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CONSERVATION AGREEMENT— ROBINSON FINDS A DEAL SHE CAN SIGN

This article, written by Chris Bowers and reproduced here with her permission, was first published in The Flying Shingle on Monday, February 11, 2013.

Editor's note: Sally Robinson and American Friends of Canadian Land Trusts signed the final papers for the Robinson Woods covenant discussed in this article in Vancouver on April 16, 2013, and the covenant was legally registered the following week.

Gabriolan and US citizen Sally Robinson started looking for a way to protect her Gabriola property from over-development many years ago. The search took some time, she said at an interview at her home on Cooper Road, because when she showed her lawyer in Illinois the templates of some of the covenant agreements she was considering, he told her "with ever-rising tones: 'you can't sign this' ". The agreements she was considering, including those of the Islands Trust, she said, were all written by lawyers of the land conservancies, in those organisations' interests. She said the agreements were based on those of nature conservancies, which deal with large tracts of land. In her case, she said, "this is a small tract in a built up neighbourhood, so that the idea of keeping the public out is very nearly ridiculous".

Plan for trespass

"People are going to trespass," she said, "and if they do, the trust agreements that I looked at would pretty much hold the landowner responsible for any damage. And furthermore the penalty for any damage that could not be rectified would go on in perpetuity". Robinson said another concern she had with many of the conservancy templates she reviewed was that if either party breaks the agreement, it will "go straight into a lawsuit". Fortunately, Robinson said, the Islands Trust referred her to the American Friends of Canadian Land Trusts (AFCLT), with whom, with the help of the Gabriola Lands and Trails



Wells trail connects Thompson and Cooper Roads, while Robinson trail drops down to Islands View Drive. ~ Photo by John Peirce



While Sally Robinson talks to her puppies, GaLTT President John Peirce holds up a bowl made by Regional Director and potter Howard Houle. The bowl was given to Robinson by GaLTT at their AGM in appreciation for the public trail and covenant she has established. ~ Photo by Chris Bowers

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Sally Robinson agreement

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Trust (GaLTT), she was able to work out an agreement that met with the approval of her lawyers on both sides of the border.

Thanks to that agreement, Robinson hopes to protect her property from over-development, and has also okayed public access to a trail that runs from between Cooper and Thompson roads to Islands View Drive near to a beach access.

GaLTT President John Peirce added that Alysoun Wells, a neighbour on Thompson Road, also gave GaLTT a licence for a trail that runs east-west between Thompson and Cooper to which Robinson's trail connects.

Tax breaks

Peirce explained the chief incentive for US landowners to covenant their land is that they are eligible for income tax deductions, potential capital gains reductions, and have a "good argument" for a reduction in property taxes.

He said the reason for Robinson's tax breaks "comes from the fact that there are two building densities that will be extinguished". Robinson added that there are also building restrictions in the agreement that "would make it difficult to build a McMansion on this site".

The covenant will be co-held by the American Friends trust and GaLTT,

Robinson said, and one of the articles she insisted on was a mediation procedure so that differences don't have to be settled by a law-suit.

Being able to mediate issues is important, she said because "at least in theory this agreement is forever, and who knows who is going to be involved, and what their values, needs, and ideas are going to be generations from now?"

Dual purpose

Peirce explained that Robinson's agreement "is a covenant with a trail licence written into it". Robinson said GaLTT came to her first asking for a trail licence. She said she liked the idea of having a local organisation "with a set trail used by people who are interested in conservation" monitoring the woods. She added that as she walks with two canes, she "can't go on inspection trips".

Hers is the first BC property American Friends has taken on, Robinson said, and "the negotiations have been very friendly and cooperative – all credit to John Peirce, without whom I could not have done this, and to Sandy Tassel who represents American Friends and who has navigated the path on the United States side of the border".

Other islands too

Peirce said GaLTT wants to create a flow chart of "how to do this navigation the next

time, because it has not been easy. It was sort of like navigating through a tricky channel in the fog."

"There have been an enormous number of technicalities," Robinson agreed.

You have to be a US citizen to go the AFCLT route, Robinson said. "This is significant beyond Gabriola," she added, because US citizens own quite a lot of property on the Islands of the Salish Sea.

AFCLT also requires that the site being conserved be "significant", Robinson said. "You have to justify why this land is worth preserving". Peirce said because we are in the coastal Douglas Fir eco-zone just about anywhere on Gabriola will qualify.

The agreement is only as good as the people involved, Robinson cautioned in conclusion. She said different leadership in GaLTT or different property owners could show "how fragile 'in perpetuity' can be".

"Circling back," Robinson said, "this is another reason why it is important that the public be given controlled access to some of these sites. Because they in fact patrol them and also they come to personally value them."

"This is the way you maintain a place," she said. "If you put it out of bounds then nobody is interested, and somebody gets the idea that this is up for grabs."

RANDY'S WORK PARTIES

As always, Randy's band of willing helpers has been very busy the last few months installing and maintaining trails and boardwalks. They have extended boardwalks at the Commons, in Elder Cedar Nature Reserve, and in Sally Robinson's Woods. These boardwalks makes walking easier (and drier) but more importantly, prevents ecological degradation through riparian damage.

They continue to maintain existing trails around the island, and also to develop new trails as licences are signed with private landowners or permissions granted by the Ministry of Transport and Infrastructure for trails on unused road allowances.

The group has also helped RDN staff to install the new signage in 707-acre Park. They worked with the Lions Club to landscape the clinic grounds, and to continue eradicating Scotch broom in Drumbeg Park's camas meadows, as well as elsewhere on Gabriola. Do us all a favour and clear it off your own land before it spreads even further.

Recently they helped the Streamkeepers group by cleaning up the trail access to Mallett Creek near the ferry lineup and improving its access to the mudflats of Peacock Bay.



Mallett Creek clean-up work party in April ~ Photos by Keith Poulton

Visit our website at www.galtt.ca to discover how to control invasive plants on your own land, or pick up a brochure from our display table at the market and other community events. You can borrow one of GaLTT's special tools called an Extractigator™ to help pull large Daphne laureola and Scotch broom plants. Just call Randy Young at 250-247-8541. While you're at it, ask to be put on Randy's email list so that you can help out at the trail work parties.

GABRIOLA STREAMKEEPERS

Gabriola Streamkeepers formed in July 2012 with the strong support of GaLTT. At their January meeting they decided to continue as a sub-committee of GaLTT, liaising about finances and activities, and maintaining membership on the GaLTT board. Melanie Mamoser is the GaLTT board member with special responsibility for Streamkeepers. She reported on Streamkeeper activities at GaLTT's AGM in February.

Their first meeting last Fall was well attended by a group with diverse backgrounds and lots of relevant expertise and they already have several dozen people on their mailing list. Since then they have been busy defining their goals and mapping Gabriola's streams. They are currently investigating who owns the land where Gabriola's most significant streams run, and hope to solicit their co-operation in restoring the streams to health if they have been degraded.

Streamkeeping workshop and first projects

In February they had a course in stream-keeping methodology, using Castell Brook with the permission of the landowner. They have selected Castell Brook to focus their restoration work on in the coming year. This stream flows to the sea through the salt marsh at Lock Bay, which provides significant bird habitat. There is also a beaver pond up behind the marsh, and a waterfall. They have already put what they learned into practice, counting invertebrates in the small stream near Drumbeg Park's picnic area.



*Streamkeeping workshop at Castell Creek
~ Photo by Tawny Capon*



Castell Creek ~ Photo by Tawny Capon

Mallet Creek work and discovery of juvenile salmon

Their very first step to restoring Gabriola's streams to their pristine state was clearing a load of trash (including an ancient lawnmower!) out of Mallet Creek near the ferry terminal. Early in April they joined with GaLTT's trail-work party to improve the stream-side trail and public access down to the mudflat in Peacock Bay. Their hard work was delightfully rewarded a week or so later when Jethro Baker discovered juvenile salmon in a couple of small pools in the stream. Shortly after he also found chum salmon fry just above the intertidal zone in Wagg Brook, which flows into Degnen Bay.

You can contact Gabriola Streamkeepers

by emailing Jethro Baker at: jethrobaker@hotmail.com and find out what they're up to by viewing their webpage at : www.galtt.ca/gabrielastreamkeepers



Jethro Baker found juvenile coho salmon in cleaned-up Mallet Creek in April ~ Photo by Jethro Baker

EARTHDAY WALK ALONG FALSE NARROWS

On Monday, April 22 John Peirce and Nick Doe guided a low-tide shoreline walk along False Narrows from Brickyard Beach to Spring Beach. It was a fine spring day, and the numbers varied from 35 to 57 over the course of the walk.

They started at the site of the brickyard that employed Gabriolans from the 1890s to 1952, and followed False Narrows with lovely views of nearby Mudge, Link, De Courcy, and Valdes Islands, as well as distant snow-capped mountains.

Groups paused and chatted as significant anthropological, archeological, geological, and paleontological features along the route were pointed out, and all enjoyed the information John, Nick and other participants provided.

Walkers passed shale bluffs, middens, waterfront homes, the traditional clambeds of the Snunéymuxw, and South Road farms.



An Earthday walker found this beautiful ammonite on False Narrows Beach ~ Photo by Nick Doe



Starting the Earthday walk with a talk ~ Photo by Catherine Adam Legg

They found small fragments of giant clam fossils, ammonites, brachiopods, springs, and a waterfall. One walker discovered a beautiful large ammonite fossil that the guides had never noticed before. They inspected the RDN's grand new beach access stairway from South Road

Community Park, designed by Cameron Murray and built by local contractor Stuart Denholm. The walk ended at the cliffs at the southeast end of Spring Beach.

COMMUNITY ENGAGEMENT

New board member Catherine Adam Legg has enthusiastically accepted the challenge of extending GaLTT's engagement with Gabriola's community. Many people on Gabriola remain unaware of who we are and what we do, even when they regularly use the island's trails and parks. She hopes to change that.

Welcome Wagon

Catherine has already deepened our connection to Welcome Wagon, and in addition to our brochure explaining what GaLTT does, she is giving newcomers a card entitling them to a guided walk on their choice of local trail. Many trails remain unmarked and can be intimidating to those unfamiliar with the island. She hopes this will encourage newcomers to become members of GaLTT too.

Guided walks

Her committee is planning a series of guided walks throughout the summer, and the Earth day walk on April 22, provided a grand start to the series. Other guided trail walks will be:

- May 10—a triple walk in 707-acre Park. Three guides will start from three different entrances at 1pm: the North Road entrance in the tunnel, the South Road entrance near Dogwood Crescent, and the Ricki Road entrance.
- June 2—a forest walk in Descanso Bay Park and Cox Community Park, to be led by Tom Cameron and Rob Brockley, both of whom have licensed connecting trails across their properties in the area.
- June 16—a Fathers' Day walk through Elder Cedar Nature Reserve to the waterfall, to be led by Catherine Legg and Bob Weenk).

More guided walks in 707-acre Park are planned by Bob Weenk for later in the summer to try and demystify that extensive trail system. GaLTT will advertise all the walks on community notice boards and in the local papers, as well as emailing our members.

Getting younger people involved

As an extension of our display table at the market and other community events, Catherine's committee plans to mount a GaLTT Facebook page where events can be announced and photos of our activities around the island can be displayed. Streamkeepers have already engaged Ms Peacock's class at the elementary school in their activities, and GaLTT also hopes to involve older youth in our big tree registry, geocaching, and orienteering later in the summer.

GALTT AGM FEBRUARY 4

- John Peirce reported on our 2012 activities and the signing of several new trail licences as well as our work developing

covenants on private land. In particular he honoured Sally Robinson for placing a covenant on her forested property between Cooper and Thompson Roads. He noted that the covenant was ready to be signed with American Friends of Canadian Land Trusts—their first in BC. [The covenant was eventually signed on April 16 in Vancouver, Ed]

- Advising accountant Anne Drozd presented the Financial Report for 2012 noting increased membership and revenues from fund-raising activities as well as several in memoriam donations for Richard Welsh (GaLTT's previous accountant).
- Members approved a new by-law (requested by Environment Canada's Ecological Gifts Program) dealing with appropriate disposal of protected land in the unlikely event that GaLTT be dissolved.
- Melanie Mamoser reported on the activities of Gabriola's new Streamkeepers group, which operates as a sub-committee of GaLTT.

Our new board

Peirce thanked retiring board members Rufus Churcher, Kerry Marcus, Colin Masson, and Duane West for their service to GaLTT. He welcomed newly elected board members Madeleine Ani, Peter Barchyn, Rob Brockley, and Catherine A. Legg, and returning board member and ex-President Dyan Dunsmoor-Farley. Continuing and re-elected members were David Boehm, Tom Cameron, Jenni Gehlbach, Norman Harburn, Carol Hemrich, Anne Landry, Melanie Mamoser, John Peirce, Bob Weenk, and Randy Young.



Our AGM speaker —Ken Millard, Coordinator of The Galiano Conservancy

Ken Millard used a series of maps to show how this impressive Galiano

Island organization has grown since the early 1980s as land was accumulated in broadly dispersed conservancies and parks. He stressed the importance of achieving variety in the conserved areas, and of establishing trail connections and wildlife corridors between the tracts. He discussed their organization's restoration and conservation activities, fund-raising initiatives, networking with other conservation organizations, and their plans to build an urban youth Learning Centre on their most recently acquired 180-acre tract of land. All this on an island with only about 2000 residents! For volunteer-run GaLTT, it was very interesting to learn that the Galiano

Conservancy has six paid staff, two of whom are full-time. When we asked how they afforded that, Ken said that when staff members are hired, their first job is to fund-raise their own salaries!



GaLTT and the Camerons sign their McConvey Road trail licence. ~ Photo by Derek Kilbourn

TRAIL LICENCES

On April 26, GaLTT signed a trail licence agreement with Tom and Charlotte Cameron, officially allowing public access to a long-used neighbourhood forested trail through their property on McConvey Road. The Camerons' trail runs from near Cox Community Park's edge to James Way, connecting via a road allowance trail to Malaspina Drive.

GaLTT now has now signed eight trail licences with private landowners:

- With the Cornish family connecting Barrett Road to Rollo McClay Park: (signed October 18, 2011)
- With the Brockley family, connecting Bruce Lynn Drive with Cox Community Park: (signed February 5, 2012)
- With Jenny Marcus, across her Clarendon Road property connecting to the historic Surf Lodge neighbourhood trail (signed May 5, 2012)
- With the Wells family, connecting Thompson Road to the Sally Robinson Cooper to Islands View trail (signed August 11, 2012).
- With Uhlrike Porat, for a trail system connecting Petroglyph Road to the petroglyph site behind the United Church: (signed October 19, 2012)
- With Dean Gaudry, "Wilkinson Way" connecting South Road (near Dogwood Crescent) to 707-acre Park (signed October 23, 2012)
- With Sally Robinson, connecting Cooper Road to Islands View Drive (agreed several months earlier, but signed January 26, 2013)
- With the Cameron family, through their McConvey Road property, improving linkage between Cox Community Park and Malaspina Drive (signed April 26, 2013)