



File No.: 6500-20-Raptor Nest DPA  
Project

DATE OF MEETING: January 31, 2025  
TO: North Pender Island Local Trust Committee  
FROM: Brad Smith, Island Planner  
Southern Team  
COPY: Robert Kojima, Regional Planning Manager  
SUBJECT: Raptor Nest Development Permit Area (DPA) Review Project Update

## PURPOSE

The purpose of this staff memo is to provide the North Pender Local Trust Committee (LTC) with an update on the Raptor Nest Development Permit Area (DPA) Review Project.

## PROJECT UPDATE

At the Nov 29, 2024 meeting, the LTC received draft bylaw No. 235 and directed staff to complete referrals.

Since that meeting, the following has occurred:

- Draft Bylaw No. 235 has been referred to First Nations and agencies. The referral period closes February 13, 2025. Staff will bring a complete record of referrals to the LTC at the April 4 meeting. To date:
  - The Pender Island Conservancy has responded in support of the proposed updates.
  - The Islands Trust Conservancy has responded in support of the proposed and have provided comments regarding the potential addition of seasonal buffering areas for Screech Owls and 'other raptors' in accordance with provincial best practices; and a potential additional owl nesting location that could be added to the inventory. Staff are following up with ITC and may suggest amendments to the draft bylaw at the next meeting based on comments received.
  - Ministry of Municipal Affairs defers all comments on the ecological and environmental aspects of raptor and heron nest protection to the Ministry of Water, Land, and Resource Stewardship.
  - Tsawwassen First Nation (TFN) has responded indicating no concerns.
  - Ts'uubaa-asatx Nation, defers to any Nation(s) whose title and governing authorities are directly affected but retain the right to provide input should greater interests be identified in the future.
- Staff continue to engage with potentially affected property owners. Since the last meeting, two site visits were completed by staff to assess nest trees. As a result, one tree was removed from the inventory as it was damaged in a storm beyond functional use for raptors (as confirmed by the RP Bio.)

## Additional Mail Out to Property Owners

At the last meeting, the LTC briefly discussed completing another mail out to all property owners potentially affected by the updated DPA mapping. To date, only property owners where a nest tree is located specifically on their parcel were notified by mail out (43 letters in total), and several owners have responded. The LTC has the budget in this fiscal to complete an additional mail out.

If a second mail out is to be completed, the LTC should decide whether to send only to properties within the core buffer areas that apply year-round (159 properties including original 43), or to also include those properties located within seasonal buffer areas (an additional 212 properties). The LTC could pass the following resolution to proceed:

**The North Pender Island Local Trust Committee directs staff to send a mail out to all property owners with parcels that contain at least a portion of the parcel proposed to be located within newly updated development permit area 7 (including or not including) those parcels only affected by seasonal buffering areas.**

### Retention of RP Bio Services

Despite being out of contract, to date, the RP Bio has been willing to respond to staff enquiries regarding specific properties where questions have arisen from property owners. To ensure these services are available and to compensate the professional for his time, if the LTC decides to complete a broader reaching mail out to property owners, staff also recommend that the LTC request that staff investigate the feasibility of awarding a contract to Caurinus Environmental to support the additional volume of property owner enquiries.

These services would be provided on an as needed basis, and billed accordingly. The LTC has the budget in this fiscal to pay for these services. The LTC could pass the following resolution to proceed:

**The North Pender Island Local Trust Committee requests staff to investigate the feasibility of awarding a service contract to Caurinus Environmental Consulting to provide additional support to staff for property-owner enquiries regarding specific nesting tree locations and features in respect of the Raptor Nest DPA Review Project.**

### PROJECT TIMELINES

The project remains on schedule in accordance with the approved workplan.

Workplan Overview	
Deliverable/Milestone	Target Date
<i>Project Charter endorsed</i>	July 2023
<i>Project initiation and preliminary report to LTC</i>	Sept 2023
<i>Procurement process for updated mapping and professional report</i>	Oct - Dec 2023
<i>Professional report study completion, staff review, project summary paper, landowner and stakeholder group engagement</i>	Jan – Nov 2024
<i>Early consultation with First Nations</i>	Sept – Dec 2023
<i>LTC preliminary review of proposed amended DPA provisions and study results</i>	May - Jul 2024
<i>Direction to prepare bylaws</i>	Jul 2024
<i>Final mapping delivered</i>	Nov 2024
<i>Community consultation on draft bylaws, bylaw referrals</i>	Nov 2024 – Apr 2025
<i>Legislative process to amend OCP</i>	Apr – Sep 2025
<i>Implementation and communications</i>	Sept – Oct 2025

The project charter currently only has funding for the 2024-25 fiscal year. If the LTC continues to proceed with Bylaw No. 235, given there is an OCP amendment, a public hearing will be required. There may also be additional property-owner consultation and data collection required beyond fiscal 2024-25. As such, the LTC should direct staff to amend the Project Charter to add a budget line item for the 2025-26 fiscal year in the amount of \$5,000, based on the following estimates:

- Consultation - \$2,000
- Public Hearing - \$2,000
- Contingency - \$1,000

Staff would then request that the Planning Director allocate the \$5,000 to the project for 2025-26 fiscal year.

LTC could pass the following resolution to proceed:

**The North Pender Island Local Trust Committee requests that staff amend the Raptor Nest DPA Review Project charter to add a budget line item for the 2025-26 fiscal year in the amount of \$5,000 for additional consultation, holding of a public hearing and contingency.**

**NEXT STEPS**

Staff will bring draft Bylaw No. 235 along with referral responses back to the LTC at the April meeting likely with a recommendation to consider first reading. Depending on the direction of the LTC, staff will also initiate a second mail out to property owners and a new consulting services contract with Caurinus Environmental.

Submitted By:	Brad Smith, PAg Island Planner	January 20, 2025
Concurrence:	Robert Kojima Regional Planning Manager	January 21, 2025