



File No.: DE-RZ-2023.1
(Komas Ranch Ltd.)

DATE OF MEETING: January 21, 2025

TO: Denman Island Local Trust Committee

FROM: Margot Thomaidis, Planner 2
Northern Team

COPY: Renée Jamurat, Regional Planning Manager

SUBJECT: Application to amend the OCP and LUB – Komas Ranch Land Use Contract Termination
Applicant: Komas Ranch Ltd.
Location: 7161 and 7676 Komas Rd, Denman Island, BC, V0R 1T0
(PIDs 000-211-338, 000-211-320, and 023-096-438)

RECOMMENDATIONS

1. That the Denman Island Local Trust Committee request staff to prepare draft bylaw language to amend the Denman Island Official Community Plan, 2008 (OCP), to introduce a new site-specific Heritage Conservation Area for the subject properties at PIDs 000-211-338, 000-211-320, and 023-096-438, application DE-RZ-2023.1 (Komas Ranch Ltd.) including draft objectives, exemptions, and guidelines.
2. That the Denman Island Local Trust Committee endorse the draft Terms of Reference letter and direct staff to forward it to the applicant for DE-RZ-2023.1 (Komas Ranch Ltd.), with a final deadline of December 31, 2025 to provide additional information requested in support of the application.
3. That the Denman Island Local Trust Committee request staff to develop a draft restrictive covenant in consultation with the applicant for application DE-RZ-2023.1 (Komas Ranch Ltd.) for Local Trust Committee consideration.
4. That the Denman Island Local Trust Committee enter into a cost recovery agreement, if necessary, with the applicant allowing Islands Trust legal counsel to review a draft restrictive covenant for application DE-RZ-2023.1 (Komas Ranch Ltd.).

REPORT SUMMARY

This staff report provides the Denman Island Local Trust Committee (LTC) with an update on previous LTC requests related to the environmental, archaeological, and cultural heritage protection of Komas Ranch as part of the rezoning application.

Staff recommend the LTC proceed with requesting staff to prepare draft bylaw language for a Heritage Conservation Area for the subject properties and that the LTC approve a Terms of Reference letter detailing additional information requests for the applicant as part of the rezoning application. Staff also recommend the LTC direct staff to develop a draft Section 219 restrictive covenant for environmental protection, and enter into a cost recovery agreement with the applicant, if necessary, for legal review of the draft covenant.

This report also includes the applicant’s response to the LTC’s requests for additional information regarding archaeological material (Preliminary Field Reconnaissance) and the use of local government tools for cultural heritage protection on the subject properties (see **Attachment 3**).

BACKGROUND

Staff are seeking additional direction from the LTC regarding the following three topics/resolutions that were passed at the June 4 Denman LTC meeting, as detailed below.

1. Heritage Conservation Areas

DE-2024-044 It was MOVED and SECONDED

that the Denman Island Local Trust Committee request staff to report back on the options to formally protect the cultural heritage of the subject properties using all available local government tools, in addition to the Heritage Conservation Act.

CARRIED

Attachment 1 contains a draft summary of background information regarding the importance of implementing a Heritage Conservation Area for cultural heritage protection. This information, although still in draft form, is intended to apply broadly to any LTC in the Islands Trust area, and is applicable to the three properties at Komasa Ranch. Staff recommends the preparation of draft bylaw language introducing a site-specific Heritage Conservation Area for LTC consideration. The use of this *Local Government Act* tool to define site-specific draft objectives, exemptions, and guidelines can ensure that any future development and land alterations at Komasa Ranch are conducted in a manner which protect the significant heritage resources of the subject properties.

2. Preliminary Field Reconnaissance

DE-2024-045 It was MOVED and SECONDED

That the Denman Island Local Trust Committee request the applicant of DE-RZ-2023.1 (Komasa Ranch Ltd.) submit a post-impact Preliminary Field Reconnaissance prepared by a qualified professional, in consultation with K’ómoks First Nation.

CARRIED

After discussing the LTC’s initial request for a post-impact Preliminary Field Reconnaissance (PFR) with the applicant, it was made clear that the applicant requires more detailed information about the request in order to proceed. **Attachment 2** contains a draft Terms of Reference (TOR) detailing the specific additional information required.

The initial recommendation to request a PFR was based on comments heard during early engagement with the K’ómoks First Nation, identifying gaps in archaeological information for all three subject properties. The Terms of Reference letter is therefore intended to clarify the LTC’s request for a PFR to the applicant, including the reporting requirements and geographical scope.

The applicant has the opinion that the Preliminary Field Reconnaissance is out of scope for their application, as detailed in their letter to the LTC dated January 9, 2025 in **Attachment 3**. They have requested that the LTC remove the request to conduct a Preliminary Field Reconnaissance.

3. Section 219 Covenants

At the June 4, 2024 meeting the LTC also passed the following resolution:

DE-2024-042 It was MOVED and SECONDED

That the Denman Island Local Trust Committee request the applicant of DE-RZ-2023.1 (Komas Ranch Ltd.) to confirm whether or not they will pursue a Natural Area Protection Tax Exemption Program (NAPTEP) covenant to protect an environmentally sensitive portion of the Northern parcel.

CARRIED

The applicant has confirmed that a Natural Area Protection Tax Exemption Program (NAPTEP) covenant will not be pursued for parts of the northern parcel, as detailed in their letter to the LTC dated January 9, 2025 (**Attachment 3**). The Terms of Reference therefore addresses the potential for further conditions of rezoning to be established as part of a Section 219 covenant, instead.

A Section 219 covenant is a charge secured against the title to a property in favour of the Islands Trust to impose a positive or negative obligation on the property owner, as per the provisions of Section 219 of the *Land Title Act*. The LTC could enter into Section 219 covenants with the property owners to regulate regarding the use of land or the construction of structures or buildings, as part of the development approval process. This is to ensure the protection, preservation, conservation, maintenance and/or restoration of land and/or other specified features within the Local Trust Area.

Staff recommend that a Section 219 covenant be drafted now in consultation with the applicant in order to advance the application and ensure the preservation and protection of parts of the property that were previously protected in the Land Use Contact. This process could also include drafting a Section 219 covenant for other parts of the properties that require additional preservation and protection, in consultation with the applicant. As part of this covenant drafting process, legal review may be necessary for which a cost recovery agreement may be required.

Rationale for Recommendation

Staff are recommending approval of the draft Terms of Reference to provide clarity to the applicant regarding the requirement for additional information. Staff are also recommending that the LTC direct staff to prepare draft bylaw language for a site-specific Heritage Conservation Area that includes additional protection of cultural heritage for the three properties. Staff are recommending that a Section 219 covenant be drafted for nature preservation and protection in consultation with the applicant, and that the LTC enter into a cost recovery agreement with the applicant if necessary.

ALTERNATIVES

1. Receive for information.

The LTC may receive the report for information.

2. Request more information.

The LTC may wish to consider additional information on the options and implications for long term, sustainable cultural heritage protection measures on the subject property as part of this rezoning application. If this alternative is selected the following resolution is recommended:

“That the Denman Island Local Trust Committee request staff to report back on (specify request) for application DE-RZ-2023.1 (Komas Ranch Ltd).”

3. Proceed no further.

The LTC can choose this alternative at any stage in a bylaw amendment application. If this alternative is selected the following resolution is recommended:

“That the Denman Island Local Trust Committee proceed no further with application DE-RZ-2023.1 (Komas Ranch Ltd) for the following reasons (insert rationale).”

NEXT STEPS

Should the LTC move forward with staff recommendations, staff will send the Terms of Reference letter to the applicant, advising of the necessary next steps, and prepare draft LUB and draft OCP bylaw amendments for LTC consideration, including draft bylaw language for a site-specific Heritage Conservation Area. Staff will also begin drafting a Section 219 covenant in consultation with the applicant, including drafting a cost recovery agreement if necessary.

Submitted By:	Margot Thomaidis, Planner 2	January 10, 2025
Concurrence:	Renée Jamurat, RPP MCIP, Regional Planning Manager	January 10, 2025

ATTACHMENTS

1. DRAFT Heritage Conservation Area Background Information
2. DRAFT Terms of Reference
3. Applicant Letter Dated January 9, 2025



Islands Trust

ATTACHMENT 1

Implementing Heritage Conservation Areas in the Islands Trust Area

DRAFT

Implementing Heritage Conservation Areas in Islands Trust Areas

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Land Acknowledgment

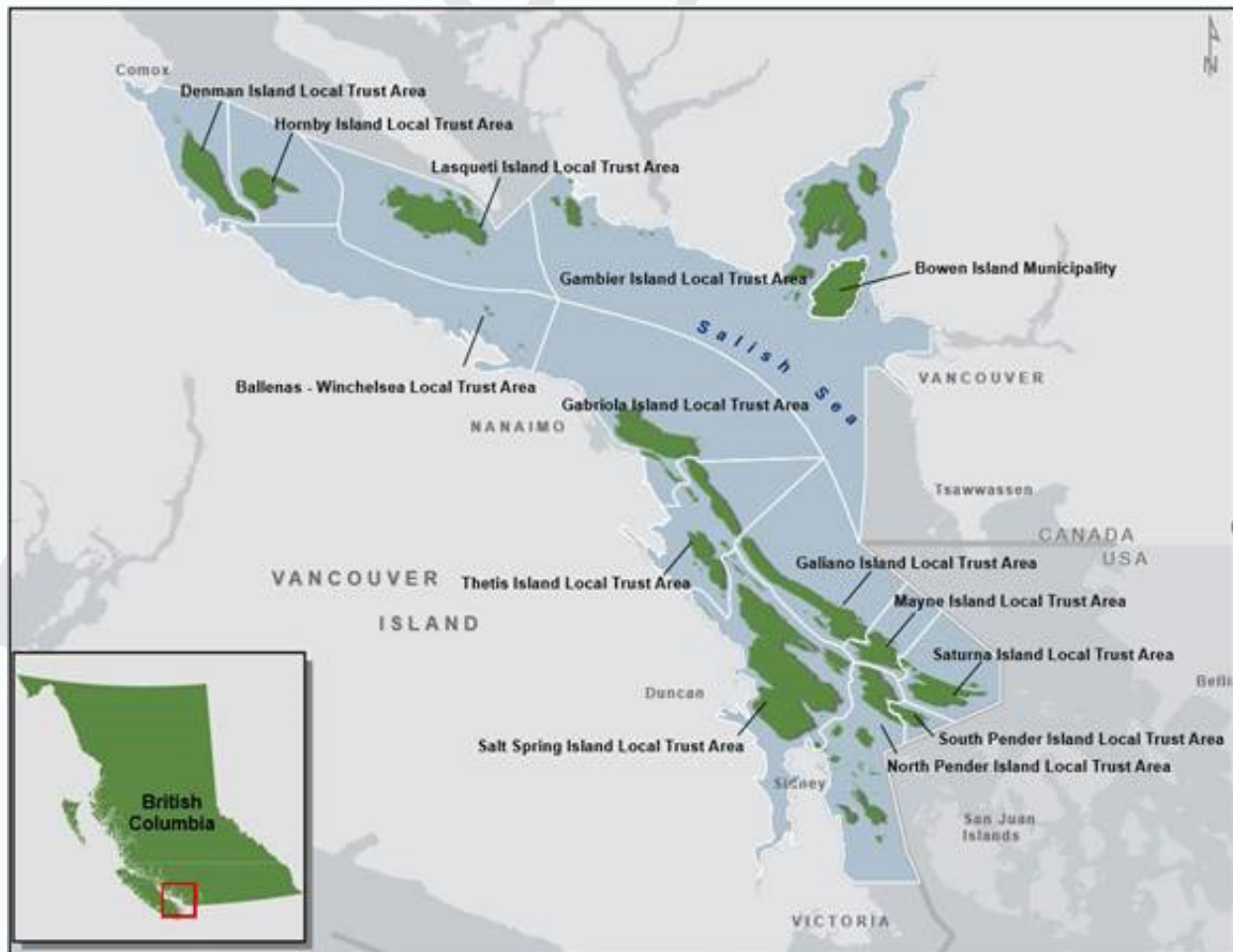
Islands Trust and Islands Trust Conservancy respectfully acknowledge that the lands and waters that encompass the Islands Trust Area have been home to Indigenous Peoples since time immemorial. We are committed to reconciliation and to working together to preserve and protect this ecologically, culturally, and spiritually significant region in the Salish Sea. The Islands Trust Area is located within the treaty lands and territories of the BŪKÉĆEN, Cowichan Tribes, K'ómoks, Lyackson, MÁLEXEĒ, Qualicum, scəwáθən, səlilwətał, SEMYOME, shíshálh, Skwxwú7mesh, Snaw-naw-as, Snuneymuxw, Songhees, Spune'luxutth, STÁUTW, Stz'uminus, ʔaʔəmen, Ts'uubaa-asatx, Wei Wai Kum, We Wai Kai, W̱ JOŁEĒP, W̱ SIKEM, Xeláltxw, Xwémalhkwx, Xwsepsum, and xʷməθkʷəy̓əm First Nations.

Reflections on Reconciliation and Engagement

In 2019, Islands Trust Council passed a Reconciliation Declaration that commits the organization to “establishing and maintaining mutually respectful relationships between Indigenous and non-Indigenous Peoples. Islands Trust states a commitment to Reconciliation with the understanding that this commitment is a long term relationship-building and healing process.”

This journey begins by acknowledging the history and impacts of colonialism, and the systemic racism against Indigenous Peoples. The journey also involves acknowledging that while the Islands Trust Area represents one of the most well-known and densest concentrations of recorded archaeological sites in British Columbia, Islands Trust has not previously prioritized the protection of heritage sites and values. It also entails taking meaningful action to preserve and protect the Indigenous homelands on which Islands Trust resides and operates, while being mindful of our roles in these endeavors.

Throughout its work to advance Reconciliation the Islands Trust intends to foster meaningful connections and promote understanding.



Purpose Statement

The purpose of this document is to guide and inform the use of heritage conservation area designations to protect the cultural heritage of the Islands Trust Area.

For decades, the Islands Trust Council and local trust committees have had the powers to recognize and protect the cultural heritage and historical significance of the area, but have generally failed to act. This has resulted in the cultural heritage of the region being desecrated, destroyed, and impacted as settler communities built on top of Indigenous village sites, and extracted resources from culturally significant areas. It has also resulted in heritage structures of those who came to this region more recently— the Chinese, European, Hawaiian, Japanese and others—being impacted and destroyed.

This document also outlines the organization's commitment to advancing Reconciliation by providing guidance that honours Indigenous principle and the organization's commitment to public engagement.

What is a Heritage Conservation Area?

A Heritage Conservation Area (HCA) is a key heritage conservation tool outlined in the [Local Government Act \(section 614\)](#) that is available to local governments, regional districts, and Islands Trust. HCAs provide a legal and enforceable method for communities to identify, record, and ensure long-term protection of valued heritage sites. They offer flexibility for Local Trust Committees (LTCs) or island municipalities to achieve a variety of development and planning goals while prioritizing heritage conservation.

An HCA is implemented in a manner similar to a Development Permit Area, but focuses specifically on preserving heritage. Subdivisions, developments or land alterations in a Heritage Conservation Area may require a heritage alteration permit.

In collaboration with First Nations Indigenous Governing Bodies, Islands Trust staff planning staff recommend that LTCs/Bowen Island Municipality implement HCAs as a way to preserve and protect culturally and spiritually significant places on the islands.

What heritage can be protected under a Heritage Conservation Area?

Heritage is a broad and multifaceted concept that holds different meanings for various groups and decision-makers. It encompasses not only physical resources like buildings and structures but also intangible elements such as stories, cultural values, and the use of landscapes and ecosystems. Heritage encompasses building and structures, as well as elements of the landscape associated with intangible cultural heritage traditions such as stories and cultural practices and traditions. Heritage can reflect a wide array of historical, cultural, and ecological significance, making it essential to recognize both tangible and intangible forms of heritage.

An HCA can be used to protect special features or characteristics of an area such as sites, features, buildings or structures that have significant heritage value worthy of preservation. Each HCA can be

uniquely tailored to the specific island heritage it seeks to protect, and can be a crucially important tool for preserving the heritage of the islands for future generations. It is important to acknowledge that all types of heritage can be included in the physical conservation aspects of the HCA.

By adding a well-drafted HCA designation, developed through engagement with Indigenous Governing Bodies, to an Official Community Plan, a local trust committee or Bowen Island Municipality can offer a needed layer of heritage protection beyond what is available through the provincial Heritage Conservation Act, which only protects archaeological sites, or individually designated heritage sites. The Local Government Act permits a local trust committee or Bowen Island Municipality to designate any place with cultural heritage values, whether physical or not, as a heritage conservation area so long as it describes the special features or characteristics that justify the designation.

What types of changes are required in an Official Community Plan to implement a Heritage Conservation Area?

The protections, restrictions and geographic boundaries that apply to an HCA must be described in the Official Community Plan, or as an addendum to a Official Community Plan. This includes:

- **Designation:** geographic designation described with text or shown on a plan (e.g. specific buffer areas such as 200m from high water mark; specific parcels; or an entire island).
- **Justification:** description of the overall heritage significance that justifies the designation
- **Objectives:** statement of the objectives of the designation
- **Description of special features and characteristics:** a list of the features or characteristics that contribute to the heritage value and character of the area
- **Guidelines:** a list of guidelines, that can be listed in the Land Use Bylaw, that clarify the objectives that are to be achieved (i.e. requirements that any subdivision, alteration of land, or construction must adhere to in order to minimize impacts of heritage resources). Examples include guidelines around protection of the ground surface from heavy machinery movement or replanting any disturbed areas with native vegetation, or guidelines on what types of septic systems can be used to limit disturbance
- **Exemptions from Permit Requirements:** a list of circumstances, that can be listed in the Land Use Bylaw, when a heritage alteration permit is NOT required (i.e. internal renovations; no ground disturbance; removal of trees smaller than xx cm; DBH etc)

What are the benefits to using Heritage Conservation Area designations to protect First Nations cultural heritage sites?

- **Increased public awareness** of what cultural heritage values are present on the Islands which can help to build a culture of conservation
- **Increased recognition and protection** of post-1846 places of significance to Indigenous Peoples including continuing cultural uses and significance of the islands (sites not well-protected under the Heritage Conservation Act)
- **Increased recognition and protection** of heritage structures of those who came to this region more recently. Settler heritage may have significant heritage – the Chinese, European, Hawaiian, Japanese, and others
- **Opportunities to work closely with Indigenous Governing Bodies** in formally reviewing HAPs using agreements which clarify roles and responsibilities of staff and elected officials in the issuance of heritage alteration permits
- **Encouraging a broad focus** promotes a broad focus on heritage protection, rather than a narrow focus limited to the boundaries of previously documented archaeological sites, which allows for a more integrated approach to conservation. Expanding the focus to include heritage aligns well with ecological conservation efforts, creating opportunities for mutual support between these areas. This approach can also tie heritage conservation efforts to existing Official Community Plan (OCP) guidance on environmental conservation, potentially bringing certain conservation activities under local rather than solely provincial jurisdiction

What steps are needed for a local trust committee or island municipality to implement a Heritage Conservation Area?

To implement a Heritage Conservation Area (HCA), a Local Trust Committee (LTC) or Island Municipality should:

1. Request staff to engage with provincial Heritage Branch planners and legal counsel during drafting of the HCA. This ensures that the final HCA is legally sound and aligns with provincial guidelines.
2. Engage with Indigenous Governing Bodies to collaborate on drafting objectives, statements, guidelines, exemptions, and the geographic area to which the HCA will apply.
3. Engage with community members and organizations about proposed heritage conservation areas. This includes, at a minimum, holding a public hearing and giving notice to the owner of each property that is to be included in a Heritage Conservation Area.

Official Community Plan and Land Use Bylaw amendments about HCA designations must go through a series of routine bylaw development steps, including First Reading, referrals, public hearing, Second and Third readings, and Adoption.

Finally, within 30 days of adopting the bylaw, the local trust committee or island municipality must notify the Land Title Office and the Heritage Branch about the new Heritage Conservation Area.

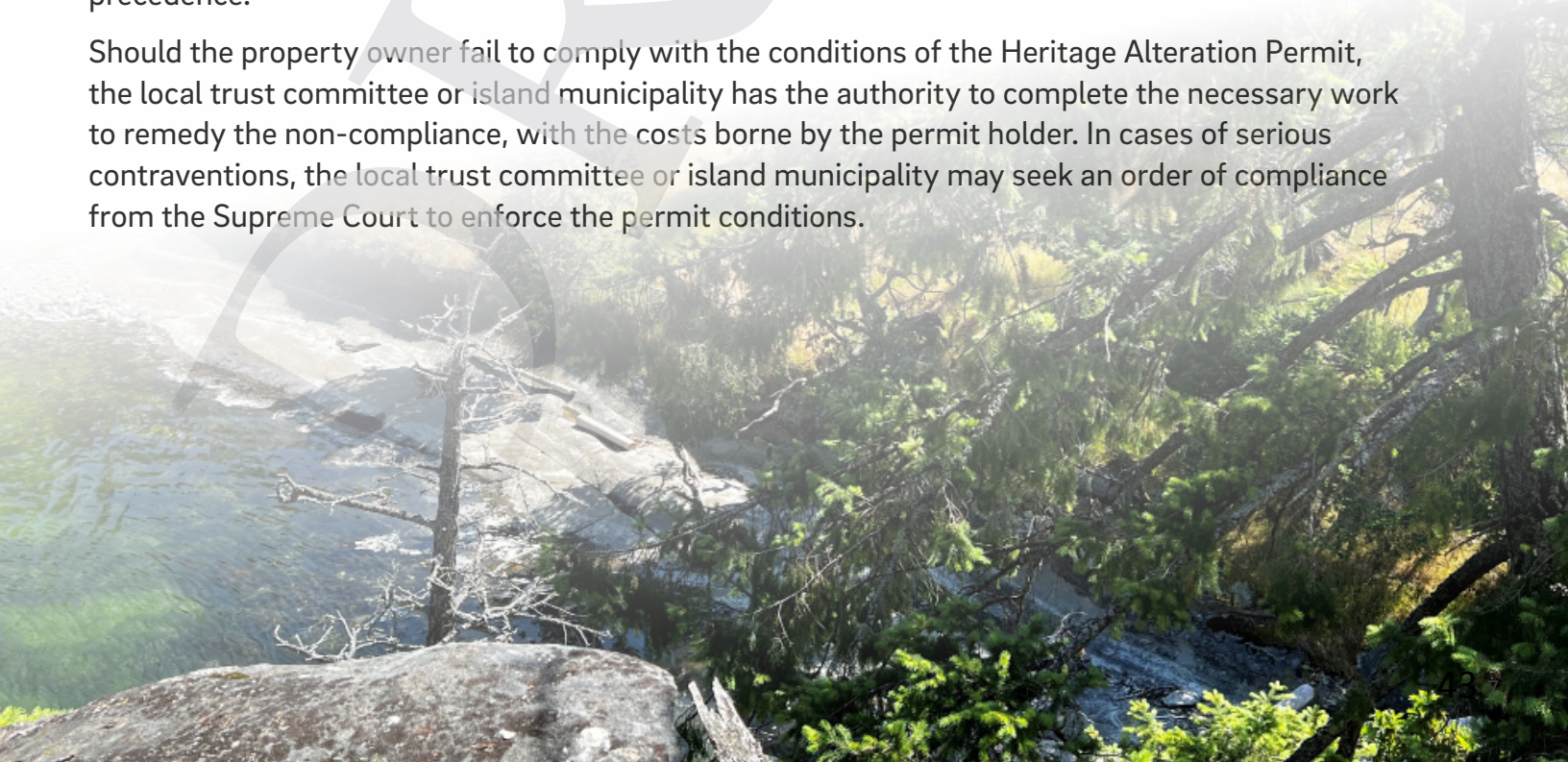
How does a Heritage Alteration Permit work?

A Heritage Alteration Permit is required when a property owner wishes to make alterations to a designated heritage site prior to subdivision, construction, or land modifications. The application must detail the proposed changes and can be submitted alongside other permits, such as building permits, siting and use permits, or development variance permit applications.

The Heritage Alteration Permit process does not allow for changes to the use or density provisions of the Land Use Bylaw, nor can it alter residential tenures or floodplain specifications. Once the application is submitted, the local trust committee or island municipality evaluates the proposed alterations and decides whether to approve or deny the issuance of the Heritage Alteration Permit. The local trust committee or island municipality may also choose to engage with Indigenous Governing Bodies or delegate the review authority to staff, who may work with an Indigenous Governing Body under a letter of understanding or protocol agreement for further review. The local trust committee or island municipality can also recommend to an applicant or property owner to take measures to mitigate impacts and/or require that applicants or property owners take mitigation measures as a condition of issuing a Heritage Alteration Permit.

The local trust committee or island municipality can deny the Heritage Alteration Permit if the proposed alterations are inconsistent with the heritage protection guidelines set out by the Heritage Conservation Area. However, local trust committee or island municipality cannot refuse to issue a Heritage Alteration Permit solely to prevent legitimate property development. If the permit is issued, a notice is registered with the Land Title Office, and if there is any conflict between the Heritage Alteration Permit and the Land Use Bylaw, the terms of the Heritage Alteration Permit will take precedence.

Should the property owner fail to comply with the conditions of the Heritage Alteration Permit, the local trust committee or island municipality has the authority to complete the necessary work to remedy the non-compliance, with the costs borne by the permit holder. In cases of serious contraventions, the local trust committee or island municipality may seek an order of compliance from the Supreme Court to enforce the permit conditions.



Contact


Regional Planning Team

Islands Trust

info@islandstrust.bc.ca

T 250.246.2063

DRAFT

 <p>Islands Trust www.islandstrust.bc.ca</p>	<p>Northern Office 700 North Road Gabriola Island, BC V0R 1X3 Ph: 250-247-2063 northinfo@islandstrust.bc.ca DENMAN, GABRIOLA, GAMBIER, HORNBY, LASQUETI, THETIS</p>	<p>Victoria Office 200 - 1627 Fort Street Victoria, BC V8R 1H8 Ph: (250) 405-5151 southinfo@islandstrust.bc.ca GALIANO, MAYNE, NORTH PENDER, SATURNA, SOUTH PENDER</p>	<p>Salt Spring Office 1 – 500 Lower-Ganges Road Salt Spring Island, BC V8K 2N8 Ph: (250) 537-9144 ssiinfo@islandstrust.bc.ca SALT SPRING BALLENAS-WINCHELSEA</p>
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ATTACHMENT 2

January XX, 2025

File Number: DE-RZ-2023.1 (Komas Ranch Ltd)

Attn: John Andrew, Agent for Komas Ranch Owners
Via email: [REDACTED]

Dear Mr. Andrew

Re: Rezoning Application DE-RZ-2023.1 (Komas Ranch Ltd) - Terms of Reference – 7161 and 7676 Komas Rd, Denman Island, BC, V0R 1T0 (PIDs 000-211-338, 000-211-320, and 023-096-438).

The Denman Island Local Trust Committee (LTC) received a preliminary report for rezoning application DE-RZ-2023.1 (Komas Ranch Ltd) at the June 4, 2024 LTC meeting. At that meeting, the LTC passed resolutions to proceed with the application, including the drafting of amending bylaws and requesting additional information in support of the draft bylaws.

The objective of this Terms of Reference (TOR) is to identify and request any anticipated information from the applicant in as detailed a manner as possible.

The information received by Islands Trust in your application package so far includes:

1. Completed application form
2. Survey plan depicting all residential areas proposed for rezoning
3. Statement of Title Certificate and copies of all title charges
4. Water and Septic documentation

Additional information required to proceed with your application includes:

1) ***Preliminary Field Reconnaissance (PFR) for Archaeological Material***

The Islands Trust reviews all applications to ensure the preservation and protection of cultural heritage, archaeological sites, and ancestral places. In this case, there are significant registered archaeological sites located on the subject properties near the proposed areas of rezoning (DjSf-1 and DjSf-4), and archaeological potential identified on other areas of the subject properties.

The primary goal of the archaeological PFR is to clarify the currently recorded boundaries of the archaeological sites located at Komas Ranch (DjSf-1 and DjSf-4), and to record archaeological features evident on the surface of the site. Given the history of development in absence of required archaeological permits and associated investigations, this PFR is necessary to provide critical baseline information regarding the current state of the archaeological remains on the property.

The PFR must include:

- A pedestrian survey by a **qualified archaeologist** and a K'ómoks First Nation **archaeological monitor**, operating under a K'ómoks First Nation Cultural Heritage

Investigation Permit (CHIP), across the entirety of the Komasa Ranch properties, including all sites (Sites 1-20), Agricultural Areas, and Conservation Areas (see Attachment 1).

- Within the portion of the Komasa Ranch property that falls within the recorded boundaries of DjSf-1 and DjSf-4, the PFR must include documentation of all surficial archaeological features, such as mounds, ridges, trenches, and house depressions (see Attachment 2).
- Within the portion of the Komasa Ranch property that falls outside of the recorded boundaries of DjSf-1 and DjSf-4, the PFR will identify any archaeological deposits within that area to refine the boundaries of the aforementioned sites or new sites if identified.
- Across the entirety of the Komasa Ranch property, the PFR will identify and document recent and historical impacts to archaeological deposits including driveways, borrow-pits, redeposited shell midden, paths, ditches, garden beds and shoreline erosion.
- In addition to the above, the archaeologist and archaeological monitor will photograph and record the GPS coordinates of any suspected ancestral remains observed.
- Inaccessible areas (e.g., very steep slopes), wetlands, and other areas assessed to have very low archaeological potential by the contracted archaeologist are excluded from the PFR area.

Please Note:

- Current owners may have knowledge of artifacts, ancestral remains, or archaeological features that have been observed at Komasa Ranch in the past, or may have collections of artifacts from the site. An invitation is extended to the Komasa Ranch owners to offer any supplemental information they have regarding the archaeological site to the contracted archaeologist.

2) Land Title Act s. 219 covenant

The applicant should be aware that the LTC may seek further conditions of rezoning to be established as part of a s.219 covenant. A s.219 covenant is a charge secured against the title to a property in favour of the LTC to impose an obligation on the property owner, as per the provisions of s.219 of the *Land Title Act*. In this case, a s. 219 covenant could include conditions not captured through rezoning in the LUB such as the inclusion of a detailed site plan, specific construction requirements, environmental monitoring and reporting obligations, and other limits on the proposed land use and development.

Reporting Requirements and Timelines

With respect to any reporting requirements listed above, the applicant and/or professional must, in accordance with generally accepted impact assessment methodology, ensure the reports:

- (a) identify relevant baseline information and document the nature of the resource or other matter;
- (b) evaluate the impacts in terms of their significance and the extent to which and how they might be mitigated; and
- (c) make recommendations as to conditions of approval that may be appropriate to ensure that any undesirable impacts are minimized or avoided.

This information must be prepared by a professional or professionals in good standing with his/her professional organization within British Columbia, acting within his/her area of expertise, and with demonstrated and pertinent experience and/or training. The completed report must be submitted to the Islands Trust by December 31, 2025 in order for application DE-RZ-2023.1 to be further considered by the Local Trust Committee.

Please also note that the Islands Trust reserves the right to require additional information or clarification in response to the project reports. Any additional requirements will be provided in writing and will identify the additional information required in as clear and specific a manner as possible.

If you have any questions concerning the application or TOR requirements stated above, please do not hesitate to contact me.

Sincerely,

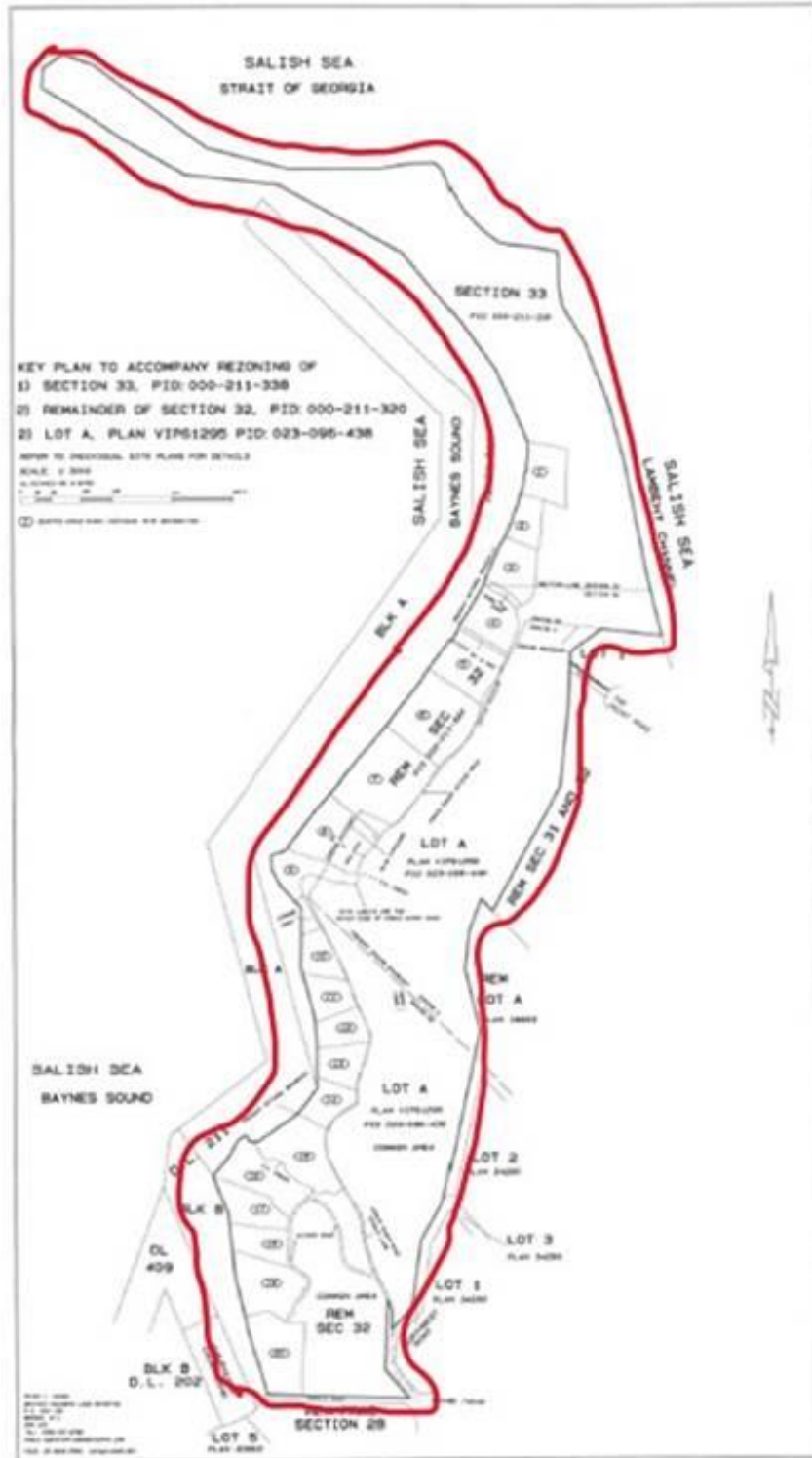
Margot Thomaidis
Planner 2

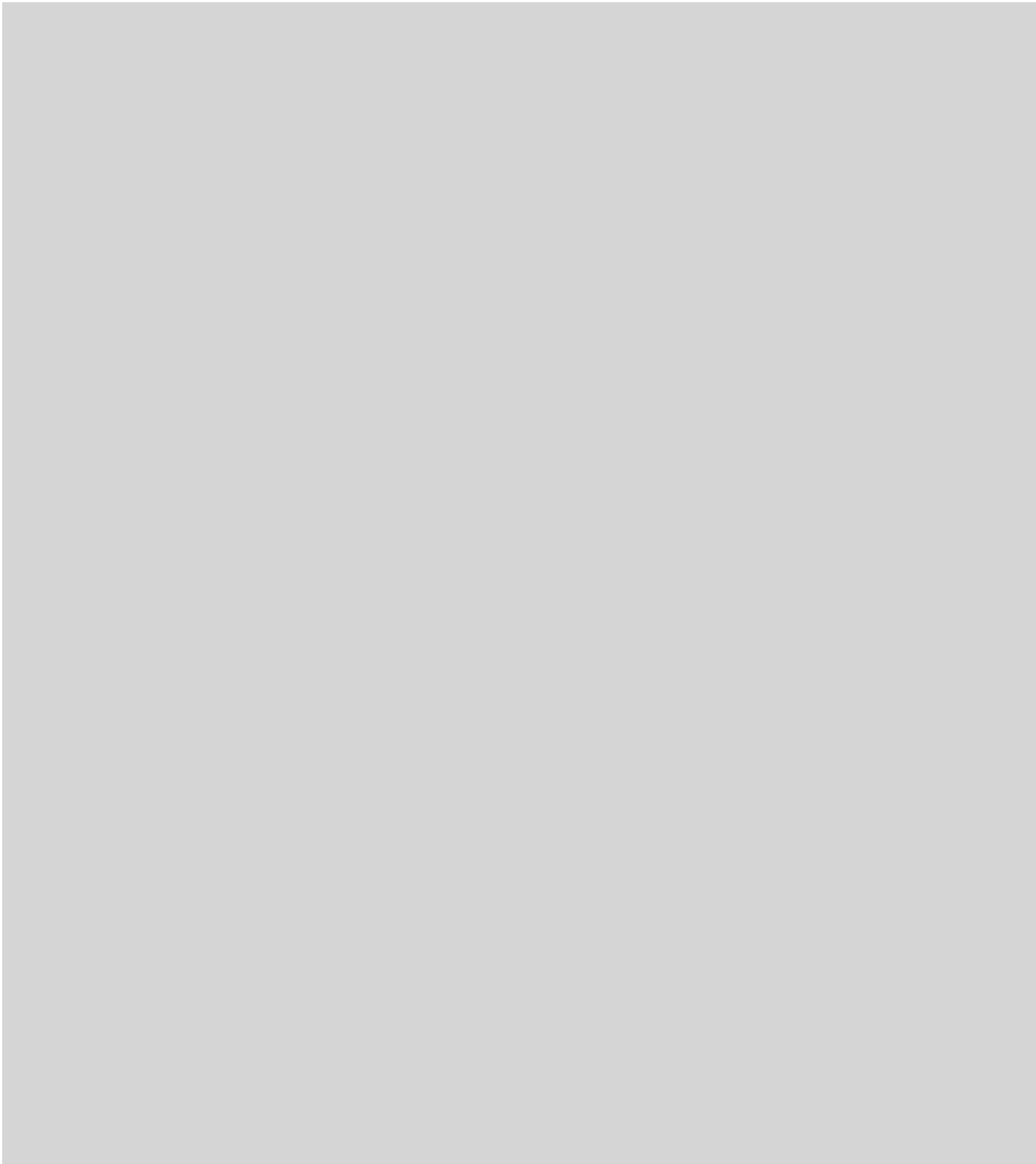
Attachment 1. Extent of Proposed PFR for Komasa Ranch
Attachment 2. Recorded Archaeological Site Boundaries of DjSf-1 and DjSf

cc: *Renée Jamurat, Regional Planning Manager*

DRAFT

Attachment 1
Extent of Proposed PFR for Komas Ranch (in Red)





From: John Anesley
Sent: Thursday, January 9, 2025 4:43 PM
To: David Graham; David Maude; Sam Borthwick
Cc: Margot Thomaidis; Renee Jamurat
Subject: Fwd: Data Request: Komasa Ranch Staff Report and Attachments

ATTACHMENT 3

Local Trust Committee
David Graham
Sam Borthwick
David Maude
January 8th, 2025

Greetings from Komasa Ranch

The Board of Directors of Komasa Ranch are writing to you about about some of the ongoing issues related to the application for rezoning of our lands. The Staff Report that that was presented at the June LTC meeting had a number of recommendations. Komasa has complied with a number of the requests. It has become apparent that some of the recommendations are simply not feasible. For example there is a request for a Natural Area Protection Tax Exempt Program (NAPTEP).

It turns out that a NAPTEP requires that a property applying for the program must be zoned R1 and that makes no sense when we are trying to have our property made conforming under R2. It also requires the agreement of all owners and that will never happen on Komasa. Islands Trust Staff has indicated that they will drop that recommendation and pursue a Heritage Protection Covenant.

Komasa would like to see our property protected in perpetuity and the Heritage Covenant seems like a reasonable method to do so.

Another recommendation was that Komasa conduct a Preliminary Field Reconnaissance (PFR) to determine where heritage sites are located. Below we have included a report we received from the BC Archaeology Branch about the Komasa Ranch lands. This report in in response to a request for what information that the Branch had relating to Komasa Ranch. We were surprised about the depth and the detail of the information that has been researched. The report is quite extensive and Komasa did not know about much of this information. The Arch Branch also indicated that they had more information that was researched in 1956 and again in the mid 1960's and we gather that the extensive research that was done then determined the areas marked Red Zones in the maps below. We believe that excavations were also done as recalled by some of our original

owners. The exact data that BC Arch has is not available to the public or even to owners. The reason BC Arch will not release specific information is to stop the threat of site disturbance and the pilfering of heritage material.

The recommendation for Komas to conduct a PFR is a very expensive request. It would involve surveying all of our property yet again, the hiring of archaeologists and the preparation of reports. The PFR is also only a surface examination involving an archaeologist walking over the property and making a visual determination of heritage sites. A PFR does not involve any excavations or disturbance of the land. The BC Arch Branch already has all of this information as noted in the report below plus they have the exact details of every heritage site on our land but that information is "classified" and not available.

We ask that the Local Trust Committee remove the recommendation that Komas conduct a Preliminary Field Reconnaissance and that you pass a motion to that end at the next LTC meeting on January 21, 2025

Yours,
John Andrew
Komas Ranch Board of Directors

Begin forwarded message:

From: "Arch Data Request FOR:EX" <ArchDataRequest@gov.bc.ca>
Subject: RE: Data Request: John Andrew and Komas Ranch - owner
Date: November 21, 2024 at 12:53:05 PM PST
To: 'John Andrew and Komas Ranch ' [REDACTED]

Hello John,

Thank you for your archaeological information request regarding the following four properties:

- PID 000211338, SECTION 33 DENMAN ISLAND NANAIMO DISTRICT;
- PID 000211320, SECTION 32 DENMAN ISLAND NANAIMO DISTRICT EXCEPT THOSE PARTS OUTLINED IN RED ON PLANS 1656R AND 26016;
- PID 023096438, LOT A, SECTION 32, DENMAN ISLAND, NANAIMO DISTRICT, PLAN 16663 EXCEPT PARTS IN PLANS 26016 AND 34280; and