

September 11, 2025

Islands Trust  
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**Attention: Brad Smith, Island Planner, Southern Team**

Sent by email to bsmith@islandstrust.bc.ca

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**Re: Proposed changes to the Raptor Nest Development Permit areas on North Pender**

Brad,

I ask that this correspondence be submitted to the ITC for the committee's consideration.

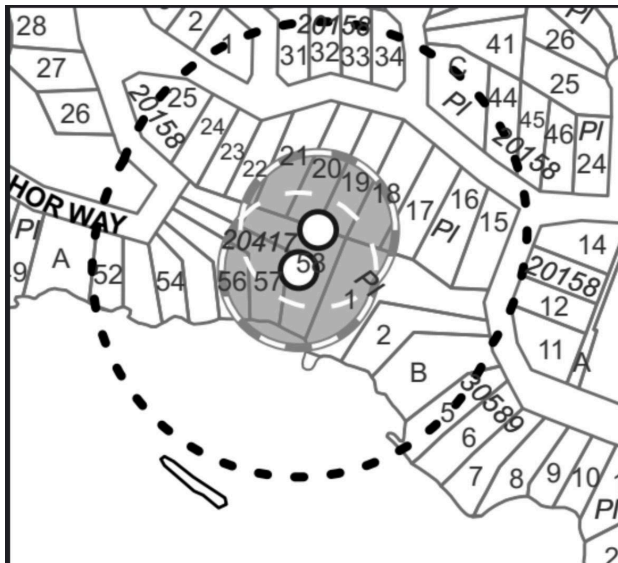
We are writing in regard to the proposed new DPAs related to potential raptor nesting locations on North Pender. The comments on this fall primarily into comments on how the Trust has misrepresented facts and data.

- The Islands trust (IT) has chosen to designate a tree as a bird tree even if it has no nest and has not for years. In fact if you review the IT response to the Symons letter the IT will count a tree even if abandoned for many years or even if it is subjectively considered to be a viable nesting or perching structure. This is ridiculous and is in contrast to Provincial and Federal definitions that require a tree to have a nest in it to be protected. This is an unreasonable position and attracts valid criticisms such as “The fact that you (IT) are willing to misrepresent the facts regarding our property makes one wonder about the validity of the designations on the rest of the island” (Symons)
- The IT fails to clearly and accurately describe or apparently even consider the effects on affected land owners. Restrict activities (other than existing development maintenance) between January 5 to August 31. Numerous environmental studies and approval gates. Basically whatever the IT wants.
- The proposed “added” 100 meter radius (200 M diameter) buffer during the breeding season would coincide with the season the residents do work on their lots including construction of additions, driveways modifications, garages, paving, clearing etc. Requesting them to refrain from this during the breeding season means not only less enjoyment of their yards and homes, loss of the weather window for this type of work, and a build up of fuel for wildfires. (MPLOS)
- The proposed doubling of the size of the DPA area includes a large number of properties that do

not have raptor nests, but whose properties would be adversely affected. Yet these owners were not notified in the initial mailout so they would be aware of, and included in the process. It was not until public outcry that affected property owners were included in the notice.....clearly a breach of trust by the IT. Indeed, the notice of this proposed bylaw should be sent to everyone on North Pender as they will be dramatically affected should a nest or perch be built or designated on or near any property. The following diagrams clearly demonstrate the unwarranted increase in DPA area.



The result of the 2008 DPA



Proposed DPA

- In addition the notice does not mention the draconian restrictions and approval processes required under a DPA versus existing regulations. Valid criticisms such as “Borders on the expropriation of land rights without the process of law” (Adria) are valid and warranted.
- In the April 4, 2025 public meeting the trustees make the ridiculous statement that the point of the bylaw is so there can be a conversation about a landowners development.(min 56-59). In reality the effect of a DPA on a property is to stop you from doing any development until the demands of the IT are satisfied, versus current where you may build as long as you are within the building regulations. REALLY THIS IS A WAY FOR THE IT TO FORCE YOU TO BUILD WHAT THEY WANT VS WHAT YOU WANT. Saying anything else is untrue.
- IT purports that this is merely updating the 2008 DPA to reflect new best practices. If one dives into the supporting documents the reality is that the supposed “new” guidelines are from 2013 and 2014. Certainly not new or even current.
- In discussions with David Manning the issue is lack of trees of suitable size to accommodate Raptor nests. Current trends in Raptor accommodation are the development of artificial nest platforms that can withstand the wind and weight loads being installed on public lands. <https://www.northislandgazette.com/news/artificial-nest-for-bald-eagles-the-first-of-its-kind-on-vancouver-island-1407241> Perhaps the IT should consider this type of solution that benefits both the raptors , and minimizes the negative effects of private landowners considering that the primary raptor nesting, Bald Eagles, are not a species at risk according to the Nature Conservancy of Canada.

This trust initiative seems to be one of dominance, authority and obedience and submission over property owners, and the ability to accept, deny, and control landowners and their decisions, additions and plans . Yet, the property owners are the ones that paid for the land and in fact pay for the IT’s salaries. This in essence translates into a poorly defined government entity attempting to have the ability to control, encumber, and materially change the development and use of the property of others, which directly impacts the value of the property while using manipulated bird data on birds that are actually thriving within existing measures. This cannot be seen as fair and reasonable.

We are sensitive to a culture of sustainability without handicapping property owners' ability to utilize the land that they bought and paid for. Our hope is to see the longevity of ecosystems and the enjoyment and fair treatment of property owners and their rights for future generations.

In summary this entire exercise is a good example of why there is a growing movement to dissolve the islands trust. Poorly thought out and executed projects, gross misrepresentation by IT and council, duplicate and unnecessary regulations and government bureaucracy and limited economic benefits to islanders as IT jobs are in Victoria.

This is nothing more than an attempt to gain bureaucratic development control over private property using grossly misrepresented information.

I trust the proposed bylaw changes will be relegated to the dustbin

Dan and Leanne Sutherland

Pender Island