



DATE OF MEETING: February 2, 2024
TO: Hornby Island Local Trust Committee
FROM: Northern Team
SUBJECT: ISED Canada Antenna Systems Consultation Process

PURPOSE

To provide the Hornby Island Local Trust Committee (LTC) with information obtained from Innovation, Science, Education and Development Canada (ISED) regarding the public consultation process and required 120 day timeline contained in the *Radiocommunication and Broadcasting Antenna Systems Client Protocol Circular CPC 2-0-03 (CPC)*.

The LTC has requested the proponent, Rogers Communications, conduct additional consultation to the default CPC standard per its adopted *Hornby Antenna Strategy*. Staff had previously advised that because of the additional request, the 120 day deadline for the TLC to provide its letter of concurrence or non-concurrence may no longer apply.

At its regular electronic meeting on December 13, 2023, the LTC received a verbal update from staff on the status of the proposal providing the following:

- Ongoing public correspondence about the proposal is being received and posted to a dedicated page on the Islands Trust Hornby web page.
- At its previous meeting, the LTC directed the proponent to engage in more extensive public consultation which has not yet begun.
- Staff will further investigate the requirements if the ISED consultation timeline and provide clarity at the next possible opportunity.

At the time of this Memorandum, staff has reviewed a new public notification package prepared by the proponent which they intend to be received by residents within the updated notification radius on February 2, 2024, per the LTC request. No provincial Crown Land referral has yet been received and no request for concurrence from the proponent. Following the new public notification, a summary of all public and proponent submissions and responses should be provided to the LTC prior to a request for concurrence.

The LTC has requested information about when it could provide its response of concurrence or non-concurrence considering the original 120 day ISED consultation deadline has passed. Attached is an email received by staff from ISED in response to this question. The letter explains that ISED expects a Land Use Authority (LUA) and proponent to work together in good faith throughout any extended consultation process, but that no specific timeline is mandated in such cases unless the LUA specifically sets a deadline as part of the additional consultation request.

Submitted By:	Ian Cox, Planner 2	January 18, 2024
Concurrence:	Renée Jamurat, RPP MCIP, Regional Planning Manager	January 23, 2024

ATTACHMENTS

1. ISED Email Response

From: Pungente, Ken (ISED/ISDE) <ken.pungente@ised-isde.gc.ca>
Sent: Thursday, January 11, 2024 3:52 PM
To: Ian Cox
Cc: Nathaniel, Ayaz (ISED/ISDE)
Subject: RE: Local Government Consultation Process for Antenna/Communications Towers

Hello Mr. Cox,

Sorry for the delay and thank you for your question regarding the consultation requirements between a proponent and a Land-Use Authority (LUA).

Whether the proponent is following an antenna siting process established by an LUA or following the ISED default consultation process, the expectation is that a consultation process will normally be completed within 120 days. Within this 120 day consultation period, ISED does not stipulate exactly when the LUA consultation is to be completed or when the LUA is required to provide the letter of concurrence or non-concurrence, as situations can vary (it could be during the 120 days or after 120 days if circumstances so warrant).

When unavoidable delays occur during the consultation process that exceeds the 120 days, by either the proponent or LUA, ISED expects that the parties will continue to stay engaged in the process by maintaining open lines of communication. If the proponent or LUA is not responsive during this process, either party may contact ISED for guidance. ISED may either support additional time to provide a response or we may consider the consultation process concluded.

Once the LUA is ready to issue a letter of concurrence, the issuance of the "Letter of Concurrence" will successfully conclude the LUA consultation process. In the event the LUA issues a letter of non-concurrence, this may or may not conclude the consultation process, as the proponent has the option to formally request in writing to ISED to enter into Dispute Resolution. At that point, ISED will determine whether Dispute Resolution is warranted or not.

I hope this response addresses your questions, but would also be happy to discuss in more detail over a call.

Regards,

Ken Pungente
Director, Coastal Offices, STS-Western Region
Innovation, Science and Economic Development Canada / Government of Canada
Ken.Pungente@ised-isde.gc.ca /

Directeur, bureaux côtiers, SST-Region de l'Ouest
Innovation, Sciences et Développement économique Canada / Gouvernement du Canada
Ken.Pungente@ised-isde.gc.ca /