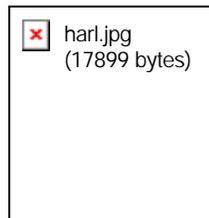

The Newsletter of The Land Conservancy of British Columbia

Winter 1997-98

LANDmark



Help Protect South Winchelsea:

A Rare and Endangered Island

"South Winchelsea contains an undisturbed example of the Garry oak ecosystem, and its protection is of utmost importance. In Canada this ecosystem occurs only on southeast Vancouver Island and on the Gulf Islands, and only a minute fraction of its area remains in such pristine condition." - Adolf Ceska, B.C. Conservation Data Centre

In July 1997 The Land Conservancy of British Columbia (TLC), Nanaimo and Area Land Trust (NALT), and the Islands Trust Fund negotiated an agreement to purchase South Winchelsea, a 10.4 hectare island on the east coast of Vancouver Island, north of Nanaimo, for \$595,000. The purchase, once complete, will protect an important part of the rapidly disappearing Garry oak ecosystem and the home of numerous rare and endangered species.

Fund raising efforts have, as of December 1, 1997, raised \$75,000 in cash and pledges toward the purchase. Your support is needed to help raise cash and pledges toward the purchase price, as well as an additional \$200,000 for closing costs, interest charges, restoration and ongoing monitoring by March 25, 1998.

South Winchelsea Island is one of 19 rare and special islands known as the Ballenas/Winchelsea Archipelago. Protection of this group of islands is of national and international importance since they contain an undisturbed example of Garry oak savannah. This community is categorized within Canada's four most endangered ecosystems.

Because of the pristine nature of the islands and because of their ecological and recreational value, the whole Archipelago deserves protection. The purchase of South Winchelsea is the first step toward that goal.

South Winchelsea, Part of a Vanishing Legacy

Forestry, grazing, agriculture, and more recently urban development, have contributed to the loss of significant amounts of Garry oak habitat. South Winchelsea and other islands in the Ballenas/Winchelsea Archipelago have not been grazed by deer and cattle and have, for the most part, been spared from the ravages of modern development. Moreover, they have not been overwhelmed by introduced plant and animal species. They thus form

a final refuge for many rare plants and animals.

South Winchelsea contains a high number of rare plant species, such as *Allium geyeri*, a red-listed (endangered) onion species. Blue-listed (vulnerable) species include: *Allium amplexans* (slimleaf onion), *Agrostis pallens* (a grass) and *Piperia maritima* (seaside rein-orchid). The presence of *Carex inops* (long-stoloned sedge), *Danthonia spicata* (poverty oat-grass), *Danthonia californica* (California oat-grass), the yellow-listed *Trifolium microcephalum* (small headed clover) and other plant species associated with Garry oak ecosystems such as great camas *Camassia leichtlinii* and the cactus *Opuntia fragilis*, all make South Winchelsea a botanically rich site.

Other islands within the Archipelago also contain numerous red-listed, blue-listed and very rare species. One species of note, the very rare water-plantain buttercup (*Ranunculus alismifolius* var. *alismifolius*) found on East Ballenas Island, was recently added to the national COSEWIC list of endangered species.

Wildlife Values

South Winchelsea and the other islands in the Archipelago are also vitally important for wildlife, both marine and terrestrial. The tall Douglas-firs on South Winchelsea contain several eagle nests and up to 75 eagles have been seen around the island at a time. In winter the rocky shores of Ada and South Winchelsea are used as a haul out site for Northern (Steller) and California Sealions. During March, huge numbers of birds stop to feed on herring while travelling to northern and interior breeding grounds. Sea birds that are common in the area include rare Marbled Murrelets, Pigeon Guillemots, Pacific Loons, Glaucous-winged Gulls, scaups, scoters, goldeneyes, Oldsquaws and mergansers.

The waters surrounding South Winchelsea are also a very good prospect for a future marine protected area to conserve a wide variety of marine life, in particular lingcod, a target species under the B.C. Marine Protected Areas Strategy.

Given the lack of disturbance, South Winchelsea could serve as an ecological benchmark for the larger southern Gulf Islands ecosystem, and in particular for monitoring the ecological integrity of the new national park and other protected areas, terrestrial and marine, in the southern strait of Georgia.

Recreational Values

While the natural values of South Winchelsea and the other islands are recognized as being very significant and sensitive to disturbance, some of the islands have the potential to support passive and less intensive forms of outdoor recreation. Canoes, kayaks and sail boats already visit the Archipelago regularly to see wildlife and to fish. Particular islands are also popular destinations. East Ballenas, for instance, offers a magnificent beach and back-shore camping opportunities while West Ballenas offers hiking with excellent view points from the island's summit. Since there are few other protected areas and marine parks on the coast near Nanaimo, these islands will thus provide important recreational and economic benefits for local communities.

The Ballenas/Winchelsea Archipelago is home to one of the most endangered ecosystems in Canada and provides an important gathering point for a number of declining resident and migratory species. If managed properly the islands could become an important destination for small boaters seeking a semi-wilderness experience, something relatively uncommon on the highly developed east coast of Vancouver Island. Acquisition of South Winchelsea is the first step toward protecting the entire Archipelago. Your help is urgently needed to help achieve this legacy.

Saving Cherished Places by Briony Penn

A question came up a few years back when I was drafting out my will. The regular bits were straight forward-original manuscripts of Wild Side to the Reform Party, my bicycle to the bank manager. Then, I raised a question with the lawyer about ensuring the continuing good health of the newts that live in the swamp by our house. He hadn't anticipated this question and was at a temporary loss for words-a unique phenomenon for a lawyer. I had to clarify my concerns. How, I asked, do I let future owners know where the other inhabitants live on this patch of earth that I have shared with them? There is nothing on the land title about their habitat and rights as co-tenants. Some fool, I declared, might come along and drain the swamp, raze the forest and mow the meadow. There seemed to be no way to protect nature.

Lawyers love challenging questions presented to them which require their considerable talents. (I knew we were on the same track when he muttered something about codicils...I think a rare species of fish). It became apparent that I had raised a question that the mainstream legal profession at the time were only just beginning to get their teeth into in B.C. We both went off and did our homework and three years later came back with the state of the art in voluntary conservation of private land for perpetuity. Today, a landowner has lots of options: there is now a swarm of land trusts to which you can donate land or interests in land; there are legal tools, such as conservation covenants that are legally binding and prevent future development that is at odds with newt development; and there are tax breaks for those who voluntarily give up rights in land to protect the natural values. We have come a long way in three years.

The most exciting legal tool is the conservation covenant-a voluntary, written agreement between a landowner and a conservation land trust in which both parties promise to protect the land in an agreed way. The covenant is filed on the land title, it lasts forever and binds future owners of the land to protect it. The owner has the duty of care and the trust checks every year that the owner is honouring the agreement. The government introduced the legislation in 1994 enabling landowners to grant covenants to non-government organizations. As a way to encourage stewardship on private land, covenants are desirable because they are voluntary, they don't cost the public anything, the landowner retains ownership and takes on the role of steward. For some landowners that are faced with rising property taxes and ominous capital gains tax for their family when they die, the covenants might provide the mechanism for taking value out of the land so that families aren't driven to sell and subdivide cherished places.

The federal income tax act was amended in 1996 so that tax receipts could be issued from non-profit organizations for a donation of a covenant or full title on ecologically important land. This is one idea in the political arena in which even the greens and the reformers can agree. The right like it because it is cheaper to have people like me to manage land for newts into the future than hiring civil servants.

The real value of conservation covenants is that they are one tool to address the problems facing the parts of B.C. that are under the most threat. The most ecologically important areas of B.C. are also the first areas that were put into private ownership-the valley bottoms, the Fraser delta, the grasslands on the coast and the interior. We have lots of parks of rocks and ice but virtually none of the areas where the greatest diversity of life exists have any protected status. We either protect our land voluntarily or it goes forever along with the Rough-skinned Newts, the phantom orchids, the Great Blue Herons, the Garry oak, the Long-eared Bats, the Edith's Checkerspot Butterfly, the Red Squirrel, the Alligator Lizard, the Burrowing Owl and the badger.

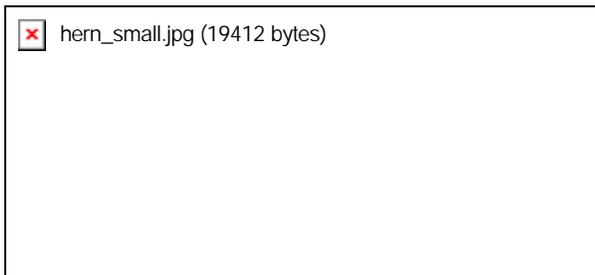
Around British Columbia, if you are a landowner with a swamp, a bog, a creek, a Garry oak meadow, a patch of old growth Douglas-fir, or even a patch of second growth fir, then you might consider registering a conservation covenant on this land with TLC. TLC offers advice on the ecological values of the land, drafting up covenants and other stewardship options, management concerns etc. The West Coast Environmental Law Research Foundation

spearheaded the legal reform for conservation covenants and produced a variety of educational booklets on how to draft and prepare these covenants, they also offer legal advice.

I went back to my lawyer this year (he told me he spotted a few codicils from his boat the other day) and told him I was ready to draw up a conservation covenant for this small corner of land. It is a very small fee as most of the groundwork in developing the wording of these covenants has now been done. "And besides," he said, "it makes a nice change to defend a newt."

McFadden Creek Heron Colony by Michelle Grant

If current support is anything to go by, the Great Blue Herons of the McFadden Creek colony on Salt Spring Island can count themselves lucky. With donations large and small pouring in, the Waterbird Watch Collective on Salt Spring is confident the \$235,000 needed to purchase the 118 nest colony will be achieved. Not a moment too soon, for in April 1997, B.C.'s non-migratory coastal Blue Heron was included in 15 new species considered at risk in Canada.



As the largest unprotected colony in B.C., McFadden Creek has received an outpouring of support from individuals, corporations and organizations. The current owner has also been supportive, working with conservation groups to achieve protection of the site.

On the other hand, Salt Spring Island's Official Community Plan (OCP) has not supported conservation efforts. On the contrary, Salt Spring's proposed OCP currently offers no protection for nesting sites. A smaller colony on Salt Spring is protected by a 20 metre buffer zone, a distance well below the 300 metres recommended in Heron Management Plans. Sadly, logging disturbances and road building adjacent to the property proved too much for the herons and they abandoned the site. Two other sites on Salt Spring have been lost through similar situations.

Does this have to happen? No! Bill 26: Local Government Statutes Amendment Act, 1997 gives local government the explicit authority to include in OCPs policies relating to the protection, preservation and restoration of the natural environment, its eco-systems and biological diversity. It also gives enhanced development permit powers to protect environmentally sensitive areas where these have been identified in the OCP.

On Salt Spring Island, efforts by local conservationists to have sensitive areas recognized and protected have fallen on deaf ears. Over 400 letters asking for a sensitive habitat protection bylaw languish on a shelf at our local government office.

Other island communities have more encouraging stories to tell. Bowen Island's community plan identifies and protects environmentally sensitive habitats on Bowen. Hornby Island in their May 1992 OCP, through a study conducted with the Nature Conservancy of Canada, recognizes marine features, significant plant communities and

significant habitat areas.

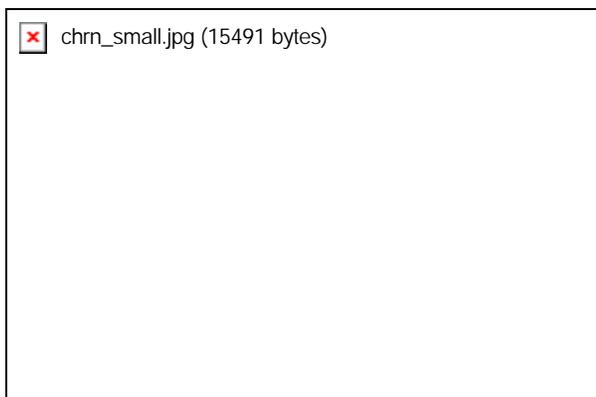
Concerned citizens on Salt Spring will not be giving up the fight. Protection for herons, eagles, ospreys and oystercatchers is needed. 40 nesting sites have been identified and made known to the local government. Protection is needed on a site by site basis. Purchasing every significant habitat is not an option, in many cases the only protection afforded will be the safeguards provided by our community plan.

Early in the campaign TLC pledged \$10,000 toward the acquisition of McFadden Creek. If you would like to make a contribution this year and/or a pledge for the coming years, please contact TLC.

British Columbia's Interior Grasslands

"This ocean is one of grass, and the shores are the crests of mountain ranges, and the dark pine forests of the sub-Arctic regions. The great ocean itself does not present more infinite variety than does this prairie-ocean of which we speak. In winter, a dazzling surface of the purest snow; in early summer, a vast expanse of grass and pale pink roses; in autumn too often a wild sea of raging fire. No ocean of water in the world can vie with its gorgeous sunsets; no solitude can equal the loneliness of night-shadowed prairie..." - William Butler, Irish adventurer. 1870

If you travel to the Fraser Interior Plateau and descend into the river valley, an ocean of grass washes up to meet you. From Williams Lake to Pavillion you find the brilliant expanse in stark contrast to the forest which encloses it - this is the Cariboo-Chilcotin grassland.



This area is but a fragment of one of Earth's most endangered ecosystems. World Wildlife Fund has estimated that less than 0.2% of this system is protected globally. For B.C. the Churn Creek Protected Area and the Junction Wildlife Management Area in the Cariboo-Chilcotin are two steps toward protecting more of this precious biome. However, Canada has not managed to protect 12% of the grasslands ecosystem, thus falling short of the commitment it made through the International Treaty on Biodiversity in 1992.

Today, less than 1% of grassland habitat is protected in British Columbia and it is believed to be the most endangered ecosystem in the province. More than half of B.C.'s grasslands have been taken for agriculture, industry, roads or housing. A majority of the productive grassland that remains is privately held and dedicated to livestock ranching.

With the degree of private ownership, the government has little potential for protection of valuable tracts short of direct purchase.

Thanks to the enactment of Bill 28 the Land Title Amendment Act in 1994 conservation tools have been extended for protecting private land. As a result landowners and designated conservation groups are now able to negotiate conservation covenants to protect the land (see Briony Penn's article above for more detail).

The Land Conservancy has recently become involved in a grasslands landowner contact project in conjunction with the Friends of Ecological Reserves. Bill Turner, Executive Director of TLC has offered to lend his expertise to help fulfill the Friend's vision of extending the protection status of grasslands in the Cariboo-Chilcotin region.

The Grasslands Landowner Contact project is geared towards establishing stewardship agreements with landowners to ensure the continuance of B.C.'s grasslands.

These grasslands are provincially significant as they form the northern distribution limit for many plant and animal species. This area supports a variety of important species including California Bighorn Sheep(b)*, Spotted Bat(b), Prairie Falcon(r)*, and Slim Larkspur (r). It is home to both the bluebunch wheatgrass-junegrass (r) and big sage-bluebunch wheatgrass plant communities (r). Valley bottoms which are almost entirely privately held for ranching, are used by more red-listed species than the rest of the grasslands in the area. The ability to work toward protecting private land in these areas is pivotal to ensuring the maintenance of habitat for these plants and animals.

Dialogue between landowners and interest groups has begun with the goal of establishing a lasting, cooperative relationship and extending conservation tools. Once the project has been well established in the Cariboo we hope to extend our efforts to interior grasslands in the East Kootenays. If you have any questions or comments, or want to know how you may lend a hand, don't hesitate to contact [Nichola Gerts](#) at 385-9246 (Victoria).

*(r) denotes red-listed, defined as extirpated, endangered or threatened. (b) denotes blue-listed species which are considered vulnerable in the province.

STEWARDSHIP OPTIONS The Ministry of Environment, Land and Parks has published a book called Stewardship Options for Private Landowners in B.C. It is written and illustrated by myself and my partner, Donald Gunn, who is somewhat worried about my fixation with newts. Unfortunately the book is out of print, but you may find a copy in your local library.

South Winchelsea Island Acquisition

In 1996 The Pacific Marine Heritage Legacy (PMHL), a joint Federal and Provincial funding program to protect endangered ecosystems within the southern Strait of Georgia, identified the Ballenas and Winchelsea islands as an area with significant natural and recreational values. The staff of PMHL produced a report calling for protection of the area in a partnership between PMHL, The Canadian Wildlife Service of Environment Canada, The Department of National Defense and The Nature Conservancy of Canada. PMHL is now considering the proposal. TLC, NALT and the Islands Trust Fund have encouraged the provincial and federal governments to take action.

TLC has monitored activities surrounding the potential sale of each of the four privately held islands within the Archipelago. During the spring of 1997 a number of European buyers began to show interest in South Winchelsea as the potential site for a residence. TLC feared that the property would soon sell and that the existing cabin would be replaced by a larger structure, further jeopardizing the ecological integrity of the site.

Fortunately, the owners of South Winchelsea were also interested in preserving the ecological integrity of the island. Thus, after some negotiations, the parties agreed upon a price of \$595,000, below the appraised value of \$606,000 and well below the asking price of \$650,000. TLC, NALT and the Islands Trust Fund do not have enough resources to purchase South Winchelsea outright. Therefore they have joined in a fund raising effort to purchase the Island.

The purchase of South Winchelsea is an option agreement that requires the partners to raise between \$159,500 and \$199,500 (depending on whether or not we must pay the GST costs) before March 25, 1998. The rest of the purchase price (\$445,000 plus interest) is due in semi-annual payments until 2002. Additionally the partners must raise an extra \$100,000 for ecological restoration and ongoing monitoring, bringing the total cost to about \$800,000.

A number of different groups are supporting the effort to acquire South Winchelsea, including; The Canadian Wildlife Service, The Nanaimo Regional District, The Society for the Preservation of Englishman River Estuary, Mid Island Wildlife Watch Society, The Garry oak Meadows Preservation Society, The Nanoose Rate Payers Association, B.C. Marine Trail Association, Rosewell - Bonell Land Trust, The Executive Committee of the Islands Trust, Denman Island Conservancy, Mount Arrowsmith Biosphere Foundation, Friends of Ecological Reserves, Quadra Island Conservancy Association, Salt Spring Island Conservancy and The Conservation Data Centre. During the first three months of the campaign the groups involved have raised over \$75,000 in cash and pledges.

While we are pleased that we have managed to raise over 10% of the total amount required, there is still a long way to go. Your support is absolutely vital to our success. For more information on this project and to learn how you can help, please contact Bill Turner in Victoria at (250) 361-7693 or at bturner@conservancy.bc.ca or Gavin Davidson in Vancouver at (604) 873-3877 or at gavind@sfu.ca

ADDITIONAL INFORMATION AVAILABLE HERE ON THIS WEB SITE:

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MEMORIAL GIFTS To remember a loved one, please suggest that friends and relatives send a donation to the Land Conservancy of B.C. Their support will help to create a lasting legacy by supporting the purchase of South Winchelsea and other endangered places.

TLC Volunteer Honour Role

Brent Baker Steve Bayly Linda Beare Gavin Davidson Christopher Elliott Nichola Gerts
 Burke Gillespie Susan Gillespie Michelle Grant Jonathan Grant Jim Kilby Jonah Mitchell
 Bob Ogilvie John Olafson John Paine Briony Penn Harriet Rueggeberg Graham Schuley
 Bill Turner Gerie Turner Isabella Turner

An invitation to volunteers

We need a volunteer coordinator, a computer records manager, fund raising support, people to help with mailouts and staffing displays, and people for our speakers bureau. If you have time or skills to offer, why not lend us a hand?

Bequests

Leave a lasting legacy for generations unborn. When you are making out your will, please consider a Conservancy Bequest of land or money. If you would like information on Bequests or if you would like to establish a conservation covenant on your land please contact Bill Turner, Executive Director, TLC, at 250-361-7693 or email at bturner@conservancy.bc.ca.

Conservation at home: Planting a Native Garden

Tastes in garden design in British Columbia for the last 100 years of colonial settlement have ranged from English country to Spanish. Except for the independent-minded gardener, British Columbians have not given the native garden a good try. The lawn, an idea brought over from England where wet summers are the norm, doesn't do much for our native species or our water supplies. So going native in your garden design can create a small oasis for the plants and animals that originally thrived there. Think of biodiversity beginning in your backyard. You get fresher air, help preserve water, and provide a chemical-free environment with an endless source of entertainment through watching native wildlife.

The Land Conservancy of British Columbia

TLC: Our Mission

The mission of TLC is to protect plants, animals and natural communities that represent diversity of life on Earth, by protecting the lands and waters they need to survive. TLC also protects areas of scientific, historical, cultural, scenic or compatible recreational value.

Our History

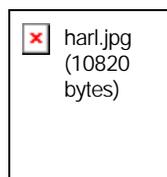
TLC was formed in spring of 1997 by a number of concerned British Columbians. Since then the organization has undertaken some important work and has achieved a number of successes. TLC has been requested to hold conservation covenants, to provide technical assistance to regionally based land trusts and to assess the ecological value of a number of important properties. In the last six months TLC has:

- Provided technical support to over 15 government and non-government organizations;
- Been an active member of the B.C. Grasslands Conservation Council;
- Agreed to register over 50 conservation covenants in the Highlands region north of Victoria to protect ecologically sensitive areas;

- Agreed to register several covenants in partnership with Salt Spring Island Conservancy and Quadra Island Conservancy;
 - Accepted several covenants near the resort Town of Whistler that will help to maintain important wildlife and recreational corridors;
 - Become a catalyst and lead agency along with The Islands Trust Fund, The Nanaimo and Area Land Trust and eight other organizations, to mount a fund raising campaign to protect The Ballenas and Winchelsea Island archipelago. Given that our organization is less than a year old and relies primarily on volunteer labour, we are very pleased with our progress. However in order to continue to establish other protected areas and to provide ongoing monitoring and ecological stewardship of these lands, we need your support. Please give generously.
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 - Don Benn Professional Biologist Secretary
 - Michael Kennedy Educator
 - Peter McAllister Rancher
 - Misty MacDuffee Environmental Consultant
 - Bob Peart Civil Servant
 - Karen Wristen Lawyer, Sierra Legal Defense Fund
-



The Harlequin Duck

The Harlequin Duck is the symbol of the Land Conservancy of British Columbia.

The Harlequin ranges throughout BC, from rocky coastal shores and islets to turbulent inland mountain creeks and calm lakes. A vulnerable species, the Harlequin population is endangered due to habitat loss and degradation. When challenged by boulders and swift spillways the Harlequin will clamber over them, tuck into eddies, dive deep and swim through the current. The plucky Harlequin is an inspiration for us to persevere in overcoming our obstacles.

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