



Islands Trust Conservancy

Regular Meeting Agenda

Date: March 15, 2022
Time: 10:00 am
Location: Islands Trust Victoria Office Boardroom
200-1627 Fort Street, Victoria, BC

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1. CALL TO ORDER	
2. APPROVAL OF AGENDA	
3. RISE AND REPORT	
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6. PUBLIC COMMENTS AND DELGATIONS

7. NEW BUSINESS

8. NEXT MEETING

May 24, 2022

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; (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.

10. ADJOURNMENT



Islands Trust Conservancy Minutes of Regular Meeting

Date: Tuesday, January 25, 2022
Time: 10:00 am
Location: Islands Trust, Victoria Office Boardroom
200-1627 Fort Street, Victoria, BC

Board Members Present Kate-Louise Stamford, Chair (attended electronically, left the meeting at 2:28 pm)
Sue Ellen Fast, Vice-Chair (attended electronically)
Doug Fenton, Board Member (attended electronically)
Linda Adams, Board Member (attended electronically)
Risa Smith, Board Member (attended electronically)

Staff Present Carla Funk, Acting Strategic Fund Development
Carmen Smith, Acting Communications Specialist
Clare Frater, Director, Trust Area Services (joined the meeting at 12:27 pm)
Corlynn Strachan, Administrative Assistant/Recorder
Jemma Green, Covenant Management & Outreach Specialist
Kate Emmings, Manager
Kathryn Martell, Ecosystem Protection Specialist
Nuala Murphy, Property Management Specialist

1. CALL TO ORDER

Chair Stamford called the meeting to order at 10:00 am and acknowledged that the meeting was being held virtually from locations across the treaty and unceded territories of the Coast Salish peoples.

1.1. Election of Chair and Vice-Chair

The Islands Trust Conservancy Manager reviewed the voting procedure, and noted that as per Islands Trust Conservancy Policy 1.2, Islands Trust Conservancy Board and Committee Elections, all Islands Trust Conservancy members are eligible to be nominated and run for the positions of Chair and Vice Chair of the Islands Trust Conservancy Board. These members are: Doug Fenton, Linda Adams, Kate-Louise Stamford, Risa Smith, and Sue Ellen Fast.

The Islands Trust Conservancy Manager called for nominations for Islands Trust Conservancy Board Chair.

Trustee Fast nominated Trustee Stamford as Chair and Trustee Smith seconded the nomination. Trustee Stamford agreed to stand for the nomination of Chair of the Islands Trust Conservancy Board. The Islands Trust Conservancy Manager called for nominations a second time and third time, hearing none, she declared Trustee Stamford Chair of the Islands Trust Conservancy Board, by acclamation.

The Islands Trust Conservancy Manager called for nominations for Islands Trust Conservancy Board Vice-Chair.

Chair Stamford nominated Trustee Fast as Vice-Chair and Trustee Adams seconded the nomination. Trustee Fast agreed to stand for the nomination of Vice-Chair of the Islands Trust Conservancy Board. The Islands Trust Conservancy Manager called for nominations a second and third time, hearing none, she declared Trustee Fast Vice-Chair of the Islands Trust Conservancy Board, by acclamation.

2. APPROVAL OF AGENDA

The following addition to the agenda was presented for consideration:

- Item 1.1 Election of Chair and Vice-Chair
- Item 6.1.5 Board Training Approval – Request for Decision
- Item 8.1 Board Member Updates

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 10:05 am and resumed in open meeting at 12:30 pm to Rise and Report.

3.1 Motion to Close the Meeting

ITC-2022-001

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

Chair Stamford reported that at the November 23, 2021 Islands Trust Conservancy Board closed meeting, the Islands Trust Conservancy Board authorized the Chair to sign a covenant with Douglas Hopwood and Christine Ferris, Lasqueti Island, and directed staff to register the covenant subject to approval of the Agricultural Land Commission.

5. MINUTES/COORDINATION

5.1 Minutes of Meetings/Resolutions without Meetings

5.1.1 Approval of November 23, 2021 Meeting Minutes

By general consent, the Islands Trust Conservancy meeting minutes of November 23, 2021 were adopted.

5.2 Follow-up Action List

Accepted for information.

6. BUSINESS

6.1 Items for Approval

6.1.1 2022-23 Islands Trust Conservancy Work Planning - Request for Decision

The Islands Trust Conservancy Manager presented the request for decision to Board members, summarizing a long period of growth at ITC, the addition of multiple staff positions, and a required review of administrative systems.

Board members and staff discussed outreach and communication, a need to focus on Reconciliation and development of relationships with First Nations, the delayed Climate Change Project, increases in property values and potential increase in NAPTEP applications, the need to address system maintenance, Islands Trust Conservancy inclusion in Islands Trust software upgrades, policy evaluation, placing covenants on nature reserves, the need for process review, and pressure on administrative positions.

ITC-2022-002

It was MOVED and SECONDED,

that the Islands Trust Conservancy Board direct staff to:

1) Focus work for the 2022/23 fiscal year on:

- the Climate Change Project;
- land management and targeted outreach components of the Species at Risk Program;
- development of a Reconciliation Action Plan; and
- administrative needs, including: policy updates, review of staff roles/structure/training, maintenance and updates to internal databases, review of the new website and technology used in the field; and

2) Delay the following work items until the 2023/24 fiscal year:

- revision of property management plans;
- monitoring of lands that are protected by other conservation agencies (i.e. parks and nature reserves) or that are considered at low risk of covenant breach or trespass;
- outreach and communications that generate new conservation proposals;
- work on conservation proposals for lands not considered a very high priority for conservation, including those under 8 ha in size; and,
- placing of covenants on ITC Nature Reserves.

CARRIED

6.1.2 Conservation Proposal – Larmour NAPTEP Covenant (Salt Spring) - Request for Decision

The Ecosystem Protection Specialist presented the request for decision.

Board members discussed the timeline for deferral and requested “early 2023” be added to the resolution.

ITC-2022-003

It was MOVED and SECONDED,

that the Islands Trust Conservancy Board approves the conservation proposal submitted by Rodney Polden, on behalf of Skye Larmour, to donate a 2.45 ha NAPTEP covenant on Salt Spring Island, over a portion of Lot 1, Section 87, South Salt Spring Island, Cowichan District, Plan VIP 27894, PID: 000-138-452, to protect mature forests, wetlands, and connectivity to other protected areas, and advise the applicant that ITC will defer this securement project until late 2022/early 2023 due to staff capacity constraints.

CARRIED

6.1.3 Moore Hill Management Plan (Thetis) - Request for Decision

Board members thanked the Nuala Murphy and Biologist, Carrina Maslovat, for their work on the report, noting this is great way to understand the property.

Board members discussed cultural significance, public opinion regarding closure of public access, and relationship building with First Nations.

ITC-2022-004

It was MOVED and SECONDED,

that the Islands Trust Conservancy Board approve the Moore Hill Nature Reserve Nature Reserve Management Plan, dated October 28, 2021.

CARRIED

6.1.4 Islands Trust Conservancy Meeting Bylaw - Request for Decision

The Islands Trust Conservancy Manager reviewed the bylaw approval process, advised that the bylaw was reviewed by the Legislative Services Manager, and highlighted the purpose of the review is to update the bylaw in respect to remote and electronic meeting attendance.

Board members discussed and clarified the definition of “guest” in regards to inviting a speaker, and delegation.

Resolution without Meeting (RWM) to follow.

ITC-2022-005

It was MOVED and SECONDED,

that Islands Trust Conservancy Bylaw No. 3, cited as “Islands Trust Conservancy Meeting Procedures Bylaw, 2019, Amendment Bylaw No. 1, 2022”, be read a first time.

CARRIED

ITC-2022-006

It was MOVED and SECONDED,

that Islands Trust Conservancy Bylaw No. 3, cited as “Islands Trust Conservancy Meeting Procedures Bylaw, 2019, Amendment Bylaw No. 1, 2022”, be read a second time.

CARRIED

ITC-2022-007

It was MOVED and SECONDED,

that Islands Trust Conservancy Bylaw No. 3, cited as “Islands Trust Conservancy Meeting Procedures Bylaw, 2019, Amendment Bylaw No. 1, 2022”, be read a third time.

CARRIED

6.1.5 Board Training Approval – Request for Decision

Trustee Smith advised registration cost for the Salish Sea Ecosystem Conference and the Summit of the Pan Canadian Parks and Protected Areas Research Network are higher than the amounts approved by the Board.

ITC-IC-2022-008

It was MOVED and SECONDED,

that the Islands Trust Conservancy Board rescind resolution ITC-2021-058 and approve attendance at the Salish Sea Ecosystem Conference for Trustees Fast, Fenton, Stamford and Smith, and allocated up to \$200 USD for registration.

CARRIED

ITC-IC-2022-009

It was MOVED and SECONDED,

that the Islands Trust Conservancy Board approves attendance at e-Summit of the Pan Canadian Parks and Protected Areas Research Network for Trustees Stamford and Smith, and allocate up to \$300 for registration.

CARRIED

6.2 Items for Discussion/Direction

6.2.1 2021 Covenant Management Projects - Briefing

The Islands Trust Conservancy Covenant Management & Outreach Specialist provided a slide presentation to Board members, highlighting the top six projects completed in 2021 and commented this was a great learning experience.

Trustee Stamford commented the report is useful and requested items like this be communicated broadly, for example, posted on the Islands Trust website to show the work of Islands Trust Conservancy.

6.2.2 Islands Trust Conservancy Nature Reserve Restoration Report 2021 - Briefing

The Islands Trust Conservancy Property Management Specialist presented a slide presentation to Board members highlighting the top restoration projects completed in 2021, noting partners, local conservancies and volunteers have been instrumental in doing this work.

Board members commented the report was very exciting and refreshing.

6.3 Correspondence

6.3.1 Gabriola Landholder Outreach Letter, dated 2022-01-21

The Islands Trust Conservancy Manager advised this letter has been sent to Gabriola landholders, the Gabriola Local Trust Committee was notified.

Accepted for information.

6.3.2 Sheila Harrington Letter, dated 2022-01-17, re: Partnership Consideration

The Islands Trust Conservancy Manager advised the letter was received late and staff have not had a chance to consider this yet, noting that we could offer to connect her with partners, including past Board members

Board members agreed that Staff could follow up by providing background information and contacts.

6.4 Updates for Information

6.4.1 Public Acquisitions Report

Accepted for information.

6.4.2 Public Covenants Report

Accepted for information.

6.4.3 Budget Report

Accepted for information.

6.4.4 Leroux Building Permit Referral, NP-BP-2021.52, Irene Bay Rd

The Islands Trust Conservancy Manager advised staff do not have any concerns regarding the location of the greenhouse.

Accepted for information.

7. PUBLIC COMMENTS AND DELGATIONS

There were no public attendees.

8. NEW BUSINESS

8.1 Board Member Updates

- Trustee Smith provided a verbal update noting that Galiano recently completed the new Cable Bay conservation area, including 25 hectares, linking to other conservation areas, totalling 500 hectares of Coastal Douglas-fir forests, and wetlands. Trustee Smith noted this is an exciting project and was a dream that fell into place. There will be a celebration in the spring.
- Trustee Fast advised that Board members are welcome to join the Islands Trust budget consultation webinar, to see how trustees respond to the Islands Trust Conservancy's budget request. The Zoom webinar is scheduled for Thursday at

7:00 pm. Director Frater noted that Chair Stamford will be a member of the webinar panel.

- Trustee Fenton advised that the Thetis Island Local Trust Committee is trying to pull together a program to bring community engagement, stewardship and education. Thetis is working towards community composting.
- Trustee Adams advised she signed up for LTABC Indigenous Engagement session and will provide an update.

9. NEXT MEETING

The next Islands Trust Conservancy Board meeting is scheduled for March 15, 2022, starting at 10:00 am. A resolution without meeting (RWM) regarding the Meeting Procedure Bylaw will occur prior to the next meeting.

10. ADJOURNMENT

By general consent, the meeting adjourned at 2:55 pm.

Kate-Louise Stamford, Chair

Certified Correct:

Corlynn Strachan, Administrative Assistant/Recorder

ISLANDS TRUST CONSERVANCY

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

ISSUE TITLE: Bylaw No. 3 Adoption – Meeting Procedures Bylaw

Chair Stamford and Trustee Fast consider that the following issue is urgent and that calling a regular or special meeting to conduct the voting is impractical.

That Islands Trust Conservancy adopt Bylaw No. 3, cited as “Islands Trust Conservancy Meeting Procedures Bylaw, 2019, Amendment Bylaw No. 1, 2022”.

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



IN FAVOUR



OPPOSED

KATE-LOUISE STAMFORD

By email _____
Signature/Phone/Email Approval

7-Feb-22 _____
Date



IN FAVOUR



OPPOSED

SUSAN ELLEN FAST

By email _____
Signature/Phone/Email Approval

7-Feb-22 _____
Date



IN FAVOUR



OPPOSED

DOUG FENTON

By email _____
Signature/Phone/Email Approval

7-Feb-22 _____
Date



IN FAVOUR



OPPOSED

LINDA ADAMS

By email _____
Signature/Phone/Email Approval

8-Feb-22 _____
Date



IN FAVOUR



OPPOSED

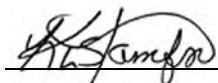
RISA SMITH

By email _____
Signature/Phone/Email Approval

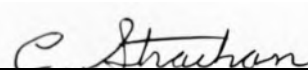
7-Feb-22 _____
Date

THE CHAIR DECLARED THE ABOVE NOTED RESOLUTION PASSED IN ACCORDANCE WITH THE ISLANDS TRUST SPECIAL VOTING REGULATION THIS 08 DAY OF FEBRUARY, 2022.

RESOLUTION NUMBER: ITC 2022-001



CHAIR'S SIGNATURE



SECRETARY'S SIGNATURE



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: 31-Dec-2022	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-May-2022	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: 30-Jun-2022	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-2023	In Progress

26-Jan-2021

Activity	Responsibility	Dates	Status
1 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-Mar-2023	In Progress

25-May-2021

Activity	Responsibility	Dates	Status
1 Staff to move forward with the Crystal Mountain Society proposal to register a Statutory Right of Way across Lot A on the upper ridge, in favour of Islands Trust Conservancy, to provide legal access to the eastern part of Lot A via the legal easement across neighbouring Lots B and C.	Kathryn Martell	Target: 16-Dec-2022	In Progress

24-Aug-2021

Activity	Responsibility	Dates	Status
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Follow Up Action Report

Trust Conservancy Board

24-Aug-2021

Activity	Responsibility	Dates	Status
1 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: 16-Sep-2022	In Progress
2 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

25-Jan-2022

Activity	Responsibility	Dates	Status
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Follow Up Action Report

Trust Conservancy Board

25-Jan-2022

Activity	Responsibility	Dates	Status
1 Staff to: 1) Focus work for the 2022/23 fiscal year on: ·the Climate Change Project; ·land management and targeted outreach components of the Species at Risk Program; ·development of a Reconciliation Action Plan; and ·administrative needs, including: policy updates, review of staff roles/structure/training, maintenance and updates to internal databases, review of the new website and technology used in the field; and 2) Delay the following work items until the 2023/24 fiscal year: ·revision of property management plans; ·monitoring of lands that are protected by other conservation agencies (i.e. parks and nature reserves) or that are considered at low risk of covenant breach or trespass; ·outreach and communications that generate new conservation proposals; ·work on conservation proposals for lands not considered a very high priority for conservation, including those under 8 ha in size; and, ·placing of covenants on ITC Nature Reserves.	Kate Emmings	Target: 28-Feb-2022	Completed
2 Staff to finalize the Moore Hill Nature Reserve Nature Reserve Management Plan, dated October 28, 2021.	Nuala Murphy	Target: 31-Mar-2022	Completed



Follow Up Action Report

Trust Conservancy Board

25-Jan-2022

Activity	Responsibility	Dates	Status
3 Staff to forward the Islands Trust Conservancy Bylaw No. 3, cited as 'Islands Trust Conservancy Meeting Procedures Bylaw, 2019, Amendment Bylaw No. 1, 2022' to fourth reading.	Kate Emmings	Target: 28-Feb-2022	Completed
4 Staff to consider posting the 2021 ITC Covenant Management Report and the Nature Reserve Restoration Reports on the Islands Trust website to show the work of Islands Trust Conservancy.	Carmen Smith	Target: 04-Mar-2022	Completed
5 Staff to offer to connect Sheila Harrington with partners and past Board members.	Kate Emmings	Target: 11-Mar-2022	Completed



REQUEST FOR DECISION

To: ITC Board

For the Meeting of: March 15, 2022

From: Nuala Murphy

Date Prepared: February 14, 2022

SUBJECT: Climate Change Research at McFadden Creek Nature Sanctuary (Salt Spring) and Elder Cedar Nature Reserve (Gabriola)

RECOMMENDATION: That the Islands Trust Conservancy Board approve climate change research at McFadden Creek Nature Sanctuary (Salt Spring Island) and Elder Cedar Nature Reserve (Gabriola Island) by UBC Conservation Decisions Lab for the next two to ten years.

1 PURPOSE:

To approve climate change research at McFadden Creek Nature Sanctuary (Salt Spring) and Elder Cedar Nature Reserve (Gabriola).

2 BACKGROUND:

Islands Trust Conservancy Board policy (ITC 3.6) indicates, “The Islands Trust Conservancy will require researchers to acquire Board permission prior to undertaking research on Islands Trust Conservancy owned lands.”

Dr. Tara Martin, Liber Ero Chair in Conservation, Department of Forest and Conservation Sciences at the University of British Columbia, contacted ITC to ask if her research group, UBC Conservation Decisions Lab, could establish research plots at McFadden Creek Nature Sanctuary and Elder Cedar Nature Reserve to monitor soil moisture and Western redcedar health under climate change. The field monitoring project is part of a larger study working to evaluate the cumulative impacts of interactive stressors in the Coastal Douglas-fir (CDF) Biogeoclimatic zone to inform effective conservation decision-making in the area. The two ITC nature reserves will be examples of a primarily Western redcedar dominated ecosystem. The main objective is to evaluate and monitor changes in vegetation composition, cover, structure, and health with reference to human stressors acting on the ecosystems.

UBC Conservation Decisions Lab would like to establish 1-2 plots at each nature reserve. The plots will be 400 square metres (20m by 20m) with cedar stakes placed at the four plot corners. A one-time only soil sample will be taken at each plot during plot establishment, about 150-200 g for particle size analysis and 120-250 mL for gravimetric analysis which will be taken near the outside of the established plot to be used for sensor and soil calibration. One microclimate sensor will be installed at the southwest outside corner of each plot with small, wire cages around the sensor to protect them from herbivores, and with information sheets that will describe the project and sensors. These Tomst TMS-4 sensors measure soil water content and air, surface, and soil temperature measurements at 15 min interval continuous for multiple years. Vegetation surveys of the plots will start in spring or summer 2022, and the plots will be visited annually in June-August for vegetation monitoring until project end, for a minimum of 2 years of data. The following measurements at each 400m² plot will be recorded:

- Composition and cover: Species richness for all species present

- Structure: Percent cover of tree, shrub, herb, and non-vascular growth forms
- Recruitment: seedling/sapling recruitment and DBH/height of adults for all trees
- Health: Vigor categorical measurements and stressor notes for trees and important shrubs, with focus on percent dieback for Western redcedar

UBC Conservation Decisions Lab has been provided with the conservation covenant and management plan for the two nature reserves. ITC staff have contacted the covenant holders for McFadden Creek Nature Sanctuary (Salt Spring Island Conservancy-SSIC) and Elder Cedar Nature Reserve (Gabriola Land & Trails Trust-GaLTT and Nanaimo & Area Land Trust-NALT) and they have reviewed and given approval to this research with the following caveats that the research group have accepted.

At Elder Cedar Nature Reserve on Gabriola Island:

- Ensure the equipment and any infrastructure (stakes, etc.) be removed at the end of the study.
- Choose a site(s) away from the trails to avoid any vandalism with the study area and equipment

At McFadden Creek Nature Sanctuary on Salt Spring Island:

- No work can occur in the riparian zone 30m either side of McFadden Creek without a permit from Islands Trust and permission of the covenant holder.
- Observe carefully for signs of nesting/breeding Great Blue Herons which can start as early as February and extend as late as September. The most likely nesting trees could be identified by height and therefore locate the plot away from the likely nesting area, just in case herons return over the next few years. Therefore, if herons do return, ongoing monitoring of the plot could be done without disturbing the birds.
- Ensure activity does not alter or interfere with natural drainage or flow.
- Ensure installation of the semi-permanent soil moisture meter does not require removal or defoliation of indigenous flora and is installed with the minimum disturbance to the substrate.

The covenant holders must also waive one of the terms of the conservation covenant to allow the digging of a soil pit and placing in the microclimate sensors namely:

Section 4.2 (a) use or permit the use of the Land for an activity or use which: ... (vi) causes or allows any component of the Land, including soil, gravel or rock, to be disturbed, explored for, moved, removed from or deposited in or on the Land; ...

In addition to the ITC nature reserves UBC Conservation Decisions Lab will be collecting data on two or three of SSIC's nature reserves so SSIC know this project and believe that the data will be extremely valuable for future land management on Salt Spring Island and that there is a high level of ecological expertise within this research group.

3 IMPLICATIONS OF RECOMMENDATION:

ORGANIZATIONAL: The covenant holders of the two nature reserves have been informed and will remain in constant contact over the length of the research project. The timeline will be better defined as the sites are visited and plots established. The researchers would like to leave the soil moisture sensors and the plot markers at each of the cedar sites for 10 years (their life span) and will then be able to get 10 years of soil moisture/climate data on these ecosystems to see how they change over time under climate change. Two-three years is the minimum amount of years required to have the sensors in at each location, and they will be performing annual vegetation surveys for at least those two-three years.

FINANCIAL: No financial obligations are part of this approval.

POLICY: Consistent with policy.

IMPLEMENTATION/COMMUNICATIONS: The research group will share information in a number of different ways. There will be publications as well as briefs, pamphlets, press releases, and other public communication and outreach materials to share as the project progresses and there are results. Ecological results and decision-making results will be shared. They are also interested in in-person presentations/open houses on the materials to different groups throughout the project and they are open to suggestions for ways to see the information shared with different communities or different outreach materials.

FIRST NATIONS: Information sharing of the research results with First Nations will be part of the communications plan. The Cultural Protocol for Change Finds and Ancestral Remains within Islands Trust Area will be used.

CLIMATE CHANGE: Information gathered from this study will be a welcome addition to the climate change data available specific to the Islands Trust Area.

OTHER: Staff will ensure that covenant waivers are in place before digging of soil pits.

4 **RELEVANT POLICY(S):** [ITC 3.6 - Research Policy](#)

5 **ATTACHMENT(S):**
ITC_2022-01-17_TaraMartinClimateChangeFieldBrief
ITC_2022-01-17_TaraMartinClimateChangeFieldProposal

RESPONSE OPTIONS

Recommendation: That the Islands Trust Conservancy Board approve climate change research at McFadden Creek Nature Sanctuary (Salt Spring Island) and Elder Cedar Nature Reserve (Gabriola Island) by UBC Conservation Decisions Lab for the next two to ten years.

Alternative: That the Islands Trust Conservancy Board approve climate change research at McFadden Creek Nature Sanctuary (Salt Spring Island) and Elder Cedar Nature Reserve (Gabriola Island) by UBC Conservation Decisions Lab for the next two to ten years with the following considerations:

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

Prepared By: Nuala Murphy, Property Management Specialist

Reviewed By / Date: Kate Emmings, ITC Manager / February 25, 2022

Monitoring & Evaluating Ecosystems of Concern within the Coastal Douglas-fir Biogeoclimatic Zone

UBC Conservation Decisions Lab | Sofie McComb, Abbie Sherwood, Tara Martin | Contact: shemccomb@gmail.com



Project Overview

Study Motivation

We are designing a field monitoring project as part of a larger study working to evaluate the cumulative impacts of interactive stressors in the Coastal Douglas-fir (CDF) Biogeoclimatic zone to inform effective conservation decision-making in the area (Figure 1).



Western redcedar & Garry Oak Ecosystems

Project will focus on eco-cultural CDF ecosystems of concern—Western redcedar & Garry Oak dominated ecosystems—and evaluate how they have been impacted by cumulative, interacting human stressors.



Figure 1. Coastal Douglas-Fir Biogeoclimatic Zone.

Threats & Status

The majority of CDF ecological communities are at risk due to the legacy of intensive historic human stressors as well as ongoing and escalating future threats, including:

- Human influence & development
- Invasive & hyperabundant species
- Climate & biological stresses

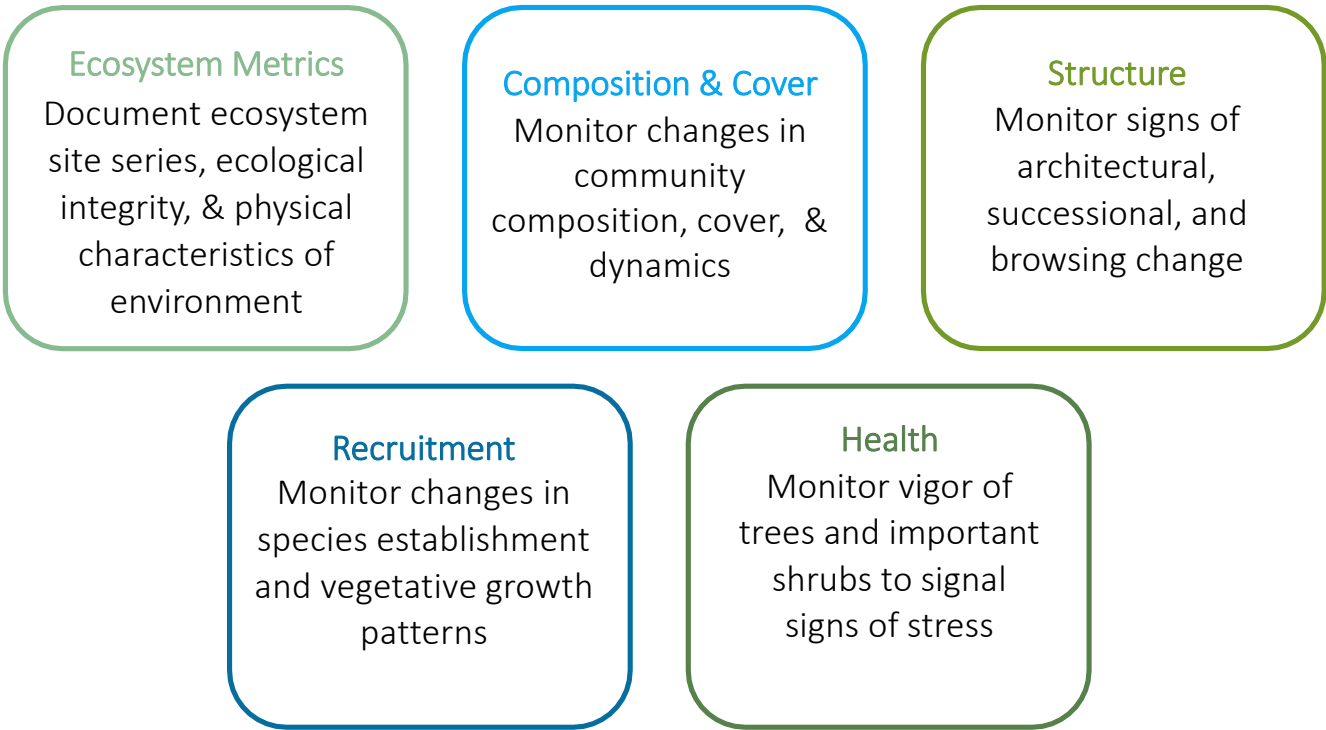


Figure 2. Examples of CDF stressors including Arbutus Blight, Deer Overgrazing, and Invasive Scotch Broom (Left to Right)

Objectives

Main Objective

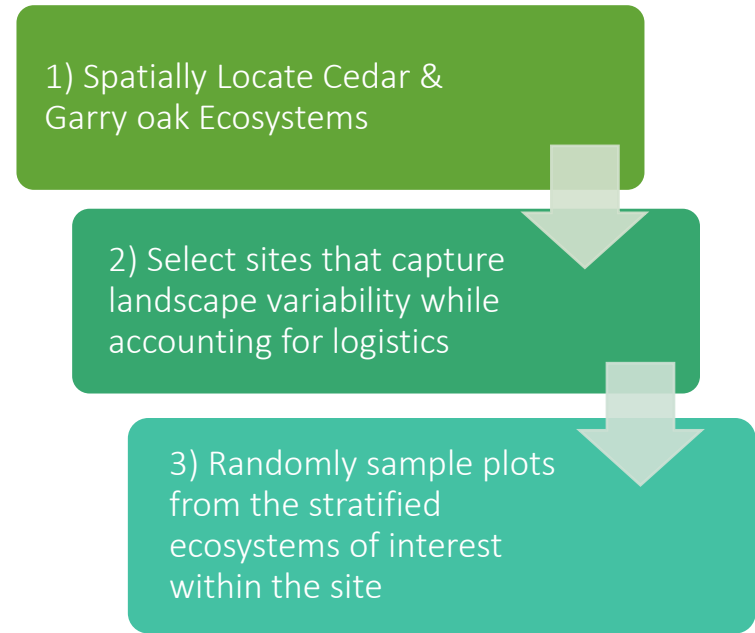
Evaluate and monitor changes in the ecosystem and vegetation composition, cover, structure, and health with reference to human stressors acting on the ecosystems.



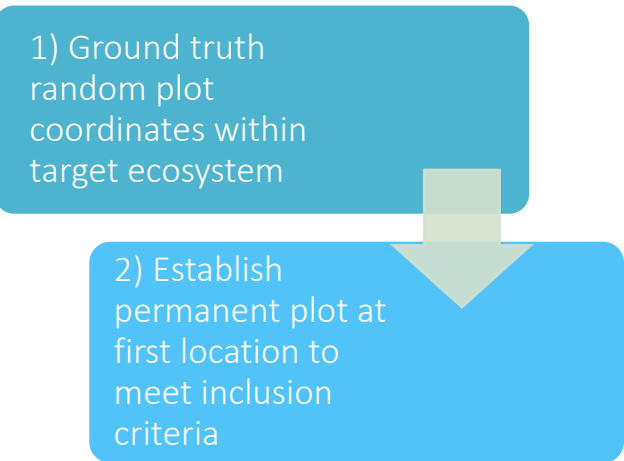
Sampling Design

Two-stage stratified random sampling

Stage 1



Stage 2



Sampling Design

Plot Design

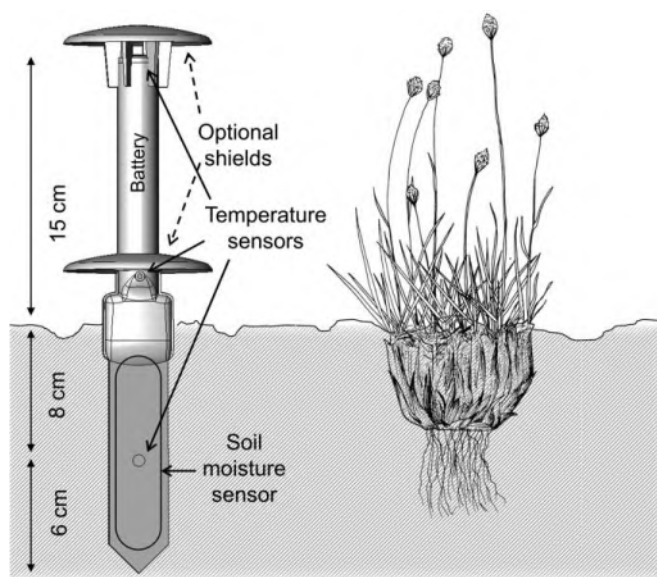
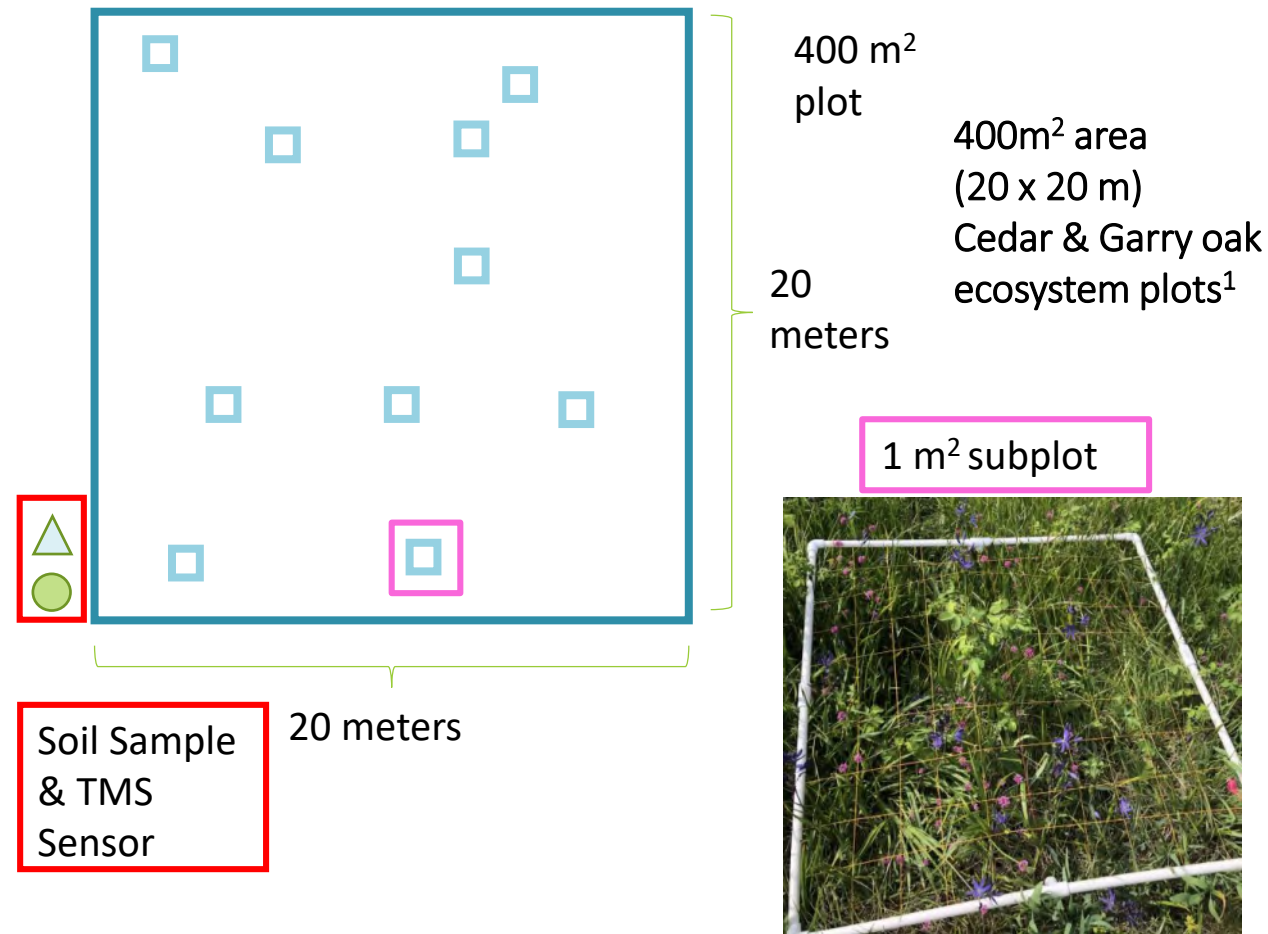


Figure 3. TMS data logger measuring air, surface, and soil temperatures and soil moisture, protected by wire cage from herbivorous animals. Reproduced from Wild et al. 2019² Figure 1 (Left) and Figure 8 (Right).

Field Methods

Measurements

Plots & Sensors

- Record plot metadata and physical ecosystem characteristics
- Install sensors for soil water content temperature measurements with protective wire cage
- Sample soil for composition and soil water content analyses

Vegetation Surveys

- Record species richness composition & cover
- Observe structural cover by growth layer
- Measure recruitment and growth
- Document vigor and signs of stress

Initial Visit

Establish plots, install sensors, and sample soil in Winter & Spring 2022

Garry oak surveys in April–June and Cedar surveys in June–August of 2022

Revisit

Bi-annual check of sensors (15 min continuous readings)

Annual vegetation survey

Duration

Up to 10 years (sensor duration)

Minimum of 2 years



References

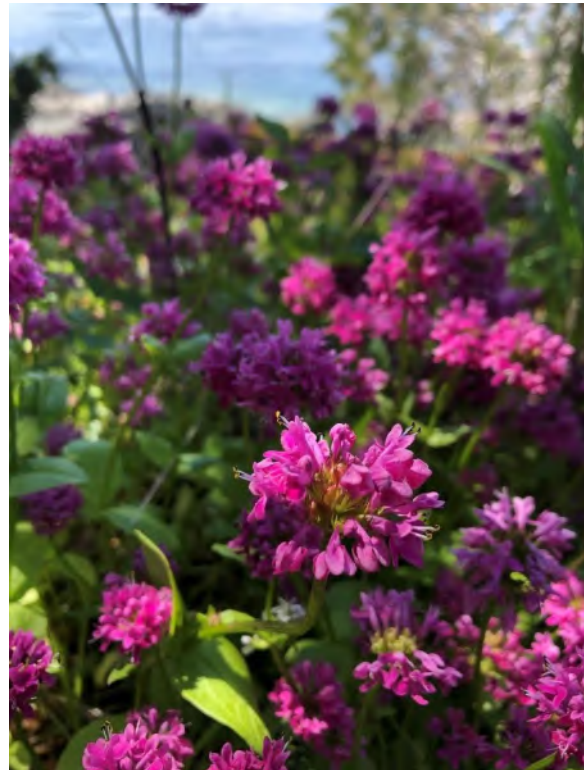
1) British Columbia, and British Columbia, eds. *Field Manual for Describing Terrestrial Ecosystems*. 2nd ed. Land Management Handbook 25. Victoria: B.C. Ministry of Forests and Range, 2010.

2) Wild, Jan, Martin Kopecký, Martin Macek, Martin Šanda, Jakub Jankovec, and Tomáš Haase. "Climate at Ecologically Relevant Scales: A New Temperature and Soil Moisture Logger for Long-Term Microclimate Measurement." *Agricultural and Forest Meteorology* 268 (April 2019): 40–47.

Images taken by Sofie McComb unless specified. Icons are from Noun Project and attribution from top to bottom: BlackActurus, Lero Keller, Nawicon (left); Vectors Market, Chanut Industries, Toli, Postcat Studio (right)

Monitoring & Evaluating Ecosystems of Concern within the Coastal Douglas-fir Biogeoclimatic Zone

Western Redcedar & Garry Oak Ecosystems



Prepared by Sofie McComb

Project Overview

We are designing a field monitoring project as part of a larger study working to evaluate the cumulative impacts of interactive stressors in the Coastal Douglas-fir (CDF) Biogeoclimatic zone to inform effective conservation decision-making in the area.

The majority of CDF ecological communities are at risk due to the legacy of intensive historic human stressors as well as ongoing and escalating future threats (Austin et al., 2008; B.C. Conservation Data Centre, 2020; Coastal Douglas-Fir & Associated Ecosystems Conservation Partnership., 2015). Human influence through urban and residential development, agricultural expansions, and transportation infrastructure has been a significant stressor on the landscape, along with invasive and hyperabundant species such as deer, which leads to disruptions to native species composition and structure. Additionally, climate changes have increased climatic stresses on the landscape including soil water availability for growth and heat stressors.

While there has been a fair amount of ecosystem centered data collection in the CDF, there is a general lack of previous research examining how the various human stressors in the CDF interact with each other and the landscape to cumulatively impact the suitability and presence of these ecosystems across the CDF (Green and Klinka, 1994; Mackenzie and Meidinger, 2017; Madrone Environmental Services Ltd, 2008). Therefore, we propose an ecological integrity and stressor-focused field monitoring system to monitor continuing changes in vegetation throughout the CDF to evaluate ecosystem health and advise threat management action in the region.

The general approach of the monitoring project is to focus on eco-cultural CDF ecosystems of concern—primarily Western redcedar & Garry Oak dominated ecosystems—and evaluate how they have been impacted by the various human stressors interacting on the landscape. While the highly biodiverse Garry oak ecosystems are a focus of management interventions in the region as important eco-cultural landscape at risk, they are not well represented in BEC plots, have no definitive mapping of historic or current extent, and have no cohesive regional plan for their management and persistence (Dunwiddie and Bakker, 2011; Eastman et al., 2011; Pellatt and Gedalof, 2014). With regards to cedar ecosystems, dieback of Western redcedars has begun to become documented in the region, revealing potentially increasing stressors in the past two decades from lack of water availability, disease or pest susceptibility, or impacts from nearby human development (Klinka and Brisco, 2009; Seebacher, 2007). The extent of dieback and stress of these ecosystems is not well documented, and many of the more riparian cedar ecosystems have few BEC plots.

While Douglas-fir coniferous ecosystems make up the bulk of the remaining natural extent of the CDF landscape, the focus of field monitoring will be on these more threatened, biodiverse, and culturally important cedar and Garry oak ecosystems. Additionally, these ecosystems represent two moisture extremes of the CDF, with Garry oaks found in drier sites and cedar in the wetter areas according to their soil moisture regimes, which will be important to monitor as climate change continues to escalate and moisture deficits in the region increase. These areas require

additional research and monitoring for designing effective management plans, particularly a greater understanding of which stressors or combination of stressors are degrading the ecological integrity of these ecosystems and how to best prioritize resources and energy to tackle these issues. As we want to build off of existing knowledge and datasets, the sampling design will be derived from the BEC plot design, using vegetative plots to capture ecosystems dimensions, and generally following the provincial protocols for describing terrestrial ecosystems (British Columbia and British Columbia, 2010). Findings will be used to support our efforts to prioritize cost-effective threat management actions to protect and restore vulnerable CDF biodiversity in face of additional global change.

Objectives

The main objective is to evaluate and monitor changes in vegetation composition, cover, structure, and health with reference to human stressors acting on the ecosystems. More specifically, the objective of this field project is to observe and determine how Cedar & Garry Oak ecosystems in the CDF have been and continue to be impacted by human stressors for the purpose of providing baseline monitoring data for designing threat management and decision-making focused ecosystem models. We will establish permanent plots in these ecosystems, with a network of plots designed to best sample and represent the wide variability of ecosystems throughout the landscape while being feasible and reasonable with regards to limited resources, finances, and time. Stressors of primary concern—identified by previous studies in the region—include nearby human influence and development, deer hyperabundance, invasive competition, and increasing climate stresses (Austin et al., 2008; Bennett et al., 2013; Gonzales and Arcese, 2008; Klinka and Brisco, 2009; Martin et al., 2011; Pellatt et al., 2012; Pellatt and Gedalof, 2014). Measures of impact would primarily focus on changes in vegetative composition, cover, and structure, as well as noticeable signs of stress such as overgrazing or dieback.

We will be specifically evaluating and monitoring following the parameters:

Ecosystem Environment

- Document ecosystem site series present at the location to set the frame of reference, describe ecological integrity of different ecosystems, and provide static measures of the environment including landscape position, soil properties, and other physical characteristics.

Composition and Cover

- Monitor species richness and abundance to monitor changes in community composition and dynamics, and indicate expansion of invasive species in the area.

Structure

- Monitor change in cover of tree, shrub, herb, and non-vascular growth forms at different structural levels for signs of architectural and successional change in the landscape from natural and human disturbance, as well as signs of overgrazing.

Recruitment

- Monitor growth of trees and recruitment of seedlings and saplings within area to monitor changes in species establishment and future vegetative growth patterns and success.

Health

- Monitor health of trees and important shrubs to signal signs of stress, such as measures of dieback, blights, moisture stress, or indices of deer overbrowsing pressures.

Sampling Design

Our goal is to examine ecosystem health and suitability across the CDF in relation to different stressors acting on the landscape, establishing a monitoring system to evaluate shifts in ecological communities from legacy and ongoing human stressor-driven ecological change. We will be using a two-stage stratified random sampling technique for our sampling design (Thompson, 2012; Woodward et al., 2009). Potential sampling locations will first be identified from spatial and logistical constraints in Stage 1, and then verified and selected for final inclusion from ground truthing in Stage 2, as follows:

- Stage 1 includes: 1) spatially locating representative Western redcedar and Garry oak ecosystem sites across the landscape, 2) selecting final sites that capture ecosystem and stressor variability while accounting for logistic and design considerations, and then 3) randomly sampling plot locations across the stratified areas of Western redcedar and Garry oak ecosystem within these site locations to be used in Stage 2 ground truth.
- Stage 2 includes: 1) ground truthing random plots (within target vegetative communities and meet basic plot inclusion criteria), before 2) establishing permanent plot at first randomized location to meet criteria.

Our range of inference driving plot establishment are:

- Cedar Ecosystems: Cedar plant associations within the CDF Zone with Western redcedar in the dominant or co-dominant layer accessible for research and with granted access, including the following CDF plant associations Western redcedar—Douglas-fir—Oregon beaked moss (05), Western redcedar—Grand-fir—Foamflower site series (06), Western redcedar—Snowberry high bench floodplain (07), Western redcedar—Skunk cabbage (11), Western redcedar—Vanilla leaf (12), Western redcedar—Indian plum (13), Western redcedar—Slough sedge (14)
- Garry Oak & Associated Ecosystems: Garry oak and associated ecosystem plant associations within the CDF Zone with Garry oak in the dominant layer or with camas, fescue, or ocean spray dominating a seral state, accessible for research and with granted access, ensuring half the sites have no deer presence to capture binary nature of stressor and rare occurrence of deer absent islands, including the following CDF plant associations (00): Garry oak—Oceanspray (GO), Garry oak—Brome/mixed grasses (QB), Garry oak—Moss (OM), Fescue—Camas (FC), Oceanspray—Rose (OR).

At each selected site, at least one plot replicate will be established: a 400m² Cedar or Garry Oak plot (20m by 20m), consistent with current BEC and many other permanent monitoring plots protocols (B.C. Ministry of Forests and Range, 2020; Green and Klinka, 1994; Mackenzie and Meidinger, 2017). Garry oak plots will have 10 1m² quadrat subplots randomly placed within the plot to deal with the higher herbaceous species richness and coverage. There will be 60 400m² plots (20m by 20m) plots established across all the sites, with most site locations having 1 plot, but larger sites with multiple vegetative communities having more than 1.

The goal is to revisit these same plots repeatedly across years (at minimum 2 years) to detect trends and changes in ecological integrity of these ecosystems into the future. Measurements taken at each plot are detailed in the Field methods section of this protocol, but for each replicate, information on the physical environment and vegetation needed to determine the ecosystem site series will be recorded, as well as data on microclimate and signs of stress. Plots will be re-evaluated and revisited annually for vegetation monitoring until project end, and bi-annually for checking on the microclimate sensors to be installed.

Field Methods

Permanent Plot Establishment

Stage 2 ground truthing will be performed in Winter/Spring 2022 to select final plot locations and establish 400m² plot (20m by 20m) at each site. We will locate the random coordinate at lower SW corner of plot, and have each plot face cardinal orientation if possible. Ensuring the plot is slope-corrected, we will measure out the plot size and place cedar stakes at the four plot corners, which minimize visual impact and can easily be replaced as they decay. At this first plot visit we will record plot metadata, including: location, date/time, plot field ID, site series, shape/size, observers, plot characteristics, photo, (inclination/orientation), mesoslope position, elevation, aspect. As best possible we will transcribe measures of hydrology, parent materials, and soils from spatial layers before visit, and note landscape context, successional status, and evidence of disturbance during this first visit. We will locate 10 1m² quadrat permanent subplots in each Garry oak plot, record coordinates of each subplot, and mark with wire flags. For quadrats will use a predetermined random sample table to have numbers of random sample within grid.

Microclimate Sensors & Soil Samples

We will be installing microclimate sensors at the SW outside corner of each plot at the time of permanent plot establishment. We are using Tomst TMS-4 sensors, which measure soil water content and air, surface, and soil temperature measurements at 15 min interval continuous for multiple years (Wild et al., 2019). The measurements are at -6, +2, +15 cm, and the sensors are designed to mimic herbaceous plants. We will be setting up small, wire cages around the sensor to protect them from herbivores, and attach information sheets that will describe the project and sensors. We will take a one-time soil sample at each plot during plot establishment, about

150-200 g for particle size analysis and 120-250 mL for gravimetric analysis, taken near the outside of the established plot to be used for sensor and soil calibration.

Vegetation Surveys

We will perform vegetation surveys of the plots starting in Spring/Summer 2022, and will revisit these plots annually for vegetation monitoring until project end, for at minimum 2 years of data. We will visit Garry oak ecosystem plots between April to June, in order to sample these during flowering, and will visit Cedar sites in June-August, unless overlapping with Garry oak site. We will perform the following measurements at each 400m² plot:

Garry Oak ecosystem plots

- Composition and cover: Species richness of trees and shrubs within entire plot and for herbs (species level) and mosses (genus level) within 10 1m² quadrats (composition and cover)
- Structure: Percent cover of tree, shrub, herb, and non-vascular growth forms
- Recruitment: seedling/sapling recruitment and DBH/height of adults for all trees
- Health: Vigor categorical measurements and stressor notes for trees and important shrubs

Cedar ecosystem plots

- Composition and cover: Species richness for all species present
- Structure: Percent cover of tree, shrub, herb, and non-vascular growth forms
- Recruitment: seedling/sapling recruitment and DBH/height of adults for all trees
- Health: Vigor categorical measurements and stressor notes for trees and important shrubs, with focus on percent dieback for Western redcedar

For any species that cannot be identified in the field, we will collect voucher specimens and identify them post-field. Additionally, during vegetation surveys, we will also note signs of stressors at each plot location. In addition to the vigor and stressor measurements for trees, we will note all signs of dieback, drought, disease, pests, or other signs of stress. We will record signs of human influence and general prevalence of invasives. We will also record measures of deer presence or abundance at the site and signs of browsing pressures, particularly on palatable native species and impacts to shrub structure.

References

- Austin, M., Buffet, D., Nicolson, D., Scudder, G., Stevens, V., 2008. Taking Nature's Pulse: The Status of Biodiversity in British Columbia. Biodiversity BC. Victoria, BC.
- B.C. Conservation Data Centre, 2020. BC Species and Ecosystems Explorer. Victoria, B.C.
- B.C. Ministry of Forests and Range, 2020. Biogeoclimatic Ecosystem Classification Program.
- Bennett, J., Vellend, M., Lilley, P., Cornwell, W., Arcese, P., 2013. Abundance, rarity and invasion debt among exotic species in a patchy ecosystem. *Biol. INVASIONS* 15, 707–716. <https://doi.org/10.1007/s10530-012-0320-z>
- British Columbia, British Columbia (Eds.), 2010. Field manual for describing terrestrial ecosystems, 2nd ed. ed, Land management handbook. B.C. Ministry of Forests and Range, Victoria.
- Coastal Douglas-Fir & Associated Ecosystems Conservation Partnership., 2015. Conservation Planning in Coastal Douglas-fir Ecosystems: A Quick Guide for Local Government.
- Dunwiddie, P.W., Bakker, J.D., 2011. The Future of Restoration and Management of Prairie-Oak Ecosystems in the Pacific Northwest. *Northwest Sci.* 85, 83–92. <https://doi.org/10.3955/046.085.0201>
- Eastman, D.S., Webb, C., Costanzo, B., Garry Oak Ecosystems Recovery Team, 2011. Restoring British Columbia's Garry Oak ecosystems: principles and practices. Garry Oak Ecosystems Recovery Team, Victoria, B.C.
- Gonzales, E.K., Arcese, P., 2008. Herbivory More Limiting than Competition on Early and Established Native Plants in an Invaded Meadow. *Ecology* 89, 3282–3289. <https://doi.org/10.1890/08-0435.1>
- Green, R., Klinka, K., 1994. A field guide to site identification and interpretation for the Vancouver Forest Region. Land management handbook 28.
- Klinka, K., Brisco, D., 2009. Silvics and silviculture of coastal western redcedar: a literature review. Spec. Rep. Ser.-Minist. For. Range Br. Columbia.
- Mackenzie, W., Meidinger, D., 2017. The Biogeoclimatic Ecosystem Classification Approach: an ecological framework for vegetation classification. *Phytocoenologia* 48. <https://doi.org/10.1127/phyto/2017/0160>
- Madrone Environmental Services Ltd, 2008. Terrestrial Ecosystem Mapping of the Coastal Douglas-Fir Biogeoclimatic Zone.
- Martin, T.G., Arcese, P., Scheerder, N., 2011. Browsing down our natural heritage: Deer impacts on vegetation structure and songbird populations across an island archipelago. *Biol. Conserv.* 144, 459–469. <https://doi.org/10.1016/j.biocon.2010.09.033>
- Pellatt, M., Goring, S., Bodtke, K., Cannon, A., 2012. Using a Down-Scaled Bioclimate Envelope Model to Determine Long-Term Temporal Connectivity of Garry oak (*Quercus garryana*) Habitat in Western North America: Implications for Protected Area Planning. *Environ. Manage.* 49, 802–815. <https://doi.org/10.1007/s00267-012-9815-8>
- Pellatt, M.G., Gedalof, Z., 2014. Environmental change in Garry oak (*Quercus garryana*) ecosystems: the evolution of an eco-cultural landscape. *Biodivers. Conserv.* 23, 2053–2067. <https://doi.org/10.1007/s10531-014-0703-9>
- Seebacher, T.M., 2007. Western redcedar dieback: possible links to climate change and implications for forest management on Vancouver Island, BC. Masters Thesis.
- Thompson, S.K., 2012. Sampling, 3rd ed. ed, Wiley series in probability and statistics. Wiley, Hoboken, N.J.
- Wild, J., Kopecký, M., Macek, M., Šanda, M., Jankovec, J., Haase, T., 2019. Climate at ecologically relevant scales: A new temperature and soil moisture logger for long-term microclimate measurement. *Agric. For. Meteorol.* 268, 40–47. <https://doi.org/10.1016/j.agrformet.2018.12.018>
- Woodward, A., Hutten, K.M., Boetsch, J.R., Acker, S.A., Rochefort, R.M., Bivin, M.M., Kurth, L.L., 2009. Forest vegetation monitoring protocol for national parks in the North Coast and Cascades Network. Tech. Methods 2-A8 Rest. VA US Dep. Inter. US Geol. Surv. 228 P.



REQUEST FOR DECISION

To: ITC Board

For the Meeting of: March 15, 2022

From: Staff

Date Prepared: March 4, 2022

SUBJECT: ITC 5-Year Plan Review

RECOMMENDATIONS:

- 1) That the Islands Trust Conservancy (ITC) Board approve the Project Charter, dated March 15 2022, for the ITC Five-Year Plan Revision.
- 2) That the Islands Trust Conservancy Board direct staff to revise the ITC Five-Year Plan according to “Option 1: Status Quo” in the March 15, 2022 ITC 5 Year Plan Review briefing in the event that an extension to the deadline is not provided by the Minister’s Office.

-
- 1 **PURPOSE:** To provide the ITC Board and staff with direction for the revision of the ITC Five-Year Plan.

- 2 **BACKGROUND:**

The *Islands Trust Act* requires that the Islands Trust Conservancy prepare and submit to the Minister, at least once every five years, a Trust Fund Plan (the Plan), including policies on acquisition, management, and disposal of property, investment of money, goals for major acquisitions, and other matters as required.

The Trust Fund Plan is administrative in nature, and provides current Islands Trust Conservancy policies on land acquisition, management and disposition of land, and investment of funds. More recently, it has also summarized the goals of the draft Regional Conservation Plan¹.

ITC policy requires that the Plan be referred to every local trust committee and island municipality as well as to Trust Council for comment but is silent with respect to referral to First Nations. The referral process takes approximately four to six months due to meeting schedules. As staff reviewed the timelines for revision of the Plan, it has become apparent that the status quo approach offers insufficient time to undertake early and meaningful engagement with First Nations at the outset of plan development and through the process.

The ITC Board’s Reconciliation Declaration includes the following statements: “The Islands Trust Conservancy will strive to create opportunities for knowledge-sharing, understanding and collaboration as people come together to preserve and protect the special nature of the islands within the Salish Sea. The Islands Trust Conservancy is committed to the protection and preservation of this place through processes that respect and honour reconciliation and mutually respectful relationships with Coast Salish Indigenous Peoples.”

¹ It is important to distinguish between the Trust Fund Plan, which requires Ministerial approval under the *Islands Trust Act*, and the Regional Conservation Plan, which provides science-based operational direction to the Islands Trust Conservancy Board and its staff. The documents are complementary, but serve different functions.

ITC staff have contacted staff at the Minister's office to see if a timeline extension is possible to support early and meaningful engagement with First Nations. Ministry staff are investigating the option. An update on findings will be provided at the ITC Board meeting.

Options for Review of the Trust Fund Plan

	Option 1: Status Quo	Option 2: Early and meaningful engagement with First Nations
Description	Staff would do an internal review and update of the plan without significant changes to policy. The update would reflect the development of a Fund Development Plan and Property Management Strategy, which occurred after the last plan was submitted. First Nations would receive the Plan as a referral and would not be engaged in the Plan development.	Option 2 includes a more robust review of internal policies and engagement of First Nations prior to revision of the Plan. See attached Project Charter for information.
Timeline	April/May: Revision of the Plan by staff, with Board input May 24: Board review of First Draft June – Oct: Referrals Nov 22 – final Plan approval Dec – submit Plan to Minister for approval	The Plan would be completed by December 2023 and would require permission from the Minister for an extension of the development timeline. See attached Project Charter for details.
Budget	Minimal budget required, estimate approximately \$2-5,000 for possible First Nations referral expenses.	\$25,000 to accommodate a more robust engagement of First Nations.

Staff recommend Option 2, provided permission is received from the Minister to extend the timeline for submission of the Plan.

3 IMPLICATIONS OF RECOMMENDATION:

ORGANIZATIONAL: Option 2 will require additional staff time and board resources to the process described in Option 1. It will also require that the ITC bring in external resources to assist with First Nations engagement. The project timeline will be extended into 2023 and the budget allocated to the project will increase to accommodate the need for these additional resources.

FINANCIAL: Option 2 requires \$20-23,000 more than Option 1 to execute. Staff propose that the funds come from existing 2022/23 budget allocations for Conservation Planning, Communications and Travel and that additional required funds be redirected from other existing budget areas at the discretion of the ITC Manager. At its January 2022 meeting, the ITC Board directed staff to scale back work on conservation proposals and it is anticipated that the Land Securement and Conservation Planning budget will not be directed towards many securement costs in 2022/23. This reduction of securement work will allow increased spending for conservation planning, including development of the Plan.

POLICY: Consistent with policy, but requires approval from the Minister for an extended timeline. The proposed Project Charter provides an extended timeline for policy review prior to development of the Plan.

IMPLEMENTATION/COMMUNICATIONS: Increases to communication and engagement with First Nations will be required. Most of this work will be coordinated through a contractor. ITC staff will also provide a briefing note to Executive Committee and will include information on the revision of the Plan in its ITC Report to Trust Council. ITC staff recommend that the Board consider including the Plan as a topic for the ITC/Executive Committee Liaison meeting in July.

FIRST NATIONS: ITC staff are proposing that the ITC Board approve a Project Charter that includes engagement of First Nations early in the development of the Plan. Staff believe that a more robust engagement of First Nations will better meet the ITC Board commitment under its Reconciliation Declaration. ITC staff recommend that a contractor be engaged to work with staff to develop and implement a First Nations engagement plan.

CLIMATE CHANGE: Revision of the Plan will allow the ITC to better incorporate direction regarding its approach to climate change and the Climate Change Emergency declared by Trust Council in 2019.

OTHER: Staff will work with the Minister's Office to implement the extended timeline, as required.

4 RELEVANT POLICY(S):

[Islands Trust Act, Sec. 44](#)

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

[ITC Policy 3.5: Policy on Consulting Trust Council, Local Trust Committees, Island Municipalities, and Local Trustees on Islands Trust Conservancy Board Matters](#)

5 ATTACHMENT(S):

ITC 5-Yr Plan Revision Project Charter (v1 Draft)

[Islands Trust Conservancy Five-Year Plan 2018-2022](#)

RESPONSE OPTIONS

Recommendations:

- 1) That the Islands Trust Conservancy (ITC) Board approve the Project Charter, dated March 15 2022, for the ITC Five-Year Plan Revision.
- 2) That the Islands Trust Conservancy Board direct staff to revise the ITC Five-Year Plan according to "Option 1: Status Quo" in the March 15, 2022 ITC 5 Year Plan Review briefing in the event that an extension to the deadline is not provided by the Minister's Office.

Alternatives:

That the Islands Trust Conservancy (ITC) Board approve the Project Charter for the ITC Five-Year Plan Revision with the following amendments:

- *[list of amendments]*

That the Islands Trust Conservancy Board direct staff to revise the ITC Five-Year Plan according to "Option 1: Status Quo."

Prepared By: Kate Emmings, ITC Manager

Reviewed By / Date: Clare Frater, Director, Trust Area Services / March 6, 2022

ITC 5-Yr Plan Revision - Charter v1 (Draft)

Islands Trust Conservancy

Date: March 15, 2022

Purpose To develop a Five-Year Trust Fund Plan, informed by early and meaningful engagement with First Nations and Indigenous Peoples, that includes strategies and policies for financial management and land conservation while also addressing climate change and conservation of culturally significant areas.

Background Under the *Islands Trust Act* the Islands Trust Conservancy must submit a Trust Fund Plan to the Minister at least every five years. The Trust Fund Plan must include: (a) policies on acquisition, management and disposal of property; (b) policies on investment of money; (c) goals for major acquisitions of property; and, (d) other matters as required by the minister. The current Trust Fund Plan expires in 2022.

Objectives

- Engage with First Nations to provide input that influences the Trust Fund Plan
- Engage with partners and Islands Trust to solicit input into a draft Plan
- Create a Plan that upholds the intent of the Reconciliation Declaration
- Incorporate the intent of other strategic documents into the plan

In Scope

- Meetings with First Nations to engage them in plan development prior to first draft
- Referral of Draft plan to partners and Islands Trust
- Board Retreat (s)
- Review of policies and fund guidelines
- Review of Fund Development, Regional Conservation, Land Securement and Property Management Strategies

Out of Scope

- Public engagement/consultation
- Engagement of partners and trustees in development of the plan (i.e. workshops for plan development, etc.)
- Fundraising for plan development
- Significant research or mapping
- Development of significant communications materials

Workplan Overview

Deliverable/Milestone	Date
Approval from the Minister to extend the current plan to December 2023	March 31, 2022
Request for Proposals to assist with First Nations engagement	April 30, 2022
Hire contractor to conduct First Nations engagement	June 15, 2022
Review of ITC policies/strategies complete	December 31, 2022
Plan development complete	March 31, 2023
Referrals and partner consultation complete	September 15, 2023
Revisions and First Nations engagement complete; final plan approved by ITC Board	October 31, 2023
Final plan sent to Minister for approval	December 15, 2023

Project Team

ITC Manager	Project Manager
ITC Team	Project collaborators
Director, Trust Area Services	Islands Trust Liaison
Contractor (TBD)	Coordinate First Nations Engagement

Approved by:

ITC Board

Date: Mar. 15, 2022

Endorsement:

Resolution #:

Date:

Budget

Budget Source: ITC Budget (Conservation Planning, Meetings, Travel & Communications)

Item	Cost
2022/23: First Nations Engagement (Contract)	\$15,000
2022/23: Honoraria: (First Nations)	\$5,000
2023/24: Graphic Design	\$1,000
2022/23: Mtg expenses and Travel	\$4,000
Total	\$25,000



REQUEST FOR DECISION

To: ITC Board **For the Meeting of:** March 15, 2022
From: Staff **Date Prepared:** February 24, 2022
SUBJECT: Addendum to Islands Trust Conservancy NAPTEP Monitoring Report 2021

RECOMMENDATION: That the Islands Trust Conservancy accept the summary of the Owl's Call NAPTEP Covenant Monitoring Report as an addendum to the *Islands Trust Conservancy NAPTEP Covenant Monitoring Report 2021*.

- 1 **PURPOSE:** To review and approve the summary of the Owl's Call NAPTEP Covenant Monitoring Report as an addendum to the *Islands Trust Conservancy NAPTEP Covenant Monitoring Report 2021*.
- 2 **BACKGROUND:** In November 2021, the Islands Trust Conservancy Board reviewed the *Islands Trust Conservancy NAPTEP Covenant Monitoring Report 2021* and passed the following resolution:

ITC-2021-049

It was MOVED and SECONDED,

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.

At that time it was noted that staff were awaiting one outstanding monitoring report for Owl's Call NAPTEP Covenant on Salt Spring Island, which was to be completed by a third party contracted by the owner. This report was submitted by biologist Kathleen Reimer on December 12, 2021. According to the report, the covenant was found to be in compliance and no major management concerns were identified. A summary of the monitoring report has been included in the *Islands Trust Conservancy NAPTEP Covenant Monitoring Report 2021* as an addendum.

3 **IMPLICATIONS OF RECOMMENDATION:**

ORGANIZATIONAL: Monitoring reports help set priorities for NAPTEP covenant management and landholder stewardship, and identify the actions needed to resolve any 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: Annual monitoring is consistent with policy.

IMPLEMENTATION/COMMUNICATIONS: The contract monitor noted old litter scattered along the north boundary and the risk of trespass arising from a neighbour's secondary building ("treehouse"), which is located very close to the same unfenced and unmarked covenant boundary. Staff will prioritize monitoring of the north boundary during subsequent annual monitoring inspections, and will work with the owner to manage trespass issues as needed.

FIRST NATIONS: None.

CLIMATE CHANGE: The contract monitor commented in their report, “Despite the drought [in 2021] the forest is still healthy.” Monitoring reports provide 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: It is unusual to have monitoring completed by a third party monitor paid by the landholder; however, the covenant is one of the first completed when NAPTEP was launched in 2004/05. At that time, landholders were required to commission and pay for annual monitoring. In 2006, a review of NAPTEP recommended that the requirement for landholders to commission and pay for monitoring be removed. This recommendation was adopted in 2007 and NAPTEP landholders were invited to modify their agreements to reflect that monitoring be done by ITC. Owl’s Call NAPTEP Covenant is the last remaining NAPTEP covenant to require monitoring by the landholder.

4 RELEVANT POLICY(S):

[ITC 2.5 Natural Area Protection Tax Exemption Covenants](#)
[ITC 2.8 Covenant Enforcement Policy](#)

5 ATTACHMENT(S):

- (1) *Islands Trust Conservancy NAPTEP Covenant Monitoring Report 2021* with addendum
- (2) Monitoring report, with photos and map, for Owl’s Call NAPTEP Covenant

RESPONSE OPTIONS

Recommendation: That the Islands Trust Conservancy accept the summary of the Owl’s Call NAPTEP Covenant Monitoring Report as an addendum to the *Islands Trust Conservancy NAPTEP Covenant Monitoring Report 2021*.

Alternative: None.

Prepared By: Jemma Green, Covenant Management & Outreach Specialist

Reviewed By / Date: Kate Emmings, ITC Manager / March 7, 2022

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

Updated with an addendum on February 24, 2022

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 exclosure fence hung from trees to protect the rocky outcrop habitat. The exclosure 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.

Addendum

Owl's Call NAPTEP Covenant, Salt Spring Island was monitored on November 14, 2021 by biologist Kathleen Reimer assisted by Avi Nussbaum of Island Stream and Salmon Enhancement Society. The covenant was found to be in good standing by the monitors, who were contracted by the owner at the owner's request. Management concerns identified by the monitors include a neighbour's new outbuilding (tree house), which is built very close to a covenant boundary that is not fenced or otherwise marked, and litter along the north property boundary. The monitors noted that the forest appeared healthy despite the drought in 2021.

ISLANDS TRUST CONSERVANCY BOARD SITE MONITORING FORM 2021

Name of Property	Owl's Call	Island	Salt Spring
Name of Monitor(s)	Kathleen Reimer Avi Nussbaum	Previous Monitor(s)	Kathleen Reimer, Steve Sigurgeirson
Year/Month/Day	October 22, 2021	Last date inspected	2020/11/14
Type of Protected Area	NAPTEP covenant	Weather	clear
Covenant area (ha)	3.31	Property area (ha)	6.63
Time started		Time finished	
Directions to site	From Fulford ferry terminal travel north on Fulford-Ganges Rd. for 8 km. Turn left on Dukes Rd. and proceed 1km to 299 Dukes Road.		
List of persons present for site visit	Kathleen Reimer, Biologist , Avi Nussbaum, employee of Island Stream and Salmon Enhancement Society Elizabeth's friend James		
Owner Name	Co-Covenant Holder Name		
Elizabeth Nickson 299 Dukes Road Salt Spring Island, BC V8K 2B4 ejnickson@gmail.com	N/A		
Date Notified	June 19 (email)	Date Notified	
Notes/Issues from previous visit(s)	- A neighbor built a tree house right on the covenant boundary. Worries that, if rented, there could be more intrusion into the covenant area. - Still a bit of garbage on the neighbor's place near the covenant. - Two large ant hills along north covenant boundary, one still active		

MONITORING INSPECTION QUESTIONS	Y	N	N/A	COMMENTS
Have there been any changes to access? Directions to the site?		X		
Soil, gravel or rock disturbance, dumping or removal?		X		
Tree cutting, trimming, removal, planted? Live or dead trees?		X		
Vegetation disturbed, destroyed, moved planted?		X		
Alteration or interference with hydrology, wetlands, body of water?		X		
Evidence of pollution or contamination? Land or water?		X		
Evidence that buildings, fixtures, structures, water works, ditches have been added or removed?		X		
Evidence that roads, paths, trails have been built? Describe location, type, use and probable age.		X		

MONITORING INSPECTION QUESTIONS	Y	N	N/A	COMMENTS
Deterioration of existing trails?		x		
Is there litter, dumping, abandoned vehicles? Where/type/age?		x		Some old litter along the north property boundary
Is there evidence of trespass? Foot/vehicle/animal?		x		There is no fence between the covenant and the tree house so, in the future, there could be people entering the protected area
Have any signs been put up on the land?		X		Not yet
Structures/signage on the land in need of repair? (e.g. signs, benches, bridges, fences, gates, parking areas, etc)		X		
Have there been activities on the land or on surrounding lands that may impact its environment?				Just the tree house
Did you observe any condition that might warrant closing access to protect public safety and/or habitat?		X		
Did you encounter any people during your inspection? Number and activity?		X		
Did you encounter any wildlife? Number and type.				At least one ant hill still active at the time of the monitoring
Did you observe any rare, endangered, unusual flora and fauna?		X		
Did you observe any invasive plants? If so, describe location and estimate percentage.		X		
General comments on the site (including natural history observations).				Despite the drought the forest is still healthy

Landowner's Additional Comments

Monitor's Recommendations/Comments
This natural covenant area is the largest intact section of rainforest along Fulford Creek. Thank you, Elizabeth, for continuing to protect this special place.

*** PLEASE SHOW ROUTE TAKEN DURING INSPECTION ON AN ATTACHED MAP ***

Owl's Call Covenant Monitoring 2021

Photo 1. The frog pond



Photo 2. The south branch of creek (Garner Rd.)



Photo 3. Maidenhair ferns along the little creek



Photo 4. Lower part of Garner Rd, Branch



Photo 5. Looking upstream from footbridge



Photo 6. Along South covenant boundary



Photo7. Covenant boundary #1182



Photo 8. 2nd. Survey peg along boundary #1183



Photo 9. Fern gully along covenant boundary



Photo 10. Cov. Marker missing survey peg



Photo 11. Near the southwest covenant boundary



Photo 12. Covenant boundary near the top



Photo 13. Down in the ravine crossing the creek
To the north area of the covenant

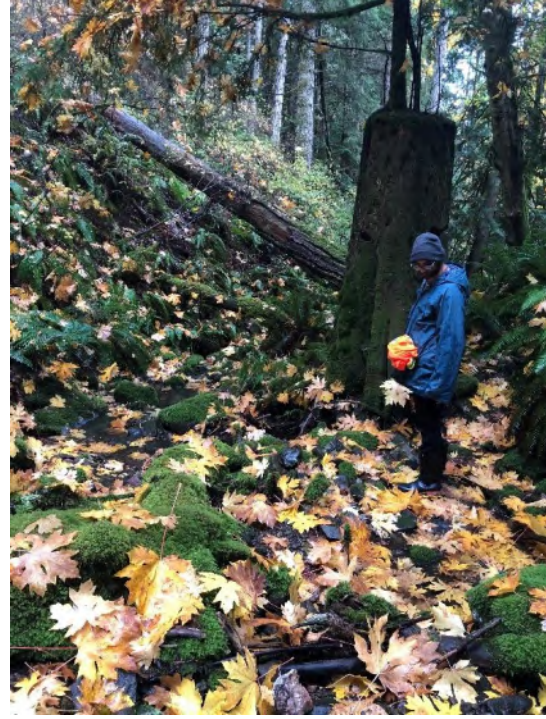


Photo 14. Very old burned log. Note that wildlife
use it as a staircase to get up the steep bank



Photo 15. Boundary of lot 28/29



Photo 16. Ant hill along north cov. boundary



Photo 17. Covenant marker along 28/29 boundary



Photo 18. Boundary 29/30 cov boundary near tree house



Photo 19. Tree house from covenant area



Photo 20. Close-up



Photo 21. The old roadway from near tree house to Tim Curtis' place



Photo 22. Property boundary 31/32



Photo 24. Along the creek near the boundary of Tim Curtis' property



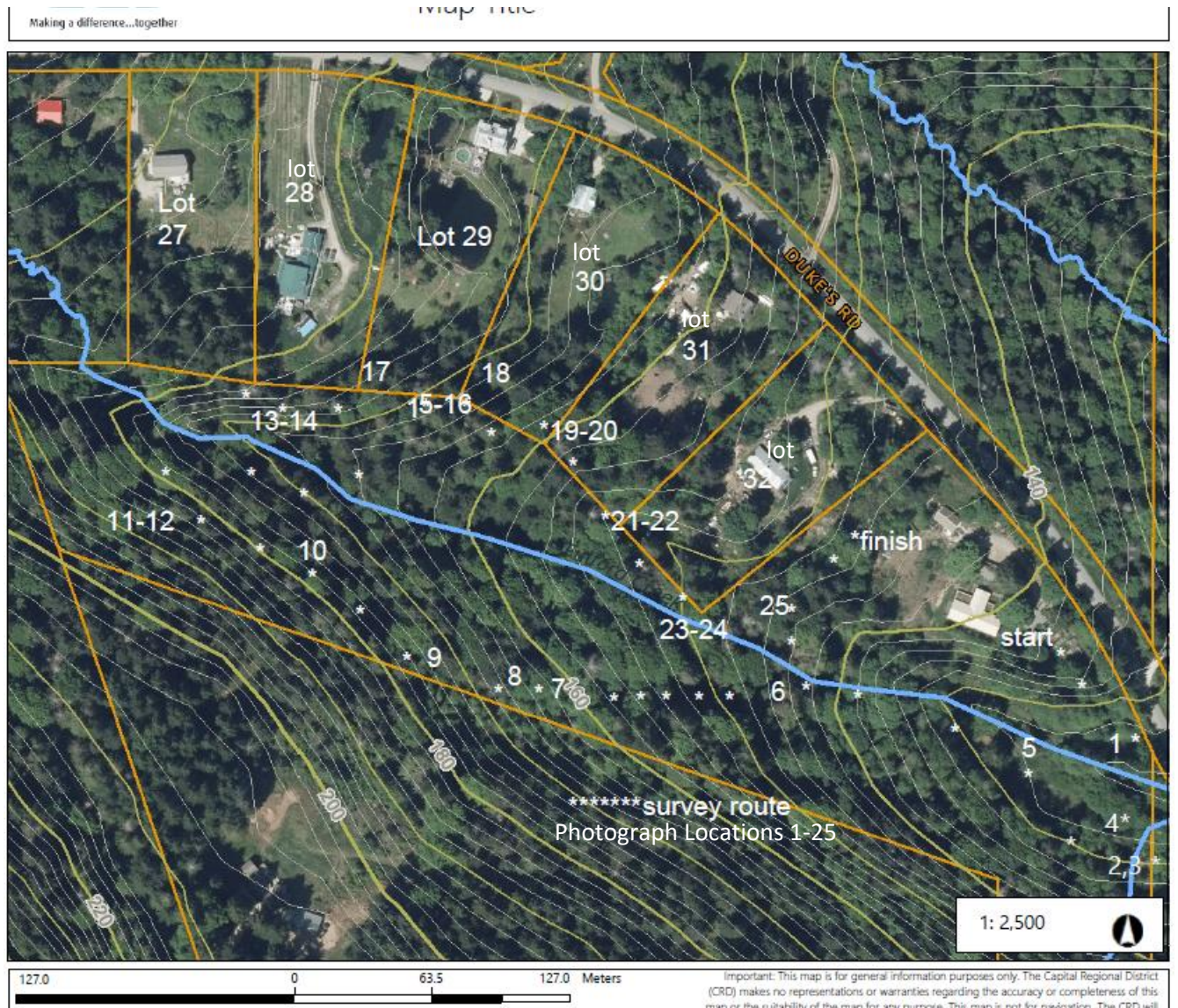
Photo 25. Back at the house site.



Photo 23. View of covenant area on South side of the creek



Map 1. Survey route and Photograph Location





REQUEST FOR DECISION

To: ITC Board

For the Meeting of: March 15, 2022

From: Staff

Date Prepared: February 23, 2022

SUBJECT: Sidney Island Ecological Restoration Project Operation Phase

RECOMMENDATION: That the Islands Trust Conservancy Board advise the Sidney Island Ecological Restoration Project Steering Committee that it endorses moving forward to the Operational Planning Phase, followed by the implementation of the Forest Restoration Strategy and the Fallow Deer Removal.

- 1 PURPOSE:** To advise the ITC Board that the Sidney Island Ecological Restoration Project (SIERP) Design Phase is complete and recommend that the ITC Board endorse moving forward to the Operational Planning Phase, followed by the implementation of the Forest Restoration Strategy and the Fallow Deer Removal.
- 2 BACKGROUND:** Sidney Island is in the North Pender Island Local Trust Area and is to the east of the Saanich Peninsula (Map 1). In 2001-2003, as part of the strata subdivision of Sidney Island, the ITC registered eight conservation covenants on Sidney Island (Map 1).

In April 2020, the Islands Trust Conservancy Board, along with Sallás Forest Strata, Parks Canada Agency, and the Province of British Columbia, signed the Sidney Island Ecological Restoration Project (SIERP) Memorandum of Understanding (MOU) to work cooperatively to facilitate the recovery of Sidney Island's forest and meadow ecosystems.

In August 2021, the Islands Trust Conservancy Board reviewed the SIERP Plan and passed the following resolutions:

ITC-2021-030

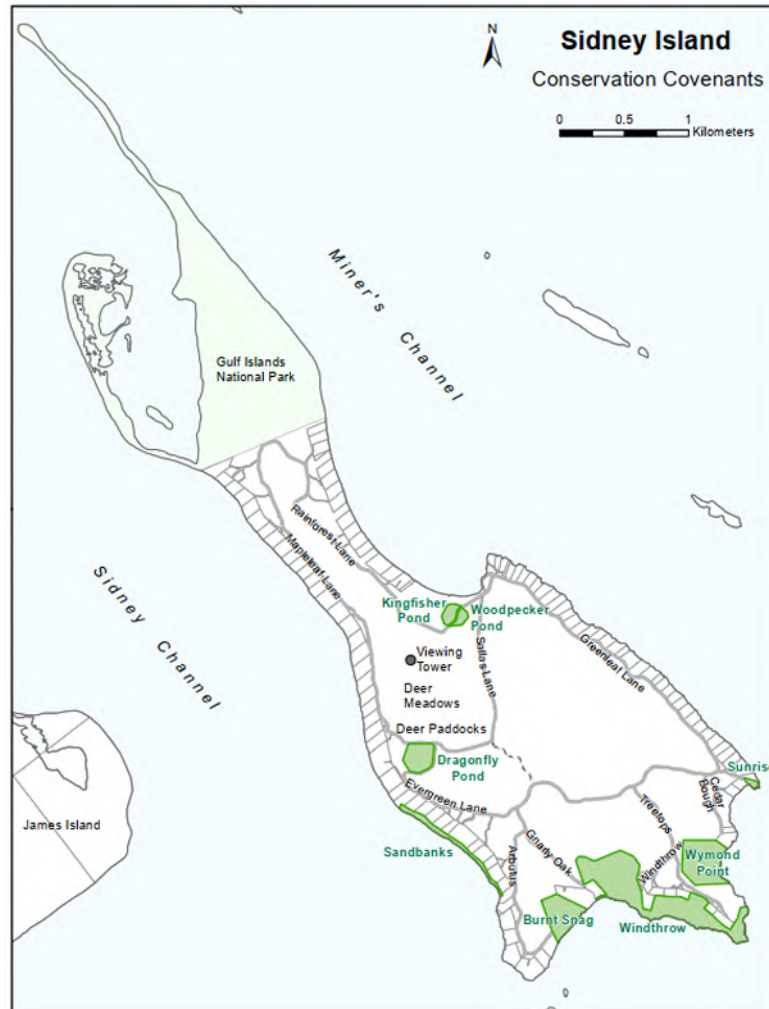
It was MOVED and SECONDED, that the Islands Trust Conservancy Board approve the Sidney Island Ecological Restoration Project Plan, including the Sidney Island Forest Restoration Strategy (Part A) and Fallow Deer Eradication on Sidney Island (Part B), dated July 2021 and provided to staff August 18, 2021.

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 Sallás 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.

Parks Canada has been working with the SIERP Steering Committee members to move towards an operations plan for the deer removal components of the project. At this time Parks Canada has requested that the partners update their decision makers regarding the project and recommend to their decision makers that the project move forward to the Operational Planning Phase, followed by the implementation of the Forest Restoration Strategy and the Fallow Deer Removal. Staff have reviewed all documents for project design and find these to be consistent with the

Sidney Island Ecological Restoration Project Plan, as approved by the ITC Board in August 2021.



Map 1. ITC covenants on Sidney Island.

3 IMPLICATIONS OF RECOMMENDATION:

ORGANIZATIONAL: Staff time is required to participate in project management, review the operations plan, and to issue required waivers.

FINANCIAL: None at this time, although legal costs may arise through discussions of liability. These costs would be anticipated to be under \$1,000.

POLICY: None.

IMPLEMENTATION/COMMUNICATIONS: Staff will communicate the decision of the ITC Board to the Steering Committee. The SIERP Steering Committee has a Communications Working Group for the project to respond to communications needs related to public engagement. ITC is represented on the Communications Working Group.

FIRST NATIONS: The Provincial Consultative Areas Database identifies the following First Nations for consultation for Sidney Island:

- Penelakut Tribe

- Cowichan Tribes
- Tsartlip First Nation
- Stz'uminus First Nation
- Lyackson First Nation
- Tsawout First Nation
- Te'Mexw Treaty Association
- Pauquachin First Nation
- Lake Cowichan First Nation
- Songhees First Nation
- Semiahmoo First Nation
- Halalt First Nation
- Tseycum First Nation

The Steering Committee includes representation from the W SÁNEĆ Leadership Council (representing the Tsartlip, Tseycum and Tsawout Nations), the Pauquachin First Nation and Cowichan Tribes. Penelakut Tribe has also been involved in the Steering Committee in earlier meetings and Parks Canada has reached out to Lyackson, Halalt, and Stzuminus Nations.

The Gulf Islands National Park Reserve portion of Sidney Island was closed to the public in November 2021, to facilitate Indigenous hunting. Indigenous hunting is recognized as a critical component of Parks Canada's greater [Fur to Forest](#) initiative.

CLIMATE CHANGE: Restoring forest habitat on Sidney Island will increase carbon sequestration as the growing vegetation removes and stores carbon from the atmosphere. This project may mitigate biodiversity loss through protection, reintroduction and enhancement of native species and management of ecologically damaging invasive species. The restoration of vegetation will also help to control erosion, which is an important factor as the climate changes and storm intensity increases, and also because Sidney Island is naturally very susceptible to erosional processes. Climate change is considered one of the greatest threats to biodiversity.

4 RELEVANT POLICY(S):

[2.1 Board Approval of Projects and Transactions](#)

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

[3.3 Relationships with External Groups Policy](#)

5 ATTACHMENT(S):

SIERP Steering Committee Resolution

RESPONSE OPTIONS

Recommendation: That the Islands Trust Conservancy Board advise the Sidney Island Ecological Restoration Project Steering Committee that it endorses moving forward to the Operational Planning Phase, followed by the implementation of the Forest Restoration Strategy and the Fallow Deer Removal.

Alternative: None recommended.

Prepared By: Kate Emmings, Manager, Islands Trust Conservancy

Reviewed By/Date: Jemma Green, Covenant Management & Outreach Specialist / Feb. 24, 2022

Sidney Island Ecosystem Restoration Project (SIERP)

RECOMMENDATION FROM THE SIERP STEERING COMMITTEE TO PROCEED TO THE OPERATIONAL PLANNING PHASE, FOLLOWED BY THE IMPLEMENTATION OF THE FOREST RESTORATION STRATEGY AND FALLOW DEER REMOVAL

STEERING COMMITTEE REPRESENTATIVES

Eric Pelkey, WSÁNEĆ Leadership Council
Carl Olsen, WSÁNEĆ Leadership Council
Martin Louis, Pauquachin First Nation
Mark Allison, Sallas Forest Strata Corporation
Michelle Thompson, Sallas Forest Strata Corporation
Shelley Marshall, the Province of British Columbia
Kate Emmings, Islands Trust Conservancy
Molly Clarkson, Parks Canada Agency
Kate Humble, Parks Canada Agency
Mike Janssen (Chair), Parks Canada Agency

INTRODUCTION AND BACKGROUND

WHEREAS,

- A. In Spring 2020, in collaboration with and support from the WSÁNEĆ Leadership Council, Paquachin First Nation, and Cowichan Tribes, the Parks Canada Agency, Sallas Forest Strata Corporation, Islands Trust Conservancy, and the Province of British Columbia entered into a Memorandum of Understanding for the collaborative restoration of Sidney Island, British Columbia. The Project was named the Sidney Island Ecological Restoration Project (SIERP).
- B. The Goal of the Project was identified to work respectfully towards a healthy, sustainable, and balanced native forest ecosystem on Sidney Island, with Objectives to:
 - i. Collaboratively plan and implement the eradication of fallow deer, and prevent re-invasion.
 - ii. Collaboratively develop a forest restoration strategy, including invasive plant management and native plant restoration.
 - iii. Collaboratively develop a viable management strategy for black-tailed deer.

The project development has been guided by a Steering Committee, which is chartered with the responsibility of aligning the Project with the management plans and objectives of the above First Nation communities, agencies, strata and organizations.

- C. The members of the Steering Committee established a Deer Working Group and Vegetation Working Group to evaluate and recommend technical options for the strategic decisions necessary to realize the project's objectives.
 - i. The Deer Working Group was chartered to develop both the fallow deer eradication plan and a native black-tailed deer management plan.
 - ii. The Vegetation Working Group was chartered to develop the forest restoration plan.

- iii. Collectively, these Working Groups produced the SIERP Design Plan for consideration by the Steering Committee.
- D. In April 2021, a DRAFT of the SIERP Design Plan was released to the Steering Committee for review and consideration. Feedback from the Steering Committee members was incorporated.
- E. In May 2021, the Steering Committee distributed the DRAFT FOR COMMUNITY COMMENT SIERP Design Plan for consideration by all the partner communities. The document was *“prepared to give the SIERP partners and their communities and organizations a sense of what a fallow deer eradication and forest restoration plan for Sidney Island would involve – the thinking that has gone into developing the proposed approaches, the recommended methodologies, and work that would be required to make this happen.”*
- F. Each of the partner communities, agencies and organizations had the opportunity to review the documents and provide feedback to the Steering Committee. Specifically, the DRAFT FOR COMMUNITY COMMENT of the SIERP Design Plan gave *“an opportunity for partners to comment on the document and ask for additional information.”*
- G. Feedback was collated and incorporated into the document with the addition of “Part C: Results of Consultation”, and finalized in mid July 2021, with the final version completed for consideration at the August 2021 Steering Committee meeting.
- H. The Steering Committee endorsed and adopted the SIERP Design Plan at the August 2021 Steering Committee, formally acknowledging that the Design Phase of the SIERP was complete. At this time, all Partners, with the exception of Sallas Forest Strata Corporation, indicated support for the implementation of the operation as detailed in the Design Plan. Sallas requested additional information to inform their final decision.
- I. With support from Project Partners, to fulfill the request for additional information from Sallas Forest Strata Corporation, and to inform operational planning, Parks Canada completed trials on Sidney Island in Winter 2021-22.
- J. On 6th February 2022, Parks Canada and Sallas Forest Strata Corporation signed an Access Licence Agreement to permit PCA to carry out trials on the common property of the strata and, subject to approval by owners of the Access Licence Agreement, to carry out the Fallow Deer Removal and the Forest Restoration Strategy.
- K. At the February 2022 Steering Committee meeting, upon reviewing the outcomes of the trials as well as the Access Licence Agreement, the Steering Committee endorsed the following Resolution:

STATEMENT OF THE SIERP STEERING COMMITTEE

WHEREAS the Project Design was primarily a strategic guidance and project design document intended to give communities *“a sense of what a fallow deer eradication and forest restoration plan for Sidney Island would involve.”*

WHEREAS all of the Steering Committee members endorsed the FINAL Project Design, thereby marking the completion of the Design Phase.

WHEREAS the next phases of the project are the Operational Planning Phase, followed by the Implementation Phase.

WHEREAS W̱SÁNEĆ Leadership Council, Pauquachin First Nation, Parks Canada Agency, Islands Trust Conservancy, Sallás Forest Strata Corporation, and the Province of BC all have unique internal project approval mechanisms with separate requirements.

Be it Resolved that,

The members of the SIERP Steering Committee advise their respective decision makers that the Project Design Phase is complete and the Committee has reached consensus.

The members of the SIERP Steering Committee recommend to their respective decision makers that the project move forward to the Operational Planning Phase, followed by the implementation of the Forest Restoration Strategy and the Fallow Deer Removal.

SIGNATURES

[illegible]



REQUEST FOR DECISION

To: ITC Board

For the Meeting of: March 15, 2022

From: Staff

Date Prepared: March 1, 2022

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

RECOMMENDATION: That the Islands Trust Conservancy Board endorses the modification agreement to modify covenant CA9462921 registered on 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.

1 PURPOSE: To acquire Islands Trust Conservancy (ITC) Board endorsement of the registration of an amendment to the NAPTEP covenant at Moss Mountain, Salt Spring Island, to correct an error in definition of the Covenant Area.

2 BACKGROUND:

In October 2021, ITC registered a NAPTEP covenant to protect 45.53 ha of mature forests, wetlands, mossy bluffs, Garry oak and arbutus woodlands, and rocky shoreline adjacent to existing protected areas on Salt Spring Island.

In late February 2022, while closing the file, staff noticed an error in the Covenant Area definition. The final document prepared by legal counsel, and signed by the ITC Board Chair, contained this definition:

1.1 (f) "Covenant Area" means all of the Land shown outlined in heavy black line and identified as "Part Lot A Area: 1.17 ha" on the Plan;

The survey for this property delineates a 1.17 ha residential area on the shore ("Part Lot A"), and the covenant applies to the remainder of the property ("Lot A"); therefore, the definition should be:

1.1 (f) "Covenant Area" means all **those parts** of the Land **except that part shown** outlined in heavy black line and identified as "Part Lot A Area: 1.17 ha" on the Plan;

At the time of providing the final survey, ITC staff directed the legal counsel to ensure that the Covenant Area definition aligned with the survey. ITC legal counsel has acknowledged that the error was theirs and has undertaken correction of the mistake at no cost to the ITC. The covenant amendment has been prepared and signed by the landowner and by ITC. It was submitted to the Land Titles Office on March 3, 2022.

Due to concerns about proper registration of the covenant and tax exemption, staff, in consultation with the ITC Chair, agreed that the amendment should be registered as soon as possible. Because time was of the essence and the correction was deemed to be consistent with the original intent of the Board, staff did not bring the item to the ITC Board at the end of February for approval. Staff are now requesting that the ITC Board endorse the covenant amendment as registered.

3 IMPLICATIONS OF RECOMMENDATION:

ORGANIZATIONAL: None.

FINANCIAL: None. Young Anderson is covering all costs for preparing, signing, and registering an amendment to correct this error.

POLICY: None.

IMPLEMENTATION/COMMUNICATIONS: None. Staff are requesting endorsement of work already completed.

FIRST NATIONS: None.

CLIMATE CHANGE: None.

OTHER: The Moss Mountain NAPTEP covenant is the subject of an Ecological Gift application through Environment and Climate Change Canada. ECCC staff have been informed of the issue and need for registering a covenant amendment and have not raised concerns.

4 RELEVANT POLICY(S):

[2.4 Conservation Covenants Policy](#)

[2.5 Natural Area Protection Tax Exemption Covenants Policy](#)

[Islands Trust Policy 2.1.10 Administration of Natural Area Protection Tax Exemption Program](#)

5 ATTACHMENT(S):

Moss Mountain Covenant Amendment

RESPONSE OPTIONS

Recommendation: That the Islands Trust Conservancy Board endorses the modification agreement to modify covenant CA9462921 registered on 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.

Alternative: None recommended.

Prepared By: Kathryn Martell, Ecosystem Protection Specialist

Reviewed By: Kate Emmings, Manager, Islands Trust Conservancy / March 4, 2022



1. Application

**Joseph Scafe
YOUNG ANDERSON
1616 808 Nelson Street
Vancouver BC V6Z 2H2
6046897400**

File No. 146-233
Modification of CA9462921

2. Description of Land

PID/Plan Number	Legal Description
031-563-911	LOT A SECTIONS 64, 65, 67 AND 68 SOUTH SALT SPRING ISLAND COWICHAN DISTRICT PLAN EPP67249

3. Nature of Interest

Type	Number	Additional Information
MODIFICATION	CA9462921	

4. Terms

Part 2 of this instrument consists of:

(b) Express Charge Terms Annexed as Part 2

5. Transferor(s)

GAYLENE SARAH YOUNG

6. Transferee(s)

ISLANDS TRUST CONSERVANCY
200 - 1627 FORT STREET
VICTORIA BC V8R 1H8

7. Additional or Modified Terms



8. Execution(s)

This instrument creates, assigns, modifies, enlarges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Witnessing Officer Signature

Execution Date

Transferor Signature(s)

YYYY-MM-DD

GAYLENE SARAH YOUNG

Officer Certification

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

Witnessing Officer Signature

Execution Date

Transferor Signature(s)

YYYY-MM-DD

ISLANDS TRUST CONSERVANCY
By their Authorized Signatory

(as to both signatures)

NAME:

NAME:

Officer Certification

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1996, c.124, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

Electronic Signature

Your electronic signature is a representation that you are a designate authorized to certify this document under section 168.4 of the *Land Title Act*, RSBC 1996 c.250, that you certify this document under section 168.41(4) of the act, and that an execution copy, or a true copy of that execution copy, is in your possession.

TERMS OF INSTRUMENT - PART 2

MODIFICATION OF SECTION 219 COVENANT

(Section 219 *Land Title Act*)

THIS AGREEMENT dated for reference the 23rd day of February, 2022 is:

BETWEEN:

GAYLENE SARAH YOUNG

108 Moss Mountain
Salt Spring Island, B.C. V8K 2A6

(the "Owner")

AND:

ISLANDS TRUST CONSERVANCY

200 – 1627 Fort Street
Victoria, B.C. V8R 1H8

(the "ITC")

WHEREAS:

- A. The Owner is the owner in fee simple of certain land and premises situate on Salt Spring Island, in the Province of British Columbia, and more particularly described as:

PID: 031-563-911

LOT A SECTIONS 64 65 66 67 AND 68 SOUTH SALT SPRING ISLAND COWICHAN
DISTRICT PLAN 1914

(the "Lands");

- B. The Owner granted to the ITC a *Land Title Act* (British Columbia) section 219 covenant which was registered in Land Title Office on October 27, 2021, against title to the Lands under number CA9462921 (the "Section 219 Covenant");
- C. The part of the Lands subject to the Section 219 Covenant, referred to in the Section 219 Covenant as the "Covenant Area", was incorrectly described in the Section 219 Covenant and the parties have agreed to modify the Section 219 Covenant to correct the error; and

- D. Section 219(9) of the *Land Title Act* provides that a registered Section 219 Covenant may be modified by the holder of the charge and the owner of the land charged by an agreement in writing, the execution of which is witnessed in accordance with the Act.

NOW THEREFORE THIS AGREEMENT WITNESSES that pursuant to section 219 of the *Land Title Act*, and in consideration of the premises and the mutual covenants and agreements contained herein and the sum of One Dollar (\$1.00) now paid to the Owner by the ITC (the receipt and sufficiency whereof is hereby acknowledged), the parties hereto covenant and agree as follows:

1. IT IS MUTUALLY UNDERSTOOD, AGREED AND DECLARED by and between the parties hereto that the Section 219 Covenant shall be modified by deleting the definition of "Covenant Area" in section 1.1(f) and replacing it with the following:

"Covenant Area" means all those parts of the Land except that part shown outlined in heavy black line and identified as "Part Lot A Area: 1.17 ha" on the Plan;

2. IT IS MUTUALLY UNDERSTOOD, agreed and declared by the parties hereto that:
 - (a) this Agreement shall, from and after the date of its registration in the Land Title Office, be read and construed along with the Section 219 Covenant and treated as part thereof and the Section 219 Covenant, as modified hereby, will continue to be of full force and effect and the parties hereby confirm and ratify the Section 219 Covenant as modified herein;
 - (b) the parties hereto shall do and cause to be done all things and execute and cause to be executed all documents which may be necessary to give proper effect to the intention of this Agreement;
 - (c) all terms, conditions, covenants and agreements of the Section 219 Covenant not specifically modified by this Agreement shall remain unchanged and in full force and effect; and
 - (d) this Agreement 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 have executed this Agreement on the Form C which is attached to and forms part of this Agreement.

END OF DOCUMENT



REQUEST FOR DECISION

To: ITC Board

For the Meeting of: March 15, 2022

From: Staff

Date Prepared: March 4, 2022

SUBJECT: Brooks Point Covenant Review, South Pender

RECOMMENDATION(S):

- 1) That the Islands Trust Conservancy (ITC) Board authorizes the Chair to sign the covenant, dated February 17, 2022, with the Capital Regional District and Habitat Acquisition Trust, over the lands described as:
 - i) Parcel Identifier 005-873-860, Lot 16, Section 1, Pender Island, Cowichan District, Plan 6670;
 - ii) Parcel Identifier 005-873-894, Lot 17, Section 1, Pender Island, Cowichan District, Plan 6670;
 - iii) Parcel Identifier 005-873-924, Lot 18, Section 1, Pender Island, Cowichan District, Plan 6670;
 - iv) Parcel Identifier 005-873-975, Lot 19, Section 1, Pender Island, Cowichan District, Plan 6670;and,
 - v) Parcel Identifier 003-977-188, Lot C, Section 1, Pender Island, Cowichan District, Plan 16049;and, directs staff to register the covenant subject to receiving an update to the Baseline Documentation Report that is acceptable to the ITC Manager.
 - 2) That the Islands Trust Conservancy (ITC) Board authorizes the Chair to sign a discharge for covenant EP3182 and directs staff to register the discharge subject to registration of a covenant over the whole of Brooks Point Regional Park in favour of Islands Trust Conservancy and Habitat Acquisition Trust.
-

- 1 **PURPOSE:** To obtain Islands Trust Conservancy (ITC) Board approval for a covenant over Brooks Point Regional Park that protects ecosystems and the rare Sharp-tailed Snake. To discharge an older covenant over three lots in Brooks Point Regional Park in favour of registration of an improved covenant that improves the conservation restrictions and expands the protection to the entire park.
- 2 **BACKGROUND:**

In November 2010, the Capital Regional District (CRD) acquired a 1.17 hectare waterfront property linking Brooks Point and Gowlland Point Regional Parks to complete Brooks Point Regional Park (the Park, Map 1).



Map 1. Brooks Point Regional Park with 2010 addition.

The three lots to the east are currently covenanted by Islands Trust Conservancy and the Nature Conservancy of Canada. The Gowlland Point lot is covenanted by TLC The Land Conservancy of BC.

The acquisition was conditional on community and conservation partners contributing 1/3 of the acquisition cost. As part of a contribution agreement with the Pender Islands Conservancy Association (PICA), CRD committed to covenanting the land with Islands Trust Conservancy (ITC) (then the Islands Trust Fund) and Habitat Acquisition Trust (HAT). ITC supported the acquisition of the 2010 addition by providing an Opportunity Fund Grant to PICA, who led the fundraising campaign, and by promoting a matching funds campaign to our donor base.

The current Park includes five parcels. The ITC Board currently co-holds a covenant with the Nature Conservancy of Canada (NCC) on three parcels within the Park (the original park area). The Land Conservancy of BC (TLC) holds a covenant on Gowlland Point, the most eastern lot within the Park. The 2010 addition to the park is currently un-covenanted.

Although it was originally proposed that ITC and HAT co-hold a covenant on the new acquisition, staff at ITC, TLC, HAT and NCC proposed that it would be appropriate to simplify this stewardship scenario for the park, ideally identifying two partners to hold identical covenants over all five parcels.

At its March 23, 2014 meeting, the ITC Board passed the following resolution:

TFB-2014-015

It was MOVED and SECONDED, that the [Islands Trust Conservancy] 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.

Following the March 2014 meeting, TLC and NCC agreed in principle to work with HAT, ITC and the CRD to relinquish their interests on the lands in favour of a covenant held by HAT and ITC. Once the final covenant is ready, both NCC and TLC will review it and will begin their internal processes for discharge of the current covenants on the land.

Covenant Negotiation¹:

ITC and HAT began covenant negotiations with the CRD in April 2014. In September 2015, HAT and ITC had reached a negotiation impasse and provided a status briefing to PICA outlining some of the areas of difference. The primary point of difference arose because the CRD wished to maintain autonomy over approval of the management plan and restrictions in the covenant were subject to the Management Plan. PICA brought the parties together for a further discussion and negotiations continued.

In July 2018, further negotiation challenges arose and HAT and ITC requested a meeting among legal counsel. In December 2020, the CRD re-engaged with ITC/HAT and in February 2022, the CRD provided a covenant that HAT and ITC staff are able to recommend for approval. PICA has reviewed the covenant and has agreed that it will satisfy their contribution agreement with the CRD.

Final Covenant:

Because the covenant is planned for lands that will be a park with active recreation, the final covenant is not entirely in the form of the ITC standard covenant. ITC and HAT staff have worked with the CRD to include language that improves on the currently registered covenant (see attached 2000 covenant). Covenant sections of note in the new covenant include:

- 1) The Intent of the covenant allows for use of the land for park purposes (section 3.1 (i));
- 2) Management Plan approval rests with the CRD (definition, 1.1 (iii) and section 6.9);
- 3) The following activities are expressly restricted, unless approved by the covenant holders:
 - a. Motorized vehicles, except as noted in section 5.2 (i);
 - b. Horseback riding or bicycling, except as noted in section 5.2 (ii);
 - c. Pesticides (section 5.2 (iv));
 - d. Deposition of materials on the land, except for construction purposes (sections 5.2 (v) and 5.3 (iii));
 - e. Recreational activities, except for passive recreation as noted in section 5.2 (vi);
 - f. Group visitor activities that require off-trail use (section 5.2 (vii));
 - g. Coverage of more than 5% of the lands with built infrastructure (sections 5.2 (viii), 5.3 (ii) and 5.4);
 - h. Camping (section 5.2 (ix));
 - i. Fires, except as noted in section 5.2 (x); and
 - j. Impervious material for surfacing (section 5.2 (xi)).
- 4) Trees may be removed, as per section 5.2 (iii), in accordance with the Management Plan or for safety purposes (Article 9);
- 5) When completing a Management Plan, the CRD will convene a public advisory group that includes the covenant holders, PICA, the Friends of Brooks Point and the Brooks Family (section 6.4).

Discharge of existing covenant:

Discharge of covenants is covered under the ITC Policy 2.7, which requires that the Board be provided with the following information prior to making a decision to discharge:

- 1) the purpose of the proposed disposition: The purpose of the disposition is to expand the conservation area and to improve and clarify an older conservation covenant
- 2) any impediments to the disposition: none anticipated. The covenant and proposed process has been reviewed by legal counsel. Although review is now over 4 years old, staff do not believe that further review is required, unless directed by the Board.

¹ A full listing of file activity is available in the Covenant Report in this meeting package.

- 3) the land's ecological significance: The land's ecological significance is described in the baseline inventory report in Schedule A of the covenant (attached).
- 4) Requirement for Ministerial approval: Because the covenant interest of the ITC is not being extinguished, but rather replaced by what staff believe is a more robust agreement which expands the area conserved, Ministerial approval is not required.
- 5) Ecological Gift status: the land was not the subject of an Ecological Gift.

Staff recommend that the discharge of the existing covenant is consistent with ITC policy.

3 IMPLICATIONS OF RECOMMENDATION:

ORGANIZATIONAL: Staff time will be required to review the updates to the baseline report and to coordinate covenant registration and discharge. The CRD will coordinate registrations with the Land Titles Office.

FINANCIAL: No registration of transaction costs are expected, although ITC may need to cover the cost of a notary to witness the signature of the Chair. This cost is anticipated at under \$500. There will be ongoing costs associated with covenant monitoring and enforcement; however, ITC is currently monitoring its three parcel covenant at Brooks Point and the expansion of the area is not anticipated to significantly add to the costs.

POLICY: The recommendation is consistent with policy.

IMPLEMENTATION/COMMUNICATIONS: ITC staff will communicate the Board decision to the CRD and to HAT, NCC, TLC and PICA and will work with these agencies to register the new covenant and discharge the old covenant.

FIRST NATIONS: Brooks Point Regional Park lies within the territories of many Coast Salish First Nations. It is within treaty lands of the WSANEC peoples under the Douglas Treaty and a search of the consultative areas indicated that the following groups have issued statements of intent: Te'mexw Treaty Association including Beecher Bay (SC'IA/NEW), Malahat, Snaw-Naw-As, Songhees and T'Sou-ke Nations; and, Hul'qumi'num Treaty Group, including the Cowichan Tribes, Halalt, Lyackson, Ts'uubaa-asatx, and Penelakut Nations. ITC staff have not engaged with First Nations, but have done a search of the Remote Access to Archaeological Data. Staff will liaise with CRD and HAT to 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: The Brooks Point Regional Park Covenant contains prairie oak ecosystems which are 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. The covenant area also offers important shoreline protection which is important as sea levels rise over the years to come.

OTHER: From October to December 2014, ITC worked with the CRD on a Management Plan for the land through a Management Plan Advisory Group. The Management Plan was approved by the CRD Board December 10, 2014.

4 RELEVANT POLICY(S):

[ITC Five-Year Plan](#), pgs. 14-15 for land disposition
[2.4 Conservation Covenants Policy](#)
[2.7 Disposition of Land](#)

5 ATTACHMENT(S):

Conservation covenant dated February 17, 2022 (for approval, highlight denote changes requested by PICA)
Covenant EP3182 (for discharge)

RESPONSE OPTIONS

Recommendation(s):

- 1) That the Islands Trust Conservancy (ITC) Board authorizes the Chair to sign the covenant, dated February 17, 2022, with the Capital Regional District and Habitat Acquisition Trust, over the lands described as:
 - i) Parcel Identifier 005-873-860, Lot 16, Section 1, Pender Island, Cowichan District, Plan 6670;
 - ii) Parcel Identifier 005-873-894, Lot 17, Section 1, Pender Island, Cowichan District, Plan 6670;
 - iii) Parcel Identifier 005-873-924, Lot 18, Section 1, Pender Island, Cowichan District, Plan 6670;
 - iv) Parcel Identifier 005-873-975, Lot 19, Section 1, Pender Island, Cowichan District, Plan 6670;and,
 - v) Parcel Identifier 003-977-188, Lot C, Section 1, Pender Island, Cowichan District, Plan 16049;and directs staff to register the covenant subject to receiving an update to the Baseline Documentation Report that is acceptable to the ITC Manager.
- 2) That the Islands Trust Conservancy (ITC) Board authorizes the Chair to sign a discharge for covenant EP3182 and directs staff to register the discharge subject to registration of a covenant over the whole of Brooks Point Regional Park in favour of Islands Trust Conservancy and Habitat Acquisition Trust.

Alternatives: The ITC Board could request edits to the covenant or require more information prior to making its decision.

Prepared By: Kate Emmings, ITC Manager

TERMS OF INSTRUMENT – PART 2

**Section 219 Conservation Covenant
Section 218 Statutory Right of Way**

This Agreement dated for reference February 17, 2022 is

AMONG:

Capital Regional District, a corporation under the Local Government Act (British Columbia) with its office at 625 Fisgard Street, Victoria, BC V8W 1R7 and a registered mailing address of P.O. Box 1000, Victoria, BC V8W 2S6

("Owner")

AND:

Islands Trust Conservancy, a corporation under the *Islands Trust Act* (British Columbia) with its office at 200-1627 Fort Street, Victoria, B.C. V8R 1H8

("Conservancy")

AND:

Habitat Acquisition Trust, a society registered in British Columbia (Inc No. S-36193) with its office at 825 Broughton Street, Victoria B.C. V8W 1E5 and a registered, mailing address of P.O. Box 8552, Victoria, BC V8W 3S2

("HAT")

(collectively, the "parties")

WHEREAS:

- A. The Owner is the registered owner in fee simple of the Lands.
- B. The Owner is authorized under the *Local Government Act* to establish, operate and manage regional parks, and has established the Lands as Brooks Point Regional Park under that Act.
- C. The Owner has prepared and adopted the Approved Management Plan to guide the conservation, operation and development of Brooks Point Regional Park.
- D. The Covenant Holders agree that the Owner's Approved Management Plan is consistent with the terms and conditions of this Agreement.
- E. The Lands contain significant natural area values and amenities including the endangered Sharp-tailed Snake (*Contia tenuis*) and other flora, fauna and natural features of great importance to the Owner, the Covenant Holders and the public.
- F. Community and conservation partners contributed 34 percent of the total land acquisition costs for the Lands and Section 219 covenants exist on Lots 16, 17, 18 and Lot C. As a condition of the community and conservation partners contributions to the acquisition of Lot

19 under a contribution agreement with the Pender Islands Conservancy Association (Inc No S-29992) dated February 20, 2013, the Owner is required to register a section 219 conservation covenant on title to Lot 19 in favour of the Covenant Holders to protect the natural and park amenities of Lot 19.

- G. For efficiency, the Owner has agreed to register this Section 219 covenant on all the Lands, subject to release of existing covenants EP3182 and EP94036, and the Owner has received written confirmation from the Nature Conservancy of Canada (Inc No XS-33684), the Conservancy and TLC The Land Conservancy of British Columbia (Inc No S-36826), as the existing covenant holders, of their support of this covenant and their willingness to release the existing covenants simultaneously with the registration of this covenant on the Lands.
- H. The Owner has received written confirmation from the Pender Islands Conservancy Association that registration of this covenant fulfils the requirement of the contribution agreement, referenced in Recital F.
- I. A statutory right of way in favour of each Covenant Holder is necessary for the operation and maintenance of the undertakings of each Covenant Holder.
- J. HAT has been designated by the minister under section 219(3)(c) of the *Land Title Act* as a person authorized to accept covenants under section 219 of the *Land Title Act* and under section 218(1)(d) of the *Land Title Act* as a person authorized to accept statutory rights of way under section 218 of the *Land Title Act*.
- K. The Conservancy is a Crown agent and is authorized to accept covenants and statutory rights of way under sections 219 and 218 of the *Land Title Act*, respectively.

In consideration of the payment of \$2.00 now paid by each of the Covenant Holders to the Owner, the receipt and sufficiency of which is acknowledged by the Owner, and in consideration of the promises exchanged below, the parties covenant and agree as follows, in accordance with sections 218 and 219 of the *Land Title Act*:

1. INTERPRETATION

1.1 In this Agreement, in addition to the words defined above:

- (i) "Amenities" includes those natural, scientific, environmental, animal, plant and cultural values relating to the Lands as identified in the Report;
- (ii) "Allow" or "Permit", when used in relation to the Owner's use and management of the Lands, means to give permission for or to consent to an activity or use of the Lands in express terms, such as through the adoption of a park use rule, the grant of a permit or licence, or the posting of a sign allowing or authorizing the activity or use;
- (iii) "Approved Management Plan" means the Brooks Point Regional Park Management Plan dated October, 2014, a copy of which is on file with the Capital Regional District and with each of the Covenant Holders, and includes any amendment, revision or replacement that is approved by the Owner and that the Covenant Holders accept as being consistent with the terms and conditions of this Agreement;
- (iv) "Business Day" means any day other than Saturday, Sunday or British Columbia statutory holidays;

- (v) "Covenant Holders" means, unless the context otherwise requires, the Conservancy and HAT, collectively and "Covenant Holder" means either of them singularly, as the context may require;
 - (vi) "Lands" means Lot 16, Lot 17, Lot 18, Lot 19 and Lot C;
 - (vii) "Lot 16" means the parcel of land legally described as Parcel Identifier 005-873-860, Lot 16, Section 1, Pender Island, Cowichan District, Plan 6670;
 - (viii) "Lot 17" means the parcel of land legally described as Parcel Identifier 005-873-894, Lot 17, Section 1, Pender Island, Cowichan District, Plan 6670;
 - (ix) "Lot 18" means the parcel of land legally described as Parcel Identifier 005-873-924, Lot 18, Section 1, Pender Island, Cowichan District, Plan 6670;
 - (x) "Lot 19" means the parcel of land legally described as Parcel Identifier 005-873-975, Lot 19, Section 1, Pender Island, Cowichan District, Plan 6670;
 - (xi) "Lot C" means the parcel of land legally described as Parcel Identifier 003-977-188, Lot C, Section 1, Pender Island, Cowichan District, Plan 16049;
 - (xii) "Natural State" means the state of the Lands and the Amenities as described in the Report, subject to natural succession;
 - (xiii) "Notice of Breach" means a notice of breach given to the Owner under section 12.1;
 - (xiv) "Report" means the baseline documentation report, including the 2018 addendum, that describes the Lands, the Amenities and park infrastructure in the form of text, maps, and other records of the Lands for the purposes of this Agreement, a copy of which is on file with each of the parties at the addresses set out in Article 15, and a condensed version of which is attached as Schedule A.
- 1.2 Where this Agreement provides that something is in the "sole discretion" of a party, that thing is within the sole, absolute and unfettered discretion of that party.
- 1.3 This Agreement must be interpreted in accordance with the laws of British Columbia and the laws of Canada applicable in British Columbia, and the parties agree that the courts of British Columbia have exclusive jurisdiction over any proceeding concerning this Agreement and to attorn to the jurisdiction of such courts.
- 1.4 This Agreement is comprised of the recitation of the parties, the recitals to this Agreement, the Schedules to this Agreement, Part 1 of the *Land Title Act* Form C to which this Agreement is attached, and these Terms of Instrument.
- 1.5 In this Agreement:
- (i) reference to the singular includes a reference to the plural, and vice versa, unless the context otherwise requires;
 - (ii) where a word or expression is defined in this Agreement, other grammatical forms of the same word or expression have corresponding meanings;

- (iii) reference to a particular numbered Article or section, or to a particular lettered Schedule, is a reference to the correspondingly numbered or lettered Article, section or Schedule of this Agreement, except where otherwise provided;
- (iv) Article headings have been inserted for ease of reference only and are not to be used in interpreting this Agreement;
- (v) the word “enactment” has the meaning given to it in the *Interpretation Act* on the reference date of this Agreement;
- (vi) reference to any enactment is a reference to that enactment as consolidated, revised, amended, re-enacted or replaced, unless otherwise expressly provided;
- (vii) reference to an enactment is to an enactment of the province of British Columbia except where otherwise provided;
- (viii) reference to a “party” or the “parties” is a reference to a party or the parties to this Agreement and their respective successors, assigns, trustees, administrators and receivers; and
- (ix) reference to a “day”, “month” or “year” is a reference to a calendar day, calendar month or calendar year, as the case may be, unless otherwise expressly provided.

2. REPRESENTATIONS AND WARRANTIES

- 2.1 The Owner represents and warrants to the Covenant Holders that the facts set out in Recitals A, B, C, F, G and H are true as of the date of this Agreement.
- 2.2 HAT represents and warrants to the Owner and the Conservancy that the facts set out in Recitals D, I and J are true as of the date of this Agreement.
- 2.3 The Conservancy represents and warrants to the Owner and HAT that the facts set out in Recitals D, I and K are true as of the date of this Agreement.
- 2.4 Each party represents and warrants to each other party that the facts set out in Recital E are true as of the date of this Agreement.

3. INTENT OF AGREEMENT

- 3.1 The parties agree that the intent of this Agreement is:
 - (i) to ensure that the Natural State of the Lands and the Amenities are protected, conserved, and maintained while allowing compatible use of the Lands for park purposes;
 - (ii) to ensure that the Lands are used and managed in accordance with this Agreement and the Approved Management Plan; and
 - (iii) to ensure that the intentions set out in sections (i) and (ii) are reflected in any revisions to or replacement of the Approved Management Plan,

and the parties agree that this Agreement is to be interpreted, performed and applied in this context.

- 3.2 This Agreement shall be perpetual to reflect the public interest in the protection, conservation, and maintenance of the Lands and the Amenities.

4. PROVISIONS RESPECTING THE SALE AND SUBDIVISION OF THE LANDS

- 4.1 The Owner covenants and agrees that Lot 16, Lot 17, Lot 18, Lot 19 and Lot C shall not be subdivided by any means. This prohibition does not prohibit consolidation of one or more of the individual parcels comprising the Lands or the consolidation of one or more of those parcels with other parcels for the purposes of adding additional parcels to the Lands.
- 4.2 The Owner covenants and agrees that Lot 16, Lot 17, Lot 18, Lot 19 and Lot C shall not be sold or otherwise transferred separately. For clarity, this does not prohibit the sale or transfer of the Lands as a whole.

5. RESTRICTIONS ON THE USE OF THE LANDS

- 5.1 Except as expressly permitted in this Agreement, the Owner must not do anything or Allow anything to be done that does or could reasonably be expected to destroy, impair, diminish, negatively affect or alter the Natural State of the Lands or the Amenities.
- 5.2 Without restricting the generality of section 5.1, the Owner must not, except with the prior written approval of both Covenant Holders, in the sole discretion of each of them,
- (i) Permit the use of motorized vehicles on the Lands, except emergency vehicles, and except for the use of motorized vehicles by the public on park roads and in vehicle parking areas that are developed for park visitor use, or by the Owner and its employees, contractors and agents where necessary for the operation and maintenance of the Lands;
 - (ii) Allow horseback riding or bicycling on the Lands, except that bicycles are allowed in areas designated for vehicle parking, and on the trail from Gowlland Point Road to the bike rack that is identified in the May 2018 addendum to the Report;
 - (iii) cut or remove trees from the Lands, except:
 - A. in accordance with the Approved Management Plan; or
 - B. in accordance with Article 9;
 - (iv) Allow pesticides, including but not limited to herbicides, insecticides or fungicides, to be applied to the Lands;
 - (v) Allow any fill, rubbish, ashes, garbage, waste or other material foreign to the Lands to be deposited in, on or under the Lands, except in accordance with section 5.3 (iii);
 - (vi) Permit any recreational activities on the Lands other than passive, low impact activities such as walking, viewing wildlife, nature appreciation and photography;
 - (vii) Permit group visitor activities that require off-trail use;

- (viii) cover more than 5% of the Lands with buildings, structures, trails or other improvements;
- (ix) Permit overnight camping on the Lands;
- (x) Permit fires on the Lands, except those started by the Owner where necessary for the operation, maintenance or restoration of the Lands; and
- (xi) use or Allow the use of any impervious material or surface for roads, parking areas or trails on the Lands.

5.3 For clarity, section 5.2 does not prevent:

- (i) day use visitor activities on the Land such as walking, wildlife viewing, nature appreciation, and photography;
- (ii) the construction, maintenance and use of basic visitor facilities on the Lands, including, but not limited to, trails, stairs, kiosks, fencing, trail bridges, boardwalks, gates, parking, toilets, signage, benches, and bike racks, subject to section 5.2 (viii);
- (iii) the temporary storage of materials such as gravel, soil or construction materials that are required for, or are part of, a park maintenance or construction project.

5.4 Where the Owner wishes to construct a building, structure, trail or other improvement as permitted under section 5.2(viii), the Owner shall locate and construct the building, structure, trail or other improvement so as to cause minimal disturbance to the Lands and the Amenities.

6. MANAGEMENT PLAN

- 6.1 The Approved Management Plan shall govern the management of the Lands, subject to the provisions of this Agreement.
- 6.2 The Covenant Holders hereby confirm that they accept the Approved Management Plan dated October 2014 as being consistent with the terms and conditions of this Agreement.
- 6.3 The Owner shall ensure that any amendment to or replacement of the Approved Management Plan:
 - (i) is consistent with this Agreement in all respects;
 - (ii) states in general terms the Owner's proposed changes or modifications to permitted visitor activities or infrastructure on the Lands; and
 - (iii) includes the Owner's proposed activities to ensure the conservation and maintenance of the Lands and Amenities in accordance with this Agreement.
- 6.4 If the Owner proposes to amend or replace the Approved Management Plan, the Owner shall establish a public advisory group for the purpose of assisting in the development of the amendment or the replacement management plan. The Owner shall include, but not be limited to, a representative from each Covenant Holder, the Pender Islands Conservancy Association (Inc. No. s-29992), the Friends of Brooks Point, and the Brooks Family. For clarity, the Covenant Holders and named groups

are entitled but not obligated to identify a representative to the Owner for appointment to the public advisory group provided for in this section.

- 6.5 Prior to the Owner's approval of any amendment to or replacement of the Approved Management Plan, the Owner shall provide notice and a copy of the proposed amendment to or replacement of the Approved Management Plan to the Covenant Holders. Each Covenant Holder shall, within 25 Business Days of receipt of the Management Plan, notify the Owner in writing whether or not the Covenant Holder considers the proposed amendment to or replacement of the Approved Management Plan to be consistent with this Agreement.
- 6.6 If a Covenant Holder believes that the proposed amendment to or replacement of the Approved Management Plan is inconsistent with this Agreement, the Covenant Holder will, as part of the notice under section 6.5, provide written reasons why it believes the proposed amendment to or replacement of the Approved Management Plan is inconsistent with this Agreement and a description of the changes to the proposed amendment to or replacement of the Approved Management Plan that the Covenant Holder consider necessary to make it consistent with this Agreement.
- 6.7 The Owner shall consider any written comments provided by the Covenant Holders under section 6.6, and respond in writing to the Covenant Holders within 30 days of receipt of the Covenant Holder's comments.
- 6.8 In the event the parties are unable to resolve any dispute or disagreement as to the proposed amendment to or replacement of the Approved Management Plan by way of discussions amongst themselves, then any party may initiate dispute resolution to resolve the matter under Article 8.
- 6.9 If the parties are unable to resolve any dispute or disagreement as to the proposed amendment to or replacement of the Approved Management Plan by way of discussions amongst themselves or by dispute resolution under Article 8, then, subject to section 6.11, the Owner may choose to approve the proposed amendment to or replacement where the Owner has complied with the requirements of sections 6.3- 6.8 and believes the plan to be consistent with the terms of this Agreement.
- 6.10 For clarity, approval of any amendment to or replacement of the Approved Management Plan by the Owner under section 6.9 does not indicate the Covenant Holders accept that amendment or modification as being consistent with this Agreement, and does not affect the Covenant Holders' rights to enforce the terms of this Agreement in the event of a conflict as described in section 6.11.
- 6.11 If there is a conflict between the provisions of this Agreement and the provisions of an amendment to or replacement of the Approved Management Plan that the Owner approves under section 6.9, and that the Covenant Holders have not accepted as being consistent with this Agreement, then the provisions of this Agreement shall prevail.

7. BASELINE DOCUMENT REPORT

- 7.1 The parties each agree that the Lands, the Amenities and park infrastructure are described in the Report and that the Report provides an accurate description of the Lands, the Amenities and park infrastructure as of the date of this Agreement.
- 7.2 The parties agree that the Report is intended to serve as an objective information baseline for monitoring compliance with the terms of this Agreement.

- 7.3 The parties each acknowledge that the flora and fauna on the Lands will evolve through natural succession over time and, unless otherwise expressly stated, references to the Report are intended to take into account the natural succession of the flora and fauna over time, without human intervention other than as expressly permitted by this Agreement.

8. DISPUTE RESOLUTION

- 8.1 If a breach of this Agreement occurs or is threatened, or if there is disagreement as to the meaning of this Agreement, or there is a disagreement as to whether a proposed amendment to or replacement of the Approved Management Plan is consistent with this Agreement, either Covenant Holder or the Owner may give notice to the other parties requiring a meeting of all parties. The notice will set out the details of the breach, threatened breach, or disagreement as to meaning of this Agreement.
- 8.2 Upon receipt of a notice under sections 8.1, all parties must immediately cease any activity giving rise to a breach or threatened breach of the Agreement, and any activity giving rise to a disagreement as to the meaning of this Agreement.
- 8.3 The parties must meet within ten (10) Business Days of receipt of the notice, acting reasonably and in good faith, to clearly articulate the issue, discuss the matter, and interests, and establish a course of action to resolve the matter.
- 8.4 If it is agreed that a breach of this Agreement has occurred, the Owner will work in good faith to resolve the situation within 60 days or work with the Covenant Holders to identify a reasonable timeframe to resolve the matter.
- 8.5 If, acting reasonably and in good faith, the parties are not able to resolve the matter as set out in sections 8.3 and 8.4, the parties may appoint a mutually acceptable person to mediate the matter and the parties must act reasonably and in good faith and cooperate with the mediator and with each other in an attempt to resolve the matter within twenty (20) Business Days after the mediator is appointed.
- 8.6 Each party will cover their own costs related to the mediation and the costs of the mediator and facilities for mediation shall be shared by the parties equally.
- 8.7 Nothing in this Agreement affects the right of a party to pursue any other legal or equitable remedy in relation to a breach or threatened breach of this Agreement, and a party may pursue other remedies concurrently with the processes set out in this Agreement.

9. OWNER'S RESERVED RIGHTS

- 9.1 Subject to Articles 4 and 5, the Owner reserves all of its rights as owner of the Lands, including the right to use, occupy and maintain the Lands in any way that is not expressly restricted or prohibited by this Agreement, so long as the use, occupation or maintenance is consistent with the intent of this Agreement.
- 9.2 Nothing in this Agreement restricts or affects the right of the Owner to do anything reasonably necessary to:
- (i) prevent potential injury or death to any individual; or
 - (ii) prevent, abate or mitigate any damage or loss to any real or personal property.

- 9.3 Notwithstanding section 9.2, in a situation where the Owner feels it can safely wait at least 48 hours to undertake necessary actions, the Owner will notify the Covenant Holders, provide information regarding the circumstances and the proposed course of action and request comments from the Covenant Holders, such comments to be provided to the Owner within 48 hours of the receipt of notice.
- 9.4 Where the Owner determines it cannot wait at least 48 hours to undertake necessary actions under section 9.2, the Owner may take such action as is necessary and must notify the Covenant Holders within 5 Business Days of the circumstances, the actions taken, and the likely or actual effect of the action on the Lands and the Amenities.

10. OWNER'S OBLIGATIONS

- 10.1 The Owner is solely responsible and liable for any loss or damage, or liability of any kind (whether civil, criminal or regulatory), in any way connected with the existence in, on, from, to or under the Lands (whether through spill, emission, migration, deposit, storage or otherwise) of any pollutant, contaminant, waste, hazardous waste, or any matter that harms the environment.
- 10.2 The Owner is liable for any and all breaches of this Agreement, but the Owner is not liable for:
 - (i) breaches of this Agreement that occurred prior to the Owner becoming the registered owner of any interest in the Lands;
 - (ii) injury or alteration to the Lands and the Amenities resulting from natural causes, or causes beyond the Owner's reasonable control, including accidental fire, flood, storm, vandalism, trespass and earth movement, and including injury or alteration to the Lands caused by persons over whom the Owner has no direct control, but excluding injury or alteration resulting from actions of the Owner or from the actions of any other person with the permission of the Owner;
 - (iii) any prudent action taken by the Owner under emergency conditions to prevent, abate, or mitigate significant injury to the Lands (including improvements) or the Amenities, resulting from natural causes, including accidental fire, flood, storm and earth movement; or
 - (iv) injury or alteration to the Lands caused by the Covenant Holders exercising their rights under this Agreement.
- 10.3 The Owner releases and forever discharges each of the Covenant Holders from any claim, cause of action, suit, demand, fine, penalty, cost, expense, or legal fee whatsoever that the Owner can or may have against a Covenant Holder for any loss, damage or injury, including economic loss, that the Owner may sustain or suffer arising out of or connected with the breach of any covenant in this Agreement.

11. STATUTORY RIGHT OF WAY FOR MONITORING

- 11.1 The Owner grants to each Covenant Holder a license and a statutory right of way pursuant to section 218 of the *Land Title Act*, permitting each Covenant Holder and their officers, agents, employees, contractors, and subcontractors to do the following:

- (i) enter upon the Lands to access and inspect the Lands at all reasonable times upon prior notice by a Covenant Holder to the Owner of at least 5 Business Days, unless, in the opinion of a Covenant Holder, there is an emergency or other circumstance which makes giving such notice impractical;
- (ii) as part of inspection of the Lands under subsection (i), take soil, water or other samples, photographs, and video and sound recordings as may be necessary to monitor compliance with and enforce the terms of this Agreement, subject to the Covenant Holder's compliance with the provisions of the *Freedom of Information and Protection of Privacy Act*, and the *Personal Information Protection Act*, as those statutes are applicable to the actions and activities of the Covenant Holder;
- (iii) carry out or evaluate any program agreed upon by the parties for the protection, conservation, maintenance, restoration or enhancement of all or any portion of the Lands or the Amenities;
- (iv) erect a plaque or other sign on the Lands, in a tasteful manner and at the expense of the Covenant Holders, indicating that the Covenant Holder (or the Covenant Holders) holds a covenant on the Lands, provided that the size, style and location of the plaque or sign must be approved by the Owner prior to its placement, such approval not to be unreasonably withheld; and
- (v) increase the visibility of existing survey pegs or other boundary markings on the Lands or place survey pegs or other boundary markings on the Lands to clearly identify the Lands or access to the Lands for the purposes of monitoring or enforcement of this Agreement.

11.2 The Covenant Holders may bring workers, contractors and employees, equipment and other personal property onto the Lands when exercising their rights under this Article.

12. ENFORCEMENT

12.1 If either Covenant Holder, in its sole discretion, believes that the Owner has failed to perform any of its obligations under this Agreement, or is otherwise in breach of any term of this Agreement, that Covenant Holder may give a Notice of Breach to the Owner and the other Covenant Holder setting out particulars of the breach.

12.2 On receipt of a Notice of Breach, the Owner must:

- (i) immediately cease all activities giving rise to the breach; and
- (ii) within 60 days, at the Owner's sole expense, remedy the breach or make arrangements satisfactory to the Covenant Holder to remedy the breach, including with respect to the time within which the breach must be remedied.

12.3 If the Owner disagrees that there is a breach of the Agreement, the Owner may invoke Article 8.

13. ASSIGNMENT OF AGREEMENT

13.1 This Agreement is assignable by a Covenant Holder, but a Covenant Holder may only assign its rights and obligations under this Agreement to a person or entity authorized to hold statutory rights of way under section 218 of the *Land Title Act* and covenants under section 219 of the *Land Title Act*.

- 13.2 Each Covenant Holder agrees that before it assigns this Agreement under this Article, it must notify the Owner and the other Covenant Holder with respect to the proposed assignee, and consider any comments received within 25 business days , from the Owner or the other Covenant Holder.
- 13.3 In the event of a pending winding-up or dissolution of a Covenant Holder, that Covenant Holder must use its best efforts to assign and transfer all of its interest under this Agreement to a person or entity authorized to accept statutory rights of way under section 218 of the *Land Title Act* and covenants under section 219 of the *Land Title Act*.

14. NOTICE OF CHANGE OF OWNERSHIP BY OWNER

- 14.1 The Owner must notify the Covenant Holders of any change of ownership of the Lands prior to the registration of any such change in the land title office.
- 14.2 Failure by the Owner to comply with section 14.1 does not affect the enforceability of this Agreement against the Owner or its successors in title to the Lands.

15. NOTICE

- 15.1 Any notice or other communication (collectively a “notice”) required or permitted under this Agreement must be in writing and must be:
 - (i) delivered in person;
 - (ii) delivered by courier;
 - (iii) sent by facsimile to the parties at their respective facsimile numbers set out in section 15.4, followed by a copy sent by ordinary mail;
 - (iv) sent by email to the parties at their respective e-mail addresses, if the parties have provided an e-mail address, followed by a copy sent by ordinary mail; or
 - (v) sent by pre-paid registered mail addressed to the parties at their respective addresses set out in section 15.4.
- 15.2 A notice given by facsimile or e-mail under subsection 15.1 (iii) or (iv), respectively, must be followed by a copy sent by ordinary mail, except that a notice given under subsection 11.1 (i) may be given by e-mail without the requirement to send a copy by ordinary mail.
- 15.3 Unless otherwise provided, a notice:
 - (i) delivered in person or by courier is deemed received on delivery;
 - (ii) sent by facsimile or e-mail
 - A. is deemed received on the day of transmission, if the notice is transmitted before 3:00 pm on a Business Day;
 - B. is deemed received on the next day that is a Business Day, if the notice is transmitted after 3:00 pm on a Business Day or on a day that is not a Business Day; and

- (iii) sent by pre-paid registered mail is deemed received on the fourth Business Day following the day on which the notice was sent.

15.4 The addresses of the parties for notices under this Article are as follows:

- (i) The Owner:
The Capital Regional District
Attention: Regional Parks
625 Fisgard Street,
Victoria, BC V8W 1R7 and a registered mailing address of
P.O. Box 1000,
Victoria, BC V8W 2S6
Fax: 250-478-5416
Email: crdparks@crd.bc.ca
- (ii) The Conservancy:
Islands Trust Conservancy
200-1627 Fort Street
Victoria, BC V8R 1H8
Fax: 250-405-5155
Email: itcmail@islandstrust.bc.ca
- (iii) HAT:
825 Broughton Street,
Victoria, B.C. V8W 1E5, with a mailing address of:
P.O. Box 8552
Victoria, BC V8W 3S2
Fax: 250-920-7975
Email: hatmail@hat.bc.ca

15.5 Each party agrees to give written notice immediately to the other parties of any change in its address, facsimile number or e-mail from those set out in section 15.4.

16. NOTICE OF AGREEMENT

16.1 The Owner and the Covenant Holders agree that each may publicize the existence of this Agreement in a respectful manner.

17. NO LIABILITY IN TORT

17.1 The parties agree that this Agreement creates only contractual obligations and obligations arising out of the nature of this Agreement as a covenant under seal. Without limitation, the parties agree that no tort or fiduciary obligations or liabilities of any kind are created or exist between the parties in respect of this Agreement, and nothing in this Agreement creates any duty of care or other duty on any of the parties to anyone else. For clarity, the intent of this Article is to, among other things, exclude tort liability of any kind and to limit the parties to their rights and remedies under the law of contract and the law pertaining to covenants under seal.

18. WAIVER

18.1 An alleged waiver of any breach of this Agreement is effective only if it is an express written waiver signed by each of the Covenant Holders, and is only effective to the extent of that express waiver and does not operate as a waiver of any other breach.

- 18.2 The failure for any reason of either or both Covenant Holders to require performance by the Owner at any time of any obligation under this Agreement does not affect either Covenant Holder's right to subsequently enforce that obligation.

19. JOINT AND SEVERAL OBLIGATIONS

- 19.1 Where at any time there is more than one Owner in this Agreement, the obligations of those Owners are joint and several.

20. COVENANT RUNS WITH THE LANDS

- 20.1 Every obligation and covenant of the Owner in this Agreement constitutes both a personal covenant and a covenant granted under section 219 of the *Land Title Act* in respect of the Lands, and the provisions of Article 11 constitute a statutory right of way granted under section 218 of the *Land Title Act*. This Agreement burdens the Lands and runs with them and binds the successors in title to the Lands and each and every part into which the Lands may be subdivided by any means and any parcel with which the Lands or any part of it is consolidated.

21. REGISTRATION

- 21.1 The Owner agrees to do everything necessary, at the Owner's expense, to ensure that this Agreement, and the interests it creates, are registered against title to the Lands, with priority over all financial charges, liens and encumbrances, including options to purchase, rights to purchase and rights of first refusal, registered or pending registration in the applicable provincial land title office at the time of application for registration of this Agreement.

22. SEVERANCE

- 22.1 If any part of this Agreement is held by a court to be invalid, illegal or unenforceable, that part is to be considered to have been severed from the rest of this Agreement and the rest of this Agreement is to remain in force unaffected by that holding or by the severance of that part as if the part was never part of this Agreement.

23. NO OTHER AGREEMENTS

- 23.1 This Agreement is the entire agreement between the parties and it terminates and supersedes all other agreements and arrangements regarding its subject.

24. AMENDMENTS

- 24.1 This Agreement is intended to be perpetual and may only be changed by a written instrument signed by all the parties.

25. DEED AND CONTRACT

- 25.1 By executing and delivering this Agreement, each of the parties intends to create both a contract and a deed and covenant executed and delivered under seal.

26. RIGHTS OF COVENANT HOLDERS

- 26.1 A Covenant Holder may exercise its rights under this Agreement through its directors, officers, employees, agents or contractors.

As evidence of their agreement to be bound by the above terms, the parties each have executed this Agreement under seal by signing Part 1 of the *Land Title Act* Form C to which this agreement is attached.

The schedules referred to throughout this document are attached after this page.

SCHEDULE A

BASELINE DOCUMENTATION REPORT

Attached to and forming part of the Covenant Agreement between the Owner and the Covenant Holders dated for reference February 10, 2019.

CONDENSED VERSION OF THE BASELINE DOCUMENTATION REPORT

Attached to and forming part of the Covenant Agreement between the Owner and the Covenant Holders dated for reference February 10, 2019.

A baseline documentation report was prepared by Masselink Environmental Design in July 2014 as an accurate description of the biological in the covenant area. The baseline documentation report is based on an inventory of the covenant area undertaken over a two week period in June 2014 and included an assessment of Sharp-tailed Snake habitat. The report only noted in a cursory way the existing park infrastructure and cultural values. Additional information relating to existing park infrastructure and planned modifications to park infrastructure identified in the Approved Management Plan (2014) were provided as an addendum to the baseline documentation report in May 2018. The baseline documentation report and addendum are summarized below.

Covenant Area

This section 219 covenant covers five legal lots totalling 6.03 ha, noted below and illustrated on the Park Parcels Map, below.

Area	PID	Legal Description
0.87 ha	003-977-188	Lot C, Section 1, Plan 16049, Cowichan District, S. Pender Island
1.20 ha	005-873-975	Lot 19, Section 1, Plan 6670, Cowichan District, S. Pender Island
1.26 ha	005-873-924	Lot 18, Section 1, Plan 6670, Cowichan District, S. Pender Island
1.37 ha	005-873-894	Lot 17, Section 1, Plan 6670, Cowichan District, S. Pender Island
1.33 ha	005-873-860	Lot 16, Section 1, Plan 6670, Cowichan District, S. Pender Island

Lots 16, 17, and 18 were acquired from the Allan Brooks family in 2000, following a 3-year fundraising effort by the Capital Regional District (CRD), Friends of Brooks Point (FOBP), Pender Islands Conservancy Association (PICA), Islands Trust Conservancy (ITC), Habitat Acquisition Trust (HAT), TLC The Land Conservancy of BC (TLC), and the Nature Conservancy of Canada (NCC). One of the lots was donated by the Brooks family. Lot C was acquired in 2000 through a partnership with TLC and the CRD and the last parcel, Lot 19, was acquired in 2014, again through a collaborative effort including the CRD, TLC, PICA, ITF, FOBP, and HAT.

Ecosystems

The covenant area encompasses several distinct ecosystems. They include Douglas-fir/Grand fir forest, Douglas-fir/Garry oak/wildflower woodland, Red alder wetland, shrub, willow/Red-osier dogwood and coastal rock bluff ecosystems. Garry oak woodland and coastal rock bluff ecosystems are both rare in the Gulf Islands due to development.

Red and Blue Listed Species

Species of flora and fauna and natural plant communities found in the covenant area and designated as red or blue listed by the Ministry of Sustainable Resource Management's Conservation Data Centre (CDC) are:

Red Listed

1. Sharp-tailed snake (*Contia tenuis*). Listed as Endangered in Schedule 1 of the federal Species at Risk Act.
Several types of Sharp-tailed Snake habitat in the covenant area were re-evaluated in 2014 through the baseline documentation report. The transition zone habitat between the grassy areas and the forest rated the highest and is likely the most important Sharp-tailed Snake habitat. The forest next to the transition zone might be important foraging habitat during the spring and summer. During the summer the Sharp-tailed Snake is thought to inhabit forest with relative open canopy coverage and woody debris and a duff layer, but with little understory. This type of forest was identified just adjacent to the transition zone between forest and the grassy fields. Two small patches along the upper coastline had loose gravel, southerly exposure and steep slope which could potentially be egg laying sites. The Sharp-tailed Snake Habitat map, below, illustrates habitats and survey sites.
2. Western redcedar – Douglas fir/Oregon beaked moss (*Thuja plicata* – *Pseudotsuga menziesii*/*Eurhynchium oregonum*)
3. Potential Garry oak/California brome (*Quercus garryana*/*Bromus carinatus*)

Blue Listed

1. Band-tailed Pigeon (*Columba fasciata*). Listed as a Species of Special Concern in Schedule 1 of the federal Species at Risk Act.
2. Barn Swallow (*Hirundo rustica*). Listed as Threatened by COSEWIC.

Vegetation Types

Eight vegetation types were identified in the baseline documentation report, are summarized below. They are illustrated on the Vegetation Types map below.

Type 1: Douglas-fir/Grand fir/Bigleaf Maple (CDFmm/04 and CDFmm/06). This is a closed canopy, mixed age stand encompassing the northern end of the park. Mature Douglas-fir and Grand fir form the main canopy and range from 60-200+ years in age, while Bigleaf maple and Red alder form the sub canopy and range from 20-60 years in age. Sword fern dominates the understorey. Slope is minimal and soils are moderately deep. This mixed age stand supports a number of forest bird species, including Hermit thrush, which are locally uncommon. One Western yew and one Spiny wood fern were observed. Both are also locally uncommon. A large veteran Douglas-fir at the park entrance is a special feature. This vegetation type is approximately 4741 m² in area.

Expected changes over time may include: the existing alder is reaching maximum life expectancy and will begin to come down. These forest openings will allow Salal or Salmonberry to flourish along with increased recruitment of Grand fir to the subcanopy. Sword fern are shade tolerant on this site, and thus will continue to dominate the understorey.

Type 2: Red alder/Grand fir/Salmonberry (elements of CDFmm/08 and CDFmm14, both indicative of fluctuating water table). This is an open canopy, mainly deciduous stand that encompasses an ephemeral creek/wetland area that runs as a band across the mid-northern portion of the park. Species range between 30-90 years in age. Salmonberry dominates the understorey and provide seasonal food for birds. The area lies in a mild depression of one of the last benches before sea level. This vegetation type provides habitat for Northern Pacific Tree Frog. No rare, threatened or locally uncommon species were identified in the baseline documentation report. The wetland is noted as a

special feature because it adds to the diversity of the park. Invasives were noted, with creeping buttercup having the greatest extent of coverage (5%). This vegetation type is approximately 13,181 m² in area.

Expected changes over time may include older alder trees will fall creating forest openings. Salmonberry and sedge species will flourish. Climate change may cause this area to dry out earlier in the season.

Type 3: Douglas-fir/Grand fir/Western redcedar - Oceanspray (CDFmm/05 with elements of CDFmm/04). This is relatively closed canopy, mixed age stand that encompasses a large portion of the central area of the park. It has an open woodland feel with a herb layer dominated by grasses and Sword fern and a sparse shrub layer consisting mainly of Oceanspray and regenerating Grand fir. The area has a gentle southward slope. Soils are moderately deep with some water retention capabilities. No rare, threatened or locally uncommon species were noted in the baseline documentation report. Three large Douglas-fir snags showed evidence of heavy use by Pileated Woodpecker. This vegetation stand is large enough to provide interior forest habitat for species such as the Pacific Wren and nesting habitat for forest bird species, especially cavity nesters. This vegetation type is approximately 19,494 m² in area.

Expected changes may include continued maturing of the stand. Older Grand fir will eventually fall creating openings that will allow the subcanopy trees to reach maturity. Canopy closure may increase and shade out forest floor species.

Type 4: Willow spp. and Red-osier dogwood (CDFmm/09). This small area sits in a bit of a depression and is located in the south central portion of the park. It resembles a thicket and is comprised of plants closely associated with high moisture regimes (drainage) and medium rich soils. Red-osier dogwood was observed and is not common on North or South Pender Islands. No special features were observed but thickets do provide important nesting habitat and predator protection for birds. This vegetation type is approximately 2255 m² in area.

Expected changes may include evergreen blackberry spread, which may choke out the Red-osier dogwood.

Type 5: Douglas-fir-woodland/pasture (CDFmm/02). This area, located on the southern portion of Brook's point, is characterized by a large open grassy field and a sparse population of regenerating Douglas-fir (15% coverage with age range of 20-80+ years). It may have once been an Arbutus or Garry oak/Douglas-fir woodland complex but was used for several decades as pasture for grazing. This zone is generally level and consists of moderate to shallow soils with limited water-retention over the summer months. Fools onion was noted and is locally uncommon. Chocolate lily and Hooker's onion are in relative high abundance despite the extent of invasive species in the area. Eight invasive species were noted. Open field/grasses are important habitat for seed loving birds such as American Goldfinch and White-crowned sparrow, both of which were observed during the baseline inventory and Barn Swallow and Violet-green Swallow were both observed hunting insects over fields in this vegetation area. Barn swallow are blue-listed provincially and Threatened federally. This vegetation type is approximately 5525 m² in area.

Expected changes may include young Douglas-fir and Grand fir becoming established if summers continue to be cool and moist and they may shade out the pasture grasses. If summers become hot and dry the young Grand fir will likely die off.

Type 6: Coastal bluff ecosystem. This vegetation zone comprises the southern end of Brook's Point and the eastern end of Gowlland Point along with the south facing cliffs and naturally eroding slopes that join the two points. The bluffs are comprised of conglomerate rock with pockets of accumulated soil that support unique vegetation. Where soil depth increases, grasses dominate the herb layer. "Marine riparian" vegetation was included in this vegetation zone as well. All vegetation in this area is subject to some degree of sea spray/mist during the winter months and harsh drying conditions during

the summer. Baltic rush (*Juncus balticus*) was observed. Western Pearlwort (previously Provincially blue-listed, currently yellow-listed) was previously reported by Matt Fairbarns but was not observed in the baseline inventory in 2014. Large patches of Harvest brodiaea and Hooker's onion observed are considered special features of this area. The adjacent waters provides an important foraging area for birds and mammals and the coastal bluffs provide a rest area for migrating birds. This vegetation type is approximately 5930 m² in area.

Expected changes may include introduced grasses out-competing native species. Patches of Harvest brodiaea may shrink due to heavy foot traffic through this popular hiking area.

Type 7: Mixed shrub/abandoned settlement (CDFmm). This area encompasses a small southeast-facing bench, located at the base of an incline that forms Gowlland Point. The area is moisture-receiving with moderate soils. The forest canopy is minimal. An abandoned orchard remains from previous settlement history. A dense thicket of rose and blackberry provide protective habitat for birds. Seasonal fruit and berries provide food for birds and mammals. The understorey is dominated by invasive shrubs and grasses but Western trumpet honeysuckle was observed. This vegetation type is approximately 2314 m² in area.

Expected changes may include invasive species continuing to dominate this site. Deer browse is keeping the hawthorne, rose and blackberry from completely covering the site.

Type 8: Douglas-fir - Garry oak (CDFmm/00 - CDFmm/03). This area encompasses much of the Gowlland Point headland and has a gently sloping south and east aspect. It consists of an open sparse stand of mature Douglas-fir (80-200+ age range) and a few impressive Garry oak specimens. The understorey is also open, and although dominated by Orchard grass it possesses a healthy population of wildflowers reminiscent of a Garry oak meadow, most notable is the abundance of Chocolate lilies. A moderate and rich soil layer helps support this unique understorey even though water retention is limited during the summer months. Trees on this point are important perching sites for Bald Eagles, Belted Kingfishers and Osprey. One old-growth Douglas-fir has already been designated as a wildlife tree. Large Douglas-fir snags are important nest sites for cavity nesters and the south facing slope of the headland is Sharp-tailed snake habitat. Observed rare, threatened fauna species include Band-tailed Pigeon and Barn Swallow, both are blue-listed provincially. The Barn Swallow is listed as Threatened by COSEWIC and the Band-tailed Pigeon is also listed as a Species of Special Concern in Schedule 1 of the federal Species at Risk Act. The Sharp-tailed snake is a red-listed provincially and as Endangered in Schedule 1 of the federal Species at Risk Act. This vegetation type is approximately 9823 m² in area.

Expected changes may include Garry oak recruitment being limited due to deer. The sub-canopy Douglas-fir will mature and join the main canopy. The invasive species do not appear to be limiting the wildflower population. Foot traffic is negatively impacting some flower species.

Infrastructure

The existing infrastructure on the Lands consists of park-related facilities and signs, infrastructure related to previous landowners, and a navigational aid. Each of these, and the intentions for them, is listed below. The Park Infrastructure map below provides further reference. The current infrastructure covers approximately 2.3% of the park land.

Park-related infrastructure

Infrastructure Item	Intention
Information kiosk by Gowlland Point Road	Retain and maintain/replace as needed
Fire hazard sign	Retain and maintain/replace as needed

Two park signs/welcome signs (by Gowlland Point Road and by Beach access stairs on Lot C)	Retain and maintain/replace as needed
Bike rack	Retain and maintain/replace as needed
Designated trails, including 35 m of bridge and 103m of boardwalk	Retain and maintain/replace as needed
Toilet building	Retain and maintain/replace as needed
Gate at Kloshe Road	Retain and maintain/replace as needed
Two private property signs and fencing (on west side of Lot 16 and north side of Lot C)	Retain and maintain/replace as needed
Beach access sign (west side of Lot 16)	Retain and maintain/replace as needed
Stairs to beach (on Lot C)	Retain and maintain/replace as needed

Infrastructure from former landowners

Infrastructure Item	Intention
Boat house	To be removed
Cabin	To be removed
Well	To be closed and capped.
Log pile over well	Retain until well is closed and capped, then remove or disperse log debris.

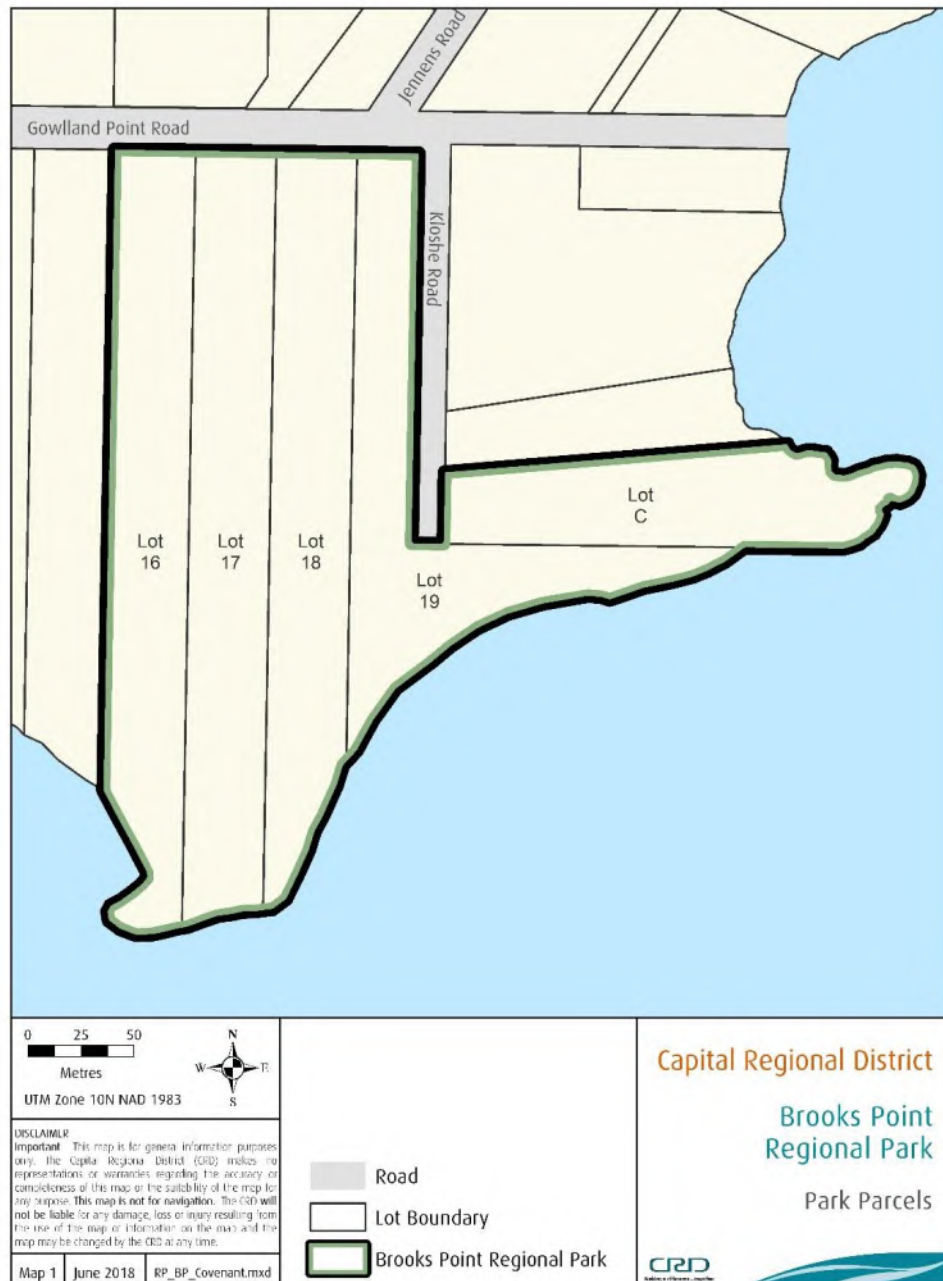
Navigation Infrastructure

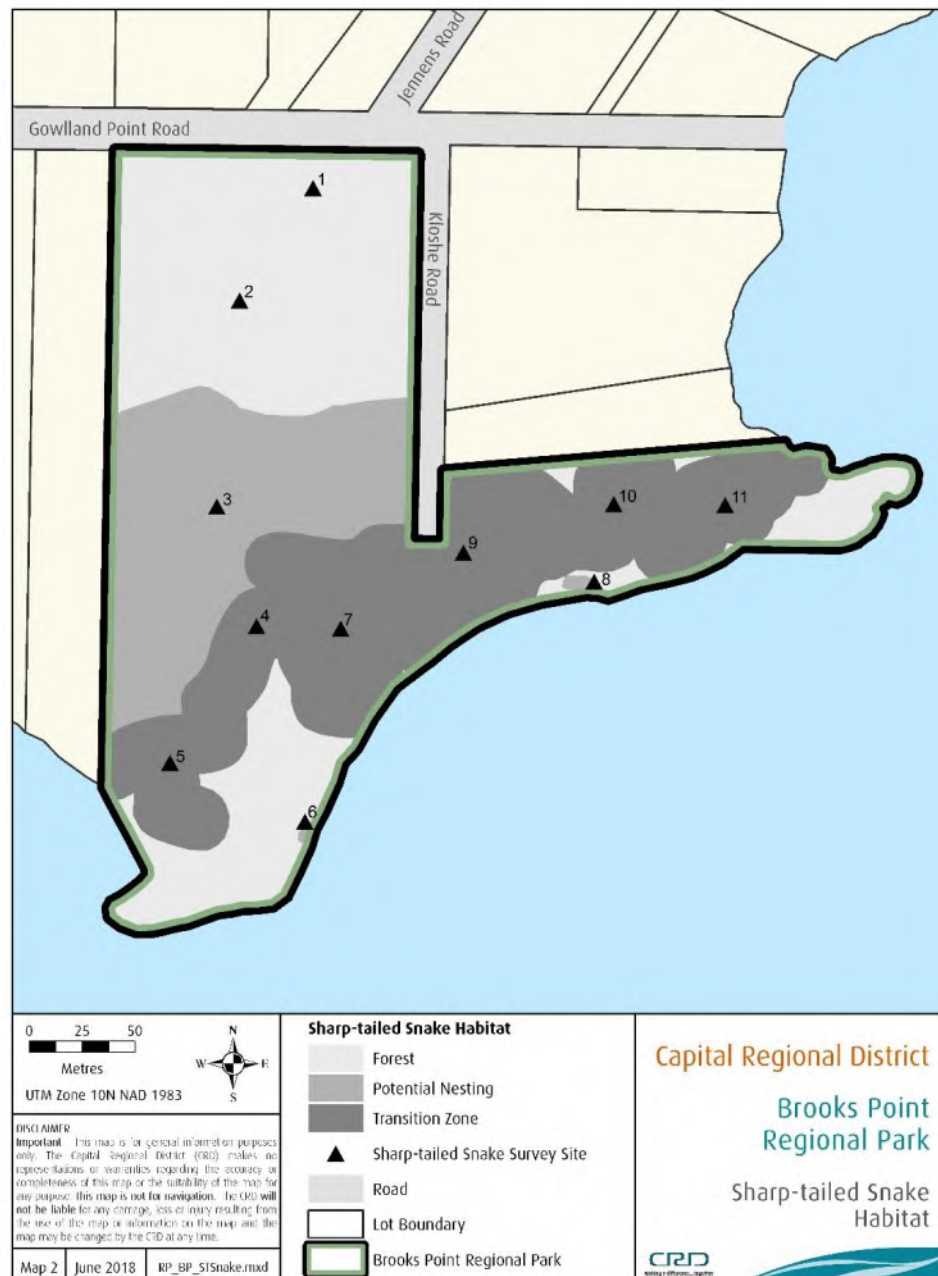
Infrastructure Item	Intention
A navigation aid (beacon), located on Lot C, is owned, operated and maintained by Department of Fisheries and Oceans.	Retained as DFO infrastructure and DFO will maintain/replace as needed.

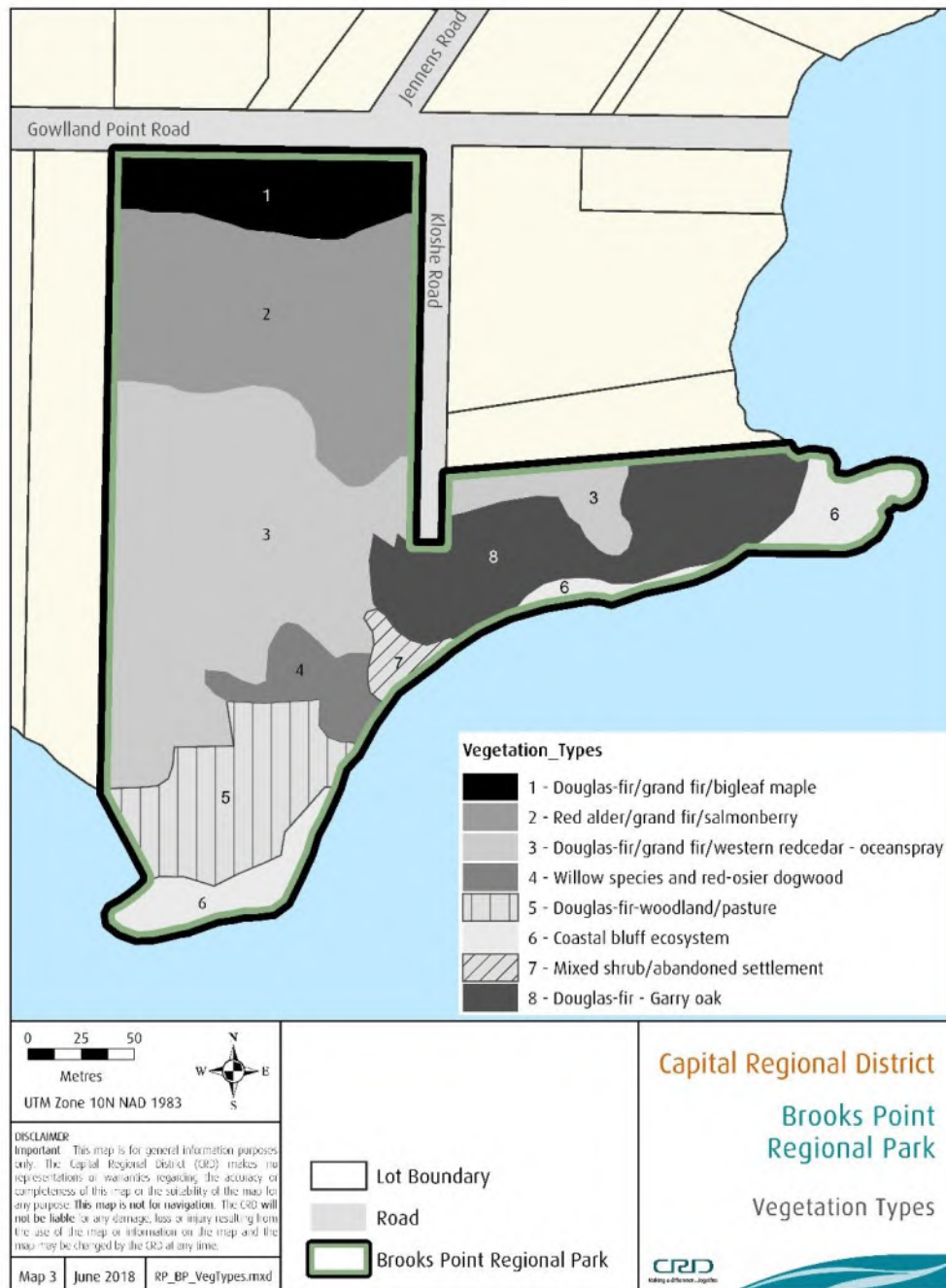
Potential Risks

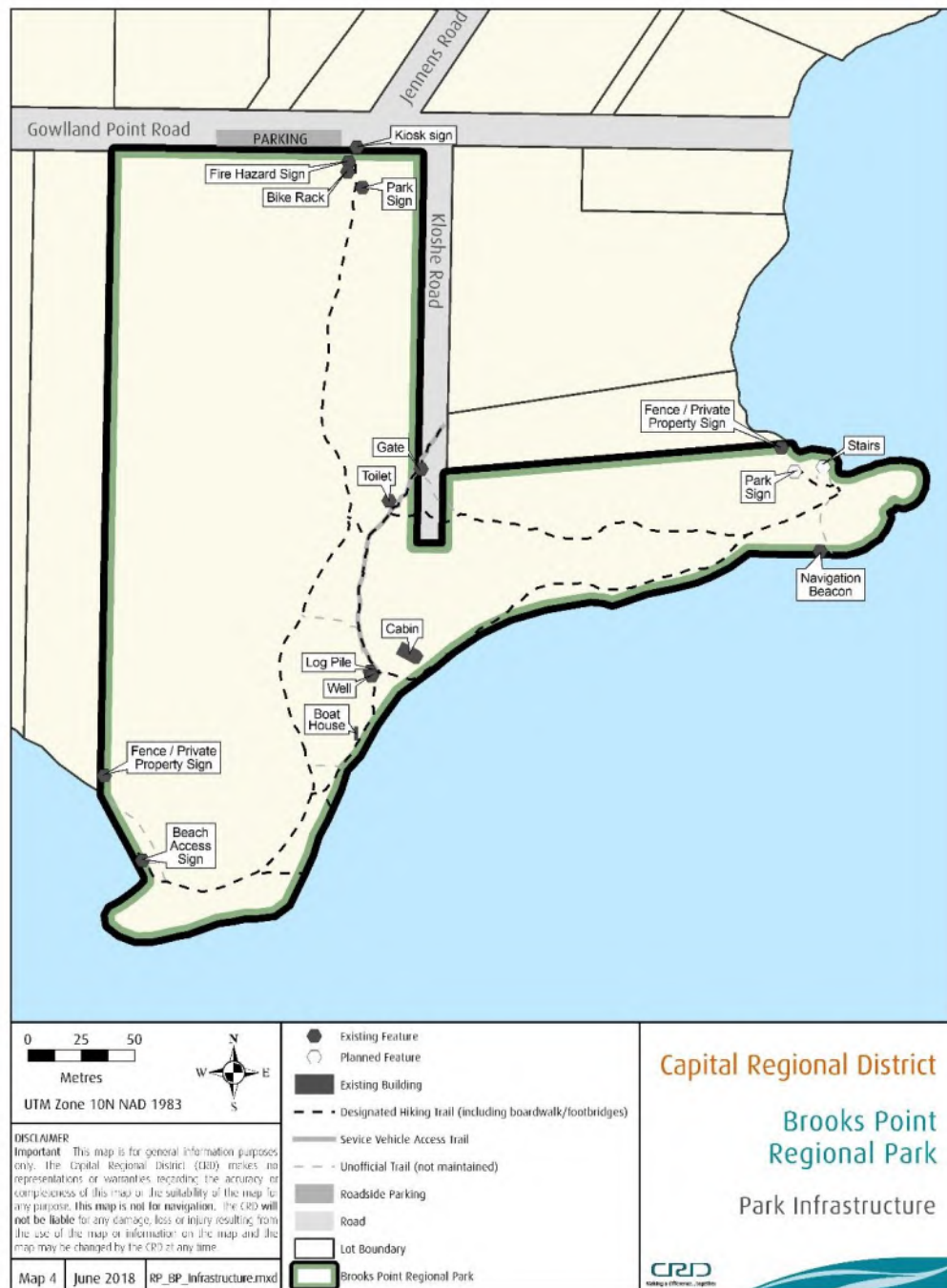
The baseline documentation report notes four main risks to the covenant area.

1. Invasive plants pose a risk to the integrity of several of the vegetation types in the covenant area and to Sharp-tailed snake habitat on Gowlland Point.
2. Visitor traffic poses a trampling/soil compaction risk to the coastal rock-bluff, grassland ecosystem (vegetation type 6) as well as two potential Sharp-tailed Snake egg laying sites.
3. Maintenance of the grass fields poses a threat to the Sharp-tailed Snakes if done outside of the snake's hibernation period (November-January) and/or if the grass is cut shorter than 8-10 cm in length.
4. Removal of building foundations could crush Sharp-tailed snakes unless removed one piece at a time.









END OF DOCUMENT

13 JAN 00 10 32

EP003182

LAND TITLE ACT
FORM C

LAND TITLE OFFICE
VICTORIA

(Section 233)
Province of
British Columbia

GENERAL INSTRUMENT - PART 1 (This area for Land Title Office use) Page 1 of 6 pages

1. APPLICATION: (Name, address, phone number and signature of applicant, applicant's solicitor or agent)

STAPLES McDANNOLD STEWART
BARRISTERS & SOLICITORS
2nd FLOOR, 837 BURDETT AVE.
VICTORIA, B.C. V8W 1B3
PH: 380-7744

FILE 1111018/AB/WK Agent - 10303

2. PARCEL IDENTIFIER(S) AND LEGAL DESCRIPTION(S) OF LAND: *

(PID)	(LEGAL DESCRIPTION)
005-873-860	Lot 16, Section 1, Pender Island, Cowichan District, Plan 6670
005-873-894	Lot 17, Section 1, Pender Island, Cowichan District, Plan 6670
005-873-924	Lot 18, Section 1, Pender Island, Cowichan District, Plan 6670

3. NATURE OF INTEREST: *

DESCRIPTION	DOCUMENT REFERENCE (page and paragraph)	PERSON ENTITLED TO INTEREST
S. 219 Covenant	Entire Document	Grantee

4. TERMS: Part 2 of this instrument consists of (select one only)

- | | | | |
|-----|----------------------------|-------------------------------------|---------------------------------------|
| (a) | File Standard Charge Terms | ☐ | D.F. No. |
| (b) | Express Charge Terms | ☒ | Annexed as Part 2 |
| (c) | Release | ☐ | There is no Part 2 of this instrument |

A selection of (a) includes any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument.
If (c) is selected, the charge described in Item 3 is released or discharged as a charge on the land described in Item 2.

5. TRANSFEROR(S) GRANTOR(S) : CAPITAL REGIONAL DISTRICT
P.O. Box 1000, 524 Yates Street, Victoria, BC V8W 2S6

6. TRANSFEREE(S) GRANTEE(S) : (including postal address(es) and postal code(s))

THE NATURE CONSERVANCY OF CANADA, a corporation duly incorporated under the Companies Act (Canada) and extra-provincially registered as a Society in British Columbia with its office at 202-26 Bastion Square, Victoria, V8W 1H9 and
TRUST FUND BOARD, a corporation under the *Island Trust Act* (BC) with its office at 200-1627 Fort Street, Victoria, BC V8R 1H8

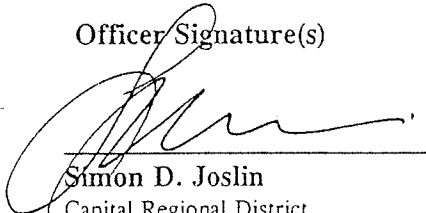
7. ADDITIONAL OR MODIFIED TERMS: * N/A

8. EXECUTION(S): This instrument creates, assigns, modifies, enlarges, discharges or governs the priority of the interest(s) described in Item 3 and the Transferor(s) and every other signatory agree to be bound by this instrument, and acknowledge(s) receipt of a true copy of the filed standard charge terms, if any.

Execution Date

(Y/M/D)

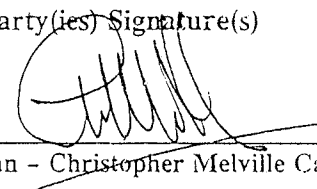
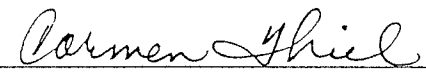
Officer Signature(s)



Simon D. Joslin
Capital Regional District
524 Yates Street, Victoria, BC V8W 2S6
A Commissioner for Taking Affidavits
In the Province of British Columbia
(As to both signatures)

0010/112

Party(ies) Signature(s)


Chairman - Christopher Melville Causton
Corporate Secretary - Carmen Ida Thiel

OFFICER CERTIFICATION:

Your signature constitutes a representation that you are a solicitor, notary public or other person authorized by the *Evidence Act*, R.S.B.C. 1979, c. 116, to take affidavits for use in British Columbia and certifies the matters set out in Part 5 of the *Land Title Act* as they pertain to the execution of this instrument.

* If space insufficient, enter "SEE SCHEDULE" and attach schedule in Form E.

** If space sufficient, continue executions on additional page(s) in Form D.

TERMS OF INSTRUMENT

WHEREAS:

A. The Grantor is the registered owner in fee simple of:

(PID)	(Legal Description)
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005-873-860	Lot 16, Section 1, Pender Island, Cowichan District, Plan 6670
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005-873-894	Lot 17, Section 1, Pender Island, Cowichan District, Plan 6670
-------------	--

005-873-924	Lot 18, Section 1, Pender Island, Cowichan District, Plan 6670
-------------	--

(hereinafter called the "Lands")

and is authorized under the *Municipal Act* to establish, operate and manage regional parks, subject to the *Park (Regional) Act*.

- B. The First Grantee is The Nature Conservancy of Canada, a corporation duly incorporated under the *Companies Act* (Canada) and extra-provincially registered as a Society in British Columbia with its office at 202-26 Bastion Square, Victoria V8W 1H9 and has been designated by the Ministry of Environment, Lands and Parks under section 219(3)(a) of the *Land Title Act* to hold a covenant over the Lands pursuant to section 219(4) of the *Land Title Act*;
- C. The Second Grantee is Trust Fund Board, a corporation under the *Island Trust Act* (British Columbia) with its office at 200-1627 Fort Street, Victoria, BC V8R 1H8 and is authorized under section 219(3)(c) of the *Land Title Act* to hold a covenant over the Lands pursuant to section 219(4) of the *Land Title Act*;
- D. The Grantees contributed funds for the acquisition of the Lands on the condition that the Lands be used and maintained in a manner that will protect, preserve, conserve, restore and enhance the ecosystems and native biodiversity of the Lands in perpetuity;
- E. The Grantor, in its ownership and management of the Lands, has agreed to provide for safe public access to and use of the Lands consistent with recital D;
- F. The Grantor has agreed to enter into a covenant with respect to the Lands and to register it against title to the Lands as a covenant under section 219 of the *Land Title Act*.

NOW THEREFORE in consideration of the premises and the covenants contained herein and for other valuable consideration, the receipt and sufficiency of which is hereby acknowledged by the parties, the parties hereto covenant and agree with the other as follows:

1. The Grantor covenants and agrees to use, administer and manage the Lands in a manner which shall provide for safe public access to and use of the Lands consistent with the intent set out in recital D, and without limiting the generality of the foregoing:
 - (a) not to subdivide, sell, transfer, or grant any easement, right of way, licence or lease over all or part of the Lands without the prior written consent of the Grantees;
 - (b) not to remove, destroy or cut or permit the removal, destruction or cutting of any indigenous vegetation on the Lands except as is necessary to implement the park management plan referred to in section 2 herein or interim management policies referred to under section 4 herein unless the prior written approval of the Grantees has been obtained. Notwithstanding the foregoing, if any living or dead tree on the Lands poses an imminent threat to the safety of any person, that tree may be cut down or trimmed without the prior written consent of the Grantees providing however that the Grantor shall fully document such work. The Grantor shall leave any cut tree or trimmings on the Lands unless such action shall constitute a fire hazard;
 - (c) not to use pesticides, herbicides or any other deleterious substance of any kind on the Lands without the prior written consent of the Grantees;
 - (d) to design and construct any improvements on the Lands so as to cause a minimum of disturbance to the natural features and drainage patterns of the Lands;
 - (e) not to lay down, install, place or deposit any impervious material or surface on or within the Lands without the prior written consent of the Grantees;
 - (f) not to build, construct, erect or alter any structure, building or improvement on the Lands except in accordance with the park management plan prepared in accordance with section 2 herein or interim management policies referred to under section 4 herein unless the prior written approval of the Grantees has been obtained.
2. The Grantor shall prepare and adopt a park management plan (the "Plan") for the management of the Lands. In the Plan, the Lands shall be given a park classification and management zoning consistent with recitals D and E herein.
3. The Grantor shall establish a public advisory group to assist in the preparation of the Plan and any subsequent Plan amendments. The members of the public advisory group shall include but not be limited to an invited representative designated by each of the Grantees as well as an invited representative designated by each of the Pender Island Conservancy Association, Friends of Brooks Point and the Brooks family.
4. Prior to and until the adoption of the Plan by the Board of the Grantor, the Grantor shall classify the Lands as Park Reserve. Within 18 months of the registration of this

Agreement against the title to the Lands, the Grantor shall prepare interim management policies for the Lands consistent with recitals D and E herein. The Grantees together with representatives of Pender Islands Conservancy Association, Friends of Brooks Point and the Brooks family will be invited to participate in the process of preparing the interim management policies.

5. The Grantor agrees to allow the Grantees to publicize the existence of this Agreement and the covenants herein.
6. The Grantees may assign their respective rights and obligations under this Agreement to an entity qualified at the time of transfer to hold a covenant under section 219 of the Land Title Act (or any successor provision then applicable) and any applicable regulations. The Grantor, the Nature Conservancy Canada, and the Trust Fund Board, agree that TLC The Land Conservancy of British Columbia ("TLC"), an entity designated under section 219(3)(c) of the *Land Title Act* to hold a covenant under section 219(4) of that Act, shall be named as a Grantee under this Agreement in the event that the Nature Conservancy Canada or the Trust Fund Board are dissolved, and for clarity, TLC shall have no rights or obligations under this covenant until the occurrence of such event.
7. The Grantor shall indemnify and keep indemnified the Grantees from any and all claims, causes of action, suits, demands, fines, penalties, costs or expenses or legal fees whatsoever which anyone has or may have against the Grantees or which the Grantees incur as a result of any loss or damage or injury, including economic loss, arising out of or connected with the breach of any covenant to this Agreement.
8. The Grantor hereby releases and forever discharges the Grantees and each of them of and from any claim, causes of action, suits, demands, fines, penalties, costs or expenses or legal fees whatsoever which the Grantor can or may have against the Grantees for any loss or damage or injury, including economic loss, that the Grantor may sustain or suffer arising out of or connected with the breach of any covenant in this Agreement.
9. The Grantor covenants and agrees that this Agreement shall take precedence over the Plan or any amendments thereto and that the Grantor shall not adopt a park management plan by bylaw or otherwise that contradicts or contravenes this Agreement providing however that the Grantor shall not be obliged or required to do anything in its ownership or management of the Lands that is inconsistent with or in contravention of the *Municipal Act* or the *Park (Regional) Act*.
10. Grantor and the Grantees agree that the enforcement of this Agreement shall be entirely within the discretion of the Grantees and that the execution and registration of this covenant against the title to the Lands shall not be interpreted as creating any duty on the part of the Grantees to the Grantor or to any other person to enforce any provision or the breach of any provision of this Agreement.

11. The Grantor and the Grantees agree that:
- (a) if a breach of this Agreement occurs or is threatened, or if there is disagreement as to the meaning of this Agreement, the Grantor or Grantees may give notice to the other party requiring a meeting of both parties within five (5) working days of receipt of the notice;
 - (b) all activities giving rise to a breach or threatening a breach of this Agreement, or giving rise to a disagreement as to the meaning of this Agreement, shall immediately cease upon receipt of the notice;
 - (c) the parties must attempt to resolve the matter, acting reasonably and in good faith, within ten (10) working days of receipt of the notice; and,
 - (d) if the parties are not able to resolve the matter within the time set out in section 11(c), the parties may appoint a mutually acceptable person to mediate the matter, the cost of which shall be shared equally by all parties, and the parties must act reasonably and in good faith and cooperate with the mediator and with each other in an attempt to resolve the matter within twenty (20) working days after the mediator is appointed.
12. The Grantor covenants and agrees for itself, its heirs, executors and assigns, that it will at all times perform and observe the requirements and restrictions hereinbefore set out and they shall be binding upon the Grantor as personal covenants only during the period of the Grantor's respective ownership of any interest in the Lands.
13. The restrictions and covenants herein contained shall be covenants running with the Lands and shall be perpetual and shall be registered in the Victoria Land Title Office pursuant to Section 219 of *the Land Title Act* as covenants in favour of the Grantees and as a first charge on the title of the Lands.
14. This Agreement shall enure to the benefit of and shall be binding upon the parties hereto and their respective heirs, executors, successors and assigns.
15. Wherever the expressions "Grantor" and "Grantee" are used herein the same shall be construed as meaning the plural, feminine or body corporate where the context or the parties so require.

IN WITNESS WHEREOF the parties hereto hereby acknowledge that this Agreement has been duly executed and delivered by the parties executing Form C (page(s) 1 and 2) attached hereto.

END OF DOCUMENT



BRIEFING

To: ITC Board

For the Meeting of: March 15, 2022

From: ITC Staff

Date Prepared: February 28, 2022

SUBJECT: Gathering for Species at Risk Workshop and Survey

PURPOSE: To provide the ITC Board with an update on progress of the Gathering for Species at Risk (SAR) Workshop that ITC is hosting on March 17, 2022 and a summary of the responses from the pre-workshop SAR Survey that ITC staff initiated.

BACKGROUND: The Species at Risk (SAR) Program is funded by a three-year grant from the Canada Nature Fund, Species at Risk Stream for Priority Places. ITC's initial objectives set out to enhance the launching of the new SAR Program are to:

- Enhance collaboration with Island Conservancies, biologists and First Nations;
- Facilitate early engagement; and
- Establish a Species and Ecosystems at risk (SEAR) advisory or working group.

This workshop has been designed to facilitate early engagement and to provide an opportunity for discussion points on the above themes.

Pre-workshop Survey – ITC staff delivered a SAR Survey to approximately 260 people that work directly with SEAR in the Islands Trust Area (ITA), including Conservancies, First Nations chiefs and land managers, scientists and consultants and environmental groups. We have received 57 survey responses so far, providing ITC with excellent feedback.

Highlights are:

- Top 2 challenges in working with SEAR/cultural species at risk are insufficient funding and capacity.
- 98% of those polled would like to increasing collaboration and partnerships with others working with SEAR and species of cultural significance in the ITA.
- 98% of those polled are interested in sharing data more efficiently.
- 100% polled agreed that forming an Islands Trust Area working group would be beneficial.
- The majority polled believe that ITC's role (in regards to SEAR) is to provide leadership and coordination, hub for tracking SEAR activities and current data, support cultural traditional knowledge, warehouse for resources, and inform and facilitate collaboration.

Gathering for SAR Workshop – The primary objectives for outcomes of the workshop are to:

- Provide a networking platform for those working on SEAR/cultural species of significance;
- Create opportunities for small break-out group discussions on funding, capacity and data sharing challenges;
- Provide an opportunity to highlight local collaborative-based projects;
- Enhance relationships with First Nations and Island Conservancies; and
- Identify steps to work towards forming a working group to increase effectiveness for the management of SEAR and cultural species of significance in the Land Trust Area.

We currently have 70 people registered to attend the online workshop on March 17th. The audience is a wide mix of all of the sectors noted above. We have contracted a facilitator, Judith Cullington and Assoc., to work with staff to coordinate and provide technical services. In addition, we have contracted the Naut'sa mawt Event Management for First Nations engagement services to assist staff in ensuring that all facets of the workshop is developed, advertised and implemented in a safe and inclusive manner. An invitation to the workshop was sent to all ITC Board members.

The layout of the all-day virtual workshop is designed to allow for a combination of group discussions on topics such as funding and capacity challenges, data sharing and enhancing collaboration, and highlighting local collaborative SEAR and ecocultural projects in our region. A draft agenda is attached for details.

ATTACHMENT(S):

1. Gathering for Species at Risk Workshop DRAFT Agenda

FOLLOW-UP:

Survey and Workshop outcomes will be reported to the ITC Board and granting agencies according to their reporting process.

Prepared By: Wendy Tyrrell, Species at Risk Program Coordinator

Reviewed By/Date: Kate Emmings, ITC Manager / March 1, 2022

ITC's Gathering for Species at Risk Workshop March 17, 2022

Framework **February 24, 2022**

Time	Topics
PLENARY 9:00 – 10:30 am	Territorial Acknowledgement and welcome blessing (15 min) (TBD) Welcome from Islands Trust Conservancy - Kate Emmings Housekeeping & Introducing Workshop Team: Judith ITC Species at Risk Program – Wendy (15 min) • highlighting ITC SAR projects 2020-2021 • survey highlights • introduce Ruth Keynote presentation: RUTH SIMONS & JOYCE WILLIAMS (confirmed) (30 min) <i>Átl'kaɣtsem/Howe Sound Biosphere Initiative & local SEAR initiatives</i> Q & A (10- 15 min)
10:30 – 10:45 am	<i>Break, send people into breakouts on return</i>
10:45 – noon	BREAKOUT SESSION: Breakout groups: What are the most important challenges that you face? How can collaborative action help you to resolve these? <i>Six Breakout groups of ~8 people in each - ~40 mins for discussion</i> <i>return to plenary to report out 11:30</i> <i>Facilitators: Judith, Wendy, Kate, Jemma, Kathryn, Nuala, Carla, FN facilitator</i>
Noon – 1 pm	Lunch Break
1 – 2:30 (two concurrent sessions, participant chooses which one)	SESSION #1: Restoring habitat for SAR & Landscape Level Collaboration 1. Aimee Mitchell or Chris Currie – Coastal Partners in Conservation Society (confirmed). SEAR Surveying and Projects - 20 minutes - 10 minutes Q & A

	2. Carrina Maslovat (confirmed) eDNA work with Sharp-tailed Snake & Mt. Tuam Special Management Area Resource Team - 20 minutes - 10 minutes Q & A Moderated Discussion – Facilitated (2 pre-determined questions posed to audience) SESSION #2: Cultural Species and Places of Significance 1. Earl Claxton Jr. (Thuh-thay-tun Kapilano) Elder, storyteller and educator from the SṠÁ,UTW (Tsawout) First Nation (tentatively confirmed) - 20 minutes - 10 minutes Q & A Ecocultural Restoration 2. Judith Arney and Sarah Jim (confirmed) QENENIW Restoration Project on S,DÁYES (Pender Island) - 20 minutes - 10 minutes Q & A Moderated discussion - FN facilitator (2 pre-determined questions posed to audience)
2:30 – 2:45 pm	<i>Break</i>
2:45 – 3:30 pm	Welcome back social, then in random breakouts BREAKOUT DISCUSSION FORUM 2-3 key questions - using survey questions/answers as a platform. ● data sharing & gaps in available data ● Forming a working group ● How can ITC support these initiatives? What role does ITC play?
3:30 – 4pm	Plenary report out
4:00 - 4:30pm	Next Steps and Closing



Public Acquisitions Update March 15, 2022

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 March 15, 2022

		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.
	2022/02/09	Applicant and staff discuss coordinating a visit from a Cultural Knowledge Holder.
Current Total ITC Acquisitions:		32



PUBLIC COVENANTS UPDATE March 15, 2022

NAPTEP COVENANTS		
<i>27 NAPTEP Covenants on title, 3 NAPTEP covenants in progress, 0 new application</i>		
Property	Date	Notes
Larmour NAPTEP Covenant Salt Spring Island, 2.45 ha	2021/10/15	Application received.
	2022/01/24	ITC-2022-003 It was MOVED and SECONDED, that the Islands Trust Conservancy Board approves the conservation proposal submitted by Rodney Polden, on behalf of Skye Larmour, to donate a 2.45 ha NAPTEP covenant on Salt Spring Island, over a portion of Lot 1, Section 87, South Salt Spring Island, Cowichan District, Plan VIP 27894, PID: 000-138-452, to protect mature forests, wetlands, and connectivity to other protected areas, and advise the applicant that ITC will defer this securement project until late 2022/early 2023 due to staff capacity constraints.
	2022/02/04	Staff informed applicant of Board decision.
Nighthawk Hill NAPTEP Covenant expansion (North Pender Island, ~1ha)	2021/03/30	Application received.
	2021/11/23	ITC-2021-050 It was MOVED and SECONDED, 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.
	2021/12/01	TC-2021-119 It was Moved by Trustee Stamford and Seconded by Trustee Morrison, That the Islands Trust Council approves the amendment of the NAPTEP Certificate for the covenanted portion of the property described as PID 001-081-110, Lot 38, Section 7, Pender Island, Cowichan District, Plan 32261, Except Part in Plan 35333, to extend the Certificate to cover the increased protection area, and to reference the registration number of the new conservation covenant and survey plan that will be registered.
	2021/12/04	Referred for information to North Pender LTC. No comments received.
	2021/12/15	Phase II next steps correspondence sent to landholder.
	2022/02/10	Phase II application fee received.



PUBLIC COVENANTS UPDATE March 15, 2022

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.
	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.



PUBLIC COVENANTS UPDATE March 15, 2022

R Leader covenant (cont'd)	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.
	2022/01/21	Staff called to discuss need to get mortgage provided to grant priority to the Covenant. Followed up with email to credit union representative.
REGULAR COVENANTS		
<i>52 regular covenants on title, 1 regular public covenant in progress, 2 in-camera covenants in progress.</i>		
Property	Date	Notes
Brooks Point Covenant South Pender Island (6.02 ha)	2014/03/23	It was MOVED and SECONDED, that the Trust Fund Board agrees to hold a covenant on the 2010 addition to Brooks Point Regional Park, South Pender Island, subject to agreement on the terms of the covenant and a satisfactory baseline report, and directs staff to continue working with CRD Parks and partners to determine the best way to covenant the three protected areas at Gowlland and Brooks Points.
	2014/04/08	Staff provide CRD staff with a template covenant for review.
	2014/04/15	Staff met with partners to discuss combining covenants for the Brooks Point and Gowlland Point properties.
	2014/05/22	Covenant Draft 1 sent to PICA, Friends of Brooks Point, HAT and CRD.
	2014/08/01	CRD response to Covenant Draft 1 received.
	2014/08/19	ITC/HAT/PICA express concerns to CRD with respect to Management Plan approval and other selected clauses.
	2014/08/20	Baseline Report completed.
	2014/08/22	CRD respond to ITC/HAT/PICA concerns.
	2014/09/17	ITF/HAT/PICA response re draft covenant sent to CRD.
	2014/10/08	Kate Emmings appointed to the Brooks Point Management Plan advisory group by the CRD.
	2014/10/16	ITF staff attended CRD Parks Open House for public review of the Brooks Point Management Plan update.
	2014/12/03	CRD submit revised covenant draft to ITC and HAT.
	2014/12/10	CRD Board approves revised Management Plan.
	2014/12/12	Covenant sent to legal counsel for review.
	2014/12/18	Covenant revisions and comments sent to CRD.



PUBLIC COVENANTS UPDATE March 15, 2022

Brooks Point Covenant (cont.)	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.
	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.
	2021/02/08	HAT, PICA and ITC meet to discuss covenant revisions. HAT to follow up with CRD regarding ongoing concerns and PICA input.



PUBLIC COVENANTS UPDATE March 15, 2022

Brooks Point Covenant (cont.)	2022/01/17	Letter received from CRD with a request to approve the covenant.
	2022/01/31	HAT, PICA and ITC meet to discuss covenant revisions. HAT and ITC staff agree to forward covenant to respective boards subject to agreement from PICA that it meets their requirements.
	2022/02/04	Joint letter sent to CRD from HAT and ITC noting HAT and ITC staff agree to forward covenant to respective boards subject to agreement from PICA that it meets their requirements.
	2022/02/06	PICA provides a letter to the CRD outlining requested changes to the covenant.
	2022/02/17	CRD responds to PICA letter with amended covenant.
	2022/02/24	PICA provides a letter to the CRD indicating that the covenant edits are acceptable.
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.
	2016/01/12	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.



PUBLIC COVENANTS UPDATE March 15, 2022

Sandy Beach Nature Reserve (cont.)	2017/04/13	Revised covenant draft sent to TLC and SCCA. Comments received from both agencies.
	2017/08/31	Edits made to covenant and reviewed by legal. Draft 5 sent to TLC and SCCA for review. TLC has no further comment; awaiting SCCA comment. Both TLC and SCCA have requested a site visit.
	2017/09/07	Draft baseline report received from the applicant.
	2017/10/24	Feedback on baseline report submitted to applicant and revisions requested.
	2018/05/28	Site visit with ITC staff, trustees & SCCA
	2018/07/19	Next draft of baseline received and provided to covenant holders for feedback.
	2018/08/28	Baseline report feedback provided to applicant and biologist for review and revision.
	2019/01/04	Applicant's biologist revised draft baseline report. Forwarded baseline to covenant holder for review.
	2019/11/18	Received survey from the Applicant. Also notified that a new trail has been developed to access the beach within the proposed Sandy Beach Nature Reserve.
	2019/12/19	Met on site with applicant to review the location of the newly developed beach access trail.
	2020/04/23	ITC Staff begin a conversation with BC Hydro regarding removal of BC Hydro Statutory Rights of Way.
	2020/06/24	BC Hydro staff respond with information about mechanisms for discharge of existing Statutory Rights of Way and reregistration of a revised Statutory Right of Way.
	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 15 th , and draft Management Plan due January 17 th .
Fairyslipper Forest Nature Reserve Thetis Island (16.6 ha)	2021/11/09	Draft baseline report received and reviewed. Contractor will be conducting an additional site visit in mid- to late January to gather more data for updated baseline.
	2021/12/08	Management Plan Open House.
	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.



PUBLIC COVENANTS UPDATE March 15, 2022

Fairyslipper Forest Nature Reserve (cont.)	2018/04/06	First draft of ITC template covenant sent to partners. Trail relocation is needed before finalizing baseline report.
	2018/10/13	Hosted Management Plan Open House on Thetis Island.
	2019/02/22	Draft management plan and baseline report sent to ThINC and CCLT staff for review.
	2019/03/11	Contractor and ITC complete ThINC and CCLT's requested revisions to management plan and baseline report. The baseline report will be finalized once the trail is relocated.
	2019/03/19	ITC consults with Islands Trust's Senior Intergovernmental Policy Advisor on opportunities to introduce First Nations content throughout management plan.
	2019/03/20	Further revisions completed by ITC and contractor to address additional edits from ThINC.
	2019/05/08	ITC completes addition of First Nations content throughout management plan and content is reviewed by Islands Trust's Senior Intergovernmental Policy Advisor.
	2019/05/12	Contractor approves First Nations content added to management plan by ITC.
	2019/05/21	ITC Board approves management plan with minor revisions.
	2019/06/12	ThINC Board approves revised management plan.
	2019/09/26	CCLT Board approves revised management plan. Staff posted Management Plan to the website.
	2020/02/03	Trail relocation completed by contracted trail builder, Penelakut youth and volunteer labour. A Statutory Right of Way is required from the adjacent property where the trailhead and parking area are planned.
	2020/03/19	ThINC is working with the Thetis Island Residents and Ratepayers Association to obtain a trail license over adjacent private lands for access and parking for the Fairyslipper Forest Nature Reserve.
	2020/05/08	ThINC informed ITC that the trail license is not proceeding.
	2020/05/26	ITC Board directs staff to work with ThINC on an appropriate trail access.
	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	\$436,566	\$ 151,254	26%	\$ 151,434
50700-210	Admin. Support	\$ 252,560	\$ 252,560					\$ 252,560	\$187,832	\$ 64,728	26%	\$ 64,728
54500-210	Communications	\$ 20,000	\$ 20,000	\$ 12,650				\$ 32,650	\$11,626	\$ 21,024	64%	\$ 17,236
61100-210	Board Honoraria	\$ 6,600	\$ 6,600					\$ 6,600	\$5,350	\$ 1,250	19%	\$ 850
61200-210	Board Meeting Expense	\$ 6,925	\$ 6,925					\$ 6,925	\$1,939	\$ 4,986	72%	
61210-210	Board Training & Conferences	\$ 2,000	\$ 2,000					\$ 2,000	\$0	\$ 2,000	100%	\$ 280
61300-210	Property Management	\$ 124,810	\$ 77,810	\$ 26,750	\$ 37,500	\$ 23,570	\$ 12,349	\$ 177,979	\$121,994	\$ 55,985	31%	\$ 45,942
61500-210	Cons Planning / Land Securement	\$ 30,000	\$ 15,000	\$ 14,250				\$ 29,250	\$19,527	\$ 9,723	33%	\$ -
63000-210	Legal	\$ 18,000	\$ 15,000	\$ -				\$ 15,000	\$22,615	\$ (7,615)	-51%	\$ 1,000
61600-210	Ecosystem Mapping	\$ 20,000	\$ 15,000	\$ -				\$ 15,000	\$4,560	\$ 10,440	70%	\$ 388
67500-210	Memberships	\$ -	\$ -					\$ -	\$2,237	\$ (2,237)	0%	
79500-210	Subscriptions	\$ -	\$ -					\$ -	\$170	\$ (170)	0%	\$ 205
80300-210	Mobile Devices	\$ 2,470	\$ 2,470					\$ 2,470	\$1,691	\$ 779	32%	\$ 779
81300-210	Training & Conferences	\$ 4,200	\$ 3,450					\$ 3,450	\$847	\$ 2,603	75%	\$ 1,875
81305-210	Travel for Training	\$ 2,200	\$ 2,200					\$ 2,200	\$627	\$ 1,573	71%	
82300-210	Travel	\$ 15,950	\$ 10,950	\$ 5,000		\$ 1,430	\$ 1,151	\$ 18,531	\$16,810	\$ 1,722	9%	
	Equipment	-	-	\$ 650				\$ 650				
		\$ 1,103,335	\$ 872,085	\$ 205,000	\$ 37,500	\$ 25,000	\$ 13,500	\$ 1,153,085	\$ 834,390	\$ 318,045	28%	\$ 284,718
Restricted Funds		Opening Balance		Revenue		Total Available		Spent		Remaining		Committed Funds
	Alton Maintenance Account		\$ 108,003		\$ 16,289	\$ 124,292	\$ 23,248	\$ 101,044				\$ 6,402
	Ruby Alton Endowment Fund		\$ 148,105		\$ 11,791	\$ 159,896	\$ -	\$ 159,896				
	Opportunity Fund		\$ 14,498		\$ 6,245	\$ 20,743	\$ 6,596	\$ 14,147				
	Covenant Mgmt and Defence Fund		\$ 115,273		\$ 194	\$ 115,467	\$ 1	\$ 115,466				
	Property Management Fund		\$ 12,000		\$ 621	\$ 12,621	\$ -	\$ 12,621				\$ 2,000
	Lasqueti Island Acq Fund		\$ 35,304		\$ 2,167	\$ 37,471	\$ 10,000	\$ 27,471				
	Gambier Island Acq Fund		\$ 129,121		\$ (1,508)	\$ 127,613	\$ -	\$ 127,613				
	Morrison Waxler Legacy Fund		\$ 20,287		\$ 20	\$ 20,307	\$ 5,500	\$ 14,807				
	Thetis Island Acq Fund		\$ 1,295		\$ 4	\$ 1,298	\$ -	\$ 1,298				
	McFadden Creek		\$ 23,634		\$ 46	\$ 23,680	\$ -	\$ 23,680				\$ 3,163

Submission to Islands Trust 2022-23 Budget -- Request for Public Input

Submitted by: Ken P Gurr, resident

Gabriola

Re: Leveraging your existing budget and working to accelerate and be more effective in the Preserve and Protect Stewardship mandate by reallocating budget dollars to create a small, annual Grants-in-Aid fund available for Trust Area NGO conservancies, land trusts and Indigenous land stewardship programs.

Synopsis

We all know this is a challenging time. Climate change acceleration, population growth and intensifying habitat fragmentation in the Trust Area, eroding trust in governance, and the pandemic have shown that all levels of government must do more with less, and must be more proactive, innovative, and nimble. Things are changing very quickly and the IT, as an institution, cannot hope to aspire to its Preserve and Protect mission without innovating to overcome budget and administrative constraints.

Most local island conservancies/land trusts are well-established as charitable and proven organizations in the Trust Area. They have demonstrated organizational strengths, flexibility to leverage funds many times over with a diversity of grant options, individual donations, volunteers, and an exceptionally high level of community trust and positive regard. These are organizational advantages that the Islands Trust would do very well to lean on and further collaborate with to “help them to help the IT in delivering its mandate.”

Over the years, support and collaboration has strengthened from IT and ITC staff to island conservancies and trusts. But the missing piece, and long a source of island community frustration is the IT/ITC not finding the organizational will to easily expand their scope and reach of program delivery through creative financial tools (as the regional district governments have done).

Budget Amendment Suggestions

1) To repurpose/reallocate approximately \$35,000 of current proposed budget dollars from within your overall budget or ITC budget to offer annual small grants-in-aid to island-wide conservancies, as IT has precedent already with its “History and Heritage Grants” program.

For years now, the Regional District of Nanaimo and other regional districts are leading the way in this model of community organizational partnerships for leveraging their program delivery with excellent outcomes relating to culture, recreation, environmental conservation and drinking water/watersheds. These are very transferrable “plug-and-play” templates for the IT to easily implement.

2) Specifically, this new “grants-in-aid for conservation education and outreach” could be sourced within the proposed 2022-23 budget details for the ITC that cites creating a part-time FTE for the position of Fundraising/Grantwriting staff person at \$55,000.

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Submission re: Budget Request for Input – Ken Gurr

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3) Instead, this could be re-allocated to \$35,000 for new the “NGO grants-in-aid for conservation education and outreach” and \$20,000 for freelance grant-writing services

to assist the ITC in its applications. (Full disclosure: I was a freelance grant-writer after a career in charities, but I am retired and do not seek or offer that service! Though many other talented grant-writers exist on these islands and would welcome the chance to lend their expertise to help the ITC apply for government eligible grants.)

4) To request staff to creatively explore other cost-efficiencies for increased reach of the IT and ITC mandate via greater direct collaboration and support of island conservation organizations. This could include: directives for LTCs to allocate a prescribed amount of time to support local conservation organizations with mapping and promotion of conservation programs; denote other in-kind services available; and, to explore the possibility of rotating partial-time secondments of ITC conservation specialists to work directly alongside NGO conservancies staff/volunteers to achieve mutually beneficial outcomes on-the-ground.

Justifying Points

- An IT Conservation Grants-in-Aid program will leverage Trust budget dollars many times over by way of the power of local conservation organizations to extend and match via NGO grants, individual donations and deep well-established networks of volunteers and interpersonal relations to achieve on-the-ground results. (I know these from my professional background as the strongest success factors in effective conservation outreach.)
- This initiative would be a clear demonstration to island communities and opinionleaders that the IT/ITC is getting more done by stretching existing tax-dollars with community partnerships. (The IT can't buy or print booklets to generate that kind of positive, reputation-saving publicity!)
- Annual small grants of \$1,000-\$5,000 would be awarded to qualifying local and Indigenous organizations with land stewardship conservation/education/outreach programs and the variety of tools and resources needed that encourage conserving habitat/biodiversity, e.g.) to help personally visit land-holders, to expand promotions, educational materials, and other resources promoting habitat conservation and private land stewardship, NAPTEP, field days, small incentives like free seedlings, native plants, contract outreach staff support, etc. This should not be too prescriptive. (Again, regional districts' grants-in-aid programs should be referenced.)

Backgrounder

I have direct professional experience and historical insight into the current budget allocation for the proposed ITC Fundraising staff position and stewardship education actions for the 2022-23 budget. I believe strongly this is the wrong approach and perhaps with no awareness of past errors in judgement. I think it remains an unhealthy organizational blindspot.

To explain:

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Over two decades ago, in 2000, I was hired as the Islands Trust Fund (ITF) Communications and Fundraising Specialist. The main assignment was to develop a Trust Area fundraising plan to seek donations and grants for the ITF (now ITC). An advisory board was setup to review this

plan; Trustee Louise Bell was chair.

I resigned from this position after 6-months for two reasons: one being the IT AO at the time was not amenable to me working remotely more often (commuting from Gabriola with preschool

aged children); the other, being I agonized (as both an islander and a professional with years of fundraising and conservation education experience) over the misguided plan of the ITF as a government-established agency essentially competing with conservation NGOs in the gulf islands for donations and grants! I cautioned it was not the right path, that “we” should be supporting these organizations at the grassroots where the community buy-in and leverage of funding is greatest. Ken Millard (the late co-founder of the Galiano Conservancy) also spoke of his concerns with this initiative. Thankfully, enough members of the ITF Advisory Board agreed and cancelled the plan. I was not popular with the Chair after this, and so left the ITF soon after and became the development director of the marine conservation charity, Georgia Strait Alliance.

When it comes to delivering on the mandate of the IT/ITC with stewardship education outreach and conservation programs, I also believe strongly that the level of community trust and positive interpersonal reputation is far higher in grassroots community organizations than with the IT/ITC as a government institution. (I am sure an unbiased survey of beliefs and attitudes of Trust Area residents would overwhelmingly bear out what is bluntly true to anyone who has lived on these islands for more than a few years.)

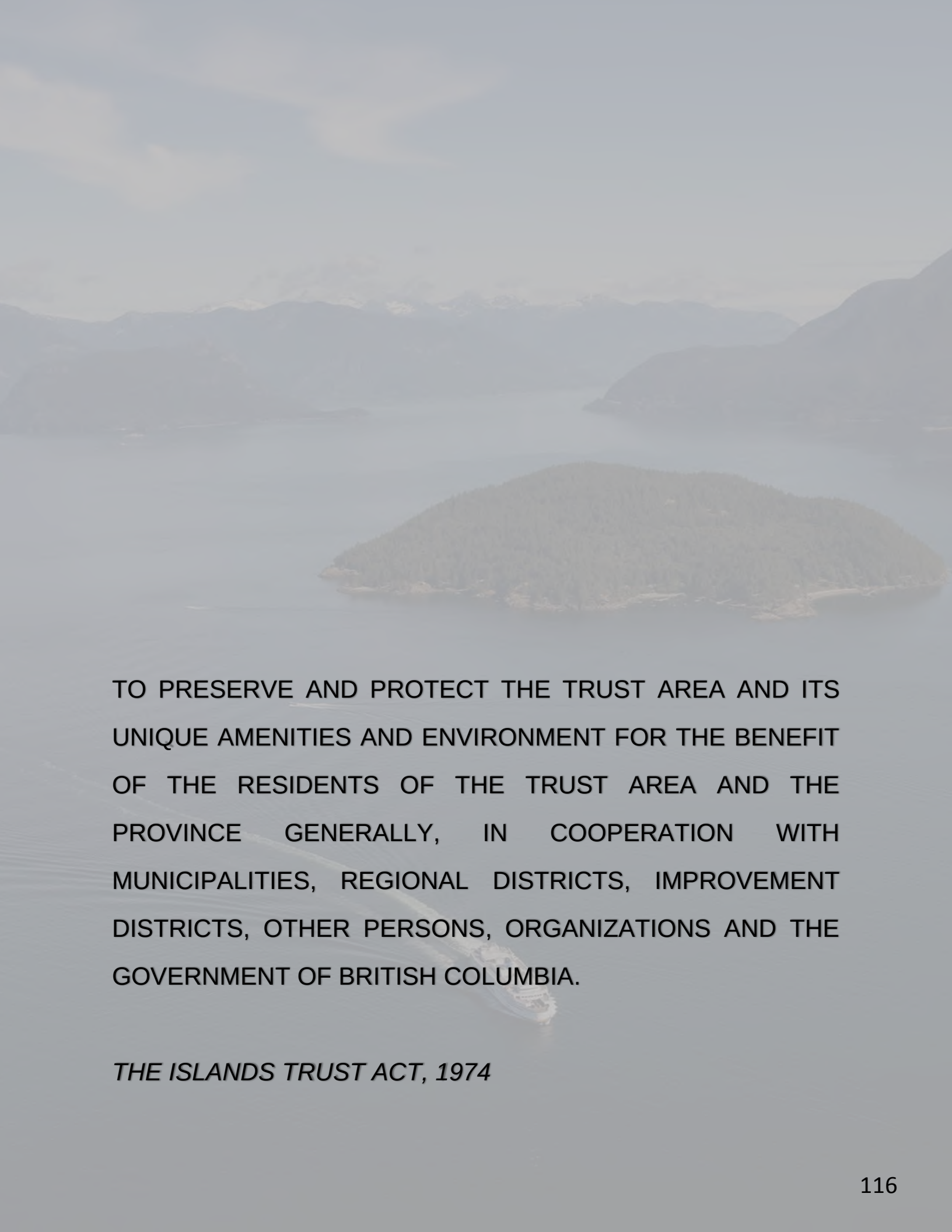
So, if the IT/ITC earnestly cares about most effectively achieving its mandate (and I know it does), it should focus not on building costly bureaucratic capacity, but on further intensifying and expanding delivering its objectives with increased collaborations and funding support of the community-based conservancies, land trusts and Indigenous organizations operating in the Trust Area. And that means less talk and more putting money on the table. It will pay dividends. And may even result in future IT Budget Survey results where respondents say “yes” to increasing taxes to support Trust Area programs!

My expertise and perspective in all of the above: lived on Gabriola since 2000; currently the part-time/semi-retired [Nature Stewards Program](#) Coordinator for Gabriola Land & Trails Trust (\$8,000 contract over 12 months); was on the co-founding board of the [Gabriola Commons](#); was co-founder and director of community education programs for the NGO the [Land Stewardship Centre](#) in Alberta (which recently celebrated 25 years); was provincial communications specialist for the largest multi-partner habitat conservation program on the continent: [North American Waterfowl Management Plan](#).

My profile on [LinkedIn](#) (and the underlined in paragraph above are also weblinks).

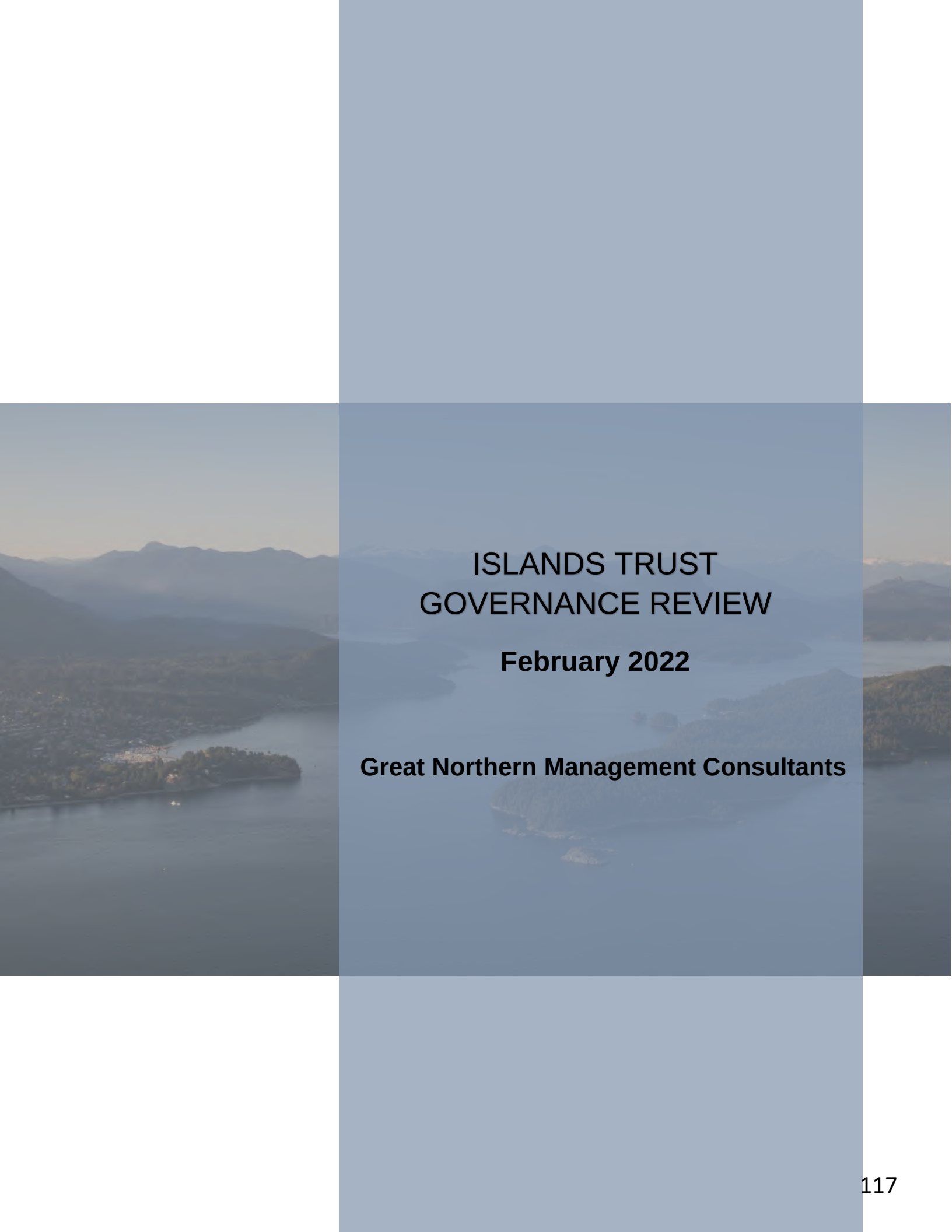
Yours sincerely, Ken P Gurr

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TO PRESERVE AND PROTECT THE TRUST AREA AND ITS
UNIQUE AMENITIES AND ENVIRONMENT FOR THE BENEFIT
OF THE RESIDENTS OF THE TRUST AREA AND THE
PROVINCE GENERALLY, IN COOPERATION WITH
MUNICIPALITIES, REGIONAL DISTRICTS, IMPROVEMENT
DISTRICTS, OTHER PERSONS, ORGANIZATIONS AND THE
GOVERNMENT OF BRITISH COLUMBIA.

THE ISLANDS TRUST ACT, 1974

The background of the slide is a composite image. The top half is a solid light blue rectangle. The bottom half is a photograph of a coastal landscape, showing a town on a peninsula, several islands in the water, and mountains in the distance under a hazy sky. The text is overlaid on the blue section.

ISLANDS TRUST GOVERNANCE REVIEW

February 2022

Great Northern Management Consultants

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Executive Summary

Trust is the glue that binds governing systems to the people they serve. Relevance and purpose keeps governance current and meaningful to residents.

A shared understanding among Trustees of the Islands Trust mission and mandate, together with robust arrangements and practices to support consensus-building and decision-making, is the bedrock for a well-functioning Trust Council.

Crucially, Trustees and senior staff are unequivocal in stating their commitment to the Trust and their belief in its potential to safeguard the area's unique physical environment and enhance the quality of life of its residents.

Put simply, good governance is the art of setting and navigating the course for the institution. Current Trust Council practices, however, do not meet the requirements set by good governance principles.

Connecting Good Governance Principles to Islands Trust Practices

Good Governance Principles	Islands Trust Practices
<i>Legitimacy and Voice</i>	
informed leadership selection process	leadership selection process is flawed, impairing informed choice and buy-in
citizens' voices are heard	ample opportunity for residents to be informed and make their views known
stakeholders and partners have representational standing	key partners, most notably First Nations and representatives of province-wide interests, are absent from decision-making
a consensus-building orientation for decision-making	Trust Council practices, proceedings and committee structure do not foster the development of consensus

Good Governance Principles	Islands Trust Practices
<i>Direction and Purpose</i>	
shared vision of strategic direction and the means for getting there	persistent divisions around the meaning of the Preserve and Protect Object, and the measures necessary to uphold it
<i>Performance and Stewardship</i>	
making the best use of resources	every reason to believe Islands Trust's financial records and practices meet the standards set for a public agency
	significant concerns regarding efficiency and cost-effectiveness, as well as timeliness
	inadequate demonstration that financial and human resources are allocated commensurate with Islands Trust priorities
	to the extent they exist, Trust Council has virtually no role and very little information as to performance targets and assessment of CAO
<i>Accountability</i>	
accessibility to information and proceedings; transparency	transparency and accessibility to both information and Council proceedings meets the standards set by the Government of British Columbia
meaningful performance metrics, widely available	real performance measures, as opposed to workload measurements, are largely absent. Consequently, performance targets are virtually non-existent
<i>Fairness</i>	
practices that ensure equal opportunity	practices appear to conform with provincial government policies and guidelines
impartial application and enforcement of rules and requirements	processes are obscure and overly bureaucratic

Trust Council's challenge is to set an agenda for reform that modernizes a governance structure. The structure has not changed significantly in over 30 years. The dramatic developments and ever-increasing challenges in the Islands Trust's environment demands this reform. A new approach that emphasizes consensus and collaborative decision-making will allow Trustees to better fulfill their responsibility to set direction, guide operations, and assess performance.

Better information and briefings are needed to ensure candidates standing for election as Trustees have a fuller understanding of the multi-faceted role Trustees play. Similarly, newly-elected Trustees need to be empowered through an on-boarding program that allows them to quickly acquire both the procedural and substantive knowledge necessary to act effectively in their role. It is a matter of the greatest importance that the Trust Council's leadership selection process be changed to allow for Trustees to be better-informed in their capacity as electors.

The number of committees of Trust Council should be increased, allowing for a sharper focus on those issues of greatest priority to Trustees. Committee membership should be more carefully considered, including the addition of outside members with experience and expertise that would otherwise be missing. All membership on committees should be subject to the approval of Trust Council as a whole.

Given the large size of Trust Council and its relatively infrequent meetings, committees must be the real workhorses of Council, acquiring a command of subject matter and taking ownership of recommendations to Trust Council.

The Secretary to Trust Council should report to Trust Council through the Chair. The Secretary's role should be uniquely focussed on supporting Trustees in the discharge of their duties, including providing advice on procedural, statutory, and regulatory questions, ensuring the proper flow of information between Trust Council and management, and facilitating all aspects of the meetings of Council and its committees. The Secretary fulfills this role in collaboration with the Chief Administrative Officer, but at the direction of the Chair.

Among the first items of business to be taken up by the next Trust Council should be to establish a governance committee in order to drive reform from within. This work must begin in order for Trust Council to build trust and regain relevance. Change is needed. Change must happen now. Trust Council's governance committee would work closely with the Secretary and the Chief Administrative Officer to ensure good governance practices are in place and upheld.

Membership on Trust Council should be increased to represent both First Nations and the interests of the province as a whole.

Strategic and financial planning of all Trust activities should be consolidated in a single, multi-year corporate plan, renewed annually. The plan should include performance measures and targets.

A component of the plan should be a communications and stakeholder engagement strategy, with a focus on strengthening relations with key players and partners, especially within the provincial government, and promoting ongoing dialogue with Trust Area residents.

The plan should also include steps to establish greater synergy between the Islands Trust and the Islands Trust Conservancy, sharing knowledge and expertise, and featuring the Conservancy as an integral part of the Islands Trust brand.

The land use planning function consumes nearly three-quarters of the Islands Trust annual budget, and its activities have direct impact on virtually every resident of the Trust Area. Yet, there is no comprehensive analysis of the Trust Area's capacity to sustain current population and activity, or its ability to accommodate more growth and development, especially in light of climate change and other considerations. The absence of an overarching vision for the Trust Area as a whole, setting out limits to growth, measures for protection of the environment, and sustainable strategies for development must be addressed.

Good governance can only be achieved if Trustees are able to dedicate a considerable amount of time to the business of the Trust. So that Trust Council is not the preserve only of those who do not need to earn a living, the significant time and effort required of Trustees must be reasonably compensated, which means an increase in current compensation levels.

Most of the initiatives described above address relatively high-level governance issues. It is important that these issues be dealt with first. Identifying measures to ensure alignment of management with Trust Council's new orientation should follow. To this end, Trust Council should launch a management and operational review with the object of ensuring this alignment, while enhancing reporting and accountability and fostering service delivery improvements.

Many of the most important changes needed can be made within the Islands Trust's current statutory and regulatory framework; Trustees have considerable latitude in determining how Trust Council is organized. What is needed is the political will for Council to choose reform and agree on a set of measures to improve its effectiveness and fulfill its mandate.

Approach

In March 2021, Great Northern Management Consultants received a mandate from the Islands Trust Council to undertake a review and make recommendations pertaining to governance and management policies and practices at the Islands Trust.

The mandate stipulated the Islands Trust Conservancy was outside the scope of the review. The mandate further stipulated that the *Islands Trust Act* itself was out of scope, but, in respect of governance matters, connections between challenges faced by the Islands Trust and the legislative framework under which it operates were matters for consideration. The mandate specifically identified planning and advocacy as areas for review.

The consulting team undertook a review of documentation, readily made available by Islands Trust staff, that informs the Trust's governance, and the policies which guide its practices and activities. Multiple meetings of Islands Trust Council and its committees were audited in real-time to gain an appreciation of the dynamics of the Council and of trustees' interactions. This research was complemented by ongoing background briefings and discussions with senior Islands Trust staff regarding the Trust's operations. A review was also undertaken of various statutory and regulatory authorities that pertain, including the *Islands Trust Act*, the *Local Government Act*, and the *Community Charter*.

(See Annex 2 – Biographical Notes of Consulting Team Members)

On matters of project scope and milestones, guidance was provided by a Select Committee of Council, which met with the consultants seven times over the course of the project.

In respect of advocacy, an initial review indicated that the current advocacy function at the Trust does not lend itself to cost/benefit analysis or objective measurement of effectiveness, as called for in the RFP. The mandate was modified accordingly.

(See Annex 3 - Note to Select Committee regarding Advocacy)

To explore Trustees' views of the governance and management challenges facing the Trust and their thinking as to how those challenges might be addressed, individual interviews lasting 90 minutes or longer with each of the 26 Islands Trust Trustees were conducted. Each interview involved two or more members of the consulting team. The interviews were confidential, in that comments made by Trustees are not for personal attribution.

These discussions all followed the same general outline, but, in the end, were personally shaped by the participating Trustee. They provided not only important information, but unique perspectives on how they viewed the challenges facing the Trust. Trustees were frank and constructive in their comments; all expressed a strong commitment to the

Islands Trust and a desire to identify ways to strengthen its effectiveness. Their personal strong commitment was evident.

(See Annex 4 - Discussion Guide for Trustee Interviews)

Interviews were also held with the Chief Administrative Officer and other senior staff from all the Trust's directorates to understand their roles and responsibilities and their perspective on the functioning of the Trust itself. Again, interviews were based on a discussion guide provided ahead of time, and are confidential. Senior staff were also invited to comment on any of the topics raised in the discussion guide for Trustees. Participants were forthcoming and constructive; their commitment to the Trust was evident.

(See Annex 5 - Discussion Guide for Senior Staff Interviews)

A number of other interviews were conducted with individuals that project team members felt could offer insight into specific topics or issues being examined. These interviews were not meant to serve as a form of public consultation, which was not part of the reviews' scope, but rather to provide the consulting team with additional information relevant to the lines of inquiry being pursued. Again, these discussions were confidential.

In all, upwards of 140 consulting hours were spent interviewing and discussing issues relevant to the review's mandate with individuals connected to the Islands Trust. This was an outsized effort which took place over several months and involved many scheduling complications; it was also a greater effort than could have been expected given the budget available, but was crucial to gaining a full appreciation of the issues and how they might be addressed. Taken together, the interviews proved invaluable in terms of understanding how Trustees view their role, and what they identify as strengths and weaknesses of both the Islands Trust governance framework and the arrangements that give it practical application and meaning.

British Columbia government officials with responsibilities related to the Islands Trust chose not to participate in the review; repeated invitations beginning in May to engage with the consulting team were finally declined six months later. The absence of input and insight from those in government with the closest interest in the Trust's activities is, on the face of it, perplexing, given the Trust's status as a Special Purpose Agency of the BC government, and the Trust's mandate, which includes the requirement to act in the interests of all British Columbia residents.

(See Annex 6 – Letter dated December 1, 2021 addressed to Peter Luckham and Lee Middleton, Islands Trust from Tara Faganello, Assistant Deputy Minister, Ministry of Municipal Affairs, Government of British Columbia.)

These Are Not Normal Times

The pandemic has changed everything we do. The Islands Trust is at a crossroads. At the best of times, a governance and management review signals the discussion of important issues in the life of any organization. Having these significant discussions only virtually has an impact on everyone's ability to conduct business in a normal way.

Not only has COVID had an impact on the conduct of this review but, more importantly, it has had an immeasurable impact on the conduct of business at the Islands Trust Council, its relationship with stakeholders, and its relationship with staff.

For the last two years, all relationships have been managed virtually without the vitally important connective tissue of personal and informal contact. Trustees have not had the ability to continue to get to know each other, to understand each other's values and priorities, to explore how to build consensus around important questions. Similarly, engagement with staff has been constrained. This situation has posed a huge challenge to an organization trying to set its future direction to 2050.

The Islands Trust at a Crossroads

The Trust Council and senior management have done a yeoman's job at managing the organization. By any measure, the Local Trust Committees (LTCs) have done a very good job at public engagement and representing their communities' interests. However, the consultants heard much about "restoring trust to the Trust". The issue of how Trust Council can be relevant given the pressing need to Preserve and Protect the 450 islands and surrounding waters of the Salish sea were raised by all. Trust Council has recognized this by launching an updating of its guiding document "the Policy Statement". The organization is struggling at finding a balance between protecting a unique and fragile ecosystem and the needs of a growing and different population than was in place in 1974, when the *Islands Trust Act* was enacted. In addition, a further dynamic tension, which has to be accommodated, is that between the federated governance model of the Trust Council and community interests at the local level.

The question that many are asking is: "is the Islands Trust a planning organization, or an institution charged with preserving and protecting a unique area with a broader mandate where planning is just one tool?"

Evolving Context

The *Islands Trust Act* was enacted in 1974. Since that time, several amendments have been made to keep pace with developments in the Trust Area, to reflect evolving thinking on governance arrangements. One significant change occurred in 1978, when, in addition to reaffirming the "Preserve and Protect" mandate, the province transferred responsibility over land use planning and regulation within the Trust Area from regional districts to LTCs. The LTCs were not given authority to levy taxes, make budgets, decide how to spend resources, hire staff or acquire property. The Minister's appointment authority made way to the electoral process for the selection of Trustees. However, the Minister assumed responsibility for approving all community plans.

At the same time, amendments reinforced the concept that the Islands Trust Area constituted one single unit. It demonstrated this by requiring all taxpayers to pay the same tax rate regardless of where they lived in the Trust Area.

In the late 1990s, the Province undertook a further broad review of the Islands Trust. The review again reaffirmed the “Preserve and Protect” mandate and introduced legislative changes to implement the review. The most significant change was the establishment of the Trust Council as the governing and legislative body. The Council also assumed responsibility for developing and amending the Islands Trust Policy Statement. This Policy Statement, introduced in the 1990 legislation, was intended to proactively guide decisions and activities of the Council, the land-use planning efforts of LTCs, and the decisions of various governmental and no-governmental actors in the Trust Area.

Furthermore, the 1990 amendments created the following responsibilities for the Trust Council: approve the annual budget and oversee financial management of the Trust Council, hiring corporate officers, serving as the appeal body for LTC bylaws and reporting annually to the Minister. The Executive Committee of Council was also created and placed in charge of day-to-day operations of the Trust Council. Executive Committee members were to be elected from among the Trustees.

The 1990 amendments strengthened the superintendence role of the Minister vis-à-vis the Trust Council by giving the Minister the following powers:

- approving the Policy Statement by-law;
- approving the Annual Budget;
- levying the property tax in the non-municipal part of the Trust Area;
- approving any borrowing by the Trust;
- receiving the Annual Report;
- approving all Official Community Plans (OCPs) proposed by LTCs; and,
- serving as an appeal body for island municipalities whose OCPs were rejected by Trust Council.

In 2007, a governance review was undertaken by Neilson-Welch Consulting, focusing on the number and size of Local Trust Areas (LTAs), the question of proportional representation at Trust Council, and matters related to coordination between the Salt Spring Island LTC and the Capital Regional District. No significant governance changes resulted from the review.

A major review of local planning services, known as the Stantec report, was also undertaken in 2007. The report recommended implementing efficiencies and corresponding staff reductions in the land use planning function; these recommendations were not implemented.

In 2016, the governance focus had moved to the question of Salt Spring Island's possible incorporation as an island municipality, similar to Bowen Island. An assessment of the potential impact of such a change of status was undertaken by Urban Systems. This assessment was followed in the same year by an internal document, setting out a transition plan in the event of Salt Spring Island becoming a municipality. Residents voted for Salt Spring Island to remain an LTC, thereby making the studies redundant.

It is clear, however, that great effort and energy went into planning for this eventuality by both the province and the Islands Trust. When the initiative failed to materialize, "the air seemed to go out of the balloon". Rather than launching new efforts to examine the path forward now that the issue is settled, greater effort seems to have gone into protecting the status quo and focusing on day-to-day administration. Dissatisfaction ultimately resulted in Trustees making the decision to launch this review.

In 2021, further amendments to the legislation were passed by the BC Legislature:

- inclusion of a specific reference to First Nations as a party with whom Trust Council cooperates in its Object to Preserve and Protect¹;
- enabling the Islands Trust to give financial support to community groups for activities that provide education about its Object; and,
- streamlining the Islands Trust development approvals processes by enabling local trust committees (instead of Trust Council) to adopt and amend Development Approval Information bylaws.

The initiatives identified above, some of which resulted in real change while others did not, illustrate the dynamic nature of Islands Trust governance. However, notwithstanding the minor amendments to the *Act* currently before the provincial legislature, and aside from the 2016 preoccupation with the status of Salt Spring Island, there has been little substantive consideration of governance changes. Given so many significant changes in the Trust Area's reality, a review of governance is well overdue.

A governance review is, of course, never an end in itself. In the case of the Islands Trust, where so much has happened to affect and change the context in which the Trust Council operates, there is a pressing need to modernize the Trust's governance framework. The goal is to ensure the Trust is as well-equipped as possible to meet the new challenges it faces.

Islands Trust Act

The Island Trust is a unique body. On the one hand it has certain characteristics of a local government, but differs significantly from local governments in that:

¹ The addition of "First Nations" in Section 3 of the *Islands Trust Act* is a bare minimum, given the scope of the *Declaration on the Rights of Indigenous Peoples Act*, which affirms the application of the Declaration to the laws of British Columbia, contributes to the implementation of the Declaration, and supports the affirmation of, and develops relationships with, Indigenous governing bodies. As well, the government must take all measures necessary to ensure the laws of British Columbia are consistent with the Declaration. First Nations are notably absent from the governance of the Islands Trust.

- it has no authority of its own to impose property taxes;
- is primarily concerned with protecting the amenities and environment of the Trust Area as opposed to providing services to people;
- is governed chiefly by its own legislation, and secondarily by cross-reference to other provincial statutes, notably the *Local Government Act*, the *Community Charter*, and the *Environmental Management Act*; and,
- is very much a creature of the Province, guided by strong provincial interest, and subjected to a greater level of provincial involvement and oversight than municipalities and regional districts.

As noted earlier, the *Islands Trust Act* establishes the Trust and the Trust Fund and defines the Object and organization of the Trust.

The Object of the Trust is to Preserve and Protect the Trust Area and its unique amenities and environment for the benefit of the residents of the Trust Area and of British Columbia generally, in cooperation with municipalities, regional districts, improvement districts, First Nations, other persons and organizations and the government of British Columbia. The Trust Area is defined as the waters and islands of the Salish Sea between Vancouver Island and the British Columbia mainland.

For the purpose of carrying out the Object of the Trust, the organization consists of the Trust Council, Executive Committee, Local Trust Committees and Islands Trust Conservancy.

The Trust Council establishes the general policies for carrying out the Object, and is responsible for the financial management of the Trust, other than financial management of the Trust Fund. The Executive Committee carries out the daily business of the Trust, reviews the activities of the Local Trust Committees, and acts as a local trust committee for that part of the Trust Area that is not in a local trust area or municipality.

The Local Trust Committees regulate the development and use of land in their Local Trust Area by exercising powers conferred by the *Act*, including powers that would otherwise belong to the regional district for each area.

The Islands Trust Conservancy administers the Trust Fund and manages the real and personal property assets of the Trust Fund.

The *Islands Trust Act* requires the Trust Council to adopt a Policy Statement setting out the policies to Preserve and Protect the Trust Area. The purpose of the Policy Statement is to establish a vision for the future of the Trust Area that reflects the values of residents and of the province generally.

Officers and Employees

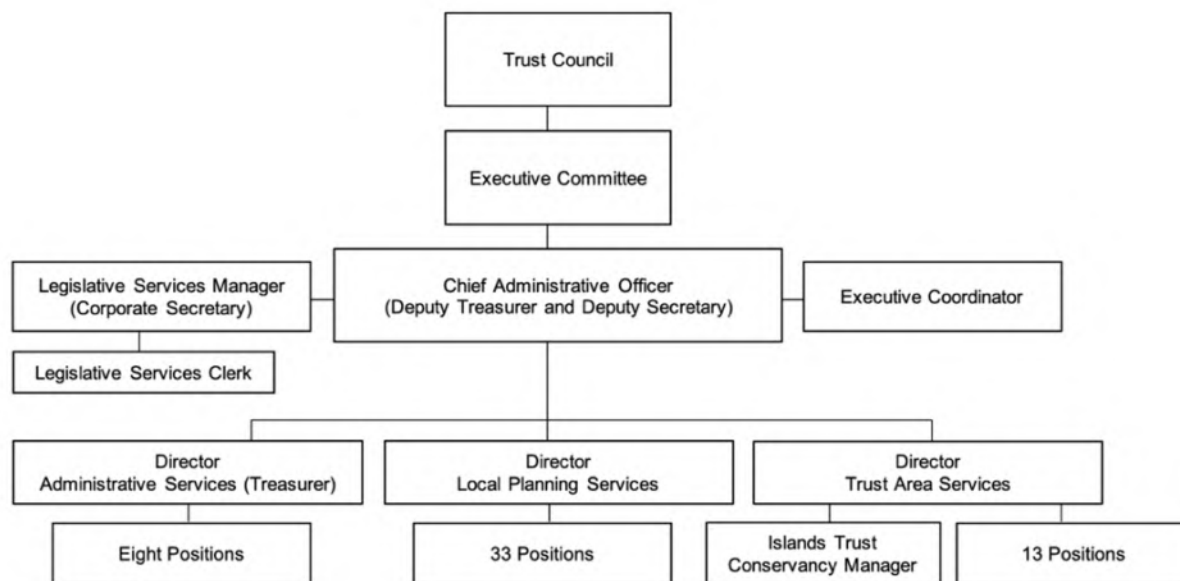
The appointment of the Trust Council's officers and employees is subject to the Public Service Act and for the purpose of the Public Service Act and the Public Service Labour Relations Act, employees of the Trust Council are deemed to be employees and the Trust Council is deemed to be an employer in respect of those employees. The Public Service Pension Plan continued under the Public Sector Pension Plans Act applies to the Trust Council and the employees of the Trust Council. While employees enjoy the same rights as public service employees under these Acts, it does not make them public service employees. The Islands Trust remains a separate employer and a separate bargaining unit under the *Public Service Labour Relations Act*. As a corporation, the Trust enjoys certain flexibilities that a government ministry does not have as it is not subject to all the Treasury Board rules applicable to ministries of the government. It can have its own rules regarding employee classification and remuneration, procurement, spending, accounting, reporting, audit, etc. It should be noted that Trust Council officers are not deemed employees under the deeming provision.

Local Government Act and Community Charter

The *Islands Trust Act* refers to the *Local Government Act* and to the *Community Charter* for certain purposes including election, qualification for office and conflict of interest.

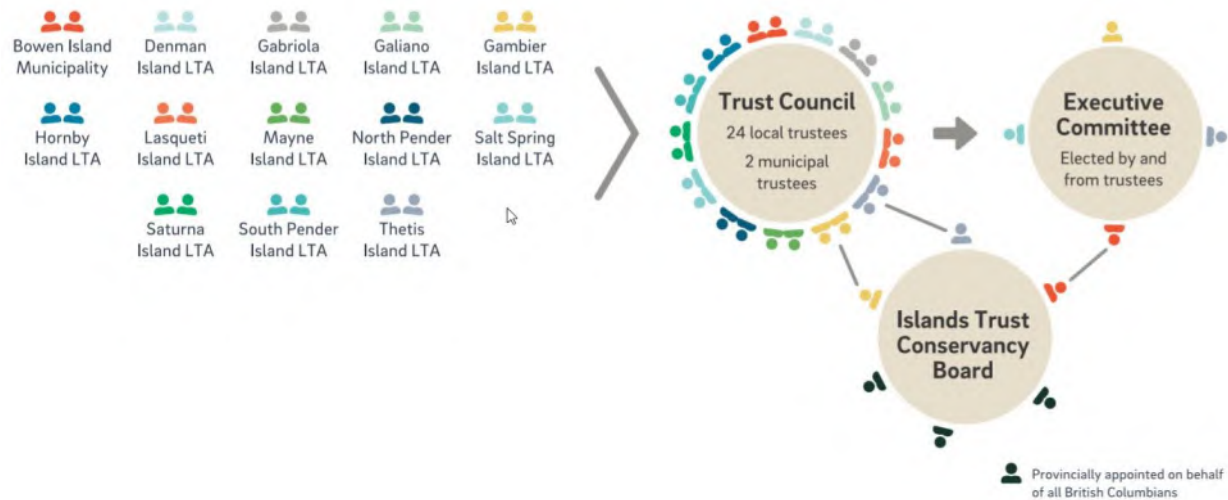
Part 3 of the *Local Government Act* applies to the Trust in relation to the election of Trustees, procedure bylaws and other matters as specified in the *Islands Trust Act*. Provisions of the *Community Charter* also apply to the Island Trust, again as specified in the *Islands Trust Act*, including provisions related to corporate procedure.

Islands Trust Staff Organization Chart²



² Derived from the Islands Trust Staff Organization Chart, as it appears on the Islands Trust website, dated November 2021.

Federated Structure

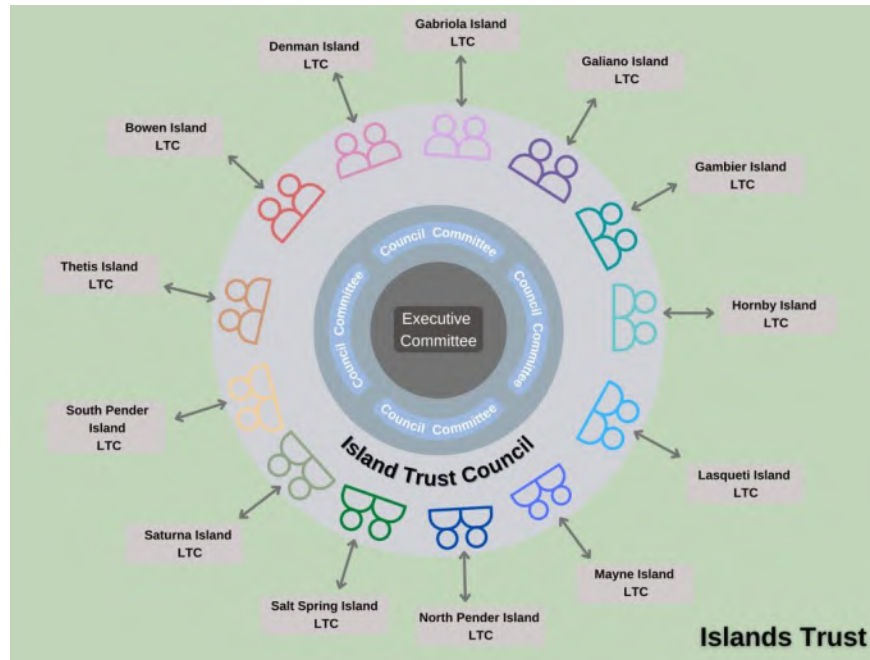


This organigram appears on the Islands Trust website and it is sometimes used in publications. It highlights the differences and the discrete responsibilities of some of the elements of the Islands Trust. It does not however show the holistic intent captured in the governing legislation of the Islands Trust. It encourages unhealthy tension and behaviours that are not designed for consensus building.

The fundamental and most important characteristic of the Islands Trust model is its unique federal structure. The locally-elected Trustees have two sets of fiduciary responsibilities. First, to act on behalf of the entirety of the Islands Trust Area “to preserve and protect the trust area and its unique amenities and environment for the benefit of residents of the trust area and of the province generally”. Second, in a manner consistent with the Policy Statement, act in the best interest of their Local Trust Area.

When it comes to planning and regulating land use, the Islands Trust Conservancy is an excellent example of the first responsibility, as is the development and the upholding of the Policy Statement. Examples of the second set of responsibilities are the OCPs and the related local land use by-laws.

The mandate of the Trust is not appropriately discharged by Trustees unless **both** elements are working in dynamic concert.



The Executive Committee derives its authorities from the whole of Trust Council by whom its members are elected. It has a duty to understand that its role must encompass both elements. Members sit as locally elected representatives of their Local Trust Councils and as members of the Islands Trust Council. Local input is key to their pivotal role at understanding local circumstances while forging solutions that will serve the entirety of the Trust Council's unique area. The role of the Trust Council is to be a deliberative body while the role of the LTCs is to be administrative.

Twelve Local Trust Committees (LTCs) have duties and powers to plan and regulate land use within their LTA. These duties and powers are shared with, and complemented by, the Trust Council. The Islands Trust Executive Committee acts as a LTC for a 13th LTA, Ballenas-Winchelsea. Bowen Island, which might be thought of as a 14th LTA, is an anomaly, in that the two individuals elected as Trustees are, in addition to being members of the Trust Council, members of the Bowen Island Municipal Council which, in effect, assumes the duties and powers of an LTC.

The concurrent and separate duties and powers of the Trust Council and the Local Trust Committees are one manifestation of the Islands Trust's federal nature. The membership of the Council and the LTCs reinforces the federal character of the Trust. Each LTA elects two individuals who serve both as members of the LTC for the Area that elected them and as trustees on the Trust Council. In turn, the LTC is chaired by a third individual, a Trust Council member from another Local Trust Area who is also a member of the Trust Council's Executive Committee.

The duality of LTC and Trust Council membership can raise issues, especially at the level of the Trust Council, as to how trustees reconcile their local role with their federal role.

Another important characteristic of the Islands Trust governance model is the separate status of the Islands Trust Conservancy, which has its own governing body made up of three Trustees and three appointees of the Minister of Municipal Affairs. While administrative and financial management functions of the Conservancy are shared with the Islands Trust, the Conservancy has a five-year plan, the development and approval of which follows a separate track from the one used by the Islands Trust itself. At the same time, the Conservancy's annual report is submitted to Trust Council.

One unique area, with one unique institution working as a whole to achieve the Object.

Good Governance

Put simply, good governance is the art of setting the course and navigating the course for the institution.

Five Principles

For the purpose of this review, the principles of good governance as described below constitute the standard of measurement when determining the degree to which the Islands Trusts' governance practices are considered effective.

1. Legitimacy and Voice

Participation – all citizens of the Trust Area and beyond, should have a voice in decision-making, through legitimate processes. Broad participation is built on freedom of association, as well as capacities to participate constructively. Good governance has a consensus orientation, mediating differing interests to reach a broad consensus on what is in the best interest of the whole and following up with policies and procedures that give it life. The organizational structure needs to support this orientation.

2. Direction and Purpose

A shared vision on strategic direction, along with a sense of what is needed to achieve long-term goals. There is also a need for an understanding of the historical, cultural, and social complexities in which the strategic direction is grounded. Therefore, a shared vision of a common future, well communicated throughout the organization and to stakeholders, is essential.

3. Performance and Stewardship

Responsiveness to the needs of stakeholders is necessary for social license. Performance is grounded in effectiveness and efficiency – which means making the best use of resources to produce concrete results against agreed-upon direction and purpose.

4. Accountability

Islands Trust decision-makers are accountable to each other and the public as well as to the government. Transparency, built on the free flow of information, is an essential attribute. Processes, structures, and information should be directly

accessible and digestible. Public engagement should be ongoing and effective. Performance measures that are publicly reported across key areas, tied to direction and purpose, are essential for communicating why decisions were made and how they were made.

5. Fairness

Fairness requires the Trust Council and the organization to follow sound governance requirements while setting an example in the policies and processes it develops.

Rule of Law is about having the same rules for everyone and applying them impartially.

Close attention must be paid to each of these principles in order to have a constructive discussion on how to restore “trust in the Trust”.

Applying Good Governance Principles to the Trust

Trust Council

The Council is collectively charged with overseeing and supporting the entire organization and all its constituent parts to achieve its mandate. The Council is accountable to the citizens of the Trust Area. In order to invest Trustees with ownership of structure and issues, the entire Council should feel responsible for the election and appointment of Executive Committee members, committee chairs, officers and employees or agents of the Trust.

Characteristics of a High Performing Council

In order to understand what the Trust Council needs to aspire towards, it is worthwhile to draw out characteristics of a high performing Council with the principles of good governance.

- Develop and maintain a long-term vision and a clear sense of direction (*Direction*)
- Ensure high ethical standards (*Performance, Legitimacy, Accountability and Fairness*)
- Ensure effective performance. Through the availability of sound information which focuses on outcomes and results rather than activities (*Performance*)
- Ensure financial and organizational health by focusing on long-term sustainability and macro-level concerns with the quality of management (*Performance, Direction*)
- Ensure sound relationships with citizens and key stakeholders (*Legitimacy, Performance, Accountability*)
- Manage risk effectively by identifying, assessing and monitoring critical developments that would have an impact on outcomes (*Performance*)

- Understand that you are accountable through publicly available information on financial matters, results and outcomes, public engagements, etc. (*Accountability*)
- Set objectives and review performance of the CAO (*Performance*)
- Ensure the soundness and resilience of the governance system by regularly monitoring Trust Council and individual Trustees performance, by providing appropriate training of Trustees, by monitoring contemporary best practices and continuing to evolve policies and practices in a modern context (*Legitimacy, Accountability, Performance, Fairness*).

In summary, the role of Trust Council is to provide leadership in policy and strategy while being the stewards of compliance and oversight while ensuring that the work gets done in a manner aligned with purpose and direction.

Managing Trust Council Performance

Collectively, Trust Council as a whole needs to be ever vigilant of the following:

- no clear sense of direction and purpose;
- Trustees who don't understand their collective and individual responsibilities;
- lacking an understanding of the roles and responsibilities in a federated governance model;
- conflict of interest;
- rubberstamping of important decisions;
- disregard of policies on a regular basis;
- Board micromanagement;
- interpersonal rivalries, distrust and factionalism;
- loyal to only their own constituency;
- Trustee disengagement; boring meetings that don't engage Trustees;
- lacking the appropriate support and training of Trustees;
- lacking regular Council assessment, including self-assessment; and,
- overloading Trustees with briefing material and information for decision-making that is not well-organized or relevant.

Leadership

First, there is a leadership deficit. In this case, "leadership" does not refer to individuals currently in leadership positions, but to the institutional and procedural arrangements whereby leadership is established and discharges its role.

The Chair of the Trust Council is the most visible manifestation of leadership for the Islands Trust, and, as the presiding officer, the Chair's role at Council meetings is of great importance, setting the tone for discussion and decision-making. Leadership is actually held more broadly by the Executive Committee, made up of the Chair and three other Trustees. Between Council's quarterly meetings, the Executive Committee takes decisions on a wide variety of matters on behalf of the Council. It also reviews most items for consideration at Council meetings, and sets the agenda for those meetings. Executive Committee members sit ex-officio on all other committees of Council, and serve as Chair of all LTCs (in the areas of the Islands Trust where there are no LTCs, the Executive Committee acts as such).

The Executive Committee reviews all bylaws passed by LTCs to determine conformity with the Policy Statement, and is the appeal body for LTC rulings in respect of bylaw permits and variances. The committee undertakes the performance review of the Council's sole staff appointment, the Chief Administrative Officer, and, to the extent the CAO has a meaningful reporting relationship, it is with the Executive Committee.

Clearly, the Executive Committee, with the Chair at its centre, constitutes the nexus of political leadership at Islands Trust.

As prescribed by the Act, the Chair is chosen by trustees from among their membership, rather than by residents of the Trust Area. This method, unlike what is the case at other local government bodies, has the significant drawback of denying the incumbent a Trust Area-wide popular mandate. Instead, the Chair, like all trustees, is elected from a single Local Trust Area by an electorate ranging in size from a few hundred to several thousand. The individual is elected as the representative of a specific area, and it follows that the path to election is focussed on the specific interests of that local area's electorate.

Still, even if the Chair is only directly elected by a relatively few Trust Area residents, the incumbent and other members of the Executive Council are chosen by 26 Trustees, all popularly elected, albeit from 13 different areas. But this method, which might be seen as an indirect way to confer a popular mandate on those elected to leadership positions (i.e., not elected directly by voters, but by individuals who have been elected by voters), is seriously flawed.

Somewhere around half of the newly-elected trustees have no previous experience on Council, and an even greater number have little or no real acquaintance with their fellow trustees. Exposure to Trust-wide policies and issues is similarly limited. Yet, within little more than a day of their first meeting, trustees elect the Trust Council Chair and the other members of the Executive Committee. Almost all trustees cited this process as unsatisfactory and an impediment to effective leadership.

Other than ensuring continuity of governance, there are virtually no constraints, other than those set by the Trust Council itself, as to when or for what length of time individual Trustees are elected to leadership positions.

Somewhere along the way, the connective tissue between Executive Committee and other Trustees has been eroded. It must be restored if leadership is to be followed. New ways must be explored to allow Trustees to get to know each other, understand each other's values and points of view, and to have informal discussions on the pressing issues for the Trust Area and plans for working collaboratively to achieve desired outcomes. These discussions must precede the election of Executive Committee members and chairs of other committees.

Trust Council Committees Need to be Part of a Consensus-building Leadership

Chairs of the other standing committees of Council - Financial Planning, Regional Planning, and Trust Programs - are also quickly selected. Trustee membership on committees is optional and elective; trustees are not required to serve on committees, there is no limit to committee membership size, nor are there any criteria regarding qualification for membership on committees (e.g., regional balance). In most cases, Trustees simply "sign up" for one or more committees based on their interest, with the option of resigning from a committee or joining another committee at any time.

Most trustees believe there is merit in considering changes to the Council's committee structure, using criteria other than mirroring the organizational structure of the Trust's administration. A greater number of committees, each with a sharper focus on particular priorities or areas of interest, would allow Trust Council to better deliberate on, and set policy for, matters of real importance.

An important addition to Trust Council's committees would be a governance committee that works to ensure that governance practices are up to date and meet applicable standards. Because sound governance structures and systems protect the interests of all residents and stakeholders, a committee of Council with a clear governance oversight mandate is essential.

The review of committee membership will be as important as the review of committee mandates; the Financial Planning Committee being a case in point. Currently, membership includes, ex officio, the four Executive Committee members and two other members appointed by the Executive Committee, with the result that the Executive Committee, rather than Trust Council as a whole, has the preponderant influence on, and effective control of, the Financial Planning Committee.

Committees of Council could play an important leadership role in the governance of the Islands Trust, particularly on potentially divisive issues where there is need for careful consideration of policy and political implications. Inevitably, the democratic selection of Trustees means that certain areas of expertise and competency will be missing from Trust Council. Currently, Trust Council does not extend membership on committees to individuals not on Trust Council, but who possess subject matter expertise that could enhance the credibility and authority of reports and recommendations made to Trust Council.

There is a sense among many Trustees that committees could also play a stronger role in the search for accommodation on difficult questions. Too often, committees are seen as simply forwarding proposals onward to Trust Council without necessarily championing the proposal or recommending amendments to broaden its appeal. The potential for committees to be the workshops of Trust Council where compromises are hammered out based on both a mastery of the subject matter and “political” sense of what is needed to meet the most significant concerns of stakeholders and, ultimately, Trustees.

Absence of Effective Efforts to Overcome Division Through Dialogue, Compromise and Accommodation

When interviewed, some Trustees used the word “dysfunction” to describe the state of governance at Islands Trust. An important qualification is necessary. The Islands Trust discharges a wide range of responsibilities and carries out an array of duties in a professional, competent manner, and with probity.

That said, the term dysfunctional may indeed be applicable in reference to aspects of its governance model and practices. Differences of opinion and vigorous debate concerning an organization’s scope of activities and balance of power, especially in a federated entity, are not unusual. But when failure to resolve such questions endures and compromises the organization’s ability to operate effectively, dysfunctionality becomes a real danger.

This danger centres around not only the absence of a shared understanding of the Trust’s Object, but also the absence of mechanisms and opportunities for the participants in the governing body – the Trustees – to collectively pursue the compromise and accommodation always required to achieve consensus.

A review of the decision-making machinery that serves the institution is a common best practice of governance. The structure and mandates of committees should be clear to all, especially new candidates for election to Trust Council. In this regard, the absence of a governance committee of Trust Council is of particular note.

Trust Council Division on Preserve and Protect Object

Good governance requires a widely-held, common understanding of the institution’s mission, with structures and practices in place to allow those who hold power to exercise it for the purpose of fulfilling that mission.

Despite the Trust’s “Preserve and Protect” Object being essentially unchanged since set out in legislation nearly 50 years ago, there is a remarkable lack of consensus among Trustees as to what that Object means and entails. While every Trustee claims a good understanding of the Preserve and Protect Object, all go on to assert there is a significant lack of agreement among Trustees as to what the Object means, in terms of the nature and range of endeavours that should preoccupy Trust Council. This constitutes a fundamental – not to say existential – challenge.

It is not unusual for there to be differences of opinion regarding strategies and priorities among those entrusted with the governance of a public agency. Such differences are inevitable, indeed healthy, so long as they can be resolved through a framework that fosters consensus and through processes considered fair and inclusive. But the differences that exist at Trust Council pertaining to fundamental questions about policy direction and the role of Council have proven near-intractable. Trustees speak of a “dysfunctional” situation that is getting worse; most describe a regularly divided Council and a disturbing decline in collegiality and civility. Some of this is undoubtedly the result of a virtual environment and all its constraints, but the damage is real and palpable.

Issues that divide Council are myriad, touching on strategic direction, policy initiatives, cost and value for money, efficiency of operations, taxation levels, advocacy, accountability, and performance measures, to cite the topics raised most often by interviewees. Weaknesses in the underlying institutional framework makes it especially difficult to find the common ground necessary to resolve such important issues.

The first challenge that confronts the Trust is to agree on how to interpret the Preserve and Protect Object. This absence of consensus is described in a variety of ways; one that seems to have resonated with many is to ask if the Trust is an environmental steward with land use regulatory powers, or a land use regulator with a particular concern for environmental stewardship. Not to be dismissed as semantics, the question reflects a long-time inability to reach agreement on most of the important questions facing Council.

Local Governance

The divergence among Trustees regarding what the Object means in terms of the Council’s mandate is in contrast with the general agreement that exists as to the role and functioning of Local Trust Committees.

The LTCs mandate, with its focus on Official Community Plans, land use bylaws, and the application of those bylaws in conformity with the Islands Trust Council Policy Statement bylaw, is reasonably straightforward, commonly understood, and generally accepted. This is not to say questions do not arise in respect of how any given LTC discharges its duties in terms of efficiency or consistency with the Policy Statement bylaw, but rather that there is clarity and a wide acceptance as to the role of LTCs and mechanisms available to resolve outstanding issues when necessary. Whenever possible, it works best when local issues are dealt with at the local level; people are more engaged and more likely to find an accommodation that maintains social harmony.

For Trustees to maintain the necessary level of engagement at the local level more communication support from Islands Trust staff would be helpful.

It is telling that many Trustees said they derived great job satisfaction from their Local Trust Committee role, while expressing a sense of frustration and, in some cases, a sense of futility regarding their role on Trust Council. In many cases, this frustration leads to disengagement and contributes to the high turnover rate among Trustees. Building a sense of purpose into the work of Trustees must be a priority.

Trust Council Policy Statement Bylaw

LTCs are the principal entity by which responsibility for land use policy and regulations is discharged, through the aforementioned official community plans and land use bylaws. These plans and bylaws must take account of requirements and considerations set out in the Trust Council's Policy Statement.

Land use powers exist so that the Trust may “preserve and protect the Trust Area and its unique amenities and environment”. The factors to be taken into account when determining appropriate land use policy, the extent and means by which growth should be limited, and the extent and means by which the physical environment should be otherwise managed, are all part of an increasingly fraught debate as complex environmental concerns grow, property prices sharply rise, and shortages of water, labour, housing, and, in some areas, land itself becomes acute. As the population grows, evolves, and ages, service needs change and increase, adding to citizen pressure on the Trust. This is all background for the proposed amendments to the Trust Council's Policy Statement bylaw, currently under consideration.

The very contentious nature of debate at both Trust Council and among Trust Area residents on the proposed amendments is a strong indication of the divisions which exist regarding how the Islands Trust Object should be interpreted.

Taking Account of the Interests of All Residents of British Columbia

Not only must the different viewpoints, strongly held by Trust Area residents, be reconciled by Trust Council, the interests of all residents of British Columbia must also be taken into account. What those interests are is not readily apparent. There is no meaningful mechanism in place to either identify or to integrate province-wide interests in the plans and priorities of the Trust. There is no representation on Trust Council with either the mandate or the wherewithal to represent BC-wide interests.

The absence of any instructions to the Trust by the BC government on this subject, coupled with government officials' decision not to participate in this review, may suggest the Ministry of Municipal Affairs has no appetite to take on questions regarding the Islands Trust mandate and its future. The Islands Trust seems to be missing a champion within the provincial government. This contributes to a sense of provincial neglect that some Trustees have expressed. Closer collaboration with Municipal Affairs and all the provincial government agencies which have responsibility for matters of direct concern to the Trust Area would help ensure Trust Council's perspective and point of view were fully taken into account.

Challenges in a Federated Structure

A tension arises from questions concerning the respective roles of LTCs and the Trust Council. Just as the search for consensus on a Trust Area-wide vision has proven elusive, so too has agreement on what the role of Trust Council should be vis-a-vis LTCs. An expansive role, championed by some, is resisted by others who see Local Trust Areas as having unique characteristics and challenges best understood and managed at the local level.

As noted, the LTCs land use policy-setting and regulatory power is shared with Trust Council, in that LTC bylaws must not be contrary to or at variance from the Policy Statement approved by Trust Council. Determination as to whether new local bylaws conform with the Policy Statement lies with Trust Council's Executive Committee. How narrow or expansive interpretation of the Preserve and Protect Object should be, and how prescriptive Trust Council should be in its directives to LTCs as to the measures and practices allowed or proscribed to conform with those directives, are questions that come to the fore in the Policy Statement. The proposed amendments to the Policy Statement bylaw are controversial, in large part because there is no consensus on the scope of the Preserve and Protect Object, or on the balance of power between Trust Council and LTCs in respect of how the Preserve and Protect Object is reflected in land use policy and regulation.

Council Secretariat Needs Improvement

Trustee briefing books for Council meetings, running to hundreds of pages, are largely unread by many trustees, being difficult to absorb and requiring more time than is available. Council agendas typically make insufficient time for deliberation of important matters, often significantly less time than is reserved for non-controversial items and routine reports.

Management of Trust Council's meetings seems more focussed on punctilious attention to detail, and ensuring adherence to what appear to be over-elaborate procedures, while leaving little opportunity for a meaningful exchange of views and ideas so necessary for consensus-building and collegial decision-making. Meetings are more transactional than deliberative. The priority can seem to be about working through a list of agenda items as efficiently as possible, rather than creating the best possible space and place for real dialogue and working toward broad agreement.

A test of materiality seems missing in the preparation of briefing material, setting agendas, and in the conduct of meetings. Shortcomings in how the Council organizes itself contribute to a difficulty in both decision-making and in the ability to coalesce around a collective will. Delivering concise, pertinent briefing material, developing agendas that help ensure Trustees' time together is used optimally, organizing and using committees to increase Council effectiveness, would all contribute significantly to achieving consensus.

Good Governance Requires Strategic Planning

Islands Trust lacks a unified, comprehensive corporate planning process that begins with goals, proceeds to initiatives to achieve the goals, and then converts the initiatives into financials. The current approach to planning is largely tactical, lacking a strategic dimension that connects initiatives and strategies with overarching goals and objectives.

The strategy-setting that results from the articulation of goals and the development of initiatives to achieve them constitutes the descriptive front end of a corporate plan.

The budget is the essential second half of the plan, setting out the financial wherewithal for implementation, along with milestones and performance indicators that measure success and ensure accountability.

This process, which should be undertaken annually, generally uses a five-year planning horizon. It is the universally-accepted method of engaging all decision-makers and key staff in the development of an enterprise-wide plan that addresses contentious and competing proposals in a holistic manner, keeping agreed-upon priorities to the fore, promoting trade-offs, and insisting on taking account of downstream impacts.

The result is a coherent, comprehensive plan that begins with a shared vision and ends with budgetary allocations to fund initiatives supporting that vision, tested for value in terms of cost-effectiveness and against the relative merits of competing proposals.

The annual budget-setting process currently in place at Trust Council exists alongside other, separate processes to identify, and in some cases fund, a variety of projects championed by various sponsors and sometimes based on different approval criteria. One such process, referred to inappropriately as the Strategic Plan, occurs every four years at the beginning of a new Council's term. Trustees propose or support projects they wish to see undertaken during that Council's term, from which a list of projects is developed, their implementation depending on a variety of factors not always consistently applied, or even understood at the time of project approval.

Another selection process has each LTC identifying priority projects for consideration by the Trust's land use planning directorate, to be taken up as resources become available, depending again on other factors, some of which may not be immediately clear. Other projects are considered on an ad hoc basis, some in tandem with consideration of the budget, and others on their own at various times over the course of the year.

As noted, identification, assessment, and determination of the order in which these projects are to be taken up, is influenced by a differing array of considerations and circumstances. Approval does not appear subject to a common set of criteria, and often reflects the particular interest of a "sponsoring" trustee, rather than a consensus of all trustees as to where Trust Area priorities lie. The value and cost of projects (on their own terms or relative to other projects), and availability of funds are often not taken fully into account, nor are downstream implications of the projects, once completed, in terms of utility or benefit.

This disaggregated and not very disciplined approach to planning diminishes Council's ability to devise and execute a single, cohesive plan that integrates all strategic and financial considerations, ensuring the right trade-offs and choices are made, given Trust-wide priorities and scarce resources. It diminishes the potential impact of the Islands Trust, and it misses an important opportunity for Council to work together and to lead. Moreover, it is more time and resource consuming than is necessary for good planning.

Bureaucratic Inertia

At another level, administrative and procedural practices are often unduly cumbersome, time-consuming, and costly, in terms of both financial and human resources. Initiatives are mired in processes that take much too long, contributing to a sense of inertia and the widely-held belief that the Trust is unwilling or unable to respond effectively to pressing concerns.

The Policy Statement is a case in point. Amending the statement from time to time to reflect changing circumstances and challenges can be a practical way to maintain relevance and respond to new circumstances. It could also be an excellent opportunity for trustees to collectively explore compromise, practice accommodation, and develop proposals for difficult policy issues that can win broad support. In other words, an opportunity to demonstrate Council's leadership.

The current initiative to amend the Policy Statement bylaw fails to do this. Instead, it has highlighted and perhaps deepened divisions on Council and in the community at large regarding important challenges facing the Trust Area. The statement has been left unamended for 25 years. Consequently, the scope and breadth of the amendments now being considered can seem overwhelming, difficult to manage in a single amendment cycle, touching on multiple subject areas, all with "urgent" tags on them, and proposing responses to these challenges that may not have been adequately socialized.

Moreover, consideration of the implications of the challenges for the Trust Area, and discussion on how best to respond to them - already a daunting undertaking - is complicated by a parallel controversy regarding how the draft Policy Statement was developed and the adequacy of the consultative process.

Lively debate, even controversy, is not an unexpected consequence of proposing substantive changes to a foundational document such as the Policy Statement. Allowing a number of important issues requiring attention to accumulate over such a long period, and not providing a more innovative and inclusive approach to policy development, debate, and consensus-reaching, has compounded the difficulties inherent in what would always have been a challenging exercise. It has become a dramatic example of Trust Council's collective leadership deficit.

Similarly, many of the LTC's OCPs have not been reviewed or updated in decades, partly because of the time and resources needed to do so. Reviews of each of the 21 OCPs, with each review typically taking multiple years, could quickly overwhelm an organization of the Islands Trust size and budget, while leaving the plans unamended can result in policies no longer aligned with contemporary realities. The fact is, there are too many OCPs, and it takes too long to update them. It seems the prospect of the time-consuming bureaucratic burden that would accompany doing something about that is itself sufficient to discourage reform.

The practice of adopting model bylaws highlights an ongoing question as to where the balance of power lies between LTCs and the Trust Council; it also shows the need for a more rigorous approach to resource allocation. Unwilling to use either its directive power or its funding authority to gain LTC compliance with a given policy Trust Council sees as important, Council commissions the development of a model bylaw which, if enacted by LTCs, would give effect to the desired policy. Development of model bylaws can easily take more than a year, along the way taking up considerable time at both Trust Council and committee levels, and even more time of already hard-pressed staff. The model bylaws are pursued without identifying the cost, not only in terms of diverting resources from other priorities, but also without a realistic assessment as to how many LTCs, if any, will take up the model bylaw. Experience has shown that few do. In the end, this practice is costly while doing little to enhance Trust Council's relevance or effectiveness.

Reconciliation

Recent activity on the part of Islands Trust to broadly socialise both the concept and the importance of Reconciliation has been useful. The practical support and advice provided to LTCs as they focus on deepening and strengthening relations with First Nations in their LTAs is also seen as having value.

Going forward, care must be taken to find the right balance between the need for discretion regarding discussions with First Nations and Trust Council's culture of transparency in decision-making.

As noted, the recent amendment to the *Islands Trust Act*, which adds First Nations to the list of entities with which Islands Trust is to cooperate, does not meet the spirit of what is envisaged in DRIPA for First Nations participation. One important measure would be for the province, following consultation with the appropriate First Nations, to make provision for the appointment of First Nations representatives to the Islands Trust Council. This would require an amendment to the *Act*.

As an immediate priority for Trust Council, steps should be taken, in consultation with concerned parties, to identify other mechanisms to provide First Nations with appropriate and meaningful roles in the Islands Trust governance framework.

Advocacy

Advocacy activities do not easily lend themselves to cost/benefit analysis or objective measurement of effectiveness, particularly in cases where the Trust is only one of many stakeholders advocating on an issue, or where issue resolution takes years and is influenced by many other intervenors and circumstances.

This is certainly the case for a number of issues that the Trust has been involved with. The tactics most often employed by the Trust, letter-writing to decision-makers and co-operating with like-minded organizations to amplify voice, seem appropriate and commensurate with resources available, but in themselves do not constitute an advocacy campaign.

The absence of a broader communications and engagement plan that supports Trust goals and priorities means Trust Council is missing an effective tool to assist in determining where advocacy can best contribute to its objectives. Limited resources mean activities need to be tightly focussed on a very few areas, ensuring maximum impact where most needed. An annual plan, integrated with a strategic and financial strategy as discussed above, would allow Council to set advocacy priorities.

Islands Trust's Twitter, Facebook and YouTube platforms have not attracted a significant number of followers or subscribers. Since the importance of social media in communications generally and advocacy in particular will only continue to grow, the annual plan should include initiatives to optimize the use of social media.

Currently, many advocacy activities are externally directed, concentrating on matters of interest to the Trust but under the jurisdiction of other levels of government. Going forward, an advocacy plan should shift the focus to relationship-building with governments, especially the BC government, and to more effective engagement with Trust Area residents.

In respect of relationship-building, a multitude of federal, provincial, and other organizations set policy and make decisions with significant impact on the Trust Area's environment and well-being. Strengthening relations with these organizations is essential to achieve harmonized and complementary policies and practices in support of the Preserve and Protect Object

Local Planning Services

As noted earlier, the mandate for this review included an analysis of Local Planning Services (LPS), which can be found in Annex 1.

The way land use planning and regulation is undertaken by Islands Trust is unique, driven by statutory requirements resulting in a more complex and cumbersome process than is the case for municipalities or regional districts.

Before considering the implementation of most recommendations pertaining to LPS as outlined in Annex 1, it will be important to first establish the new framework and context in which such recommendations would be implemented. In practical terms, this means addressing the governance recommendations contained in this review as a first order of business, as well as awaiting completion of the Policy Statement bylaw review, and the adoption of a truly comprehensive multi-year strategic and financial plan.

The most significant LPS findings, in the context of a high-level governance and management review, are the following:

- Islands Trust lacks both a comprehensive analysis of the Trust Area's capacity to sustain current population and activity, and its ability to accommodate more growth and development, especially in light of climate change and other considerations.

These include adequacy of water supply, rising sea levels, wildfire risks, threats to ecosystems, stringent environmental protection regulations, the increasing cost of public services.

While this pressing need was acknowledged by Trust Council's 2019 Climate Emergency Declaration, it remains to be properly addressed.

- As noted elsewhere, there are too many OCPs and most of them are outdated. The number of OCPs should be reduced to 14, and their updating should begin as soon as possible.
- While each island has unique characteristics and requirements, the review of land use plans should give greater recognition of the inter-connected and inter-dependent reality of the Trust Area.
- Too much LPS staff time is taken up with LTC and other public meetings (preparation, attendance, travel, preparing reports). Other means for supporting LTCs should be adopted, achieving efficiencies and ensuring better use of land use planning staff.
- As noted elsewhere, Trust Council's practice of developing and adopting model bylaws should be reconsidered. Model bylaws only have value if they are adopted by LTCs; the historic rate of adoption has been insufficient to warrant toward their development.
- As noted elsewhere, the identification of, and resource allocation for, LTC projects should be integrated into a larger, annual Trust-wide planning process, not only to ensure the resulting workloads is manageable, but that approval criteria is the same for all projects and funding is equitably distributed.
- The three land use planning teams (Northern, Southern, Salt Spring) are siloed, with limited communication and sharing of information, leading to duplication of effort and inconsistencies in approach. Regular sharing of information and ideas between the planning teams would go some way to address this problem.
- There is a large gap between the application fees being received by Islands Trust and the cost incurred to process them. The difference is made up from general tax revenue. Greater cost recovery is required.

Change is Needed; Change Can Happen Now

A shared understanding among Trustees of mission and mandate, together with robust arrangements and practices to support consensus-building and decision-making, are the bedrock for a well-functioning Trust Council. This is achievable. Crucially, trustees and senior staff are unequivocal in stating their commitment to the Trust and their belief in the Trust's potential to safeguard the area's physical environment and enhance the quality of life of its residents.

When considering changes to Islands Trust governance, amendments to the constituent Act, which sets out the Trust's mandate and its governance framework, would be the obvious place to start. However, as mentioned earlier, the terms of reference for this review stipulate that the Islands Trust Act is out of scope, at least insofar as recommending changes to the Act itself is concerned.

Within the scope of the existing Act, the Trust Council can make many of the changes discussed up to this point. This would go a long way to improve governance and address key issues raised by Trustees. The framework allows Trust Council great flexibility in determining how it organizes itself for governance purposes and for decision making. While Trust Council may consider and propose to government amendments to the Act, it already possesses what sociologists refer to as "agency", which is the capacity to actively and independently choose and effect change. Political leadership is required.

Islands Trust's dramatically changing and increasingly challenging environment demands it. Without reform, the ability of Trust Council to effectively respond to these challenges will be severely impaired. Trust in the Trust will continue to erode. The relevance of a much-needed institution will continue to be questioned.

Recommendations

Leadership

As discussed above, the manner by which the Trust Council Chair, other Executive Committee members, and the Chairs of other Trust Council committees are selected is deficient. Trustees simply do not have sufficient opportunity to make informed choices for these positions, diminishing the leadership attribute that should be associated with them. In particular, the election process for Council Chair has been a long-standing complaint of Trustees. To date, advice to Council on this question has focused on reasons why the process cannot be changed rather than on possible new methods of election.

Election of Trust Council Leadership

Recommendation #1: The most important consideration any new election system must take into account is Trustees' need for a reasonable amount of time before votes are held for the election of Chair, Executive Committee members and other Committee Chairs.

Providing more time for Trustees to assess the suitability of candidates would allow for a more substantive exchange of information regarding candidates' qualifications and perspectives on how they see the Islands Trust evolving and how they see their role.

The extra time should also provide the opportunity for Trustees to acquire a high-level appreciation of the priorities and pressing issues the Islands Trust is facing.

It is up to Trust Council itself to determine what method best addresses the need for better-informed elections to Trust Council leadership positions. The only constraint is the need to ensure the continuity of leadership.

For example, Trust Council could elect an interim Chair and interim members of the Executive Committee for a short period of time, pending the opportunity for Trustees to get to know each other and hold an informed election. Furthermore, it is the prerogative of Trustees to determine the term of the Chair and Executive Committee members.

Trust Council Committees

Number of Committees and Committee Mandates

The only way a 26-member Council, meeting relatively infrequently, can govern effectively is through a robust committee system.

Recommendation #2: The Trust Council should undertake a comprehensive review of its committee structure, with the idea of increasing the number of committees with mandates more focused on the subjects and issues that reflect Trust Council priorities. Frequent use should be made of sub-committees and *ad hoc* committees to address particular topics.

Committee Membership

Recommendation #3: While the number of committees should increase, the number of trustees on committees could be reduced. Membership should strive for some regional balance, and a match of Trustees' interests and expertise with committee mandates.

All Trustees should be members of at least one committee. Individuals other than Trustees should also be considered for committee membership where appropriate to ensure the desired representation, subject-matter expertise, or other relevant criteria.

All committee membership should be subject to Trust Council approval. This manner of proceeding will have a particular impact on membership of the Financial Planning Committee, which is currently dominated by Executive Committee members and appointees.

Committee Mandates

Recommendation #4: Committee mandates should reflect Trust Council's priorities and areas of greatest concern. For example, it may be useful to have a committee focused on marine issues, or a committee that fosters better approaches and mechanisms to increase inter-LTC sharing of best practices. Establishment of a governance committee with a mandate to ensure that governance best practices are in place at Trust Council is of special importance.

Role of Committees

The role of committees is not only to ensure proposals recommended to Trust Council are sound policies, but also that all other considerations arising from the proposals, including political considerations, have been recognized and, where appropriate and possible, taken into account.

Recommendation #5: Recommendations from committees to Trust Council should be truly "owned" and championed by the committee; actual proposals are likely to have been developed by staff, but the recommendation as to the disposition of the proposal must belong to the committee.

There is also an important onus on committee members to ensure proposals have been considered from a Trust-wide, federal point of view. The aim is always to provide a recommendation that will shape the debate at Trust Council in such a manner as to focus quickly on what is truly important and, possibly, contentious; doing so will facilitate meaningful discussion and satisfactory resolution by Trustees, without using an undue amount of time.

Always, when developing committee recommendations, the importance of achieving consensus should be a priority.

Trust Council Support

Exercising agency requires that Trustees understand their dual role, be prepared to expend the effort necessary to fulfil it, and are properly equipped to do so.

Helping Trustees Understand Their Role

Recommendation #6: Prior to standing for election, Trustee candidates should have the benefit of a briefing that provides a full description of what the job entails. Of particular importance is the need to ensure candidates understand Trustees' "federal" responsibilities. Often, Trustees' role at Trust Council is seen as secondary, if it is considered at all, when individuals decide to stand for office. Yet, the federal role can be the more challenging one, requiring Trustees to think beyond the interest of their LTA and adopt Trust-wide perspectives, without which effective governance cannot be achieved.

Once elected, Trustees must balance the need to represent the interests of their own Trust Area with the need to find common ground with 25 other Trustees, so as to develop and implement policies for the Trust Area as a whole. Trustees must also be prepared to invest the time needed to fully understand the different and sometimes divergent views at play regarding important issues, and to work with others to develop policies that accommodate as many points of view as possible, while still honouring the Preserve and Protect Object.

Recommendation #7: To help Trustees fulfill their role, post-election briefings and workshops should be held, covering both procedural and substantive matters integral to their duties at Trust Council.

Secretary to Trust Council

Section 17(1)(a) of the Islands Trust Act authorises Trust Council to appoint a person to the Office of Secretary. A corporate secretary's duties include ensuring the framework by which the organisation's governing body fulfills its duties and responsibilities is upheld and operates efficiently, including compliance with statutory and regulatory requirements, and in such a manner as to facilitate optimal interface and alignment with management.

It is noted that the manner in which Trust Council organises itself and is supported in terms of developing meeting agendas, organising and conducting meetings, and providing briefing materials needs to be revamped to better foster collaborative decision-making. The Corporate Secretary should be the lynchpin between Trust Council and management in the collaborative effort to make this happen.

The principals that underpin the *Public Service Act* must be followed in a hiring process, for example, the hiring of the Secretary should follow sound merit-based public service principles but the classification and the employment relationship directly to Council should be explored by Council.

Recommendation #8: The Office of Secretary should be staffed with a full-time incumbent, reporting to Trust Council through the Chair of Trust Council.

Expanding Trust Council Membership

Currently, Trust Council does not include Trustees who represent First Nations or the wider interests of residents of British Columbia generally.

First Nations Representation

Reconciliation requires that the question of co-governance be taken up as a priority by Trust Council. The question must be addressed in concert with the Government of British Columbia and, ultimately, will depend on discussions and agreement with the First Nations concerned.

Recommendation #9: Following consultation with the appropriate First Nations, the province should make provision for the appointment of First Nations representatives to the Islands Trust Council. This would require an amendment to the *Act*.

That said, Trust Council must now both prepare for, and encourage, the advancement of the co-governance proposition as it applies both to the Trust Council itself and LTCs. As an immediate priority, Trust Council should take steps, in consultation with concerned parties, to identify other mechanisms to provide First Nations with appropriate and meaningful roles in the Islands Trust governance framework.

Provincial Representation

A requirement of the Object for the Trust is to act for the benefit of all British Columbians. Having a province-wide perspective on Trust Council would also encourage Trustees to look beyond local issues and take account of broader considerations.

Recommendation #10: The province should amend the *Islands Trust Act* to include a provision for the appointment of Trustees by the Governor-in-Council.

Strategic Planning

Adoption of Comprehensive, Multi-year Planning Document

Recommendation #11: Trust Council should adopt a four- or five- year corporate plan that integrates strategic and financial components, reviewed and updated annually, identifying the initiatives to be undertaken, the corresponding financial resources, along with performance metrics to measure achievement.

Only extraordinary circumstances should allow for the consideration of significant initiatives of financial expenditures that are not part of the approved corporate plan.

The annual development and adoption of an integrated and comprehensive multi-year plan facilitates strategic priority-setting, helps ensure there is a fair distribution of resources throughout the Trust Area, and sets the stage for accountability.

Advocacy

Recommendation #12: A communications and engagement function should be established to replace the current advocacy function. A communications and engagement strategy should be developed as part of the annual corporate plan, and in support of the priorities identified therein.

The strategy should support the Preserve and Protect Object of the Trust, focusing on two goals: 1) strengthening the Islands Trust brand by increasing awareness and support for the Trust with relevant stakeholders, influencers, policy-makers, and decision-makers; 2) improving communication between the Trust and Trust Area residents, in line with Trust Council's emphasis on transparency and consultation.

The communications and consultation strategy would identify specific initiatives, along with performance metrics to assess performance. As is the case with any public-facing organisation, an important component of such a strategy must be a digital and social media plan that allows Islands Trust to more effectively connect with its target audiences, both transmitting and receiving information.

Managing the Change Transition

Management Alignment with Trust Council

This report emphasises the need for Trust Council to change how it goes about its business in order to foster a more deliberative and collegial set of behaviours, and to take up the challenge of effecting change.

Appropriately, Trust Council relies on Islands Trust staff for support in both formulating policies and implementing decisions. However, many have reported a disconnect between Trustees and senior staff that inhibits the efficient functioning of both the Trust Council and Trust management.

Some Trustees feel staff's efforts lean toward managing Trust Council, rather than enabling it. Trustees sometimes feel that questioning of staff recommendations or activities is construed to be challenging the Preserve and Protect Object itself. Some staff are concerned that Trustees do not always fully consider information and advice provided.

The level of trust, and the assurance that Trustees and staff are working together needs to be strengthened.

Recommendation #13: A management review should be undertaken to identify measures that will improve alignment of staff to Trust Council, and improve reporting and accountability.

Islands Trust Conservancy

The Conservancy's place in the federation seems to be downplayed, even though it is probably the most broadly popular aspect of the Islands Trust brand.

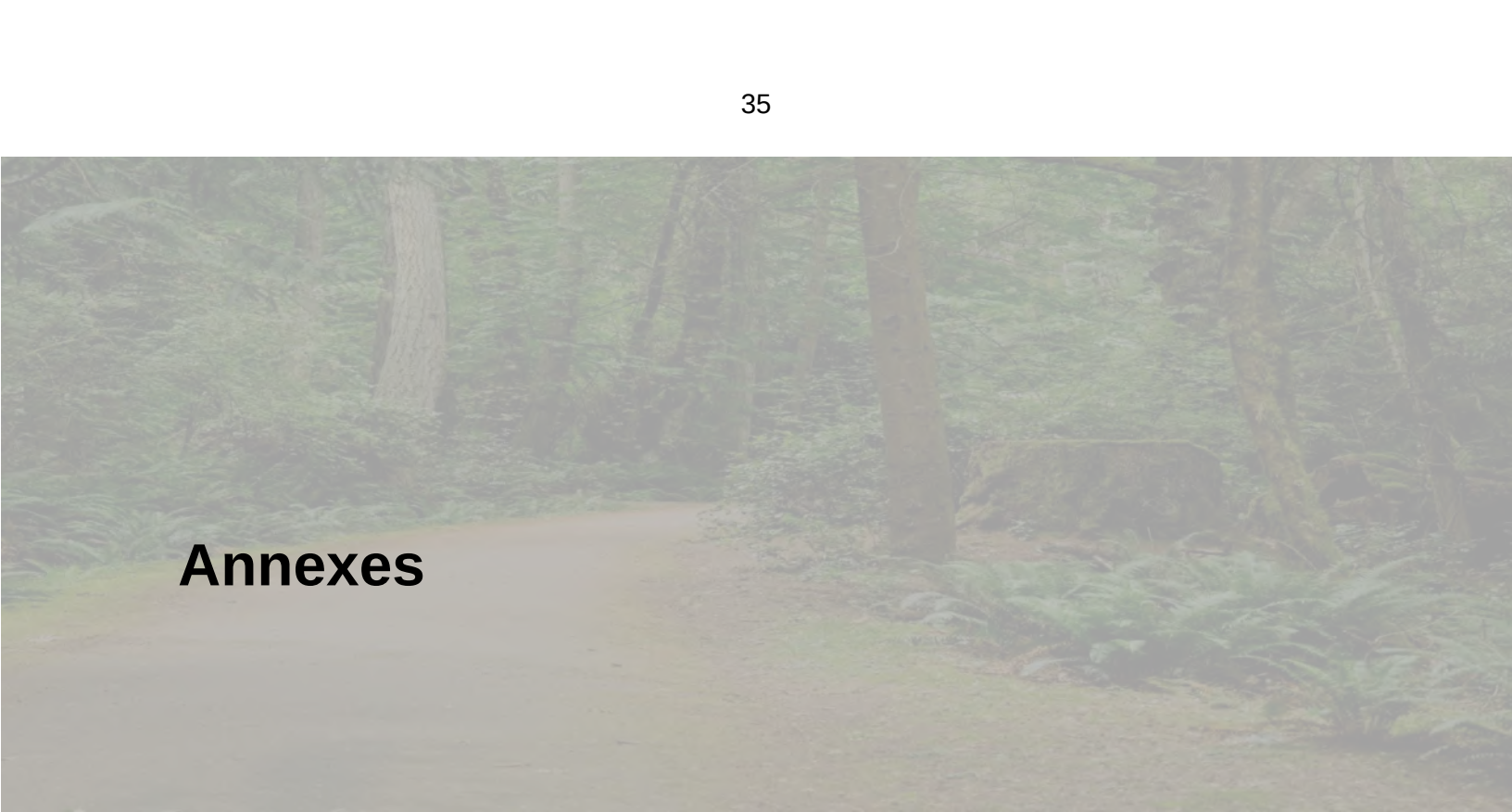
Exploiting the Potential for Synergy Between the Conservancy and the Other Components of Islands Trust

Recommendation #14: Without compromising the independence of the Islands Trust Conservancy, necessary for tax and other reasons, take measures to ensure greater sharing of expertise, experience, and resources between the Conservancy and other Islands Trust operations.

Trustee Compensation

A central theme of this report is the need for Trustees themselves to assume responsibility for reform of Trust Council, so that it achieves its promise as an effective governing body. This requires Trustees to play a leadership role, being prepared to devote the time necessary to overcome procedural and bureaucratic complications to provide sound policy direction, and to ensure the efficient delivery of outcomes and services.

Recommendation #15: So that Trust Council is not the preserve only of those who do not need to earn a living, the significant time and effort required of Trustees must be reasonably compensated, which means an increase in current compensation levels. Currently, much of the time Trustees spend on Trust Council business, including preparation for meetings, participation in some meetings, and travel time, are not compensated at all.



Annexes

Annex 1

Islands Trust Governance and Management Review Local Planning Services

Local Planning Services (LPS) is the biggest activity of Islands Trust, consuming the greatest amount of resources, accounting for \$6.7 million (74%) of the \$9.1 million budget for 2021-22.

The way in which land use planning and regulation is undertaken by Islands Trust is unique in the province, driven by a combination of legislation in the *Local Government Act*, *Community Charter* and *Islands Trust Act*. It is a more complex and cumbersome process than that found in a municipality or regional district because there are 13 Local Trust Areas (LTAs)³ that each manage land use and have their own bylaws for doing so (see attached map). That includes Official Community Plans (OCPs), Land Use Bylaws (LUBs)⁴, compliance and enforcement bylaws, and an array of other bylaws (e.g., subdivision, regulation of soil removal and deposit, housing agreements, authorization of permits).

Adding to this complexity, Bowen Island, while part of Islands Trust, is not in an LTA, although it is surrounded by the Gambier Island LTA. Bowen Island is a municipal government and therefore has its own set of bylaws. So, there are essentially 14 separate land use planning authorities in Islands Trust, with LPS delivering services to each of the 13 LTAs and Bowen Island municipality managing its own land use planning and regulations.

For the Ballenas-Winchelsea LTA, the Islands Trust Executive Committee, acting as a Local Trust Committee (LTC), makes decisions on all planning initiatives.

The common planning touchstone spanning the entire Islands Trust area is the Trust Policy Statement, which is in the process of being substantially updated after more than 25 years. For many other municipalities and regional districts in BC, it is regional growth strategies (currently 10 adopted strategies in the province) that serve this purpose.

Without significant changes to the *Islands Trust Act*, which is largely outside the scope of this review, Islands Trust land use planning will continue to be a very different process than for other local governments. The focus here is therefore on recommendations to improve the delivery of planning services within the existing legislated framework.

It must also be noted that this review of LPS must be considered within the context of the broader governance and management review. It is understood that issues identified and recommendations made in respect of governance must be addressed before most land use planning recommendations can be fully assessed and their implementation properly

³ Ballenas-Winchelsea (aka Executive Committee), Denman, Gabriola, Galiano, Gambier, Hornby, Lasqueti, Mayne, North Pender, Salt Spring, Saturna, South Pender and Thetis.

⁴ LUBs are more commonly referred to as zoning bylaws. The terms are used interchangeably here.

directed by Trust Council. Also, the LPS review is not an efficiency review, although that is an important topic that will be partly addressed this year through a separate process.

Islands Trust was recently awarded a \$367,795 grant from the provincial government for a *Development Application Service Delivery and Technology Improvement Program*. The budget includes \$50,000 to retain a consultant to review current processes at Islands Trust, make recommendations to improve efficiency, and streamline processing times.

This LPS review covers five topics: bylaws, planning projects, development applications, organization and staff resources, and other considerations.

For each topic, recommendations are provided for consideration. Implementation of most recommendations should wait until a new Policy Statement is adopted, a new Strategic Plan is in place, and Trust Council has addressed higher-level governance issues.

A. BYLAWS

Islands Trust has a total of 149 bylaws, many of which are tied to land use planning, such as OCPs, LUBs and compliance and enforcement.

1. Official Community Plans

There are 21 OCPs covering the Islands Trust, including five LTAs with more than one OCP. They have different formats and subject areas and some do not meet the requirements for an OCP under current provincial legislation.

Most of the OCPs focus on land use policy, which is the intent of an OCP, but a few delve into land use regulations better suited to LUBs (e.g., Gabriola Island).

With the exception of the Ballenas-Winchelsea Islands OCP (adopted in 2013) and the Hornby Island OCP (adopted in 2014), the OCPs have not been comprehensively reviewed for years, with only piecemeal amendments since adoption, largely at the discretion of the LTCs (or municipal Council in the case of Bowen Island).

Examples of outdated OCPs include:

- Bowen Island OCP - adopted in 2011.
- Salt Spring Island OCP - adopted in 2008.
- North Pender Island OCP - adopted in 2007.
- Gabriola Island OCP - adopted in 1997.
- Galiano Island OCP - adopted in 1995.
- And, at the extreme, Piers Island OCP - adopted in 1981, with no amendments since then.⁵

⁵ A process was started in 2015/16 to update the Piers Island OCP to include climate change considerations, but it was not completed. It is a moot point since even if the proposed amendments had been adopted, the Piers Island OCP would still not meet the content requirements of an OCP under current legislation. In any event, it should be an area plan as part of a larger OCP (Salt Spring Island), as should a number of the other smaller islands that currently have their own OCPs.

Two comprehensive OCP reviews are currently underway:

- The Lasqueti Island OCP review, which was started in mid-2018 and is estimated to be completed in the latter part of 2022 (four years).
- The Gambier Island OCP review, which was identified by the LTC as a top priority in 2015, put on hold in 2018 and recommenced in late 2021, with estimated completion in 2023 (two years).

Because a number of the OCPs are outdated, they do not fully reflect current and anticipated future conditions on the islands and the land use planning implications.

Two examples that show the age and incompleteness of some of the information (emphasis added) that is being relied upon as underpinnings to land use policies are:

- The **Salt Spring Island OCP**, which states, *“There are approximately 5,800 residential lots on Salt Spring Island (2007). While approximately 1,300 of these are vacant, local zoning allows for the construction of a single family dwelling on each of them. Of the existing residential parcels, many are large enough that they can be further subdivided under the existing local subdivision bylaw. A few are zoned for multi-family use. All told, the number of dwelling units (not including seasonal cottages and suites) that could be built on Salt Spring Island under current residential zoning is estimated to be about 8,150. The eventual population of Salt Spring Island that might result from the zoning now in place is estimated to be a little over 17,000.”* (page 23)
- The **Gabriola Island OCP**, which states, *“Based on the 2011 records of the B.C. Assessment Authority there were a total of 3,280 parcels on Gabriola of which 20% (or 668 parcels) were undeveloped. Of these undeveloped parcels, the majority are in the residential land use designations of this Plan. In other words, not counting new lots from potentially subdividable residentially zoned land, there are in excess of 566 existing parcels available for residential purposes on Gabriola.*

The 2006 Census estimates the population of Gabriola to be 4,050. Based on historic growth trends, the Planning Area’s population could increase to about 4,720 by the year 2016. Based on an average household size of 2.4 persons, the anticipated population increase of 390 persons over the next five years can be accommodated on 566 parcels. Therefore there is no requirement to designate additional lands as residential, as the current availability of vacant residential parcels combined with the future potential to create new parcels through the subdivision of existing residentially zoned land should be more than adequate to satisfy the Island’s housing requirements for fifteen to twenty years.

In addition, while issues related to the carrying capacity of Gabriola’s land base to accommodate more development have not been substantiated, there are known problems with inadequate soil percolation for septic disposal and groundwater

supply because of the complex nature of groundwater flow through fractures in the bedrock.” (page 13)

Comprehensive analysis using current data is needed on the ability of the islands to manage existing development and natural areas and to accommodate more growth (where there is the potential to do so) in light of the effects of climate change (e.g., increasing water shortages, rising sea levels, greater wildfire risks, the impact on species and ecosystems), more stringent environmental protection regulations and standards, the increasing costs of delivering public services and other considerations. This pressing need was acknowledged by Trust Council in 2019 when it adopted a Climate Emergency Declaration.

Despite the absence of a regional growth strategy, each of the LTAs is part of a larger system and land use planning decisions in any one LTA can have implications that extend far beyond its boundaries. The need for an integrated planning approach is expressed in a number of ways in the current Policy Statement. For example:

“The Trust Area is a unique and special place -- a scenic archipelago of 13 major islands and more than 450 smaller islands.” (page i)

“The Islands Trust today faces a major challenge. While populations, numbers of visitors and the demand for intensified use and residential development of the Trust Area can be expected to continue to grow, capacities of the Area’s resources and systems are limited. Potential for conflict exists: conflict between short and long-term interests and between unlimited use of the Trust Area and ongoing stewardship. To keep everything in the Trust Area exactly as it is today is impossible. Changes will occur. If the Area’s environment and unique character are to be preserved and protected, priorities must be defined and management strategies established.” (page iii)

“The primary responsibility of the Islands Trust Council is to provide leadership for the preservation, protection and stewardship of the amenities, environment and resources of the Trust Area.

When making decisions and exercising judgment, Trust Council will place priority on preserving and protecting the integrity of the environment and amenities in the Trust Area.

Trust Council believes that to achieve the Islands Trust object, the rate and scale of growth and development in the Trust Area must be carefully managed and may require limitation.” (page 6)

This need for integration and keeping the bigger planning picture in mind will be important as the OCPs are updated. The proposed new Policy Statement carries forward and builds on many of the key themes in the existing Policy Statement, as well as adding new ones.

Consideration should be given on holding off on the comprehensive OCP updates until the new Policy Statement is adopted by Trust Council.

It is recognized that updating some of the OCPs will be a challenging process. Islands Trust residents have diverse and passionately held views on many land use topics, including whether more growth is desirable. For some, the Islands Trust preserve and protect mandate should be interpreted as meaning very limited new development (which on some islands is already the case anyway). However, there are also 26,000 full-time residents on the islands and increasing housing, social, economic and other challenges, many of which are inter-twined, just as they are in other communities. Some residents feel that part of the solution requires more development (e.g., increased housing supply, more local job creation, more local services).

Reconciling these differences will take time for some LTAs as their OCPs are updated, but it should not drag out for years. OCP review processes typically get bogged down when:

- There is not a clear understanding by the public (and sometimes the decision makers) about the purpose of an OCP, leading to an expectation by some that it should cover topics that do not belong in an OCP but rather in other regulatory bylaws or policy documents.
- The public engagement is not properly structured and managed. Every member of the public needs the opportunity to fully express their views, but that should not lead to unduly long timelines to gather and consider the input.
- There are insufficient resources applied (often limited staff time) to complete the work.
- Decision makers are reluctant to make decisions when there are strongly held differences of opinion among the public on land use issues that cannot be fully reconciled.

Recommendations:

1. Reduce the number of OCPs to 14 - one for each of the 13 LTAs, plus one for Bowen Island Municipality.
2. Use the same format and content for all OCPs, recognizing that some may be much longer and more detailed than others, depending on the LTA. It is noted that an OCP template is being prepared by LPS that should resolve this issue.
3. Start at least two OCP reviews each year until they are all updated. Bowen Island Municipality can begin its review independent of the OCP review process for the LTAs since it will be using its own staff resources rather than those of LPS.
4. Give priority to those LTAs experiencing the most growth and change.
5. Complete each OCP review within a maximum of two years of being started. Some can likely be completed within a shorter timeframe.

6. Target five years for the completion of the entire process, especially given that two OCPS are relatively recent (Ballenas-Winchelsea Islands and Hornby Island) and do not need a comprehensive review and two others (Lasqueti Island and Gambier Island) are in the midst of comprehensive reviews. If that overtaxes LPS staff resources, outside planning assistance can be sought, which is common for OCP reviews, especially the public engagement component since that can be particularly time-consuming.
7. Apply the same public engagement processes for each LTA as part of the OCP updates, with clearly defined steps, engagement methods, expected outcomes, timelines, etc.

2. Land Use Bylaws

There are 21 LUBs and two zoning bylaws, including five LTAs with more than one LUB. Zoning bylaws are typically implementation tools of OCPs.

With the exception of Ballenas-Winchelsea Islands and Hornby Island, the LUBs are largely outdated. As one LPS staff member put it, many of the LUBs are “historical artifacts” of bylaws inherited decades ago from the regional districts.

As with the OCPs, there have been only piecemeal amendments since adoption, largely at the discretion of the LTCs.

The LUBs vary for topics such as definitions and general regulations (e.g., building heights, siting and setbacks). There may be good reasons for this in some cases, but not all.

Because they have not been modernized to any degree, there is inconsistent interpretation of elements of the LUBs, depending on the LTA.

This is not an issue unique to Islands Trust – many local governments in BC have not comprehensively reviewed their zoning bylaws in years because it can be a time-consuming process. Nonetheless, it is an important part of good land use planning.

Recommendations:

1. Reduce the number of LUBs / zoning bylaws to, if possible, match the recommended number of OCPs.
2. Use the same general format and content for all the LUBs.
3. Create more consistency among the LUBs for topics such as definitions and general regulations.
4. There are two options for updating the LUBs:
 - Undertake concurrently with the OCP updates.
 - Undertake immediately after the OCP updates.

Selecting the first option would allow the public to see how proposed OCP land use policies would be translated into land use regulations. It would also shorten the length of time of the updating process.

If the second option is selected, the LUB update should be completed within a year of the OCP update.

3. Model Bylaws

Staff time is being spent researching and preparing model bylaws on a variety of land use planning topics. Examples include a Development Permit Area (DPA) Bylaw, a Bonus Density for Affordable Housing Bylaw and a Floor Area Ratio Bylaw.

Model bylaws prepared to date have typically been implemented by only a very few LTCs. There is no requirement that LTCs adopt model bylaws, including the recently approved model Fees Bylaw. In the case of bylaw fees, applicants in some LTAs pay less than in others, despite the amount of staff time and other resources required to process applications generally being the same regardless of location. While this is inequitable, the decision to adopt the model bylaw rectifying the situation is left to each LTC.

Recommendations:

1. Determine why the LTCs are not adopting the model bylaws. Either the bylaws are relevant and there is no compelling reason why they should not be adopted by most LTCs or they are largely irrelevant and should not have been prepared to begin with.
2. Explore ways to encourage all LTCs to adopt the same fees. Trust Council has some control over the matter. For example, if an LTA is collecting lower fees, the amount of LPS staff time allocated to the LTA could be reduced.

4. Compliance and Enforcement

The Bylaw Enforcement Notification Bylaws and Bylaw Infractions Investigations Bylaws are based on the LUBs. There are differences in these bylaws, depending on the LTA. If the number of LUBs is reduced, these two types of bylaws will also be reduced in number.

There is inconsistent enforcement of the LUBs, depending on the LTA, with some LTCs and residents wanting more enforcement and others wanting less, either in general or for specific issues (e.g., short-term vacation rentals).

There is also a misunderstanding by some residents and business owners as to the areas of responsibility of Islands Trust Compliance and Enforcement, which is only land use matters. As a result, Compliance and Enforcement frequently receives enquires and complaints on bylaw issues that are handled by the regional districts. Conversely, the regional districts receive bylaw enquiries and complaints on land use issues.

There are some inconsistencies in enforcement among the regional districts given the time and cost incurred by regional district bylaws staff in investigating complaints on the islands, especially where it involves longer travel times.

Staff estimate that there is only follow-up by staff on roughly half at most of the various permits issued to ensure compliance because of the time and cost involved. This is low compared to some other local governments, although most do not follow-up on every permit to ensure compliance for the same reason as Islands Trust, namely limited resources.

The limited follow-up on permits may explain some of the complaints received by Islands Trust about non-compliance.

Recommendations:

1. Consistently apply bylaw enforcement in all the LTAs, both by Islands Trust Compliance and Enforcement and the regional districts.
2. Review Compliance and Enforcement staff resources to determine if more are required as part of consistently applied bylaw enforcement and/or if some reorganization is needed.
3. Improve communication and cooperation between Islands Trust Compliance and Enforcement and some of the regional districts.
4. Create more public awareness of the respective roles of Islands Trust and the regional districts in dealing with bylaw issues.
5. Increase the follow-up by staff on permits issued to ensure compliance.

B. PLANNING PROJECTS

As of late 2021, there were an estimated 70 planning projects underway, some of which were started several years ago and have made little progress since then because of limited staff time and other resources to complete them. The majority of projects are initiated by the individual LTCs, with a few initiated by the Regional Planning Committee.

At any given time, the LTAs may each have one to three projects underway, with more waiting to be started. While separate projects, some are on the same topics for several of the LTAs (e.g., groundwater sustainability), while others are on topics specific to one LTA (e.g., housing policy – tiny homes for Mayne Island LTA).

Despite the large number of projects, planning staff estimate that they are only able to devote about 20% of their time to them since many of the projects have to be a lower priority relative to the more immediate demands of development applications and public enquiries (50%) and involvement in public meetings (30%). Compared to other local governments, allocating only 20% of planning resources to projects (also referred to as long-range planning or community planning) is low.

There is no assignment of budget to each of the projects in terms of the cost of staff time and other resources, although some have budgets for consulting assistance. Also, there are no standard evaluation criteria to determine priorities, benefits and other considerations in selecting the projects to be undertaken.

It is appreciated that not all projects need to have Islands Trust-wide benefit to be important, but there needs to be a better understanding of what some of these projects will consume in the way of staff time and other resources before direction is given to LPS to undertake them.

If less staff time is spent in *attending public meetings* and managing development applications as a result of the outcomes of the *Development Application Service Delivery and Technology Improvement Program*, more staff time can be devoted to planning projects. That means projects can be completed quicker and more of the projects waiting in queue can be initiated.

Recommendations

1. Local planning projects should be considered, along with all other Islands Trust initiatives requiring the allocation of financial and human resources, in the context of an annual multi-year strategic and financial plan. The number of projects approved should correspond to the resources available to implement them.
2. Establish criteria to guide selection of the projects to be undertaken, including an evaluation process that determines priorities on the basis of need and regional equity.

C. DEVELOPMENT APPLICATIONS

LPS estimates that 50% of planning staff time is spent on development applications and referrals and enquiries from the public. In 2021, applications and referrals were as follows:

Application Type	Nor	Salt Spring	Southern	Total
Agricultural Land Commission	1	6	3	10
Board of Variance	0	0	6	6
Building Permit, Siting & Use Permit, Crown Land & Other Referrals	142	188	144	474
Development Permit	11	14	17	42
Development Variance Permit	19	24	25	68
Heritage Alteration Permit	0	0	0	0
Rezoning	2	3	3	8
Strata Conversion	0	0	0	0
Soil Removal & Deposit Permit	0	1	0	1
Subdivision	9	7	3	19
Temporary Use Permit	2	1	15	18
Other	0	0	3	3
Total	186	244	219	649

The total number of applications in 2021 was up from previous years: 559 in 2020, 425 in 2019 and 481 in 2018. LPS anticipates the number of applications to continue to increase annually.

A significant number of the applications processed are referrals from other agencies, notably building permit referrals from the regional districts.

What the statistics do not show is the complexity of some of the applications. For example, a development permit application could be for exterior modifications to an existing building or it could be for a whole new development.

LPS estimates the typical times between filing an application and approval to be as follows for those that require LTC approval:

- Rezoning: The average is 20 months where the LTC approves a bylaw and five months where the LTC decides to proceed no further with the bylaw.
- Development Permit: Eight to 10 weeks to process, but development permits currently require LTC approval to issue and therefore can take up to four months or more until issued.
- Development Variance Permit: Two months to process but can take longer... four months or more to issue depending on the LTC meeting schedule. Many DVPs are a result of bylaw enforcement and some of those take longer to resolve.
- Temporary Use Permit: Six to eight weeks to process.

These times may be extended where LTCs do not meet at least monthly or because of the limitation of the LTC to handle more than three to four applications per meeting.

LPS estimates the typical times between filing an application and approval to be as follows for those that do not require LTC approval:

- Siting and Use Permit: Two weeks.
- Building Permit Referral: Four to eight days.

These types of applications/referrals are generally processed by a Planning Technician.

The Islands Trust development applications review and approvals process is similar to that of other local governments in BC in some respects, but not others. The key differences are:

- Building inspection services are conducted by the regional districts⁶, although LPS staff review the applications to ensure conformity with the LUBs and other pertinent bylaws. Islands Trust does not receive a portion of the building permit application fees for performing this service.

⁶ Not all the LTAs have building inspection services. Lasqueti LTA does not require any form of building permit while landowners in the Denman and Hornby LTAs must have a valid Siting and Use Permit from Islands Trust prior to beginning construction.

- An OCP bylaw, or an amendment to an OCP bylaw, must be referred to the Minister of Municipal Affairs for approval after third reading.⁷ LPS staff estimate that, on average, it takes a bylaw about six months to be approved by the Minister. While they are almost always approved without comment, there is no sense by LPS staff of why it takes this long, nor what the Ministry does internally with the bylaws once they are received.
- Bylaws must also be referred to the Islands Trust Executive Committee for approval after third reading.
- Development permits cannot be delegated to staff for issuance. However, recent provincial legislation allows LTCs, by bylaw, to delegate the issuance of development permits to staff, with allowance for the reconsideration of staff decisions by the LTC if warranted. This is a change that Islands Trust has sought for several years since it is a power already granted to other local governments.
- Islands Trust is exempt from Regional Growth Strategy legislation and this is not a consideration in preparing or amending OCP and zoning bylaws.

One of the recent amendments to the *Local Government Act* is that minor development variance permits (DVPs) can, by bylaw, be delegated to staff for approval and issuance. Up until now, DVPs could not be delegated to staff by local governments anywhere in the province.

The minor DVPs that can be delegated to staff include:

- Zoning bylaws respecting siting, size and dimensions of buildings, structures and permitted uses.
- Off-street parking and loading space requirements.
- Regulation of signs.
- Screening and landscaping to mask or separate uses or to preserve, protect, restore and enhance the natural environment.

This is a potentially important change for Islands Trust, which handles a significant number of DVP applications annually (68 in 2021). Delegation to staff of minor DVPs will shorten the turn-around time for many DVP applications and also reduce LTC agendas, allowing the Trustees to focus on more important matters.

The legislation, however, requires that a bylaw be adopted that delegates the authority to staff and that the bylaw includes:

- Criteria for determining whether a proposed variance is minor.
- Guidelines the delegate (staff) must consider in deciding whether to issue a DVP.
- Any terms and conditions the local government considers appropriate.

This bylaw will need to be adopted separately for each LTA.

⁷ There is no requirement for a zoning bylaw to be approved by the Minister, except where there is no OCP in force or where the OCP in force was adopted prior to March 31, 1990.

As noted earlier, the average amount of time required to process an application can vary widely, depending on the type of application, its complexity and other factors, such as:

- Applications with incomplete and incorrect information, including mapping and technical reports (e.g., engineering, environmental, agricultural, building architecture, landscape architecture, archaeological). This is a common issue for most local governments since many applicants are not familiar with development review and approvals processes. LPS staff note that a significant amount of staff time is spent helping inexperienced applicants both before and after applications are received.
- The amount of deliberation by the LTA Trustees on OCP amendment and rezoning bylaws, with some applications appearing on agendas several times before a decision is made on whether or not to give readings and advance the application.
- The amount of time taken by the Minister to sign off on an OCP bylaw or amendment bylaw after third reading.
- The timing of getting a bylaw onto an Executive Committee agenda for approval before adoption and then back onto a LTC agenda for final reading.
- The amount of time taken by the Ministry of Transportation and Infrastructure (MoTI) to approve subdivision applications.
- The amount and type of engagement required with persons, organizations and authorities that Islands Trust considers will be affected by an application. This is increasing, especially with First Nations, and is occupying more of staff's time.

The consultants have heard anecdotal stories of applications being held up for what is perceived to be too long and unexpected added information requirements sought by LPS or other agencies that appear unjustified, creating more delay and cost for the applicants. This may be the case for some applications, but there is no evidence to suggest that this is a chronic issue. The same criticism is leveled at almost all local governments across the province by applicants frustrated, sometimes with good reason, in their efforts to gain approvals.

A significant issue that needs to be further explored is the amount of development application revenue received by Islands Trust relative to the amount of LPS resources put into processing applications. For the 2021/22 fiscal year, it is roughly estimated that about \$100,000 in application fees will be collected.

If planning staff are spending upwards of 50% of their time on development applications and public enquiries (not all of which are related to development applications), this suggests a large gap between what is being paid for this service and what it costs to deliver the service.

Development application fees, while in theory intended to cover a significant share of the cost of processing applications, rarely do in any local government in the province. Nonetheless, the gap here appears large and is being off-set by property tax revenue.

This is partly due to Islands Trust not receiving any revenue, nor the ability to do so under current legislation, for the hundreds of referrals that it handles each year from other agencies, notably building permit referrals from the regional districts.⁸

It is also noted that most of the development application fees are fixed and not scaled. For example, the Salt Spring Island LTA currently charges \$4,400 for a rezoning application, regardless of the nature of the rezoning. Most local governments have base fees upon which there are added fees based on the number of residential units, land area, amount of floor space, type of use or similar metrics. So, complex applications pay more since they require more staff time to process.

Trust Council approved an Application Processing Services Policy on June 9, 2021 that:

- Identifies the services provided by Islands Trust and the different levels of costs associated with these services.
- Provides direction for the preparation of Fees Bylaws and Schedules by LTCs.
- Provides the principles by which cost recovery for extraordinary services beyond the standard fee can be negotiated and agreed to by an applicant and the LTC.
- Is intended to recover from applicants 100 per cent of the average cost of processing development applications, while permitting consideration of lower cost recovery for environmental protection and community benefit.

However, it is understood that for many of the applications that end up taking more time than initially anticipated (e.g., added public engagement at the direction of the LTC), the extra costs are not being charged to the applicants.

This issue should be examined as part of the *Development Application Service Delivery and Technology Improvement Program* to see not only how time and cost savings can be achieved but also if fees are set appropriately.

Recommendations

1. Delegate the issuance of most, if not all, development permits to staff.
2. Determine what constitutes minor DVPs and prepare a model bylaw that can be adopted by each LTA.
3. Review the current development application fees and how they are applied to ensure appropriate cost recovery.

⁸ Islands Trust Financial Planning Committee received a report from LPS at its January 19, 2022 meeting recommending that staff report back on options to recover costs related to building permit referrals.

D. ORGANIZATION AND STAFF RESOURCES

1. Organization

LPS is divided into three planning teams / offices: Salt Spring, Northern and Southern (see attached map), plus Compliance and Enforcement.

There is also the recently established Regional Planning Team that serves all of Islands Trust (excluding Bowen Island).

The majority of LPS staff are located at the Islands Trust office in Victoria, where most other Islands Trust staff are also located. There is an office on Salt Spring Island to help serve that planning area and an office on Gabriola Island to help serve the Northern area.

Two issues have been identified with the current organizational structure:

- The three planning teams are siloed, with limited communication and sharing of information between them, leading to some duplication of effort and also inconsistencies in the approach to dealing with some planning matters.
- Much of the planning staff turnover in recent years has been in the Northern office, which staff believe is partly due to it being located on Gabriola Island instead of in Nanaimo, where most of the team lives.

Recommendations

1. Move the Northern team office to Nanaimo, but retain an office on Gabriola Island open regular hours and staffed on a rotating basis by one planner. Notably this was also one of the recommendations of Stantec in its 2007 report⁹:

“The northern office should be relocated from Gabriola Island to Nanaimo and converted from a ‘full service’ office to more of a ‘store front’ or satellite office with a smaller staff complement, focusing primarily on the development application side. This will provide somewhat easier access to staff for residents of the northern islands, but it is primarily intended to be able to recruit and retain staff. (page 3)

2. Reduce the siloing by having regular meetings between the planning teams to share information and ideas. This can be more easily accomplished now that many meetings have moved to video conference platforms.

2. Staff Resources

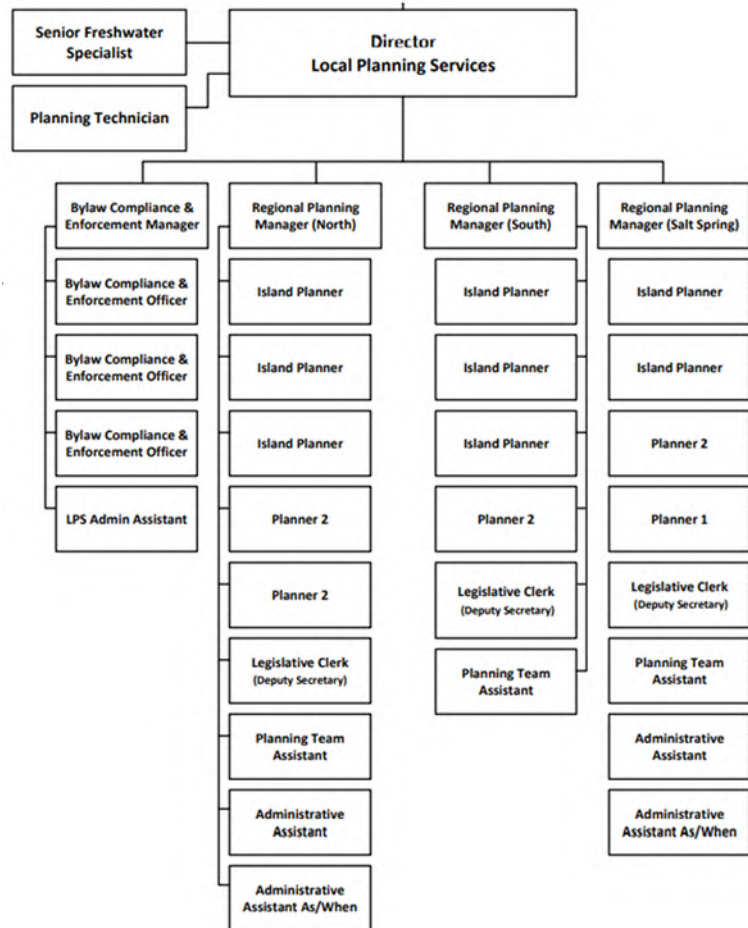
As shown in the organization chart below, there are 34 LPS staff positions. Seventeen are professional planning positions, including Planner 1s (1), Planner 2s (4), Island Planners (8), Regional Planning Managers (3) and the Director (1). Three of the planners are assigned to the Regional Planning Team.

⁹ Stantec Consulting Ltd., *Islands Trust Local Planning Services Review*, March 23, 2007.

The planners are in generalist positions. While they all have education and experience in a wide range of planning subjects, none are specialist planner positions (e.g., housing, social, environmental). Outside assistance is sought on occasion for some of these services.

While not a planner, there is one specialist position in LPS - the Senior Freshwater Specialist who reports directly to the Director.

Local Planning Services Organization



Questions have been raised about the number of professional planning staff (17) relative to the population (~26,000 full-time residents), a per capita ratio of 1:1,500 that almost certainly exceeds that of any other municipality or regional district in the province. Even if the estimated 10,000 part-time residents were added in, it would still be significant (1:2,100).

This was noted in the 2007 review of LPS by Stantec, which stated:

“The organization has nine planners (Planner II’s, Island Planners, Regional Planning Managers, and the Director) for 23,000 people which, per capita, is higher than other planning agencies that we are aware of. We also note the uniqueness of the Islands Trust circumstances in terms of geography, but this is not much different than some of the larger regional districts.” (page 4)

However, this is not a relevant comparison given that Islands Trust is comprised of 13 LTAs that each have separate land use planning bylaws and processes served by LPS. This is unlike any other local government in the province in terms of the demands on staff time.

To help put the issue into context, the planners attended an estimated 172 public meetings in 2021, as follows:

- LTC Regular Meetings: 90
- LTC Special Meetings: 19
- Executive Committee Meetings: 19
- Community Information Meetings: 13
- Islands Trust Council Meetings (4 times per year x 3 days per meeting): 12
- Regular Planning Committee Meetings: 9
- Agricultural Advisory Committee Meetings - Salt Spring: 5
- Public Hearings: 3
- Advisory Committee Meetings - Salt Spring: 2

For some of these meetings, more than one planner was in attendance, depending on the agenda.

LPS staff at the LTC meetings often act as *de facto* corporate officers on topics well outside of planning since they are often the only staff person in attendance to support the Trustees. This is not a normal practice in local government.

Staff estimate that, in a typical year, about 30% of planning staff time is spent on the public meetings (preparation for, attendance at, travel to and from). That is far more than for any other local government, where there are fewer public meetings in which planning staff have to be involved (e.g., regional district boards typically meet once or twice a month and municipal councils typically meet between two and four times a month).

The past two years have not been typical in that most meetings were held via video conferencing, which reduced the amount of staff time involved with meetings since there was less travel.

There have been questions raised about whether some of the planning staff are suited to working in a rural/non-urban planning environment as opposed to an urban planning environment. In the opinion of the consultants, there is no reason for this to be a concern.

All professional planners have education in both urban and rural planning and many have experience working in both environments.

Professional planners are in high demand in the province, with heavy competition amongst public and private sector employers in attracting and retaining planners, especially on the development planning side and in middle and senior management positions. This is particularly a challenge for some of the smaller communities around the province and many planning departments have vacancies that they are having difficulty filling. Placing more stringent requirements on new planning hires at Islands Trust is not advised.

However, more training and orientation for new planning hires could be of benefit given the complexity of the Islands Trust planning process, which no planner would have experienced anywhere else in local government, be it rural or urban.

Recommendations

1. Reduce the amount of planning staff time spent at meetings by allowing them to attend more meetings via video conferencing, even when there is a return to more face-to-face meetings.
2. Planners should not be participating in meetings as *de facto* corporate officers. Their role should be focused on planning matters.
3. Move the Northern offices to Nanaimo, but retain an office on Gabriola Island open regular hours and staffed on a rotating basis by one planner. Notably, this was also one of the recommendations of the 2007 Stantec report:

“The northern office should be relocated from Gabriola Island to Nanaimo and converted from a ‘full service’ office to more of a ‘store front’ or satellite office with a smaller staff complement, focusing primarily on the development application side. This will provide somewhat easier access to staff for residents of the northern islands, but it is primarily intended to be able to recruit and retain staff.” (page 3)

4. Review the current training and orientation program for new planning hires. The input of the planners hired in the past several years, as well as the staff involved in the exit interviews, should be sought as part of this process.

E. OTHER OBSERVATIONS

1. Planning Reports

LPS staff are producing hundreds of reports each year for the Planning Committees, the Task Forces, the Boards of Variance, the LTCs, Council and the Executive Committee, which is very time consuming.

Some of the reports are inconsistent in format and style, depending on the author and the subject matter.

Too much staff time is being spent writing planning reports that are not being read, or at best are being lightly skimmed, because they are too long and have too much detail for decision makers to fully absorb in agendas that can run into hundreds of pages. This was an observation made by a number of the Trustees.

Recommendations

1. Standardize the format and style of the planning reports.
2. Planning reports should generally be shorter. An executive summary should be included for any report longer than six pages that gives the decision makers the critical information. That means telling them what they need to know in making a decision, not simply summarizing topic headings. The reports can also put more of the details, where they are needed, into attachments rather than the main body, where they clog the flow of important information.

2. Development Application Service Delivery and Technology Improvement Program

One of the activities that Islands Trust will be undertaking as part of this recently funded project is:

“Hire a consultant to review the development application processing approach currently used at Islands Trust and make recommendations on changes that could be made to improve efficiency. This will be focused on the steps used, the reporting, and the detail in the reporting to the elected officials for each type of major application - rezoning, development variance permit, development permits and temporary use permits. Part of this will be to look at means to “fast-track” or “prioritise” those applications that improve equity and access to affordable housing.” (page 4 of application)

Some points for consideration in this upcoming review have already been covered in this report. Others that should be considered in the review are:

- The relationship with other agencies that have a role in the applications approval process. For example, there should include a better understanding why it takes the Ministry an average of six months to approve an OCP bylaw or amendment bylaw after third reading and determine if there are ways to shorten that time. If

applications are going to be fast-tracked, a strong working relationship will be required among all agencies involved in the process, including a clear understanding of needs, objectives, processes and priorities.

- It is not just the amount of time that an application takes to move through the process, but where it is in the process. One local government is working on an operational dashboard for applications that will include the time that the application is with it being reviewed, the time that the application is back with the applicant for further work, and the time that the application is with referral groups (e.g., other government agencies). They refer to it as a “chess clock”.
- This same local government does post-mortems of completed major applications to see if there are things that could have been done better.
- The application fees, which do not appear to be coming close to covering the cost of processing some applications, should be reviewed.
- Greater use can be made of outside consultants in helping fast-track applications if there is not sufficient LPS staff capacity. A number of local governments take this approach by selecting and retaining consultants (i.e., the local government is the client, not the applicant) and re-billing the applicant for the consultants’ fees and expenses. Applicants are sometimes prepared to do this where there is an offsetting benefit in time savings and therefore project financing costs. For the local government, this also frees up staff resources to deal with other applications.
- There may be a role for the application of Comprehensive Development (CD) zones, which are essentially custom zones, for some proposed developments that do not conform to existing zones (e.g., they exceed the maximum permitted density), but are desirable. This could be particularly useful as Islands Trust explores opportunities to create innovative affordable housing projects. CD zones are commonly used by local governments.
- Policies such as the Best Management Practices for Delivery of Local Planning Services to Local Trust Communities (approved in 2006 and last updated in 2013) and the Application Processing Services Policy (approved in 2021) will likely need to be updated based on the findings of the review.

3. Benchmarking

There was a desire by Islands Trust to have benchmarking undertaken as part of this relatively high-level review of LPS. However, it became clear as the review progressed that this would not be a particularly productive or informative exercise given the way in which Islands Trust is structured and governed under the *Islands Trust Act*, which is unlike any other local government in the province when it comes to land use planning. There are planning lessons that can be learned from other local governments, but they do not lend themselves to a benchmarking exercise.

Map of LTA Boundaries and LPS Office Service Areas



Annex 2

Great Northern Management Consultants Inc. (GNMC) Islands Trust Project Team Biographical Notes

Charles Kelly

Project Role – Project Manager and coordinator of consulting services by subject matter experts.

Career Summary – Mr. Kelly has been the CEO of two national management consulting firms for over 25 years. As CEO, he advised a wide range of executives and senior management in Canada's resource, information technology and financial services industries, Federal and Provincial Governments and NGOs. As a strategic advisor to IBM Canada's Public Sector Services, he helped lead major systems services initiatives. Internationally, he formed and led a team of former Ministers and Deputy Ministers to advise the Cuban Financial Ministries and Ministers on Canada's experience with Crown Corporations as a model for transition to a more market-oriented Cuban economy, under a CIDA project.

As the Commissioner General for the UN World Urban Forum 3, he initiated a global online consultation process, recruited over 60 subject matter experts world-wide that engaged 39,000 participants from 139 countries. As Commissioner General, he led the agenda development process through a Governing Council of 70 Nations, and managed the delivery of conference services for 12,000 attendees from 139 countries. He was the President of Concrete BC, and represented BC's concrete industry through membership in numerous BC, National and International Boards of Directors.

Currently, as President of Great Northern Management Consultants, he advises BC construction industry associations on public policy strategies, government relations and communications. The construction industry is BC's largest employment sector and operates in every region of the province.

Maryantonett Flumian

Project Role – Mrs. Flumian led the Governance dimension for the Islands Trust mandate. Throughout her career, she has worked to understand the links between legislation, structures, planning and processes and outcomes in an environment focussed on citizens. She also assisted in the alignment of key activities, corporate objectives and goals and performance assessment.

Career Summary – Over a 40-year career, Mrs. Flumian has worked with a variety of federal, provincial and municipal governments, including their agencies, boards and

commissions. She has also developed training programs for government senior appointees.

She was the founding Deputy Minister of Service Canada, the senior official for the creation of the Government of Nunavut, and a Senior Advisor to the Government of Iraq on Governance and Financial Management. In the last fifteen years, Mrs. Flumian has increasingly worked with Indigenous leaders and communities across Canada. In addition to sponsoring national dialogues on 'Beyond the Indian Act and Reconciliation' on the west coast, she currently is working with the New Relationship Trust, the Musqueam Indian Band, the Huu ay aht Nation, the Huu ay aht Group of Businesses and HaiCo, the Economic Development Arm of the Haida Nation. Her work focusses on governance and economic development. With the New Relationship Trust, the work also includes the Indigenous Clean Energy Initiative and the Clean Energy Legacy Fund – Towards Net-Zero Green House Gas Emissions.

James Roche

Project Role – Mr. Roche's focus during the review was on strategic/corporate planning, communications and advocacy, and contributing to the analysis of governance.

Career Summary – Mr. Roche has an extensive background in strategic planning, governance and advocacy. His solid track record in government and business provided an excellent platform from which to build a consulting practice that focussed on helping private and public sector clients plan and organize for success, while building support and partnerships to ensure the achievement of critical goals.

Mr. Roche has worked with a wide variety of departments and agencies at all levels of government, led one of the largest federal crown corporations, and ran two of Canada's leading public affairs agencies. He has been closely involved with strategic planning and advocacy campaigns with many of Canada's leading private enterprises, including Canadian National, Bombardier, Air Canada, Canadian Imperial Bank of Commerce, and Bell Canada. He has been a long-time advisor to industry and professional associations including the Canadian Medical Association, Engineers Canada, Innovative Medicines Canada (research-based pharmaceutical companies), the Canadian Writers' Guild, and the Association of Canadian Airport Authorities.

On the Canadian west coast, Mr. Roche has worked with the World Wildlife Fund on its successful campaign to protect the Northwest rainforest, and he is a long-time advisor to the B.C. Coast Marine Pilots, focussing on off-shore tanker safety campaigns, noise reduction initiatives to protect Southern Resident whales, and building constructive relationships with coastal Indigenous communities.

Eric Vance

Project Role – Mr. Vance undertook the review of the land use planning function at Islands Trust; this included an assessment of the effectiveness of land use planning activities, policies, and processes.

Career Summary – Mr. Vance MA, MLAI, FCMC, FCIP, RPP has over 40 years of experience as a professional planner, economist, management consultant and educator.

During his career, he has undertaken hundreds of land use planning projects. The majority of these projects have been for municipalities and regional districts throughout BC. As well as working on Official Community Plans and neighbourhood/area plans, he has also contributed to the current Metro Vancouver Regional Growth Strategy and the Livable Region Strategic Plan. He also worked on the first Regional Growth Strategy created in BC, which was for the Thompson-Nicola Regional District in the mid-1990s.

Mr. Vance also has a strong background in management consulting, having spent 11 years with Coopers & Lybrand (now PricewaterhouseCoopers), Chartered Accountants and Management Consultants. That work included reviews of the performance of both public and private sector organizations.

He holds the unique distinction of being the only professional in Canada who is a Fellow of both the Canadian Institute of Planners and the Canadian Association of Management Consultants.

He is also an Adjunct Professor in the Planning Program of the Graduate School of Resource and Environmental Management in the Faculty of Environment at Simon Fraser University.

Lorraine Cole

Project Role – Ms. Cole has provided overall coordination and administration on the project. She also assisted with research and document review.

Career Summary – Ms. Cole has over thirty-five years of experience in both the Government of Canada and with the not-for-profit sector, focusing on human resource management and administration services. Most recently, she has been providing advice and support in human resource management to Indigenous communities in western Canada.

Sylvain Dubois

Project Role – Mr. Dubois provides legal and policy advice, to the project team, with respect to the interpretation of legislated requirements and reforms associated with the governance of the Islands Trust.

Career Summary – Sylvain Dubois (LLM), is a lawyer and recognized as one of the leading experts in Canada in governance issues associated with the public sector.

Sylvain has advised numerous Federal Departments and Central Agencies for 30 years. Notably he has served in many capacities in the Privy Council Office (PCO) including the Director of Operations for Machinery of Government. During his tenure he received numerous awards for outstanding achievements.

He has been a senior advisor, representing Canada, at the Organization for Economic Cooperation and Development (OECD), in Paris.

He has served as the Deputy Chief Electoral Officer for Canadian Elections. He has worked for the Institute of Governance as a VP Public Governance and later VP International Governance.

Currently Sylvain is the Vice-President Governance at Holdfast Management Inc., where he provides legal and policy advice on governance and public sector modernization, to governments and national indigenous organizations.

Annex 3

Note to Select Committee of Islands Trust Governance and Management Review regarding Advocacy and Opinion Survey

An initial review of Islands Trust documents relevant to advocacy, and discussions with responsible staff, suggests that the current advocacy function at the Trust does not lend itself to cost/benefit analysis or objective measurement of effectiveness, as called for in the RFQ.

That said, specific advocacy-related initiatives, such as legislative monitoring, representations on public policy issues, and surveys, will be reviewed and assessed, as will the Trust's approach to determining which issues are identified as advocacy priorities. Moreover, the Review will consider how advocacy might function going forward, including possible recommendations on clarifying what constitutes advocacy, how the advocacy function is organized within the Trust, the appropriate level of effort and resources dedicated to the function, and how its effectiveness might be measured.

Great Northern's proposal in response to the Islands Trust RFQ included a "perception audit" to determine awareness and attitudes to the Trust and its mandate. It was anticipated that an on-line survey of Island Trust residents, along with selected interviews with key external stakeholders and collaborators, could help measure the impact of advocacy initiatives and activities. Practical and substantive reasons would now suggest that a survey of residents may not be the best use of limited time and resources.

The focus of advocacy activities that have been undertaken are largely externally focussed, concentrating on matters of interest to the Trust but under the jurisdiction of other levels of government. A survey of residents would not contribute significantly to an assessment of such initiatives. In the absence of internally-focussed advocacy or communication campaigns, documented in terms of tactics used and desired outcomes, there is no point in a survey intended to help determine if results matched expectations.

While Trust staff have offered to help deliver a survey to the extent possible given limited resources and capacity, there is reason to doubt that a survey undertaken in the context of the Review could deliver meaningful results. Other Trust consultations with residents are currently underway, and other surveys have been undertaken as recently as February of this year, as well as in 2019, 2016 and 2011. Also, the effort required to create community awareness of the survey, and ensure both a robust response rate and representative participation of all demographics across the Trust area, pose significant challenges.

In light of the above, the optimal approach would be to not proceed with a survey of Island Trust residents, but instead augment interviews with councillors, staff, and third parties (including both Trust area residents and "outsiders" with shared interests and other connections to the Trust). Also, the Review will explore if, how, and when a future public

opinion survey undertaken by the Trust itself might best inform Council of residents' concerns and requirements and, at the same time, establish a valid benchmark by which progress can be measured concerning agreed-upon advocacy-related goals.

May 31, 2021

Annex 4

Discussion Guide for Trustee Interviews

Note: Interviews are confidential; results and findings arising from the interviews will only be reported in the aggregate, without the identification of individual respondents.

Introduction

1. Tell us about yourself. How long have you served on the Council? In what capacity(ies)?
2. What experiences have you had that you find relevant to your work on Council?

Mandate & Strategy

3. Do you have a clear understanding of the mandate of the Islands Trust?
4. Do you think the role of the Trust Council in strategy development and oversight of the Trust is effective?
5. Do you have a clear understanding of how Trust Council measures its impact and results? How are these communicated to residents and other stakeholders?
6. Is there something different that you think the Council should be doing to fulfill its responsibilities and achieve its Object and mandate?

Roles and Responsibilities

7. Have you and/or the Council identified any gaps or risks associated with Trust's current governance approach?
8. What do you understand to be the role of the shareholder in respect of the Islands Trust? In respect of the Council?
9. Do you have a clear understanding of the expectations, roles and responsibilities of Trustees? How well do Trustees fulfill these obligations in your view?
10. Given the responsibilities of the Council and the Committees of the Council, what skill sets are missing?
11. Given the Islands Trust commitment to Reconciliation and the BC government's 2021-26 Action Plan, do you think Islands Trust and the Council have the expertise/skills/experience necessary to achieve the stated goals?

Council Operations

12. How would you describe the current culture of the Council? What are its strengths and weaknesses?
13. How effective are Council's and its Committee meetings? Is the Council guided by a clear set of operating principles?
14. How effective is communication and engagement with and among Trustees, as well as with Senior Staff?
15. What is the decision-making role of the Council? Should this role be changed in any way?

Information to the Council

16. Do you receive the information and reporting you need in order to fulfill your responsibilities as a Council member? Is the material helpful and digestible for decision making?
17. How would you describe the reporting from the CAO and senior staff?
18. How effective is reporting from Committees to the Council?

Standing Committees of Council

19. There are three Standing Committees of Council: Financial Planning, Regional Planning, and Trust Programs, in addition to the Executive Committee. Is this the right structure? How could it be improved?

Advocacy

20. Are the advocacy efforts of the Trust sufficient and effective? Please elaborate.

Land Use Planning

21. Do you see any areas that could be improved in how Local Planning Services manages development applications?
22. Do you see any areas that could be improved in how Local Planning Services manages projects?

Council-Senior Staff Relations

23. How would you describe the general state of Council-staff relations?
24. How effective is Council's process of performance assessment of the CAO?
25. Is the CAO/Council relationship sufficient to drive alignment between Council and Staff?

Other

26. Are there any governance practices of this organization which have not been discussed so far that you would like to raise, or any best practices that you would recommend for consideration?
27. Do you have suggestions as to others who might be interviewed to help gain a full perspective of Council Governance and Management issues?
28. Are there any other issues you would like to raise?

Annex 5

Discussion Guide for Senior Staff Interviews (CAO, CAO direct reports, other selected positions)

Note: Interviews are confidential; results and findings arising from the interviews will only be reported in the aggregate, without the identification of individual respondents.

1. Describe your role, responsibilities, and experience as an Islands Trust staff member.
2. Place your current position in the context of a broader career path.
3. Describe reporting relationship, performance evaluation, and tools required to fulfill your duties.
4. How do you understand the role of Trust Council, and how it connects to your job?
5. Identify the organization's strengths and weaknesses, and areas for improvement.
6. Would you like to comment on any of the issues or questions identified in the Trustee Interview Guide?
7. Are there any other issues you would like to raise?

Annex 6

Letter from Government of British Columbia, December 1, 2021



December 1, 2021

Ref: 268755

Peter Luckham, Chair and
Lee Middleton, Trustee
Islands Trust
200- 1627 Fort Street,
Victoria, BC V8R 1HR

Dear Chair Luckham and Trustee Middleton,

I am writing today in response to the Islands Trust Governance Review select committee and consultant's request for Ministry of Municipal Affairs' (ministry) participation in the interview portion of the Islands Trust governance review process. I appreciate the work that the Islands Trust is undertaking to review its effectiveness with respect to governance, planning services and advocacy.

The Islands Trust and the ministry have a unique relationship. While the province recognizes the Islands Trust as an independent, autonomous local body, the ministry continues to have an oversight role, that includes for example, the ministry's responsibility for the *Islands Trust Act*, the Islands Trust's annual reporting requirements and some Islands Trust bylaws that require approval of the Minister.

I understand that the governance review is looking to themes and trends, and as outlined in the interview form that states the questions that the ministry's commentary on the governance review questions would be rolled into an *aggregate response*. This seems like a practical and useful approach for most the respondents that will be interviewed. For the ministry, however, given our unique relationship with Islands Trusts participating on an internal governance, this places us in a challenging position. Many of internal Islands Trust practices and operations are founded on established provincial policy or in some cases legislation. Providing commentary on such practices may bring into question the provincial role and rules respecting those matters. For these reasons the ministry is respectfully declining the opportunity to participating in this review.

I do note from your workplan, the consultants expect to deliver an interim report on its findings. I would like to request that the ministry be given the opportunity to review and comment on the interim report.

...2

Ministry of Municipal Affairs Local Government

Mailing Address:
PO Box 9490 Stn Prov Govt
Victoria BC V8W 9N7
Phone: 250 356-6575
Fax: 250 387-7973

Location:
6th Floor, 800 Johnson Street
Victoria BC V8W 1N3
www.gov.bc.ca/muni

Chair Luckham and Trustee Middleton
Page 2

Thank you for the opportunity to participate in the governance review and I look forward to receiving a copy of the interim report.

Sincerely,

A handwritten signature in black ink, appearing to read 'T. Faganello', with a stylized, cursive script.

Tara Faganello
Assistant Deputy Minister

pc: Russ Hotsenpiller, Chief Administrative Officer, Islands Trust
Michelle Dann, Executive Director, Governance and Structure Branch, Local Government
Division, Ministry of Municipal Affairs

Annex 7

The Islands Trust Select Committee on Governance and Management Review

Lee Middleton, Trustee Saturna Island - Chair

Kees Langereis, Trustee Gabriola Island - Vice-Chair

Paul Brent, Trustee Saturna Island

David Critchley, Trustee Denman Island

Michael Kaile, Trustee Bowen island and Municipal Councillor

Peter Luckham, Trustee Thetis Island, Chair Islands Trust Council

Benjamin McConchie, Trustee North Pender Island

Deb Morrison, Trustee North Pender Island, Chair Trust Council Programs Committee

Steve Wright, Trustee South Pender Island

Ex Officio:

Russ Hotsenpiller, Chief Administrative Officer The Islands Trust

With thanks for Secretariat support:

Lori Foster, Executive Coordinator

Gambier Island Biodiversity Monitoring and Restoration Proposal

Capilano University – Islands Trust Conservancy – Gambier Island Conservancy Partnership

Introduction

To provide students with opportunities for experiential learning and community engagement that supports sustainable human-environment interactions in the Átl'ka7tsem/ Howe Sound Biosphere Region, Capilano University has partnered with the Island Trust Conservancy (ITC), Gambier Island Conservancy (GIC), and the Sunshine Coast Conservation Association (SCCA). Together, the ITC and GIC are engaged in the management of three areas of natural habitat at the Long Bay Wetland Nature Reserve (LBWNR), Brigade Bay Bluffs Nature Reserve (BBBNR) and Mount Artaban Nature Reserve (MANR). These three reserves are presently recovering from human-caused deforestation/wildfires, that occurred both recently in 2000/1 and in the early/mid 20th century. The primary management goal is therefore to identify and conserve biodiversity present and facilitate recovery of natural ecosystems and processes. To support this goal, Capilano University students will undertake biodiversity monitoring and ecological restoration within the reserves in collaboration with the ITC and GIC.

Recent management plans (2019) emphasise the need for targeted biodiversity monitoring to identify Species at Risk (SAR), which are prioritised for federal and provincial protection, within the LBWNR, BBBNR and MANR. SAR identification will facilitate development of management actions to support their ongoing conservation, with potential for direct restoration of critical habitat or ecosystem features. The Gambier Island Conservancy (GIC) is contracted on an annual basis to manage the reserves including restoration, plant monitoring and invasive removal work. Nevertheless, current knowledge of SAR at the reserves and on Gambier Island more generally is incomplete. Systematic biodiversity monitoring over time, with repeatable protocols would therefore provide invaluable contributions to the baseline data used for management planning. Existing reports suggest that wetlands and streams within the LBWNR have high potential for supporting amphibian and bat SAR; the BBBNR includes rocky bluffs that may support bird breeding and reptiles; the MANR includes ephemeral wetlands and streams that may support amphibian breeding and bat foraging, as well as diverse habitat for bird life; blue-listed Black Swift (*Cypseloides niger*) were recorded during surveys. Further literature assessment of ecosystems present will provide a more comprehensive list of potential SAR species to inform targeted biodiversity monitoring.

Management plans additionally emphasise the need for recovery of red/blue listed ecosystems within the three reserves, specifically the Extra-dry Maritime Coastal Western Hemlock subzone (CWHxm) and Dry Maritime Coastal Western Hemlock subzone (CWHdm). Each reserve additionally includes numerous different ecological communities featuring different species-associations, within the subzones which are identified by their site series and described in the 2019 management plan. Previous restoration efforts from 2015 have focussed on replanting of trees to accelerate ecosystem recovery. The management plans emphasise the need to maintain monitoring of replanted trees to assess damage by black-tailed deer and removal of wire mesh protection once trees are able to withstand foraging; further tree planting may be considered to increase recovery speed. In addition, invasive plant species were

identified as a significant threat to ecosystem recovery. To facilitate ecosystem recovery, mapping and assessment of replanted trees coupled to identification of areas for further planting would prove beneficial. Furthermore, mapping of invasive species and initiation of their removal would further support recovery.

Within the reserves there are specific features or recovery processes that may advise more focussed assessment and restoration. The LBWNR and MANR contain wetlands which may play an important role in supporting SAR such as amphibians (e.g. Wandering Salamander, Northern Red-legged Frog) and bats (e.g. Little Brown Myotis). In particular, the LBWNR is potentially a permanent water body and as such may additionally maintain key habitat for insect larvae and nymphs whose adult life history stages are critical for the health of adjacent terrestrial ecosystems. Indeed, these invertebrates may be SAR in their own right. The LBWNR also contains streams that have been the focus of restoration following forestry in 2000/1 and assessment of their recovery and species present will inform the efficacy of those efforts and potentially highlight SAR invertebrates (and vertebrates e.g., Coastal Tailed Frog), or the need for further restoration. Restoration work at the former quarry in the LBWNR also requires ongoing monitoring to assess replanted trees and risks from invasive species in this disturbed environment. Within the BBNR, bluffs likely support reptiles and potentially breeding birds whose presence should specifically be assessed.

Project Goals

The primary goal of Capilano University student's work will be to undertake (i) biodiversity monitoring for SAR identification and (ii) GIC integrated planted tree mapping and monitoring, and (iii) invasive species mapping at the LBWNR. Longer term the project will seek to initiate ongoing biodiversity monitoring on a multi-year basis using established protocols. Furthermore, the project will remain flexible pending new information and collaboration with the ITC and GIC. Pending initial findings (e.g. presence of SAR), the project may then further seek to determine a restoration strategy and undertake restoration through (iv) enhancement of identified SAR habitat, (v) tree planting and deer cage maintenance or removal, and (vi) invasive species removal.

Project Logistics

Fieldwork for the project will begin in March 2022, since funding was provided to support class-based activities for students in BIOL 208 Ecology at Capilano University in Spring 2022. Consequently, including the class, is an important goal where possible. Nevertheless, scope exists to select specific student teams to undertake project work in the longer term. Given the number of students involved and access constraints, we would initially seek to focus work on the LBWNR. Future expansion to consider the MANR and BBNR will be considered where capacity exists.

Presently, we would seek to undertake the following in 2022:

- Jan – Feb: Develop protocols for biodiversity monitoring with a focus on SAR species identification using government databases, iNaturalist, management plans and existing species lists. Develop protocols for planted tree mapping and monitoring, and invasive species mapping and monitoring. Contact existing monitoring projects and organisations involved: Claudia Schafer, Carrina Maslovat, Michael Stamford.
- Early March: Supervisor site visit together with GIC.

- March: Visit the LBWNR for a one-day field trip with the BIOL 208 class (23 students). Two or three chartered water taxis (Mercury Transport) will leave Horseshoe Bay at 8:30am and docking at the private Brigade Bay subdivision marina East of the LBWNR; departure from Brigade Bay at 5pm. Students would undertake data analysis on this initial 'bioblitz' and produce preliminary results on biodiversity (see below for details).
- April – September: A subgroup of students would undertake ongoing project work in further visits to the LBWNR and potentially BBNR and MANR. Ideally these would be overnight trips to facilitate monitoring of bats/nighthawk.
- September – December: Data analysis and reporting to our partners based on work undertaken by the student sub-group.
- Ongoing – Monitoring and restoration in partnership with the ITC, GIC and HSBRI

To enable ongoing monitoring and follow up restoration work, using established protocols, further funding would be sought from Capilano University and external grants to support student monitoring, including through the BIOL 308 – Conservation Biology and BIOL 408 Restoration Ecology courses.

Project Activities

Project activities are divided into an initial site visit with the BIOL 208 Ecology class and subsequent visits for targeted work by a subset of skilled students. Prior to the first visit a literature review will be undertaken to identify a long list of Species at Risk that may be present in the reserves, considering mammals, birds, amphibians, reptiles, fish, invertebrates, plants and lichens. Short lists of likely species will be further identified through consultation with local experts coupled with reviews of previous monitoring work (Appendix 1) and observations on iNaturalist. Further, we would develop monitoring protocols consistent with Federal/Provincial standards and any existing monitoring, to specifically record SAR most likely present at the LBWNR.

Class Visit March 2022:

Initially, the class would work on a vegetation survey of the LBWNR in the forested site series. The class would then be divided into teams, each of which would have a specific Biodiversity monitoring task. Two supervisors from Capilano University + partner representatives and available biodiversity experts would provide support. We will seek to minimize disturbance to the small site, while achieving monitoring goals.

- Vegetation monitoring (whole class)
 - Transect line monitoring with ~10 lines of 50 metres per site series ecological community (see 2018 reports). Record frequency of species identified within: Canopy, secondary canopy, shrub layer, herb layer, Mosses and lichens.
 - Ad libitum monitoring of plant / lichen species present to record species not observed within transects per ecological community
- Invasive species (whole class)
 - GPS/flagging of invasive species patches and record with photo. Prioritise English Holly.
- LBWNR Wetland (specialist student group)
 - CABIN protocol wetland monitoring adapted for small wetland site. Aquatic invertebrate sampling protocols may be deemed too invasive pending assessment of the site size. If approved, then undertake D-net monitoring of standing water/wetlands using Cabin

protocols. Species level identification of macroinvertebrate larvae/nymphs to identify possible SAR e.g. dragonfly. Include abiotic condition assessment (DO, temp, pH, turbidity etc)

- Transect plant monitoring extending from the wetland (see CABIN protocols)
- Ad libitum plant species identification
- Amphibians (specialist student group)
 - Amphibian egg mass survey within the wetland where disturbance is considered minimal
 - Amphibian terrestrial survey following provincial protocols – we envisage a salamander search along transects.
- Mammals
 - Camera trap survey across site series ecological communities. Randomized camera placement with camera number = area of habitat. Traps will be placed by instructors prior to the survey date to enable students to retrieve data during the visit.
- Bird Surveys (specialist student group)
 - Point counts within site series ecological communities following Birds Canada protocols. Count number dictated by site area with minimum 100 metres between point counts.
 - Ad libitum monitoring of species observed per ecological community (ebird lists)
- SAR-specific monitoring (specialist student group)
 - Where SAR may not be adequately monitored by taxa/habitat generic surveys, specialised surveys will be developed (pending SAR short list identification and assessment.
- Stream recovery monitoring (specialist student group)
 - Aquatic Invertebrate monitoring with Kick net / Surber sampler in streams using provincial/stream keepers protocols
 - Abiotic conditions
 - River and bank flow characterisation
 - Ideally comparison would be made with an undisturbed stream within the MANR to assess impact of restoration efforts. However, this will only be considered where capacity allows.
 - Vegetation quadrat surveys and transects in riparian areas around streams in the LBWNR that underwent restoration following logging in 2000/1. Comparison with a local undisturbed reference site, potentially within the adjacent MANR would prove informative.
 - Observational assessment of fish species present in streams, ideally incorporating underwater photography assessment of fish species.
- Reptiles (unlikely in March student visit)
 - Reptile terrestrial survey following provincial protocols
- Planted trees (Unlikely in March visit – coordinate with GIC)
 - GPS all surviving planted trees and record DBH + photo + health assessment and microsite characteristics. Include quarry trees.

Ongoing Student Monitoring

Following the class visit and assessment of initial findings, a subgroup of students would undertake follow-up visits to the reserves to continue monitoring. Visits would likely occur in May, June and July.

The anticipated activities would continue surveying protocols established in the class visit as well as more specialised surveys and include the following:

- Ongoing
 - Bird point counts and ad libitum species recording
 - Amphibian monitoring of wetland/stream egg masses, terrestrial search and acoustic surveys.
 - Reptile terrestrial search
 - Mammal monitoring with video cameras
 - Vegetation transects and ad libitum species recording
 - Where possible
 - Aquatic invertebrate monitoring of the wetland
 - Riparian recovery considering invertebrates, fish and riparian plants survey
- Additional
 - Bat monitoring overnight in site series ecological communities (requires multiple bat detectors and individuals at different sites)
 - Common Nighthawk overnight monitoring
 - Marbled murrelet (MaMu) overnight acoustic monitoring for breeding birds
 - Small mammal live trapping overnight to assess rodent, mole and shrew communities.
 - Fish live-trapping in the streams and potentially Lost Lake for stickleback assessment.
 - Insect monitoring with possible use of pitfalls and sweep nets coupled to transect surveying (together with vegetation survey). Ad libitum observations during other surveys.

Future Restoration

Pending assessment of biodiversity monitoring, development of a restoration strategy and additional funding, we would seek engagement from future student groups to support restoration work recommended by the ITC/GIC including:

- Invasive species removal prioritising support of critical habitat
- Native Plant installation
- Habitat modification to reverse logging damage and support SAR species habitat requirements
- Wetland recovery to facilitate maintenance of a standing body of water. This may depend upon whether successional processes with a return to forest are deemed a more appropriate long-term goal.
- Though not strictly restoration, stickleback have been observed in the nearby Lost Lake and should be investigated at LBWNR. Additional evidence to support observations would support recognition by our resource managers. Numerous unique stickleback populations have been identified in lakes along the BC Coast and present examples of nascent speciation due to isolation after post-glacial retreat.
- In addition to sticklebacks, Gambier Island is potentially home to many unique species that have undergone rapid evolution with strong reproductive isolation from other populations (e.g. amphibians, invertebrates, coastal cutthroat trout). Some of these important components of biodiversity in BC have been listed by SARA and the CDC (Conservation Data Center) and therefore receive considerable protection. No Gambier Island species population is currently

recognised as unique on this basis due to a paucity of research, presenting an opportunity for future work in this vein.

Budget

Initial budget of \$3000 has been provided to support the project. This will primarily cover bus and water taxi fees for students to access Gambier Island. Initial costs of a class group travelling by water taxi are likely in the region of \$1200 for the water taxi and \$600 for the bus. Remaining budget could then support ongoing trips by a sub-group of students travelling independently to Horseshoe Bay and with reduced ferry costs. Accommodation may be sought in the vicinity of Camp Artaban, or overnight tent-camping may be possible where land permissions allow.

Further opportunities to attract funding will be sought with the possibility of MITACs grant submission.

Appendix 1: Previously Identified SAR species

Yabea microcarpa (California hedge-parsley)

Carex feta (green-sheathed sedge)

Myotis keenii (Keen's long-eared myotis) *Chrysemys picta* (Western Painted Turtle)

Anagallis minima (chaffweed)

Cuscuta campestris (field dodder)

Woodwardia fimbriata (giant chain fern)

Heterocodon rariflorum (heterocodon)

Botrychium simplex (least moonwort)

Sanguisorba menziesii (Menzies' burnet)

Ophioglossum pusillum (northern adder's-tongue)

Isoetes nuttallii (Nuttall's quillwort) *Carex scoparia* (pointed broom sedge)

Allium amplexans (slimleaf onion)

Sagina decumbens ssp. *occidentalis* (pointed broom sedge)

Hypericum scouleri ssp. *nortoniae* (western St. John's-wort)

Malaxis brachypoda (white adder's-mouth orchid)

Nothochelone nemorosa (woodland penstemon)

Patagioenas fasciata (Band-tailed Pigeon)

Tanypteryx hageni (Black Petaltail)

Branta canadensis occidentalis (Canada Goose, *occidentalis* subspecies)

Euphyes vestris (Dun Skipper)

Ardea herodias fannini (Great Blue Heron)

Butorides virescens (Green Heron)

Monadenia fidelis (Pacif

Appendix 2: Invasive Species (in development)

Appendix 3: Contacts (in development)

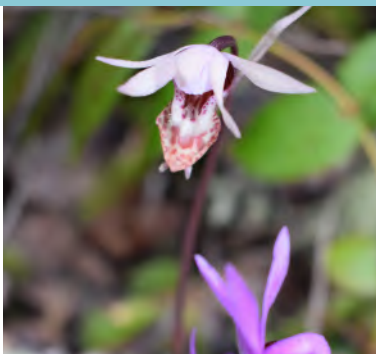
Red legged frog monitoring and bats

<https://www.coastwildlife.ca/our-story>

coastwildlife@gmail.com

Invertebrates

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Contact Us



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To the Islands Trust Council;

This Joint Statement represents the shared comments of the undersigned and that it was duly reviewed and passed by the board of directors of each organization.



Pender Islands
Conservancy



DENMAN
CONSERVANCY
ASSOCIATION



Galiano
Conservancy
ASSOCIATION



Bowen Island
Conservancy

**Joint Statement
On The
Draft Islands Trust Policy Revisions**

March 1, 2022

Submitted by

Mayne Island Conservancy

Salt Spring Island Conservancy

Galiano Island Conservancy

Denman Island Conservancy

Lasqueti Island Nature Conservancy

Gambier Island Conservancy

Gabriola Land and Trails Trust

Pender Island Conservancy

Thetis Island Nature Conservancy

Conservancy Hornby Island

Bowen Island Conservancy

Introduction

This review of the Islands Trust draft Policy Statement is a collaboration of 11 conservancies and land trusts (hereafter referred to as conservancies) that operate within the Islands Trust Area. Collectively, through their members, the Trust Area conservancies represent just under 10% of the total Trust Area population (2016 census) who support and embrace each conservancy's work in their communities. As well, the conservancies, on average, invest around \$1.4 million per year into Trust Area island communities including owning and/or managing around 1,690 ha of lands for conservation. As a result, these non-government organizations have shared interests in Trust Area governance, the development of policies, and how these policies are applied across the island communities. They have visions, missions, and purposes that directly relate to and support the Trust object:

"... to preserve and protect the Trust Area and its unique amenities and environment for the benefit of the residents of the Trust Area and of British Columbia generally,..." (Islands Trust Act).

The conservancies have common core interests and represent a range of expertise and local knowledge that is applied to the preservation, protection, restoration, and recovery of the ecologically significant lands and waters within the Trust Area. Collectively, they formally and informally do this through a variety of ownership, covenant, or stewardship models. Most conservancies are engaged in invasive species management, species at risk management, and restoration of degraded ecosystems. These organizations, as well, undertake collaborative initiatives with other community and regional organizations and this includes working alongside Indigenous communities for some of the islands. For these reasons, the conservancies of the Trust Area are uniquely positioned to comment and make informed recommendations on the draft Policy Statement and to assist in and support the implementation of the Trust Area policies.

The Trust Area conservancies recognize the Trust Council has been tasked with an enormous challenge to integrate the mandate to 'preserve and protect its unique amenities and environment' with the need to ensure the well-being and viability of the growing human communities embedded within this environment. Today, this challenge is further compounded by the urgent need to not only encourage and promote practices that can mitigate, adapt to, and restore effects of climate change and biodiversity loss, but also to support practices that equitably address the social and cultural dimensions of our communities (e.g. Indigenous rights and interests, growth, housing, employment, and rural nature).

Further, and with respect to conservation practices, it must be acknowledged that modern "conservation" solutions need to be just and equitable and fully account for the complex human dimensions of our rural environment, including but not limited to housing and what constitutes low vs high impact development. This would be identifying and embracing socio-ecological principles and practices (www.Conservationgateway.org) that are applied in rural communities elsewhere around the world.

This joint review does not present an exhaustive list of comments or recommendations. Individual conservancies may choose to provide additional commentary through appropriate channels.

Positive Additions/Revisions

We commend Trust Council and staff for this much needed comprehensive update to the Trust Policy Statement. There are many exciting additions and revisions to the document. We further applaud Trust

Council and staff for expanding the sources of information to be used for decision making, and to “ground decision-making in the best available area-based mapping, science, social science, local knowledge, and Indigenous ways of knowing”. However, we recommend revising this statement to “ground decision-making using credible and best available ...”

We enthusiastically endorse wide-ranging new commitments and policies regarding meaningful engagement and cooperation with Indigenous Nations, including governance and cooperative decision-making, heritage preservation and protection, cultivation and harvesting rights, recognition of Indigenous cultural heritage as a unique amenity, and inclusion of Indigenous ways of knowing in many areas of the Islands Trust work. The recognition and commitment to the provincial Declaration of the Rights of Indigenous Peoples is supported. We would add that these new commitments need also to move towards a more inclusive conservation that works with Indigenous NGOs and governance institutions in the development of conservation practices that could include Indigenous Protected Areas and Culturally Significant Areas.

The revisions and updates to Part 4: Ecosystem Preservation and Protection and the expanded context statement are welcomed and supported. We endorse many of the new policies aimed to protect land, freshwater, and marine environments, and the Trust’s adoption of a precautionary approach to preservation and protection in response to the added pressure being applied to our ecosystems and communities by a changing climate, social and cultural needs. With the reality of climate change and human impacts on ecosystems, damage to the natural environment, even if unintended, is inevitable. Therefore, the new commitment to ecosystem restoration efforts is a particularly important addition to the draft Policy Statement, recognizing that past baselines and traditional ecological knowledge will need to be understood to achieve restoration goals. We recommend the Trust Council endorse and actively apply the goals of the UN Decade for Ecosystem Restoration 2021-2030 as part of a global effort to restore degraded ecosystems and prevent further degradation and seek guidance from the international work on integrating conservation with social and cultural dimensions.

We are pleased with Trust Council’s new commitment (4.1.3) to “establish and sustain a network of protected areas throughout the Trust Area, in collaboration with the Islands Trust Conservancy Board, acknowledging that unfragmented connectivity is necessary to preserve ecosystems in sufficient size and distribution to sustain their environmental integrity”. This is much improved over the previous commitment “to work towards” a network of protected areas. We are also pleased to see the addition of a specific list of elements that need protection and restoration (4.1.7) but would like to add “native species even if they are not at risk” to this list. We also support the strengthened directive policy (4.3.6) for local trust committees and municipalities to “prioritize the environmental integrity of the Trust Area by protecting unfragmented forest ecosystems, on a scale of forest stands and landscapes” from the impacts of land use conversion. The intent of the revised directive policy (4.3.8) to “designate protected forest ecosystem reserves where the conservation of native biodiversity and corridors is especially critical and where there should be no extraction” is welcomed but we would propose instead to ‘designate protected forest ecosystem reserves where conservation practices are applied that sustain native biodiversity and corridors and where there should be no industrial extraction’.

We are encouraged to see clearly worded recognition that the Islands Trust lacks the jurisdictional powers to fulfill its legislative mandate independently and must cooperate and collaborate with other organizations and government agencies (1.4). Therefore, we strongly endorse the Trust’s commitment to move from “encourage” to “advocate” when dealing with other government and Indigenous agencies

on issues affecting the environment, climate mitigation and adaptation, sustainable communities, and housing.

We note that Canada has signed onto the pledge to end deforestation, which is defined as the permanent conversion of forest land to other uses. The other side of this equation (but not part of an agreement) is forest degradation, which is the loss of old growth and biodiversity through inappropriate forest practices. In that regard, we are pleased to see the Trust Council's new forest stewardship policies that stipulate forest harvesting in the Trust Area should be limited, small-scale, and that clear-cutting of forests and logging of old-growth trees at any scale are not appropriate activities anywhere in the Trust Area (4.3.3 and 4.3.5). The recognition that the rate and scale of development must come in line with protecting the integrity of the environment and its amenities, is welcomed. There are other proven models of low impact forest harvesting systems in Coastal Douglas-fir (CDF) forests that do not require large-scale removal of trees across the landscape, and they should be supported.

It is critically important that new forest harvesting and tree cutting policies be adopted to protect the ecologically unique and threatened CDF biogeoclimatic zone. Therefore, we enthusiastically support the new coordinating policy (4.3.9) that commits the Islands Trust to seek more jurisdictional authority over forest harvesting, and to advocate for "authority to regulate tree cutting in the Trust Area".

We are pleased the importance of forests, soils, fungal networks, and eelgrass meadows in capturing and storing atmospheric carbon is recognized (1.4). Acknowledgement that ecological systems are complex and play critical roles in mitigating the effects of climate change emphasizes the importance of protecting the Trust Area's ecosystems.

The Trust Area conservancies are delighted to see the new commitment of Trust Council "to seek close collaboration and policy alignment with the Islands Trust Conservancy Board" (3.1.5) in fulfilling the Island Trust's mandate. Many of the conservancies have a rich working relationship with the ITC and expect that relationship to strengthen under the new policy environment.

The draft policy statement recognizes the significance of farms and farm livelihoods within the Trust Area and that they are to be supported. We endorse the new provisions for agricultural lands related to sustainable and regenerative practices, scale of operations, and farm class status considerations. We particularly support the new coordination policy (4.4.6) statement "that total land area subject to the farm class status may include land that is left uncultivated." This is excellent as it encourages landholders to leave parts of their land as undisturbed habitat (e.g., forests, wetlands). In addition, we support the revised policy (4.5.5) that directs local trust committees and municipalities to "include policies that foster the preservation, protection and restoration of productive soils within the Trust Area."

Recognition of the interconnection between healthy and resilient communities and healthy and resilient ecosystems is also a worthy addition to the draft Policy Statement. We agree that diverse and affordable housing options are an essential part of a healthy and resilient community. However, we do not agree with the one-size fits all approach described in Section 6.2. For example, 6.2.4 directs all trust committees to identify appropriate areas for density increases. Densification is an urban approach to affordable housing, which is inconsistent with the Trust's commitment to safeguard the unique rural characteristics and ecological attributes of the Trust Area and to ensure all development is to a rural scale and is "compact, energy-efficient, sustainable, and appropriately situated" (6.2.1). We support the adoption of a uniquely rural approach that could require, for example, all subdivisions to provide some lots that are below market value and covenanted to allow only a small size dwelling. It is difficult to get

community support for multi-dwelling proposals where the large numbers of units are incompatible with conservation of freshwater resources, natural habitat, and/or the character of neighbourhoods. Therefore, Trust should encourage smaller multi-dwelling proposals (e.g., 4-6 units rather than 20) where this is more appropriate.

We are concerned directive policy (6.1.8) “...that growth and development, of any scale or for any purpose, is compact, energy-efficient, sustainable, and appropriately situated in order to minimize greenhouse gas emissions...” may have unintended outcomes. While likely appropriate for some islands, we fear applying this policy on other islands will result in densification in already overburdened village areas and stress on already overused resources. A better approach, and one already in practice, is neighbourhood clusters of small and medium sized rural residential developments surrounded by larger acreages of unfragmented forests.

We endorse the inclusion of a new Trust Council commitment (6.3.1) to support community resilience and liveability by providing appropriately situated public and active transportation networks that encourage the use of electric vehicles and electric bicycles and thereby reduce greenhouse gas emissions and promote health and well-being.

Recommendations and Concerns

This section identifies specific areas the Trust Area conservancies believe may need more consideration, require clarification, or should be amended or removed.

Islands Trust Object and Its Meaning

The challenge for the Islands Trust has always been to integrate ecosystem preservation and protection, sustainable communities, and stewardship of resources in its decision-making. Our concern is that the comprehensive revisions to *The Islands Trust Object and Its Meaning* section of the Policy Statement, including the expanded definition and discussion of unique amenities, while welcomed, could be interpreted as de-emphasizing the critical and overarching priority of Trust Council to ‘preserve and protect’ the integrity of the unique amenities and environment of the Trust Area.

Several new or revised policies in the draft Policy Statement “prioritize” the environmental integrity of the Trust Area. However, there is no clear statement early in the document that says the overarching priority of the Islands Trust is to preserve and protect the ecological and amenity health and integrity of the Trust Area. A clear statement to that effect should be included in section 1.4 of the document.

There has been much loss and degradation of CDF ecosystems over time, thus simply maintaining the current state of our ecosystems should not be the aspirational goal we strive to achieve. To do so would give a false sense of protecting whole ecosystems when in fact it would only be fragments of what had previously been present. To counter this, development must be considered in the context of a shifting baseline (Pauly, D. 1995. *Anecdotes and the shifting base-line syndrome of fisheries*. Trends in Ecology and Evolution 10(10):430), also termed ‘generational amnesia’ (see Kahn, P.H. 1999. *The Human relationship with nature*. MIT Press pp 110-11), and restoration techniques used to return some of the degraded habitats to their former state. As well, we know that the ecosystems we refer to as natural today are in a large part due to the influence of Indigenous peoples’ management practices to derive food and materials sustainably over millennia. In that regard, the conservancies recommend the draft Policy Statement be amended to reflect these crucial considerations (particularly Part 4).

Regional Governance Policies

We recommend that a directive policy be added that requires Local Trust Committees and Island Municipalities to consider the full Trust Policy Statement prior to making all decisions associated with development proposals or applications, and that Official Community Plans (which are based on Trust Policies) be followed or that a rationale for non-compliance be provided.

Forest Conservation

The conservation of rare and threatened forest ecosystems within the Trust Area is a difficult task given the complexities of ownership and jurisdictional patterns and, in some instances, the dependency of local incomes on forest resources. The Trust Area conservancies all work toward protecting forests and their associate ecosystems over the long term and hence have specific concerns about how the stewardship of ecosystems is reflected in the revised language of the Policy Statement.

Despite an expanded introduction to section 1.4, we feel the description of the “unique amenities and environment...” does not fully capture the importance of the CDF biogeoclimatic zone in the Trust Area. The significance of the CDF hinges on more than its exceptional biodiversity and high numbers of species at risk. “When ranked for sensitivity to climate change, carbon storage capability, biodiversity habitat, and the degree of human impacts, the Coastal Douglas-fir zone is the most important BC ecosystem.” (Wilson, S.J. and R.J. Hebda. 2008. *Mitigating and adapting to climate change through the conservation of nature*. The Land Trust Alliance of British Columbia). However, the CDF zone (in BC, holds 70-80% of the range of ecological communities described with 97% of those of conservation concern. *Taking Nature’s Pulse: The status of Biodiversity in British Columbia, 2008*) is the least protected in BC with less than 1% of old growth remaining and only 10% of forests older than 120 years. It is also the most altered by post contact activities, including timber harvesting, fire suppression, industrial development, recreation, and urbanization, which has resulted in some of the province’s most fragmented habitats. For these reasons, section 1.4 needs to be revised to better convey the urgency and importance of not only protecting valuable and threatened CDF ecosystems but also implementing conservation practices that restore, enhance and sustain these systems into the future.

As stated previously, we strongly endorse the Trust Council’s new commitment to advocate to the provincial government “to grant Islands Trust the necessary jurisdictional authority to preserve and protect forest ecosystems” (4.3.9). However, the need for more jurisdictional authority in this area, and others, should also be stated much earlier in the Policy Statement (i.e., in 2.2). Simply put, the Islands Trust will remain unable to effectively fulfill its ‘preserve and protect’ mandate until these additional regulatory powers are granted by the provincial government.

Despite the obvious need for more jurisdictional authority over forest harvesting, a new coordinating policy (4.3.9) to advocate for “authority to regulate tree cutting in the Trust Area” requires clarification. Within the ecologically unique and threatened CDF biogeoclimatic zone, new tree-cutting regulations, while emphasizing the protection of forests and continuous forest cover, must also include strategies and criteria to protect old growth or veteran trees, heritage trees (planted to commemorate an event), and culturally significant trees, among others. We propose that all old growth stands and individual trees of significance be mapped and, once identified, be subject to a permitting system. In some areas, it is also important that older second growth forests are reserved to become the old growth forests of the future – a practise that has been advocated internationally as ‘proforestation’. This is a nature-based solution whereby existing forests are protected as intact ecosystems to foster continuous growth for maximal carbon storage and ecological and structural complexity

(forestcarboncoalition.org). The draft language in the Policy Statement needs to be adjusted to clarify the intent of this important issue.

Marine/Coastal Conservation

While we appreciate and support the importance of preserving, protecting, and advocating for the sensitive coastal and marine waters of the Trust Area and their species and habitats (4.6), and thus support new policies to prohibit freighter anchorages, oil tankers, and moorage and anchorage sites in eelgrass meadows. However, we believe the very specific directive restricting the building of new private docks (4.6.7) is not necessarily compatible with that goal. The goal is to protect sensitive coastal waters so excluding docks in mapped sensitive areas and prohibiting moorage and anchoring in eelgrass meadows would go a long way to achieve that. In many cases small individual docks make more sense than community docks, which require long-term parking and larger infrastructure. Also, the high density of mooring buoys in some locations (e.g., Montague Harbour) likely has a bigger impact than small private docks on the marine environment. In our view, greater advocacy for better dock design specifications and more inspections to reduce the incidence of derelict docks contaminating shorelines would offer greater protection to Trust Area waters than a complete ban on new private docks. Restricting the use of creosote or other chemical preservatives on pilings and prohibiting new docks in mapped sensitive areas would also be positive steps.

Role of Other Government and Non-Government Organizations

There needs to be an expansion of this section (2.2) to specifically recognize the actions and contributions of the Conservation NGOs that work and collaborate with the Islands Trust Conservancy to deliver their own strategic plans and actions that complement the Islands Trust Policy and Object.

Development of Goals and Measures

In many instances, the draft Policy Statement refers to actions such as monitoring, evaluating, accounting for, and reporting. However, nowhere does the document state specific goals or aspirational targets or mention the specific measures required to track progress toward the stated goals. Key statements where these parameters must be developed include:

- The draft Policy Statement acknowledges that unfragmented connectivity is necessary to preserve ecosystems (4.1.3) and directs local trust committees and municipalities to “identify, establish, and maintain a network of protected areas of sufficient size and distribution to preserve the ecological integrity of ecosystems in their planning area.” (4.1.6). We strongly endorse these strengthened policies given the critical importance of protected area networks in providing wildlife habitat, preserving biodiversity, protecting groundwater, and ameliorating the effects of climate change. Unfortunately, there are no specific targets identified for the amount of land to be protected. Many islands in the Trust Area currently fall far short of Canada’s stated conservation commitments for lands and waters. The Policy Statement must address this shortcoming by requiring that an ecologically based goal be developed for each island and for the Trust Area as a whole. In support of a worldwide initiative for governments to protect 30% of Earth’s land and water by 2030, the federal government has committed Canada to reach the ‘30 by 30’ goal. We urge the Islands Trust Council adopt this same target and include it in the revised Policy Statement.
- The draft policy (1.3) references research by the Islands Trust Conservancy indicating that some islands in the Trust Area are approaching, or have surpassed, accepted thresholds of human disturbance, above which ecosystem health is known to decline. This is a very important metric to track, and it would be highly desirable to include explicit Trust commitments or policies that

specify the maximum threshold of human disturbance that will be tolerated, both for the Trust Area and for Local Trust Areas. We support the need to equitably set limits on the rate and scale of growth and development (Part 3) and density limits (6.1.12) for the sustainable use of the land base. However, we believe safeguarding the Trust Area's unique amenities requires developing with communities appropriate density limits in concert with caps on human disturbance. The draft language in the Policy Statement needs to be adjusted to address these important issues.

- Section 3.1.11 commits the Trust Council to create an annual plan to achieve the goals defined in the Policy Statement and to direct the Executive Committee to provide a progress report. We support this initiative but recommend that specific measures be developed that can be used to assess outcomes (success, effects, consequences) of implementing the sustainability goals. The Victoria Foundation Vital Signs annual assessment of the wellbeing of the Capital Region would be a good model as it uses internationally recognized sustainability measures. Other good examples are the already produced GHG emissions assessments for each island and the conservation status of each island provided by the ITC for Trust Council.

Definition of Terms

The original Schedule 1, that provided definitions of terms, is not part of the revised Policy Statement. Because of their broad interpretations, there are several terms used in the revised document that need to be defined within the context of the Trust Area. These include:

Precautionary Principle

This is a much-used phrase throughout the draft Policy Statement that warrants a specific definition on how it is intended to be applied within the Trust Area. Given the uncertainty regarding the future effects of climate change in the Trust Area, the Precautionary Principle will need to be applied in all decision-making. It calls for an imperative ("will") rather than a discretionary ("should") approach.

Nature-based solutions

There is a general description of purpose of this concept but no examples of the actual specific actions that could be taken in the Trust Area that would help to clarify the meaning of this concept and provide guidance to those tasked with implementing it.

Sustainable Stewardship

This term apparently combines the separate definitions of "sustainability" and "stewardship". The former is the classic definition put forward in 1987 by the Brundtland Commission's *Our Common Future*, where sustainable development was described as 'development that meets the needs of the present generation while not compromising the ability of future generations to meet their own needs'. This was over 30 years ago, and the world has changed. The social, environmental, and economic issues described then are still present and in some cases are worse, and the notion of sustainable development or sustainability is still not consistently applied or embraced. We recommend a revised definition be used that better reflects the primary purpose of the Trust and its object "to preserve and protect its unique amenities and environment". As an example, a more relevant definition could be -the form, function and services provided by the Islands Trust's unique amenities and environment are used and managed at a level that does not exceed their capacity to restore, regenerate and be resilient in order to continue to supply those functions and services to future generations of users.

There are other terms such as regenerative agriculture and forestry and food security that would benefit from explicit Definitions with examples provided within the context of the Trust Area.

Other Comments

This section provides more detailed comments on specific sections of the draft Policy Statement of common interest to the Trust Area conservancies.

1. The Trust Council has declared that we are in a climate emergency, so it is important that the language used in the Policy Statement reflect the imperative need to take action now to mitigate effects and adapt to the changing environment. Unfortunately, some of the language used such as 'strive to ...' or 'should be ...' in many sections of the document (e.g., 4.1.4, 4.1.5, 6.1.2, 6.1.3, and 6.1.4) indicates a rather weak resolve to tackle these important issues. We recommend that the language be strengthened by using words such as "must" and "must be".
2. We support the new provisions 4.1.9, 4.1.10, and 4.2.10.
3. Section 4.2.8 states that the Trust Council will "strive" to ensure that freshwater use is not to the detriment of in-stream uses. We recommend that wording be revised to state "Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, *prohibit* freshwater use that is to the detriment of in-stream uses."
4. We recommend an additional coordination policy be added as follows: "4.2.13 the Trust Council shall encourage and advocate to government agencies and regulatory bodies for the development of policies, regulations, and incentives to facilitate the adoption of water conservation practices in the Trust Area." This reflects the need to reduce barriers to the implementation of new initiatives (e.g., building codes and bylaws, health codes (gray water collection and use) etc.). The existing 4.2.13 would become 4.2.14.
5. Forest Stewardship policies 4.3.2, 4.3.3, and 4.3.4 need to be revised to substitute "must" for "should".
6. As currently written, the second bullet in section 4.3.2 does not make sense. We recommend the following re-wording: "The remaining stands of relatively undisturbed forests and ecosystems within the Coastal Douglas-fir and Coastal Western Hemlock biogeoclimatic zones must be preserved and protected and restoration practices applied to restore degraded areas."
7. We recommend adding an additional bullet to section 4.3.2 as follows:
 - Maintaining intact and regenerating forest cover is a key component of a greenhouse gas reduction strategy.
8. We support the general intent of section 4.3.3 "that forest harvesting in the Trust Area should be limited, small-scale, sustainable, regenerative, supportive of climate action ...". However, much of the terminology requires clarification or revision. Specifically, does "forest harvesting" include only commercial activities or a more expansive application to land clearing for developments and firewood harvesting at the local level? Also, 'regenerative' is not a technical term that is generally applied to forest harvesting. A better term would be "renewable" if the intent is to ensure all harvested forests are successfully regenerated. Finally, the phrase "supportive of climate action," requires clarification. As presently worded, the statement appears to indicate that forest harvesting can provide some benefits in the context of climate action.
9. We recommend adding 'non-government organisations (Farmers institutes, food coops, agricultural/farm land trusts)' to section 4.4.1.
10. Many of the policies have been strengthened by usage of "shall" instead of "should" but others have been weakened by replacing "ensure" with "strive to ensure". While the former are positive changes, the latter are not. As noted in earlier statements, we support the use of

stronger terms as opposed to discretionary ones particularly in cases where the need for action is an imperative.

11. We suggest changing the language used in reference to natural and cultural heritage protection -- sections 5.1.3, 5.1.4, 51.5. In each case the current wording is in the form: "Local trust committees and island municipalities SHALL in their official community plans and regulatory bylaws, identify, preserve, protect, and support the restoration of Indigenous cultural heritage in their planning area." Presumably, the intent is to identify, preserve, and protect cultural heritage as well as support restoration where it has been compromised. However, the current wording indicates the restoration of cultural heritage should be identified, preserved, protected, and supported.
12. Directive policy 6.3.5 should be re-written to be consistent with wording in 4.4.4. We suggest: "Local trust committees and island municipalities shall, in their official community plans and regulatory bylaws, direct the location, design, and construction of roads and utility corridors to minimize the impact on, and fragmentation of, protected area networks, contiguous forests, watershed, ecosystems, freshwater networks, groundwater recharge areas, agricultural lands, coastal and marine areas, or indigenous cultural heritage in the Trust Area."