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Date: January 4, 2025 at 11:24:11 AM PST
To: Aaron Campbell <acampbell@islandstrust.bc.ca>, Deb Morrison <dmorrison@islandstrust.bc.ca>, David Maude <dmaude@islandstrust.bc.ca>
Cc: b s <[REDACTED]>
Subject: Raptor DPAs

Dear North Pender Island LTC: Your proposed Bylaw 235, raptor DPAs should not be adopted. It is an unwarranted intrusion on the rights of affected property owners' use and enjoyment of their land and is unnecessary. Abrogation of property rights you should be a last resort and only when supported by compelling reasons, which are absent here.

The proposed changes would blanket nearly the entire end of our peninsula with restrictions. The fact that these regulations are not needed is borne out by the fact that the species intended to be protected are apparently thriving here without these regulations.

The area adjacent to our property, which has heron nests which you apparently believe require large areas of regulated activities and nearly year-round "quiet times", has been the subject of ongoing development in the past few years, including: installation of a new road, with extensive tree removal, construction of a new home, with ongoing contractor traffic, and installation of high tension power lines, with associated large scale tree removal. Yet the herons have established their nests, which they continue to use. (One is reminded of the storks which famously nest atop chimneys in the Netherlands.)

Furthermore, the data to support application of this DPA on our property has been falsified, as you are well aware, having been previously apprised of that fact. The fact that you are willing to misrepresent the facts regarding our property makes one wonder about the validity of the designations on the rest of the island.

This is a textbook case of unnecessary regulation. Arbitrarily applying a provincial guideline to this an inhabited area is irresponsible (you can't seriously contend that a bird nesting down by Bedwell Harbour will be disturbed by someone using a leaf blower clear over on Swanson View). Additionally, the complex scheme of calendar periods, exemptions, and exceptions, would make both compliance and enforcement problematic.

To summarize; the proposed bylaw is not supported by valid evidence, is overbroad, and unnecessary. The phrase "arbitrary and capricious" comes to mind. This kind of 'regulation for the sake of regulation' erodes the Islands Trust's credibility and invites contempt of the law.

Regards, Michael Symons