

DATE: November 2, 2021

FILE: 7130-01

TO: Chair and Directors
Electoral Areas Services Committee

Supported by Russell Dyson
Chief Administrative Officer

FROM: Russell Dyson
Chief Administrative Officer

R. Dyson

RE: Macaulay Road - MRANA Emergency Routes/Road Safety

Purpose

To present the Electoral Areas Services Committee (EASC) options that could be considered in supporting the Macaulay Road and Area Neighbourhood Association (MRANA) to address road safety and secondary route options.

Recommendations from the Chief Administrative Officer:

THAT staff work with the Ministry of Transportation and Infrastructure (MOTI) to develop the terms of reference and costs to complete a report to identify future alternative public access for Macaulay Road for consideration in the 2022-2026 budget planning process.

Executive Summary

MRANA expressed they were looking for support on how to move their concerns and requests forward relating to road safety, emergency egress and secondary routes for Macaulay Road. The Comox Valley Emergency Program (CVEP) could pursue the following option to support MRANA with board direction:

- Develop a study on access/egress routes in collaboration with MOTI and MRANA to;
 - Define a permanent secondary route/road out of the community and identify road user safety concerns with the existing road.
 - Inform future decision making by MOTI to secure, develop and maintain a road(s)
 - Finalize financing the study upon adoption of the CVRD 2022-2026 financial plan

Prepared by:

Concurrence:

H. Siemens

D. DeMarzo

Howie Siemens
Manager of Emergency
Programs

Doug DeMarzo
General Manager of
Community Services

Government Partners and Stakeholder Distribution (Upon Agenda Publication)

Macaulay Road Neighbourhood Association	✓
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Background/Current Situation

In July MRANA reached out to the CVRD with a response from the MOTI outlining support for long-term transportation planning and indicating the ministry currently has no plans to construct a new road access in the area. Following this CVRD correspondence with MRANA clearly indicated barriers to achieve the road access objectives as noted in Appendix A.

At the September 20, 2021, EASC meeting, MRANA provided a presentation introducing their new neighbourhood association and shared their safety concerns focused on emergency routes and road use. The following recommendation was adopted by EASC:

THAT staff prepare a report for the Electoral Areas Services Committee regarding options to support the Macaulay Road and Area Neighbourhood Association to identify emergency access and egress routes along the Macaulay Road corridor.

At the request of MRANA, a meeting with the Electoral Area C Director was held on October 26, 2021, with CVRD staff from Community Services and CAO attending. MRANA expressed they were looking for support on how to move their concerns and requests forward and staff advised of a forthcoming staff report to further explore the issue.

It should be noted a number of historic easements, purchases and other items have been brought forward over the years by staff with no success. The route planning exercise in collaboration with MOTI will formally identify the opportunities with recommendations on how to proceed.

Of significant importance to the Macaulay Road area, the CVRD already has evacuation guidelines in place for the Macaulay/Oyster River areas in the event of an emergency. As such it will need to be considered that prioritizing this study to support MRANA will limit staff availability to implement the Neighbourhood Emergency Preparedness Program to its fullest capacity and may impact other work plan items such as Emergency Operation Centre training and preparedness.

Options

- 1) Work with the Ministry of Transportation and Infrastructure (MOTI) to develop the terms of reference and costs to complete a report to identify future alternative public access for Macaulay Road for consideration in the 2022-2026 budget planning process.
- 2) Undertake a study to identify a dedicated emergency access route to be secured, developed and maintained by the CVRD, including a definition of a service, the costs associated and the parameters for establishment include the required public process and possible land purchase options.
- 3) Status quo whereby the emergency program and fire departments preplan and prepare for the use of various routes on public and private land for emergencies. Furthermore CVRD Parks continue their work to establish trail access which could be considered for further enhancement to provide emergency egress once connections are made

Staff can support option 1.

Financial Factors

If the option to perform a study to determine an appropriate permanent route is directed, funding would need to be allocated as part of the CVRD’s annual financial planning process. It is anticipated up conversations scheduled with MOTI would define the terms of reference in additions n final production and communication of the plan. This would be presented as part of the 2022-2026 budget process.

At this time neither the CVRD nor its CVEP service has the financial means or authority to construct and/or maintain egress routes and/or rights of way without the development of dedicated service.

Legal Factors

Only relevant in the matter that any recommended actions involving private property would require agreements.

Regional Growth Strategy Implications

- Transportation: Develop accessible, efficient, affordable and connected multi-modal transportation network;
- Public health and safety: Support a high quality of life through the protection and enhancement of community health, safety and well-being.

Intergovernmental Factors

In the CVRD, maintenance and establishment of roads come under the responsibility of MOTI. MOTI has been contacted to participate in the dialogue and is open to further conversations.

Interdepartmental Involvement

CVEP and the Parks Department have been collaborating on evacuation routes in other electoral areas prior to MRANA's request for support. These departments will continue working in collaboration.

Citizen/Public Relations

The CVRD and the CVEP understand the importance of community safety and identifying emergency routes. This has been shown through the work of creating several evacuation guidelines in the Comox Valley, of which one has been for the Macaulay/Oyster River areas. Many of the routes can only be identified as options through private lands as the CVEP has no authority to dedicate these, except for the short term, when the event requires a declaration of a state of local emergency to be implemented with the Province of BC through Emergency Management BC.

A communications plan will be developed to support the recommended option to include a public input process to help inform the residents in the Macaulay Road area.

Attachments: Appendix A – Correspondence:
MOTI minister email and MRANA letter
Macaulay Road Emergency Access Letter (September 15, 2021)

3362 Macaulay Road, Black Creek, BC V9J 1C2

July 23, 2021

Edwin Grieve
Director Area C
Comox Valley Regional District
edwingrieve@shaw.ca

Russel Dyson
Chief Administrative Officer
Comox Valley Regional District
rdyson@comoxvalleyrd.ca

Dear Edwin Grieve and Russel Dyson,

We are attaching the MOTI response to our letter of May 20, 2021. This is very much a similar letter sent in response to correspondence from 2011. Again, the response has been that while MOTI is the provincial approving office, the CVRD is responsible for the initial planning processes for subdivisions, local road access points and networks. This letter also clarifies that MOTI supports the CVRD planning processes and “will consider additional access for Macaulay Road during long-term transportation planning as the area develops and we look to support the CVRD’s development goals by expanding the road network accordingly.”

During meetings with planning officials and MOTI in 2012, it was stated that planning for additional road access for Macaulay Road residents was required to be included in the Official Community Plan (OCP). It has been since 2014 (Rural Comox Valley Official Community Plan. p. 25, S 23 (2)) and also in the 2014 CVRD Transportation Road Network Plan (Executive Summary and p. 13).

Our correspondence to the CVRD this past year advised us to pursue this request through MOTI as the CVRD did not have the “legislative authority nor jurisdiction to develop road networks”.

We feel quite disheartened that this issue is continually passed back and forth between the CVRD and MOTI when the problems associated with the lack of foresight in the planning and approvals of subdivisions in this area from the 1970’s and 1980’s are ignored.

We had suggested that a feasibility study be done to identify possible routes that could be developed. It appears that with all the new development and growth, these opportunities will be lost. We are referencing the potential right of way that appears to have been approved by the ALR in 2014, (attached letter and plan dated January 14, 2014 File #3110-20/ALR 1C 13) and then appears to have been ignored and the properties were subdivided and sold. We are requesting information on why this potential access road was not completed.

Comments in the MOTI letter indicate that MOTI, Emergency Planning BC, the CVRD and the Oyster River Volunteer Fire Department work closely together to ensure emergency services are informed about the road network in their area. Residents of our area are also curious as to what the developed protocols for deployment of evacuation services are. There does not appear to be

any common knowledge of an evacuation route for Macaulay Road and area residents should our one and only access road be blocked or if a wildfire comes through.

The population growth, vehicle traffic and development in this area is well known by the CVRD. What is required by the CVRD to lead the development of partnerships with the provincial legislative authorities so that there is a road network for Macaulay Road residents that provides alternative access and addresses our safety concerns? Again, we are asking the CVRD to lead this initiative.

We are in the process of incorporating the Macaulay Road and Area Neighbourhood Association (# S0075131) with the purposes of promoting, facilitating, coordinating, or supporting improvements to the Macaulay Road neighbourhood. We intend to maintain active communication with the CVRD and BC provincial authorities, and act as a liaison to area residents.

Thank you in advance for your responses to our questions.

Sincerely,



Suzanne Sawyer, Chair
Macaulay Road and Area Neighbourhood Association
macaulayroadana@gmail.com



Catherine Davidson, Treasurer
Macaulay Road and Area Neighbourhood Association
macaulayroadana@gmail.com

Attachments:

E-mail letter from Rob Fleming, Minister, Transportation
ALR letter and CVRD proposal dated January 14, 2014

CC: Kellen Truant, Operations Manager, MOTI, Kellen.Truant@gov.bc.ca
Chief Bruce Green, Oyster River Fire Rescue, Chief@oysterriverfire.ca
Howie Siemens, RDEPC, hsiemens@comoxvalleyrd.ca
George Doerksen, CVRD Emergency Program, gdoerksen@comoxvalleyrd.ca
Sheila MacDonnell, Chair, SD #71, sheila.macdonnell@sd71.bc.ca
Ronna-Rae Leonard, MLA, ronna-rae.leonard.MLA@leg.bc.ca
MP Rachel Blaney rachel.blaney@parl.gc.ca



Catherine Davidson <catherinedavidson@telus.net>

303348 – Macaulay Road alternate access

Transportation, Minister TRAN:EX <Minister.Transportation@gov.bc.ca>

Tue, Jul 13, 2021 at
11:04 AM

To: "catherinedavidson@telus.net" <catherinedavidson@telus.net>, "svsawyer@gmail.com" <svsawyer@gmail.com>

Cc: "Minister, MSI TRAN:EX" <Minister.SI@gov.bc.ca>, "Minister, MUNI MUNI:EX" <MUNI.Minister@gov.bc.ca>, "Leonard.MLA, Ronna-Rae LASS:EX" <Ronna-Rae.Leonard.MLA@leg.bc.ca>, "Truant, Kellen TRAN:EX" <Kellen.Truant@gov.bc.ca>

catherinedavidson@telus.net
svsawyer@gmail.com

303348 – Macaulay Road alternate access

Dear Catherine Davidson and Suzanne Sawyer:

Thank you for your emails regarding a new road connection to Macaulay Road in the Comox Valley Regional District (CVRD).

As you may be aware, local governments plan local road networks and development in their communities, and the ministry considers these plans when determining new access points and connections within the road network. In rural areas, new public roads are typically established through the subdivision process, in response to new developments that local governments have proposed.

If the ministry receives applications for new developments in the area from the CVRD, ministry staff will work with our engineers to assess the future road network requirements and study the feasibility of establishing new access points and connections that would contribute to a more connected road network.

That said, I recognize how important it is to ensure safe emergency access for area residents. My ministry works closely with Emergency Management BC, the CVRD and the Oyster River Volunteer Fire Department to ensure emergency services are informed about the road network in their area. These organizations undertake emergency planning and develop forest fire evacuation protocols, considering issues such as access/egress, and have developed protocols for deployment of evacuation services and emergency responders based on the type of event and its severity.

During emergencies, we deploy resources based on urgency and do factor in known medical conditions of residents. Should you or other Macaulay Road residents have conditions that require specialized medical treatment or access, I encourage you to inform the Regional District Emergency Program Coordinator, Howie Siemens, at 250 334-8890.

The ministry currently has no plans to construct a new access road in the area. However, we will consider additional access for Macaulay Road during long-term transportation planning as the area develops and we look to support the CVRD's development goals by expanding the road network accordingly.

If you have any questions, the ministry's local Operations Manager Kellen Truant would be pleased to help you. He can be reached at 236 468-1941 or at Kellen.Truant@gov.bc.ca.

Thank you again for taking the time to write.

Sincerely,

Rob Fleming
Minister

Copy to: Honourable Bowinn Ma
Minister of State for Infrastructure
MLA, North Vancouver-Lonsdale

Honourable Josie Osborne
Minister of Municipal Affairs
MLA, Mid Island-Pacific Rim

Ronna-Rae Leonard
MLA, Courtenay-Comox

Kellen Truant, Operations Manager
Courtenay Area Office

----- Forwarded message -----

From: Catherine Davidson <catherinedavidson@telus.net>

To: "Transportation, Minister TRAN:EX" <Minister.Transportation@gov.bc.ca>, "Minister, MSI
TRAN:EX" <Minister.SI@gov.bc.ca>, "Minister, MUNI MUNI:EX" <MUNI.Minister@gov.bc.ca>

Cc: "Leonard.MLA, Ronna-Rae LASS:EX" <Ronna-Rae.Leonard.MLA@leg.bc.ca>, "rachel.blaney@parl.gc.ca" <rachel.blaney@parl.gc.ca>, "Edwin, Grieve" <edwingrieve@shaw.ca>, Russell Dyson <rdyson@comoxvalleyrd.ca>, "chief@oysterriverfire.ca" <chief@oysterriverfire.ca>, "Sheila McDonnell (Trustee - SD71)" <sheila.mcdonnell@sd71.bc.ca>

Bcc:

Date: Thu, 20 May 2021 23:52:05 +0000

Subject: Transportation networks and connectivity - Comox Valley Regional District - Macaulay Road
[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.

Please see the attached letter and request.

Thank you.

----- Forwarded message -----

From: Catherine Davidson <catherinedavidson@telus.net>

To: "Transportation, Minister TRAN:EX" <Minister.Transportation@gov.bc.ca>

Cc:

Bcc:

Date: Fri, 9 Jul 2021 20:25:35 +0000

Subject: 303348 response to letter?

[EXTERNAL] This email came from an external source. Only open attachments or links that you are

expecting from a known sender.

Hello, on May 20th- the attached letter was received by your office, we have not yet had a response. Could you please advise as to when we can expect a response?

Thank you.
Catherine Davidson
1 250 337 4085

4 attachments — [Download all attachments](#)



Letter to Minister May 2021.pdf
236K [View as HTML](#) [Download](#)



Transportation networks and connectivity - Comox Valley Regional District - Macaulay Road.eml
330K [View as Text](#) [Download](#)



Letter to Minister May 2021.pdf
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303348 response to letter?.eml
329K [View as Text](#) [Download](#)



January 14, 2014

ALC File: #53279

Colin Burrige
1250 E Cedar Street
Campbell River, BC
V9W 2W5

Dear Mr. Burrige:

Re: Application to Subdivide Land in the Agricultural Land Reserve (ALR)

Please find attached the Minutes of Resolution #331/2013 as it relates to the above noted application. As agent, it is your responsibility to notify your client(s) accordingly. The Commission has also attached a Sketch Plan depicting the decision.

Please send two (2) paper prints of the final survey plans to this office. When the Commission confirms that all conditions have been met, it will authorize the Registrar of Land Titles to accept registration of the plan.

Further correspondence with respect to this application is to be directed to Liz Sutton.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per: 

Brian Underhill, Executive Director

Enclosure(s): Minutes of Resolution #331/2013
Sketch Plan

cc: Comox Valley Regional District (File #3110-20/ALR 1C 13)

53279d1



MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on October 2, 2013 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, B.C. as it relates to Application #53279.

COMMISSION MEMBERS PRESENT:

Richard Bullock	Chair
Jennifer Dyson	Vice-Chair
Sylvia Pranger	Vice-Chair
Bert Miles	Commissioner
Jim Johnson	Commissioner

COMMISSION STAFF PRESENT:

Liz Sutton	Land Use Planner
Brian Underhill	Executive Director

PROPOSAL: (Submitted pursuant to section 21(2) of the *Agricultural Land Commission Act*)

- 1) To subdivide a 276 ha parcel into three (3) approximately 92 ha lots; and
 - 2) To consolidate a 0.8 ha lot, 0.9 ha lot and a 31.6 ha lot to create one (1) 33.3 ha lot.
-

PROPERTY INFORMATION:

Property 1

Owner: Shelter Point Farms Ltd. (Inc. No. BC0540448)

Legal: PID: 028-240-022
Lot 2, Sections 21 and 22, Township 4, and of Block 29, Comox District, Plan EPP5908, Except Part in Plan EPP23099

Location: Oyster Bay

Size: 276 ha

Property 2

Owner: Shelter Point Farms Ltd. (Inc. No. BC0540448)

Legal: PID: 006-032-745
Amended Lot 1 (DD 61547N), District Lot 141, Comox District, Plan 5065

Location: Oyster Bay

Size: 0.8 ha

Property 3**Owner:** Shelter Point Farms Ltd. (Inc. No. BC0540448)**Legal:** PID: 006-032-788
Re-Amended Lot 2 (DD 64235N), District Lot 141, Comox District, Plan 5065**Location:** Oyster Bay**Size:** 0.9 ha

Property 4**Owner:** Shelter Point Farms Ltd. (Inc. No. BC0540448)**Legal:** PID: 027-354-09
Lot 1, District Lot 141, Comox District, Plan VIP84365**Location:** Oyster Bay**Size:** 0.8 ha**Note:** Property 1 is located within Comox Valley Regional District. Properties 2, 3, and 4 are located with Strathcona Regional District.

LEGISLATIVE CONTEXT FOR COMMISSION CONSIDERATIONSection 6 (Purposes of the commission) of the *Agricultural Land Commission Act* states:

6 The following are the purposes of the commission:

- (a) to preserve agricultural land;
- (b) to encourage farming on agricultural land in collaboration with other communities of interest; and
- (c) to encourage local governments, first nations, the government and its agents to enable and accommodate farm use of agricultural land and uses compatible with agriculture in their plans, bylaws and policies.

COMMISSION CONSIDERATION

The Commission reviewed one previous application involving the subject property:

Application #51891 (Qualicum Farms, 2010) To adjust lot lines within the ALR involving 4 separate registered parcels. Through consolidation of 3 of the parcels one 32.8 ha parcel will be created. Another parcel is proposed to be divided into a 17.5 ha parcel, a 10.5 ha parcel and a remaining parcel of 322.9 ha.

The Commission had some concerns that if the two small lots proposed

for consolidation are built on, the presumed residential use in proximity to the farm operation could lead to potential land-use conflicts. However, the Commission is also concerned with the creation of lots in the proposed subdivision area, as the proposed properties are relatively small for agricultural use. As well, the capability rating for these lands is lower, which tends to indicate that more land would be necessary in order for the land to be of a size suitable for farming.

The Commission believed the proposal for three properties to be consolidated and three parcels to be created in two different areas of the farm, exhibited no demonstrable benefit to agriculture and could potentially have an overall negative impact on existing or potential agricultural use of the subject lands.

Refused. Resolution #16/2011

After considering the information the Commission concluded as follows:

1. Property 1 is located within Comox Valley Regional District. Properties 2, 3, and 4 are located within Strathcona Regional District. The applicant submitted the subdivision application involving Property 1 to the Comox Valley Regional District in accordance with the *Agricultural Land Commission Act* and BC Regulation 171/2002 (Agricultural Land Reserve Use, Subdivision and Procedure Regulation). A referral of the subdivision application to Strathcona Regional District was not required. The applicant states that the consolidation of Properties 2, 3, and 4, will be achieved pursuant to Section 10(1)(a) of BC Regulation 171/2002.
 - 10(1) Despite section 18(b) of the Act, an approving officer under the *Land Title Act*, the *Local Government Act* or the *Strata Property Act* or a person who exercises the powers of an approving officer under any other Act may authorize or approve a plan of subdivision without the approval of the commission if the proposed plan achieves one or more of the following:
 - (a) consolidates 2 or more parcels into a single parcel by elimination of common lot lines.

Conclusion:

The Commission's consideration is restricted to the proposed subdivision of Property 1.

2. In assessing agricultural capability, the Commission refers in part to agricultural capability mapping and ratings. The ratings are interpreted using the BC Land Inventory (BCLI), 'Land Capability Classification for Agriculture in B.C.' system. The improved agricultural capability ratings identified on BCLI map sheets 92F.085 and 92F.084 for Property 1 are a combination of Class 2, 3, 4, and 5.

Class 2 - land is capable of producing a wide range of crops. Minor restrictions of soil or climate may reduce capability but pose no major difficulties in management.

Class 3 - land is capable of producing a fairly wide range of crops under good management practices. Soil and/or climate limitations are somewhat restrictive.

Class 4 - land is capable of a restricted range of crops. Soil and climate conditions require special management considerations.

Class 5 - land is capable of production of cultivated perennial forage crops and specially adapted crops. Soil and/or climate conditions severely limit capability.

The limiting subclasses associated with this parcel of land are A (soil moisture deficiency), C (adverse climate), D (undesirable soil structure), P (stoniness) and W (excess water).

Conclusion: The subject property has good agricultural capability and can support a wide range of soil bound and non-soil bound agricultural uses.

3. The Commission considered the present application in the context of the proposal refused in Resolution #16/2011. The Commission noted that the proposed subdivision of Property 1 will create three large (93 ha) agricultural parcels. The Comox Valley Agricultural Advisory Panel supports the proposed configuration stating that three separate forage based operations could be created and that the proposed lot sizes have the potential to reduce operational costs associated with land preparation. In addition, the Ministry of Agriculture's Regional Agrologist believes that compared to the present parcel size, the proposed lots are more agriculturally manageable for this area of Vancouver Island.

Conclusion:

The proposed subdivision of Property 1 will create greater opportunity to bring three manageable-sized parcels into agricultural production.

4. The Comox Valley Regional District is interested in obtaining a 10 metre wide access road along the east boundary and part of the south boundary of Property 1 to provide an emergency access route to Macaulay Heights.

Conclusion:

The Commission has no objection to the registration of an easement for an access road along the east boundary and part of the south boundary of Property 1 to provide an emergency access route to Macaulay Heights.

IT WAS

MOVED BY: Commissioner Pranger

SECONDED BY: Commissioner Dyson

THAT the proposal to subdivide the 276 ha parcel in three (3) lots of approximately 93 ha be approved.

AND THAT approval is subject to:

1. The subdivision be in substantial compliance with the plans submitted with the application; and
2. The subdivision plan must be completed within three (3) years from the date of the Commission's letter conveying this decision.

AND FINALLY THAT this decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

CARRIED

Resolution #331/2013

ALC #53279 (Shelter Point Farms Ltd)
 Resolution #331/2013
 Approved Subdivision

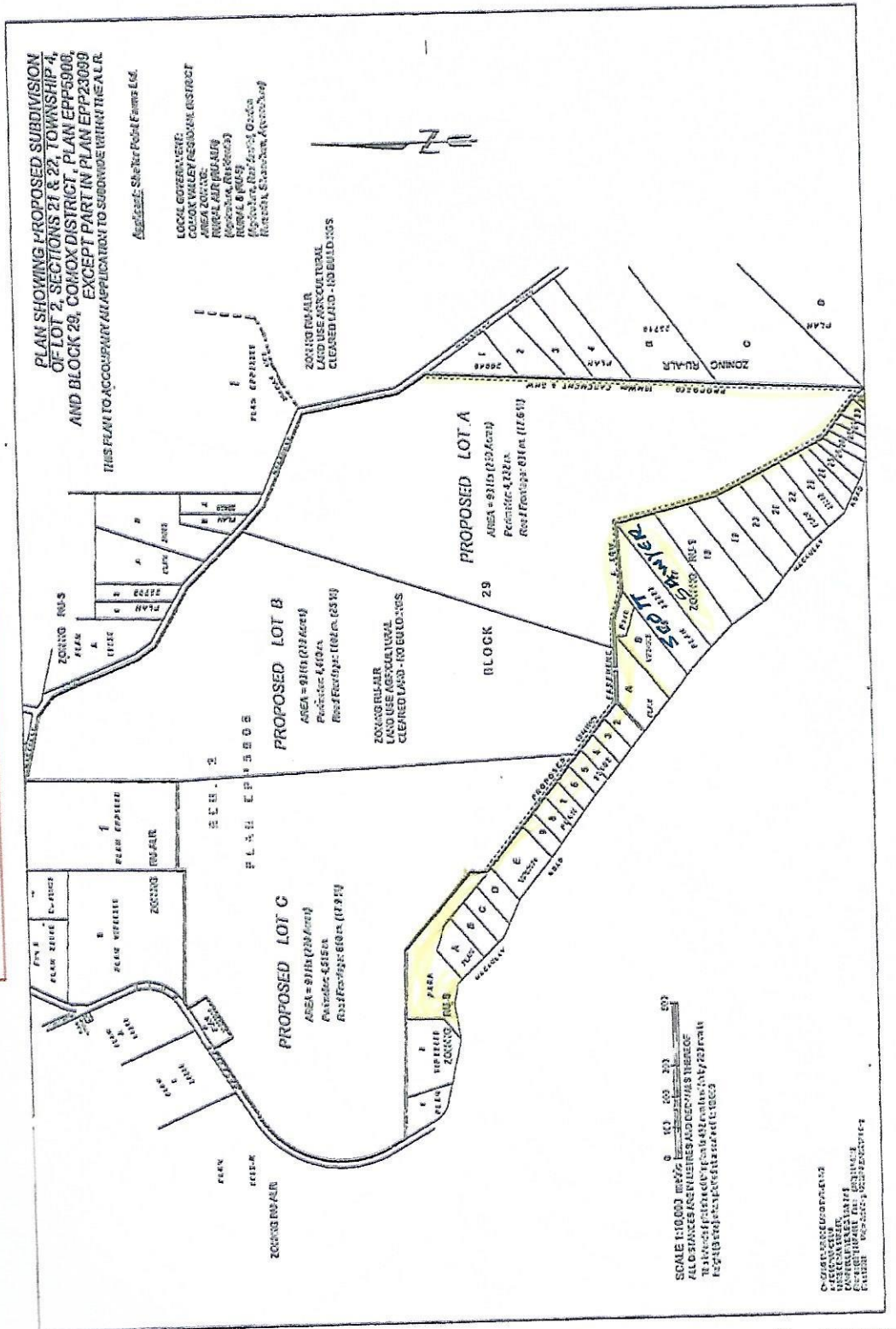


Figure 3: Proposed ALR subdivision within the CVRD

770 Harmston Avenue, Courtenay, BC V9N 0G8
Tel: 250-334-6000 Fax: 250-334-4358
Toll free: 1-800-331-6007
www.comoxvalleyrd.ca



File: 5400-20

September 15, 2021

Sent via email only: macaulayroadana@gmail.com

To the Macaulay Road Neighbourhood Association,

Re: Emergency Access Routes

Further to email correspondence from the Comox Valley Regional District (CVRD) on July 28th 2021 regarding emergency access routes through the lands on Macaulay road, formerly known as Lot 2, Sections 21 and 22, Township 4 and of Block 29, Comox District, Plan EPP5908, except Part in Plan EPP23099 (Macaulay Road) and now a three lot subdivision, it should be noted an easement was never established. As way of background easements require willing landowners for the CVRD to consider additional access routes as a starting point. Additional requirements such as Agricultural Land Commission (ALC) approvals are also needed on Agricultural Land Reserve (ALR) lands. Furthermore, funding for construction and maintenance would also have to be in place. The combination of all of these requirements are often challenging for legal easements for emergency services and the CVRD relies on approval of subdivisions through Ministry of Transportation and Infrastructure (MoTI) for roads to establish emergency response.

Emergency Planning continues to work with Emergency Management BC, Oyster River Fire Department and other landowners in the area to ensure emergency access routes are available if needed across private lands. Roads are generally established through the subdivision process, in response to receiving subdivision referral from the MoTI. If future subdivisions come forward staff at the CVRD will request alternative proposed roads be connected as part of the subdivision if it improves emergency egress for the neighbourhood from MoTI. Future subdivisions would also require approval from the ALC on ALR lands.

I trust this satisfies your inquiries about the status of easements and we look forward to the upcoming meeting with the Neighbourhood Association on FireSmart initiatives to help further reduce risk in your neighbourhood.

Sincerely,

D. DeMarzo

Doug DeMarzo
General Manager of Community Services

CC: Russell Dyson, Chief Administrative Officer
Howie Siemens, Emergency Program Coordinator