



Magic Lake Property Owners' Society
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Sunday, January 19, 2025

Islands Trust
200-1627 Fort St.
Victoria, BC V8R 1H8

Attention: Brad Smith, Island Planner, Southern Team, Deb Morrison and Aaron Campbell,
North Pender Trustees

Sent by email to bsmith@islandstrust.bc.ca

Re: Proposed increases to the Raptor Nest Development Permit areas on North Pender

Dear Brad Smith, Deb Morrison and Aaron Campbell:

I am writing at the behest of the Magic Lake Property Owners' Society (MLPOS) Board of Directors who, after hearing a presentation by a member of the society who's property will be severely impacted by the proposals referenced above, wish me to convey their concern over the negative impacts of the proposals to the members of our society and the property owners of the community of Magic Lake. You must be aware that the majority of the lots in Magic Lake aren't 120 meters wide, meaning a raptor's nest, or possible nesting site in the middle of the lot would render it impossible to build on, or improve if already developed. We also believe that, in the case of Eagles, these are not an endangered species in need of stringent protection. The proposed new restrictions are both unwarranted and unnecessary.

To be specific:

- The Ministry guidelines state that the proposed measures are more for "...colonies not previously accustomed to people and their activities." This does not describe the existing and potential sites in Magic Lake.
- The proposed 60 meter exclusion zone is based on a formula of 1.5 tree lengths for the Magic Lake Estates area. There are no references quoted to back up this assertion. Rather than use the height of the particular tree in question, the formula suggests an assumption of 40 Meters (over 131 feet). As Bald Eagles and Ospreys prefer a saddle at the top of the tree it is doubtful the trees are even 30 meters which would suggest an inclusion zone of less than 45 meters.
- The proposed doubling of the size of the DPA area includes a large number of properties that do not have raptor nests, but whose properties would be adversely

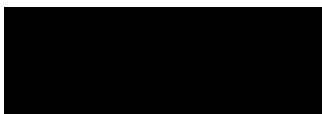
affected. Yet these owners have not been notified so they can be aware of, and included in the process.

- The proposed DPA sites appear to include trees that have in previous years had nests that have fallen and some have never had raptor nests, but are included due to their “potential”.
- There are no properties in Magic Lake that come anywhere near 120M in width, the diameter of the proposed exclusion zone. This sized exclusion zone would make all of the vacant lots in Magic Lake unusable should a raptor nest or potential for a raptor nest be identified. Indeed, an identified or potential nest will affect multiple properties adjacent to the lot.
- The proposed “added” 100 meter radius, (200 M diameter) buffer during the breeding season would coincide with the season the residents do work on their lots including construction of additions, driveways modifications, garages, paving, clearing etc. Requesting they refrain from this during breeding season means not only less enjoyment of their yards and homes, loss of the weather window for this type of work, and a build up of fuel for wildfires.
- The proposed bylaw includes species and settings not discussed in the report or other materials.
- The primary raptor nesting in Magic Lake, Bald Eagles, are not a species at risk according to the Nature Conservancy of Canada.

The proposed changes to the DPA areas in RR1 zones on North Pender Island (Magic Lake and Trincomali) will result in major drops in property values for many residents and major, if not insurmountable, obstacles for property owners of a number of the vacant lots, many of whom do not have any actual or potential raptor nests and are, therefore, collateral damage if these measures go ahead. The changes are unnecessary as the resident raptors in question are already habituated to the semi-urban situation in those two communities.

The proposed changes are unnecessary and must not be applied to RR1 Zones on North Pender Island

Sincerely

A solid black rectangular box used to redact the signature of the sender.

Bob Coulson
President