



# Regional Board Report

**TO:** Regional Board

**FROM:** Murray Kopp,  
Director – Parks Services

**DATE:** February 11, 2021

**SUBJECT:** Black Mountain - sntsk'il'ntən Regional Park - Covenant

**Voting Entitlement:** *All Directors – Weighted Stakeholder Vote – Simple Majority – LGA 209*

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**Purpose:** To seek Regional Board approval to enter into a conservation covenant with the Central Okanagan Land Trust (COLT) covering 125.18 hectares of park land in Black Mountain - sntsk'il'ntən Regional Park.

## **Executive Summary:**

In 2017, the Regional District purchased two properties for inclusion at Black Mountain - sntsk'il'ntən Regional Park. The funding sources for the land acquisition was obtained from the 2016 regional parkland acquisition reserve and capital reserve funds, the Habitat Stewardship Program and a \$15,000 contribution commitment from COLT in exchange for a registered conservation covenant on title.

In 2020, the Regional District and COLT completed negotiations and preparation of the final draft of the conservation covenant for the lands identified as the N ½ of District Lot 4508, ODYD and the NW ¼ of Section 21, Township 27, ODYD. If approved by the Regional Board, the conservation covenant will be registered on the two property titles and in return COLT will provide \$15,000 towards the land acquisition.

## **RECOMMENDATION:**

**THAT** the Regional Board approve and authorize it's signing officers to enter into a conservation covenant with the Central Okanagan Land Trust covering 309.31 acres (125.18 hectares) of Black Mountain - sntsk'il'ntən Regional Park identified as the N ½ of District Lot 4508, ODYD and the NW ¼ of Section 21, Township 27, ODYD.

Respectfully Submitted:

A handwritten signature in black ink, appearing to read "Murray Kopp".

Murray Kopp, Director – Parks Services

*Prepared by:* Sandy Mah, Parks Planner

Approved for Board's Consideration

A handwritten signature in black ink, appearing to read "Brian Reardon".

Brian Reardon, CAO

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**Implications of Recommendation:**

- Strategic Plan:** The proposed conservation covenant with our COLT partner meets the boards strategic values of relationships, collaboration, transparency, and resiliency and is directly in alignment with the Environment strategic priority.
- General:** Regional Board support for the conservation covenant with COLT will strengthen our long-standing partnership with COLT in regional parks and provide financial support for initiatives and projects at Black Mountain - sntsk'il'ntən Regional Park.
- Organizational:** The conservation covenant will have minimal impact on planning and operational resources, additional consultation on larger projects within the park will be required and is consistent with the planning steps required for large capital or planning projects.
- Financial:** The Central Okanagan Land Trust will donate \$15,000 to the Regional District in exchange for registering a conservation covenant over the park properties identified as the N ½ of District Lot 4508, ODYD and the NW ¼ of Section 21, Township 27, ODYD. The \$15,000 contribution will be placed into the regional parks capital reserve fund.
- Policy:** The partnership with COLT on the conservation covenant is consistent with the Black Mountain - sntsk'il'ntən Regional Park Management Plan objectives and the Regional Parks and Greenways Plan for the Central Okanagan (2008 – 2020).
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**Background:**

In 2014, the Regional District had acquired a total of 1,265 acres (512 hectares) of private lands and a Crown land License of Occupation surrounding Black Mountain to form a new regional park, known as Black Mountain - sntsk'il'ntən Regional Park.

In 2016, as part of the Regional Parks Legacy Program, a Ten-Year Land Acquisition Strategy, the Regional District was presented with an opportunity to acquire 313.14 acres (126.73 hectares) of private lands from Longhorn Farms Ltd., located to the north and east of Black Mountain - sntsk'il'ntən Regional Park. The two properties identified for purchase from Longhorn Farms Ltd. included the N ½ of District Lot 4508, ODYD and the NW ¼ of Section 21, Township 27, ODYD.

The land acquisition was financed through a combination of funds coming from the 2016 regional parkland acquisition reserve fund, capital facility reserve fund and a Government of Canada Habitat Stewardship Program (HSP) grant valued at \$200,000. In addition, COLT had also expressed interest in assisting with the land purchase and had committed to contributing \$15,000 towards the purchase, and in return was seeking a conservation covenant to be registered over these properties.

In 2017, the Regional District completed the acquisition of the lands from Longhorn Farms for a final purchase price of \$2,350,000 as part of Black Mountain - sntsk'il'ntən Regional Park. Within the report to the Board to seek authorization to complete the acquisition, it was noted that COLT would be contributing \$15,000 towards the acquisition costs in exchange for a conservation covenant in favour of COLT. At that time the covenant or details about the covenant had not been finalized or been worked through and both parties agreed to work on the covenant as time and priorities became available.

Since 2019, parks staff and COLT have been working on a draft covenant that would meet the needs for both parties. For COLT, the covenant would allow them to be able to access funding to assist in projects to protect our natural areas and demonstrate to the broader community their ability in playing a part in protecting our environment. For the Regional District the covenant should provide the ability to work with COLT to access funds not available to local government. Both parties agree that the covenant should benefit both parties and not be so restrictive that the operations and small projects within the park cannot be performed without additional oversight. The additional oversight would occur when a park management plan is being completed or an update to it, or when a large capital project is being planned. In both scenarios it is common practice for parks staff to engage our partners in these discussions.

As a result of the time and energy provided by both parties, the final draft conservation covenant agreement meets the concepts and philosophy's that formed the basis of purpose for the covenant. For both parties, their respective solicitors have reviewed the content of the agreement and are in agreement that the arrangement will be beneficial to both parties while allowing the parks to complete its day to day operations and small project work without additional oversight.

A summary table of the benefits and constraints associated with entering into the conservation covenant with COLT is provided below.

<b>Benefits</b>	
Partnership	Strengthens and supports the long standing, successful partnership between the Regional District and COLT in regional parks. Examples include Robert Lake, Mission Creek Greenway and Johns Family Nature Conservancy Regional Parks and the Mission Creek Restoration Initiative.
Funding Opportunities	COLT can access and secure additional sources of funding through grant programs where the Regional District would not be eligible. An example of this is the Munson Pond and Mission Creek dike setback projects between COLT and the City of Kelowna, COLT was able to secure \$112,500 in funding towards the development of Munson Pond and \$400,000 for the dike setback on Mission Creek, in both cases the City wasn't eligible.
Funding Opportunities	COLT can assist with fundraising and establishment of an endowment fund for projects and initiatives at Black Mountain - sntsk'il'ntən Regional Park. An example being Munson Pond, a partnership between COLT and City of Kelowna and a newly created Munson Pond Endowment Fund by COLT, which will help with projects to enhance and protect the pond ecosystem and wildlife.
Public Engagement	COLT can assist in public engagement and education through their activities as a community liaison to promote the protection of natural areas, ecological restoration and to strengthen regional biodiversity in the Okanagan, and is a champion supporting Regional Parks.

Ecological Restoration	COLT can assist the Regional District in ecological restoration projects and provide annual monitoring of the conservation covenant lands. In addition, COLT is another resource that has been successful in securing volunteer assistance towards ecological restoration such as weed pulls and planting opportunities.
Park Presence	COLT can assist the Regional District by being an additional presence in the park and can notify the Regional District about any issues or concerns occurring on the park properties. Their connection to the land through the covenant increases their awareness and interest in protecting the land as a regional park.

Constraints	
Land Title	The conservation covenant will be registered on the title of both park properties. This will be an encumbrance that runs with the lands in perpetuity.
Consultation	A minor increase in staff resource time will be required to meet the terms of the covenant, which in general is related to management plan updates and larger capital development projects or planning related projects.
Park Operational and Development Impacts	The conservation covenant will have minor impacts on park operations and capital development by restricting or limiting the type of development, activities and uses on the lands in order to protect and conserve the ecosystem and wildlife values, which correlates directly to the park management plan and identified park management zones in the park which guide where park development is to occur.

In conclusion, staff believe the benefits to the Regional District and the greater community through entering into a conservation covenant with COLT, outweigh any potential replicated oversight on the lands within Black Mountain - sntsk'il'ntən Regional Park. The strengthened partnership with COLT at Black Mountain - sntsk'il'ntən Regional Park will provide numerous opportunities and benefits for the future development and sustainable management of Black Mountain - sntsk'il'ntən Regional Park. In particular, the greatest benefits will be the continued growth in support of the Regional District's partnership with COLT and the opportunity to access grant funding that the Regional District would not otherwise be able to access. In addition, the covenant has been drafted in a manner that meets the needs of COLT to operate their societal interests and for the Regional District to operate the park as a Regional Park on behalf of our residents.

**Financial Considerations:**

As part of the arrangement between the Regional District and the Central Okanagan Land Trust, the \$15,000 contribution will be placed into a capital reserve fund for future use.

**Alternative Recommendation:**

**THAT** the Regional Board **not** approve and authorize it's signing officers to enter into a conservation covenant with the Central Okanagan Land Trust covering 309.1 acres/ 125.18 hectares of Black Mountain - sntsk'il'ntən Regional Park identified as the N ½ of District Lot 4508, ODYD and the NW ¼ of Section 21, Township 27, ODYD.

***Considerations not applicable to this report:***

- *Legal/Statutory Authority*
- *External Implications*

**Attachment(s):**

- Location Map – Black Mountain - sntsk'il'ntən Regional Park
- Conservation Covenant Area Map – Black Mountain - sntsk'il'ntən Regional Park
- Draft Conservation Covenant for Black Mountain - sntsk'il'ntən Regional Park