

The Kingfisher

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LTA The Land Trust Alliance of British Columbia



spreading the news about conserving B.C.'s natural and cultural diversity

***The Mission of the LTA
Land Trust Alliance of
British Columbia***

is to provide education, research and support services which strengthen the objectives of land trusts, conservancies and other agencies, organizations and individuals dedicated to preserving and enhancing the quality of our natural and cultural heritage for all time.

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**Cover Photo: Kathy Dunster
Chatterbox Falls, Princess
Louisa Inlet**



Message from the Editor/Executive Director

Life challenges us to accept the past, and move into the future with optimism. As we say farewell to a beautiful yet tragic summer, and go into the fall and winter of 2003-4, it feels a bit like a whole new world. Funding cuts by government have affected so many in BC, including those of us working to protect natural and cultural values on land. It is too early yet to determine how we can address the tragedy of loss in the most endangered ecosystem in Canada, the southern Okanagan. We need to work even harder to protect the once plentiful desert loving animals and fascinating wetland homes of rare painted turtles and other individual endangered species and spaces, including us humans who must learn to share our special home in a mutually beneficial way.

One of the many positives about working with land trusts is we have the challenge and the ability to help those caring for the land, as we develop sensitive stewardship, management, and other protective agreements. Our climate, children and the earth herself needs us to dig in with farmers, other land owners, sensitive foresters, and developers who are willing to protect both cultural and natural values. This issue is full of good news about successful campaigns. With it, we share the stories, events, resources and news that we hope will inspire and contribute to more cases of successful conservation. For it is up to us, to take responsibility for the legacy we leave.

We welcome our new council, and look forward to the new directions and projects that they help us with. In the coming months, these include the long-awaited research survey set to answer this question and more: how much do land trusts invest in conservation lands every year? We will also be developing a new resource, the creation of a Best Practices Manual: collating and presenting template and sample documents and policies for general use. We also have some funding to provide our Registry technician for Baseline Inventory work at a subsidized rate. Thirdly, we are continuing to provide seminars, workshops and booths to Professionals associated with our work. And last, and most importantly, we will be hosting our Stewardship & Land Trust Seminars again this coming spring – planned to be held in the Okanagan.

Continued on back inside cover

Princess Louisa Inlet (swíwelât)

Nature Conservancy of Canada and Princess Louisa International Society protect more of this incredible area



Photo: Tom Swann

In its entirety, Princess Louisa Inlet is stunningly beautiful and has an immediate spiritual or magical effect that has been felt by many since the first humans entered the area. The shíshálh (Sechelt First Nation) record that the Inlet was “a sacred place, appreciated more for its spiritual character than any particular resource value.” (Peacock 2000:21.

Princess Louisa Inlet is the best representative example of the southern-fjords landscape of coastal British Columbia. The relative undisturbed nature of the area, rare plant communities, scenic beauty, remoteness and wilderness qualities provided ample justification for protection of the forested lands surrounding the Inlet

Princess Louisa Inlet (*swíwelât*) is located on the Sunshine Coast near the northern end of Jervis Inlet to the east of Queens Reach. The 300 metre deep Inlet is oriented northeast by southwest and is approximately

8 km in length, with a width ranging between 75 metres at Malibu Rapids and 1.1 km near Macdonald Island.

The meaning of *swíwelât* is “facing the sun’s rays”, or “sunny and warm” and relates to the village site (Sechelt Indian Band Reserve #12) that was located at the mouth of the inlet on a site now occupied by the Malibu Club. The village *swíwelât* had orchards and gardens that were tended by residents.

Loquilts Creek at the head of the Inlet flows year round and is the predominant source of water feeding Chatterbox Falls (*kw’álmámin*), which drops 40 metres before it empties into the Inlet. Numerous (>60) streams and ephemeral creeks flow from glacial meltwater at higher elevations, and cascade down exposed cliffs and bluffs around the Inlet. These nearly vertical granite walls reach a high point of 4000’ (1200 metres) on the southern side and 5000’ (1500 metres) on the northern side.



Photo: Tuk-Tak-A-Min – K. Dunster

On both sides of the Inlet, forest cover is discontinuous, and found only where soil has accumulated on less than vertical cliff faces. To the northwest, the heavily glaciated Mount Albert reaches a height of 2530 metres (8308') and some of its south-flowing melt-waters eventually cascade into the Inlet.

The Falls are set against a forested backdrop and the imposing dark cliffs of Tuk-Tak-A-Min fill the background. Chatterbox Falls is the destination of most sightseeing groups that have chartered boats or floatplanes for day trips from Egmont or Pender Harbour. The entrance to Princess Louisa Inlet is narrow and obstructed by both Malibu Rapids and the entry island known as *ch'ínkw'u*, or Malibu Islet. Boat entry into Princess Louisa Inlet can only be attempted at tidal slack to avoid navigational problems.

For decades Princess Louisa Inlet has been a treasured recreational experience for thousands of boaters. The literature and many web sites frequently state "there is nowhere else in world like Princess Louisa Inlet". The incredible beauty of the place, combined with its relatively undisturbed state and challenges that must be encountered to reach the Inlet, have led marine boaters to place Princess Louisa Inlet near the top of the **global** list of boating destinations.

The granite walls of Tuk-Tak-A-Min, a monolithic cliff to the west of Chatterbox Falls, are noted as excellent mountain goat (*Oreamnos americanus*) viewing areas, and excellent goat habitat is found throughout the Inlet. This knowledge is not unfamiliar to the *shíshálh* and Peacock (2000) reports that the area has a long history of traditional use for goat hunting. The warmer south facing cliffs may also provide breeding habitat for Keen's long-eared myotis (*Myotis keenii*), a red listed species.

Marbled murrelet (*Brachyramphus marmoratus*), a red listed species, are commonly seen on the Inlet waters.

Given the relatively undisturbed nature of the forests surrounding the Inlet, and their maturing age, there is suitable habitat for nesting sites. Similar habitat is suitable for Northern Spotted Owl (*Strix occidentalis*), also red listed.

Contemporary History of Protection

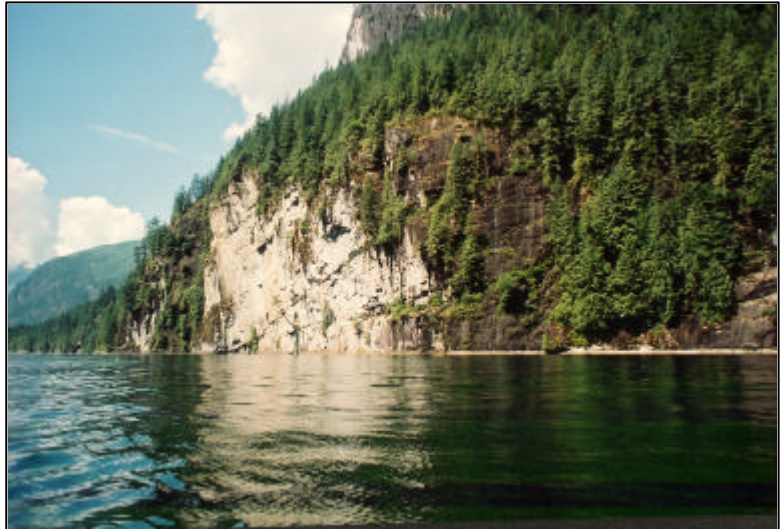
James "Mac" Macdonald pre-empted 42 "flat" acres at the head of the inlet in 1927, for the price of \$427.00 and built a log house that was destroyed by fire in 1940. He subsequently built a houseboat and entertained visiting boaters for many years, up to 20,000 in a season.

In 1953, the lands were placed in trust with the newly formed not-for-profit Princess Louisa International Society (the Society) who protected the property until 1964, when the Society transferred title and administration to the Province of British Columbia. In 1965, a Class A Marine Provincial Park was created from the original 42 acres and 66 acres of additional foreshore area.

In 1986, the Society raised sufficient funds to acquire a further 52 acres of land including Macdonald Island which were then added to the park. Over 2,000 boats a year visit the Inlet and the Princess Louisa International Society has been instrumental in fundraising for improved facilities such as the float dock, and warden patrol boats. Members of the Society volunteer time to serve as

Park Hosts, welcoming visitors to the park, and offering assistance when needed.

The Princess Louisa International Society has since sought the protection of a greater portion of the Inlet. Some logging has occurred on some of Weyerhaeuser's lands – their ownership comprising most of the land base in the Inlet. In order to abate this threat, PLIS obtained Options to Purchase on Weyerhaeuser's land with the hope of some day acquiring the property. In the meantime, Weyerhaeuser worked with PLIS to protect the viewscape from the effects of logging.



The White Sea Cliff – K. Dunster

In 2000, PLIS engaged the Nature Conservancy of Canada (NCC) to help make their dreams of acquiring some of Weyerhaeuser's land a reality. NCC worked in partnership with PLIS to negotiate a Contract of Purchase and Sale with Weyerhaeuser for the four large lots surrounding the Provincial Park at the head of the Inlet, comprising 2,212 acres (895 hectares). Of the four lots, valued at \$2,200,000, Weyerhaeuser contributed one, worth \$450,000. Weyerhaeuser also donated the merchantable timber on the property.

The completion of this purchase was made possible by supporters of the Nature Conservancy of Canada, such as the Tula Foundation and individual donors, by the Princess Louisa International Society and its supporters, and by Weyerhaeuser.

"We are delighted to protect such a spectacular and ecologically significant landscape," said NCC's BC Regional Director, Jan Garnett. "This is truly a valuable gift to the people of BC – for now and for future generations. Partnership with the PLIS members, with our friends at the Tula Foundation and Weyerhaeuser has been what has made this legacy possible."



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**Written primarily by Kathy Dunster
(with some additions by Katie Blake,
NCC)**

**"How wonderful that no one need
wait a single moment to improve the
world." Anne Frank**

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TRUST

Current Issues in Legal Defense and Enforcement of Conservation Covenants

**Andrew C. Dana, Attorney-at-Law
Bozeman, Montana, USA**

The law of defense and enforcement of conservation covenants is still in its infancy. The land trust movement, even in the United States, is barely 30 years old. In British Columbia, the relevant history is even shorter, of course. As a result, relatively few covenant defense and enforcement cases have reached the courts. Accordingly, one can only guess at how the conservation covenants, which are granted or acquired in perpetuity, will be construed and enforced one hundred years from now.

Yet, our short experience with holding and administering conservation easements in the U.S. may point to legal issues that are likely to arise in B.C. in the future. Cases that have been litigated in the U.S., for example, reveal some common trends.¹ The purpose of this article is to identify in broad terms the *parties* who are most likely to challenge conservation covenants, and the *legal issues* that are most likely to arise. With such basic information, land trusts in B.C. may be able to identify aspects of their conservation covenant programs that may warrant change to minimize successful legal challenges.

A few words of explanation at the outset: just as every property that is protected by covenant is unique, the legal issues and challenges to *specific* conservation covenants will defy easy

prediction. Furthermore, my views and analyses are colored by my experiences as an attorney who is versed generally in the real property law of the U.S., and more specifically in the property law of the State of Montana. I claim no knowledge of B.C. Provincial law. Accordingly, this article is necessarily general in focus, and my ability to universalize my experiences to situations in B.C. is therefore limited.

Who will challenge conservation covenants?

Conservation covenants are typically granted in perpetuity. Change is inevitable; yet, conservation covenants are designed to be immutable. As a result, every conservation covenant incorporates a tension between the land conservation goals of the original grantor and the land trust at the time of the grant, and the land-use goals of future landowners. The vast majority of future legal challenges to conservation covenants will almost certainly arise from this tension.

Second generation landowners. The conventional wisdom is that landowners who inherit or purchase properties that are protected by a conservation covenant will comprise the greatest enforcement challenge. Original covenant grantors tend to share a common land conservation goal with land trusts, and they are very often gratified to share property management and stewardship responsibilities with the professional land stewards who work for land trusts. As property ownership changes, however, this shared commitment to common conservation goals becomes tenuous. New owners may have their own opinions about how to care for the land, or, worse, they may resent any perceived “interference” with their property rights by land trusts.

Conservation covenant documents and overall land protection programs may be strengthened if potential challenges are anticipated and addressed.

¹ For a general discussion of conservation easement enforcement cases that have been litigated in the United States, see M. Thompson & J. Jay, “An Examination of Court Opinions on Enforcement and Defense of Conservation Easements and Other Conservation and Preservation Tools: Themes and Approaches to Date,” 78 *Denver Univ. Law Review* 373 (2001).

Easement violations and challenges from second generation landowners are likely to arise in two ways. First, those landowners who profess to share the conservation objectives of a land trust may inadvertently violate easements by taking actions that they believe to be in compliance, but which the land trust does not. Such violations can lead to very difficult enforcement cases in the courts because a judge often will be asked to decide between two legitimate but competing interpretations of the underlying conservation covenant, all the time weighing the relative rights of the landowner's interest in using her property as she sees fit, and the land trust's interest in achieving its preferred conservation outcome.

Second, some second generation landowners may simply choose to violate easements out of principle. They may conclude that the conservation covenant simply places too much restriction on what they want to do with their private property and may therefore ignore the covenant's restrictions. Although such flagrant abuses of conservation covenants may be very traumatic for land trusts when the violations are discovered, paradoxically the legal issues may be simpler. With such adversarial interpretations of the effect of conservation covenants on real property ownership, judges and magistrates are faced with easier legal decisions to make: either the conservation covenant prohibits such activity, or it does not. There are fewer "shades of gray" to decide about the alleged violation.

Original covenant grantors. On occasion, the original grantors of conservation covenants may have changes of heart. Their goals and objectives for the use and management of their properties may have changed. For example, they may now need income from a timber stand, although they never believed that they would when they granted the covenant. Or, their estate planning goals may change how they view the property, especially if much of the grantors' wealth is wrapped up in covenant-protected property and the covenants reduce the value of that property. In such circumstances, land trusts may have to deliver tough, consistent messages to these landowners: They granted away their rights by covenant, the land trusts have a duty to



Looking up PLI from above Chatterbox Falls, K. Dunster

protect and enforce those rights in perpetuity, and it would be a violation of public policy to give back the rights to the original grantor without some compensation to the public for the loss.

Third-party violations. Conservation covenants are often violated by third parties. A neighbour may accidentally harvest protected trees across a common boundary. Local teenagers may develop ATV trails without the landowner's permission or knowledge, thereby causing soil erosion and damage to sensitive plants. Fishermen may introduce a desired sportfish into waters protected for native species.

Such third-party violations may pose difficult enforcement problems. Because conservation covenants typically represent agreements exclusively between land trusts and landowners, most covenants do not specifically grant land trusts rights to enforce easements against third parties. Land trusts may therefore have to seek recompense through the innocent landowner for the objectionable acts of third parties. In other words, land trusts may have to initiate covenant enforcement actions against landowners for failure of the landowners to patrol their properties to ensure compliance *by all parties* with the terms of the conservation covenants.

There is some public policy justification for this arrangement: Unlike the land trust, the argument goes, landowners are in a far better position to control the risk of third-party violations because they are presumably on the property every day. From a policy standpoint, landowners should therefore bear the primary cost of third-party violations.² Such an arrangement can lead to awkward landowner-land trust relationships, however, if the landowner was also victimized by a third party. If a land trust sues the landowner to force compliance with a conservation covenant for acts of third parties, the landowner may feel doubly mistreated and hugely resentful of the land trust for bringing legal action against him. Conservation covenants should therefore allow landowners and land trusts either to join together in an action against third-party violators, or should allow a land trust to seek remedies against third parties without a landowner's participation.

Systematic challenges. As the land trust



movement grows, and becomes entrenched in the local and provincial social and legal spheres, organized opposition to conservation covenants is emerging. Eventually, such opposition may lead to challenges of the legal underpinnings of conservation covenant law. In particular, such opponents of conservation covenants are likely to cite common law doctrines against perpetual land-use restrictions. Property law has a long tradition of discouraging "dead hand" control of property by one generation, thereby curtailing the choices of future generations about the use

² See T. Barrett & S. Nagel, *Model Conservation Easement and Historic Preservation Easement*, 1996, Commentary ¶22, pp. 63-64 (Land Trust Alliance 1996).

property and its full complement of resources. To date, I am aware of no such broad based challenges arising in the U.S., but vocal groups are forming across the country to question the social legitimacy of conservation covenants and land trusts.³ B.C. land trusts should be attuned to and prepare for similar developments in Canada.

Theories behind the legal challenges. As noted above, the types of challenges to conservation covenants will be as varied and subtle as the lands and resources protected. Except for the systematic challenges to the protection of lands in perpetuity, the outcome of most covenant enforcement cases will be heavily dependent on the particularized facts of each situation: What does that land-use restriction really mean? How strictly should it be interpreted? Who is entitled to more sympathy from the courts under the circumstances?

Despite the impossibility of identifying the specific challenges that will arise, it is possible to generalize about the types of probable conservation covenant challenges. These include assertions of:

Changed circumstances

- and economic hardship that allegedly justify modifying or weakening covenant restrictions;
- Ambiguous restrictions or restrictions that are impossible to apply fairly or coherently;
- Technical defects in conservation covenants that warrant revision or rejection of covenants; and
- Inefficiency of requiring injunctive, restorative relief instead of monetary damages as a remedy for violations of covenants.

Changed Circumstances. Landowners who feel that conservation covenants unduly burden their free use of their own property frequently claim that the original purposes of the covenants no

³ See, for example, the websites of the Property Rights Foundation of America at <http://prfamerica.org/index.html> and The Paragon Foundation at www.paragonpowerhouse.org/conservation_easements1.htm

longer serve important public policy goals and should therefore be changed or terminated. Alternatively, landowners whose economic situations have changed may cite the economic hardship caused to them by the conservation covenants and thereby plead with a judge or magistrate for relief from the covenants' burdens.

U.S. courts are generally unsympathetic to landowner claims of changed circumstances and economic hardship as a justification for dispensing with or weakening real property covenants, including conservation restrictions.

As long as the legislative body has passed covenant enabling legislation and as long as property owners have either constructive or actual notice of the conservation covenants through a public recording system for land titles, courts have generally upheld the validity of conservation covenants. But, this is not always true: Land trusts should be aware that "relative hardship" theories may appeal to some judges who are pre-disposed to relieve landowners from onerous costs associated with land restoration after a covenant violation. In Washington State several years ago, for example, a court found that a landowner had violated a conservation easement by building a corner of a new house so that it encroached on the land trust's easement. Instead of forcing removal of the house, the court concluded, in part, that the cost to the landowner of moving the house far outweighed the damage to the land trust and the public. The house and encroachment were allowed to stay by judicial fiat.⁴

Ambiguity in covenant language Because of the complexity of the resource protection goals that are common in conservation covenant transactions, the covenant instruments themselves are often lengthy and complicated. Covenants may contain several land protection purposes, nominally protecting, for example, wildlife habitat, native plants, and historic agriculture. In most cases, these goals may be

complementary. Yet, land trusts must recognize that different goals in one covenant eventually may be viewed as inconsistent by landowners. Can a traditional farmer, for example, protect native plants *and* raise non-native cash crops and still remain in compliance with a conservation covenant? Are protection of native plants and protection of farming fundamentally inconsistent? Unless the covenant explicitly sets forth a hierarchy of protected conservation values, a nasty legal battle may arise between parties with conflicting interpretations of the meaning and purposes of the covenant.

Landowners who are hostile toward

conservation covenants may cite this ambiguity in trying to defeat the validity of the covenants in court.⁵ The more complicated a conservation covenant, the more probable the covenant will include problems of ambiguity. It is very hard to draft conservation restrictions to anticipate all

future activities that may threaten the conservation values that are protected by the covenants. Among other land trusts in the U.S., the Montana Land Reliance, which now holds nearly 500 conservation easements on half a million acres of land, has therefore moved toward accepting simple, single-purpose conservation easements with clearly measurable performance standards, when possible, to allow it to determine compliance or non-compliance relatively simply and clearly. Such clear standards enhance the defensibility of covenants because proving violations is more easily accomplished.

Moreover, the more complicated a conservation covenant, the more likely it is that a land trust will have a hard time enforcing the covenant in court. For example, communicating to a court the subtleties of a landowner's lack of respect of scientific range management practices required by a covenant, which will lead to eventual degradation of long-term agricultural resources,

Perhaps the most common conservation covenant enforcement cases will involve conflicting interpretations of ambiguous language and purposes within the covenants themselves.

⁴ B. Biondo, "Dealing with Conservation Easement Violations," *Land Trust Alliance Exchange*, p. 207 (Winter, 1997).

⁵ A. Dana, "The Silent Partner in Conservation Easements: Drafting for the Courts," 8 *The Back Forty* 320 (January/February, 1999).

is an extraordinarily difficult task in an adversarial, trial setting. Moreover, proving in court that the landowner has actually managed land in a substandard way, and thereby violated a conservation covenant, raises substantial challenges for the land trust's legal team. I and another attorney and our a raft of experts, for example, once spent three days before a judge trying (unsuccessfully) to convince him that "high-grading" old-growth Ponderosa Pine in a logging operation – taking only the largest, oldest, most valuable yellow pine on the property – violated a land trust's conservation covenant which required that all timber harvests must comport the "sound forest husbandry practices." This courtroom experience highlighted the excruciating difficulty of (a) educating the judge about the subtleties of balanced forest management practices, and (b) proving that the landowner actually violated those practices.

In short, land trusts need to realize that conservation covenants are ill-suited to meet many complex land conservation goals. Conservation covenants are limited interests in property that can effectively serve only limited land protection goals.

Technical defects. Landowners who are determined to defeat conservation covenants will search for technical defects in conservation covenant language. Were all statutory requirements met when the covenant was drafted? Are other laws, rules or regulations violated by the covenant, and if so, can that conflict of laws be elevated to challenge the validity of the covenant in general? Did the new owner of the property have knowledge of the covenant or was such knowledge readily available from a public source?

Such challenges to the technical adequacy of conservation covenants may be easiest for land trusts to anticipate and address. Sound covenant documentation policies and procedures and first-rate legal representation in the covenant creation process will solve most of these potential problems. On the other hand, the experiences of

U.S. land trusts reveals some fairly shoddy (by today's standards) conservation easement documentation and drafting practices, especially among public agencies, small land trusts, and older land trusts when they first began accepting conservation easement grants.⁶ Therefore, B.C. land trusts may be well-advised to review their earliest conservation covenants to ensure that they reflect current drafting practices and legal standards.

Efficient breach. As property values soar in areas surrounding covenant-protected property, it is probable that certain landowners, or potential landowners, will weigh the potential gains to be made from violating the covenant – and effectively destroying the conservation restrictions – versus the cost of leaving the property alone. Consider the example of a real-estate developer who covets a tract of land protected by a covenant in an area of rapid suburbanization. With a conservation covenant, the land may be worth \$1.0 Million. Without the covenant, a developer may make \$25 Million by subdividing and selling tract homes. The developer may decide to acquire the property and violate the covenant, as long as she is reasonably sure that (a) a court would not completely forestall his development, and (b) the cost of the fines imposed if a violation of the covenant is found would not undermine her profit.

In jurisdictions where a legislature, court or magistrate prefers to award damages rather than to award injunctive or preventative relief to land trusts for covenant violations, such "efficient breach" calculations may become common – and may severely undercut the expectation that conservation covenants protect property in

Single purpose covenants or multi-purpose covenants with quantifiable, measurable standards to document compliance with covenant terms will minimize ambiguity and enhance land trusts' ability to defend and enforce covenants in the future.

⁶ D. Guenzler, *Ensuring the Promise of Conservation Easements: Report on the Use and Management of Conservation Easements by San Francisco Bay Area Organizations* (1999), cited in D. Guenzler, *Creating Collective Easement Defense Resources: Option and Recommendations* (Bay Area Open Space Council, 2002) available at www.openspacecouncil.org.

perpetuity. The solution is to provide in covenants, whenever possible, that the legal remedy for violation must be restoration of property and damaged conservation resources, not monetary damages or fines.

As the land trust movement in B.C. matures and as more land is placed under conservation covenant, legal challenges to the propriety of such covenants are bound to increase. By anticipating some of the parties who may lead these challenges and by identifying the legal

theories and facts that may give rise to the challenges, B.C. land trusts may be able to prepare for the inevitable rising tide of violations. Measures taken today to strengthen covenants, to remove ambiguities from covenant documents, to educate landowners and the public about the nature of the conservation restrictions contained in covenants, and to build legal defense resources will provide immeasurable benefits to the long-term interests of the greater conservation community and the public at large.

LTABC Covenant Monitoring Workshops

The LTABC has now completed three regional Covenant Monitoring Workshops. The first was reported on in the last issue of the Kingfisher. Since then, we have held two more sessions, one in Kelowna and Penticton and the other on Saltspring Island. Each had a classroom session and a visit to a covenanted site. All were led by Chris Ferris, the Islands Trust Fund Monitor, who fine-tuned the workshops as they progressed. Many thanks to Lucy Reiss of Discovery Coast Greenways Land Trust, Shawn Black of The Land Conservancy and Karen Hudson of Saltspring Island Conservancy for coordinating these regional workshops. Many thanks to our funders, The Vancouver Foundation and the Public Conservation Assistance Fund. **Here are some tips from the works hop for your reference (thanks to Nigel Dwyer).**

- Use the manual: *On the Ground, Monitoring Stewardship Agreements*.
- The covenant might include right of access more frequently than annual, if required by special event.
- Make distinction between Ecological Monitoring and Compliance Monitoring. (No point in wasting time on Ecological Monitoring such as vegetation overgrowth if there's nothing you can do about it. However, try to anticipate remedial action in management plan)
- Importance of consistency in monitoring.
- Importance of showing that covenant holder is active and monitored regularly.
- Consider carefully whether ecological integrity is even possible before taking on marginal properties.
- Absentee owners: need clause to appeal to court if landowner not contactable.
- Think about clause permitting changes resulting from approved government Fisheries or Environment projects.
- Site visit: start with review of proper maps.
- Consider aerial photos, stereo pairs.
- Talk to adjacent property owners to verify boundaries and to tell them what you are doing.
- Management plan should define map of monitoring route and photo points for repeatability (Moss uses coloured 10in nails for photo markers, then notes azimuth and elevation photos. Also try GPS)
- Monitor for public safety and note concerns.
- Try video camera.
- Legal considerations:
 - Digital photos not acceptable.
 - Optical photos must have date and signature on back
 - Make up at least two binders for each property, not loose folders.
 - Each binder to be complete with original documents, plus signed monitoring reports- one to be stored in locked fireproof vault, one to be working copy to be kept in office.
 - Provide copy of monitoring report to co-covenantor. (This means three good copies of monitoring report)

Member Campaigns & Updates



The South Okanagan Puddle Project

South Central British Columbia's South Okanagan and Lower Similkameen River Valleys comprise one of the four most endangered ecosystems in Canada. This area of BC is distinct—it is Canada's only true desert—encompassing very diverse habitats supporting a myriad of Canada's species at risk. In this semi-arid desert climate, wetland and riparian habitats are cornerstones in maintaining plant and animal biodiversity.

Ducks Unlimited Canada has partnered with several other groups and agencies in the South Okanagan to encourage private landowners to protect puddles—wetlands of less than one hectare. Cumulative human impacts have resulted in the loss of a large proportion of the historical riparian and wetland habitats in the South Okanagan. Today, wetlands face increased rarity due to impacts and loss from livestock grazing, invasive weeds, pollution, draining, filling or land development.

The Puddle Project is aimed at working with private landowners with stewardship initiatives such as habitat restoration and livestock fencing projects, species and habitat inventories, wetland and species at risk education, and conservation agreements. This community-based conservation program is working towards survival of South Okanagan small wetlands and the unique species that call these puddles home, including puddle-dependant species at risk such as the Tiger Salamander, the Great Basin Spadefoot and the Painted Turtle.

The Puddle Project is a South Okanagan Similkameen Conservation Program Partnership between Ducks Unlimited Canada, Environment Canada, the BC Ministry of Water, Land and Air

Protection, TLC
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Nature Trust of
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Great Basin Spadefoot – photo
Andy Bezener



TLC Accepts Donation of Forest That Contains Some of the Largest Western Larch in British Columbia

*By Shawn Black, Okanagan Region
Manager/Stewardship Coordinator, TLC*

When we think about large trees in British Columbia, we tend to picture images of the huge old growth Sitka Spruce, grandfather Western Red Cedars, and the giant Douglas Firs found on Vancouver Island and the mainland coast (or at least the few that remain). Most of us do not draw images of large old growth trees in the southern interior, particularly in hot dry areas like the South Okanagan. However, they do exist, and TLC is proud to have helped save a stand of trees that includes what could be the second largest known Western Larch in British Columbia.

Up on the highland plateau east Osoyoos, highway #3 winds its way through the small villages of Bridesville and Rock Creek as it heads towards Grand Forks and Castlegar. This area,

known as the Boundary Country, has a rich history of cattle ranching, gold mining, and forestry. On the eastern edge of the Boundary Country, approximately 20 minutes from Osoyoos, Dale Lehman, his wife Anita, and their children (who have moved on to raise their own families) are the second generation of Lehman's to ranch their land. Adjacent to Dale and Anita's ranch house is a special stand of trees that Dale affectionately refers to as "the bush". This forest is anything but a "bush".

As of mid July, Dale and Anita transferred title to the 24 hectare (60 acre) "bush" to TLC. Dale and Anita and TLC's Okanagan Region staff have been working hard on this land donation, which is being done under Environment Canada's Ecological Gifts Program, for over 2 years. TLC currently working with the EcoGift Program's Appraisal Review Panel to certify the value of the land and forest for tax receipt purposes. It is expected that this donation will be one of the largest cash value Ecological Gifts done in the southern interior of BC.

The forest, which will be known as the *Lehman Springs Conservation Area*, is ecologically unique in many ways. The large old growth Western Larches are over 600 years old, and the largest of these trees is 170 feet tall. These Larches provide nesting habitat for the provincially blue listed (vulnerable) Williamson's Sapsucker. This forest is also home to a variety of other wildlife including Red Tail Hawks, Pileated Woodpeckers, Flickers, owls, and deer (to name a few). Recently, there have also been unconfirmed sightings of the nationally endangered White-

headed Woodpecker. Another unique feature of this forest is the abundance of natural springs. There are at least nine natural springs within this forest where water can be seen bubbling from the ground. These springs are home to a tiny fresh water shrimp, and in the summer, are the headwaters for Nine Mile Creek (which flows into Osoyoos Lake on the US side of the border).



TLC is pleased to have been able to assist Dale and Anita Lehman in ensuring that this special forest is protected. Their generosity and patience in seeing this through should be commended. A public announcement to celebrate this special project is being planned for this fall.



Salt Spring Island Conservancy Announces 50 Acre Martin Williams Land Purchase

The Salt Spring Island Conservancy announces the completion of a 20 ha (50 acre) purchase of land from Martin Williams of Salt Spring Island. It was subdivided for the purpose of this purchase from a 64 ha (159 acre) parcel of land owned by Martin Williams who, "wanted it left in its natural state." As part of the purchase agreement, Mr. Williams dedicated a right of way across the remainder of his parcel

and his separate residential lot to allow permanent access to the trail network from Toynbee Rd. It is adjacent to 65 ha (163 acres) of crown land plus 22 ha (56 acres) of land owned by the Islands Trust Fund. The land purchased by the Conservancy protects open Douglas fir/arbutus forest on the south-facing ridge of Mount Erskine, including part of the popular Jack Fisher Trail with its magical fairy doors and panoramic views.



The land contains mature fir groves, rare plant communities, upland bog vegetation, sensitive wildlife habitat as well as dramatic rocky outcrops and viewpoints. These natural features are symbolic of the southern Gulf Islands, threatened and becoming increasingly rare.

The protection of the natural values of this land has long been of interest to Martin Williams, the local community, and the Islands Trust. The landowner originally approached the Islands Trust Fund Board in 1990 with an offer to sell this land but the Board was not able to conclude a satisfactory agreement at that time. The purchase is another important step in achieving the vision of the South and West Salt Spring Conservation Partnership, a coalition initiated by the SSI Conservancy to protect greenspace in the largest undeveloped part of the Trust area.

The property will be held and managed by the Salt Spring Island Conservancy, which spearheaded the fundraising campaign with the help of the Salt Spring Trail and Nature Club, as well as the support of other conservation groups. A conservation covenant, held by the Islands Trust Fund and the Salt Spring Island Local Trust Committee is registered on the title.

The Salt Spring Island Conservancy would like to thank Martin Williams for this outstanding contribution to greenspace on Salt Spring Island. Purchase of this land was made possible by the generous financial support of Salt Spring Island Conservancy members, the Salt Spring Trail and Nature Club and its members, The Salt Spring Island Foundation, the Royal Canadian Legion (local Branch 92), the Islands Trust Fund, the Georgia Basin Ecosystem Initiative, The EJLB

Foundation, The Land Conservancy of BC, TD Friends of the Environment, an anonymous local donor and other local private donors.

For more information, please contact:

Salt Spring Island Conservancy

#203 -338 Lower Ganges Rd.

Mail: PO Box 722, SSI, BC V8K 2W3

Ph: (250) 538-0318

Email: ssiconservancy@saltspring.com

<http://saltspring.gulfislands.com/conservancy/>

Salt Spring Island Conservancy Announces 72 Acre Gift

The Salt Spring Island Conservancy announces the dedication of a 72-acre south Salt Spring Island gift of land recently donated by Cordula Vogt of Salt Spring Island and her mother, Oda E. Nowrath of Duncan. This generous deed assures for all Islanders the benefit of contiguous green space in perpetuity, where both flora and fauna can live out their lives mostly undisturbed. This land was deeded to SSIC to be managed in an environmentally sensitive and sustainable manner with provision for limited, controlled public access to protect the land's Garry oaks, Arbutus, Douglas fir, Pacific dogwood, other native species, and wetland areas.

A single hiking trail looping the land will connect with 88 acres of adjacent Crown land and an existing 80 acre park to the south of Peter Arnell Park. It will be installed in co-operation with the Trail and Nature Club and take advantage of beautiful views of the Gulf Islands, San Juan Islands, Fulford Harbour, as well as Mt. Maxwell, Mt. Tuam, Mt. Bruce and Mt. Sullivan. The Islands Trust Fund and the Land Conservancy of B.C. will co-hold the conservation covenant on the land protecting its natural features and allowing for passive recreational use.

The Salt Spring Island Conservancy would like to thank the donors of this property for this outstanding contribution to greenspace on Salt Spring Island. We also thank the following project partners: the Islands Trust Fund, the Real Estate Foundation of BC, the Salt Spring Trail and Nature Club, the Royal Canadian Legion (local Branch 92), the Land Trust Alliance of BC, the Canadian Wildlife Service, and other local supporters.



We Made It! Thanks Nanaimo!

That was the jubilant message on the banner pasted across five large Linley Valley Park Campaign signs strategically placed at intersections throughout the City of Nanaimo for the past six months. Commuters travelling to work and back watched as the thermometer on the side of the signs slowly crept up towards the goal of \$2.063 million. Of the total amount, the City of Nanaimo had agreed last October that it would commit \$1.563 million – if, and only if, the Nanaimo Area Land Trust (NALT) was able to raise the final \$500,000.

A week before the campaign deadline of June 30th, NALT met with City Council and admitted that there was still a shortfall of about \$50,000 – a heads-up to Council that there might be a request for a second extension to the June 30th deadline Or, that Council might be asked to make up the difference. Or...

But on the morning of June 30th, when NALT met with City Council again, we surprised everyone by announcing that the goal had been reached, the additional \$50,000 had been received, and that a cheque for the full amount would be presented to the City at 3:30 pm that afternoon, with all of the local media in attendance. And so it was.

The 11th hour success was the end of a 2-year long roller coaster ride for the Nanaimo Area Land Trust, and for the thousands of supporters of the acquisition of a 145 acre property called Section 13 in the middle of Linley Valley. The first acquisition campaign ever undertaken by NALT was officially kicked off on July 6th, 2001. The main focus of the first year was to raise public awareness, to collect at least 5,000 signatures supporting the acquisition, to begin collecting pledges towards a goal of \$500,000 for the acquisition, and to put pressure on the City of

Nanaimo to contribute the difference and purchase the property for a natural parkland.

By the fall of 2002, with more than 5,000 signatures collected endorsing the campaign and the purchase price, with \$200,000 in pledges from several hundred local donors (some of it already in the bank), and with a civic election looming, the Nanaimo City Council finally came on-side – giving NALT just 6 months to collect the rest of its \$500,000 commitment! The final week, when more than \$50,000 came in the door putting the campaign over the top, t'was a heady experience for this small local organization, and a great sense of accomplishment for us all.

When the dust settled, more than 1,000 donors, almost all of them local, had contributed to the campaign. The largest two (a local couple and a developer) gave \$100,000 each. Other major donors contributed from \$1,000 to more than \$40,000. Many hundreds of individuals gave personal donations of \$20 to \$100. Local



Cottle Lake in the Linley Valley on a fall day - popular destination for migrating ducks

walking groups, bridge groups, environmental groups and

neighbourhood associations pitched in with whatever they could afford. In the final months, the corporate sector, small businesses and local service clubs finally decided to “go green” and sent sizable donations. Perhaps most touching was a seven-year old boy who contributed small amounts from his allowance over several months – for a total of \$42.45.

The Linley Valley, situated right in the middle of the city, with a total area of about 1,000 acres, is the last large area of undeveloped land within the boundaries of the City of Nanaimo. Section 13 is the largest privately owned property in Linley Valley, and is perhaps the most strategic. Located in the middle of the valley, it contains a mix of mature Douglas fir forest with many old growth trees, open meadows and woodland, sun-drenched bluffs, and hidden wetlands. At the centre of the



Barbara Hourston accepts a pledge of \$10,000 from Rob Hanelt of the local Chapter of Trout Unlimited Canada - overlooking Cottle Lake in the Linley Valley

property lies tranquil Cottle Lake - home to cutthroat trout and migratory waterfowl.

"The Linley Valley is one of the most intact and productive habitats left in the Nanaimo lowlands", states Guy Monty of the Nanaimo Field Naturalists. "The diversity and number of migratory songbirds nesting in this area is truly staggering. There is no doubt that this area contains habitat values truly deserving of conservation." Several kilometers of informal walking trails allow hikers and cyclists to observe and enjoy this beautiful area.

What's next? The eastern boundary of Section 13 adjoins a 260 acre parcel of provincial crown land, called DL 56. Already the talks have begun between NALT, the City and our two local MLAs. With DL 56 added to the 145 acre property that is now secured, we can someday have a woodland park of more than 400 acres in the middle of Nanaimo. And after that, there is still the *rest* of the Linley Valley, waiting ...

Nanaimo & Area Land Trust Seeks Support for the Acquisition of Mt. Benson

While the final wrap-up of the successful Linley Valley Park campaign is still in progress, the Nanaimo Area Land Trust has been approached by the community of Nanaimo to somehow "save" the top of Mt. Benson. This small but significant mountain forms the backdrop to the City of Nanaimo and surrounding rural areas, a destination point for local hikers and mountain bikers for many decades. Now, the owners of a

property, totaling approximately 523 acres on the top Mt. Benson (including the 1,000 metre summit and the north-east or "front" side of the mountaintop) have begun logging - and they plan to take out *all* the marketable timber over the next 18 months!

Responding to the urgency of the situation, NALT is currently trying to determine the feasibility of spearheading a campaign to somehow acquire the property before logging progresses any further. In a recent meeting with the owners, Pennclan and Eastbourne Companies, it was determined that they are willing to sell the property rather than log it. -It is beyond the capacity of NALT to raise the funds without help from some other source. There are many good reasons for saving the mountain-top before it is logged. They include:

- yet another impact on the already beleaguered Millstone River watershed, and the fish values in that river system;
- threat to wildlife values and the Vancouver Island wildlife corridor that includes Mt. Benson
- loss of a significant stand of old-growth timber
- loss of recreational values
- loss of aesthetic value for the community and area - a bald mountain top with ugly scars instead of a green one (and the probability of serious erosion and slow re-growth of the forest at that altitude)
- destruction of an area that has great potential to become a future destination for eco-tourism (hiking and biking in summer, x-country skiing and snow-shoeing in winter)

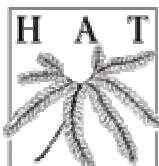
The property lies within the jurisdiction of the Regional District of Nanaimo: all funds designated for RDN park acquisition have been earmarked for the next three years. This means that, if Mt. Benson is to be saved from becoming Mt. Baldy, it will be up to NALT and the community to somehow find the dollars needed to purchase the property and halt the logging. Nalt has already received the first pledges and two small donations.

A brief meeting with federal MP David Anderson recently did raise hopes of federal government assistance, but offered no guarantees. Mr. Anderson indicated that he was aware of the

concerns, and even more, he knew the mountain – he skied it “nearly 50 years ago”, and caught trout in the small lake on top. A further meeting with David Anderson in September is now being set.

In the interim, the NALT Board has decided to take the first step – to investigate the costs of an appraisal and timber cruise of the property, and seek sources that might be able to assist with covering these costs. The property owners have set a deadline of September 15th for NALT to reply to their offer.

Any and all support or ideas for saving Mt. Benson are welcome. Call the NALT office at (250) 714-1990, email to admin@nalt.bc.ca, or visit the NALT Stewardship Centre, at #8 – 140 Wallace Street in Nanaimo.



Getting Businesses Involved in Environmental Education By Eric Kopetski

For well over a decade, children from the Greater Victoria area have had the opportunity to go out to Goldstream Provincial Park and learn about the salmon life cycle, experience the wonder of a wilderness setting, and begin to understand the complexities of an ecosystem that they are part of. These educational programs are an invaluable opportunity for practical “hands-on” education, allowing children to experience what they would normally only read about in textbooks.

In April of 2002, the Provincial Government cut all funding to interpretive programs across the province. As a result, schools now face a minimum fee of \$100 a class to take part in the programs at Goldstream Provincial Park, a fee many cannot afford. Habitat Acquisition Trust (HAT), a regional land trust devoted to preserving ecologically significant areas in southern Vancouver Island and the southern Gulf Islands,

has developed a program whereby local businesses can sponsor classes to take part in the educational programs at Goldstream Park. Our program, called “Goldstream Chums”, allows businesses to sponsor classes and receive promotional opportunities in recognition of their donation. One of these opportunities is the chance to have their company name or logo (depending on the size or their donation) displayed at the Goldstream Nature House, which is visited by 150,000 people annually. We have three different levels of promotional opportunities: Vision Group, Leaders Group, and a Builders Group. The number and quality of promotional opportunities is determined by the amount of the donation, with members of the Vision Group receiving the most exposure.

As corporate outreach is a new area for HAT, we have had to refine and adjust our approach as we go along. Businesses receive many donation requests, and often have causes or organizations that they have been involved with for many years. This, along with a decrease in tourism due to the threat of SARS, Mad Cow Disease, and the lingering effects of the war in Iraq, has made it challenging to gain support for our program, which is in its first year. As such, we are really focusing on building strong relationships with the businesses that have agreed to become a part of our program. We hope that if our sponsors are happy with what our program has to offer, they will not only donate again but also spread the word about the benefits of being a Goldstream Chum.

We have been encouraged by the response of the business community, despite the challenges explained above. To date, we have raised enough money to send nearly 2,500 children to Goldstream Provincial Park, a number we hope to increase dramatically by October when the salmon start to arrive.

The Cowichan Community Land Trust Society has endorsed the Earth Charter, joining the Saltspring Island Conservancy and the Galiano Conservancy. We believe the Earth Charter is a clear and accurate statement of our values and will be useful in ethically guiding our decisions. We encourage other land trusts and conservancies to consider endorsing the Earth Charter. The Earth Charter and a great deal of additional information and links are available at <http://www.earthcharter.org>. If you want presentations or other support in British Columbia, contact ecc@island.net.

WiTS CONTINUES!!!

Kerri-Lynne Wilson, Stewardship Coordinator

The Wildlife Tree Stewardship Initiative (WiTS), a Federation of BC Naturalists (FBCN) project, is pleased to announce that the project will continue due to funding primarily from the Habitat Conservation Trust Fund, Canadian Wildlife Service, and Ministry of Water, Land and Air Protection. Of course, the success of our project lies in the continued participation of over 100 dedicated volunteer wildlife tree monitors (many are FBCN members).



*Great Horned Owlets –
photo courtesy of Marie O'Shaughnessy*

The EcoAction Program (Environment Canada) enabled the Federation of BC Naturalists and representatives (Ministry of Water, Land and Air Protection, BC Hydro, and Environment Canada) to begin the WiTS initiative in 2001 and provided two years of support ending July 31, 2003.

The goal of WiTS is to conserve dwindling coastal wildlife tree habitats through volunteer monitoring, landowner agreements, and community education along the Strait of Georgia. WiTS started along the southeast coast of Vancouver Island from Campbell River to Victoria (and associated Islands) but due to increased interest, we now have participants on the Lower Mainland who are starting their own WiTS project (FBCN initiative).

On top of our educational website at www.wits.nisa.com, we have online maps on the Community Mapping Network at

www.shim.bc.ca. This allows the viewer to see our inventory of known wildlife trees as well as view information on nest productivity and the wildlife tree. This online Wildlife Tree Atlas allows our wildlife tree monitors and screened users (password protected) to enter information directly into the Atlas. Also, there are different levels of access, the higher levels allowing the viewer to access more detailed information. This is a useful tool for local, provincial, and federal governments. Requests are being received by local

government planners in the southeast coast of Vancouver Island to use this site for information in land planning decision making.

We would like to thank our many supporters including EcoAction Canada, Canadian Wildlife Service, BC Hydro, Habitat Conservation Trust Fund, Ministry of Water, Land and Air Protection, Community Mapping Network, Land Trust Alliance of BC, Cowichan Community Land Trust, Federation of BC Naturalists, NISA Internet Technologies, TD Friends of the Environment, and Weyerhaeuser.

If you are interested in monitoring wildlife trees or to learn more about our project and workshops, please contact Kerri-Lynne Wilson, Stewardship Coordinator, (250) 746-3803 or kerri-lynn.wilson@bchydro.bc.ca.

***I did not find the world desolate when I entered
it. My fathers planted for me before I arrived, so I
plant for those who come after me. Talmud***

Financial Incentives & Current LTA Projects

Appraisal Assistance Fund *extended to April 2004*

Thanks to Canadian Wildlife Service, Environment Canada, member land trusts are still able to apply for assistance for appraisal costs (up to 50%) associated with appraisals for Ecological Gifts. **Please be sure to apply, as the program's continuation will be based on its success in these first two years!** Over the first year, the program was not fully subscribed. Application forms and instructions are available directly from the website – www.landtrustalliance.bc.ca, or by emailing sheila@landtrustalliance.bc.ca.

Summary from the LTABC Annual Seminar Series

We held our annual Seminar Series this year one day prior to the national conference, the Leading Edge, Stewardship & Conservation in Canada. Although shorter than usual, the six Seminars offered valuable knowledge and perspectives from various sectors. Materials from the *Seminars are available through our office. The topics included:

*Agriculture & Habitat Incentives, *Crown Lands – Evaluation of environmental, social and economic concerns in sales, *Covenants – Advanced Issues, Sharing Ecosystem Resources – Bottom up and top down approach to sharing watershed resources, *Secrets of Successful Stewardship Programs & Operating Principles, *Forest Certification Programs & Covenant Options

We are happy to send these, and information from seminars in preceding years, in print for 10c per page, or digitally, free. Next year, the council has agreed to consider holding it over 2 – 3 days, to include site visit(s) in the area, and have it in the Okanagan area. Travel subsidies will once again be available. Thanks to Westcoast Environmental Law Foundation, Farmfolk-Cityfolk, and the

Growing Green Project for the 2003 subsidies. (The subsidies will be out in the mail soon.)

Best Practices Manual

Thanks to the Real Estate Foundation of B.C., we have some funding toward putting together a manual which contains many templates and other sample documents that you have requested over the years. We will be asking you for your assistance in this project, as the more samples we can offer the more effective and better a tool this will be. Similar to the Standards & Practices book put out by the US LTA, ours will be unique to our needs and legal requirements here in BC. If you have ideas or can contribute to this important new resource, please contact us.

Baseline Inventory Service

Thanks again to the Real Estate Foundation of BC, we are now offering a Baseline Inventory Service to our members for a reduced rate. We have received some limited funding to help subsidize the important Baseline inventories needed to formulate decisions on acquiring lands or registering conservation covenants. Please call our office if you would like to discuss dates and rates for hiring Damien, (our registry technician, and experienced inventory specialist). Depending on travel costs, we will give you a firm quote. The bonus, of course, is Damien can also help you with any additional problems you might be having registering your properties through the Protected lands Database.

BC Lands in Trust Registry

Don't forget to register your properties with the new version 3 of the database, available directly through the website, or call us and we will burn you a copy of the program. Use this resource and the statistics it contains to direct media and fundraising campaigns – that's one of its great values!

Doing Business - Not for Profit - *By Marion H. Markus*

Charitable Receipts

All advice in this column is provided as general information and not for client specific use. You should consult with a professional with regards to your personal and business financial and taxation affairs.

Here is a basic summary of the legislation that relates to charitable receipts:

1. General Rule: A gift is a voluntary transfer of property without valuable consideration (i.e. payment of any kind). Generally a gift is made if all three of the conditions listed below are satisfied:
 - a) some property - usually cash - is transferred by a donor to a registered charity;
 - b) the transfer is voluntary; and,
 - c) the transfer is made without expectation of return. No benefit of any kind may be provided to the donor or to anyone designated by the donor, except where the benefit is of nominal value (i.e. the fair market value of the benefit to the donor does not exceed the lesser of \$50.00 or 10% of the amount of the gift.)
2. Contributions of services may not be acknowledged by an official receipt. A gift must involve the transfer of property.
3. This transfer of property (real or personal, tangible or intangible), must include rights. A right is a legally enforceable claim by one person against another.



4. A gift from inventory (such as a loaf of bread from a bakery) is eligible, but the donor must include in his income an amount equal to the amount of the donation.

5. Taxes paid by the donor (ie GST and PST) are not considered part of the value of the donated article.

6. The fair market value should be established as independently as possible.

In general, the exchange must result in a change of ownership. In the case of the donation of the table space (an example from another group), there is not a transfer of property. The way to handle this would be to have the donor organization (A) bill for the table rental (to B), get paid (by B), and then they (A) donate the money back (to B). CCRA suggests that this is the way to handle donations which are not clearly a transfer of property. One accountant's experience with another charitable organization is that they do not accept donations-in-kind. All goods are paid for, and then the donations of the payments back are receipted. This, of course, is the simplest solution!

I would also like to address any questions any of you LTA'ers may have, so please forward queries to markusphoto@saltspring.com subject: LTA Doing Business - Not for Profit. All advice in this column is provided as general information and not for client specific use. You should consult with a professional with regards to your personal and business financial and taxation affairs.

Marion H. Markus is a freelance business consultant who specializes in accounting, tax preparation, computer and business training, based on Salt Spring Island. Marion is currently the bookkeeper for LTABC.

New Councillors Shawn Black and Boyd Pyper at the LTA AGM. (photo Marion H. Markus)

Summary of the Leading Edge 2003 Conference

Recommendations at Closing Plenary

The following sections are drawn from the PowerPoint presentation on recommendations used in the closing plenary on July 6, 2001. Keep in mind that these were based on individuals reviewing vast amounts of input and attempting to pull out a few “top of mind” recurrent themes, rather than any accepted statement of priority recommendations.

More detailed reports on each of these recommendation gathering processes have been prepared and can be viewed at www.stewardship2003.ca and will be made available to delegates and interested staff on the Stewardship Canada portal in the coming months.

Dotmocracy

Strategic Directions — Provide long-term core funding for stewardship programs in Canada.

Organizational Advancement — Involve citizens more in the discussions on future developments that affect a community, and require comprehensive land-use planning to ensure conservation decisions are made at the same time as, or prior to, decisions about major industrial development.

Program Tools — Increase emphasis on landowner contact programs, including offering training to those willing to work on these initiatives, and hiring permanent staff to handle these programs in resource agencies.

Legal, Economic and Policy Tools — Identify and eliminate policy, program, legislative, taxation and other obstacles to proper resource stewardship, and identify those that support stewardship.

Breakfast Tables

Commonalities among the six breakfast tables included:

- Fund existing groups/networks to do strategic plans and action plans on developing regional support structures
- Establish mechanisms to deliver regional training on topics such as fundraising, basic accounting, preventing burnout, legal issues etc
- There is a need for more part/full time staff at all levels to avoid burnout among existing stewards
- Incorporate youth, and harness their energy and creativity

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As a result of the conference, a national network of land trusts and a national network of stewardship groups is being discussed. If you wish input at this time, contact Bill Turner.

The LTABC was involved in the creation of a national Library on Stewardship & Conservation. Please be sure to add your group's resources to the library and to use it when you need to find information and tools that have worked elsewhere. A list of the Research commissioned for the conference is listed under Resources in this edition and at [www.stewardship2003.ca](http://www.stewardship2003.ca)

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The Salish Sea Community Maps were displayed at the conference. Below, Her Honour Iona Campagnolo and Briony Penn review the exhibition.



(photo Marion H. Markus)

Certification Programs, Legislation & Government Updates

DISPOSITION OF CROWN LANDS THE COMOX VALLEY EXPERIENCE

The provincial government's policy of selling Crown lands for economic development must concern everyone working to protect natural areas in their communities. Land and Water BC Inc. (LWBC), a Crown Corporation reporting to Stan Hagen, the Minister of Sustainable Resource Management, has a mandate to raise \$50 million or more, each year, by selling our Crown lands (LWBC Service Plan 2002-2006).

What is happening to Crown land in the Comox Valley is a warning of what could happen elsewhere in the Province. Our heritage of publicly owned natural areas is in danger of being privatized and developed without public consultation. Treating Crown lands as disposable assets rather than as a public trust may generate a short-term monetary gain, but will create enormous long-term problems for our community's park, recreation and environmental planning. Parks and other natural areas are essential to the network of green space needed to maintain healthy ecosystems and healthy communities.

In 2002, Comox Valley residents learned piecemeal that LWBC was reviewing our few remaining remnants of Crown land to determine which parcels would be sold for development. There was no opportunity for public input to this review.

The first parcel identified as eligible for development was the 34-acre Millard Green Belt, a property the City of Courtenay had been attempting to acquire from the Provincial Government for a number of years. The Province purchased Millard in 1972 with money from the Green Belt Protection Fund, established by the *Green Belt Protection Fund Act* (since superseded by the *Green Belt Protection Act*). The *Green Belt Protection Fund Act* was explicitly intended to "establish and preserve green belt areas in perpetuity." Nonetheless, LWBC took the

position that 5 acres of Millard could be carved off and sold for development, and that if the City wanted to keep the property as green belt, they would have to purchase it at market price.

The second parcel to raise public concern was Lerwick Forest, a 20-acre parcel in an area recently annexed by Courtenay and identified by the City as a future park. Again, LWBC insisted that Lerwick was developable and the only way the City could retain the property as a park was to buy it at the market price.

The third and most controversial parcel was Lannan Forest, a 40-acre forest in the Regional District of Comox-Strathcona adjacent to the Courtenay City boundary. Lannan is identified in the local community plan as a recreational green-space and its trails, used extensively by residents, were officially recognized by the Ministry of Forests. For the past 10 years, the Regional District had been trying to get tenure of the forest so that the trails could be maintained. In September 2002, they learned that the property had been transferred to the marketing division of LWBC. The Regional District then wrote to Stan Hagen, the local MLA and the Minister responsible for LWBC, requesting information so that they might consider buying the property. Mr. Hagen ignored that request and a month later LWBC informed the Regional District that it had already reached an agreement to sell the property to the owners of an adjacent golf course within the City limits. The sale was subject to the annexation of the property into the City.

As more information about the Lannan sale became known, concerned citizens and a number of community groups, including the Comox Valley Land Trust, joined to form the Comox Valley Crown Lands Coalition, dedicated to stopping the sale of Lannan and to keeping all three threatened parcels of Crown land (Millard.,

Lerwick and Lannan) as public greenspace. Coalition members set to work on a number of fronts—raising public awareness through forest walks and media releases, filing access to information requests, asking the Ombudsman and the Conflict Commissioner to investigate, lobbying local politicians and our MLA, Stan Hagen, and obtaining an EDRF grant from West Coast Environmental Law for a legal opinion on the Lannan sale.

The Coalition's first priority was to stop Courtenay from annexing Lannan, thus finalizing the sale. LWBC had placed Courtenay in a very difficult position. If Courtenay agreed to annex Lannan, the City would appear to be party to an underhanded deal. At the same time, there was a perception that the City would get a better deal on Lerwick and Millard if they cooperated with LWBC by annexing Lannan. In May 2003 Courtenay Council narrowly passed a motion to annex the Lannan property, with two of the three councilors who voted in favour of annexation stating that they felt they were being "blackmailed" by the province. The Crown Lands Coalition immediately organized a petition campaign to force the issue to a referendum. The petition had overwhelming response from Courtenay voters, with more than twice the required number of signatures collected within the 30-day time limit. In light of this result, Courtenay voted not to proceed with a referendum on annexation, and the Lannan sale collapsed.

Shortly after the vote to annex Lannan, Courtenay announced that it had negotiated the purchase of Lerwick Forest and Millard Green Belt from LWBC for \$765,400. Local taxpayers are paying again for land already owned by the people of BC, but at the present time this seems to be the only way to prevent the loss of irreplaceable greenspace. However, Lannan Forest is not yet secure. On June 30, the Regional District Board approved a resolution to request the right of first refusal on the Lannan property if the sale to Crown Isle does not proceed. The Regional District and community groups want the opportunity to secure the forest as green space, as the City of Courtenay did with Lerwick and

Millard. In late August, LWBC rejected the Regional District's request for right of first refusal. LWBC has, however, stated its intention to meet with the Regional District early this fall to discuss "available information and disposition options". The Coalition continues to work to help local government and the community find a way to acquire Lannan as a Regional District park.

The Lannan sale has brought to light the very disturbing lack of public accountability in the disposition of our publicly owned land. The governing legislation, primarily the *Land Act*, gives broad discretionary powers to the Minister responsible (the Minister of Sustainable Resource Management). These powers have been fully delegated to regional managers at LWBC. In response to questions from the Coalition, LWBC confirmed that at present the agency has no written policies that must be followed in selling Crown land. There are no standard procedures that we can expect LWBC to follow, and practice may vary drastically from one region of the province to another.

To sum up, other communities should be aware that Crown land is going to be sold off throughout the Province. If you have Crown land in your area that you value as recreational greenspace, do not take it for granted. Private deals can be made in secret, with no chance for input from local government or area residents, and before you know it, some of those lands may be sold for so-called "economic development".

Some of this land will be offered for sale to local governments at exorbitant prices and some of it may be sold privately to insiders at give-away prices. Sounds unbelievable? It's already happening here in the Comox Valley on Vancouver Island.

(editors note: Shirley Ward, Comox Valley Land Trust, submitted a larger, more fully detailed article on the lack of adherence in the Lannon deal to the LWBC mission statement and goals on their website. For the full report, contact either Shirley or our office, and we will send the full text)

An Explanation about last Issue's Private Forest Lands Regulations Update and Certification Programs

In the Last Issue of the Kingfisher, the article on Private Forest Lands Certification Programs, page 15 was followed by a description of the three certification programs currently existing. Ben van Drimmelen authored the text of the article, but Susan Hammond authored the three plan descriptions. This was not properly attributed to the actual authors and apologies to Ben for incorrectly attributing that section to him.

Announcing the accreditation of the FSC-BC Regional Certification Standards Additional background (and other links) at their website. Click on the link provided to view the announcement on the newly revised FSC-BC website <http://www.fsc-bc.org>.

Forest Certification Gains Strength in North America

Forest certification gained strength in the North American forest sector over the past year, according to a new report released by certification Watch, the independent organization researching and reporting on global forest certification developments. The detailed report provides a comprehensive and independent overview of the state of forest certification, certified forest products procurement and related initiatives in North America. The 65 page report is based on articles published in the international newsletter Forest Certification Watch™ during 2002.FSC-

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International. For those of you who want more info on the various schemes that are out there, this newsletter does nothing else than watch and report on the various competing certification schemes.

Key forest certification and related developments that occurred in North America in 2002 will be presented and discussed at the upcoming Certification Watch Conference on March 25-29, 2004 in Vancouver, BC. The event, entitled "The Policy and Practice of Forest Certification," will feature prominent 27 speakers, an exhibit area and a field tour on Vancouver Island. Find the program and registration details at www.CertificationWatchConference.org.

Pacific National Aquaculture (PNA) is seeking to renew their Park Use Permit to continue salmon farming activities inside Sulphur Passage Provincial Park, an area located in the heart of the Clayoquot Biosphere Reserve.

Last fall, Minister Joyce Murray (Water, Land and Air Protection) granted PNA a temporary park use permit to allow their Obstruction Island salmon farm netpen, which is located inside this pristine wilderness area across from the Megin River, one of the last wild and unlogged salmon rivers on Vancouver Island.

Salmon farming is not an appropriate activity in a provincial park and should not be allowed to continue beyond the time limit of the existing permit. It does not meet recreational needs of the park nor does it enhance ecological integrity and natural values.

Background (with information from Friends of Clayoquot Sound):

Sulphur Passage Provincial Park, located northeast of Flores Island in Clayoquot Sound, was established in 1996 as a marine extension to Strathcona Provincial Park. It is considered to be the heart of the Biosphere Reserve. Prior to the park designation, two salmon aquaculture farms, Obstruction Island and Belcher Point, existed within the boundaries. Pacific National Aquaculture (PNA) holds both tenures for these farms. Upon designation of the park, the farm tenures were to be retained, however they were to

relocate outside park boundaries, as industrial fish farming operations are not appropriate park activities.

In the fall of 2002, after the fish farming moratorium was lifted, a Park Use Permit (PUP) was sought by PNA to continue operating their Obstruction Island site within the park. PNA claimed it required access to the site to accommodate hatchery fish that could not be placed elsewhere due to disease problems (IHN) at their farms in the southern portion of Clayoquot Sound. In December 2002, Minister Joyce Murray (Water, Land and Air Protection) issued the park use permit. The Minister allowed the permit to be back-dated to begin October 15, 2002 to accommodate the fact that PNA had already begun operations and added fish on October 24. farm netpen, which is located inside this pristine wilderness area across from the Megin River, one of the last wild and unlogged salmon rivers on Vancouver Island.

A letter can be sent to Minister Joyce Murray, Ministry of Water, Land and Air Protection and the Central Region Board urging them to refuse Pacific National Aquaculture's renewal of their Park Use Permit for salmon farming activities inside a BC park.

Minister Joyce Murray
Water, Land and Air Protection
PO Box 9047, Stn Prov Govt
Victoria, BC, V8W 9E2

Fax: 250 387 1356

Email: joyce.murray.mla@leg.bc.ca

And

Co-Chairs Atleo and Lornie
Clayoquot Sound Central Region Board
P.O. Box 376, 1119 Pacific Rim Highway
Tofino, BC V0R 2Z0
fax: 250-725-3179
email: crbinfo@island.net

And please copy your letter to:
Minister John Van Dongen
Agriculture, Food and Fisheries
PO Box 9058, Stn Prov Govt
Victoria, BC, V8W 9E2
Fax: 250 387 1522
Email: John.vanDongen@gems4.gov.bc.ca

Minister Stan Hagen
Sustainable Resource Management
PO Box 9054, Stn Prov Govt
Victoria, BC, V8W 9E2
Fax: 250 356 8273
Email: stan.hagen.mla@leg.bc.ca
Your MLA: <http://www.legis.gov.bc.ca/mla/3-1-1.htm>

John Block, Acting Director, BC Parks
PO BOX 9398 STN PROV GOV
Victoria BC, V8W 9M9
Fax: 250 387-5757
Email: John.Block@gems6.gov.bc.ca

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**BC plans to push ahead with its Working Forest Initiative despite a government-commissioned consultation report showing almost no public support for the policy among respondents.**

"Absolutely, this is a new-era commitment made in the election campaign," Stan Hagen, the province's minister of sustainable resource management, confirmed in an interview. "We said we were going to do this."

The report by consultant Daryl Brown Associates Inc. reveals that of almost 2700 written submissions on the topic - mostly from individuals, but also 133 organizations representing thousands of people - only one per cent said they supported the initiative.

The initiative proposes to create a legal designation for 45 million hectares of Crown land that would exclude parks and protected areas and provide certainty for the forest industry. Alternative proposals for forest land would have to meet the test of "highest and best" use of the land.

## News, Resources and Events of Interest

### GOOD NEWS FOR MARINE LIFE

A federal US court has just handed down its decision in our case against the U.S. Navy and I wanted you to be the first to hear the great news. In a resounding victory for whales and other marine mammals, the court ruled that it will bar the Navy from deploying its high-intensity LFA sonar system across most of the world's oceans.

The LFA (Low Frequency Active) sonar system would have blasted hundreds of thousands of square miles of ocean habitat with noise so intense it can maim, deafen and even kill whales. In her historic ruling, Judge LaPorte agreed with NRDC that the sonar's booming noise could "irreparably harm" the marine environment and threaten the very survival of endangered populations of whales, sea turtles and other marine species.

Judge LaPorte has ordered the Navy to begin negotiations with NRDC on a plan for safely testing the sonar system in a limited area.

This is truly a banner day for the Earth's environment. The court has granted a life-saving reprieve to dozens of species of magnificent marine mammals. It's also a banner day for hundreds of thousands of NRDC members and activists like you. When we began this fight eight years ago, we were told that our chances of stopping the military's classified LFA program were slim to none.- John H. Adams

President, Natural Resources Defense Council

### FARMED SALMON NOT SO SAFE Toxins higher than EPA recommends in fish from wild

Americans consume so much salmon these days -- most of it farmed. But a report released recently by the Environmental Working Group, a non-profit environmental research and advocacy organization, says 10 samples of farmed salmon bought at markets on the East and West coasts were found to be contaminated with PCBs, or

polychlorinated biphenyls, at an average level far higher than any other protein source, including other seafood.

The organization conducted what it says is the first cancer risk assessment of exposure to PCBs from farmed salmon. The average levels of PCBs in wild salmon, according to the Environmental Working Group report, are about five parts per billion. In farmed salmon, they are about 27 parts per billion, far below the FDA levels of 2,000 parts per billion. EPA guidelines say that if a person eats fish twice a week, it should contain no more than four to six parts per billion of PCBs. The advocacy group recommends that people not eat farmed salmon and eat only wild salmon or canned salmon.

### BC'S TOP TEN ENDANGERED RIVERS LIST, 2003

(Threats to each river are provided in brackets.)

1. Okanagan River (channelization, water extraction, agricultural runoff)
2. Englishman River and other Georgia Basin Steelhead rivers (habitat loss, logging, urbanization, industrialization)
3. Taku River (mine development, road construction, resource extraction)
4. Creeks, Sloughs and Aquifers in the Fraser Valley Farmbelt (agriculture practices and inappropriate manure disposal)
5. Fraser River - with a special emphasis on the lower main-stem and the Goat River headwaters area (urbanization, logging, industry, loss of riparian habitat, contaminated sites, gravel extraction)
6. Iskut River (proposed independent power project, new road construction)
7. Nechako River (dam related impacts, possible new dredging above dam impacting water quality, temperature and flow regimes, concern over endangered sturgeon)
8. Rivers of the Broughton Archipelago (fish

farms affecting survival of wild pink salmon on the Kakweiken, Glendale, Wakeman, Lull and Ahnuhati)

9. The Zyomoetz (extensive logging, road development, increased fishing pressure)

10. Tied: Kiskatinaw and Nicola Rivers (excessive water allocation)

*For more information, please see the backgrounder posted on the Outdoor Recreation Council's website at [www.orcbc.ca](http://www.orcbc.ca) or contact the Council - 604-737-3058, [kpearce@uniserve.com](mailto:kpearce@uniserve.com)*

**FUNDING OPTIONS** – New funding program for fish and wildlife restoration in areas affected by BC Hydro facilities in Bridge/River/Coastal Generation area. Deadline – Nov. 15<sup>th</sup>  
Check out [www.bchydro.com/bcrp](http://www.bchydro.com/bcrp)

**Wildlife Habitat Canada** (WHC) is not accepting unsolicited proposals for 2004/2005 fiscal year (except for NAWMP & NABCI projects). It is not yet determined whether or not project funding applications will be received by WHC in fall 2004 for the 2005/2006 fiscal year. Decisions on this will be made next spring/summer and the conservation community will be advised accordingly at that time.

PIAC (the Public Interest Advocacy Center) is doing some research on the prevalence of Lawsuits Against Public Participation (SLAPPs) in Canada, with an emphasis on consumer protection issues. The organization is looking to hear from consumers that have been threatened or sued for complaining about a product or service. If you have experienced this (irrespective of whether the threatened legal action ever materialized), contact them at [piac@piac.ca](mailto:piac@piac.ca).

#### **THE NATURE AUDIT**

World Wildlife Fund Canada (WWF-Canada) released this week a report that audits the state of Canada's efforts to conserve biodiversity. In doing so, the organization has identified an urgent and growing nation-wide need to protect, manage and restore the nation's natural capital. The Nature Audit graphically illustrates the extent of the human footprint and presents a regional look at how it is impacting the state of Canadian biodiversity.

The Nature Audit will be released every two years. Entire report and summaries are available at [www.wwf.ca](http://www.wwf.ca). For more information, contact Sheree Bond, Communications Manager, WWF-Canada Tel: (416) 489-4567, ext. 293; E-mail: [slbond@wwfcanada.org](mailto:slbond@wwfcanada.org).

#### **NATIONAL ENVIRONMENTAL INDICATORS REPORT.**

While all Canadians are driving more, using more energy, pumping greater amounts of greenhouse gases into the environment, and dumping more garbage into landfills than ever before, BC appears to be doing a poorer job of protecting the environment than the rest of the country.

According to Environment Canada's *Environmental Signals Headline Indicators 2003*, the Vancouver region had the highest increase in concentrations of hazardous PM2.5 (fine particulate matter) air pollutants of any major city in Canada. PM2.5 actually decreased in Toronto and Edmonton. Fine particulate matter in emissions such as diesel exhaust tend to lodge deeply in the lungs and have been related to cancers and other breathing ailments.

*Environmental Signals* also notes that greenhouse gas emissions across Canada have increased 20 percent since 1990 and that every Canadian now dumps 1000 kgs of solid waste every year. There is also an alarming upward trend in the number of toxic materials such as lead and cadmium that are finding their way into the environment.

Go to <http://www.ec.gc.ca/soer-ree/English/default.cfm> for the full report. Information: Ivan Bulic 604 736-7732 [enviro@spec.bc.ca](mailto:enviro@spec.bc.ca)

From time to time I have posted interesting issues of ONElist, a newsletter of technology tips for ENGOS. You can sign up for your own free subscription at <http://mail.onenw.org/lists>. The Activists Toolkit, also at the OneNW site at <http://www.onenw.org/bin/page.cfm/secid/5>, also has lots of excellent information. John Scull

## Resources of Note

### ENDANGERED SPECIES AND ECOSYSTEMS - WEBSITE

This month, the BC Conservation Data Centre (CDC) of the Ministry of Sustainable Resource Management, and the Biodiversity Branch of the Ministry of Water Land and Air Protection, launched an enhanced Endangered Species and Ecosystems web site

<http://srmwww.gov.bc.ca/atrisk/>.

A key component of the web site is an enhanced BC Species and Ecosystems Explorer search application

<http://srmapps.gov.bc.ca:8888/apps/eswp/>

Both the website and the search application changed their name to include the word "Ecosystems" and now provide access to Natural Plant Communities, Identified Wildlife and Species Recovery Program information.

As part of BC Species and Ecosystems Explorer, Reports and References pages are now available for all elements, not just Red- and Blue-listed species. Reports and References include new categories for Recovery Team information and Recovery Plan documents. In addition, there is now a direct link to NatureServe Explorer from plant and animal Reports and Reference pages. Links have been added to hundreds of new documents and there is a new list of resources for teachers.

The CDC welcomes feedback on the enhanced site - especially suggestions for links to other web sites, and/or web-based documents about species at risk. *The BC CDC moved in May, and has a new courier address. Our mailing address, phone and fax numbers remain unchanged.* Location/courier address: B.C. Conservation Data Centre, 4th Floor, 395 Waterfront Crescent, Victoria, BC. V8T 5K7

### NEW NATIONAL LIBRARY OF RESOURCES AND RECENT RESEARCH

As part of the Leading Edge conference, a national library has been created which references and links published articles and books related to stewardship and conservation. In addition, six research papers were commissioned which are also available on the library. Go to

[www.stewardship2003.ca/research/libraryMain2.asp](http://www.stewardship2003.ca/research/libraryMain2.asp) to check out public resources, view the commissioned research, or add your own resource (not a website but a published article or book). As of today, there are approximately 210 resources approved in the library.

### Commissioned Research:

#### *Comparing Full Title and Conservation Agreement Acquisitions*

June 2003, Ian Attridge, Barrister and Solicitor, Peterborough, Ontario

#### *Appreciating the Values, Needs and Potential of the Stewardship and Conservation Sector in Canada: Strategic Directions for Funding and Other Support*

June 15, 2003, Julia Gardner, Catherine Sherlock and Garvin Hunter Dovetail Consulting Inc., Vancouver, B.C.

#### *What makes a Successful Stewardship and Conservation Organization?*

June, 2003, Heather Millar for the Land Trust Alliance of BC

#### *Landowner Contact Do's and Don'ts*

June 2003, By Jessica Brooks and Dr. Stewart Hilts

#### *Local Revenue Base and Conservation Lands: A Law and Policy Review,*

Arlene J. Kwasniak, B.Sc., M.A., LL.B., LL.M. Barrister and Solicitor

#### *A Review of Watershed Planning and Management: Best Practices, Legal Tools and Next Steps*

Barbara J. Veale, Grand River Conservation Authority/Conservation Ontario

### ~~~~~ WHALE TALES

Whale Watching News and Information from Around the World by Oceans Blue Foundation  
August 15, 2003

*What's changed    What hasn't    What should ~*  
To subscribe (free) please reply to  
[sails@oceansblue.org](mailto:sails@oceansblue.org)

Many of you have been asking me where to find restaurants and stores that are not selling farmed

salmon. Go to <http://www.farmedanddangerous.org/solutions.htm#retailers> to find a place near you that is farmed salmon free. If any of you know of restaurants in your area that are not selling farmed salmon please forward the names (contact details appreciated) I will contact them and see about adding them to our ever growing listing.

Thanks to generous donors we have been able to print the Farmed and Dangerous windshield stickers. They are electrostatic stickers (non-adhesive) which means that they go in your rear windshield (or any window you like!) and are removable at any time without a mess or a fuss. One last thing, there is a great article in National Geographic this month...Get the whole story in the pages of National Geographic magazine. <http://magma.nationalgeographic.com/ngm/0307/feature5/index.html>

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Canadian Subsidy Directory Year 2003 Legal Deposit-National Library of Canada ISBN 2-922870-05-7

The new revised edition of the Canadian Subsidy Directory 2003 is now available. The new edition is the most complete and affordable reference for anyone looking for financial support. It is deemed to be the perfect tool for new or existing businesses, individual ventures, foundations and associations.

This Publication contains more than 2000 direct and indirect financial subsidies, grants and loans offered by government departments and agencies, foundations, associations and organisations. In this new 2003 edition all programs are well described.

The Canadian Subsidy Directory is sold \$69.95, to obtain a copy please call: Canada Books, (819)682-7983

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Welcome to **Canadian FundRaiser eNEWS**, the online version of Canada's best-known, twice-monthly print newsletter for professional managers in the nonprofit sector. Scroll down the page to find insightful articles on a wide variety of voluntary sector issues. We welcome any comments or suggestions you may have on how

we may make **CF eNEWS** more useful to you in your work. [circulation@hilborn.com](mailto:circulation@hilborn.com)

~~~~~  
ONLINE BC GUIDE TO WATERSHED LAW AND PLANNING

West Coast Environmental Law Research Foundation (WCELRF) in partnership with Fisheries & Oceans Canada (DFO) and the Vancouver Foundation developed an online BC Guide to Watershed Law and Planning (BCGWLP). BCGWLP is intended to help British Columbians promote sustainable land and water use practices and increase community advocacy and capacity with respect to the protection of aquatic habitat protection. Website users are able to find out about statutes and planning processes that exist in BC that could be used to protect aquatic resources. BCGWLP is currently housed at <http://www.techhouse.biz/~dfo/>, but will eventually be hosted on the WCELRF site at <http://www.wcel.org/>. The site will be linked to the BC Stewardship Centre on-line at http://www.stewardshipcentre.bc.ca/sc_bc/main/index.asp?sProv=bc.

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**New Poster Maps Illustrate Canadian Pollution Hotspots**

Two new poster size maps, in French and English, using the latest available National Pollution Release Inventory (NPRI) data to show pollution hotspots throughout Canada, along with Guides for teachers, have been developed by the Canadian Institute for Environmental Law and Policy (CIELAP).

These attractive posters combine maps and tables to provide an easy to understand view of this complex data. The posters are designed to familiarize the general public with the NPRI and to provide useful teaching tools, along with Guides for teachers, for Canadian and World Studies. CIELAP is offering free copies of the posters to schools, environmental organizations, researchers and others. As they are a non-profit environmental organization they would appreciate \$10.00 for shipping and handling (up to 2 posters).

Order your map online at <http://www.cielap.org>.

For more information contact CIELAP at (416) 923-3529 ext.28 or by e-mail: [info@cielap.org](mailto:info@cielap.org).

**Daily News Clippings on the BCEN website**  
link from our homepage to access environmental, social and political news from BC and the Yukon. Visit us at: [www.bcen.bc.ca](http://www.bcen.bc.ca) from Monday to Friday after 12pm for daily updates!

**ANC Update is sent out by [Animal News Center](#)**, a 501(c)(3) not-for-profit organization dedicated to promoting animal welfare, via e-mail on a weekly basis. The newsletter may be freely redistributed. Animal News Center articles and automatically updated headlines are available for reproduction at no cost. For more information about reproducing material, please see the [Content Partnerships](#) page of our Web site.

#### **NEW DOCUMENTARY ON THE EAST CREEK RAINFOREST**

A new, 13 minute documentary video on the imminently endangered East Creek Rainforest on northern Vancouver Island is available for viewing online at: [http://wildernesscommitteevictoria.org/news\\_east\\_video.php](http://wildernesscommitteevictoria.org/news_east_video.php)

It was produced by Western Canada Wilderness Committee volunteers Sonia and Magali Ringoot, and features the recent WCWC expedition to the Brooks Peninsula Wilderness, which includes the recently logged Klaskish Valley and the still unlogged East Creek Valley. In addition, hard copies for purchase are available.

#### **Report: Sprawl Hurts Us All**

The Sierra Club of Canada has just released a report entitled "Sprawl Hurts Us All". This is a comprehensive and easy to understand resource that will help citizens and local and provincial leaders assess the costs of sprawl development. The report is available at [www.sierraclub.ca/national/postings/sprawl-hurts-us-all.pdf](http://www.sierraclub.ca/national/postings/sprawl-hurts-us-all.pdf)

#### **MORE LIVABLE COMMUNITIES**

Check out the SmartGrowth BC website and newsletter at [www.smartgrowth.bc.ca](http://www.smartgrowth.bc.ca). Smart Growth BC is a province-wide non-governmental organization that tackles the threats of sprawl and its

impacts on our communities and environment.

#### **NEW BOOK ON CANADIAN ENVIRONMENTAL LAW AND POLICY**

**Unnatural Law: Rethinking Canadian Environmental Law and Policy** By David. R. Boyd. A comprehensive assessment of the strengths and weaknesses of Canadian environmental law, the book provides a balanced, critical examination of Canada's record, focusing on laws and policies intended to protect water, air, land, and biodiversity. For more information and to order, send an e-mail to [info@ubcpres.ca](mailto:info@ubcpres.ca)

<http://www.agaware.bc.ca> - AgAware, BC's non-profit agriculture awareness program

#### **The Media Mentor**

Originally conceived as a way to get letters to the editor published in weekly newspapers to support a strong national Species at Risk Act, Wildcanada.net's Media Mentor allows you to enter your postal code and view a list of weekly community newspapers in your region. You can then select your local paper from the list, write a letter on an issue of importance to you using an email form, and with a few clicks send it away to be published. Wildcanada.net also provides talking points and background information on a number of issues, most recently on the issue of farmed salmon. Visit <http://www.wildcanada.net/mm> to write a letter to the editor today!

#### **The Eco Calendar**

Interested in getting out from behind your computer and into your community? Want to hook up with other people in your area who have a passion for nature? Wildcanada.net's Eco Calendar lets you view events happening in your electoral riding, city, region, or even province, based on your postal code. You've told us in the past that you want to do more than send letters: Wildcanada.net's Eco Calendar points the way toward more opportunities to get involved in the effort to protect wildlands and wildlife. Visit [http://www.wildcanada.net/eco\\_calendar](http://www.wildcanada.net/eco_calendar) to get involved!

## GETTING THE MESSAGE OUT: A STEP-BY-STEP COMMUNICATIONS GUIDE

A joint project of the Sustainability Network and IMPACS, this handbook is designed to help environmental groups focus their communications efforts. Through exercises, worksheets and basic communications theory, this handbook will help any environmental group bring that focus to its communications work.

This customized guide, written specifically for Canadian environmentalists, was a labour of love between the Sustainability Network and IMPACS, and includes material from IMPACS' training workshops. To get your own copy of the book, email [info@sustain.web.ca](mailto:info@sustain.web.ca); for \$10 you'll receive a PDF link by email; for \$25, you'll get a professionally bound, printed copy of this handbook.

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Marine Conservation Biology Institute is pleased to announce the release of B2B 1.1 - an updated CD-ROM of physical, biological, and social data relevant to conservation planning within the Baja California to Bering Sea ecoregion.

This CD-ROM product has a uniform extent (12N to 72N, -90E to -180E) that covers the west coast exclusive economic zones of the three NAFTA countries (Mexico, the US and Canada). The data is designed for use with ESRI ArcView 3.x and ArcGIS 8.x products. All data is projected in Lambert Azimuthal Equal Area, as defined by the USGS Hydro 1k project and adopted by the Commission for Environmental Cooperation.

The CD-ROM is available for US\$ 25 (includes shipping within Mexico, the US and Canada) in order to recover printing and distribution costs. Please contact Sara Maxwell to order a copy (see ordering info below). Limited numbers are available. Thank you, Peter Etnoyer and Lance Morgan Marine Conservation Biology Institute 15806 NE 47th Court Redmond, WA 98052 (425) 883-8914 Fax: (425) 883-3017 <<http://www.mcbi.org/> www.mcbi.org

ONLINE FUNDRAISING AND COMMUNICATION

Visit <http://www.groundspring.org> under "Techniques" for some great free resources on online fundraising. Download the 100 page *Online Fundraising Handbook* for insights into increasing the effectiveness of your web site, raising funds online, how to mine for new donors and much more.

Also, check out seven 3-6 page papers on how nonprofits can use the Internet for fundraising, communications, advocacy and mission fulfillment

~~~~~ **ToxicSmart Resource Guide from Georgia Strait Alliance**

- How to use the Home Visit Kit
- Glossary of toxic ingredients
- Information sections on household cleaning products
- Garden pest control - including safe alternatives to pesticides and herbicides
- Dealing with hazards associated with hobbies and workshops
- How to properly care for and dispose of hazardous waste materials
- The impacts of inadequate sewage treatment and endocrine disrupters
- Recommended readings
- And much more!

To order a ToxicSmart Guide Send \$65 (non-profit organization rate) or \$100 (government, business or institutional rate) to: Georgia Strait Alliance, ToxicSmart Resource Guide Suite 607-207 W Hastings St, Vancouver BC V6B 1H7 www.GeorgiaStrait.org or contact: Menita Prasad ToxicSmart Program Assistant menita@georgiastrait.org (604) 633-0530

~~~~~ **Native Plant Restoration Conference Proceedings Available On-line**

The proceedings of a recent conference (Native Plant Restoration and Management on Public Lands in the Pacific Northwest: Rare Plants, Invasive Species, and Ecosystem Management February 11-13, 2003) are now available on-line.

The proceedings represent the collected abstracts

of all talks and poster presentations at the conference. These contributions focused primarily on rare plant conservation and reintroduction, invasive species impacts and control, and ecosystem management.

The proceedings are available through: www.appliedeco.org (click on link on left side of home page). You are invited to view the proceedings on-line or download and print the 51-page document as a pdf file.

Events of Note:

The Nature of Island Artists - Art Exhibit September 20, 2003 to October 13, 2003.

This exhibit, which has been held every second year since 1989, showcases a variety of artists who gain their inspiration from the natural environment and who live on Vancouver Island and the Gulf Islands. We feature art in a variety of mediums, including paintings, photography, three-dimensional, fibre, and glass. The 2001 show had approximately 10,000 visitors. This year we will again be offering tours of the exhibit and special programs to school classes. There will also be artists demonstrating their skills during the show and displaying more of their artwork. The goal of the show is to increase the public's awareness of the need to protect the natural world, and the role that parks play in that protection. Participating artists are asked to include a hand-written paragraph on either: the importance of educating people about protecting the natural environment (at places like the Goldstream Visitor Centre) or, what specifically inspired them during the creation of their piece.

Join The Great Canadian Shoreline Cleanup This year, the Great Canadian Shoreline Cleanup will run from September 13 - 21. Coordinating a cleanup in your area is easy. You choose a local group coordinator, a site and a date for your cleanup and then contact the Vancouver Aquarium's Outreach staff to register. Promotional materials and cleanup supplies are available (free of charge) through the Vancouver Aquarium Marine Science Centre. Permits and garbage disposal must be arranged prior to the clean up date with your municipality or parks

board. Please register early! Registration closes August 15, 2003, and forms are available at www.vanaqua.org/cleanup. For more information contact shorelinecleanup@vanaqua.org or 1-877-GCSC 422.

The Art and Science of Ecosystem-Based Conservation Planning, **September 22-26, 2003**

The Silva Forest Foundation deep in the interior rainforest of the West Kootenay, near Salmo. Full information and registration forms are available on our website at <http://www.silvafor.org> and click on Education. Best wishes, Susan Hammond

Get Your Team Ready for the Third Running of the Yellowpoint Pant & Paddle

(Nanaimo) Sunday, September 28, 2003.

The Georgia Strait Alliance is now taking team registrations for the third running of the Yellowpoint Pant & Paddle, multi-sport team relay event. The Yellowpoint Pant and Paddle is open to teams of seven, and all entrants must be over age 19. The race entry fee is \$189 per team. Categories include Open Men's, Open Women's, Mixed, and Gettin'-on (minimum age 40 and total ages add up to 350 years).

Beginning and ending at the renowned Crow and Gate Pub, there are six race legs winding through the pastoral landscape of Cedar-Yellowpoint: an 8 kilometre run, 5 kilometres by canoe across Quennel Lake (2 contestants), 26 kilometres by road bike, 5 kilometres by ocean kayak, 11 kilometres by mountain bike, and finally, a 9 kilometre run to the finish line where participants will enjoy the post-event music and festivities. Forty teams are expected to enter this year.

Registration information and forms are now available online at www.pantandpaddle.net, at local outdoor recreation/sports stores, or from the Georgia Strait Alliance office in Nanaimo. Phone (250) 753-3459 or e-mail: miki@georgiastrait.org

BC Rivers' Day, Sunday Sept. 28

Last year's BC Rivers Day was a huge success. Excellent planning and hard work on the part of

participating organizations meant that over forty thousand people took place in registered BC Rivers Day events. The coming 22nd annual BC Rivers Day will be held on Sunday, September 28th and we hope it will be even more successful than last year.

ORC encourages everyone to plan an event!. For more information or to register your event contact Jennifer Grenz at orc@intergate.ca or visit the website at www.orcbc.ca.

Warm-up for Walk /Jog for the Bog starts at The Delta Nature Reserve at 10388 Nordel Court at 9am (The Great Pacific Forum Planet Ice). This 5k & 10k walk and run will help raise funds for educational projects such as Summer Daycamps and tours to educate people about the importance of this beautiful and rare ecosystem.

Walk/ Jog for the Bog will be held on the 23rd anniversary of BC Rivers Day. After the jog Burns Bog Conservation Society volunteers will make their way down to Davis Creek to do a shore clean up. This is also an excellent time for residents of Delta to support Burns Bog and keep the waterways of BC clean for future generations. For more information please call (604) 572-0373.

Goldstream Salmon Run" Run: Sunday, October 26, 2003

One of HAT's many projects is helping fundraise to keep the Goldstream Visitor Centre open and continuing to provide education programs to schoolchildren of our region. As part of this fundraising effort, the Goldstream Salmon Run was held for the first time in October 2002 and was extremely successful. The route through the campground makes this the most scenic run Victoria has to offer, so call us for more information on how to register! (250-995-2428)

This fall we will again be doing two nights of our extremely **popular Musical HATs** - a coffeehouse-style evenings of food, drink, and fabulous music by a variety of local talent. Nov. 8: Metchosin Community Hall (4401 William Head Rd) Nov. 29: Prospect Lake Community Hall (5358 Sparton Rd) Doors open at 7 p.m. and the music begins at 7:30 p.m. Tickets: \$10.00, at the HAT Office #316 - 620

View St., 995-2428 or at the Goldstream Visitor Centre.

Mountains As Water Towers

Mark your calendars for the Banff Mountain Summit - Mountains as Water Towers, presented by Walter & Duncan Gordon Foundation, November 23 - 26 in Banff, Alberta. The Summit, part of the UN International Year of Fresh Water and Canada's Wonder of Water celebrations, offers three days of exciting keynote sessions, panel discussions, photo exhibitions, case studies and poster presentations, cultural slide shows, and artistic performances. Special Summit guests include Canadian author and advocate Maude Barlow, scientist Dr. David Schindler, singer/songwriter Sid Marty, activist Margaret Catley-Carlson, and Governor-General's Literary Award-winning author, Marq de Villiers. If you love the mountains and want to know more about the water that flows from them, you won't want to miss this event. Contact Marjorie Lewis at 1-800-298-1229, or, to be placed on the Summit mailing list, please email your coordinates to Marjorie Lewis marjorie_lewis@banffcentre.ca with the words SUBSCRIBE: WATERTOWERS in the subject line. Or, sign on directly at:

https://secure.banffcentre.ca/mountainculture/summit_mailinglist.htm Visit the Banff Mountain Summit 2003: Mountains as Water Towers website at:

www.banffmountainfestivals.ca/festivals/summit

Incorporating First Nations Values

October 17-19, Fort Nelson, BC

The Muskwa-Kechika Advisory Board is hosting a workshop to involve the public in the area's management. It will specifically target involvement from aboriginal residents and neighbors of the Muskwa-Kechika Management Area (MKMA.) The goal of this workshop is to foster understanding and goodwill between members of the First Nations within and adjacent to the MKMA, the MK Advisory Board and those involved in the management of the area. The workshop will focus on identifying traditional values and the role those values have to play in shaping the management of the MKMA. Email: arnica@crosscountryconsultants.ca <http://www.mkworkshop.ca/about.html>

Call for papers for the 2004 Canadian Water Resources Association (CWRA) conference on "Water and Climate Change: Knowledge for Better Adaptation",

June 16-18, 2004 in Montreal, PQ. The deadline for Abstract Submission is January 31, 2004. For more --information please visit

www.ouranos.ca/acrh

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**The Species At Risk 2004: Pathways to Recovery Conference is issuing the second Call for Papers.**

The Species at Risk 2004: Pathways to Recovery Conference, to be held in Victoria, British Columbia, March 2-6, 2004, has four themes related to the conservation and recovery of species and ecosystems at risk:

The Science of Recovery;  
The Mechanics and Logistics of Recovery;  
The Human Face of Recovery and Stewardship;  
Successes and Challenges: Lessons from the Field.

Authors are invited to submit abstracts for proposed presentations and posters that address conference themes and subjects, as described on the conference website

([www.speciesatrisk2004.ca](http://www.speciesatrisk2004.ca)). The deadline for abstract submission is October 15, 2003. The conference will consist of plenary sessions, concurrent sessions, and focused training workshops.

The detailed Call for Papers is available at:

<http://www.speciesatrisk2004.ca/html/papers.html>

Please e-mail [Clare.Rumball@gems1.gov.bc.ca](mailto:Clare.Rumball@gems1.gov.bc.ca) if you would like your name removed from the conference update list or if you know of someone who would like to be added.

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World Wolf Congress 2003- Bridging Science and Community

The Central Rockies Wolf Project is inviting the world community to share scientific and community approaches to wolf management and

conservation. This congress will bring together an international delegation of scientists, government agencies, hunters, ranchers, conservationists, members of the business community, artisans, and the general public to discuss wolf ecology and conservation.

How to Register:

Visit www.worldwolfcongress.ca and download the pdf registration form. Mail or fax the form to the numbers and mailing address provided on the back of the registration form. A completely on-line form is also included on the site. Registration queries can be sent to registration@graywolf.ca

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**Certification Watch Conference**

Key forest certification and related developments that occurred in North America in 2002 will be presented and discussed on March 25-29, 2004 in Vancouver, BC. The event, entitled "The Policy and Practice of Forest Certification," will feature prominent 27 speakers, an exhibit area and a field tour on Vancouver Island. Find the program and registration details at

[www.CertificationWatchConference.org](http://www.CertificationWatchConference.org)



**Outgoing Councillors Bill Turner & Sue Austen**

**One great big hug for a job well done– Bill has been a founding Councillor, and Sue has been on the Council for 5 years! We thanked them at the Seminar Series and AGM July 2<sup>nd</sup>!(photo: Marion H. Markus)**

### Continued from front inside cover

Of course, we continue to be available at the end of the phone or email for any general or specific needs or inquiries, and to provide all the continuing services and resources you want or need. Please check the website for regular updates, information, and the latest letters and research that we have done.

As always, we thank our funders and our members for your continued support and success in protecting our natural and cultural heritage for all time. **Sheila Harrington**

### Advertising Rates:

**\$80 for card size ad for two issues or \$45 for one issue**

**\$150 for 3" wide x 4" deep for two issues or \$80 for one issue**

**location requests add 10%**

**\*\* Members 15% off**



***The LTA of BC has been supported in 2003 by the following foundations and agencies. Many thanks for their contribution to our many programs and for enabling us to bring you the news of how BC's land trusts are protecting our natural and cultural legacy for all time.***



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### The Bullitt Foundation



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[www.landtrustalliance.bc.ca/registry](http://www.landtrustalliance.bc.ca/registry)

**A GIS BASED WEB SITE DISPLAYING THE NATURAL AND  
CULTURAL SITES PROTECTED  
BY BC'S LAND TRUSTS AND CONSERVANCIES**

- ***Maps of British Columbia displaying Lands owned or Conservation covenants held by Land Trusts & Conservancies***
- ***Maps of Federal, Provincial & Regional parks overlaid***
- ***Regional Maps displaying a list of properties protected by Ecoregions***
- ***Property Summary Pages detailing the protected values***
- ***Provincial Statistics covering the values, red-listed species and areas protected (now over 180,000 hectares listed!)***
- ***Protected Red-listed species details including habitats***

***LTA Land Trust Alliance of British Columbia  
204-338 Lower Ganges Road, Salt Spring Island, B.C. V8K 2V3  
250-538-0112 fax 250-538-0172 [info@landtrustalliance.bc.ca](mailto:info@landtrustalliance.bc.ca)***

