

**SPECIES AND ECOSYSTEMS AT RISK  
LOCAL GOVERNMENT WORKING GROUP  
WORKSHOP**

*1ST FEBRUARY, 2012*

*DELTA VICTORIA OCEAN POINTE HOTEL, 45 SONGHEES ROAD, VICTORIA*

**WORKSHOP NOTES, PRESENTATIONS,  
HANDOUTS AND MATERIALS**



## TABLE OF CONTENTS

Species and Ecosystems at Risk Local Government Working Group .....	3
Roundtable Updates from Workshop Participants.....	3
Update from the Provincial Government .....	3
Species and Ecosystems at Risk Bylaws .....	7
Keynote Presentation: Green Bylaws—Where do we go from here? .....	8
Discussion and Questions .....	10
Ecosystem Mapping and Data Sharing .....	133
Discussion.....	166
Engaging Landowners in Species and Ecosystems At Risk Habitat Protection .....	16
Discussion: Landowner Engagement .....	199
UBCM Updates.....	199
Next Steps for Species and Ecosystems At Risk Local Government Working Group.....	2020
Discussion.....	20
Appendix 1: Attendees.....	21
Appendix B: Workshop Agenda .....	233
Appendix C: Posters .....	266

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## **SPECIES AND ECOSYSTEMS AT RISK LOCAL GOVERNMENT WORKING GROUP**

The Species and Ecosystems at Risk (SEAR) local government working group includes representatives of local governments, the provincial government and federal government with a common interest in protecting species and ecosystems at risk. The working group is facilitated by the Ministry of Environment. The group meets by teleconference on an occasional basis, and had its first workshop in March 2010. This led to a Discussion Paper that was prepared for submission to the Province and UBCM (<http://www.env.gov.bc.ca/wld/documents/SAR%20Paper%20January%202011%20FINAL.pdf>) and was also submitted to the Species at Risk Task Force.

The February 2012 workshop was convened to:

1. Provide and share updates from the Province and participating local governments since the March 2010 workshop related to the recommended actions in the Discussion Paper.
2. Learn about what other local governments are doing to protect species and ecosystems at risk.
3. Continue to foster provincial and federal government actions to support local governments efforts to protect species and ecosystems at risk.

About 30 people attended the meeting in person, with an additional 15 joining all or part of the meeting by phone. A list of attendees is provided in Appendix A. The agenda is provided in Appendix B. Please be aware that these notes refer to informal discussions and should not be used as legal advice. For more information on a specific section please contact the presenter.

## **ROUNDTABLE UPDATES FROM WORKSHOP PARTICIPANTS**

Participants shared updates from their local governments. Some of this information is captured in the posters prepared for the session (Appendix C).

## **UPDATE FROM THE PROVINCIAL GOVERNMENT**

### **1. Overview of species and ecosystems at risk and update on Ministry structure**

James Quayle, Manager of the Conservation Planning Section, Ministry of Environment



01\_LGMeeting\_OverviewSAR\_Feb1\_2012

Highlights:

- ◆ Many BC Ministry of Environment regional staff that work on species at risk are now with Ministry of Forests, Lands, and Natural Resource Operations. MOE (HQ) is focused on policy development and science provision.

- ◆ Species and Ecosystems at Risk Section (led by James Quayle) develops policy for SEAR; works with federal government on SARA; and leads recovery planning, Conservation Framework, Species At Risk Task Force, Species and Ecosystems At Risk Local Government Working Group, etc.
- ◆ Species at Risk Task Force: An independent body that produced 88 recommendations within a larger framework, such as strengthening existing legislation, CDC, etc. TF recommendations have been sent to Cabinet. Response is pending.
- ◆ Province recognizes challenge of protecting SAR on private land. Most people associate species at risk with wide-ranging species such as Caribou and Goshawk, but at least 34% are very localized in terms of their distribution and potential for protection is vast. There are many occurrences on private land.
- ◆ The local government working group Discussion Paper was presented at UBCM, and also used in discussions and workshop with planners. Many local governments now part of the group, but still no participation from the northern part of the province. Lynn Campbell is now back in her role as coordinator.
- ◆ Next steps include focusing on specific actions and starting regional pilots and further communication, spreading group to include local governments from northern BC.
- ◆ For more information email: [James.Quayle@gov.bc.ca](mailto:James.Quayle@gov.bc.ca)

## 2. Cumulative Effects and Environmental Mitigation Policy (Jeff Hoyt)

Jeff Hoyt, Acting Project Manager, Environmental Mitigation Policy, MOE.



02\_2012\_02\_01 EMP  
and CE Presentation !

### Highlights: Cumulative Effects Policy

- ◆ There is a need to improve and proactively avoid cumulative effects and allow for transparency that supports natural resources decision making process. Demonstration pilot projects—one in the Skeena area and one in Okanagan— are being used as the basis to build and refine the cumulative effects framework.
- ◆ Framework intended to provide better information to support natural resource decision making. This is a decision support tool, NOT an ultimate decision tool—the statutory decision makers still hold the authority. Aim is to get to open and transparent data – proposes idea of benchmarks to interpret potential risks and management actions.
- ◆ Does not set a threshold limits; but a tiered benchmark approach, with lower and upper benchmark so it allows one to make a decision.
- ◆ Expected benefits:
  - Addressing cumulative effect issues.
  - Get information up front and as early on as early as possible; greater certainty.
  - Allow professionals to meet values and transparency and access information. Reframing natural resources and bringing consistencies to the value to the project.

- ◆ **QUESTION:** Is this a spatial tool? **ANSWER –** yes, a lot of work is being done around these pilot areas with projects not a whole lot on provincial website rolled out. Aim to roll out an engagement piece in April.

### Highlights: Environmental Mitigation Policy

- ◆ Aim to drive a consistent approach to integrated decision making across the province; creating a one window approach across government. Led by MOE in conjunction with Environmental Assessment office, and Ministry of Forests, Lands, and Natural Resource Operations, etc.
- ◆ Many policy drivers for this, including environmental impacts and mitigation, costs and capacity issues. Reality from Province is a need to reduce costs and increase efficiency.
- ◆ Aim to mitigate environmental values and components. SAR is a large part of this but also about the natural environment in general too. Hierarchy: Aim to avoid impacts if possible, but if not then minimize or offset. There will be obligations to monitor and report.
- ◆ Draft environmental mitigation policy can be seen at <http://www.env.gov.bc.ca/emop/>. Currently in public engagement phase— have had sessions with First Nations and other stakeholder sessions. Intent is to build awareness and take back feedback to develop policy and procedures, then move towards trial application, likely on regional basis.
- ◆ In this engagement phase focus is on proponent – industry, qualified professionals, local governments who are also the proponent (e.g., highways, etc).
- ◆ For more information contact Jeff Hoyt, phone: (250) 356-7789 , email: [jeff.hoyt@gov.bc.ca](mailto:jeff.hoyt@gov.bc.ca)

### 3. Coastal Douglas-fir Conservation

Darryn McConkey, Ecosystems Biologist, Ministry of Forests, Lands and Natural Resource Operations, Nanaimo.



03\_CDF

Conservation Update

- ◆ The Coastal Douglas-fir (CDF) is the smallest and rarest biogeoclimactic zone. It contains unique ecological communities and the highest number of SEAR. Half of the zone has been permanently converted by human disturbance and is highly fragmented. Over 80% is private land. After two decades of conservation action, about 8% of zone protected, but this isn't enough.
- ◆ Province has developed a CDF conservation strategy which included mapping and protection of 1600 ha in 2010, and commitment to raise awareness and conservation on private lands. Has now been the subject of many workshops for resource professional and general public. An informal group has formed to continue discussions on how to collaboratively address these concerns.
- ◆ Many people and senior levels of government now involved, two working groups formed. Initiatives include carbon mapping and compiling all information into one spreadsheet. Intent to do gap analysis and move towards larger strategy. Will be more workshops in March, local governments will be invited.

- ◆ For more information contact Darryn McConkey, phone: 250-751-3104 , email: [Darryn.McConkey@gov.bc.ca](mailto:Darryn.McConkey@gov.bc.ca)

#### 4. Develop With Care Update

Marlene Caskey, Senior Urban Ecosystem Biologist, Ministry of Forests, Lands and Natural Resource Operations, Nanaimo.



04\_DwC Then and Now.pdf

- ◆ The Province is revising *Develop with Care* (environmental guidelines for urban and rural land development). This includes updating references, weblinks and case studies; adding more information on climate change and rainwater management.
- ◆ Parts are being reorganized to make it easier to find information, including a ‘quick reference guide’.
- ◆ Later this year Ministry will be doing outreach workshops in West Coast region. CDs will go to every local government in the province.
- ◆ Deadline for comments February 17, email Marlene and she will send you the document. Lynn will also send document to group for comment.
- ◆ For more information contact Marlene Caskey, phone: (250) 751-3220, email: [Marlene.Caskey@gov.bc.ca](mailto:Marlene.Caskey@gov.bc.ca)

#### 5. Green Communities

Ben Finkelstein, Manager of Green Communities, Carbon Neutral Government and Climate Outreach Section, BC Climate Action Secretariat, Ministry of Environment.



05\_Climate\_SAR workshop.pdf

- ◆ 180 local governments signed the Climate Action Charter, many local governments now working on becoming carbon neutral. All climate related information for local governments is on the [www.tookit.bc.ca](http://www.tookit.bc.ca) website.
- ◆ There are four steps to local government carbon neutrality: measure emissions from local government operations; reduce emissions; offset and/or balance; and report on results through the CARIP (Climate Action Revenue Incentive Program).
- ◆ Some communities being creative with offset/balance—looking for ways to keep the money within their communities and use it to reduce community emissions.
- ◆ Understanding and measuring forest carbon sequestration is new and complex; work to do so for local governments is still under development. Trying to figure out how local governments can use this to protect forests in their jurisdiction, and gain other co-benefits such as more water, biodiversity, community and recreation benefits.

- ◆ Creating compact communities is also about using resources and public infrastructure in a more efficient way.
- ◆ For more information contact Ben Finkelstein, phone: 250- 356 7847, email: [Ben.Finkelstein@gov.bc.ca](mailto:Ben.Finkelstein@gov.bc.ca)

## **SPECIES AND ECOSYSTEMS AT RISK BYLAWS**

### **1. Update on Federal Initiatives**

Ian Parnell, Acting head of SAR Recovery Unit, Environment Canada (Canadian Wildlife Service), by phone.

- ◆ PYR SAR Recovery Unit responsibilities are primarily implementation of recovery planning under the Species at Risk Act (SARA). Focus is on developing recovery strategies, action plans, and management plans for listed species, with the identification of critical habitat in recovery strategies and actions plans. CWS coordinates on recovery planning with its jurisdictional partners under the Canada-British Columbia Agreement on Species at Risk (Bilateral), including the province of BC.
- ◆ Recent effort to address the backlog of recovery strategies (strategic level documents that focus on the needs of the species, and identify critical habitat, to the extent possible, using the best available information). High profile strategies include those for Oregon Spotted Frog and Pacific Water Shrew.
- ◆ As part of this work, CWS conducts pre-registry consultation. This is a targeted consultation aimed primarily at directly affected parties (i.e., those parties who own or manage land on which critical habitat has been identified). It can thus be narrower in scope than some people would prefer to see; however, local governments are included in this process.
- ◆ Pre-registry consultation focuses on the scientific and technical merits of Recovery Documents; it does not consider socio-economic factors; socio-economic factors are not considered in the development of recovery strategies, including the identification of critical habitat.
- ◆ After pre-registry consultation, the recovery strategy is posted as proposed for 60-days on the SAR public registry for public consultation. After this EC-CWS has 30 days to incorporate comments. The recovery strategy is then posted as final.
- ◆ Once the recovery strategy is posted as final on the SAR public registry, critical habitat identified in a recovery strategy or action plan must be protected, but the nature of ‘protection’ varies depending on whether the critical habitat is on federal or non-federal land (i.e., provincial Crown land, municipal land, private land, etc). On federal land, critical habitat must be legally protected. On other non-federal lands, critical habitat must be ‘effectively protected’ and the timeframe for this is not immediate. On non-federal lands, the province has the first opportunity to protect critical habitat. Effective protection can be a more flexible risk-based approach to protection, with a heavy focus on stewardship.
- ◆ Recovery strategies can be updated or amended at any time, if compelling new information comes forward, including information that would require revision of critical habitat. Recovery strategies are intended to be evaluated every 5 years.

- ◆ More information is available through the draft SARA policies available on the Species at Risk Public Registry ([http://www.registrelep-sararegistry.gc.ca/document/dspDocument\\_e.cfm?documentID=1916](http://www.registrelep-sararegistry.gc.ca/document/dspDocument_e.cfm?documentID=1916)).
- ◆ For more information contact Ian Parnell, phone: (604) 940-4649, email: [ian.parnell@ec.gc.ca](mailto:ian.parnell@ec.gc.ca)

## 2. GOERT Workshops

Holly Clermont, Conservation Specialist, Garry Oak Ecosystems Recovery Team (GOERT)

- ◆ GOERT is working on model bylaws for Garry Oak and associated ecosystems. Note that although their publications are designed for Garry oak ecosystems, they are applicable to all environmentally sensitive areas. Bylaws are a work in progress and applicable at many levels.
- ◆ GOERT is hosting a series of workshops February 22 – 24 that are going to be an opportunity for dialogue. Invitations will go out through the working group list to people in Garry oak areas.
- ◆ For an electronic version of workshop go to GOERT website [www.goert.ca](http://www.goert.ca)
- ◆ For more information contact Holly Clermont, phone: 250-716-6296, email: [holly.clermont@goert.ca](mailto:holly.clermont@goert.ca)

## KEYNOTE PRESENTATION: GREEN BYLAWS—WHERE DO WE GO FROM HERE?

Deborah Curran, Hakai Professor in Environmental Law and Sustainability & Program Director, Environmental Law Centre University of Victoria Faculty of Law

- ◆ The 2008 subprime mortgage collapse was good for SEAR because the development pressure abated slightly for a year or two. Some local governments took opportunity to get mapping and policy projects together, and identify areas to establish connectivity in increasingly fragmented landscapes. We understand so much better what it means to have connectivity between these sensitive ecosystems.
- ◆ Green Bylaws Toolkit was developed over 5 year period with Wetland Stewardship Partnership and others. It includes much input from senior and local governments. Jan Kirkby is now leading an update of the document to include climate change and more examples.
- ◆ Local governments have most of the tools that they need to achieve protection for SEAR. There are a lot of things LG can do, but they don't do because of political reasons. There are many examples below of good application of available tools.

## Capital Regional District (CRD)

- ◆ About 15 years ago, the regional district and others got together to create a regional green and blue space strategy, that set priorities around acquisition and protection of priority properties. This became a basis of the regional growth strategy and has influenced land use patterns. It was supported by strong commitment to urban containment boundaries, and ecosystem protection statements and regional context statements in OCPs. Some CRD municipalities remain rural, more urban municipalities have chosen to accept density.

- ◆ Highlands is a small rural municipality in CRD. In its first OCP in 1997, there was extensive mapping and designation of greenways and parkways, which lead to connectivity regardless of land ownership. Gowland Todd Provincial Park had been acquired, there was already 30% parkland but the goal was 50%. They emphasized large lots along greenway corridors and used amenity density bonus incentives to encourage clustering of lots away from high biodiversity areas. Priority amenities include parks, greenways, restoring ecologically damaged areas, or cash-in-lieu.
- ◆ A good example of this was Scafe Hill, where they used a rural density bonus that protected 80% of the 190ha landbase. Even using private lands, it resulted in much of the land going into regional district or public park, and clustering of lots away from core biodiversity area.

### **Central Okanagan**

- ◆ Todd Cashin (Kelowna) implemented this regime. Staff implemented mapping for Development Permit Areas (DPAs) with scale of 1:20,000 between 2001 – 2005, and incorporated this into aquatic and sensitive ecosystem DPAs that work in tandem with the regional district terms of reference (TOR) for professional reports for planning services (e.g., environmental assessment process). Focus on habitat protection, connectivity, buffering, include EA process through TOR, specific criteria for different types of ecosystems. Environmental assessment policy must at least meet different TOR and provincial Riparian Areas Regulation. The intent is to exceed environmental regulation. They are working with the development community, and as culture changes, developers are learning to avoid sensitive ecosystems.

### **Whistler**

- ◆ Whistler has identified a protected areas network across valleys, identifying sensitive ecosystems of different qualities. Terrestrial Ecosystem Mapping (TEM) GIS identified an ecologically viable network for protection and management. Calling it a protected areas network keeps focus on connectivity and critical areas for protection of ecosystems. It will be implemented through DPAs and zoning and be specifically dealt with through environmental protection bylaws.
- ◆ Whistler has data on over 150 indicators, social and economic and environmental indicators – heads and beds in hotels, water quality, etc. When they see any of these metrics fail, they can feed it back into community planning process to do something about this issue.
- ◆ QUESTION – does Whistler have an environmental protection bylaw? ANSWER, it is in the works.

### **Colwood**

- ◆ Example is Esquimalt Lagoon, a federal migratory bird sanctuary with high bird values, in a neighbourhood of 1970s subdivisions. Creek on site had been channelized, so ecosystem values weren't very high. Colwood negotiated with developer to cluster higher density towards back two-thirds of the site, and to restore the creek. (Developer went into receivership as of 2008 but hopefully this will still go through.)

## Next Steps

- ◆ What's next? A lot of the difficulty is preventing fragmentation. We don't want an endangered ecosystem or plant or animal sitting by itself – it has to be part of a network. The package of bylaws that make sense must achieve connectivity and look at how ecosystems fit with other regional areas next to it. Mapping is critical to understanding where things are.
- ◆ Helpful to establish targets from an ecosystem perspective, and this is hard to achieve when local governments are dealing with individual applications as they come forward. Some targets may be in regional growth strategies, e.g., # of km of connected biodiversity corridors. In the Highlands, you can clearly see the north-south greenway connections. Burnaby has 30% parkland and designate their parks such that you can't convert the parkland without getting approval from electors, and have additional overlays so that councils can't trade off parkland for something else.
- ◆ Urban containment boundaries are now fairly well accepted in parts of BC. These are more efficient and address large scale ecosystem protection goals. Saanich has an urban containment development boundary that is now 40 years old.
- ◆ At a more watershed or wider scale: cluster development away from sensitive ecosystems, have clear mapping to show sensitive ecosystems and where development is to go.



DCurran SEAR Local  
Govt Wkg Group Feb

## Discussion and Questions

Deborah Curran and Kathryn Stuart (Stewart McDannold Stuart Barristers & Solicitors)

**Question: In your presentation, you mentioned you were not fond of riparian tax exemptions; could you expand on your reasons?**

- ◆ It would be a great tool if it was easy to use, the one local government who has used it found it cumbersome. They first had to pay for the mapping, then convince 20 landowners to agree to it (involved stratas and landowners), DFO wouldn't give money until had this all registered. Found it was onerous from a bylaw perspective, in terms of ongoing need to do this, and convincing landowners to do this. The tax redemption wasn't enough incentive. The second concern is that covenants don't work without ongoing monitoring and engagement with the landowners. It has less to do with what is registered on title, and what is expected of you as a citizen. There will always be exceptions. Given the cost and monitoring on annual basis, they aren't the most effective way to do work. Ongoing landowner contact programs are more important than registering covenants.

**Question: Would a third party covenant be more effective?**

- ◆ It doesn't matter, but it doesn't change everyone's behaviour. Need to change the way public behaves.

- ◆ In small communities, every single new covenant is a cause for celebration—creates a better understanding of the values. Education piece is an important component of conservation in a community.
- ◆ For the hours/cash spent on covenants, versus urban containment, the latter is a better deal. There is always a trade-off.
- ◆ Enforcing a covenant is not a perfect solution. Law firms have clients who call, and tattle on a landowner and want to know what they can do now. Other than suing through civil court action and seeking some claim based on breach of covenant, that's the only way you can enforce the covenant. It is difficult to quantify the damages: e.g., trees cut down, etc., without having appraisals done in advance and without inserting the amounts payable for the damages in the covenant. Difficult to value some protected species. If trees cut down on public land, level of damages is based on value of trees as an amenity, on private land not quite the same thing. It becomes a more complicated legal action.
- ◆ Enforcement of DPAs is critical because they prohibit disturbance prior to the issuance of the development permit. It's best to have environmental bylaws that overlap with DPs such as a tree or watercourse bylaw which has an easier enforcement mechanism.
- ◆ Need to have additional legislation for DP enforcement. If someone breaches a DP, local government can use section 928 of the LGA in combination with section 274 of the CC to seek civil injunctive action. But what are you going to get when you ask the court for this order? The damage may already be done and it may not be possible to "remediate". How do you measure the compensation? How do you value biodiversity? Being able to have some alternative remedy is what most clients would enjoy. Tree protection bylaws are limited in terms of what they can protect especially for regional districts. If you apply a tree protection bylaw in addition to the DP, what do you get? Fine in provincial court? Ticketing system (maximum \$1000) or a long form prosecution with a full blown trial (maximum fine is \$2,000 for RDs and \$10,000 for municipalities). Also, costly and time consuming to enforce. May need plans created and arborist and expert opinions, and then what can you get? e.g., \$2000 fine. For some developers this is simply the cost of doing business!
- ◆ Covenants need monitoring. Many groups have been monitoring for free but now looking for funding, targeting the critical hot spots from a biodiversity perspective. We cannot rely on this ongoing free service from a local government perspective, there needs to be internal monitoring from local government. Local governments need to have succession planning in place to support the role these conservation groups currently play in conservation, but how? We need to start thinking about this in the long term.

### **What does work?**

- ◆ Bonding! Sooke has found it works for everything. For example in parkland areas they take bonds for tree health and hazard tree assessments. If tree fails because of upland hydrology changes, then have money for replanting strategies. Hold bond for many years because trees are failing, etc.

### **Do you have a way to incorporate language to help with enforcement?**

- ◆ The underlying legislation prescribes the enforcement authority. You couldn't make it so by saying it in a bylaw unless the underlying legislation authorizes it. Some kinds of offences under provincial legislation attract large enough fines. E.g., under Dyking Maintenance Act, some fines are set at \$200,000 and these are much greater than the \$1000 - \$10,000 for local government.
- ◆ There are fines associated with a restrictive covenant. Saanich steers away from the court route by stating fines, with DPs you can't do this, but you can negotiate things. Note restrictive covenants are under a different authority than conservation covenants.
- ◆ The Islands Trust has protected "transfer of development rights". But we don't have development rights in Canada, so what Islands Trust did is to provide density bonus in one area and taken for protection in other area. It's important to message it this way, because landowners don't get the sense that they have development rights. People aren't entitled to subdivision of their property. If we could get regional districts to do density bonuses, this makes more sense, e.g., downtown Victoria paying to preserve priority green space. From the development community, get development "rights" talk all the time, but this is an American model.

### **Why can't local government have some kind of enforcement schedule in their bylaws, if designated environmental bylaws within their jurisdiction?**

- ◆ You are limited by the Local Government Act, Offence Act, and Community Charter. These limit fine levels for breaches to these Acts and bylaws enacted under them. The specified maximum is \$10,000 for a breach of a municipal bylaw and \$2,000 for a regional district bylaw. Your OCP is your bylaw which controls what the DP contains. The only way you can pass a bylaw is if you have the underlying statutory authority to do this, e.g., you can regulate animals, but local governments don't have this power with respect to DPs.

### **Would there be resistance from rural communities if urban communities get the tax benefit from density bonus and they have to provide the protected areas?**

- ◆ We don't have funding mechanisms to support this, except through regional conservation funds.
- ◆ Coquitlam did an integrated watershed management and land use plan. This has identified where development can and cannot occur—but pushback from landowners because some set to benefit from and others don't because they are zoned school or cemetery or park. Result is smaller parks, no connectivity, and no services.
- ◆ Urban communities are paying for all of these spaces, but they are a huge benefit to rural community too. The amount of money going for these properties far outweighs what is going to the communities. The urban community pays for these acquisitions. This is how many citizens see this – urban people benefit from conservation in rural communities, but it's hard to convince citizens the opposite is true too. Many urbanites claim they support the rural community lifestyle.

## How does a community aim for sustainable (no net) growth when Local Government Act requires that we plan for growth?

- ◆ There is a bias in the Local Government Act. However, there is the actual footprint and the amount of throughput taken from the region used to service the population. Variety of things we can do to retrofit, besides liquidation of natural capital.
- ◆ Local governments can talk about capping growth, but would not get away with designating zero land for development. You have to plan for future anticipated growth as your numbers have shown by the BC Stats.
- ◆ Local governments have absolute discretion about how they want to zone. Explicit powers to discriminate.

## ECOSYSTEM MAPPING AND DATA SHARING

### 1. Conservation Data Centre: Species and Ecological Communities Data

Katrina Stipeck, Conservation Data Centre, Ministry of Environment



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CDC\_Feb12012.pdf

#### Highlights:

- ◆ The Conservation Data Centre (CDC) is part of international NatureServe Network and BC Ministry of Environment.
- ◆ Create provincial lists of BC species and ecosystems, provincial standard for scientific and common names, biologists determine the risk of extinction. Assign ranks based on a number of criteria, including rarity and threats, map locations of species and ecosystems at risk (Occurrences), Occurrences should have ongoing conservation value, we want to know that the element can exist there in the future.
- ◆ BC Species and Ecosystems Explorer: web-based tool, can search for different elements, based on various criteria, including distribution, status and legal designation, etc. including ability to search by municipality.
- ◆ CDC Mapping Service: spatial representation of where Occurrences have been mapped in BC. You can download shapefiles for use in your own GIS using Data Download Service.
- ◆ Some Occurrences listed as “confidential” because at risk of harassment or harm to a species, or have been requested to remain confidential due to landowner privacy, or until a publication has been completed. If you contact CDC, you can still access the ecologically sensitive data if determined to be a “need to know”.
- ◆ When you export data from BCSEE you get additional information on the species – e.g., taxonomy, distribution, Conservation Framework (CF) information, etc.

- ◆ Data uploads (rank changes, CF priorities and action groups) are done annually in April/May. Regularly update with species groups, ecosystems groups, taxonomic changes, legal status, etc. Mapped locations are updated nightly or weekly.
- ◆ Proposed enhancements based on user survey: ability do searches on ecosystems and species, more user-friendly terms, legal designations for ecological communities and CITES, click on area of interest and municipality, colour code plants/animals.
- ◆ Data comes from everyone, CDC does not have resources to gather data. Working on developing an online form. CDC takes data in any form, see also RISC standards on website.
- ◆ Ongoing challenges include data backlog and lack of data in large portions of province.
- ◆ For more information contact Katrina Stipec phone:(250) 356-0928; or email: [Katrina.Stipec@gov.bc.ca](mailto:Katrina.Stipec@gov.bc.ca)

## 2. CDC Ecosystem Mapping – Data Access and Support

Jo-Anne Stacey, CDC, Ministry of Environment



08\_Eco\_mapping\_data\_access.pdf

### Highlights:

- ◆ Recent data model developed to house Terrestrial Ecosystem Information (TEI) - now working to improve the ease of accessing data, fixing up 'bugs', etc.
- ◆ Many forms of terrestrial ecosystem information available through government warehouse (LRDW).
  - Available maps include CDC element occurrences, TEM, PEM and SEI maps, terrain and soils mapping and scans of paper maps.
- ◆ Map showing ecosystem mapping projects in the provincial warehouse. Other data may be available by contacting Ecosystem Information or CDC ecologists.
- ◆ Element occurrence mapping of ecological communities concentrated on high priority areas, e.g., CDFmm zone, Okanagan.
- ◆ November 2011 meeting with regional ecologists and ministry staff involved in ecosystem mapping to discuss issues around TEM and PEM. Made recommendations to Directors of Resource Management and discussion paper for review by mapping community.
  - Much of the ecosystem mapping has been driven by forest land base. It is recognized that we need the whole province mapped so there is consistent coverage.
  - Mapping standards need to be updated.
- ◆ Data Access through several different routes:
  - ECOCAT has been around for a while, digital storage system that stores files so you can download GIS spatial files and standard legends, downloads PDFs. ECOCAT includes fish projects, etc. It's a key word or area-based search.

- IMAPBC: known map locations of CDC and TEI information, can look at all the data in the provincial Land and Resource Data Warehouse (LRDW), ecosystem mapping, CDC data, TRIM, etc. Good portal for looking at information but not GIS analysis tool.
- LRDW: access directly through data discovery service and download files to bring them into your own GIS and do your own analysis.
- ◆ CDC can help you:
  - interpret standards and find your way through data,
  - review contract language so it meets RISC standards and can be compared with other projects in neighbouring jurisdictions,
  - fine tune contract language to meet your specific needs,
  - develop SEI classification for your project, subclasses, themes, information collected, etc.,
  - interpret existing mapping (e.g., TEM codes, linking these codes to SEI classes or ecological communities, red and blue listed).
- ◆ RISC website includes standards for ecosystem mapping, species inventory, wildlife habitat ratings, and much more.
- ◆ Example of TEM mapping done in the Okanagan, Goose Lake range that helped to identify conservation zones and areas where development can/cannot occur.
- ◆ For further information contact Jo-Anne Stacey, phone: (250) 387-9523, email: [Joanne.Stacey@gov.bc.ca](mailto:Joanne.Stacey@gov.bc.ca)

### 3. Looking for efficiencies: Multi-species and ecosystem-based approaches

Kim Everett, Ministry of Environment



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Highlights:

- ◆ There are many species at risk. It is more effective to have tools that merge ecosystem concepts and species at risk issues in a grouped approach, rather than single species. The numbers keep growing, and while every species is unique, we can't do single-species management for all the species all the time. There are many species for which we have limited knowledge, so we need to look at tools and opportunities to taking a bundled approach. We need to move forward with the existing information we have.
- ◆ Trying to identify groups of species and their habitats and how they relate to ecosystems and mapping. Then see if we can identify important ecosystems and broad groups of SAR, develop more user friendly tools to guide conservation action.
- ◆ Need to identify ecosystems that provide habitat for many species/species at risk, e.g., sagebrush steppe ecosystem. Looking at the Conservation Framework (CF) and the identified threats and actions shows many of them are similar. Opportunity to group some of these species and then take

group actions or minimize threats or risks. Use TEM to pull all this together into a subset of tools that provides more information across the landscape.

- ◆ Also important to look at ecological communities with low diversity. Some species are truly rare and have a niche role in the biological world.
- ◆ Useful tool for identification of the species or ecosystem values within an area, many tools are at a regional level this is to bring it more to a site specific level, good in areas where we don't have comprehensive area mapping. Can look at restoration through a broad set of species.
- ◆ Process is limited to species of high conservation priority, done from a risk assessment perspective. Also limited by data availability and detail. Other options include predictive ecosystem mapping.
- ◆ Aim to have big dataset compiled by end of March/April, get a feel for accuracy, and then move some of the data to the CDC.
- ◆ For further information contact Kim Everett phone: (250) 356-7658, email: [Kim.Everett@gov.bc.ca](mailto:Kim.Everett@gov.bc.ca)

### *DISCUSSION*

- ◆ In the GOERT action plans, it's noted that some actions that benefit one species may be problematic for another species. Hard to address.
- ◆ Kelowna provide broadcast emails about updates.
- ◆ Concern about releasing the mapped information, in case developers 'nuke' values before coming for development approvals. Concern there will be some political resistance, will be turned into policy.
- ◆ Saanich has had GIS showing this environmentally sensitive areas for a long time. When DPA requested for these areas, landowners and politicians knew this was going to happen, so this was a selling point.
- ◆ Noted that SEI mapping available for many years and not an issue. Important to note that mapping is an iterative process, and maps are constantly being updated. Local governments need to show and demonstrate that they are open and up to changes and approaches.

## **ENGAGING LANDOWNERS IN SPECIES AND ECOSYSTEMS AT RISK HABITAT PROTECTION**

### **1. Conservation Fund Guide**

Bryn White, South Okanagan Similkameen Conservation Program

Highlights:

- ◆ Guide is a collaborative effort, aimed to help local governments looking to find a dedicated source of funding, and steps involved to start a fund. Includes examples of successful programs. Hoping to have an online version soon, also presentation at Planning Institute of BC conference in May.
- ◆ <http://www.soscp.org/2011/news/new-soscp-guide-establishing-a-regional-conservation-fund/>
- ◆ For further information contact Bryn White phone: (250) 490-8225, email: [Bryn.White@gov.bc.ca](mailto:Bryn.White@gov.bc.ca)

## 2. Islands Trust Natural Areas Protection Tax Exemption Program

Jennifer Eliason, Manager, Islands Trust Fund.



10\_NAPTEP  
presentation Jan 201

### Highlights:

- ◆ Natural Areas Tax Exemption Program (NAPTEP) is a conservation incentive program that gives landowners a tax exemption for covenanting natural features on private land. Available to landowners in most of Islands Trust (IT) area. Islands Trust able to offer this because of their unique legislation.
- ◆ High percentage of private land in Island Trust area, so program was developed in response to the increasing pressure to develop because of rising property values and the associated tax burden. It provides a 65% tax exemption on the covenanted part of property. Currently 21 covenants protecting 70 ha on islands.
- ◆ Landowners in eligible areas with eligible natural features (sensitive ecosystems and geological features) on the property can apply. Covenant is held by the Trust Fund Board. Trust Council must agree to issue certificate for tax exemptions. A standard covenant is used for all participants to stay fair.
- ◆ Covenants areas are monitored annually. Covenant includes a rent charge, and if the covenant is breached, the Trust has also has the ability to collect back taxes. It's a strict covenant with strong enforcement measures.
- ◆ NAPTEP is an effective program, although not perfect. Other tax incentives systems include Nova Scotia, which eliminated property taxes for lands protected by conservation covenants, and the Ontario tax exemption program.
- ◆ To do this elsewhere in BC requires legislative amendment. In 2011 there was a UBCM resolution to ask for provincial support to do this.
- ◆ For more information contact Jennifer Eliason phone: (250) 405-5191, email: [jeliason@islandstrust.bc.ca](mailto:jeliason@islandstrust.bc.ca)

## 3. Capital Regional District Land Acquisition Fund

Jeff Ward, Manager of Planning Resource Development. Capital Regional District Parks



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Conference\_.pdf

- ◆ CRD currently protects about 20% of the regional district, but parts (e.g., west of Sooke) have little regional park protection.
- ◆ A ten-year land acquisition fund was established in 2000, as a levy on property taxes of \$10 / \$100,000 assessed value that was placed in a land acquisition fund. In 2010 the land acquisition fund

was renewed for another ten years with an increasing rate of \$2 per year per/\$100,000 assessed value, capping at a property tax assessment of \$20/\$100,000 in 2014. Because of their higher populations, Victoria and Saanich pay the largest amounts into this fund.

- ◆ Some (but not all) municipalities asked for public input during the election campaign, deemed to be supported by about 73% of population (not sure what this means?). Support built on CRD Green/Blue Spaces Strategy and Parks Master Plan, which identified key areas for acquisition (e.g., Sea to Sea Green Belt).
- ◆ To date, 4485 ha acquired, \$48 million of land purchased. Some purchases made in cooperation with The Land Conservancy.
- ◆ Updated master plan for regional park/trail system will be sent to the Board this spring for approval. One of the major recommendations is that half of the land should be protected for nature, “Nature Needs Half”. Not that half will be protected as park, but that some undeveloped lands will be left as natural areas. This approach is built on work from other jurisdictions with large areas of land in protected status such as the East Bay in San Francisco, Boulder County (Colorado), and New Zealand).
- ◆ In order to move ahead with SEAR protection, we need to be clear about reasons for acquiring land and communicate this to the public from the start. Be clear about how you are going to spend money. Prepare reports annually showing acquisitions and progress.
- ◆ Important to have capacity to manage the land. In CRD system has grown a lot but operational funds have not kept pace.
- ◆ Think big! E.g., Nature needs half – have big ideas for conservation and really promote these.
- ◆ There are major challenges, e.g., cost of land is very high. Virtually all our resources go to managing for recreation as opposed to conservation values.
- ◆ For more information contact Jeff Ward phone: (250) 360-3370, email: [jward@crd.bc.ca](mailto:jward@crd.bc.ca)

#### 4. Ecological Gifts Program

Dave Cunnington, Environment Canada (by phone) and Jan Kirkby, Environment Canada



12\_5 mins EGP  
presentation\_.pdf

- ◆ Ecological Gifts program is tax incentive program run by federal government. Detailed manual provides information on implications and scenarios. Great tool for achieving major conservation acquisitions and allowing significant tax breaks to landowners depending on their tax situation.
- ◆ Property must be ecologically significant. Conservancies and land trusts can be available to assist with taking donations and there is an established list of procedures as to how the ecological assessment is done, appraisal, and how to calculate the value of the donation.
- ◆ Most donations have gone to eligible land trusts. Rarely there have been donations to federal government (e.g. Parks Canada).
- ◆ Worth finding out more about how to apply this. Dave Cunnington willing to come and do presentations if wanted.

- ◆ Discussion: Not always successful in getting this, most of the time it's developers who don't really want to gift properties, and are looking at ways to use this as leverage to get something else. Key is to get the landowner to understand that there is significant tax benefit to landowners, but in order to qualify as a donation there must be clear separation from development requirements. Landowners get tax receipt for whole value of the property, can be a large amount of money and huge incentive.
- ◆ Landowners should retain independent tax advice. The advantage to making a donation are that donation results in a tax credit that can be used to reduce income taxes, greater benefit than a normal donation (capital donation), and the important benefit is that the capital gain on the property isn't taxable – capital gains exempt.
- ◆ Environment Canada trying to provide training to tax specialists, but the difficulty is that there are many specialists and advisors and few would be in a position to offer this advice to a donor or take the time to go to one of our workshops. They want to create a list as to who has taken the course and then provide that as a service to others.
- ◆ For more information contact Dave Cunnington, phone: (604) 940-4687, email: [David.Cunnington@ec.gc.ca](mailto:David.Cunnington@ec.gc.ca)

#### *DISCUSSION: LANDOWNER ENGAGEMENT*

- ◆ Conservation covenants can work, but people are giving away a significant interest in their property. This is an expensive and time consuming process, takes a long time to get going. What is unique about land trusts is that there is ongoing trust and relationships with landowners. May see problems in the future, but it's one of the strongest tools in the toolbox.
- ◆ There needs to be covenant monitoring and if there isn't consistent funding, then it won't be a good tool. This places burden on and trust organisations.
- ◆ UBCM resolution to apply NAPTEP equivalent has not yet had response, important to relay this to Jared Wright and seek response.

## **UBCM UPDATES**

Provided by Lynn Campbell on behalf of Jared Wright (Jared was unavailable due to a conflict)



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- ◆ Jared Wright supports UBCM Environmental Committee. UBCM is an important group to connect in with. Aim to have UBCM officially endorse and launch our paper. UBCM has been actively monitoring the work from this group. Recognizing that in this discussion paper, there are recommended actions for various levels of government including UBCM, so we don't want to forget that UBCM needs to take action too.

- ◆ UBCM recommendations will be tabled at the 2012 Executive Committee meeting. We should try to get on the agenda for the 2012 convention. Lynn will follow up with Jared; also look at other ways to disseminate information to UBCM, e.g., through CivicInfo, UBCM newsletter.

## **NEXT STEPS FOR SPECIES AND ECOSYSTEMS AT RISK LOCAL GOVERNMENT WORKING GROUP**

Group needs to think about the direction to go from this point forward.

- ◆ Vision / Terms of Reference for the Group?
- ◆ Recommended actions within the Discussion Paper
- ◆ Regional focus? Broaden discussion among LGs and local conservation groups in the interest of implementing recommended actions with broadest support possible
- ◆ Avenues for communicating, monitoring progress and tracking action
- ◆ Communicate these to government executives to guide approach to protection of SEAR
- ◆ Examine results of the survey
- ◆ Potential for a separate northern approach

### *DISCUSSION*

- ◆ Terms of reference would help with clear involvement as to where we are going, to justify the time. This may get more people involved too. Suggestions to form a mini-working group, to create TOR for this group.
- ◆ Regional pilots would provide way to translate discussion paper recommendations into action. It would be intended to be a simple approach without a lot of additional work that would eventually lead to greater understanding and generate new ideas across the province as to how people are implementing the recommended actions. Question as how to define 'regions' for this. Pilots could also be profiled at UBCM. Can take slightly different approaches and see where the success comes from.
- ◆ Important to keep the discussion paper alive! It's more than a set of requests to the province, and need to keep discussion paper at the forefront.
- ◆ Working group is very diverse: some rural, some urban, different community sizes and needs/capacities. The north has different needs and different perspective, more focused in proactive and preventative approaches.
- ◆ What are the best options for the SEAR LGWG to communicate with each other? Lynn will be looking at options (e.g., website). It is important that members are also communicating SEAR LGWG updates with their councils/boards.

## APPENDIX 1: ATTENDEES

### Local Governments:

In person:

Margaret	Birch	Metro Vancouver	City of Coquitlam
Laura	Byrne	Capital Regional District	District of Sooke
Todd	Cashin	Okanagan	City of Kelowna
Judith	Cullington	Capital Regional District	City of Colwood
Jim	Dodd	Capital Regional District	City of Colwood
Jennifer	Eliason	Islands Trust	Islands Trust Fund
Erin	Embley	Metro Vancouver	
Marilyn	Fuchs	Capital Regional District	
Rob	Lawrance	Regional District of Nanaimo	City of Nanaimo
Kate	Lindsay	Cowichan Valley Regional District	
Sheila	Malcolmson	Islands Trust	
Adriane	Pollard	Capital Regional District	District of Saanich
Jeff	Ward	Capital Regional District	
Lynn	Wilson	Capital Regional District	
Holly	Clermont	Garry Oak Ecosystems Recovery Team	

By phone:

Karin	Albert	Comox Valley Regional District	
Margaret	Bakelaar	Central Okanagan Regional District	
Tanya	Bettles	Fraser Valley Regional District	City of Abbotsford
Heather	Follis	Comox Valley Regional District	
Tania	Hardy	Comox Valley Regional District	
Terry	Martin	Strathcona Regional District	District of Campbell River
Sandy	Mah	Central Okanagan Regional District	
Julie	Pavey	Metro Vancouver	City of Port Moody
Bryn	White	South Okanagan Similkameen Conservation Program	

### Senior Governments

Lynn	Campbell	Ministry of Environment (MoE) - HQ	SEAR LGWG Co-manager
Marlene	Caskey	Ministry of Forest, Lands and Natural Resource Operations, West Coast Region	Nanaimo
Brenda	Costanzo	Ministry of Environment (MoE) - HQ	Victoria
Kim	Everett	Ministry of Environment (MoE) – HQ	Victoria
Ben	Finkelstein	Ministry of Environment (MoE) - HQ	Victoria

Jennifer	Heron	Ministry of Environment (MoE) - HQ	SEAR LGWG Co-manager
Jeff	Hoyt	Ministry of Environment (MoE) – HQ	Victoria
Jan	Kirkby	Environment Canada – Canadian Wildlife Service	Delta
Danielle	Lukovich	BC Ministry of Community, Sport and Cultural Development	Victoria
Darryn	McConkey	Ministry of Forest, Lands and Natural Resource Operations, West Coast Region	Nanaimo
Jo-Anne	Stacey	Ministry of Environment (MoE) – HQ	Victoria
Katrina	Stipec	Ministry of Environment (MoE) – HQ	Victoria
James	Quayle	Ministry of Environment (MoE) - HQ	SEAR LGWG Co-chair
<b>By phone</b>			
Dave	Cunnington	Environment Canada – Canadian Wildlife Service	Delta
Ian	Parnell	Environment Canada – Canadian Wildlife Service	Delta
Kym	Welstead	Ministry of Forests, Lands and Natural Resource Operations, South Coast region	Surrey

## APPENDIX B: WORKSHOP AGENDA

8:30 – 9:00 am	Registration, coffee, networking
9:00 – 9:30 am	Welcome, workshop purpose (Judith Cullington) Roundtable: updates from all local government participants
9:30 – 10:30 am	<p><b>Section 1: Update from the Provincial Government.</b></p> <ol style="list-style-type: none"> <li>1. Overview of species and ecosystems at risk and update on Ministry structure (James Quayle) and Species and Ecosystems at Risk related initiatives</li> <li>2. Cumulative Effects (Jeff Hoyt);</li> <li>3. Environmental Mitigation Policy (Jeff Hoyt);</li> <li>4. Coastal Douglas-fir Conservation (Darryn McConkey);</li> <li>5. Develop with Care (Marlene Caskey)</li> <li>6. Green Communities (Ben Finkelstein)</li> </ol> <p>Question and Answer (All)</p>
10:30 – 10:45 am	Refreshment break
10:45 – 12:15 pm	<p><b>Section 2: Species and Ecosystems at Risk Bylaws</b></p> <ol style="list-style-type: none"> <li>1. Update on Federal Government species and ecosystems at risk initiatives (Ian Parnell, Environment Canada, by phone) (10 minutes)</li> <li>2. Garry Oak Ecosystem Recovery Team model bylaws (Holly Clermont, GOERT) (2 minutes)</li> <li>3. Keynote presentation: Green Bylaws - where do we go from here? Deborah Curran, Hakai Professor in Environmental Law and Sustainability &amp; Program Director, Environmental Law Centre University of Victoria Faculty of Law (30 minutes)</li> </ol> <p><b>Discussion for group:</b> <i>What critical tools are existing (either being used or not)? What other tools are still missing from the species and ecosystems at risk toolkit? How can this working group support the use of existing tools and creation of new tools?</i> (45 minutes)</p> <p>A municipal lawyer, <b>Kathryn Stuart</b>, of Stewart McDannold Stuart Barristers &amp; Solicitors, will be joining our discussion.</p> <p><b>Links with Discussion Paper Recommendations:</b></p> <ol style="list-style-type: none"> <li>2.1. Enact legislation that requires the protection of all species at risk and their habitats across B.C., including legislation that applies to species at risk protection private land. Examples of potential legislative changes could include bringing the .BC Wildlife Amendment Act (2004) into force; requiring habitat protection for species at risk; and controls on threats to species at risk (e.g., further supporting changes to the Motor Vehicle (All Terrain Vehicle) Act with the licensing of all terrain vehicles, increasing the scope of controlled alien species to include plant and invertebrate species); and further supporting the Water Act modernization process with amending the B.C. Water Act to include better protection for riparian areas and riparian habitats</li> <li>2.2. Enable local governments to create bylaws for the protection of biodiversity</li> </ol>

	values (e.g., soil integrity, rock formations and other identifiable wildlife features); enable strong enforcement of development permit area guidelines, including making infractions a civil or criminal offence; and allow regional districts to adopt tree protection bylaws. One means to enable local governments to create such bylaws includes for example, amendments to the Local Government Act and its regulations or the Community Charter and its regulations.
12:15 – 1:00 pm	Lunch (view posters)
1:00 – 2:00 pm	<p><b>Section 3: Ecosystem mapping and data sharing</b></p> <ol style="list-style-type: none"> <li>1. The Conservation Data Centre web-based tools – their uses and updates (Katrina Stipeć, Jo-Anne Stacey, Ministry of Environment)</li> <li>2. Looking for efficiencies: Multi-species and ecosystem-based approaches (Kim Everett, Ministry of Environment)</li> <li>3. Discussion: What are priority actions for data gathering and sharing? How can this working group support the creation of those tools? What enhancements would you like seen on the BC Species and Ecosystems Explorer? How can these tools be used in your day-to-day activities?</li> </ol> <p><b>Links with Discussion Paper Recommendations:</b></p> <ol style="list-style-type: none"> <li>4.1. Fund, conduct and update ecosystem mapping, inventories and data collection.</li> <li>4.2. Provide support for data interpretation on an as-needed basis.</li> <li>4.3. Make it very simple for people to enter data into the B.C. Conservation Data Centre website. Ensure submitted data is mapped and integrated into the B.C. Conservation Data Centre databases in a timely manner.</li> <li>4.4. Provide and maintain clear, mandatory guidelines (terms of reference) for resource professionals on how to gather species inventory information. For example, species inventory and assessment should be completed by appropriately qualified professionals, during appropriate seasons. It should also be required that the resulting inventory and mapping data be provided to the B.C. Conservation Data Centre, which is the central provincial source for species at risk data.</li> <li>4.5. Require private land holding companies to complete multi-year species and ecosystems at risk inventory and mapping before applying to have forested land rezoned for residential or other non-forest uses.</li> </ol>
2:00 – 2:30 pm	Refreshment break
2:30 – 3:30 pm	<p><b>Section 4: Engaging landowners in Species and Ecosystems At Risk habitat protection</b></p> <ol style="list-style-type: none"> <li>1. Conservation Fund Guide (Bryn White, SOSCP on call) (2 minutes)</li> <li>2. Islands Trust Natural Areas Protection Tax Exemption Program (Jennifer Eliason, Islands Trust) (10 minutes)</li> <li>3. Capital Regional District Land Acquisition Fund (Jeff Ward, Capital Regional District Parks) (10 minutes)</li> <li>4. Ecological Gifts Program (Dave Cunnington, Environment Canada, on call) (2 minutes)</li> </ol>

	<p><b>Discussion for the group:</b> What are priority actions for landowner engagement? How can this working group support this? Approaching conservation organizations to do stewardship work with private land within your municipality.</p> <p><b>Links with Discussion Paper Recommendations:</b></p> <p>5.1. Set up a provincial fund (open to stewardship groups and local governments) to provide funding for landowner outreach and incentive programs, including strategic acquisition of critical habitats.</p> <p>5.2. Enable local governments to provide property tax reductions for biodiversity measures.</p> <p>5.3. Provide targeted outreach materials for landowners and developers that provide information on the many values of species at risk, and best practices to maintain and enhance critical habitats.</p>
3:30 – 4:00 pm	<p><b>Wrap up and next steps</b> (Lynn Campbell and Jennifer Heron) Discussion (all)</p>

## APPENDIX C: POSTERS

