

From: Jas Chonk
Sent: Monday, July 10, 2023 3:05 PM
To: 'Tracy Fleming'; 'referrals@halalt.org'; 'carole@lcfm.ca';
'referrals@lyackson.bc.ca'; 'referrals@malahatnation.com';
'reception@pauquachin.com'; 'denisej@penelakut.ca';
jcharles@semiahmoofirstnation.org; 'desireet@snuneymuxw.ca';
'sfn.reception@stzuminus.com'; 'reception@tsartlip.com';
'landsmanager@tsawout.ca'; 'TFN Referrals'; 'chief@tseycum.ca'; 'Joni Olsen'
Cc: Brad Smith
Subject: Saturna Island Local Trust Committee SA-ALR-2023.1 Application Referral -
For Response
Attachments: SA-ALR-2023.1 (Hall)_Exclusion referral FN form.pdf

Hello First Nation Referral Coordinators:

This referral is in respect of a proposal to exclude 12 hectares for a property on Narvaez Bay Road with a corresponding inclusion of 12 hectares on an adjacent property owned by the same property owner and as identified in the Land Capability for Agriculture Assessment Report found in SA-ALR-2023.1 (Hall) professional report sub-folder at: <https://islandstrust.bc.ca/island-planning/saturna/current-applications/>.

As of September 30, 2020 Agricultural Land Commission (ALC) exclusion applications can only be submitted by a local government, not individual property owners. In this case, the Saturna Island Local Trust Committee (LTC) has passed a resolution in support of the proposed exclusion/inclusion, and has directed staff to initiate the [exclusion process](#) including referring the proposed changes to agencies and First Nations.

A reply is respectfully requested by **Wednesday, September 6, 2023**.

Should you have any questions, or require further information, please contact Island Planner Brad Smith at 778-679-5185 or 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 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

Legislative Clerk

Islands Trust

200-1627 Fort Street | Victoria BC V8R 1H8

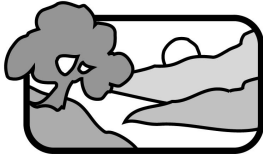
T 250-405-5164 | islandstrust.bc.ca

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, scəwáθən, səilwətał, SEMYOME, shíshálh, Słxwúwú7mesh, Snaw-naw-as, Snuneymuxw, Songhees, Spune'luxutth', SłÁUTW, Stz'uminus, †aʔəmen, Ts'uubaa-asatx, Wei Wai Kum, We Wai Kai, WJOŁEŁP, WSIKEM, Xeláltxw, Xwémalhkwu, Xwsepsum, and x^mməθk^wəyám 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.



Islands Trust

APPLICATION REFERRAL FORM

Suite 200, 1627 Fort Street
Victoria, B.C. V8R 1H8
Ph: (250) 405-5151
Fax: (250) 405-5155
information@islandstrust.bc.ca
www.islandstrust.bc.ca

Island: Saturna Island Local Trust Area Application No.: SA-ALR-2023.1 Date: July 10, 2023

You are requested to comment on the attached Bylaw for potential effect on your agency's interests. We would appreciate your response within 60 days. If no response is received within that time, it will be assumed that your agency's interests are unaffected.

APPLICANTS NAME / ADDRESS:

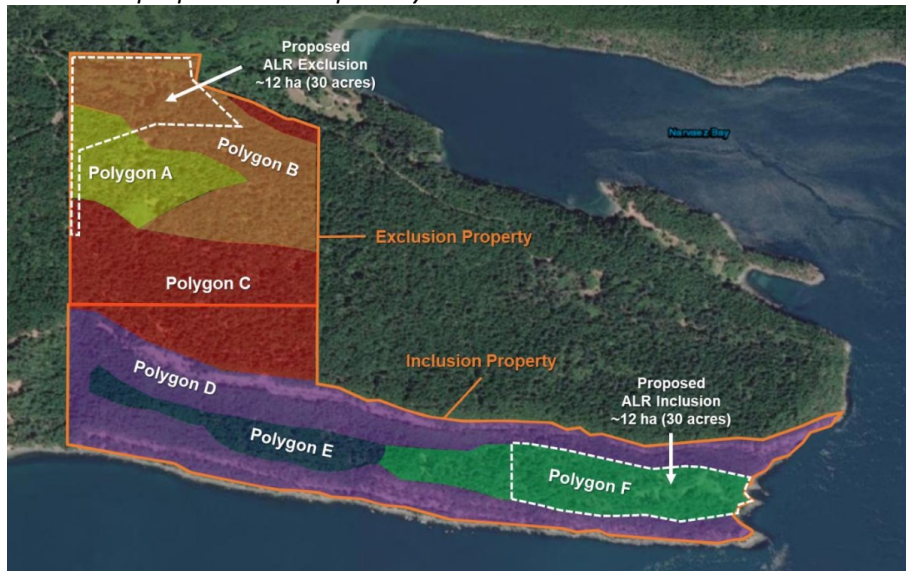
206 Narvaez Bay Road, Saturna Island

PURPOSE OF BYLAW:

This referral is in respect of a proposal to exclude 12 hectares for a property on Narvaez Bay Road with a corresponding inclusion of 12 hectares on an adjacent property owned by the same property owner and as identified in the Land Capability for Agriculture Assessment Report found in SA-ALR-2023.1 (Hall) professional report sub-folder at: <https://islandstrust.bc.ca/island-planning/saturna/current-applications/>.

As of September 30, 2020 Agricultural Land Commission (ALC) exclusion applications can only be submitted by a local government, not individual property owners. In this case, the Saturna Island Local Trust Committee (LTC) has passed a resolution in support of the proposed exclusion/inclusion, and has directed staff to initiate the [exclusion process](#) including referring the proposed changes to agencies and First Nations.

The professional report concludes: *Based on the collected information from our field assessment and background review, it is the objective, professional opinion of Madrone that the ALR exclusion and inclusion proposal by the Client (Figure 8; Appendix A) increases the overall capability of agriculture on Saturna Island should the proposal be accepted by Islands Trust and the ALC.*



PLEASE TURN OVER →

GENERAL LOCATION:

Saturna Island Local Trust Area

LEGAL DESCRIPTION:

- 1) Exclusion Property: The North East 1/4 Of Section 2, Saturna Island, Cowichan District, Except Part In Plan 31309
- 2) Inclusion Property: Lot 1, Sections 1 And 2, Saturna Island, Cowichan District, Plan 49833

SIZE OF PROPERTY AFFECTED:

Exclusion: 59.16 ha

Inclusion: 90.66 ha

ALR STATUS:

Portion of exclusion property in ALR

OFFICIAL COMMUNITY PLAN DESIGNATION:

Exclusion: Rural (R)

Inclusion: Forest Land (F)

OTHER INFORMATION:

Additional information, including a preliminary staff report, is available at: <https://islandstrust.bc.ca/island-planning/saturna/current-applications/>

Please fill out the Response Summary on the back of this form. If your agency's interests are "Unaffected", no further information is necessary. In all other cases, we would appreciate receiving additional information to substantiate your position and, if necessary, outline any conditions related to your position. Please note any legislation or official government policy which would affect our consideration of this Bylaw.

BSmith

(Signature)

Name:

Brad Smith

Title:

Island Planner

Contact Info

Tel: 778-679-5185

Email: bsmith@islandstrust.bc.ca

This referral has been sent to the following agencies:

Government Agencies

Parks Canada
Ministry of Transportation and Infrastructure
Agricultural Land Commission

Regional Agencies

CRD, Planning and Protective Services, Building Inspection
Island Health

Adjacent Local Trust Committees and Municipalities

North Pender Island Local Trust Committee
Mayne Island Local Trust Committee
South Pender Island Local Trust Committee

First Nations

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

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

Saturna Island Local Trust Area
(Island)

(Signature)

(Date)

SA-ALR-2023.1
(Application Number)

(Name and Title)

(Agency)

From: no-reply-ts-fn@knowledgekeeper.ca
Sent: Tuesday, July 25, 2023 1:42 PM
To: Jas Chonk
Subject: Decision regarding consultation: SA-ALR-2023.1 - Saturna LTC - SA-ALR-2023.1
Attachments: consultation-response-13878-sa-alr-20231-20230725-1341.pdf

To whom it may concern,

Please see the attached PDF concerning: Saturna LTC - SA-ALR-2023.1



Ts'uubaa-asatx Nation

Project Name:

Saturna LTC - SA-ALR-2023.1

FN Consultation ID:

SA-ALR-2023.1

Consulting Org Contact:

Jas Chonk

Consulting Organization:

[Islands Trust](#)

Date Received:

Tuesday, July 25, 2023

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

July 25, 2023

Islands Trust
Attn: Jas Chonk

'Au Si'em:

Ts'uubaa-asatx Nation is in receipt of the referral for: Saturna LTC - SA-ALR-2023.1

This application is located within the Ts'uubaa-asatx Nation statement of intent area; it is the interest of the Ts'uubaa-asatx Nation to respectfully maintain our rights and access to the lands and resources throughout our territory.

Ts'uubaa-asatx Nation does not have any comments to provide at this time regarding this application proceeding. Please note that this "no comment" response is specifically intended for this application and is without prejudice to all future consultation with our Nation regarding not only the renewal of this application but any other application or decision within the Ts'uubaa-asatx Nation traditional territory.

Furthermore, we may choose in the future to address the issues of Aboriginal rights and/or title infringement and compensation through the treaty process, the courts or other dispute resolution processes. We also reserve the right to raise objections if any cultural use, archaeological sites or environmental impacts are identified when the above development is being carried out or if we discover impacts on our rights or interest that we had not foreseen.

Should you require any further information, please do not hesitate to contact our office.

'Uy' Skweyul,

Monty Horton

Hul'q'umi'num language terms:

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

'Uy' Skweyul: good day.

From: TFN Referrals <referrals@tsawwassenfirstnation.com>
Sent: Monday, July 31, 2023 1:52 PM
To: Jas Chonk
Cc: Robin Buss
Subject: Re: Saturna Island Local Trust Committee SA-ALR-2023.1
Application Referral - For Response
Attachments: SA-ALR-2023.1 (Hall)_Exclusion referral FN form.pdf

Hi Jas,

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 and archaeological reports produced for this project, if they become available.

hay čx^w 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



From: Jas Chonk <jchonk@islandstrust.bc.ca>
Sent: Monday, July 10, 2023 3:05 PM
To: 'Tracy Fleming' <Tracy.Fleming@cowichantribes.com>; 'referrals@halalt.org' <referrals@halalt.org>; 'carole@lcfm.ca' <carole@lcfm.ca>; 'referrals@lyackson.bc.ca' <referrals@lyackson.bc.ca>; 'referrals@malahatnation.com' <referrals@malahatnation.com>; 'reception@pauquachin.com' <reception@pauquachin.com>; 'denisej@penelakut.ca' <denisej@penelakut.ca>; jcharles@semiahmoofirstnation.org <jcharles@semiahmoofirstnation.org>; 'desireet@snuneymuxw.ca' <desireet@snuneymuxw.ca>; 'sfn.reception@stzuminus.com' <sfn.reception@stzuminus.com>; 'reception@tsartlip.com' <reception@tsartlip.com>; 'landsmanager@tsawout.ca' <landsmanager@tsawout.ca>; TFN Referrals <referrals@tsawwassenfirstnation.com>; 'chief@tseycum.ca' <chief@tseycum.ca>; 'Joni Olsen' <joni.olsen@wsanec.com>
Cc: Brad Smith <bsmith@islandstrust.bc.ca>
Subject: Saturna Island Local Trust Committee SA-ALR-2023.1 Application Referral - For Response

Hello First Nation Referral Coordinators:

This referral is in respect of a proposal to exclude 12 hectares for a property on Narvaez Bay Road with a corresponding inclusion of 12 hectares on an adjacent property owned by the same property owner and as identified in the Land Capability for Agriculture Assessment Report found in SA-ALR-2023.1 (Hall) professional report sub-folder at: <https://islandstrust.bc.ca/island-planning/saturna/current-applications/>.

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A reply is respectfully requested by **Wednesday, September 6, 2023**.

Should you have any questions, or require further information, please contact Island Planner Brad Smith at 778-679-5185 or 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 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

Legislative Clerk

Islands Trust

200-1627 Fort Street | Victoria BC V8R 1H8

T 250-405-5164 | islandstrust.bc.ca

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



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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, səliwətəʔ, SEMYOME, shíshálh, Skwxwú7mesh, Snaw-naw-as, Snuneymuxw, Songhees, Spune'luxutth', SʔÁUTW, Stz'uminus, ʔaʔəmen, Ts'uubaa-asatx, Wei Wai Kum, We Wai Kai, WJOLELP, WSIKEM, Xeláltxw, Xwémalhkww, Xwsepsum, and x^mməθk^oəyəm 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.



Malahat Nation

110 Thunder Road | Mill Bay, BC | V0R 2P4

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

info@malahatnation.com | www.malahatnation.com

September 12th 2023

Islands Trust
200-1627 Fort Street
Victoria BC

Malahat Referral No: R23104

Via email: southinfo@islandstrust.bc.ca

RE: Malahat Nation Response to Saturna Island Local Trust Committee SA-ALR-2023.1 Application Referral

Dear Island Trust,

Thank you for your consultation request for Saturna Island Local Trust Committee SA-ALR-2023.1 Application Referral dated July 10th 2023, located in Malahat Nation's traditional territory.

Malahat Nation notes that the proposed activity falls outside of core Malahat traditional territory, and as such we acknowledge and respect the local First Nation(s)' opportunity to act as primary correspondents in this case. However, in the event they do not, or are unable to respond we reserve our right to consultation and engagement, and continue to require disclosure on an ongoing basis regarding this application.

Thank you for your time and consideration.

Sincerely,

Kate Richey
Referrals Coordinator
Malahat Nation

From: Desiree Thomas <Desireet@snuneymuxw.ca>
Sent: Tuesday, September 26, 2023 3:23 PM
To: Jas Chonk
Cc: Hannah Paulson
Subject: Re: Public Hearing for Saturna Island Proposed Application SA-ALR-2023.1 (Hall)

Good afternoon,

Thank you for the referral details and application information. Snuneymuxw First Nation defers comment on the above-mentioned referral. Snuneymuxw's deferral is only applicable to initial notification and non-transferrable. Snuneymuxw's deferral does not mean that there are no potential impacts to Snuneymuxw's Aboriginal and Treaty rights and title, or contributions to cumulative effects, from this referral. Nor does Snuneymuxw's deferral define or derogate from Snuneymuxw's Aboriginal and Treaty rights and title. Snuneymuxw reserves the right to review this deferral if new information arises.

Please feel free to contact our Referrals Clerk by phone at any time between 8 am and 4 pm, Monday to Friday, at 250-740-2300, or by email at landsclerk@snuneymuxw.ca if you have any questions.

Hay ch q'a

Desiree Thomas

Lands Coordinator

668 Centre Street, Nanaimo BC, V9R 4Z4

EMAIL: desireet@snuneymuxw.ca

PHONE: 250-824-1351

Snuneymuxw First Nation

668 Centre Street, Nanaimo BC, V9R 4Z4

TEL: 250-740-2300/1-888-636-8789

Fax: 250-753-3492

Web: <http://www.snuneymuxw.ca>

My working day may not be your working day. Please do not feel obliged to reply to this email outside of your normal working hours #WorkLifeBalance

Please note that this e-mail and/or the documents accompanying it may contain privileged and/or confidential information intended for a specific purpose and for the use of the individual or institutions to which it is addressed. Any distribution, use or copying of this e-mail, or the information it contains by other than the intended recipient is unauthorized. If you received this e-mail in error please advise the sender immediately by return e-mail or contacting us at (250) 740-2300 and delete this email and its attached documents, if any. Thank you.

From: Jas Chonk <jchonk@islandstrust.bc.ca>

Sent: Tuesday, September 26, 2023 11:35 AM

To: 'Tracy Fleming' <Tracy.Fleming@cowichantribes.com>; 'referrals@halalt.org' <referrals@halalt.org>; 'carole@lcfnc.ca' <carole@lcfnc.ca>; 'referrals@lyackson.bc.ca' <referrals@lyackson.bc.ca>; 'referrals@malahatnation.com' <referrals@malahatnation.com>; 'reception@pauquachin.com' <reception@pauquachin.com>; 'denisej@penelakut.ca' <denisej@penelakut.ca>; 'jcharles@semiahmoofirstnation.org' <jcharles@semiahmoofirstnation.org>; Desiree Thomas <Desireet@snuneymuxw.ca>; 'sfn.reception@stzuminus.com' <sfn.reception@stzuminus.com>; 'reception@tsartlip.com' <reception@tsartlip.com>; 'landsmanager@tsawout.ca' <landsmanager@tsawout.ca>; 'TFN Referrals' <referrals@tsawwassenfirstnation.com>; 'chief@tseycum.ca' <chief@tseycum.ca>; 'Joni Olsen' <joni.olsen@wsanec.com>

Cc: Brad Smith <bsmith@islandstrust.bc.ca>

Subject: Public Hearing for Saturna Island Proposed Application SA-ALR-2023.1 (Hall)

Dear Referral Coordinators,

I wish to advise you that a date has been set for the public hearing regarding Saturna Island Proposed Application SA-ALR-2023.1 (Hall). The public hearing will be held in person in the morning portion of the October 19, 2023 Saturna Island Local Trust Committee regular meeting, beginning at 11:30 a.m. The public hearing notice is attached for your convenience.

If you have already provided a referral response for this application, thank you. We are appreciative of your response. Should you wish to provide comment, it is welcome. Please note, however, that the Saturna Island Local Trust Committee can only receive information up until the close of the public hearing on October 19, 2023.

Respectfully,

Jas Chonk

Legislative Clerk

Islands Trust

200-1627 Fort Street | Victoria BC V8R 1H8

T 250-405-5164 | www.islandstrust.bc.ca

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



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CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

From: Brad Smith
Sent: Wednesday, October 4, 2023 2:47 PM
To: 'Neesha Nandhra'
Cc: Conrad Young; Jas Chonk
Subject: RE: Public Hearing for Saturna Island Proposed Application SA-ALR-2023.1 (Hall)

Hi Neesha,

Just following up to confirm you have received my response and to see if you have any additional questions or concerns.

Best regards, Brad

Brad Smith, PAg

Island Planner, Southern Team

200-1627 Fort Street | Victoria BC V8R 1H8

(778) 679-5185 | bsmith@islandstrust.bc.ca | www.islandstrust.bc.ca

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

From: Brad Smith
Sent: Wednesday, September 27, 2023 11:32 AM
To: Jas Chonk <jchonk@islandstrust.bc.ca>; 'Neesha Nandhra' <referrals@tsawout.ca>
Cc: Conrad Young <landsmanager@tsawout.ca>
Subject: RE: Public Hearing for Saturna Island Proposed Application SA-ALR-2023.1 (Hall)

Hi Neesha,

Thank you for the email and sorry for missing you on the first email chain.

The intent of the proposed ALR change as I understand it is that the property owner is in the process of subdividing the 'inclusion' parcel and the transfer of the ALR designation from the exclusion to the inclusion parcel will establish a more viable agricultural homesteading site for the newly created lot.

The consultant's report summarizes it this way:

Based on the collected information from our field assessment and background review, in my professional opinion of Madrone that the ALR exclusion and inclusion proposal by *Appendix A*) increases the overall capability of agriculture on Saturna Island should be accepted by Islands Trust and the ALC. The proposal, which would result in a 'no net loss' of ALR, would improve ALR by at least two LCA classes (i.e., an improvement from Class 1 in the Exclusion Property to Class 3 in the Inclusion Property) over an area of ~12.0 hectares. The proposal would accommodate and encourage long-term farming by the landowner by substantially broadening his options for agricultural activities. Moreover, the proposed area will not, in Madrone's professional opinion, affect the integrity and continuity of the ALR in the Exclusion Property.

I attach the staff report originally provided to the LTC in May 2023 along with the final survey plan of the proposed new lot which encompasses the 12 hectare ALR portion to be "included".

Please also note that this process is only a first step in the ALC's decision-making and that if the LTC decides after the Oct 19 public to submit the application to the ALC on behalf of the property owner, the ALC is then bound to further notify First Nations prior to holding a exclusion meeting as per step 7 of the [ALC exclusion application guide](#).

STEP 5: Local or First Nation Government Submits the Application

- Proof of notice must be submitted with your application including a copy of the newspaper advertisement and photographs of the sign showing the location of posting in relation to the road or other public access
- Upload public hearing report and any other public comments received
- Upload a copy of the local or First Nation government Council/Board resolution
- Include any other application materials

STEP 6: Local or First Nation Government Pays the Application Fee

- Submit the \$750 application fee to the ALC
 - Fees can be paid by cheque (made out to the Minister of Finance) or by credit card over the phone or in person

STEP 7: ALC Holds the Exclusion Meeting

- Once a completed application and prescribed fee is received, ALC processing of the application will begin

Page 3 of 25

ALC Exclusion Application Guide

- The ALC must offer an exclusion meeting with written notice to the local or First Nation government not more than 30 days before the meeting
- If the ALC considers it advisable, the ALC may notify adjacent or affected landowners of the parcel(s) subject to the application
- In advance of the exclusion meeting, the ALC must give notice of the materials that will be considered at the meeting, and any new information received
- At the exclusion there may be:
 - representations from the local or First Nation government (e.g. a presentation)
 - written submissions and other forms of evidence to be considered by ALC
 - representations, evidence, opinions of any person present at meeting
- Following the exclusion meeting, the ALC will provide a draft summary of the exclusion meeting proceedings (the "exclusion meeting report") for verification and sign-off by the local or First Nation government

I hope this answers your questions. I would be happy to have a follow-up conversation with you as required.

Best regards, Brad

Brad Smith, PAg

Island Planner, Southern Team
200-1627 Fort Street | Victoria BC V8R 1H8
(778) 679-5185 | bsmith@islandstrust.bc.ca | www.islandstrust.bc.ca
You can also reach us toll-free via Service BC 1-800-663-7867 | 604-660-2421

From: Jas Chonk <jchonk@islandstrust.bc.ca>
Sent: Tuesday, September 26, 2023 1:49 PM
To: 'Neesha Nandhra' <referrals@tsawout.ca>; Brad Smith <bsmith@islandstrust.bc.ca>
Cc: Conrad Young <landsmanager@tsawout.ca>
Subject: RE: Public Hearing for Saturna Island Proposed Application SA-ALR-2023.1 (Hall)

Hello Neesha,

I've included Brad Smith, Planner who is looking after this application. I will also add your email to our list.

Brad, please see Neesha's email below.

Thank you.

Jas

From: Neesha Nandhra <referrals@tsawout.ca>
Sent: Tuesday, September 26, 2023 1:41 PM
To: Jas Chonk <jchonk@islandstrust.bc.ca>
Cc: Conrad Young <landsmanager@tsawout.ca>
Subject: RE: Public Hearing for Saturna Island Proposed Application SA-ALR-2023.1 (Hall)

Hello Jas,

I reviewed the proposed application and was hoping you could elaborate on the intent behind the ALR change.

My email was also left off the original email chain. If you could please add it for all referrals for the nation that would be much appreciated.

Let me know if a meeting would work better to further discuss.

Kind regards,

Neesha Nandhra | Referrals Coordinator
250-652-9101 Ext [322] | <http://tsawout.ca>



TSAWOUT FIRST NATION

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From: Conrad Young <landsmanager@tsawout.ca>
Sent: Tuesday, September 26, 2023 11:40 AM
To: Farrah Sylvester <landsofficer@tsawout.ca>; Neesha Nandhra <referrals@tsawout.ca>
Subject: FW: Public Hearing for Saturna Island Proposed Application SA-ALR-2023.1 (Hall)

Hi Ladies,

Where is Tsawout in this conversation?

Conrad

Conrad R. Young | Interim Lands Manager/Ec-Dev Director
250-652-9101 Ext. 330 | Cell: 236.882.1474
7728 Tetayut Rd | Saanichton, BC | V8M 2E4
<http://tsawout.ca>



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From: Jas Chonk <jchonk@islandstrust.bc.ca>
Sent: Tuesday, September 26, 2023 11:35 AM
To: 'Tracy Fleming' <Tracy.Fleming@cowichantribes.com>; 'referrals@halalt.org' <referrals@halalt.org>; 'carole@lcfn.ca' <carole@lcfn.ca>; 'referrals@lyackson.bc.ca' <referrals@lyackson.bc.ca>; 'referrals@malahatnation.com' <referrals@malahatnation.com>; 'reception@pauquachin.com' <reception@pauquachin.com>; 'denisej@penelakut.ca' <denisej@penelakut.ca>; 'jcharles@semiahmoofirstnation.org' <jcharles@semiahmoofirstnation.org>; 'desireet@snuneymuxw.ca' <desireet@snuneymuxw.ca>; 'sfn.reception@stzuminus.com' <sfn.reception@stzuminus.com>; 'reception@tsartlip.com' <reception@tsartlip.com>; Conrad Young <landsmanager@tsawout.ca>; 'TFN Referrals' <referrals@tsawwassenfirstnation.com>; 'chief@tseycum.ca' <chief@tseycum.ca>; 'Joni Olsen' <joni.olsen@wsanec.com>
Cc: Brad Smith <bsmith@islandstrust.bc.ca>
Subject: Public Hearing for Saturna Island Proposed Application SA-ALR-2023.1 (Hall)

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Respectfully,

Jas Chonk

Legislative Clerk

Islands Trust

200-1627 Fort Street | Victoria BC V8R 1H8

T 250-405-5164 | www.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

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From: TFN Referrals <referrals@tsawwassenfirstnation.com>
Sent: Wednesday, October 18, 2023 2:59 PM
To: Jas Chonk
Cc: Robin Buss
Subject: Re: Public Hearing for Saturna Island Proposed Application SA-ALR-2023.1 (Hall)
Attachments: SA-ALR-2023.1-CIM-PH-Notice_Final.pdf

Hi Jas,

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 and archaeological reports produced for this project.

hay čx^w 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



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From: Referrals <Referrals@Lyackson.bc.ca>
Sent: Sunday, July 23, 2023 1:43 PM
To: Brad Smith
Cc: Jas Chonk; Tracy Fleming; Natalie.Anderson@cowichantribes.com; robert@penelakut.ca
Subject: RE: Saturna Island Local Trust Committee SA-ALR-2023.1 Application Referral - For Response

Good afternoon Brad,

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We would like to understand how the Saturna Island Local Trust Committee unilaterally passed a resolution of support without consulting with the proper rights and title holders. Lyackson First Nation does not consent to the proposed inclusion/exclusion and reiterates our rejection of unilateral decision-making.

Furthermore, and as previously communicated, we require capacity funding to support our meaningful engagement.

We look forward to hearing from you.

Huy ch q'u,

Cristina Hoffmann
Referrals Coordinator

Lyackson First Nation
8017 Chemainus Road
Chemainus, BC V0R 1K5
Email: referrals@lyackson.bc.ca

Please note that I am a part-time employee and response times vary according to my schedule.

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<ioni.olsen@wsanec.com>

Cc: Brad Smith <bsmith@islandstrust.bc.ca>

Subject: Saturna Island Local Trust Committee SA-ALR-2023.1 Application Referral - For Response

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This referral is in respect of a proposal to exclude 12 hectares for a property on Narvaez Bay Road with a corresponding inclusion of 12 hectares on an adjacent property owned by the same property owner and as identified in the Land Capability for Agriculture Assessment Report found in SA-ALR-2023.1 (Hall) professional report sub-folder at: <https://islandstrust.bc.ca/island-planning/saturna/current-applications/>.

As of September 30, 2020 Agricultural Land Commission (ALC) exclusion applications can only be submitted by a local government, not individual property owners. In this case, the Saturna Island Local Trust Committee (LTC) has passed a resolution in support of the proposed exclusion/inclusion, and has directed staff to initiate the [exclusion process](#) including referring the proposed changes to agencies and First Nations.

A reply is respectfully requested by **Wednesday, September 6, 2023**.

Should you have any questions, or require further information, please contact Island Planner Brad Smith at 778-679-5185 or 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 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

Legislative Clerk

Islands Trust

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From: Karyn Scott <consultations@Lyackson.bc.ca>
Sent: Monday, October 9, 2023 2:19 PM
To: Clare Frater
Cc: Jas Chonk; Referrals; Brad Smith
Subject: FW: Public Hearing for Saturna Island Proposed Application SA-ALR-2023.1 (Hall)
Attachments: SA-ALR-2023.1-CIM-PH-Notice_Final.pdf; RE: Saturna Island Local Trust Committee SA-ALR-2023.1 Application Referral - For Response

Hi Clare,

Please see attached and below.

It is very difficult to build a relationship based on trust and respect when our Nations continue to be ignored by Islands Trust. It is completely unclear why Islands Trust requests our feedback on matters with the potential to infringe on our constitutionally protected rights and then your staff ignore it.

Huy ch q'u

Karyn

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Sent: Monday, October 9, 2023 2:12 PM
To: Karyn Scott <consultations@Lyackson.bc.ca>
Subject: FW: Public Hearing for Saturna Island Proposed Application SA-ALR-2023.1 (Hall)

As discussed.

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Email: referrals@lyackson.bc.ca

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Sincerely,

Jas Chonk

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HAVE YOUR SAY



ALR Land Exclusion/Inclusion Application

Agricultural Land Reserve (ALR) application to exclude 12 hectares of land from the ALR with a corresponding inclusion of 12 hectares on an adjacent property

Subject Property Addresses: 206 Narvaez Bay Road

Parcel Identifier Numbers: 004-521-889, 015-692-205

Application: SA-ALR-2023.1 (Hall)

COMMUNITY INFORMATION MEETING & PUBLIC HEARING SATURNA ISLAND LOCAL TRUST COMMITTEE

What is the purpose of the Public Hearing?

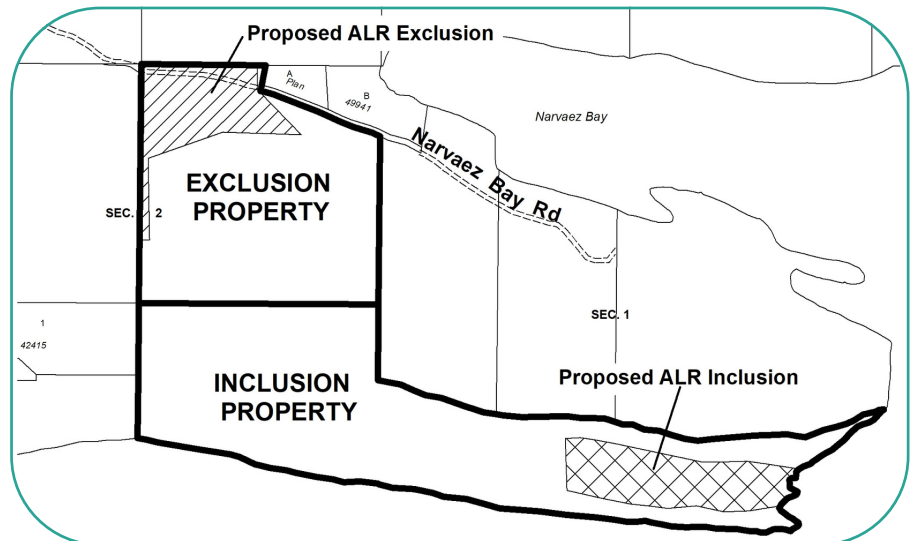
The purpose of this public hearing is to consider a request by the property owner to exclude 12 hectares of property on Narvaez Bay Road from the Agricultural Land Reserve (ALR), with a corresponding ALR inclusion of 12 hectares on an adjacent property, as shown in the map below and as identified in the Land Capability for Agriculture Assessment Report found under professional reports at: [Saturna Island Current Application webpage](#)

In accordance with the *Agricultural Land Commission Act*, exclusion applications may only be submitted by government agencies including for land they do not own that is located within their jurisdiction. The public hearing is required as part of the regulatory process and is intended to provide the public with an opportunity to speak to the application prior to the Saturna Island Local Trust Committee considering formal application submission to the Agricultural Land Commission on behalf of the property owner.

How do I get more information?

Copies of the application, the Public Hearing Binder and other information on the application is available on the [Saturna Island Current Application webpage](#) and, at the Islands Trust office at 200-1627 Fort Street, Victoria, BC, V8R 1H8 from the hours of 8:30 a.m. to 4:30 p.m. Monday to Friday, excluding statutory holidays, after October 5, 2023.

A Community Information Meeting (CIM) will be held prior to the Public Hearing and will provide the opportunity for members of the public to ask questions about the proposed ALR exclusion/inclusion.



Submissions

Prior to the Public Hearing: Written submissions will be accepted until 4:30 p.m., October 18, 2023, by Email:

vicphsub@islandstrust.bc.ca, or Mail or Drop Off: Islands Trust, 200-1627 Fort Street, Victoria, BC, V8R 1H8

At the Public Hearing: Only written submissions presented at the Public Hearing will be accepted until the close of the Public Hearing. Written comments made in response to this notice will be available for public review.



Community Information Meeting and Public Hearing

Thurs., October 19, 2023 at 11:30 a.m.



Saturna Recreation and Cultural Centre
104 Harris Road
Saturna Island, BC



Who should attend?
Anyone affected by the proposed application.



Enquiries?
Brad Smith
Island Planner
bsmith@islandstrust.bc.ca
778-679-5185

From: Robert Kojima <rkojima@islandstrust.bc.ca>
Date: October 11, 2023 at 9:02:28 AM PDT
To: consultations@lyackson.bc.ca
Cc: Clare Frater <cfrater@islandstrust.bc.ca>, Robyn Kefi <rkefi@islandstrust.bc.ca>, Brad Smith <bsmith@islandstrust.bc.ca>, referrals@lyackson.bc.ca
Subject: RE: Public Hearing for Saturna Island Proposed Application SA-ALR-2023.1 (Hall)

Hello Karyn,

Clare's asked me to respond to you as Regional Planning Manager.

Our apologies that the email about the public hearing was distributed before staff were able to respond to your specific concerns. While the public hearing for the application will be held on October 19th, this is just one required step in the process. Staff are recommending to the Local Trust Committee, at the meeting of the 19th, that the application not be forwarded to the Agricultural Land Commission until Lyackson have had an opportunity to conduct a site visit and provide input. Staff have also been determining how costs for a site visit can be covered. We will ensure that we follow up directly with you after the meeting of the 19th.

Regards,

Robert Kojima
Regional Planning Manager, Southern Team
Islands Trust | 250.405.5159

Begin forwarded message:

From: Karyn Scott <consultations@lyackson.bc.ca>
Date: October 9, 2023 at 2:18:41 PM PDT
To: Clare Frater <cfrater@islandstrust.bc.ca>
Cc: Jas Chonk <jchonk@islandstrust.bc.ca>, Referrals <Referrals@lyackson.bc.ca>, Brad Smith <bsmith@islandstrust.bc.ca>
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Respectfully,

Jas Chonk

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From: Karyn Scott <consultations@Lyackson.bc.ca>
Sent: Monday, October 30, 2023 8:52 AM
To: Brad Smith; Referrals
Cc: Robert Kojima
Subject: RE: Public Hearing for Saturna Island Proposed Application SA-ALR-2023.1 (Hall)

Follow Up Flag: Follow up
Flag Status: Flagged

Good morning,

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Sub Total	\$ 3,051.00
Administration 15%	457.65
Total	\$ 3,508.65

We still remain unclear as to why Islands Trust would be considering submitting an application for the ALR exclusion on behalf of the property owner.

Huy ch q'u

Karyn

From: Brad Smith <bsmith@islandstrust.bc.ca>
Sent: Thursday, October 26, 2023 11:13 AM
To: Karyn Scott <consultations@Lyackson.bc.ca>; Referrals <Referrals@Lyackson.bc.ca>
Cc: Robert Kojima <rkojima@islandstrust.bc.ca>
Subject: RE: Public Hearing for Saturna Island Proposed Application SA-ALR-2023.1 (Hall)

Hi Karyn,

In further follow-up to Robert's email below, I also apologize for the timing of the public hearing notice being sent out prior to us responding to your specific concerns.

As this is a relatively new process for the Islands Trust in considering whether to submit an application for ALR exclusion on behalf of a property owner to the Agricultural Land Commission (ALC), we are still working out the process steps including how to effectively communicate and engage with First Nations on these matters.

I should clarify that no decision has been made by the Local Trust Committee (LTC) yet on whether they are willing to submit the application on behalf of the property owner, and the public hearing was only one required step to be completed prior to making that decision.

At the October 19, 2023 LTC meeting, the LTC did not direct staff to submit the application to the ALC. Instead, the LTC have requested that staff seek more information from the ALC regarding next steps in the review process should the Islands Trust submit the application on behalf of the property owner, including what steps would be taken to further consult with First Nations as part of the ALC process.

The LTC also directed staff to contact you at the Lyackson First Nation to determine in more detail what the scope of a site visit would entail, including an estimate of costs. To that end, would it be possible for you to provide more detail on the scope, costs and potential timing of a site visit? Alternatively, perhaps we could set up a zoom call to discuss further?

Best regards, Brad

Brad Smith, PAg

Island Planner, Southern Team

200-1627 Fort Street | Victoria BC V8R 1H8

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From: Robert Kojima <rkojima@islandstrust.bc.ca>
Sent: Wednesday, October 11, 2023 9:02 AM

To: consultations@lyackson.bc.ca

Cc: Clare Frater <cfrater@islandstrust.bc.ca>; Robyn Kefi <rkefi@islandstrust.bc.ca>; Brad Smith <bsmith@islandstrust.bc.ca>; Referrals@lyackson.bc.ca

Subject: RE: Public Hearing for Saturna Island Proposed Application SA-ALR-2023.1 (Hall)

Hello Karyn,

Clare's asked me to respond to you as Regional Planning Manager.

Our apologies that the email about the public hearing was distributed before staff were able to respond to your specific concerns. While the public hearing for the application will be held on October 19th, this is just one required step in the process. Staff are recommending to the Local Trust Committee, at the meeting of the 19th, that the application not be forwarded to the Agricultural Land Commission until Lyackson have had an opportunity to conduct a site visit and provide input. Staff have also been determining how costs for a site visit can be covered. We will ensure that we follow up directly with you after the meeting of the 19th.

Regards,

Robert Kojima

Regional Planning Manager, Southern Team
Islands Trust | 250.405.5159

Begin forwarded message:

From: Karyn Scott <consultations@lyackson.bc.ca>

Date: October 9, 2023 at 2:18:41 PM PDT

To: Clare Frater <cfrater@islandstrust.bc.ca>

Cc: Jas Chonk <jchonk@islandstrust.bc.ca>, Referrals <Referrals@lyackson.bc.ca>, Brad Smith <bsmith@islandstrust.bc.ca>

Subject: FW: Public Hearing for Saturna Island Proposed Application SA-ALR-2023.1 (Hall)

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Subject: FW: Public Hearing for Saturna Island Proposed Application SA-ALR-2023.1 (Hall)

As discussed.

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Sent: September 26, 2023 11:35 AM
To: 'Tracy Fleming' <Tracy.Fleming@cowichantribes.com>; 'referrals@halalt.org' <referrals@halalt.org>; 'carole@lcfm.ca' <carole@lcfm.ca>; Referrals <Referrals@Lyackson.bc.ca>; 'referrals@malahatnation.com' <referrals@malahatnation.com>; 'reception@pauquachin.com' <reception@pauquachin.com>; 'denisej@penelakut.ca' <denisej@penelakut.ca>; 'jcharles@semiahmoofirstnation.org' <jcharles@semiahmoofirstnation.org>; 'desireet@snuneymuxw.ca' <desireet@snuneymuxw.ca>; 'sfn.reception@stzuminus.com' <sfn.reception@stzuminus.com>; 'reception@tsartlip.com' <reception@tsartlip.com>; 'landsmanager@tsawout.ca' <landsmanager@tsawout.ca>; 'TFN Referrals' <referrals@tsawwassenfirstnation.com>; 'chief@tseycum.ca' <chief@tseycum.ca>; 'Joni Olsen' <joni.olsen@wsanec.com>
Cc: Brad Smith <bsmith@islandstrust.bc.ca>
Subject: Public Hearing for Saturna Island Proposed Application SA-ALR-2023.1 (Hall)

Dear Referral Coordinators,

I wish to advise you that a date has been set for the public hearing regarding Saturna Island Proposed Application SA-ALR-2023.1 (Hall). The public hearing will be held in person in the morning portion of the October 19, 2023 Saturna Island Local Trust Committee regular meeting, beginning at 11:30 a.m. The public hearing notice is attached for your convenience.

If you have already provided a referral response for this application, thank you. We are appreciative of your response. Should you wish to provide comment, it is welcome. Please note, however, that the Saturna Island Local Trust Committee can only receive information up until the close of the public hearing on October 19, 2023.

Respectfully,

Jas Chonk

Legislative Clerk

Islands Trust

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T 250-405-5164 | www.islandstrust.bc.ca

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From: Brad Smith
Sent: Wednesday, November 1, 2023 12:16 PM
To: 'Karyn Scott'; Referrals
Cc: Robert Kojima
Subject: RE: Public Hearing for Saturna Island Proposed Application SA-ALR-2023.1 (Hall)

Hi Karyn,

Thank you for providing this information. It is very helpful to better understand the context, purpose and scope of what a site visit would entail.

I will be passing this information on to the LTC for their further consideration. I am also still communicating with the ALC on some process related questions the LTC had for them. I will get back to you with a further update after the LTC receives this information and has had an opportunity to discuss it in a public meeting.

With respect to your question of why the Islands Trust would be considering submitting an application, as of September 2020, provincial legislative changes require that exclusion applications may only be submitted by the Province, local governments, First Nation governments, and other prescribed bodies who own the land under application pursuant to s. 29(1)(a) of the *ALC Act*. However local governments and First Nation governments may also make exclusion applications for land they do not own within their jurisdiction pursuant to s. 17(1), and 29(1)(b) and (c) of the *ALC Act*.

Prior to 2020, private property owners could submit their own applications to the ALC and the Islands Trust had no direct role in this process.

In this case, given the legislative changes restricting him from submitting an application on his own, the property owner, Mr. Ron Hall, has made a request for the LTC to consider submitting an ALR exclusion application to the ALC on his behalf. As this is the first time the LTC or the Islands Trust has navigated this new process we are learning as we go and at this point the LTC has not decided whether to submit the application or refuse it.

Best regards,

Brad

From: Karyn Scott <consultations@Lyackson.bc.ca>
Sent: Monday, October 30, 2023 8:52 AM
To: Brad Smith <bsmith@islandstrust.bc.ca>; Referrals <Referrals@Lyackson.bc.ca>
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Telephone **(250) 405-5151** Fax (250) 405-5155
Toll Free via Enquiry BC in Vancouver 660-2421. Elsewhere in BC **1.800.663.7867**
Email information@islandstrust.bc.ca
Web www.islandstrust.bc.ca

April 3, 2024

File: SA-ALR-2023.1 (Hall)

Lyackson First Nation
8017 Chemainus Road
Chemainus BC V0R 1K5
c/o: Karyn Scott consultations@Lyackson.bc.ca
Referrals Referrals@Lyackson.bc.ca

Dear Karyn Scott,

Thank you for your correspondence and feedback with regard to an Agricultural Land Reserve (ALR) exclusion application on Saturna Island.

As you are aware the process for requesting an exclusion from the Agricultural Land Reserve changed in 2019. News Release: <https://news.gov.bc.ca/releases/2019AGRI0020-000336>

Local governments are required to submit the application to the Agricultural Land Commission (ALC) on behalf of an applicant. We are told the purpose of this change was to encourage land exclusion applications to be examined as part of the land-use planning process, with the local government as an active participant.

The process is described here: [ALR EXCLUSION APPLICATION GUIDE EFFECTIVE SEPTEMBER 30, 2020](#)

On February 15, 2024, the Saturna Island Local Trust Committee voted to submit an ALR exclusion application for 206 Narvaez Bay Road (PID 004-521-889). We did so on the understanding that once an application has been submitted, the ALC **must** convene an exclusion application meeting with the Islands Trust. At that meeting, we will further inform the Agricultural Land Commission of your expressed concerns and your request for a site visit. We encourage you to formally register your feedback on the exclusion application with the Agricultural Land Commission.

Like many others, the Saturna Island Local Trust Committee is new to this process and we therefore consulted extensively with the Agricultural Land Commission in order to clarify our role and the steps we must take. We are given to believe that many other local governments are in a similar position to ourselves i.e. struggling with the new process.

We considered the technical reports (Madrone) on suitability of the soils in the exclusion area and the possibility of an inclusion area (under a separate application) providing land more suitable for agriculture. But it seemed to us we did not have the power over the inclusion and exclusion decisions to meaningfully accept First Nations responses. We believe the ALC is the body to consider the concerns of affected First Nations as they are the final decision maker in these cases.

.../2

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Bowen Denman Hornby Gabriola Galiano Gambier Lasqueti Mayne North Pender Salt Spring Saturna South Pender Thetis

Lyackson First Nation

April 3, 2024

Page 2

You also provided comment on the application for inclusion of land at Cactus Point (PID-015-692-205). ALR inclusion applications are submitted by the landowner to the Agricultural Land Commission. The Saturna Island Local Trust Committee's role as mandated by the ALC is to provide comment and recommendations on the inclusion. As part of our response, we will notify the Agricultural Land Commission of your expressed concerns and request for a site visit. We also encourage you to provide Lyackson First Nation's input on the inclusion application directly to the Agricultural Land Commission.

Although not required by the ALC for the inclusion, the LTC also intends to request a meeting with the Agricultural Land Commission when considering the inclusion.

By meeting with the ALC we hope to gain a full understanding of our responsibilities in the process. In the longer term we want to be confident in our role, and to be sure we are not seeking First Nations input from a position of not being able to act on it. In the shorter term we intend to actively participate in the decisions on the applications under consideration and to advance your concerns.

Again, we look forward to further conversations with you and would be glad to meet with you at your convenience.

Regards,

A handwritten signature in black ink, appearing to read 'D Maude', with a long horizontal flourish extending to the right.

David Maude

Chair, Saturna Island Local Trust Committee

(250) 483-4755

dmaude@islandstrust.bc.ca

cc: Mairead Boland, Trustee, Saturna Island Local Trust Committee
Lee Middleton, Trustee, Saturna Island Local Trust Committee
Clare Frater, Director of Trust Area Services, Islands Trust
Robert Kojima, Regional Planning Manager, Islands Trust
Brad Smith, Island Planner, Islands Trust

From: Karyn Scott <consultations@Lyackson.bc.ca>
Sent: Thursday, April 4, 2024 9:36 AM
To: Jas Chonk; Referrals
Cc: Saturna Island Local Trust Committee; Clare Frater; Robert Kojima; Brad Smith
Subject: RE: Agricultural Land Reserve Applications - letter attached

Thank you for your letter. Please note, as a sovereign nation, Lyackson First Nation does not require a Local Trust Committee or any other intermediary to “advance our concerns” and our expectation is that the Agricultural Land Commission will fulfill its duty to consult with First Nations.

Huy ch q'u

Karyn

From: Jas Chonk <jchonk@islandstrust.bc.ca>
Sent: Wednesday, April 3, 2024 9:24 AM
To: Karyn Scott <consultations@Lyackson.bc.ca>; Referrals <Referrals@Lyackson.bc.ca>
Cc: Saturna Island Local Trust Committee <SaturnalIslandLocalTrustCommittee@islandstrust.bc.ca>; Clare Frater <cfrater@islandstrust.bc.ca>; Robert Kojima <rkojima@islandstrust.bc.ca>; Brad Smith <bsmith@islandstrust.bc.ca>
Subject: Agricultural Land Reserve Applications - letter attached

Hello Karyn Scott,

Please find attached letter from Saturna Island Local Trust Committee Chair David Maude.

Regards,

Jas Chonk

Legislative Clerk

Islands Trust

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