



Pender Islands  
Conservancy

#1-4301 Bedwell Harbour Road  
Pender Island BC V0N 2M1

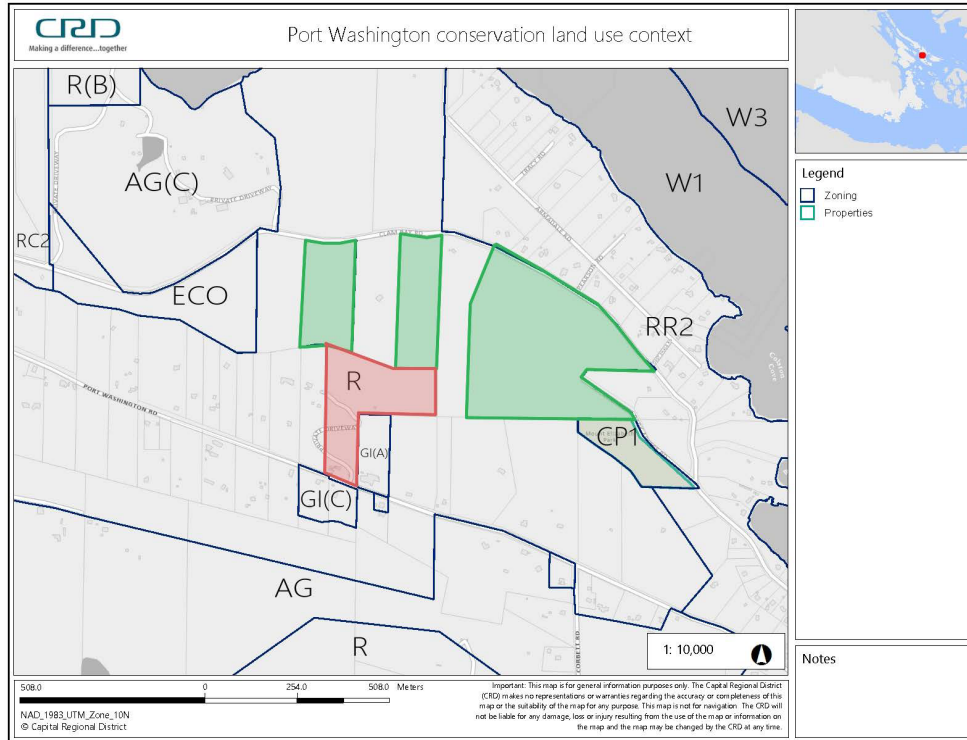
25 Nov 2024

Dear North Pender Island Trustees Maude, Campbell and Morrison:

We are writing on behalf of the Pender Islands Conservancy Board of Directors, with respect to file No. PLRZ20240110 (Bigham). As the owner of a Nature Reserve bordering the Subject Property (see Figure 1 below), we believe rezoning to allow continued and expanded industrial activity on the lower portion of the Subject Property has a high potential to adversely impact ecological integrity and habitat quality for species at risk on adjacent properties, including our Nature Reserve for which we have a duty of care. According to the North Pender OCP (Section 2.5.1), “industrial development and activity which may have a deleterious impact on adjacent land uses will not be permitted”. We therefore request that Trustees do not advance this application for Industrial zoning, but rather explore more appropriate locations for the proposed industrial activity.

### **Comments on the Staff Report**

The list of existing uses of land on *adjacent properties* (P. 134) curiously excludes the adjacent Nature Reserve *owned by the Islands Trust itself* (Lisa Baile Nature Reserve, held by Islands Trust Conservancy), though this property is peripherally acknowledged on P. 139 (“Site Influences”). The additional 10-acre Forest Wetland Nature Reserve is currently being established as a result of a generous land donation by community donors and is now owned by the Pender Islands Conservancy; this Nature Reserve also borders the Subject Property to the north. Vulture Ridge Nature Reserve (36 acres), secured by the Pender Islands Conservancy in 2024 with the support of community donors, the Province of BC, and Environment and Climate Change Canada, is located ~85m from the eastern border of the subject property. All three of these properties (shown in Figure 1) have been secured in part to protect critical habitat for species at risk such as sharp-tailed snakes, common nighthawks and olive-sided flycatchers.



**Figure 1.** Subject Property (red) with adjacent Nature Reserves (green). From west to east: Lisa Baile Nature Reserve (10 acres; owned by Islands Trust Conservancy), Forest Wetland Nature Reserve (10 acres; Pender Islands Conservancy) and Vulture Ridge Nature Reserve (36 acres; Pender Islands Conservancy).

The statement on P. 139 of the Staff Report that no species at risk are present on the Lisa Baile Nature Reserve (LINR) is misleading. Sharp-tailed snakes have been visually detected on 3330 Port Washington Road, immediately adjacent to both the Subject Property and LINR, and hence there is a very high likelihood that they similarly occupy the Nature Reserve and even the Subject Property itself. Moreover, olive-sided flycatchers and common nighthawks are regularly detected using the adjacent properties, including the Nature Reserves; both are also species at risk, listed provincially and federally. Threaded vertigo (*Nearctula* sp.), a federally listed species of terrestrial snail, was identified on Vulture Ridge Nature Reserve in 2024 and is highly likely to be present on LINR as well. The LINR Management Plan identified a high likelihood of the presence of at-risk vascular plants, birds, amphibians and reptiles on LINR, and recommended ongoing monitoring to document species at risk (Lisa Baile Nature Reserve Management Plan 2022; P. 42).

We request that staff include the two Nature Reserves that border the subject property in the list of *existing uses of land on adjacent properties* (uses: conservation) and acknowledge that species at risk are, or are highly likely to be, present on these adjacent properties. We further request an assessment by Islands Trust Conservancy ecologists with respect to the potential impacts of the proposed permanent and expanded industrial activity associated with the Subject Property on the Lisa Baile Nature Reserve, which the Islands Trust has a responsibility to steward and protect as the recipient of this generous donation of ecologically valuable land.

The staff report states that the applicant's business "*provides an important community service*"; we note that Nature Reserves similarly provide important community services, by protecting groundwater quality and recharge capacity, buffering extreme weather events and associated impacts (flooding, drought, wildfire - becoming increasingly common in the context of climate change), enhancing surrounding property value and aesthetics, and maintaining biodiversity that in turn enhances recreational experiences and supports agriculture (pollination services) and hence local food security.

We do not dispute that the service provided by the applicant is important to the community; however, given the Industrial Land Use Objectives in the OCP, "*to ensure any industry is sited to minimize adverse effects upon neighbouring properties*", we argue the Subject Property is not an appropriate location for the ongoing and intended future industrial use, as it has a high probability of adversely affecting ecological integrity, habitat quality and ecosystem services on adjacent Nature Reserves.

### **Potential ecological impacts**

#### *Raptor nests*

Two newly identified bald eagle nest trees are located east of the Subject Property, with one potentially located within 200 m of the proposed rezoning area (see P.168 of Staff Report – distance estimated from map scale). According to Provincial "Breeding Season Quiet Buffer Requirements" in rural areas and depending on the outcome of the reassessment of the Heron and Raptor Nest DPA currently underway by the North Pender Island LTC to align this DPA with Provincial standards (which have already been widely adopted by local governments across BC), no industrial activity, including heavy equipment operation, may ultimately be permitted on the Subject Property between Feb 5 – August 31 (see P. 165 of Staff Report). We suspect this would negatively impact the applicant's business. We again suggest that the proposed location is inappropriate for current and future intended industrial activity, given adjacent land uses – in this case, by nesting bald eagles.

#### *Groundwater*

The Subject Property and adjacent Nature Reserves have been identified by the Islands Trust Area Groundwater Recharge Mapping Project (2022) as high groundwater recharge areas (Appendix A). This ecosystem service is one of the reasons the adjacent Pender Conservancy Nature Reserves were assessed as high priority for securement. We welcome the attention given to the significant impacts to groundwater supply of the anticipated commercial and residential groundwater use on the Subject Property in the Staff Report; however, application of standards for domestic use only (2000 L/day, P. 135) is inappropriate for an industrial rezoning application, and we trust this application would be held to a higher standard. Rainwater catchment can be a reasonable offset to reduce groundwater use; however, given that precipitation inputs were by far the most sensitive input parameter in the Southern Gulf Islands Water Balance Model sensitivity analysis (Islands Trust Area Groundwater Availability Assessment, 2021; P. 19, Figure 9), intercepting rainwater in our region can in fact reduce local groundwater recharge and hence indirectly still reduce groundwater availability.

#### *Species at risk*

Sharp-tailed snakes are known to be present on adjacent properties. Recent studies have shown that this species moves over relatively long distances into forests from the open bluff habitats that

they are typically associated with (up to 80 m; Christian Engelstoft, pers. comm.). Hence, undisturbed forest habitat adjacent to bluffs is of potentially high value for this species at risk. Continued and expanded industrial activity within the lower portion of the Subject Property may therefore limit movement of this species across the landscape. As noted in the Lisa Baile Nature Reserve Management Plan (2022), the ridge and adjoining forest provides habitat suitable for many other species at risk, including vascular and nonvascular plants, birds (e.g. olive-sided flycatcher, common nighthawk, purple martins), and amphibians such as red-legged frogs. Our knowledge of the distribution and abundance of species at risk on Pender Island is extremely deficient, and so in the absence of appropriate survey efforts, it cannot be responsibly stated that species at risk are not present and will not be adversely affected by continued and expanded heavy industrial activity on the Subject Property. Indeed, similar habitat suitable for these species at risk occurs on the Subject Property itself.

### **OCP policy**

*2.5.1 Industrial development which **may have** a deleterious impact on adjacent land uses **will not** be permitted.*

We argue that a TUP should not have been issued according to the above OCP policy, and in doing so the LTC is in violation of the North Pender Island OCP. Constant, daily heavy equipment operation and aggregate hauling *along the length of Port Washington Road*, adjacent to land used for residential and agricultural purposes, as well as the acoustic and physical habitat disturbance caused by the industrial operation on the Subject Property which directly borders two Nature Reserves, most certainly has a deleterious impact on these adjacent land uses, and so the application to rezone for *permanent* industrial operation on the subject property cannot be advanced, as it directly violates the above OCP policy. We understand that directing staff to proceed with the application will enable public consultation and input, to “identify any issues or concerns with the proposed rezoning”. However, if the application clearly violates an OCP policy, public input to that effect should not be required for you to make the assessment that the application should not be advanced.

We are aware that in recent LTC meetings, Trustees have discussed that other possible locations for the applicant’s operation are being explored which would require some imagination and cooperation with other land holders. We urge you to work with the applicant and broader community to identify an alternate location for this operation that appropriately balances the community benefit provided by the applicant’s business with maintenance of ecological integrity and ‘rural character and lifestyle’, as our North Pender Island OCP and the Islands Trust mandate require.

Respectfully signed,



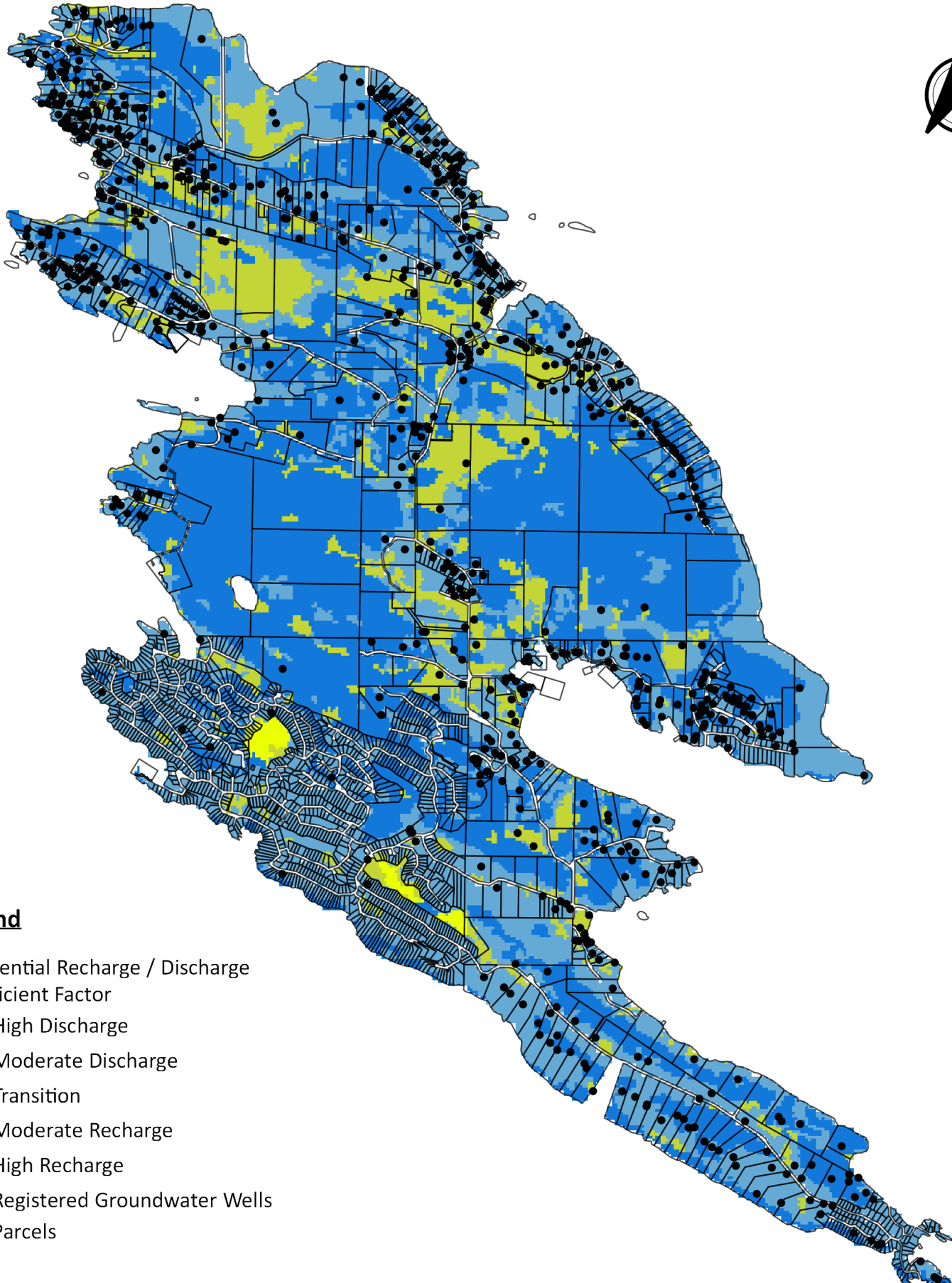
Elizabeth Miles  
Board President  
Pender Islands Conservancy










Dr. Pamela Wright  
Stewardship Committee Chair  
Pender Islands Conservancy

## **Appendix A**

### **North Pender Island Groundwater Recharge and Discharge Zones**



**Legend**

- Preferential Recharge / Discharge  
Co-Efficient Factor
-  High Discharge
  -  Moderate Discharge
  -  Transition
  -  Moderate Recharge
  -  High Recharge
  -  Registered Groundwater Wells
  -  Parcels

Groundwater Sustainability Science Program  
North Pender - Preferential Recharge and Discharge Zones

Notes:  
Drawn by: William Shulba, P.Geo  
Drawn on: October 2022  
Data Source: Islands Trust Area Groundwater Recharge Mapping Project

