



The Corporation of the City of Courtenay

# Staff Report

**To:** Council

**File No.:** 6140-20

**From:** Director of Recreation, Culture and Community Services

**Date:** February 28, 2024

**Subject:** Comox Valley Nature - Garry Oaks Restoration and Stewardship Pilot Project

## PURPOSE:

The purpose of this report is to:

1. Update Council on the Comox Valley Nature (CVN) Vanier Nature Park Garry Oaks restoration and stewardship pilot project request;
2. Seek Council's approval of the funding of the tree risk abatement work for 2024; and
3. Subject to a qualified third-party environmental review of the CVN proposal, approve a five-year grant agreement with CVN.

## BACKGROUND:

At the October 2023 council meeting, Comox Valley Nature appeared as a delegation requesting Council support their Vanier Park Garry Oaks Restoration Pilot Project ("pilot project"). The following is a summary of their request:

- Funds for removal of identified hazard trees specifically within the Garry oak grove so CVN can carry out remediation, invasive species removal, and stewardship work
- Permission for CVN to begin the removal of invasive plants
- Collection and disposal of invasive materials
- Funds for reduction of conifers
- Collaboration on outreach to public

CVN is requesting Council support a five-year pilot project that will implement the Garry oak restoration strategies outlined in the Comox Valley Nature Vanier Forest Garry Oaks Restoration and Stewardship Pilot Project Presentation Notes, October 11, 2023 (Attachment 1) and the Vanier Nature Park Invasive Species Survey and Garry Oak Mapping Report, 2023 (Attachment 2).

Council directed staff to report back through the following resolution at the November 8, 2023 Council meeting:

*THAT based on the delegation by Comox Valley Nature in regards to Vanier Nature Park and the Garry Oak grove located in the park, Council direct staff to report back to Council on options for working with Comox Valley Nature and other partners to support the restoration of the Garry Oak grove in Vanier Nature Park.*

The CVN have provided a clear plan and rationale for this initiative, including engaging with multiple partners, and providing volunteer activity to advance this work over the years. If Council approves the pilot project, CVN is well positioned to seek funding to match their ask of the City (50% of the invasive removal work). Over the past few years, CVN has engaged with K'ómoks First Nation staff and Councillors, as well as Guardian Watchmen, as well as other community groups in preparing their proposed pilot project including Tsolum

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River Restoration Society, and several local biologists who are familiar with the ecological values of this park. They have also provided a number of letters of support from other community interest and environmental stewardship groups. Staff and CVN will continue to engage with K'ómoks First Nation and the Guardian Watchmen, as well as other community interest groups as the pilot project progresses.

**DISCUSSION:**

Vanier Nature Park (formerly named Vanier Oaks) was donated by School District 71 to the City in 2014 and dedicated as a park through the adoption of Bylaw No. 2797. Vanier Nature Park is classified by the Parks and Recreation Master Plan (PRMP) as a nature park. The Parks and Recreation Master Plan, 2019 also identifies the following regarding Vanier Park:

- Challenges: contains invasive species such as ivy and blackberry.
- Consideration for planning: consider enhancement and protection of the Garry Oak forest.
- Prepare a park management plan informed by interest holders.

The PRMP Implementation Strategy, 2022 identified the development of Vanier Nature Park management plan as a short-term (1-3 year) recommendation. Staff have scheduled this planning work for Vanier Park in 2024. Strategies for vegetation management and invasive species control would be included in the process as identified in section 3.2.3 of the PRMP. As such, the pilot project could be considered complementary to a park management plan. Although the park management plan is schedule to be developed in 2024, after consulting with CVN and city operational staff, there are time sensitive matters to consider that require this project to be advanced more urgently.

According to CVN's research the Garry oak grove is estimated to have experienced a rate of loss of 15 to 20 percent from 2014 to 2021. "Data from Current Environmental shows that a 2013 census counted 130 oaks (which was 20% of the oak population in the Tsolum River Valley). By 2023 the census indicated we had only 77 oaks, which is a 40% reduction in 10 years."<sup>1</sup> CVN has illustrated the loss in Attachment 3: Garry Oak Tree Loss from 2013 vs 2023.

Before the pilot project remediation and invasive species removal work can proceed, tree risk abatement must occur to ensure a safe working environment for CVN and volunteers. This work must be carried out before March 15th, to mitigate the risk of disturbing the nests of migratory birds. In addition, staff will require that CVN conduct a nest survey of the work area in advance of the work to further confirm that there are no active nesting activities before the tree risk abatement work commences. If the work does not proceed before March 15th of this year, the tree risk abatement work will need to be postponed until the fall, delaying the restoration work another year. As required by operations staff, CVN has obtained a Tree Risk Assessment report, prepared by a Qualified Tree Risk Assessor Certified Arborist, for the Garry oak grove which informed the scope of work for the tree risk mitigation. This tree risk assessment is specifically for the purpose of enabling CVN to carry out the pilot project. It does not address any tree risks in other areas of the park outside the proposed Garry oak grove. Tree risk assessments for this park are not carried out at this time in line with operational procedures for nature parks in Courtenay.

In past years through discussions with K'ómoks First Nation staff, it was identified that K'ómoks First Nation may have interest in carrying out midden work following the removal of invasive species and before the large tree pruning begins. Moreover, K'ómoks First Nation staff indicated that there may also be an interest in having Vanier Park and or the Garry oak grove recognized for its cultural significance to K'ómoks First Nation

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<sup>1</sup> CVN e-mail correspondence dated February 15, 2024.

through some form of Indigenous cultural or historical designation. Staff and CVN will continue to engage in discussion with K'ómoks First Nation regarding the Garry oak grove and CVN will involve K'ómoks First Nation Guardian Watchmen as necessary in the pilot project to ensure the Cultural Heritage Policy is adhered to.

Considering the sensitive nesting windows and proposed strategies to mitigate further losses of the Garry oak grove, staff are proposing the following steps for the City to support the pilot project:

1. Allow CVN to proceed with the tree risk abatement work that must be carried between March 1<sup>st</sup> to March 15<sup>th</sup>, 2024, subject to an advance nest survey.
2. Direct staff to enter into a memorandum of understanding for this work to address risk management requirements and clarify roles and responsibilities until a formal agreement is entered into. This will also enable CVN to start applying for grants to provide matching funds for the remediation works.
3. Staff to engage a qualified environmental consultant to develop Vanier Park Management Plan and include the review of the proposed CVN invasive species and Garry oaks restoration management plan. The review of the Garry oaks restoration plan by a qualified consultant will be a priority so that the CVN Garry oak restoration pilot project can proceed without further delay. If approved by the qualified environmental consultant, CVN's environmental management strategies will be included in the final park management plan. CVN has indicated they've already received this confirmation from a local qualified environmental consultant.
4. Once a qualified environmental consultant confirms the proposed pilot project aligns as an acceptable environmental protection strategy, a five-year service and funding agreement for the proposed Garry oak restoration and stewardship pilot project will be entered into by the CVN and the City with the following financial support identified:
  - Year 1: up to \$5,800 to cover the cost of identifying and removing the tree risks within the Garry oak area of remediation.
  - Year 1 to Year 5: up to \$4,000 each year to fund remediation work, representing up to 50% of the required annual cost with CVN providing matching funds.
  - The agreement will outline grant deliverables, reporting requirements, annual grant funding levels, pilot program objectives and performance indicators, risk management, City's in-kind support, and K'ómoks First Nation and community engagement requirements.
5. Each year, CVN will provide an annual report to the City to summarize the outcomes of the pilot project to date as set out in the five-year agreement.
6. After year five, subject to a final review of the outcome of the pilot project, staff will provide Council with recommendations regarding a potential long-term stewardship service agreement with CVN to ensure the Garry Oak ecosystem is preserved through on-going invasive and stewardship management.

**POLICY ANALYSIS:**

Several of the City's strategic and policy documents align with CVN's pilot project request:

***Urban Forest Strategy, 2019 Action Framework***

- On public lands, formalize urban forest asset management and protection in City corporate policies and systems
- Set neighbourhood tree canopy and character goals in consultation with the community to refine expectations and specificity regarding protection, character and function of the urban forest
- Regularly update urban forest data and key planning and policy documents to respond to changes in land use and technology

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- Actively pursue funds and respond to partnership requests to support the UFS
- Continue to regularly collect information to populate the city tree asset management system
- Use information from the asset management system to inform resourcing requirements, including human resources, for the desired level of service
- Establish forums for interdepartmental, inter-jurisdictional and interagency communication to continuously improve tree management protocols and clarify tree management expectations across public and private lands
- Work together with K'ómoks First Nation and community groups to steward the City's urban forest
- Develop a Communications Strategy to effectively share the story of the urban forest and engage the community in managing public and private trees

**OCP, 2022***Natural Environment Chapter*

## Objective 1

Remaining sensitive ecosystems are protected; lost or degraded sensitive ecosystems are restored.

## Policies

- NE 1 Preserve sensitive ecosystems areas and the connection between them in natural condition to the maximum extent possible.
- NE 4 Collaborate with land owners, other levels of government, non-governmental organizations, and neighbouring jurisdictions in developing regionally consistent approaches to inventorying, mapping, conserving, and restoring environmentally sensitive areas, watershed health and species at risk, using the principles of precaution, connectivity, and restoration.
- NE 5 Consider entering into joint ownership and/or management agreements of protected land with non-government organizations or other government jurisdictions where required.
- NE 8 Work in partnership to minimize the further introduction and spread of invasive species, and to develop an invasive species management plan to prevent, eradicate, contain, and control the spread of invasive species within Courtenay and the wider region.

## Objective 4

The urban forest is healthy and growing towards a 34 – 40% canopy cover target.

- NE 23 Continue to integrate City trees, forests, and green infrastructure into asset management planning, including budgeting, policy development, and staff resourcing.

## Objective 6

Information and opportunities are in place for the wider community to play an active role in the protection, restoration, and stewardship of the natural environment.

- NE 36 Partner with senior levels of government, regional jurisdictions, conservation professionals and organizations to maintain publicly accessible mapping and associated information of ecological systems of the area.
- NE 38 Work in partnership on the development and delivery of robust public education campaigns to promote a local culture of nature and watershed conservation, restoration, and stewardship.

Opportunities on private land should include, but not be limited to, invasive species management, tree planting and care, pesticides, native, bio-diverse, and watershed-sensitive landscaping

### *Parks and Recreation Chapter*

PR 23: When designing and programming parks and recreational facilities ensure the following perspectives and factors are considered and included:

- a. Indigenous perspectives and worldviews, including K'ómoks First Nation traditional use and practices, in the provision of recreational programming and in the formation of park types, layouts, features, and purposes; and
- b. Unique and culturally significant spaces highlighted in parks and provide spaces and amenities to celebrate a diversity of heritage, art and culture of our community.

PR 24: Where appropriate, use existing and new parks, greenways, and recreational facilities as climate friendly leadership, education and demonstration opportunities that can be studied, evaluated, and marketed to foster support from the public, development community, and City for broader application. Specifically consider:

- d. Planting of local and climate-adapted species, and the restoration of local habitats in park spaces;
- e. Urban forest management and good arboriculture practices;
- f. Education about local ecosystems, their services and sensitivities, and our relationships and responsibilities to the natural world;

PR 25: Protect sensitive ecosystems and ecological functions within City parks by:

- a. Creating designated protection areas;
- b. Limiting access points;
- c. Installing interpretive signage for increasing public awareness; and
- d. Developing guidelines to determine compatible and incompatible recreational land uses in Environmentally Sensitive Areas.

PR 27: Seek out partnerships to achieve the goals and objectives of the Parks and Recreation Master Plan including, but not limited to working with:

- e. Neighbouring jurisdictions and other government agencies and community groups, to coordinate recreation and park services and to consider alternative service delivery methods including maintenance agreements;

### ***Parks and Recreation Master Plan, 2019***

3.2.3 Prepare Park Management Plans for natural areas using the process below:

- Inform the relevant City residents of the process and consult with and involve those interested in each park; for major Natural Areas, inform the City; for other Natural Areas, inform interest holders.
- Work with Comox Valley Land Trust on parks where they have interests.
- Conduct an inventory of natural resources
- Prepare strategies for vegetation management, including weed/invasive species control and potential native planting.
- Plan for natural corridors within and between parks to provide connectivity for wildlife where possible

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- Identify trail systems and supporting infrastructure to provide varied and interesting experiences to visitors while protecting environmentally sensitive areas and features
- Consider other amenities the park could support without negative environmental impacts
- Protect and enhance fisheries values in riparian areas
- Establish interpretive programs, including signs, online resources, and activities where applicable

3.2.7 Work on improving natural areas and green spaces in collaboration with partners as opportunities arise as per park management plan.

The Park and Recreation Master Plan Implementation Strategy was adopted by Council in 2023. This document provides a phased delivery of the PRMP recommendations in the short, medium, and long term. The preparation of a park management plan for Vanier Park has been identified as a park planning project in the 2024 work plan.

**FINANCIAL IMPLICATIONS:**

Comox Valley Nature has requested the following to support the pilot project:

- \$5,800 towards tree risk abatement in 2024
- Up to \$4,000 annually from 2024 to 2028 inclusive to support Garry oak remediation work, with CVN matching these funds

It is recommended that pilot project be funded by gaming funds allocated to Council Initiatives. Historically this budget line has \$75,000 of which spending can vary from year to year. For 2024 there has been no proposed change to the \$75,000 budget.

The table below outlines past spending 2023 and approved spending for 2024 to date.

| <b>Gaming</b>            | <b>Budget</b> | <b>Actual</b> |
|--------------------------|---------------|---------------|
| Council Initiatives 2023 | \$75,000      | \$29,335      |
| Council Initiatives 2024 | \$75,000      | \$7,500       |

The future Vanier park management plan will establish the service levels required for the operational management of the park. These service levels will be used to establish the annual operational budget required to sustainably maintain the park as outlined in the park management plan.

**ADMINISTRATIVE IMPLICATIONS:**

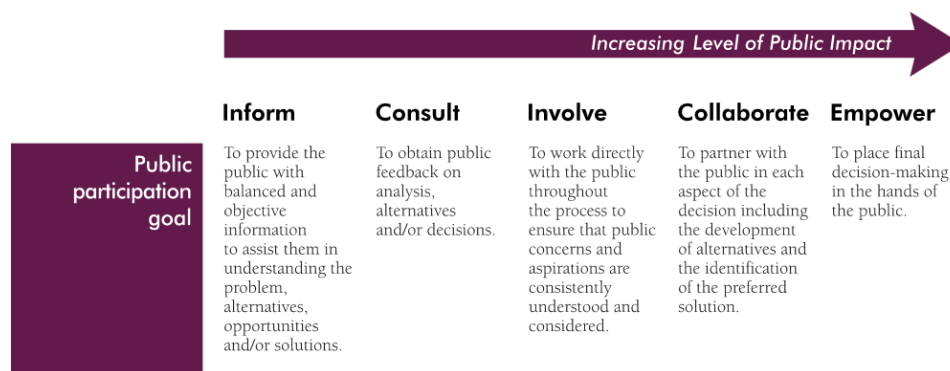
The development and administration of the memorandum of understanding and subsequent agreements will be led by the Department of Recreation, Culture and Community Services (RCCS) in collaboration with other relevant internal departments.

**STRATEGIC PRIORITIES REFERENCE:**

N/A

**PUBLIC ENGAGEMENT:**

Staff will inform the public based on the IAP2 Spectrum of Public Participation:



© International Association for Public Participation

**OPTIONS:**

1. THAT Council direct staff to enter into a Memorandum of Understanding (MOU) with Comox Valley Nature outlining the terms and conditions of the City’s support of the Garry Oaks Restoration Pilot Project; and,  
 THAT subject to the execution of an MOU, Comox Valley Nature receive a grant of up to \$5,800 for the tree risk abatement required for this pilot project in 2024; and,  
 THAT Council delegate authority to the Director of Recreation, Culture and Community Services to determine the terms and conditions for a five year grant and service agreement for the Garry Oak remediation and stewardship pilot project , subject to the review of the CVN’s invasive removal and Garry oaks remediation management plan and and confirmation that the proposed CVN project align with a park management plan by a qualified environmental consultant; and  
 THAT the Director of Recreation Culture, and Community Services be authorized to execute the agreement(s) on behalf of the City funded from Gaming.
2. THAT Council provide alternative direction to staff.

**ATTACHMENTS:**

1. Comox Valley Nature Vanier Forest Garry Oaks Restoration and Stewardship Pilot Project Presentation Notes, October 11, 2023
2. Vanier Nature Park Invasive Species Survey and Garry Oak Mapping Report, 2023
3. CVN Illustration of Garry Oak Tree Loss From 2013 vs 2023

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