



Islands Trust Conservancy

Regular Meeting Agenda

Date: Tuesday, September 25, 2018
Time: 10:00 am - 2:30 pm
Location: Islands Trust Victoria Boardroom
200-1627 Fort Street, Victoria, BC

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1.	CALL TO ORDER	
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7. NEW BUSINESS

8. NEXT MEETING

9. ADJOURNMENT



Islands Trust Conservancy Minutes of Regular Meeting

Date: Tuesday, July 17, 2018
Time: 10:00 am
Location: Islands Trust Victoria Boardroom
200-1627 Fort Street, Victoria, BC

Board Members Present Tony Law, Chair
Hoops Harrison
Kate-Louise Stamford
Robin Williams
Susan Morrison

EC Member Present Peter Luckham, EC Chair

Board Members Regrets Ronald Bertrand

Staff Present Jennifer Eliason, Islands Trust Conservancy Manager
Kate Emmings, Ecosystem Protection Specialist
Nuala Murphy, Property Management Specialist
Corlynn Strachan, Administrative Assistant
Crystal Oberg, Communications & Fundraising Specialist
Clare Frater, Director, Trust Area Services
David Marlor, LPS joined the meeting at 11:17 am
Julia Mobbs, Director, Administrative Services, joined the meeting at 11:17 am and left the meeting at 11:40 am

Guests Present Leonora Lee, Audit Partner, KPMG, joined the meeting at 11:17 am and left the meeting at 11:40 am
Sarah Burden, Audit Manager, KPMG, joined the meeting at 11:17 am and left the meeting at 11:40 am

1. CALL TO ORDER

Chair Law called the meeting to order at 10:03 am and acknowledged that the meeting was being held in Coast Salish First Nations territory.

2. APPROVAL OF AGENDA

The following addition to the agenda was presented for consideration:

6.3.2 Response Letter from Minister Robinson re: ITF Five-Year Plan 2018-2022

By general consent, the agenda was approved as amended.

3. CLOSED MEETING

The Islands Trust Conservancy convened the closed portion of the meeting at 10:05 am and resumed in open meeting at 11:17 am to Rise and Report.

ITC-2018-019

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) (a) personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the board or another position appointed by the board; (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; and that Jennifer Eliason, Kate Emmings, Crystal Oberg, Nuala Murphy, Corlynn Strachan, and Clare Frater be invited to remain in the meeting.

CARRIED

4. RISE AND REPORT

The Islands Trust Conservancy reported on the following items:

- The ITC board put forward a candidate recommendation to the Crown Agency and Board Resourcing Office.

5. MINUTES/COORDINATION

5.1 Minutes of Meetings/Resolutions without Meetings

5.1.1 Approval of the May 29, 2018 Meeting Minutes

By general consent, the minutes of May 29, 2018 were adopted as presented.

5.2 Follow-up Action List

The ITC Manager provided an update on each of the items in the follow up action list and noted resolution item *TFB-IC-2018-007 staff to develop a budget proposal including a threefold business case* for the September 2018 meeting is not yet complete.

6. BUSINESS

6.1 Items for Approval

6.1.1 2017-18 Audited Financial Statements

Leonora Lee, KPMG Audit Partner, and Sarah Burden, Audit Manager, KPMG, presented the audit findings, reporting that accounting policies remained the same, the audit and auditor's opinion were consistent with previous years, and acknowledged the name change from the Islands Trust Fund to the Islands Trust Conservancy in the report.

ITC-2018-020

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

that the Islands Trust Conservancy approve the Audited Financial Statements for the 2017-2018 fiscal year, and refer the statements to Islands Trust Council for information.

CARRIED

6.1.2 Morrison Marsh Nature Reserve Management Plan

The ITC Property Management Specialist presented the management plan to board members.

Board members questioned intervening in naturally occurring events such as beaver dams, and discussed invasive species removal, First Nations relations, stewardship programs, and information sharing.

ITC-2018-021

It was MOVED and SECONDED,

that the Island Trust Conservancy approve the Morrison Marsh Nature Reserve Management Plan, dated July 17, 2018.

CARRIED

6.1.3 SSIC Request for Waiver - Andreas Vogt Nature Reserve Covenant

The ITC Property Management Specialist advised board members that the Garry Oak meadow ecosystems in the covenant are in poor condition and Douglas-fir girdling is recommended by the Salt Spring Island Conservancy.

Board members discussed consideration of climate change impacts over the long term, and that communication regarding such management techniques is important, as there may be concerns from members of the public.

ITC-2018-022

It was MOVED and SECONDED,

that the Islands Trust Conservancy approve the request from Salt Spring Island Conservancy to girdle Douglas-fir trees that are encroaching on the Garry Oak meadows in the Andreas Vogt Nature Reserve by providing a waiver to section 4.2 (a) (viii) of the covenant, valid for two years, until July 1, 2020.

CARRIED

6.2 Items for Discussion/Direction

6.2.1 Local Trust Committee (LTC) Briefing on Regional Conservation Plan

ITC board members discussed providing the briefing now and again after trustee orientation, possibly creating a resource documents for LTCs and BIM.

ITC-2018-023

It was MOVED and SECONDED

that the Islands Trust Conservancy request staff to circulate the Regional Conservation Plan briefing document to Local Trust Committees and Bowen Island Municipality, and to bring it back to the board's September meeting for further direction.

CARRIED

6.2.2 Review of ITC-EC Liaison Meeting Agenda (see ITC-EC Agenda Package)

ITC board members reviewed and discussed who would introduce each item.

6.3 Correspondence

6.3.1 Chair Correspondence to Minister Robinson re: Name Change

Accepted for information

6.3.2 Response Letter from Minister Robinson re: ITF Five-Year Plan 2018-2022

Accepted for information

6.4 Updates for Information

6.4.1 Public Acquisitions Report

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

6.4.2 Public Covenants Report

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

6.4.3 Regional Conservation Plan Progress Report

The Islands Trust Conservancy reviewed the Regional Conservation Plan Progress Report for information.

6.4.4 Budget Report

The Islands Trust Conservancy reviewed the Budget Report for information.

7. NEW BUSINESS

7.1.1 Islands Trust Conservancy Manager – Temporary Assignment

The ITC Manager advised that she is leaving on a temporary assignment with BC Parks for the next eight months. Director Frater noted she is stepping in to assist with the role while the position is posted internally. The ITC board praised Jennifer for her work over the last ten years, thanked her for her dedication, and stressed that she will be missed.

8. NEXT MEETING

The next meeting will be held Tuesday, September 25, 2018 at 10:00 am.

9. ADJOURNMENT

By general consent, the meeting adjourned at 12:35 pm.

Tony Law, Chair

Certified Correct:

Corlynn Strachan, Administrative Assistant (Recorder)



Islands Trust Conservancy - Executive Committee

Liaison Meeting

Regular Meeting Minutes



Date: Tuesday, July 17, 2018
Location: Islands Trust Victoria Boardroom
200-1627 Fort Street, Victoria, BC
Time 1:00 – 2:30 pm

ITC Board Members Present Tony Law, Chair
Hoops Harrison
Kate-Louise Stamford
Robin Williams
Susan Morrison

EC Members Present Peter Luckham, EC Chair
George Grams
Laura Busheikin

ITC Board Members Regrets Ronald Bertrand

Staff Present Jennifer Eliason, ITC Manager
Corlynn Strachan, Administrative Assistant
Clare Frater, Director, Trust Area Services
David Marlor, Director, Local Planning Services
Julia Mobbs, Director, Administrative Services

1. CALL TO ORDER

The meeting was called to order at 1:00 pm. Chair Law acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations.

1.1 Introductions and Context for Annual Meeting

Chair Law welcomed the guests and initiated introductions.

2. APPROVAL OF AGENDA

By general consent, the agenda was approved as presented.

3. MINUTES/COORDINATION

3.1 Record of the July 18, 2017 Meeting Minutes

The following edit to the minutes was presented for consideration:

- Correct the wording under Item 5. NEXT MEETING to: "To be determined in Victoria in early 2018."

By general consent, the minutes were approved as amended.

4. BUSINESS

4.1 Items for Information

4.1.1 Name Change Implementation

ITC Chair Law acknowledged and thanked the Executive Committee for their pursuit of the legislative amendment. The ITC Manager reported on the process to change the organizational name, and provided a Name Change Communications Plan for information.

4.1.2 Funding

ITC board members reported on current and future funding needs of the organization.

Chair Luckham commented that many moving pieces need to work together; including budget requests and a communication piece about “who we are and what we are doing”. Trustees noted the audit and budget shows ITC is in a great position and that ITC brings in significant assets to this organization.

4.2 Items for Discussion/Direction

4.2.1 Working with Trust Council

Trustee Orientation for Next Term

Trustees discussed the importance of providing new trustees with a clear message on the mandate of the Islands Trust and Islands Trust Conservancy. ITC board members recommended a separate orientation session for trustees and the importance of getting trustees on board as ambassadors for ITC.

Budget

The ITC Manager commented on a need to increase the property management budget due to new property acquisitions and upcoming changes to the annual monitoring program.

ITC trustees discussed potentially adding a staff position, and trustees commented that the ITC does an exceptional job with limited staff.

4.2.2 Working with Local Trust Committees

Regional Conservation Plan

ITC board members and EC members discussed the following:

- Trustee Stamford noted that LTCs and Bowen Island Municipality will soon receive a briefing from ITC that outlines how the Regional Conservation Plan can support land use planning and be integrated into Official Community Planning
- Chair Law suggested the briefing might be added to a resource page on the website for trustees and LTCs
- Director Marlor reported that reference to the RCP is being added into all planning staff reports to incorporate consideration of the RCP into each project/application

ITC Reports and LTC Agendas

ITC board members and EC members discussed the following:

- Trustee Morrison recommended ITC and trustee reports be placed earlier on LTC meeting agendas
- Chair Luckham noted LTCs can be instrumental in forwarding the ITC message. The workload of LTCs is a challenge; we need to get LTCs to embrace work of RCP, but there is fundamental bylaw work required for many LTCs

4.2.3 Working with First Nations

Relationship Building

ITC board members noted it would be helpful to work collaboratively with LTCs on relationship building with First Nations.

Chair Luckham suggested it would be beneficial to have a guideline for LTCs to share with First Nations, demonstrating “how can we align our work with you?” The ITC Manager noted possibly using the RCP Summary, which describes ITCs work and current goals around First Nations engagement.

Trustee Busheikin suggested trustee training or orientation on working with First Nations should include conservation-related topics.

4.2.4 Working with the Province

Request to Meet with Minister of Municipal Affairs and Housing

ITC board members and EC members discussed:

- The importance of collaboration between the Executive Committee and the Islands Trust Conservancy board, and having a clear, well prepared message
- Potential for the ITC chair and an appointed ITC trustee to participate in meetings with minister, possibly at UBCM
- The importance of relationship building, and possibly with other ministers as well as Minister Robinson

5. NEXT MEETING

To be determined in early 2019 in Victoria

6. ADJOURNMENT

By general consent, the meeting adjourned at 2:26 pm

Tony Law, Chair

Certified Correct

Corlynn Strachan, Administrative Assistant (Recorder)

Follow Up Action Report

Trust Fund Board

24-Sep-2010

No	Activity	Responsibility	Target Date	Status
1	Staff to work with landowners to clarify wording of Cunningham Covenant regarding vegetation removal, while maintaining conservation as a priority.	Jennifer Eliason	30-Sep-2011	On Going

31-Mar-2015

No	Activity	Responsibility	Target Date	Status
1	Staff to prepare possible revisions to the Trust Council Procedure 2.1.xxi Administration of the Crown Land Acquisition Initiative.	Jennifer Eliason	31-Dec-2016	On Going

07-Feb-2017

No	Activity	Responsibility	Target Date	Status
1	The Trust Fund Board will consult the Thetis Island Nature Conservancy (ThINC) during the development of a management plan for the nature reserve on Moore Hill.	Nuala Murphy Jennifer Eliason	31-Mar-2017	Done

20-Jun-2017

No	Activity	Responsibility	Target Date	Status
1	TC-2017-029 Investigate options for increased use of federal or provincial stewardship agreements for species at risk in the Islands Trust Area.	Jennifer Eliason Karen Hurley Clare Frater	12-Sep-2017	On Going

Follow Up Action Report

18-Jul-2017

No	Activity	Responsibility	Target Date	Status
1	Staff to provide a report regarding the organizational implications of acting on the Trust Council request to investigate provincial and federal stewardship agreements as a protection tool	Clare Frater Jennifer Eliason	21-Nov-2017	On Going

03-Apr-2018

No	Activity	Responsibility	Target Date	Status
1	Staff to provide a briefing to all local trust committees and Bowen Island Municipality requesting that consideration be given to incorporating elements of the 2018-2027 Regional Conservation Plan (including associated data and mapping) into Official Community Plans.	Jennifer Eliason	31-May-2018	Done

29-May-2018

No	Activity	Responsibility	Target Date	Status
1	Staff to develop a budget proposal including a threefold business case. See TFB-IC-2018-007	Clare Frater	17-Jul-2018	Done
2	Provide Medicine Beach Nature Sanctuary Management Plan to North Pender LTC with a letter stating the importance of good land use planning for the upstream areas. Provide a summary of the Mgmt Plan to the Pender Post to identify management issues and raise awareness in the community	Nuala Murphy Crystal Oberg	28-Sep-2018	On Going

Follow Up Action Report

17-Jul-2018

No	Activity	Responsibility	Target Date	Status
1	Send approved Audited Financial Statements to Trust Council as information item.	Clare Frater	03-Sep-2018	Done
2	Provide waiver to Salt Spring Island Conservancy to girdle Douglas-fir trees that are encroaching on the Garry Oak meadows in the Andreas Vogt Nature Reserve, valid for two years, until July 1, 2020.	Kate Emmings Nuala Murphy	25-Sep-2018	Done
3	Staff to circulate the Regional Conservation Plan briefing document to Local Trust Committees and Bowen Island Municipality, and to bring it back to the board's September meeting for further direction	Clare Frater Kate Emmings	25-Sep-2018	Done
4	Staff to bring amended discussion paper on funding option to ITC board in January 2019 along with suggested next steps	Kate Emmings	30-Jan-2019	On Going



REQUEST FOR DECISION

To: Islands Trust Conservancy **For the Meeting of:** September 25, 2018
From: Nuala Murphy **Date Prepared:** September 13, 2018
SUBJECT: Islands Trust Conservancy Nature Reserve and NAPTEP Monitoring Report 2018

RECOMMENDATION:

That the Islands Trust Conservancy accept the “Islands Trust Conservancy Nature Reserve and NAPTEP Monitoring Report 2018”.

- 1 **PURPOSE:** To review the Islands Trust Conservancy Nature Reserve and NAPTEP Monitoring Report for the 2018 annual monitoring.

- 2 **BACKGROUND:**

Islands Trust Conservancy (ITC) nature reserves and NAPTEP covenanted areas are monitored annually to assess the character and key features of the sites, evaluate the effectiveness of the management program, identify any new issues that need to be addressed by the ITC and/or the covenant holders, and identify and respond to any breaches to the terms of the conservation covenant. The Islands Trust Conservancy Nature Reserve and NAPTEP Monitoring Report 2018 contains the monitoring results for the 28 ITC owned nature reserves and 25 NAPTEP covenants held by the ITC.

ITC currently holds a contract with Chris Ferris (who completes the monitoring with her partner Doug Hopwood) to provide monitoring services for the ITC. The property monitor is responsible for organizing and conducting site visits, filling out the site monitoring form, following established monitoring route maps, taking photos of monitoring stations and major issues and/or breaches, and providing a summary report with recommendations. The monitoring report identifies any breaches or major issues that require immediate attention. On nature reserves a general assessment has been made regarding achievement of management objectives and public safety issues.

Issues identified in this report:

David Otter Nature Reserve, Bowen Island- A trespass occurred where a new well was located outside the easement area. The area disturbed by excavation of the new well is approximately 4 meters by 9 metres. The well is lined with 1.3 metre diameter pre-cast concrete well rings extending 2.7 metres deep. No trees were removed. Sword ferns were dug out before the excavation was started, and replanted after the well was installed and the excavation was backfilled. The impact on the Nature Reserve is minor. This was an unfortunate error on the part of otherwise conscientious individuals who have been strong supporters of conservation on this property. Steps to moving forward are being discussed with all parties.

Bachmann NAPTEP Covenant, Gabriola - During the past winter, while the landholders were away, someone cut firewood inside the covenant area. Fifteen to twenty trees were cut, including about 8 to 10 arbutus (some of which may have been dead when cut) and one Douglas-fir about 50 cm dbh that had fallen over across Wharf Road. There was also damage to

a live Douglas-fir, which was skinned and pushed over to a 30 degree lean. The incident was reported to the RCMP but no individual has been found responsible for the trespass. Because this is a trespass, it is not considered a covenant violation.

Little Darcy Island NAPTEP Covenant -There is quite a bit of trash, including large batteries, stored within the covenant area on the island. The landholders will be contacted to remove the garbage.

Horton Bayviary Nature Reserve, Mayne Island- A new fence has been installed along a portion of the east boundary by the neighbour. A short piece of the fence line was encroaching on the Horton Bayviary property in a stretch of about six metres. This area has already had disturbance in the past and the encroachment has not caused any impact on the existing values of the covenant. The Mayne Island Conservancy Society believes that this encroachment was not intentional and the adjacent property owners have already been contacted and have agreed to move the fencing along the surveyed boundary by the end of the year.

King Lot 12 (Oscar's Landing) NAPTEP Covenant, North Pender- Since last year, some additional organic debris (branches, etc.) has been dumped inside the covenant area, near the south boundary, extending about 1.5 m into the property. There is now also some organic debris located just within property above the foreshore about 12 meters below the southwest corner. The landholders to the south will be contacted to and advise them that dumping is not allowed in the covenant area.

Medicine Beach Marsh Nature Sanctuary, North Pender- A derelict boat is on the beach. There was a disturbing amount of toilet paper on the berm midden above the beach. This is the first year it has been seen but previous monitoring visits have been in May and this year's visit was in August when it is very heavily used. Local groups may be contacted to see what options are available for public toilets in the area. Derelict boats are a constant throughout the year, especially after storms, and Pender Island Conservancy Association has been very helpful at finding the owners of many of these boats.

3 IMPLICATIONS OF RECOMMENDATION

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

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

POLICY: None

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

FIRST NATIONS: None

OTHER: None

4 RELEVANT POLICY(S):

Note – the Islands Trust Conservancy has recently changed its name and is in the process of updating its policies. Until the policies are updated any references to Islands Trust Fund or Trust Fund Board are meant to mean the Islands Trust Conservancy or Islands Trust Conservancy board as the situation requires.

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

[TFB 2.4 Conservation Covenants](#)

[TFB 2.8 Covenant Enforcement Policy](#)

- 5 **ATTACHMENT(S):** Islands Trust Conservancy Nature Reserve and NAPTEP Monitoring Report 2018
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RESPONSE OPTIONS

Recommendation: As above

Alternative: None

Prepared By: Nuala Murphy, A/Ecosystem Protections Specialist

Reviewed By/Date: Kate Emmings, A/Manager, Islands Trust Conservancy / September 14, 2018



Mount Trematon Nature Reserve, Lasqueti Island

**Islands Trust Conservancy Annual Monitoring Report
Nature Reserves and NAPTEP Covenants
Chris Ferris and Doug Hopwood
July 2018**

INTRODUCTION

All properties in which the Islands Trust Conservancy (ITC) holds an interest, either in the form of a NAPTEP covenant or fee simple ownership are monitored annually. In 2018, Horton Bayviary Nature Reserve, on Mayne Island, was monitored by the Mayne Island Conservancy. All other Nature Reserves and NAPTEP covenant areas were monitored by Chris Ferris or Doug Hopwood, under contract to the ITC. The results of those monitoring visits are summarized in this report.

Observations and comments arising from each visit are reported here. Recommendations have been made in some cases where we think there is a significant issue requiring action by ITC staff, unless the issue is already being addressed. For NAPTEP covenant areas, where we have stated that “no significant issues were identified”, this means that in our assessment the landowner is in compliance with the terms of the NAPTEP covenant registered on the land. On ITC-owned properties a general assessment has been made regarding achievement of management objectives and public safety issues.

BOWEN ISLAND

David Otter Nature Reserve was visited on May 27, 2018 by Doug Hopwood, accompanied by Isabel Otter and Neil Boyd (neighbours and donors of the property).

Isabel and Neil explained that their well, located within a statutory right of way within the NR, ran dry last summer and they hired a contractor with an excavator to dig the well deeper. However, the contractor suggested digging a new well in an alternative location, which they agreed to, believing that it was on their private land and outside of the NR. However, I determined by compass sighting that the new well is actually inside the NR, by about 2 meters. The well is lined with 1.3 metre diameter pre-cast concrete well rings extending 2.7 metres deep. The area disturbed by excavation of the new well is approximately 4 meters by 9 metres. No trees were removed. Sword ferns were dug out before the excavation was started, and replanted after the well was installed and the excavation was backfilled. I reported this situation to Nuala Murphy on May 30, 2018. The impact on the Nature Reserve is minor. I believe this was an unfortunate error on the part of otherwise conscientious individuals who have been strong supporters of conservation on this property.

The management objectives for the reserve are generally being met and no public safety issues were identified.

Fairy Fen Nature Reserve was visited on May 25, 2018 by Doug Hopwood, accompanied by Peter Williamson (Bowen Island Conservancy). The management objectives for the reserve are generally being met and no public safety issues were identified.

Singing Woods Nature Reserve was visited on May 25, 2018 by Doug Hopwood, accompanied by Peter Williamson and Owen Plowman (Bowen Island Conservancy). The management objectives for the reserve are generally being met and no public safety issues were identified.

DENMAN ISLAND

Inner Island Nature Reserve was visited on May 31, 2018 by Chris Ferris, accompanied by J. Thornton, Denman Conservancy Association (DCA). There were no public safety issues identified in the reserve and the objectives of the management plan are generally being met.

Lindsay Dickson Nature Reserve was visited on May 31, 2018 by Chris Ferris accompanied by Jenni Balke and J. Thornton of DCA. There were no public safety issues identified in the reserve and the objectives of the management plan are generally being met.

Morrison Marsh Nature Reserve was visited on May 31, 2018 by Doug Hopwood accompanied by Erika Bland of Denman Conservancy Association (DCA).

A short by-pass trail to avoid passing through a wetland has been cleared to provide access to Boyle Point Park near the SE corner of the NR. A little additional clearing may be needed as well as possibly a short boardwalk over some wet ground.

There were no public safety issues identified in the reserve and the objectives of the management plan are generally being met.

Valens Brook Nature Reserve was visited on May 31, 2018 by Doug Hopwood. There were no public safety issues identified in the reserve and the objectives of the management plan are generally being met.

GABRIOLA ISLAND

Bachmann NAPTEP Covenant was visited on April 30, 2018 by Doug Hopwood, accompanied by Gary Holmes (owner), Ann Landry (GaLTT), and Nola Johnston.

The owners have removed one or more dead arbutus trees that posed a hazard to the parking area and the house. They also have had some tree work done to maintain the view from the house, as permitted by the covenant. This included pruning branches from three Douglas-firs, one maple, and one arbutus. Also one Grand fir was topped. I understand that ITC staff (and GaLTT) were aware of this work. I would say what they did was quite restrained and minimal.

During the past winter, while the owners were away, someone cut firewood inside the covenant area without the owners' permission. I estimate about 15 to 20 trees were cut, including about 8 to 10 arbutus (some of which may have been dead when cut) and one Douglas-fir about 50 cm dbh that had fallen over across Wharf Road. There was also damage to a live Douglas-fir, which was skinned and pushed over to a 30 degree lean. I understand the owners have informed ITC staff.

No other significant compliance issues were identified in the covenant area.

Burren's Acres Nature Reserve was visited on April 30, 2018 by Chris Ferris accompanied by Margret Taylor (donor) and Lynn Mayes. The management objectives for the reserve are generally being met and no public safety issues were identified. I do not think that there is any need for a change in management approach at this time. Some trees on the property have died due to drought.

Coats Millstone Reserve was visited on April 30, 2018 by Chris Ferris and Doug Hopwood accompanied by Ava Breakwell of Nanaimo Area Land Trust. The objectives of the management plan are generally being met. There were no safety issues identified in the reserve other than the existing natural hazards.

Elder Cedar Nature Reserve was visited on April 30, 2018 by Doug Hopwood, accompanied by Ava Breakwell (NALT) Ann Landry (GaLTT), Peter Danenhower, and Frank Shoemaker.

A new boardwalk has been installed around the elder cedar, and three new sections of boardwalk at wet areas on the Loop Trail. Last summer GaLTT pulled up a lot of Tansy (*Tanacetum vulgare*) in the meadow near North Road. This would be a good site for reforestation.



The management objectives for the reserve are generally being met. No public safety issues were identified in the reserve.

McRae NAPTEP Covenant was visited on April 30, 2018 by Chris Ferris accompanied by Maxine and Stan McRae, owners of the property. There were no significant issues identified in the covenant area.

GALIANO ISLAND

Barrineau NAPTEP Covenant was visited on July 3, 2018 by Chris Ferris. There were no significant issues identified in the covenant area. No new work has been done on the septic fields.

Laughlin Lake Nature Reserve was visited on July 4, 2018 by Chris Ferris accompanied by Keith Erickson of Galiano Conservancy Association (GCA). The management objectives for the reserve are generally being met and no public safety issues were identified.

Trincomali Nature Sanctuary was visited on July 3, 2018 by Chris Ferris. The management objectives for the reserve are generally being met and no public safety issues were identified. There has not been any activity on the easement on the adjacent property owned by Randy Bishop. There was a fair bit of damage to young trees on the old roads over the winter, probably from snow. Some have been uprooted and some crowns have snapped off.

Vanilla Leaf Land Nature Reserve (DL 58) was visited on July 4, 2018 by Chris Ferris. The management objectives for the reserve are generally being met and no public safety issues were identified.

Westbourne NAPTEP Covenant was visited on July 3, 2018 by Chris Ferris. There were no significant issues in the covenant area.

I was able to confirm that the structure marking the entrance to the property directly to the east of the covenant area is on the covenant area. The structure is four feet wide and consists of a 4" x 4" post at both ends and a lattice work in between. This structure predates the first covenant monitoring visit. However, it is not mentioned in the baseline.

GAMBIER ISLAND

Brigade Bay Bluffs Nature Reserve was visited on April 7, 2018 by Doug Hopwood, accompanied by Peter Scholefield (Gambier Island Conservancy), Peter Klassen (Brigade Bay owners), and Weston Triemstra (Brigade Bay Lot 13 owner).

This monitoring visit was conducted in conjunction with a restoration work party (tree planting), planned in coordination with Gambier Island Conservancy (GIC). With completion of this work day, approximately 0.6 ha has been reforested. Gambier Island Conservancy would be interested in doing another volunteer labour restoration project in the fall or next winter.

The management objectives for the reserve are generally being met and no public safety issues were identified in the reserve.



Tree-planting work crew at Brigade Bay Bluffs Nature Reserve

Long Bay Wetland Nature Reserve was visited on May 26, 2018 by Doug Hopwood accompanied by Peter Scholefield, (GIC) and Peter Klassen (Brigade Bay owners group).

The management objectives for the reserve are generally being met and no public safety issues were identified in the reserve.

Mount Artaban Nature Reserve was visited on May 26, 2018 by Doug Hopwood accompanied by Peter Scholefield, (GIC) and Peter Klassen (Brigade Bay owners group).

The management objectives for the reserve are generally being met and no public safety issues were identified in the reserve.

HORNBY ISLAND

Myra Powers NAPTEP Covenant was visited on May 31, 2018 by Doug Hopwood and Chris Ferris accompanied by Tom Knott (owner). There were no significant issues identified in the covenant area. No firewood was cut this year.

Karin Fisher NAPTEP Covenant was visited on May 31, 2018 by Doug Hopwood. There were no significant issues identified in the covenant area.

LASQUETI ISLAND

Kwel Sanctuary Nature Reserve was visited on May 4, 2018 by Doug Hopwood accompanied by Ava Breakwell of Nanaimo Area Land Trust (NALT) and Torrey Archer and Karen Iwachow from The Land Conservancy (TLC).

The management objectives for the reserve are being met and no public safety issues were identified.

Mount Trematon Nature Reserve was visited on May 6, 2018 by Doug Hopwood. The management objectives for the reserve are being met and no public safety issues were identified.

John Osland Nature Reserve was visited on May 4, 2018 by Doug Hopwood.

Lasqueti Island Nature Conservancy has installed 2 new fenced areas bordering the wetland and planted a variety of trees inside. See 2018 Restoration report for more details.

Someone has marked a hiking route with orange flagging tape, from near the wetland to the height of land. I took down as much of the flagging as I could find. The route would lead hikers on to the neighbouring property to the east for a short section of trail, in order to avoid a ridge of rock with steep slopes.

The management objectives for the reserve are being met and no public safety issues were identified.

LITTLE DARCY ISLAND

Little Darcy Island NAPTEP Covenant was visited on May 13, 2018 by Doug Hopwood and Chris Ferris. There were no significant issues identified in the covenant area. It appears that the owner is not using the island as much as in previous years. There is quite a bit of trash, including large batteries, stored within the covenant area on the island. It might be a good idea to encourage the owners to remove the trash, particularly the batteries.

MAYNE ISLAND

Horton Bayviary Nature Reserve was visited by Michael Dunn, Eleanor Willson, and Kelly Fretwell of the Mayne Island Conservancy on July 6, 2018.

The contractor that put in the fence along a portion of the east line of Horton Bayviary used the original survey plan supplied by the Mayne Island Conservancy. The present owner has embarked on an extensive renovation and re-landscaping of his property. Before commencing the property line between his and the Bayviary was resurveyed. On July 6, 2018 it was noted that a short piece of the fence line was encroaching on the Horton Bayviary property in a stretch of about 6m between Photo points 3 and 1. The encroachment is sort of a wedge being about 0.5m at its widest and tapering to again align with the property line just before the Photo point 1 corner post. This area has already had disturbance from the past likely before the Bayviary and the encroachment has not caused any impact on the existing values of the covenant. The Mayne Island Conservancy believes that this encroachment was not intentional and we have a good working relation with the owner of this adjacent property.

Recommendation: That the Mayne Island Conservancy inform the owner of this minor encroachment and ask that the fence line in that section be adjusted slightly to the east and placed on the other side of the property line. The fence along the encroaching section is made of page wire and T-square posts, so the process of moving the alignment slightly will not be onerous or expensive.

NORTH PENDER ISLAND

Garry Oak NAPTEP Covenant was visited on August 9, 2018 by Chris Ferris, accompanied by Bob and Francis Rose, owners of the property. There were no significant issues identified in the covenant area.

This covenant area is almost completely broom free due to the ongoing efforts, one could call it an obsession, of the owners. However both owners are aging and will likely be unable to continue pulling broom for too many more years. The properties on either side are heavily occupied by broom and once Bob and Francis stop pulling broom I predict that their lot will also become heavily infested if regular removal is not done. This would significantly impact the conservation values of the covenant area.

King Lot 12 (Oscar's Landing) NAPTEP Covenant was visited on August 8, 2018 by Chris Ferris. There were no significant issues associated with landowner compliance identified in the covenant area.

Since last year, some additional organic debris (branches, etc.) has been dumped inside the covenant area, near the south boundary, extending about 1.5 m into the property, at the location shown as "motor-home" on the baseline map. The motor-home is no longer there. There is now also some organic debris located just within property above the foreshore about 12 meters below the southwest corner.

Recommendation: That ITC staff or the property owner contact the landowner to the south and advise them that dumping is not allowed in the covenant area.

King Lot 16 NAPTEP Covenant was visited on, August 8, 2018 by Chris Ferris. There were no significant issues identified in the covenant area.

King Lot A NAPTEP Covenant was visited on August 8, 2018 by Chris Ferris. There were no significant issues identified in the covenant area.

Medicine Beach Marsh Nature Sanctuary was visited on August 9, 2018 by Chris Ferris. The management objectives for the reserve are being met and no public safety issues were identified.

There is a disturbing amount of toilet paper on the berm midden above the beach. This is the first year I have seen this but most years I monitor in May and it may be that any toilet paper from the previous year has rotted and new paper hasn't been left yet as it is too early in the season for much use of the beach. The beach is heavily used in the summer.

Recommendation: We recommend that ITC could consider approaching a local organization such as the Pender Island Conservancy or the Pender Island Parks and Recreation Committee to discuss the need to install a toilet. It would be essential to have a local partner for this as the facility would need regular cleaning and maintenance.

There is a derelict boat on the beach below the marsh which one hopes will be removed.

Night Hawk Hill NAPTEP Covenant was visited on August 9, 2018 by Chris Ferris. There were no significant issues identified in the covenant area.

Steils Woods NAPTEP Covenant was visited on August 9, 2018 by Chris Ferris. There were no significant issues identified in the covenant area.

Wallace Point NAPTEP Covenant was visited on August 9, 2018 by Chris Ferris. There were no significant issues identified in the covenant area.

Woodwinds NAPTEP Covenant was visited on August 8, 2018 by Chris Ferris accompanied by Keith Pincott, owner. There were no significant issues identified in the covenant area. Quite a number of trees in the covenant area are dying. The owners are concerned that this increases the fire hazard near their home. They may approach ITC to discuss removal of some of the dead trees.

SALT SPRING ISLAND

Arthur Lineham NAPTEP Covenant was visited on June 8, 2018 by Doug Hopwood. There were no significant issues identified in the covenant area.

Cunningham Nature Reserve was visited on June 7, 2018 by Doug Hopwood. The management objectives for the reserve are being met and no public safety issues were identified.

Deep Ridge Nature Reserve was visited on June 7, 2018 by Chris Ferris. The management objectives for the reserve are generally being met and no public safety issues were identified. The more westerly of the unauthorized trails that enter the reserve from Peter Arnell Park is still being used quite a bit. I don't think this is a problem. It is not on the extremely steep ground. The more easterly unauthorized trail has become a lot less distinct and doesn't appear to be used much if at all.

Frog Haven NAPTEP Covenant was visited on June 6, 2018 by Chris Ferris. There were no significant issues identified in the covenant area. The property sold in 2017 and the new owners are very supportive of the covenant.

The small area of trespass has not changed. I discussed with the owners the possibility of some sort of resolution of the trespass as they are concerned that it remains an outstanding issue. Maybe a formal record or acknowledgement with the adjacent landowner on the east side to the north of Lautman Road could be acquired and then each year the monitor can confirm if there has been any increase. If there is no increase then there would be no need for additional action.

Leader NAPTEP Covenant was visited on June 7, 2018 by Chris Ferris. There were no significant issues identified in the covenant area.

Lower Mount Erskine Reserve was visited on June 6, 2018 by Doug Hopwood. The management objectives for the reserve are being met and no public safety issues were identified.

MacFadden Nature Reserve was visited on June 8, 2018 by Doug Hopwood. An old well, just a few metres off the Nature Reserve, on the property to the east, poses a serious hazard to humans and wildlife. The management objectives for the reserve are being met and no other public safety issues were identified.

Recommendation: We recommend that ITC staff contact the landowner to the east and advise them that their well is a serious hazard, and also advise Jason Charlebois, the neighbor at 2183 North End Road, because he has young children who could be at risk around the old well.

My Whim NAPTEP Covenant was visited on June 6, 2018 by Chris Ferris, accompanied by the owner Ling Weston. There were no significant issues identified in the covenant area.

Old Divide (Appleby) NAPTEP Covenant was visited on June 8, 2018 by Chris Ferris. There were no significant issues identified in the covenant area.

Owls Call NAPTEP Covenant was visited on June 8, 2018 by Doug Hopwood and Nuala Murphy. This covenant was monitored by a contractor hired by the landowner for many years, and this was the first visit by an ITC contractor or staff person in more than ten years. There were no significant issues identified in the covenant area. However, many of the survey pins marking the covenant boundary have become overgrown with vegetation or obscured by forest detritus. As a result, it was not possible to be certain of the covenant area boundaries in some areas.

Recommendation: We recommend that the ITC contract a qualified person to refresh the marking of the covenant boundary survey pins. There is also a need to provide a more accurate map of the covenant area for reporting of the annual monitoring route.

Polden NAPTEP Covenant was visited on June 6, 2018 by Chris Ferris. There were no significant issues identified in the covenant area.

Richardson NAPTEP Covenant was visited on June 7, 2018 by Chris Ferris. There were no significant issues identified in the covenant area.

The lot to the north is being logged. I was not able to check the property line to see if there was any encroachment as active logging was taking place. I suggest that the north property line be walked in the 2019 monitoring visit. There are several trees near the hydro line next to the small parking space on the driveway that are dead or dying, one red cedar and one Douglas-fir. The landowner may request permission to fall them. This would be reasonable in my opinion. I walked the east boundary with the owner as she was concerned that her neighbours might have cut two trees on her property. It does not appear that this is the case although the trees have been felled on to her property. In my opinion this is not a problem as no trees on the covenant area were damaged. During the 2019 monitoring this area should be visited.

Ruby Alton Nature Reserve was visited on June 7, 2018 by Chris Ferris. The management objectives for the reserve are being met and no public safety issues were identified.

Walter Bay NAPTEP Covenant was visited on June 8, 2018 by Chris Ferris. There were no significant issues identified in the covenant area.

Wennanec NAPTEP Covenant was visited on June 7, 2018 by Chris Ferris. There were no significant issues identified in the covenant area.

THETIS ISLAND

Fairyslipper Forest Nature Reserve was visited on June 26, 2018 by Doug Hopwood and Chris Ferris. The management objectives for the reserve are generally being met and no public safety issues were identified in the reserve.

Moore Hill Nature Reserve was visited on June 26, 2018 by Doug Hopwood and Chris Ferris. The management objectives for the reserve are generally being met and no public safety issues were identified in the reserve.

SIGNATURES



September 8, 2018

Signature

Date



September 8, 2018

Signature

Date



REQUEST FOR DECISION

To: Islands Trust Conservancy **For the Meeting of:** September 25, 2018
From: Nuala Murphy **Date Prepared:** August 20, 2018
SUBJECT: Wallace Point NAPTEP Covenant Driveway Widening, North Pender Island

RECOMMENDATION:

That the Islands Trust Conservancy approve the request from the landholder of the Wallace Point NAPTEP Covenant to widen the driveway to allow for the safe passage of large vehicles by providing a waiver to section 4.2 (a) (iii), (vi) and (viii) of the covenant, valid until June 15, 2019.

- 1 **PURPOSE:** To allow for a driveway to be widened at the Wallace Point NAPTEP Covenant by providing a waiver to ensure the safe passage of vehicles.
- 2 **BACKGROUND:**
The driveway access to the home on the Wallace Point NAPTEP Covenant property is up a steep curved gravel driveway. The first curve hard left is shown in the picture below.



In the past one semi-truck partially went over the steep embankment which was subject to an insurance claim. Subsequently there have been a few close calls on this same corner with larger semi type trucks. For safety reasons the landholders would like to widen this particular corner for emergency vehicles to ensure that fire equipment, the propane delivery truck etc. would be able to reach the house safely. The Ecosystem Protection Specialist was on site on July 4, 2018 to mark property boundaries and spoke with the landholder and viewed the area of concern.

The landholders would like to remove some of the rock and soil material on the left hand side of the driveway to allow more room on the inside of the curve. On the right hand side of the driveway a portion 5 metres length by 1.5 meters width would be levelled with machinery. Removal of up to 2 trees may be necessary, the two pictured in the above photo on this corner. This would increase the width of the driveway in this area from 3.5 metres to about 5.5 metres.



The landholders would also like to remove a 3 metre length by 1.5 metre width from the protruding rock shown on the photo above (the rock edge very close to the driveway at the top left hand side of the photo). This would increase the width of the driveway from 3.5 metres to approximately 5 metres in this spot.

The widening would involve the removal of approximately 3-5 cubic meters of rock in total and would require using an excavator with a hydraulic hammer head to break the fractures of the conglomerate rock. The rock that is removed would be placed on the driveway for slope stability in an area not subject to the conservation covenant. The finer crushed rock excavated will be used for driveway base and a top coat of crushed rock would be purchased similar to the current driveway. The proposed work will take place in spring 2019 to be complete by the beginning of June.

As the sole covenant holder, the Island Trust Conservancy needs to grant permission to the landholders and provide a written waiver to allow the widening of the driveway. Landholders are permitted to widen the driveway to accommodate requirements for subdivision according to Section 4.3 (a),

4.3 If at any time the Owner wishes to subdivide the Land, and the proposed subdivision would not otherwise be in violation of this Agreement, the Owner may, despite the restrictions in sections 4.1 and 4.2,

(a) widen the existing driveway only as required to meet the minimum fire department standards required for the subdivision approval, but in any event not to exceed 7 metres in width;

but otherwise driveway maintenance falls under section 7.2 (c) which allows landholder to maintain the driveway in the original location using the original size and surfacing material:

7.2 Without limiting the generality of section 7.1 the following rights are, subject to Article 4, expressly reserved to the Owner:

(c) to maintain, replace or restore the driveway existing within the Covenant Area at the time of registration of this Agreement (the location of which is indicated in the Report), provided the location and material remain the same and the size is the same or smaller;

To enlarging the driveway the following covenant restrictions would need to be waived:

4.2 Without restricting the generality of section 4.1, the Owner must not:

(a) use or permit the use of the Land for an activity or use which:

...

(iii) causes or facilitates the loss of soil on the Covenant Area;...

(vi) causes or allows any component of the Covenant Area, including soil, gravel or rock, to be disturbed, explored for, moved, removed from or deposited in or on the Covenant Area;

(viii) causes or allows any indigenous flora on the Covenant Area to be cut down, removed, defoliated or in any way tampered with; ...

The covenant was granted under the Islands Trust's Natural Area Protection Tax Exemption Program. Trust Council's Administration of NAPTEP policy does not require the Islands Trust Conservancy to notify Trust Council of waivers; however, it must notify Trust Council if it amends a covenant in a manner that diminishes its conservation value. Staff opinion is that the requested waiver will not significantly diminish the conservation value of the covenant. The Island Trust Conservancy is the only covenant holder for this protected area and therefore the only one that needs to give approval. The covenant was not an ecological gift under Environment Canada's Ecological Gifts Program.

3 IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL: Staff time will be required to issue a waiver and update the files and monitor on the work completed.

FINANCIAL: All costs for the driveway will be covered by the landholders.

POLICY: None

IMPLEMENTATION/COMMUNICATIONS: Staff will inform the landholders of the ITC's decision and will remain in contact with them as they undertake and complete the work.

FIRST NATIONS: None

OTHER: None

4 **RELEVANT POLICY(S):**

Note – the Islands Trust Conservancy has recently changed its name and is in the process of updating its policies. Until the policies are updated any references to Islands Trust Fund or Trust Fund Board are meant to mean the Islands Trust Conservancy or Islands Trust Conservancy board as the situation requires.

[TFB Policy 2.4 Conservation Covenants](#)

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

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

[Islands Trust Act, Part 7.1 – Natural Area Protection Tax Exemptions](#)

[Islands Trust Natural Area Protection Tax Exemption Regulation](#)

5 **ATTACHMENT(S):** None

RESPONSE OPTIONS

Recommendation: As above

Alternatives: That the Islands Trust Conservancy:

- a) request more information from the landholders, or
- b) decline the request to widen the driveway.

Prepared By: Nuala Murphy, A/Ecosystem Protections Specialist

Reviewed By/Date: Kate Emmings, A/Manager, Islands Trust Conservancy/ September 18, 2018



REQUEST FOR DECISION

To: Islands Trust Conservancy For the Meeting of: September 25, 2018
From: Nuala Murphy Date Prepared: September 14, 2018
SUBJECT: Enchanted Forest Conservation Covenant, South Pender Island

RECOMMENDATION:

That the Islands Trust Conservancy approve the request from Pender Islands Parks and Recreation Commission to create new short sections of trail of approximately 22 metres total and insert two to three 6"x 6" beams to act as a retaining wall to shore up the waterfall viewing platform at Enchanted Forest Conservation Covenant by providing a waiver to section 1 (a)(b)(g)(h) of the covenant, valid until July 15, 2019.

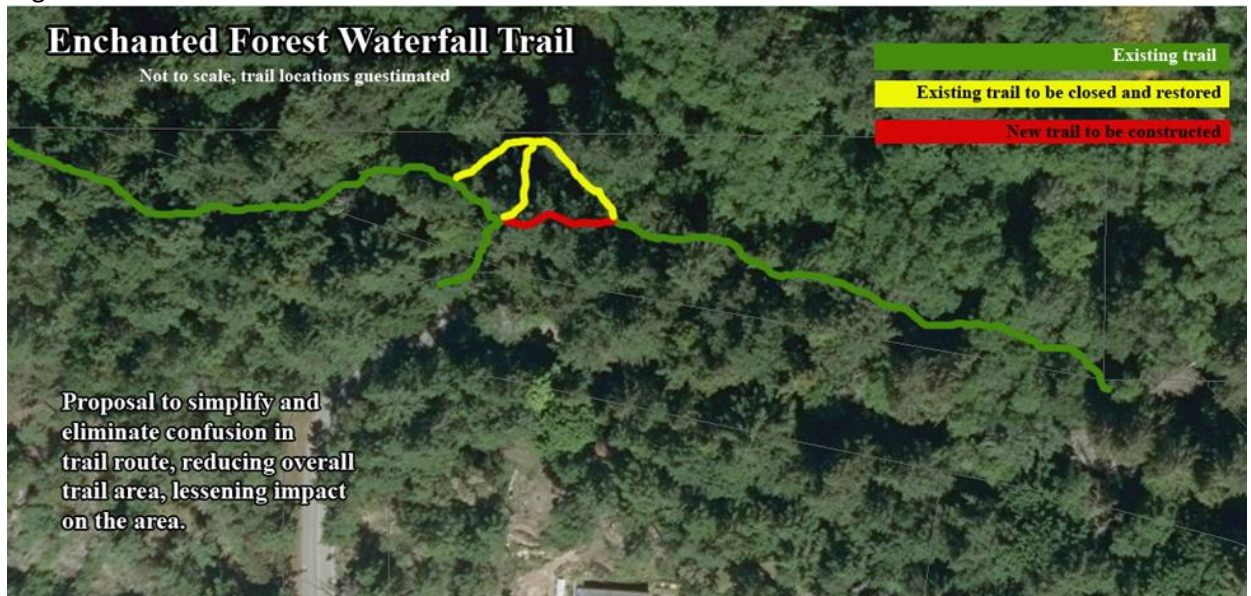
- 1 **PURPOSE:** To allow for improvements to the Enchanted Forest Conservation Covenant by providing a waiver to ensure safe public use with as little negative impacts to the protected area as possible.
- 2 **BACKGROUND:** The Enchanted Forest Covenant is on a property owned by the Capital Regional District (CRD) on South Pender Island, managed as a community park by the Pender Islands Parks and Recreation Commission. The 4.2 hectare property features interpretive trails through mixed forest/wetland ecosystems, and is entirely protected by the covenant held by the Islands Trust Conservancy. The covenant contains two land parcels separated by a private parcel in the middle.

The Pender Islands Parks and Recreation Commission would like to do the following:

- a. Close a segment of trail and relocate the entrance slightly to the west where there is already an existing trail segment (see photo below). This would involve moving signage and a bike rack.

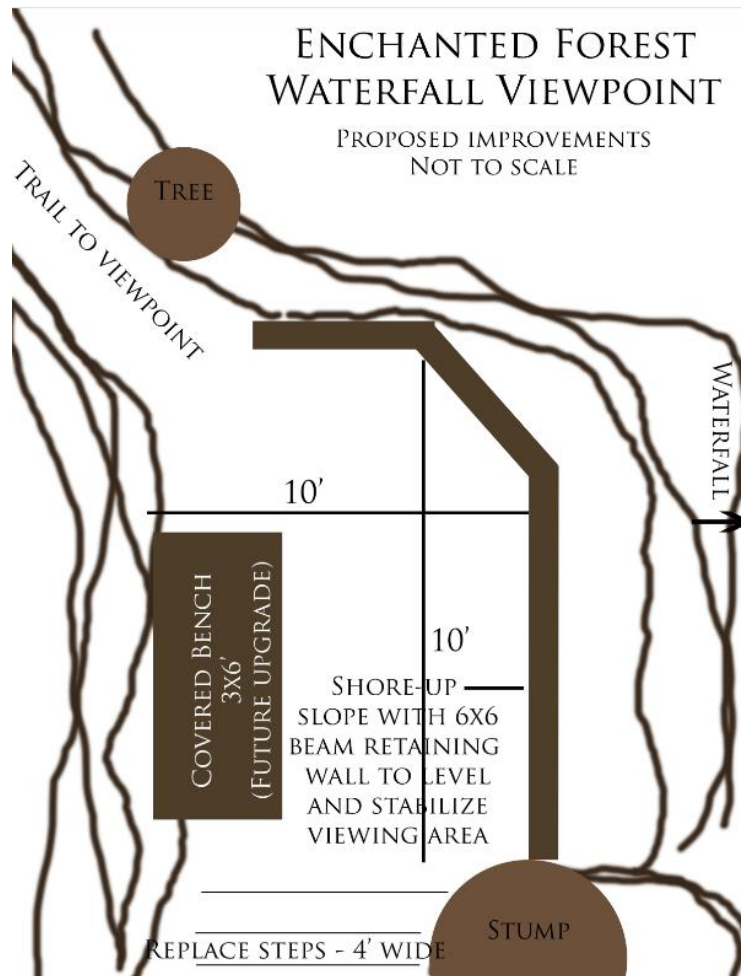


- b. Eliminate short sections of trail and construct a new shorter link to the waterfall (see photo below). This would simplify the trail network and the closed trail segments would be regenerated.



- c. Stabilize the viewpoint at the waterfall by using two to three stacked 6"x6" beams as a retaining wall to edge the viewing area for leveling and stabilizing the surface and replace the steps to the viewing platform (see diagram below). There is currently a small excavated flat area with natural forest floor with steps leading to it (see photo below) but the steps are decaying and the edges of the viewing area itself are collapsing and need added support. There is an existing bench to view the waterfall and a covered bench is hoped to replace this in the future (please see sketch map of proposed work below).





Overall ITC staff believe these changes will enhance and improve the park with little disturbance or loss of conservation values to the protected area. These changes are necessary due to natural damage as well as wear and tear from public use. The trail system change will simplify the trail layout and reduce users making their own shortcuts between trails. In total there will be approximately 22 metres of new trail built with approximately 91 metres of existing trail closed for regeneration (70 metres at the waterfall trail and 21 metres at the old entrance).

The Pender Islands Parks and Recreation Commission hope to complete the work on the new entrance as soon as possible with the viewing platform to follow closely behind.

As the sole covenant holder, the Island Trust Conservancy needs to grant permission to the Pender Islands Parks and Recreation Commission and provide a written waiver for a number of restrictions within the conservation covenant. The covenant restrictions that would need to be waived are Section 1 (a)(b)(g)(h) the following:

1. As a covenant granted to the Board in accordance with Section 215 of the Land Title Act, the Owners jointly and severally covenant and agree with the Board that the Land must not be used or built on except in strict accordance with the following:

(a) subject to Section 3 of this agreement, no component of the land within the Land, including soil, gravel or rock, may be disturbed, explored for minerals, moved or removed from Land;

(b) subject to Sections 2 and 3 of this agreement, no living or dead trees or other plant life may be trimmed, cut down, damaged, destroyed, moved or removed from the Land

(g) except as provided in this Agreement or unless the Owners receive the prior written consent of the Board, no fixtures, including buildings or other structures, may be built or affixed on or to the Land;

(h) subject to Sections 3 and 4, no road, trail, path or other highway may be laid out or constructed on the Land;

The Island Trust Conservancy is the only covenant holder for this protected area and therefore the only one that needs to give approval. The covenant was not an ecological gift under Environment Canada's Ecological Gifts Program.

3 IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL: Staff time will be required to issue a waiver and update the files and monitor on the work completed.

FINANCIAL: All costs for the work will be covered by the Pender Islands Parks and Recreation Commission.

POLICY: None

IMPLEMENTATION/COMMUNICATIONS: Staff will inform the Pender Islands Parks and Recreation Commission of the ITC's decision, and will remain in contact with them as they undertake and complete the work.

FIRST NATIONS: None

OTHER: None

4 RELEVANT POLICY(S):

Note – the Islands Trust Conservancy has recently changed its name and is in the process of updating its policies. Until the policies are updated any references to Islands Trust Fund or Trust Fund Board are meant to mean the Islands Trust Conservancy or Islands Trust Conservancy board as the situation requires.

[TFB Policy 2.4 Conservation Covenants](#)

5 ATTACHMENT(S): None

RESPONSE OPTIONS

Recommendation: As above

Alternative: That the Islands Trust Conservancy requests more information from the Pender Islands Parks and Recreation Commission.

Prepared By: Nuala Murphy, A/Ecosystem Protections Specialist

Reviewed By/Date: Kate Emmings, A/Manager, Islands Trust Conservancy / September 14, 2018



REQUEST FOR DECISION

To: Islands Trust Conservancy **For the Meeting of:** September 25, 2018
From: Nuala Murphy **Date Prepared:** August 16, 2018
SUBJECT: Link Island NAPTEP Covenant

RECOMMENDATION: That the Islands Trust Conservancy authorizes the Chair to sign a NAPTEP covenant with Elizabeth Working Swift and the Nanaimo & Area Land Trust Society, over the Land described as PID 009-772-138, Section 25 (Part of Decourcy Group of Islands) Nanaimo District, through the Natural Area Protection Tax Exemption Program (NAPTEP).

- 1 **PURPOSE:** To register a NAPTEP covenant on the land title and issue a Natural Area Exemption Certificate.
- 2 **BACKGROUND:**
At its September 19, 2016 meeting the board of the Islands Trust Conservancy passed the following resolution:
TFB-2016-011
It was MOVED and SECONDED that the Trust Fund Board approve Elizabeth Working Swift's proposal to covenant approximately 20 ha of the land described as "Section 25, Nanaimo District (Part of DeCourcy Group of Islands), Parcel Identifier 009-772-138" through the Natural Area Protection Tax Exemption Program (NAPTEP).

The Link Island NAPTEP Covenant will be the ITC's 25th NAPTEP covenant (76th covenant overall) and the 4th covenant in the Gabriola Island Local Trust Area.

The Link Island NAPTEP covenant is also the subject of an Ecological Gift application through Environment and Climate Change Canada. The gift appraisal has been submitted to the Appraisal Review Board. All documents, including the exemption certificate, must be registered with the Land Title Office by the end of October, 2018 to receive a tax exemption in the 2019 tax year.

Covenant Overview

The covenant is consistent with the ITC standard conservation covenant, with the additions and changes noted below. All revisions have been reviewed by ITC legal counsel.

- 1.1 (k) – addition of a definition for Market Value at the request of the landholder
- 4.3 – allows for use of herbicides for invasive species management with Covenant Holder approval
- 4.4 (a) – allows for the construction of a fence to manage potential trespass
- 4.5 – prevents damage to archaeological sites and allows for the landholder to enter into agreements with First Nations for traditional use of the land (note, this was added at the request of Cowichan Tribes and with landholder agreement and is consistent with the ITC Regional Conservation Plan)
- 5 – addition of a Management Plan section at the request of the landholder
- 10.2 addition of a clause to allow access to the landholder's dock for monitoring and covenant management

14.1 provides that the agreement may only be transferred to organizations qualified to accept Ecological Gifts

3 IMPLICATIONS OF RECOMMENDATION

ORGANIZATIONAL: The covenant is consistent with the ITC NAPTEP standard conservation covenant template with modifications for inclusion of language noted above. If the Link Island NAPTEP covenant is approved as drafted, language protecting archaeological sites and allowing for First Nations traditional use will be added to the ITC covenant template. This adjustment is supported in the ITC's Regional Conservation Plan.

FINANCIAL: The landholder will be responsible for covenant registration fees. There will be ongoing monitoring costs of approximately \$600-800 annually. These costs are higher than other covenants due to access; Link Island is accessible only by water taxi. There will also be signage costs of approximately \$50-\$100 and there may be enforcement costs over time.

POLICY: This covenant is consistent with ITC policy and the Natural Area Exemption Certificate will be issued according to and Islands Trust policy.

IMPLEMENTATION/COMMUNICATIONS: The covenant will be signed following ITC approval and forwarded to the landholder's legal counsel for registration. Once the covenant is registered, ITC staff will issue the Natural Area Exemption Certificate as approved by Trust Council. Staff will notify the Gabriola Local Trust Committee, Trust Council and other relevant agencies regarding the issuance of the Exemption Certificate. Staff will also work with the landholder and NALT to issue a news release, update the ITC website and to determine an appropriate means of celebrating the successful registration of the covenant (as per the ITC Securement Strategy).

FIRST NATIONS: First Nations were notified of the NAPTEP application and a response was received from Cowichan Tribes. Feedback was incorporated into the covenant agreement as noted above and will inform future conservation covenants.

OTHER: None.

4 RELEVANT POLICY(S):

[2.4 Conservation Covenants](#)

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

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

5 ATTACHMENT(S): Link Island NAPTEP Covenant

RESPONSE OPTIONS

Recommendation: As above

Alternative: Amend the covenant and approve as amended.

Prepared By: Nuala Murphy, A/Ecosystem Protections Specialist & Kate Emmings A/ Manager, Islands Trust Conservancy

Reviewed By/Date: Kate Emmings, A/Manager, Islands Trust Conservancy / September 18, 2018

LAND TITLE ACT
FORM C (Section 233) CHARGE
GENERAL INSTRUMENT - PART 1 Province of British Columbia

PAGE 1 OF 4 PAGES

Your electronic signature is a representation that you are a subscriber as defined by the Land Title Act, RSBC 1996 c.250, and that you have applied your electronic signature in accordance with Section 168.3, and a true copy, or a copy of that true copy, is in your possession.

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

CLAY & COMPANY

Barristers & Solicitors

Main Floor, 837 Burdett Avenue

Victoria

BC V8W 1B3

tel: (250) 386-2261

file no. 38533-001 MS

Deduct LTSA Fees? Yes ☒

2. PARCEL IDENTIFIER AND LEGAL DESCRIPTION OF LAND:

[PID]

009-772-138

[LEGAL DESCRIPTION]

SECTION 25 (PART OF DECOURCY GROUP OF ISLANDS) NANAIMO DISTRICT

STC? YES ☒

3. NATURE OF INTEREST

CHARGE NO.

ADDITIONAL INFORMATION

SEE SCHEDULE

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

(a) ☐ Filed Standard Charge Terms D.F. No.

(b) ☒ Express Charge Terms Annexed as Part 2

A selection of (a) includes any additional or modified terms referred to in Item 7 or in a schedule annexed to this instrument.

5. TRANSFEROR(S):

ELIZABETH WORKING SWIFT

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

SEE SCHEDULE

7. ADDITIONAL OR MODIFIED TERMS:

N.A.

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

Officer Signature(s)

Execution Date

Transferor(s) Signature(s)

Y	M	D
18	09	

ELIZABETH WORKING SWIFT

OFFICER CERTIFICATION:

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

**LAND TITLE ACT
FORM D**

EXECUTIONS CONTINUED

PAGE 2 of 4 PAGES

Officer Signature(s)

Execution Date

Transferor / Borrower / Party Signature(s)

Y M D

18 09

ISLANDS TRUST CONSERVANCY by
its authorized signatory

18 09

NANAIMO & AREA LAND TRUST
SOCIETY by its authorized signator(ies)

OFFICER CERTIFICATION:

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

**LAND TITLE ACT
FORM E**

SCHEDULE

PAGE 3 OF 4 PAGES

NATURE OF INTEREST	CHARGE NO.	ADDITIONAL INFORMATION
Covenant		Section 219 Covenant in favour of the Transferees as set out in the Express Charge Terms attached hereto (entire instrument) over all of the land other than that portion shown outlined in heavy black line and identified as "Area" on Reference Plan EPP69009

NATURE OF INTEREST	CHARGE NO.	ADDITIONAL INFORMATION
Statutory Right of Way		Section 218 Statutory Right of Way in favour of the Transferees as set out in Section 10, pages 17 to 18 of the Express Charge Terms attached hereto

NATURE OF INTEREST	CHARGE NO.	ADDITIONAL INFORMATION
Rent Charge		Rent Charge in favour of the Transferees in section 12, pages 19 to 21 of the Express Charge Terms attached hereto

NATURE OF INTEREST	CHARGE NO.	ADDITIONAL INFORMATION
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NATURE OF INTEREST	CHARGE NO.	ADDITIONAL INFORMATION
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NATURE OF INTEREST	CHARGE NO.	ADDITIONAL INFORMATION
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**LAND TITLE ACT
FORM E****SCHEDULE**

PAGE 4 OF 4 PAGES

ENTER THE REQUIRED INFORMATION IN THE SAME ORDER AS THE INFORMATION MUST APPEAR ON THE FREEHOLD TRANSFER FORM, MORTGAGE FORM, OR GENERAL INSTRUMENT FORM.

ISLANDS TRUST CONSERVANCY, a corporation under the Islands Trust Act (British Columbia)
with it's office at
200-1627 Fort Street
Victoria, BC V8R 1H8

NANAIMO & AREA LAND TRUST SOCIETY
a society registered in British Columbia (Incorporation No. S-33510)
#8 - 140 Wallace Street
Nanaimo BC V9R 5B1

TERMS OF INSTRUMENT – PART 2

Section 219 Conservation Covenant and
Section 218 Statutory Right of Way

This Agreement dated for reference September 7, 2018 is

AMONG:

Elizabeth Working Swift
1213 E Shelby St, Slip 15
Seattle, WA 98102
USA

(the “Owner”)

AND:

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

(the “Conservancy”)

AND:

Nanaimo & Area Land Trust Society, a society registered in British
Columbia (Inc. No. S-33510) with a mailing address #8-140 Wallace
St., Nanaimo, B.C. V9R 5B1

(the “Co-covenant Holder”)

(collectively, the “parties”)

WHEREAS:

- A. The Owner is the registered owner in fee simple of the Land;
- B. The Covenant Area contains significant natural area values and amenities including flora, fauna and natural features of great importance to the Owner, the Covenant Holders and the public;
- C. The Covenant Area contains heritage values of importance to the Owner, the Covenant Holders, indigenous peoples and the public;

- D. The Land has been certified as ecologically sensitive by Environment and Climate Change Canada and is the subject of an ecological gift pursuant to the *Income Tax Act* (Canada);
- E. The Owner wishes and has agreed to grant to the Covenant Holders a covenant pursuant to section 219 of the *Land Title Act* to restrict the use of the Covenant Area, and a statutory right of way pursuant to section 218 of the *Land Title Act*;
- F. A statutory right of way in favour of each Covenant Holder is necessary for the operation and maintenance of the undertakings of each Covenant Holder;
- G. The Co-covenant Holder has been designated under section 219(3)(c) of the *Land Title Act* as a person authorized to accept covenants and under section 218(1)(d) of the *Land Title Act* as a person authorized to accept statutory rights of way; and
- H. The Conservancy is a Crown agent and is authorized to accept covenants and statutory rights of way under sections 219 and 218 of the *Land Title Act*, respectively.

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

1. INTERPRETATION

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

- (a) "Administration Fee" means a fee of \$150.00, adjusted in each year as provided in Article 16, charged by the Covenant Holders in accordance with section 13.1;
- (b) "Amenities" includes those natural, scientific, environmental, wildlife, plant, heritage and cultural values relating to the Covenant Area as identified in the Report, including any natural area values and amenities of the Covenant Area as prescribed by regulation for the purposes of Part 7.1 of the *Islands Trust Act*;
- (c) "Archaeological Sites" means an area
 - (1) identified in the Report as an archaeological site, or
 - (2) protected under the provisions of the *Heritage Conservation Act* as an archaeological site;
- (d) "Business Day" means any day other than Saturday or a holiday within the meaning of the *Interpretation Act*;

- (e) “Certificate” means a certificate issued by the Covenant Holders under section 15.2;
- (f) “Covenant Area” means all of the Land except that portion shown outlined in heavy black line and identified as “Area” on the Plan;
- (g) “Covenant Holders” means, unless the context otherwise requires, the Conservancy and the Co-covenant Holder collectively and “Covenant Holder” means either of them, as the context may require;
- (h) “CPI” means the All-Items Consumer Price Index published by Statistics Canada, or its successor in function, for Victoria BC, where 2018 equals 100;
- (i) “Land” means the parcel of land legally described as Section 25 (Part of Decourcy Group of Islands) Nanaimo District and having a Parcel Identifier of 009-772-138;
- (j) “Management Plan” means a management plan for the Covenant Area prepared and approved in accordance with Article 5, and includes revisions to that Plan made and approved in accordance with Article 5;
- (k) “Market Value” means the market value of any flora or fauna, soil, rock, gravel or minerals that is the subject of a breach identified in section 12.3(b), as determined by an appraiser who has been trained in the valuation of property that is the subject of an ecological gift;
- (l) “Notice of Enforcement of Rent Charge” means a notice of enforcement of rent charge given under section 12.5;
- (m) “Notice of Breach” means a notice of breach given under section 11.1;
- (n) “Plan” means the Reference Plan over part of the Land certified correct by McElhanney Associates Land Surveying Ltd., B.C.L.S., dated November 24, 2016, and deposited in the Land Title Office under number EPP69009, a reduced copy of which is attached as Schedule A;
- (o) “Rent Charge” means the rent charge granted by the Owner under section 12.1;
- (p) “Rent Charge Amount” means the amount set out in Article 12, the payment of which is secured by the Rent Charge;
- (q) “Report” means the baseline documentation report that describes the Covenant Area and the Amenities in the form of text, maps, and other records of the Covenant Area for the purposes of this Agreement, a copy of which is on file

with each of the parties at the addresses set out in Article 17, and a condensed version of which is attached as Schedule B; and

- (r) “Successor,” in respect of the Owner, means a person who, at any time after registration of this Agreement, becomes an owner of the Land or any part of the Land by any means, and includes both registered and beneficial owners.

1.2 Where this Agreement provides that something is in the “sole discretion” of a party, that thing is within the sole, absolute and unfettered discretion of that party.

1.3 This Agreement must be interpreted in accordance with the laws of British Columbia, and the parties agree that the courts of British Columbia have exclusive jurisdiction over any proceeding concerning this Agreement and to attorn to the jurisdiction of such courts.

1.4 This Agreement is comprised of the recitation of the parties, the recitals to this Agreement, the Schedules to this Agreement, Part 1 of the *Land Title Act* Form C to which this Agreement is attached, and these Terms of Instrument.

1.5 In this Agreement:

- (a) reference to the singular includes a reference to the plural, and vice versa, unless the context otherwise requires;
- (b) where a word or expression is defined in this Agreement, other grammatical forms of the same word or expression have corresponding meanings;
- (c) reference to a particular numbered Article or section, or to a particular lettered Schedule, is a reference to the correspondingly numbered or lettered Article, section or Schedule of this Agreement, except where otherwise provided;
- (d) Article headings have been inserted for ease of reference only and are not to be used in interpreting this Agreement;
- (e) the word “enactment” has the meaning given to it in the *Interpretation Act* on the reference date of this Agreement;
- (f) reference to any enactment is a reference to that enactment as consolidated, revised, amended, re-enacted or replaced, unless otherwise expressly provided;
- (g) reference to an enactment is to an enactment of the province of British Columbia except where otherwise provided;

- (h) reference to a “party” or the “parties” is a reference to a party or the parties to this Agreement and their respective successors, assigns, trustees, administrators and receivers;
- (i) reference to the Owner includes a Successor;
- (j) reference to a “day”, “month” or “year” is a reference to a calendar day, calendar month or calendar year, as the case may be, unless otherwise expressly provided; and
- (k) where the parties are required to engage in an activity within a defined number of days of receipt of a notice, the time limit shall start to run from the day of receipt of the notice by the last party to receive the notice.

2. REPRESENTATIONS AND WARRANTIES

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

3. INTENT OF AGREEMENT

- 3.1 The parties agree that the intent of this Agreement is:
 - (a) to protect, preserve, conserve, maintain, enhance and, if applicable from time to time restore, the natural state of the Covenant Area and the Amenities as described in the Report; and
 - (b) to prevent any occupation or use of the Covenant Area that will impair or interfere with the natural state of the Covenant Area or the Amenities as described in the Report,

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

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

4. RESTRICTIONS ON USE OF THE COVENANT AREA

- 4.1 Except as expressly permitted in this Agreement, the Owner must not do anything, omit to do anything, allow anything to be done or allow the omission of anything, that does or could reasonably be expected to destroy, impair, diminish, negatively affect or alter the Covenant Area or the Amenities from the condition described in the Report.
- 4.2 Without restricting the generality of section 4.1, the Owner must not, except with the prior written approval of both Covenant Holders, in the sole discretion of each of them:
- (a) use or permit the use of the Covenant Area for an activity or use which:
 - (1) causes or allows silts, leachates, fills or other deleterious substances to be released into any watercourse on the Covenant Area;
 - (2) causes the erosion of the Covenant Area to occur;
 - (3) causes or facilitates the loss of soil on the Covenant Area;
 - (4) alters or interferes with the hydrology of the Covenant Area, including by the diversion of natural drainage or flow of water in, on or through the Covenant Area;
 - (5) causes or allows fill, rubbish, ashes, garbage, waste or other material foreign to the Covenant Area to be deposited in, on or under the Covenant Area;
 - (6) causes or allows any component of the Covenant Area, including soil, gravel or rock, to be disturbed, explored for, moved, removed from or deposited in or on the Covenant Area;
 - (7) causes or allows pesticides, including but not limited to herbicides, insecticides or fungicides, to be applied to or introduced onto the Covenant Area; or
 - (8) causes or allows any indigenous flora on the Covenant Area to be cut down, removed, defoliated or in any way tampered with;
 - (b) use or permit the use of the Covenant Area for hunting, fishing, gathering or for the grazing of domestic animals;

- (c) construct, build, affix or place on the Covenant Area any buildings, structures, fixtures or improvements of any kind;
- (d) lay out or construct any new roads or paths on the Covenant Area; and
- (e) lease or license the Covenant Area or any part thereof unless the lease or license is expressly made subject to the provisions of this Agreement and expressly entitles the Owner to terminate the lease or license if the tenant or licensee breaches any of the provisions of this Agreement.

4.3 Despite paragraph 4.2(a)(vii), the Owner may cause or allow the use of herbicides on the Covenant Area to manage invasive species that cannot be adequately controlled through mechanical removal, with the prior written approval of the Covenant Holders.

4.4 Despite sections 4.1 and 4.2, the Owner may:

- (a) construct a fence at the northern end of the Land in order to discourage trespassers, provided the Owner first obtains the written approval of the Covenant Holders with respect to the location, size and materials of the fence, such consent not to be unreasonably withheld; and
- (b) install, maintain or replace a reasonable number of signs for the purposes of public safety, to indicate that the Covenant Area is private property, or to inform the public about the Covenant Area and the Amenities, so long as each sign is not larger than one metre by one metre in size.

4.5 Without limiting sections 4.1 and 4.2, the Owner:

- (a) must not disturb or alter, or permit the disturbance or alteration, of an Archaeological Site, except with the prior written approval of both Covenant Holders, in the sole discretion of each of them; and
- (b) despite section 4.2(b), may enter into agreements with First Nations, for whom the Land is within their traditional territory, to enable those First Nations to access the Land to exercise those traditional activities which they may have engaged in on the Land, only so long as:
 - (1) those activities are in keeping with the intent of this Agreement;
 - (2) the Covenant Holders provide their prior written approval of such agreements, in the sole discretion of each Covenant Holder.

5. MANAGEMENT PLAN

- 5.1 The management of the Covenant Area will be governed by
- (a) the Management Plan during such times that a Management Plan is in effect; and
 - (b) the goal of protecting the Covenant Area for the purpose of long-term conservation and in a manner consistent with this Agreement, during such times as a Management Plan is not in effect.
- 5.2 Where the Owner prepares a proposed management plan, the Owner must submit the proposed management plan to each Covenant Holder for approval. Each Covenant Holder must, within 60 Business Days of receipt of the proposed management plan, notify the Owner in writing whether or not that Covenant Holder, acting reasonably, approves the proposed plan.
- 5.3 If a Covenant Holder does not approve the proposed management plan, the Covenant Holder will, in its notification to the Owner, provide written reasons for not approving the proposed management plan and a description of changes to the management plan that are necessary for the Covenant Holder to approve the management plan.
- 5.4 The Owner must, within 25 Business Days of receipt of the Covenant Holders' requested changes to the proposed management plan, notify the Covenant Holders in writing whether or not it accepts the requested changes. If the Owner does not accept the requested changes, the Owner:
- (a) must provide notice to the Covenant Holders of the changes not accepted; and
 - (b) the parties must meet within 30 Business Days of the Covenant Holders receiving such notice and attempt to resolve the outstanding issues, acting reasonably and in good faith.
- 5.5 If the parties are unable to resolve all outstanding issues under section 5.4 and the proposed management plan is not approved, the management of the Covenant Area will be undertaken in accordance with section 5.1(b).
- 5.6 A Management Plan must include the time period that it will have effect, which must be for a period of not more than ten years. The Owner may prepare a new proposed management plan to replace a Management Plan that is nearing the end of its term. The Owner must submit any replacement proposed management plan to the Covenant Holders for approval in accordance with the process set out in this Article.

6. BASELINE DOCUMENTATION REPORT

- 6.1 The parties each agree that the Covenant Area and the Amenities are described in the Report and that the Report provides an accurate description of the Covenant Area and its Amenities as of the date of registration of this Agreement.
- 6.2 The parties agree that the Report is intended to serve as an objective information baseline for monitoring compliance with the terms of this Agreement.
- 6.3 The parties each acknowledge that the flora and fauna on the Covenant Area will evolve through natural succession over time and, unless otherwise expressly stated, references to the Report are intended to take into account the natural succession of the flora and fauna over time, without human intervention other than as expressly permitted by this Agreement.
- 6.4 The Covenant Holders will provide a copy of the Report to the Owner upon request from the Owner from time to time.

7. DISPUTE RESOLUTION

- 7.1 If a breach of this Agreement occurs or is threatened, or if there is disagreement as to the meaning of this Agreement, either Covenant Holder or the Owner may give notice to the other parties requiring a meeting of all parties within ten Business Days of receipt of the notice.
- 7.2 Upon receipt of a notice under section 7.1, all parties must immediately cease any activity giving rise to a breach or threatened breach of this Agreement, and any activity giving rise to a disagreement as to the meaning of this Agreement.
- 7.3 The parties must attempt to resolve the matter, acting reasonably and in good faith, within 20 Business Days of receipt of the notice under section 7.1.
- 7.4 If the parties are not able to resolve the matter within the time set out in section 7.3, the parties may, by agreement, appoint a mutually acceptable person to mediate the matter, and the parties must act reasonably and in good faith and cooperate with the mediator and with each other in an attempt to resolve the matter within 30 Business Days after the mediator is appointed.
- 7.5 One half of the costs of the mediator and of the mediation facilities will be paid by the Owner and the other half will be shared equally by the Covenant Holders.
- 7.6 If the parties are unable to agree on a mediator within 20 Business Days of the need arising to appoint a mediator, then any party may apply to the Mediate BC Society to appoint a mediator.

- 7.7 This Article does not affect the right of a Covenant Holder to pursue any other legal or equitable remedy in relation to a breach or a threatened breach of this Agreement, including without limitation under Articles 11 and 12, and a Covenant Holder may pursue other remedies concurrently with any dispute resolution under this Article.

8. OWNER'S RESERVED RIGHTS

- 8.1 Subject to Article 4, the Owner reserves all of its rights as owner of the Land, including the right to use, occupy and maintain the Covenant Area in any way that is not expressly restricted or prohibited by this Agreement, so long as the use, occupation or maintenance is consistent with the intent of this Agreement.
- 8.2 Subject to section 8.3, nothing in this Agreement restricts or affects the right of the Owner to do anything reasonably necessary to:
- (a) prevent potential injury or death to any individual; or
 - (b) prevent, abate or mitigate any damage or loss to any real or personal property.
- 8.3 If the Owner intends to do, or permit to be done, anything described in section 8.2:
- (a) the Owner must give at least 30 days' prior written notice to each Covenant Holder, describing in reasonable detail the intended action, the reason for it and its likely effect on the Covenant Area and the Amenities;
 - (b) the Owner must permit each Covenant Holder to enter upon the Land and inspect the Covenant Area;
 - (c) the Covenant Holders may within that 30-day period comment on the proposed action; and
 - (d) the Owner must take any comments received from the Covenant Holders into consideration before taking or permitting the proposed action to be taken under section 8.2.
- 8.4 Notwithstanding section 8.3, in the case of an emergency situation where the Owner must take immediate action under section 8.2, the Owner:
- (a) may take such necessary action without first notifying the Covenant Holders;
 - (b) shall, as soon as possible after the action is taken, notify each Covenant Holder of the circumstances of the action taken, including the actual or likely effect of the action on the Covenant Area and the Amenities and

- (c) shall permit each Covenant Holder to enter upon the Land and inspect the Covenant Area.

9. OWNER'S OBLIGATIONS

- 9.1 The Owner retains all responsibilities and bears all costs and liabilities related to the ownership, use, occupation and maintenance of the Land.
- 9.2 The Owner must indemnify the Covenant Holders, their directors, officers, employees, agents and contractors, from and against any and all liabilities, damages, losses, personal injury or death, causes of action, actions, claims, and demands made, suffered or incurred by or on behalf of any person, arising out of any act or omission, negligent or otherwise, in the use, occupation and maintenance of the Land or its Amenities by the Owner or its officers, employees, contractors, invitees, licensees or agents.
- 9.3 The Owner is liable for any and all breaches of this Agreement, but the Owner is not liable to the Covenant Holders for:
 - (a) breaches of this Agreement which occurred prior to the Owner becoming the registered owner of any interest in the Land, provided the Owner has received a Certificate immediately before or at the time of the transfer of the Land to the Owner;
 - (b) injury or alteration to the Covenant Area or the Amenities resulting from natural causes, or causes beyond the Owner's reasonable control, other than as referenced in subsection (c), including accidental fire, flood, storm and earth movement, but excluding injury or alteration resulting from actions of the Owner or any other person with the actual or constructive knowledge of the Owner;
 - (c) injury or alteration to the Covenant Area or the Amenities resulting from the actions of any person without the actual or constructive consent or knowledge of the Owner, including from trespass, vandalism, nuisance or negligence;
 - (d) any prudent action taken by the Owner under emergency conditions to prevent, abate, or mitigate significant injury to the Covenant Area (including improvements) or the Amenities, resulting from natural causes, including accidental fire, flood, storm and earth movement; or
 - (e) injury or alteration to the Covenant Area caused by the Covenant Holders exercising their rights under this Agreement.
- 9.4 Without limiting the generality of sections 9.1, 9.2 and 9.3, the Owner:

- (a) is solely responsible and liable for any loss or damage, or liability of any kind (whether civil, criminal or regulatory), in any way connected with the existence in, on, from, to or under the Land (whether through spill, emission, migration, deposit, storage or otherwise) of any pollutant, contaminant, waste, hazardous waste, or any matter that harms the environment; and
 - (b) must indemnify each Covenant Holder from and against any loss, fine, penalty, damage, liability, cause of action, action, proceeding, regulatory action, order, directive, notice or requirement, including those of any government agency, incurred, suffered or brought against the Covenant Holders, or either of them, in any way associated with anything described in subsection (a).
- 9.5 The liability and indemnity of the Owner under section 9.4 shall not apply to any matter identified in section 9.4(a) caused by a Covenant Holder, its employees, contractors or agents.
- 9.6 The Owner must pay when due all taxes, assessments, levies, fees and charges of whatever description which may be levied on or assessed against the Land and must pay any arrears, penalties and interest in respect of any such unpaid amounts.
- 9.7 The Owner must indemnify each Covenant Holder from and against any fee, tax or other charge which may be assessed or levied against the Owner or a Covenant Holder pursuant to any enactment, including the *Income Tax Act* (Canada), with respect to the Land or this Agreement, including any fee, tax or other charge which may be assessed or levied against the Owner or Covenant Holder as a result of the amendment or termination of this Agreement.
- 9.8 Despite section 9.7, the Owner shall not indemnify a Covenant Holders from and against a tax assessed against that Covenant Holder under the *Income Tax Act* (Canada) as a result of:
 - (a) the Covenant Holder's non-compliance with the provisions of the *Income Tax Act* (Canada),
 - (b) the Covenant Holder ceasing to qualify for participation in the Ecological Gifts Program under the *Income Tax Act* (Canada), or
 - (c) the Covenant Holder, without authorization or permission, disposing or changing the use of the interest in the Land granted to the Covenant Holder under this Agreement.
- 9.9 Any debts or other amounts due from the Owner to the Covenant Holders under this Agreement, if not paid within 30 days after notice, will bear interest at the annual interest rate that is one per cent greater than the prime rate of interest, calculated semi-

annually, not in advance. For the purposes of this section, the “prime rate of interest” is the annual rate of interest charged from time to time by the Bank of Montreal, at its main branch in Vancouver, BC, for demand Canadian dollar commercial loans and designated from time to time by the Bank of Montreal as its prime rate.

- 9.10 The indemnities granted by the Owner to the Covenant Holders under this Article are indemnities granted as an integral part of the section 219 *Land Title Act* covenant created by this Agreement.

10. STATUTORY RIGHT OF WAY

- 10.1 The Owner grants to each Covenant Holder a licence, and a statutory right of way pursuant to section 218 of the *Land Title Act*, permitting each Covenant Holder to do the following:
- (a) enter upon the Land to access and inspect the Covenant Area for the purposes of monitoring compliance with this Agreement, on prior written notice by a Covenant Holder to the Owner of at least seven days;
 - (b) for purposes other than monitoring under subsection (a), enter upon the Land to access and inspect the Covenant Area at all reasonable times upon prior written notice by a Covenant Holder to the Owner of at least seven days, unless, in the opinion of a Covenant Holder, there is an emergency or other circumstance which makes giving such notice impractical;
 - (c) as part of inspection of the Covenant Area under subsection (a) or (b), take soil, water or other samples, photographs, and visual and sound recordings as may be necessary to monitor compliance with and enforce the terms of this Agreement;
 - (d) enter upon and protect, preserve, conserve, maintain, enhance, rehabilitate or restore, in the Covenant Holder’s sole discretion and at the Covenant Holder’s expense, the Covenant Area or the Amenities to as near the condition described in the Report as the Covenant Holder considers is practicable or desirable, if an act of nature or of any person other than as described in subsection (e) destroys, impairs, diminishes or negatively affects or alters the Covenant Area or the Amenities from the condition described in the Report;
 - (e) in accordance with Article 11, enter upon and protect, preserve, conserve, maintain, enhance, rehabilitate or restore, in the Covenant Holder’s sole discretion and at the Owner’s expense, the Covenant Area or the Amenities to as near the condition described in the Report as in the Covenant Holder’s sole discretion is practicable or desirable, if an action of the Owner or any other

person acting with the actual or constructive knowledge of the Owner contravenes any term of this Agreement;

- (f) carry out or evaluate any program agreed upon by the parties for the protection, preservation, conservation, maintenance, restoration or enhancement of all or any portion of the Covenant Area or the Amenities;
- (g) place survey pegs or other markings on the Land to clearly identify the Covenant Area or access to the Covenant Area, or to increase the visibility of existing survey pegs or other markings; and
- (h) erect a plaque or other sign on the Land, in a tasteful manner and at the expense of the Covenant Holder, indicating that the Covenant Holder (or the Covenant Holders) holds a covenant on the Covenant Area, provided that the size, style and location of the plaque or sign must be approved by the Owner prior to its placement, such approval not to be unreasonably withheld.

10.2 The Covenant Holders may access the Land using any dock or access point, and may bring employees, volunteers, contractors and agents, and vehicles, equipment and other personal property onto the Land when exercising their rights under this Article.

10.3 In exercising their rights under this Agreement, the Covenant Holders shall take all reasonable care not to damage the Amenities and shall engage in the Covenant Area in accordance with the then applicable industry standards regarding accessing and interacting with ecologically sensitive areas.

11. ENFORCEMENT REMEDIES OF THE COVENANT HOLDERS

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

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

- (a) immediately cease all activities giving rise to the breach; and
- (b) within 60 days remedy the breach or make arrangements satisfactory to the Covenant Holder to remedy the breach, including with respect to the time within which the breach must be remedied.

11.3 For clarity, the requirement in subsection 11.2(b) to remedy a breach requires the Owner to undertake such rehabilitation or restoration necessary to remedy any

damage done to the Covenant Area contrary to this Agreement, at the Owner's sole expense.

- 11.4 If the Owner does not comply with the requirements of section 11.2 within the time required or agreed upon:
- (a) either Covenant Holder may enter upon the Land and take any required actions to address any activities giving rise to the breach, and to remedy the breach or carry out the arrangements referred to in section 11.2; and
 - (b) the Owner must reimburse that Covenant Holder for any expenses incurred in taking any action under this section, up to the estimated maximum costs of remedying the breach as set out in the Notice of Breach.
- 11.5 Expenses incurred by the Covenant Holder under this Article, until paid, are a debt owed by the Owner to the Covenant Holder and the Owner agrees to indemnify the Covenant Holder for such expenses, which indemnity forms an integral part of the covenant under section 219 of the *Land Title Act* created by this Agreement.
- 11.6 By this section, each Covenant Holder appoints the other its agent for the purpose of recovering any debt owed by the Owner to the Covenant Holder who incurred expenses under this Article, including through legal proceedings, and the Covenant Holder who recovers the debt holds it, less reasonable legal fees and disbursements and other reasonable expenses of recovery, as agent for the Covenant Holder that incurred the expenses.

12. RENT CHARGE AND ITS ENFORCEMENT

- 12.1 As security for the performance of the Owner's obligations under this Agreement, the Owner grants to the Covenant Holders a perpetual rent charge against the Land. The Rent Charge is granted both under section 219 of the *Land Title Act* as an integral part of the statutory covenant created by this Agreement and as a fee simple rent charge at common law.
- 12.2 The Rent Charge secures payment to the Covenant Holders by the Owner of the sum of \$6,065 per year, subject to adjustment under section 12.3.
- 12.3 The Rent Charge Amount will be:
- (a) adjusted for inflation each year in accordance with the provisions set out in Article 16; and
 - (b) increased by a sum equal to 110% of the Market Value, at the date of any breach of this Agreement, of any flora or fauna, soil, rock, gravel or minerals which

have been altered, damaged, destroyed, moved, harvested or removed in connection with the breach.

- 12.4 The Rent Charge is suspended unless and until the Owner is in breach of any provision of this Agreement.
- 12.5 A Covenant Holder that wishes to enforce the Rent Charge must give a Notice of Enforcement of Rent Charge to the Owner and the other Covenant Holder, stating the intention to enforce the Rent Charge and demanding immediate payment of the Rent Charge Amount. The Notice of Enforcement of Rent Charge may be given at any time after a Notice of Breach is given under section 11.1.
- 12.6 The Owner must, within 15 Business Days of receipt of the Notice of Enforcement of Rent Charge, pay the full Rent Charge Amount to the Covenant Holder who delivered that notice.
- 12.7 The Covenant Holders may enforce the Rent Charge by any of the following:
- (a) an action against the Owner for the Rent Charge Amount,
 - (b) distraint against the Land to the extent of the Rent Charge Amount,
 - (c) an action for appointment of a receiver in respect of the Land, or
 - (d) an order for sale of the Land.
- 12.8 The Covenant Holders are entitled to recover from the Owner all reasonable expenses incurred as a result of enforcement of the Rent Charge.
- 12.9 The Covenant Holder receiving the Notice of Enforcement of Rent Charge has 30 days from receiving it to send notice to the notifying Covenant Holder that it wishes to enforce the Rent Charge jointly and, if it does not do so, it is deemed to have elected not to enforce the Rent Charge.
- 12.10 If the Rent Charge is enforced jointly:
- (a) reasonable expenses incurred as a result of the enforcement of the Rent Charge must be shared equally between the Covenant Holders, and
 - (b) the net proceeds obtained as a result of the enforcement of the Rent Charge must be shared equally between the Covenant Holders,
- unless otherwise agreed in writing between the Covenant Holders.

- 12.11 If the Covenant Holder receiving the Notice of Enforcement of Rent Charge does not wish to enforce the Rent Charge jointly, that Covenant Holder is not entitled to the Rent Charge unless otherwise agreed in writing between the Covenant Holders.
- 12.12 A Covenant Holder who declines to enforce the Rent Charge jointly must execute all documents which may be necessary for the enforcement and collection of the Rent Charge by the notifying Covenant Holder.

13. ADMINISTRATION FEE

- 13.1 The Owner agrees that each Covenant Holder may charge the Owner an Administration Fee to cover each Covenant Holder's administrative costs in each case where:
- (a) the Covenant Holders are requested by the Owner to provide a review, approval or assessment of any action of the Owner, including without limitation to approve a proposed management plan or to issue a Certificate; or
 - (b) a Covenant Holder visits the Covenant Area under section 8.3 or 8.4.
- 13.2 The Administration Fee applies whether or not the Covenant Holders grant any approval requested.

14. ASSIGNMENT OF AGREEMENT OR DISSOLUTION OF THE COVENANT HOLDERS

- 14.1 This Agreement is assignable by a Covenant Holder, but a Covenant Holder may only assign its rights and obligations under this Agreement with the authorization of the Minister of Environment and Climate Change Canada and only to a person who is:
- (a) qualified to accept statutory rights of way under section 218 of the *Land Title Act* and to hold covenants under section 219 of the *Land Title Act*; and
 - (b) eligible to participate in the Ecological Gifts Program administered by the Minister of Environment and Climate Change Canada.
- 14.2 Each Covenant Holder agrees that before it assigns this Agreement under this Article, it must notify the Owner, the other Covenant Holder and Environment and Climate Change Canada under its Ecological Gifts Program, with respect to the proposed assignee.
- 14.3 In the event of a pending winding-up or dissolution of a Covenant Holder, that Covenant Holder must use its best efforts to assign and transfer all of its interest under this Agreement to a person meeting the criteria set out in section 14.1.

15. NOTICE OF CHANGE IN OWNERSHIP BY OWNER

- 15.1 The Owner must notify the Covenant Holders of any change of ownership prior to the registration of any such change in the land title office.
- 15.2 The Owner may request that the Covenant Holders visit the Land and jointly issue a Certificate indicating whether or not there are any violations of this Agreement as of the date of the Certificate.
- 15.3 The Covenant Holders shall issue the Certificate within 15 Business Days of having received a request under section 15.2
- 15.4 Failure by the Owner to comply with section 15.1 does not affect the enforceability of this Agreement against the Owner or its successors in title to the Land.

16. ADJUSTMENT FOR INFLATION

- 16.1 Each of the Rent Charge Amount and the Administration Fee shall be adjusted on January 1 of each year by increasing or decreasing, as the case may be, the then-current amount by the factor determined in accordance with section 16.2 and adding the factor to the Rent Charge Amount or the Administration Fee, as applicable, as it stands on that December 31.
- 16.2 The factor referenced in section 16.1 shall be determined by multiplying the Rent Charge Amount or the Administration Fee, as the case may be, on December 31 immediately preceding by the percentage change in the CPI between the previous January 1 and that December 31.
- 16.3 If Statistics Canada, or its successor in function ceases to publish the CPI or comparable indicator as determined by the Covenant Holder in its sole discretion, the parties agree that the factor to be used in determining the adjustment for each year shall be an increase of 3%.

17. NOTICE

- 17.1 A notice or other communication (collectively a “notice”) required or permitted under this Agreement must be in writing and is effective only if:
 - (a) delivered in person;
 - (b) sent by an express delivery service;
 - (c) sent by electronic means to the parties; or
 - (d) where a party has a Canadian address, sent by pre-paid registered mail.

- 17.2 A notice given by electronic means must be followed by a copy sent by ordinary mail, except that a notice given under subsection 10.1(a) may be given by electronic means without the requirement to send a copy by ordinary mail.
- 17.3 Unless otherwise provided, a notice
- (a) delivered in person or by express delivery is deemed received on delivery and the party receiving the notice must sign an acknowledgement of receipt of the notice;
 - (b) sent by electronic means, shall be deemed to have been received:
 - (1) on the date of transmission, if the notice is transmitted before 3:00 pm on a Business Day;
 - (2) on the next Business Day if the notice is transmitted after 3:00 pm on a Business Day or is transmitted on a day that is not a Business Day; and
 - (c) sent by pre-paid registered mail is deemed received on the fourth Business Day following the day on which the notice was sent.
- 17.4 If a party does not sign an acknowledgment of receipt of notice, the person delivering the notice may swear an affidavit of service and the notice is deemed received on the date of service set out in the affidavit.
- 17.5 The addresses of the parties for delivery of notices under this Article are as follows:
- (a) The Owner:
Elizabeth Working Swift
1213 East Shelby Street, Slip 15
Seattle, WA 98102 USA
Email: bswiftlink@gmail.com

provided that if the ownership of the Land has changed and the Successor has not provided an address to the Covenant Holders, to the registered owner as indicated on the title to the Land at the time of notice.
 - (b) The Conservancy:
Islands Trust Conservancy
200-1627 Fort Street
Victoria, BC V8R 1H8
Fax: 250-405-5155
Email: itcmail@islandstrust.bc.ca

(c) Co-covenant Holder:
Nanaimo & Area Land Trust
8-140 Wallace Street
Nanaimo, BC V9R 5B1
admin@nalt.bc.ca

17.6 Each party agrees to give written notice immediately to the other parties of any change in its address.

18. ACCESS

18.1 Except if expressly provided in this Agreement, no right of access by the general public to any portion of the Land is conveyed by this Agreement.

19. NOTICE OF COVENANT

19.1 The Owner agrees that the Covenant Holders may publicize the existence of this Agreement in a tasteful manner.

20. NO LIABILITY IN TORT

20.1 The parties agree that this Agreement creates only contractual obligations and obligations arising out of the nature of this Agreement as a covenant under seal.

20.2 Without limiting the generality of section 20.1, the parties agree that:

- (a) no tort or fiduciary obligations or liabilities of any kind are created or exist between the parties in respect of this Agreement; and
- (b) nothing in this Agreement creates any duty of care or other duty on any of the parties to anyone else.

20.3 For clarity, the intent of this article is to, among other things, exclude tort liability of any kind and to limit the parties to their rights and remedies under the law of contract and the law pertaining to covenants under seal.

21. WAIVER

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

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

22. JOINT AND SEVERAL OBLIGATIONS

- 22.1 Where at any time there is more than one person comprising the Owner, the obligations of those persons are joint and several.

23. REMEDIES NOT EXHAUSTIVE

- 23.1 Exercise or enforcement by a party of any remedy or right under or in respect of this Agreement does not limit or affect any other remedy or right that party may have against the other parties in respect of or under this Agreement or its performance or breach.

24. COVENANT RUNS WITH THE LAND

- 24.1 Unless it is otherwise expressly provided in this Agreement:
- (a) every obligation and covenant of the Owner in this Agreement constitutes both a personal covenant and a covenant granted under section 219 of the *Land Title Act* in respect of the Land; and
 - (b) the provisions of Article 10 constitute a statutory right of way granted under section 218 of the *Land Title Act*.
- 24.2 This Agreement burdens the Land and runs with it and binds:
- (a) a Successor,
 - (b) each and every part into which the Land may be subdivided by any means, and
 - (c) any parcel with which the Land or any part of it is consolidated.

25. REGISTRATION

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

26. SEVERANCE

- 26.1 If any part of this Agreement is held by a court to be invalid, illegal or unenforceable, that part is to be considered to have been severed from the rest of this Agreement and

the rest of this Agreement is to remain in force unaffected by that holding or by the severance of that part as if the part was never part of this Agreement.

27. NO OTHER AGREEMENTS

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

28. INDEPENDENT ADVICE

- 28.1 The Owner acknowledges and agrees that the Owner has had an opportunity to seek and obtain, to the Owner's satisfaction, independent advice from an accountant or other tax expert with respect to the income tax and other tax implications of this Agreement and acknowledges that it does not rely and has not relied on either Covenant Holder for advice in this regard and that the Covenant Holders have given no representation or warranty in that regard.
- 28.2 The Owner acknowledges and agrees that the Owner has been advised by the Covenant Holders that the Owner should seek independent legal advice as to the meaning and effect of this Agreement, and the Owner further acknowledges and agrees that no legal advisor of either of the Covenant Holders has advised the Owner on the meaning or effect of this Agreement or in connection with this Agreement.

29. AMENDMENTS

- 29.1 This Agreement may only be changed by a written instrument signed by all the parties.

30. DEED AND CONTRACT

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

31. EXERCISE OF RIGHTS

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

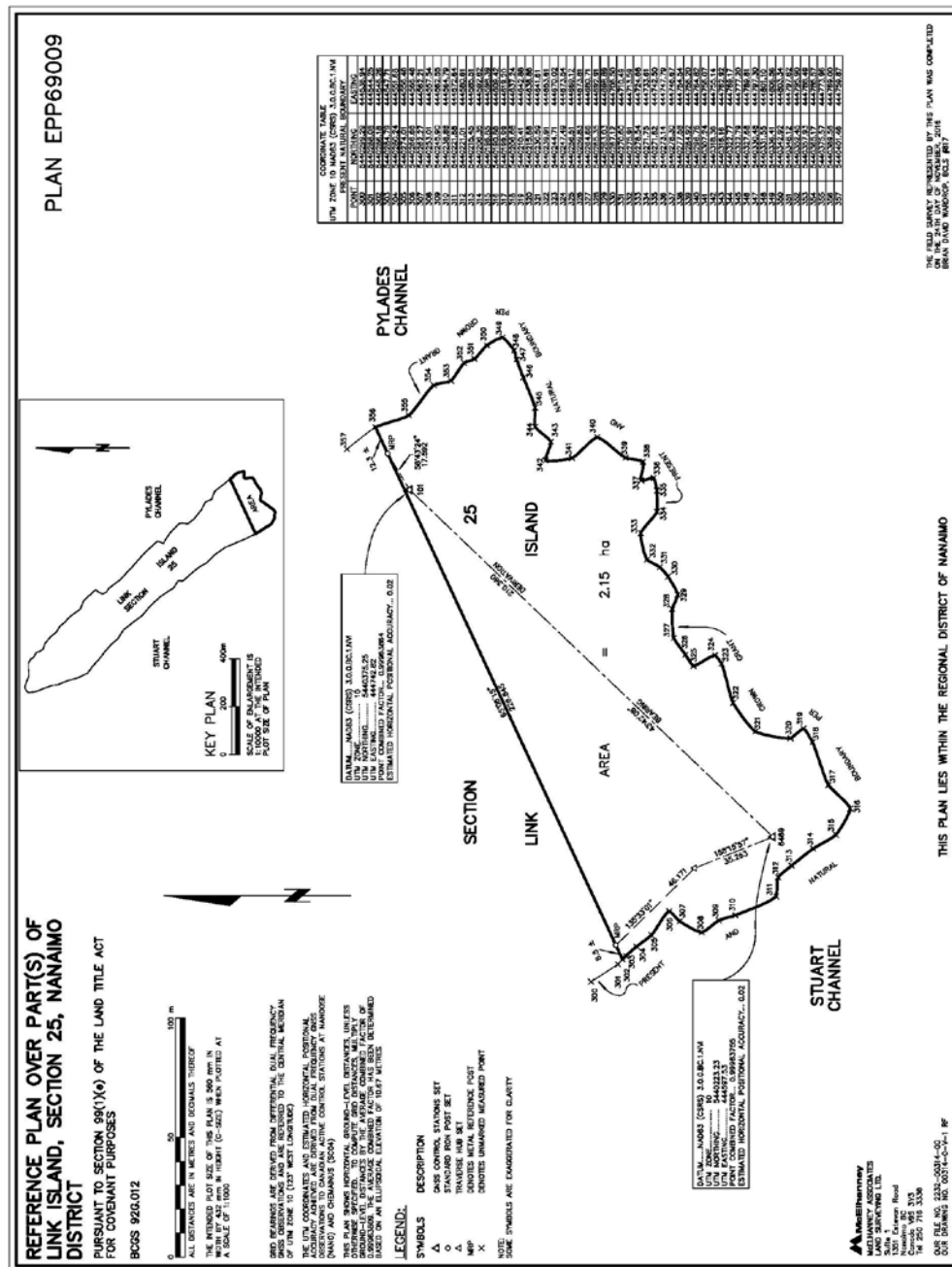
As evidence of their agreement to be bound by the above terms, the parties each have executed this Agreement under seal by signing Part 1 of the *Land Title Act* Form C to which this agreement is attached.

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

SCHEDULE A

REFERENCE PLAN

Attached to and forming Part of the Conservation Agreement between the Owner and the Covenant Holders dated for reference September 5, 2018.



SCHEDULE B

BASELINE REPORT

(Note: This is a condensed version of the full Baseline Report)

Attached to and forming part of the Covenant Agreement between the Owner and the Covenant Holders dated for reference September 5, 2018.

1.0 Acknowledgement

- 1.1 The Owner, the Covenant Holder, and environmental consultant, Carrina Maslovat (175 Stewart Road, Telephone (250) 537-1573, R. P. Bio. #1407) hereby acknowledge and agree that the following is an accurate description of the Covenant Area as of the reference date of this Agreement.

2.0 Property Location and Description

- 2.1 The Covenant Area is located on Link Island which is southwest of Nanaimo and lies between Stuart Channel and Pylades Channel. Link Island is south of Mudge Island and north of DeCourcy Island in the DeCourcy Group (map in Appendix A).
- 2.2 The legal description is Section 25 (Part of DeCourcy Group of Islands) Nanaimo District (PID 009-772-138). The property is zoned Rural Residential.
- 2.3 Link Island can be accessed by boat via a private dock at the south end of the island, which is outside the Covenant Area (maps in Appendices A and B).
- 2.4 Link Island is 21.45 ha (53.00 ac). The Covenant Area is 19.30 ha (47.69 ac) which excludes 2.15 ha (5.31 ac) live/use area on the south end of the property (survey in Schedule A of the covenant agreement). The area referred to by the landowner as Spider Monkey Island (0.17 ha) at the south end of Link Island is included in the Covenant Area (map in Appendix B).
- 2.5 Link Island is connected to Mudge Island by a sand bar except at high tides. Link Island is also connected to DeCourcy Island at low tides. A notch was cut in the sandstone above the low tide mark to allow boat access between Link and DeCourcy Islands.

3.0 History of the Site

- 3.1 There are 6 provincial records of archaeological sites documented on Link Island that were first recorded in 1975 and correspond to the following Borden Numbers: DgRw-25, DgRw-131, DgRw-132, DgRw166, DgRw167, and DgRw-168 (Archaeology Branch 2017). Information about the archaeological sites is on file with the parties and may be available through the archaeological branch by request. All sites, except DgRw166 are within the Covenant Area (map in Appendix B).
- 3.2 The Covenant Area is located within the core traditional territory of several Coast Salish First Nations in the Southern Gulf Islands. As part of the Covenant process, the Islands Trust Fund sent a referral letter to the following First Nations with traditional use of the

lands in and around the Covenant Area: Cowichan Tribes, Halalt First Nation, Lake Cowichan First Nation, Penelakut Tribe, Lyackson First Nation, Semiahmoo First Nation, Snuneymuxw First Nation and Stz'Uminus First Nation.

- 3.3 Link Island was partially logged between the 1930s and the 1950s. The forests are now maturing second growth and the remaining stumps are well rotted. Since that time, there has been some limited removal of dead trees near the cabin for firewood.
- 3.4 The Swift family has owned the property since 1963.

4.0 List and Description of Buildings, Structures and Other Improvements

- 4.1 There are no buildings, structures or other improvements within the Covenant Area.
- 4.2 A small cabin, outside the Covenant Area, was built in 1973. There are two small outbuildings (an outhouse and shower structure), a dug well and some remnants of a water storage tank and other materials also outside the Covenant Area.
- 4.3 There are foreshore leases at the north end of Link Island, outside of the Covenant Area for aquaculture.

5.0 Significance of the Covenant Area and Amenities

- 5.1 The Covenant Area is within the Coastal Douglas-fir (CDFmm) biogeoclimatic zone. Historically, there were about 250,000 hectares which would have been classified as CDFmm (Ministry of Natural Resource Operations 2011). Unfortunately, much of this habitat has been destroyed by urban development, agriculture or logging: there are estimates that only one-half of one percent of undisturbed old forest in the CDFmm remains (Flynn 1999).
- 5.2 Link Island has approximately 3300m (2.05 miles) of shoreline of which approximately 2900 m (1.80 miles) is within the Covenant Area. The shoreline includes coastal cliffs along the northwest shore and low rock shoreline and shoals (Islands Trust 2017). There are intricate sandstone formations along the entire western shoreline of the property. The shoreline and tidal flats are rich in marine life.
- 5.3 There are two seasonal wetlands in the Covenant Area that hold water for most of the year (map in Appendix B). These wetlands support breeding Northern Pacific Tree Frog (*Pseudacris regilla*) and are used extensively by bats for foraging.
- 5.4 There are pocket Garry Oak meadows and areas with shallow soil that are dominated by herbaceous plants (map in Appendix B).
- 5.5 There are two North American River Otter (*Lontra canadensis*) dens that have been identified by the owner and her family in the Covenant Area.
- 5.6 There is an active Bald Eagle (*Haliaeetus leucocephalus*) nest and two Bald Eagle nests that are not currently active in the Covenant Area (map in Appendix B).
- 5.7 Rare species of flora and fauna and Ecological Communities are ranked provincially by the British Columbia Conservation Data Centre (BC CDC) and federally by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC). Prior to this survey, there were no rare species provincially documented (Biotics BC 2017; BC CDC

2017). Species and Ecological Communities found in the Covenant Area that are ranked by the BC CDC and/or COSEWIC are as follows (BC CDC 2017):

Red-listed Ecological Communities:

Douglas-fir – Arbutus (*Pseudotsuga menziesii* – *Arbutus menziesii*) (CDFmm/02)

(Provincial Rank: S2)

Douglas-fir – Alaska Oniongrass (*Pseudotsuga menziesii* – *Melica subulata*) (CDFmm03)

(Provincial Rank: S1)

Garry Oak – California Brome (*Quercus garryana* – *Bromus carinatus*) (CDFmm00)

(Provincial Rank S1)

Trembling Aspen – Pacific Crab Apple – Slough Sedge (*Populus tremuloides* – *Malus fusca* – *Carex obnupta*) (CDFmm00)

(Provincial Rank: S1S2)

Blue-listed Ecological Communities:

Wallace’s Selaginella – Reindeer Lichens (*Selaginella wallacei* – *Cladina* spp.) (CDFmm)

(Provincial Rank: S3)

Red-listed Species

Bird’s-foot Wing-moss (*Pterogonium gracile*) - coordinates not taken

(Provincial Rank: S2/ COSEWIC: Not Ranked)

Carbuncular Toad Lichen (*Xanthoparmelia verruculifera*)

(Provincial Rank: S1/ COSEWIC: Not Ranked)

Northern Seafog Lichen (*Niebla cephalota*)

(Provincial Rank: S1/ COSEWIC: Not Ranked)

Orobush-seeded Liverwort (*Targionia hypophylla*)

(Provincial Rank: S1S2/ COSEWIC: Not Ranked)

Peacock Vinyl Lichen (*Scytinium polycarpum*)

(Provincial Rank: S1S2/ COSEWIC: Special Concern)

Peregrine Falcon *anatum* subspecies (*Falco peregrinus anatum*)

(Provincial Rank: S2?B/ COSEWIC: Special Concern)

Propertius Duskywing (*Erynnis propertius*)

(Provincial Rank: S2/ COSEWIC: Not Ranked)

Thin-lipped Sunburst Lichen (*Xanthomendoza oregana*)

(Provincial Rank: S1S2/ COSEWIC: Not Ranked)

Blue-listed Species:

Blue-shift Speckleback Lichen (*Punctelia stictica*)

(Provincial Rank: S2S3/ COSEWIC: Not Ranked)

Continuous Ribbon Lichen (*Ramalina subleptocarpa*)

(Provincial Rank: S2S3/ COSEWIC: Not Ranked)

Double-crested Cormorant (*Phalacrocorax auritus*)
 (Provincial Rank: S3S4B)/ COSEWIC: Not at Risk)

Frosted Crackers Lichen (*Fuscopannaria leucostictoides*)
 (Provincial Rank: S3/ COSEWIC: Not Ranked)

Great Blue Heron (*Ardea herodias fannini*)
 (Provincial Rank: S3S4B-S4N/ COSEWIC: Special Concern)

Lustrous Beard Lichen (*Usnea glabrata*)
 (Provincial Rank: S3/ COSEWIC: Not Ranked)

Poison Oak (*Toxicodendron diversilobum*)
 (Provincial Rank S3?/COSEWIC: Not Ranked)

Seaside Juniper (*Juniperus maritima*)
 (Provincial Rank: S3/ COSEWIC: Not Ranked)

Seaside Tarpaper Lichen (*Blennothallia fecunda*)
 (Provincial Rank: S3/ COSEWIC: Not Ranked)

Silver-rimmed Crackers Lichen (*Fuscopannaria pacifica*)
 (Provincial Rank: S2S3/ COSEWIC: Not Ranked)

Surf Scoter (*Melanitta perspicillata*)- within 100m of shoreline
 (Provincial Rank: S3B, S4N/ COSEWIC: Not Ranked)

Western Screech-owl (*Megascops kennicottii kennicottii*)
 (Provincial Rank: S3/ COSEWIC: Threatened)

Candidate Species

Belted Kingfisher (*Megaceryle alcyon*)
 (Provincial Rank: S4S5B/ COSEWIC: Candidate)

6.0 Inventory by Vegetation Type

The BC Conservation Data Centre mapped an occurrence of Douglas-fir – Dull Oregon-grape (CDFmm01) Ecological Community on Link, Mudge and DeCourcy islands and has noted that the ecological community occupies 54.72% (221.5 ha) of the mapped occurrence (BC CDC 2017). The Provincial Terrestrial Ecosystem Mapping has mapped two Terrestrial Ecosystem Mapping units as follows (Islands Trust 2017):

- 80% Young Forest Douglas-fir – Salal: 20% Woodland Conifer Young Forest Douglas-fir – Shore Pine – Arbutus
- 70% Coastal Cliff: 30% Woodland Conifer Young Forest Douglas-fir – Shore Pine – Arbutus

An inventory of the biological features of the Covenant Area was conducted on April 29th and 30th, 2017. The identified ecosystems were more diverse than previously mapped and are described as five distinct Vegetation Types below (refer to map in Appendix B).

The site series for Vegetation Types were classified using *A Field Guide for Site Identification and Interpretation for the Vancouver Forest Region* (Green and Klinka 1994) and *Guide for Non-Forested and Sparsely Vegetated Ecosystems of the CDFmm* (Government of British Columbia, no date). The BC Conservation Data Centre *Species and Ecosystems Explorer* (BC CDC 2017) was used to determine ranking information for Ecological Communities.

A ground inspection plot was done in each of the Vegetation Types. Plots were chosen in locations that were representative of the Vegetation Type and care was taken to avoid transitional areas between different ecosystem types, slope changes or moisture regimes. All herbaceous vegetation was noted within an area of 400m² (circular plot measured with a radius of 11.3 meters from a central point) and estimates of percent cover, canopy closure, tree age, diameter at breast height (DBH) and height were made within this area.

Only species that were observed within the plot during the baseline inventory and mapped Species at Risk occurrences were included in the tables below. All tree age estimates were made from a visual assessment of tree size taking into consideration varying growth rates in different soil nutrient and moisture regimes. Cores were not taken to determine tree age. Soil pits were not excavated to limit unnecessary soil disturbance.

A list of all animals observed during preparation of the baseline including mammals, amphibians, birds and invertebrates is included in Appendix C. A list of birds observed by the owner's family is provided in Appendix D. A list of plant, moss and lichen species observed during the preparation of the baseline is included in Appendix E. A plant list compiled by Adolf and Oluna Ceska in 2004 and with additions by the landowners is included in appendix F.

6.1 Vegetation Types and Descriptions

Vegetation Type 1 – 30% Coastal Cliff: 70% (WD:coDA5) Woodland: conifer Douglas-fir–Arbutus Structural Stage 5 (Young Forest) (CDFmm02)

This Vegetation Type is found along the western portion of Link Island from the Covenant Area boundary at the south to close to the northern tip of the island. The Vegetation Type includes the height of land along the top of the western ridge and includes the steep cliff faces along the northwest shoreline and the intricate sandstone formations along the entire western shoreline. The aspect is primarily southwest.

The soils have been mapped as Rock-Saturna very shallow lithic (RO-STsl). These soils are comprised of sandstone bedrock exposed or covered by moss or mineral soil less than 10cm deep with a depth of less than 50cm to bedrock (Van Vliet *et al.* 1989). Soils are extremely fast draining and poor in nitrogen. There is a shell midden (DgRw 131) mid way along the western shoreline (map in Appendix B).

The area includes Douglas-fir (*Pseudotsuga menziesii*) and Arbutus (*Arbutus menziesii*) trees with a few Garry Oak (*Quercus garryana*) trees at higher elevations. There are many wildlife trees in the Vegetation Type including an active Bald Eagle (*Haliaeetus leucocephalus*) nest. The understory vegetation is sparse, dominated by mosses with small patches of Salal (*Gaultheria shallon*) in areas with deeper soil.

In many areas, the cliff faces are extremely steep and there are small to large cavities and holes in the rock. There is at least one larger cave that could be used by bats or by nesting Turkey Vultures (*Cathartes aura*). A number of holes have been used as nest sites by Pigeon Guillemot (*Cepphus columba*) (Ferguson pers. comm. 2017) and the landowners reported that a Peregrine Falcon (*Falco peregrinus anatum*) previously nested in the cliff face.

The Ecological Community Douglas-fir/Arbutus (CDFmm02) was ranked in 2004 by the BC Conservation Data Centre as S2 and it is a Red-listed Ecological Community (BC CDC 2017). Terrestrial Ecosystem Mapping mapped the Vegetation Type as site series Douglas-fir - Shore Pine - Arbutus (CDFmm02) and it is part of the Sensitive Ecosystem Inventory as a Woodland Ecosystem (Islands Trust 2007).

FLORA	
Main Canopy	
Species & percent cover	
Douglas-fir	
(<i>Pseudotsuga menziesii</i>) (30%)	
Age (estimated)	40-80 years
Height	12-20 m
DBH	40-80 cm
Arbutus	
(<i>Arbutus menziesii</i>) (10%)	
Age (estimated)	20-60 years
Height	8-15 m
DBH	15-50 cm
Garry Oak	
(<i>Quercus garryana</i>) (1%)	
Age (estimated)	30-40 years
Height	10 m
DBH	15 cm
Total Canopy Cover	40%

Understory (species & percent cover) Shrubs, including trees <10 m Herbs, ferns, grasses, mosses, etc. * Indicates non-native species	3% Salal (<i>Gaultheria shallon</i>), 2% Hedgehog Dogtail* (<i>Cynosurus echinatus</i>), 1% Fescue (<i>Festuca</i> sp.), 1% Brome (<i>Bromus</i> sp.), <1% Hairy Honeysuckle (<i>Lonicera hispidula</i>), <1% Western Trumpet Honeysuckle (<i>Lonicera ciliosa</i>), <1% Swordfern (<i>Polystichum munitum</i>), <1% Saskatoon (<i>Amelanchier alnifolia</i>) seedlings, <1% Arbutus (<i>Arbutus menziesii</i>) seedlings, <1% Douglas-fir (<i>Pseudotsuga menzeisii</i>) seedlings, <1% Wall Speedwell* (<i>Veronica arvensis</i>), <1% Sweet Vernal Grass* (<i>Anthoxanthum odoratum</i>), <1% Alaska Rein Orchid (<i>Platanthera unalascensis</i>), <1% Bitter-cress (<i>Cardamine</i> sp.), <1% Sticky Chickweed* (<i>Cerastium glomeratum</i>), <1% Short-flower Bird's-foot Trefoil (<i>Acmispon parviflorus</i>), <1% Starwort (<i>Stellaria</i> sp.), <1% Rattlesnake-plantain (<i>Goodyera oblongifolia</i>), <1% Wallace's Selaginella (<i>Selaginella wallacei</i>), <1% Miner's Lettuce (<i>Claytonia perfoliata</i>), <1% Wall Lettuce* (<i>Mycelis muralis</i>), <1% Cleavers (<i>Galium aparine</i>) Mosses (60%) include: Oregon Beaked-moss (<i>Eurhynchium oreganum</i>), Pinnatifid Homalothecium Moss (<i>Homalothecium pinnatifidum</i>), Juniper Haircap Moss (<i>Polytrichum juniperinum</i>), Broom Moss (<i>Dicranum scoparium</i>). Leaf litter (30%)
Observed rare/threatened species & locally uncommon species	Blue-shift Speckleback (<i>Punctelia stictica</i>) Orobush-seeded Liverwort (<i>Targionia hypophylla</i>) Peacock Vinyl (<i>Scytinium polycarpum</i>) Poison Oak (<i>Toxicodendron diversilobum</i>) Silver-rimmed Crackers (<i>Fuscopannaria pacifica</i>)
Potential Other Species at Risk	Batwing Vinyl (<i>Leptogium platynum</i>) Leafless Wintergreen (<i>Pyrola aphylla</i>) Fourty-five Vinyl (<i>Leptogium intermedium</i>) Ozette Coralroot (<i>Corallorhiza maculata</i> var. <i>ozettensis</i>) White-lip Rein Orchid (<i>Piperia candida</i>)
Special Features	Steep cliff faces, sandstone formations, maturing Douglas-fir and Arbutus with scattered Garry Oak
Expected Changes	Forest will gradually mature and become more complex as gaps open and trees age. Some conifer encroachment may occur next to Garry Oaks although thin soils will limit the ability of Douglas-fir to establish.
Disturbance History	Has been logged (decaying stump present), fire scars on older trees and stumps.

FAUNA Wildlife Habitat / Features	Steep cliffs with cavities of varying size along the western shoreline provide excellent habitat including nesting sites for birds and possibly bats. The many Arbutus trees and few Garry Oaks may provide a rich food source for Band-tailed Pigeons. There are many wildlife trees with cavities that may serve as nest sites and loose bark that may serve as nesting/roosting sites for bats and/or birds.
Observed Species	American Robin (<i>Turdus migratorius</i>) Bald Eagle (<i>Haliaeetus leucocephalus</i>) – active nest Black-tailed Deer (<i>Odocoileus hemionus</i>) – scat Harbour Seal (<i>Phoca vitulina</i>) – in ocean Red Squirrel (<i>Tamiasciurus hudsonicus</i>) - cache North American River Otter (<i>Lontra canadensis</i>) - scat
Observed rare/threatened species	Western Screech-owl (<i>Megascops kennicottii kennicottii</i>)
Potential Other Species at Risk	Band-tailed Pigeon (<i>Patagioenas fasciata</i>) Common Nighthawk (<i>Chordeiles minor</i>) Northern Pygmy-owl (<i>Glaucidium gnoma swarthi</i>) Peregrine Falcon (<i>Falco peregrinus anatum</i>)

Vegetation Type 2: WD:coDO5 (CDFmm03) Woodland: conifer Douglas-fir - Alaska Oniongrass Structural Stage 5 (Young Forest)

Vegetation Type 2 is found along the eastern portion of the Covenant Area. It extends from the north end of Link Island to the south end the Covenant Area to the border of the Live/Use area and slopes to the north east below the height of land. Along the shoreline, the slopes are more gradual than the western shore of Link Island.

The area is a mixed forest dominated by young Douglas-fir (*Pseudotsuga menziesii*) and Arbutus (*Arbutus menziesii*). There are some wildlife trees throughout the Vegetation Type including a Bald Eagle (*Haliaeetus leucocephalus*) nest which is not currently active. The understory vegetation is of limited diversity, due in part to the thin soils and high level of grazing pressure from Black-tailed Deer (*Odocoileus hemionus*). There are varying amounts of Alaska Oniongrass (*Melica subulata*) in the understory depending on variations in soil moisture and depth.

The soils have been mapped as Saturna very shallow lithic (STsl). These soils are channery sandy loam to channery loamy sand colluvial and glacial drift material less than 100 cm deep over sandstone bedrock (Van Vliet *et al.* 1989). There are several midden sites (Borden Numbers DgRw 132, DgRw168, and DgRw167) along the eastern shoreline of Link Island (map in Appendix B).

The Ecological Community Douglas-fir – Alaska Oniongrass (*Pseudotsuga menziesii* – *Melica subulata*) (CDFmm03) was ranked in 2006 by the BC Conservation Data Centre as S1 and it is a Red-listed Ecological Community (BC CDC 2017).

FLORA Main Canopy Species & percent cover Douglas- fir (<i>Pseudotsuga menziesii</i>) (45%) Age (estimated) 20-60 years Height 13-20 m DBH 35-60 cm Arbutus (<i>Arbutus menziesii</i>) (15%) Age (estimated) 40-70 years Height 13-17 m DBH 35 cm Bigleaf Maple (<i>Acer macrophyllum</i>) (1%) Age (estimated) 30-50 years Height 13-17 m DBH 25 cm Western Redcedar (<i>Thuja plicata</i>) (1%) Age (estimated) 20-80 years Height 8-17 m DBH 15-60 cm Garry Oak (<i>Quercus garryana</i>) (<1%) Age (estimated) 20-40 years Height 13 m DBH 15 cm Western Yew (<i>Taxus brevifolia</i>) (<1%) Age (estimated) 40-60 years Height 12-14 m DBH 20 cm	
Secondary Canopy Species and percent cover Douglas- fir (<i>Pseudotsuga menziesii</i>) (2%) Age (estimated) 15-20 years Height 7-8 m DBH 10 cm Grand Fir (<i>Abies grandis</i>) (<1%) Age (estimated) 10-15 years Height 5 m DBH 6 cm	

Total Canopy Cover	60%
Understory (species & percent cover) Shrubs, including trees <10 m Herbs, ferns, grasses, mosses, etc. *Indicates non-native plant	20% Alaska Oniongrass (<i>Melica subulata</i>), 5% Dull Oregon-grape (<i>Berberis nervosa</i>), 2% Salal (<i>Gaultheria shallon</i>), 2% Western Trumpet Honeysuckle (<i>Lonicera ciliosa</i>), 2% Cleavers (<i>Galium aparine</i>), <1% Hairly Honeysuckle (<i>Lonicera hispidula</i>), <1% Bittercress (<i>Cardamine</i> sp.), <1% Sword Fern (<i>Polystichum munitum</i>), <1% Starwort (<i>Stellaria</i> sp.), <1% Wall Lettuce* (<i>Mycelis muralis</i>), <1% Brome (<i>Bromus</i> sp.), <1% Rattlesnake Plantain (<i>Goodyera oblongifolia</i>), <1% Bigleaf Maple (<i>Acer macrophyllum</i>) seedlings, <1% Fescue (<i>Festuca</i> sp.), <1% Sticky Chickweed* (<i>Cerastium glomeratum</i>), <1% English Holly* (<i>Ilex aquifolium</i>), <1% Pacific Sanicle (<i>Sanicula crassicaulis</i>), <1% English Daisy* (<i>Bellis perennis</i>), <1% Miner's Lettuce (<i>Claytonia perfoliata</i>), <1% Northern Star-flower (<i>Lysimachia latifolia</i>) Mosses (60%) include: Oregon Beaked-moss (<i>Eurynchium oreganum</i>), Step Moss (<i>Hylocomium splendens</i>), Electrified Cat's-tail Moss (<i>Rhytidiadelphus triquetrus</i>), Lanky Moss (<i>Rhytidiadelphus loreus</i>), Palm Tree Moss (<i>Leucolepsis acanthoneuron</i>)
Observed rare/threatened species & locally uncommon species	Seaside Juniper (<i>Juniperus maritima</i>)
Potential Other Species at Risk	Ozette Coralroot (<i>Corallorhiza maculata</i> var. <i>ozettensis</i>) Leafless Wintergreen (<i>Pyrola aphylla</i>) White-lip Rein Orchid (<i>Piperia candida</i>) Peacock Vinyl (<i>Scytinium polycarpum</i>) Fourty-five Vinyl (<i>Leptogium intermedium</i>)
Special Features	Maturing forest with low bank waterfront.
Expected Changes	Forest will gradually mature and become more complex as gaps open and trees age.
Disturbance History	Stumps indicate the area was previously logged. Stumps are decayed suggesting logging was many years in the past.

FAUNA Wildlife Habitat / Features	Large number of Arbutus trees provide fruit for birds including Band-tailed Pigeon (<i>Patagioenas fasciata</i>). Wildlife trees, some with well-developed cavities that may serve as nest sites. Large Bald Eagle (<i>Haliaeetus leucocephalus</i>) nest not currently in use.
Observed Species	American Robin (<i>Turdus migratorius</i>) – eggshell Black-tailed Deer (<i>Odocoileus hemionus</i>) – carcass, scat and live deer Chestnut-backed Chickadee (<i>Poecile rufescens</i>) Common Raven (<i>Corvus corax</i>) North American River Otter (<i>Lontra canadensis</i>) - scat
Observed rare/threatened species	Great Blue Heron (<i>Ardea herodias fannini</i>)- flying over and perched in trees at north end of island
Potential Other Species at Risk	Western Screech-owl (<i>Megascops kennicottii kennicottii</i>) Band-tailed Pigeon (<i>Patagioenas fasciata</i>) Northern Pygmy-owl (<i>Glaucidium gnoma swarthi</i>)

Vegetation Type 3: Wallace's Selaginella – Reindeer Lichens (*Selaginella wallacei* – *Cladina* spp.) (CDFmm)

This Vegetation Type is found in a small opening in the northwest portion of the island and in isolated pockets along the southeastern shoreline. The soils are very shallow over rock outcroppings and are too thin to support trees or shrubs although Douglas-fir and Arbutus are found along the edges of the Vegetation Type and shade the area to varying extents. The soils are mapped as Rock Outcrop (RO) which is undifferentiated bedrock exposed or covered by moss or mineral soil less than 10 cm deep (Van Vliet *et al.* 1989).

Vegetation is dominated by a diversity of mosses and with approximately 20% cover of Reindeer Lichens (*Cladonia* spp.) and small numbers of grasses and vascular plants. Most of the grass cover is the non-native Sweet Vernalgrass (*Anthoxanthum odoratum*) which is able to establish in thin soils. The aspect is primarily northeast and slopes are moderate. The sites are extremely well-drained and nutrient regime is poor.

The *Guide for Non-Forested and Sparsely Vegetated Ecosystems of the CDFmm* names the site association Cladina- Wallace's Selaginella and uses the TEM Map Code SC. The Ecological Community Wallace's Selaginella – Reindeer Lichens (*Selaginella wallacei* – *Cladina* spp.) (CDFmm) was ranked in 2012 by the BC Conservation Data Centre as S3 and it is a Blue-listed Ecological Community (BC CDC 2017).

FLORA	
Main Canopy	
Species & percent cover	
Douglas- fir (at edge)	
(<i>Pseudotsuga menziesii</i>) (2%)	
Age (estimated)	50-80 years
Height	15-17 m
DBH	40-50 cm
Arbutus (at edge)	
(<i>Arbutus menziesii</i>) (2%)	
Age (estimated)	30-40 years
Height	10 m
DBH	20 cm
Total Canopy Cover	0%

Understory (species & percent cover) Shrubs, including trees <10 m Herbs, ferns, grasses, mosses, etc. * Indicates non-native plant	20% Sweet Vernalgrass* (<i>Anthoxanthum odoratum</i>), 2% Wallace's Selaginella (<i>Selaginella wallacei</i>), <1% Hairy Cat's-ear* (<i>Hypochaeris radicata</i>), <1% Cleavers (<i>Galium aparine</i>), <1% Sheep Sorrel* (<i>Rumex acetosella</i>), <1% Fescue (<i>Festuca</i> sp.), <1% Sticky Chickweed* (<i>Cerastium glomeratum</i>), <1% Douglas-fir (<i>Pseudotsuga menzeisii</i>) seedlings, <1% White Triteleia (<i>Triteleia hyacinthina</i>) Mosses and lichens (80%) include: Reindeer Lichen (<i>Cladonia</i> spp.), Oregon Beaked-moss (<i>Eurynchium oregonum</i>), Step Moss (<i>Hylocomium splendens</i>), Electrified Cat's-tail Moss (<i>Rhytidiadelphus triquetrus</i>), Haircap Moss (<i>Polytrichum</i> sp.), Grey Rock-moss (<i>Racomitrium canescens</i>), Broom Moss (<i>Dicranum</i> sp), Pinnatifid Homalothecium Moss (<i>Homalothecium pinnatifidum</i>), Red Thread-moss (<i>Bryum miniatum</i>)
Observed rare/threatened species & locally uncommon species	None observed
Potential Other Species at Risk	None likely
Special Features	Extremely shallow soils with small seepages.
Expected Changes	Unlikely to be encroachment into open meadow areas because of thin soils. The landowners have noted an increase in the number of grasses over time.
Disturbance History	Previous logging at edge of Vegetation Type.

FAUNA Wildlife Habitat / Features	Open meadow area surrounded by forest may provide habitat for aerial insectivores.
Observed Species	Black-tailed Deer (<i>Odocoileus hemionus</i>) – scat Moss dug up, possibly by Northern Flicker (<i>Colaptes auratus</i>)? Pacific Sideband (<i>Monadenia fidelis</i>)
Observed rare/threatened species	None observed
Potential Other Species at Risk	Band-tailed Pigeon (<i>Patagioenas fasciata</i>) Common Nighthawk (<i>Chordeiles minor</i>)

Vegetation Type 4: Garry Oak – California Brome (*Quercus garryana* – *Bromus carinatus*) (CDFmm00)

This Vegetation Type is found on Spider Monkey Island, a small islet on the southwest corner of Link Island which is connected to Link Island except at high tide. Historically, the islet was also connected to DeCourcy Island but a notch was cut in the sandstone to allow boat access through the narrow passage. Although grazing pressure is still high, there appears to be less extreme over-grazing by deer than in other parts of Link Island as evidenced by the wider diversity of understory vegetation.

Dominant tree cover is Maritime Juniper (*Juniperus maritima*) with Garry Oak (*Quercus garryana*) occurring outside the vegetation plot. The understory is a diverse mix of forbs and grasses including many showy wildflowers such as Chocolate Lily (*Fritillaria affinis*), Common Camas

(*Camassia quamash*) and Sea Blush (*Plectritis congesta*). There are both native and invasive grasses present.

The soils have been mapped as Rock Outcrop (RO) which is undifferentiated bedrock exposed or covered by moss or mineral soil less than 10 cm deep (Van Vliet *et al.* 1989). The aspect is varied depending on the side of the islet. The shoreline has steeper areas on the western shoreline with sandstone formations and more gradual slopes on the eastern and southern shorelines. The islet has a strong marine influence and exposure to salt spray may limit the establishment of shrubs and trees. The site is well-drained and there are outcroppings of bedrock covered by thin soil near the middle of the islet.

The Ecological Community Garry Oak – California Brome (*Quercus garryana* – *Bromus carinatus*) (CDFmm00) was ranked in 2004 by the BC Conservation Data Centre as S1 and it is a Red-listed Ecological Community (BC CDC 2017). According to the *Guide for Non-Forested and Sparsely Vegetated Ecosystems of the CDFmm* the site association could also be Fescue-Camas although this is not listed as an Ecological Community by the CDC (BC CDC 2017).

FLORA Main Canopy Species & percent cover Seaside Juniper (<i>Juniperus maritima</i>) (5%) Age (estimated) Height DBH	 40-100 years? 7-8 m 15-40 cm
Total Canopy Cover	5%
Understory (species & percent cover) Shrubs, including trees <10 m Herbs, ferns, grasses, mosses, etc. *indicates non-native plant species	50% Sweet Vernalgrass* (<i>Anthoxanthum odoratum</i>), 8% Death Camas (<i>Toxicoscordion venenosum</i> var. <i>venenosum</i>), 5% Barren Brome* (<i>Bromus sterilis</i>), 3% Western Fescue (<i>Festuca occidentalis</i>), 3% Small-flowered Blue-eyed Mary (<i>Collinsia parviflora</i>), 2% Hedgehog Dogtail* (<i>Cynosurus echinatus</i>), 2% Springbank Springbeauty (<i>Claytonia parviflora</i>), 1% Slender Plantain (<i>Plantago elongata</i>), 1% Blue Wildrye (<i>Elymus glaucus</i>), <1% Hairy Honeysuckle (<i>Lonicera hispidula</i>), 1% Tall Oregon-grape (<i>Berberis aquifolium</i>), <1% Saskatoon (<i>Amelanchier alnifolia</i>), <1% Oceanspray (<i>Holodiscus discolor</i>), <1% White Tritelia (<i>Triteleia hyacinthina</i>), <1% Common Camas (<i>Camassia quamash</i>), <1% Pacific Sanicle (<i>Sanicula crassicaulis</i>), <1% Sea Blush (<i>Plectritis congesta</i>), <1% Wall Speedwell* (<i>Veronica arvensis</i>), <1% Sticky Chickweed* (<i>Cerastium glomeratum</i>), <1% Common Vetch* (<i>Vicia sativa</i>), <1% Dovefoot Geranium* (<i>Geranium molle</i>), <1% Short-stalked Wood-rush (<i>Luzula subsessilis</i>), <1% Yarrow (<i>Achillea millefolium</i>), <1% Canada Bluegrass* (<i>Poa compressa</i>), <1% Chocolate Lily (<i>Fritillaria affinis</i>), <1% Small-flowered Woodland Star (<i>Lithophragma parviflorum</i>), <1% Grassland Saxifrage (<i>Micranthes integrifolia</i>), <1% Monkey-flower

	(<i>Erythranthe</i> sp.), <1% Bur Chervil* (<i>Anthriscus caucalis</i>), <1% Cleavers (<i>Galium aparine</i>), <1% Broad-leaved Stonecrop (<i>Sedum spathulifolium</i>), <1% Douglas-fir (<i>Pseudotsuga menziesii</i>) seedlings, <1% Common Draba* (<i>Draba verna</i>), <1% Tomcat Clover (<i>Trifolium willdenovii</i>), <1% Wallace's Selaginella (<i>Selaginella wallacei</i>), <1% Thyme-leaved Sandwort* (<i>Arenaria serpyllifolia</i>), <1% Hairy Cat's-ear* (<i>Hypochaeris radicata</i>), <1% Clover (<i>Trifolium</i> sp.), <1% Bittercress (<i>Cardamine</i> sp.), <1% Common Forget-me-not (<i>Myosotis discolor</i>), <1% Field Parsley Piert* (<i>Aphanes arvensis</i>), <1% Field Chickweed (<i>Cerastium arvense</i>), <1% Sheep Sorrell* (<i>Rumex acetosella</i>) Mosses (25%) include: Electrified Cat's-tail Moss (<i>Rhytidiadelphus triquetrus</i>), Broom Moss (<i>Dicranum</i> sp.), Grey Rock-moss (<i>Racomitrium canescens</i>), Pinnatifid Homalothecium Moss (<i>Homalothecium pinnatifidum</i>), (<i>Cladonia</i> sp.)
Observed rare/threatened species & locally uncommon species	Continuous Ribbon Lichen (<i>Ramalina subleptocarpha</i>) Northern Seafog (<i>Niebla cephalota</i>) Seaside Juniper (<i>Juniperus maritima</i>) Seaside Tarpaper (<i>Blennothallia fecunda</i>) Thin-lipped Sunburst (<i>Xanthomendoza oregana</i>)
Potential Other Species at Risk	Geyer's Onion (<i>Allium geyeri</i>)
Special Features	Largely undisturbed meadows with diverse wildflowers in understory. High diversity of rare lichens.
Expected Changes	There may be increased erosion over the long term with extreme storms associated with climate change.
Disturbance History	Notch cut in sandstone to allow boat passage between Link and DeCourcy Islands has effectively limited grazing pressure and public access.

FAUNA	
Wildlife Habitat / Features	Large number of wildflowers and diverse open meadow provides food for pollinators.
Observed Species	Unidentified Bumblebee species and other pollinators.
Observed rare/threatened species	None observed
Potential Other Species at Risk	Great Blue Heron (<i>Ardea herodias fannini</i>) Moss' Elfin <i>mossii</i> subspecies (<i>Callophrys mossii mossii</i>)- feeds on Broad-leaved Stonecrop (<i>Sedum spathulifolium</i>) flowers Propertius Duskywing (<i>Erynnis propertius</i>)

Vegetation Type 5: Pacific Crab Apple – Slough Sedge

There are two linear wetlands on Link Island, both of which run northwest- southeast below the natural ridges of the land. They appear to hold water for much of the year and support a diverse range of wetland plants and associated species.

The soils in the northern wetland are mapped as Brigantine soils (BEL) which are loamy sand to sandy loam marine or fluvial deposits over silty clay loam to silty clay marine deposits. The soils are shallow 50-100cm to bedrock (Van Vliet *et al.* 1989). The southern wetland has been mapped as Parksville-Tolmie (PA-TL) soils which are loamy sand to sandy loam marine or fluvial deposits (30-100cm thick) over silty clay loam to silty clay marine deposits more than 100 cm deep (Van Vliet *et al.* 1989).

Shrubby vegetation is dominated by Pacific Crab Apple (*Malus fusca*) and Red-Osier Dogwood (*Cornus stolonifera*) with some Willows (*Salix* spp.). Slough Sedge (*Carex obnupta*) is a common component along the shoreline of the wetlands. Trembling Aspen (*Populus tremuloides*) was not observed in this Vegetation Type.

The Ecological Community Trembling Aspen – Pacific Crab Apple – Slough Sedge (*Populus tremuloides* – *Malus fusca* – *Carex obnupta*) (CDFmm00) was ranked in 2016 by the BC Conservation Data Centre as S1S2 and it is a Red-listed Ecological Community (BC CDC 2017).

FLORA Primary Canopy (at edge of wetland) Douglas- fir (at edge of Vegetation Type) (<i>Pseudotsuga menziesii</i>) (2%) Age (estimated) 100-130 years Height 20 m DBH 90 cm Arbutus (at edge) (<i>Arbutus menziesii</i>) (1%) Age (estimated) 80-120 years Height 13 m DBH 45-55 cm Western Redcedar (at edge) (<i>Thuja plicata</i>) (1%) Age (estimated) 20-50 years Height 8 m DBH 15-35 cm Grand Fir (at edge) (<i>Abies grandis</i>) (<1%) Age (estimated) 30-50 years Height 10 m DBH 25 cm	
Secondary Canopy Species & percent cover Pacific Crab Apple (<i>Malus fusca</i>) (40%) Age (estimated)	40-60 years

Height DBH Red-osier Dogwood <i>(Cornus stolonifera)</i> (15%) Age (estimated) Height DBH Cascara <i>(Frangula purshiana)</i> (2%) Age (estimated) Height DBH Western Flowering Dogwood <i>(Cornus nuttallii)</i> (1%) Age (estimated) Height DBH Western Yew <i>(Taxus brevifolia)</i> (<1%) Age (estimated) Height DBH	5-8 m 7-15 cm 20-50 years 3-4 m 7-15 cm 40-60 years 7-13 m 15 cm 30-50 years 7 m 10 cm 50 years? 8 m 20 cm
Total Canopy Cover	50%
Understory (species & percent cover) Shrubs, including trees <10 m Herbs, ferns, grasses, mosses, etc. *indicates non-native plant	5% Salal (<i>Gaultheria shallon</i>), 2% Slough Sedge (<i>Carex obnupta</i>), 2% Common Rush (<i>Juncus effusus</i>), 1% Bitter-cress (<i>Cardamine</i> sp.), <1% Bigleaf Maple (<i>Acer macrophyllum</i>) seedlings, <1% Oceanspray (<i>Holodiscus discolor</i>) seedlings, <1% Large Water-starwort (<i>Callitriche heterophylla</i>), <1% Cleavers (<i>Galium aparine</i>), <1% Brome (<i>Bromus</i> sp.), <1% Sticky Chickweed* (<i>Cerastium glomeratum</i>), <1% Hairy Cat's-ear* (<i>Hypochaeris radicata</i>), <1% Starwort (<i>Stellaria</i> sp.), <1% Sedge (<i>Carex</i> sp.) Mosses (5%) include: Oregon Beaked-moss (<i>Eurynchium oreganum</i>), Isothecium Moss (<i>Isothecium cristatum</i>) Open water (30%), bare soil (10%)
Observed rare/threatened species & locally uncommon species	None observed
Potential Other Species at Risk	Slender-spiked Mannagrass (<i>Glyceria leptostachya</i>) Two-edged Water-starwort (<i>Callitriche heterophylla</i> var. <i>heterophylla</i>)
Special Features	Important water source for a wide range of wildlife species. Wetlands are uncommon in many of the Gulf Islands.
Expected Changes	None expected.
Disturbance History	Stumps indicate the area around the wetlands were previously logged. Burn scars on stumps indicate past wildfire in adjacent areas.

FAUNA Wildlife Habitat / Features	Wetlands with standing fresh water are important for many species. These wetlands provide a breeding site for frogs, an important feeding area for bats and drinking water for a wide range of species.
Observed Species	California Myotis (<i>Myotis californicus</i>) - identified by Peter Ommundsen from sonogram recordings collected on southern wetland North American River Otter (<i>Lontra canadensis</i>) - scat Rufous Hummingbird (<i>Selasphorus rufus</i>) Pacific Chorus Frog (<i>Pseudacris regilla</i>)- heard and remnants of egg mass found in northern wetland Pacific Sideband Snail (<i>Monadenia fidelis</i>) Yuma Myotis (<i>Myotis yumanensis</i>)- identified by Peter Ommundsen from sonogram recordings on southern wetland
Observed rare/threatened species	None observed
Potential Other Species at Risk	Little Brown Myotis (<i>Myotis lucifugus</i>) Townsend's Big-eared Bat (<i>Corynorhinus townsendii</i>)

6.2 Risks to the Covenant Area

Invasive Species

The Covenant Area is remarkable for its lack of non-native, invasive shrubs. During the baseline survey, only scattered small English Holly (*Ilex aquifolium*) and a small (*Cytisus scoparius*) plant were observed (map in Appendix B) and these have been consistently removed by the current owner and her family. It is unusual to find an ecosystem in the Gulf Islands without Gorse (*Ulex europaeus*), Spurge-laurel (*Daphne laureola*) or English Ivy (*Hedera helix*). Although there are small numbers of invasive non-native forbs, most notably Tansy Ragwort (*Senecio jacobea*) and Bur Chervil (*Anthriscus caucalis*), the Covenant Area is distinctive for its lack of invasive species.

Erosion/Flooding

The Covenant Area is exceptionally well drained due to the loose sandstone and thin soils. It is unlikely that extreme flooding could cause harm unless there are significant land use changes. There may be some limited erosion associated with trampling, either by people or Black-tailed Deer (*Odocoileus hemionus*) in the steeper areas of the Covenant Area.

Changes to sea level associated with climate change and extreme storm events may cause erosion and flooding along the shoreline.

Heavy Grazing Pressure

There is high grazing impact from native Black-tailed Deer (*Odocoileus hemionus*). Overgrazing limits the amount and diversity of understory vegetation and can in turn impact wildlife by limiting songbird nesting sites and limiting food sources (Martin *et al.* 2011).

In areas with gentle slopes next to the shoreline, North American River Otter (*Lontra canadensis*) and in some locations, Canada Goose (*Branta canadensis*) have eroded soils and facilitated the spread of non-native plants in these disturbed areas.

Fire and Fire Suppression

Naturally occurring fires have been actively suppressed for approximately a century on all Gulf Islands. Fire suppression in forested areas creates elevated fuel levels that are much higher than during pre-European contact. If fires do occur, they would likely be hotter than historic fires and may cause great harm. Fire suppression also allows conifer encroachment into areas with Garry Oak (*Quercus garryana*). In locations with deeper soils, the Douglas-fir may shade out the Garry Oak over time.

Fire suppression techniques including using salt water or fire retardants may damage plants and animals on the Covenant Area.

Trespass

The southernmost tip of Mudge Island, which is directly to the north of the Covenant Area, is a community park. At low tide it is possible to walk between Mudge Island and Link Island. Additionally, there are recreational boaters and kayakers that use the foreshore area between Mudge Island and Link Island. The proximity to Mudge Island and its public park creates a risk of trespass at the north end of the Covenant Area where trespass has occurred in the past, according to the landowners.

6.3 Archaeological Sites

Link Island has many recognized archaeological sites along the shoreline. Middens in the Gulf Islands have a high potential to be burial sites and are culturally sensitive locations for First Nations peoples.

6.4 Expected Change to Ecosystems over Time

Natural succession is to be expected. Barring any land use changes, there is no expected increase in the number of invasive species or erosion over time. Conifer encroachment into areas with Garry Oak may occur although the thin soils will limit encroachment to a large degree. Non-native Sweet Vernalgrass (*Anthoxanthum odoratum*), may continue to establish in Vegetation Type 3 (Wallace's Selaginella-Reindeer Lichens) over time. Grazing from native deer will limit recruitment of shrubs and trees.

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8.0 List of Appendices

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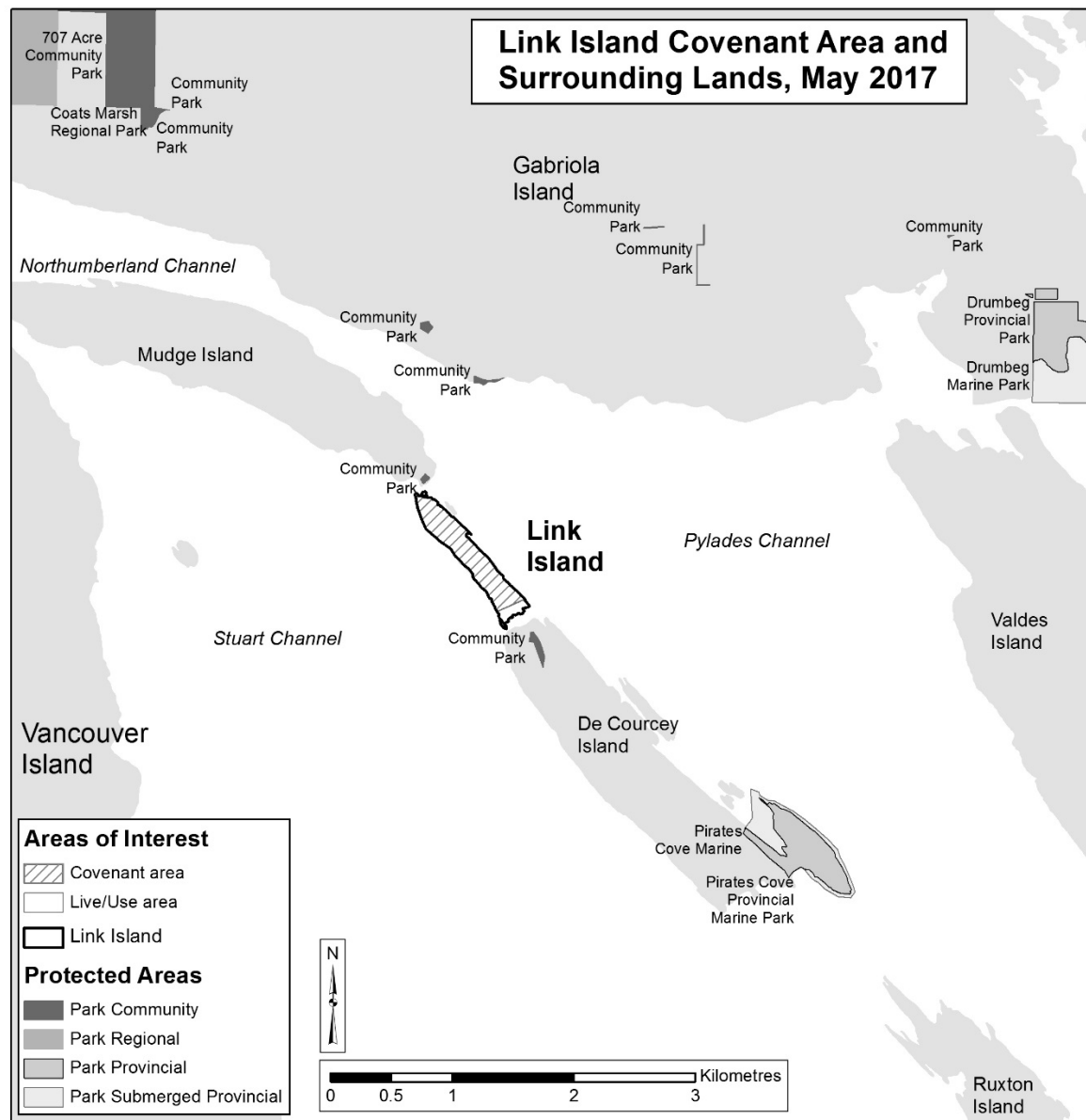
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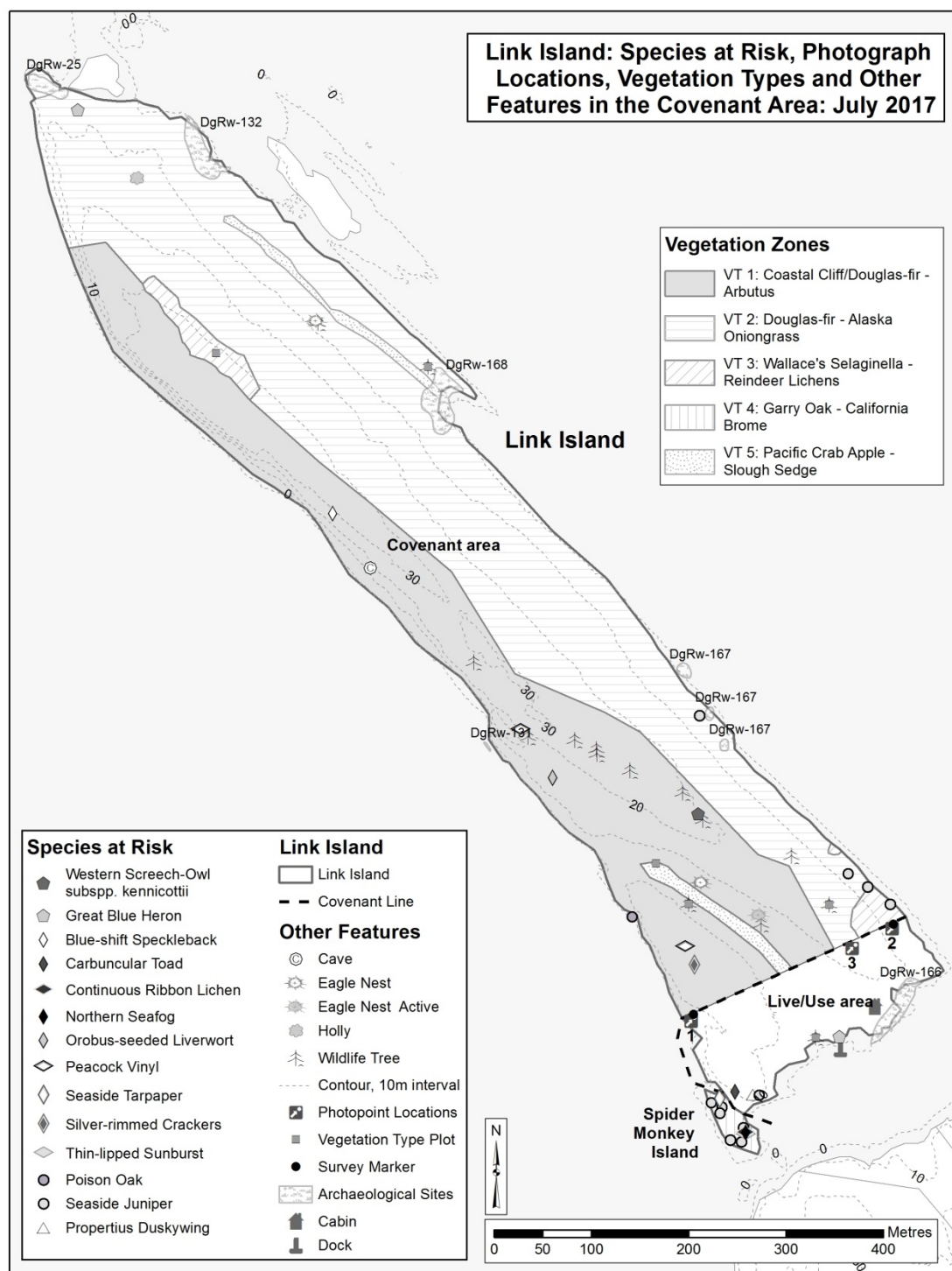
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Appendix A. Map of the Covenant Area in Relation to Surrounding Areas



Appendix B. Map of the Covenant Area showing Vegetation Types, Photopoints, Species at Risk and Other Features



Appendix C. Animal Species Observed in the Covenant Area during Preparation of Baseline

Table 1. Mammal and Amphibian Species Observed in the Covenant Area

Common Name	Scientific Name	Federal Status (COSEWIC)	Provincial Status
Black-tailed Deer	<i>Odocoileus hemionus</i>		
Eastern Cottontail** (fur and bones in Bald Eagle pellet may be from this species)	<i>Sylvilagus floridanus</i>		
Harbour Seal (observed in ocean next to Link Island)	<i>Phoca vitulina</i>		
Pacific Chorus Frog (auditory and remnant egg material in northern wetland)	<i>Pseudacris regilla</i>		
Raccoon (skull collected prior to baseline survey)	<i>Procyon lotor</i>		
Red Squirrel	<i>Tamiasciurus hudsonicus</i>		
North American River Otter (scat)	<i>Lontra canadensis</i>		
California Myotis*	<i>Myotis californicus</i>		
Yuma Myotis*	<i>Myotis yumanensis</i>		

* An Anabat acoustic bat detector was deployed April 29, 2017 for one evening next to the southern wetland on Link Island just south of the Covenant Area (UTMs: 10U 444678 5440347). Retired biologist, Peter Ommundsen, analyzed the acoustic data. Over the course of the evening, 930 acoustic detections were recorded from two bat species, suggesting a high abundance of bats. Protecting wetland and surrounding habitats helps to provide essential foraging and breeding habitat for many wildlife species.

**Non-native species

Table 2. Invertebrate Species Observed in the Covenant Area

A gastropod and amphibian survey was completed on April 29, 2017 by Laura Matthias. A time-constrained opportunistic search occurred throughout a significant portion of the property in various ecosystem types. The younger forest and thin soil deposition may contribute to the relatively low diversity at this site. Gastropods play an important role in the ecosystem as dispersers of mycorrhizal fungi spores that form symbiotic relationships with roots of trees.

Common Name	Scientific Name	Federal Status (COSEWIC)	Provincial Status
Propertius Duskywing*	<i>Erynnis propertius</i>		Red-list (S2)
Black Gloss	<i>Zonitoides nitidus</i>		
Lancetooth spp.	<i>Ancotrema spp.</i>		
Northwest Striate	<i>Striatura pugetensis</i>		
Northwest Hesperian	<i>Vespericola columbianus</i>		
Pacific Bananaslug	<i>Ariolimax columbianus</i>		
Pacific Sideband	<i>Monadenia fidelis</i>		
Reticulate Taildropper	<i>Prophyaon andersoni</i>		
Tightcoil spp.	<i>Pristaloma spp.</i>		

* Propertius Duskywing butterflies were observed by Ren Ferguson during avian surveys. They were observed outside the covenant area close to Spider Monkey Island.

Table 3. Avian Species Observed in the Covenant Area

Species list compiled by Ren Ferguson on April 29th and 30th, 2017.

Brackets around the (Common Name) means the species was observed within 100 meters of shoreline. Species names and order follows the American Ornithologist Union Checklist of Birds of North America, Seventh Edition, 1998 and supplements to August 2011.

* Potential Nesting

** Confirmed Nesting -only active nests or obvious previous nests are included in this list

Common Name	Scientific Name	Federal Status (COSEWIC)	Provincial Status
Canada Goose*	<i>Branta canadensis</i>		
(Surf Scoter)	<i>Melanitta perspicillata</i>		Blue-list (S3BS4N)
Common Loon	<i>Gavia immer</i>		
Double-crested Cormorant	<i>Phalacrocorax auritus</i>		Blue-list (S3S4B)
(Pelagic Cormorant)	<i>Phalacrocorax pelagicus</i>		
Great Blue Heron	<i>Ardea herodias fannini</i>	Special Concern	Blue-list (S2S3B)
Turkey Vulture*	<i>Cathartes aura</i>		
Bald Eagle**	<i>Haliaeetus leucocephalus</i>		
Cooper's Hawk*	<i>Accipiter cooperii</i>		
Peregrine Falcon*	<i>Falco peregrinus anatum</i>	Special Concern	Red-list (S2?B)
Glaucous-winged Gull	<i>Larus glaucescens</i>		
Pigeon Guillemot**	<i>Cephus columba</i>		
Western Screech-Owl* ¹	<i>Megascops kennicottii kennicottii</i>	Threatened	Blue-list (S3)
Great Horned Owl*	<i>Bubo virginianus</i>		
Rufous Hummingbird*	<i>Selasphorus rufus</i>		
Belted Kingfisher**	<i>Megascops alcyon</i>	Candidate	Yellow-list (S4S5B)
Northern Flicker*	<i>Colaptes auratus</i>		
Pileated Woodpecker*	<i>Dryocopus pileatus</i>		
Pacific-slope Flycatcher*	<i>Empidonax difficilis</i>		
Northwestern Crow*	<i>Corvus caurinus</i>		
Common Raven*	<i>Corvus corax</i>		
Violet-green Swallow**	<i>Tachycineta thalassina</i>		
Chestnut-backed Chickadee*	<i>Poecile rufescens</i>		
Red-breasted Nuthatch*	<i>Sitta canadensis</i>		
Brown Creeper*	<i>Certhia americana</i>		
House Wren*	<i>Troglodytes aedon</i>		
Pacific Wren*	<i>Troglodytes pacificus</i>		
American Robin*	<i>Turdus migratorius</i>		
Orange-crowned Warbler*	<i>Oreothlypis celata</i>		

¹ A male Western Screech-owl responded to a call playback at 7:30 am and was found roosting near potential nest trees one of which had wing feathers from a Golden-crowned Kinglet at the base. This suggests an active nest but further investigation is needed to confirm. The owner's family observed a nesting Western Screech-owl each year from 1963 to 1971 in a snag between the cabin and the well.

Yellow-rumped Warbler*	<i>Setophaga coronata</i>		
Spotted Towhee*	<i>Pipilo maculatus</i>		
Song Sparrow*	<i>Melospiza melodia</i>		
White-crowned Sparrow*	<i>Zonotrichia leucophrys</i>		
Dark-eyed Junco**	<i>Junco hyemalis oreganus</i>		
Red Crossbill*	<i>Loxia curvirostra</i>		
American Goldfinch*	<i>Spinus tristis</i>		

Appendix D. List of Bird Species Observed on Link Island since 1963 Compiled by Owner's Family

- | | |
|---|---|
| 1. Common Loon | 34. Common Murre |
| 2. Red-throated Loon | 35. Marbled Murrelet (rare sighting) |
| 3. Western Grebe | 36. Rhinoceros Auklet (rare sighting) |
| 4. Eared Grebe | 37. Band-tailed Pigeon |
| 5. Pied-billed Grebe | 38. Great Horned Owl (nesting) |
| 6. Horned Grebe | 39. Western Screech-Owl (nesting) |
| 7. Red-necked Grebe | 40. Pileated Woodpecker |
| 8. Double-crested Cormorant | 41. Downy Woodpecker (nesting) |
| 9. Great Blue Heron | 42. Hairy Woodpecker (nesting) |
| 10. Trumpeter Swan (rare sighting) | 43. Common Raven (nesting) |
| 11. Canada Goose (nesting) | 44. American Crow |
| 12. Mallard Duck | 45. Violet-green Swallow (nesting) |
| 13. Surf Scoter | 46. Blacked-capped Chickadee (nesting) |
| 14. Harlequin Duck | 47. Chestnut-backed Chickadee |
| 15. Common Goldeneye | 48. Bushtit (nesting) |
| 16. Barrow's Goldeneye | 49. Red-breasted Nuthatch (nesting) |
| 17. Bufflehead | 50. Brown Creeper (nesting) |
| 18. Hooded Merganser | 51. Bewick's Wren (nesting) |
| 19. Common Merganser | 52. Golden-crowned Kinglet |
| 20. Red-breasted Merganser | 53. Ruby-crowned Kinglet |
| 21. Turkey Vulture | 54. American Robin (nesting) |
| 22. Golden Eagle (rare sighting) | 55. Varied Thrush (infrequent sighting) |
| 23. Bald Eagle (nesting) | 56. Cedar Waxwing |
| 24. Peregrine Falcon (infrequent nesting) | 57. Orange-crowned Warbler |
| 25. American Coot | 58. Yellow-rumped Warbler |
| 26. Wandering Tattler | 59. Spotted Towhee (nesting) |
| 27. Oystercatcher | 60. White-crowned Sparrow |
| 28. Killdeer | 61. Song Sparrow (nesting) |
| 29. Spotted Sandpiper | 62. Dark-eye Junco (nesting) |
| 30. Glaucous Gull | 63. Red Crossbill |
| 31. Mew Gull | 64. Pine Siskin |
| 32. Bonaparte's Gull | 65. American Goldfinch |
| 33. Pigeon Guillemot (nesting) | 66. Starling |

Appendix E. Vascular Plants, Mosses and Lichens Observed in the Covenant Area During Preparation of Baseline Survey

List compiled by R. Batten (2017) with some additions, common names (from E-Flora BC 2017) and status (from BC Conservation Data Centre 2017) added by C. Maslovat.

Vascular Plants

Species Name	Common Name	Provincial Status
<i>Abies grandis</i> (Douglas ex D. Don) Lindl.	Grand Fir	
<i>Acer macrophyllum</i> Pursh	Bigleaf Maple	
<i>Achillea millefolium</i> L.	Yarrow	
<i>Acmispon parviflorus</i> (Benth.) D.D. Sokoloff	Short-flower Bird's-foot -trefoil	
<i>Agoseris grandiflora</i> (Nutt.) Greene	Large-flowered Agoseris	
<i>Agrostis stolonifera</i> L.	Creeping Bentgrass	Introduced
<i>Aira caryophyllea</i> L.	Silver Hairgrass	Introduced
<i>Aira praecox</i> L.	Early Hairgrass	Introduced
<i>Alnus rubra</i> Bong.	Red Alder	
<i>Amelanchier alnifolia</i> (Nutt.) Nutt. ex M. Roem.	Saskatoon	
<i>Anthoxanthum odoratum</i> L.	Sweet Vernalgrass	Introduced
<i>Anthriscus caucalis</i> M. Bieb.	Bur Chervil	Introduced
<i>Aphanes arvensis</i> L.	Field Parsley Piert	Introduced
<i>Arbutus menziesii</i> Pursh	Arbutus	
<i>Arctostaphylos uva-ursi</i> (L.) Spreng	Kinnikinnick	
<i>Arenaria serpyllifolia</i> L.	Thyme-leaved Sandwort	Introduced
<i>Bellis perennis</i> L.	English Daisy	Introduced
<i>Berberis aquifolium</i> Pursh	Tall Oregon-grape	
<i>Berberis nervosa</i> Pursh	Dull Oregon-grape	
<i>Bromus carinatus</i> Hook. & Arn.	California Brome	
<i>Bromus hordeaceus</i> L.	Soft Brome	Introduced
<i>Bromus sterilis</i> L.	Barren Brome	Introduced
<i>Callitriche heterophylla</i> Pursh	Large Water-starwort	
<i>Calypso bulbosa</i> var. <i>occidentalis</i> (Holz.) B. Boivin	Fairy-slipper	
<i>Camassia leichtlinii</i> (Baker) S. Watson	Great Camas	
<i>Camassia quamash</i> (Pursh) Green	Common Camas	
<i>Cardamine oligosperma</i> Nutt.	Little Western Bitter-cress	
<i>Carex inops</i> L.H. Bailey	Long-stoloned Sedge	
<i>Carex lyngbyei</i> Hornem.	Lyngbye's Sedge	
<i>Carex obnupta</i> L.H. Bailey	Slough Sedge	
<i>Carex ovalis</i> Gooden.	Hare Sedge	
<i>Castilleja hispida</i> var. <i>hispida</i> Benth. (H&C) Benth.	Harsh Indian Paintbrush	
<i>Cerastium arvense</i> L.	Field Chickweed	
<i>Cerastium glomeratum</i> Thuill.	Sticky Chickweed	Introduced
<i>Cerastium semidecandrum</i> L.	Little Chickweed	Introduced
<i>Cirsium brevistylum</i> Cronquist	Short-styled Thistle	
<i>Cirsium vulgare</i> (Savi) Ten.	Bull Thistle	Introduced

<i>Claytonia exigua</i> ssp. <i>glauc</i> a (Nutt. ex Torr. & Gray) Mill. & Chambers	Pale Springbeauty	
<i>Claytonia parviflora</i> Douglas ex Hook.	Streambank Spring Beauty	
<i>Claytonia perfoliata</i> ssp. <i>perfoliata</i> Donn ex Willd.	Miner's-lettuce	
<i>Claytonia sibirica</i> L.	Siberian Miner's-lettuce	
<i>Collinsia parviflora</i> Lindl.	Small-flowered Blue-eyed Mary	
<i>Corallorhiza maculata</i> (Raf.) Raf.	Summer Coralroot	
<i>Cornus nuttallii</i> Audubon	Western Flowering Dogwood	
<i>Cornus stolonifera</i> Michx.	Red-osier Dogwood	
<i>Cryptogramma acrostichoides</i> R. Br.	Parsley Fern	
<i>Cynosurus echinatus</i> L.	Hedgehog Dogtail	Introduced
<i>Cytisus scoparius</i> (L.) Link	Scotch Broom	Introduced
<i>Dactylis glomerata</i> L.	Orchard-grass	Introduced
<i>Delphinium menziesii</i> DC.	Menzies' Larkspur	
<i>Draba verna</i> L.	Common Draba	Introduced
<i>Elymus glaucus</i> Buckley	Blue Wildrye	
<i>Epilobium minutum</i> Lindl. ex Lehm.	Small-flowered Willowherb	
<i>Erodium cicutarium</i> (L.) L'Hér. ex Aiton	Stork's-bill	Introduced
<i>Erythranthe alsinoides</i> (Douglas ex Benth.) Nesom & Fraga	Wingstem Monkey-flower	
<i>Erythranthe microphylla</i> (Benth.) G.L. Nesom	No common name	
<i>Erythranthe nasuta</i> (Greene) G.L. Nesom	Little Yellow Monkey-flower	
<i>Erythranthe sookensis</i> (B.G. Benedict, Modliszewski, Sweigart, N.H. Martin, Ganders and John H. Willis) G.L. Nesom	Shy Monkey-flower	
<i>Festuca occidentalis</i> Hook.	Western Fescue	
<i>Festuca rubra</i> L.	Red Fescue	
<i>Frangula purshiana</i> (DC.) A. Gray (<i>Rhamnus purshiana</i> DC.)	Cascara	
<i>Fritillaria affinis</i> (Schult.) Sealy	Chocolate Lily	
<i>Galium aparine</i> L.	Cleavers	
<i>Gaultheria shallon</i> Pursh	Salal	
<i>Geranium molle</i> L.	Dovefoot Geranium	Introduced
<i>Gnaphalium palustre</i> Nutt.	Lowland Cudweed	
<i>Goodyera oblongifolia</i> Raf.	Rattlesnake-plantain	
<i>Heuchera micrantha</i> Douglas ex Lindl.	Small-flowered Alumroot	
<i>Hieracium albiflorum</i> Hook.	White Hawkweed	
<i>Hieracium scouleri</i> Hook.	Scouler's Hawkweed	
<i>Holodiscus discolor</i> (Pursh) Maxim.	Oceanspray	
<i>Hypochaeris glabra</i> L.	Smooth Cat's-ear	Introduced
<i>Hypochaeris radicata</i> L.	Hairy Cat's-ear	Introduced
<i>Ilex aquifolium</i> L.	English Holly	Introduced
<i>Juncus effusus</i> L.	Common Rush	
<i>Juniperus maritima</i> R.P. Adams	Seaside Juniper	Blue-list (S3)
<i>Lamium purpureum</i> L.	Purple Dead-nettle	Introduced
<i>Lithophragma parviflorum</i> (Hook.) Nutt.	Small-flowered Woodland Star	

<i>Lomatium utriculatum</i> (Nutt. ex Torr. & A. Gray) J.M. Coult. & Rose	Spring Gold	
<i>Lonicera ciliosa</i> (Pursh) Poir. ex DC	Western Trumpet	
<i>Lonicera hispidula</i> (Lindl.) Douglas ex Torr. & A. Gray	Hairy Honeysuckle	
<i>Lupinus bicolor</i> Lindl.	Two-coloured Lupine	
<i>Luzula subsessilis</i> (S. Watson) Buchenau	Short-stalked Wood-rush	
<i>Lysichiton americanus</i> Hulten and H. St. John	Skunk Cabbage	
<i>Lysimachia latifolia</i> (Hook.) Cholewa	Northern Starflower	
<i>Malus fusca</i> (Raf.) C.K. Schneid.	Pacific Crab Apple	
<i>Marrubium vulgare</i> L.	Common Horehound	Introduced
<i>Medicago lupulina</i> L.	Black Medic	Introduced
<i>Melica harfordii</i> Bol.	Harford's Melic	
<i>Melica subulata</i> (Griseb.) Scribn.	Alaska Oniongrass	
<i>Micranthes integrifolia</i> (Hook.) Small	Grassland Saxifrage	
<i>Micranthes rufidula</i> Small	Rusty-haired Saxifrage	
<i>Micromeria douglasii</i> (Benth.) Benth.	Yerba Buena	
<i>Moehringia macrophylla</i> (Hook.) Fenzl	Big-leaved Sandwort	
<i>Montia dichotoma</i> (Nutt.) Howell	Dwarf Montia	
<i>Montia fontana</i> L.	Blinks	
<i>Montia linearis</i> (Douglas ex Hook.) Greene	Narrow-leaved Montia	
<i>Montia parvifolia</i> (Moc. ex DC.) Greene	Small-leaved Montia	
<i>Mycelis muralis</i> (L.) Dumort.	Wall Lettuce	Introduced
<i>Myosotis discolor</i> Pers.	Common Forget-me-not	Introduced
<i>Myosotis laxa</i> Lehm.	Small-flowered Forget-me-not	
<i>Myosotis stricta</i> Link ex Roem. & Schult.	Blue Forget-me-not	Introduced
<i>Narcissus pseudonarcissus</i> L.	Daffodil	Introduced
<i>Nemophila parviflora</i> Douglas ex Benth.	Small-flowered Nemophila	
<i>Oenanthe sarmentosa</i> C. Presl ex DC.	Pacific Water-parsley	
<i>Orobanche uniflora</i> L.	Naked Broomrape	
<i>Osmorhiza berteroi</i> D.C.	Mountain Sweet-cicely	
<i>Paxistima myrsinites</i> (Pursh) Raf	Falsebox	
<i>Pentagramma triangularis</i> (Kaulf.) Yatsk., Windham & E. Wollenw.	Goldenback Fern	
<i>Plantago elongata</i> Pursh	Slender plantain	
<i>Plantago lanceolata</i> L.	Ribwort Plantain	Introduced
<i>Platanthera unalascensis</i> (Spreng.) Kurtz	Alaska Rein Orchid	
<i>Plectritis brachystemon</i> Fisch. & C.A. Mey.	Shortspur Seablush	
<i>Plectritis congesta</i> (Lindl.) DC.	Sea Blush	
<i>Poa annua</i> L.	Annual Bluegrass	Introduced
<i>Poa bulbosa</i> L.	Bulbous Bluegrass	Introduced
<i>Poa compressa</i> L.	Canada Bluegrass	Introduced
<i>Poa howellii</i> Vasey & Scribn.	Howell's Bluegrass	
<i>Polygonum spargulariiforme</i> Meisn. ex Small	Spurry Knotweed	
<i>Polypodium glycyrrhiza</i> D.C. Eaton	Licorice Fern	
<i>Polystichum munitum</i> (Kaulf.) C. Presl	Sword Fern	
<i>Prunus emarginata</i> (Douglas ex Hook.) D. Dietr	Bitter Cherry	
<i>Pseudotsuga menziesii</i> (Mirb.) Franco	Douglas-fir	

<i>Pteridium aquilinum</i> (L.) Kuhn	Bracken Fern	
<i>Quercus garryana</i> var. <i>garryana</i> Douglas ex Hook.	Garry Oak	
<i>Ranunculus aquatilis</i> L.	White Water-buttercup	
<i>Ranunculus occidentalis</i> Nutt.	Western Buttercup	
<i>Ribes sanguineum</i> Pursh	Red-flowering Currant	
<i>Rosa nutkana</i> C. Presl	Nootka Rose	
<i>Rubus ursinus</i> Cham. & Schltldl.	California Blackberry	
<i>Rumex acetosella</i> L.	Sheep Sorrel	Introduced
<i>Sagina apetala</i> Ard.	Common Pearlwort	Introduced
<i>Salix sitchensis</i> Sanson ex Bong.	Sitka Willow	
<i>Sanicula crassicaulis</i> Poepp. ex DC.	Pacific Sanicle	
<i>Sedum spathulifolium</i> Hook.	Broad-leaved Stonecrop	
<i>Selaginella wallacei</i> Hieron.	Wallace's Selaginella	
<i>Senecio jacobaea</i> L.	Tansy Ragwort	Introduced
<i>Sherardia arvensis</i> L.	Field Madder	Introduced
<i>Silene coronaria</i> (L.) Clairville	Rose Campion	Introduced
<i>Spergularia macrotheca</i> (Hornem. ex Cham. & Schltldl.) Heynh.	Beach Sandspurry	
<i>Spergularia rubra</i> (L.) J. Presl & C. Presl	Red Sandspurry	Introduced
<i>Spirodela polyrhiza</i> (L.) Schleid.	Great Duckweed	
<i>Spiraea douglasii</i> Hook.	Hardhack	
<i>Stellaria crispa</i> Cham. & Schltldl.	Crisp Starwort	
<i>Stellaria media</i> (L.) Vill.	Common Chickweed	Introduced
<i>Stellaria nitens</i> Nutt.	Shining Starwort	
<i>Taraxacum erythrospermum</i> Andr. ex Besser	Red-seeded Dandelion	Introduced
<i>Taraxacum officinale</i> F.H. Wigg.	Common Dandelion	Introduced
<i>Taxus brevifolia</i> Nutt.	Western Yew	
<i>Teesdalia nudicaulis</i> (L.) W.T. Aiton	Shepherd's Cress	
<i>Thuja plicata</i> Donn ex D. Don	Western Redcedar	
<i>Toxicodendron diversilobum</i> (Torr. & A. Gray) Greene	Poison Oak	Blue-list (S3?)
<i>Toxicoscordion venenosum</i> var. <i>venenosum</i> (S. Watson) Rydb.	Death Camas	
<i>Trifolium microdon</i> Hook. & Arn.	Thimble Clover	
<i>Trifolium variegatum</i> Nutt.	White-tipped Clover	
<i>Trifolium willdenovii</i> Spreng.	Tomcat Clover	
<i>Trifolium wormskioldii</i> Lehm.	Springbank Clover	
<i>Triphysaria pusilla</i> (Benth.) T.I. Chuang & Heckard	Dwarf Owl-clover	
<i>Triteleia hyacinthina</i> (Lindl.) Greene	White Tritelia	
<i>Turritis glabra</i> L.	Tower Mustard	
<i>Veronica arvensis</i> L.	Wall Speedwell	Introduced
<i>Vicia hirsuta</i> (L.) Gray	Tiny Vetch	Introduced
<i>Vicia sativa</i> L.	Common Vetch	Introduced
<i>Vulpia myuros</i> (L.) C.C. Gmel.	Rattail Fescue	Introduced

Non-vascular Plants (Mosses, Liverworts and Fungi)

Species Name	Common Name	Status
<i>Amblystegium serpens</i> (Hedw.) Schimp.	Creeping Feathermoss	
<i>Amphidium californicum</i> (Hampe ex C. Müll.) Broth.	California Yoke-moss	
<i>Anacolia menziesii</i> (Turn.) Par.	Menzies' Anacolia Moss	
<i>Andreaea rupestris</i> Hedw.	Black Rock-moss	
<i>Antitrichia californica</i> Sull.	California Antitrichia Moss	
<i>Antitrichia curtipendula</i> (Hedw.) Brid.	Hanging Wing-moss	
<i>Atrichum selwynii</i> Aust.	Crane's-bill Moss	
<i>Aulacomnium androgynum</i> (Hedw.) Schwaegr.	Lover's Moss	
<i>Brachythecium albicans</i> (Hedw.) Schimp.	Lawn Moss	
<i>Brachythecium frigidum</i> (C. Müll.) Besch.	Golden Short-capsuled Moss	
<i>Bryum canariense</i> Brid.	Canary Thread-moss	
<i>Bryum capillare</i> Hedw.	Bryum Moss	
<i>Bryum miniatum</i> Lesq.	Red Thread-moss	
<i>Bucklandiella heterosticha</i> (Hedw.) Bednarek-Ochyra & Ochyra	No common name	
<i>Bucklandiella pacifica</i> (Irel. & J.R. Spence) Bednarek-Ochyra & Ochyra	No common name	
<i>Calypogeia azurea</i> Stotler & Crotz	No common name	
<i>Campylopus flexuosus</i> (Hedw.) Brid.	No common name	
<i>Cephaloziella divaricata</i> (Sm.) Schiffn.	No common name	
<i>Ceratodon purpureus</i> (Hedw.) Brid.	Fire-moss	
<i>Claopodium crispifolium</i> (Hook.) Ren. & Card.	Rough-moss	
<i>Cynodontium jenneri</i> (Schimp.) Stirt.	Jenner's Dog-tooth Moss	
<i>Dendroalsia abietina</i> (Hook.) Britt.	Plume Moss	
<i>Dichodontium pellucidum</i> (Hedw.) Schimp.	Transparent Rake-moss	
<i>Dicranella heteromalla</i> (Hedw.) Schimp.	Silky Forklet-moss	
<i>Dicranoweisia cirrata</i> (Hedw.) Lind.	Curly Thatch-moss	
<i>Dicranum fuscescens</i> Turn.	Curly Heron's-bill Moss	
<i>Dicranum howellii</i> Ren. & Card.	Howell's Broom-moss	
<i>Dicranum scoparium</i> Hedw.	Broom-moss	
<i>Didymodon vinealis</i> (Brid.) R.H. Zand.	Soft-tufted Beard-moss	
<i>Drepanocladus aduncus</i> (Hedw.) Warnst.	Common Hook-moss	
<i>Eurhynchium oreganum</i> (Sull.) Jaeg.	Oregon Beaked-moss	
<i>Eurhynchium praelongum</i> (Hedw.) Schimp.	Slender Beaked-moss	
<i>Fissidens bryoides</i> Hedw.	Lesser Pocket-moss	
<i>Fissidens crispus</i> Mont.	No common name	
<i>Fontinalis antipyretica</i> Hedw.	Greater Water-moss	
<i>Grimmia pulvinata</i> (Hedw.) Sm.	Grey-cushioned Grimmia	
<i>Grimmia trichophylla</i> Grev.	Hair-pointed Grimmia	
<i>Hedwigia stellata</i> Hedenas	No common name	
<i>Heterocladium macounii</i> Best	Macoun's Bileaf Moss	
<i>Homalothecium fulgescens</i> (Mitt. ex C. Müll.) Lawton	Yellow Curl-moss	
<i>Homalothecium nuttallii</i> (Wils.) Jaeg.	Nuttall's Homalothecium Moss	
<i>Homalothecium pinnatifidum</i> (Sull. & Lesq.) Lawton	Pinnatifid Homalothecium Moss	

<i>Hylocomium splendens</i> (Hedw.) Schimp.	Step Moss	
<i>Hypnum circinale</i> Hook.	Coiled-leaf Claw-moss	
<i>Hypnum subimponens</i> Lesq.	Curly Claw-moss	
<i>Isoetecium cristatum</i> (Hampe) Robins.	Isoetecium Moss	
<i>Isoetecium myosuroides</i> Brid.	Variable Moss	
<i>Leucolepis acanthoneuron</i> (Schwaegr.) Lindb.	Palm Tree Moss	
<i>Metaneckera menziesii</i> (Hook.) Steere	Menzies' Neckera	
<i>Mnium spinulosum</i> Bruch & Schimp.	Red-mouthed Leafy Moss	
<i>Neckera douglasii</i> Hook.	Douglas' Neckera	
<i>Niphotrichum canescens</i> (Hedw.) Bednarek-Ochyra & Ochyra	No common name	
<i>Niphotrichum elongatum</i> (Frisv.) Bednarek-Ochyra & Ochyra	No common name	
<i>Orthotrichum consimile</i> Mitt.	Orthotrichum Moss	
<i>Orthotrichum lyellii</i> Hook. & Taylor	Lyell's Bristle-moss	
<i>Philonotis capillaris</i> Lindb.	Philonotis Moss	
<i>Plagiomnium insigne</i> (Mitt.) T. Kop.	Coastal Leafy Moss	
<i>Plagiomnium venustum</i> (Mitt.) T. Kop.	Magnificent Leafy Moss	
<i>Plagiothecium laetum</i> Schimp.	Bright Silk-moss	
<i>Pleuridium acuminatum</i> Lind.	Acuminate Pleuridium Moss	
<i>Pleurozium schreberi</i> (Brid.) Mitt.	Red-stemmed Feathermoss	
<i>Pohlia nutans</i> (Hedw.) Lindb.	Nodding Thread-moss	
<i>Polyporus alveolaris</i> (DC.: Fr.) Bondartsev & Singer	Hexagonal-pored Polypore	
<i>Polytrichum juniperinum</i> Hedw.	Juniper Haircap Moss	
<i>Polytrichum piliferum</i> Hedw.	Awned Haircap Moss	
<i>Porotrichum bigelovii</i> (Sull.) Kindb.	Bigelow's Porotrichum Moss	
<i>Pseudobraunia californica</i> (Lesq.) Broth.	California Pseudobraunia Moss	
<i>Pseudotaxiphyllum elegans</i> (Brid.) Iwats.	Small Flat-moss	
<i>Pterogonium gracile</i> (Hedw.) Sm.	Bird's-Foot Wing-moss	Red-list (S2)
<i>Racomitrium canescens</i> (Hedw.) Brid.	Grey Rock-moss	
<i>Rhizomnium glabrescens</i> (Kindb.) T. Kop.	Large Leafy Moss	
<i>Rhytidiadelphus loreus</i> (Hedw.) Warnst.	Lanky Moss	
<i>Rhytidiadelphus triquetrus</i> (Hedw.) Warnst.	Electrified Cat's-tail Moss	
<i>Ricciocarpos natans</i> (L.) Corda	No common name	
<i>Schistidium maritimum</i> (Turn. ex Robt. Scott) Bruch & Schimp.	Seaside Grimmia	
<i>Stemonitis axifera</i>	No common name	
<i>Syntrichia princeps</i> (De Not.) Mitt.	No common name	
<i>Syntrichia ruralis</i> (Hedw.) F. Weber & D. Mohr	Sidewalk Moss	
<i>Targionia hypophylla</i> L.	Orobanch-seeded Liverwort	Red-list (S1S2)
<i>Trachybryum megaptitum</i> (Sull.) Schof.	Trachybryum Moss	
<i>Weissia controversa</i> Hedw.	Green-tufted Stubble-moss	
<i>Zygodon viridissimus</i> (Dicks.) Brid.	Green Yoke-moss	

Lichens

Species Name	Common Name	Status
<i>Anisomeridium biforme</i> (Borrer) R.C.Harris	No common name	
<i>Arthonia pruinata</i> (Pers.) Steud. ex A.L.Sm.	No common name	
<i>Aspicilia caesiocinerea</i> (Nyl. ex Malbr.) Arnold	No common name	
<i>Athallia holocarpa</i> (Hoffm.) Arup, Frödén & Söchting	No common name	
<i>Athallia pyracea</i> (Ach.) Arup, Frödén & Söchting	No common name	
<i>Bacidia arceutina</i> (Ach.) Arnold	Honey Pops	
<i>Bacidia rubella</i> (Hoffm.) A.Massal.	Oak Pops	
<i>Blastenia ferruginea</i> (Hudson) Th. Fr.	No common name	
<i>Blastenia luteominia</i> (Tuck.) Arup, Frödén & Söchting	No common name	
<i>Blennothallia fecunda</i> (Degel.) Otálora, P. M. Jørg. & Wedin	Seaside Tarpaper	Blue-list (S3)
<i>Buellia alboatra</i> (Hoffm.) Th.Fr.	Salt-and-pepper Buttons	
<i>Buellia griseovirens</i> (Turner & Borrer ex Sm.) Almb.	Greater Grit Buttons	
<i>Buellia muriformis</i> A.Nordin & Tønsberg	Coastal Buttons	
<i>Candelaria pacifica</i> M.Westb. & Arup	No common name	
<i>Candelariella vitellina</i> (Hoffm.) Müll.Arg.	Common Peeps	
<i>Catillaria chalybeia</i> (Borrer) A.Massal.	No common name	
<i>Chaenotheca ferruginea</i> (Turner ex Sm.) Mig.	Blood Whiskers	
<i>Chrysothrix candelaris</i> (L.) J.R.Laundon	Common Gold Dust	
<i>Chrysothrix chlorina</i> (Ach.) J.R.Laundon	Greenish Gold Dust	
<i>Cladonia arbuscula</i> (Wallr.) Flotow	Mesomorphic Reindeer	
<i>Cladonia bellidiflora</i> (Ach.) Schaerer	Floral Pixie	
<i>Cladonia chlorophaea</i> (Flörke ex Sommerf.) Spreng.	Granulating Pixie-cup	
<i>Cladonia cornuta</i> (L.) Hoffm.	Pixie	
<i>Cladonia crispata</i> ssp. <i>cetrariiformis</i> (Delise) Vainio	Pixie	
<i>Cladonia fimbriata</i> (L.) Fr.	Trumpeting Pixie	
<i>Cladonia furcata</i> (Hudson) Schrader	Forking Pixie	
<i>Cladonia macilenta</i> Hoffm.	Lipstick Pixie	
<i>Cladonia ochrochlora</i> Flörke	Papa Littlehorn Pixie	
<i>Cladonia phyllophora</i> Hoffm.	Greater Pied Pixie	
<i>Cladonia portentosa</i> (Dufour) Coem.	Maritime Reindeer	
<i>Cladonia rangiferina</i> (L.) F. H. Wigg.	Gray Reindeer	
<i>Cladonia scabriuscula</i> (Delise) Nyl.	Card-carrying Pixie	
<i>Cladonia squamosa</i> Hoffm.	Dragon Pixie	
<i>Cladonia transcendens</i> (Vainio) Vainio	Graduated Pixie	
<i>Cladonia umbricola</i> Tønsberg & Ahti	Imponderable Pixie	
<i>Cladonia uncialis</i> (L.) F.H.Wigg.	Thorn Pixie	
<i>Cliostomum griffithii</i> (Sm.) Coppins	Common Meringue	
<i>Collema subflaccidum</i> Degel.	Wilted Tarpaper	
<i>Cresponea chloroconia</i> (Tuck.) Egea & Torrente	No common name	
<i>Dermatocarpon miniatum</i> var. <i>complicatum</i> (Lightf.) Th.Fr.	Blushing Stippleback	
<i>Diploschistes scruposus</i> (Schreb.) Norman	Hard Cowpie	
<i>Evernia prunastri</i> (L.) Ach.	Valley Oakmoss	
<i>Flavoplaca marina</i> (Wedd.) Arup, Frödén & Söchting	No common name	

<i>Fuscopannaria leucostictoides</i> (Ohlsson) P.M. Jørg.	Frosted Crackers	Blue-list (S3)
<i>Fuscopannaria maritima</i> (P.M.Jørg.) P.M.Jørg.	Seaside Crackers	
<i>Fuscopannaria mediterranea</i> (Tav.) P.M.Jørg.	Midnight Crackers	
<i>Fuscopannaria pacifica</i> P.M.Jørg.	Silver-rimmed Crackers	Blue-list (S2S3)
<i>Hertelidea botryosa</i> (Fr) Printzen & Kantvilas	No common name	
<i>Hypocenomyce scalaris</i> (Ach. ex Lilj.) M.Choisy	Charcoal Clamshell	
<i>Hypogymnia enteromorpha</i> (Ach.) Nyl.	Inflatable Bone	
<i>Hypogymnia physodes</i> (L.) Nyl.	Monk's Hood	
<i>Hypogymnia tubulosa</i> (Schaer.) Hav.	Dog Bone	
<i>Lecanactis megaspora</i> (G. Merr.) Brodo	No common name	
<i>Lecania fuscella</i> (Schaerer) Körber	No common name	
<i>Lecanora bicincta</i> Ramond	No common name	
<i>Lecanora cenisia</i> Ach.	No common name	
<i>Lecanora expallens</i> Ach.	No common name	
<i>Lecanora farinaria</i> Borrer	No common name	
<i>Lecanora hagenii</i> (Ach.) Ach.	Simple Rim	
<i>Lecanora hybocarpa</i> (Tuck.) Brodo	No common name	
<i>Lecanora muralis</i> (Schreb.) Rabenh.	Bird-splat Lichen	
<i>Lecanora pacifica</i> Tuck.	Pacific Rim	
<i>Lecanora rupicola</i> (L.) Zahlbr.	Powdered-sugar Rim	
<i>Lecidea atrobrunnea</i> (Lam. & DC.) Schaerer	Brown Tiles Dot	
<i>Lecidella elaeochroma</i> (Ach.) Choisy	No common name	
<i>Lepraria finkii</i> (B. de Lesd.) R.C.Harris	No common name	
<i>Lepraria jackii</i> Tønsberg	No common name	
<i>Lepraria torii</i> Pérez-Ortega & T. Sprib.	No common name	
<i>Lichenomphalia umbellifera</i> (L.:Fr.) Redhead, Lutzoni, Moncalvo & Vilgalys	Lichen Agaric	
<i>Lichenomphalia velutina</i> (Quél.) Redhead, Lutzoni, Moncalvo & Vilgalys	No common name	
<i>Lobaria pulmonaria</i> (L.) Hoffm.	Lungwort	
<i>Lobaria scrobiculata</i> (Scop.) DC.	Textured Lung	
<i>Melanelixia glabrata</i> (Lamy) Sandler & Arup	No common name	
<i>Melanelixia subaurifera</i> (Nyl.) O.Blanco <i>et al.</i>	Abrading Camouflage	
<i>Melanohalea elegantula</i> (Zahlbr.) O.Blanco <i>et al.</i>	Progressive Camouflage	
<i>Melanohalea exasperatula</i> (Nyl.) O.Blanco <i>et al.</i>	Lustrous Camouflage	
<i>Microcalicium disseminatum</i> (Ach.) Vainio	Whisk Broom	
<i>Montanelia disjuncta</i> (Erichsen) Divakar, A. Crespo, Wedin & Essl.	No common name	
<i>Montanelia panniformis</i> (Nyl.) Divakar, A. Crespo, Wedin & Essl.	No common name	
<i>Montanelia soreliata</i> (Ach.) Divakar, A. Crespo, Wedin & Essl.	No common name	
<i>Nephroma laevigatum</i> Ach.	Mustard Paw	
<i>Niebla cephalota</i> (Tuck.) Rundel & Bowler	Northern Seafog	Red-list (S1)
<i>Normandina acroglypta</i> (Norman) Aptroot -	No common name	
<i>Ochrolechia farinacea</i> Howard	Oak Donuts	

<i>Ochrolechia laevigata</i> (Räsänen) Versegghy ex Kukwa	Glazed Donuts	
<i>Ochrolechia oregonensis</i> H.Magn.	King-sized Donuts	
<i>Ochrolechia subathallina</i> H.Magn.	No common name	
<i>Ochrolechia subpallescens</i> Versegghy	No common name	
<i>Opegrapha herbarum</i> Mont.	Strong Scribbles	
<i>Opegrapha varia</i> Pers.	Weak Scribbles	
<i>Parmelia hygrophila</i> Goward & Ahti	Granulating Crottle	
<i>Parmelia saxatilis</i> (L.) Ach.	Pebbled Crottle	
<i>Parmelia sulcata</i> Taylor	Hammered Crottle	
<i>Peltigera britannica</i> (Gyeln.) Holt.-Hartw. & Tønsberg	Deciduous Pelt	
<i>Peltigera collina</i> (Ach.) Schrad.	Tree pelt	
<i>Peltigera membranacea</i> (Ach.) Nyl.	Diamond Pelt	
<i>Peltigera pacifica</i> Vitik.	Fringed Pelt	
<i>Pertusaria amara</i> (Ach.) Nyl.	Bitter Pert	
<i>Pertusaria subambigens</i> Dibben	Rose-bud Pert	
<i>Phaeophyscia orbicularis</i> (Necker) Moberg	Powder-headed Shadow	
<i>Phlyctis argena</i> (Spreng.) Flotow	Sporulating Whitewash	
<i>Physcia adscendens</i> (Fr.) Olivier	Hooded Rosette	
<i>Physcia caesia</i> (Hoffm.) Lettau	Blue-headed Rosette	
<i>Physcia tenella</i> Moberg	Hoodless Rosette	
<i>Physconia enteroxantha</i> (Nyl.) Poelt	Gilded Frost	
<i>Physconia perisidiosa</i> (Ericks.) Moberg	Smirking Frost	
<i>Placopsis gelida</i> (L.) Lindsay	Common Bullseye	
<i>Placynthiella dasaea</i> (Stirton) Tønsberg	Grainy Ants	
<i>Placynthium lismorensense</i> (Nyl. ex Cromb.) Vain.	No common name	
<i>Platismatia glauca</i> (L.) W.L.Culb. & C.F.Culb.	Ragbag	
<i>Platismatia herrei</i> (Imshaug) W.L.Culb. & C.F.Culb.	Tattered Rag	
<i>Polyscaulium bolacina</i> (Tuck.) Arup	No common name	
<i>Polyscaulium rosei</i> (Hasse) Arup, Frödén & Søchting	No common name	
<i>Polyscaulium verruculifera</i> (Vainio) Arup, Frödén & Søchting	No common name	
<i>Porpidia contraponenda</i> (Arnold) Knoph & Hertel	Pale Polka Dot	
<i>Protoparmelia ochrococca</i> (Nyl.) P.M.Jørg, Rambold & Hertel	Honey Curds	
<i>Pseudocyphellaria anomala</i> Brodo & Ahti	Powder-ridge Specklebelly	
<i>Punctelia stictica</i> (Duby) Krog -	Blue-shift Speckleback	Blue-list (S2S3)
<i>Pyrrhospora quercea</i> (Dickson) Körber	Tree porridge	
<i>Ramalina farinacea</i> (L.) Ach.	Hyphenated Ribbon	
<i>Ramalina</i> sp.2 sensu Goward 1999	No common name	
<i>Ramalina subleptocarpa</i> Rundel & Bowler	Continuous Ribbon Lichen	Blue-list (S2S3)
<i>Rhizocarpon geminatum</i> Körber	Twin Map	
<i>Rinodina archaea</i> (Ach.) Arnold	Limitless Chocolates	
<i>Rinodina gennarii</i> Bagl.	Surf Chocolates	
<i>Rinodina laevigata</i> (Ach.) Malme	Smooth Chocolates	
<i>Rinodina orculata</i> Poelt & M.Steiner	Ordinary Chocolates	

<i>Scytinium cellulosum</i> (P. M. Jørg. & Tønsberg) Otálora, P. M. Jørg. & Wedin	No common name	
<i>Scytinium gelatinosum</i> (With.) Otálora, P. M. Jørg. & Wedin	Rose-petalled Vinyl	
<i>Scytinium lichenoides</i> (L.) Otálora, P. M. Jørg. & Wedin	No common name	
<i>Scytinium palmatum</i> (Hudson) Gray	No common name	
<i>Scytinium polycarpum</i> (P. M. Jørg. & Goward) Otálora, P. M. Jørg. & Wedin	Peacock Vinyl	Red-list (S1S2) COSEWIC Special Concern
<i>Sticta fuliginosa</i> (Hoffm) Ach.	Peppered Moon	
<i>Tephromela atra</i> (Hudson) Hafellner	Magpie's Black-eye	
<i>Thelotrema lepadinum</i> (Ach.) Ach.	Bark Barnacles	
<i>Trapelia placodioides</i> Coppins & P.James	Patch Pebbles	
<i>Trapeliopsis flexuosa</i> (Fr.) Coppins & P.James	Fence-post Matte	
<i>Tuckermannopsis chlorophylla</i> (Willd.) Hale	Silver-lined Wrinkle	
<i>Tuckermannopsis orbata</i> (Nyl.) M.J.Lai	Shape-shifting Wrinkle	
<i>Umbilicaria deusta</i> (L.) Baumg.	Peppered Rocktripe	
<i>Umbilicaria phaea</i> Tuck.	Emery Rocktripe	
<i>Usnea filipendula</i> Stirton	Herringbone Beard	
<i>Usnea fragilescens</i> Hav. ex Lynge	Inflationary Beard	
<i>Usnea glabrata</i> (Ach.) Vainio	Lustrous Beard	Blue-list (S3)
<i>Usnea pacificana</i> P.Halonen	Pacific Beard	
<i>Usnea scabrata</i> Nyl.	Scarecrow's Beard	
<i>Verrucaria ceuthocarpa</i> Wahlenb.	Brown-black Surf Mosaic	
<i>Verrucaria epimauro</i> Brodo	Black-on-tar Mosaic	
<i>Verrucaria maura</i> Wahlenb.	No common name	
<i>Xanthomendoza fallax</i> (Hepp ex Arnold) Søchting, Kärnefelt & S.Kondr.	Nested Sunburst	
<i>Xanthomendoza oregana</i> (Gyeln.) Søchting, Kärnefelt & S.Kondr.	Thin-lipped Sunburst	Red-list (S1S2)
<i>Xanthoparmelia cumberlandia</i> (Gyelnik) Hale	Questionable Rockfrog	
<i>Xanthoparmelia verruculifera</i> (Nyl.) O. Blanco, A. Crespo, Elix, D. Hawksw. & Lumbsch	Carbuncular Toad	Red-list (S1)
<i>Xanthoria candelaria</i> (L.) Th.Fr.	Shrublet Sunburst	
<i>Xanthoria polycarpa</i> (Hoffm.) Frödén, Arup, & Søchting	Pincushion Sunburst	
<i>Xylographa hians</i> Tuck.	No common name	

Appendix F. List of Vascular Plants, Bryophytes, Lichens and Fungi Observed on Link Island Compiled by Adolf and Oluna Ceska

List prepared by Adolf & Oluna Ceska, April 10 & 11, 2004 with additional species added by the residents since that time.

Vascular Plants

<i>Abies grandis</i>	<i>Clinopodium douglasii</i>
<i>Acer macrophyllum</i>	<i>Collinsia grandiflora</i> var. <i>grandiflora</i>
<i>Achillea millefolium</i>	<i>Collinsia grandiflora</i> var. <i>pusilla</i>
<i>Aira caryophyllea</i>	<i>Cornus stolonifera</i>
<i>Aira praecox</i>	<i>Cynosurus echinatus</i>
<i>Allium acuminatum</i>	<i>Dactylis glomerata</i>
<i>Amelanchier alnifolia</i>	<i>Danthonia californica</i>
<i>Amsinckia menziesii</i>	<i>Daucus carota</i>
<i>Anthoxanthum odoratum</i>	<i>Daucus pusillus</i>
<i>Anthriscus caucalis</i>	<i>Dicranum scoparium</i>
<i>Aphanes arvensis</i>	<i>Distichlis spicata</i>
<i>Aphanes microcarpa</i>	<i>Dodecatheon hendersonii</i>
<i>Arabis glabra</i>	<i>Dodecatheon pulchellum</i>
<i>Arabis</i> sp.	<i>Draba verna</i>
<i>Arbutus menziesii</i>	<i>Elymus glaucus</i>
<i>Arctostaphylos uva-ursi</i>	<i>Epilobium minutum</i>
<i>Arenaria serpyllifolia</i>	<i>Erodium cicutarium</i>
<i>Aspidotis densa</i>	<i>Festuca occidentalis</i>
<i>Bellis perennis</i>	<i>Festuca rubra</i>
<i>Brodiaea coronaria</i>	<i>Festuca subulata</i> ?
<i>Bromus carinatus</i>	<i>Fritillaria affinis</i>
<i>Bromus sterilis</i>	<i>Galium aparine</i>
<i>Bromus tectorum</i> ?	<i>Galium trifidum</i>
<i>Bromus vulgaris</i>	<i>Gaultheria shallon</i>
<i>Callitriche heterophylla</i>	<i>Geranium molle</i>
<i>Calypso bulbosa</i>	<i>Geranium pusillum</i>
<i>Camassia leichtlinii</i>	<i>Glyceria borealis</i>
<i>Camassia quamash</i>	<i>Goodyera oblongifolia</i>
<i>Cardamine hirsuta</i> ?	<i>Grindelia integrifolia</i>
<i>Cardamine</i> sp.	<i>Heuchera micrantha</i>
<i>Carex exsiccata</i>	<i>Hieracium albiflorum</i>
<i>Carex inops</i>	<i>Holcus lanatus</i>
<i>Carex obnupta</i>	<i>Holodiscus discolor</i>
<i>Carex tracyi</i> ?	<i>Hypochaeris glabra</i>
<i>Cerastium arvense</i>	<i>Hypochaeris radicata</i>
<i>Cerastium fontanum</i>	<i>Juncus arcticus</i>
<i>Cerastium glomeratum</i>	<i>Juncus effusus</i>
<i>Cerastium semidecandrum</i>	<i>Juncus effusus</i> s.l.
<i>Cirsium vulgare</i>	<i>Juniperus scopulorum</i>
<i>Claytonia exigua</i>	<i>Lactuca muralis</i>
<i>Claytonia parviflora</i>	<i>Lathyrus nevadensis</i>
<i>Claytonia perfoliata</i>	<i>Lemna minor</i>
<i>Claytonia rubra</i>	<i>Lithophragma glabrum</i>

Lithophragma parviflorum
Lolium perenne
Lomatium utriculatum
Lonicera ciliosa
Lonicera hispidula
Lotus micranthus
Luzula comosa
Luzula subsessilis
Lychnis coronaria
Madia madioides
Mahonia aquifolium
Mahonia nervosa
Malus fusca
Marrubium vulgare
Melica subulata
Mimulus alsinoides
Mimulus guttatus
Mimulus "sookensis"
Montia dichotoma
Montia fontana
Montia howellii
Myosotis discolor
Myosotis laxa
Narcissus pseudonarcissus
Nemophila parviflora
Nemophila pedunculata
Oenanthe sarmentosa
Osmorhiza berteroi
Paxistima myrsinites
Pentagramma triangularis
Philadelphus lewisii
Piperia elegans
Piperia elegans?
Plantago bigelovii
Plantago elongata
Plantago lanceolata
Plectritis brachystemon
Plectritis congesta
Poa bulbosa

Bryophytes & Lichens

Aulacomnium palustre
Bryum miniatum
Bryum sp.
Cladina portentosa
Eurhynchium oreganum
Eurhynchium praelongum
Homalothecium sp.
Hylocomium splendens

Polypodium glycyrrhiza
Polystichum munitum
Prunus emarginata
Pseudotsuga menziesii
Quercus garryana
Ranunculus occidentalis
Rosa gymnocarpa
Rosa nutkana
Rubus ursinus
Rumex acetosella
Salix lucida
Salix scouleriana
Sambucus racemosa
Sanicula crassicaulis
Saxifraga integrifolia
Saxifraga rufidula
Sedum spathulifolium
Selaginella wallacei
Senecio jacobaea
Senecio vulgaris
Stellaria media
Stellaria nitens
Symphoricarpos albus
Taraxacum officinale
Taxus brevifolia
Thuja plicata
Toxicodendron diversilobum
Trifolium repens
Trifolium sp.
Trifolium variegatum
Trifolium willdenowii
Triphysaria pusilla
Triteleia hyacinthina
Veronica arvensis
Vicia hirsuta
Vicia sp.
Vulpia bromoides
Vulpia myuros
Zigadenus venenosus

Hypnum circinale
Leucolepis acanthoneuron
Plagiomnium insigne
Polytrichum juniperinum
Racomitrium elongatum
Rhytidiadelphus triquetrus
Ricciocarpos natans
Trachybryum megaptilum

Fungi

Agrocybe praecox

Chlorociboria

Cortinarius subgen. *Telamonia*

Hebeloma crustuliniforme

Inocybe geophila

Omphalina ericetorum

Phaeolus schweinitzii

Appendix G. Coordinates and Locations of Photopoints in the Covenant Area

*All UTMS collected in Map Datum WGS84

Feature	Veg. Type	UTM Easting	UTM Northing	Approx Photo Aspect	Date	Comments
Photopoint 1	1	10U 444551	5440291	60° 240° 160°	April 29, 2017	On Iron Pin at southwest corner of Covenant Area adjacent to live/use area.
Photopoint 2	2	10U 444756	5440384	60° 240°	April 29, 2017	On Iron Pin at southeast corner of Covenant Area adjacent to live/use area.
Photopoint 3	2	10U 444714	5440359	60° 240°	April 30, 2017	Along south boundary of Covenant Area north of cabin.

Appendix H. Coordinates and Locations of Other Features in the Covenant Area

*All UTMS collected in Map Datum WGS84 and are 10U

Feature	Veg. Type	UTM Easting	UTM Northing	Date	Comments
Cave	1	444219	5440750	April 29, 2017	Large cave half way up sandstone cliff face. Potential bat habitat.
Holly	2	443979	5441150	April 29, 2017	Isolated small Holly which was pulled during baseline survey.
Eagle Nest	1	444559	5440427	April 29, 2017	Not actively used. No whitewash below
Eagle Nest	1	444618	5440394	April 29, 2017	Active nest with mature bald eagle photographed on nest by Ted Swift. Abundant fresh whitewash below nest.
Eagle Nest	2	444165	5441002	April 29, 2017	Tree has eagle nest tree sign but nest was sparse and does not appear to be in active use. On the ground below here were a few small white feathers, a pellet, and what may be the jaw bone of a fawn.
Wildlife Tree		444677	5440267	April 29, 2017	Tall dead Douglas-fir with many cavities - outside of Covenant Area near dock
Wildlife Tree	1	444381	5440577	April 29, 2017	Douglas-fir snag with some small cavities and loose bark that may be potential bat habitat
Wildlife Tree	1	444325	5440653	April 29, 2017	Large Douglas-fir snag
Wildlife Tree	2	444278	5440957	April 29, 2017	Arbutus wildlife tree along eastern shoreline of Link Island.
Wildlife Tree	1	444546	5440405	April 29, 2017	Large Douglas-fir perch tree with whitewash below.
Wildlife Tree	1	444620	5440384	April 29, 2017	Large Douglas-fir tree with cavities.
Wildlife Tree	2	444690	5440404	April 30, 2017	Live Douglas-fir with cavity. No photo taken.
Wildlife Tree	1	444452	5440564	April 30, 2017	Large Douglas-fir snag with many large cavities.
Wildlife Tree	1	444429	5440573	April 30, 2017	Douglas-fir, perch only, no nest holes.
Wildlife Tree	1	444452	5440559	April 30, 2017	Douglas-fir perch and potential nest holes.
Wildlife Tree	1	444486	5440542	April 30, 2017	Douglas-fir perch and potential nest holes.
Wildlife Tree	1	444540	5440519	April 30, 2017	Douglas-fir with potential nest cavity near roosting male Western Screech-owl.
Wildlife Tree	1	444561	5440491	April 30, 2017	Douglas-fir (small diameter) with potential nest cavity near roosting male Western Screech-owl.

Wildlife Tree	2	444652	5440454	April 30, 2017	Douglas-fir with potential nest cavity 127 meters from roosting male Western Screech- owl
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Appendix I. Coordinates of Species at Risk Observed on Link Island

*All UTMS collected in Map Datum WGS84 and are 10U

Species at Risk	Latin Name	UTM Easting	UTM Northing	Date	Comments
Belted Kingfisher	<i>Megaceryle alcyon</i>			April 29, 2017	Coordinates not taken. Evidence of nesting on Link Island along shoreline next to cabin outside of Covenant Area
Bird's-Foot Wing-moss	<i>Pterogonium gracile</i>			April 29, 2017	Coordinates not taken-included in species list
Blue-shift Speckleback	<i>Punctelia stictica</i>	444181	5440806	April 29, 2017	Growing on rock face
Carbuncular Toad	<i>Xanthoparmelia verruculifera</i>	444594	5440212	April 29, 2017	Encrusting lichen on rock
Continuous Ribbon	<i>Ramalina subleptocarpa</i>	444604	5440170	April 29, 2017	Growing on Seaside Juniper on Spider Monkey Island
Double-crested Cormorant	<i>Phalacrocorax auritus</i>			April 29, 2017	Coordinates not taken
Frosted Crackers	<i>Fuscopannaria leucostictoides</i>			April 29, 2017	Coordinates not taken- included in species list
Great Blue Heron	<i>Ardea herodias fannini</i>	444701	5440268	April 29, 2017	Skeleton found outside of Covenant Area
Great Blue Heron	<i>Ardea herodias fannini</i>	443919	5441221	April 29, 2017	Flying overhead
Lustrous Beard	<i>Usnea glabrata</i>			April 29, 2017	Coordinates not taken- included in species list
Northern Seafog	<i>Niebla cephalota</i>	444605	5440170	April 29, 2017	Growing on lichen on Seaside Juniper on Spider Monkey Island
Peacock Vinyl	<i>Scytinium polycarpum</i>	444543	5440361	April 29, 2017	Growing on large Arbutus trunk
Peacock Vinyl	<i>Scytinium polycarpum</i>	444373	5440585	April 29, 2017	Growing on large Arbutus trunk
Peregrine Falcon	<i>Falco peregrinus anatum</i>			April 30, 2017	Feathers from dead bird collected by property owners on Link Island outside of Covenant Area
Poison Oak	<i>Toxicodendron diversilobum</i>	444500	5440400	April 29, 2017	Growing on cliff face at "cleft" on western shoreline of Link Island
Propertius Duskywing	<i>Erynnis propertius</i>	444612	5440209	April 30, 2017	Two on the wing giving chase outside of Covenant Area near Spider Monkey Island.
Orobis-seeded Liverwort	<i>Targionia hypophylla</i>	444406	5440535	April 29, 2017	Found under rock overhang
Seaside Juniper	<i>Juniperus maritima</i>	444618	5440208	April 29, 2017	On Spider Monkey Island

Seaside Juniper	<i>Juniperus maritima</i>	444569	5440201	April 29, 2017	On Spider Monkey Island
Seaside Juniper	<i>Juniperus maritima</i>	444580	5440196	April 29, 2017	On Spider Monkey Island
Seaside Juniper	<i>Juniperus maritima</i>	444578	5440190	April 29, 2017	One very large tree and 19 smaller trees on Spider Monkey Island
Seaside Juniper	<i>Juniperus maritima</i>	444602	5440175	April 29, 2017	Large tree on Spider Monkey Island
Seaside Juniper	<i>Juniperus maritima</i>	444605	5440170	April 29, 2017	Large tree on Spider Monkey Island
Seaside Juniper	<i>Juniperus maritima</i>	444600	5440160	April 29, 2017	Tree on Spider Monkey Island
Seaside Juniper	<i>Juniperus maritima</i>	444589	5440162	April 29, 2017	Tree on Spider Monkey Island
Seaside Juniper	<i>Juniperus maritima</i>	444557	5440598	April 29, 2017	Growing on eastern shoreline of Link Island
Seaside Juniper	<i>Juniperus maritima</i>	444710	5440436	April 29, 2017	Growing on eastern shoreline of Link Island
Seaside Juniper	<i>Juniperus maritima</i>	444730	5440422	April 29, 2017	Growing on eastern shoreline of Link Island
Seaside Juniper	<i>Juniperus maritima</i>	444753	5440404	April 29, 2017	Growing on eastern shoreline of Link Island
Seaside Tarpaper	<i>Collema fecundum</i>	444578	5440205	April 29, 2017	On Spider Monkey Island
Silver-rimmed Crackers	<i>Fuscopannaria pacifica</i>	444552	5440342	April 29, 2017	Growing on large Arbutus trunk
Surf Scoter	<i>Melanitta perspicillata</i>			April 29, 2017	Coordinates not taken- within 100m of shoreline on ocean
Thin-lipped Sunburst	<i>Xanthomendoza oregana</i>	444605	5440170	April 29, 2017	Growing on Seaside Juniper branches on Spider Monkey Island
Western Screech-owl	<i>Megascops kennicottii</i>	444556	5440497	April 30, 2017	Male observed in roost tree and photographed by Ren Ferguson

Appendix J. Coordinates of Vegetation Type Photos in the Covenant Area

Feature	UTM Easting	UTM Northing	Date	Comments
Vegetation Type 1 Coastal Cliff/ Douglas-fir – Arbutus	444436	5440518	April 30, 2017	Photo close to top of ridge along western portion of Link Island.
Vegetation Type 2 Douglas-fir – Alaska Oniongrass.	444048	5441086	April 30, 2017	Photo taken at north end of Link Island.
Vegetation Type 3 Wallace’s Selaginella-Reindeer Lichens	444061	5440971	April 30, 2017	Photo taken in centre of northern open area.
Vegetation Type 4 Garry Oak- California Brome	444606	5440164	April 30, 2017	Photo taken on Spider Monkey Island.
Vegetation Type 5 Pacific Crab Apple – Slough Sedge	444692	5440457	April 29, 2017	Photo taken next to southern wetland close to cabin.



BRIEFING

To: Bowen Island Municipality
Local Trust Committees **For the Meeting of:** September 4, 2018

From: Islands Trust Conservancy **Date Prepared:** July 17, 2018

SUBJECT: Incorporating the Regional Conservation Plan into Land Use Planning

PURPOSE: The Islands Trust Conservancy is providing all local trust committees and Bowen Island Municipality with a briefing to provide information on the ways the Islands Trust Conservancy's 2018-2027 Regional Conservation Plan and associated mapping and data can be incorporated into Official Community Plans, Land Use Bylaws and local planning initiatives and projects.

BACKGROUND:

In March, Trust Council endorsed the Islands Trust Fund's Regional Conservation Plan. At its April 2018 meeting, the Trust Fund Board (now Islands Trust Conservancy) passed the following resolution:

That the Trust Fund Board direct staff to provide a briefing to all local trust committees and Bowen Island Municipality requesting that consideration be given to incorporating elements of the 2018-2027 Regional Conservation Plan (including associated data and mapping) into Official Community Plans.

The Regional Conservation Plan contains significant information about regional conservation priorities that could be considered when making land use planning decisions. This information is informed by conservation area modelling, which uses multiple data sets regarding biodiversity priorities and threats to ecosystems. The information is available by local trust area/island municipality.

Why do we have a Regional Conservation Plan?

The rich diversity of life in the Islands Trust Area makes the region ecologically significant, not only locally, but globally. Most of the region is within the Coastal Douglas-fir zone, one of the rarest of British Columbia's 16 biogeoclimatic zones. The Douglas-fir ecosystems of this zone, including Garry oak and associated ecosystems, are globally rare – in the entire world they occur only on the east coast of southern Vancouver Island, the islands of the Georgia Basin, and a small area of the mainland. The Islands Trust Area is also home to several other sensitive and rare ecosystems and hundreds of rare terrestrial and marine plants and animals.

Despite its ecological significance, biodiversity in the Islands Trust Area is exposed to significant threats. With over 68% of the Islands Trust Area in private land ownership and over 3.3 million people living in the surrounding areas, the pressures to develop and change the natural landscape in the islands are substantial.

Because of the significance of the ecosystems found in the Islands Trust Area and the threats they are under, conservation planning is an important tool to ensure that the natural beauty that draws so many to the region is not lost. Since 2005, the work of the Islands Trust Conservancy has been guided by regional conservation plans. These plans have also, in some cases, supported the planning work of the Islands Trust.

What's in the Regional Conservation Plan?

The Regional Conservation Plan provides background on the ecosystems in the Islands Trust Area, evaluates their current status, identifies priorities and threats, and sets goals and objectives for the Islands Trust Conservancy for the next ten years. The goals identified in the 2018-2027 Regional Conservation Plan are:

1. Identify, investigate and communicate about important natural areas to generate action on conservation priorities
2. Strengthen relationships with First Nations to identify and collaborate on shared conservation goals
3. Continue to secure and manage Islands Trust Conservancy lands and conservation covenants to maximize ecological integrity
4. Continue to build internal and shared organizational strength and resilience to ensure long-term nature conservation in the Islands Trust Area

There are island profiles in Appendix II of the RCP with information specific to each local trust committee area and Bowen Island.

How can the Regional Conservation Plan support land use planning?

The Regional Conservation Plan can help trustees and planners identify opportunities and inform priorities for land use planning activities across the Islands Trust. During the 2018-2022 local government term, each Islands Trust LTC/IM will identify top priorities for land use planning activities and should ensure that existing Official Community Plans and Land Use Bylaws meet the goals of the Islands Trust Policy Statement and support the goals of the Regional Conservation Plan.

LTCs and BIM can use the following table to identify land use planning projects to initiate during the 2018-2022 term to advance the Islands Trust Policy Statement Goal: *to Foster preservation and protection of the Trust Area's ecosystems* and the directive policies:

Directive Policy	Available resources (Regional Conservation Plan, mapping, etc.):	What can LTCs/IM do with this information?
3.1 Ecosystems		
3.1.3 LTCs/IMs shall, in their OCPs and regulatory bylaws <i>address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.</i>	The Regional Conservation Plan highlights the following as biodiversity priorities for the region: • Sensitive ecosystems • Healthy forests • Species and ecosystems at risk • Marine shorelines and nearshore areas • Islets and small islands • Size, corridors and connectivity to other protected areas Available information and data/mapping to support these directive policies: • updated Sensitive	Development of maps; Official Community Plan (OCP) policy language and Land Use Bylaw (LUB) regulations that: • Identify and protect environmentally sensitive areas • Identify and protect significant natural sites/features/landforms • Support the development of protected area networks (or "greenways") • Identify contiguous forest cover Designate Development Permit Areas (DPAs) to protect environmentally sensitive areas
3.1.4 LTCs/IMs shall, in their OCPs and regulatory bylaws <i>address the planning, establishment, and maintenance of a network of protected areas that preserve the representative ecosystems of their planning area and maintain their ecological integrity.</i>		

	Ecosystem Mapping • Species at Risk/Critical Habitat Mapping • Ecosystem Disturbance Mapping • Priority Lands for Conservation (regional scale)	and significant natural features Prioritize bylaw investigation and enforcement on matters negatively impacting ecosystem health
3.2 Forest Ecosystems		
3.2.2 LTCs/IMs shall, in their OCPs and regulatory bylaws: <i>address the protection of unfragmented forest ecosystems within their local planning areas from potentially adverse impacts of growth, development and land-use.</i>	Available information and data/mapping to support this directive policy: • Mapping of Forested Ecosystems, including forest type and age • Regional Conservation Plan: Biodiversity Priorities; Forest Ecosystem descriptions and statistics • RCP Island Profiles: Sensitive Ecosystems, Forest Ecosystems and Ecosystem Disturbance for each LTA/BIM	Designate DPAs to protect unfragmented forest ecosystems Reduce site coverage density in land use bylaws Negotiate covenants to protect contiguous forest as conditions of rezoning Integrate conservation subdivision principles into land use bylaw requirements for subdivision (lot clustering, density transfer, conservation planning) Prioritize bylaw investigation and enforcement on matters negatively impacting forest ecosystems Adopt Tree Protection Bylaws (for municipalities)
3.3 Freshwater and Wetland Ecosystems and Riparian Zones		
3.3.2 LTCs/IMs shall, in their OCPs and regulatory bylaws: <i>address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.</i>	Available information and data/mapping to support this directive policy: • Mapping of Sensitive Ecosystems, including wetlands, freshwater and riparian • RCP: Island Profiles - Sensitive Ecosystems • Watershed mapping • Water courses mapping (TRIM) • Riparian Areas Regulation data/mapping in select areas	Designate DPA's to protect sensitive freshwater, wetland and riparian areas Implement the <i>Riparian Areas Regulation (RAR)</i> including protection of non RAR watercourses Develop LUB setbacks from water bodies Develop LUB landscape buffers along water bodies Implement freshwater planning tools and regulations available in the <i>Water Sustainability Act</i> Develop aquifer mapping and water budgets

		Designate DPAs for water conservation for all new construction/development Prioritize bylaw investigation and enforcement on matters negatively impacting freshwater, wetland and riparian ecosystems
3.4 Coastal and Marine Ecosystems		
3.4.4 LTCs/IMs shall, in their OCPs and regulatory bylaws: <i>address the protection of sensitive coastal areas.</i>	Available information and data/mapping to support these directive policies: • Eelgrass mapping • Forage fish habitat mapping (for some islands) • Species at Risk Critical Habitat Mapping – Southern Resident Orca • Shorezone mapping • New Sand Ecosystems Mapping • Dock mapping (point data)	Include mapping of marine ecosystems in OCPs and policies for regulation of development in sensitive coastal areas Designate DPAs to protect sensitive coastal areas and the intertidal zone Include DPA guidelines that address fragmentation of the coastline by subdivision Amend LUBs to create landscape buffers along the shoreline Increase LUB setbacks from the natural boundary of the sea based on the provincial 2100 sea level rise predictions Amend LUBs to limit development of private docks/structures in the marine zones Prioritize bylaw investigation and enforcement on matters negatively impacting coastal and marine ecosystems
3.4.5 LTCs/IMs shall, in their OCPs and regulatory bylaws: <i>address the planning for and regulation of development in coastal regions to protect natural coastal processes.</i>		

ATTACHMENT(S):

No attachments. For reference, the 2018-2027 Regional Conservation Plan is available online [here](#).

FOLLOW-UP:

- Consider this briefing when establishing work program priorities
- Request planning advice on how to integrate conservation data and mapping resources when considering applications, projects, etc.
- Local trust committees/island municipalities wishing to create specific maps using conservation modeling (land prioritization based on multiple data sets) or ecosystem mapping should request assistance from ITC and GIS staff.

Prepared By: Jennifer Eliason, Islands Trust Conservancy Manager

Reviewed By/Date: Regional Planning Managers and Director of Local Planning Services/July 3, 2018
Clare Frater, Director of Trust Area Services/July 9, 2018
Islands Trust Conservancy Board/July 17, 2018



Public Acquisitions Update September 25, 2018

Property Name and Island	Date (yyyy/mm/dd)	Notes
PUBLICLY CONSIDERED PRIVATE LAND ACQUISITIONS		
Crystal Mountain (Galiano) 18.3 ha.	2017/11/21	ITF has 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.
	2018/03/01	Contacted by CMS re: next steps, and confirmed importance of having preliminary survey completed, and ensuring proposed layout is registrable.
Valens Brook Nature Reserve addition (Hermanutz-Innes proposal) (Denman) 2.55 ha.	2014/09/18	It was MOVED and SECONDED, that the Trust Fund Board accept the conservation proposal submitted by Henning Nielsen on behalf of Luise Hermanutz and David Innes, to transfer approximately 2.545 hectares of Lot 17, Plan 6404, Section 6 Denman Island, Nanaimo District, PID 005-851-122 to the [ITC] to be protected as a nature reserve.
	2017/05/22	Landowners informed ITF that rezoning is complete and they wish to proceed with land donation.



Public Acquisitions Update September 25, 2018

	2017/06/07	Draft transfer agreement provided to landowners for review
	2017/07/18	It was MOVED and SECONDED that the Trust Fund Board direct a board member to sign a transfer agreement between the Trust Fund Board and the owners of Lot 17, Section 6, Denman Island, Nanaimo District, Plan 6404 PID 005-851-122 and authorize staff to move forward with the transfer of approximately 2.54 hectares of this property, using section 99 of the Land Titles Act.
	2017/09/05	Landowner working with surveyor, notary and credit union to prepare land for transfer.
	2017/09/27	Landowner submitted application to Ecological Gifts program (EGP).
	2018/02/26	Updates from appraiser submitted to EGP appraisal review panel(ARP) in response to queries.
	2018/03/14	EGP ARP was not satisfied with the response to the memo and requires additional information. Staff are working with EGP staff and the landholders to determine next steps.
	2018/05/01	ITC contracted new appraisal with new firm; working with appraiser and EGP to resolve issues.
	2018/06/18	New appraisal submitted to EGP for review.
	2018/07/31	EGP Appraisal Review Panel approves appraisal.
	2018/08/01	Landowners confirm willingness to proceed with transfer. ITC staff to prepare and coordinate transfer.
	2018/08/21	Updated transfer agreement provided to landholders.
	2018/09/11	Signed transfer agreement received from landholders. Transfer date set for November 7, 2018.
Sandy Beach (Area E) (Keats) 3.3 ha.	2014/09/18	It was MOVED and SECONDED, that the Trust Fund Board approve the conservation proposal submitted by the Convention of Baptist Churches of British Columbia to transfer Area E (Sandy Beach), approximately 3.3 hectares of DL 696, Group 1 NWD, Keats Island (PID: 014-385-694) to the Trust Fund Board for protection as a nature reserve.
	2015/03/02	Consultant has indicated that the landowners would like a covenant registered on the land at the time of transfer. ITC has approached Gambier Island Conservancy (GIC) and Sunshine Coast Conservation Association (SCCA). GIC has declined, but SCCA is potentially interested. Landowner currently seeking confirmation from Islands Trust and SCRD that transfer will count as park allocation for future subdivision approval; MOTI has confirmed.
	2015/05/07	SCCA agrees to hold covenant; suggests TLC as a co-holder as they have worked together before.
	2015/08/18	Draft conservation covenant provided to ITC staff for review.
	2015/08/26	Edits to covenant provided to applicant and covenant holders for review.
	2015/12/15	Comments on covenant draft received from TLC.
	2015/01/12	Covenant revised with TLC edits and returned to TLC and SCCA for comment. TLC is happy with the draft. SCCA has sent the covenant for legal review, still awaiting SCCA comments.



Public Acquisitions Update September 25, 2018

	2016/02/10	SCCA comments received.
	2016/03/04	ITF responded to SCCA edits. SCCA reviewing with lawyer.
	2016/04/11	Requested that landowner contract development of baseline report for covenant. Transfer not likely to occur until spring 2017.
	2016/06/05	SCCA comments received for covenant.
	2016/10/05	Draft 3 covenant sent to covenant holders for review. TLC and SCCA have agreed to the draft. Awaiting update from applicant on baseline and timeline for transfer from applicant.
	2016/02/10	Draft Bylaws for DL 696 received.
	2017/03/02	Covenant sent for legal review.
	2017/04/13	Revised covenant draft sent to TLC and SCCA. Comments received from both agencies.
	2017/08/31	Edits made to covenant and reviewed by legal. Draft 5 sent to TLC and SCCA for review. TLC has no further comment; awaiting SCCA comment. Both TLC and SCCA have requested a site visit.
	2017/09/07	Draft baseline report received from the applicant.
	2017/10/24	Feedback on baseline report submitted to applicant and revisions requested.
	2018/03/13	Email from Island Planner indicates that the rezoning application will move to a community information meeting and public hearing for bylaw 143 on April 18, 2018. The Island Planner has requested that the applicant contact ITC staff regarding requirements for land transfer and covenant prior to April 18.
	2018/04/24	Notice received from GM Planner that GM LTC gave third reading to Proposed Bylaw No. 143 and that applicant is now finalizing plans to subdivide/transfer the Sandy Beach Nature Reserve. Staff have reminded the applicant that we require edits to the Baseline report (covenant) prior to proceeding.
	2018/05/28	Site visit with ITC staff, trustees & SCCA
	2018/06/14	Staff requested applicant provide legal access to Sandy Beach through private land from the proposed Sandy Beach Nature Reserve (to utilize existing trail).
	2018/07/19	Next draft of baseline received and provided to covenant holders for feedback.
	2018/08/01	Applicant confirms that they are willing to provide a Statutory Right of Way for Sandy Beach access. ITC to draft agreement.
	2018/08/28	Baseline report feedback provided to applicant and biologist for review and revision.
	2018/09/12	ITC lawyer drafting Statutory Right of Way.
Current Total ITC Acquisitions:		28



PUBLIC COVENANTS UPDATE September 25, 2018

Property Name and Island	Date (yyyy/mm/dd)	Notes
NAPTEP COVENANTS		
<i>24 NAPTEP Covenants on title, 1 current application.</i>		
Swift Family Link Island NAPTEP Covenant Link Island ECOGIFT (Gabriola LTA) (19.3 ha)	2016/04/05	TFB-2016-011 It was MOVED and SECONDED that the Trust Fund Board approve Elizabeth Working Swift's proposal to covenant approximately 20 ha of the land described as "Section 25, Nanaimo District (Part of DeCourcy Group of Islands), Parcel Identifier 009-772-138" through the Natural Area Protection Tax Exemption Program (NAPTEP).
	2016/04/07	Request sent to the Nanaimo & Area Land Trust inquiring about their willingness to co-hold covenant.
	2016/04/15	ITF decision letter sent to landowner.
	2016/05/26	NAPTEP Briefing received by Gabriola LTC.
	2016/05/27	Site visit with landowner and co-covenant holder.
	2016/06/16	Trust Council approves NAPTEP application.
	2016/07/13	Draft Covenant and Phase 2 letter sent to applicant for review.
	2016/12/12	Revised covenant draft sent to the applicant for review.
	2017/01/06	Survey completed, residential area will be 2.15 ha. The family intend to apply to the Ecological Gifts Program.
	2017/01/25	NALT agrees to co-hold NAPTEP covenant with the ITF.
	2017/05/16	Legal review of covenant received.
	2017/06/21	Draft baseline report received and reviewed by ITF staff.
	2017/07/13	Revised covenant sent to landowner and NALT for review.
	2018/01/12	Landowner working with Ecological Gifts program coordinator to complete appraisal of covenant by end of March 2018.
	2018/02/28	NALT board agrees to covenant language in Link Island NAPTEP covenant draft
	2018/03/13	EcoGift Appraisal received. Landowner has 6 mos. to complete covenant donation under EcoGift Program.
	2018/03/14	Final ITF legal review completed. Awaiting final legal review from applicant.
	2018/04/19	Landowner has requested an extension to the NAPTEP Application (which expires in June) from Trust Council. Applicant hopes to register covenant in September 2018.
	2018/06/21	Trust Council approved extension of NAPTEP application.
	2018/09/07	Landholder and ITC staff agree to final covenant. NALT provided with final draft, awaiting confirmation of their agreement. Their board will approve the covenant Sept 26.



PUBLIC COVENANTS UPDATE September 25, 2018

Property Name and Island	Date (yyyy/mm/dd)	Notes
	2018/09/11	Covenant and application submitted to Appraisal Review Panel for Ecological Gift.
REGULAR COVENANTS UPDATE		
<i>(51 regular covenants on title, 1 regular public covenants in progress, 3 in-camera covenants in progress.)</i>		
Brooks Point Covenant South Pender Island (1.17 ha, 6.02 ha if combined with surrounding covenants)	2014/03/23	It was MOVED and SECONDED, that the Trust Fund Board agrees to hold a covenant on the 2010 addition to Brooks Point Regional Park, South Pender Island, subject to agreement on the terms of the covenant and a satisfactory baseline report, and directs staff to continue working with CRD Parks and partners to determine the best way to covenant the three protected areas at Gowlland and Brooks Points.
	2014/04/08	Staff provide CRD staff with a template covenant for review.
	2014/04/15	Staff met with partners to discuss combining covenants for the Brooks Point and Gowlland Point properties.
	2014/05/22	Covenant Draft 1 sent to PICA, Friends of Brooks Point, HAT and CRD.
	2014/08/01	CRD response to Covenant Draft 1 received.
	2014/08/19	ITC/HAT/PICA express concerns to CRD with respect to Management Plan approval and other selected clauses.
	2014/08/20	Baseline Report completed.
	2014/08/22	CRD respond to ITC/HAT/PICA concerns.
	2014/09/17	ITF/HAT/PICA response re draft covenant sent to CRD.
	2014/10/08	Kate Emmings appointed to the Brooks Point Management Plan advisory group by the CRD.
	2014/10/16	ITF staff attended CRD Parks Open House for public review of the Brooks Point Management Plan update.
	2014/12/03	CRD submit revised covenant draft to ITC and HAT.
	2014/12/10	CRD Board approves revised Management Plan.
	2014/12/12	Covenant sent to legal counsel for review.
	2014/12/18	Covenant revisions and comments sent to CRD.
	2015/07/29	Met with the CRD to discuss the covenant. There are several unresolved clauses.
	2015/08/28	Met with PICA and HAT. Agreed that we were at an impasse and required more direction from PICA.
	2015/09/02	CRD returned a covenant draft for review, staff are concerned with several clauses, including the strength of restrictions and the enforcement mechanisms.
	2015/09/09	Staff provided a briefing to PICA requesting info about the type of covenant contemplated. Staff updated the CRD that a response to the covenant draft would be post-poned until further information is available from PICA.
	2015/09/24	Staff met with HAT, Friends of Brooks Point (Paul Petrie) and the CRD to discuss covenant concerns. CRD staff



PUBLIC COVENANTS UPDATE September 25, 2018

Property Name and Island	Date (yyyy/mm/dd)	Notes
		agreed to revise covenant and circulate.
	2015/10/28	Staff met with HAT and CRD staff to review revised covenant draft and CRD will do further revision and circulate.
	2015/12/18	CRD Staff provided revised covenant.
	2016/01/25	ITF/HAT responded to CRD revisions.
	2016/07/15	CRD Staff provide a revised version of the covenant for further review.
	2016/08/16	HAT/ITF/CRD staff meet to discuss CRD edits. HAT/ITC agree to add definition regarding the permitted activities and will forward legal edits. CRD to re-approach NCC and TLC regarding process for discharge of prior covenants.
	2016/11/28	ITF/HAT forwarded the draft list of restricted and permitted uses for CRD review.
	2016/01/11	CRD response received, ITF/HAT to forward revised covenant draft for CRD review. Conversations ongoing regarding details.
	2017/09/07	Brooks Point covenant revised and reviewed by ITF legal and HAT.
	2017/09/21	Revised Brooks Point covenant sent to CRD Parks for review
	2018/06/14	Revised covenant received from the CRD, currently under review.
	2018/07/06	Legal review of covenant identifies ongoing concerns.
	2018/07/31	CRD notified of ITC covenant concerns and meeting of all parties with legal representatives requested.
ITC NATURE RESERVES WITH COVENANTS OUTSTANDING		
<i>(22 Nature Reserves have covenants, 6 Nature Reserves are without covenants, 2 ITC Nature Reserve covenants in progress (1 is under negotiation)).</i>		
Sandy Beach Nature Reserve (Proposed) Keats Island (3.3 ha.)	2017/01/10	ITC staff are currently negotiating a conservation covenant concurrently with the Sandy Beach Conservation Proposal (see Public Acquisitions Updates).



PUBLIC COVENANTS UPDATE September 25, 2018

Property Name and Island	Date (yyyy/mm/dd)	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	First draft of ITFtemplate covenant sent to partners. Relocation of trail necessary before finalizing the baseline report and management plan.
	2018/09/01	Management Plan Open House planned for Oct 13, 2018.
Total	75 covenants registered	

Regional Conservation Plan (2018-2027) Progress Highlights for ITC Board - May 30 to Sept 25, 2018	
Goal 1. Identify, investigate and communicate about important natural areas to generate action on conservation priorities	
Completed (since January)	
Completed 2018 update of protected areas in the BC NGO Conservation Areas Database Met with landholders on Keats Island, Keats Conservation Group and Sunshine Coast Conservation Association (May 28, 2018) Reviewed WWF Forage Fish Modelling as an information source for Forage Fish Mapping Issued E-News with information about updated RCP Issued E-News with information on the name change, Salish View campaign and board position Issued Heron newsletter with information about updated RCP and Salish View campaign Issued Conservancy E-News on the Opportunity Fund deadline, staff changes, name change and Salish View campaign Issued Salish View campaign update news release and social media posts Issued RFP for continued Forage Fish Mapping	
Current	
Working with DFO to provide marine data for Coastal Resource Information Management System (Data sharing agreement in review with DFO) Issuing Forage Fish Mapping Contract and working with previous contractor to obtain mapping for Gabriola and Saturna POSTPONED: Working with GaLTT and GB Planner to deliver a public presentation on GB Island ecosystems and conservation priorities Working with GIS Staff to update Species at Risk data in internal mapping system (TAPIS) (ongoing) Working with GIS Staff to update ecosystems mapping in internal mapping system (TAPIS) and on MapIT	
Upcoming	
Staff to update Species at Risk Critical Habitat data upon finalization of Western Painted Turtle Recovery Plan Issue and manage Forage Fish Mapping Contract POSTPONED: Deliver GB public presentation re GB Island ecosystems and conservation priorities	
Goal 2. Strengthen relationships with First Nations to identify and collaborate on shared conservation goals	
Completed (since January)	
Revised Baseline Report and Management Plan Templates to better reference First Nation history, cultural significance and ecological knowledge Letter sent to newly elected Penelakut Tribe council requesting collaboration on naming and management planning for Moore Hill (Thetis) Letters sent to First Nations with information about the new RCP and available ITF resources. ITF offered to meet with First Nations at their request Language developed for covenants that further protects existing and potential archaeological sites and contemplates traditional uses in covenant areas	

Current
Archaeological field reconnaissance contracted for Moore Hill which includes Penelakut Tribe involvement Drafting a Conservation Proposal Assessment Procedure that contemplates archaeological sites and other First Nation interests
Upcoming
Subject to response to letters about RCP, ITF staff will arrange meetings with First Nations Coordinate meeting with Halalt First Nation and Lyackson First Nation as follow up to RCP workshops Review and update language in ITC communications materials, incl. website, to to better reference First Nation history, cultural significance and ecological knowledge Produce a special 2-page newsletter with a story on the importance of language
Goal 3. Continue to secure and manage Trust Fund Board lands and conservation covenants to maximize ecological integrity
Completed (since January)
2018 monitoring of all ITC properties and covenants complete Awarded contract to revise management plans on the 3 nature reserves on Gambier Completed restoration event with tree planting and caging on Brigade Bay Bluffs and Long Bay Nature Reserves (Gambier). Completed Morrison Marsh (Denman) management plan; waiting for edits from conservation partners to finalize Approved Medicine Beach (North Pender) management plan Completed application to covenant land in the ALR Completed appraisal of Valens Brook land donation Sent NAPTEP mailout to high priority landowners and followed up with interested individuals Completed site visit with project partners to proposed Sandy Beach Nature Reserve (Keats Island) Evaluated conservation proposal for Dragonfly Commons (SSI) Notified Saturna Island Wetland Project of TFB's April 2019 grant award Updated Baseline Report and Management Plan Templates following review of other available templates
Current
Fairyslipper Forest Nature Reserve management plan in process Three Gambier Nature Reserves management plans in process Working to finalize Link Island NAPTEP Covenant and land transfers for Valens Brook Nature Reserve (addition) and Sandy Beach Nature Reserve Supporting campaign for Salish View (ongoing) Negotiating subdivision and transfer of Salish View (ongoing) Negotiating 2 conservation covenants on priority conservation lands (ongoing) Negotiating discharge of BIM covenants on Singing Woods Nature Reserve Negotiating covenant on Fairyslipper Forest Nature Reserve with ThINC and CCLT

Determining next steps for working with the ALC/providing feedback to the ALC regarding covenants on ALR land
 Began covenant negotiations for Salish View Covenant (to be completed in December 2018)

Upcoming

Research an information storage tool (database) to manage property information
 Finalize land transfer for Sandy Beach Nature Reserve
 Issue news release on name change and launch social media contest
 Register Salish View transfer and covenant

Goal 4. Continue to build internal and shared organizational strength and resilience to ensure long-term nature conservation in the Islands Trust Area

Completed (since January)

Mailed out appeal letters for Salish View campaign to ~100 previous donors
 Assisted with LINC's funding proposal to Sitka Foundation for Salish View
 Provided letter of support for biologists seeking federal funding for further Species at Risk work on Lasqueti Island
 Provided letter for support Salt Spring Island Conservancy's application to federal Habitat Stewardship Program
 ITF cover story published in AQUA magazine
 Assisted IT to evaluate RFI responses for website
 Upgrading signage on all 3 Denman Island nature reserves with new logo and property signs
 Social media posts and information sharing on ITF Facebook and Twitter accounts (ongoing)
 Issued news release on name change and Salish View campaign half-way mark
 Worked with the Coastal Douglas-fir and Associated Ecosystems Conservation Partnership (CDFCP) to develop resources for land use planners working in

Current

Working with LPS staff to create resources for Islands Trust planners and LTCs to assist them to protect island ecosystems in the CDFCP region
 Working with LPS staff to revise Sensitive Ecosystems Fact Sheets
 Working with IS, Finance departments and web contractor to update e-news and paypal
 Working with IS department to improve technology use in the field
 Continuing to work with CDFCP to advance conservation of the CDF and associated ecosystems
 Continue updating PDFs on the website with new ITC branding
 Redesigning ITC covenant signs
 Working with designer and web provider to update ITC website with name change and refresh
 Developing business case to explore additional ITC staff and property management support
 Working with ITC and IT staff to update all ITC communications materials with name change info
 Launch newly branded ITC website and social media sites
 Re-designing NAPTEP brochure

Attending webinars on digitally optimizing websites and content to generate online donations
Working with mapping and designer in developing 2-page RCP profiles for each LTA (with infographics)

Upcoming

Amend discussion paper on long term funding options for January with suggested next steps
Issue news release for Salish View matching funds campaign (subject to ITC board approval)
Issue news releases for Link Island NAPTEP and Valens Brook Addition
Arrange celebrations for Link Island NAPTEP and Valens Brook Addition
Research client management database options
Develop Islands Trust Trustee orientation materials for November Trust Council
Arrange print and delivery of key ITC communication documents and promotional materials

British Columbia News

Government increases protection of rare ecosystem

<https://news.gov.bc.ca/17657>

Friday, July 20, 2018 1:30 PM

Victoria - An additional 980.5 hectares of the Coastal Douglas-fir ecosystem has been protected in 19 land parcels near the communities of Bowser, Qualicum Beach, Nanoose Bay and Cedar on Vancouver Island, and on Galiano and Salt Spring islands.

The Coastal Douglas-fir ecosystem is ranked both globally and provincially as a high priority for preservation, and is home to many endangered plant communities. Of the global range of Coastal Douglas-fir ecosystems, 80% occur in the southern Strait of Georgia area. Of the 256,800 hectares in British Columbia, only 9%, or 23,500 hectares, is provincially owned.

The Province consulted with 19 First Nations regarding the proposal to protect additional lands. In addition, the proposal was advertised for public review and comment from November 2017 to January 2018. Over 1,078 submissions were received, with 98% supportive of the proposal.

The final set of approved parcels was based on the results of public review and First Nations consultation. Some of the parcels are of interest to First Nations.

The area of Coastal Douglas-fir ecosystem protected from logging now totals over 11,000 hectares. The protection has legal authority by way of amendment to the Coastal Douglas-fir Order under the *Land Act*. Under the Coastal Douglas-fir land-use order, the protected lands are managed for enhanced stewardship and conservation.

Learn More:

To see the amended order and maps, visit: <https://www2.gov.bc.ca/gov/content/industry/natural-resource-use/land-use/land-use-plans-objectives/west-coast-region/vancouverisland-lup/southisland-lu>

Media Contacts

Media Relations

Ministry of Forests, Lands, Natural Resource Operations and Rural Development
250 356-7506

Preamble

The Province is committed to managing Crown land within the Coastal Douglas-fir moist maritime (CDFmm) biogeoclimatic subzone in a manner that provides protection for rare or endangered plant communities.

This preamble is provided for context and background and does not form part of the following ministerial order.

Ministry of Agriculture and Lands

Ministerial Order

Coastal Douglas-fir moist maritime (CDFmm) Biogeoclimatic Subzone

Part 1 - Interpretation

1. Relationship with *Forest and Range Practices Act* objectives

- (1) Pursuant to Section 93.4 of the *Land Act*, the objective set out in paragraph 3 of this order is established as a land use objective for the purposes of the *Forest and Range Practices Act* and applies to the Crown lands within the mapped polygons shown on Schedules 1 to 5 attached to this order.
- (2) Nothing in, under or arising out of this order either abrogates or derogates from any aboriginal rights, aboriginal title or treaty rights of any applicable First Nation, nor relieves the Province of any obligation to consult with any applicable First Nation.

2. Definitions

- (1) In this order, “**plant communities**” means vegetation that possesses a similar vegetation structure and native species composition and occurs repeatedly on similar habitats within the Coastal Douglas-fir moist maritime biogeoclimatic subzone.
- (2) Words and expressions not defined in this order have the meaning given to them in the *Forest and Range Practices Act*, the *Range Act* and the regulations made there under, unless the context indicates otherwise.

3. Objective for CDFmm biogeoclimatic subzone plant communities

- (1) Protect all CDFmm biogeoclimatic subzone plant communities within the polygons identified in Schedules 1 to 5 attached to this order.
- (2) Despite subsection (1), up to 5% of a polygon may be disturbed if there is no practicable alternative for road access or other infrastructure or to address a safety concern.
- (3) Where the objective refers to an area shown on a schedule and the area is also defined by a spatial dataset, the boundaries of the area as defined by the spatial dataset apply in the event of any inconsistency. All spatial datasets are available at <http://www.geobc.gov.bc.ca>.

Part 2 - Transition

4. Application of this order

- (1) This order takes effect on the date that the notice of the order is published in the Gazette.
- (2) The applicable period under 8(2) (b) of the *Forest and Range Practices Act* is 12 months starting on the date this order comes into effect.



Heather MacKnight, MCIP
Regional Executive Director
Integrated Land Management Bureau
Coast Region

26 July 2010
Date

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

Ministerial Order

**Coastal Douglas-fir moist maritime (CDFmm)
Biogeoclimatic Subzone**

Amendment #1

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

Ministerial Order

**Coastal Douglas-fir moist maritime (CDFmm)
Biogeoclimatic Subzone**

Amendment #1

WHEREAS:

A. The Minister of Agriculture and Lands made an order under section 93.4 of the *Land Act* (the Act) on July 26, 2010 relating to the Coastal Douglas-fir moist maritime (CDFmm) Biogeoclimatic Subzone (the Order);

B. I am satisfied that this amendment to the Order will provide for management and use of forest or range resources in a manner that has not otherwise been provided for under this regulation or another enactment, that it will provide for an appropriate balance of social, economic and environmental benefits, and that the importance of this land use amendment outweighs any adverse impact on opportunities for timber harvesting or forage use within or adjacent to the area that will be affected;

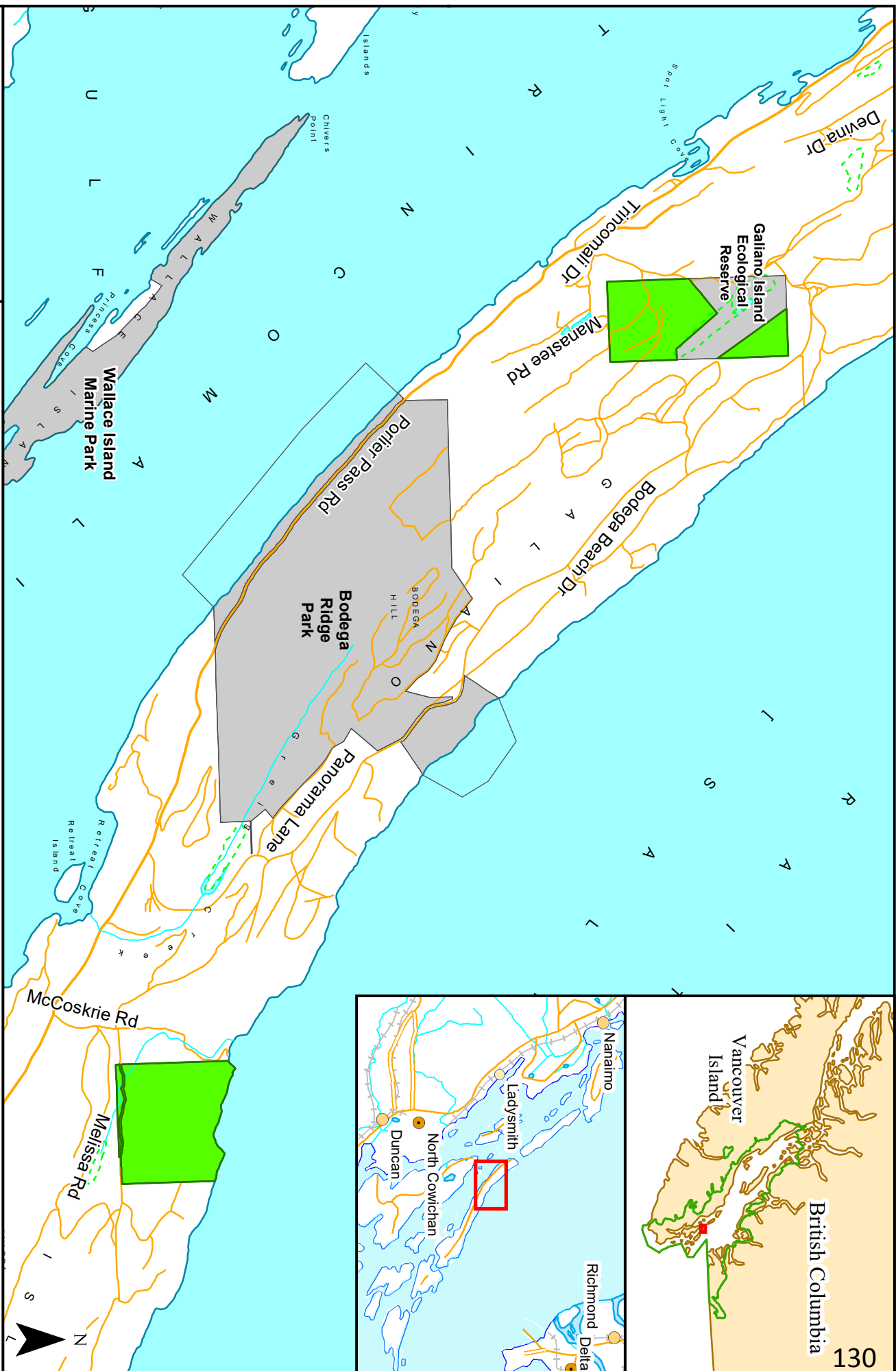
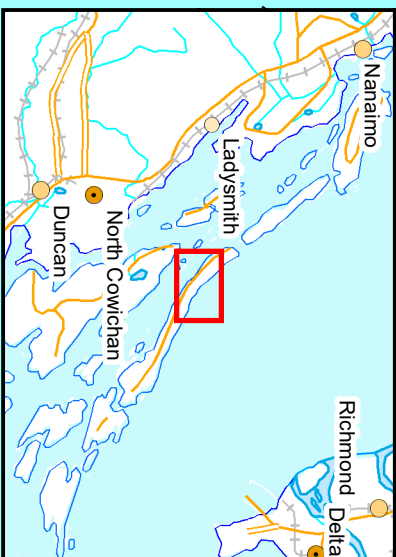
THEREFORE, under section 93.4 of the Act, I order that the Order be amended as follows:

1. Paragraph 1 (1) is amended by deleting "Schedules 1 to 5" and replacing it with "Schedules 1 to 10".
2. Paragraph 2 (2) is amended by deleting "there under" and replacing it with "under those Acts".
3. Paragraph 3 (1) is amended by deleting "Schedules 1 to 5" and replacing it with "Schedules 1 to 10".
4. Paragraph 4 (1) is amended by deleting "the Gazette" and replacing it with "The British Columbia Gazette".
5. Schedules 1 through 10 are added as attachments to the Order.
6. The "Old Growth Management Areas within the Coastal Douglas-fir moist maritime (CDFmm) Biogeoclimatic Subzone Ministerial Order" is repealed.


Sharon Hadway

Regional Executive Director, West Coast Region
Ministry of Forests, Lands, Natural Resource
Operations and Rural Development


Date

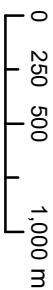


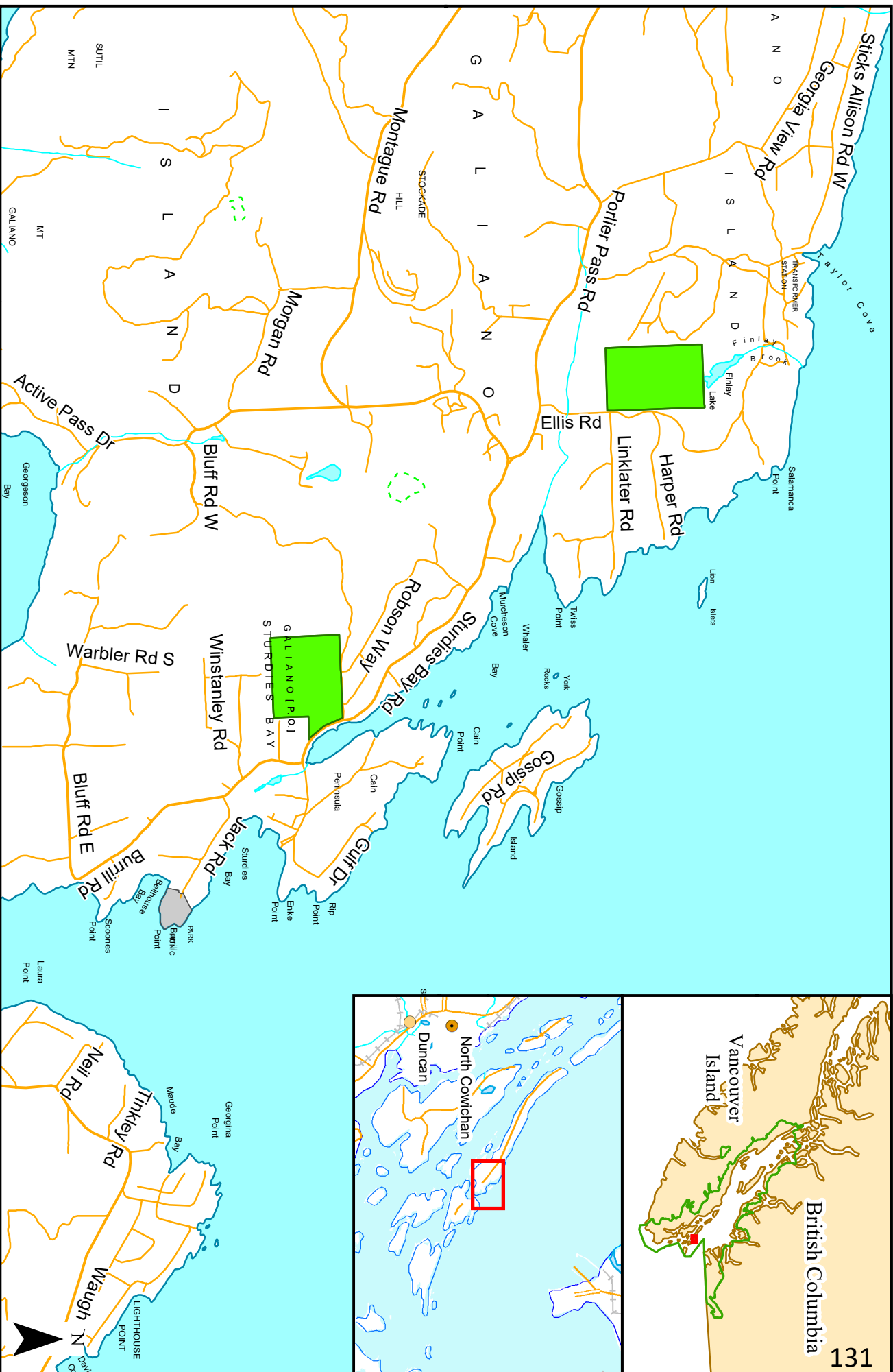
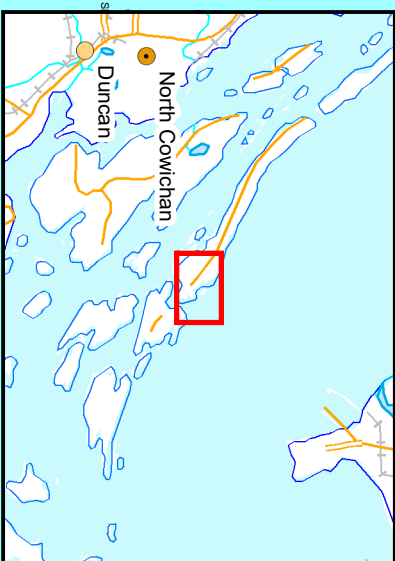
The boundaries depicted on this schedule map are a representation of a spatial dataset and may not portray the full visual detail of the original dataset. The source dataset is available at <http://www.geobc.gov.bc.ca>.

Coastal Douglas-fir Land Use Order - Schedule 6

 CDF Land Use Order (Amended 2018)

 Parks and Ecological Reserves



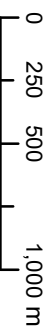


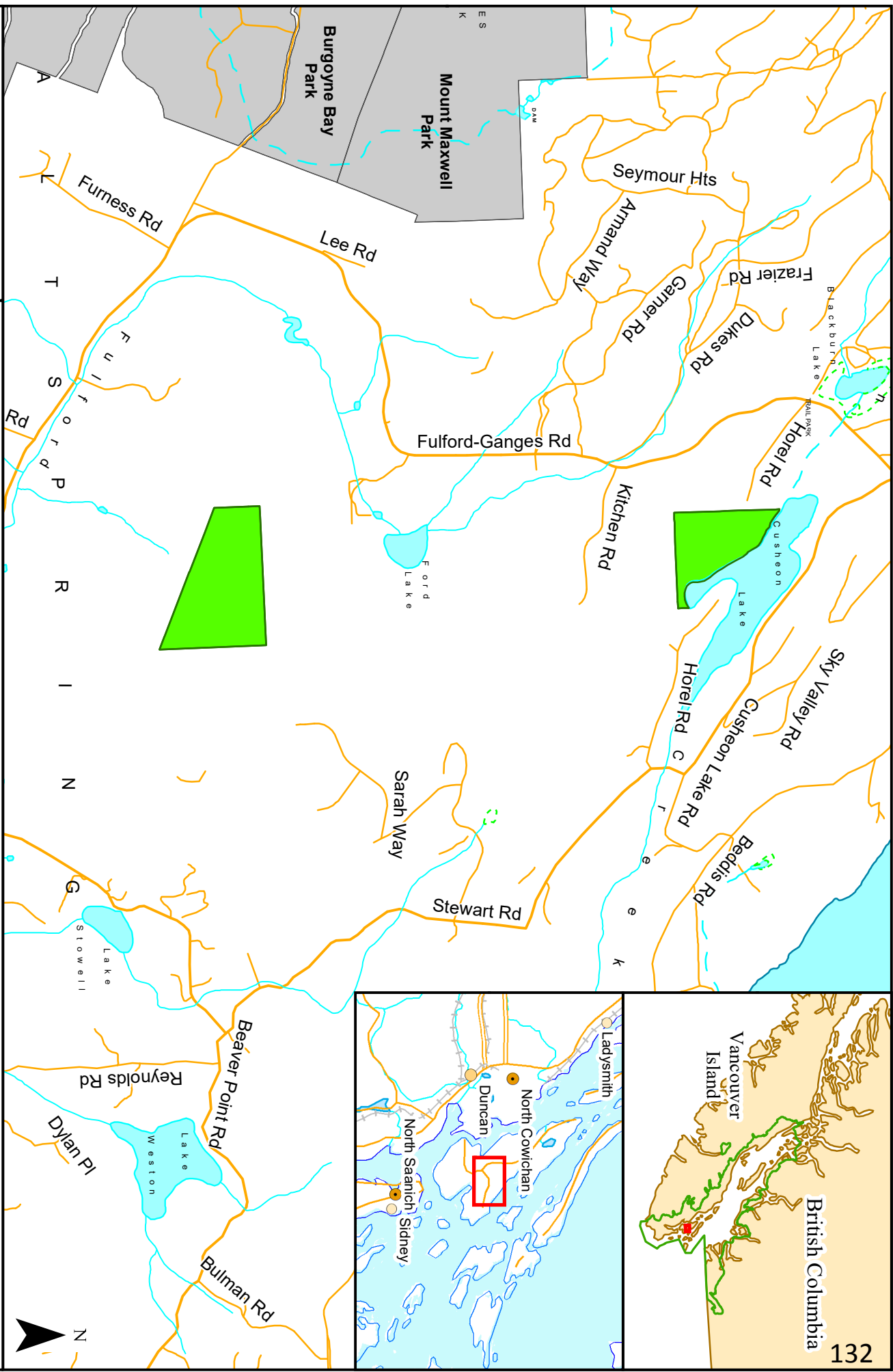
The boundaries depicted on this schedule map are a representation of a spatial dataset and may not portray the full visual detail of the original dataset. The source dataset is available at <http://www.geobc.gov.bc.ca>.

Coastal Douglas-fir Land Use Order - Schedule 7

 CDF Land Use Order (Amended 2018)

 Parks and Ecological Reserves

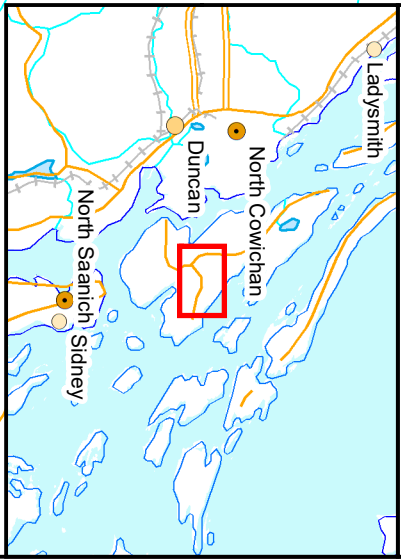
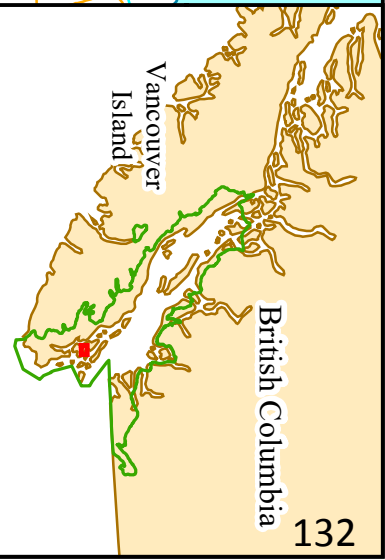
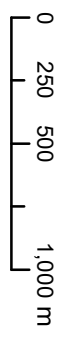


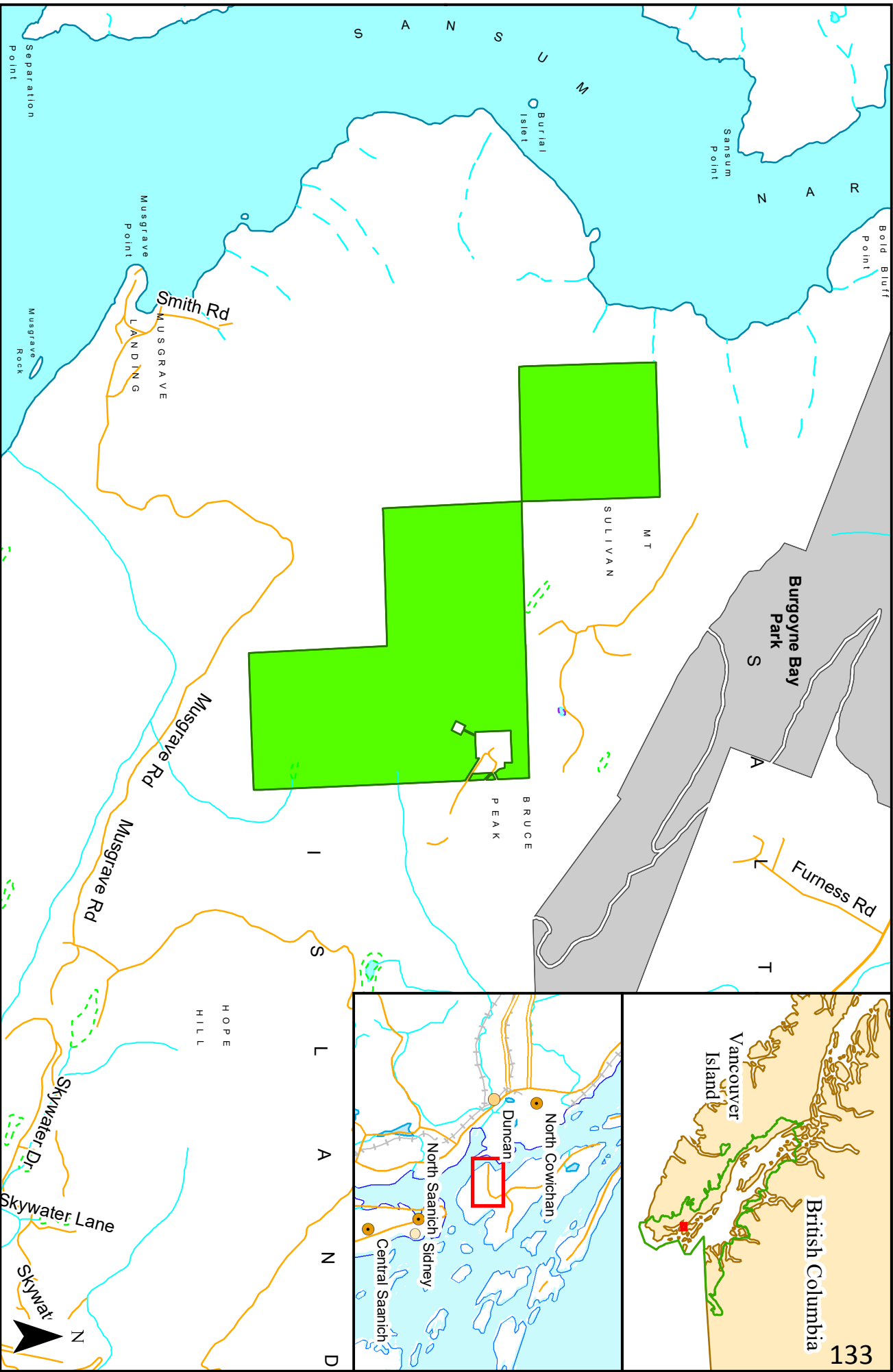


Note:
The boundaries depicted on this schedule map are a representation of a spatial dataset and may not portray the full visual detail of the original dataset. The source dataset is available at <http://www.geobc.gov.bc.ca>.

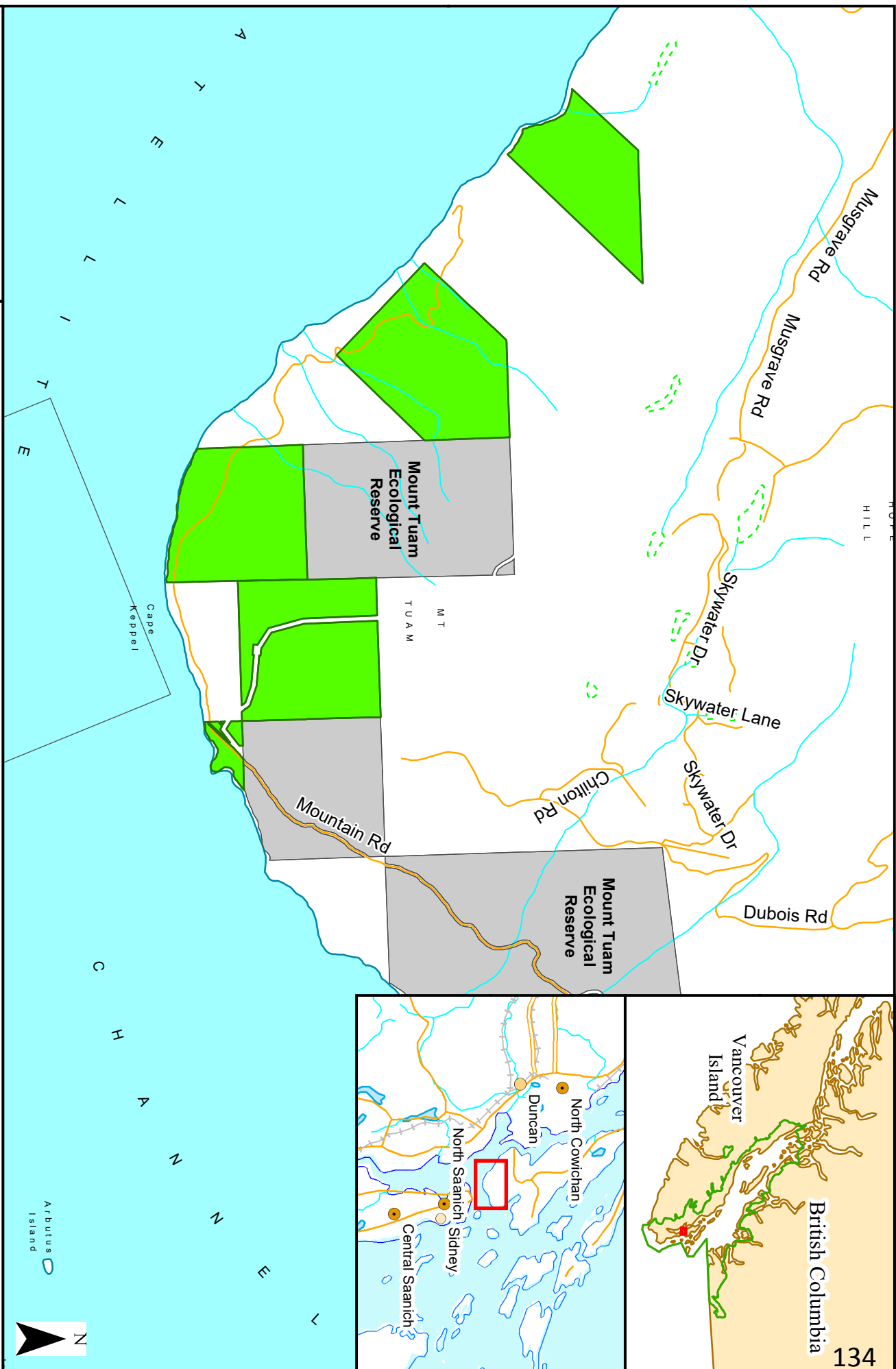
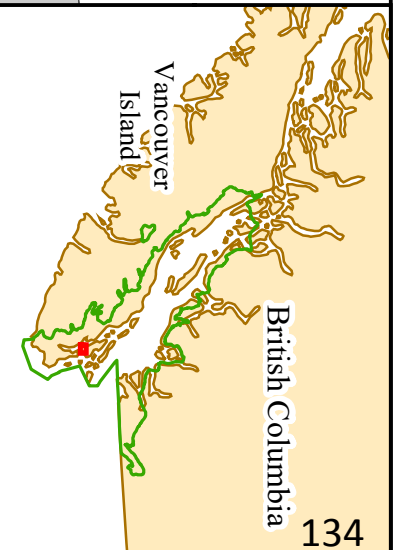
Coastal Douglas-fir Land Use Order - Schedule 8

■ CDF Land Use Order (Amended 2018)
■ Parks and Ecological Reserves





Note:
The boundaries depicted on this schedule map are a representation of a spatial dataset and may not portray the full visual detail of the original dataset. The source dataset is available at <http://www.geobc.gov.bc.ca>.



Note:
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Coastal Douglas-fir Land Use Order - Schedule 10

Legend:
■ CDF Land Use Order (Amended 2018)
■ Parks and Ecological Reserves

Islands Trust Conservancy Budget Tracking 2018-2019								
GL	Description	Budget	Revenue	Total Available	Spent	Remaining	% Remaining	Additional Committed Funds
54500-210	Communications	\$ 13,000		\$ 13,000	\$ 3,832	\$ 9,168	71%	\$ 538
56000-210	Contingency	\$ 2,500		\$ 2,500	\$ -	\$ 2,500	100%	
61100-210	Board Honoraria	\$ 8,000		\$ 8,000	\$ 2,850	\$ 5,150	64%	
61200-210	Board Meeting Expense	\$ 10,000		\$ 10,000	\$ 4,471	\$ 5,529	55%	
61210-210	Board Training & Conferences	\$ 2,000		\$ 2,000	\$ 94	\$ 1,907	95%	
61300-210	Property Management	\$ 65,000		\$ 65,000	\$ 36,537	\$ 28,463	44%	\$ 11,051
73001-210-8027	Property Management Plans	\$ 30,000		\$ 30,000	\$ 7,416	\$ 22,584	75%	\$ 17,514
61500-210	Cons Planning / Land Securement	\$ 18,000		\$ 18,000	\$ 5,808	\$ 12,192	68%	\$ -
63000-210	Legal	\$ 15,000		\$ 15,000	\$ 2,712	\$ 12,288	82%	\$ 2,485
61600-210	Ecosystem Mapping	\$ 15,000		\$ 15,000	\$ -	\$ 15,000	100%	\$ -
80300-210	Mobile Devices	\$ 1,800		\$ 1,800	\$ 814	\$ 986	55%	
81300-210	Training & Conferences	\$ 7,000		\$ 7,000	\$ 254	\$ 6,746	96%	
81305-210	Travel for Training	\$ 2,500		\$ 2,500	\$ 258	\$ 2,242	90%	
82300-210	Travel	\$ 4,000		\$ 4,000	\$ 1,161	\$ 2,839	71%	
		\$ 193,800	\$ -	\$ 193,800	\$ 66,205	\$ 127,595	66%	\$31,588
Restricted Funds		Opening Balance						
	Alton Maintenance Account	\$ 66,677	\$ 7,750	\$ 74,427	\$ -	\$ 74,427		\$ 425
	Ruby Alton Endowment Fund	\$ 137,776		\$ 137,776		\$ 137,776		
	Opportunity Fund	\$ 29,214	\$ 563	\$ 29,778	\$ 4,179	\$ 25,599		\$ -
	Covenant Mgmt and Defence Fund	\$ 103,949	\$ 4,058	\$ 108,007	\$ 1	\$ 108,006		
	Lasqueti Island Acq Fund	\$ 34,114	\$ 3,454	\$ 37,568	\$ 62	\$ 37,506		
	Gambier Island Acq Fund	\$ 116,138	\$ 1,111	\$ 117,249		\$ 117,249		
	Morrison Waxler Legacy Fund	\$ 20,070	\$ 21	\$ 20,091	\$ -	\$ 20,091		
	Thetis Island Acq Fund	\$ 1,285	\$ 0	\$ 1,286	\$ -	\$ 1,286		
	McFadden Creek	\$ 23,439	\$26.79	\$ 23,466	\$ -	\$ 23,466		