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X-Ref: 3070-20
3400-TH-OTH-2019.1
(TELUS/Cypress Land
Services Inc.)

October 6, 2020

SENT VIA EMAIL: Berniebernie.ries@canada.ca

Bernie Ries
District Office Manager
Spectrum Management Operations Branch,
Innovation Science and Economic Development Canada Government of Canada

Dear Mr. Ries:

**Re: The Federal Licencing Process for Radiocommunication and Broadcasting Antenna Systems -
United Nations Declaration on Rights of Indigenous Peoples (UNDRIP) and Safety Code 6**

I am writing on behalf of the Thetis Island Local Trust Committee (LTC) who seeks information and guidance with respect to the federal licencing process for Radiocommunication and Broadcasting Antenna Systems so that the LTC may become better informed when requested to consider concurrence on tower proposals and may work with Innovation Science and Economic Development Canada (ISED) towards improving communications for all interested parties.

The LTC is responsible through the provincial *Islands Trust Act* for land use planning and regulation for the Thetis Island Local Trust Area. Their responsibilities include preparation and adoption of official community plans, land use bylaws, zoning and subdivision bylaws, regulation of soil removal and deposit, and authorization of permits under Part 14 of the provincial *Local Government Act*. We, as the local land use authority, are tasked with responding to requests to consider concurrence on towers/antennas proposed within our jurisdiction, as a part of the federal licencing process.

As you know, the LTC recently considered two separate TELUS proposals for telecommunications towers/antennas on Thetis Island. During the consideration of the proposals, two matters arose in which the LTC seeks further information and guidance from ISED. The first is with respect to ISED's responsibility as it relates to engagement with First Nations and the second is regarding Safety Code 6. The LTC hopes to gain a better understanding of these matters to assist us as a referral agency in the federal licencing process, should these two proposals progress any further, and should the LTC be requested to consider any other future tower/antenna proposals.

The first matter is with respect to the United Nations Declaration on Rights of Indigenous Peoples ([UNDRIP](#)) and how ISED is incorporating it into the Federal Licensing Process. Islands Trust is actively involved in building relationships and fostering reconciliation with First Nations, and we are guided and committed to the [Islands Trust First Nation and Engagement Principles Policy](#). The guiding principles were developed in order to come into alignment with [Truth and Reconciliation Calls to Action \(TRC\)](#) and UNDRIP.

Preserving *Island* communities, culture and environment

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

We appreciate that the Federal government signed on to UNDRIP in 2016 and that ISED is committed to ensuring that Indigenous rights are addressed, as ISED notes in their letter to Penelakut First Nation, dated November 27, 2019. Yet, as we engaged with Penelakut First Nation and other First Nations during the consideration of the TELUS towers on Thetis Island, it was unclear how the federal licensing process had met the duty to consult with First Nations with rights and title in the area.

As a local trust committee that is committed to working with First Nations and is a referring agency on the federal licensing process, it is not clear to us from the federal guiding documents (e.g. [CPC-2-0-03 – Radiocommunication and Broadcasting Antenna Systems \(CPC\)](#)) how ISED is addressing UNDRIP and consulting with First Nations, or how proponents are to engage with those communities. Accordingly, we ask for your guidance in helping us better understand ISED's commitments to First Nations and how it includes those communities in the consultation process so that we may work more cooperatively in these efforts.

The second matter is regarding potential health effects from radiofrequency exposure, [Safety Code 6: Health Canada's Radiofrequency Exposure Guidelines](#), and how ISED ensures that tower/antenna proposals are meeting Safety Code 6. As we understand it, radiofrequency exposure limits are set out in Safety Code 6 by Health Canada, and ISED has adopted this guideline for the purpose of protecting the general public. ISED requires that proponents of wireless devices and associated infrastructure (e.g. towers/antenna) comply with Safety Code 6. To that end, we would like to request that information be provided to land use authorities and the public regarding how compliance is attained and enforced at the time of proposal, and over the course of potential changes to infrastructure.

Additionally, we know that any related health concern of the public or local government that would be brought forward during the Federal Default Public Consultation Process is considered "not relevant" as outlined in the CPC because proponents are required to meet Safety Code 6. In our experience, this regime does not help to alleviate citizen anxiety about the potential health effects from proposed towers/antenna or the reliability of Safety Code 6. As such, the LTC received a plethora of these types of comments during consideration of the two TELUS towers, and as you can imagine, this put the LTC in an awkward position in their duties as a referring agency. I am aware that other local trust committees in the Islands Trust Area and other nearby local governments have experienced similar situations when requested to consider concurrence on towers/antennas. I have to say that the concerns raised have left us with some questions regarding Safety Code 6.

We take comfort in knowing that Health Canada is working to protect the health of Canadians from radiofrequency fields by the human exposure limits recommended in Safety Code 6, as described in their [website](#). We understand that the limits incorporate a safety margin that is below the threshold for causing potentially adverse health effects. Additionally, we appreciate that Safety Code 6 is reviewed on a regular basis by Health Canada, which included a 2013 review by the Expert Panel of the Royal Society of Canada.

We are interested in learning about which recommendations from that 2013 review have been implemented or incorporated by Health Canada and/or by ISED to date. Also, are there any interim supplemental standards, or requirements, to Safety Code 6 that address new radiocommunication and broadcasting antenna system technologies, that have emerged since the most recent version of the code was published in 2015? Further to this, we encourage ISED to advocate that Safety Code 6 is revised with

much more frequency than it is now in order that it keeps up with the fast rate at which these technologies advance.

In closing, and in addition to our queries above, we encourage ISED to work collaboratively with land use authorities and others to develop processes that support improved communications with all interested parties in respect of the federal licencing process and associated public consultation processes.

We look forward to hearing from you.

Respectfully,

A handwritten signature in black ink, appearing to read 'Laura Patrick', with a long horizontal flourish extending to the right.

Laura Patrick, Chair
Thetis Island Local Trust Committee

pc:

Jim Chisholm, Band Manager, Penelakut Tribe
Lisa Wilcox, Senior Intergovernmental Policy Advisor, Islands Trust
Clare Frater, Director, Trust Area Services, Islands Trust
Marnie Eggen, Island Planner, Islands Trust
David Marlor, Director, Local Planning Services, Islands Trust
Doug Anastos, TELUS
Consumer Radiation Protection Bureau, Health Canada
Thetis Island Local Trust Committee