



**TRUST FUND BOARD
REGULAR MEETING MINUTES
April 9, 2009**

Location: Victoria Office Boardroom, Islands Trust

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| <u>In Attendance:</u> | <u>Board Members</u> Louise Bell *Michael Dunn Nerys Poole Christine Torgrimson, Chair Bruce Whittington *arrived at approx. 11:00 a.m. | <u>Staff</u> Shawn Black, A/ Manager Kate Emmings, Ecosystem Protection Specialist Christine Pritchard, Communications & Fundraising Specialist Natalie Tamosiunas, A/ Secretary |
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The meeting came to order at 10:03 a.m.

1.0 Agenda

The Board reviewed the agenda. The following items were added:

- 5.5 - Effective Advocacy
- 5.6 - Cape Roger Curtis Announcement

Resolution #TFB 09/1048

It was **MOVED** and **SECONDED** that the April 9, 2009 Regular Meeting agenda be approved as amended.

CARRIED

2.0 In Camera Session (Confidential Items)

Resolution #TFB 09/1049

It was **MOVED** and **SECONDED** that this portion of the meeting is closed to the public pursuant to the following sections of the Community Charter: section 90, subsection (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 municipality or another position appointed by the municipality and section 90, subsection (1) (j), information that is prohibited, or information that if it were presented in a document would be prohibited, from disclosure under section 21 of the Freedom of Information and Protection of Privacy Act, and section 90, subsection (1) (k), negotiations and related discussions respecting the proposed provision of a municipal service that are at their preliminary stages and that, in the view of the council, could reasonably be expected to harm the interests of the municipality if they were held in public and section 90, subsection (2) (b), the considerations of information received and held in confidence relating to negotiations between the municipality and a provincial government or the federal government or both, or between a provincial government or the federal government or both and a third party, and that the following individuals be invited to remain in the meeting: Shawn Black, Christine Pritchard, Kate Emmings and Natalie Tamosiunas.

CARRIED

The regular meeting reconvened at 11:37 am.

3.0 Items for Approval**3.1 Minutes of Previous Meeting****3.1 a) January 22, 2009**

The Board reviewed the draft minutes. The following changes were made:

- Deletion
 - Remove track changes
- Corrections
 - Item 4.1 Section 1: Terrestrial...(TEM) is not ~~good~~ adequate for species based conservation.
 - Item 5.1 The Ecosystem Protection Specialist...Horton Bay ~~vairy~~ viary covenant...
 - Item 5.2 Staff plans to submit ... for the ~~Howe Sound Islands~~ Gambier Island Local Trust Area.

Resolution # TFB 09/1050

It was MOVED and SECONDED that the minutes of the January 22, 2009 meeting be adopted as amended.

CARRIED

3.2 Follow Up Action List

The Board reviewed the Follow Up Action List for information.

The Ecosystems Protection Specialist informed the board that the Collins' NAPTEP application on Galiano Island was approved by Trust Council in March, and the property owners are in the process of contracting a surveyor and a baseline report contractor. The Board was informed that the David Otter Nature Reserve rezoning is still pending. Bowen Island Municipality staff have indicated that they are currently understaffed and have not been able to process the zoning change. BIM staff have not provided a defined timeline for when this change can be expected.

The A/Manager updated the board regarding item 4.2 Bylaw Referral from Galiano Island Local Trust Committee (LTC) from the January 22, 2009 board meeting. Following staff's referral of the Board's January 22nd response to the Galiano LTC, staff received a verbal response from Islands Trust Local Planning Services (LPS) staff indicating that the Galiano LTC was not able to take into consideration the conditions put forward by the board because they had already closed the public hearing for the bylaw. Board member Louise Bell suggested that ITF staff request a response from LPS in writing regarding the Board's referral response.

3.3 RFD: NAPTEP Application – Brumbaum, North Pender Island LTA

The Ecosystems Protection Specialist presented Ava Jean Brumbaum's NAPTEP application for Shell Island (also known as Ker Island). The property encompasses a healthy Douglas-fir/Arbutus ecosystem which would be characterized as old growth forest. Native wildflowers characteristic of a Garry oak ecosystem are plentiful in the understory, with no evidence of deer browse. According to the property caretaker there is an active bald eagle nest on the property.

The Ecosystem Protection Specialist acknowledged the presence of English ivy and Canada geese and suggested future management of the proposed covenant consider the impacts of these invasive and aggressive species.

Resolution # TFB 09/1051

It was **MOVED** and **SECONDED** that the Trust Fund Board approve Ava Jean Brumbaum's proposal to covenant a portion of the land described as "that part of Section 91, Victoria District, being the larger of two islands comprising said section and known as Shell Island and also known as Ker Island," PID 009-846-093, through the Natural Area Protection Tax Exemption Program (NAPTEP).

CARRIED

3.4 RFD: NAPTEP Application – McRae, Gabriola Island

The Ecosystems Protection Specialist presented Stanley and Maxine McRae's NAPTEP application. The property is primarily a Douglas-fir forest with pockets of Douglas-fir/arbutus and Douglas-fir/cedar. The site will be considered mature forest in 20-30 years, but is of conservation concern because of the rareness of healthy Coastal Douglas-fir forest. The southwest corner of the property contains a unique terrestrial herbaceous ecosystem characterized by lush moss over bedrock and has plentiful wildflowers.

The property has a path that is well used by the general public. Currently the path is having negative impacts on the terrestrial herbaceous area of the proposed covenant because of braiding. If the covenant proceeds, staff recommend signage to protect the property from further damage. The property owners wish to exclude 0.4-0.8 hectares from the proposed covenant area for a future house site. The Ecosystem Protection Specialist has recommended that the landowners consider an appropriate septic field site prior to completing the survey as well as other possible development issues.

Resolution # TFB 09/1052

It was **MOVED** and **SECONDED** that the Trust Fund Board approve Stanley and Maxine McRae's proposal to covenant a portion of the land described as "Lot 2, Section 20, Gabriola Island, Nanaimo District, Plan 27319 (except part in VIP55306) PID 002-611-902," through the Natural Area Protection Tax Exemption Program (NAPTEP).

CARRIED

3.5 NAPTEP Application - Barstead/Dollheiser, Salt Spring Island

The Ecosystems Protection Specialist presented Damien Barstead's NAPTEP application. Staff informed the Board that to authorize staff to do a site visit for an application connected to a development permit, the board must waive section D.2 of TFB Policy 05001 *Assessing covenant and land donation proposals connected with a development application*.

Referring to TFB Policy 02008 *Natural Area Protection Policy*, Section 5, the Board concluded to not accept the application at this time and directed staff to inform the applicant of this decision and to refund the applicants' NAPTEP Phase I fee unless the applicant was willing to proceed with the application regardless of the rezoning.

Board members requested that the Ecosystems Protection Specialist contact the LPS staff involved with the subject development application to inquire about its stage in the application process. Board members noted that the property could be considered for a non-NAPTEP conservation covenant at this time, regardless of its stage in the development application process and applicant could apply to NAPTEP once the development application process is complete.

Board member Bell requested the board return to the Follow Up Action List to discuss the response received by LPS staff regarding Galiano bylaws 201 and 202 referred to the Board January 22nd, 2009.

**3.2 Follow Up Action List
Resolution # TFB 09/1053**

It was MOVED and SECONDED that the Trust Fund Board request planning staff in the southern Islands Trust office explain in writing to the Trust Fund Board the response of the Galiano Local Trust Committee to the referral response from the Trust Fund Board on proposed bylaws 201 and 202 rezoning portions of district lot 57, Galiano Island Cowichan District.

CARRIED

3.6 RFD - TFB 09001 Covenant Enforcement Policy

The Board reviewed the proposed covenant enforcement policy. Board member Whittington suggested that either 'legal ability' or 'authority' might be a more appropriate term than 'ability' in this document. The Board asked staff to present the policy to Marie Potvin for a legal opinion on the wording.

Resolution # TFB 09/1054

It was MOVED and SECONDED that TFB 09001 Covenant Enforcement Policy be approved as amended.

CARRIED

3.7 RDF - TFB 09002 Breach Investigation and Covenant Enforcement Procedure

The Board reviewed the proposed Breach investigation and Covenant Enforcement Procedure and recommended the following change:

- Item # 14. Where the landowner...staff will immediately advise the Trust Fund Board at a regular meeting or at a special meeting if time is of the essence...

Resolution # TFB 09/1055

It was MOVED and SECONDED that TFB 09002 Breach Investigation and Covenant Enforcement Procedure be approved as amended.

CARRIED

3.8 RFD – Revised Policy 96010 Islands Trust Fund and Local Planning Services Coordination

The Board reviewed the proposed revisions to Islands Trust Policy 3.3ii *Islands Trust Fund and Local Planning Services Coordination* (formerly *Islands Trust Fund Activities in the Land Use Planning Process*). Board members discussed the content and direction of the document.

Board members discussed implications on staff resources given the proposed wording of the policy. Chair Torgrimson requested that staff revise the document with a move towards clarity and suggested that staff present the revised policy at the next Board meeting with the assistance of a member of the LPS staff who has some experience with the issue.

Board member Poole presented the need for a similar policy between the Islands Trust Fund and the Bowen Island Municipality (BIM). The Board directed staff to submit the revised policy to BIM to develop a policy for use in that area. Board member Poole offered to review the revised policy before it is sent in to the planners.

3.9 RFD – Revised Covenant Template

The Board reviewed the proposed changes to the conservation covenant template. Board members suggested the following revisions:

- Subsection 14.1 be divided in to two subsections (14.4 and 14.2)
- Section 15 *Mortgages* be omitted from the template but kept on-hand in case required
- Subsection 8.5 be revised to include the possibility of a landowner requesting assistance from the Trust Fund Board to pursue cases of trespass or vandalism.

The Board directed staff to present the amended document for their consideration at the May 12th 2009 board meeting.

4.0 Items for Discussion/Direction

4.1 2010-2015 Regional Conservation Plan Update

The Ecosystems Protection Specialist updated the Board on the Regional Conservation Plan (RCP). The Board was informed that plans for the RCP as presented at the January 22, 2009 meeting, are on hold and are likely to be revised because of new information from the Nature Conservancy of Canada regarding their Natural Area Conservation Plan for the Salish Sea. The Islands Trust Fund will meet with Parks Canada, a representative from the Province and the Nature Conservancy of Canada in May regarding a potential partnership for conservation planning in the Islands Trust Area. A more detailed update will be provided at the June 11th board meeting.

The Ecosystems Protection Specialist announced that the Terrestrial Ecosystem Mapping (TEM) project for the islands in Howe Sound is underway, and is expected to be completed in September if all goes well. The conversion of the Parks Canada ecosystem mapping into a format that is comparable to the rest of the Coastal Douglas-fir TEM is now complete. This TEM conversion will be used for regional conservation analysis of the Islands Trust Area.

4.2 Agenda items for joint TFB/Executive meeting May 12th

The Board discussed what items they would like to present at the Executive meeting on May 12th 2009. Chair Torgrimson suggested that the Long Term Funding Strategy be presented at the meeting. Board member Poole suggested that the Board remind the Executive of the desired change in legislation to allow NAPTEP on Bowen Island. In support of the Long Term Funding Strategy board member Whittington suggested that the staff highlight Shell Island as an example of a desirable property that we need to be able to act on. Board member Bell suggested an update on the Regional Conservation Plan.

The Board discussed potential locations for a site visit during the Trust Council meeting on Pender Island. The Ecosystems Protection Specialist suggested Medicine Beach.

4.4 Conservation Covenant Brochure

The Communications and Fundraising Specialist presented a draft copy of a Conservation Covenant Brochure and requested that any comments or suggestions from the board members be sent to her via email or in writing. Board member Poole suggested that it might be included in the Tax Assessment Notice for properties in the Trust Area.

5.0 Updates for Information

5.1 Public Acquisitions, Covenants and Dispositions Update

The board reviewed the Public Acquisitions, Covenants and Dispositions Update for information.

The A/Manager informed the board that the survey for the proposed Fairy Fen Nature Reserve was complete and submitted to BC's Surveyor General. Once the Surveyor General has approved the survey, the lot will be created and the process will move into the final stages.

The Ecosystems Protection Specialist informed the Board that staff are currently working to resolve the unauthorized trail building at the Deep Ridge Nature Reserve.

The Ecosystems Protection Specialist informed the Board that a conservation covenant at the Horton Baviary Nature Reserve is under development and a contract for a baseline report will soon be issued.

5.2 Communications and Fundraising Report

The Board reviewed the Communications and Fundraising Update for information. The Communications and Fundraising Specialist informed the Board that due to the conditions related to a recent donation of \$20,000 for property endowment fund, staff would soon draft an agreement to define the future use of the funds to be submitted to the Board for approval before the end of April.

The Communications and Fundraising Specialist reviewed donor recognition strategies. Board members committed to personally thanking selected donors and providing an opportunity for feedback regarding the work of the Islands Trust Fund.

5.3 2008-2009 Budget Report

The Board reviewed the 2008-2009 Budget Report for information. The A/Manager confirmed that the Budget is in good shape and that there will likely be a small surplus for the 2008-2009 fiscal year..

5.4 Background Reading

The Board reviewed the article *Land Conservation Law – U.S. Easement Defense*.

5.5 Effective advocacy

The Trust Fund Board was invited by Executive Committee to attend an Effective Advocacy workshop. This workshop is tentatively scheduled for June 2nd. The A/Manager will provide more information when it becomes available.

5.6 Cape Roger Curtis Announcement

Board member Poole announced that the Cape Roger Curtis development proposal is still under review. The landowners may be willing to offer some of the land for purchase by a conservation buyer. Board member Poole encourages anyone with information of a potential donor or how to solicit a potential donor to contact her.

Resolution #TFB 09/1056

It was MOVED and SECONDED that this portion of the meeting is closed to the public pursuant to the following sections of the Community Charter: section 90, subsection (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 municipality or another position appointed by the municipality and section 90, subsection (1) (j), information that is prohibited, or information that if it were presented in a document would be prohibited, from disclosure under section 21 of the Freedom of Information and Protection of Privacy Act, and section 90, subsection, and that the following individuals be invited to remain in the meeting: Shawn Black, Christine Pritchard, Kate Emmings and Natalie Tamosiunas.

CARRIED

The regular meeting reconvened at 2:56 pm.

Resolution #TFB 09/1057

It was MOVED and SECONDED that the Trust Fund Board meeting adjourn at 3:00 pm

CARRIED

The next meeting is scheduled for May 12, 2009, from 10:00 a.m. to 3:00 p.m. in the Victoria Office Boardroom.