

September 11, 2025

Brad Smith
Island Planner – North Pender Island Local Trust Area

Re: Raptor Nest Development Permit Area Review Project – Nesting Tree Locations

Dear Mr. Smith,

I am writing to you in response to your letter dated June 23, 2025 that provided an update regarding the Development Permit Area (DPA) review project and, as we requested, the proposed new buffer zones that were provided in *.kml format so that we were able to view them on Google Earth. As the Islands Trust MapIT tool is no longer publicly available, we would like to request the current DPA area for our property [REDACTED] in *.kml format so that we can compare it to the proposed new areas.

As owners of a property where a raptor nest is located, we would be affected by the proposed updated DPA requirements. We appreciate the need for DPAs to protect the natural environment on the Gulf Islands and generally agree with the proposed changes; however, we would like to respectfully provide the following feedback for consideration by the Local Trust Committee (LTC):

- The proposed new DPA areas represent a significant change from the existing ones. For our property, the proposed new year-round buffer extends south past an area that was previously cleared and the breeding season quiet buffer area encompasses most of the property.
- With respect to the proposed amendments to Bylaw No. 171, as outlined in North Pender Island Local Trust Committee Bylaw No. 235, Schedule 1, we note the following:
 - Section 5.2.8.2 indicates that for discrepancies between digital records and the actual locations of nesting trees, the minimum radius distances apply to the actual location of the nesting tree, as verified a qualified professional (QP). It is unclear how a discrepancy would be identified, if the Islands Trust or the property owner would retain the QP and what would be required to document the QP's opinion. If the property owner is responsible to retain the QP, this would be a financial burden.
 - Section 5.2.8.6, h) indicates "...examined by an arborist and certified...". It would be helpful to define "certified" and indicate what documentation is required.
 - Section 5.2.8.7, 2, c) indicates "...ensure that species specific breeding season quiet buffers are applied where applicable." Can some further clarification be provided regarding "quiet buffers"? We understand that certain activities such as blasting and hammering with an excavator could be disruptive for birds; however, limiting other construction-related activities to the period from August 31 to February 4 over such a broad area would be a significant constraint.
 - Section 5.2.8.7, 5: We note that extension of the DPA areas to those proposed would result in the following being applicable to many more properties: "...a significant portion or all of the developable area of the parcel falls within a raptor or heron DPA...". This could represent a significant challenge for development of some properties.
 - Section 5.2.8.7, 5, b) refers to a 'residential home plate'. It would be helpful to further define this term and indicate what would be reasonably expected for an appropriate area. We recommend

that a balanced approach be undertaken to enable property owners to undertake development while respecting nesting trees and maintaining natural habitat.

If the proposed changes to DPA 7 are implemented, we are concerned that there could be significant limitations to how we could develop our property and/or there would be additional costs incurred. Our intention is to build a primary residence at our property in the future in compliance with what is permitted for properties zoned as RR2. We would appreciate it if more information could be provided regarding the decision-making process to approve development permits, specific requirements regarding building methods in buffer areas, and anticipated costs and schedule implications.

Thank you for your consideration.

Sincerely,

Mark and Brenda Bolton

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