

**From:** MUNI Land Use, Planning & Regional Impacts Branch MUNI:EX <[LUPRI@gov.bc.ca](mailto:LUPRI@gov.bc.ca)>  
**Sent:** Monday, January 6, 2025 10:58 AM  
**To:** SouthInfo <[SouthInfo@islandstrust.bc.ca](mailto:SouthInfo@islandstrust.bc.ca)>  
**Subject:** RE: North Pender Island Local Trust Committee Draft Bylaw No. 235 Referral - For Response

Hello Brad,

Thank you for referring North Pender Island Bylaw 235 to the Ministry of Housing and Municipal Affairs (HMA) for preliminary review. I am pleased to provide feedback in my capacity as a Senior Planner with the Ministry of HMA.

#### First Nations Referrals

Based on the Profiles of Indigenous Peoples web app (<https://apps.nrs.gov.bc.ca/int/fnp/#/organizations>), the following First Nations have been identified as having interests in the bylaw area:

- Cowichan Tribes
- Halalt First Nation
- Lyackson First Nation
- Malahat Nation
- Pauquachin First Nation
- Penelakut Tribe
- Semiahmoo First Nation
- Snuneymuxw First Nation
- Stz'uminus First Nation
- Ts'uubaa-asatx First Nation
- Tsartlip First Nation
- Tsawout First Nation
- Tsawwassen First Nation
- Tseycum First Nation

After reviewing the referral list for Bylaw 235, it appears that all First Nations listed above have been included in the consultation process for this bylaw.

We encourage the Local Trust Committee (LTC) to ensure robust and meaningful engagement with all relevant First Nations, including clear documentation of the feedback received and how it was or was not addressed through the bylaw.

#### Ecological Considerations

The Ministry of HMA will defer all comments on the ecological and environmental aspects of raptor and heron nest protection to the Ministry of Water, Land, and Resource Stewardship. Their expertise will ensure that environmental considerations are appropriately addressed in the bylaw.

Thank you again for referring the Pender Island Bylaw 235 to the Ministry of Housing and Municipal Affairs. If you have any questions or need further clarification, please feel free to contact me directly via email ([Caitlin.Moran@gov.bc.ca](mailto:Caitlin.Moran@gov.bc.ca)) or by phone (236 478-2301).

Sincerely,

**Caitlin Moran** (she/her)

Senior Planner

Land Use, Planning, and Regional Impacts Branch

Local Government Division

Ministry of Housing and Municipal Affairs

[Caitlin.Moran@gov.bc.ca](mailto:Caitlin.Moran@gov.bc.ca)

*I am grateful to live and work from the territory of the ləkʷəŋən and WSÁNEĆ Peoples.*

**From:** Jas Chonk <[jchonk@islandstrust.bc.ca](mailto:jchonk@islandstrust.bc.ca)>

**Sent:** Monday, December 16, 2024 2:28 PM

**To:** 'Gulf Info (PC)' <[gulfinfo@pc.gc.ca](mailto:gulfinfo@pc.gc.ca)>; MUNI Land Use, Planning & Regional Impacts Branch MUNI:EX <[LUPRI@gov.bc.ca](mailto:LUPRI@gov.bc.ca)>; Nichols, Kris MUNI:EX <[Kris.Nichols@gov.bc.ca](mailto:Kris.Nichols@gov.bc.ca)>; Patton, Jenny MUNI:EX <[Jenny.Patton@gov.bc.ca](mailto:Jenny.Patton@gov.bc.ca)>; Burwash, Michael WLRS:EX <[Michael.Burwash@gov.bc.ca](mailto:Michael.Burwash@gov.bc.ca)>; MacIver, Stephen WLRS:EX <[Stephen.MacIver@gov.bc.ca](mailto:Stephen.MacIver@gov.bc.ca)>; PIPRC Chair <[penderparks@crd.bc.ca](mailto:penderparks@crd.bc.ca)>; Strachan, Corlynn <[cstrachan@islandstrust.bc.ca](mailto:cstrachan@islandstrust.bc.ca)>; Stewart, Carolyn <[cstewart@islandstrust.bc.ca](mailto:cstewart@islandstrust.bc.ca)>; Pender Island Conservancy Association <[info@penderconservancy.org](mailto:info@penderconservancy.org)>; 'Aggie Chan' <[AChan@crd.bc.ca](mailto:AChan@crd.bc.ca)>; 'jarnet@crd.bc.ca' <[jarnet@crd.bc.ca](mailto:jarnet@crd.bc.ca)>; Pingle, Rob <[rpingle@islandstrust.bc.ca](mailto:rpingle@islandstrust.bc.ca)>

**Cc:** Smith, Brad <[bsmith@islandstrust.bc.ca](mailto:bsmith@islandstrust.bc.ca)>

**Subject:** North Pender Island Local Trust Committee Draft Bylaw No. 235 Referral - For Response

**[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.**

Hello Referral Coordinators:

The North Pender Island Local Trust Committee has asked that its draft Bylaw No. 235 be referred to you for comment. The referral package prepared by Island Planner Brad Smith is attached.

**Purpose:** The purpose of draft Bylaw No. 235 is to make amendments to the North Pender Island Official Community Plan No. 171 to update Raptor and Heron Nest Development Permit Area (DPA) mapping and associated provisions.

The current Raptor Nest DPA provisions were adopted in 2008 based upon surveys conducted by local volunteers. Nest trees were mapped with assistance of Islands Trust staff. An update of wildlife trees is required as new nests are established and older ones abandoned. In addition, DPA provisions have been reviewed and updates proposed based on most recent [2013 provincial guidelines](#) for raptor conservation.

For ease of reference and review, attached are both a redline version of draft Bylaw No. 235 with proposed revisions in track changes, and a clean version that does not include track changes.

Additional background, including the preliminary staff report and draft Bylaw No. 235 are located at <https://islandstrust.bc.ca/island-planning/north-pender/projects/>

A reply is respectfully requested by **Thursday, January 16, 2025.**

Should you have any questions, or require further information, please contact Island Planner Brad Smith at 250-405-5194 or [bsmith@islandstrust.bc.ca](mailto:bsmith@islandstrust.bc.ca) and he would be happy to answer any questions you may have.

Please direct referral responses to [southinfo@islandstrust.bc.ca](mailto:southinfo@islandstrust.bc.ca) or by mail to: Islands Trust, Victoria Head Office – 200-1627 Fort Street, Victoria BC V8R 1H8.

Thank you for your time and attention to this matter.

Sincerely,

**Jas Chonk** (she, her, hers)

Legislative Clerk

Islands Trust

200-1627 Fort Street | Victoria BC V8R 1H8

T 250-405-5164 | [islandstrust.bc.ca](http://islandstrust.bc.ca)

You can also reach us toll-free via Service BC 1-800-663-7867 | 604-660-2421



### **Preserving and protecting over 450 islands and surrounding waters in the Salish Sea**

*I respectfully acknowledge that the Islands Trust Area is located within the treaty lands and territories of the BOKÉĆEN, Cowichan Tribes, K'ómoks, Lyackson, MÁLEXEŁ, Qualicum, scəwəθən, səilwətəł, SEMYOME, shíshálh, Sḵw̓xwú7mesh, Snaw-naw-as, Snuneymuxw, Songhees, Spune'luxutth', SḶÁUTW, Stz'uminus, ɬaʔəmen, Ts'uubaa-asatx, Wei Wai Kum, We Wai Kai, WJOLÉLP, WSIKEM, Xeláltxw, Xwémalhkwu, Xwsepsum, and x<sup>w</sup>məθk<sup>w</sup>əyám First Nations. Islands Trust is committed to reconciliation and to working together to preserve and protect this ecologically, culturally, and spiritually significant region in the Salish Sea.*

# BYLAW REFERRAL FORM RESPONSE SUMMARY

- Approval Recommended for Reasons Outlined Below**
- Approval Recommended Subject to Conditions Outlined Below**
- Interests Unaffected by Bylaw**
- Approval Not Recommended Due to Reason Outlined Below**

The proposed revisions to the Raptor and Heron Nest DPA for North Pender Island bring our OCP into alignment with provincial standards, and those adopted by local governments across the province. They will more effectively protect raptors from disturbance during critical stages in the breeding season; given other concurrent stressors such as avian flu and loss of food resources (e.g. salmon) for many species, these additional protections are needed now more than ever. Current provincial guidelines are informed by stress physiology and an understanding of individual variation in tolerance and sensitivity of birds within populations, and the suggested variation in buffer size in Rural versus Rural Residential areas acknowledges this variation. We applaud the Trustees and staff for their work on this process, and we encourage improved efforts to ensure effective enforcement of this and all DPAs. The leadership you are showing in this process could additionally be extended to better secure other sensitive and threatened ecosystem components such as wetlands to improve the accuracy of their representation in DPAs; currently there are many sensitive ecosystems that are not sufficiently protected, simply because of lack of precision and groundtruthing during the early stages of DPA establishment. This is increasingly essential to maintain and improve biodiversity and resilience of ecosystems and the critical services they provide our community, particularly in the context of climate change.

North Pender Island Local Trust Area  
(Island)



(Signature)

January 16, 2025

(Date)

235

(Bylaw Number)

[Pamela Wright, Chair of Stewardship Committee/ Director](#)

(Name and Title)

Pender Island Conservancy Association

(Agency)

# BYLAW REFERRAL FORM RESPONSE SUMMARY

- Approval Recommended for Reasons Outlined Below
- Approval Recommended Subject to Conditions Outlined Below
- Interests Unaffected by Bylaw
- Approval Not Recommended Due to Reason Outlined Below

North Pender Island Local Trust Area  
\_\_\_\_\_  
(Island)

*J. Chonk*  
\_\_\_\_\_

(Signature)

January 16, 2025  
\_\_\_\_\_

(Date)

235  
\_\_\_\_\_

(Bylaw Number)

Jas Chonk, Legislative Clerk  
\_\_\_\_\_

(Name and Title)

Saturna Island Local Trust Committee  
\_\_\_\_\_

(Agency)

**From:** Erica Wheeler  
**Sent:** Monday, January 20, 2025 3:39 PM  
**To:** Brad Smith  
**Cc:** Jas Chonk; SouthInfo  
**Subject:** RE: Islands Trust Conservancy Comments on NP-BL-235\_Referral

Hi Brad,

Thanks for your time on the phone, I appreciate learning about the OCP amendment process. 134959

A couple of things:

1. Regarding Carolyn's email below, there was a misunderstanding and information in the third paragraph is incorrect and can be removed from ITC's response.
2. Please add this to ITC's comments: 'The LTC may want to amend the map to include an occupied Western screech-owl nest, documented in 2021 on private land (PID 004-459-164), close to the intersection of Corbett Road and Port Washington Road. This occurrence does not appear on Schedule O of the proposed amendment, but is documented by the Province of BC through the Conservation Data Centre. For more details, contact the CDC at [cdcdata@gov.bc.ca](mailto:cdcdata@gov.bc.ca). The Western screech owl (*Megascops kennicottii kennicottii*) is listed as Threatened on Schedule 1 of the Canadian Species at Risk Act.'

If you'd like to view and confirm the record for this Western screech owl tree, species at risk data from the BC Conservation Data Centre can be uploaded to TAPIS 3.0 using this link: [https://maps02.islandstrust.bc.ca/server/rest/services/Species\\_At\\_Risk/MapServer](https://maps02.islandstrust.bc.ca/server/rest/services/Species_At_Risk/MapServer). You may need to turn off the 'Ecosystems at Risk – CDC' and 'Species at Risk – Masked –CDC' layers to see the red dot on the map. Otherwise, the biological consultant can view this record online via the CDC iMAP online portal (<https://maps.gov.bc.ca/ess/hm/cdc/>). The Element Occurrence number is 134959, for reference.

Thanks Brad,

Erica

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**From:** Brad Smith <[bsmith@islandstrust.bc.ca](mailto:bsmith@islandstrust.bc.ca)>  
**Sent:** Monday, January 20, 2025 2:51 PM  
**To:** Erica Wheeler <[ewheeler@islandstrust.bc.ca](mailto:ewheeler@islandstrust.bc.ca)>  
**Subject:** FW: Islands Trust Conservancy Comments on NP-BL-235\_Referral

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**From:** SouthInfo <[SouthInfo@islandstrust.bc.ca](mailto:SouthInfo@islandstrust.bc.ca)>  
**Sent:** Tuesday, January 14, 2025 2:58 PM  
**To:** Jas Chonk <[jchonk@islandstrust.bc.ca](mailto:jchonk@islandstrust.bc.ca)>; Brad Smith <[bsmith@islandstrust.bc.ca](mailto:bsmith@islandstrust.bc.ca)>  
**Subject:** FW: Islands Trust Conservancy Comments on NP-BL-235\_Referral

Hi Brad and Jas,

Just forwarding the below in case you weren't looped in.

Thank you,

**Emily Bryant** (she, her, hers)  
Planning Team Assistant  
Islands Trust | T 250-405-5163

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**From:** Carolyn Stewart <[cstewart@islandstrust.bc.ca](mailto:cstewart@islandstrust.bc.ca)>  
**Sent:** Tuesday, January 14, 2025 11:07 AM  
**To:** SouthInfo <[SouthInfo@islandstrust.bc.ca](mailto:SouthInfo@islandstrust.bc.ca)>  
**Subject:** Islands Trust Conservancy Comments on NP-BL-235\_Referral

Please find below, comments from the Islands Trust Conservancy as they relate to the December 16, 2024 referral of NP-BL-235.

Thank you for the opportunity to review the information relating to proposed Bylaw 235. Islands Trust Conservancy supports the updating of the Bylaw. Before approving Bylaw 235,

1. The LTC may want to add recommended breeding season buffer zones for Western screech owl, as per the publication: 'Environmental Guidelines for Urban and Rural Land Development in British Columbia: Fact Sheet 12 – Western screech owl' (<https://www2.gov.bc.ca/assets/gov/environment/natural-resource-stewardship/best-management-practices/develop-with-care/fact-sheet-12-screech-owl.pdf>), which reads, in part: "An additional 200 m 'no disturbance' buffer is recommended during the breeding season (March 15–August 31), when the female and nestlings are even more susceptible to human disturbance."

2. The LTC may want to add more explicit information about recommended breeding season buffers for all other raptors and owls that occur in the Islands Trust Area, as per the publication 'Guidelines for Raptor Conservation during Urban and Rural Land Development in British Columbia (2013)' ([https://www2.gov.bc.ca/assets/gov/environment/natural-resource-stewardship/best-management-practices/raptor\\_conservation\\_guidelines\\_2013.pdf](https://www2.gov.bc.ca/assets/gov/environment/natural-resource-stewardship/best-management-practices/raptor_conservation_guidelines_2013.pdf)).

3. The ITC is aware of eight bald eagle nest trees in and around protected lands in the North Pender Island Local Trust Area. The planning staff for the North Pender Local Trust Area may want to confer with the ITC's Species at Risk Program Coordinator, Erica Wheeler, to ensure these nest sites are identified in the Local Trust Area's updated mapping.

**Carolyn Stewart**  
A/Manager  
Islands Trust Conservancy

200-1627 Fort Street | Victoria BC V8R 1H8

T 250-405-5191 | [islandstrust.bc.ca/conservancy](https://islandstrust.bc.ca/conservancy)

You can also reach us toll-free via Service BC 1-800-663-7867 | 604-660-2421

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### **Protecting islands in the Salish Sea**

*I respectfully acknowledge that the Islands Trust Area is located within the treaty lands and territories of the BOKÉĆEN, Cowichan Tribes, K'ómoks, Lyackson, MÁLEXEŁ, Qualicum, scəwəθən, səilwətał, SEMYOME, shishálh, Słwłwú7mesh, Snaw-naw-as, Snuneymuxw, Songhees, Spune'luxutth', SłÁUTW, Stz'uminus, łəłəmen, Ts'uubaa-asatx, Wei Wai Kum, We Wai Kai, WJOLÉLP, WSIKEM, Xeláltxw, Xwémalhkwu, Xwsepsum, and x<sup>w</sup>məθk<sup>w</sup>əłəm First Nations. Islands Trust Conservancy is committed to reconciliation and to working together to preserve and protect this ecologically, culturally, and spiritually significant region in the Salish Sea.*

## Jas Chonk

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**From:** Aggie Chan <AChan@crd.bc.ca>  
**Sent:** Monday, January 27, 2025 4:27 PM  
**To:** Jas Chonk  
**Subject:** RE: North Pender Island Local Trust Committee Draft Bylaw No. 235 Referral - For Response

Good afternoon Jas,

Sorry for late reply. I thought you may still want our email back for records:

Regional Parks – No impact on interests  
Integrated Water Services – No comments

I didn't received any other department's responses.

Regards,

**Aggie Chan (she/her)**  
Senior Administrative Secretary | Real Estate Services  
T: 250.360.3176 | E: [achan@crd.bc.ca](mailto:achan@crd.bc.ca)

---

**From:** Justine Starke <jstarke@crd.bc.ca>  
**Sent:** Thursday, January 09, 2025 12:27 PM  
**To:** Jas Chonk <jchonk@islandstrust.bc.ca>  
**Cc:** Brad Smith <bsmith@islandstrust.bc.ca>; Robert Kojima <rkojima@islandstrust.bc.ca>; Aggie Chan <AChan@crd.bc.ca>  
**Subject:** FW: North Pender Island Local Trust Committee Draft Bylaw No. 235 Referral - For Response

Hi Jas! Happy New Year!

This referral included this email “penderparks <[penderparks@crd.bc.ca](mailto:penderparks@crd.bc.ca)>” which bypasses CRD's centralized referral coordination function and goes straight to the parks commission. Do you mind removing it from the distribution list? All CRD referrals should go to Aggie, and she circulates to each service listed. We want to avoid duplication or conflicting responses and the volunteer commissions need staff guidance to respond.

Thank you!  
Justine

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**From:** penderparks <[penderparks@crd.bc.ca](mailto:penderparks@crd.bc.ca)>  
**Sent:** Thursday, January 09, 2025 12:21 PM  
**To:** Justine Starke <[jstarke@crd.bc.ca](mailto:jstarke@crd.bc.ca)>  
**Subject:** Fw: North Pender Island Local Trust Committee Draft Bylaw No. 235 Referral - For Response

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**From:** Jas Chonk <[jchonk@islandstrust.bc.ca](mailto:jchonk@islandstrust.bc.ca)>

**Sent:** Monday, December 16, 2024 2:27 PM

**To:** 'Gulf Info (PC)' <[gulfinfo@pc.gc.ca](mailto:gulfinfo@pc.gc.ca)>; 'LUPRI@gov.bc.ca' <[LUPRI@gov.bc.ca](mailto:LUPRI@gov.bc.ca)>; Nichols, Kris MUNI:EX <[Kris.Nichols@gov.bc.ca](mailto:Kris.Nichols@gov.bc.ca)>; 'Jenny.Patton@gov.bc.ca' <[Jenny.Patton@gov.bc.ca](mailto:Jenny.Patton@gov.bc.ca)>; 'Michael.Burwash@gov.bc.ca' <[Michael.Burwash@gov.bc.ca](mailto:Michael.Burwash@gov.bc.ca)>; 'Stephen.Maclver@gov.bc.ca' <[Stephen.Maclver@gov.bc.ca](mailto:Stephen.Maclver@gov.bc.ca)>; penderparks <[penderparks@crd.bc.ca](mailto:penderparks@crd.bc.ca)>; Corlynn Strachan <[cstrachan@islandstrust.bc.ca](mailto:cstrachan@islandstrust.bc.ca)>; Carolyn Stewart <[cstewart@islandstrust.bc.ca](mailto:cstewart@islandstrust.bc.ca)>; Pender Island Conservancy Association <[info@penderconservancy.org](mailto:info@penderconservancy.org)>; Aggie Chan <[ACHan@crd.bc.ca](mailto:ACHan@crd.bc.ca)>; Jessica Arnet <[jarnet@crd.bc.ca](mailto:jarnet@crd.bc.ca)>; Rob Pingle <[rpingle@islandstrust.bc.ca](mailto:rpingle@islandstrust.bc.ca)>

**Cc:** Brad Smith <[bsmith@islandstrust.bc.ca](mailto:bsmith@islandstrust.bc.ca)>

**Subject:** North Pender Island Local Trust Committee Draft Bylaw No. 235 Referral - For Response

**CRD IT SECURITY WARNING:** This Email is from an EXTERNAL source. Ensure you trust this sender before clicking on any links or attachments.

Hello Referral Coordinators:

The North Pender Island Local Trust Committee has asked that its draft Bylaw No. 235 be referred to you for comment. The referral package prepared by Island Planner Brad Smith is attached.

**Purpose:** The purpose of draft Bylaw No. 235 is to make amendments to the North Pender Island Official Community Plan No. 171 to update Raptor and Heron Nest Development Permit Area (DPA) mapping and associated provisions.

The current Raptor Nest DPA provisions were adopted in 2008 based upon surveys conducted by local volunteers. Nest trees were mapped with assistance of Islands Trust staff. An update of wildlife trees is required as new nests are established and older ones abandoned. In addition, DPA provisions have been reviewed and updates proposed based on most recent [2013 provincial guidelines](#) for raptor conservation.

For ease of reference and review, attached are both a redline version of draft Bylaw No. 235 with proposed revisions in track changes, and a clean version that does not include track changes.

Additional background, including the preliminary staff report and draft Bylaw No. 235 are located at <https://islandstrust.bc.ca/island-planning/north-pender/projects/>

A reply is respectfully requested by **Thursday, January 16, 2025.**

Should you have any questions, or require further information, please contact Island Planner Brad Smith at 250-405-5194 or [bsmith@islandstrust.bc.ca](mailto:bsmith@islandstrust.bc.ca) and he would be happy to answer any questions you may have.

Please direct referral responses to [southinfo@islandstrust.bc.ca](mailto:southinfo@islandstrust.bc.ca) or by mail to: Islands Trust, Victoria Head Office – 200-1627 Fort Street, Victoria BC V8R 1H8.

Thank you for your time and attention to this matter.

Sincerely,

**Jas Chonk** (she, her, hers)

Legislative Clerk

Islands Trust

200-1627 Fort Street | Victoria BC V8R 1H8

T 250-405-5164 | [islandstrust.bc.ca](https://islandstrust.bc.ca)

You can also reach us toll-free via Service BC 1-800-663-7867 | 604-660-2421



## Preserving and protecting over 450 islands and surrounding waters in the Salish Sea

*I respectfully acknowledge that the Islands Trust Area is located within the treaty lands and territories of the BOKÉĆEN, Cowichan Tribes, K'ómoks, Lyackson, MÁLEXEL, Qualicum, scəwáθən, səlilwətəʔ, SEMYOME, shíshálh, Skwxwú7mesh, Snaw-naw-as, Snuneymuxw, Songhees, Spune'luxutth', SÁÁUTW, Stz'uminus, ʔaʔəmen, Ts'uubaa-asatx, Wei Wai Kum, We Wai Kai, WJOLÉLP, WSIKEM, Xeláltxw, Xwémalhkwu, Xwsepsum, and xʷməθkʷəyám First Nations. Islands Trust is committed to reconciliation and to working together to preserve and protect this ecologically, culturally, and spiritually significant region in the Salish Sea.*

This message is intended only for the use of the individual or entity named above, and may contain information that is privileged, confidential or exempt from disclosure under applicable law. If you are not the intended recipient or their employee or agent responsible for receiving the message on their behalf your receipt of this message is in error and not meant to waive privilege in this message. Please notify us immediately, and delete the message and any attachments without reading the attachments. Any dissemination, distribution or copying of this communication by anyone other than the intended recipient is strictly prohibited. Thank you. Please consider the environment before printing this email.

# BYLAW REFERRAL FORM RESPONSE SUMMARY

- Approval Recommended for Reasons Outlined Below
- Approval Recommended Subject to Conditions Outlined Below
- Interests Unaffected by Bylaw
- Approval Not Recommended Due to Reason Outlined Below

North Pender Island Local Trust Area  
\_\_\_\_\_  
(Island)

*J. Chonk*  
\_\_\_\_\_

(Signature)

January 27, 2025  
\_\_\_\_\_

(Date)

235  
\_\_\_\_\_

(Bylaw Number)

Jas Chonk, Legislative Clerk  
\_\_\_\_\_

(Name and Title)

Mayne Island Local Trust Committee  
\_\_\_\_\_

(Agency)

# BYLAW REFERRAL FORM RESPONSE SUMMARY

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North Pender Island Local Trust Area  
\_\_\_\_\_  
(Island)



\_\_\_\_\_  
(Signature)

13 FEBRUARY 2025  
\_\_\_\_\_  
(Date)

235  
\_\_\_\_\_  
(Bylaw Number)

Rob Pingle - Legislative Clerk  
\_\_\_\_\_  
(Name and Title)

Salt Spring Island Local Trust Committee  
\_\_\_\_\_  
(Agency)

# BYLAW REFERRAL FORM RESPONSE SUMMARY

- Approval Recommended for Reasons Outlined Below
- Approval Recommended Subject to Conditions Outlined Below
- Interests Unaffected by Bylaw
- Approval Not Recommended Due to Reason Outlined Below

North Pender Island Local Trust Area  
\_\_\_\_\_  
(Island)

*J. Chonk*  
\_\_\_\_\_

(Signature)

February 14, 2025  
\_\_\_\_\_  
(Date)

235  
\_\_\_\_\_

(Bylaw Number)

Jas Chonk, Legislative Clerk  
\_\_\_\_\_

(Name and Title)

South Pender Island Local Trust Committee  
\_\_\_\_\_  
(Agency)

## Jas Chonk

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**From:** TFN Referrals <referrals@tsawwassenfirstnation.com>  
**Sent:** Tuesday, January 7, 2025 3:16 PM  
**To:** Jas Chonk; SouthInfo  
**Cc:** Kelly Scott; Sheila Williams  
**Subject:** Re: North Pender Island Local Trust Committee Draft Bylaw No. 235 Referral - For Response  
**Attachments:** NP-BL-235\_First-Nations\_Referral-PKG.pdf

Thank you for the email.

Tsawwassen First Nation (TFN) has no concerns regarding this file, at this time. However, TFN requests all copies of interim and final environmental reports produced for this project, if they become available.

hay čx<sup>w</sup> qə

Thank you

Amelia Cooper, B.A., Cert.

Referrals Analyst

Treaty Rights and Title Department

Tsawwassen First Nation

1926 Tsawwassen Drive, Tsawwassen, BC V4M 4G4

C 604-619-6930



scəwəθən məsteyəx<sup>w</sup>

TSAWWASSEN FIRST NATION

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**From:** Jas Chonk <jchonk@islandstrust.bc.ca>  
**Sent:** Monday, December 16, 2024 2:32 PM  
**To:** TFN Referrals <referrals@tsawwassenfirstnation.com>  
**Cc:** Brad Smith <bsmith@islandstrust.bc.ca>  
**Subject:** North Pender Island Local Trust Committee Draft Bylaw No. 235 Referral - For Response

Hello Tsawwassen First Nation Referral Coordinators:

The North Pender Island Local Trust Committee has asked that its draft Bylaw No. 235 be referred to you for comment. The referral package prepared by Island Planner Brad Smith is attached.

**Purpose:** The purpose of draft Bylaw No. 235 is to make amendments to the North Pender Island Official Community Plan No. 171 to update Raptor and Heron Nest Development Permit Area (DPA) mapping and associated provisions.

The current Raptor Nest DPA provisions were adopted in 2008 based upon surveys conducted by local volunteers. Nest trees were mapped with assistance of Islands Trust staff. An update of wildlife trees is required as new nests are

established and older ones abandoned. In addition, DPA provisions have been reviewed and updates proposed based on most recent [2013 provincial guidelines](#) for raptor conservation.

For ease of reference and review, attached are both a redline version of draft Bylaw No. 235 with proposed revisions in track changes, and a clean version that does not include track changes.

Additional background, including the preliminary staff report and draft Bylaw No. 235 are located at <https://islandstrust.bc.ca/island-planning/north-pender/projects/>

A reply is respectfully requested by **Thursday, February 13, 2025.**

Should you have any questions, or require further information, please contact Island Planner Brad Smith at 250-405-5194 or [bsmith@islandstrust.bc.ca](mailto:bsmith@islandstrust.bc.ca) and he would be happy to answer any questions you may have.

Please direct referral responses to [southinfo@islandstrust.bc.ca](mailto:southinfo@islandstrust.bc.ca) or by mail to: Islands Trust, Victoria Head Office – 200-1627 Fort Street, Victoria BC V8R 1H8.

Thank you for your time and attention to this matter.

Sincerely,

**Jas Chonk** (she, her, hers)

Legislative Clerk

Islands Trust

200-1627 Fort Street | Victoria BC V8R 1H8

T 250-405-5164 | [islandstrust.bc.ca](https://islandstrust.bc.ca)

You can also reach us toll-free via Service BC 1-800-663-7867 | 604-660-2421



### **Preserving and protecting over 450 islands and surrounding waters in the Salish Sea**

*I respectfully acknowledge that the Islands Trust Area is located within the treaty lands and territories of the BOKÉĆEN, Cowichan Tribes, K'ómoks, Lyackson, MÁLEXEL, Qualicum, scəwəθən, səliwətəʃ, SEMYOME, shíshálh, Skwxwú7mesh, Snaw-naw-as, Snuneymuxw, Songhees, Spune'luxutth', SṠÁUTW, Stz'uminus, ʃaʔəmen, Ts'uubaa-asatx, Wei Wai Kum, We Wai Kai, WJOLÉLP, WSIKEM, Xeláltxw, Xwémalhkwu, Xwsepsum, and xʷməθkʷəyəm First Nations. Islands Trust is committed to reconciliation and to working together to preserve and protect this ecologically, culturally, and spiritually significant region in the Salish Sea.*

**From:** NationsConnect <support@nationsconnect.ca>  
**Sent:** Thursday, January 2, 2025 3:29 PM  
**To:** Jas Chonk  
**Subject:** NationsConnect: Decision regarding consultation: North Pender LTC Bylaw No. 235 regarding North Pender LTC Bylaw No. 235  
**Attachments:** response--north-pender-island--north-pender-ltc-bylaw-no-235--from--ts-uubaa-asatx-nation.pdf

A new conversation has been started by Monty Horton and you were indicated as a person to notify.

**Subject:** Decision regarding consultation: North Pender LTC Bylaw No. 235

To whom it may concern,

**Body:**

Please see the attached PDF concerning: North Pender LTC Bylaw No. 235

[View conversation in NationsConnect](#)



Ts'uubaa-asatx Nation  
313B Deer Lake Road  
Lake Cowichan, British Columbia  
V0R 2G0  
Phone: 250-749-3301  
Fax: 250-749-4286

2-Jan-2025 15:29 PST

Islands Trust  
Attn: Jas Chonk

Project Name: North Pender LTC Bylaw No. 235  
Date Received: 20-Dec-2024  
Ts'uubaa-asatx Nations Consultation Spectrum Assessment: Level 3

'Au Si'em:

The project area appears to fall within the Hul'q'umi'num Statement of Intent as submitted to the BC Treaty Commission process, but outside Ts'uubaa-asatx Nation's core title area. Ts'uubaa-asatx Nation would recognize this area as being in close proximity to other Hul'q'umi'num or Nuu-chah-nulth First Nation Tumuhw (lands). As such, I would categorize this as a Level 3 rights area for Ts'uubaa-asatx Nation. Level 3 identifies that Ts'uubaa-asatx Nation had harvesting, trade and Nation to Nation relations, but not necessarily sole title and governing authorities, which would be Ts'uubaa-asatx Nation's highest S.35 interests and would require high end of the Haida spectrum consultation.

However, Level 3, is still considered to be a very high consultation matter as it represents our inter-community cultural activities and shared title and harvesting areas with our Hul'q'umi'num or Nuu-chah-nulth relatives. Despite this we would generally defer to the First Nation(s) whose traditional territory fronts this area. Should Ts'uubaa-asatx Nation identify greater interests in the future we retain the right to revise this assessment. However, at this time, we defer to any Nation(s) whose title and governing authorities are directly affected.

'Uy' Skweyul,

Monty Horton

Hul'q'umi'num language terms:

'Au Si'em: a term denoting high respect.

'Uy' Skweyul: good day.

**From:** SouthInfo  
**Sent:** Thursday, February 13, 2025 3:12 PM  
**To:** Brad Smith; Jas Chonk  
**Subject:** FW: R24219 - North Pender Island Local Trust Committee Draft Bylaw No. 235 Referral - For Response  
**Attachments:** R24219 Response North Pender Island Local Trust Committee .pdf

Thank you,

**Emily Bryant** (she, her, hers)  
Planning Team Assistant  
Islands Trust | T 250-405-5163

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**From:** Matthew Perkins <[matthew.perkins@malahatnation.com](mailto:matthew.perkins@malahatnation.com)>  
**Sent:** Thursday, February 13, 2025 12:00 PM  
**To:** SouthInfo <[SouthInfo@islandstrust.bc.ca](mailto:SouthInfo@islandstrust.bc.ca)>  
**Subject:** R24219 - North Pender Island Local Trust Committee Draft Bylaw No. 235 Referral - For Response

Good Afternoon,

Attached is the Malahat Nation's response to the draft Bylaw No. 235 is to make amendments to the North Pender Island Official Community Plan No. 171 to update Raptor and Heron Nest Development Permit Area (DPA) mapping and associated provisions.

Thank you,



**Matthew Perkins**  
Referrals Coordinator

**Malahat Nation**  
7 Kwunew Kwasun Lane | Mill Bay, BC | V8H 1B8  
Cel: (250) 884-1465 | Tel: (250) 743-3231  
[www.malahatnation.com](http://www.malahatnation.com)

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**Malahat Nation**

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Tel: (250) 743-3231 | Fax: (250) 743-3251

info@malahatnation.com | www.malahatnation.com

February 13, 2025

**Malahat Referral No: R24219**

Jas Chonk  
Legislative Clerk | Island Trust  
200-1627 Fort Street  
Victoria, BC  
V8R 1H8

Via email: [southinfo@islandtrust.bc.ca](mailto:southinfo@islandtrust.bc.ca)

**RE: Malahat Nation Response to Amendments to the North Pender Island Community Plan No. 171 (Bylaw 235)**

Dear Jas,

Thank you for your consultation request dated December 16, 2024, regarding the draft Bylaw No.235 to make amendments to the North Pender Island Official Community Plan No. 171 to update Raptor and Heron Nest Development Permit Area (DPA) mapping and associated provisions. Pender Island is located in the Malahat Nation's traditional territory.

At this time and with the information we have been provided, Malahat Nation does not object to the proposed amendments to Community Plan No. 171 (Bylaw 235). We thank you for the continued disclosure for Island Trust's Bylaw amendments.

Thank you for your time and consideration.

Sincerely,

Matthew Perkins  
Referrals Coordinator  
Malahat Nation