



File No.: Raptor Nest DPA Review  
Project

DATE OF MEETING: April 5, 2024  
TO: North Pender Island Local Trust Committee  
FROM: Robert Kojima, Regional Planning Manager  
Southern Team  
COPY: Brad Smith, Island Planner  
SUBJECT: Raptor Nest DPA Review Project – Preliminary Data Review

## RECOMMENDATION

- 1. That the North Pender Island Local Trust Committee direct staff to prepare a draft bylaw to update Schedule O of the North Pender Island Official Community Plan No. 171, 2007 and associated Development Permit Area 7 guidelines consistent with the professional report submitted by Caurinius Environmental dated March 2024.**
- 2. That the North Pender Island Local Trust Committee direct staff to conduct early engagement with property owners by sending an information letter regarding the project to all registered property owners of land parcels that contain either existing or newly proposed Development Permit Area 7 raptor nest sites.**

## REPORT SUMMARY

The purpose of this staff report is to provide the North Pender Local Trust Committee (LTC) with an update on the Raptor Nest Development Permit Area Review Project including preliminary data reporting and analysis.

The above recommendation is supported as:

- The professional report identifies several new active or potentially viable sites that could be added to the Schedule O map;
- The other recommendations in the professional report are well considered and consistent with provincial guidelines; and,
- Proceeding with a draft bylaw will facilitate First Nations and agency referrals and public input to identify any issues or concerns with the proposed amendments.

## BACKGROUND

The LTC has been working on the Raptor Nest Development Permit Area Review project since May 2023. The review includes potential updates to Schedule O of the North Pender Island Official Community Plan No. 171, 2007 (OCP) and associated Development Permit Area 7 (DPA 7) guidelines.

Since the last staff memo in January 2024, the following has been completed:

- Staff have received the draft report from Caurinius Environmental and have provided comments to the author (Draft report included as Attachment 1);
- Staff have received nesting site GIS points from Caurinius Environmental and have plotted on them on a draft map (Attachment 2); and,
- Staff have sent an early engagement letter to First Nations in respect of the project (Attachment 3).

Staff are now seeking direction on proceeding with next steps including the drafting of an amending bylaw.

## **ANALYSIS**

### **Issues and Opportunities**

#### ***Professional Report***

A draft professional report has been submitted by Caurinius Environmental (Attachment 1). The scope of required work included:

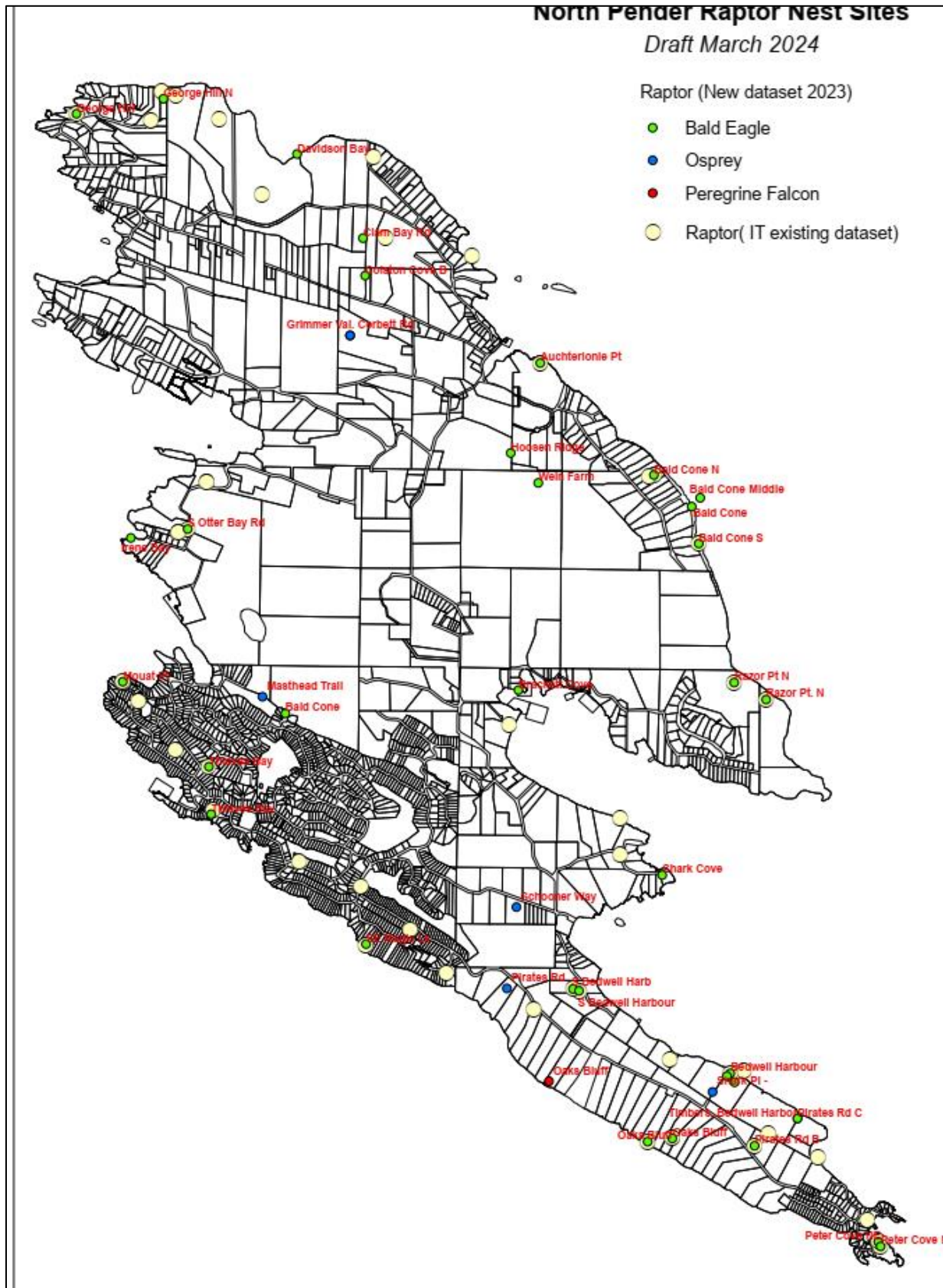
- Data collection, analysis and ground-truthing
- Provision of data points in a GIS format consistent with Islands Trust mapping standards
- Summary report including:
  - Description of project scope, purpose and data collection methods
  - Summary and analysis of existing and new site specific nesting data
  - Recommendations for potential amendments to OCP nesting site mapping (Schedule O) and Raptor Nest DPA sections

#### **Mapping Results**

Eighteen new nests were identified in the draft study results, as shown in the preliminary map in Figure 1. The consultant's report has only recently been received, and as such staff need to conduct a more detailed review of each 'new' site including the associated data table in the draft report.

The consultant also visited all of the existing DPA 7 schedule sites and determined that they are all still potentially viable and should remain on the Schedule O map, except for the existing Heron nest site located at 4185 Schooner Way which has been deemed to be no longer viable.

Figure 1. Preliminary Draft Map of All Nest Sites



## **OCP Recommendations:**

The professional report largely references the updated provincial guidelines when making recommendation with respect to potential OCP DPA 7 wording amendments: [\*Develop with Care series \(2013\): Guidelines for Raptor Conservation during Urban and Rural Land Development in British Columbia\*](#). These guidelines provide the best practices for raptor conservation in the province of BC.

Consistent with the guidelines, the changes being proposed by the RP Bio. include:

- The inclusion of “other raptors” in the DPA 7 designation;
- The expansion of minimum buffer areas to 60 m (currently 30-50 m);
- Additional context on special conditions or objectives that justify the designation;
- Changes to critical nesting periods consistent with new provincial guidelines;
- Several other recommendations for implementation of increased buffering zone requirements on Schedule O mapping and within s. 5.2.8.7. of OCP consistent with new provincial guidelines; and
- Updated referencing to 2013 provincial guidelines.

Staff are of the view that the recommendations are well considered and appropriate, and recommend that the LTC direct staff to proceed with drafting changes based on the report. As staff initiate the drafting process, a more detailed review of all of the changes will occur and staff may provide additional specific revisions when the draft bylaw is brought back to the LTC for further consideration. Staff will also continue to seek feedback from First Nations, and will forward them the professional report.

Staff have reviewed other local government jurisdictions with more recent raptor DPA guidelines and they are largely consistent with the most recent provincial guidelines and the approaches already taken or being recommended for North Pender, and in particular with respect to the increased buffering areas.

### ***Property Access Limitations***

Some of the data points required private access to verify. Through the next step in data review, staff will identify those specific sites, and will make the property owners aware. In some cases, property owners may be willing to provide voluntary access to verify the data point.

Where some of the trees do not have verified data points, the specific locations would need to be confirmed at the time of application. The bylaw will need to ensure the DPA provisions and designations address this issue.

## **Consultation**

### ***First Nations Engagement***

Staff have sent an early engagement letter to the standardized list of First Nations for the North Pender Local Trust Area, which is included as Attachment 3. The letter offers to engage First nations on next steps of the project including data review and analysis. To date, no responses to the letter have been received. Staff will send a follow-up response in with the finalized professional report for their review and input. Bylaw referrals would also be sent to this same list of First Nations, should the LTC proceed to that point.

## ***Community Consultation***

As an initial step in community consultation, staff recommend that the LTC direct staff to send an information letter to all registered property owners of land parcels that contain either existing or newly proposed Development Permit Area 7 raptor nest sites regarding the project, including the potential scope of the bylaw changes and how to provide input.

When a draft bylaw is further developed, further community consultation would be undertaken, including community meeting(s), website updates, and communications materials. As part of this outreach, staff would likely recommend a standalone Community Information Meeting (CIM) to present the project results and proposed bylaw amendments for community input. Bylaw referrals would also be sent to potentially affected agencies and local governments.

## ***Legislative process***

In order to implement changes to the DPA, an amendment would be required to the OCP, consisting of bylaw readings, a public hearing, and Executive Committee and Ministerial approval.

## ***Timeline***

The project charter describes the project in 7 phases. The project is currently moving into Phase 4.

**Phase 1:** Project Initiation: preliminary report and mapping contract procurement process.

**Phase 2:** Analysis: review of DPA provisions, options to LTC, contact with stakeholder groups and landowners.

**Phase 3:** First Nations consultation: early engagement and on-going consultation as requested by Nations.

**Phase 4:** Drafting: LTC review of amendment options and direction to prepare bylaws.

**Phase 5:** Community Consultation: early contact and community meeting, public review, bylaw referrals.

**Phase 6:** Legislative Phase: bylaw readings, public hearing, EC and Ministerial approval.

**Phase 7:** Implementation: public and landowner communication, procedural updates.

## **Rationale for Recommendation**

The recommendation on page 1 is supported as:

- The professional report identifies several new active or potentially viable sites that could be added to the Schedule O map;
- The other recommendations in the professional report are well considered and consistent with provincial guidelines; and,
- Proceeding with a draft bylaw will facilitate First Nations and agency referrals and public input to identify any issues or concerns with the proposed amendments.

## **ALTERNATIVES**

The LTC may consider the following alternatives to the staff recommendation:

### **1. Request further information**

The LTC may request further information prior to making a decision. Staff advise that the implications of this alternative are that commencing work on the project would be delayed. Recommended wording for the resolution is as follows:

*That the North Pender Island Local Trust Committee request that...*

**2. Not Proceed with the Project**

The LTC may decide to not proceed with the project.

**3. Receive for information**

The LTC may receive the report for information.

**NEXT STEPS**

Based on the direction of the LTC, staff will initiate drafting of an amending bylaw.

Submitted By:	Brad Smith, Island Planner	March 26, 2024
Concurrence:	Robert Kojima, Regional Planning Manager	March 27, 2024

**ATTACHMENTS**

1. Draft Professional Report dated March 2024
2. Preliminary GIS Map with Data Points
3. First Nations Engagement Letter



**Raptor and Heron Nests Development Permit Area  
(DPA) Review  
North Pender Island, Pender Island BC**



**Caurinus Environmental**

March 2024

# RAPTOR AND HERON NEST DPA REVIEW: NORTH PENDER ISLAND TRUST AREA – CONTRACT 2024-0056

## 1.0 Project Scope

Since its inception, Schedule O (Raptor and Heron Nest DPA) of the North Pender Island Official Community Plan (OCP) has not been formally updated. The scope of this project was to review and update mapping of raptor and heron nests and to identify, document and analyze raptor nest sites (and associated data) on North Pender Island, including a review of existing sites and new sites identified that may be considered for inclusion on Schedule O through a North Pender OCP amendment. Further, based on these nest locations and with reference to the *Develop with Care series (2013): Guidelines for Raptor Conservation during Urban and Rural Land Development in British Columbia*, Development Permit Area designations and provisions included in Schedule O were reviewed.

## 2.0 Purpose

The purpose of this project is to identify, document and analyze raptor nest sites (and associated data) on North Pender Island including a review of existing sites identified on Schedule O of the North Pender OCP and new sites that may be considered for inclusion on Schedule O through an OCP amendment. The current Raptor and Heron Nests Development Permit Area (DPA) was adopted in 2008 based on surveys conducted by local volunteers in 2005 and 2006 through the Wildlife Tree Stewardship initiative (WiTS). Nest trees were mapped with assistance of Islands Trust staff. An update of wildlife trees is currently needed as new nests have been established and older ones abandoned. In addition, DPA provisions should be reviewed and updated with reference to current provincial guidelines and best management practices.

The goals of this DPA review are to:

- Review all raptor nests across North Pender Island to determine whether new, current or historical nests are still viable for nesting raptors.
- Document GPS coordinates of all historical and new nest sites.
- Provide recommendations for potential amendments to OCP nest site mapping (Schedule O) and Raptor and Heron Nests (DPA) provisions.

## 3.0 Data Collection Methods

Based on the Schedule O - Raptor nest site map (Island Trust), each raptor nest site was visited to determine its current status. Also, based on local naturalist David Manning's yearly record keeping of raptor sites on Pender Island, we visited undocumented raptor nest sites across North Pender Island. At each tree we recorded GPS coordinates and where a nest was not present, the viability of each documented raptor nest tree to support a nest in the future was assessed. Some nest sites were not accessible, and therefore an approximate nest site coordinate was recorded.



## 4.0 Results

Eighteen new nests were detected during our survey of North Pender Island. All older nest sites from the initial survey are still viable as nest sites, although some have not been used by raptors for some years (Table 1).

**Table 1: New Raptor nests on North Pender Island since 2008  
(Species Codes: Bald Eagle (BAEA), Osprey (OSPR), Peregrine Falcon (PEFA))**

Species	Name	Easting	Northing	Address	Ownership
BAEA	Wein Farm	480037	5404483	4506 Bedwell Harbour	Private
BAEA	Brackett Cove	479884	5402832	4601 Pecos Rd	Private
BAEA	Irene Bay	476739	5404038	Irene Bay Rd	Private
BAEA	Timbers, Bedwell Harbour	482135	5399340	6901 Shark Pl	Private
BAEA	Thieves Bay South	477388	5401801	2731 Anchor Way	Private
BAEA	Golf Course	477343	5405552	2314 Otter Bay Rd	Private
BAEA	Hooson Ridge	479815	5404775	5442 Hooson	Private
BAEA	Davidson Bay	478085	5407144	3206 Clam Bay Rd	Private
BAEA	Colston Cove B, Hope Bay	478636	5406161	4312 Clam Bay Rd	Private
BAEA	Bald Cone Middle	481348	5404362	Crown Land or Lot 14 or 15	Private
BAEA	Corbett Rd	478513	5405676	4311 Corbett Rd	Private
BAEA	Bedwell Harbour, Shark Pl-C	481564	5399682	6903 Pirates Rd	Private
BAEA	Bedwell Harbour, Shark Pl B	481627	5399632	6903 Pirates Rd	Private
PEFA	Pirates Rd	479783	5400392	Near 4809 Pirates Rd	Private
OSPR	Shark Cove	481041	5401309	5747 Canal Rd	Private
OSPR	Shark Place	481448	5399555	6905 Shark Pl	Private
OSPR	Masthead Trail	477805	5402753	Shingle Creek	Community Park
OSPR	Oaks Bluff	480123	5399641	5915 Pirates Rd	Private

All existing raptor nest trees in the Islands Trust Raptor and Heron Nest DPA database are still viable nest sites for raptors. Currently there are no known great blue heron nests on Pender Island; the last known great blue heron nest occurred at 4815 Schooner Way, adjacent to an osprey nest DPA that remains valid and enforceable. The historical great blue heron nesting site is no longer viable, as the alder trees that supported the nesting site have fallen down. I recommend removing the historical Raptor and Heron DPA for the Heron nesting site at 4815 Schooner Way.

## 5.0 Future Recommendations for OCP Amendment

These recommendations apply solely to The North Pender Island Official Community Plan (OCP) areas: Schedule O - Raptor and Heron Nests Development Permit Area (DPA).

The current stipulations in the Schedule O - Raptor and Heron Nests Development Permit Area (DPA) are based on *Best Management Practices for Raptor Conservation during Urban and Rural Land Development in British Columbia (2005)*. Updated guidelines have been published by the BC Government in the form of *Develop with Care series (2013): Guidelines for Raptor Conservation during Urban and Rural Land Development in British Columbia*. I referred to this updated document in developing recommendations and best practices for the protection of raptor nesting activities, nest trees and nest tree areas on North Pender Island as part of this project. Earlier editions were also reviewed along with subsequent BC Ministry reports to incorporate a wide range of information for these recommendations.

### **Locations of raptor and heron nest trees**

Nesting birds such as raptors and great blue herons are especially sensitive to development and other disturbances due to human activity; hence, their persistence in our communities requires special protection. The locations of the raptor and heron nesting trees identified in Appendix A (Raptor Nest Map) are intended to provide an approximate location only, as not all sites on private property were accessible. Ground-truthing may be required by a Qualified Environmental Professional (QEP) to accurately determine the location of the tree or trees used for nesting at any given site for individual projects.

### **Retention of existing habitats and features**

The most effective means to protect raptor and heron nests and habitat is to retain existing habitats and habitat features. Retaining natural forest, including mature trees and understorey vegetation, near nest sites provides habitat for prey animals, nesting cover for raptors, and protection of nest trees from wind throw. Conserving these existing habitats is of greater benefit to raptors and herons than restoring or rehabilitating damaged habitat; restoration prescriptions that require replanting of seedlings will not provide appropriate habitat for over a century, until trees are at least 150 years old. Hence, all existing mature forest and veteran trees are critical to retain on the landscape.

Important raptor habitats and key features in urban and rural areas of British Columbia include not only nest sites, but also perching and roosting sites, and foraging areas. Protecting roosting, foraging and perching sites near nests benefits raptor and heron populations by allowing birds to rest and obtain adequate food for reproduction and survival. These sites may be used year-round by one or more individuals (e.g., turkey vultures and bald eagles). QEPs assessing Raptor and Heron Nest DPAs should recognize the ecological importance of features such as perching or roosting trees and ensure development avoids disturbance to these features as well as nest trees.

A single strict buffer size for all species and situations is not generally feasible or biologically appropriate. Best management practices help determine buffers for certain habitat values, but their application can differ based on different criteria. For example, the provincial guidelines specify buffers for raptor nests, but the standard is different depending on the ability of individual birds to tolerate human disturbance, the time of year, and whether the nest is located in urban, rural or undeveloped

areas. As a result, depending on species, the buffer may be as little as 1.5 tree lengths (60 m) or as wide as 500 metres. For the purposes of the North Pender Island OCP, I have used the bald eagle and the great blue heron as a baseline buffer distance for all raptor nests. The minimum recommended buffer of undisturbed natural vegetation for urban raptor nests is 1.5 tree lengths, which is equivalent to a radius of approximately 60 m. The assigned QEP for individual permitting projects will need to refer to *Develop with Care series (2013): Guidelines for Raptor Conservation during Urban and Rural Land Development in British Columbia* to determine a biologically appropriate buffer for each project context and species.

The following two sections are taken from the current Schedule O (Raptor and Heron Nest DPA) of the North Pender Island OCP. Suggested wording changes to align the DPA provisions with current provincial guidelines are shown in **red**.

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#### **5.2.8.5 Designation**

Development Permit Area Seven is shown in a generalized representation on Schedule O and generally incorporates a ~~30-50 metre~~ **(60 m radius)** radius around identified eagle, osprey, **other raptor** and great blue heron nesting sites.

The definitive designation and delineation of Development Permit Area Seven consists of a digital record compiled by means of air photograph interpretation. This digital record is stored and maintained in a Geographic Information System (GIS) at the offices of the Islands Trust.

#### **5.2.8.6 Special Conditions or Objectives that Justify the Designation**

The North Pender Island Local Trust Area contains habitat used by bald eagles, other raptors and great blue herons for nesting and breeding.

**Great blue herons are a Species of Special Concern in Canada and are blue-listed in British Columbia. The number of active nests on Vancouver Island and the Gulf Islands averages 525 annually. Bald eagles require large territories and generally locate nest sites 1km away from another breeding pair. Both species nest near large bodies of water such as lakes, large rivers or the ocean, near their main food source. The loss of available nesting habitat due to human disturbance reduces the birds' ability to reproduce and successfully raise their young. Section 34 of the Wildlife Act provides for the protection of bald eagles and great blue heron and several other at-risk bird species.**

Bald eagles are a regionally significant species and include both resident and wintering birds. Resident eagles establish a territory around a nest, with most pairs using the same site for all their breeding life. Nests are semi-permanent structures which represent a considerable investment of energy. Nest abandonment – either permanent or temporary – can result from tree damage or removal, nest damage or human disturbance during the critical nesting period from ~~January 15th to August 30<sup>th</sup>~~ **(January 5 to August 31)**. Eagle nest trees requirements are specialized: typically large, very old trees near the water and although second growth trees are sometimes used, most nest trees are Douglas-firs over 150 years of age, usually within one kilometre of the shoreline. Human activity related to logging and land development have resulted in the loss of nest sites, which results in a permanent reduction in the nesting population. Gradual loss of nesting habitat is considered to be the most significant factor affecting bald eagle abundance in B.C. (BC Ministry of Environment, Lands and Parks. Environmental Objectives, Best Management Practices and Requirements for Land Developments, 2001) and specifically on Vancouver Island and the Gulf Islands, habitats within low-elevation coastal habitats in

the Coastal Douglas-fir Biogeoclimatic zone have been degraded by human development (BC Ministry of Water, Land and Air Protection. Best Management Practices for Raptor Conservation during Urban and Rural Land Development in British Columbia. 2005) **(Guidelines for Raptor Conservation during Urban and Rural Land Development in British Columbia (2013)).**

**Great blue herons breeding sites are concentrated in the Strait of Georgia, with large colonies generally occurring in relatively contiguous forest, fragmented forest or solitary trees and associated with extensive estuarine mudflats and eelgrass beds. Avoid any new disturbance, especially early in the season as herons are particularly susceptible to disturbance. Great blue heron breeding window is between January 15 and September 15.** Colonies are dynamic, especially in areas of high disturbance and habitat destruction and human disturbance has been implicated in historical colony abandonment. In particular, disturbance from humans can cause herons to temporarily abandon breeding attempts, allowing predators to take eggs. **The Province of British Columbia recommends a buffer of at least 300 m in undeveloped areas, 200 m in rural areas, and 60 m in urbanized areas. An additional 200 metre 'no disturbance' buffer is recommended during the nesting season, especially for colonies not previously accustomed to people and their activities. (Develop with Care 2014: Fact Sheet #11 - Great Blue Heron: Environmental Guidelines for Urban and Rural Land Development in British Columbia)**

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Summary of proposed changes to Schedule O (Raptor and Heron Nest DPA) of the North Pender Island OCP.

- a) For Bald Eagle Nest Trees – the Development Permit Area applies to all mapped trees containing bald eagle nests and shall be:
  - i. a 60 m radius from the nest tree in high density areas (Rural Residential RR1 - North Pender Island Land Use Bylaw No. 224, 2022, Schedule B) of Pender Island (i.e. Magic Lake, Trincomali); and
  - ii. a 100 m radius from the nest tree in all other zone areas of Pender Island.
  - iii. an added 100 m radius from the nest tree during their breeding season as a 'Breeding season quiet buffer'.

'Breeding season quiet buffer': During their breeding season (Feb 5 to Aug 31), especially during early courtship and egg-laying periods, bald eagles are very sensitive to noise disturbances and may abandon their nests and young. In every case, *Develop with Care series (2013): Guidelines for Raptor Conservation during Urban and Rural Land Development in British Columbia* should be referred to when establishing an appropriate nest site buffer.

- b) For Great Blue Heron Nest Trees – the Development Permit Area applies to all mapped trees containing great blue heron nests, and shall be:
  - i. a 60 m radius from the nest tree in high density areas (Rural Residential RR1 - North Pender Island Land Use Bylaw No. 224, 2022, Schedule B) of Pender Island (i.e. Magic Lake, Trincomali); and
  - ii. a 200 m radius from the nest tree in all other zone areas of Pender Island.
  - iii. an added 200m radius from the nest tree during the breeding season as a 'Breeding season quiet buffer'.

'Breeding season quiet buffer': During their breeding season (Jan 15 to Sept 15), especially early in the breeding season, herons are very sensitive to noise disturbances and may abandon their nests and young.

- c) All other raptor Nest Trees or cliff nest locations (falcons, hawks, ospreys, and owls) – the Development Permit Area applies to all mapped trees or cliff sites containing raptor nests and shall be:
  - i. a 60 m radius from the nest tree or site in high density areas (Rural Residential RR1 - North Pender Island Land Use Bylaw No. 224, 2022, Schedule B) of Pender Island (i.e. Magic Lake, Trincomali); and
  - ii. a 100 m radius from the nest tree or site in all other areas of Pender Island.
  - iii. Refer to species- specific criteria, such as breeding season quiet buffers, listed in *Develop with Care series (2013): Guidelines for Raptor Conservation during Urban and Rural Land Development in British Columbia*.
  
- d) Retain raptor and great blue heron roosting/perching sites within an existing raptor and great blue heron DPA. A QEP may recommend additional mitigation measures based on site-specific observations to:
  - i. protect trees, cliffs or other specific sites that are in regular use for roosting, perching or feeding.
  - ii. protect primary foraging sites such as shorelines, wetlands, shrubby areas, hedgerows and riparian areas.

I trust this report meets with your requirements. Please do not hesitate to contact me if you require additional information.

Best regards,



Dan Baxter (BSc, RPBio)



## Appendix A





Caurinus Environmental

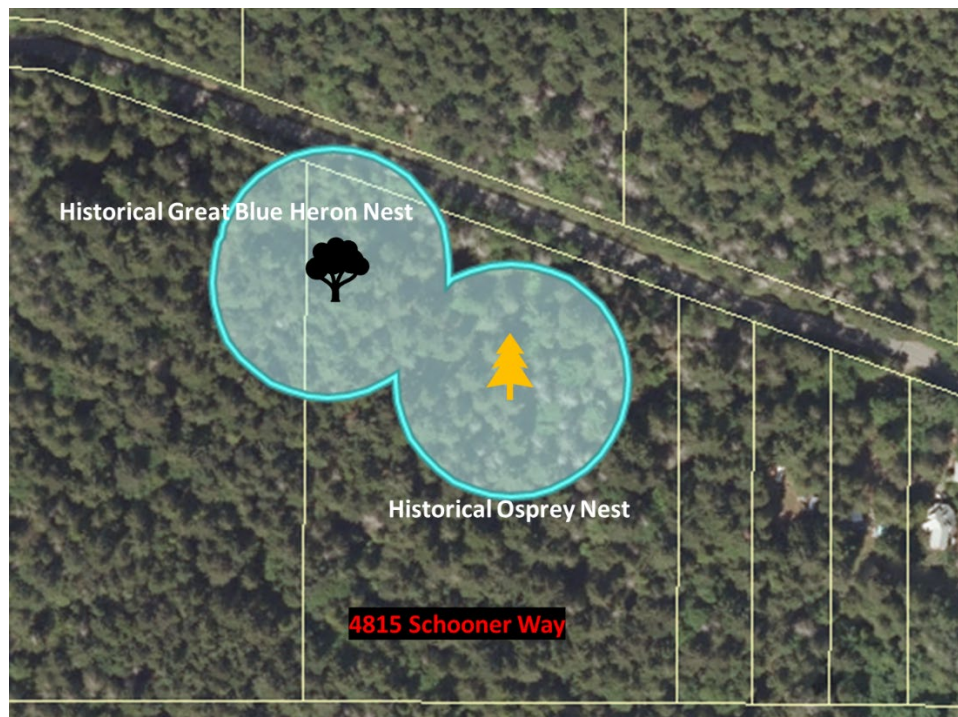
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30 June 2022

**To Whom it may Concern:**

**Re: Review of Raptor and Heron Nests Development Permit Areas (DPAs) on Lot 7 Plan VIP1695 Section 7 Land District 16 Portion Pender Island (PID: 007-094-591) – 4815 Schooner Way.**

Caurinus Environmental was retained to review the Raptor and Heron Nest DPAs present at 4815 Schooner Way on North Pender Island. The subject property on Schooner Way hosts two Raptor and Heron Nests DPAs, protecting nest sites which historically have been used by great blue herons (*Ardea herodias*) and osprey (*Pandion haliaetus*; Figure 1). The subject property was visited on June 26, 2022 and the Raptor and Heron Nest DPAs were assessed to determine the viability of the nest trees for current and future use by raptors or herons.



**Figure 1: Location of the Raptor and Heron Nest DPAs at 4815 Schooner Way on Pender Island.**

The purpose of the Raptor and Heron Nests DPA and the Provincial guidelines is to provide protection for the core features of a nest site by minimizing potentially adverse effects from disturbance due to human activities. The overriding regulation in Section 34 of the Wildlife Act states that:

“A person commits an offence if the person, except as provided by regulation, possesses, takes, injures, molests or destroys: a) a bird or its egg, b) the nest of an eagle, peregrine falcon, gyrfalcon, osprey, heron or burrowing owl, or c) the nest of a bird not referred to in paragraph (b) when the nest is occupied by a bird or its egg.”

Disturbances can include access by humans and their pets, changes in microclimate, access by predators, equipment operation, blasting, aircraft operation, or other acoustic disturbance. Buffers help to maintain the long-term environmental and economic values of an environmentally sensitive area, generally preclude permanent structures, and require the retention of natural vegetation. During the breeding season, bald eagles (Feb 5- Aug 31) on the BC coast can be especially sensitive to activities such as machine landscaping and construction. Hence, although the Raptor and Heron Nests DPA extends 30-50 m from the trunk of the nest tree, provincial recommendations state that there should be a minimum protective buffer of 100 m around an osprey nest. To provide further protection from acoustic disturbance for osprey, any construction activities taking place during the breeding season should have an *additional* 100 m ‘quiet’ buffer zone (BC Ministry of Water, Land and Air Protection 2005).

The historical osprey nest tree is a mature veteran Douglas-fir (*Pseudotsuga menziesii*) and is approximately 35m from the current dwelling on the property.

**Table 1: Location of the Raptor and Heron Nests DPAs at 4815 Schooner Way on Pender Island.**

<b>Nest Species</b>	<b>Tree Type</b>	<b>UTM Northing</b>	<b>UTM Easting</b>
Osprey	Douglas-Fir (OSP1)	479860	5401051
Great blue heron	Red Alder (GBH1)	479781	5401094
Great blue heron	Red Alder (GBH2)	479784	5401100

Currently, the Douglas-fir osprey nest tree (OSP1; Plate 1) is well-rooted, shows no sign of decay, and has retained the large supporting upper branches; hence, it remains viable as a future nesting site for not only osprey, but bald eagles as well. It is surrounded by other mature trees that can serve as perching areas for adult birds during nesting and rearing of young.

**Plate 1. Douglas fir osprey nest tree (centre of photo) located at 4815 Schooner Way. The tree is not currently supporting a raptor nest in the 2022 breeding season (Photo Credit Murrough O’Brien).**



At present, the great blue heron nest trees (GBH1 & GBH2) have died and no longer have any appropriate structures to support great blue heron nests. GBH1 has come down and all that remains is a stump and remnant coarse woody debris (Plate 2). GBH2 is still standing but has lost all viable nesting structure (top of tree, branches) and will likely come down over the next few winters (Plate 3).

**Plate 2. Photo of historical red alder great blue heron nest tree (GBH1) located at 4815 Schooner Way.**





**Plate 3. Photo of historical red alder great blue heron nest tree (GBH2) located at 4815 Schooner Way.**





Canopy tree species present on the subject property are typical of Douglas-fir – Salal ecosystems, including Douglas-fir, grand fir (*Abies grandis*), and Western redcedar. There are several other veteran Douglas-fir within the vicinity of OSP1 in the Raptor and Heron Nests DPA, which are functioning as critical seed trees for regeneration, as well as perch and foraging trees for songbirds and raptors in the area. Birds detected on the property during the site visit include: pacific wren (*Troglodytes pacificus*), house finch (*Haemorhous mexicanus*), red-breasted nuthatch (*Sitta canadensis*), western tanager (*Piranga ludoviciana*), Pacific-slope flycatcher (*Empidonax difficilis*), dark-eyed junco (*Junco hyemalis*), orange-crowned warbler (*Leiothlypis celata*), chestnut-backed chickadee (*Poecile rufescens*), American robin (*Turdus migratorius*), song sparrow (*Melospiza melodia*) and purple martin (*Progne subis*).

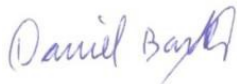
We recommend that any proposed future development planned within the Raptor and Heron Nests DPA GBH1 & GBH2 (Table 1) be exempt from requiring a Development Permit as there is no longer any viable supporting tree in the area that could accommodate a new raptor or heron nest. Any proposed future development within the DPA centered around the Douglas-fir (OSP1, Table 1) should continue to require the issuance of a Development Permit, however, because the supporting veteran tree remains in good condition to support raptor nests in future years. Large veteran trees are becoming increasingly rare in the Coastal Douglas-Fir ecoregion due to ongoing losses to enhance view corridors or accommodate development, as well as losses due to storms. Given that the reproductive success of raptors such as bald eagles and osprey is entirely dependent on the presence of large veteran trees on the landscape, it is essential that those veteran trees that remain are afforded as much protection as possible. The tree in question has supported raptor nests in the past; the objective of the Raptor and Heron Nests DPA is “to preserve and protect remaining raptor and heron nesting sites” (North Pender Island OCP, Section 5.2.8.6), including the retention of “existing natural habitats suitable for raptors and herons, such as potential or currently unoccupied nesting trees, perches, roosting trees, snags, and trees with cavities” (Section 5.2.8.7).

We also recommend that current and future property owners remove any invasive species located within the Raptor and Heron Nests DPA as well as throughout the property as part of ongoing land stewardship. Any revegetation on the properties in the future should be completed using only locally sourced native plants.

Please do not hesitate to contact us if you have any additional questions or concerns, or if you require additional information.

#### **CAURINUS ENVIRONMENTAL**

Per:



Dan Baxter, B.Sc., R.P.Bio. #1999  
Project Manager



Erin O'Brien, Ph.D.  
Director of Science

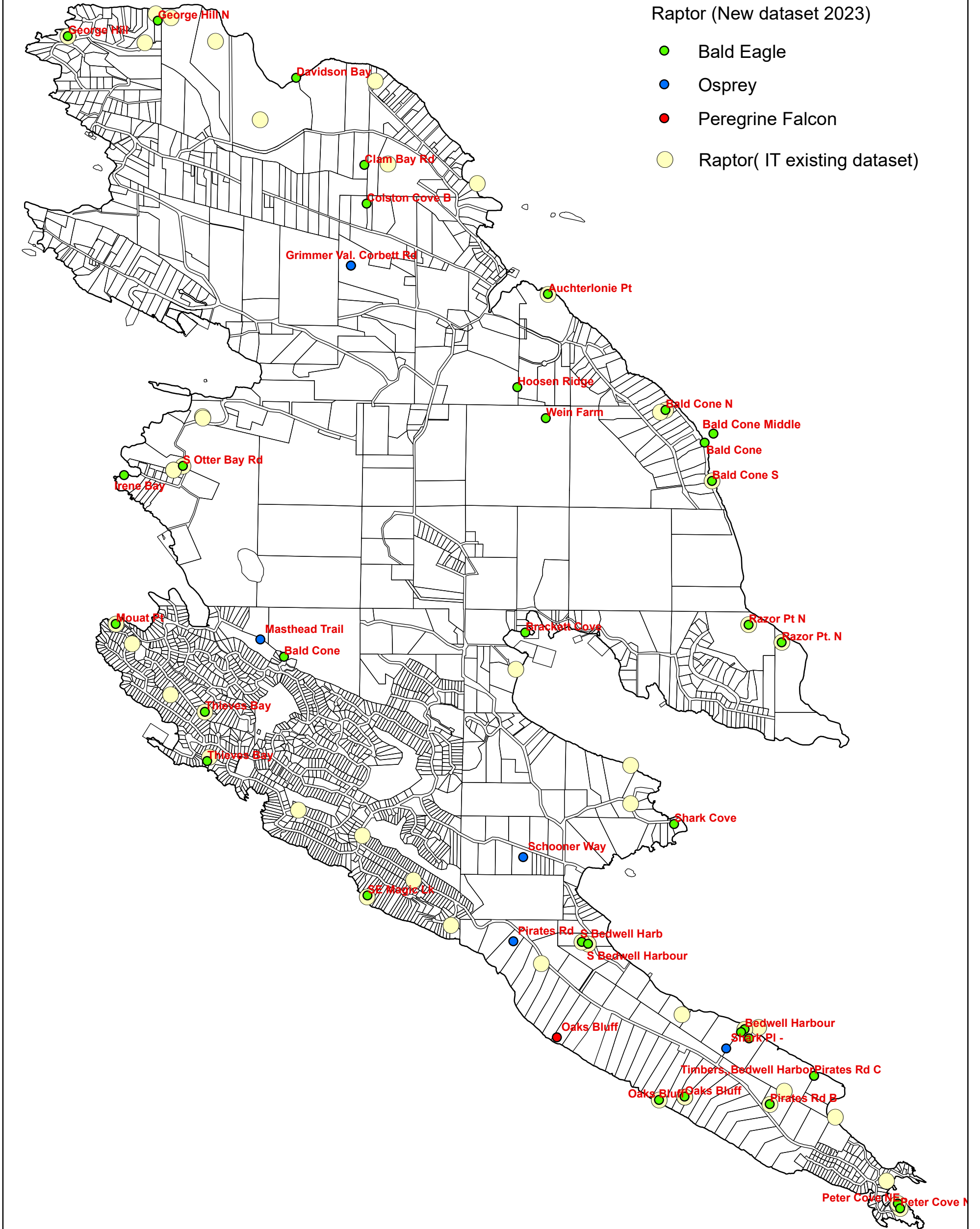


# North Pender Raptor Nest Sites

Draft March 2024

Raptor (New dataset 2023)

- Bald Eagle
- Osprey
- Peregrine Falcon
- Raptor( IT existing dataset)



Date: 3/13/2024



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XXXX XX, 2024

IT File: NP-LTC  
Raptor Nest DPA Review Project

Via E-mail:

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

Dear Chief and Council:

**Re: Raptor Nest Development Permit Area Review Project**

I am writing to you on behalf of the North Pender Island Local Trust Committee (LTC) to inform you of the LTC's **Raptor Nest Development Permit Area (DPA) Review project** and to invite you to participate in the next stages of data analysis and review.

The [North Pender Island Official Community Plan No. 171 \(OCP\)](#) includes development permit area requirements for the protection of natural ecosystems, the environment, its ecosystems and biological diversity. The objective of DPA 7 is to preserve and protect raptor and heron nest sites.

DPA 7 areas were first established in 2007. Since then, there has not been a consistent effort to update the underlying [Schedule O](#) mapping data or the associated guidelines to ensure best practices are maintained. As such, the LTC is now seeking to update the DPA 7 mapping, as well as review the DPA 7 provisions in consideration of community and First Nation interests and current best practices.

The LTC has hired a professional biologist to conduct a study of existing designated and potential new sites on North Pender Island in collaboration with a volunteer coordinator who was also involved in the original data collection. A final report from the biologist, including recommendations in respect to amendments to Schedule O and associated DPA 7 provisions is due at the end of March, 2024.

As the LTC moves forward with reviewing the report and considering policy and regulatory changes in respect of DPA 7 on North Pender Island, include potential mapping and OCP policy updates, we would like to know your Nation's interest in the project and how you would like to be involved.

More information on the project, including the [project charter](#) and staff reports, are located here: <https://islandstrust.bc.ca/island-planning/north-pender/projects/>

Thank-you for considering our request to engage on this LTC project initiative.

Respectfully,

Preserving *Island* communities, culture and environment

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

*BSmith*

Brad Smith  
Island Planner – North Pender Island Local Trust Area

cc: North Pender Island Local Trust Committee