/20	
Total:	37/80	Despite this low score, this addition significantly increases the conservation value and ecological integrity of the already-protected area and protection of wetlands and seasonal creeks is a high priority and the staff efforts required to secure this addition is anticipated to be relatively low compared with other NAPTEP applications.

4 IMPLICATIONS AND CONSIDERATIONS

Organizational

No major considerations. Negotiation of a covenant amendment will require staff time.

Policy

The application is consistent with ITC policies and regulations for accepting covenants, and aligns with the Regional Conservation Plan and Securement Strategy conservation priorities.

Financial

Negotiating and drafting the covenant may take fewer resources than usual (staff time and legal costs) because it represents relatively minor amendments to the existing covenant. It will cost approximately \$1000 for legal review of the covenant amendment. The landowner will be responsible for costs of survey, baseline inventory and covenant registration. Registration of this covenant will not result in any increase to the ITC Property Management budget.

Property Management Consideration

The close proximity of Pirates Road, the driveway, and the neighbouring driveway along the proposed covenant area boundary pose a risk for introduction and spread of invasive species across the covenant area and will require ongoing maintenance which will need to include consultation with staff. Staff considers these issues to be easily manageable by the landowner if they are willing and able. The landowners currently have a letter of permission associated with the existing covenant to conduct minor clearing of native vegetation to maintain small trails. Registration of a new covenant may require issuing a new letter of permission for this use.

Land Title and Relevant Land Status Information

The applicants are the registered owners of the property and the only charges on title are those related to the existing NAPTEP covenant. The property is classed as Residential.

First Nations

In negotiating and drafting the conservation covenant, staff will follow guiding principles of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and the Truth and Reconciliation (TRC) Calls to Action. Staff has done a desktop review of RAAD data as per guiding principles of the Archaeological Branch. ITC collaborates with First Nations governments regarding conservation, and works with Cultural Knowledge Holders to create greater understanding and stewardship.

Communications

Following Board decision, staff will continue discussions with the Pender Islands Conservancy Association (PICA), the current co-holder.

Climate Change

The young forest and wetlands on this property contribute towards climate change mitigation by protecting carbon uptake and storage sources. Additionally, protecting the transition zone from seasonally flooded up to dry ridgetop provides a range of habitats and may assist with species persistence and/or migration in response to future climate instability and change.

Referrals

The proposal has been sent to Islands Trust Council for their review and approval of the tax exemption certificate at their meeting November 30-December 2, 2021.

The proposal will be sent to the North Pender Islands Local Trust Committee for their information, for their meeting December 4th, 2021.

Other Issues and Opportunities

- Staff will discuss best approaches in terms of whether to register an amendment to the existing covenant or an entirely new covenant.
- Registration of the re-issued tax exemption certificate must be followed by discharging the existing tax exemption certificate. There will be minor legal costs associated with this discharge.
- The original NAPTEP covenant was placed before ITC had adopted policy restricting covenants to areas no smaller than 2 ha. This addition will potentially bring this protected area into alignment with current policy.
- The southeastern boundary is against a panhandle for the property to the north, a long, narrow strip (19' width) intended for construction of an access (driveway) from Pirates Road. That neighbour may soon be building the access driveway, which would involve clearing and blasting immediately adjacent to the applicant property. There is a potential for breach into the proposed covenant area.
- The applicant will be provided with information about the Morrison-Waxler Biodiversity Fund and the Ecological Gifts Program.

5 RECOMMENDATION AND RATIONALE

Staff recommends that the ITC Board approve this NAPTEP covenant application, and direct staff to pursue next steps in negotiating an amended conservation covenant on this property, based upon:

- Opportunity to double the size of the protected area on this property;
- The potential to increase protection of sensitive and at-risk ecosystems;
- The relatively intact nature of the wetland habitats present on the property; and,
- Alignment with NAPTEP and Regional Conservation Plan conservation priorities.

RESPONSE OPTIONS

Recommendation:

That the Islands Trust Conservancy Board approve the conservation proposal submitted by Andreas Nowak and Mary Reher to add approximately 1 ha to the existing NAPTEP conservation covenant over a portion of the land described as Lot 38, Section 7, Pender Island, Cowichan District, Plan 32261, Except Part in Plan 35333, PID 001-081-110, to protect small seasonal wetlands and connectivity to the already-protected mature dry Douglas-fir forests.

Alternatives:

1. Approve the proposal with conditions

That the Islands Trust Conservancy Board approves the Conservation Proposal, but subject to specific requirements with regard to *[insert details]*.

2. Decline the proposal

That the Islands Trust Conservancy Board declines the Conservation Proposal from Andreas Nowak and Mary Reher, for the follows reasons *[insert reason]*:

NEXT STEPS

- Trust Council review of application, November 30 – December 2, 2021
- Referral to North Pender Local Trust Committee for information, December 4, 2021

Submitted By:	Kathryn Martell, Ecosystem Protection Specialist	November 4, 2021
Concurrence:	Kate Emmings, Manager	November 8, 2021

ATTACHMENTS

1. Sensitive Ecosystem Mapping of subject property
2. Conservation Proposal

SEM in proposed covenant addition



75.2 0 37.6 75.2 Meters

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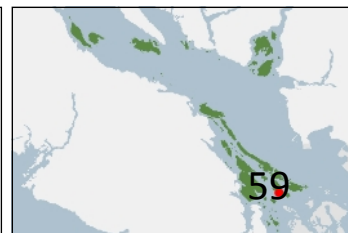


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November 3, 2021

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59

LEGEND - Base Maps

-  Property Boundary
-  Roads
-  Water Courses
-  Lakes
-  Zoning Boundary
- Zoning Class**
-  Not Zoned
-  Commercial/Industrial
-  Community
-  Residential
-  Resource
-  Water
- Contours**
-  Index Contour
-  Intermediate Contour

LEGEND - Operational Layers

-  Conservancy Covenant
-  Heron Rookery
-  Raptor Nest
-  Sea Bird Colony
- Tertiary Class**
-  Herbaceous
-  Sand
-  Freshwater
-  Wetland
-  Riparian
-  Older Forest
-  Cliff
-  Mature Forest
-  Intertidal
-  Woodland
-  Seasonally Flooded
- Secondary Class**
-  Herbaceous
-  Sand
-  Freshwater
-  Wetland
-  Riparian
-  Older Forest
-  Cliff
-  Mature Forest
-  Intertidal
-  Woodland
-  Seasonally Flooded
- Primary Class**
-  Herbaceous
-  Sand
-  Freshwater
-  Wetland
-  Riparian
-  Older Forest
-  Cliff
-  Mature Forest
-  Woodland
-  Seasonally Flooded
-  SAR (Secure)



200 - 1627 Fort Street, Victoria, BC V8R 1H8
Telephone: 250-405-5186 Fax: 250-405-5155
Toll Free via Service BC in Vancouver 604-660-2421
Elsewhere in BC 1-800-663-7867
Email: itcmail@islandstrust.bc.ca
Website: www.islandstrustconservancy.ca



Natural Area Protection Tax Exemption Program

APPLICATION FORM

OFFICE USE ONLY

Size of Property _____ Application Fee _____ Receipt Number _____ File Number: _____

Please complete and attach the **Application Checklist** at the end of this form to your application. Be sure to include all required information with your application and ensure your site plan is complete and accurate.

We can only accept and process complete applications.

PROPERTY OWNER (Please Print)

Please list all registered owners as indicated on State of Title Certificate. Add additional page if more than two owners.

ANDREAS NOWAK
Name _____
Street _____
City _____
Post _____
Tele _____
Cell _____
Ema _____

MARY REHER
Name _____
Street _____
City _____
Post _____
Tele _____
Cell Phone _____
Email _____

APPLICANT INFORMATION (If different from owner)

Name _____ Street Address _____
City _____ Province _____ Postal Code _____
Telephone _____ Cell _____ E-mail _____

DESCRIPTION OF PROPERTY

(As indicated on State of Title Certificate)

Parcel Identifier (PID) 001 081 110

Legal Description: LOT 38, PLAN V1P32261, SEC. 7, COWICHAN C.D., PENDER ISLAND, EXC. PLAN

Street Address or General Location 5900 PIRATES RD. PENDER ISLAND, B.C. 35333

Jurisdiction and Folio Number 764 008190.385 (from Property Assessment/Tax Notice)

Property Size (hectares) 9.8 AC Proposed Covenant Size (hectares) ~ 1.75 AC

(1) Why do you want to covenant your land?

WE WANT TO PROTECT THIS PIECE OF LAND IN PERPETUITY. THE WETLANDS ARE THE HEADWATERS FOR A LITTLE SEASONAL CREEK THAT RUNS INTO BEDWELL HARBOR. THIS AREA ALSO FEATURES A BEAUTIFUL, ROBBY BLUFF. TO OUR KNOWLEDGE NO INVENTORY OF NATIVE PLANT + ANIMAL SPECIES ~~EXISTS~~ HAS BEEN

(2) Please describe the **current** use(s) of land and building(s) on the property. COMPILED.

RESIDENCE + OUTBUILDINGS
LARGE GARDEN
EXISTING COVENANT: NIGHTHAWK HILL TRAILS

(3) Please describe the **current** use(s) of land and building(s) on **adjacent** properties.

LOT 37: RAW LAND, NO BUILDINGS, ONE SMALL PORTION CLEARED
LOT 39: RAW LAND, 100 ft² CABIN

(4) Please check as many of the following boxes as necessary to indicate the natural features on your property that you believe make it eligible for a Natural Area Exemption Certificate and that the property owner(s) is (are) willing to permanently protect through NAPTEP.

- ☒ Areas relatively undisturbed by human activity that are good examples of eligible ecosystems (see *Islands Trust Act* NAPTEP Regulations for details)
- ☐ Areas relatively undisturbed by human activity that are key habitat for rare native plant species or plant communities
- ☐ Areas that are critical habitat for native animal species in relation to breeding, rearing, feeding or staging
- ☒ Geological features

(5) If you have additional information, such as photographs, maps, reports, letters from qualified parties or professional assessments that support your application for a Natural Area Exemption Certificate, please attach to your application.

(6) Site Plan: Please submit a sketch that shows the location of the natural features and buildings on the property. Reference the attached Application Checklist for a list of features to be included on the Site Plan.

(7) Is your property adjacent to a park or a protected area? YES ☒ NO ☐

(8) Do you have a preference for an organization/conservancy to co-hold the covenant with the Islands Trust Conservancy? Note that such an organization/conservancy must be authorized to accept covenants under Section 219 of the *Land Title Act* and authorized to accept a statutory right of way under Section 218 of the *Land Title Act*.

YES ☒ PENDER ISLAND CONSERVANCY NO ☐
Name of Organization/Conservancy

(9) Please indicate what you would like to name your NAPTEP Covenant. If you do not have a preference, the default is to name it using your last name (i.e. Jones NAPTEP covenant).

NIGHTHAWK HILL

Important: Before you apply, we recommend you obtain independent legal and tax advice to fully understand how a Natural Area Exemption Certificate will affect your particular situation.

The Natural Area Protection Tax Exemption Program is available throughout the Islands Trust area.

CERTIFICATION

I hereby certify that the above information is true to the best of my knowledge and I have reviewed the Annotated Standard Conservation Covenant for NAPTEP. I am willing to permanently protect the proposed area with a covenant of this standard and any necessary easements.

Signature of Applicant

Date

MAR 30/21

Print Name

ANDREAS NOWAK

AUTHORIZATION

*Required if the applicant is not the sole registered owner. Please list all owners indicated on the Certificate of Title.

Strata Titled Developments require a written endorsement from Strata Councils.

I hereby consent to the application contained herein

Signature of Owner

Signature of Owner

Print Name

Print Name

Date

Date

Signature of Owner

Signature of Owner

Print Name

Print Name

Date

Date

Freedom of Information and Protection of Privacy

Personal information contained on this form is collected under the authority of the *Islands Trust Act* and is subject to the *Freedom of Information and Protection of Privacy Act*.

The personal information will be used for purposes associated with the conservation proposal. Enquiries about the collection or use of information in this form can be directed to the Islands Conservancy Manager, phone: 250-405-5191.

Contaminated Sites Regulation

Please note that pursuant to Section 4(4) of the *Contaminated Sites Regulation*, B.C. Reg. 375/96 a site profile is not required and will not be accepted by the Islands Trust. If you have any questions, please contact this office.

NAPTEP

Natural Area Protection Tax Exemption Program

APPLICATION CHECKLIST

Please ensure that all of the information below is included in your application. The Application Checklist is part of the Application Form and must be enclosed with your application. If you have questions regarding submission requirements, please contact Islands Trust Conservancy staff at (250) 405-5186. **Staff cannot begin processing your application until all of the information below has been provided.**

Application Form

- ☒ Completed and signed application form
- ☒ Authorization signatures from all owners

Application Fee

- ☒ Phase 1 Application fee of **\$275** payable to the **Islands Trust**

Site Plan Sketch Showing:

- ☒ Approximate location of all water bodies (including the ocean), wetlands, drainage areas, ponds, sewage disposal field(s), well(s) and general topography
- ☒ Size of the parcel and existing uses
- ☐ Uses and approximate dimensions of existing buildings *n/a*
- ☒ Approximate location of all driveways, trails, site access points and adjacent roads
- ☒ Approximate location and description of all natural values and amenities proposed for protection
 - Streams
 - Water bodies
 - Wetlands
 - Herbaceous areas
 - Woodlands (open forests)
 - Mature and old forests
 - Cliffs
 - Geological features
 - Known rare species
- ☒ Approximate location and dimensions of proposed covenant areas and easement areas (if required)



Map Title

Lot 38, 5900 PIRATES RD, PENDELA ISLAND

LEGEND Operational Layers 95

- Contours 2m
- Index Contour
- Intermediate Contour



57.3 0 28.7 57.3 Meters

WGS, 1984 Web_Mercator_Auxiliary_Sphere
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1:1,128

March 27, 2021

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REQUEST FOR DECISION

To: ITC Board **For the Meeting of:** November 23, 2021
From: Wendy Tyrrell, Species at Risk Program Coordinator **Date Prepared:** November 2, 2021
SUBJECT: Species at Risk Project Charter - Update

RECOMMENDATION: that the Islands Trust Conservancy Board approve the revised Species at Risk Program Project Charter, dated November 23, 2021.

1 PURPOSE: To finalize a Species at Risk (SAR) Program Project Charter.

2 BACKGROUND:

At the June 2017 meeting of the Islands Trust Council, Environment and Climate Change Canada (ECCC) and Islands Trust staff presented information on the *Species at Risk Act* (SARA) and local government/local trust committee/island municipality responsibilities in the Islands Trust Area. ECCC Staff described federal government responsibilities on private and public lands under SARA.

In September 2017, Trust Council passed the following resolution:

TC-2017-029

It was MOVED and SECONDED, that Trust Council request that the [Islands Trust Conservancy] Board investigate options for increased use of federal or provincial stewardship agreements for species at risk in the Islands Trust Area.

Trust Council also expressed a desire to inspire a passion for species at risk conservation (June 2017, Trust Council minutes).

Through ensuing discussions with ECCC staff, in July 2020, the Islands Trust Conservancy (ITC) was awarded \$597,000, payable up until March 31, 2023.

Trust Council was informed about the funding award at its meeting in September 2020 and ITC staff began negotiation of a contribution agreement with ECCC. The final contribution agreement was signed in October 2020. Staff began to plan the SAR Program and integrate it into budget planning for the 2021/22 fiscal year. At its January 2021 meeting, the ITC Board considered an interim project charter for the SAR Program and passed the following resolutions:

ITC-2021-002

It was MOVED and SECONDED, that the Islands Trust Conservancy Board approve the Species at Risk Program Interim Project Charter, dated January 26, 2021.

ITC-2021-003

It was MOVED and SECONDED, that the ITC Board request that staff provide recommendations about revised objectives to the Interim SAR Project Charter after a SAR Program Coordinator is in place.

In May 2021, Environment and Climate Change Canada awarded top-up funds of \$46,000 to the Species at Risk Program, bringing the total award to \$643,000 and the total SAR Program budget to \$1,601,120 payable up to March 23, 2021, including \$958,120 of ITC matching/in kind dollars.

In July 2021, a Species at Risk Program Coordinator was hired as auxiliary staff to implement the SAR Program. A Summer Co-op position was also funded through the SAR Program to assist with property management.

3 IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL: The SAR Program Coordinator position will continue to the end of March 2023 to support the program and a Summer Co-op position will be hired in the Spring of 2022. Delivery of the SAR Program will require ongoing capacity from all other ITC staff as well as support from contractors. Reporting and coordination of the program will be the responsibility of the SAR Program Coordinator with support from the ITC Manager.

FINANCIAL: The SAR Program has increased ITC's budget by \$643,000 over three years, including increases of \$187,000 in 2020/21, \$242,500 in 2021/22 and \$213,500 in 2022/23. This influx of funding will increase the impact of the ITC and the ability to carry out the goals and objectives of the Regional Conservation Plan. Staff have set up accounting procedures to assist with financial reporting. Required matching funds come from existing ITC budgets and will total approximately \$958,120 over the three year program. The total SAR budget will be approximately \$1,601,120.

POLICY: None. The SAR Program is consistent with goals and objectives of the Regional Conservation Plan.

IMPLEMENTATION/COMMUNICATIONS: The SAR Program Coordinator will finalize the SAR Program work plan and will complete planning and delivery of an upcoming SAR Workshop in the last quarter of the 2021/22 fiscal year. 2021/22 reporting will be submitted in April 2022. Planning for the 2022/23 fiscal year will be done in early 2022.

FIRST NATIONS: The SAR Program includes funding for First Nations liaison. The SAR Program Coordinator is currently planning opportunities to engage and work with First Nations and the mechanisms for this work are being determined in communication with the ITC Manager and the Senior Intergovernmental Policy Advisor.

CLIMATE CHANGE: The SAR Program provides funding for land conservation and land management which will also provide for increased carbon sequestration and storage. Management activities on ITC lands will also contemplate climate change mitigation and adaptation strategies.

OTHER: None

4 RELEVANT POLICY(S):
[ITC Policy 2.1: Board Approval of Projects and Transactions](#)
[ITC Regional Conservation Plan](#)

5 **ATTACHMENT(S):**
Species at Risk Program Project Charter

RESPONSE OPTIONS

Recommendation: that the Islands Trust Conservancy Board approve the revised Species at Risk Program Project Charter, dated November 23, 2021.

Alternative: that the Islands Trust Conservancy Board approve the revised Species at Risk Program Project Charter, dated November 23, 2021, with the following amendments:

- *[insert amendments]*
-

Prepared By: Wendy Tyrrell - Species at Risk Program Coordinator

Reviewed By / Date: Kate Emmings, Islands Trust Conservancy Manager / November 10, 2021

Species at Risk Program - Project Charter

Islands Trust Conservancy

Date: November 23, 2021

Purpose To implement a Species at Risk program for the Islands Trust Conservancy that contributes to the recovery of species at risk and the conservation of wildlife and habitat in the Islands Trust Area.

Background In June 2017 Environment and Climate Change Canada (ECCC) presented to Trust Council regarding the *Species at Risk Act* (SARA) and local government responsibilities in the Islands Trust Area (ITA). ECCC staff described federal government responsibilities on private and public lands under SARA. Trust Council requested that Islands Trust Conservancy (ITC) investigate options for increased use of federal or provincial stewardship agreements for species at risk in the ITA. Through discussions with ECCC, in July 2020, the Islands Trust Conservancy (ITC) was awarded a grant of \$597,000. On May 4, 2021 the grant was increased to \$643,000 and is payable up until March 31, 2023. Funds are provided through the Canada Nature Fund, Species at Risk Stream for Priority Places, to implement a Species at Risk (SAR) Program in the ITA.

Objectives

- Create framework to deliver a SAR Program
- Coordinate the compilation & analysis of SAR data for the ITA
- Inventory, monitor & manage SAR & SAR habitat in ITC protected areas
- Deliver SAR outreach to landowners & Islands Trust staff and officials
- Develop relationships with First Nations for more effective SAR Program delivery
- Increase land securement with a focus on SAR protection & recovery

In Scope

- Additions to ITC staffing
- SAR data consolidation & analysis
- SAR monitoring & inventory in ITC protected areas
- SAR management on ITC protected areas
- Outreach to Islands Trust elected officials & staff
- Focussed SAR outreach
- Land securement costs
- First Nations Engagement

Out of Scope

- Work on lands where ITC and Islands Trust have no legal interest
- General SAR outreach programs
- Enhanced collaboration with Island Conservancies and biologists for SAR
- Funding for direct land acquisition (i.e., land cost)

Workplan Overview

Deliverable/Milestone	Date
Program initiation	July 22, 2020
Program Implementation	August 2020—February 2023
Hire SAR Program Coordinator	July, 2021
Program Planning	October, 2021
Mid-program evaluation	December 2021 / January 2022
Project Wrap Up and Evaluation	March 31, 2023

Project Team

ITC Manager	Project Champion
SAR Program Coordinator	Project Manager
Property Management Specialist / Covenant Management Specialist	Property Management Leads
Ecosystem Protection Specialist	Land Securement Lead
Communications Specialist / Outreach Specialist	Outreach/ Communications Leads
Admin. Services (Islands Trust)	Mapping & Admin .

Approved by:

Endorsement:

Res. #:

Date:

Budget

Sources: ECCC (\$643,000) & Islands Trust—ITC Budget (\$958,120)

Item	Cost
Salaries	\$864,448
Property Management	\$138,668
Land Securement	\$106,705
Species Inventories and Mapping	\$198,588
Outreach/Communications/First Nations Liaison	\$69,900
Admin./Equipment/Travel/Other	22,611
Total	\$1,601,120



REQUEST FOR DECISION

To: ITC Board **For the Meeting of:** November 23, 2021
From: Kate Emmings, ITC Manager **Date Prepared:** November 1, 2021
SUBJECT: Development Variance Permit Referral (Hornby Island)

RECOMMENDATION:

That the Islands Trust Conservancy Board direct staff to draft a letter to the Hornby Island Local Trust Committee regarding HO-DVP-2021.3:

- a. indicating that the Board recommends that the Development Variance Permit be declined because the distance of the proposed development from the Fischer Covenant is an insufficient setback from the protected prairie oak (Garry oak) habitat; and,
- b. recommending that the Hornby Island Local Trust Committee encourage the landowner to cancel their plans for construction of a pool in Garry oak habitat.

That the Islands Trust Conservancy Board direct staff to request that, should the Hornby Island Local Trust Committee proceed with approving Development Permit Application HO-DVP-2021.3, the applicant be required to:

- a. install a barrier within their property line that does not significantly shade the covenant area, is not a collision risk for birds, and prevents trespass into, and impacts to, the covenant area;
 - b. install temporary fencing during construction to prevent trespass into the covenant area; and,
 - c. dispose of the fill from any excavation away from the property to avoid covering sensitive habitats and to prevent establishment of invasive plants.
-

1 PURPOSE: To provide a response to the referral of a development variance permit to construct a pool and shed within the setback areas adjacent to the Fischer Covenant.

2 BACKGROUND: The Hornby Island Local Trust Committee has received an application for a Development Variance Permit (HO-DVP-2021.3) to allow the construction of a pool within lot line setbacks. The area is adjacent to the [Fischer Covenant](#), which is held by the Islands Trust Conservancy (ITC) and Conservancy Hornby Island. A brief overview of the application follows; more detail is provided in the attached briefing:

- Installation of 40.5 m² (436 sq.ft.) in-ground, swimming pool, 2.5-7 foot depth, to be treated with a salt water solution instead of chlorine;
- Construction of 12 m² (129 sq.ft.) pool equipment shed;
- Pool edge 3 m from lot line, shed edge 5 m from lot line;
- The applicant has indicated that the pool will “feature natural landscaping, and be treated as an integral part of the landscape using patio stones at grade level rather than a raised wooden deck for the pool surround,” (Email communication with Island Planner, November 2, 2021); and,
- Current set back is 8 m from lot line.

The Fischer Covenant is significant for the rare prairie oak (Garry oak) ecosystems and species at risk it protects. These natural values extend into the properties to the south and east, including

the subject property (Islands Trust, Terrestrial Ecosystem Mapping). In BC, less than 5% of the original prairie oak habitat remains in a near-natural condition, and there are more than 100 species at risk associated with these areas ([Garry Oak Ecosystems Recovery Team](#)). Prairie oak habitats are not only rare, at-risk, and in continuing decline in this region, they are also sensitive ecosystems that are considered fragile and easily-disturbed by human impacts. Historically, Hornby Island had approximately 98 hectares of prairie oak habitat; by 2003, coverage had declined to 57 hectares (see [“What Remains of Garry oak Ecosystems”](#)). Further development within prairie oak habitat will further displace and fragment habitat for the myriad species at risk that rely on these areas for survival.

ITC staff have reviewed the [Best Management Practices for Garry Oak Ecosystems](#) (GOERT 2013) and note that the recommended minimum buffer for Garry oak Ecosystems in rural areas is 60 metres. The application proposes to reduce the setback to five percent of the recommended distance.

ITC staff have reviewed the application and have several concerns about the proximity of the pool and shed to the covenant area, including:

- 1) Changes to surface and subsurface hydrology, affecting health of flora and of ecosystem processes;
- 2) Potential direct impacts to trees and shrubs in the covenant area, by damaging root systems;
- 3) Potential impact of splash, spillover, or seep from treated water onto the surrounding soil and vegetation, which could favour invasive species or otherwise alter diversity and ecosystem processes;
- 4) Impacts of noise and light disturbance on protected wildlife habitat;
- 5) Potential death and injury to wildlife from falling into the pool (e.g. insect species that forage in prairie oak meadows);
- 6) Potential creep from use of surrounding areas (i.e., risk of trespass, with associated impacts of soil compaction, trampling of vegetation, and introduction of invasive species, and potential for more severe impacts); and,
- 7) Potential introduction of invasive species into the covenant area from equipment used to construct the pool, patio, and shed, and from ongoing use so close to the boundary.

ITC staff noted that the applicant is committed to coordinating with Hornby Island Fire Rescue to make the 14,000 gallons of water in the pool available for fire suppression, and to minimizing environmental impacts, once the pool is installed, through the use of a non-toxic water purification system and a cover to reduce potential safety hazards; nevertheless, subsequent owners will inherit the proposed infrastructure and may not be bound to these commitments. To mitigate risks to protected prairie oak habitat, staff are recommending that the ITC Board strongly urge the Hornby Island Local Trust Committee to decline to approve the Development Variance Permit application.

3 IMPLICATIONS OF RECOMMENDATION:

ORGANIZATIONAL: Staff time will be required to communicate the decision and manage the covenant area as needed based on the Hornby Island Local Trust Committee decision. It is anticipated the close proximity of a pool to the covenant boundary will increase potential for trespass into the covenant area and resultant staff involvement to investigate incidents and manage remediation of trespass impacts.

FINANCIAL: The development of a pool within 3 m of the property boundary line is anticipated to increase the potential for trespass and/or ecological degradation and therefore increase the costs to ITC to manage the Fischer covenant.

POLICY: None

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

FIRST NATIONS: Many prairie oak ecosystems were maintained by First Nations who used controlled burning to maintain open meadows, free from forest encroachment, in order to maximize growth of camas, a staple food, and berry-producing shrubs. In the absence of traditional management practices, many prairie oak areas are infilling with Douglas-fir and other woody plants and would benefit from ongoing maintenance to retain ecosystem characteristics which promote diverse flowering herbaceous plants and associated pollinators.

The covenant baseline report notes that “First Nations used the coastal area to the south of the [covenant area] for camas-meadow harvesting, fishing with an established shoreline weir and other summer activities. It is unknown, whether First Nations made active use of the Land at this time, or if early meadow-fires might have reached the trees on the [covenant area].” At some point in the future, the ITC may have an opportunity to work with First Nations and the landholder to return cultural uses to the covenant area. Maintaining adequate setbacks from the property line will help to minimize conflicts should these activities occur.

CLIMATE CHANGE: The Fischer Covenant and surrounding prairie oak habitat is located at the northernmost extent of the range of prairie oak ecosystems. The area covered by prairie oak ecosystems within the Islands Trust Area is predicted to expand (except northward) under climate change scenarios for the next 100 years ([Pellatt et al., 2012](#)). To enable this expansion, ecologists emphasize the importance of retaining existing prairie oak habitat and adjacent and nearby areas that will allow for movement of ecosystems. Retaining the buffer area around the Fischer Covenant will promote long term health of existing habitat by allowing space for prairie oak ecosystem expansion

OTHER: Staff have requested comment from the Conservancy Hornby Island (CHI), the covenant co-holder and from the landholder. At this time, no response has been received from CHI and the landholder has indicated that she has no concerns with the proposed pool and shed construction.

The Island Planner has noted that the proposed location of the pool is intended to limit impacts to the protected Garry oak trees throughout the site. Staff have not considered this in the recommendation to the Board as it is not relevant to the ITC managed covenant and also because no information was provided regarding the nature of the Garry oak “protection” or the location of the trees with respect to the planned location of the shed and pool.

4 RELEVANT POLICY(S):

[ITC Policy 3.1, Islands Trust Conservancy and Local Planning Services Coordination](#)

5 ATTACHMENT(S):

- 1) Memorandum - Referral of Development Variance Permit Application HO-DVP-2021.3
- 2) Site Plan
- 3) Site Photos

RESPONSE OPTIONS

Recommendation:

That the Islands Trust Conservancy Board direct staff to draft a letter to the Hornby Island Local Trust Committee regarding HO-DVP-2021.3:

- c. indicating that the Board recommends that the Development Variance Permit be declined because the distance of the proposed development from the Fischer Covenant is an insufficient setback from the protected prairie oak (Garry oak) habitat; and,
- d. recommending that the Hornby Island Local Trust Committee encourage the landowner to cancel their plans for construction of a pool in Garry oak habitat.

That the Islands Trust Conservancy Board direct staff to request that, should the Hornby Island Local Trust Committee proceed with approving Development Permit Application HO-DVP-2021.3, the applicant be required to:

- d. install a barrier within their property line that does not significantly shade the covenant area, is not a collision risk for birds, and prevents trespass into, and impacts to, the covenant area;
- e. install temporary fencing during construction to prevent trespass into the covenant area; and,
- f. dispose of the fill from any excavation away from the property to avoid covering sensitive habitats and to prevent establishment of invasive plants.

Alternative:

That the Islands Trust Conservancy Board direct staff to draft a letter to the Hornby Island Local Trust Committee regarding HO-DVP-2021.3 indicating that the Board recommends that the Development Variance Permit be declined because the distance of the proposed development from the Fischer Covenant is an insufficient setback from the protected Garry oak habitat.

It is not recommended that the ITC Board indicate that it is not concerned with the approval of the Development Variance Permit.

Prepared By: Kate Emmings, ITC Manager; Jemma Green, Covenant Management and Outreach Specialist; Kathryn Martell, Ecosystem Protection Specialist

DATE OF MEETING: November 23, 2021

TO: Islands Trust Conservancy Board

FROM: Jaime Dubyna, Island Planner
Northern Team

COPY: Kate Emmings, Manager of Islands Trust Conservancy

SUBJECT: Referral of Development Variance Permit Application HO-DVP-2021.3

PURPOSE

Referral for Islands Trust Conservancy (ITC) Board comment of development variance permit (DVP) application HO-DVP-2021.3, as per the Islands Trust Conservancy and Local Planning Services Coordination Policy Number 3.1.

BACKGROUND

The subject property is located at 9300 Central Road (Lot E, Section 2, Hornby Island, Nanaimo District, Plan 31622; PID 001-149-971), as shown in Figure 1.

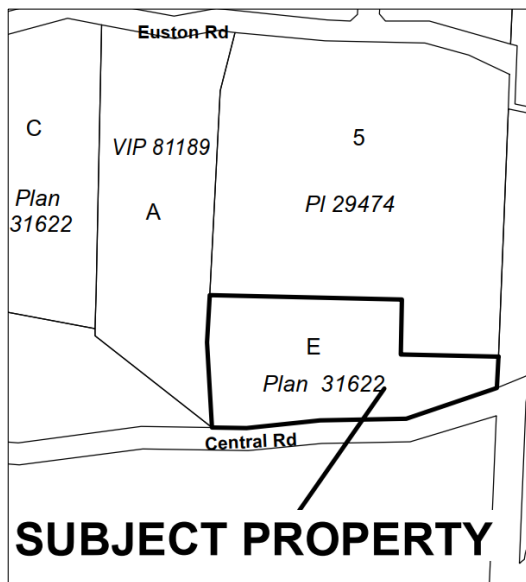


Figure 1. Subject Property Map

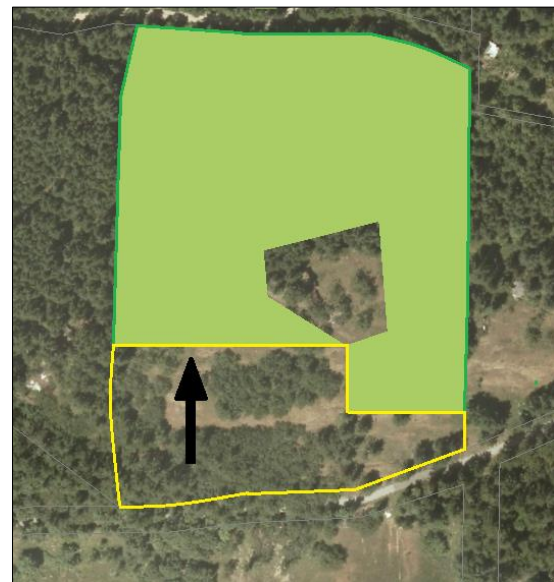


Figure 2. Orthophoto of Subject Property (yellow); approx. location of proposed variance (black arrow); Fischer Covenant Area on Lot 5, Plan 29474 (green)

The application proposes to site a 40.5 m² (436 sq.ft.) in-ground swimming pool with an approx. depth of 2.5 feet (shallow end) and 7 feet (deep end), and 12 m² (129 sq.ft.) pool equipment shed within the 8 metre interior side lot line setback required by Section 8.2(4)(c) in the Hornby Island Land Use Bylaw No. 150 (LUB). The proposed siting of the swimming pool is 3 metres from the interior side lot line and the shed is 5 metres from the interior

side lot line, resulting in a reduced setback of 5 metres and 3 metres. The proposed accessory structures (swimming pool and shed) are permitted in accordance with Section 8.2(2)(c) of the LUB.

The applicants are proposing to vary the interior side lot line setback in order to site the proposed structures in a location that would limit impacts to the protected Garry oak trees throughout the site. The proposed siting of the structures is also necessitated by the overall sloped topography of the site, and is within a moderately level grassy area, free of Garry oak trees. The area directly downslope from the proposed pool has been identified as the deepest soil, suitable for the septic system; the proposed siting would locate the pool uphill from the septic system.

Water for the pool will be captured via rainwater collection system. The pool will hold approx. 14,000 gallons of water. To support fire suppression on Hornby Island, the property owner has coordinated with the Hornby Island Fire Rescue Fire Chief to provide access to the pool water in emergencies. As an alternative to conventional chlorine treatment, the applicant has indicated a non-toxic purification system using a salt water solution will be installed. To reduce any potential safety hazards to persons or wildlife, the applicant has informed staff the pool will be covered at night and when the owners are absent from the lot, using a fully automated (solar) cover that is American Society for Testing and Materials (ASTM) compliant. Natural landscaping using patio stones at grade level would surround the proposed pool.

There are two restrictive covenants registered on title of the subject property:

- **Covenant G36354** – held by the Province, requires written consent of the Regional District of Comox-Strathcona (now Comox Valley Regional District) and of the Islands Trust to remove, trim or prune Garry oak trees within the covenant area (see Attachment 3).
- **Covenant J118502** – held by the owner of Lot 5, Plan 29474, requires that the landowner not build, construct or place any building, improvement or other structure on the covenant area (see Attachment 4).

Staff find that the proposed development does not appear to violate the covenants registered on title of the subject property.

The subject property shares a lot line to the north with the lot 4150 Euston Rd. (Lot 5, Section 2, Hornby Island, Nanaimo District, Plan 29474; PID 001-383-698); which is protected under an ITC and Conservancy Hornby held covenant (“Fischer Covenant”). The Fischer Covenant protects 6.12 ha of the lot, including an approx. 1.7 ha Garry oak and herbaceous vegetation ecosystem. Subject to the DVP application, the proposed siting of the pool and shed would be 3 and 5 metres from the interior side lot directly adjacent to an area protected by the Fischer Covenant (see Figure 2).

Table 1 in ITC Board [Policy 3.1](#) notes that DVP applications that directly affects a property adjacent to an ITC owned-property or conservation covenant shall be referred to the ITC Board for comment.

Planning staff visited the subject property in September 2021, and have attached site photos for reference in Attachment 5 of this memorandum.

The staff report for the current application will be available December 3, 2021. A public notification, including a draft permit, will be mailed to neighbouring property owners within 100 metres of the subject property prior to the Hornby Island Local Trust Committee (LTC) regular business meeting on December 10, 2021.

NEXT STEPS

The ITC Board comments will be included in the staff report to the Hornby Island LTC for consideration at the December 10, 2021 regular business meeting.

Submitted By:	Jaime Dubyna Island Planner	October 28, 2021
Concurrence:	Heather Kauer, MPA, RPP, MCIP, AICP Regional Planning Manager	October 28, 2021

ATTACHMENTS

1. Survey Plan, dated October 27, 2021
2. Site Plan, dated July 5, 2021
3. Covenant G36354
4. Covenant J118502
5. Site Photos

**SITE PLAN OF PART OF LOT E, SECTION 2,
HORNBY ISLAND, NANAIMO DISTRICT, PLAN 31622.
TO ACCOMPANY DEVELOPMENT VARIANCE PERMIT**

SCALE OF: 1:500

ALL DISTANCES ARE IN METRES



LEGEND

- PP DENOTES POWER POLE
- COV DENOTES COVENANT
- PP DENOTES PROPOSED
- RC DENOTES BUILDING CORNER

SITE INFRASTRUCTURE LEGEND

- 5 DENOTES PARTIAL FOOTING FOR PROPOSED GARAGE/MECHANICAL ROOM
- 6 DENOTES STUDIO EXISTING
- 7 DENOTES EXISTING CONCRETE FOUNDATION
- 8 DENOTES FORMS ONLY FOR SALINA LOCATION
- 11 DENOTES PROPOSED POOL LOCATION
- 12 DENOTES PROPOSED POOL EQUIPMENT ROOM
- 13 DENOTES PROPOSED UNDERGROUND POWER LINES
- 14 DENOTES PROPOSED WATER LINES
- 15 DENOTES PROPOSED SEPTIC LINES

ELEVATIONS ARE IN METERS AND ON AN ASSUMED DATUM

(AREA C COVENANT PLAN EPP18563

PLAN

LOT 5

29474

EASEMENT PLAN
EPP30591

AREA D
COVENANT PLAN EPP18563

EPP23953

PLAN

A

19601

PLAN

LOT A

VIP81189

RESTRICTIVE COVENANT
J118502

PLAN E 31622

PLAN E 31622

CERTIFIED CORRECT

SURVEYED BY PETER T. MASON, B.C.L.S.

PREPARED BY PETER T. MASON, B.C.L.S.

Digitally signed by Peter Mason

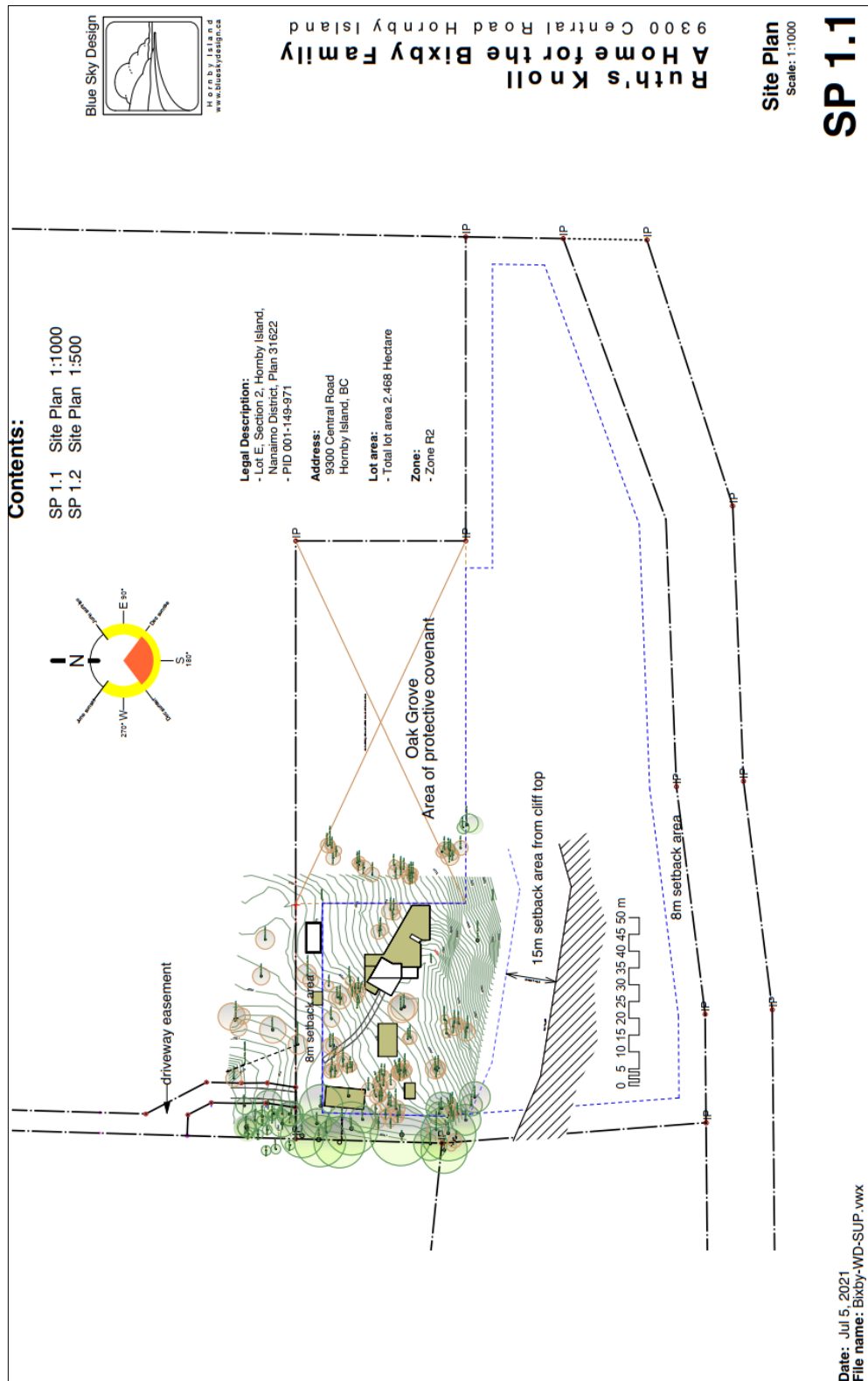
Peter Mason PK2SQ1

Date: 2021.10.27

160515-0700'

CENTRAL ROAD

ATTACHMENT 2 – SITE PLAN



No 1

2180-76

THIS INDENTURE made this 16th day of December

A.D. 1977;

BETWEEN:

638354

RUTH MERLE KNIEFEL, Housewife, and
JOSEPH ARNOLD KNIEFEL, Businessman, both of
Box 3159, State Line, Nevada, one of the United
States of America, 89449,

hereinafter called the "GRANTORS",

OF THE FIRST PART

AND:

HER MAJESTY THE QUEEN, in the Right of the Province of
British Columbia as represented by the Honourable the
Minister of Highways,

hereinafter called the "GRANTEE",

OF THE SECOND PART

WHEREAS the Grantors of the First Part are the registered
owners of The South East 1/4 of Section 2, Hornby Island, Nanaimo District,
Except those parts thereof included within the boundaries of Plans 4645, 21054
and 28649;

AND WHEREAS the Grantee, as a condition to granting its
approval to a subdivision of part of hereinbefore described South East 1/4 of
Section 2, has requested the Grantors of the First Part to enter into a
covenant hereinafter contained, pursuant to Section 24A of the Land Registry Act.

1. NOW THEREFORE THIS INDENTURE WITNESSETH that in
consideration of the sum of ONE (\$1.00) DOLLAR of lawful money of Canada and
other good and valuable consideration now paid by the Grantee to the Grantors
(the receipt of which is hereby acknowledged), the Grantors DOETH COVENANT AND
AGREE not to remove, trim, or prune any oak trees without prior written consent
of the Regional District of Comox-Strathcona or their designates and of the
Islands Trust.

The lands affected by the restrictive covenant are more
particularly described as follows: ALL THAT PART of The South East 1/4 of
Section 2, Hornby Island, Nanaimo District, Except those parts thereof included
within the boundaries of Plans 4645, 21054 and 28649, lying to the South of
Plan 29474 and to the North of the Northerly boundary of the Central Road as

SUBSTITUTE FORM "C"

Form "C" Land Registry Act (Rev. 10)
MEMORANDUM
Registered
on application
written and
H. T.
Victoria Land Registry

Applicant: *Kathleen M. MacKay*
By: *GORDON C. H. WAGNER* B. C. Land Surveyor & Notary Public
Box 3118, Courtenay, B. C. Telephone 338-8119
Agent for: Grantee
Declared Value: \$100.00
Nature of Registration: Restrictive Covenant
Request Certificate of Title: n/a

36354

shown on an unregistered subdivision plan of Part of the SE 1/4 of
 Lots 6 and 7, Section 2, Plan 29474, Hornby Island, Nanaimo District, sworn
 to by Gordon Gilbert Henry Wagner, B.C.L.S., on the 17th day of November
 A.D. 1977, a print of which is hereto attached.

2. THIS INDENTURE is subject to the encumbrances, liens
 and interests as are set out in the memorandum hereunder set forth.

3. THIS INDENTURE and everything herein contained shall
 enure to the benefit of and be binding upon the Parties hereto and their
 respective heirs, executors, administrators, successors and assigns.

IN WITNESS WHEREOF the Parties hereto have hereunto set
 their hands and seals on the date first above written.

SIGNED, SEALED AND DELIVERED
 in the presence of:

L. A. Dungan
 Name
613 Highway 50
 Address
Zephyr Cove, NV
Essex Officer
 Occupation
 AS TO BOTH SIGNATURES

Ruth Merle Kniefel
 Ruth Merle Kniefel
Joseph Arnold Kniefel
 Joseph Arnold Kniefel

"This is the instrument creating the
 Covenant entered into under Section 24A of
 the Land Registry Act by the registered
 owners referred to herein and shown on the
 print of the plan annexed hereto and
 initialed by me."

St. Mary 14/78
 Approving Officer
 Ministry of Highways and Public Works

MACK PRINTERS AND STATIONERS LTD. VANCOUVER, B.C. 5
 LAW AND COMMERCIAL STATIONERS FORM No. 91

For Maker

I HEREBY CERTIFY that, on the 16th day of December, 1977 at
 State Line, Nevada, one of the United States of America, ~~at the Province of British Columbia~~
 Ruth Merle Kniefel and Joseph Arnold Kniefel (whose identity has been proved by the evidence on
 oath of who are ~~who~~) personally known to me, appeared
 before me and acknowledged to me that they are the persons mentioned in the annexed instrument
 as the maker s thereof, and whose names are subscribed thereto as parties, that they know the
 contents thereof, and that they have executed the same voluntarily, and they are of the full age
 of nineteen years.

IN TESTIMONY whereof I have hereunto set my Hand and Seal of Office,
 at State Line, Nevada, one of the ~~United States of America~~
 United States of America ~~British Columbia~~ this 16th day of December
 in the year of our Lord one thousand nine hundred and seventy-seven

L. A. DUNGAN
 Notary Public — State of Nevada
 Washoe County
 My Commission Expires May 17, 1981

L. A. Dungan
 A Notary Public

Gordon G.H. Wagner
B.C. Land Surveyor & Notary Public
Box 3118 - Courtenay, B.C.

File No. 3180-764
92417

J 121328

FORM 1

(Section 36)
BETWEEN:

MEMORANDUM OF REGISTRATION

Registered on application received
on the day and time written hereon

R F HOOPER, Registrar of the
Victoria Land Title Office

THIS INDENTURE made this 29th day of June A.D. 1980

893475

J 058002

J 118502

RUTH MERLE KNIEFEL, Housewife, and
JOSEPH ARNOLD KNIEFEL, Businessman, both
of Box 3159, State Line, Nevada, one of the
United States of America, 89449

(hereinafter called the "GRANTOR")

OF THE FIRST PART

Karin Fischer Retired Secretary KF SPTB

ROBIN MACE FEELS, Retired Businessman,
of Hornby Island, in the Province of
British Columbia,

(hereinafter called the "GRANTEE")

OF THE SECOND PART

WHEREAS the Grantors of the First Part are the registered
owners of Lot E, Section 2, Hornby Island, Nanaimo District, Plan 31622
(hereinafter referred to as the said Lot E);

AND WHEREAS the Grantee of the Second Part is the registered
owner of Lot 5, Section 2, Hornby Island, Nanaimo District, Plan 29474;
(hereinafter referred to as the said Lot 5).

AND WHEREAS there is registered in the Land Titles Office,
Victoria, B.C. under Charge Number G36358 certain restrictive covenants binding
the said Lot E.

AND WHEREAS the Restrictive Covenants are as follows:

NOW THEREFORE THIS INDENTURE WITNESSETH that in consideration of the sum of ONE
(\$1.00) DOLLAR and other good and valuable consideration paid by the Grantee to
the Grantors (the Receipt of which is hereby acknowledged), the Grantors DO TH
HEREBY COVENANT AND AGREE with the Grantee not to build, construct or place
any building, improvement or other structure upon that part of Lot E, being
part of an unregistered subdivision plan of Part of the SE 1/4 of Section 2
and of Lots 6 and 7, Section 2, Plan 29474, Hornby Island, Nanaimo District,
sworn to by Gordon Gilbert Henry Wagner, B.C.L.S., on the 17th day of
November, A.D. 1977, bounded as follows: Commencing at a point on the most
Northerly South boundary of the said Lot 5, Section 2, Hornby Island, Nanaimo
District, Plan 29474, said point being 70.10 metres East of the most

LAND TITLE ACT FORM 17

Note: Before submitting this application, applicants should check and
satisfy themselves as to the tax position, including taxes of the Crown
Provincial, a municipality and improvement, water and irrigation districts.

Nature of Interest: Charge Modification of Restrictive Covenant
Charge: Mortgage
Declared Value: \$ 1.00
Herewith Fee of: \$ 1.00

Gordon G.H. Wagner
B.C. Land Surveyor & Notary Public
Box 3118 - Courtenay, B.C.

File No.

Plan 338-8933

2

Westerly South West corner thereof and bearing 90°00 therefrom; thence
on a bearing 180°00 for a distance of 50.65 feet ;thence along a
straight boundary to the most Southerly South West corner of the said Lot
5, Plan 29474; thence Northerly and Westerly along the boundaries of Lot 5,
Plan 29474, to the point of commencement.

AND THAT the said hereinbefore described part of the said
Lot E shall not be built upon and that no building improvement or other
structure shall be built, constructed or placed upon the hereinbefore
described part of Lot E, and that the said hereinbefore described part of
Lot E shall not be used to support any building, improvement or other
structure and that the said hereinbefore described part of Lot E shall be
used only as bare land, NOR shall any fence of any type whatsoever be built or
placed along the Northerly and Easterly boundaries of the area herein described.
(hereinafter referred to as "the restrictive covenants".)

AND WHEREAS all the parties hereto have agreed each with the
other to change the said "restrictive covenants".

NOW THEREFORE this indenture witnesseth that in consideration
of the premises and of the sum of ONE (\$1.00) DOLLAR and all other good and
valuable consideration now paid by each of the parties to the other (the receipt
whereof is hereby acknowledged as follows:

1. The said Grantee doth hereby cancel, release and discharge
the said restrictive covenants in their entirety, to the end and effect that
the said Lot E shall be free from such restrictive covenants.

NOW THEREFORE THIS INDENTURE WITNESSETH that in consideration
of the sum of ONE (\$1.00) DOLLAR AND ALL OTHER GOOD AND VALUABLE CONSIDERATION
paid by the Grantee to the Grantors (the receipt of which is hereby acknowledged),
the Grantors DOTH HEREBY COVENANT AND AGREE with the Grantee not to build,
construct or place any building, improvement or other structure upon that part
of Lot E, Section 2, Hornby Island, Nanaimo District, Plan 31622 bounded as
follows: Commencing at a point on the most Northerly South boundary of the said
Lot 5, Section 2, Hornby Island, Nanaimo District, Plan 29474, said point being
70.10 metres East of the most Westerly South West corner thereof and bearing
90°00 therefrom; thence on a bearing 180°00 for a distance of 50.65 metres;
thence along a straight boundary to the most Southerly South West corner of the
said Lot 5, Plan 29474; thence Northerly and Westerly along the boundaries of
Lot 5, Plan 29474, to the point of commencement.

OKS
for

3
- 3 -

AND THAT the said hereinbefore described part of the said Lot E shall not be built upon and that no building improvement or other structure shall be built, constructed or placed upon the hereinbefore described part of Lot E, and that the said hereinbefore described part of Lot E shall not be used to support any building, improvement or other structure and that the said hereinbefore described part of Lot E shall be used only as bare land, NOR shall any fence of any type whatsoever be built or placed along the Northerly and Easterly boundaries of the area herein described,

AND IT IS UNDERSTOOD AND AGREED by and between the Parties hereto that the words "Grantor" and "Grantee" wherever used in this Agreement, shall include the Parties hereto and their respective heirs, executors, administrators, successors and assigns.

THIS INDENTURE is subject to the encumbrances, liens and interests as are set out in the memorandum hereunder set forth.

IN WITNESS WHEREOF the Parties hereto have hereunto set their hands and seals the day and year first above written.

SIGNED, SEALED AND DELIVERED
in the presence of:

Name

Address

Occupation
as to both signatures

Ruth Merle Kniefel
Ruth Merle Kniefel

Joseph Arnold Kniefel
Joseph Arnold Kniefel

SIGNED, SEALED AND DELIVERED

in the presence of:

Name

Address

Occupation

Gordon G.H. Wagner
B.C. Land Surveyor & Notary Public
Box 3118 - Courtenay, B.C.
File No.

Robin Mace Fells
Robin Mace Fells

ATTACHMENT 5 – SITE PHOTOS



FIGURE 1. APPROX. LOCATION OF LOT LINE (LEFT); FISCHER COVENANT AREA TO LEFT AND BACKGROUND

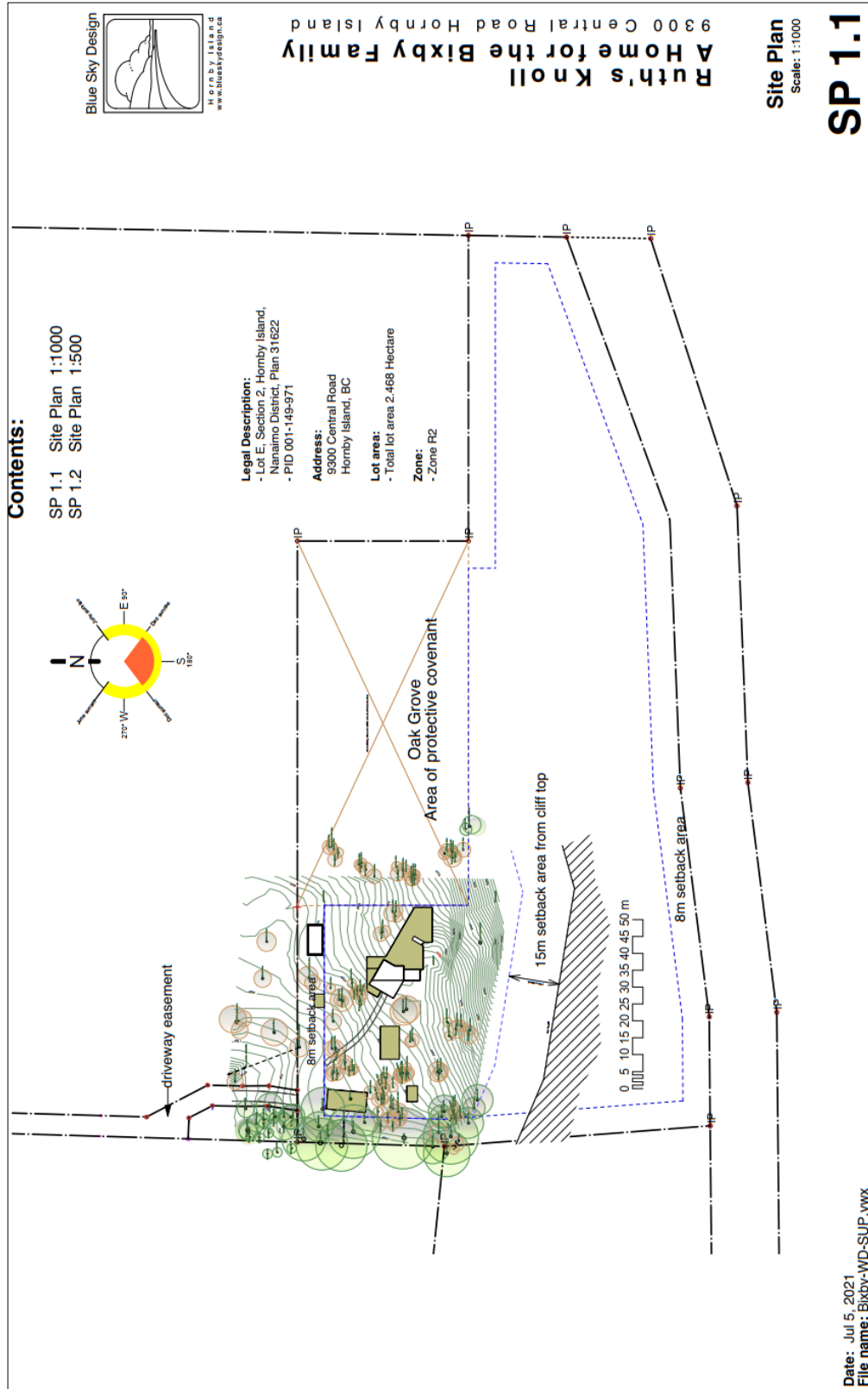


FIGURE 2. PROPOSED LOCATION OF POOL AND SHED



FIGURE 3. APPROX. LOCATION OF SEPTIC FIELD (RESTRICTIVE COVENANT J118502 AREA IN BACKGROUND)

ATTACHMENT 1 – SITE PLAN



ATTACHMENT 2 – SITE PHOTOS



FIGURE 1. PROPOSED LOCATION OF POOL AND SHED



FIGURE 2. APPROX. LOCATION OF LOT LINE (LEFT); FISCHER COVENANT AREA TO LEFT AND BACKGROUND



REQUEST FOR DECISION

To: Islands Trust Conservancy Board **For the Meeting of:** November 23, 2021
From: Kate Emmings, Islands Trust
Conservancy Manager **Date Prepared:** October 29, 2021
SUBJECT: Islands Trust Conservancy Board Proposed 2022 Meeting Schedule

RECOMENDATION:

1. That the Islands Trust Conservancy Board adopt the proposed meeting dates for the 2022 calendar year, as presented.
 2. That the Islands Trust Conservancy Board direct staff to schedule the 2022 ITCB meeting dates of _____, _____, _____, _____, and _____, 2022 as electronic meetings, and list the Victoria office board room as the public meeting location.
 3. That the Islands Trust Conservancy Board direct staff to schedule one in-person meeting on _____, 2022.
-

1 PURPOSE:

1. To determine the 2022 meeting schedule for the Islands Trust Conservancy Board (ITCB); and
2. To determine which 2022 ITCB meeting will be held in person.

2 BACKGROUND:

Meeting Dates

Near the end of each calendar year, the ITC Board determines the meeting dates for the next calendar year by way of resolution. The ITC Meeting Procedure Bylaw 2019 states that six meetings should be held each year spread evenly through the calendar year, and that the first meeting of the year shall be held in January or February. Proposed meetings dates for the 2022 calendar year are as follows:

- Tuesday, January 25
- Tuesday, March 15
- Tuesday, May 24
- Tuesday, July 12 **Annual meeting with the Executive Committee*
- Tuesday, October 4
- Tuesday, November 22

The Director of Administrative Services has requested the May 2022 ITCB meeting be held May 24 2021, to accommodate timing of the financial audit.

At its October 2021 meeting, Financial Planning Committee (FPC) passed the following resolution:

FPC-2021-032

It was MOVED and SECONDED, that Financial Planning Committee recommend that ITC, FPC, TPC and RPC hold all but one meeting electronically annually and the budget be amended accordingly.

3 IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL: Staff support is required to coordinate and administer electronic meetings and to post recordings of meetings online. There will be some savings of staff time for coordination of meals, travel and expenses for in-person meetings.

FINANCIAL: The meeting budget for 2019-2020, a non-pandemic year, was \$13,850, with a final expenditure of approximately \$9,000. It is anticipated that the decision to hold meetings electronically will result in a savings of \$7,000-12,000 annually. The draft 2022/23 budget will be adjusted to reflect ITC Board decisions to hold five out of six meetings electronically.

POLICY: Holding meetings electronically required amendments to the ITC Meeting Procedures Bylaw. These are proposed for consideration at the November 23, 2021 meeting.

IMPLEMENTATION/COMMUNICATIONS: Approved meeting schedule will be posted to the Islands Trust website and added to relevant electronic calendars.

FIRST NATIONS: Holding meetings electronically and posting meeting recordings to the website may provide greater transparency and access to First Nations.

4 RELEVANT POLICY:

[Bylaw 2 - A Bylaw to Regulate the Meetings of the Islands Trust Conservancy Board and Committees of the ITC Board](#)

5 ATTACHMENTS:

- Draft 2022 Islands Trust Conservancy Meeting Schedule

RESPONSE OPTIONS

Recommendations:

1. That the Islands Trust Conservancy Board adopt the proposed meeting dates for the 2022 calendar year, as presented.
2. That the Islands Trust Conservancy Board direct staff to schedule the 2022 ITCB meeting dates of _____, _____, _____, _____, and _____, 2022 as electronic meetings, and list the Victoria office board room as the public meeting location.
3. That the Islands Trust Conservancy Board direct staff to schedule one in-person meeting on _____, 2022.

Alternative:

1. That the Islands Trust Conservancy Board adopt the proposed meeting dates for the 2022 calendar year with amendments [as directed].

Prepared By: Corlynn Strachan, Administrative Assistant

Reviewed By/Date: Kate Emmings, ITC Manager / November 11, 2021



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 15 th	10:00 am – 2:30 pm	Victoria
Tuesday, May 24 th	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, October 4 th	10:00 am – 2:30 pm	Victoria
Tuesday, November 22 nd	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



REQUEST FOR DECISION

To: ITC Board

For the Meeting of: November 23, 2021

From: Staff

Date Prepared: November 10, 2021

SUBJECT: 2022 Salish Sea Ecosystem Conference

RECOMMENDATION: That the Islands Trust Conservancy Board approve attendance at the Salish Sea Ecosystem Conference for trustees _____ and allocate up to \$_____ for registration.

1 PURPOSE: To endorse Board member attendance at the 2022 Salish Sea Ecosystem Conference.

2 BACKGROUND:

The following is from the Salish Sea Ecosystem Conference website:

The Salish Sea is an international sea that includes the Strait of Georgia in British Columbia, Canada and Puget Sound and the Strait of Juan de Fuca in Washington state, US. It's an area of spectacular beauty, biologically rich marine waters and rich cultural history. The Salish Sea is also experiencing detrimental impacts of human development and has suffered significant loss of marine fish and wildlife populations.

Recognizing the importance of scientific exchange and dialogue with resource managers and public officials, thirteen organizations co-sponsored the first Puget Sound Research Conference in April 1988. Fifteen years later the event built, with support from the U.S. Environmental Protection Agency and Environment Canada, into an international conference occurring every other year and alternating between venues in Seattle and Vancouver. Now known as the Salish Sea Ecosystem Conference, it brings together scientists, First Nations and tribal government representatives, resource managers, community and business leaders, knowledge holders and policy makers.

The conference attracts about fifteen hundred participants and has become the premier scientific research and policy gathering in the Pacific Northwest. The presentations and discussions that occur at the Salish Sea Ecosystem Conference are a platform to build shared policies, practices and procedures necessary to guide future actions for protecting and restoring the Salish Sea and its watersheds. The outcome is improved scientific collaboration, data sharing and dynamic discussions and on the state of the Salish Sea ecosystem. The Conference is administered by Western Washington University's Salish Sea Institute.

Registration for the conference begins December 8, 2021 and registration costs are \$50 for early bird registration (before January 31, 2022) and \$70 for registration from February 1 – April 20, 2021. The conference will be held virtually April 26-28, 2022. More information is available at <https://salishseaconference.com/>.

3 IMPLICATIONS OF RECOMMENDATION:

ORGANIZATIONAL: Board members will receive training that will enrich their understanding of ecosystems in the region.

FINANCIAL: The ITC Board has a \$2,000 training budget which has not yet been accessed. The conference is virtual and very reasonably priced.

POLICY: None. Approval of training is consistent with Islands Trust Policy.

IMPLEMENTATION/COMMUNICATIONS: Board members can register and expense the cost or can request the ITC Administrative Assistant to help arrange registration.

FIRST NATIONS: The conference includes topics related to First Nations and Tribal Resource Management and Policy and may provide learning to support development of the Reconciliation Action Plan.

CLIMATE CHANGE: Many of the conference streams include learning about impacts of climate change and may provide learning to support the Climate Change Impacts Project and other work of the ITC Board.

OTHER: Several ITC staff have expressed interest in attending the conference.

4 **RELEVANT POLICY(S):** [Trust Council Policy 6.12.1 Trustee Training / Conference Attendance](#)

5 **ATTACHMENT(S):** None. Conference website is available at <https://salishseaconference.com/>

RESPONSE OPTIONS

Recommendation: That the Islands Trust Conservancy Board approve attendance at the Salish Sea Ecosystem Conference for trustees _____ and allocate up to \$_____ for registration.

Alternative: No action.

Prepared By: Kate Emmings, ITC Manager



BRIEFING

To: ITC Board **For the Meeting of:** November 23, 2021
From: Kate Emmings, ITC Manager **Date Prepared:** November 15, 2021
SUBJECT: ITC Workloads and Projects

PURPOSE: To provide the Islands Trust Conservancy (ITC) Board with an update regarding staff workloads with a view towards prioritizing work items to best meet the goals of the ITC Board.

BACKGROUND:

Over the last three years, the ITC has undergone a period of change including:

- Changes in staff which have included 11 hiring processes, management of five temporary leaves (education (1), temporary assignment (3), deferred salary (1)), creation of three new positions; out of a staff of 8: 2 in positions < 6 mos., 4 in positions <3 yrs, 2 in positions >8 yrs.
- Introduction of new administrative systems:
 - New website, with new platform, new mailout templates and integration into Islands Trust webpages, new donation interface
 - New contact database, with new mechanisms for data sorting and reporting
 - Partially completed revision to conservation applications and property management database and mapping portal
 - Initiation of broad-based work from home programs
 - Initiation of electronic meetings, including hosting, posting live feeds and recordings, editing of recordings
- Establishment of a new program area for Species at Risk, including expansion of habitat restoration work
- Expanding priorities related to:
 - Reconciliation
 - Climate Change
 - Fund development and donor recognition
 - Ecosystem restoration
- Global pandemic, which has required new systems to manage safety, but also required changes to management of time in the office/travel/sick time, safety updates, vaccine mandates, etc.

Ongoing Programs and Projects:

The ITC also has many ongoing programs and projects (see ITC Report to Trust Council for current priorities). These include:

- 7 active land negotiations: 4 covenants; 3 nature reserves
- 2 new conservation proposals, one of which is a conglomerate of 3 proposals in one geographic area
- Delivery of work programs for 4 strategies/plans: Fund Development Plan, Regional Conservation Plan, Securement Strategy, ITC Five-Year Plan and Property Management Strategy
- Revision to ITC Five-Year Plan, which expires at the end of 2022 and is required under the *Islands Trust Act*
- 6 property management plans underway: 2 nearing completion, 2 in draft stage, 2 underway

- Property monitoring for 79 covenants (683 ha) and 32 nature reserves (681 ha)
- Ongoing property management, including invasive plant removal, trail management, species inventory and management
- Ongoing Islands Trust Referrals from local trust committees and Trust Council and its committees (approximately 4-5 annually)
- Celebration of new conservation lands: 4 celebrations planned for 2022
- Communications work, including issuance of new releases, quarterly newsletter, e-News (approximately monthly), management of social media, advertising and promotion of workshops/open houses, etc.

Emerging Pressures/Gaps:

Additionally, with new staff members and additional staff positions, several gaps are becoming apparent:

- Need for updated policies and procedures
- Changing staff roles which require reviews of job descriptions
- New administrative systems which require review and development of ongoing staff training programs
- Added pressures on support staff, including ITC Manager and Administrative Assistant due to increased staff levels

Next Steps:

The ITC Manager will be reviewing workloads over the next six weeks with a view towards creating viable, achievable work plans for 2022. Because of the number of projects and regular work program tasks, it is likely that the ITC will need to remain within the current ITC capacity. Some of the items being considered include:

- Limits to conservation applications / expiry for projects that do not conclude in a timely manner
- Limits to projects/programs, including possible delays in delivery or cancellation of projects/programs
- Increasing capacity through contracts and staff
- Strategic planning

ATTACHMENT(S):

1. [Islands Trust Policy 6.2.1 – Priority Setting / Review Guidelines](#)
2. [Islands Trust Policy 6.7.1 – Work Program, Follow Up Action List and Priorities Matrix](#)
3. Islands Trust Conservancy Report to Trust Council

FOLLOW-UP: The ITC Manager will work with ITC staff to prepare recommendations for prioritization of 2022 work items for the January 2022 agenda.

Prepared By: Kate Emmings, ITC Manager

COMPLETED SINCE LAST REPORT	PLANNED FOR NEXT QUARTER
1. STRATEGIC PLANNING/ADMINISTRATION	
Provided orientation to Species at Risk Program Coordinator, ITC Communications Specialist and new ITC Board member Submitted 2022/23 Budget request to FPC Completed updates to internal Protected Areas mapping (in TAPIS Map) to improve usability Approved meeting procedures bylaw revisions Updated Species at Risk Program Project Charter and developed 2021-2022 Work Plan Contributed to Salt Spring Island Coastal Douglas-fir Protection Project Revised climate change impacts project charter Participated in Wetlands Institute workshop held by the BC Wildlife Federation	Draft ITC Reconciliation Action Plan Determine tool for data management for applications and property management Evaluate progress of Regional Conservation Plan 2018-2020 workplan Collate updated Provincial and Federal mapping of at-risk species habitat and occurrence Complete Kelp Mapping for Islands Trust area and assist with developing research plan for UVic bull kelp mapping project (if funded) Assist with mapping project for cultural heritage places and species of significance on Islands Trust Conservancy managed lands.
2. COVENANT AND PROPERTY ACQUISITIONS	
Responded to conservation enquiries (Lasqueti, Salt Spring, North Pender, Thetis) Registered three conservation covenants on 49.6 ha (North Pender and Salt Spring); registered lease for Saturnina Island (4.1 ha, Gabriola Island Local Trust Area)	Continue negotiations on 108 ha of land (five covenants and three land acquisitions) and complete three Ecological Gifts applications Continue participation on the Coastal Douglas-fir & Associated Ecosystems Conservation Partnership Steering and Securement Committees
3. COVENANT AND PROPERTY MANAGEMENT	
Completed annual monitoring of 75 conservation covenants and 31 nature reserves Completed restoration work, including planting and fencing, on three nature reserves (Lasqueti) Continued large-scale Garry oak ecosystem restoration on one covenant (Salt Spring) and planning for Garry Oak ecosystem restoration on one covenant (Sidney) Ruby Alton house maintenance (Salt Spring)	Issue contract for invasive species management on one covenant (Bowen) Continue planning for Garry oak ecosystem restoration on one covenant (Sidney) Install new entrance sign at S'ul-hween X'pey (Elder Cedar) Nature Reserve on Gabriola Island Continue participation in the Sidney Island Ecological Restoration Project and the Capital Region Invasive Species Partnership

As of December 2021 the Islands Trust Conservancy protects 111 conservation properties, 32 nature reserves and 79 covenants (of which 27 have NAPTEP certificates)

3. COVENANT AND PROPERTY MANAGEMENT (CONT.)	
Approved two nature reserve management plans (Gabriola) Consulted with Indigenous Knowledge Holder on plants of cultural significance for one covenant's riparian ecosystem restoration (Salt Spring) Evaluated experimental treatment for the aquatic invasive plant, Parrot's Feather, and trialled controls for the aquatic invasive animal, American Bullfrog, in a covenanted pond (Sidney) Continued invasive species management on two covenants and seven nature reserves (Denman, Gabriola, North Pender, Salt Spring) and initiated it on one covenant (Galiano)	Trial use of iNaturalist for collection of biodiversity information for ITC conservation lands Issue contract for English holly management on one covenant (Bowen) Work with partners to finalize two management plans, Thetis (1) and Salt Spring (1) Management planning in progress for 2 nature reserves Keats (1) and North Pender (1)
4. COMMUNICATIONS AND OUTREACH	
Issued Autumn 2021 Heron Newsletter, distribution 265 (hard copy by mail), 839 (eNews) Finalized and posted Annual Report Issued 2021/22 <i>Covenant Landholder Newsletter</i> Continued landholder contact program with Gabriola Lands and Trails Trust (Gabriola) Regular delivery of Facebook messaging	Issue the <i>Spring 2022 Heron (February)</i> Draft and publish media announcements for newly protected lands and for Board recruitment In partnership with Gabriola Lands and Trails Trust, continue outreach to landholders on Gabriola Island to encourage voluntary conservation actions Host Species at Risk Workshop (Feb 2022)
5. FUNDRAISING AND CONSERVANCY SUPPORT	
Presentation to Advocis (Association of Wealth Managers; 50 -100 advisors) on strategic ways to transfer conservation land Promoted legacy giving to a national audience through Willpower Published advert in the Green Giving Guide 2022 Promoted Opportunity Fund via Facebook Completed trustee interview (Deb Morrison) and donor interviews (Basil Franey; family of the late Louise Bell) for story telling purposes	Continue trustee and donor interviews to build out fund development storytelling (Heron Newsletter, website, social media) Complete and roll out ITC Annual Impact Donor Report Continue meetings and presentations with Planned Giving advisors Refine internal processes for fund development Roll out and complete Chair Holiday Appeal

As of December 2021 the Islands Trust Conservancy protects 111 conservation properties, 32 nature reserves and 79 covenants (of which 27 have NAPTEP certificates)



Public Acquisitions Update November 23, 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 November 23, 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:	32



PUBLIC COVENANTS UPDATE November 23, 2021

NAPTEP COVENANTS		
<i>27 NAPTEP Covenants on title, 1 NAPTEP covenant in progress</i>		
Property	Date	Notes
Paré-Baile Covenant North Pender Island (3.63 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.
	2021/08/16	PICA approves final covenant.
	2021/09/15	Draft covenant, MAP trail license agreement, and letter of permission for trail sent for ITC legal review.



PUBLIC COVENANTS UPDATE November 23, 2021

Paré-Baile Covenant (cont'd)	2021/09/15	Draft baseline inventory report received. Staff reviewed and sent contractor necessary edits and additions.
	2021/09/24	Legal review complete. Final draft forwarded to PICA and landowner for review and comment.
	2021/09/23	Revised baseline report approved.
	2021/10/05	ITC-2021-043 It was MOVED and SECONDED , 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). The ITC Board also provided consent to the landowners to enter into an agreement with the Moving Around Pender Alternative Transportation Society (MAP) to maintain a public use trail through the Covenant Area.
	2021/10/15	NAPTEP Covenant registered on the land title.
	2021/10/26	Natural Area Exemption Certificate signed and registered at the Land Titles Office.
	2021/11/01	Ecological Sensitivity information submitted to Ecological Gifts Program. Landowner has arranged for appraisal to be completed by November 8 th . Application will be completed once appraisal is received.
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.



PUBLIC COVENANTS UPDATE November 23, 2021

Moss Mountain Covenant cont'd)	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.
	2021/09/24	Legal review complete. Final draft covenant sent to landowner for review and agreement.
	2021/09/24	Staff begins discussion with Land Tax Deferment Office about charge on title.
	2021/09/27	Final baseline report received.
	2021/10/05	ITC 2021-042 It was MOVED and SECONDED, 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).
	2021/10/7	Surveyor General provides approval for updated survey plan of property.
	2021/10/14	Land Tax Deferment office indicates that they cannot provide priority for the covenant over the tax deferment loan. Staff begins discussions with landowner, legal counsel, and ecological gifts coordinator about options and implications.
	2021/10/21	Landowner's legal name updated on title and open mortgage charge discharged.



PUBLIC COVENANTS UPDATE November 23, 2021

Moss Mountain Covenant cont'd)	2021/10/25	ITC 2021-045 RWM It was MOVED and SECONDED , that the Islands Trust Conservancy Board authorizes the Chair to sign the revised 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).
	2021/10/27	Landowner submits payment in full for land tax deferment loan.
	2021/10/27	NAPTEP Covenant and updated survey plan submitted to Land Titles Office for registration.
	2021/10/28	Natural Area Exemption Certificate signed and submitted to Land Titles Office for registration.
R Leader Covenant Salt Spring Island (3.54 ha)	2020/06/16	Application received.
	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.



PUBLIC COVENANTS UPDATE November 23, 2021

R Leader covenant (cont'd)	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.
	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>52 regular covenants on title, 2 regular public covenant in progress, 2 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.



ISLANDS TRUST CONSERVANCY

PUBLIC COVENANTS UPDATE November 23, 2021

Brooks Point Covenant (cont.)	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.
	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.



ISLANDS TRUST CONSERVANCY

PUBLIC COVENANTS UPDATE November 23, 2021

Brooks Point Covenant (cont.)	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
	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.



PUBLIC COVENANTS UPDATE November 23, 2021

Earl Batista Covenant (cont.)	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.
	2021/07/27	Covenant registered on title.
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.
	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.



ISLANDS TRUST CONSERVANCY

PUBLIC COVENANTS UPDATE November 23, 2021

Sandy Beach Nature Reserve (cont.)	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.
	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.
	2021/11/01	ITC staff is including completion of baseline inventory in contract for Management Planning. Contract work is underway. Draft baseline inventory due November 15th, and draft Management Plan due January 17th.
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.



ISLANDS TRUST CONSERVANCY

PUBLIC COVENANTS UPDATE November 23, 2021

	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 reclamation 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.
	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	79 covenants registered	

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	\$279,540	\$ 308,280	52%	\$ 301,252
50700-210	Admin. Support	\$ 252,560	\$ 252,560					\$ 252,560	\$119,148	\$ 133,412	53%	\$ 133,412
54500-210	Communications	\$20,000	\$20,000	\$5,650				\$ 25,650	\$7,261	\$ 18,389	72%	\$ 6,511
61100-210	Board Honoraria	\$ 6,600	\$ 6,600					\$ 6,600	\$3,650	\$ 2,950	45%	\$ 2,550
61200-210	Board Meeting Expense	\$ 6,925	\$ 6,925					\$ 6,925	\$446	\$ 6,479	94%	\$ -
61210-210	Board Training & Conferences	\$ 2,000	\$ 2,000					\$ 2,000	\$0	\$ 2,000	100%	\$ -
61300-210	Property Management	\$124,810	\$77,810	\$28,750	\$37,500	\$ 23,570	\$ 13,500	\$ 181,130	\$81,634	\$ 99,496	55%	\$ 69,571
61500-210	Cons Planning / Land Securement	\$30,000	\$15,000	\$ 12,474				\$ 27,474	\$17,827	\$ 9,647	35%	\$ 1,700
63000-210	Legal	\$ 18,000	\$ 15,000					\$ 15,000	\$18,550	\$ (3,550)	-24%	\$ 128
61600-210	Ecosystem Mapping	\$ 20,000	\$ 15,000	\$ 5,000				\$ 20,000	\$0	\$ 20,000	100%	\$ 4,948
80300-210	Mobile Devices	\$ 2,470	\$ 2,470					\$ 2,470	\$936	\$ 1,534	62%	\$ 1,534
81300-210	Training & Conferences	\$ 4,200	\$ 3,450					\$ 3,450	\$847	\$ 2,603	75%	
81305-210	Travel for Training	\$ 2,200	\$ 2,200					\$ 2,200	\$0	\$ 2,200	100%	\$ 627
82300-210	Travel	\$ 15,950	\$ 10,950	\$ 5,000		\$ 1,430		\$ 17,380	\$15,221	\$ 2,159	12%	\$ 1,718
	Equipment	-	-	\$ 650				\$ 650				
		\$ 1,103,335	\$ 872,085	\$ 203,224	\$ 37,500	\$ 25,000	\$ 13,500	\$ 1,151,309	\$ 545,061	\$ 605,598	53%	\$ 523,950
Restricted Funds		Opening Balance		Revenue		Total Available		Spent		Remaining		Committed Funds
	Alton Maintenance Account		\$ 108,003		\$ 9,911	\$ 117,914	\$ 23,059	\$ 94,855				\$ 7,387
	Ruby Alton Endowment Fund		\$ 148,105		\$ 4,380	\$ 152,485		\$ 152,485				
	Opportunity Fund		\$ 14,498		\$ 2,990	\$ 17,488	\$ 6,574	\$ 10,914				
	Covenant Mgmt and Defence Fund		\$ 115,273		\$ 1	\$ 115,274	\$ 1	\$ 115,273				
	Property Management Fund		\$ 12,000		\$ 603	\$ 12,603		\$ 12,603				\$ 2,000
	Lasqueti Island Acq Fund		\$ 35,304		\$ 124	\$ 35,428	\$ 10,000	\$ 25,428				
	Gambier Island Acq Fund		\$ 129,121		\$ (879)	\$ 128,242		\$ 128,242				
	Morrison Waxler Legacy Fund		\$ 20,287		\$ 14	\$ 20,301	\$ 5,500	\$ 14,801				
	Thetis Island Acq Fund		\$ 1,295		\$ 1	\$ 1,295		\$ 1,295				
	McFadden Creek		\$ 23,634		\$ 18	\$ 23,651		\$ 23,651				\$ 560

Updated: 9-Nov-21

N.B. if budget goes over by more than \$20,000, EC referral is required.



BRIEFING

To: Islands Trust Conservancy Board **For the Meeting of:** November 23, 2021

From: Kathryn Martell,
Ecosystem Protection Specialist **Date Prepared:** November 8, 2021

SUBJECT: Bull Kelp Mapping

PURPOSE:

To update the Board about Islands Trust Conservancy (ITC) progress in acquiring bull kelp mapping for the Islands Trust Area.

BACKGROUND:

The [ITC Regional Conservation Plan](#) (2018-2027) includes the following goal and objective:

Goal 1: Identify, investigate and communicate about important natural areas to generate action on conservation priorities

Objective 1.1: Identify data that will support better decision-making for land securement and land management and collaborate with partners to source and acquire it

Under Actions for Objective 1.1, the current Regional Conservation Plan (RCP) Work Plan includes “Explore options for mapping of Bull Kelp”. Bull kelp is an annual species and both presence and abundance of kelp beds can be quite variable from year to year. Scientists are working to understand the factors that affect these dynamics across time and space and ITC has joined one local partnership that is studying bull kelp in our region (see below). Detailed mapping can provide a ‘snapshot’ in time of bull kelp beds, however, unlike with eelgrass beds, presence in any given year may not be indicative of presence, absence, or abundance of kelp beds in future years. ITC has therefore been exploring different approaches to mapping bull kelp.

Canopy Kelp Mapping Contract

The Islands Trust recently hired a contractor, Coastal & Ocean Resources, to complete eelgrass mapping throughout the Islands Trust Area. Coastal & Ocean Resources is using ShoreZone aerial imagery (collected in 2018, 2020, and 2021 in different parts of the Islands Trust Area) to create eelgrass polygons. This consultant also has extensive experience identifying and mapping canopy kelp polygons using this imagery. ITC has entered into a small contract (\$4,948, from ITC’s Ecosystem Mapping budget) for them to complete canopy kelp polygon mapping using the imagery collected for the Islands Trust eelgrass contract. We expect to receive these data in December, 2021.

BC Kelp Resiliency Project

In March 2021, the Board reviewed information about the BC Kelps Resiliency Project (BCKelpR) at the University of Victoria (<http://uvicspectral.com/kelp>), a partnership that is conducting research to better understand kelp dynamics across coastal BC. ITC has joined this partnership project and assisted with preparing a multi-year funding proposal to NSERC (National Science and Engineering Research Council) under their Alliance grants stream (https://www.nserc-crsng.gc.ca/innovate-innovover/alliance-alliance/index_eng.asp). A response to this application is expected in December 2021. ITC has not committed further budget or staff time at this point.

ATTACHMENT(S):

1. BC Kelp Resiliency Project Brief to ITC Board, March 30, 2021

FOLLOW-UP:

- ITC staff will review mapping products and update the Board of notable findings, and oversee having these data incorporated into Islands Trust mapping resources (TAPIS). The report and mapping will be made available on the Islands Trust website and in publicly-available interactive mapping (MapIT), as appropriate.
- If the BCKelpR funding grant is approved, ITC staff will update the Board once we have determined ITC's contribution, role, and expected outcomes and timelines
- ITC Staff have advised the Director of Regional Planning Services and the Director of Trust Area Services of the project as both Regional Planning Committee and Trust Programs Committee have expressed interest in kelp mapping. Trust Council will receive an update on Kelp mapping as part of the Strategic Plan update at the November 30 – December 2 Trust Council meeting.

Prepared By: Kathryn Martell, Ecosystem Protection Specialist

Reviewed By/Date: Kate Emmings, ITC Manager / November 8, 2021



BRIEFING

To: ITC Board **For the Meeting of:** March 30, 2021
From: Staff **Date Prepared:** March 15, 2021
SUBJECT: ITC involvement with BC Kelp Resiliency Project

PURPOSE:

To update the Board about ITC involvement with the BC Kelp Resiliency Project, a UVic-led coalition research project to define bull kelp dynamics across the BC Coast.

BACKGROUND:

The [ITC Regional Conservation Plan](#) (2018-2027) includes the following goal and objective:

Goal 1: Identify, investigate and communicate about important natural areas to generate action on conservation priorities

Objective 1.1: Identify data that will support better decision-making for land securement and land management and collaborate with partners to source and acquire it

The current RCP Work Plan, under Objective 1.1, also includes these Actions:

- Develop partnership to complete forage fish mapping
- Complete forage fish mapping if partnership established / funding available
- Explore options for mapping of Bull Kelp

For several years, ITC staff has been actively looking for partnership opportunities to fill gaps in our knowledge and mapping of nearshore ecosystems, including eelgrass beds, kelp beds, and forage fish spawning areas. In 2012-2014 the ITC partnered with SeaChange Marine Conservation Society and the Islands Trust to create eelgrass mapping for the Islands Trust area. In 2013-2019, the ITC worked with contractors to complete forage fish spawning habitat assessments for several islands. Mapping of bull kelp has been a priority, but suitable partners and methods have not been available.

The ITC Board has also directed staff to determine how to adapt our work as a land trust in light of project climate change impacts (both how protected areas are managed and how we might adapt securement priorities to support regional biodiversity, based upon these impacts).

Recently, the ITC was asked to join the BC Kelp Resiliency Project (BCKelpR) spearheaded by Dr. Maycira Costa at the University of Victoria's Spectral Laboratory (<http://uvicspectral.com/>). Dr. Costa and her students are conducting research to better understand kelp dynamics across coastal British Columbia—what are the past, present, and future drivers of change across both time and space? One over-arching goal of this research is to determine both the current status of kelp habitats and their capacity for resilience (resistance and/or recovery) with climate change (see project summary: Spatial-temporal kelp resilience project (<http://uvicspectral.com/kelp>)). An area of the southern Salish Sea is the current pilot study area.

Dr. Costa has gathered multiple partners for this project and is currently preparing a multi-year funding proposal to NSERC (National Science and Engineering Research Council) under their Alliance grants stream (https://www.nserc-crsng.gc.ca/innovate-innover/alliance-alliance/index_eng.asp). As explained on the Alliance grants website, “These grants support research projects led by strong, complementary, collaborative teams that will generate new knowledge and accelerate the application of research results to create benefits for Canada.”

ITC staff is working with Dr. Costa to define how ITC will contribute to this partnership. Currently, we have identified the following potential involvement:

- Share ITC and IT data related to shorelines, including eel grass, bull kelp, and forage fish spawning habitat mapping;
- Act as a liaison where possible between ITC partners and the SPECTRAL lab researchers to assist them to secure other data;
- Assist with developing key research questions to support ITC’s conservation efforts;
- Advise SPECTRAL lab researcher about ITC potential uses of research results to ensure project design and implementation meets ITC needs;
- Funding support through Ecosystem Mapping budget.

Project Development is underway as part of compiling the grant application, expected to be submitted in early April; typical time for review and approval of these NSERC Alliance grants is 3-4 months from submission. ITC will not commit budget or staff time until the 2nd or 3rd quarter of the 2021/22 fiscal year, aside from assisting with developing the grant proposal.

ATTACHMENT(S):

1. Draft BCKelpR Project Description for NSERC Alliance Grant Proposal

FOLLOW-UP:

- ITC staff will work with Dr. Costa and other partners to review project parameters and NSERC Alliance application.
- ITC staff will update the Board once we have determined ITC’s contribution, role, and expected outcomes and timelines
- ITC Staff have advised the Director of Regional Planning Services and the Director of Trust Area Services of the project as both Regional Planning Committee and Trust Programs Committee have expressed interest in kelp mapping. The Island Trust CAO has also been notified as kelp mapping is included in the Islands Trust Strategic Plan.

Prepared By: Kathryn Martell, Ecosystem Protection Specialist

Reviewed By/Date: Kate Emmings, ITC Manager / March 22, 2021



BRIEFING

To: Financial Planning Committee **For the Meeting of:** November 10, 2020
From: ITC Board **Date Prepared:** November 4, 2020
SUBJECT: ITC Budget Request

PURPOSE: To provide background to Financial Planning Committee (FPC) for the Islands Trust Conservancy (ITC) budget request.

BACKGROUND: : Under [Trust Council Policy 6.3.1](#), the Islands Trust Conservancy (ITC) Board is responsible for endorsing all budget requests for the Islands Trust Conservancy Board and its program operations.

At its August 24, 2021 Special Meeting, the ITC Board provided the following resolution via Rise and Report:

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, 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.

At its October 5, 2021, the ITC Board reviewed a proposed budget request, requested some reframing of the business case presented and passed the following resolution:

ITC-2021-035

It was MOVED and SECONDED,

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.

The budget as presented to the ITC Board is below as Table 1. Details of the budget request, are as follows:

- 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;

- Addition of \$9,000 to the Property Management budget to accommodate an additional management plan required for Saturnina Island¹;
- Addition of 0.6 FTE Fund Development Specialist position (see attached business case, updated November 4 to clarify the focus of the new role on Fund Development); and
- Separation of Subscriptions and Membership from Communications allocations to reflect Islands Trust budget lines.

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 Fund Development 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. May differ from amount provided by Administrative Services in 2022/23 budget.

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.

¹ The ITC Property Management formula (Table 2) contemplates the addition of one nature reserve per year. In 2021, the ITC acquired management responsibilities for two properties and therefore needs an additional property management increase to accommodate the extra nature reserve.

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

ATTACHMENT(S): Business Case: ITC Fund Development Specialist (0.6 FTE)

FOLLOW-UP: Staff will forward FPC requests or recommendations to the ITC Board for follow up.

Prepared By: Kate Emmings, ITC Manager (updated November 4, 2021)

Reviewed By/Date: Clare Frater, Director of Trust Area Services / October 14, 2021



Budget Funding Request Short-Form Business Case

Completion of this form initiates a request to the management team for allocation of budget funds. The form is to be completed and submitted at the start of the decision making process. The business case forms part of the Annual Budget Process (refer to Islands Trust Council Budget Process Policy 6.3.i).

TO BE COMPLETED BY INITIATOR

Initiated by: Islands Trust Conservancy Board	Budget Source (select all that apply): ☐ Specific Project Funding ☐ Third Party Contractors ☐ Staff Travel Expense ☐ Staff Overtime Expense ☐ New Staff Member ☐ Computer Hardware/Software ☐ Furniture & Equipment ☐ Computer Hardware/Software ☒ New Staff Resources (see Staff Costing Tool) ☒ Permanent ☐ Temporary Temp Duration: _____ ☐ Other – please describe: _____
Business Area: Islands Trust Conservancy	
Name of Request: New Staff Resources: Fund Development Specialist (0.6 FTE) \$53,186 (FY2022/23) \$51,386 (Yearly, after first year)	
Date initiated: August 24, 2021 Revisions: October 14 and November 4, 2021	Date required: April 1, 2022
BACKGROUND: Islands Trust Conservancy (ITC) currently has a Communications and Fundraising Specialist position (1.0 FTE). The position is divided into Communications work (50%) Fundraising work (45%) and Other (5%). Unfortunately, current communications demands have eclipsed the fundraising component of the position. This issue became apparent in early 2020 when the position was split into two part time positions: one for communications and one for fundraising. The duties of each role are below. Communications ITC communications work currently includes: • News release development and coordination • Newsletter development (3-4 times/year) – the Heron Newsletter	

- Social Media posting: Facebook and Twitter (Twitter currently less used)
- eNews development (8-10 times/year)
- Communication product development and coordination – brochures, fact sheets, reports
- Outreach program support and visiting islands at annual events, e.g. fall fairs
- Development of communications plans, strategies, policies and procedures
- Website content management (ITC pages)

Fundraising

Fundraising tasks currently include:

- Fundraising Strategy development and implementation
- Administration of a donor program to support the Opportunity Fund, Property Management Fund, Covenant Management and Legal Defence Fund, Land Acquisition Funds
- Management of fundraising for campaigns, including land acquisition and support for standing funds (e.g. the Opportunity Fund)
- Caring for donor relationships and showing appreciation, including in-person and on-island visits
- Outreach to estate planning professionals
- Coordination of grant applications and grant management
- Administration of the Opportunity Fund and Morrison-Waxler Fund granting programs

Current staffing

In early 2021, ITC informally restructured its staffing to create more capacity for communications and fund development while the incumbent Communications and Fundraising Specialist is on leave. Two part-time positions were created: one to manage communications and one to manage fund development work (i.e. work with donors). Grant programs are being managed by program staff under ITC Manager supervision. The communications staffing will be increased to full-time as of November 15, 2021 for the remainder of the fiscal year to meet current demands. This temporary staffing increase was done within existing approved budgets.

PROBLEM STATEMENT/OBJECTIVES:

Problems Statement: In February 2020, the ITC Board approved a Fund Development Strategy which identified ITC funding needs and ways to use Strategic Charitable Giving to fund these items. Through the Fund Development Strategy, the ITC Board has identified the need for building relationships with donors in order to build funds for ITC land securement (acquisition and covenants), the [Opportunity Fund](#) (granting program for land securement costs), and long term legal defence and property management needs.

Throughout 2020, the ITC struggled to implement the strategy because communications needs were prioritized as an ongoing and frequently time sensitive need. Also, the skills for the two roles, while seemingly similar, are not well matched due to the urgency of tasks. Communications needs tend to be highly time sensitive and require speedy written skills. Fund development is a slower process, requiring long term, sustained relationship building, frequently on the phone or in person, and the ability to build relationships with financial professional and donors.

In early 2021, ITC attempted to prioritize fund development by dividing the Communications and Fundraising role into two part-time positions. This division was possible because the current Communications and Fundraising Specialist is on education leave and the ITC had some flexibility to trial a new staffing arrangement.

The division of the Communications and Fundraising Specialist role into two positions provided adequate time for fund development work, but it became quickly apparent that ITC communications could not be done as a

0.5 FTE role. This resourcing gap has left ITC unable to do all of its work effectively leaving it open to two big risks:

- 1) ITC will miss key opportunities to attract and support donations of land and money, restricting key opportunities to maximize land conservation in the Islands Trust Area; and,
- 2) ITC will fail to communicate effectively about its programs, resulting in missed opportunities to encourage voluntary land conservation in the Islands Trust Area.

Both risks mean that ITC will fall short of its potential for upholding the 'preserve and protect' mandate of the Islands Trust.

Objectives: ITC will accomplish the following objectives through an increase in communications capacity:

- 1) ITC will meet its needs for Fund Development, building the Opportunity Fund as well as acquisition funds and legal defence/property management funds; and,
- 2) ITC will meet its communications needs, including its social media, outreach and strategic needs.

PROJECTED RESULTS/DELIVERABLES:

The ITC Board recommends adding a Fund Development Specialist position (0.6 FTE) and maintaining the current position as a 1.0 FTE Communications Specialist. The addition of a Fund Development role, will meet ITC needs for fund development, building the Opportunity Fund as well as acquisition funds and legal defence/property management funds while also supporting communications, including social media, outreach and strategic needs. Through defining and separating these specialist roles the ITC will gain efficiency, as well as attract expert candidates who may stay longer. The added role will also increase the presence of the ITC in communities and on islands, adding a friendly face to interactions with island communities.

ALTERNATIVES CONSIDERED:

- 1) **Status Quo:** Keep staffing at current levels and one position. This option will require a reduction in communications work or in fund development activity, both of which present a risk to the work of the ITC.
- 2) **Split existing 1.0 FTE Communications and Fundraising Specialist role position into two part-time positions:** This option will require a reduction in communications work or in fund development activity, but will help to delineate the roles more clearly. This option would require staff to follow BCGEU processes for layoff as there is an incumbent (currently on leave) who would be displaced.
- 3) **Restructure the existing 1.0 FTE Communications and Fundraising Specialist position into two part-time positions, one at 0.8 FTE and one at 0.6 FTE, or two at 0.6 FTE:** This option would provide some additional resources in communications and fund development at a lower cost and help to prevent the communications needs from eclipsing the needed fund development work. Budget increases would be \$34,784 or \$19,982 with details noted in the tables below. This option would require staff to follow BCGEU processes for layoff as there is an incumbent (currently on leave) who will be displaced.

Table 1. Budget increase required to staff one 0.8 FTE and one 0.6 FTE position.

Summary		
Salary + Benefits	\$ 33,204	<i>Ongoing fiscal year cost</i>
Travel	\$ 680	<i>Ongoing fiscal year cost</i>
Cell Phone	\$ -	<i>Ongoing fiscal year cost</i>
Computer - Laptop	\$ -	<i>One-time expense</i>
Computer - Desktop	\$ 1,800	<i>One-time expense</i>
Training	\$ 900	<i>Ongoing fiscal year cost (may decrease over time)</i>
Overtime	\$ 2,338	
TOTAL COST OF NEW POSITION in 1st year	\$ 36,584	
Total one-time expenses	\$ 1,800	
Total yearly expenses	\$ 34,784	

Table 2. Budget increase required to staff two 0.6 FTE positions.

Summary		
Salary + Benefits	\$ 16,602	<i>Ongoing fiscal year cost</i>
Travel	\$ 680	<i>Ongoing fiscal year cost</i>
Cell Phone	\$ -	<i>Ongoing fiscal year cost</i>
Computer - Laptop	\$ -	<i>One-time expense</i>
Computer - Desktop	\$ 1,800	<i>One-time expense</i>
Training	\$ 900	<i>Ongoing fiscal year cost (may decrease over time)</i>
Overtime	\$ 2,338	
TOTAL COST OF NEW POSITION in 1st year	\$ 19,982	
Total one-time expenses	\$ 1,800	
Total yearly expenses	\$ 18,182	

CRITICAL SUCCESS FACTORS (List):

- Timely development of job descriptions and timely and suitable job classifications;
- Timely hiring process;
- Appropriate skill sets and ability of new staff to quickly come up to speed on ITC work; and
- Seamless transition of existing staff into new role(s) – our current Communications and Fundraising Specialist is on education leave, returning April 25, 2022. We expect the Public Service Agency would support placement of the current Communications and Fundraising Specialist into the new Communications Specialist role in accordance with the collective agreement.

CHANGE MANAGEMENT/COMMUNICATIONS/COLLABORATION:

In 2021, while the incumbent Communications and Fundraising Specialist has been on leave, the ITC staff team has worked with two people in the separate staff positions for communications and fund development. The

trial separation of the Communications and Fundraising Specialist position into two separate jobs means that the team has already adjusted to the creation of two positions for these roles.

The ITC would hire an additional staff member to cover the additional role requirements and would liaise with the Public Service Agency regarding new job profiles and classification. All new staff are provided with orientation and training to help manage their integration into the Islands Trust and the Islands Trust Conservancy.

BENEFIT/COST ANALYSIS SUMMARY:

The 2022-2023 cost is \$53,436, including anticipated overtime, travel, training and equipment for a 0.6 FTE Communication/Fund Development Specialist addition.

Summary		
Salary + Benefits	\$ 49,806	<i>Ongoing fiscal year cost</i>
Travel	\$ 680	<i>Ongoing fiscal year cost</i>
Cell Phone	\$ -	<i>Ongoing fiscal year cost</i>
Computer - Laptop	\$ -	<i>One-time expense</i>
Computer - Desktop	\$ 1,800	<i>One-time expense</i>
Training	\$ 900	<i>Ongoing fiscal year cost (may decrease over time)</i>
Overtime	\$ 2,338	
TOTAL COST OF NEW POSITION in 1st year	\$ 53,186	
Total one-time expenses	\$ 1,800	
Total yearly expenses	\$ 51,386	

RECOMMENDED DECISION:

That the Islands Trust Council incorporate an increase of a 0.6 FTE Islands Trust Conservancy Fund Development Specialist position into its 2022/23 budget.

PURCHASING PROCEDURE:

Recruitment as per Islands Trust recruitment policy.

Kate Emmings

Initiator: Manager, Islands Trust Conservancy

Clare Frater

Director, Trust Area Services

Russ Hotsenpiller, CAO

Director/CAO

September 24, 2021

Revised October 14 & November 4, 2021

Date

September 25, 2021/October 14, 2021

Date

Date