

From: Chris Pettman [REDACTED]
Sent: Thursday, September 11, 2025 11:17 PM
To: Brad Smith <bsmith@islandstrust.bc.ca>
Subject: Raptor Nest Development Area Review Project

Attn: North Pender Island LTC c/o
Brad Smith
Island Planner- North Pender Island Local Trust Area

Re: Raptor Nest Development Permit Area Review Project

Dear Brad,

We are the owners of the property located at [REDACTED] on North Pender Island and are in receipt of your letter regarding proposed changes to the DPA 7 bylaws.

As originally communicated to you and the LTC upon first hearing of the potential impact of these changes, we remain opposed to the proposal in its current form.

The reasons for our concerns with the overall proposed changes include:

- It has not been communicated as to why there is a need for any updates to the current bylaws specifically with respect to eagle nests and potential nesting trees. The bald eagle is not listed by the province of British Columbia as a species at risk and is in fact listed as a species that has a moderate to high ability to co-exist with human activities near nesting sites. Has the LTC commissioned a study to assess the risks to bald eagle populations and habitat on North Pender Island? If so, is the population being threatened and require these changes?
- It is reasonable to assume that any science based approach to protecting natural ecosystems and biological diversity would begin with a comprehensive study to ascertain what if any specific risks to species exist on the island so that an informed approach can be taken to ensure they are appropriately mitigated. To my knowledge this has not been done as part of this review.
- Provincial regulations already exist to protect any trees with active raptor nests in them. Why does the LTC find it necessary to create redundant bylaws within the OCP as the proposed changes appear to be?
- Why is only one biologist being used to develop this plan, particularly when questions about specific proposed sites are raised? It is not appropriate for the reviewing professional of a challenged/questioned proposed site be the same professional that originally proposed the site. This is a clear conflict of interest. Any questioned sites should be reviewed by an at arms length professional biologist to ensure an unbiased second opinion.
- The inclusion of 'potential' nesting sites in this review is extremely problematic. There is no guarantee that any proposed tree that has been identified as being able to support a raptor nest will actually be used by eagles or even be viable. These sites should not be included in this DPA.

- To suggest that the proposed map is an exhaustive list of all trees that eagles may eventually use to nest is simply not credible. There are certainly many more trees that may be viable that are not on the proposed list of new DPA sites and several that are on the list that will not be. How does the LTC propose to ensure the DPA is kept current moving forward if these changes are enacted?
- The proposed changes to the buffer zones around raptor trees is particularly concerning for lots that have not yet been developed. The proposed changes would very likely lead to development restrictions that make it nearly impossible to build any structures on these lots particularly given the proposed 200m buffer during breeding season that could effectively prevent building activities for 9 months of the year. This is unreasonably punitive to property owners.
- The potential impact of this proposal is significant in the sheer number of properties that stand to be negatively impacted should these changes be approved. The ability to develop these properties within the guidelines currently laid out in the OCP will become much more challenging if not impossible for many of these properties.
- The resulting decline in property values that will likely be resultant from these changes cannot be ignored or understated. The inability or severe restriction on building what would be otherwise compliant dwellings will without any doubt significantly decrease the value of impacted properties. This is an unfair burden to place on property owners who bought land in good faith outside of the many DPAs in place on the island. What is LTC's position on this issue and the potential liabilities it may be placing on itself should these changes be approved?
- The resulting restrictions on a large number of properties across the island has the potential to significantly decrease the inventory of complaint dwellings required to sustain the healthy population and community of North Pender Island. Sustainable and affordable housing are also mandates of the Islands Trust and do not appear to be considered in this review.
- The proposal in it's current form does not outline what the potential development restriction details would be. In the absence of these details it must be assumed that any development permit application within proposed buffer zones would be rejected.

Our property would be impacted by proposed site 53. Our objection to the inclusion of this site specifically beyond the reasons stated above include:

- There is no eagle nest in the tree in question and has not been since at least 2020.
- While there is anecdotal commentary that there was once a nest in this tree, it is no longer present in the tree. Given this fact and the fact that eagles have not been successful in building subsequent nests in the tree, it is reasonable to assume the tree is no longer a viable nesting tree.
- Our lot is largely undeveloped. If the DPA is put in place in and around this tree our lot will be 100% covered by the buffer zones. This is of great concern to us as this will likely make building a dwelling on the property difficult and potentially impossible should the LTC decide not to grant a development permit in the buffer

zone in the future. This is very distressing as we have invested a considerable amount of money in this land and have the intent of building a modest sustainable home on the property in the future.

- Given potential for development challenges should these changes be enacted there is potentially for a significant monetary loss.
- We value conservation and purposely bought this lot because it did NOT have any DPAs on it.
- Despite our initial questions to you and the LTC as to how the LTC hired biologist gained access to the site in order to evaluate the tree, we have received no response. Please respond to this question: did the biologist gain access through our property without first getting the required permissions from us as the land owners? While we would not look to restrict access, it is important to state that any activities undertaken on behalf of the LTC should be done so with full transparency and cooperation from land owners.

In summary, we are opposed to the proposed changes to DPA 7 sites and request that they not be approved in their current form. Impacted land owners will be unfairly and disproportionately punished by these changes. There has been no evidence provided that the raptor population of North Pender Island is at risk and that these changes are even needed to protect them.

Please pass this letter for reading and due consideration ahead of the scheduled LTC meeting on October 3, 2025. I can be reached for discussion at the number below.

Sincerely,

Chris and Nadine Pettman

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North Pender Island

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