

From: Julia Nicholls <[REDACTED]>

Sent: Tuesday, February 13, 2024 5:07 PM

To: Deb Morrison <dmorrison@islandstrust.bc.ca>; Aaron Campbell <acampbell@islandstrust.bc.ca>; David Maude <dmaude@islandstrust.bc.ca>; SouthInfo <SouthInfo@islandstrust.bc.ca>

Subject: project charter from July 2023

Re: strengthening DPA's

Thank you for refusing to authorize the permit for the property at [REDACTED]. You were under a lot of pressure to do so.

It seems to me that all of us want to make sure that clear-cutting does not continue and that the only way to stop it is to make sure it is not profitable. A good way to discourage further such violations would be to assess a large fine. Unfortunately, one of the long-standing problems with DPAs is that the Province does not allow local government to issue a fine for a violation. You would need to ask the court to issue a penalty, which is expensive for the trust and, as we've seen, there is no assurance of success. Could it be that our Provincial Government does not care about protecting the environment?

At the last meeting it was stated that:

1. There is no sense in having DPA's if we cannot enforce them, and also
2. there are so few people who clear-cut that putting a lot into it is not worth it.

I would like to respond to these points. Because laws are not currently enforceable, or that few people break the laws this should not mean we give up on them. If laws are worth having, they are worth enforcing. Also, the fact that few people respect DPAs should not mean they get

off. And we should not effectively penalize those people who obey the law when they necessarily incur costs for doing so.

In short, we must find ways to have enforceable DPAs. And we should consider this a priority

It also seems to me that this work should not be done by each local Trust organization but rather by the whole Islands Trust.

We are hoping that with the determination and support of the Islands Trust, the Forest Stewards, and other concerned organizations and citizens, we can ensure that all future DPA's are meaningful and enforceable.

We hope that you follow up on the project passed at the July 2023 LTC meeting attached below.

Julia Nicholls
Forest Stewards

Raptor Nest Development Permit Area Review - Project Charter

North Pender Island Local Trust Committee

LTC Endorsement Date: July 28, 2023

Purpose: To review and update mapping of raptor nests on North Pender Island, and to review and update Development Permit Area designations and provisions as a Minor LTC Project.

Background: The current Raptor Nest DPA was adopted in 2008 based upon surveys conducted by local volunteers in 2005 and 2006 through the Wildlife Tree Stewardship initiative (WiTS). Nest trees were mapped with assistance of Islands Trust staff. An update of wildlife trees is needed as new nests are established and older ones abandoned. In addition DPA provisions should be reviewed and updated.

Deliverables <i>Updated mapping of wildlife trees consistent with Islands Trust mapping standards and with recent changes to the Professional Governance Act and regulations.</i> <i>Revised DPA provisions</i> <i>Amendments to OCP.</i>	In Scope <ul style="list-style-type: none"> - Raptor nest tree mapping - Report by or endorsed by RP Bio - Review of Raptor Nest DPA - Community consultation on amendments - First Nations consultation - OCP amendment 	Out of Scope <ul style="list-style-type: none"> - Other amendments to OCP or LUB - Other mapping or professional reports. 	IAP2 Engagement Level: <input checked="" type="checkbox"/> Inform <input checked="" type="checkbox"/> Consult <input type="checkbox"/> Involve <input type="checkbox"/> Collaborate
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Workplan Overview

Deliverable/Milestone	Target Date
<i>Project Charter endorsed</i>	July 2023
<i>Project initiation and preliminary report to LTC</i>	Sept 2023
<i>Procurement process for updated mapping</i>	Oct - Nov 2023
<i>Staff review, project summary paper, landowner and stakeholder group engagement</i>	Sept – Nov 2023
<i>Early consultation with First Nations</i>	Sept – Dec 2023
<i>LTC review of amended DPA provisions</i>	Nov 2023
<i>Direction to prepare bylaws</i>	Jan 2024
<i>Final mapping delivered</i>	March 2024
<i>Community consultation on draft bylaws, bylaw referrals</i>	Apr - June 2024
<i>Legislative process to amend OCP</i>	May – Sept 2024
<i>Implementation and communications</i>	Sept – Oct 2024

Project Team	
<i>Brad Smith, Island Planner</i>	<i>Project Manager</i>
<i>Robert Kojima, RPM</i>	<i>Project Sponsor</i>
<i>Mark van Bakel, IS Manager</i>	<i>Mapping</i>
<i>Emily Bryant</i>	<i>Admin support</i>
RPM Approval: <i>Robert Kojima</i> Date: July 14, 2023	LTC Endorsement: Resolution #: Date: xxx

Budget		
Budget Sources:		
Fiscal	Item	Cost
2023-24	Mapping	\$5000
2024-25	Consultation and public hearing	\$3000
2024-25	Contingency	\$2000
	Total	\$10,000

Meeting	Deliverable/Milestone
July 28, 2023	LTC endorsement of project charter
Sept 29, 2023	Preliminary report to LTC, direction to proceed with mapping procurement process and engagement plan
Nov 24, 2023	Report to LTC on proposed updates to DPA provisions
Jan 2024	LTC review of draft DPA amendments and direction to proceed with bylaw
March 2024	Updated mapping received by LTC, direction to proceed with landowner and stakeholder group communication
May 2024	Consideration of first reading
June 2024	Community information meeting
July 2024	Public Hearing, second and third readings, referral to EC and Minister
Sept 2024	LTC review of communications plan
Late 2024	Final adoption upon Ministerial approval of bylaw



DATE OF MEETING: July 28, 2023
TO: North Pender Island Local Trust Committee
FROM: Robert Kojima, Regional Planning Manager
Southern Team
COPY: Brad Smith, Island Planner
SUBJECT: Raptor Nest DPA Review Project – Preliminary Report

RECOMMENDATION

- 1. That the North Pender Island Local Trust Committee endorse the attached project charter for the Raptor Nest DPA Review Project.**

REPORT SUMMARY

The report attaches a project charter for the Raptor Nest DPA Review Project. The report also outlines the project and provides a preliminary timeline and scope.

BACKGROUND

At the May meeting the LTC adopted the LUB (Bylaw 224) and proposed two new projects: to request funding for a Major project for housing and to initiate a Minor Project to update the Raptor Nest DPA designations. The following resolution was adopted:

NP-2023-075

It was Moved and Seconded,

that the North Pender Island Local Trust Committee defer Groundwater Education with landowners as a Minor Project and establish updating Raptors Nesting Mapping as a priority Minor Project.

A Minor Project is an LTC project that is anticipated to require a budget of under \$5,000 in any given fiscal year, is relatively limited in scope, and can be supported by LTC's assigned the Island Planner. Each LTC may have one minor project at any one time and funding is supported from a minor projects budget allocated by Trust Council and assigned by the Director of Planning Services.

Staff have prepared the attached project charter for the project.

ANALYSIS

Issues and Opportunities

Project Scope and Budget

The proposed work plan would limit the scope of the project to updating the mapping for DPA 7, reviewing the DPA provisions, engaging in consultation and undertaking the legislative process to amend the OCP. The budget requested would be for \$5,000 in the current fiscal year, with up to an additional \$5,000 in the next fiscal year. Staff resources are estimated to be primarily the Island Planner's time, with support from other staff as needed.

Update mapping

The initial work and the bulk of the budget in the first year would be to undertake the procurement process to update the mapping, ensuring that it is consistent with the provincial regulations for applied biologists and Islands Trust mapping standards (in Sept 2022, the Province brought in [regulations](#) which effectively require that anyone doing biology must be registered with the College of Applied Biology).

Review existing DPA provisions

Staff would review:

- the current guidelines, exemptions and other elements the DPA
- past applications and permits, other jurisdictions regulations
- current best practices.

Resulting in a report to the LTC with options and recommendations, and preparation of a project summary document for public and landowners.

First Nations consultation

Staff would undertake early engagement to determine Nation's interests and desired level of involvement.

Landowner and stakeholder group engagement:

Staff would work with the contractor to contact affected landowners to obtain permission to enter property where required.

Community consultation:

Once the LTC has provided direction to prepare a bylaw amendment, community consultation would be undertaken, including community meeting(s), website updates, and communications materials.

Legislative process

In order to implement changes to the DPA, an amendment would be required to the OCP, consisting of bylaw readings, a public hearing, and Executive Committee and Ministerial approval.

Implementation

The final phase would be to implement the amendment through communications to landowners and professionals, and to update to application procedures.

Project Benefits and Risks

Benefits of undertaking an amendment to the DPA would include:

- An update of the near two decade old mapping, including incorporating new raptor nests.

- An update of DPA provisions based on experience with applications and any changes to best practices.
- Landowner education on new and existing nest trees.
- Providing a model process and bylaw provisions applicable to other local trust areas.

Potential risks associated with the project may include:

- Incomplete mapping stemming from an inability to gain access to private property, alternatives may need to be considered in these cases.
- Cost and delays resulting from the requirement to involve a Registered Professional Biologist.
- First Nations capacity and timelines to consult may not be consistent with project timeline and budget.

Timeline

The project is proposed to be completed relatively quickly as a targeted review, with the project consisting of the following phases.

Phase 1: Project Initiation: preliminary report and mapping contract procurement process.

Phase 2: Analysis: review of DPA provisions, options to LTC, contact with stakeholder groups and landowners.

Phase 3: First Nations consultation: early engagement and on-going consultation as requested by Nations.

Phase 4: Drafting: LTC review of amendment options and direction to prepare bylaws.

Phase 5: Community Consultation: early contact and community meeting, public review, bylaw referrals.

Phase 6: Legislative Phase: bylaw readings, public hearing, EC and Ministerial approval.

Phase 7: Implementation: public and landowner communication, procedural updates.

Phase	2023												2024											
	1	2	3	4	5	6	7	8	9	10	11	12	1	2	3	4	5	6	7	8	9	10	11	12
Pre-Project																								
Project Initiation																								
Analysis																								
FN Consultation																								
Bylaw Drafting																								
Community Consultation																								
Legislative																								
Implementation																								

Rationale for Recommendation

The recommendation is to proceed with the project as the LTC’s Minor Project. While there are risks to the project associated with budget and timeline, the desire to expeditiously review these DPA provisions, the targeted scope of the project and the availability of funds and staff resources support proceeding as proposed.

ALTERNATIVES

The LTC may consider the following alternatives to the staff recommendation:

1. Request further information

The LTC may request further information prior to making a decision. Staff advise that the implications of this alternative are that commencing work on the project would be delayed. Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee request that...

2. Not Proceed with the Project

The LTC may decide to not proceed with the project.

3. Receive for information

The LTC may receive the report for information.

NEXT STEPS

If the LTC endorses the project charter, staff will report back at the September LTC meeting.

Submitted By:	Robert Kojima, Regional Planning Manager	July 17, 2023
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ATTACHMENTS

1. Project Charter

Raptor Nest Development Permit Area Review - Project Charter

North Pender Island Local Trust Committee

LTC Endorsement Date: xxx

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