



REVISED

Islands Trust Conservancy Board

Regular Meeting Agenda

Date: Tuesday, March 19, 2024
Time: 10:00 am
Location: Islands Trust Victoria Boardroom
200-1627 Fort Street, Victoria, BC

Pages

1. CALL TO ORDER

2. APPROVAL OF AGENDA

2.1 Agenda Context Notes

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3. CLOSED MEETING

3.1 Motion to Close the Meeting

That the meeting be closed to the public in accordance with the Community Charter, Part 4 Division 3, section: 90 (1) (e) the acquisition, disposition or expropriation of land or improvements, if the islands Trust Conservancy Board considers that disclosure could reasonably be expected to harm the interests of the Islands Trust Conservancy; (g) litigation or potential litigation affecting the Islands Trust Conservancy; (i) the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and that staff be invited to remain in the meeting.

4. RISE AND REPORT

From the January 23, 2024 in-camera meeting

- The Islands Trust Conservancy Board instructed staff to proceed with the development of a risk management policy for all nature reserves, which includes warning users of the risk of danger trees.
- The Islands Trust Conservancy Board directed staff to begin work on signage for the S'ul-hween X'pey (Elder Cedar) Nature Reserve on Gabriola Island, to address risk management efforts.

From the March 19, 2024 in-camera meeting

- To be determined

5. MINUTES/COORDINATION

5.1 Minutes of Meetings/Resolutions without Meetings

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6.4.8	Trust Council Update (verbal)	
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6.4.10	Governance Committee Update (verbal) Trustee Gauvreau	
6.4.11	Trustee Roundtable (none)	
7.	PUBLIC COMMENTS AND DELGATIONS	
8.	NEW BUSINESS	

9. NEXT MEETING

The next meeting will be held electronically on May 28, 2024 at 10:00 am

10. ADJOURNMENT



Islands Trust Conservancy Agenda – Context Notes For the meeting of March 19, 2024

Agenda No.	From	Context Notes
6.3.2	ITC Manager	ITC has no relevant policy regarding hosting a book launch. The ITC Board may wish to consider the following: 1) Staff capacity to support such a request is limited 2) There is no current approved budget for such a request 3) ITC staff have not reviewed the book at this time, although staff made some efforts to review accuracy of some components of the text 4) Whether or not approval of such a request might set a precedent for other requests
6.3.3	ITC Manager	SS-DVP-2023.5 is a notice from the SSI LTC regarding the issuance of a Development Variance Permit for a dock on a property across the road from the Lower Mount Erskine Nature Reserve on Salt Spring Island. This notice has been provided to ITC as we are a neighbour to the subject property. This DVP only impacts the size of the floats and the planning department does not find them to require referral to ITC under Policy 3.1 Islands Trust Conservancy and Local Planning Services Coordination . They are provided for information. The ITC Manager has reminded planners to check referral requirements as noted in their staff report templates.
6.3.4 & 6.3.5	ITC Manager	NP-DVP-2023.1 and NP-DVP-2023.5 are Development Variance Permit notices that have been provided to ITC as the Medicine Beach Nature Sanctuary is adjacent to one of the properties and nearby another. These DVPs only impact the size of the floats and the planning department does not find them to require referral to ITC under Policy 3.1 Islands Trust Conservancy and Local Planning Services Coordination . They are provided for information.
6.4.3	ITC Manager	ITC is currently tracking to have approximately \$45,000 in unspent funds this fiscal year and is tracking to spend approximately 97% of the budget allocated to ITC by Trust Council. Staff are preparing for the annual audit, which will occur in early May. In terms of restricted funds, ITC has received its annual grant for the Ruby Alton Maintenance Fund and has brought in approximately \$25,000 in donations across donor directed funds in the 2023/24 Fiscal Year.
6.4.4	ITC Manager	ITC participated in a research article called “Kelp dynamics and environmental drivers in the southern Salish Sea, British Columbia, Canada.” ITC began participating in the BC Kelp Resiliency Project with a University of Victoria led coalition research group in 2021 to define bull kelp dynamics across the BC Coast. Our focus was to look at impacts of climate change on nearshore kelp ecosystems. The work is supported under Goal 1, Objective 1.1 of the Regional Conservation Plan (RCP) and work actions identified under this component of the RCP.
6.4.5	ITC Manager	The caution sign for dangers in the Elder Cedar Nature Reserve has been approved by the Gabriola Land and Trails Trust and the Nanaimo and Area Land Trust. The sign, which was requested by the ITC Board, will be placed at each of the three entrances to the Nature Reserve.



Islands Trust Conservancy Board Minutes of the Regular Meeting

Date: Tuesday, January 23, 2024
Time: 10:00 a.m.
Location: Electronic Zoom Meeting
Islands Trust Victoria Boardroom
200-1627 Fort Street, Victoria, BC

Board Members Present Risa Smith, Chair
Susan Yates, Vice Chair
Charles Kahn, Trustee
Lisa Gauvreau, Trustee
Tobi Elliott, Trustee

Board Members Regrets Ken Thomas, Trustee

Staff Present Clare Frater, Director, Trust Area Services
Corlynn Strachan, Administrative Assistant/Recorder
Jemma Green, Covenant Management & Outreach Specialist
Kate Emmings, Manager
Kathryn Martell, Ecosystem Protection Specialist
Mike Richards, Strategic Fund Development Specialist
Nuala Murphy, Property Management Specialist
Aislyn King, Temporary GIS Technician

Public Present There were no members of the public present as attendees

1. CALL TO ORDER

Chair Smith called the meeting to order at 10:05 a.m.

Trustee Gauvreau provided a territorial acknowledgement, noting the meeting was being held on the territory of many Coast Salish Nations. Trustee Yates volunteered to provide a territorial acknowledgement at the next meeting.

1.1 Elections

1.1.1 Election of Chair

Director Frater reviewed the election process and asked for nominations for Islands Trust Conservancy Board Chair. Trustee Yates nominated Trustee Smith and Trustee Kahn seconded the nomination. Trustee Smith accepted the nomination.

Director Frater called a second and third time for nominations and, hearing none declared, Trustee Smith acclaimed as Islands Trust Conservancy Board Chair.

1.1.2 Election of Vice-Chair

Director Frater called for nominations of Islands Trust Conservancy Board Vice-Chair. Trustee Kahn nominated Trustee Gauvreau and Trustee Yates seconded the nomination. Trustee Gauvreau accepted the nomination.

Director Frater called a second and third time for nominations and hearing none declared Trustee Gauvreau acclaimed as Islands Trust Conservancy Board Vice-Chair.

2. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

Addition of item 1.1.1 Elections of Chair and item 1.1.2 Election of Vice-Chair

By general consent the agenda was approved, as amended.

3. RISE AND REPORT

The Islands Trust Conservancy Board reported on the following item from the November 21, 2023 in camera meeting:

The Islands Trust Conservancy Board requested staff to review the Islands Trust Conservancy Board's policies, and provide the Board with draft revisions that require engagement with First Nations prior to approval of acquisitions of land, conservation covenants or leases, and that applicants be required to waive confidentiality for the purpose of engagement with First Nations, at the following Islands Trust Conservancy Board meeting.

4. MINUTES/COORDINATION

4.1 Minutes of Meetings/Resolutions without Meetings

4.1.1 Approval of November 21, 2023 Regular Meeting Minutes

The following amendments to the minutes were presented for consideration:

- Item 5.2.3 and 5.4.4 add "protection" to the NAPTEP references
- Item 5.4.4 on the fourth line of the 2nd bullet change wording to "that this work is one of"
- Item 5.4.4 strike the Governance Committee reference and change wording to "is being developed with other standing committees for a strategic approach"

By general consent, the minutes were adopted as amended.

Chair Smith clarified that typo edits can be sent directly to the Administrative Assistant.

4.2 Follow-up Action List

Received for information.

Director Frater provided updates on the following:

- 30-May-2023 - Item 2, Staff to conduct an analysis of property management needs relative to available staff hours and return to the Board with a summary of the analysis and available options, is considered complete.
- 21-Nov-2023 - Item 4, to inform ITC-EC joint meetings, staff to provide a report on the status of mapping and technical needs, challenges and strengths, in time for the January 23, 2024 Board meeting, is considered complete.
- 21-Nov-2023 - Item 1, Director Frater to review the Elder Cedar, ITC Reconciliation Action Plan, and other items on the Follow up Action List report and amend completion dates where required – dates need to be updated.

5. BUSINESS

5.1 Items for Approval

5.1.1 ITC Board Attendance at the Governing in the Public Interest Conference - April 26, 2024, Vancouver - Request for Decision

Chair Smith advised that she and Trustee Kahn both expressed interest in attending, and the cost for two nights of accommodation would be required due to conference timing and ferry schedules.

Discussion ensued on accommodation and travel costs.

ITC-2024-001

It was MOVED and SECONDED,

that the Islands Trust Conservancy Board members, Trustee Smith and Trustee Kahn, attend the Governing in the Public Interest Conference on April 26, 2024 in Vancouver, and that their travel be funded.

CARRIED

5.1.2 ITC NAPTEP Covenant Monitoring Report 2023 – Request for Decision

ITC Covenant Management and Outreach Specialist Green presented the request for decision.

Discussion ensued on unleashed dogs in the McRae NAPTEP Covenant on Gabriola and having signage noting dogs must be leashed.

ITC-2024-002

It was MOVED and SECONDED,

that the Islands Trust Conservancy accept the Islands Trust Conservancy Natural Area Protection Tax Exemption Program (NAPTEP) Covenant Monitoring Report 2023 and direct staff to address violations and ecological concerns as identified in the report.

CARRIED

5.1.3 ITC Budget Request - Property Management Resources - Request for Decision

Director Frater presented the request for decision.

Discussion ensued on the following:

- Islands Trust Conservancy's (ITC) inability to meet the needs of an increasingly complex property management environment
- Adding emphasis that ITC has been operating below what it needs in terms of resources and staff hours
- This not a solution to expand workload, only a solution to contain and strategically implement the work we are already undertaking
- Suggestion to change the Protected Areas Manager title to Protected Areas Operations Manager to avoid confusion with the ITC Manager role, and be clear there is no overlap with these positions, and using the word coordinator instead of manager in the title
- Database management, Information Systems support for technical issues, training and maintenance, and adding ongoing maintenance to the request
- Temporarily pausing acquisition and covenants until after the Protected Areas Manager is hired, the database is initiated, and funding is secured
- Reviewing other options including reducing monitoring, increasing funding, and amending the ITC Plan
- Putting ITC in the best position possible to navigate the next year
- Potential Financial Planning Committee tax increases in the Trust Area, impacts on Bowen Island Municipality, and support for the Conservancy

ITC-2024-003

It was MOVED and SECONDED,

that the Islands Trust Conservancy Board recommend to the Islands Trust Council that the 2024-2025 budget include funding for:

- a permanent Protected Areas Manager; and
- selection and implementation of a protected area management database.

CARRIED

ITC-2024-004

It was MOVED and SECONDED,

that the Islands Trust Conservancy Board will have to pause acquiring new properties and conservation covenants, as well as developing new Natural Area Protection Tax Exemption Program (NAPTEP) covenants until the capacity and funding challenges in property management are resolved.

CARRIED

5.2 Items for Discussion/Direction

5.2.1 ITC Mapping and Technical Needs – Briefing

Director Frater presented the briefing which was a collaborative effort of ITC staff.

Discussion ensued on:

- software incompatibility issues are challenging for staff

- huge competition for Information Systems and GIC technology positions in the province
- mapping layers generate by the Conservancy are used by Planning to inform planning advice

ITC-2024-005

It was MOVED and SECONDED,

that the Status Report on Mapping and Technical Needs, Challenges and Strengths briefing be forwarded to the Executive Committee for the January 31st meeting.

CARRIED

5.2.2 Municipal Insurance Association Agreement Update

Director Frater reported that on January 1st the Islands Trust signed on with the Municipal Insurance Authority, a non-profit organization that provides insurance services to approximately 90% of local governments in British Columbia. Their mandate is broader than an insurance company so they are able to provide a more wrap around services, including policy advice. Insurance coverage for the Conservancy is changing and staff are now accessing online resources to see what is available. Practices for volunteers will require a waiver and coverage levels have changed. Staff will also review the risk-management policy and possibly bring information back to the Board for the May meeting.

5.2.3 ITC Plan – Minister’s Response

Director Frater advised the plan was provided to the Minister at the end of 2022. Ministry staff recently indicated that they would provide an update regarding Ministerial review of the plan on January 17th, but staff have not yet received a response. Staff will provide an update when available.

Chair Smith advised she was approached by ministry staff as the Chair of the Board for further discussion, but had not heard back for today’s meeting.

5.3 Correspondence

None.

5.4 Updates for Information

5.4.1 Public Acquisitions Report

Received for information.

5.4.2 Public Covenants Report

Received for information.

5.4.3 Budget Report

Director Frater advised the Conservancy is on track for spending this year and is overspent in travel and legal, and noted there are no concerns.

5.4.4 Executive Committee Update

Trustee Elliott advised Executive Committee met January 17th and topics of interest to the Conservancy included:

- Discussion on the policy statement amendment project. Trustee Elliott commented that no one has seen the draft yet because it's gone out to First Nations for comment which is in line with the Islands Trust commitment to reconciliation.
- Islands Trust Conservancy Board (ITCB) members are invited to attend the regular Executive Committee meeting on January 31st. The Executive Committee Chair is considering agenda timing and feedback is welcome from ITC Board members. Chair Luckham (EC) and Chair Smith (ITCB) will meet to discuss what items to add to the joint meeting agenda. Chair Smith requested Board members email her discussion topics by Thursday.
- The following resolution was passed and would be good to bring forward to the Executive Committee January 31st meeting.

It was MOVED and SECONDED, that discussion on a coordinated approach by Islands Trust Conservancy and Executive Committee to advance the request to the Province to review the funding model and governance structure of the Islands Trust, highlighting the successes of the Conservancy in protecting and preserving valuable ecological areas for the benefit of the Province and residents of BC, be added to the agenda for the January 31, 2024 Executive Committee/Islands Trust Conservancy Board Joint Meeting.

Chair Smith indicated that the ITC Board reviewed an earlier version of the Policy Statement but indicated that it wished to provide further comment before approval. Chair Smith asked for further information on when the draft Policy Statement would be referred to the ITC Board for a further review. Director Frater indicated that the document is currently with First Nations for comment. Once all comments are in from First Nations, the Policy Statement will be revised. It is anticipated that it will be at least a year before it is ready for further review. It will be referred to ITC Board following first reading of the Policy Statement bylaw.

5.4.5 Financial Planning Committee Update

Trustee Yates noted Financial Planning Committee is meeting January 24th and will provide an update at March ITC Board meeting.

5.4.6 Trust Council Update

Trustee Elliott advised Chair Smith's presentation to Trust Council in September on the Natural Area Protection Tax Exemption Program (NAPTEP) was well

received and they would like Chair Smith to come back in March to talk about NAPTEP Covenants.

5.4.7 Trustee Roundtable

Trustee Yates advised she has been to two meetings for the Gabriola Official Community Plan visioning sessions and noted the topic of costs and difficulty to get Natural Area Protection Tax Program Exemptions (NAPTEP) in place seems almost insurmountable.

Trustee Gauvreau advised she is now on the Governance Committee and could provide updates. One topic that came up an issue was Policy 2.3.1 and if ex-officio members are able to vote. There is nothing specific in the policy that states yes or no. Further discussion will happen at the next meeting.

By general consent, the Islands Trust Conservancy Board directed staff to add a Governance Committee Update item to the agenda template.

6. PUBLIC COMMENTS AND DELGATIONS

There were no members of the public in attendance.

7. NEW BUSINESS

There was no new business.

8. NEXT MEETING

The next meeting will take place on March 19, 2024 at 10:00 am in Victoria.

9. CLOSED MEETING

9.1 Motion to Close the Meeting

ITC-2024-006

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

10. ADJOURNMENT

By general consent, the meeting adjourned at 11:59 p.m.

Risa Smith, Chair

Certified Correct:

Corlynn Strachan, Administrative Assistant/Recorder



Follow Up Action Report

Trust Conservancy Board

26-Nov-2019

Activity	Responsibility	Dates	Status
1 Staff to: a) develop a modification agreement to allow for maintenance of the septic field in the Woodwinds NAPTEP Covenant (North Pender); and, b) allow for maintenance of the septic field in the Woodwinds NAPTEP Covenant; and, c) provide resources about alternatives to traditional septic fields to land owners contemplating septic field maintenance or replacement, and new covenants.	Jemma Green Kathryn Martell	Target: 31-Dec-2024	In Progress

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	Target: 31-Jan-2024	In Progress

25-May-2021

Activity	Responsibility	Dates	Status
1 Staff to move forward with the Crystal Mountain Society proposal to register a Statutory Right of Way across Lot A on the upper ridge, in favour of Islands Trust Conservancy, to provide legal access to the eastern part of Lot A via the legal easement across neighbouring Lots B and C.	Kathryn Martell	Target: 31-Dec-2024	In Progress



Follow Up Action Report

Trust Conservancy Board

30-May-2023

Activity	Responsibility	Dates	Status
1 Staff to consider discussion of the Board regarding S'ul-hween X'pey (Elder Cedar) Nature Reserve and return to the Board with recommendations including a legal opinion about options related to ITC liability and risk management for property management and that staff develop communications to the Gabriola Community in conversation with trustees Yates and Elliott.	Clare Frater Kate Emmings Nuala Murphy	Target: 23-Jan-2024	In Progress
2 Staff to conduct an analysis of property management needs relative to available staff hours and return to the Board with a summary of the analysis and available options.	Clare Frater Kate Emmings	Target: 23-Jan-2024	In Progress

18-Jul-2023

Activity	Responsibility	Dates	Status
1 As directed by the Board, staff to defer the Ruby Alton Management Plan approval.	Nuala Murphy	Target: 31-Jan-2024	In Progress

21-Nov-2023

Activity	Responsibility	Dates	Status
1 Director Frater to review the Elder Cedar, ITC Reconciliation Action Plan, and other items on the Follow Up Action List report and amend completion dates where required.	Clare Frater	Target: 23-Jan-2024	Completed

Follow Up Action Report

Trust Conservancy Board

21-Nov-2023

Activity	Responsibility	Dates	Status
2 Staff to schedule the 2024 Islands Trust Conservancy Board meeting dates of January 23rd, May 28th, October 1st, and November 19th, 2024 as electronic meetings, and list the Victoria office board room as the public meeting location.	Corlynn Strachan	Target: 31-Dec-2023	Completed
3 Staff to schedule two in-person ITC Board meetings on March 19 and July 23, 2024, as amended.	Corlynn Strachan	Target: 31-Dec-2023	Completed
4 To inform ITC-EC joint meetings, Staff to provide a report on the status of mapping and technical needs, challenges and strengths, in time for the January 23, 2024 Board meeting.	Clare Frater	Target: 23-Jan-2024	In Progress
5 Staff to explore opportunities for engaging the public in nature reserve monitoring, as appropriate.	Nuala Murphy	Target: 19-Mar-2024	In Progress
6 Staff to finalize the report for resolution ITC-2023-040, It was MOVED and SECONDED, that the Islands Trust Conservancy accept the "Islands Trust Conservancy Nature Reserve Monitoring Report 2023."	Nuala Murphy	Target: 23-Jan-2024	Completed
7 Staff to produce a one page briefing of the business case for new resources for ITC to be presented as a late item for the December 5th Trust Council, to be reviewed by the ITC Chair.	Clare Frater Risa Smith	Target: 05-Dec-2023	Completed



Follow Up Action Report

Trust Conservancy Board

21-Nov-2023

Activity	Responsibility	Dates	Status
8 Item: 5.2.3 Climate Change Briefing to Trust Council - Briefing Chair Smith to provide Director Frater with brief details on the Disaster and Climate Risk, and Resilience Assessment (DCRRA) project by email, to update Trust Council. (Update: Grants Manager sent e-mail about funding opportunity to trustees on January 9, 2024).	Clare Frater Risa Smith	Target: 31-Dec-2023	In Progress
9 Item: 5.2.6 ITC Board Member Appointment to Governance Committee Staff to add Trustee Gauvreau to the Committee meeting invites for resolution ITC-IC-2023-042 - It was MOVED and SECONDED , that the Islands Trust Conservancy Board appoint Trustee Gauvreau as a representative to the Governance Committee.	Corlynn Strachan Robert Barlow	Target: 15-Jan-2024	Completed



REQUEST FOR DECISION

To: ITC Board

For the Meeting of: March 19, 2024

From: Staff

Date Prepared: March 11, 2024

SUBJECT: 2026-2030 ITC Plan Project Charter

RECOMMENDATION(S):

- 1) That the Islands Trust Conservancy (ITC) Board direct staff to respond to the Minister of Municipal Affairs letter, dated January 29, 2024, requesting:
 - a. An extension of the deadline for commencement of a new ITC Plan from January 2026 to January 2027 to allow for adequate time to engage with First Nations;
 - b. Authorization to invest ITC funds as permitted under the provisions of the [Trustee Act](#); and,
 - c. Direction regarding interaction with the Minister regarding management of new acquisitions of covenants and nature reserves.
- 2) That the Islands Trust Conservancy (ITC) Board approve the Project Charter, dated March 19, 2024, for the development of the 2026-2030 ITC Plan.

1 PURPOSE:

- 1) To provide information to the Board regarding the Minister of Municipal Affairs' decision to decline approval of the 2023-2025 Interim ITC Plan.
- 2) To define the scope, budget and timeline for the development of the 2026-2030 ITC Plan including an early and meaningful engagement process with First Nations.

2 BACKGROUND:

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

The ITC Plan is administrative in nature, and includes ITC 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.

2026-2030 ITC Plan: Project Charter

At its November 2022 meeting, the ITC Board approved a three-year interim ITC Plan and forwarded it to the Minister of Municipal Affairs for approval in December 2022 for review and approval. In January 2023, in anticipation of receiving approval from the Minister for its interim ITC Plan, the ITC Board approved a Project Charter for creation of the 2026-2030 ITC Plan:

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-2023-005

It was **MOVED** and **SECONDED**,

that the Islands Trust Conservancy (ITC) Board approve the Project Charter, dated January 24 2023, for the development of the 2026-2030 ITC Plan.

The Minister's approval of the 2023-2025 Interim ITC Plan was delayed. In absence of information from the Minister, staff delayed moving forward with the 2026-2030 ITC Plan development. In January 2024, the Minister declined to approve the 2023-2025 Interim ITC Plan and directed the ITC to:

"...focus [ITC] efforts on developing a new 5-year plan commencing in 2026, or sooner. Additionally, taking more time to adequately engage with the First nations that have expressed interest in deeper conversations about the philosophy of the Conservancy and what approaches the Conservancy is taking to preserve and protect the trust area."

In light of the delay and to incorporate Ministerial direction, staff have updated the Project Charter for the 2026-2030 ITC Plan for consideration by the ITC Board.

Implications of Ministerial Response to 2023-2025 ITC Plan

ITC is authorized by the Minister to acquire, manage and dispose of land and invest its funds through the ITC Plan. In absence of an approved ITC Plan, ITC must obtain permission from the Minister for these activities. The implications of this decision are as follows:

- 1) Land Securement (covenants, leases, acquisitions, dispositions, etc.):
The Minister has indicated that the ITC must request approval from the Minister to proceed on any new acquisitions or dispositions of land (initiated after January 2023). ITC staff have forwarded two NAPTEP applications, initiated after January 2023, to Ministerial staff for review. At this time, it is unclear what process these approvals will follow and how long reviews will take. ITC staff have asked Ministerial staff if 'acquisitions' include interests in land, such as covenants and leases and recommend that the ITC Board request clarity from the Minister.
- 2) Land Management:
The Minister has indicated that ITC can proceed to manage lands that are already held by the ITC, but is silent on how ITC should manage newly acquired land and interests in land. ITC staff have flagged this gap for the Minister's office and recommend that the ITC Board request clarity from the Minister.
- 3) Investment of Funds:
Section 43(3) of the *Islands Trust Act* requires that the Minister approve investment of funds. Typically, the ITC Plan sets out the intent of the ITC Board to invest as permitted under the provisions of the [Trustee Act](#); however, the Ministerial letter is silent on investment of ITC funds. ITC staff have noted this omission to Ministerial staff and recommend that the ITC Board request clarity from the Minister regarding investment of funds.

3 IMPLICATIONS OF RECOMMENDATION:

ORGANIZATIONAL: The 2026-2030 ITC Plan development will require significant time from the ITC Manager for 2024 and 2025. The emphasis of plan development for 2024 and early 2025 will be on First Nations engagement, with the writing of the plan beginning in early 2025. Internal referral of the draft ITC Plan is anticipated in the summer and early fall of 2025. Because the development of the ITC Plan is heavily reliant on allocated work program for the ITC Manager, the ITC Manager

will have reduced capacity for other projects over this timeframe and will require the ITC Manager to:

- Delay new reviews of policies
- Delay development of the Islands Trust Conservancy Reconciliation Action Plan (although this Plan will be informed by the engagement on ITC Plan)
- Delay transition to a new Contact Relationship Management database
- Reduce hours available for potential work with CAO/Director of Trust Area Services on provincial funding support for the ITC
- Reduce hours available for requests from Trust Council, local trust committees and Islands Trust Council committees for project support and collaboration
- Advise the Board to delay/not start new initiatives

The ITC Manager will also be unable to provide significant support to joint projects and meeting items that may arise out of the increase in joint meetings between the ITC Board and the Executive Committee.

Throughout the project, the ITC Manager will liaise with, and seek advice from, the Senior Indigenous Relations Advisor and the Trust Area Services Director to ensure the First Nations engagement is coordinated with other engagements Trust bodies are undertaking and the engagement is done in a manner that respects the Islands Trust Conservancy Board's Reconciliation Declaration.

Coordination support will also be required and staff will likely outsource some components (e.g. hired note takers for meetings) and will lean into the Ecosystem Protection Specialist and Administrative Assistant for other components. If coordination requirements become significant, staff will return to the ITC Board for direction on next steps.

FINANCIAL: Approval of the 2026-2030 ITC Plan Project Charter includes approval of a \$35,000 project budget. \$15,000 of this budget amount will come from regularly approved ITC budgets (Communications, Travel, Securement and Conservation Planning as appropriate), but the ITC Board has also requested a special \$20,000 project budget allocation from Trust Council (see attached business case). It is possible that the anticipated \$20,000 for First Nations engagement and honoraria will be an underestimate. In the event that more funds are required, staff will either recommend changes to existing 2024/25 ITC budget allocations, consider external funding options such as grant funding, or will recommend further funding from Trust Council in the 2025/26 fiscal year. The ITC Board will be advised of any increased budget and will be asked to review and approve updated plans for income and expenses.

POLICY: It is likely that changes to policy will be required as part of the development of the 2026-2030 ITC Plan. These will be identified following the conclusion of First Nations engagement.

IMPLEMENTATION/COMMUNICATIONS: Staff will draft a letter to the Minister of Municipal Affairs. Staff will also liaise with Ministry of Municipal Affairs staff to ensure the engagement approach and methods are satisfactory to the Ministry.

A notice will be placed on the ITC section of the Islands Trust website indicating that the ITC is not accepting conservation proposals at this time and an internal email will be sent to staff and trustees.

Local trust committees, Bowen Island Municipality and Executive Committee will receive a brief update on the project in the ITC Board Report sent out following the ITC Board meeting and staff will prepare a briefing for the June 2024 Trust Council meeting.

FIRST NATIONS: The Project Charter for the 2026-2030 ITC Plan development includes a clear direction for increased engagement of First Nations. It is hoped that this increase in engagement will result in stronger relationships with First Nations in the region and information that will assist the ITC Board in refinement of ITC policies, strategies and plans.

Reconciliation Actions Plan

In October 2020, the ITC Board passed the following resolution:

ITC-2020-030

It was MOVED and SECONDED,

that the ITC Board direct staff to complete an ITC Reconciliation Action Plan that incorporates actions in Goal 2 of the Regional Conservation Plan.

Despite attempting to clear space in the work programs of ITC staff in 2022 to allow ITC staff to focus on the Reconciliation Action Plan, capacity and expertise to develop the ITC Reconciliation Action Plan have been limited and the Plan has not been drafted. Actions to engage First Nations for the ITC Plan and responses to engagement will inform development of the Reconciliation Action Plan, but it is anticipated that work on the 2026-2030 ITC Plan will delay creation of an ITC Reconciliation Action Plan to 2026.

CLIMATE CHANGE: The 2026-2030 ITC Plan will include information on ITC's land management and securement policies and strategies. These policies and strategies will include information related to impacts of climate change on ecosystems of the Islands Trust Area.

OTHER: Islands Trust staff are currently doing First Nations engagement on the Islands Trust Policy Statement. As ITC staff coordinate First Nations engagement for the ITC Plan, opportunities for collaboration will be considered to make efficient use of both Islands Trust and First Nations resources.

4 RELEVANT POLICY(S):

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

5 ATTACHMENT(S):

- 1) ITC Plan: Response from Minister of Municipal Affairs, January 29, 2024
- 2) Project Charter: 2026-2030 ITC 5-Yr Plan Development - Charter v2 (Draft)
- 3) ITC Plan: First Nations Engagement Project

RESPONSE OPTIONS

Recommendation(s):

- 1) That the Islands Trust Conservancy (ITC) Board direct staff to respond to the Minister of Municipal Affairs letter, dated January 29, 2024, requesting:
 - a. An extension of the deadline for commencement of a new ITC Plan from January 2026 to January 2027 to allow for adequate time to engage with First Nations;
 - b. Authorization to invest ITC funds as permitted under the provisions of the *Trustee Act*; and,
 - c. Direction regarding interact with the Minister regarding management of new acquisitions of covenants and nature reserves.
- 2) That the Islands Trust Conservancy (ITC) Board approve the Project Charter, dated March, 19 2024, for the development of the 2026-2030 ITC Plan.

Alternatives:

That the Islands Trust Conservancy (ITC) Board approve the Project Charter, dated March, 19 2024, for the development of the 2026-2030 ITC Plan, with the following amendments:

- *[insert amendments]*

Other alternatives as directed by the ITC Board.

Prepared By: Kate Emmings, Islands Trust Conservancy Manager

Reviewed By / Date: Clare Frater, Director, Trust Area Services / March 11, 2024



January 29, 2024

Ref: 271728

Dr. Risa Smith, Chair
Islands Trust Conservancy Board
200-1627 Fort St
Victoria BC V8R 1H8

Dear Chair Smith:

I am writing to thank the Conservancy Board for the submission of the proposed the Islands Trust Conservancy Interim Three-Year Plan 2023-2025 (the Interim Plan), conveyed by the previous Board Chair Linda Adams and seeking its approval. I apologize for the delay in responding.

It is my understanding that while the Conservancy typically adopts five-year plans, the Conservancy has submitted a three-year interim plan while it undertakes meaningful engagement with First Nations on the next iteration of the five-year plan (2026-2030). That next full five-year plan is expected to be submitted for Ministerial approval in 2025.

I appreciate that the Conservancy has adopted a Reconciliation Declaration in July 2019 that commits them to the protection and preservation of the Trust Area through processes that respect and honour reconciliation and mutually respectful relationships with Indigenous peoples. I was pleased to hear that the Conservancy is currently planning a two-year outreach project to engage with First Nations on the next five-year plan, the Trust Council allocated a special budget item for this endeavour, and the Islands Trust Conservancy Board allocated a further amount for engagement.

While the Conservancy has indicated that the Interim Plan is largely an update of the previously approved 5-year plan (2018-2022), responses from several First Nations during the referral period detailed concerns about the Plan and with the function and purpose of the Conservancy generally. Some of these responses included:

- Lack of meaningful consultation and capacity for First Nations to adequately review and respond, with some Nations requesting additional time to review and comment on the plan.
- Questions around how the Conservancy intends to approach or achieve strengthened relationships with First Nations and incorporate them into decision-making processes.
- Potential for land acquisitions for conservation purposes to negatively impact and impede First Nations Section 35 rights under the Canadian Constitution and access to traditional territories.
- Suggestion that the Conservancy's mandate needs to evolve beyond colonial perspectives of conservation and involve more collaboration with First Nations.

.../2

It also appears that the Qualicum First Nation did not have an opportunity to comment on the Interim Plan as they were inadvertently missed in the referral process.

Adopting this Interim Plan without further examination or resolution of concerns may undermine the development of the new five-year plan, potentially setting back the commitment to reconciliation that the Conservancy has signaled with its early engagement efforts. While we are already outside the applicable time frame of last approved plan, rather than approve the interim 3-year plan, I would like the Conservancy to focus its efforts on developing a new 5-year plan commencing in 2026, or sooner. Additionally, taking more time to adequately engage with the First Nations that have expressed interest in deeper conversation about the philosophy of the Conservancy and what approaches the Conservancy is taking to preserve and protect the trust area.

Under Section 44(2) of the *Islands Trust Act*, the Conservancy must not acquire, hold, or dispose of land, without the prior approval of the minister, except in accordance with an approved Plan. While I am declining to approve the proposed 3-year plan, by way of this letter, I am confirming that the Conservancy is authorized to continue holding and managing lands currently held at the conclusion of the last plan period, and any land transactions that initiated under the previously approved Conservancy Plan are permitted to conclude.

Any new land acquisitions or dispositions that were initiated after the conclusion of the past plan will need my further ministerial approval before the transaction is completed. Please let me know as soon as possible if there are any applicable transactions for which my approval may be sought.

Should your staff have any questions about how best to proceed on specific proposed transactions before a new plan has been considered and approved, please contact Kris Nichols, Manager, Land Use, Planning & Regional Impacts Branch, by email at: Kris.Nichols@gov.bc.ca, or by telephone at: 778 698-3450.

I recognize that this represents a departure from previous Conservancy Plan approvals. Since the last Conservancy Plan was approved, the province has moved beyond the introduction of draft principles that guide British Columbia's relationship with Indigenous Peoples to enact a legal framework for reconciliation that embraces the United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration). In that context, I would like the Islands Trust Conservancy to continue to lead the way, in cooperation with First Nations in the Trust Area, to develop a Conservancy Plan that aligns with the UN Declaration.

Sincerely,



Anne Kang
Minister

pc: Kris Nichols, Manager, Land Use, Planning & Regional Impacts Branch
Peter Luckham, Chair, Islands Trust

2026-2030 ITC 5-Yr Plan Development - Charter v2

Islands Trust Conservancy

Date: March 19, 2024

Purpose To develop a 2026-2030 Five-Year Trust Fund Plan (ITC Plan) that includes opportunities for early and meaningful engagement with First Nations.

Background Under the *Islands Trust Act* the Islands Trust Conservancy must submit a Trust Fund Plan (ITC Plan) to the Minister at least every five years. The ITC 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. **In January 2024, the Minister declined to approve the Interim 2023-2025 ITC Plan and directed the ITC Board to “take more time to adequately engage with the First Nations that have expressed interest in deeper conversations about the philosophy of the Conservancy and what approaches the Conservancy is taking to preserve and protect the trust area.”**

Objectives

- Early and meaningful engagement with First Nations
- Engage with partners and Islands Trust bodies 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

- Outreach to and meetings with First Nations to engage them in plan development prior to first draft
- Referral of draft plan to partners and Trust bodies
- Board Retreat(s)
- Review of policies
- Proposed review of ITC strategies
- Use of information to inform Reconciliation Action Plan

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
Secure contractor support for First Nations engagement	March 31, 2023
First Nations Engagement Plan complete	March 19, 2024
First Nations Engagement	April 2024 - April 2025
Review of ITC policies/strategies complete ITC Plan development	January—March 2025
ITC Plan development complete , Board approval of Draft ITC Plan	April 30, 2025
Referrals to conservancy partners, local trust committees/Bowen Municipal Council, Trust Council	May—September, 2025
Revisions completed and final plan approved by ITC Board	November 30, 2025
Final plan sent to Minister for approval	December 1, 2025

Project Team	
Director, Trust Area Services	Project Sponsor/ Islands Trust and Ministry Liaison
ITC Manager	Project Manager
ITC Team	Project collaborators
Senior Indigenous Relations Advisor Contractor	Collaboration on First Nations Engagement

Budget	
Budget Source: ITC Budget (Conservation Planning, Meetings, Travel & Communications) & Project Budget	
Item	Cost
2024/25: Honoraria (First Nations)	\$10,000 \$20,000
2025/26: Graphic Design	\$1,000-\$1,500
2024/25: Mtg expenses & support	\$4,000 \$7,500
2023/24 & 2024/25: First Nations Engagement (Contract) 2025/26: Legal	\$20,000 \$6,000
Total	24 \$35,000

Approved by:
ITC Board

Date: Mar. 19, 2024

Endorsement:
Resolution #:



**Budget Funding Request
Short-Form Business Case**

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

TO BE COMPLETED BY INITIATOR

Initiated by (name, title): Islands Trust Conservancy Board	Budget Source (select all that apply): ☐ Specific Project Funding (select all that apply) ☐ Third Party Contractors ☐ Staff Travel Expense ☐ Staff Overtime Expense ☐ New Staff Member – Temporary for project ☐ Computer Hardware/Software ☐ Furniture & Equipment ☐ Computer Hardware/Software/Supplies ☐ New Staff Resources (see Staff Costing Tool) ☐ Permanent ☐ Temporary Temp Duration: _____ ☒ Other – please describe: <u>First Nations review and engagement, ITC Plan</u>
Business Area: Islands Trust Conservancy	
Name of Request: Islands Trust Conservancy (ITC) Plan: First Nations Engagement Project - \$20,000	
Date of Funding Request Submission: October 3, 2023	Funding Required for (date range): April 1, 2024 – March 31, 2025
ISSUE/OPPORTUNITY: On January 29, 2024, the ITC Board received a response from the Minister of Municipal Affairs regarding approval of its five-year plan. The Minister directed ITC to take “more time to adequately engage with the First Nations that have expressed interest in deeper conversation about the philosophy of the Conservancy and what approaches the Conservancy is taking to preserve and protect the trust area.” The Minister also requested that ITC “continue to lead the way, in cooperation with First Nations in the Trust Area, to develop a Conservancy Plan that aligns with the UN Declaration.” Because of the strong direction from the Minister, ITC would like to secure resources for a fulsome engagement of First Nations in the Trust Area for its 5-year Plan. Sources of funding for the \$20,000 ITC Plan First Nations Engagement Project are as follows: • \$10,000 from additional tax requisition • \$10,000 from a Provincial Grant Islands Trust Conservancy (ITC) will begin development of the 2026-2030 ITC Plan in 2024 and the ITC Board is seeking continued funding to support First Nations engagement in the early development of the ITC Plan. The ITC Plan is a requirement of the <i>Islands Trust Act</i> and must be developed at least every five years for approval	

by the Minister of Municipal Affairs. It must include policies on land acquisition and disposal, and management of financial assets.

Many First Nations in the Islands Trust Area have expressed frustration with being brought into Islands Trust engagement processes late in the development of an initiative. First Nations have also communicated the challenges inherent in the fast turnarounds required in engagement processes. Providing funding to assist First Nations with early and meaningful engagement in development of the ITC Plan will put the ITC Reconciliation Declaration (below) into practice.

ITC Reconciliation Declaration

The Islands Trust Conservancy acknowledges that the islands and waters that encompass the Salish Sea have been home to Indigenous Peoples since time immemorial. We recognize that we are all intertwined in the ecosystems that are the lands, waters, culture, and ecology that embody this place.

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. We express our recognition for the past, present, and future stewardship and knowledge that has been shared by Indigenous Peoples and are humbled and grateful.

June 16, 2019, on Ləkʷəŋən, METULIYE/Victoria, B.C.

Early and meaningful engagement of First Nations in development of the ITC Plan will address the following goals and objectives in the [Regional Conservation Plan](#):

Goal 2: *Strengthen relationships with First Nations to identify and collaborate on shared conservation goals.*

Objectives:

2.1 Amend or redraft policies, procedures, plans, document templates and reports to include acknowledgement and consideration of First Nations

2.4 In consultation with the Islands Trust, source funds and determine mechanisms to support First Nations collaboration (financial and capacity)

PROJECTED RESULTS/DELIVERABLES:

ITC Board anticipates that providing a long project timeline and funding will encourage more First Nations to participate in development of the ITC Plan in a meaningful way. Added results may include:

- 1) An ITC Plan that incorporates First Nations input and meaningfully advances the ITC Reconciliation Declaration;
- 2) More robust relationships with First Nations, including establishment and growth of staff to staff and Board to Council relationships; and,
- 3) Improved understanding of First Nations wishes with respect to ITC policies and practices pertaining to land acquisition, disposal and management.

RISK ASSESSMENT:

Risk Factor	Mitigation
Low First Nations participation in ITC Plan engagement	ITC will begin the engagement in the 2023/24 fiscal year and additional funding will extend the engagement period into 2024/25. In the event that there is low uptake from First Nations, ITC will include a description of engagement efforts in the briefing to the Minister and will do an evaluation of its work to engage First Nations to inform future efforts.

High First Nations participation in ITC Plan engagement	Through this funding request, ITC will extend the engagement period into 2024/25, providing a longer engagement timeline.
Limited/no support from Provincial ministries (Municipal Affairs and Indigenous Relations and Reconciliation)	In January 2024, the Minister of Municipal Affairs indicated strong support for engagement of First Nations during the development of the five-year plan. ITC staff will engage the Minister's office early in the development of an engagement plan to ensure that First Nations engagement meets the Minister's expectations.
ALTERNATIVES CONSIDERED: <u>Option 1 Fully Funded First Nations Engagement (\$10,000 covered by tax requisition, \$10,000 from a provincial grant)</u> Option 1 provides the desired funding level and is recommended. This option shows commitment towards engagement of First Nations and supports the ITC Regional Conservation Plan goals and objectives as well as the ITC Reconciliation Declaration. <u>Option 2: Status Quo</u> ITC proceeds with development of the 2026-2030 ITC Plan with early engagement of First Nations within the existing budget. This option is not preferred as it is anticipated that this is not sufficient funding to support meaningful First Nations engagement. This may result in a limited ability to participate and this may damage relationships and delay/jeopardize approval of a new Plan. It is likely that it will also result in a decision to decline approval of the ITC Five-Year Plan by the Minister of Municipal Affairs. If the Minister chooses not to approve the five-year plan, ITC will be unable to move forward with further land conservation.	
CRITICAL SUCCESS FACTORS: The following factors are important to success. The most critical of these is factor 4, availability of ITC Manager. The ITC Manager position is already at full capacity, and workload will need to be adjusted to enable this work. In the event that the ITC Manager time is unexpectedly diverted to other needs or if workload cannot be adjusted, the project will need to be delayed. Other factors can be mitigated as described above in the risk assessment. 1) Support from Islands Trust Senior Indigenous Relations Advisor; 2) Engagement of Ministry of Municipal Affairs in development of First Nations communications; 3) Guidance from Ministry of Indigenous Relations and Reconciliation with respect to appropriate contacts with First Nations and engagement language; and, 4) Availability of ITC Manager to manage the project.	
RECOMMENDED OPTION: Option 1 is recommended because it: 1) Meets the requirements of the Minister of Municipal Affairs request to the ITC Board for meaningful engagement of First Nations in the Trust Area. 2) Shows meaningful commitment to the ITC Reconciliation Declaration; and, 3) Meets the second goal of the ITC Regional Conservation Plan, including satisfying objectives to amend policies, procedures and plans to include consideration of First Nations and to collaborate with Islands Trust to source funds and finance added capacity for First Nations collaboration	
COST/BENEFIT ANALYSIS: <u>Quantitative Analysis:</u> The recommended option will require a \$10,000 budget commitment for 2023/24 to be covered through tax requisition and \$10,000 to be allocated from a Provincial Grant for First Nations engagement. Should ITC not have enough budget, it will consider reallocation of existing budget areas and, if needed, will consult with the Executive Committee regarding next steps.	

Qualitative Analysis:

The recommended option will yield qualitative benefits in the development of relationships with First Nations in the Islands Trust Area. ITC hopes that this will lead to progress in Reconciliation, including improved policies on land acquisition/disposal and land management.

PURCHASING PROCEDURE:

ITC will offer a set amount for each First Nation for funding. This amount will be directly awarded to First Nations who are able to participate in engagement.

PROPOSED IMPLEMENTATION STRATEGY:

ITC will:

- 1) Develop an outreach strategy with support from Ministry of Municipal Affairs;
- 2) Send out invitations to First Nations to participate in engagement;
- 3) Coordinate meetings with First Nations staff and/or councils to share information about ITC and to learn about First Nations interests;
- 4) Synthesize First Nations input in a report for the ITC Board to assist in the development of the ITC Plan.

STAFF RESOURCING:

This initiative will be accomplished with existing staff resources. If the engagement is successful, it is anticipated that it will require approximately seventy hours of the ITC Manager time over the course of the 2024/25 fiscal year for project management and twenty hours each for the Trust Area Services Director, ITC Ecosystem Protection Specialist, Property Management Specialist, Covenant Management and Outreach Specialist and Species at Risk Program Coordinator. ITC Administrative Assistant support will also be required to manage correspondence and filing; this is anticipated at under ten hours over the course of the project. ITC would also benefit from support from the Islands Trust Senior Indigenous Relations Advisor (SIRA). ITC Manager will work with the Directory of TAS to determine appropriate time allocation of the SIRA. Improving First Nations engagement and working with First Nations in areas of mutual interest is currently an anticipated part of ITC work programs and is a goal of the Regional Conservation Plan.

CHANGE MANAGEMENT/COMMUNICATIONS/COLLABORATION:

This engagement will be the first time ITC has communicated with First Nations so early in the development of the ITC Plan. ITC intends to collaborate with Islands Trust staff, Ministry of Municipal Affairs and Ministry of Indigenous Relations and Reconciliation to seek their expertise.

Kate Emmings, Manager, Islands Trust Conservancy

September 25, 2023,
Updated February 7, 2024
Finalized February 21, 2024

Initiator Name, Title

Date

Clare Frater, Director, Trust Area Services

September 26, 2023

Reviewed by Department Lead: Name, Title

Date

REVIEWED BY ISLANDS TRUST CONSERVANCY (ITC) BOARD:

Date received: October 3, 2023

Accepted by ITC Board: ☒ YES ☐ NO

Next steps:

- The business case was reviewed by Financial Planning Committee February 21, 2024 and forwarded to Trust Council in March, 2024.



REQUEST FOR DECISION

To: ITC Board

For the Meeting of: March 19, 2024

From: Staff

Date Prepared: February 12, 2024

SUBJECT: Policy amendments related to First Nations engagement prior to approval of securement projects

RECOMMENDATION(S):

- 1) That the ITC Board approve Policy 2.2, Assessing Conservation Proposals, as revised.
 - 2) That the ITC Board approve Policy 2.3, Acquisition and Management of Land, as revised.
 - 3) That the ITC Board approve Policy 2.4, Conservation Covenants, as revised.
-

1 PURPOSE: To revise several ITC policies related to acquisitions of land or conservation covenants, or leases, to support ITC's ongoing reconciliation work under its [Reconciliation Declaration](#), and to introduce better transparency and collaboration with Indigenous Peoples in the Salish Sea.

2 BACKGROUND:

At its January 2024 meeting, the Islands Trust Conservancy Board reported out on an in camera resolution requesting that staff review the Islands Trust Conservancy Board's policies, and provide the Board with draft revisions that require engagement with First Nations prior to approval of acquisitions of land, conservation covenants or leases, and that applicants be required to waive confidentiality for the purpose of engagement with First Nations.

The ITC acquires land or interest in land (e.g., conservation covenant, lease) following submission of a Conservation Proposal or Natural Area Protection Tax Exemption Program (NAPTEP) Application Form by a landholder or the landholder's representative. The Board's review and acceptance of conservation proposals is guided by several policies:

- Policy 2.2 Assessing Conservation Proposals
- Policy 2.3 Acquisition and Management of Land
- Policy 2.4 Conservation Covenants

Communication with First Nations about pending conservation projects is not required under these policies. Staff's application review process includes a desktop review of RAAD data (Remote Access to Archaeological Data) as per guiding principles of the Archaeology Branch.

Acquisitions related to a Development Application or under NAPTEP are considered in public meetings. Voluntary proposals are considered confidential and are discussed *in camera*, unless the applicant waives confidentiality. (see [Policy 3.2](#) Communicating Information Regarding Covenant and Acquisition Projects).

Accordingly, for public applications (NAPTEP, development-related, or voluntary where the applicant has waived confidentiality), staff practice in recent years has been to notify and invite input from relevant First Nations, as listed in the First Nations Consultative Areas Database (<http://maps.gov.bc.ca/ess/sv/cadb/>). For confidential applications, staff has requested

landholder permission to refer to relevant First Nations, particularly if there are archaeological sites, culturally modified trees, or other indications of potential cultural sensitivity on the property. Where the landholder declines, no First Nations engagement is conducted during the securement process¹.

ITC staff has reviewed policies 2.2, 2.3, and 2.4 and recommends the following revisions, to respect the rights of Indigenous Peoples to participate in land and resource decisions that could impact their interests:

1. Policy 2.2 Assessing Conservation Proposals
 - a) Addition of the following clauses:
 - All conservation proposals will be referred to First Nations who have treaty or established rights, or identified geographic areas for consultation purposes, relevant to the conservation proposal area, as determined using the BC Consultative Areas Database. First Nations will be provided with a 90 day referral period.
 - The Board will consider responses from First Nations during negotiation of a land transfer or conservation covenant agreement.
 - b) Update to include other securement mechanisms:
 - Inclusion of land transfer and lease in addition to donation and purchase.
2. Policy 2.3 Acquisition and Management of Land
 - a) Addition of the following clauses to Policy 2.3, related to management of ITC Nature Reserves:
 - The Board will engage First Nations early in the management planning process to better understand areas of cultural importance and to invite First Nations input into land management.
 - Engagement with First Nations will begin by contacting First Nations who have treaty or established rights, or identified geographic areas for consultation purposes, relevant to the nature reserve, as determined using the BC Consultative Areas Database, and by inviting them to discuss areas of mutual interest related to the nature reserve.
 - b) Update to include other securement mechanisms:
 - Inclusion of land transfer and lease in addition to donation and purchase.
3. Policy 2.4 Conservation Covenants
 - a) Addition of the following clauses to Policy 2.4:
 - The Board will only consider registration of a covenant after it has been referred to First Nations who have treaty or established rights, or identified geographic areas for consultation purposes, relevant to the conservation proposal area, as determined using the BC Consultative Areas Database. First Nations will be provided with a 90 day referral period.
 - The Board will consider responses from First Nations during negotiation of a conservation covenant agreement.
 - b) Update base rent charge:

¹ Note that after acquisition, Management Plans for Nature Reserves are referred to First Nations for input and to ensure that any culturally sensitive information is recognized and kept confidential.

- Rent Charge is set at a base rate in Policy 2.4 and subsequently updated each year on January 1 by the CPI. It was set to \$7,411 at the beginning of 2024. Staff suggests revising the base rent charge to \$7,500 to round up and to update the base rate to the policy date.

Other small edits are noted as tracked changes in the attached policies.

3 IMPLICATIONS OF RECOMMENDATION:

ORGANIZATIONAL: The revised policies will clarify proposal assessment processes and provide improved guidance to applicants, ITC staff, and the Board. Referrals to First Nations take considerable staff time to coordinate, as well as extending the application process for securement projects. Referrals will require support from the Islands Trust Senior Indigenous Relations Advisor.

FINANCIAL: ITC's current contact management software (SalsaCRM) is inadequate to track First Nations referrals and relationships. In 2023, ITC worked with IT to identify a new platform (Nation Builder) that will be used across both organizations for this purpose although implementation date is currently delayed. ITC and IT have already committed funds for acquisition of this software. There will be costs associated with maintenance of this relationship tracking software, and staff time devoted to transition and training, but also overall cost savings due to less staff time spent using ineffective tools.

POLICY: Consistent with objective 2.1 of the Regional Conservation Plan:
Amend or redraft policies, procedures, plans, document templates and reports to include acknowledgement and consideration of First Nations

IMPLEMENTATION/COMMUNICATIONS: As directed by the ITC Board, staff will:

- Place the revised policies on the ITC website and in policy manuals
- Update the waiver of confidentiality on ITC Conservation Proposal and NAPTEP Application forms
- Revise application review procedures and information for applicants
- Develop appropriate procedures to implement and track consistent referrals

FIRST NATIONS: These policy revisions, and associated First Nations engagement, will help ITC to move towards implementation of the principles of the [United Nations Declaration on the Rights of Indigenous Peoples \(UN Declaration\)](#), as called for by the Truth and Reconciliation Commission's [Calls to Action](#), BC's [Declaration on the Rights of Indigenous Peoples Act](#) (Declaration Act), and ITC's own Reconciliation Declaration.

CLIMATE CHANGE: No direct implications for climate change mitigation or adaptation.

OTHER: The ITC Board will need to consider approaches and implications for in-stream applications, and direct staff accordingly.

4 RELEVANT POLICY(S):

- Policy 2.2 Assessing Conservation Proposals (attached, with proposed revisions)
- Policy 2.3 Acquisition and Management of Land (attached, with proposed revisions)
- Policy 2.4 Conservation Covenants (attached, with proposed revisions)
- [Policy 3.2](#) Communicating Information Regarding Covenant and Acquisition Projects
- [Regional Conservation Plan](#)

5 ATTACHMENT(S):

- Policy 2.2 Assessing Conservation Proposals (with proposed revisions)
- Policy 2.3 Acquisition and Management of Land (with proposed revisions)

- Policy 2.4 Conservation Covenants (with proposed revisions)

RESPONSE OPTIONS

Recommendation(s):

- 1) That the ITC Board approve Policy 2.2, Assessing Conservation Proposals, as revised.
- 2) That the ITC Board approve Policy 2.3, Acquisition and Management of Land, as revised.
- 3) That the ITC Board approve Policy 2.4, Conservation Covenants, as revised.

Alternatives:

That the ITC Board approve Policy 2.X as revised, with the following amendments:

[insert desired amendments]

That the Islands Trust Conservancy Board request that staff consider the following amendments to Policy 2.X and return to the Board with a revised version for further consideration at a future meeting:

[insert potential amendments]

Prepared By: Kathryn Martell, Ecosystem Protection Specialist

Reviewed By / Date: Kate Emmings, ITC Manager / February 21, 2024



ISLANDS TRUST CONSERVANCY BOARD POLICY

Policy number: 2.2

Title: Assessing Conservation Proposals

Approved By: Islands Trust Conservancy Board

Date: Jan. 23, 2014
Date: XXX, XX, 2024

Resolution #: TFB-2014-004
Resolution #:

Chair Signature:

PURPOSE

To describe how the Islands Trust Conservancy Board assesses proposals for conservation covenants and land ~~transfers~~ ~~donations~~ that support the protection of lands of ecological significance in the Islands Trust Area.

SCOPE

This policy does not apply to land ~~donation-transfer~~ proposals where the purpose is to sell the ~~donated~~ land and use the proceeds to advance the Islands Trust Conservancy's mandate.

Proposals that include an application for the Natural Area Protection Tax Exemption Program are also guided by ITC Policy 2.5 Natural Area Protection Tax Exemption Program.

BACKGROUND

The *Islands Trust Act* establishes the Islands Trust Conservancy to acquire, hold and manage land and receive donations for the purpose of carrying out the object of the Islands Trust. The object of the Islands Trust, first legislated by the Province in 1974, is “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, in cooperation with municipalities, regional districts, improvement districts, other persons and organizations and the Government of British Columbia”.

The Board primarily uses statutory covenants and land donations to achieve its mandate. However, the Board may also accept land or covenants that are a requirement of a development approval process, and may occasionally work with partners to purchase land.

A: Policy - General

1. The Board will only consider a proposal that is accompanied by a completed Conservation Proposal Form and Staff Report.

2. All conservation proposals will be referred to First Nations who have treaty or established rights, or identified geographic areas for consultation purposes, relevant to the conservation proposal area, as determined using the BC Consultative Areas Database. First Nations will be provided with a 90 day referral period.

Commented [KE1]: Note to ITC Board: This is the language used by the BC Consultative Areas Database:
<https://www2.gov.bc.ca/gov/content/data/geographic-data-services/land-use/contacts-for-first-nation-consultation-areas>

3. The Board will consider responses from First Nations during negotiation of a land transfer or conservation covenant agreement.

4-4. The Board will normally only consider the acquisition of lands that meet the Board's definition of "Nature Reserve".

2-5. The Board will only accept proposals that meet one or more of the goals or objectives of the Regional Conservation Plan, and that will result in the protection of ecosystems and features identified as priorities in the Regional Conservation Plan.

3-6. When considering proposals, the Board will give priority to those proposals that protect larger areas of land, and may defer or decline smaller proposals.

4-7. The Board will only consider accepting covenants and land acquisitions of less than 2 hectares (4.9 acres) if:

- the property contains significant habitat² for species at risk and/or a significant number of species at risk³;
- the property adds area to an existing adjacent or nearby protected area;
- the property is an islet or small island; or,
- the property contains an ecosystem that is not represented in existing protected areas in that local trust area.

5-8. The Board will evaluate any risks that may hamper the Board's ability to protect the land's natural values in perpetuity, as identified by the Staff Report. Risks that will be assessed in the Staff Report include, without limitation:

¹ An Islands Trust Conservancy Nature Reserve is an area that has been set aside because it has regionally significant natural ecosystems (landscape units with little or no human development) and may contain nationally and provincially identified ecosystems and species that are considered endangered, threatened or of special concern.

The primary purpose of a Nature Reserve is the preservation and protection of the natural ecosystem. The size of a Nature Reserve should be sufficient to ensure that these ecosystems remain viable over the long term.

Activities permitted on a nature reserve will have minimal impact on the land and in general will only include hiking and only in areas that are considered not sensitive to this activity. The location and extent of hiking trails will be determined through the management plan process.

² For example, Critical Habitats as defined by the federal Species at Risk Act.

³ For example, several species of concern and at least one species that is identified as threatened or endangered federally or provincially.

- contaminated soil, oil tanks or other environmental hazards;
- mineral and water rights issues;
- surrounding land use;
- requested reserved rights (e.g. trails or firewood removal);
- structures and utilities (e.g. septic fields, pump houses, wells, etc.); and
- encumbrances on title (e.g. easements, mortgages, liens).

The Staff Report will evaluate whether any identified risk can be reduced, eliminated or managed.

6-9. The Board may consider proposals that protect recreational, cultural and heritage features (such as trails, significant historic or cultural landscapes and archaeological sites), but only where the proposal also meets at least one of the goals and objectives of the Regional Conservation Plan.

7-10. The Board will only consider accepting proposals that need extensive ecological restoration or substantial management if:

- a. the Board has adequate staff resources to manage the on-going requirements;
- b. a substantial cash donation that is adequate to cover on-going restoration and/or management costs is provided; and,
- c. the Board has adequate funds available to undertake immediate restoration and/or management requirements.

8-11. The Board will not accept or acquire any lands where there is an obligation to maintain buildings or structures.

9-12. The Board may accept and acquire lands that have buildings on-site that can be removed or maintained at the Board's discretion, but will only consider maintaining buildings if:

- a. the Board has adequate staff resources to manage the on-going requirements;
- b. a substantial cash donation that is adequate to cover on-going maintenance costs is provided; and,
- c. the Board has adequate funds available to undertake immediate maintenance requirements.

If the Board chooses to maintain a building, it may consider leasing the building to a suitable group for long-term management.

10-13. At the time of considering a proposal, the Board will consider whether adequate funds and staff resources are in place to properly complete the acquisition or covenant. The Board may consider options for securing adequate funds, such as grants, fundraising, or endowments.

11-14. The Board will assess the need for the ongoing management and future legal defense of conservation properties and may, as part of an approval, request or require an endowment or restricted donation to cover management and defense costs associated with the land or covenant.

12-15. The Board may impose a time-limited moratorium on accepting proposals if it concludes that it has inadequate resources to support further proposals in the current fiscal year.

~~13-16.~~ The Board will confirm its acceptance or rejection of a proposal by resolution and staff will then inform the applicant of the Board's decision.

B: Policy: Voluntary Land Donation or Covenant

~~14-17.~~ Unless the applicant waives confidentiality in writing, all voluntary proposals, with the exception of proposals under the Natural Area Protection Tax Exemption Program, will be considered at *in camera* meetings until the covenant is registered on title or the land is transferred to the Islands Trust Conservancy or partner agency.

~~15-18.~~ In the case of a voluntary land donation or voluntary covenant, the applicant is responsible for all costs incurred by the applicant to complete the land donation or covenant, except for registration in the Land Titles office, which will be the responsibility of the Board. An applicant who is donating land is also responsible for all property taxes for which the Islands Trust Conservancy cannot receive a statutory exemption. The Board may consider requests from the applicant for assistance with these costs.

C: Policy: Land ~~Donation-Transfer~~ or Covenant Associated with a Development Application

~~16-19.~~ The Board will only consider a proposal for a conservation covenant or land donation connected with a development application where the applicant provides an ecological assessment by a qualified ecologist/biologist and an archeological review of both the proposed protected area and the proposed development. The assessment and review must be completed within one year prior to the application to the Board. For covenants and acquisitions that are part of density transfers or amenities rezoning applications, this assessment must be done for both the receiving and sending areas, or for the area that is being down zoned and the area that is up zoned.

~~17-20.~~ The applicant is responsible for all costs incurred by the applicant to complete the covenant or land transfer, and for the costs of registration in the land title office. The applicant is also responsible for all property taxes for which the Islands Trust Conservancy cannot receive a statutory exemption.

~~18-21.~~ The Board may require an endowment or restricted donation to cover the future management of the donated land or the covenant. Charitable tax receipts will not be issued for financial contributions directly connected with a development application, but may be issued for discretionary endowments or additional gifts of land the applicant may freely offer, as permitted by law.

~~19-22.~~ All proposals that are part of a development application are considered public and will be considered at the Board's regular meetings.

REFERENCES

Islands Trust Act

Declaration on the Rights of Indigenous Peoples Act (Declaration Act)

Islands Trust Conservancy's Regional Conservation Plan

Islands Trust Conservancy Plan (~~I~~trust ~~E~~fund ~~P~~lan under the *Islands Trust Act*)

ITC Policy 2.1 Board Approval of Land and Financial Transactions

ITC Policy 2.4 Conservation Covenants

ITC Conservation Proposal Form (voluntary)

ITC Conservation Proposal Form for Conservation Projects Connected with a Development Application



ISLANDS TRUST CONSERVANCY BOARD POLICY

Policy number: 2.3

Title: Acquisition and Management of Land

Approved By: Islands Trust Conservancy Board

Date: Jan. 23, 2014

Resolution #: TFB-2014-005

Date: XXX, XX, 2024

Resolution #:

Chair Signature:

PURPOSE

To describe how the Islands Trust Conservancy Board acquires land, through donation, [transfer](#), [lease](#) or purchase, and to describe the standards for management of Islands Trust Conservancy properties.

SCOPE

This Policy does not apply to acquisitions of land with little or no ecological value that are acquired for the purposes of resale.

BACKGROUND

The *Islands Trust Act* establishes the Islands Trust Conservancy to acquire, hold and manage land and receive donations for the purpose of carrying out the object of the Islands Trust. The Islands Trust Conservancy primarily acquires land with significant ecological value for the purpose of establishing Nature Reserves¹; however, it may acquire land with little or no ecological value in order to resell the land to raise funds for protecting land with significant ecological value.

¹ An Islands Trust Conservancy Nature Reserve is an area that has been set aside because it has regionally significant natural ecosystems (landscape units with little or no human development) and may contain nationally and provincially identified ecosystems and species that are considered endangered, threatened or of special concern.

The primary purpose of a Nature Reserve is the preservation and protection of the natural ecosystem. The size of a Nature Reserve should be sufficient to ensure that these ecosystems remain viable over the long term.

Activities permitted on a nature reserve will have minimal impact on the land and in general will only include hiking and only in areas that are considered not sensitive to this activity. The location and extent of hiking trails will be determined through the management plan process.

Board management of Nature Reserves under its [ownership-care](#) includes the development and implementation of a management plan, annual monitoring, and in some cases, enlisting the assistance of a local management group.

A: Policy - Acquisition

1. The Board will consider each land acquisition proposal according to ITC Policy 2.2 *Assessing Conservation Proposals*.
2. The Board will normally only consider the acquisition of land that meets the Islands Trust Conservancy Board's definition of "Nature Reserve".
3. The Board primarily acquires land through donation. The Board will issue a charitable receipt for donated land, based on an appraisal of the donated property. The donor must provide an appraisal (at his or her cost) undertaken by an individual accredited in real estate appraisal in Canada, and who is independent from both the donor and the Islands Trust Conservancy Board.
4. Where the Board receives a donation of land subject to a life estate, expenses for property maintenance, property taxes, and any property indebtedness must be paid by the donor or the life estate holder.
5. The Board may consider the acquisition of land through purchase if:
 - (a) a partnership with one or more conservation groups and/or government agencies can be formed for the purposes of fundraising;
 - (b) the seller is willing to consider a conservation sale below appraised value and/or with an extended timeline for purchase; or,
 - (c) significant funding for the purchase is available through donation or grant.

Where the Board is considering the purchase of land, a feasibility assessment should be completed by staff (with partners, where appropriate) and should indicate that there is a strong likelihood of raising sufficient funds for the purchase.

6. If the Board chooses to join a partnership for the purpose of acquiring land, it will require a signed memorandum of understanding (MOU) between the partners before proceeding. The MOU will set out each partner's role, including:
 - the process for review and approval of communications;
 - which partner will hold title to the land;
 - what legal documents will be required to complete the project;
 - who will lead negotiations with the landowner;
 - who is responsible for any necessary up-front costs, legal costs and closing costs;
 - whether a covenant will be registered on the land, and if so, who will hold the covenant;
 - who is responsible for developing the management plan;
 - who will accept and manage donations for the acquisition; and,
 - what will happen to the funds raised if the acquisition does not complete.

7. The Islands Trust Conservancy's contributions to a partnership acquisition project may include the following, at the discretion of the Board:
 - developing funding proposals to foundations, corporate and government funding sources;
 - posting acquisition project information and donation opportunities on the Islands Trust Conservancy website;
 - producing communications, including media releases and newsletter articles;
 - providing staff time to assist with coordination and planning;
 - accepting donations and providing charitable receipts;
 - assisting in specific fundraising initiatives;
 - drafting transfer agreements and/or conservation covenants;
 - assisting with project expenses (e.g. survey, appraisal);
 - holding title to the land or holding covenants on acquired properties; or management planning.
8. Where the Board contributes significant resources to the acquisition of a property, the Board may request to hold a covenant or right of first refusal for the land.
9. The Board will use legal counsel to review all legal documents related to any land acquisition.

B: Policy - Management

10. The Board will prepare and approve a management plan for each property it acquires as a Nature Reserve. The Board will approve a management plan for its properties within one year of acquisition, and will update each management plan approximately every 10 years.
11. The Board will engage First Nations early in the management planning process to better understand areas of cultural importance and to invite First Nations input into land management.
12. Engagement with First Nations will begin by contacting First Nations who have treaty or established rights, or identified geographic areas for consultation purposes, relevant to the nature reserve, as determined using the BC Consultative Areas Database, and by inviting them to discuss areas of mutual interest related to the nature reserve.
- 11.13. The Board will encourage input and involvement from interested community members, local First Nations and island conservation groups during the management planning process for its Nature Reserves.
- 12.14. The Board may negotiate management agreements with local conservation groups to assist with on-site property management, such as trail maintenance and invasive species removal.
15. Property management activities will focus on the preservation of the ecological integrity of the Nature Reserve.
- 13.16. Low-impact recreational access will be accommodated only where the ecological integrity or important cultural areas of a nature reserve are ~~is~~ not significantly compromised.
- 14.17. The Board will monitor all Nature Reserves annually, and assess for potential management problems such as trespass, misuse or overuse, vandalism, safety hazards or other concerns or activities as listed in the management plan. The Board will take action to address any problems identified, within budget constraints.

Commented [KM1]: Note to ITC Board: This is the language used by the BC Consultative Areas Database: <https://www2.gov.bc.ca/gov/content/data/geographic-data-services/land-use/contacts-for-first-nation-consultation-areas>

~~15-18.~~ Monitoring of Ecological Gifts² will include confirmation that the present use of the property is consistent with the use at the time of the donation. Monitoring documentation relating to Ecological Gifts will be made available to Environment Canada upon request.

~~16-19.~~ Management plans will indicate where signs should be placed on Nature Reserves. Signs will be kept to a minimum and be used only when necessary to provide visitors with essential information.

~~17-20.~~ Generally, the following three types of signs may be used on Nature Reserves:

Management Signs- describe permitted uses or activities that are not permitted, using international symbols where appropriate.

Safety Signs- alert visitors to dangerous conditions or hazards that exist. Safety signs must be installed when a hazard or dangerous condition is identified on-site, using international symbols where appropriate.

Information Signs- provide visitors with specific information such as, the name of the property, management partners, identification of the site boundaries, identification or interpretation of features, provision of directions, and identification of facilities (e.g., trails).

~~18-21.~~ The Board will seek appropriate conservation groups to hold conservation covenants on its lands and will work with these groups to negotiate appropriate covenant restrictions and obligations respecting the land.

REFERENCES

Regional Conservation Plan
ITC Policy 2.2 Assessing Conservation Proposals
ITC Policy 2.4 Conservation Covenants

² An Ecological Gift is a gift of land or a covenant on land that is certified as ecologically sensitive by the federal Minister of the Environment or his or her designate in accordance with the provisions of the federal Income Tax Act and otherwise meets the requirements of the Income Tax Act and that gives rise to special tax benefits.



ISLANDS TRUST CONSERVANCY BOARD POLICY

Policy number: 2.4

Title: Conservation Covenants

Approved By: Islands Trust Conservancy Board

Date: July 18, 2001 Resolution #: TFB 01/413

Revised

Date: Jan. 23, 2014 Resolution #: TFB-2014-006

Date: XXX, XX, 2024 Resolution #:

Chair Signature:

PURPOSE

To describe general practices associated with negotiating, holding and monitoring Islands Trust Conservancy **conservation covenants**.

SCOPE

Policy 2.5 Natural Area Protection Tax Exemption Program provides additional policies for covenants within that program.

BACKGROUND

The *Islands Trust Act* establishes the Islands Trust Conservancy to acquire, hold and manage land, and receive donations for the purpose of carrying out the object of the Islands Trust.

As a means of carrying out the object of Islands Trust, the Islands Trust Conservancy Board may receive donations of conservation covenants. Covenants provide the covenant holder with an interest in a parcel of private land. The covenant is a contractual agreement between the landowner and the covenant holder(s) that indicates what the parties will do to protect or conserve the covenanted land.

The Islands Trust Conservancy has an annual program for monitoring lands over which it holds conservation covenants to ensure that landowners are in compliance with the terms of the covenant. Annual monitoring keeps landowners and covenant holders in regular communication and ensures that both parties are satisfying the requirements of the covenant.

A: Policy - General

1. The Board accepts covenant donations to preserve and protect significant features and values within the Islands Trust Area. The Board does not purchase conservation covenants.
2. The Board will only consider registration of a covenant after it has been referred to First Nations who have treaty or established rights, or identified geographic areas for consultation purposes, relevant to the conservation proposal area, as determined using the BC Consultative Areas Database. First Nations will be provided with a 90 day referral period.
3. The Board will consider responses from First Nations during negotiation of a conservation covenant agreement.
- 2.4. The Board may request or require, as part of a covenant donation, a monetary donation to the Covenant Management and Defense Fund or towards the creation of a specific endowment, in order to assist with ongoing and future costs of maintaining, monitoring and legally defending the covenant.
- 3.5. The Board will endeavor to co-hold covenants with another conservation organization wherever possible. The Board may require ~~that~~ an agreement between covenant holders outlining roles and responsibilities, including cost sharing, ~~be signed~~ prior to commencing negotiation of a covenant.
- 4.6. The general intent of conservation covenants held by the Board is to preclude development and uses that may disturb or impact the natural features of the property.
- 5.7. The Board will issue a charitable receipt to the donor if the covenant is a gift.¹ The donor must provide an appraisal (at his or her cost) that clearly identifies the value of the covenant,

Commented [KM1]: Note to ITC Board: This is the language used by the BC Consultative Areas Database:
<https://www2.gov.bc.ca/gov/content/data/geographic-data-services/land-use/contacts-for-first-nation-consultation-areas>

¹ A gift is defined as a voluntary transfer of property without valuable consideration to the donor.

undertaken by an individual accredited in real estate appraisal in Canada and who is independent from both the donor and the Islands Trust Conservancy.

~~6.8.~~ Where a landowner who wishes to donate a covenant may qualify for Environment Canada's Ecological Gifts program, the staff will assist with completion of the application form.

~~7.9.~~ The Board will review and approve a covenant template from time to time to guide covenant negotiations. The approved covenant template will provide the basis for all covenant negotiations.

~~8.10.~~ Covenants will generally include restrictions on:

- a. the cutting of native vegetation;
- b. the alteration of the hydrology of the land; and
- c. the removal or alteration of soil and rock.

~~9.11.~~ The Board requires each covenant to include an indemnity by the landowner in favour of the Board and its staff or agents against liability arising out of the owner's ownership, use, occupation or maintenance of the lands.

~~10.12.~~ The Board may not incur a liability without Ministerial approval and therefore the Board will not provide indemnities to landowners.

~~11.13.~~ A Rent Charge (which is a deterrent, fine-like charge) will be required with each covenant on private land as a deterrent to undertaking restricted activities. As of the date of this policy, the Rent Charge amount will be set at ~~\$6,000~~ **7,500** and will increase each year on January 1 by the CPI². The Rent Charge will be increased by 110% of the market value of any flora or fauna, soil, rock, gravel or minerals which have been damaged in connection with a breach of the covenant.

Commented [KM2]: Note to ITC Board, Rent Charge is set at \$7,411 at the beginning of 2024. Suggest revising to \$7,500 to round up and to update to the policy date.

~~12.14.~~ A Statutory Right of Way (SRW) will be required with each covenant to enable access for annual monitoring and for restoration and maintenance of the natural values protected by the covenant. If the covenant area is not adjacent to a legal road access, the SRW will be requested over the whole of the land.

~~13.15.~~ Where access to the covenanted land is via easement or right of way from adjacent lands and not from a dedicated highway, the Board will ensure that those easements or rights of way extend to the Board for the purposes of accessing the covenanted lands.

~~14.16.~~ The landowner is responsible for all costs incurred by the landowner to complete the covenant. In cases of financial need, the Board may consider assisting a landowner with the costs of covenanting, such as land survey, appraisal, ecological baseline, and registration fees, at the request of the landowner. Landowners entering the *Natural Area Protection Tax*

² "CPI" means the All-Items Consumer Price Index published by Statistics Canada, or its successor in function, for Vancouver, BC, where 2014 equals 100.

Exemption Program (NAPTEP) are expected to cover their costs except in special circumstances (refer to Policy 2.5).

~~15-17.~~ The Board will review and approve all covenants for signing before they are registered.

B: Policy: Monitoring

~~16-18.~~ Each property covenanted by the Islands Trust Conservancy Board will be visited and monitored annually by either Islands Trust Conservancy staff or an Islands Trust Conservancy contractor.

~~17-19.~~ The Board will seek budget amounts from Trust Council sufficient to cover regular annual monitoring for all its covenants.

~~18-20.~~ Written documentation (a report, updated photographs and maps) of each monitoring visit will be developed to confirm that the present use of the covenant area is consistent with the baseline recorded at the time of covenant registration. The written report will be provided to the Board for review and approval. Following the Board's review of the report, staff will notify landowners regarding their compliance with the covenant.

~~19-21.~~ Monitoring of Ecological Gifts³ will include confirmation that the present use of the property is consistent with the use of the land at the time of the covenant donation. Monitoring documentation for Ecological Gifts will be made available to Environment Canada upon request.

~~20-22.~~ Generally, the Board will not undertake monitoring on other agencies' covenants where the Board has no legal interest in the covenant (e.g. covenants held by local trust committees, local, regional, provincial or national conservancy/land trust groups). However, if requested, the Board may assist with monitoring a covenant held by a local trust committee or island municipality if the local trust committee or island municipality will cover all costs associated with the monitoring and the property is adjoining an Islands Trust Conservancy property or covenant that would be monitored at the same time.

~~21-23.~~ In cases where the Board and a second group (e.g. local trust committee or local, regional, provincial or national conservancy/land trust) hold a conservation covenant jointly, the Board may take the lead in contracting independent monitoring unless the partner group or the Islands Trust Conservancy has staff resources to conduct the monitoring. In either case, monitoring must be done to the Islands Trust Conservancy standard and costs may be shared.

~~22-24.~~ Any observed or reported breach will be investigated according to ITC Policy 2.8 Covenant Enforcement and the related Breach Investigation and Covenant Enforcement procedure.

³ An Ecological Gift is a gift of land or a covenant on land that is certified as ecologically sensitive by the federal Minister of the Environment or his or her designate in accordance with the provisions of the federal Income Tax Act and otherwise meets the requirements of the Income Tax Act and that gives rise to special tax benefits.

~~23-25.~~ The Board will educate others about the responsibilities associated with holding conservation covenants and will advocate that other parties within the Islands Trust monitor their conservation covenants annually.

REFERENCES

Islands Trust Act

Land Title Act

Declaration on the Rights of Indigenous Peoples Act (Declaration Act)

Canadian Land Trust Standards and Practices 2019. Available online through the Land Trust Alliance of BC at www.ltabc.ca.

van Drimmelen, B., editor. 2023. *BC Conservation Covenant Handbook: A Guide to Best Practices for Conservation Covenants in British Columbia. Fourth Edition*. (Originally published as *Greening Your Title*) Published by West Coast Environmental Law Research Foundation and Land Trust Alliance of British Columbia. Vancouver, B.C. Available online at www.wcel.org

~~Canadian Land Trust Standards and Practices 2005 (Technical update, 2007). Available online through the Land Trust Alliance of BC at www.ltabc.ca.~~

~~Hillyer, A. and J. Atkins, 2005. *Greening your title: a guide to best practices for conservation covenants. Second Edition*. Published by West Coast Environmental Law Research Foundation. Vancouver, B.C. Available online at www.wcel.org~~

ITC Policy 2.2 Assessing Conservation Proposals

ITC Policy 2.5 Natural Area Protection Tax Exemption Covenants

ITC Policy 2.8 Covenant Enforcement

DATE OF MEETING: March 19, 2024

TO: Islands Trust Conservancy Board

FROM: Kathryn Martell, Ecosystem Protection Specialist

SUBJECT: NAPTEP Application, North Pender Island

Applicant: Sara Miles, Mike Timmins, Vivian Mitchell

Location: 3330 Port Washington Road, North Pender Island; PID: 005-837-651, Lot 6, Sections 18 and 22, Pender Island, Cowichan District, Plan 6294

RECOMMENDATION

That the Islands Trust Conservancy Board approve the conservation proposal submitted by Sara Miles, Mike Timmins, and Vivian Mitchell, to place a NAPTEP covenant on approximately 0.6 ha of North Pender Island, PID: 005-837-651, Lot 6, Sections 18 and 22, Pender Island, Cowichan District, Plan 6294, subject to review of First Nations responses and to Ministerial approval, to protect woodlands and herbaceous habitats, maturing dry Douglas-fir forest, and adjacent protected areas.

REPORT SUMMARY

This proposal is for a conservation covenant over approximately 0.6 ha of a North Pender Island property (3330 Port Washington Road, PID: 005-837-651), submitted February 2nd, 2024 for Islands Trust Conservancy Board consideration. This staff report presents an assessment of the Conservation Proposal, based on selection criteria outlined in Policy 2.2 [Assessing Conservation Proposals](#), Policy 2.4 [Conservation Covenants](#), Policy 2.5 [Natural Area Protection Tax Exemption Covenants](#), and the ITC [Land Securement Strategy](#).

The proposed NAPTEP covenant would protect approximately 0.6 ha of the northern portion of this property (approximately ¼ of the property). This undeveloped area has a steep mossy slope up the relatively undisturbed dry ridge-top of so-called “Mt Elizabeth”, where it is adjacent to ITC’s Lisa Baile Nature Reserve. There are large, healthy Garry Oak and Arbutus in mossy openings with scattered rock outcrops, and an area of maturing Douglas-fir forest with at least one large veteran tree. There are some areas of moderate Scotch broom presence, especially on the open mossy slope. Pender Islands Conservancy Association (PICA) has confirmed interest in being a covenant co-holder.

All plant communities identified on the property are considered at-risk by the BC Conservation Data Centre. There is one confirmed species-at-risk, Common Sharp-tailed Snake¹ (BC Red-listed [S1S2], SARA Schedule 1 Endangered) and the landholder also reports Common Nighthawk (BC Blue-listed [S3S5B], SARA Schedule 1 Special Concern). Considering the rare and sensitive habitats on the property, more detailed surveys may identify other at-risk

¹ Note that in 2023, the BC Conservation Data Centre split Common Sharp-tailed Snake into two distinct populations, Pacific Coast and Coast Mountains. These have not yet been individually ranked.

species are present, despite its small size. Adjacency to Lisa Baile Nature Reserve and proximity to other conservation covenants increases the conservation value of this property.

Staff recommends that the ITC Board accept this NAPTEP Conservation Proposal, and direct staff to pursue next steps in negotiating a covenant for this property, based upon:

- The potential to increase protection of sensitive and at-risk ecosystems and species at risk habitat; and,
- The opportunity to protect an area adjacent to an existing ITC Nature Reserve
- Alignment with ITC's Securement Strategy and Regional Conservation Plan conservation priorities.

Implications of the recommendation include ensuring staff capacity to negotiate a covenant. Considering timeframes for Ministerial approval and First Nations referral, staff considers it unlikely that this project would complete within the timeframe for NAPTEP benefits next year.

1 PROPERTY INFORMATION

Property Description:

3330 Port Washington Road, North Pender Island, North Pender Island Local Trust Area

PID: 005-837-651

Lot 6, Sections 18 and 22, Pender Island, Cowichan District, Plan 6294

Property size: 2.43 ha

Proposed protected area size: ~0.6 ha

Partners: Pender Islands Conservation Association (PICA). PICA connected this landowner with ITC and staff has confirmed their interest to co-hold the covenant.

Property notes: The Ecosystem Protection Specialist visited the property on February 21, 2024, along with the ITC GIS Technician and PICA's biologist. The property is a long, thin rectangle with Port Washington Road at the southern boundary, and a long, unimproved driveway (~500m) shared with the eastern adjacent property that rises to the house and outbuildings about 2/3 of the way along the property. The proposed covenant area boundary is several metres north of this residential area. Lisa Baile Nature Reserve is adjacent to the North. The proposed covenant area is within Woodland DPA, which extends along the upper ridge slopes on the adjacent properties to east and west.

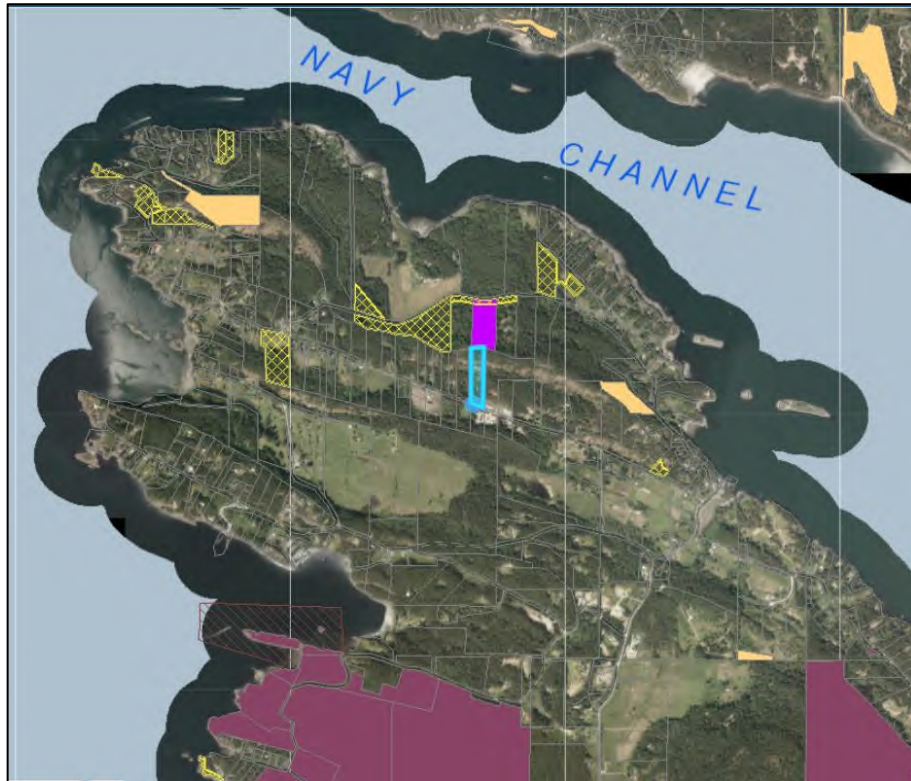
2 BACKGROUND

The property is on northern North Pender Island. It rises steeply north for approximately 350m from Port Washington Road towards Mt Elizabeth ridge, and is approximately 70 m wide. There are two houses and several outbuildings on the property, all of which will be excluded from the covenant area.

Despite its small size, this proposed covenant area contains diverse habitat of conservation priority, including mossy bluffs, and dry Douglas-fir forest and Arbutus forest, and is directly adjacent to ITC's Lisa Baile Nature Reserve. It connects to largely undeveloped, residential properties to the east and west, with several small, informal trails through the property, used by the landholder as well as by wildlife. There are remnants of an old cabin which the landholder will remove before a baseline inventory report is prepared (see photos in attachment). This area will need to be monitored closely to prevent / remove invasive species.

Figure 1. Subject Property and nearby Protected Areas

Subject property (blue outline) and conservation context on North Pender Island. Also shown are Lisa Baile Nature Reserve (purple), existing ITC covenants (yellow cross-hatch), community parks (solid gold), and Federal parks (maroon).



3 ANALYSIS

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

Natural Values

The entire proposed covenant area is mapped as sensitive ecosystems, and as ecological communities Red-listed in BC (see details in next section). The steep, mossy slope and dry open forest have large, old Garry oak and *Arbutus* trees, with remnant mature Douglas-fir trees in an otherwise young forest. One veteran Douglas-fir is on the Pender Islands Big Tree Registry. Large stumps remain from historical harvest and the veteran trees show signs of historical fire. There is an abundance of downed wood and scattered boulders providing excellent habitat for diverse small animals, including reptiles and bats. The property provides a small but important area of relatively undisturbed sensitive habitats, with known at-risk species, adjacent to an existing protected area.

Figure 2. Aerial image showing connectivity and unprotected nature of woodland and herbaceous ecosystems in this area. The proposed covenant area is outlined in orange. Existing ITC covenants are in blue stripe; Mt Elizabeth Park is at lower right. Note that these Woodland and Herbaceous sensitive ecosystems do not extend into Lisa Baile Nature Reserve, which protects a different suite of habitat types (see Figure 3).



This property qualifies for the NAPTEP program based on having: areas relatively undisturbed by human activity that are good examples of target ecosystems (Regulation 2[a]); areas relatively undisturbed by human activity that are key habitat for rare native plant species or plant communities (Regulation 2[b]); and areas that are critical habitat for native animal species in relation to breeding, rearing, feeding, or staging (Regulation 2[c]).

Ecosystems and Species at Risk

According to the BC Conservation Data Centre, the entire proposed covenant area is mapped as an ecological community considered at-risk (Red-listed) in British Columbia:

- Douglas-fir / Alaska Oniongrass (*Pseudotsuga menziesii* / *Melica subulata*) [G1 / S1 (Critically Imperiled)]

ITC's Sensitive Ecosystem Mapping provides further refinement of this classification and in addition to Douglas-fir / Alaska Oniongrass, maps polygons with two additional at-risk ecosystems:

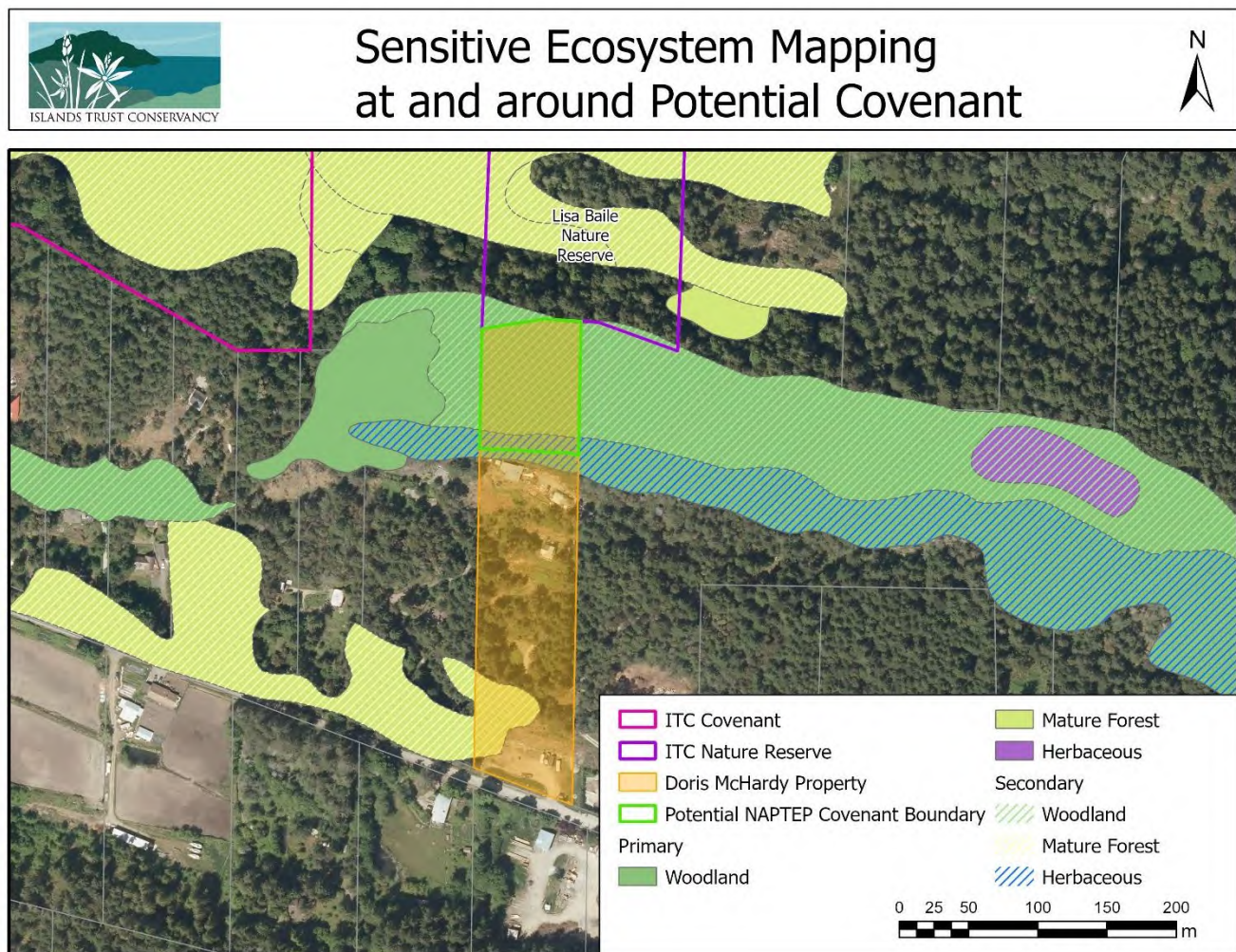
- Wallace's selaginella / reindeer lichens (*Selaginella wallacei* / *Cladina spp.*) [GNR / S3: Special Concern, Blue-listed]
- Douglas-fir – Shore Pine – Arbutus. The BC Conservation Data Centre separates this site series into several ecological communities including 'Douglas-fir / Arbutus' and 'Douglas-fir – Dull Oregon-grape', all of which are considered Red-listed (S1: Critically Imperiled or S2: Imperiled).

The landholder reports Common Sharp-tailed Snake (*Contia tenuis*) (BC Red-listed [S1S2], SARA Schedule 1 Endangered), confirmed by ITC staff from a photo. She has also seen Common Nighthawk (BC Blue-listed [S3S5B], SARA Schedule 1 Special Concern) feeding there but it is not known if they are nesting nearby. There are no at-risk species recorded by the BC CDC for this property. A detailed baseline survey of the property may document additional at-risk species, especially considering the rare bluff habitats.

Sensitive Ecosystems

The proposed covenant area contains mapped areas of *Woodland* and *Herbaceous* sensitive ecosystems. These sensitive ecosystems extend for ~600m along the Mt Elizabeth ridge and are not well-protected on North Pender Island.

Figure 3. Sensitive Ecosystems mapped in the potential covenant area.



Regional Conservation Plan Context

The ITC conservation prioritization model indicates that the proposed covenant area is a Low conservation priority however this model was created before Lisa Baile Nature Reserve was protected, and connectivity to existing protected areas is one criterion considered in the model's analyses. For North Pender Island Local Trust Area, ITC's current [Regional Conservation Plan](#) (RCP) identified protection of Sensitive Ecosystems and Forests as

Medium priorities. The RCP places a Medium priority for protection in the North Pender Island Local Trust Area, with a Medium disturbance threat. The proposed conservation covenant addresses the following RCP

Biodiversity Priorities:

- *Sensitive Ecosystems*
- *Species and Ecosystems at Risk*
- *Size, Corridors & Connectivity*

Securement Strategy Assessment

Assessment category	Score	Comments
Representation:	10 /15	Woodland and herbaceous areas are generally reasonably protected on North Pender (16.8% and 38.9%, respectively) although they overall represent <17% of the LTA; representation of a small area of sensitive ecosystems
Site Condition:	11/15	Scotch broom moderate on mossy slope and heavy deer browse; moss relatively intact; impacts from past logging; no current use
Viability:	10/15	The property is bounded by areas that may become more developed by residential use in the future, limiting connectivity east-west but it is adjacent to existing protected area to the north; may be large enough to protect Sharp-tailed Snake population
Known Rare Species:	10/15	Red-listed species reported by landowner, potentially others given the rare habitats
Ecological Value Subtotal:	41/60	
Management Ease:	8/10	Covenant, so management is landowner's responsibility; invasives removal will need to be ongoing; PICA can assist
Time/Urgency	3/10	Landowner wants to protect this habitat as extension of nature reserve, and in response to potential future development on adjacent properties
Threat Subtotal:	11/20	
Total:	52/80	Primary conservation value of this property is adjacency to existing nature reserve and extension of protected area

4 IMPLICATIONS AND CONSIDERATIONS

Organizational

Negotiation of a covenant will require staff time. Considering the new requirement for Ministerial approval of securement projects, it may not be possible to complete this covenant before the October 31st registration deadline in order to receive tax exemption for 2025 and the owner has been made aware of this timeline. Staff is currently working on four active covenant negotiations and one active land donation.

Some staff time will also be required to prepare and issue the *Natural Area Tax Exemption Certificate*. If the landholder chooses to enter the Ecological Gifts Program, additional staff time will be required to prepare the application and issue a tax receipt.

Policy

The application is consistent with ITC policies and regulations for accepting covenants, and aligns with the [Regional Conservation Plan](#) and [Land Securement Strategy](#) conservation priorities. Policy 2.2 [Assessing Conservation Proposals](#) provides for the Board to consider accepting covenants less than 2 hectares (4.9 acres) in size if they meet certain criteria, including that the property contains significant habitat for species at risk and the property adds area to an existing adjacent or nearby protected area.

Financial

It will cost approximately \$2,000-\$2,500 for legal review of the covenant agreement. Survey, baseline inventory report, and Land Titles registration costs are the landholder's responsibility. Registration of this covenant will result in an increase of \$1,160 to the ITC Property Management budget, according to the property management formula. This budget increase is to cover annual monitoring as well as signage and management of ecological and cultural features, although any management costs will primarily be borne by the landowners, and none are anticipated at this time.

Property Management Consideration

Immediate management needs include removal of Scotch broom and monitoring and potential restoration at the old cabin site. Potential co-holder PICA considers these issues to be manageable by their stewardship crew and the landholder, who is willing and able. Any additional management activities should only occur after complete ecological surveys have been conducted and identified species at risk and habitat concerns. The potential presence of Species at Risk may generate additional management considerations and costs.

Land Title and Relevant Land Status Information

The landholder is the registered owner of the property, along with two co-owners. It is zoned as Residential. There are a number of charges on title (see below). Staff will support the landholder to negotiate a Priority Agreement with the Mortgage Holder. In absence of a priority agreement, ITC will be unable to proceed with covenant registration. Staff does not have concerns with the other charges but will seek legal advice as needed.

- Easements E72936, EF118695, E72937, E72938, EF118693: agreements for shared driveway passing through adjacent Lot 7 and Lot C
- Easement E96106 BC Hydro Right of Way: does not enter into proposed covenant area
- CA6999225: Mortgage

First Nations

Staff has done a desktop review of RAAD data as per guiding principles of the Archaeological Branch. This conservation proposal will be referred to all First Nations within the BC Consultative Areas Database for this property (Semiahmoo First Nation, Tsawout First Nation, Tsawwassen First Nation, Pauquachin First Nation, Tsartlip First Nation, Tseycum First Nation, Snuneymuxw First Nation, Penelakut Tribe, Halalt First Nation, Ts'uubaa-asatx First Nation, Cowichan Tribes, Lyackson First Nation, Stz'uminus First Nation, Malahat Nation).

Communications

Following Board decision, staff will work with Pender Islands Conservation Association staff to seek approval from the PICA Board to co-hold the covenant.

Climate Change

This property contains patches of maturing forest, with large stumps and downed woody debris and several veteran trees, and therefore contributes towards climate change mitigation by protecting carbon sequestration

sources. Protecting properties with these features, and that contain a range of habitats, may assist with species persistence and/or migration in response to future climate instability and change.

Referrals

- Following Board approval, this proposal will be referred to all First Nations within the Consultative Areas Database (see above). Staff will update the Board with information from the First Nations referrals before proceeding with covenant negotiations, as necessary.
- Following ITC Board approval, the proposal will be sent to Islands Trust Council for their review and approval of the tax exemption certificate at their meeting June 18-20, 2024.
- The proposal will be sent to the North Pender Island Local Trust Committee for their information, for their meeting May 25, 2024.

Other Issues and Opportunities

- This proposal has been sent to the office of the Minister of Municipal Affairs, per her direction to the ITC Board to seek ministerial approval for new securement projects until there is an approved ITC Plan. The application was forwarded on 14 February, 2024; the Minister’s office has given no indication of the anticipated time for a response.

5 RECOMMENDATION AND RATIONALE

Staff recommends that the ITC Board accept this NAPTEP Conservation Proposal, and direct staff to pursue next steps in negotiating a covenant for this property, based upon:

- The potential to increase protection of sensitive and at-risk ecosystems and species at risk habitat; and,
- The opportunity to protect an area adjacent to an existing ITC Nature Reserve
- Alignment with ITC’s Securement Strategy and Regional Conservation Plan conservation priorities.

RESPONSE OPTIONS

Recommendation:

That the Islands Trust Conservancy Board approve the conservation proposal submitted by Sara Miles, Mike Timmins, and Vivian Mitchell, to place a NAPTEP covenant on approximately 0.6 ha of North Pender Island, PID: 005-837-651, Lot 6, Sections 18 and 22, Pender Island, Cowichan District, Plan 6294, subject to review of First Nations responses and to Ministerial approval, to protect woodlands and herbaceous habitats, maturing dry Douglas-fir forest, and adjacent protected areas.

Alternative:

The Islands Trust Conservancy may consider the following alternative to the staff recommendation:

That the Islands Trust Conservancy Board declines approval of the conservation proposal submitted by Sara Miles, Mike Timmins, and Vivian Mitchell, to place a NAPTEP covenant on approximately 0.6 ha of North Pender Island, PID: 005-837-651, Lot 6, Sections 18 and 22, Pender Island, Cowichan District, Plan 6294 and invites the applicants to resubmit their application following Ministerial approval of an Islands Trust Conservancy Plan.

NEXT STEPS

- Staff will inform the applicant of the Board's decision and begin negotiating the conservation covenant according to capacity constraints and pending Ministerial approval.
- Trust Council review of application, June 2024
- First Nations referral
- Referral for information to North Pender Island LTC, May 2024

Submitted By:	Kathryn Martell, Ecosystem Protection Specialist	March 7, 2024
Concurrence:	Kate Emmings, Manager, Islands Trust Conservancy	March 10, 2024

ATTACHMENTS

1. NAPTEP Application
2. Photos



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



Natural Area Protection Tax Exemption Program

APPLICATION FORM

Received February 2, 2024

OFFICE USE ONLY

Size of Property 2.43 Application Fee \$275 Receipt Number _____ File Number: NP-NAP-2024.1

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

We can only accept and process complete applications.

PROPERTY OWNER (Please Print)

(See page 1.2 add'l auth.)

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

#1

Sara Miles

#2

Mike Timmins

Telephone _____

Telephone _____

Cell Phone _____

Cell Phone _____

Email _____

Email _____

APPLICANT INFORMATION (If different from owner)

Name _____ Street Address _____

City _____ Province _____ Postal Code _____

Telephone _____ Cell _____ E-mail _____

DESCRIPTION OF PROPERTY

(As indicated on State of Title Certificate)

Parcel Identifier (PID) 005-837-651

Legal Description: Lot 6, Sections 18 and 22, Pender Island, Cowichan District, 6294 Plan

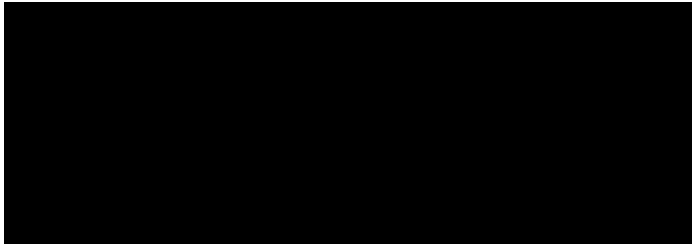
Street Address or General Location 3330 Port Washington Rd.

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

Property Size (hectares) 2.43 Proposed Covenant Size (hectares) 0.61

NAPTEP APPLICATION, PAGE 1.2

OWNER #3: VIVIAN MITCHELL



(1) Why do you want to covenant your land? → See attached.

Part of my land is in the Woodland DPA, and I want to give the Garry oak forest stronger protection. This covenant will add 15% area to an already protected site (Lisa Baile Nature Reserve).

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

Residential, rural, ^{small} accessory use - contractor yard. The northern quarter of the lot is on top of so-called "Mt. Elizabeth". The moss is 4 inches thick in places. It is undisturbed by humans and should remain this way.

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

Vacant land, residential, rural
Industrial? rezoning application coming up next door - (hopefully not!)

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

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

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

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

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

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

YES ☒ Pender Island Conservancy NO ☐
Name of Organization/Conservancy

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

Doris McHardy Conservation Covenant

Why do we want to protect this piece?

In considering this covenant, it is important to picture 3330 Port Washington Road as it sits within the larger context of Pender Island. Port Washington Road is a heritage road that runs east-west along the base of “Mount Elizabeth” on the north end of North Pender Island, from Hope Bay to Port Washington dock. There are several protected areas in place on and around this 400m high geological feature, including Mount Elizabeth Park, Lisa Baile Nature Reserve, Found Road trail, and George Hill.

3330 Port Washington Road is located about halfway between Hope Bay and Port Washington. The property is a long rectangle that runs south-north from the road to the top of the mountain ridge. The property features a small house and a cottage halfway up the hill, and a small home industry on the flat area beside Port Washington the road (contractor yard). There is one road access to the homes, built in 1978 to serve the two neighbouring properties with a series of easements (3334 and 3330).

The entire property is six acres. Three-quarters of the land was developed for human habitation, but in the northern quarter there is a 1.5-acre piece that is undeveloped and accessible only by walking. Without any formal trail, one must scramble up a tiny deer trail to the summit. This ridge area is adjacent to the Lisa Baile Nature Reserve Ecological Zone. It is in the Woodland and Herbaceous Development Permit Areas.

This ridge is part of an incredibly beautiful and essential ecosystem. On the north side of the main house, the hill rises sharply. Old Garry oaks wind their way up the mossy south facing rocks. Higher up, arbutus and Douglas fir make up the canopy. Home to a large family of ravens, migratory nighthawks, and the occasional osprey, it is also on the route for turkey vultures. White fawn lily and ghost pipe can be found here. A sharp-tailed snake has been observed. It is a quiet, ancient place that is worth protecting, especially as industrial development next door accelerates. Elsewhere on the property, there is a significant 47-metre Douglas fir entered into Raincoast Conservation Foundation’s Big Tree Registry. This ridge is the starting point for groundwater on both Port Washington and Clam Bay roads. These are some of the reasons why we want a covenant for this piece of land.

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

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

CERTIFICATION

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

Date Jan. 31/2024

Sara Miles
Print Name

AUTHORIZATION

*Required if the applicant is not the sole registered owner. Please list all owners indicated on the Certificate of Title. Strata Titled Developments require a written endorsement from Strata Councils.

I hereby consent to the application contained herein

Sara Miles
Print Name

Jan. 31, 2024
Date

Signature of Owner

Mike Timmins
Print Name

Jan. 31, 2024
Date

Vivian Mitchell
Print Name

Jan. 31, 2024
Date

Signature of Owner

Print Name

Date

Freedom of Information and Protection of Privacy

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

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

Contaminated Sites Regulation

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



Legend

Covenant area

Well

Septic

Natural Values for Protection:
Woodland and
Herbaceous ecosystems
(in Development Permit Area)

Species found in location:
Common raven
Osprey
Turkey vulture
Dark-eyed Junco
Chestnut-backed Chickadee
Red-breasted sapsucker
Violet green swallow
Various bats
Pileated woodpecker
Great camas
Fairy slipper
White fawn lily

1: 2,500

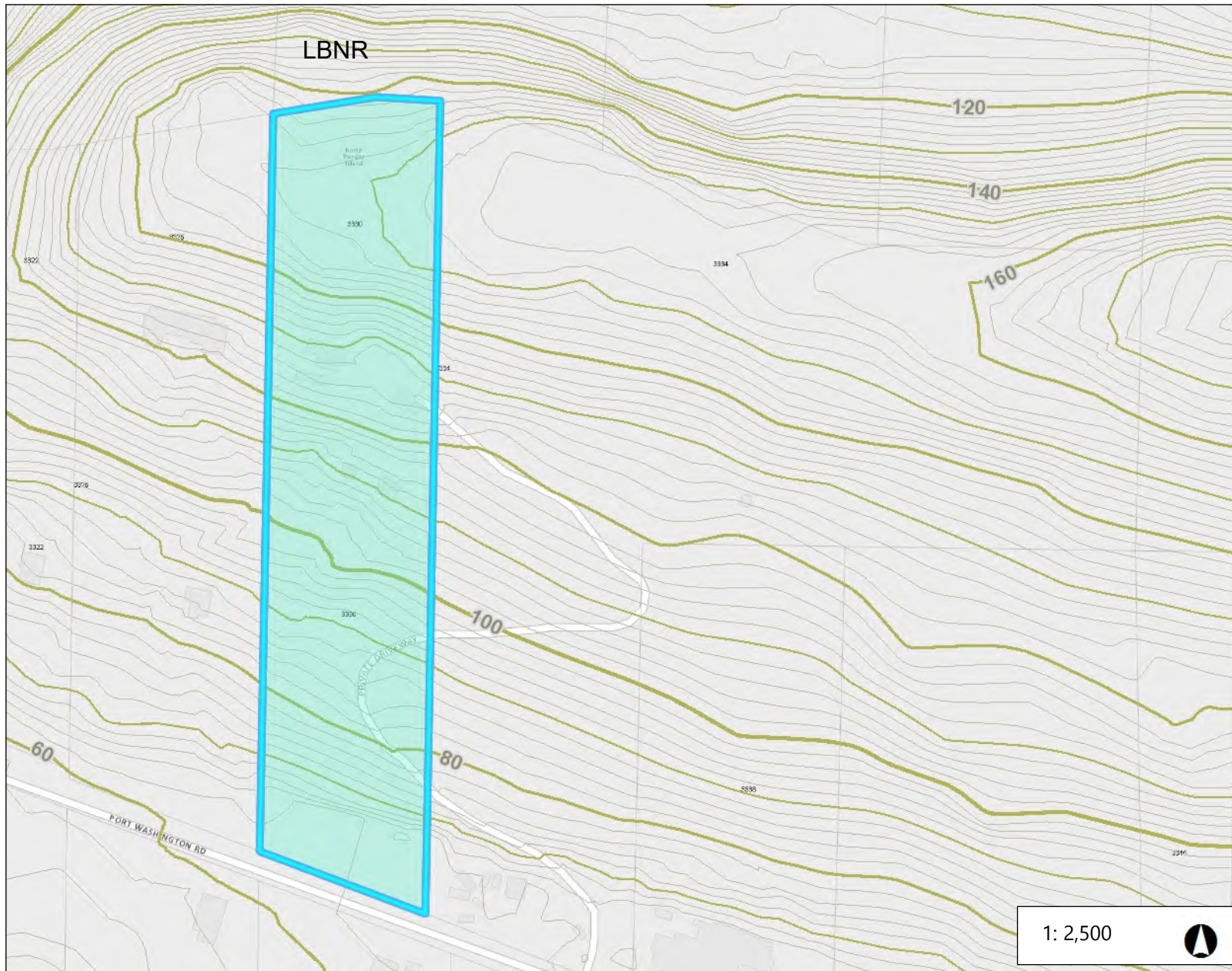


127.0 0 63.5 127.0 Meters

NAD_1983_UTM_Zone_10N
© Capital Regional District

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Six-acre parcel
1.5-acre area is ideal for
conservation
Two homes, one-car garage
One home industry
Covenant proposed for
north quarter of property
on steep slope and mountain
top, Garry oak/arbutus forest



Legend

- Shoreline 1.6m
- 1m
- Hundred
- Twenty
- Ten
- Five
- Metre
- Bathymetry**
- 2
- 5
- 10
- 20
- 30
- 50
- 100
- 200

Private driveway:
shared with neighbour,
access to both homes.

LBNR: Lisa Baile
Nature Reserve
Ecological Zone
on north side

1: 2,500



127.0 0 63.5 127.0 Meters

NAD_1983_UTM_Zone_10N
© Capital Regional District

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Notes

Topography: steep hillside

Representative Pictures of Potential Covenant



Representative Pictures of Potential Covenant





REQUEST FOR DECISION

To: ITC Board

For the Meeting of: March 19, 2024

From: Staff

Date Prepared: February 6, 2024

SUBJECT: Groundwater monitoring at Trincomali Nature Sanctuary, Galiano Island

RECOMMENDATION(S): That the Islands Trust Conservancy Board approve the request from the Galiano Conservation Association to install a water meter at the existing drilled well on Trincomali Nature Sanctuary to log water levels and temperature data to inform a water conservation project on Galiano Island, subject to:

- 1) Proper installation as guided by the Water Sustainability Act and Groundwater Protection Regulation regarding work in and around groundwater wells;
- 2) Removal of all equipment at the end of the project.

1 PURPOSE: To approve the research of proposal to use the drilled well at the Trincomali Nature Sanctuary as a mid-island observation well on Galiano Island.

2 BACKGROUND:

The Galiano Conservancy Association (GCA) is implementing a water conservation project on Galiano Island to gain more data on groundwater availability and usage from private wells. They aim to:

- encourage the installation of water meters to collect data;
- set up a mid-island observation well to complement the two existing provincial observation wells that are both located at the south end of Galiano Island.

The existing drilled wells on Trincomali Nature Sanctuary (see Figure 1) have been selected as a good site for a mid-island observation well. Use of the area will include:

- Installing a datalogger with a 10-year battery to remotely monitor the water levels and temperature data.
- No disturbance is required with no equipment extending beyond the existing well cap.
- Data retrieval and servicing will be done by foot on a quarterly or monthly basis.
- Data collected will be made available to the public through the Provincial Groundwater Observation Well Network and perhaps other means.

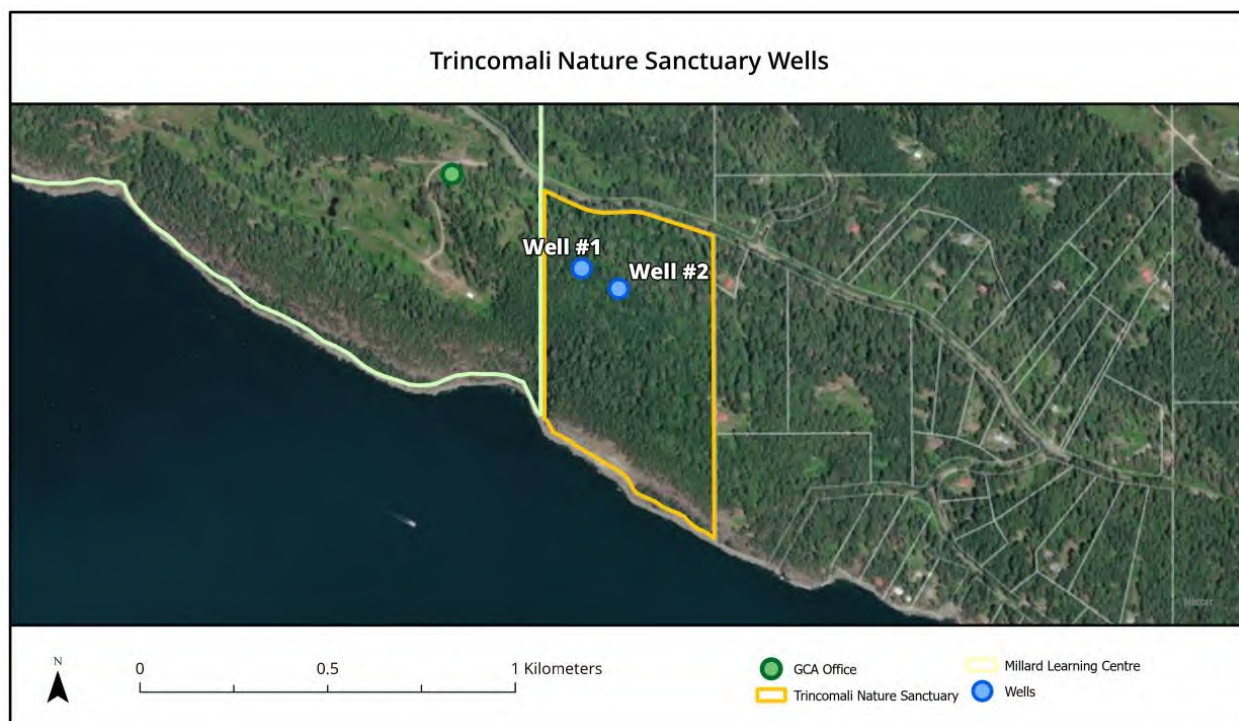


Figure 1: Trincomali Nature Sanctuary Wells

3 IMPLICATIONS OF RECOMMENDATION:

ORGANIZATIONAL: If this research is approved, staff time will be needed to inform the conservation covenant holders, Habitat Acquisition Trust and TLC The Land Conservancy of BC. Placing the equipment on the wellhead will not breach any clauses in the covenant.

FINANCIAL: None. GCA is receiving grant funding for the well monitoring equipment.

POLICY: Consistent with policy.

IMPLEMENTATION/COMMUNICATIONS: Trincomali Nature Sanctuary is closed to the public due to species at risk found there. GCA knows about the need to avoid disturbance of certain areas and they have a short walk to go from the adjacent Millard Learning Centre to the wellhead. The project duration is 10 years, the life span of the equipment. GCA will remove the equipment at the end of the project. Data collected will be made public and will be part of water conservation and climate change research on Galiano Island that can inform the entire Islands Trust Area. Staff will convey the decision of the ITC Board to GCA and will add the approval to the ITC report to LTCs so that the Galiano Islands Local Trust Committee is aware of the project.

FIRST NATIONS: GCA will sharing of the research results with First Nations. There will be no disturbance to the soil so cultural finds are unlikely. Staff have not communicated with First Nations about this request.

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

OTHER: Staff have notified the Islands Trust Freshwater Specialist about the project in case there may be opportunities for collaboration that fall within the [Freshwater Sustainability Strategy](#).

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

RESPONSE OPTIONS

Recommendation(s): That the Islands Trust Conservancy Board approve the request from the Galiano Conservation Association to install a water meter at the existing drilled well on Trincomali Nature Sanctuary to log water levels and temperature data to inform a water conservation project on Galiano Island, subject to:

- 1) Proper installation as guided by the Water Sustainability Act and Groundwater Protection Regulation regarding work in and around groundwater wells;
- 2) Removal of all equipment at the end of the project.

Alternatives:

- 1) That the Islands Trust Conservancy Board approve the request from Galiano Conservation Association to install a water meter at the existing drilled well on Trincomali Nature Sanctuary to log water levels and temperature data to inform a water conservation project on Galiano Island subject to the following requirements:
 - *[to be inserted by the ITC Board]*
 - 2) That the Islands Trust Conservancy Board decline to approve the request from Galiano Conservation Association to install a water meter at the existing drilled well on Trincomali Nature Sanctuary to log water levels and temperature data to inform a water conservation project on Galiano Island.
-

Prepared By: Nuala Murphy, Property Management Specialist

Reviewed By / Date: Kate Emmings, ITC Manager / February 21, 2024



Galiano
Conservancy
ASSOCIATION

Dear Islands Trust Conservancy colleagues,

The Galiano Conservancy Association (GCA) is implementing a water conservation project on Galiano Island as a follow-up to the [One Island, One Earth](#) ecological footprint project, which recognized a need for more data on groundwater availability and usage from private wells on Galiano. This project will include promoting the installation of water meters and collecting consumption data from new and existing meters. Another project goal is to set up a mid-island observation well to complement the two existing provincial observation wells on Galiano, both located at the south end. We will be installing a sonic water level meter at our drilled well at the Millard Learning Centre (MLC); however, as this well, the only drilled well on GCA lands, services our MLC facilities, data collected will primarily detect changes in water level due to our own withdrawals.

We are requesting to use the existing drilled well on the Trincomali Nature Sanctuary (TNS) property, located near the property boundary shared with the MLC, as the site of a mid-island observation well (Note: this well is not listed on the [GWELLS](#) database, but is known to ITC staff). We propose this TNS well site as it is situated in the mid-island between two denser residential neighbourhoods (Ganner Rd. and Retreat Cove), has no active wells in its immediate vicinity, is unlikely to ever be actively used, and is just a short walk away from our office at the MLC, meaning our staff will be able to easily visit the site as needed to service the equipment and retrieve collected water level and temperature data from the datalogger installed.

We have consulted [Solinst](#), a Canadian company specializing in groundwater monitoring, and have identified a suitable datalogger with a 10-year battery for this remote water monitoring application. No disturbance of the well site will be required, and no equipment will extend beyond the existing well cap. Data retrieval and servicing will be done on foot (from an area of the MLC not accessible to the public) on a quarterly or monthly basis, minimizing any impact of visiting the TNS.

Using the TNS well for groundwater monitoring will provide important baseline data as our aquifers are subjected to greater stresses from climate change and development. Data collected will be made available to the public through the Provincial Groundwater Observation Well Network and/or other means. If ITC is open to this proposal, at least on a trial basis, we are prepared to install the datalogging equipment and start collecting water level data this winter.

We hope you will partner with us to make this mid-island observation well initiative a reality! Thank you for your consideration, and please contact me with any questions.

Sincerely,

Chessi Miltner
Executive Director, Galiano Conservancy
250-539-2424 | chessi@galianoconservancy.ca



REQUEST FOR DECISION

To: ITC Board

For the Meeting of: March 19, 2024

From: Staff

Date Prepared: February 26, 2024

SUBJECT: Funding Request from Galiano Conservancy Association for the 2024 Salish Sea Conservation Forum on Galiano Island

RECOMMENDATION(S): That the Islands Trust Conservancy Board approve a contribution of \$3,500 to support the 2024 Salish Sea Conservation Forum on Galiano Island as it assists Islands Trust Conservancy to meet objectives 1.3 and 4.2 of the 2018-2027 Regional Conservation Plan.

- 1 PURPOSE:** To support the Galiano Conservancy Association to host a regional forum for conservancies and other conservation organizations.
- 2 BACKGROUND:** Galiano Conservancy Association approached Islands Trust Conservancy at the end of 2023 to ask if it would be possible for Islands Trust Conservancy to help contribute to the costs of conducting a gathering of local and regional conservation and conservancy groups in April of 2024. Galiano Conservancy Association anticipates approximately 50 participants from other regional conservation organizations. Islands Trust Conservancy staff have reviewed the request and find it fits within existing budgets and general goals of the 2018-2027 Regional Conservation Plan.

3 IMPLICATIONS OF RECOMMENDATION:

ORGANIZATIONAL: Supporting this forum will help Islands Trust Conservancy to meet objectives of the Regional Conservation Plan:

- Objective 1.3: Investigate opportunities for protection of important conservation areas with partners.
- Objective 4.2 Share funding and learning opportunities with partners working on Nature conservation in the Islands Trust Area.

Islands Trust Conservancy staff and/or board members are invited to attend the Forum and ITC staff have begun conversations with the Galiano Conservancy Association regarding a potential for dedicated time to provide an overview of Islands Trust Conservancy programs and options for partnership through the Species at Risk Program.

FINANCIAL:

Transportation: \$500

Food for participating conservation organizations (breakfast, lunch and late afternoon snacks for Day 1): \$2,500

Facility rental fees: \$500

TOTAL requested: **\$3,500**

These funds will come from either the Communications or the Conservation Planning and Site Securement budget lines depending on the agenda for the forum. It is likely that some funds will come from the Species at Risk Grant.

POLICY: No implications.

IMPLEMENTATION/COMMUNICATIONS: Islands Trust Conservancy will advise the Galiano Conservancy Association of the Board's decision and will assist with distribution of forum communications material as appropriate.

FIRST NATIONS: Islands Trust Conservancy staff will recommend that Galiano Conservancy invite indigenous conservation organizations and interested First Nations to attend the forum.

CLIMATE CHANGE: Travel to Galiano by participants will result in carbon emissions. Galiano Conservancy Association is mitigating these emissions by providing bus transportation on Galiano to and from the venue. Additionally, the venue itself runs on solar and wind power and car charging stations are available to participants.

OTHER: Prior to Covid-19, Islands Trust Conservancy would frequently support conservancy learning opportunities in the islands through bursaries and coverage of travel and food costs. The pandemic interrupted these gatherings and they are just beginning again.

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

5 ATTACHMENT(S): Galiano Conservancy Association funding request email chain

RESPONSE OPTIONS

Recommendation(s): That the Islands Trust Conservancy Board approve a contribution of \$3,500 to support the 2024 Salish Sea Conservation Forum on Galiano Island as it helps Islands Trust Conservancy to meet objectives 1.3 and 4.2 of the 2018-2027 Regional Conservation Plan.

Alternative(s):

- 1) That the Islands Trust Conservancy Board approve a contribution of *\$(insert amount)* to support the 2024 Salish Sea Conservation Forum on Galiano Island as it assists Islands Trust Conservancy to meet objectives 1.3 and 4.2 of the 2018-2027 Regional Conservation Plan.
 - 2) That the Islands Trust Conservancy Board does not approve the funding request from Galiano Conservancy Association for the 2024 Salish Sea Conservation Forum on Galiano Island.
-

Prepared By: Mike Richards, Strategic Fund Development Specialist

Reviewed By / Date: Kate Emmings, Islands Trust Conservancy Manager / March 10, 2024

From: Martine Paulin <martine.paulin@galianoconservancy.ca>
Sent: Wednesday, January 24, 2024 3:43 PM
To: Mike Richards
Cc: Kate Emmings
Subject: Re: Upcoming regional Eco-Fair on Galiano Island (April 2024)

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Mike (and Kate),
thank you for responding to our request.
Here are the details of the budget items we would like to request funding from ITC for our upcoming Salish Sea Conservation Forum to be held on Galiano Island this coming April (working title):

Transportation: \$500
Food for participating conservation organizations (breakfast, lunch and late afternoon snacks for Day 1): \$2,500
Facility rental fees: \$500
TOTAL requested: \$3,500

We anticipate approximately 50 participants from other regional conservation organizations. Please let me know what the next step would be in securing this funding. We are happy to provide any information you may require.
Thank you again for your help on this project!

Martine Paulin
Development Coordinator
Galiano Conservancy Association
10825 Porlier Pass Rd, Galiano Island, BC, V0N 1P0
Office: (250) 539-2424

I respectfully acknowledge that the GCA's staff, operations, work, and network depend on traditional Indigenous territories to provide us physical space, sustenance, safety, and community to work, live, and play. Our physical head office is located on the traditional territories of the Penelakut, Hwlitsum, Tsawwassen, Lelum Sar Augh Ta Naogh and other Coast Salish peoples. As stewards of these lands, we are committed to honoring and learning from the rich cultural heritage and ecological wisdom of the First Nations whose ancestral connections to these lands continue to this day.
www.galianoconservancy.ca

On Tue, Jan 23, 2024 at 10:10 AM Mike Richards <mrichards@islandstrust.bc.ca> wrote:

Hi Martine,

Hope you are able to enjoy the rain after all the snow.

Just wondering if you have any more details about how much contribution (and for what specific components) you may be wanting from Islands Trust Conservancy.

Thanks and cheers,

Mike

Mike Richards

Strategic Fund Development

200-1627 Fort Street | Victoria BC V8R 1H8

T 250-247-2205 | islandstrust.bc.ca/conservancy

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

[Follow us on Facebook](#) *Create a Legacy. Please remember us in your Will.*

Protecting islands in the Salish Sea

I respectfully acknowledge that the Islands Trust Area is located within the treaty lands and territories of the BOKEĆEN, Cowichan Tribes, K'ómoks, Lyackson, MÁLEXEL, Qualicum, scəwəθən, səliwətaʔ, SEMYOME, shishálh, Skwxwú7mesh, Snaw-naw-as, Snuneymuxw, Songhees, Spune'luxutth', SṪÁUTW, Stz'uminus, ʔaʔəmen, Ts'uubaa-asatx, Wei Wai Kum, We Wai Kai, WJOLELP, WSIKEM, Xeláitxw, Xwémalhkwx, Xwsepsum, and x"məθk"əyəm First Nations. Islands Trust Conservancy is committed to reconciliation and to working together to preserve and protect this ecologically, culturally, and spiritually significant region in the Salish Sea.

From: Martine Paulin <martine.paulin@galianoconservancy.ca>

Sent: Thursday, January 11, 2024 2:40 PM

To: Mike Richards <mrichards@islandstrust.bc.ca>

Subject: Re: Upcoming regional Eco-Fair on Galiano Island (April 2024)

Hi Mike,

sorry our phone lines have been down all day and Telus informed us that they would not be able to fix anything for the next few days :(

Thanks for getting back to us about this. We are in the process of figuring out the budget for the regional EcoFair, and that should be done by the end of next week.

I will get back to you next week with more details. As I understand, ITC might be able to help with meals, transportation and accommodation costs, correct?

Cheers,

Martine Paulin

Development Coordinator

Galiano Conservancy Association

10825 Porlier Pass Rd, Galiano Island, BC, V0N 1P0

Office: (250) 539-2424

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www.galianoconservancy.ca

On Thu, Jan 11, 2024 at 12:04 PM Mike Richards <mrichards@islandtrust.bc.ca> wrote:

Hi Martine,

So sorry for the delay in getting back to you on this. I just tried to give you a call but it would not connect. Unfortunately several relevant folks are down and out with winter time illnesses and at this stage I cannot say definitively how we can help. As soon as folks are back on deck and I have an answer I will get back to you. One question is how much might you be looking for and would we be involved in any way?

Hope the approaching weather does not affect you all too badly down your way.

All the best,

Mike

Mike Richards

Strategic Fund Development

200-1627 Fort Street | Victoria BC V8R 1H8

T 250-247-2205 | islandstrust.bc.ca/conservancy

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

[Follow us on Facebook](#) *Create a Legacy. Please remember us in your Will.*

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From: Martine Paulin <martine.paulin@galianoconservancy.ca>

Sent: Thursday, December 28, 2023 10:40 AM

To: Mike Richards <mrichards@islandstrust.bc.ca>; Chessi Miltner <chessi.miltner@galianoconservancy.ca>

Subject: Upcoming regional Eco-Fair on Galiano Island (April 2024)

Dear Mike,

I met you briefly on Saltspring Island last summer when Carla hosted the seminar on Planned Giving. I hope you are settling well into your new position with the ITC! I am contacting you today at Kate Emming and Carla Funk's suggestion because the Galiano Conservancy will be hosting a regional Eco-Fair in April of 2024 and we are looking for potential sources of funding to help cover some of the costs.

Kate mentioned that the ITC has some funding earmarked specifically for hosting networking events for local conservancies, and I was wondering if you could help us get the ball rolling on this. Specifically, what steps do we need to take to apply, and what information would the ITC need from us?

I thank you in advance for your support, and for any information you can provide. Wishing you and the ITC team the very best for the New Year!

Martine Paulin

Martine Paulin

Development Coordinator

Galiano Conservancy Association

10825 Porlier Pass Rd, Galiano Island, BC, V0N 1P0

Office: (250) 539-2424

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www.galianoconservancy.ca



BRIEFING

To: Islands Trust Conservancy Board **For the Meeting of:** March 19, 2024
From: Staff **Date Prepared:** March 10, 2024
SUBJECT: Current Conservation Applications Update – public

PURPOSE: To provide the Islands Trust Conservancy (ITC) Board with a status update for conservation projects following the decision to decline approval of the ITC Plan by the Minister of Municipal Affairs.

BACKGROUND:

ITC submitted the ITC Plan (Trust Fund Plan) to the Minister of Municipal Affairs on December 15, 2022. On January 29, 2024, ITC received a response from the Minister declining to approve the ITC Plan. As the ITC Plan provides the ITC with Ministerial approval to undertake its core work, including the acquisition of land and interests in land, the Minister indicated that:

- 1) any land transactions that initiated under the previously approved Conservancy Plan are permitted to conclude (i.e. transactions initiated prior to December 31, 2022); and,
- 2) any new land transactions or dispositions that were/are initiated after the conclusion of the past plan will need ministerial approval.

Based on this information, staff are proceeding as follows with public applications:

- 1) Applications initiated before December 31, 2022 are proceeding under current policy direction. These applications include:
 - Crystal Mountain Nature Reserve, Galiano Island, 18.3 ha. Application Submitted by Crystal Mountain Society for Eastern and Western Studies;
 - R. Leader NAPTEP Covenant, Salt Spring Island, 3.5 ha. Application Submitted by Robert Leader;
 - Larmour NAPTEP Covenant, Salt Spring Island, 2.45 ha. Application Submitted by Rodney Polden on behalf of Skye Larmour;
- 2) Applications initiated after December 31, 2022, will be provided to the Minister for review and approval prior to returning to the ITC Board for final approval. These applications include:
 - Koontz NAPTEP Covenant, Gabriola Island, 2.23 ha. Application submitted by Yarrow Koontz; and,
 - Doris McHardy NAPTEP Covenant, North Pender Island, ~0.6 ha. Application submitted by Sara Miles (approval pending).

Note, ITC staff submitted the Koontz NAPTEP Covenant and Doris McHardy NAPTEP Covenant applications to the Ministry of Municipal Affairs for review on February 14, 2024.

ATTACHMENT(S):

- 1) NP-NAP-2024.1 Minister Approval Letter, dated 2024-02-13
- 2) GB-NAP-2023.1 Minister Approval Letter, dated 2024-02-14

Application lists are available in section 6.3 and the Minister's letter is part of the correspondence in the regular meeting agenda package.

FOLLOW-UP: Staff will proceed as indicated in the briefing unless directed otherwise by the ITC Board.

Prepared By: Kate Emmings, Islands Trust Conservancy Manager

February 13, 2024

File Number: GB-NAP-2023.1

Kris Nichols, Manager
Land Use, Planning & Regional Impacts Branch
Local Government Division
Ministry of Municipal Affairs
Sent by email to: Kris.Nichols@gov.bc.ca

Re: Ministerial Approval of in process conservation covenant acquisition, Gabriola Island

Dear Kris,

On May 30th, 2023, the Islands Trust Conservancy (ITC) Board reviewed a conservation proposal for a Natural Area Protection Tax Exemption Program (NAPTEP) conservation covenant on Gabriola Island (PID: 005-788-447) and passed the following resolution:

ITC-2023-017

It was MOVED and SECONDED,

that the Islands Trust Conservancy Board approve the conservation proposal submitted by Yarrow Koontz, to place a NAPTEP covenant on approximately 2.5 ha of Gabriola Island, PID: 005-788-447, That Part of Lot 3, Section 5, Gabriola Island, Nanaimo District, Plan 6986, Lying to the North West of a Road Dedication by Plan 17829, Except those parts in Plans 21783 and 26145, to protect wetlands, maturing forest, and sensitive riparian and cliff habitats.

This NAPTEP proposal was reviewed and approved by the ITC Board after expiry of the ITC Plan in December 2023. Accordingly, as per Minister Kang's letter of January 29th 2024 to the ITC Board, I am forwarding this application for ministerial approval.

In July 2023, ITC staff referred this application to the following First Nations, as determined with a query of the Consultative Areas Database, requesting a reply within 6 weeks:

Snuneymuxw First Nation
Penelakut Tribe
Halalt First Nation
Ts'uubaa-asatx First Nation

Cowichan Tribes
Lyackson First Nation
Stz'uminus First Nation

ITC received a response from Ts'uubaa-asatx Nation that they did not have any comments to provide regarding this application at that time. We did not receive any other responses. Attached to this letter you will find a copy of the template letter, referral package, and a First Nations communications and interest log.

We would appreciate information from your office as to expected process and timeline for this ministerial approval as soon as possible as the landowner is beginning to undertake costly components of the application process, including:

- a survey (within the next two weeks),
- a baseline report, beginning in April 2024, and
- an appraisal, beginning in May 2024.

Additionally, please advise us what we should communicate to the applicant about these topics.

I look forward to working with you to protect natural values in the Islands Trust Area. To discuss this or other applications, please contact me at (250) 405-5176 or kmartell@islandstrust.bc.ca.

Sincerely,



Kathryn Martell
Ecosystem Protection Specialist
Islands Trust Conservancy

Encl.: Koontz NAPTEP Application Form
Referral Package sent to Snuneymuxw First Nation, July 7, 2023
EC: ITC Board
Islands Trust Executive Committee

February 13, 2024

File Number: NP-NAP-2024.1

Kris Nichols, Manager
Land Use, Planning & Regional Impacts Branch
Local Government Division
Ministry of Municipal Affairs
Sent by email to: Kris.Nichols@gov.bc.ca

Re: Ministerial Approval of conservation covenant acquisition application, North Pender Island

Dear Kris,

On February 2nd, 2024, Islands Trust Conservancy (ITC) received a conservation proposal for a Natural Areas Protection Tax Exemption Program (NAPTEP) conservation covenant, for a property at 3330 Port Washington Road, North Pender Island (PID 005-837-651). As per Minister Kang's letter of January 29th 2024 to the ITC Board, I am forwarding this application for further ministerial approval.

ITC staff has conducted a basic review of this NAPTEP application, and have confirmed that that it meets eligibility criteria for NAPTEP and aligns with ITC policies for conservation projects. Staff will conduct a site visit and prepare a staff report for ITC Board review at the March 19, 2024 board meeting.

We would appreciate information from your office as to expected process and timeline for ministerial approval of this conservation proposal. Additionally, please advise us what we should communicate to the applicant about these topics.

As per our procedure, we will also be referring this application to First Nations, as determined using the Consultative Areas Database. Our query of the database indicates that we should contact:

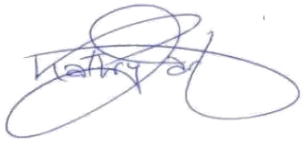
Semiahmoo First Nation
Tsawout First Nation
Tsawwassen First Nation
Pauquachin First Nation
Tsartlip First Nation
Tseycum First Nation
Snuneymuxw First Nation

Penelakut Tribe
Halalt First Nation
Ts'uubaa-asatx First Nation
Cowichan Tribes
Lyackson First Nation
Stz'uminus First Nation
Malahat Nation

Please let us know if the Ministry would like us to engage with any other First Nations.

I look forward to working with you to protect natural values in the Islands Trust Area. To discuss this or other applications, please contact me at (250) 405-5176 or kmartell@islandstrust.bc.ca.

Sincerely,



Kathryn Martell
Ecosystem Protection Specialist
Islands Trust Conservancy

Encl.: Doris McHardy NAPTEP Application Form
EC: ITC Board
Islands Trust Executive Committee



January 29, 2024

Ref: 271728

Dr. Risa Smith, Chair
Islands Trust Conservancy Board
200-1627 Fort St
Victoria BC V8R 1H8

Dear Chair Smith:

I am writing to thank the Conservancy Board for the submission of the proposed the Islands Trust Conservancy Interim Three-Year Plan 2023-2025 (the Interim Plan), conveyed by the previous Board Chair Linda Adams and seeking its approval. I apologize for the delay in responding.

It is my understanding that while the Conservancy typically adopts five-year plans, the Conservancy has submitted a three-year interim plan while it undertakes meaningful engagement with First Nations on the next iteration of the five-year plan (2026-2030). That next full five-year plan is expected to be submitted for Ministerial approval in 2025.

I appreciate that the Conservancy has adopted a Reconciliation Declaration in July 2019 that commits them to the protection and preservation of the Trust Area through processes that respect and honour reconciliation and mutually respectful relationships with Indigenous peoples. I was pleased to hear that the Conservancy is currently planning a two-year outreach project to engage with First Nations on the next five-year plan, the Trust Council allocated a special budget item for this endeavour, and the Islands Trust Conservancy Board allocated a further amount for engagement.

While the Conservancy has indicated that the Interim Plan is largely an update of the previously approved 5-year plan (2018-2022), responses from several First Nations during the referral period detailed concerns about the Plan and with the function and purpose of the Conservancy generally. Some of these responses included:

- Lack of meaningful consultation and capacity for First Nations to adequately review and respond, with some Nations requesting additional time to review and comment on the plan.
- Questions around how the Conservancy intends to approach or achieve strengthened relationships with First Nations and incorporate them into decision-making processes.
- Potential for land acquisitions for conservation purposes to negatively impact and impede First Nations Section 35 rights under the Canadian Constitution and access to traditional territories.
- Suggestion that the Conservancy's mandate needs to evolve beyond colonial perspectives of conservation and involve more collaboration with First Nations.

.../2

It also appears that the Qualicum First Nation did not have an opportunity to comment on the Interim Plan as they were inadvertently missed in the referral process.

Adopting this Interim Plan without further examination or resolution of concerns may undermine the development of the new five-year plan, potentially setting back the commitment to reconciliation that the Conservancy has signaled with its early engagement efforts. While we are already outside the applicable time frame of last approved plan, rather than approve the interim 3-year plan, I would like the Conservancy to focus its efforts on developing a new 5-year plan commencing in 2026, or sooner. Additionally, taking more time to adequately engage with the First Nations that have expressed interest in deeper conversation about the philosophy of the Conservancy and what approaches the Conservancy is taking to preserve and protect the trust area.

Under Section 44(2) of the *Islands Trust Act*, the Conservancy must not acquire, hold, or dispose of land, without the prior approval of the minister, except in accordance with an approved Plan. While I am declining to approve the proposed 3-year plan, by way of this letter, I am confirming that the Conservancy is authorized to continue holding and managing lands currently held at the conclusion of the last plan period, and any land transactions that initiated under the previously approved Conservancy Plan are permitted to conclude.

Any new land acquisitions or dispositions that were initiated after the conclusion of the past plan will need my further ministerial approval before the transaction is completed. Please let me know as soon as possible if there are any applicable transactions for which my approval may be sought.

Should your staff have any questions about how best to proceed on specific proposed transactions before a new plan has been considered and approved, please contact Kris Nichols, Manager, Land Use, Planning & Regional Impacts Branch, by email at: Kris.Nichols@gov.bc.ca, or by telephone at: 778 698-3450.

I recognize that this represents a departure from previous Conservancy Plan approvals. Since the last Conservancy Plan was approved, the province has moved beyond the introduction of draft principles that guide British Columbia's relationship with Indigenous Peoples to enact a legal framework for reconciliation that embraces the United Nations Declaration on the Rights of Indigenous Peoples (UN Declaration). In that context, I would like the Islands Trust Conservancy to continue to lead the way, in cooperation with First Nations in the Trust Area, to develop a Conservancy Plan that aligns with the UN Declaration.

Sincerely,



Anne Kang
Minister

pc: Kris Nichols, Manager, Land Use, Planning & Regional Impacts Branch
Peter Luckham, Chair, Islands Trust

Sheila Harrington
General Delivery, Lasqueti Island, BC
V0R 2J0 250-333-8754.

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

The book I've been working on with the local conservancies on the islands (*Voices for the Islands, Thirty Years of Nature Conservancy on the Salish Sea*) is now being printed. It is due to be released around mid-June by Heritage House Publishing. Many thanks to Kathryn and Nuala for help with reviewing the text regarding ITC, and its properties.

Would the Islands Trust / Conservancy host a book launch event in Victoria? The publisher, Heritage House, is applying for a grant to help with costs of a launch (which might include my sailing to each island yet again) for local talks, but a larger one in Victoria would be a good outreach opportunity for promotion of the book, and all the many local land trusts and the Islands Trust and Islands Trust Conservancy which are featured in the book. I think an event in tandem with Bolen Books would work well. This could happen in July or early August.

It would be wonderful to have the Islands Trust and the Conservancy officially support the book, through this release event, as an opportunity for positive support and publicity for your mandates. I look forward to hearing from you.

Sheila Harrington
Founding E.D. The Land Trust Alliance of BC and
Lasqueti Island Nature Conservancy



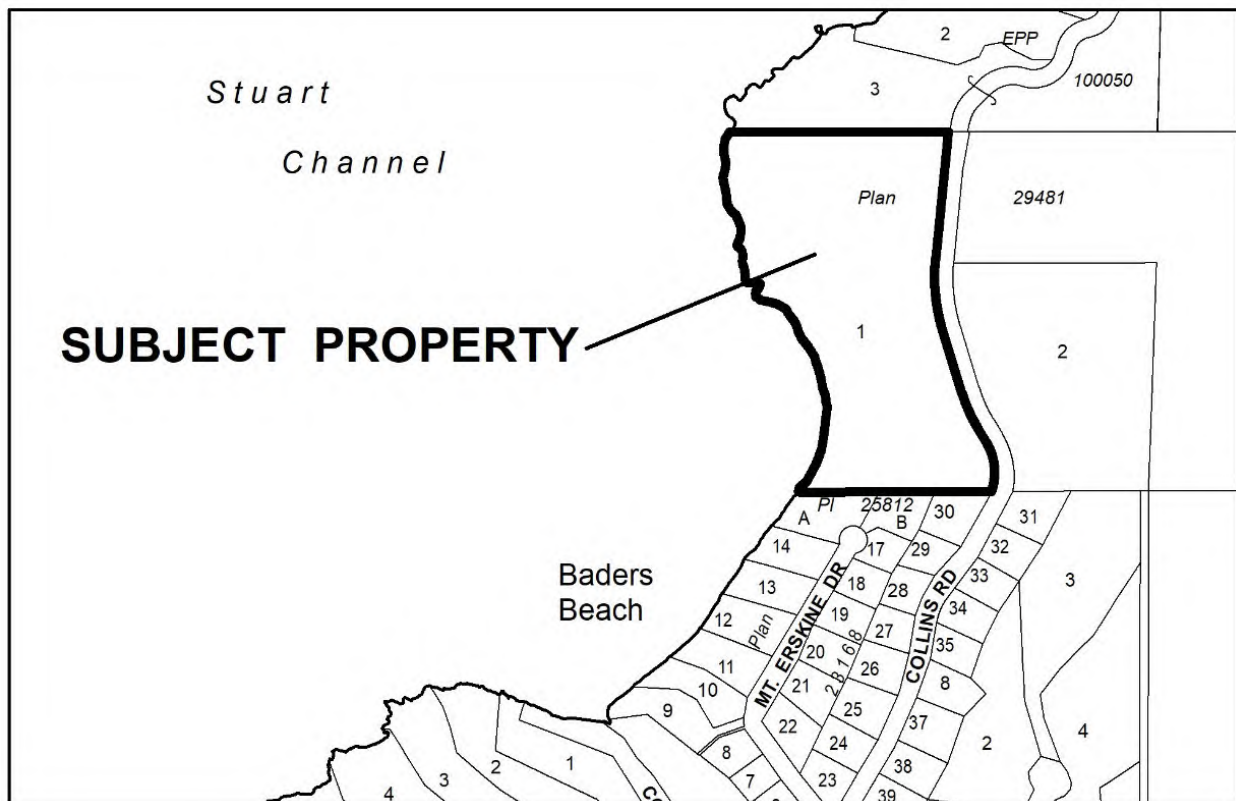
NOTICE
SS-DVP-2023.5
SALT SPRING ISLAND LOCAL TRUST COMMITTEE

NOTICE is hereby given pursuant to Section 499 of the *Local Government Act* that the Salt Spring Island Local Trust Committee will be considering a resolution allowing for the issuance of a Development Variance Permit, the proposed permit would vary the Salt Spring Island Land Use Bylaw No. 355 by:

- Section 9.11.2 (1) – to increase the maximum area of individual floats and the maximum combined area of floats that form part of a dock used for individual private moorage or wharfage accessory to a permitted use on the adjacent upland from

The property is located at **250 Collins Road, Salt Spring Island** and is legally described LOT 1 SECTION 2 RANGE 2 WEST NORTH SALT SPRING ISLAND COWICHAN DISTRICT PLAN 29481 (PID: 001-384-309).

The general location of the subject property is shown on the following sketch:



A copy of the proposed permit may be inspected at the Islands Trust Office, 1 – 500 Lower Ganges Rd, Salt Spring Island, B.C. V8K 2N8 between the hours of 8:30 a.m. to 4:30 p.m. Monday to Friday inclusive, excluding statutory holidays, commencing **February 5, 2024** and continuing up to and including **February 14, 2024**.

For the convenience of the public only, and not to satisfy Section 499 (2) (c) of the *Local Government Act*, additional copies of the Proposed Permit may be inspected at various Notice Boards on Salt Spring Island.

Enquiries or comments should be directed to Anthony Fotino, Island Planner at (250) 538-5609, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 660-2421 and elsewhere in BC 1-800-663-7867; or by fax (250) 405-5155; or by email to: information@islandstrust.bc.ca before 4:30 pm, **February 14, 2024**.

The Salt Spring Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the business meeting on **February 15, 2024** starting at 9:30 am at the Salt Spring Legion, Meaden Hall, 120 Blain Road, Salt Spring Island. Typically, applications are considered in the afternoon portion of the meeting, which begins at 12 noon. Please refer to the agenda available on the Salt Spring Island LTC Meeting Calendar webpage at the beginning of that week for an indication of where this application may be placed on the agenda and to view the staff report for the application.

All applications are available for review by the public with prior appointment. Written comments made in response to this notice will also be available for public review.

Rob Pingle, Deputy Secretary



**SALT SPRING ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT VARIANCE PERMIT
SS-DVP-2023.5**

To: Andrew Benedek & Diana Benedek

1. This Development Variance Permit applies to the land described below:

LOT 1 SECTION 2 RANGE 2 WEST NORTH SALT SPRING ISLAND COWICHAN DISTRICT PLAN 29481 (PID: 001-384-309)

2. Salt Spring Island Land Use Bylaw No. 355, 1999 is varied as follows:

- a) Subsection 9.11.2(1) which states that "Maximum area of 35 square metres of individual floats and the maximum combined area of floats that form part of a dock used for individual private moorage or wharfage accessory to a permitted use on the adjacent upland." is varied to make lawful an existing dock of 73 square metres as depicted in Plan No. 1.

The development shall be consistent with Plan No. 1 which is attached to and forms part of this permit.

3. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of "Salt Spring Island Land Use Bylaw No. 355, 1999" and to obtain other approvals necessary for completion of the proposed development, including approval of the Capital Regional District and Ministry of Transportation and Infrastructure.

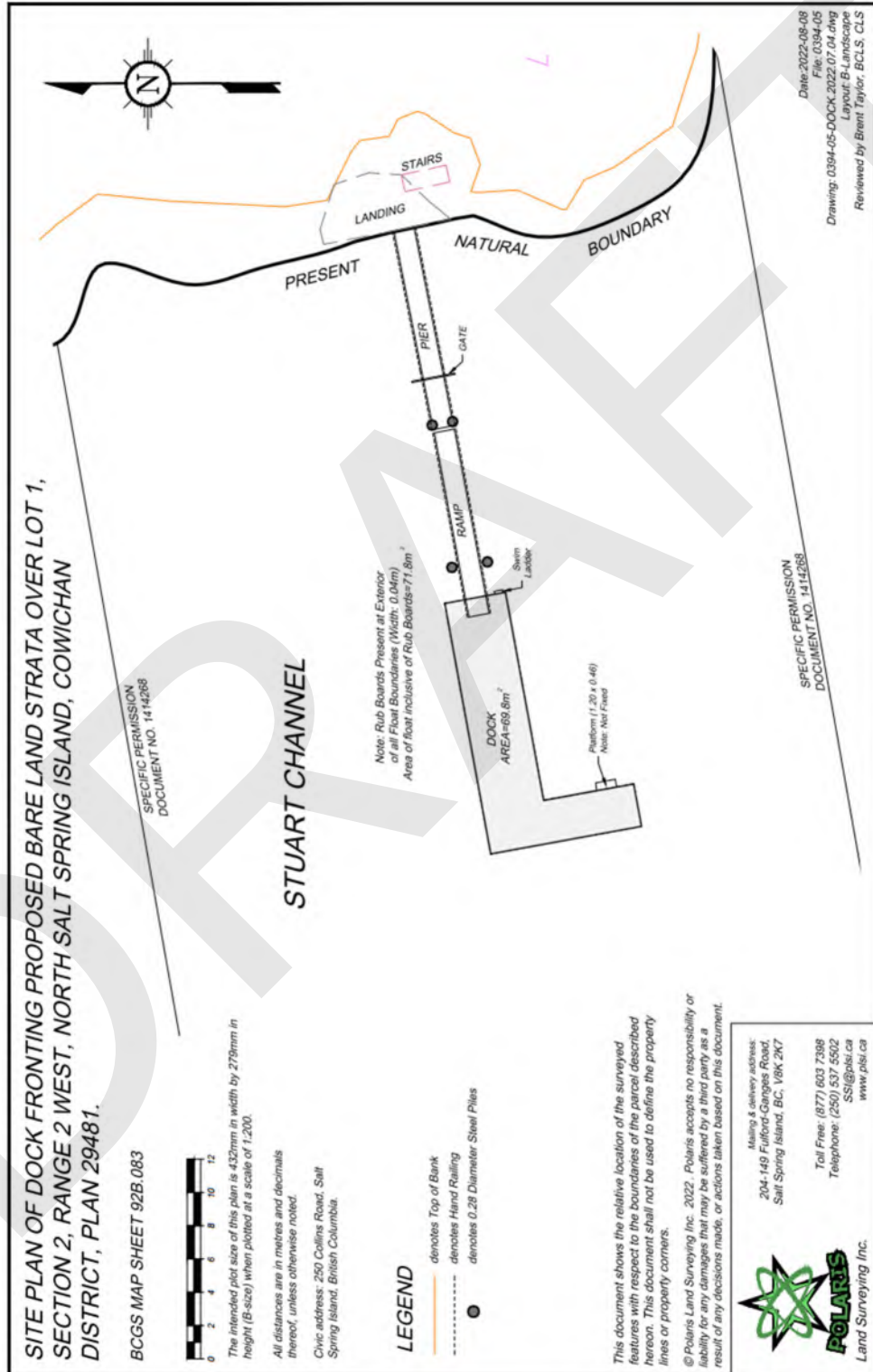
AUTHORIZING RESOLUTION PASSED BY THE SALT SPRING ISLAND LOCAL TRUST COMMITTEE THIS ##th DAY OF [MONTH], [YEAR].

Deputy Secretary, Islands Trust

Date of Issuance

IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE ##th DAY OF [MONTH], [YEAR (2 YEARS FROM DATE OF ISSUANCE)] THIS PERMIT AUTOMATICALLY LAPSES.

PLAN NO. 1: Site Plan





Islands Trust

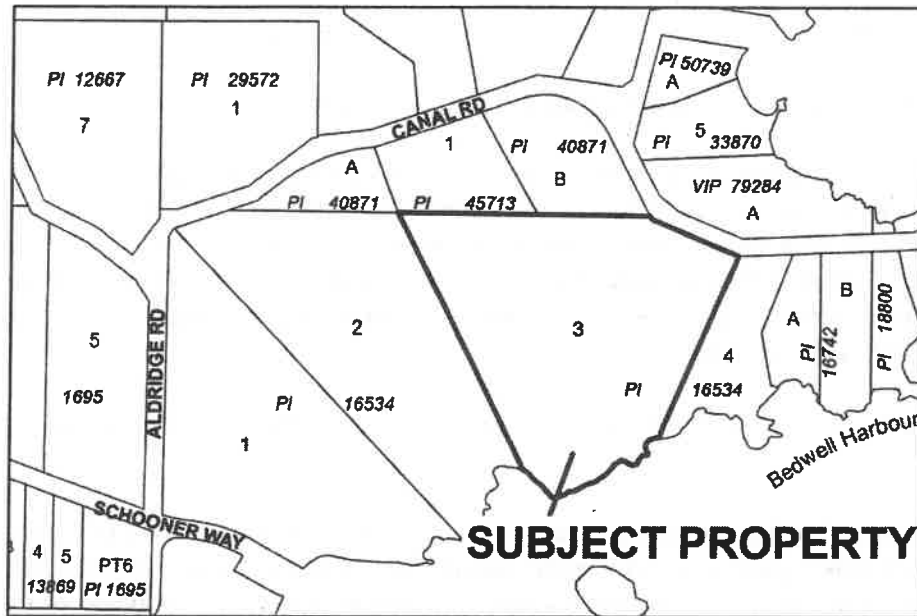
NOTICE
NP-DVP-2023.1
NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

NOTICE is hereby given pursuant to Section 499 of the *Local Government Act* that the North Pender Island Local Trust Committee will be considering a resolution allowing for the issuance of a Development Variance Permit, the proposed permit would vary the North Pender Island Land Use Bylaw No. 224 by:

- Permit the siting of an existing wharf and float that exceeds the maximum water area that may be covered by floats and wharves and to vary the maximum seaward projection of any side lot line of the abutting upland lot.

The property is located at **5727 Canal Road** and is legally described as Lot 3 Section 7 Pender Island Cowichan District Plan 16534 (PID: 000-036-455).

The general location of the subject property is shown on the following sketch:



A copy of the proposed permit may be inspected at the Islands Trust Office, 200 - 1627 Fort Street, Victoria, B.C. V8R 1H8 between the hours of 8:30 a.m. to 4:30 p.m. Monday to Friday inclusive, excluding statutory holidays, commencing **February 7, 2024** and continuing up to and including **February 19, 2024**.

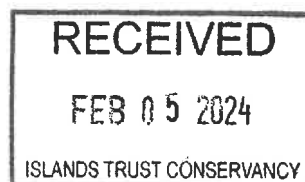
For the convenience of the public only, and not to satisfy Section 499 (2) (c) of the *Local Government Act*, additional copies of the Proposed Permit may be inspected at various Notice Boards on North Pender Island.

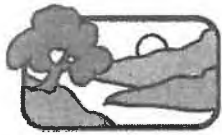
Enquiries or comments should be directed to Brad Smith, Island Planner at (250) 405-5194, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 660-2421 and elsewhere in BC 1-800-663-7867; or by fax (250) 405-5155; or by email to: southinfo@islandstrust.bc.ca before 4:30 pm, **February 19, 2024**.

The North Pender Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the electronic business meeting starting at **10 a.m., February 23, 2024**.

All applications are available for review by the public with prior appointment. Written comments made in response to this notice will also be available for public review.

Jas Chonk, Deputy Secretary





Islands Trust

**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT VARIANCE PERMIT
NP-DVP-2023.1**

To: John Tognetti

1. This Development Variance Permit applies to the land described below:

Lot 3 Section 7 Pender Island Cowichan District Plan 16534
(PID: 000-036-455).

2. North Pender Island Land Use Bylaw No. 224, 2022 is varied as follows:

- a) Subsection 5.20 (3) which states that no structure may be located within 3 metres of the seaward projection of any side lot line of the abutting upland lot is varied to permit the siting of an existing float and wharf structure located within 3 metres of the seaward projection of a side lot line.
- b) Subsection 5.20 (4) which states that the maximum area that may be covered by floats and wharves is 37 square metres is varied to permit the siting of an existing float and wharf structure with a maximum area of 42.67 square metres.

The development shall be consistent with Schedule 'A' and 'B' which are attached to and form part of this permit.

3. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of "North Pender Island Land Use Bylaw No. 224, 2022" and to obtain other approvals necessary for completion of the proposed development, including approval of the Capital Regional District and Ministry of Transportation and Infrastructure.

AUTHORIZING RESOLUTION PASSED BY THE NORTH PENDER LOCAL TRUST COMMITTEE THIS ___ DAY OF , 2024.

Deputy Secretary, Islands Trust

Date of Issuance

**IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE ___ DAY OF , 2026 THIS PERMIT
AUTOMATICALLY LAPSES.**

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
NP-DVP-2023.1

Schedule A – Siting of Float and Wharf Structure

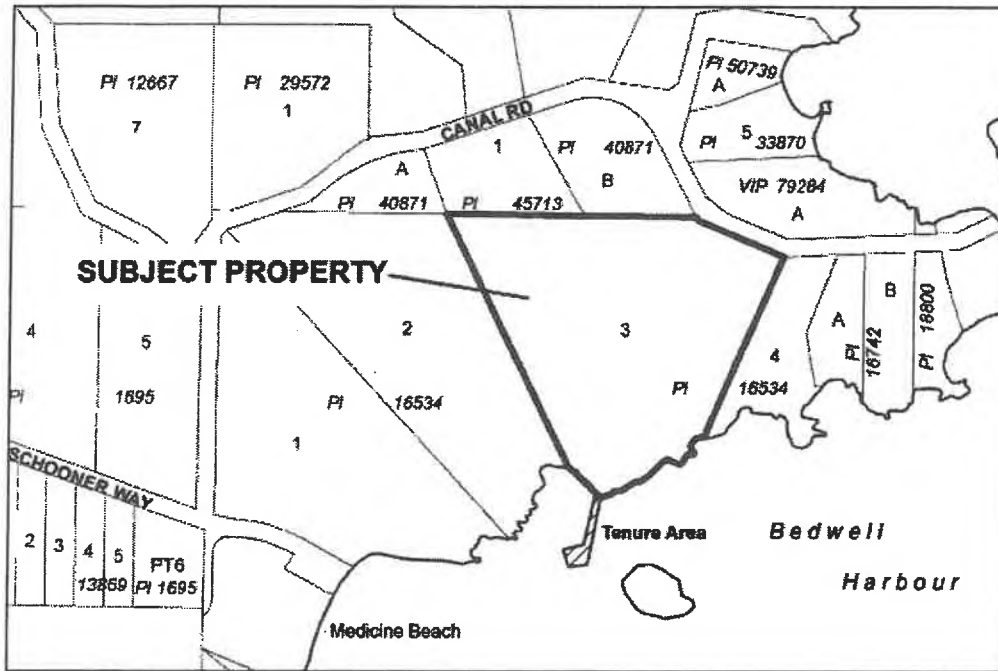


Figure A. Provincial Private Moorage Tenure Boundary

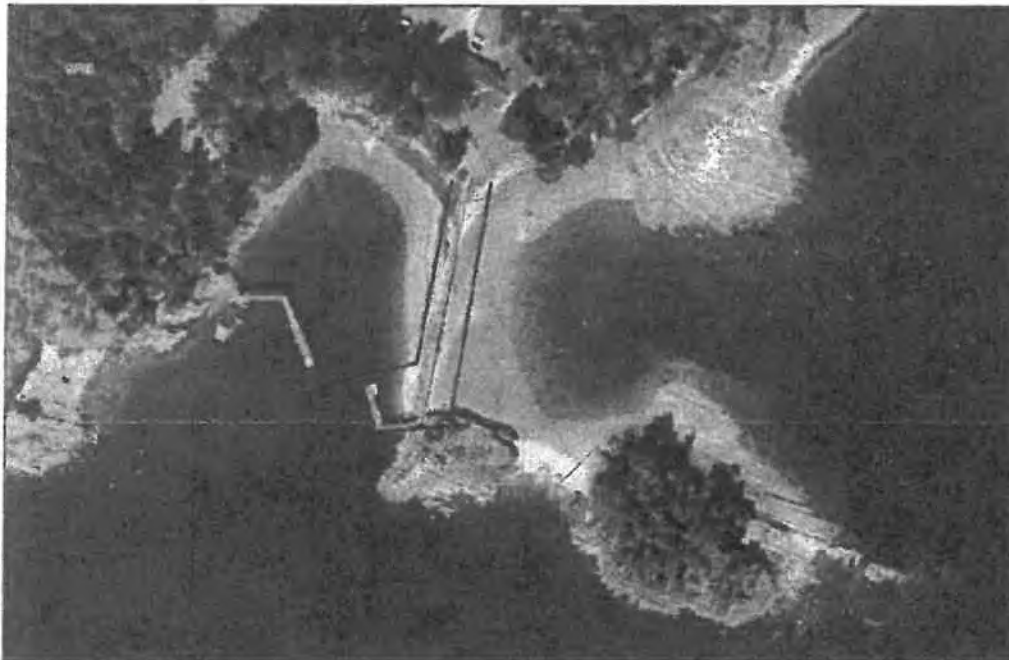
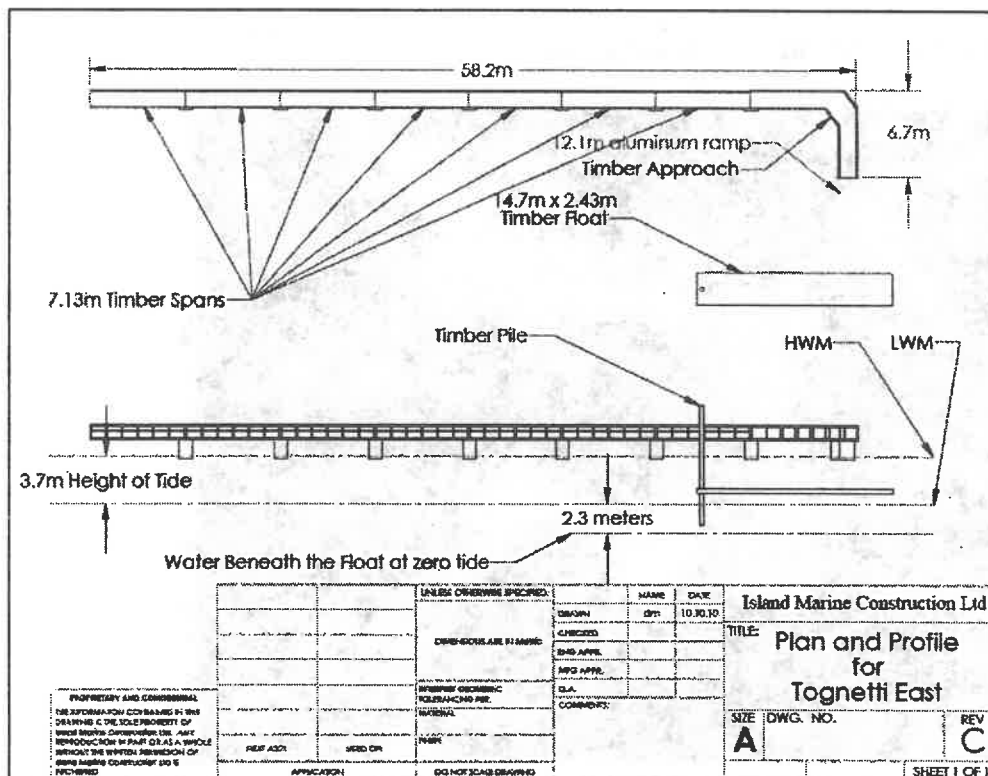
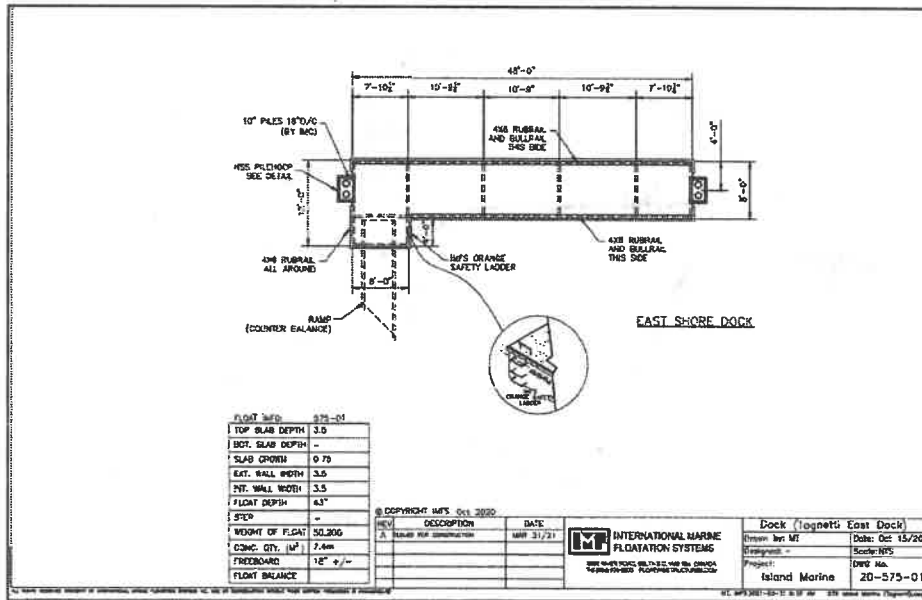


Figure B. Required Siting of Float and Wharf Structure within Tenure Area

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
NP-DVP-2023.1

Schedule B – Structural Design





Islands Trust

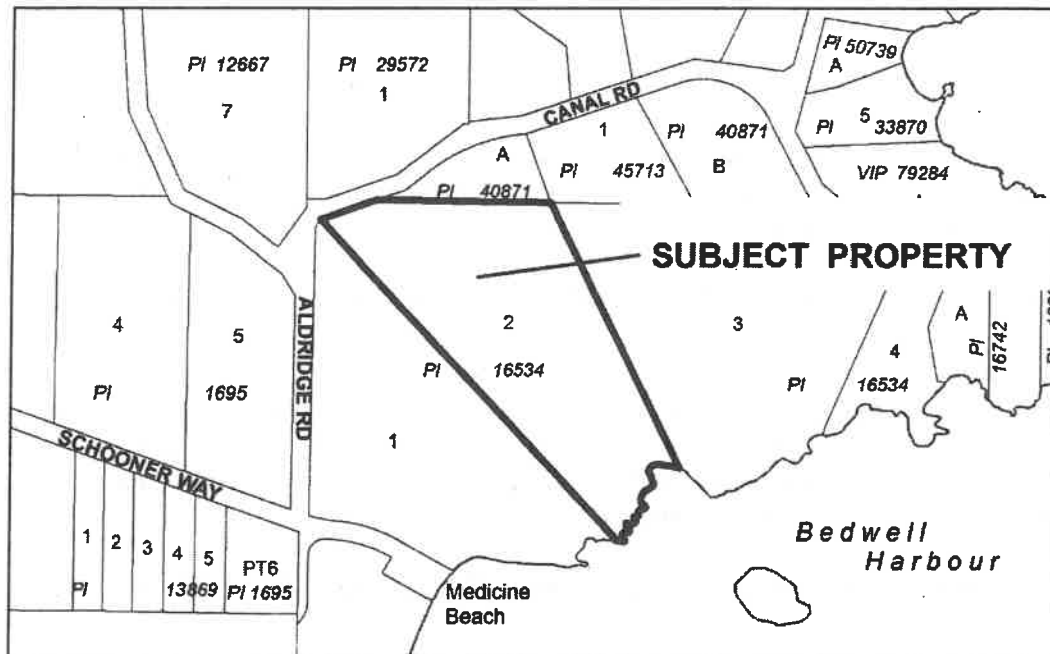
NOTICE
NP-DVP-2023.5
NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

NOTICE is hereby given pursuant to Section 499 of the *Local Government Act* that the North Pender Island Local Trust Committee will be considering a resolution allowing for the issuance of a Development Variance Permit, the proposed permit would vary the North Pender Island Land Use Bylaw No. 224 by:

- Permit the siting of an existing wharf and float that exceeds the maximum water area that may be covered by floats and wharves.

The property is located at **5709 Canal Road** and is legally described as Lot 2 Section 7 Pender Island Cowichan District Plan 16534 (PID: 000-036-447).

The general location of the subject property is shown on the following sketch:



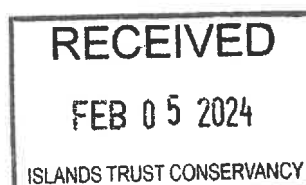
A copy of the proposed permit may be inspected at the Islands Trust Office, 200 - 1627 Fort Street, Victoria, B.C. V8R 1H8 between the hours of 8:30 a.m. to 4:30 p.m. Monday to Friday inclusive, excluding statutory holidays, commencing **February 7, 2024** and continuing up to and including **February 19, 2024**.

For the convenience of the public only, and not to satisfy Section 499 (2) (c) of the *Local Government Act*, additional copies of the Proposed Permit may be inspected at various Notice Boards on North Pender Island.

Enquiries or comments should be directed to Brad Smith, Island Planner at (250) 405-5194, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 660-2421 and elsewhere in BC 1-800-663-7867; or by fax (250) 405-5155; or by email to: southinfo@islandstrust.bc.ca before 4:30 pm, **February 19, 2024**.

The North Pender Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the electronic business meeting starting at **10 a.m., February 23, 2024**.

All applications are available for review by the public with prior appointment. Written comments made in response to this notice will also be available for public review.



Jas Chonk, Deputy Secretary



Islands Trust

**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT VARIANCE PERMIT
NP-DVP-2023.5**

To: John Tognetti

1. This Development Variance Permit applies to the land described below:

Lot 2 Section 7 Pender Island Cowichan District Plan 16534
(PID: 000-036-447).

2. North Pender Island Land Use Bylaw No. 224, 2022 is varied as follows:

- a) Subsection 5.20 (4) which states that the maximum area that may be covered by floats and wharves is 37 square metres is varied to permit the siting of an existing float and wharf structure with a maximum area of 40.87 square metres.

The development shall be consistent with Schedule 'A' and 'B' which are attached to and form part of this permit.

3. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of "North Pender Island Land Use Bylaw No. 224, 2022" and to obtain other approvals necessary for completion of the proposed development, including approval of the Capital Regional District and Ministry of Transportation and Infrastructure.

AUTHORIZING RESOLUTION PASSED BY THE NORTH PENDER LOCAL TRUST COMMITTEE THIS __ DAY OF , 2024.

Deputy Secretary, Islands Trust

Date of Issuance

**IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE __ DAY OF , 2026 THIS PERMIT
AUTOMATICALLY LAPSES.**

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
NP-DVP-2023.5

Schedule A – Siting of Float and Wharf Structure

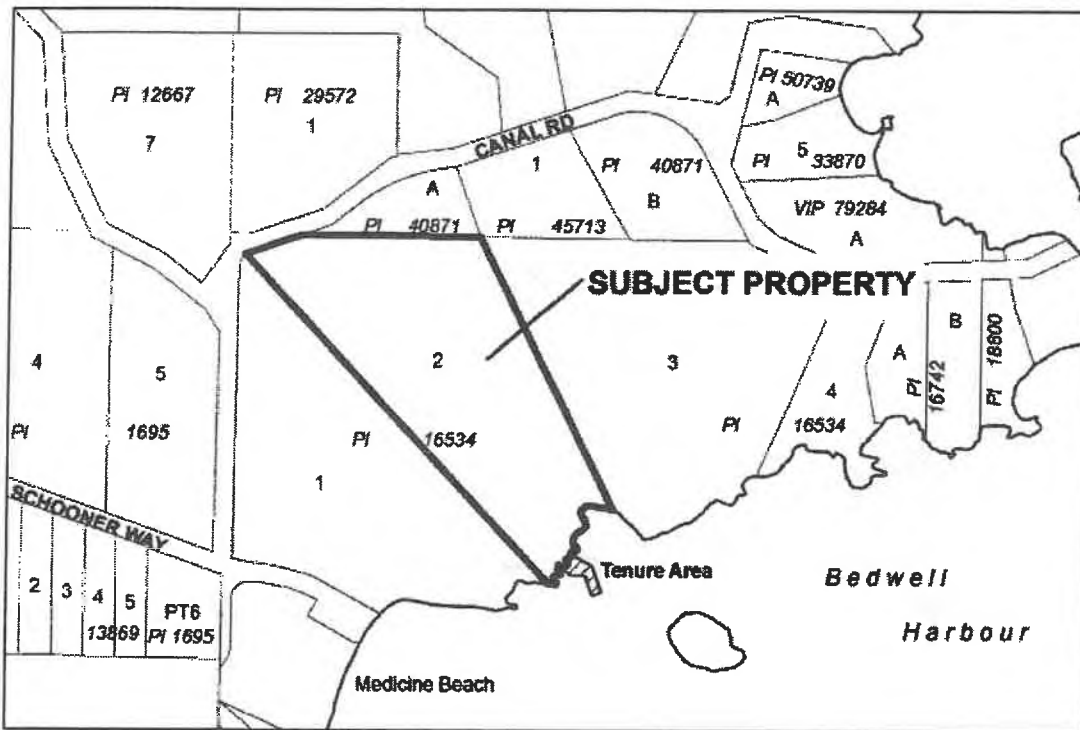


Figure A. Provincial Private Moorage Tenure Boundary

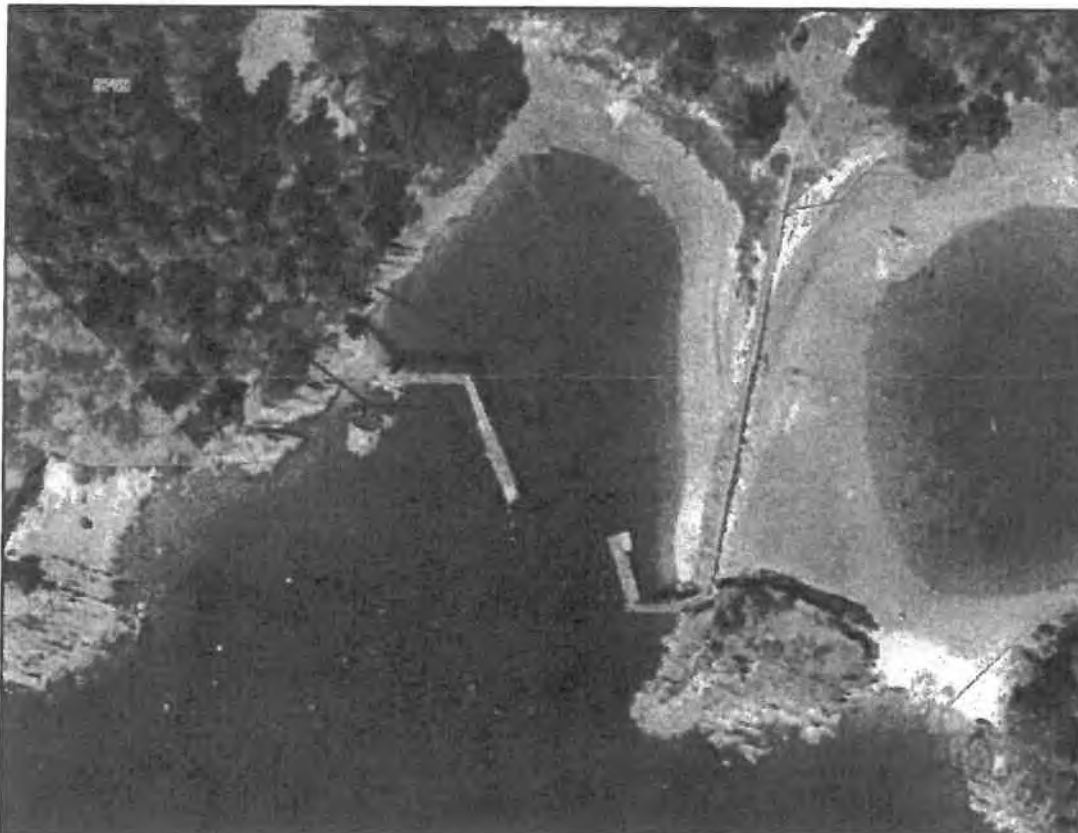
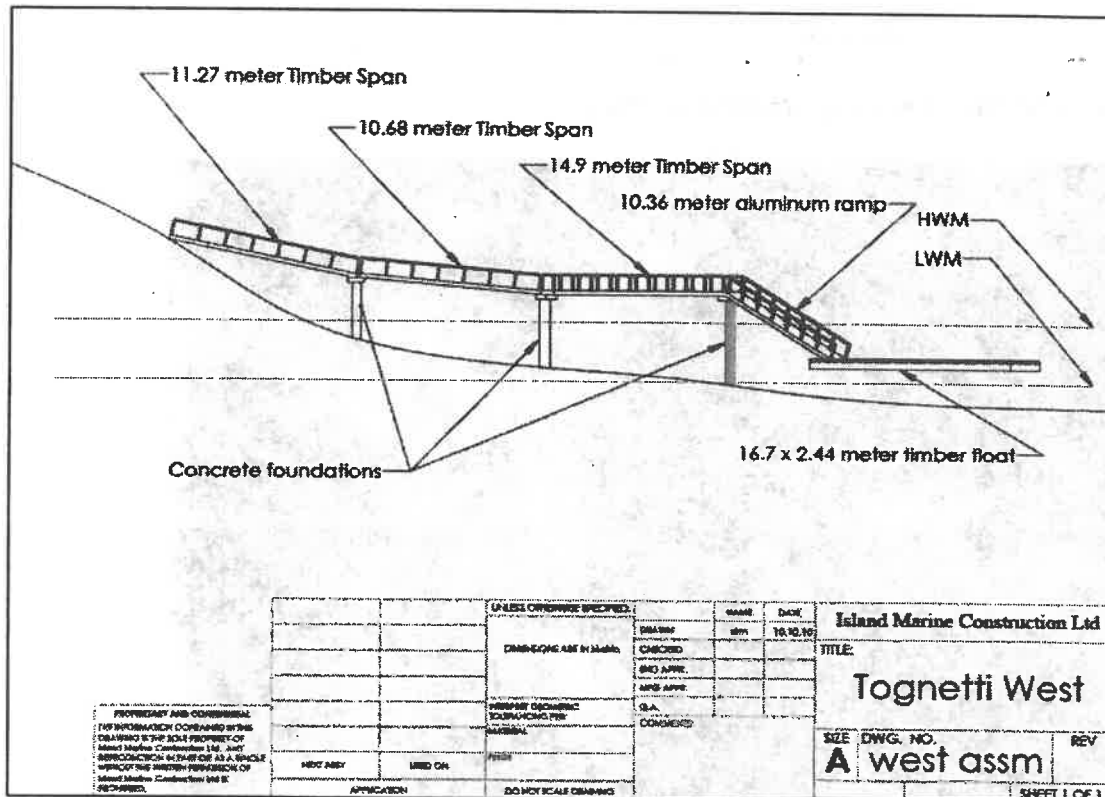
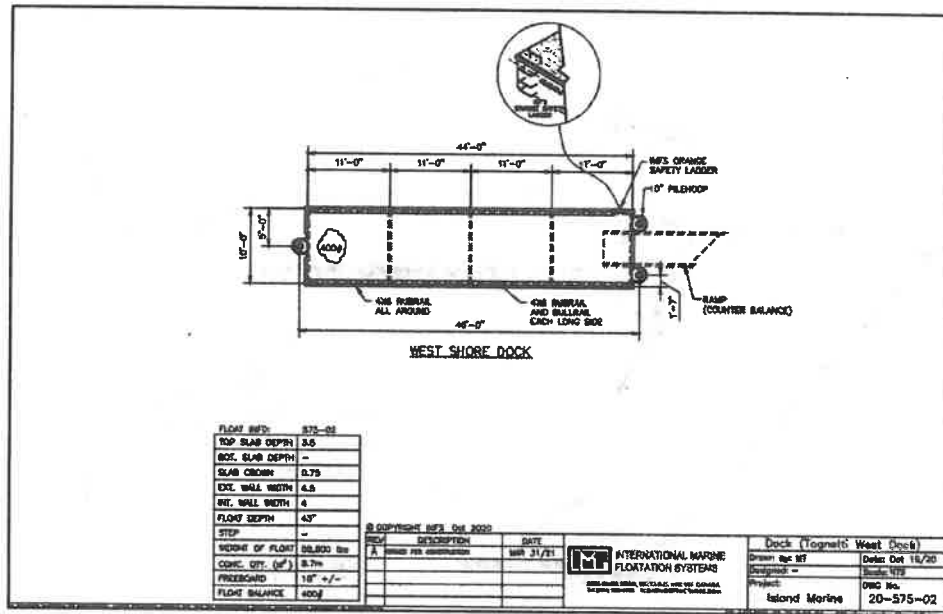


Figure B. Required Siting of Float and Wharf Structure within Tenure Area

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
NP-DVP-2023.5

Schedule B – Structural Design





Public Acquisitions Update March 19, 2024

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.



Public Acquisitions Update March 19, 2024

Crystal Mountain (Galiano) 18.3 ha.	2021/05/25	ITC-2021-019: 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.
	2022/08/16	Meeting with applicant to discuss their meeting with Penelakut Elders and leadership.
	2022/11/24	Meeting with applicant's agent to discuss potential co-management relationship with Penelakut.
	2023/02/01	Applicant's agent provided update on process of fulfilling ITC Board's requirements; continuing discussion with staff about engagement with Penelakut Tribe and other Indigenous community members.
	2023/05/06	Penelakut Tribe has requested greater consultation around subdivision and bylaw. ITC work on hold.
Current Total ITC Acquisitions:		34



PUBLIC COVENANTS UPDATE March 19, 2024

NAPTEP COVENANTS		
<i>28 NAPTEP Covenants on title, 3 NAPTEP covenants in progress, 1 NAPTEP application under review</i>		
Property	Date	Notes
Doris McHardy NAPTEP Covenant (North Pender Island, ~1 ha)	2024/02/04	Application received. Staff report and RFD in this package.
	2024/02/14	Application sent for Ministerial approval.
Koontz NAPTEP Covenant Gabriola Island (~2.5 ha)	2023/02/08	Application received. Staff report and RFD in this package.
	2023/05/30	ITC-2023-017: It was MOVED and SECONDED , that the Islands Trust Conservancy Board approve the conservation proposal submitted by Yarrow Koontz, to place a NAPTEP covenant on approximately 2.5 ha of Gabriola Island, PID: 005-788-447, That Part of Lot 3, Section 5, Gabriola Island, Nanaimo District, Plan 6986, Lying to the North West of a Road Dedication by Plan 17829, Except those parts in Plans 21783 and 26145, to protect wetlands, maturing forest, and sensitive riparian and cliff habitats.
	2023/06/12	Staff informed applicant of Board decision.
	2023/07/07	Application referred to First Nations.
	2023/08/18	First Nations referral window ended. Only one response has been received, indicating no comments regarding this application.
	2023/09/14	Referred for information to Gabriola Island Local Trust Committee. No comments received.
	2023/09/27	Application for tax exemption approved by Trust Council (resolution number pending)
	2023/10/05	Phase II next steps correspondence sent to landholder.
	2023/10/19	Site visit to determine covenant area boundaries.
	2023/10/23	Applicant submitted request to have NAPTEP fees sponsored by EC. Staff working to add to November EC meeting
	2023/10/26	Submitted expression of interest for funding support from Ecological Gifts Program.
	2023/11/22	Executive Committee approved sponsorship of NAPTEP Application: EC-2023-120 It was MOVED and SECONDED , that Executive Committee approve financial sponsorship of \$450 for Natural Area Protection Tax Exemption Program (NAPTEP) application GB-NAP-2023.1 (Koontz), Gabriola Island.
	2023/12/08	Applicant requested ITC support in arranging Priority Agreement with mortgage holder. Ongoing. Further work negotiating and drafting covenant is on hold pending agreement from mortgage holder.



PUBLIC COVENANTS UPDATE March 19, 2024

Koontz NAPTEP Covenant (cont'd)	2023/12/15	NAPTEP Phase I fee refund cheque mailed to applicant.
	2023/12/22	ITC staff worked with GaLLT to secure Ecological Gifts Program funding for covenant area survey; procurement process underway (contract will be directly with Environment & Climate Change Canada). Survey work planned for January.
	2024/02/14	Application sent for Ministerial approval.
	2024/02/29	Contract signed for land survey (with ECCC).
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.
	2023/02/09	Staff initiated discussion with ALC about providing approval for placing NAPTEP covenant on non-ALR portion of the property.
	2023/04/21	Site visit to discuss next steps and details with landowner and applicant. Staff to begin negotiating covenant as soon as capacity permits, and submit application for Trust Council approval.
	2023/06/30	Application referred to First Nations. Requested response date is August 18 th , 2023.
	2023/08/18	First Nations referral window ended. Responses were received from two First Nations, one of whom indicated that they do not have any comments to provide regarding this application; and the another who requested a copy of the baseline inventory report when it is completed.
	2023/09/14	Referred for information to Salt Spring Island Local Trust Committee. No comments received.
	2023/09/27	Application for tax exemption approved by Trust Council (resolution number pending)
	2023/10/05	Phase II next steps correspondence sent to landholder.
	2023/10/30	Submitted expression of interest for funding support from Ecological Gifts Program.
	2023/11/27	Applicant submitted request to have NAPTEP fees sponsored by EC.
	2023/12/20	Executive Committee approved sponsorship of NAPTEP Application: EC-2023-131: It was MOVED and SECONDED , that the Executive Committee approve financial sponsorship of \$450 for Natural Area Protection Tax Exemption Program (NAPTEP) application SS-NAP-2021.1 (Larmour), Salt Spring Island.



PUBLIC COVENANTS UPDATE March 19, 2024

	2024/02/20	Contract signed for baseline inventory (with ECCC, EcoGifts program funding)
	2024/02/28	Draft covenant sent to landholder and co-covenant holder for review.
R. Leader NAPTEP Covenant Salt Spring Island (3.54 ha)	2020/06/16	Application received.
	2020/11/24	ITC-2020-039: It was MOVED and SECONDED , that the Islands Trust Conservancy Board approve the conservation proposal submitted by Robert Leader to place a NAPTEP covenant on approximately 5 ha on Salt Spring Island, PID: 000-395-081, LOT 2, SECTION 72, SOUTH SALT SPRING ISLAND, COWICHAN DISTRICT, PLAN 36292 Except Plan 40974
	2020/12/02	TC-2020-112: It was MOVED and SECONDED , that the Islands Trust Council request the Secretary issue a Natural Area Protection Tax Exemption Certificate for the covenanted portion of the property described as 'Lot 2, Section 72, South Salt Spring Island, Cowichan District, Plan 36292 Except Plan 40974, Parcel Identifier 000-395-081' subject to registration of a conservation covenant and completion of a baseline inventory report consistent with the standards developed for NAPTEP.
	2020/12/15	Referred for information to the Salt Spring Island Local Trust Committee. No comments received.
	2021/04/08	Phase II application fee received
	2021/04/12	ITC staff discussion with TLC about discharging existing covenant on the property. Ongoing.
	2021/04/26	ITC staff approves contractor to conduct baseline inventory. Work underway.
	2021/05/04	ITC staff discussion with SSIC about discharging existing covenant on the property. Ongoing.
	2021/05/11	First covenant draft sent to landowner for review.
	2021/05/14	Draft covenant sent to TLC and SSIC for their Board to review as part of their discussions about discharging the existing covenant these organizations co-hold on the property. ITC staff to participate in upcoming Board meetings of these organizations to provide information about NAPTEP and this proposed covenant.
	2021/05/14	Request for legal advice about impact of clause in existing covenant, restricting ability to place additional easements on the property.
	2021/05/22	Staff participate in TLC Board meeting to provide background information about NAPTEP program and discuss details of this application for a NAPTEP covenant to replace or be placed in addition to existing TLC / SSIC covenant.
	2021/05/28	Received legal counsel that the existing covenant contains no restrictions on ability to place NAPTEP covenant on the property.
	2021/06/16	Discussion with landowner about rights and restrictions in the draft covenant. Ongoing.
	2021/07/05	SSIC and TLC agree to discharge existing covenant subject to registration of NAPTEP covenant. SSIC has requested becoming co-covenant holder for NAPTEP covenant.



PUBLIC COVENANTS UPDATE March 19, 2024

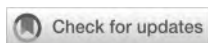
R. Leader NAPTEP (cont.)	2021/07/29	Landowner begins discussions with mortgage provider about granting priority to the Covenant and Rent Charge. Ongoing.
	2021/09/09	ITC received and accepted final baseline inventory report.
	2022/01/21	Staff called to discuss need to get mortgage provided to grant priority to the Covenant. Followed up with email to credit union representative.
	2022/02/21	No response from credit union, informed landowner and indicated that they will need to pursue this issue.
	2022/09/26	Staff emailed to remind landowner that NAPTEP application expires December 2nd and enquire about progress with mortgage provider. Landholder discussed issue with credit union account manager and forwarded request for ITC staff to follow-up.
	2022/09/28	Staff contacted credit union account manager via email and left phone message.
	2022/11/05	Staff left follow-up phone message for credit union account manager.
	2022/12/06	Trust Council passed the following resolution: It was Moved by Trustee Yates and Seconded by Trustee Patrick, That the Islands Trust Council extend the timeline for issuing the Natural Area Exemption Certificate for Natural Area Protection Tax Exemption Program application SS-NAP-2020.3 (Salt Spring Island) until December 2024.
	2023/01/01	Ongoing discussions with credit union and landowner about priority agreement.
	2023/07/28	Staff contacted applicant to discuss next steps; left phone message, no response received.
REGULAR COVENANTS		
<i>52 regular covenants on title, 0 public regular covenants in progress, 1 in-camera covenant in progress.</i>		
Property	Date	Notes
None		
ITC NATURE RESERVES WITH COVENANTS OUTSTANDING		
<i>9 ITC Nature Reserves are without covenants, 1 ITC Nature Reserve covenant in progress.</i>		
Property	Date	Notes
Fairyslipper Forest Nature Reserve Thetis Island (16.6 ha)	2018/03/20	ThINC Board approves resolution to hold a covenant on Fairyslipper Forest.
	2018/03/21	CCLT Board approves resolution to hold a covenant on Fairyslipper Forest.
	2018/04/03	TFB approves negotiation of conservation covenant in favour of ThINC and CCLT.
	2018/04/06	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.



PUBLIC COVENANTS UPDATE March 19, 2024

	2019/02/22	Draft management plan and baseline report sent to ThINC and CCLT staff for review.
	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. Management Plan posted to the ITC 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.
	2020/07/14	Adjacent landowner signs Trail Licence Agreement with TIRRA (Thetis Island Residents and Ratepayers Association). Staff continues to work with owner to develop permanent legal access.
	2022/04/25	Adjacent landowner extends Trail Licence Agreement with TIRRA.
	2022/06/06	Staff discussed proposed conservation covenant with ThINC, agreement to defer. Staff will reengage with adjacent landowner to discuss more formal access arrangement.
	2022/07/27	Adjacent landowner wishes to continue with informal access agreement. Staff will continue with current access and will consider varied trail options as part of the covenant negotiations.
	2022/10/04	ITC Board rescinds resolution directing staff to negotiate a statutory right of way and related section 219 covenant with adjacent landowner.
	2023/05/30	Staff re-initiated discussion about access arrangement with adjacent landowner. Numerous efforts to set up phone call or (preferred) site visit to discuss options; unable to set meeting.
Total	80 covenants registered	

Islands Trust Conservancy Expenditure Tracking 2023-2024									
GL	Description	Islands Trust							
		Approved Budget	Contribution	SAR Grant	Total Available	Spent	Remaining	% Remaining	Committed Funds
50700-210	Admin. Support	\$ 326,086	\$ 326,086	\$ -	\$ 326,086	\$223,341	\$ 102,745	32%	\$ 102,745
54500-210	Communications	\$18,000	\$11,700	\$6,300	\$ 18,000	\$10,630	\$ 7,370	41%	\$ 2,555
56500-210	Contract Services	\$2,500	\$2,500		\$2,500	\$2,500	\$ -	0%	\$ -
61100-210	Board Honoraria	\$ 7,000	\$ 7,000		\$ 7,000	\$5,250	\$ 1,750	25%	\$ 1,000
61200-210	Board Meeting Expense	\$ 1,425	\$ 1,425		\$ 1,425	\$839	\$ 586	41%	
61210-210	Board Training & Conferences	\$ 1,600	\$ 1,600		\$ 1,600	\$961	\$ 639	40%	\$ 210
61300-210	Property Management	\$159,930	\$102,430	\$57,500	\$ 159,930	\$69,627	\$ 90,303	56%	\$ 83,215
61500-210	Cons Planning / Land Securement	\$26,550	\$9,550	\$ 17,000	\$26,550	\$3,113	\$ 23,437	88%	\$ 530
61600-210	Ecosystem Mapping	\$ 18,000	\$ 13,800	\$ 4,200	\$ 18,000	\$0	\$ 18,000	100%	\$ -
63000-210	Legal	\$ 20,000	\$ 20,000	\$ -	\$ 20,000	\$26,180	\$ (6,180)	-31%	\$ 3,400
67500-210	Memberships	\$1,800	\$1,800		\$ 1,800	\$975	\$ 825	0%	\$ 345
73001-210-8062	Project: ITC Plan First Nations Engagement	\$ 10,000	\$ 10,000		\$ 10,000	\$ -	\$ 10,000	0%	\$ -
75100-210	Salaries	\$ 578,225	\$ 448,225	\$ 130,000	\$ 578,225	\$438,139	\$ 140,086	24%	\$ 146,000
75110-210	Benefits	\$ 146,869	\$ 146,869		\$ 146,869	\$111,119	\$ 35,750	24%	\$ 37,040
79500-210	Subscriptions	\$400	\$400		\$ 400	\$185	\$ 215	54%	\$ 200
80300-210	Mobile Devices	\$ 3,290	\$ 3,290		\$ 3,290	\$2,665	\$ 625	19%	\$ 201
81300-210	Training & Conferences	\$ 4,200	\$ 4,200		\$ 4,200	\$2,383	\$ 1,817	43%	\$ 1,355
81305-210	Travel for Training (staff)	\$ 2,500	\$ 2,500		\$ 2,500	\$2,108	\$ 392	16%	\$ -
82300-210	Travel	\$ 20,000	\$ 15,000	\$ 5,000	\$ 20,000	\$23,060	\$ (3,060)	-15%	\$ -
		\$ 1,348,375	\$ 1,128,375	\$ 220,000	\$ 1,348,375	\$923,074	\$ 425,301	32%	\$ 378,797
Restricted Funds			Opening Balance	Revenue	Total Available	Spent	Remaining		Committed Funds
0012 8820-622	Alton Maintenance Account		\$ 107,798	\$ 18,772	\$ 126,570	\$ 8,888	\$ 117,682		\$ 4,192
	Ruby Alton Endowment Fund		\$ 139,760	\$ 9,741	\$ 149,501		\$ 149,501		
0012 8820-614	Opportunity Fund		\$ 100,216	\$ 32,249	\$ 132,465	\$ 12,950	\$ 119,515		\$ 8,400
0012 8940-624	Covenant Mgmt and Defence Fund		\$ 118,894	\$ 4,365	\$ 123,259		\$ 123,259		
	Property Management Fund		\$ 10,936	\$ 402	\$ 11,338		\$ 11,338		
0012 8820-681	Lasqueti Island Acq Fund		\$ 30,465	\$ 1,062	\$ 31,527		\$ 31,527		
	Link Island Removal Fund		\$ 36,708		\$ 36,708		\$ 36,708		
	Western Screech Owl Project		\$ 25,049	\$ 929	\$ 25,978	\$ 11,920	\$ 14,058		\$ 2,827
	Gambier Island Acq Fund		\$ 127,190	\$ 4,014	\$ 131,204		\$ 131,204		
0012 8960-158	Morrison Waxler Legacy Fund		\$ 15,081	\$ 322	\$ 15,404	\$ 4,417	\$ 10,987		
0012 8944-844	Thetis Island Acq Fund		\$ 1,335	\$ 48	\$ 1,384		\$ 1,384		
0012 8820-649	McFadden Creek		\$ 21,886	\$ 697	\$ 22,583	\$ 3,515	\$ 19,068		



OPEN ACCESS

EDITED BY

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Technology, Saudi Arabia

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RECEIVED 17 October 2023

ACCEPTED 08 January 2024

PUBLISHED 30 January 2024

CITATION

Mora-Soto A, Schroeder S, Gendall L,
Wachmann A, Narayan GR, Read S, Pearsall I,
Rubidge E, Lessard J, Martell K, Wills P and
Costa M (2024) Kelp dynamics and
environmental drivers in the southern Salish
Sea, British Columbia, Canada.
Front. Mar. Sci. 11:1323448.
doi: 10.3389/fmars.2024.1323448

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Kelp dynamics and environmental drivers in the southern Salish Sea, British Columbia, Canada

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The impacts of local-scale temperatures and winds on bull kelp (*Nereocystis luetkeana*) vary along a coastal gradient, while also being influenced by corresponding global-scale oceanic conditions. Around Vancouver Island and the Gulf Islands, BC, Canada, bull kelp floating canopies were mapped using high-resolution imagery from 2005 to 2022, whereas the largest kelp bed of the area was mapped with medium-resolution imagery spanning from 1972 to 2022. In order to understand spatial patterns of kelp resilience, the abiotic characteristics were used to organize the coastline into four clusters, ranging from the coldest and most exposed coast to a more sheltered and warmer location. Additionally, local-scale sea surface temperatures, winds, and marine heatwaves were categorized by global-scale temporal conditions defined by the positive/negative oceanic oscillations of the Oceanic Niño Index (ONI) and Pacific Decadal Oscillation (PDO). Comparing spatial and temporal categories, we observed that years with positive ONI and PDO, in particular the 2014–2019 period, concentrated most of the marine heatwaves and the spring temperature peaks. However, there are some indications of an underlying long-term trend. During the period 2020–2022, when ONI and PDO were negative, summer temperatures kept increasing and wind displayed a higher frequency of extreme events. Mapped kelp showed different trends to these stressors: the coldest and most exposed area showed a constant presence of kelp during the entire period, even dating back to 1972. Warmer and semi-sheltered coasts increased in kelp percentage cover after the positive ONI +PDO period of 2014–2019, and the coasts facing the Strait of Georgia displayed a lower kelp percentage cover than the other clusters. In summary, bull kelp was resilient in the study area, but for different reasons: colder and more exposed coasts had the most favorable conditions for kelp, but warmer and more sheltered coastal kelp beds may have benefited from wind-wave forcing.

KEYWORDS

Nereocystis luetkeana, bull kelp, Salish Sea, resilience, marine heatwaves, sea surface temperature, wind-wave motion

1 Introduction

A long-standing topic in natural history is the categorization of patterns in marine communities (Paine, 1994), acknowledging that they are permanently dynamic under the presence of abiotic stressors (Pelletier et al., 2020). On the seascape, kelp forests stand out as a diverse biogenic system where varied abiotic factors, many of which are temperature-related, can influence their distribution and growth (Dayton, 1985; Jayathilake and Costello, 2020). There is an overall consensus that kelp forests will be increasingly affected by stressors like marine heatwaves (MHWs) (Arafeh-Dalmau et al., 2019; Wernberg et al., 2019; Smale, 2020). However, environmental stressors do not always have the same impact at a local level, even at almost equal latitudes (Cavanaugh et al., 2019). Temperature, exposure, and nutrient and light availability can impact kelp communities with divergent outcomes, from no change to increased grazing, ecological shifts, or even extinction of local ecosystems (Straub et al., 2019). The diversity in ocean conditions and the paucity of long-term data on kelp have shown highly variable trends at the ecoregional and global levels (Krumhansl et al., 2016).

The Oregon, Washington, Vancouver Coast and Shelf Marine Ecoregion (*sensu* Spalding et al., 2007) is home to at least 28 kelp species (Druehl, 1970), including the canopy-forming bull kelp (*Nereocystis luetkeana*) and giant kelp (*Macrocystis pyrifera*). Considered foundation species for marine communities (Springer et al., 2010; Trebilco et al., 2015), bull and giant kelp are part of the living landscape for the coastal First Nations who have stewarded these waters since time immemorial (Ames, 1998; Erlandson et al., 2007). In this paper, we focus on *Nereocystis* forests and use the term ‘kelp’ to identify its floating canopy area on the sea surface. Current research on *Nereocystis* status in this ecoregion describe their persistence in Oregon (Hamilton et al., 2020), Washington (Pfister et al., 2018), and the western coast of Vancouver Island (Starko et al., 2022). In sheltered areas in the Salish Sea, trends are highly variable, ranging from persistent areas (Pfister et al., 2018; Schroeder et al., 2020) to local extinction in the central areas of southern Puget Sound (Berry et al., 2021). Persistence and losses have been reported on the eastern coast of Haida Gwaii (Gendall et al., in prep). Further south, in California, *Nereocystis* forests have decreased dramatically (McPherson et al., 2021; Bell et al., 2023; Cavanaugh et al., 2023). These different scenarios indicate that the scale and spatial context are important to explain kelp trends.

From a regional perspective, the literature on kelp forests of the northeastern Pacific suggests that the combined effect of a positive Oceanic Niño Index (ONI) and positive Pacific Decadal Oscillation (PDO) usually leads to a combination of unusual storm activity, higher local temperatures, and greater frequency of MHWs (Di Lorenzo and Mantua, 2016). These effects, combined with dampened nutrient levels, reduce kelp tissue growth and lead to a shift from kelp forests to urchin barrens or dominance of understory kelp (Dayton and Tegner, 1984; Zimmerman and Kremer, 1986; Tegner et al., 1997; Rogers-Bennett and Catton, 2019; Rogers-Bennett & Catton, 2022). Furthermore, the North Pacific experienced anomalously warm temperatures from 2014–2019, starting with a period widely known as the ‘Blob’. This Blob

was an unusual combination of positive temperature anomalies and high pressure, which weakened the cold advection in the open ocean from 2014 to 2016 (Bond et al., 2015). Analogous warming events occurred in the North Pacific in the following years (Chen et al., 2021). The combination of increased sea surface temperatures (SSTs) and frequency of MHWs caused devastating effects in some benthic ecosystems of this region (Arafeh-Dalmau et al., 2019; McPherson et al., 2021). The effects of the Blob in the southern Vancouver Island and the Gulf Islands kelp beds have been uncertain.

At a local scale, temperature, nutrients, and wave exposure can also play a role on kelp dynamics (Graham et al., 1997). For instance, previous laboratory experiments showed that thermal plasticity and tolerance of *Nereocystis* increase at high flow conditions, expressed as increased blade and canopy growth at high temperatures (Supratya et al., 2020). In contrast, low-flow conditions are associated with wider and more undulated blades but reduced phenotypic plasticity at stressing temperatures, reducing tissue growth and ultimately leading to local loss (Supratya et al., 2020). Physical removal of macroalgal competitors by storms can improve *Nereocystis* settlement (Dayton et al., 1984; Maxell and Miller, 1996; Springer et al., 2010; Dobkowski et al., 2019). Additionally, winter storms can transport enormous amounts of spore-releasing sori until they settle on the sea floor, contributing to genetic dispersal (Amsler and Neushul, 1989; Springer et al., 2010), forming a microscopic seed bank (Hoffmann and Santelices, 1991). Local-level variations of temperature, nutrients, and exposure may help identify kelp ecotypes and trends, depending on the spatial and temporal coverage of data that is available. Some examples of this data availability range from periodic *in-situ* observations (Starko et al., 2019; Starko et al., 2022) to multidecadal time series derived from satellites (Cavanaugh et al., 2011; Bell et al., 2015; Bell et al., 2020; Gendall et al., in prep), and historical archives derived from nautical charts and aerial photography (Pfister et al., 2018; Berry et al., 2021; Gendall et al., in prep).

Satellite imagery can aid in defining a consistent long-term time series of kelp, although it is important to consider the limitations of this technology. Medium-spatial-resolution imagery (~30–10 m), successfully used to determine area and biomass changes in wide canopies (Cavanaugh et al., 2010; Cavanaugh et al., 2011; Nijland et al., 2019; Bell et al., 2020; Hamilton et al., 2020; Mora-Soto et al., 2020; Gendall et al., 2023), may not be adequate for narrow beds adjacent to the steep coastlines that distinguish the post-glacial coastal geomorphology of British Columbia (Thomson, 1981; Schroeder et al., 2019; Starko et al., 2022; Gendall et al., 2023). For these kelp areas, high- to very high-resolution (<6 m) imagery becomes necessary, albeit costly and limited in spatial and temporal range, as it is not always acquired under the ideal conditions for kelp mapping (Britton-Simmons et al., 2008); nevertheless, satellite imagery has the potential to identify changes in floating kelp canopy area, along with detecting patterns in space and time (Schroeder et al., 2019; Cavanaugh et al., 2021; Gendall et al., 2023).

This study uses satellite imagery to identify *Nereocystis* changes in percentage cover and resilience trends in southern Vancouver Island and the Gulf Islands in the Salish Sea of British Columbia in Canada, from a global to a local scale, along different coastal

conditions. Here, resilience is defined as the inherent ability of a system to absorb changes and return to a reference state (or dynamic) after a temporary disturbance (Holling, 1973; Grimm and Wissel, 1997). Global-scale oscillations such as the Oceanic Niño Index and the Pacific Decadal Oscillation were organized into optimal (negative ONI or PDO) and suboptimal (positive ONI or PDO) periods. Local-scale coastal gradients were represented by clusters of similar environmental conditions. Local dynamics were represented by nearshore sea surface temperatures, marine heatwaves, and wind conditions. Specifically, our objectives are twofold: a) to identify how kelp cover was associated with environmental variables, global-scale periods, and local clusters; and b) to define resilience trends during and after an intense warming anomaly period in 2014–2019. The primary kelp data used in this study were derived from high-resolution satellite imagery available for the last two decades (2005–2022). A secondary source is the mapped area of the largest floating kelp forest in our study area, derived from a range of medium- and high-resolution satellite imagery to extend the time series back to 1972. This framework integrates geographical gradients, time periods, and multiple data sources to define the variability of kelp forests in space and time.

2 Materials and methods

2.1 Study area

The study area (Figure 1) covers from the southern Strait of Georgia at latitude 49°N to the south of Vancouver Island, in the Canadian part of the Salish Sea. This region is framed by a complex geomorphology of islands and channels encompassing a dynamic oceanography driven by river discharge, semidiurnal tides, winds, and strong currents (Thomson, 1981). From fall to winter, the upper layer is cooled by storms; while in spring and summer, calmer conditions allow the surface layer to warm up, particularly on sheltered coasts (Thomson, 1981; Suchy et al., 2022). Spring and summer runoff from the Fraser River forms a brackish layer that meets the oceanic, nitrate-charged waters of the Strait of Juan de Fuca, forming a strong vertical tidal mixing in Haro Strait (Mackas and Harrison, 1997; Li et al., 2000), generating high levels of primary productivity in springtime (Peña et al., 2016; Marchese et al., 2022; Suchy et al., 2022). Photosynthetically active radiation values range from ~5 to 60 Ein/m per day in the northern and central regions of the Salish Sea, with peaks in summer and minimum values in winter (Suchy et al., 2019). This body of water has shown a summer warming trend over the last four decades (Amos et al., 2014).

2.2 Spatial and temporal dimensions

2.2.1 Spatial dimension: clusters

The study area was classified into environmental clusters (clusters hereafter), based on previous literature on kelp environments (Tegner and Dayton, 1987; Bekkby et al., 2009;

Young et al., 2016; Smale and Moore, 2017; Gregr et al., 2019; Young et al., 2023). The clusters were defined by the integration of the climatology of sea surface temperature (SST in °C) for spring and summer from Landsat imagery (courtesy of the U.S. Geological Survey), fetch (m; Gregr et al., 2019), modelled tidal amplitude current (m/s; Foreman et al., 2004), wind density (W/m²; Davis et al., 2023), and total suspended matter (TSM) in spring and summer (mg/L; Giannini et al., 2021) (Table 1). These variables were compiled through a multipoint layer along the coastline, with each point located 1000 m apart and 300 m off the coast to avoid adjacency from land temperatures derived from the Landsat SST product (Wachmann et al., *in review*). Mean values falling within a radius of 100 m around the points were used to summarize the variables. This dataset was evaluated to define an optimal number of clusters using within the sum of squares, average silhouette width, and gap statistics to execute a K-means clustering in R (R Core Team, 2023). This process classifies each variable value into a cluster value, minimizing the within-cluster sum of squares to the cluster centers (Hartigan and Wong, 1979).

Four characteristically distinct clusters were found along the coastline (Figures 2, 3A). Cluster 1 represents the coldest areas, with average temperatures ranging from 9.8°C in spring to 12.0°C in summer. It is also the most wave-exposed area with the highest average of wind density (133.8 W/m²), fetch (549 km), and tidal amplitude (0.3 m/s). Cluster 2 represents a semi-sheltered coast (fetch 195 km; tidal current amplitude 0.2 m/s) with slightly warmer SSTs (11.3°C in spring and 14.4°C in summer). Cluster 3 represents warmer coastal areas (12.8°C in spring, 17.4°C in summer) and subject to the highest amount of sediment from the Fraser River plume (1.4 mg/l in spring, 2.5 mg/l in summer) compared to the other clusters. Lastly, Cluster 4 corresponds to the most protected coastlines (average fetch 132 km) with the warmest temperatures (mean spring SST 13.2°C and 16.8°C in summer). Finally, total mapped kelp per cluster from satellite imagery follows a decreasing pattern from Cluster 1 (1116.4 ha) to 2 (444.5 ha), 3 (83.6 ha), and 4 (10.5 ha) (Supplementary Table S1).

2.2.2 Temporal dimension: global-scale periods and local drivers

The temporal dimension was organized in periods representing global conditions. The period frame was chosen because mapped kelp is temporally and spatially variable and can show lagged fluctuations for one to two years (Tegner et al., 1997; Dayton et al., 1999; Bell et al., 2015; Pfister et al., 2018; Cavanaugh et al., 2019; Bell et al., 2020; Schroeder et al., 2020; Cavanaugh et al., 2021; McPherson et al., 2021; Gendall et al., *in prep*). The global scale was represented by ONI (NOAA, 2023a) and PDO (NOAA, 2023b). In general, we consider that optimal periods for kelp were when the PDO or ONI was negative, while positive PDO or ONI were classified as suboptimal periods (Dayton et al., 1999; Bell et al., 2015; Pfister et al., 2018; Cavanaugh et al., 2019; Gendall, et al., *in prep*). To implement this classification, ONI and PDO values from spring (May to June) and summer (July to August) 2002 to 2022 were rescaled using z-scores. The median value of z-scored ONI (-0.05) and PDO (-0.26) were the parameters to distinguish optimal

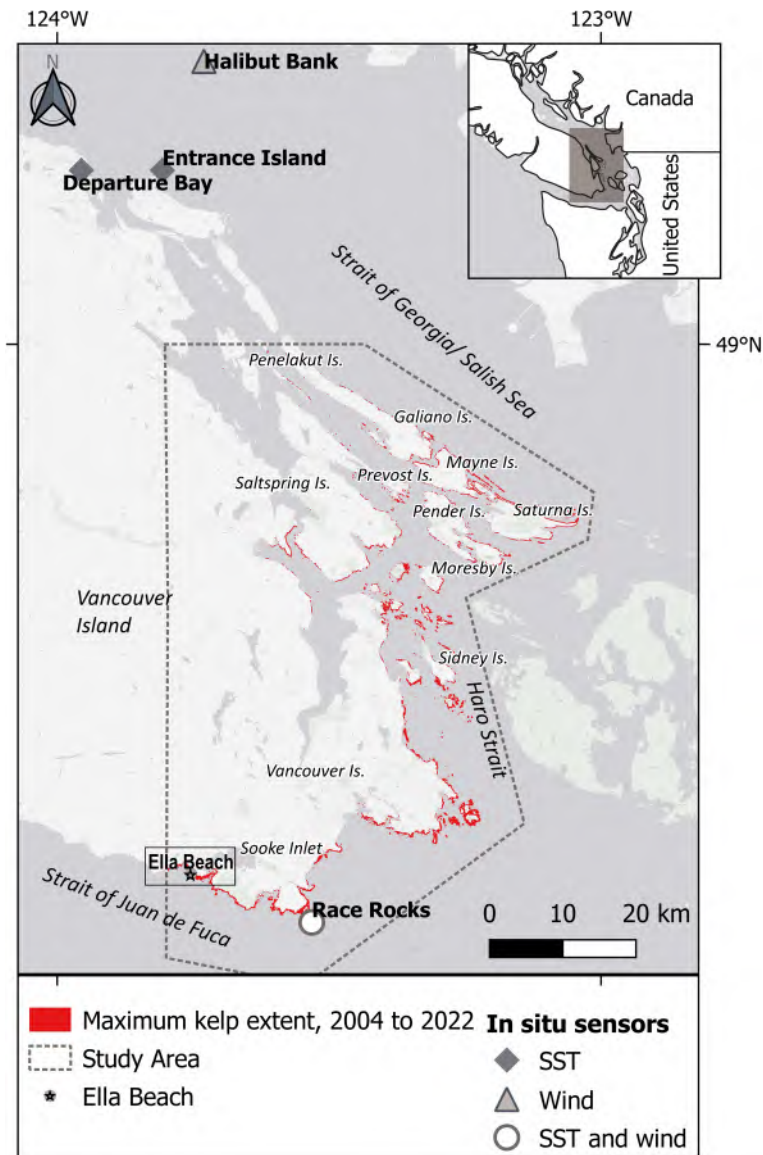


FIGURE 1

Study area: Southern Vancouver Island and the Gulf Islands south of latitude 49°N, in the Canadian part of the Salish Sea. The maximum kelp extent observed using high-resolution imagery is highlighted in red. Ella Beach data spans from 1972 to 2022.

versus suboptimal periods. The Kruskal-Wallis test (Kruskal and Wallis, 1952) was used to identify if the difference among the periods was statistically significant, whereas the Dunn test (Dunn, 1961) was used as a *post hoc* analysis to define the groups that were statistically different.

Following this method, four periods were defined from 2002 to 2022: a positive ONI+PDO period (also called Suboptimal 1) from 2002 to 2006, a negative ONI+PDO period (Optimal 1) from 2007 to 2013, a positive ONI+PDO period (Suboptimal 2) from 2014 to 2019, characterized by the Blob. Finally, a negative ONI+PDO period (Optimal 2) grouped 2020 to 2022 (Figure 4A). The difference among the periods was statistically significant (Kruskal-Wallis and Dunn p -values < 0.05 ; Supplementary Figure S1).

In a second step, local-scale variables including sea surface temperature, wind speed, and marine heatwaves were compared by

those periods. SST is a reliable indicator of kelp physiology and *Nereocystis* has a broad range of thermal tolerance (Springer et al., 2010) that can be lower in sheltered or low-energy areas, as observed by Starko et al. (2019) and Supratya et al. (2020). Local nearshore SST derived from Landsat SST data (Landsat 5, 7, and 8) was defined from a single clear sky image representing spring (May–June) and summer (July–August) from 1984 to 2022, although summer 2007 and 2014 were missing in this dataset (dates in Supplementary Table S2). Landsat-derived SST (hereafter Landsat SST) was averaged per cluster using zonal statistics in a polygon buffer 300 m from the shoreline to reduce land-adjacency effects (Wachmann et al., *in review*). To confirm the effectiveness of using a single image to represent spring and summer for each year, Landsat SST data were compared with daily *in-situ* surface water temperature from the Entrance Island, Departure Bay,

TABLE 1 Spatially-explicit variables utilized for the cluster definition.

Variable	Method	Source
Wind Power Density (W/m ²)	Downscaled climate data from the ERA5 reanalysis to microscale topography at 10 m.a.s.l. at 250 m resolution, using the 2008–2017 period as reference.	Global Wind Atlas (Davis et al., 2023)
Sea Surface Temperature (SST) Spring and Summer (°C)	Climatology of land-masked surface temperature imagery in spring (May to June) and summer (July to August) for the period 1984–2021.	Landsat Thermal Bands (Landsat 5 and 7: band 6, Landsat 8: band 10) (imagery courtesy of the U.S. Geological Survey)
Fetch (m)	Nearshore points located at 50m intervals, summing the total of linear distances at every 5 degrees (constant model).	Gregr et al., 2019
Tidal Currents (m/s)	Two-dimensional high-resolution model of tide gauge harmonics (constant model).	Foreman et al., 2004
Total Suspended Matter (TSM) Spring and Summer (mg/L)	OLCI: Sentinel 3A derived data, in spring and summer for the period 2016–2018, at 300 m resolution.	Giannini et al., 2021

All of these variables are treated as climatology data, without temporal variation.

and Race Rocks lighthouses (PCIC, 2023) (Figure 1), selecting their respective spring and summer temperatures and calculating their seasonal mean and standard deviation (StDev). Then, the difference between the Landsat SST day and the range of mean ±2 StDev *in-situ* seasonal SST was calculated. For spring, out-of-range dates beyond 2 StDev had differences of less than 0.60°C with the *in-situ* measurement (except for one record with 1.73°C difference at Entrance Island). For summer, the out-of-range temperature differences beyond 2 StDev were less than 0.15°C. As the dates selected from Landsat SST were representative of their respective seasons, they are considered valid to represent local temperature conditions at the cluster level. Consecutively, spring and summer Landsat SST were summarized by descriptive statistics per period.

To complement the temperature data, the study also included marine heatwaves, or anomalously warm events on the sea surface lasting at least 5 consecutive days (Hobday et al., 2016). MHWs are known to pose a growing risk to kelp survival worldwide (Wernberg et al., 2019). Daily water temperature data from the aforementioned lighthouses were compiled using methods by Hobday et al. (2016) and Hobday et al. (2018) to calculate the frequency and intensity of MHWs in this region, considering a baseline between 1983–2022. This method (facilitated by the heatwaveR package in R; Schlegel and Smit, 2018) uses a time series for at least 30 years to identify SST anomalies for any date in an 11-day window. If the maximum observed day intensity surpasses the day’s seasonal climatology and the 90th percentile threshold for more than 5 days, the event is classified as a MHW. Consecutively, the number of times the maximum intensity surpasses the distance between the seasonal

climatology and the threshold (1 to 4 times) is associated to the MWH categories Moderate (Category I), Strong (Category II), Severe (Category III), and Extreme (Category IV), respectively.

Another abiotic variable considered in this study was wind, as an indicator of wave activity (Young et al., 2016; Yang et al., 2019). Wave-exposed sites positively correlate with kelp abundance and tolerance to warming trends (Starko et al., 2019; Starko et al., 2022). However, this correlation is limited when extreme storms remove large canopy areas, leading to competitive understory recruitment (Dayton and Tegner, 1984). Wind data (speed and direction) were obtained from a buoy located in the center of the Salish Sea (Halibut Bank; location: 49°20’24”N 123°43’48”W; date range: 2002 to 2022; PCIC, 2023) (Figure 1) and a station at the southern tip of Vancouver Island (Race Rocks; location: 49°17’54”N 123° 31’54”W; date range: 2012 to 2022; PCIC, 2023) (Figure 1). Extreme wind events were summarized to identify if their frequency changed across periods. Extreme wind events were defined as days when the maximum wind speed surpassed 2 StDev or the 95th percentile of the time series. Extreme wind per period ($N_{extreme}$) was normalized by the following equation:

$$N_{extreme} = \frac{N_i}{M_p}$$

where N_i is the number of days with extreme wind per month, and M_p the number of months per period. We referred to the Beaufort wind scale (Thomson, 1981) to indicate the intensity of the wind.

2.2.3 Mapped floating kelp extent

Floating kelp extent was derived from high-resolution imagery data spanning from 2005 to 2022. This dataset represents the maximum imagery coverage for the study area (Supplementary Table S3; Supplementary Figure S2). The mapping approach for this complex coastline prioritized the use of the highest resolution (<3 m) available imagery to map small nearshore kelp beds, >3 to <10 m resolutions for medium-sized nearshore kelp, and any resolution, including medium-resolution (>10 m) imagery for offshore and larger kelp beds. The selected images were collected at low tide in summer (July to August) to match the peak growth of the year (Springer et al., 2010), resulting in an annual record of the maximum observed kelp extent, following methods by Schroeder et al. (2019); Schroeder et al. (2020) and Gendall et al. (2023). In this study, 0.1 m (aerial photos), 2.5 m Quickbird and WorldView, 3.2 m Ikonos, 4.0 m PlanetScope, 4.4 m Kompsat, and 5.0 m RapidEye comprised the used imagery for a total of 57 images. The exception for this was 2006, mapped with a 20 m resolution image (Spot 5) due to the lack of higher resolution data, but this only covered the southern part of the study area where the larger kelp beds are observed. To support our observations within a longer temporal range, the largest floating kelp bed in our study area (Ella Beach, 48° 21’44.34”N, 123°45’29.18”W, Figure 1) was mapped as a ‘sentinel’ or reference area from 1972 to 2022 with Landsat (medium-resolution) imagery (Figure 1; Supplementary Table S4), as the size of the bed allowed an accurate detection using this data (Jensen et al., 1980; Cavanaugh et al., 2011; Hamilton et al., 2020; Gendall

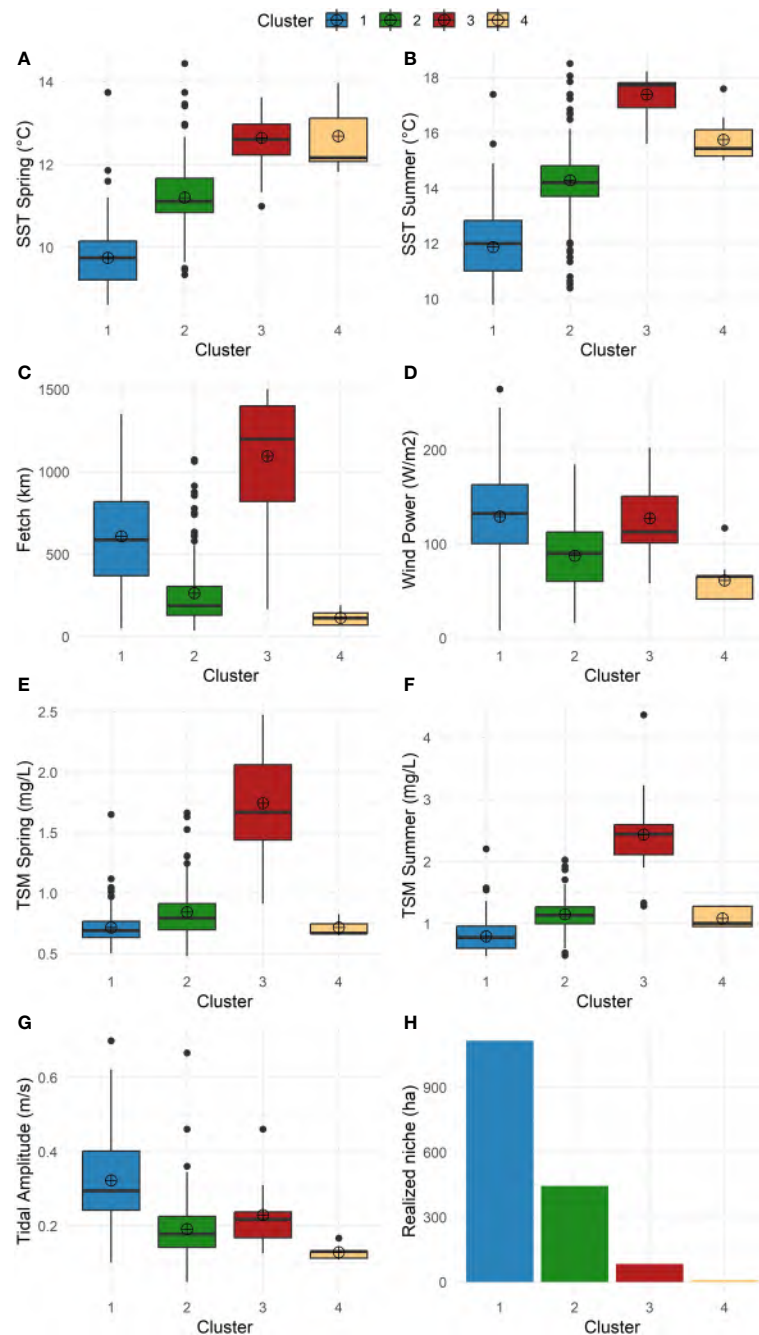


FIGURE 2

Box and whisker plots characterizing the clusters by variables; the box summarizes the upper and lower quartiles while the central line indicates the median and the dot indicates the mean. (A) SST climatology in spring (°C). (B) SST climatology in summer (°C). (C) Fetch (km). (D) Wind power (W/m²). (E) TSM spring (mg/L). (F) TSM summer (mg/L). (G) Tidal amplitude (m/s). (H) Total mapped kelp (realized niche) (ha).

et al., 2023). The overall accuracy of this method is >70%. The mapping protocol is explained and discussed in detail in the [Supplementary Material](#).

Following the classification, the mapped kelp was organized within clusters that were subdivided into segments. The segments were based on the potential niche (*sensu* Soberón and Nakamura, 2009), selecting rocky and mixed substrate areas (Grega et al., 2021), while excluding the land above the low-water mark and bathymetry below 40 m (Springer et al., 2010). The potential niche was split by

polygons of ~1000 m alongshore length, with some smoothing adjustments on complex reef areas, using previous methods developed by Pfister et al. (2018) and Schroeder et al. (2020). In addition, the total annual mapped floating kelp beds were spatially summed together, and the resultant layer was considered as the extent of the realized niche (kelp niche hereafter), or the areas of existing populations (Soberón and Nakamura, 2009). Floating kelp per year was calculated as the percentage cover of the kelp niche per segment, summarized by period and environmental cluster.

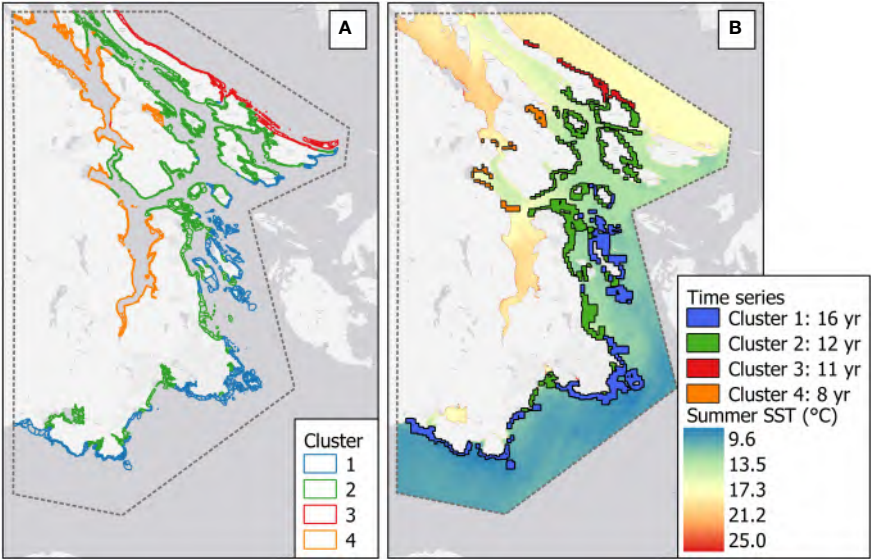


FIGURE 3 (A) Cluster distribution map. (B) Time series of kelp per cluster and the climatological mean of the summer SST (°C) from 1984 to 2022 retrieved from the Landsat series.

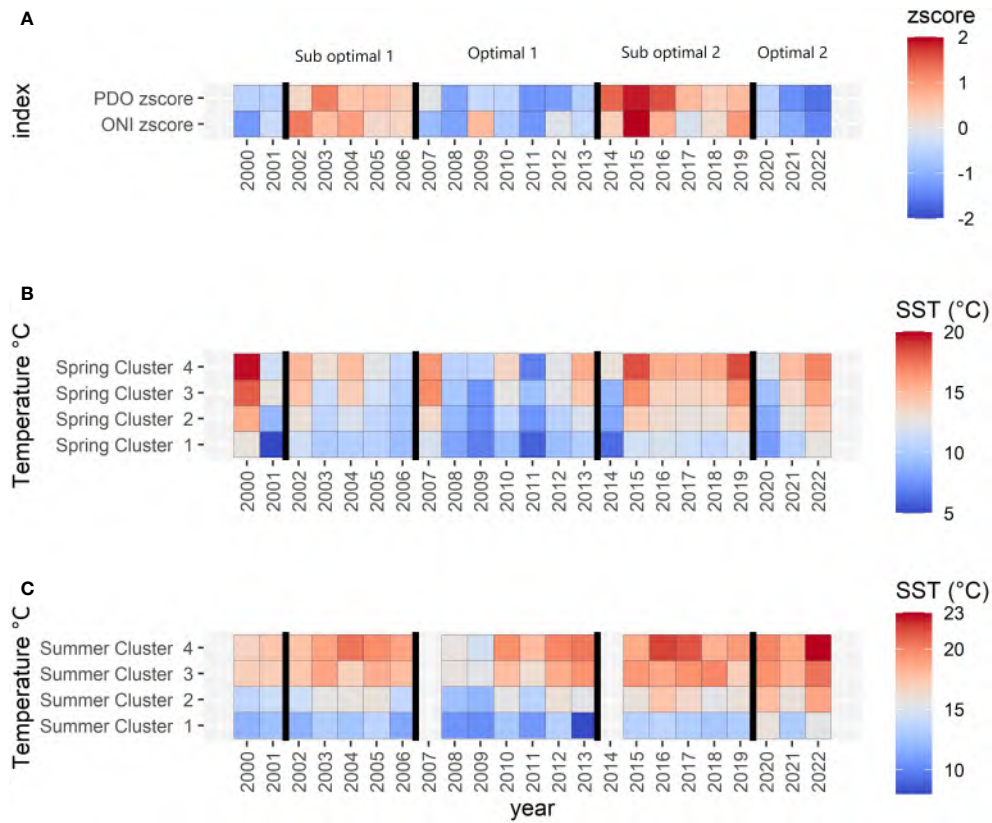


FIGURE 4 (A) Oceanic oscillations (z-scored): red to blue color ramp follows positive to negative values, while the vertical lines divide the periods indicated above (A, B) Landsat SST spring temperatures at the cluster level. (C) Landsat SST summer temperatures at the cluster level. Notice that the color ramps represent z-scores in A and different temperature ranges in (B, C).

Considering the semi-stochastic nature of dispersion and settlement of *Nereocystis* (Springer et al., 2010), not finding floating canopies in a particular year cannot be taken as a complete loss, unless documented absence of kelp remains persistent over time. For this reason, we considered segments with the highest temporal imagery coverage and at least one year of mapped kelp for the analysis.

2.2.4 Data analysis

Kelp-per-cluster data were analyzed by optimal and suboptimal periods from 2005 to 2022 through descriptive statistics (mean, StDev) of percentage cover, by period and cluster. The sentinel site in Cluster 1 (Ella Beach; Figure 1) was monitored to identify long-term trends from 1972 to 2022. As the extent of this floating kelp bed is larger than the size of the segments, the percentage cover was normalized to the total site area. The optimal and suboptimal periods were defined with the same methods as the 2005–2022 analysis, followed by Kruskal-Wallis and Dunn tests to identify if those periods were significantly different. Finally, the Mann-Kendall test for non-parametric data (Kendall package in R; McLeod, 2022) was used to identify temporal trends.

To evaluate the impact of the Blob and consecutive warming events on local floating kelp beds, the mean and the StDev of the percentage kelp cover from the previous period (Optimal 1; 2007–

2013) were considered the reference bounds for a stable kelp population. Resilience was evaluated as the difference between the mean and StDev of the subsequent years (2014 to 2022, the Blob and post- Blob years) with the reference value from the Optimal 1 period. If the kelp percentage remained within the reference bounds, the kelp presence per cluster was considered resilient for that year and period.

3 Results

3.1 Local SST

Landsat SST showed an increasing pattern along the four periods in both spring and summer (Figures 4B, C), with generally lower temperatures during the first negative ONI+PDO Optimal 1 period of 2007–2013, whereas spring temperatures reached a maximum in the positive ONI+PDO Suboptimal 2 period of 2014–2019 for the four clusters (Table 2; Supplementary Figure 3 and Supplementary Table S5 for more details). Summer temperatures, on the other hand, gradually increased to reach their maximum average values in the negative ONI+PDO Optimal 2 period of 2020–2022, with a mean of 14.8°C, 17.5°C, 19.4°C, and 20.5°C in Clusters 1 (coldest and most exposed), 2 (medium exposed and slightly warmer), 3 (exposed to the Strait of Georgia), and 4 (warmest and most protected), respectively.

TABLE 2 Spring and summer Landsat-derived SST (°C), Mean, StDev, Median, Min, and Max temperatures per cluster and period (illustrated in Figures 4B, C).

Cluster	Season	Period	Mean SST	StDev SST	Median SST	Min SST	Max SST
1	Spring	Suboptimal 1	10.3	0.8	10.3	9.4	11.5
		Optimal 1	8.8	2.0	9.4	5.9	11.9
		Suboptimal 2	10.6	2.2	11.5	6.2	11.9
		Optimal 2	10.4	2.4	10.6	7.9	12.7
	Summer	Suboptimal 1	12.6	1.0	12.7	11.3	13.7
		Optimal 1	11.0	1.9	10.7	8.1	13.4
		Suboptimal 2	13.3	0.4	13.2	12.8	13.8
		Optimal 2	14.8	1.5	15.4	13.1	15.8
2	Spring	Suboptimal 1	11.3	1.1	10.9	9.9	12.9
		Optimal 1	10.2	2.3	10.6	7.4	13.4
		Suboptimal 2	12.6	2.2	13.0	8.3	14.4
		Optimal 2	11.7	2.9	12.5	8.5	14.1
	Summer	Suboptimal 1	15.1	0.9	15.5	14.0	15.9
		Optimal 1	14.1	1.7	14.5	12.0	16.0
		Suboptimal 2	16.2	0.8	15.9	15.4	17.5
		Optimal 2	17.5	1.5	17.8	15.9	18.8
3	Spring	Suboptimal 1	12.4	1.8	11.6	10.2	14.6
		Optimal 1	11.8	3.1	12.3	7.6	16.7
		Suboptimal 2	13.9	2.8	13.9	8.9	16.6

(Continued)

TABLE 2 Continued

Cluster	Season	Period	Mean SST	StDev SST	Median SST	Min SST	Max SST
	Summer	Optimal 2	12.9	3.2	13.4	9.4	15.8
		Suboptimal 1	17.9	0.8	17.8	16.9	18.8
		Optimal 1	17.2	1.7	17.0	15.4	19.5
		Suboptimal 2	18.9	1.2	19.4	16.9	19.9
		Optimal 2	19.4	1.2	19.5	18.2	20.5
4	Spring	Suboptimal 1	13.3	1.7	13.1	11.0	15.1
		Optimal 1	12.3	3.3	12.4	6.9	16.4
		Suboptimal 2	16.1	2.1	15.7	12.9	18.6
		Optimal 2	14.6	2.5	14.8	12.0	17.0
	Summer	Suboptimal 1	19.1	1.1	18.9	17.6	20.5
		Optimal 1	18.0	2.4	18.7	14.6	20.3
		Suboptimal 2	19.9	1.6	19.2	18.3	21.8
		Optimal 2	20.5	2.2	20.0	18.6	22.9

3.2 Marine heatwaves

The number of MHWs from 2002 to 2022 was 41 in Departure Bay, 42 in Entrance Island, and 32 in Race Rocks, totaling 115 MHW for the three lighthouses (Figure 5A). The highest frequency of MHWs was observed during the positive ONI+PDO periods, with 38 events during Suboptimal 1 (2002–2006) and 58 in Suboptimal 2 (2014–2019, the Blob years). In contrast, negative ONI+PDO periods had fewer events (Optimal 1 of 2007–2013 had 11, and Optimal 2 of 2020–2022 had 8). In terms of intensity categories, 65 (57%) events were classified as Category I, 44 (38%) as Category II, 5 (4%) as Category III, and 1 (0.9%) as Category IV. The only Category IV heatwave occurred in Race Rocks, which lasted 22 days with a maximum temperature of 12.7°C (2.8°C above the normal record) on 24 October 2014. The longest heatwave of the period was observed in Departure Bay, which lasted 39 days with a maximum temperature of 11.1°C, which was 4.2°C above the average record for the winter on 24 January 2015 (Supplementary Tables S6–S12).

3.3 Wind speed and direction

The predominant wind direction for the study area is from the offshore Pacific, entering the Salish Sea in the Strait of Juan de Fuca from the west (Race Rocks) and then splitting directions and losing energy in the central Strait of Georgia, where the Halibut Bank sensor is located (Figure 1; Supplementary Figure S4) (Thomson, 1981). Mean speed was higher at Race Rocks (25.8 km/h; moderate breeze), whereas lighter wind was predominant in Halibut Bank, with an average of 4.9 km/h (light air). The 95th percentile of the maximum wind speed was 47.8 km/h (strong breeze) at Race Rocks and 8.8 km/h at Halibut Bank (light breeze), with a clear seasonal divergence: Halibut Bank showed a higher intensity of maximum

wind speed in autumn and winter (October to February), whereas Race Rocks extreme wind events predominated in spring and summer months (May to July). Optimal periods had higher frequencies of extreme winds compared to the previous suboptimal periods. In particular, there was a significant increase of extreme winds during Optimal 2 (2020–2022) compared to Suboptimal 2 (2014–2019). This difference was statistically significant (Dunn's test = 8.3, adjusted p-value < 0.001) (Figure 5B; Supplementary Figure S5).

3.4 Temporal trends of floating kelp in southern Vancouver Island and the Gulf Islands

3.4.1 Segments with kelp by cluster (2005–2022)

The spatial range of the segments with mapped kelp data is in Figure 3B. Cluster 1—the most exposed and coldest area—had the highest temporal and spatial coverage, with 16 years of data covering 204 segments (78.5% of 260 segments), followed by Cluster 2, representing medium exposed and slightly warmer coasts, with 12 years and 241 segments (39.5% of 610 segments). Cluster 3, the exposed coast facing the Strait of Georgia, covered 11 years of data, with 31 segments (33.7% of 92 segments), and Cluster 4, gathering the most sheltered and warmest coasts, had 8 years (13 segments = 5.3% of 246 segments). The percentage of kelp cover exhibited non-parametric behavior, with left-skewed patterns in Clusters 2, 3, and 4 caused by documented absence of kelp (true negatives) throughout the time series, reflecting the remarkable temporal variability of kelp in sheltered and warmer coasts.

3.4.2 Kelp percentage cover by period

The percentage of kelp cover per period shows different trends per cluster (Figure 6). Cluster 1, with the coldest and most exposed

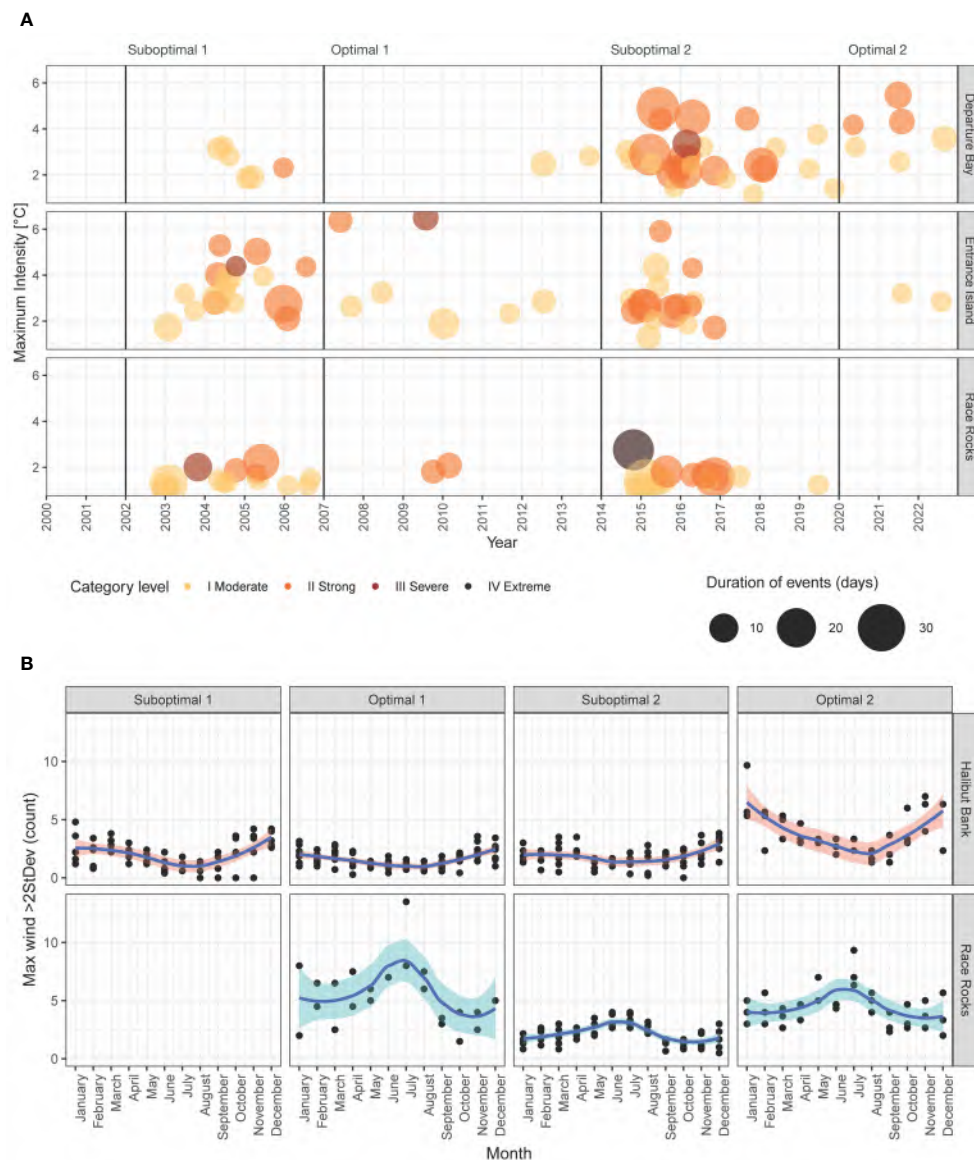


FIGURE 5

(A) Marine heatwaves per date and period; the color indicates the category level and the size indicates the duration of days per event. (B) Frequency of extreme maximum wind speed per month (maximum wind speed > 95th percentile) by periods. Race Rocks data started in 2012. The names of the stations (Departure Bay, Entrance Island, Halibut Bank, Race Rocks) and buoy (Halibut Bank) are at the right of each plot.

areas, had an average of 20.0% kelp cover throughout Suboptimal 1 (2004–2006) and Optimal 1 (2007–2013). In the anomalously warmer years of 2014–2019 (Suboptimal 2) this average decreased to 14.6% and increased (18.8%) during the following period of Optimal 2 (2020–2022). Cluster 2, representing medium exposed and slightly warmer coasts, had a mean cover of 8.6% in Suboptimal 1, increased slightly in Optimal 1 (9.4%), then decreased in Suboptimal 2 (9.1%) and finally had an apparent increase in Optimal 2 (16.9%). Cluster 3, exposed to the Strait of Georgia, had an average kelp cover of 4.7% in Suboptimal 1, peaked at 15.8% in Optimal 1, and then decreased to 8.0% in Suboptimal 2 and 6.7% in Optimal 2. In contrast, Cluster 4, representing the most protected and warmest coasts, continuously increased in kelp cover, starting at 2.8% in Suboptimal 1, increasing to 9.6% in Optimal 1, then 22.2% in Suboptimal 2 and 30.8% in Optimal 2.

The number of segments with kelp presence also differed among clusters. Cluster 1 (coldest and exposed) had a constant presence of kelp in 80% of segments for all four periods. Cluster 2 (medium exposed and warmer) increased kelp presence from 37% to 61% of the segments; Cluster 3 (Strait of Georgia) fluctuated from 38% to 33%; and Cluster 4 (most protected and warmest) increased from 31% to 96% (Supplementary Figure S6).

3.4.3 Period 1972–2022 in the sentinel area

The sentinel site, locally known as Ella Beach, located within the colder and exposed coasts of Cluster 1 (Figure 1), is the largest floating kelp bed in the study area. The time series from 1972 to 2022 spanned 8 periods (Figure 7A): negative ONI+PDO period of 1972–1975 (Optimal), positive ONI+PDO years from 1976 to 1988 (Suboptimal), a new positive ONI+PDO cycle from 1989 to 1997

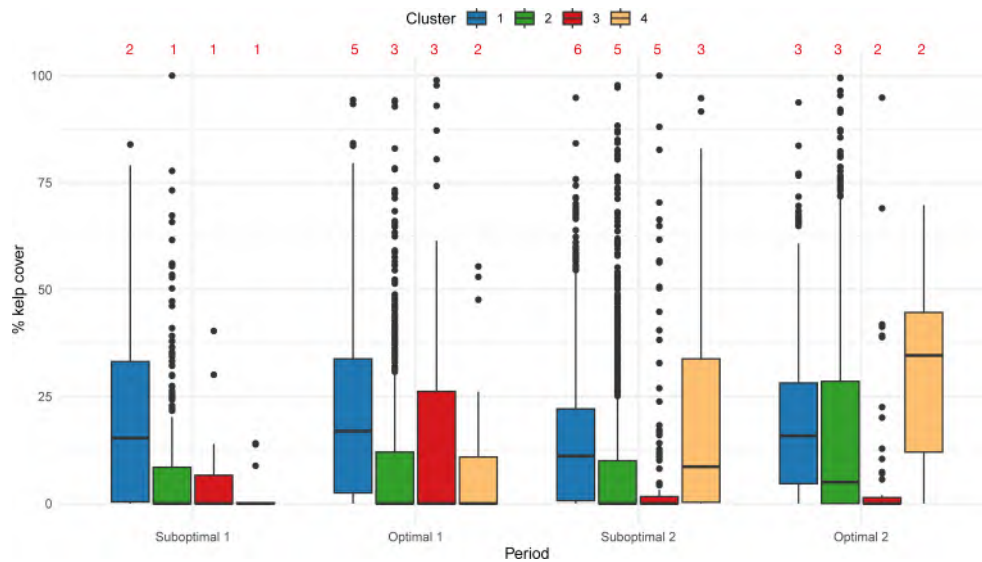


FIGURE 6

Box and whisker plots summarizing % kelp cover per segment and period by cluster. Red numbers indicate the number of years with data per period.

(Suboptimal), a negative ONI+PDO period from 1998 to 2001 (Optimal), and the four periods already defined from the 2005–2022 analysis.

Kelp percentage cover fluctuated from a minimum of 13.6% (22.2 hectares) in 1989 (Suboptimal) and a maximum of 57.5% (94.3 hectares) of the kelp niche in 1999 (Optimal; Figures 7A, C). Despite this large variability, kelp was present over the entire series, and no significant trends were found either by period or year (Mann-Kendall's $\tau = -0.14$, p -value = 0.16). Local SST from the Race Rocks Lighthouse was particularly stable, with a mean of 10.0°C in spring (min = 8.9°C in 1973, max = 10.9°C in 1983) and a mean of 11.3°C in summer (min = 10.2°C in 1976, max = 12.2°C in 2016) (Figure 7B).

3.4.4 Resilience during and after the warm period of 2014–2019

Percentage cover of kelp showed different responses during the anomalous warm period (Suboptimal 2, 2014–2019; the Blob) compared to the reference bounds of the negative ONI+PDO period (Optimal 1, 2007–2013; Figure 8). The coldest and most exposed coasts (Cluster 1) showed small changes, with an overall mean (StDev) of -4.6% (16.6), a minimum observed value of -8.5% (14.4) in 2018, and a peak of 4.2% (19.2) in 2021 during the negative ONI+PDO period of 2020–2022 (Optimal 2). The average values of this cluster remained within the reference bounds (Figure 8A). Medium exposed and warmer coasts (Cluster 2) also remained within the reference bounds, showing a small negative difference compared to the reference in the years 2014, 2015, and 2016 during the Blob. The lowest average was -5.0% (12.7) in 2014, followed by a continuous increase in the following years up to an average of 11.7% (27.1) in 2022 (Figure 8B). The exposed coasts facing the Strait of Georgia (Cluster 3) had the lowest values compared to the reference (-8.1% (22.3)), ranging from minimum values of -15.8% (8.9) in 2016 during the Blob, and -15.7% (8.8) in 2020, to values of 1.8%

(29.7) in 2014 and 2.2% (33.5) in 2017 (Figure 8C). The fragmented time series in the warmest and most protected coasts (Cluster 4) shows an average of 16.1% (28.4) for the complete time series, with a minimum value of -2.3% (12.8) in 2017 and a maximum of 30.6% (36.4) in 2019, compared to the reference bounds (Figure 8D).

4 Discussion

Globally, kelp is decreasing in area and presence due to a warming ocean. In the Northeast Pacific, Californian kelp forests have shown significant declines (McPherson et al., 2021; Bell et al., 2023; Cavanaugh et al., 2023); more locally, some Puget Sound kelp beds in Washington have been disappearing at an alarming rate (Berry et al., 2021). There is a lack of information about kelp change and resilience in British Columbia; most studies are spatially and temporally limited (Schroeder et al., 2020; Starko et al., 2022). We found that categorizing spatial and temporal dimensions offers hints on kelp resilience patterns (Pelletier et al., 2020).

Our results from southern Vancouver Island and the Gulf Islands suggest that global-scale oceanic conditions influence nearshore sea surface temperatures, marine heatwaves, and wind trends at the local level in the southern Salish Sea. Global-scale positive ONI+PDO, called Suboptimal periods in this paper, concentrated the highest peaks of spring SST, a higher frequency and intensity of MHWs, and a lower frequency of extreme winds than optimal periods. However, local summer SST has been constantly increasing despite any oceanic oscillation in the study area, confirming previous research in the ecoregion (Amos et al., 2014; Jackson et al., 2018). Bull kelp (*Nereocystis luetkeana*) showed different trends per cluster, confirming that kelp patterns can fluctuate greatly at the local scale (Reed et al., 2016; Bell et al., 2023).

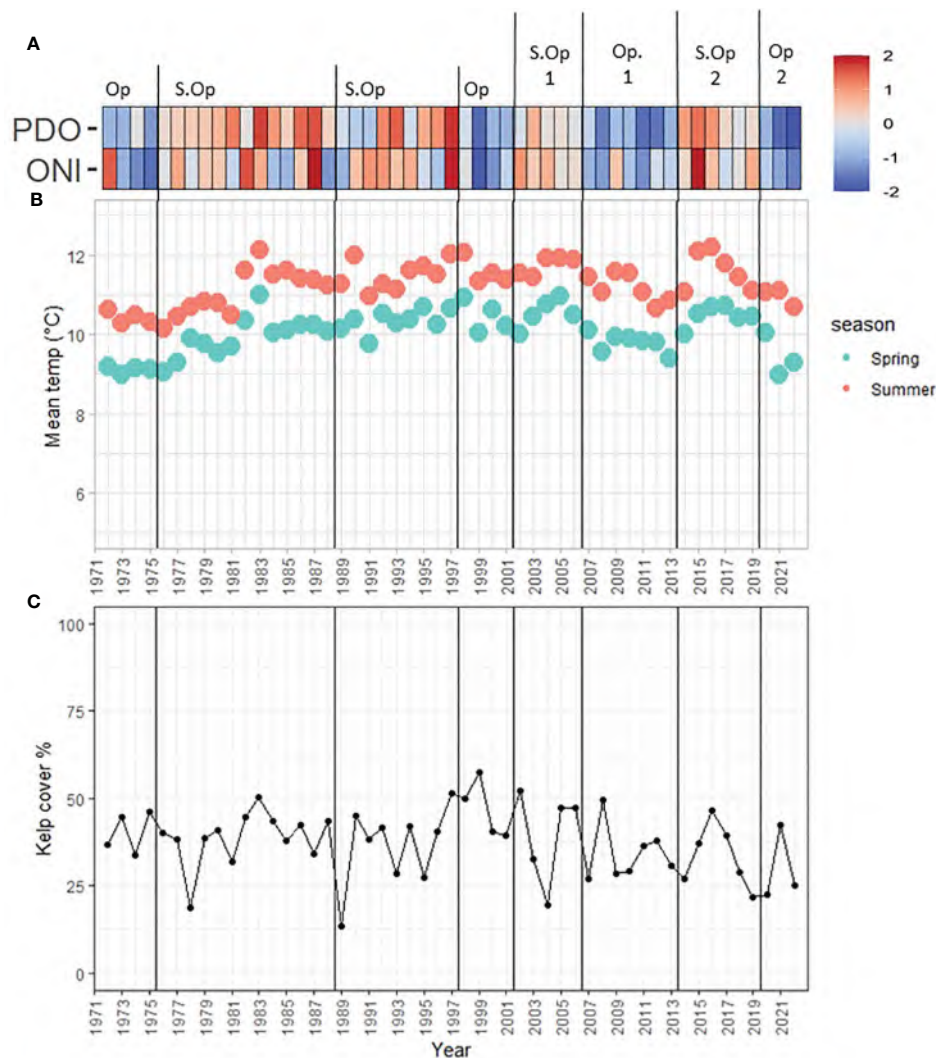


FIGURE 7

Sentinel site oceanic, temperature, and kelp trends (1972–2022). (A) Oceanic oscillations (z-scored): Red to blue color ramp follows positive to negative ONI, PDO, and NPGO values. Op= Optimal, S.Op = Suboptimal. (B) Race Rocks mean summer and spring SST. (C) Kelp cover percentage.

The kelp dynamics in the coldest and most exposed coasts (Cluster 1), including the 50 years of the Ella Beach mapped data, align with *Nereocystis* persistence trends at the southern coast of the Strait of Juan de Fuca (Pfister et al., 2018). The stability of the floating kelp in this cluster was characterized by an average percent cover of around 20% of the kelp niche per segment (meaning that on average, mapped kelp covered 20% of the niche every year), kelp presence in 80% of the segments across the four periods, and high resilience after the anomalously warm period of 2014–2019 (Suboptimal 2; the Blob). Despite the high frequency of MHWs in suboptimal periods, favorable conditions such as high exposure to tidal currents and fetch, along with local temperatures under 16.0°C, sustained kelp forests in favorable conditions, in line with previous research on Laminariales (Buschmann et al., 2014; Supratya et al., 2020). Another factor, not covered in this research but giving support to this observation, is the relative stability of the community-wide ecosystem. At the south of the Strait of Juan de Fuca (in front of Cluster 1), kelp forests have maintained a relatively

stable assemblage of invertebrates, fish, and kelp from 2015–2021 (Tolimieri et al., 2023).

Semi-sheltered and very sheltered coastlines (Clusters 2 and 4) have shown high variability in kelp cover and presence, similar to previous observations in enclosed areas of the Salish Sea (Pfister et al., 2018; Starko et al., 2019; Schroeder et al., 2020; Berry et al., 2021). It is important to mention that due to the limited availability of high-resolution satellite imagery, Cluster 4 had the smallest number of kelp areas and time series data available for the analysis, which may lead to erroneous short-scale interpretations. Nevertheless, summer Landsat SST averaged values above 16.0°C for Clusters 2 and 4 in the last two periods, reaching the upper limit of thermal tolerance for *Nereocystis* (Springer et al., 2010; Supratya et al., 2020). However, during the warm period of 2014–2019 (Suboptimal 2; the Blob) and the following years (2020–2022, Optimal 2) they showed an increase in kelp presence and percentage cover compared to the previous negative ONI+PDO reference period (Optimal 1; 2007–2013). The relatively lower frequency of MHWs during the Optimal 2 period could be favorable

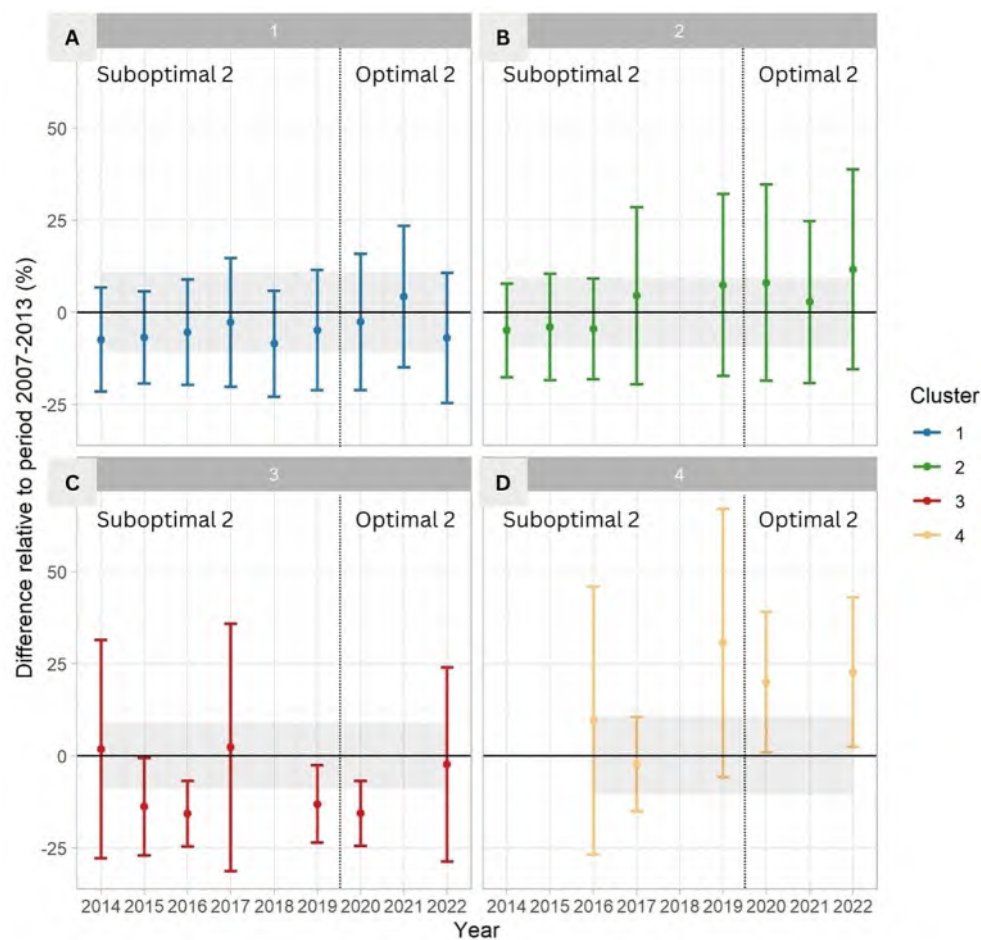


FIGURE 8

Change over time in percentage of kelp cover relative to the period 2007–2013 for (A) Cluster 1, (B) Cluster 2, (C) Cluster 3, and (D) Cluster 4. The error bars show the mean and StDev of the difference with the reference value bounds (Optimal 1; 2007–2013) indicated as a mean and StDev (black horizontal line and grey area). The absence of bars indicates that there is no satellite image/no data available. The vertical line divides Suboptimal 2 from Optimal 2 periods.

to kelp canopies, bringing a pause in stressors. The increased frequency of wind-driven wave motion during Optimal 2, during the spring and summer months when the canopies reach the surface, could also benefit bull kelp bed resilience (Springer et al., 2010). Both hypotheses might be tested with experimental and *in-situ* data.

Wind plays an important contribution to wave energy in the study area (Yang et al., 2019). Additionally, strong surface current anomalies have been observed in southern Vancouver Island during the autumn of 2015–2016 and 2016–2017 (Suboptimal 2; the Blob) and summer 2020 (Optimal 2) (Han and Chen, 2022), which can indicate that currents are a positive factor for floating kelp growth (Springer et al., 2010). However, if extreme wind events continue to increase in frequency due to climate change (Young et al., 2011), a possible negative effect could be that adult sporophyte fronds located in very exposed coasts may not be able to withstand hydrodynamic stress, shortening the maturity process, as was documented with other canopy-forming species (Van Tussenbroek, 1989).

The coasts facing the Strait of Georgia (Cluster 3) showed temperatures reaching the upper thermal range of kelp during the

last Suboptimal and Optimal periods. However, kelp cover showed different resilience patterns compared to Clusters 2 and 4, expressed by less kelp presence, lower percentage cover values, and low to moderate resilience. Post-Blob, during the 2020–2022 period (Optimal 2), Cluster 3 returned to the previous reference value, but did not surpass it. This coastline is leeward of the southwestern wind, and the increase in frequency of extreme winds in the Strait of Georgia during Optimal 2 occurred in the autumn and winter months, times when kelp remain under the sea surface. Therefore, we infer that wind did not necessarily play a role in kelp resilience in this coastline. However, a factor that could explain its moderate resilience to the overall warming in the Salish Sea is the nutrient availability from the Fraser River (Lowe et al., 2016; Peña et al., 2016) that could potentially enhance the thermal plasticity of kelp, as nitrate-replete blades show enhanced photosynthesis and growth performance at temperatures at the higher thermal limit than nitrate-depleted ones (Fernández et al., 2020). More experimental and *in-situ* data could test this hypothesis, although the warming trend reaching stressing levels for kelp in the Strait of Georgia seems to be an immediate threat to these kelp beds in the near future.

5 Conclusions

This paper examined the resilience of *Nereocystis* floating canopies across a geographical gradient and different temporal scales in the southern Salish Sea in British Columbia, Canada. The main outcomes of this research are: first, global-scale suboptimal periods for kelp, understood as positive ONI+PDO, coincide with MHWs in the southern Salish Sea, but the overall SSTs increased despite the last negative ONI+PDO period; second, the negative ONI+PDO period of 2020–2022 coincide with a higher frequency of extreme winds compared to the previous period, which could potentially play a positive role in kelp frond productivity by wave motion; and third, despite the overall warming trend and the Blob years of 2014–2019, kelp in this area was generally resilient, but for varying reasons. The coldest and most exposed coasts remained under conditions of thermal stress for kelp growth; protected coasts facing the southwestern wind were potentially favored by an increased frequency of extreme wind during the kelp growing season; while the coast facing the Strait of Georgia showed only moderate resilience, such that if temperatures continue to increase, those areas could face an imminent threat to survival.

Our results complement previous kelp research from the northeastern Pacific, showing how local geographical conditions can play an important role in kelp dynamics. In a broader context, using this framework in other regions could help understand local ecological factors for kelp. As climate models indicate that MHWs will become more frequent and intense in the 21st century (Oliver et al., 2019), this research provides valuable information to support strategic spatial planning to identify kelp change patterns for a variety of uses, including monitoring, conservation, and restoration activities.

Data availability statement

The raw data supporting the conclusions of this article will be made available on request to MC (maycira@uvic.ca), without undue reservation.

Author contributions

AM-S: Conceptualization, Data curation, Formal analysis, Investigation, Methodology, Validation, Visualization, Writing – original draft, Writing – review & editing. SS: Conceptualization, Data curation, Formal analysis, Investigation, Methodology, Software, Validation, Visualization, Writing – review & editing. LG: Conceptualization, Data curation, Formal analysis, Investigation, Methodology, Software, Validation, Writing – review & editing. AW: Investigation, Methodology, Validation, Writing – review & editing. GN: Data curation, Formal analysis, Investigation, Methodology, Software, Writing – review & editing. SR: Writing – review & editing. IP: Funding acquisition, Project administration, Resources, Writing – review & editing. ER: Funding acquisition, Resources, Writing – review & editing. JL: Funding acquisition, Resources, Writing – review & editing. KM: Funding

acquisition, Resources, Writing – review & editing. PW: Funding acquisition, Resources, Writing – review & editing. MC: Conceptualization, Funding acquisition, Methodology, Project administration, Resources, Supervision, Writing – review & editing.

Funding

The author(s) declare financial support was received for the research, authorship, and/or publication of this article. Funds were available from the Pacific Salmon Foundation through a Mitacs Accelerate grant awarded to AM-S and technician salary to process digital images. Funds were also available from the Natural Sciences and Engineering Research Council of Canada Alliance grant awarded to MC (Ref. number: ALLRP 566735 - 21).

Acknowledgments

We thank the collaboration from local partners (Hakai Institute, MaPP, Mayne Island Conservancy, Parks Canada) at different stages of this project. The careful and thoughtful suggestions of the reviewers helped improve this manuscript. We also thank Alex Guyn for processing the majority of the Landsat SST images, and Erasmo Macaya (UdeC), Mauricio Palacios (WCS), Pol Capdevila (UB) and Marta Konik (UVIC) for their constructive feedback and advice. This work was supported by Fisheries and Oceans Canada and the Canadian Hydrographic Service to obtain the high-resolution satellite imagery, the Capital Regional District of Victoria for providing high-resolution aerial photos, and the Island Trust Conservancy for providing *in-situ* kelp observation for validation of classified kelp.

Conflict of interest

The authors declare that the research was conducted in the absence of any commercial or financial relationships that could be construed as a potential conflict of interest.

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Supplementary material

The Supplementary Material for this article can be found online at: <https://www.frontiersin.org/articles/10.3389/fmars.2024.1323448/full#supplementary-material>

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You are entering

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

CAUTION

Walking in a Nature Reserve with mature trees carries risks. Trees may fall at any time.

Avoid trail use in windy conditions.



COMPLETED SINCE LAST REPORT (December 2023 – Early March 2024)	PLANNED FOR NEXT QUARTER (Late March – June 2024)
1. STRATEGIC PLANNING/ADMINISTRATION	
Continued to participate in transition to CityView application Recruited Species at Risk Program Coordinator Provided orientation and training for the newly filled Strategic Fund Development position and Species at Risk Program Coordinator Initiated recruitment for Conservation Technician summer co-op position Gradually reintegrated ITC Manager to the ITC team following a 7 week medical leave Conducted analysis of mapping and technical needs, challenges and strengths Prepared business solution options document for Board and then submitted business cases for increased property management capacity Planned Species at Risk program activities across multiple islands for 2024/25 fiscal year Updated species and ecosystems at risk data for internal use by planning and ITC staff	Launch CityView software for conservation proposals (applications) Participate in Contact Relationship Management software application transitions Complete Work Plan #2 (2024 – 2027) for ITC's <u>Regional Conservation Plan 2018-2027</u> Onboard summer Conservation Technician Submit annual report to Environment and Climate Change Canada for the Species at Risk Program Prepare for and participate in annual audit Approve project charter for 2026-2030 ITC Plan development and begin First Nations engagement
2. COVENANT AND PROPERTY ACQUISITIONS	
Responded to enquiries (Lasqueti and Thetis Island Local Trust Areas)	Continue negotiations on ~42 ha of land
3. COVENANT AND PROPERTY MANAGEMENT	
Management planning for two nature reserves (Link and Saturnina Islands) Reported to the ITC Board, covenant landholders, and co-covenant holders on outcomes of 2023 compliance monitoring (conservation covenants) Prepare 2024/25 service contracts for management activities on ITC protected areas	Work with First Nations to complete Archeological assessments for Link and Saturnina Islands Develop risk management policy for nature reserves Begin annual nature reserve monitoring site visits and annual compliance monitoring for conservation covenants

As of March 2024 the Islands Trust Conservancy protects 113 conservation properties, 34 nature reserves and 79 covenants (of which 27 have NAPTEP certificates)

3. COVENANT AND PROPERTY MANAGEMENT (Cont.)	
Completed field technology updates and annual monitoring process improvements Continued Western Screech-Owl surveys and wildlife tree inventory (Link and Thetis Islands) Continued Sharp-tailed Snake project (Salt Spring, North Pender, Thetis) Continued 2-year multi-Species at Risk project (Lasqueti) Developed plan for invasive shiny geranium control in one covenant (Salt Spring Island) Developed new and replacement signage for six covenants on Gabriola, North Pender, Salt Spring	Monitoring and maintenance activities in two Garry oak meadow restoration areas in one covenant (Sidney Island) Continue participation in the Sidney Island Ecological Restoration Project and the Capital Region Invasive Species Partnership Develop species-at-risk data sharing protocol for conservation covenants Work with GIS staff and contractor to configure Field Maps application for improved functionality
4. COMMUNICATIONS AND OUTREACH	
Released end-of-year highlight video Distributed end-of-year eNews to subscription list Promoted hiring of a summer co-op position at ITC Promoted the 2023 Impact Report Celebration planning for a NAPTEP covenant Worked with BC Kelp Resilience project team to prepare and publish research article on results of bull kelp resilience study	Publish the spring 2024 issue of the Heron Newsletter and eNews Prepare 2023/2024 Annual Report Support Strategic Fundraising with ongoing Will Power campaign Host celebration for NAPTEP covenant Social media management and engagement (ongoing)
5. FUNDRAISING AND CONSERVANCY SUPPORT	
Stewardship of donors and advisors (ongoing) Holiday cards sent to 110 donors and supporters Reported out to major donors Presentation to, and meeting with, The ReMax Real Estate Professionals group on Gabriola Island Completed securities donation process updates	Complete Tempest estate administration Ongoing stewardship of donors and advisors Update the 2022 Impact Report Will Power Campaign April Focus

As of March 2024 the Islands Trust Conservancy protects 113 conservation properties, 34 nature reserves and 79 covenants (of which 27 have NAPTEP certificates)