



Regional Board Report

TO: Regional Board

FROM: Murray Kopp
Director – Parks Services

DATE: February 26, 2021

SUBJECT: Black Mountain-sntsk'il'ntən Regional Park Covenant WFN Consultation Update

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

Purpose: The purpose of this board report is to update the Regional Board on their request for additional consultation with Westbank First Nation and to seek approval to enter into a covenant agreement with the Central Okanagan Land Trust.

Executive Summary:

At the Regional Board meeting held on February 11, 2021 staff presented a report seeking board approval to enter into a covenant agreement with the Central Okanagan Land Trust over a portion of the 2017 acquired lands at Black Mountain-sntsk'il'ntən Regional Park in exchange for \$15k of contributed funds to support further regional park land acquisition .

At the meeting, the Regional Board, by resolution, requested additional consultation with Westbank First Nation (WFN) regarding the covenant, to ensure that their interests in the co-management agreement were not being impacted.

As directed, RDCO staff reached out and contacted Raf DeGuevara, WFN Director, Intergovernmental Affairs/Title and Rights who provided comments and direction to proceed.

RECOMMENDATIONS:

THAT the postponed motion (resolution #30/21) be brought to the table for reconsideration following consultation with Westbank First Nation.

Resolution #30/21 – Bartyik/Sieben

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

Approved for Board's Consideration

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

Brian Reardon, CAO

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).

Background:

The Regional Board at the February 11, 2021 Regional Board Meeting, adopted the following resolution regarding the Central Okanagan Land Trust Covenant at Black Mountain-sntsk'il'ntən Regional Park:

#30/21 BARTYIK/SIEBEN

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.

#31/21 JOHNSTON/WOOLDRIDGE

THAT the main motion be postponed until consultation is completed with Westbank First Nation Council for comment on the covenant.

As a result, RDCO staff reached out to Westbank First Nation seeking direction and a subsequent response, RDCO Parks staff provided the following options for receiving a response from WFN:

"I would appreciate if you could consider this information and provide a response with your advice as to the best course of action to follow regarding engaging with the WFN Council:

1. *Would WFN Chief and Council consideration of this proposed conservation covenant through a staff report be required?*
or
2. *Would your confirmation of support for registration of the conservation covenant be sufficient and then WFN Chief & Council will be informed of the proposed*

conservation covenant registration through your regular staff – WFN Chief Council briefings.” (excerpt from a Feb 23, 2021 12:37 p.m. Email from Murray Kopp to Raf DeGuevera)

RDCO staff subsequently received the following response from Raf DeGuevara, WFN Director, Intergovernmental Affairs/Title and Rights:

*“Thank you for the email and the update on the recent discussion. I would take your option #2 and this email can be the support of the Westbank First Nation (WFN) Council for the registration of the conservation covenant. The respectfulness and will and is very much appreciated with respect to the inclusion of WFN in a covenant clause. It is always a challenge to support initiatives that take away use and enjoyment of rights for our WFN members through an agreement, and this clearly is not that. I will update our Council at the upcoming duly convened Council meeting. Thanks again for the update Murray and we look forward to catching up with you for lunch to touch base on other projects. Take care and let me know once your motion is officially passed.
way' limlɛmpt”* (excerpt from a Feb 23, 2021 12:55 p.m. Email from Raf DeGuevara to Murray Kopp)

Also noted by RDCO Parks during the Feb 11th, 2021 meeting the proposed covenant includes guidance related to indigenous access and traditional use for WFN within the covenant area, identified as item #5, which states:

“5) COLT acknowledges and agrees the Westbank First Nation may have access to the Lands and its resources to exercise their Aboriginal Rights and Title for members' access and traditional use.”

As a result of the above noted consultation with Westbank First Nation, staff are requesting the Regional Board provide consideration to approving and authorizing staff to execute and complete a covenant agreement with the Central Okanagan Land Trust for those lands identified at Black Mountain-sntsk'il'ntən Regional Park.

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):

- Board Report of February 11, 2021
 - 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