

From: Jennifer Margison <[REDACTED]>
Sent: Wednesday, October 18, 2023 9:10 AM
To: Ben Mabblerley <bmabberley@islandstrust.bc.ca>; Kim Stockdill <kstockdill@islandstrust.bc.ca>; Lisa Gauvreau <lgauvreau@islandstrust.bc.ca>; Timothy Peterson <tpeterson@islandstrust.bc.ca>
Cc: Robert Kojima <rkojima@islandstrust.bc.ca>
Subject: Re: GL GW DPA Mapping - Heritage Forest

Dear Planner Stockdill and Galiano LTC

Thank you for your reply Planner Stockdill.

I do understand what has occurred so far in regards to the proposed Bylaw 283 that is intended to offer additional protection to critical recharge areas and the September 27, 2022 resolution.

There are several points I want to make about what you communicated to me in your email of October 11:

1. In the Sept. 27, 2022 Staff Report, Pages 21, 22, and 23 - ATTACHMENT 3: DPA Boundary Options maps (the 2, 5 and 10 ha options), while showing the Heritage/Community Forest area as the a Critical Aquifer Recharge Area, these **September 27, 2022 maps do not show it as being exempted**, which is why residents did not get concerned about how this Bylaw would be applied until later when we saw the March 14, 2023 agenda package and raised this issue at the March LTC meeting. **The map in the March agenda package on Page 77 shows the Heritage/Community Forest as exempted.**

Therefore, prior to the September 27, 2022 LTC, in order to raise any concerns, the public was not provided with complete and accurate information regarding this proposed bylaw, and I would suggest neither was the LTC provided with complete and accurate information on which to base their votes on the resolution to support the 5 ha DPA mapping option.

2. You state that:

“As stated in the resolution above, the LTC supported the 5 hectare DPA mapping as long as the mapping excluded areas designated as park or conservation.”

This implies that exclusion of areas designated a park or conservation was important to the LTC. In fact that exclusion was simply included in the September Staff Report as a staff recommendation and there is no indication in the minutes that there was any discussion of this among the LTC .

It may appear to be perfectly understandable that parks or land subject to a conservation covenant would be exempted but as I tried to explain in my previous letter, the fact that the conservation covenant on the Heritage/Community Forest is not held by the Islands Trust, and that that the covenant holders have already agreed to amend that covenant to allow for a land use that is not beneficial to the land, wildlife, plant life **or freshwater resources** is of concern to nearby residents.

Recent experience with land use of this particular property has demonstrated that the covenant could be amended again for a use that would be further detrimental to this critical recharge area. The problem is with an exemption for land that is “covenantee designated”. As the Islands Trust is not a covenant holder on this land, we know that the protective terms of a covenant can be changed if the covenant holders - the “covenantee designated” agree. There is no guarantee of protection for the land simply from the covenant.

3. Therefore, I am suggesting that the wording of **Exemption d)** be changed to delete “or a covenantee designated” and would read:

“Land that is subject to a conservation covenant held under section 219(4) of the Land Title Act in relation to natural, environmental, wildlife or plant life value relating to the land, granted to the Local Trust Committee under section 219(3)(c) of the Land Title Act.”

Bylaw 283 Schedule 1 states that:

“The Objectives of the development permit area are:

- to protect and sustain access to a reliable and safe supply of drinking water for groundwater well*
- to protect and sustain the quality and supply of surface and groundwater necessary to the provision of ecological services*
- to mitigate the impacts of development and climate change on groundwater supplies.”*

Surely the deletion to Exemption d) as proposed in this letter is a simple solution that would protect this valuable land, rightly identified as a critical recharge area, in perpetuity.

Sincerely,

Jennifer Margison

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On Wed, Oct 11, 2023 at 3:26 PM Kim Stockdill <kstockdill@islandstrust.bc.ca> wrote:

Hi Jennifer,

I’ve looked into your inquiry regarding the Heritage Forest parcel(s) being excluded from the proposed Groundwater Sustainability mapping. At the September 27, 2022 LTC meeting, [staff proposed four DPA mapping options](#) for the LTC’s consideration. The four options ranged from 2 hectare critical aquifer recharge per parcel to 20 hectares. At this meeting the LTC passed the following resolution:

GL-2022-127

It was Moved and Seconded,

that the Galiano Island Local Trust Committee endorse Bylaw No. 283 cited as “Galiano Island Official Community Plan Bylaw No. 108, 1995, Amendment No. 1, 2022” with Schedule G including the Grounding Recharge Protection Development Permit Area boundaries based on 5 hectares of lot coverage excluding areas designated as park or conservation.

CARRIED

As stated in the resolution above, the LTC supported the 5 hectare DPA mapping as long as the mapping excluded areas designated as park or conservation.

The Heritage Forest properties have a Section 219 registered on title between the property owner, Habitat Acquisition Trust, and the Galiano Conservancy Association. The covenant states that *“This Agreement shall be perpetual to reflect the public interest in the protection, preservation, and conservation of the Land and the Amenities for education, ecological, aesthetic, recreational and environmental reasons while conducting Sustainable Forestry.”*

It is staff’s opinion that the Heritage Forest properties should not be included in the DPA mapping based on the LTC’s decision at the September 17, 2022 meeting as the land is subject to a conservation covenant. Even if these properties were included in the DPA mapping, the land would be exempt from a Development Permit based on Exemption d:

“Land that is subject to a conservation covenant under section 219(4) of the Land Title Act in relation to natural, environmental, wildlife or plant life value relating to the land, granted to the Local Trust Committee or a covenantee designated under section 219(3)(c) of the Land Title Act.”

I will also forward this response to the Galiano LTC so they are aware of our communication.

Thank you,

Kim Stockdill *(she/her)*

Island Planner

Islands Trust

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I respectfully acknowledge that the Islands Trust Area is located within the treaty lands and territories of the BOKÉĆEN, Cowichan Tribes, K'ómoks, Lyackson, MÁLEXEL, Qualicum, scəwáθən, səlilwətəl, SEMYOME, shíshálh, Sḡw 'xwú7mesh, Snaw-naw-as, Snuneymuxw, Songhees, Spune 'luxuth', STÁUTW, Stz'uminus, laʔəmen, Ts'uubaa-asatx, Wei Wai Kum, We Wai Kai, W JOLEÉP, W SIKEM, Xeláltxw, Xwémalhkwu, Xwsepsum, and x^mməθk^vəyəm First Nations. Islands Trust is committed to reconciliation and to working together to preserve and protect this ecologically, culturally, and spiritually significant region in the Salish Sea.