



North Pender Island Local Trust Committee Regular Meeting Agenda

Date: February 23, 2024
Time: 10:00 am
Location: Electronic Meeting

	Pages
1. CALL TO ORDER	10:00 AM - 10:00 AM
2. APPROVAL OF AGENDA	10:00 AM - 10:05 AM
3. MINUTES	10:05 AM - 10:10 AM
3.1 Local Trust Committee Minutes Dated January 26, 2024 (for Adoption)	2 - 12
4. APPLICATIONS AND REFERRALS	10:10 AM - 12:00 PM
4.1 NP-TUP-2024.1 (Landale) - Staff Report (attached)	13 - 29
4.2 NP-TUP-2023.6 (Kroeker) - Staff Report (attached)	30 - 55
4.3 NP-DP-2023.5 (Lansdowne) - Staff Report (attached)	56 - 100
4.4 NP-DP-2024.2 (Bardon) - Staff Report (attached)	101 - 120
4.5 NP-DVP-2023.1 and NP-DVP-2023.5 (McKerrell) - Staff Report (attached)	121 - 236
5. UPCOMING MEETINGS	
5.1 Next Regular Meeting Scheduled for April 5, 2024 at the Anglican Church Hall, Pender Island	
6. ADJOURNMENT	12:00 PM - 12:00 PM

North Pender Island Local Trust Committee Minutes of Regular Meeting

Date: January 26, 2024
Location: Anglican Parish Hall
4703 Canal Road, RR#1, North Pender Island, BC

Members Present: David Maude, Chair
Aaron Campbell, Local Trustee (electronic)
Deb Morrison, Local Trustee

Staff Present: Robert Kojima, Regional Planning Manager
Brad Smith, Island Planner
Bruce Belcher, Planner 1 (electronic)
Warren Dingman, Bylaw Compliance and Enforcement Manager (electronic)
Jennifer Isaac, Meeting Coordinator (electronic)
Lisa Millard, Recorder (electronic)

Others Present: Paul Brent, Capital Regional District Electoral Area Director for the Southern Gulf Islands
There were fifteen (15) members of the public present.

1. CALL TO ORDER

Chair Maude called the meeting to order at 10:01 am. He acknowledged that the meeting was held on the territory of the Coast Salish First Nations.

2. APPROVAL OF AGENDA

By general consent, the agenda was approved as presented.

3. TRUSTEE REPORT

Trustee Campbell reported the following:

- He is away and mainly communicating via email
- He attended the Trust Council meeting in December
- He noted that attending meeting electronically provide a different perspective to issues being discussed

Trustee Morrison reported the following:

- She attended Trust Council and found the informal discussions with other attendees helpful
- She received an anonymous letter from a community member stating that she speaks too much at meetings and she indicated that it is her responsibility to advocate on issues

- She attended the Remembrance Day ceremonies as a representative of Islands Trust and due to unforeseen circumstances had to bring her pet. She was given permission by the Chair of Ceremonies to have her pet walk with her to keep it calm. A member of the community felt this was disrespectful, for which Trustee Morrison apologized

4. CHAIR'S REPORT

Chair Maude reported that:

- The November Local Trust Committee meeting was cancelled because the Bylaw states in person meetings require at least two Trustees to be present, and an electronic meeting could not be conducted because advance notice is required to hold a meeting in a different manner than what was advertised
- The Islands Trust Chief Administrative Officer is retiring effective June 30, 2024
- The annual budget will be approved in March and there are competing pressures to not increase taxes combined with expectations to get projects completed. It is important to find a compromise when considering rising costs

5. ELECTORAL AREA DIRECTOR'S REPORT

Electoral Area Director Paul Brent was in attendance and reported the following:

- Housing continues to be the primary area of concern with focus on acquiring land for housing, complex care housing, and rural housing. The Capital Regional District is supporting the Housing Now program through funds attained from the Economic Sustainability Commission. The Capital Regional District is undertaking an alternative approval process to gain support for borrowing \$85,000,000 for housing while also seeking matching funds from both the provincial and federal governments
- There is a deficiency on protocol agreements between the Capital Regional District and Islands Trust but noted he communicates with Trustees frequently and attends Local Trust Committee meetings
- He has been involved in parkland acquisitions, water infrastructure improvements, food sustainability, and providing grants-in-aid to various environmental issue groups
- In response to a Trustee's inquiry about using the hotel tax for affordable housing Director Brent noted that the southern Gulf Islands tourism partnership participated with diverting some of the tax funds to housing and has committed to supporting the Capital Regional District's rural housing program
- When asked if the Mortimer Spit trail will be closed off to traffic Director Brent replied that the area contains archaeological sensitive sites and that the Capital Regional District is working with First Nations about the possibility of a protective cover that will stabilize the site and minimize artifacts from being washed away while still allowing residents access to the area

6. TOWN HALL AND QUESTIONS

Don Korbin referenced the Plum Tree Court application and asked if the requirement to consult with First Nations is mandated by statute or if it is an Islands Trust administrative procedure, if Islands Trust believed failure to consult would be a violation of the United Nations Declaration on the Rights of Indigenous Peoples, and if a referral effectively gives First Nations a veto right on bylaw changes.

Regional Planning Manager Robert Kojima replied that Islands Trust considers engagement a best practice, that there are internal policies that give guidance to

consult with First Nations, that a Local Trust Committee could decide to not send referrals to First Nations however that decision would be contrary to reconciliation policies that both the Local Trust Committee and Trust Council have adopted, that the courts have determined that First Nations do not have veto rights, and that the Local Trust Committee would consider any information provided by First Nations due to their duty to consult.

A speaker noted that if a community member cuts down trees without a development permit the estimate for remediation work should reflect actual costs and the security deposit should reflect those costs. The speaker believed that not enough is being done to hold an individual accountable to bylaw requirements and that staff should be allowed to get a quote themselves.

Regional Planning Manager Robert Kojima replied that a lot of time has been spent attempting to get adequate quotes from the property owner and that staff are not able to go onto private property to gather information for the purpose of seeking their own estimate.

Michael Sketch stated the following:

- He requested that the Local Trust Committee make an amendment to the Official Community Plan relevant to James Island
- The James Island bylaws have the effect of creating a private island after subdivision
- The pre 2007 bylaws allowed for 20% of James Island to be owned by Islands Trust Conservancy plus a 5% parkland dedication and following the adoption of the bylaws there was no longer public access to the island
- A covenant in the revised bylaw allowed for a \$1,500,000 cash payment in lieu of parkland however he believes that the *Local Government Act* does not allow cash in lieu when there is not a parks commission
- The cash in lieu payment would have went towards the purchase of a watershed property
- He requested that should the bylaws proceed that the Local Trust Committee revoke that cash in lieu section of the first covenant for the purpose of showing good faith

Julia Nicholls made the following comments:

- The Local Trust Committee needs to ensure development permit area regulations are enforceable
- The Local Trust Committee had previously questioned its authority over logging practices however Galiano has an island-wide development permit area that is legal and enforceable
- A submission was made to Crown Council and the Bylaw Enforcement Officer informed her the submission was confidential to which she disagrees
- Trustees and the public should be able to see the submission now that Crown Council's decision not to prosecute has been made public
- The Islands Trust Chief Administrative Officer is responsible to ensure bylaws are enforceable and she asks what they are doing regarding this case
- Either Crown Council is wrong, bylaw enforcement procedures had errors, Islands Trust Lawyers' advice to Crown Council was wrong, or information given to Crown Council could be wrong
- She requests that staff be accountable, that violators be required to pay for restoration work, that there is follow up on Crown Council rules, that the submission be made public, and that Islands Trust follow up with an appeal or other levels of justice

In response Trustees noted the following:

- The issue was brought up with Trust Council
- The Ombudsperson is looking over the Bylaw and will provide feedback
- They are questioning why there is a difference between what Islands Trust Lawyers have said and what Crown Council as said
- The letter of concerns did go to Crown Council
- Trustees asked that the property owners get quotes on remediation costs not that staff get quotes and negatively towards staff regarding this is not correct
- Next steps to be taken need to be discussed and determined

7. COMMUNITY INFORMATION MEETING - None

8. PUBLIC HEARING - None

9. MINUTES

9.1 Local Trust Committee Minutes Dated September 29, 2023 (for Adoption)

The following amendments to the minutes were presented for consideration:

- On page 1 of the minutes Trustee Morrison's Report stated that she was feeling saturated with the politics of Trust Council and should have stated she was feeling challenged with effective ways to move forward with governance issues

By general consent the North Pender Island Local Trust committee meeting minutes of September 29, 2023 were adopted as amended.

9.2 Local Trust Committee Special Meeting Minutes Dated October 21, 2023 (for Adoption)

The following amendments to the minutes were presented for consideration:

- On page 1 of the minutes add Trustee Morrison arrived at 1:06 pm and apologized as she thought the meeting was being held at the Community Hall

By general consent the North Pender Island Local Trust committee meeting minutes of October 21, 2023 were adopted as amended.

9.3 Section 26 Resolutions-without-meeting Report Dated Jan 2024

Received for information.

9.4 Advisory Planning Commission Minutes - None

10. BUSINESS ARISING FROM THE MINUTES

10.1 Follow-up Action List Dated Jan 2024

Received for information.

11. DELEGATIONS – None

12. CORRESPONDENCE

Correspondence received concerning current applications or projects is posted to the Local Trust Committee webpage

12.1 Michelle Marsden re Proposing a Ban on Fireworks

The correspondence was received for information. It was noted that the use of fireworks is an issue for Fire Department consideration and the letter will be forwarded.

12.2 Michael Symons re Housing on North Pender Island

The correspondence will be added to the housing project file.

12.3 Julia Nicholls re Short Term Vacation Rentals

The correspondence will be added to the housing project file.

12.4 Karen Bell re Lighting Issues on Pender Islands

The correspondence was received for information. Paul Brent, Capital Regional District Electoral Area Director for the Southern Gulf Islands, noted that it is challenging to create new regulations based on an issue that appears to be related to one specific structure; however, they can bring up the issue with bylaw enforcement.

12.5 Letter of Support for BC Housing Funding Applications for Affordable Housing Projects

Received for information.

13. APPLICATIONS AND REFERRALS

13.1 NP-RZ-2023.1 (Pender Islands Housing Society) - Staff Report

Island Planner Brad Smith summarized the staff report and discussion ensued.

NP-2024-001

It was Moved and Seconded,

that North Pender Island Local Trust Committee Bylaw No. 234, cited as "North Pender Island Land Use Bylaw No. 224, 2022, Amendment No. 1, 2023" be read a first time.

CARRIED

NP-2024-002

It was Moved and Seconded,

that North Pender Island Local Trust Committee Bylaw No. 234, cited as "North Pender Island Land Use Bylaw No. 224, 2022, Amendment No. 1, 2023" be read a second time.

CARRIED

NP-2024-003

It was Moved and Seconded,

that North Pender Island Local Trust Committee Bylaw No. 234, cited as “North Pender Island Land Use Bylaw No. 224, 2022, Amendment No. 1, 2023” be read a third time.

CARRIED

NP-2024-004

It was Moved and Seconded,

that North Pender Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directives Only Checklist and determined that Bylaw No. 234, cited as “North Pender Island Land Use Bylaw No. 224, 2022, Amendment No. 1, 2023” is not contrary to or at variance with the Islands Trust Policy Statement.

CARRIED

NP-2024-005

It was Moved and Seconded,

that North Pender Island Local Trust Committee proposed Bylaw No. 234 be forwarded to the Secretary of the Islands Trust for Executive Committee Approval.

CARRIED

NP-2024-006

It was Moved and Seconded,

that North Pender Island Local Trust Committee directs staff to initiate a resolution without meeting for adoption of proposed Bylaw No. 234 following Executive Committee approval.

CARRIED

13.2 NP-SUB-2023.2 (James Island Properties) - Staff Memo

Regional Planning Manager Robert Kojima reviewed the staff memo and indicated that in a previous term the application was refused by the provincial approving officer. The proposed layout application is identical to the previous one, and it is being treated as a new application.

Legal counsel for the landowner was in attendance and stated the applicant is in support of the staff memo.

Staff will send a background summary regarding the previous application to Trustees.

Discussion ensued and it was noted that signing a conservation covenant is a positive step but that it should not be confused with agreement with the subdivision application. There are challenges for the Tsawout First Nation to consult with the applicant because the Tsawout is in dispute with the federal government regarding treaty rights on James Island.

NP-2024-007

It was Moved and Seconded,

that North Pender Island Local Trust Committee request staff to provide the provincial approving officer with information regarding LTC's concerns with First Nations consultation.

CARRIED

13.3 NP-DP-2023.3 (Shave) - Staff Report

In response to questions from the Trustees, Island Planner Brad Smith clarified the following:

- Staff have made an extensive effort to get further quotes from the applicant and have had no response
- The security deposit is considered a bond to ensure that the work is completed
- The deposit is not released until the conditions of a development permit have been satisfied including the requirement that replanted trees have survived for three years or reached a height of 1.5 metres
- The only legal avenue to pursue is the requirement to get the development permit and once a permit is issued to comply with the permit conditions

The Trustees made the following points:

- The remediation quote received from the applicant seems inadequate based on the amount of work that needs to be done and the type of equipment required to perform required work
- There is reluctance to issue a development permit without receiving the additional quotes previously requested, it is important for the restoration work to begin but without a permit that work is delayed
- Jurisdiction regarding forestry practices needs to be defined as the province has the ability to issue a fine while the Local Trust Committee does not

Bylaw Compliance and Enforcement Manager Warren Dingman stated that he would ask Islands Trust legal counsel if there can be a reconsideration of the staying of the charges, and if it is possible for Crown counsel to give Islands Trust legal counsel the authority to proceed at Islands Trust cost.

NP-2004-008

It was Moved and Seconded,

that North Pender Island Local Trust Committee request that the applicant submit three Pender Island based quotes to the Islands Trust.

CARRIED

13.4 NP-DP-2023.4 (Balmer) - Staff Report

Planner Bruce Belcher summarized the staff report and Trustees thanked the applicant for their environmentally sensitive approach to the application.

NP-2024-009

It was Moved and Seconded,

that North Pender Island Local Trust Committee approve issuance of Development Permit NP-DP-2023.4 (Balmer).

CARRIED

13.5 NP-DP-2023.6 (Funk) - Staff Report

Island Planner Brad Smith noted that this was a development permit area amendment for a permit that had previously been approved and that the applicant wished to adjust the siting of the proposed house for solar power access and the siting for the garage to improve access and reduce impact on two trees. The Trustees had no questions.

NP-2024-010

It was Moved and Seconded,

that North Pender Island Local Trust Committee approve issuance of amending Development Permit NP-DP-2023.6 (Funk).

CARRIED

13.6 Saturna Island Local Trust Committee Referral for Proposed Bylaws 140 and 141 (for Response)

NP-2024-011

It was Moved and Seconded,

that North Pender Island Local Trust Committee interests are unaffected by the Saturna Island Local Trust Committee Draft Bylaws No. 140 and 141.

CARRIED

13.7 Salt Spring Island Local Trust Committee Referral for Draft Bylaw No. 536 (for Response)

NP-2024-012

It was Moved and Seconded,

that North Pender Island Local Trust Committee interests are unaffected by the Salt Spring Island Local Trust Committee Draft Bylaw No. 536.

CARRIED

The meeting was recessed for a break at 12:40 pm and reconvened at 12:48 pm.

14. LOCAL TRUST COMMITTEE PROJECTS

14.1 North Pender Island Local Trust Committee Draft Fees Bylaw No. 226 - Staff Report

Discussion ensued and the Local Trust Committee indicated concern that governance issues had not been resolved prior to increasing fees and that advocacy is needed at Trust Council for the timely resolution of governance report recommendations. It was noted that while the fees might not adequately reflect actual costs the increases are not large.

NP-2024-013

It was Moved and Seconded,

that North Pender Island Local Trust Committee Bylaw No. 226, cited as “North Pender Island Local Trust Committee Fees Bylaw, 2021”, be given First Reading.

CARRIED

NP-2024-014

It was Moved and Seconded,

that North Pender Island Local Trust Committee Bylaw No. 226, cited as “North Pender Island Local Trust Committee Fees Bylaw, 2021”, be given Second Reading.

CARRIED

NP-2024-015

It was Moved and Seconded,

that North Pender Island Local Trust Committee Bylaw No. 226, cited as “North Pender Island Local Trust Committee Fees Bylaw, 2021”, be given Third Reading.

CARRIED

NP-2024-016

It was Moved and Seconded,

that North Pender Island Local Trust Committee Bylaw No. 226, cited as “North Pender Island Local Trust Committee Fees Bylaw, 2021”, be forwarded to the Secretary of the Islands Trust for approval by the Executive Committee.

CARRIED

14.2 Raptor Nest Mapping Development Permit Area Project – Staff Memo

Received for information.

15. REPORTS

15.1 Work Program Report

15.1.1 Active Projects Report Dated Jan 2024

Received for information.

15.1.2 Future Projects Report Dated Jan 2024

Trustee Morrison would like a note included in Item No. 5 “Review Development Permit Areas” referencing the Galiano forest cover protection bylaw.

15.2 Applications Report Dated Jan 2024

Received for information.

15.3 Trustee and Local Expense Report Dated Nov 2023

Received for information.

15.4 Adopted Policies and Standing Resolutions

Received for information.

15.5 Local Trust Committee Webpage – No updates

15.6 Islands Trust Conservancy Report - None

16. NEW BUSINESS - None

17. UPCOMING MEETINGS

17.1 Next Regular Electronic Meeting Scheduled for February 23, 2023

18. TOWN HALL

Michael Sketch stated that when the James Island bylaws were up for consideration of adoption a letter was received from a Chief of the Tsawout First Nation and the Treaty Manager objecting to the James Island bylaws and at that time the Local Trust Committee decided not to receive the letters of objection. Today it looks like the duty to consult is being put upon the crown however it should be the Local Trust Committees duty to consult on their own bylaw, and the local government act requires that duty when considering a change to the Official Community Plan.

19. CLOSED MEETING (Distributed Under Separate Cover)

19.1 Motion to Close Meeting

NP-2024-017

It was Moved and Seconded,

That the meeting be closed to the public in accordance with the Community Charter, Part 4, Division 3, s. 90(1)(a) for the purpose of considering:

- personal information about an identifiable individual who holds or is being considered for a position as an officer, employee or agent of the municipality or another position appointed by the municipality;

AND that the recorder and staff attend the meeting.

CARRIED

The regular meeting was closed to the public to go in-camera at 1:15 pm.

19.2 Recall to Order

The meeting was recalled to order at 1:55 pm

19.3 Rise and Report

Chair Maude will rise and report at the next Local Trust Committee that

- The in-camera minutes of the Local Trust Committee meeting of July 28, 2023 were adopted
- An appointment to the Board of Variance was made
- Appointments were made to the Advisory Planning Commission

20. ADJOURNMENT

By general consent the meeting was adjourned at 1:56 pm.

David Maude, Chair

Certified Correct:

Lisa Millard, Recorder

File No.: NP-TUP-2024.1 (Landale)
(NP-TUP-2021.1) NP-TUP-
2016.2 and NP-TUP-2019. 8

DATE OF MEETING: February 23, 2024

TO: North Pender Island Local Trust Committee

FROM: Phil Testemale, Planner 2
Southern Team

COPY: Brad Smith, Island Planner

SUBJECT: Renewal of Temporary Use Permit for STVR
Applicant: Zoe Landale
Location: 4753 Bosun Way, North Pender Island

RECOMMENDATION

1. That the North Pender Island Local Trust Committee approve issuance of renewal Temporary Use Permit NP-TUP-2024.1 (Landale) for a period of three (3) years.

REPORT SUMMARY

The purpose of the report is to consider a **renewal** Temporary Use Permit (TUP) for a Short Term Vacation Rental (STVR) within an accessory building. The renewal will allow for the STVR use to continue in compliance with the Land Use Bylaw (LUB).

BACKGROUND

The TUP for the STVR use was issued for property in 2021 (NP-TUP-2021.1) for three (3) years. The staff report and attachments for that application are available as part of the April 29, 2021 LTC agenda package (pp. 36-63) here: <https://islandstrust.bc.ca/event/north-pender-island-local-trust-committee-8/>.

The application is for issuance of a new TUP for an STVR use in an accessory building on the subject property in Magic Lake Estates. The use has been permitted since 2016 under the following TUPs:

- NP-TUP-2016.2;
- NP-TUP-2019. 8 (renewal of previous); and,
- NP-TUP-2021.1.

The permit is unique where an accessory building ('cabin') is being rented as a STVR where the property size otherwise would not permit a cottage under zoning. The property is 0.32 ha (0.8 ac) and is zoned **Rural Residential** where the minimum lot size of 1.2 ha is required for a cottage.

The 26 m² (280ft²) cabin was originally constructed as a temporary dwelling for the owners to live in while building their principal dwelling. Once the dwelling was complete, the cabin was required to revert to an accessory building and not be used for human habitation. The original application in 2016 was initiated as a result of bylaw enforcement. The applicants suspended the use while their application was in process.

The buildings on the property are shown in Attachment 2, with a total floor area of 135m² (1453 ft²) as follows:

- Cabin - 26m² (280 ft²)
- Owners house - 77m² (830 ft²)
- Carport/woodshed –26m² (280 ft²)
- Tool shed – 5.9m²(64 ft²)

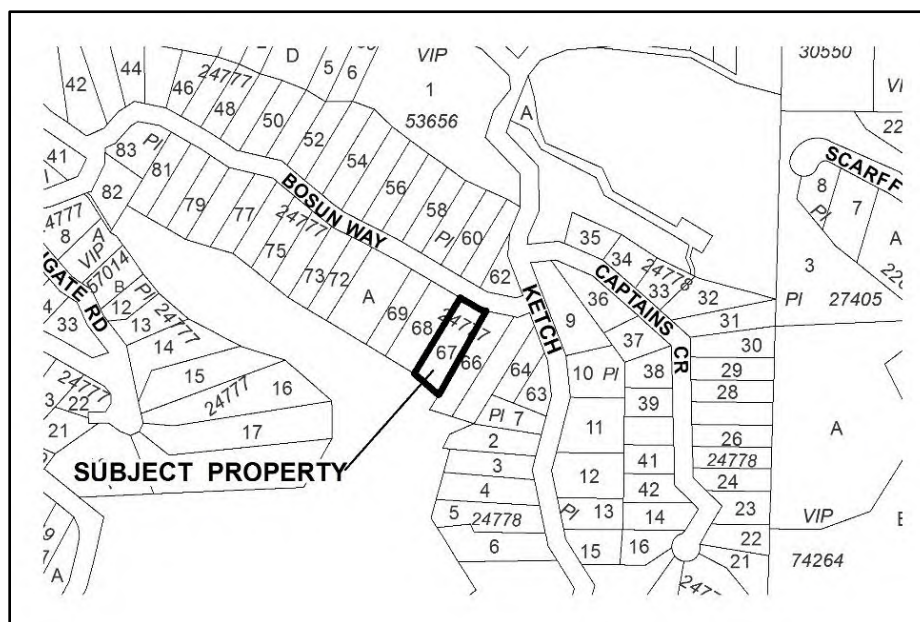
The primary rationale for the renewal from the applicant is that the STVR use is that it provides an important source of income for the owner. A letter describing history of the building and use, the use of the property as a whole, and the rationale for the application is Attachment 3.

There are no other permitted STVRs within 200 metres (Attachment 1).

A copy of the proposed renewal NP-TUP-2024.1 is Attachment 4.

Staff have not visited the property as this is a renewal application and no site specific concerns have been identified.

Figure 1 – Location of subject property



ANALYSIS

Policy/Regulatory

Official Community Plan:

The property is designated as **RR (Rural Residential)** in the North Pender Island Official Community Plan No. 171, 2007 (OCP).

Guidelines for TUP applications for STVRs are contained in the OCP. As a renewal, there can be no changes made to the permit with the exception of the length of the issuance period. The original application was considered in 2021 with a TUP Checklist and was consistent with the OCP guidelines.

There are no **Development Permit Areas (DPAs)** on the subject property.

Land Use Bylaw:

The property is zoned Rural Residential (RR) in the North Pender Island Land Use Bylaw No. 224, 2022. RR zoning permits a single-family dwelling and accessory uses, and the use of an accessory building for human habitation is not compliant with the North Pender LUB. As such, the owner has three options for compliance: to obtain A TUP for the STVR use in an accessory building, apply to rezone the property to permit a cottage to operate the STVR as a home occupation, or cease the use and render the accessory building uninhabitable.

The renewal of the TUP will allow the STVR use to continue on the property and within the accessory building, in compliance with the LUB.

Issues and Opportunities

Compliance - Original TUP

Staff contacted the applicant requesting confirmation that: they have complied with all conditions over the valid period of the TUP; that all contacts are current and, if they were updated, that those have been supplied to neighbours; and whether there have been any changes to the STVR use or use of the property. The applicant has confirmed in writing that she has adhered to the permit conditions and no concerns have been brought to the attention of staff from neighbours or the community.

STVR/TUP Guidelines Review

With the exception of the guideline to limit on the number of days of rental in the summer months to thirty (30) days, the TUP is conforms to the current OCP guidelines.

Applicant's Rationale & Response to Proposed Bylaw Amendments

The rationale for the proposed renewal of the temporary use permit is to provide an important source of income for the owner (Attachment 3).

Consultation

Statutory Requirements

There is no statutory notification required for a TUP renewal application, as the permit conditions are unchanged from the original. Any change in conditions would require that the applicant re-apply for a new permit and further notification to neighbouring property owners.

First Nations

The renewal is for an application where the use remains in the current footprint of the existing building structure with no additional disturbance or impact to the lands or waters to ensure protection of any possible archaeological sites. Notwithstanding, the applicants were provided with the original application in information regarding unknown archaeological areas staff will forward the Islands Trust Chance Find Protocol and the provincial Archaeological Branch guidelines on *Heritage Act* compliance directly to the applicants.

Rationale for Recommendation

- There have been no complaints about the STVR since the original TUP was issued in 2016;
- The accessory building and guest capacity at two (2) is reasonable;
- The application meets the TUP guidelines of the OCP with the exception there is no limit on the number of days of rental in the summer months; and,
- The permit provides conditions to ensure that the use does not have an unreasonable impact on the local area, and, in the event it does, there is the ability to enforce compliance with the TUP.

ALTERNATIVES

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

1. Renew for a different time period

The LTC may opt to approve the renewal for a shorter period. Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee approve renewal application NP-TUP-2024.1 for a period of _____year(s).

2. Request further information

The LTC may request further information prior to making a decision. If selecting this alternative, the LTC should describe the specific application, the information needed and the rationale for this request. Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee request that the applicant for renewal application NP-TUP-2024.1 submit to the Islands Trust the following _____.

3. Deny the application (s)

The LTC may deny the application. Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee deny renewal application NP-TUP-2024.1

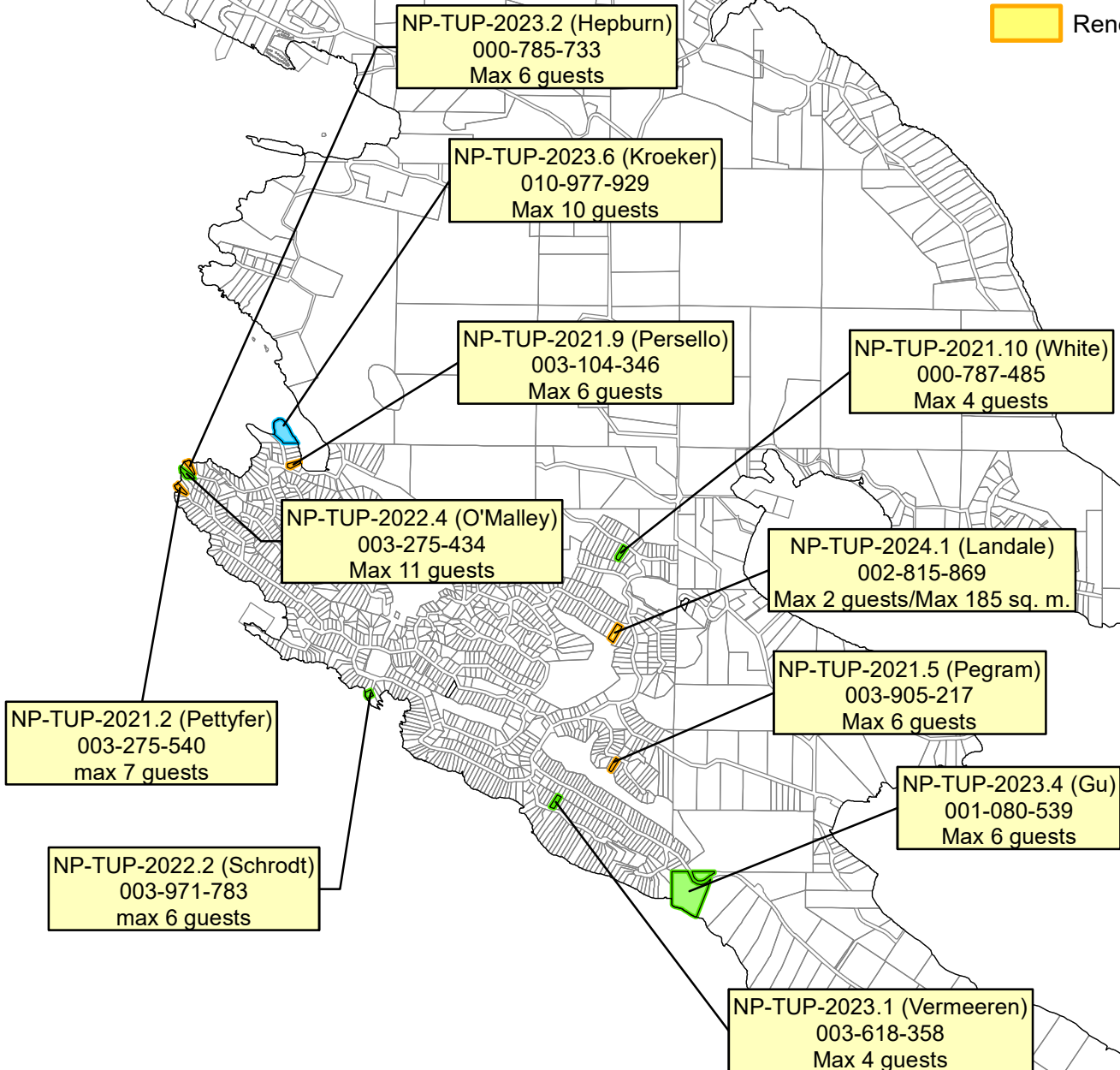
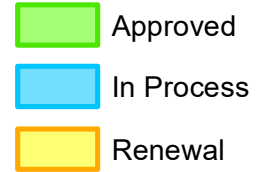
Submitted By:	Phil Testemale, Planner 2	February 16, 2024
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ATTACHMENTS

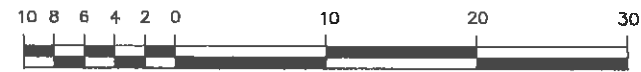
1. STVR Map
2. Photographs (2021)
3. Applicant's Description/Rationale
4. Proposed Renewal NP-TUP-2024.1

Temporary Use Permits (TUPs) for Short Term Vacation Rentals January 2024

TUP Status



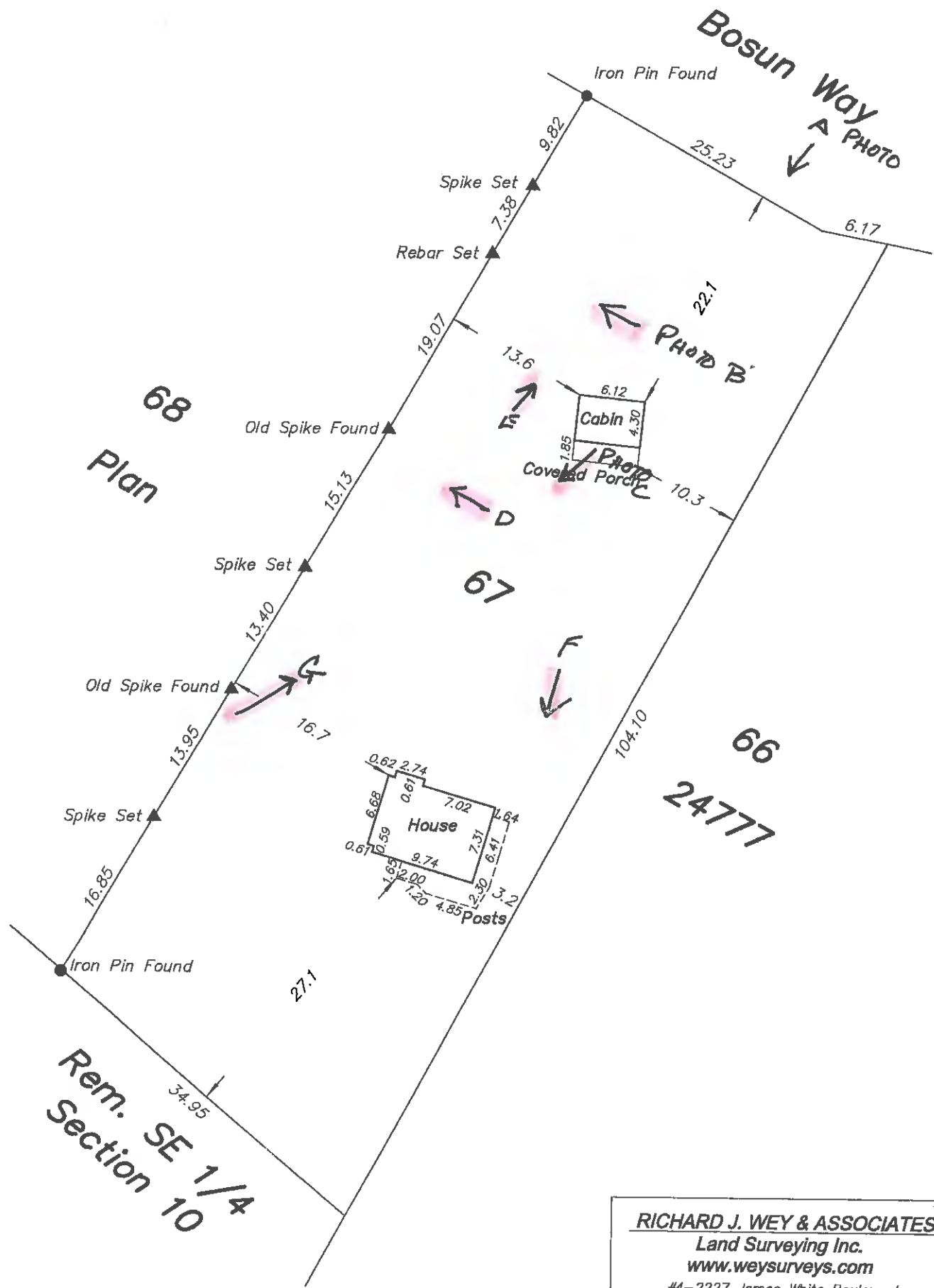
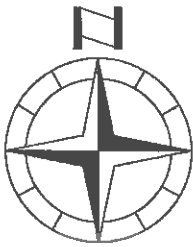
Site Plan Of:
Lot 67, Section 10, Pender Island.
Cowichan District, Plan 24777.



Scale = 1:500

Dated this 9th day of September, 2014.

Distances shown are in metres.



RICHARD J. WEY & ASSOCIATES
Land Surveying Inc.
www.weysurveys.com
#4-2227 James White Boulevard
Sidney, BC V8L 1Z5
Telephone (250) 656-5155
File: 2014/80020/sit/MS

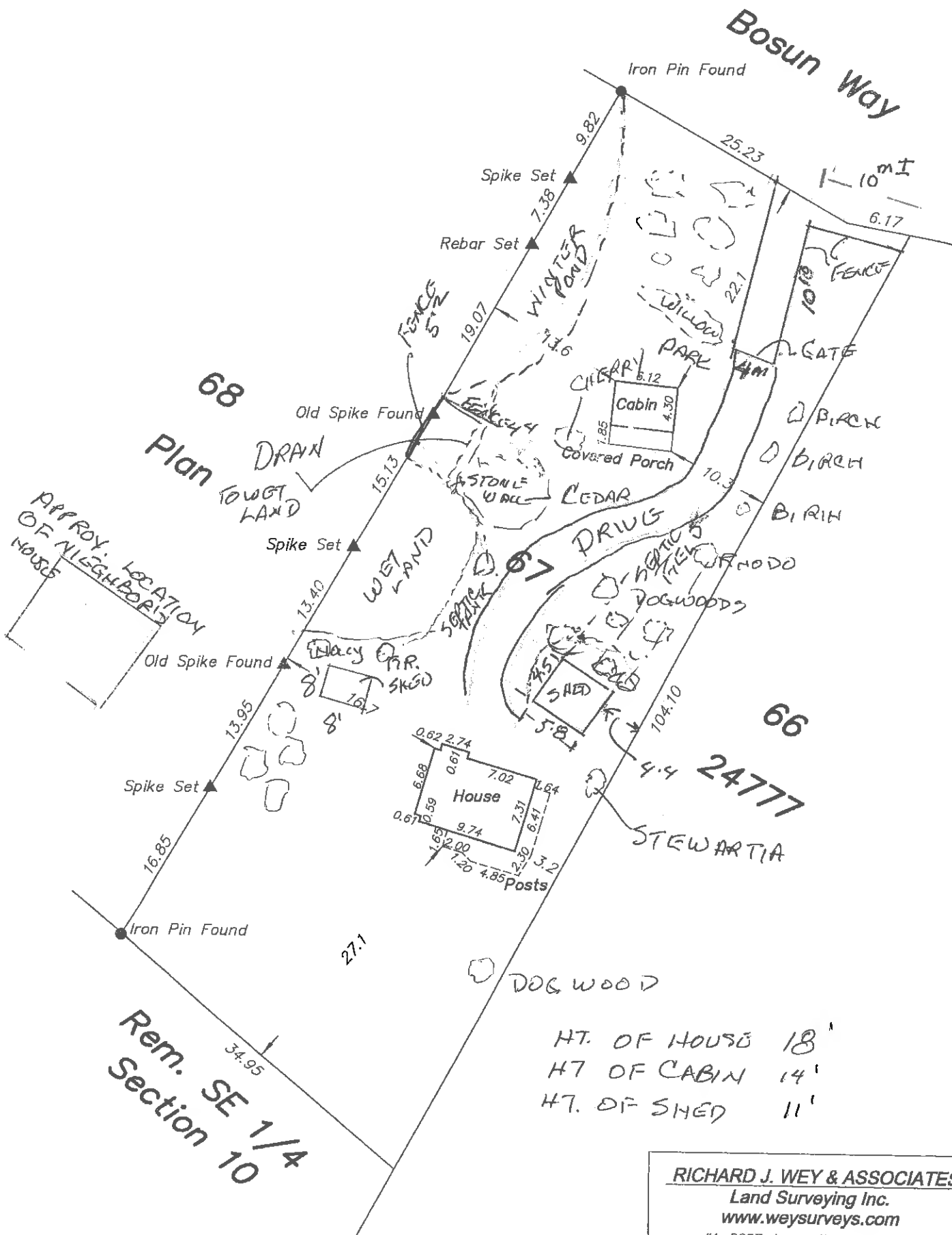
Cowichan District, Plan 24777.



Scale = 1:500

Dated this 9th day of September, 2014.

Distances shown are in metres.



RICHARD J. WEY & ASSOCIATES
Land Surveying Inc.
www.weysurveys.com
#4-2227 James White Boulevard
Sidney, BC V8L 1Z5
Telephone (250) 656-5155
Fils: 2014/80020/sit/MS

Photo A - from across Bosun Way to property



Photo B - view of parking spot



Photo C - from deck of cabin towards West neighbour



Photo D - view toward West neighbour's drive screen to give privacy



Photo E - looking toward willow behind cabin



Photo F - looking down East property line



Photo G - close to West neighbour looking toward cabin



Pictures of Fence that runs along eastern interior lot line (picture submitted by applicant).



January 14, 2024
Re NP-TUP-2021.1

Page 1 of 2

To Executive Committee Vice-chair David Maude, Trustee Aaron Campbell, Trustee Deb Morrison and Island Planner Brad Smith:

Thank you for considering my application for a Temporary Use Permit. My property is .88 of an acre in Magic Lake, on [REDACTED] just off [REDACTED]. According to the guidelines in place in 2008, when we bought the property, my husband and I could legally have built a 9,400-square-foot house. Instead, we built a 270 sf cottage which we lived in while he built the main house of 830 sf. The house and cottage are separated by about 100 feet. I live in the house year-round; my husband passed on in 2020. The cottage is a place for family and friends to stay and later on, it became significant to have income from sporadically renting the cottage. My pension isn't enough to survive on.

The cottage has an occupancy permit; it's been built to the same high standard as my house. The guests who come, either singles or couples, are lovely people. They're here to go swimming, disc golfing, check out the galleries and the farmers' market, eat out, attend weddings, and hike. They book knowing the owner is living on the property; they're quiet and well-behaved.

[REDACTED]

With regard to fire pits, I don't have one for my own use and certainly not for guests. In a booklet in the cottage I update every few months, right on the first page, I warn guests about fire risk. The washroom in the cottage has a sign posted about water use and being careful.

The cottage is at least 200 feet from neighbour to the left and over 200 feet to the neighbour on the right. The cottage is about 100 feet from the house that was moved in across from me on [REDACTED].

The property is fully fenced, with a big Japanese-style gate, ensuring privacy for me, for guests and for neighbours. We left lots of native trees and around them, planted thousands of dollars worth of flowering trees, flowering shrubs and ground covers.

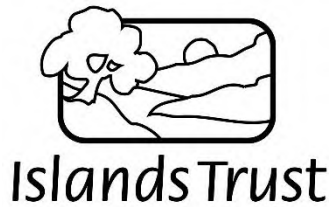
This is a small, beautiful, eco-sensitive business. Plantings were designed by a landscape architect and are bird and butterfly attractors. Toilets and showerheads in both cottage and house are low water use. The gardens use micro-irrigation and timers. My footprint on the land is tiny.

I would be very grateful for your support with a renewal of a three-year TUP.

Sincerely,

[REDACTED]

[REDACTED]



NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
TEMPORARY USE PERMIT
NP-TUP-2024.1 (Landale)
Renewal of NP-TUP-2021.1 (Landale)

4753 Bosun Way

TO: Zoe Landale

1. This Temporary Use Permit applies to the land described below:

Lot 67, Section 10, Pender Island, Cowichan District, Plan 24777
PID: 002-815-869

2. This Permit is issued for the purpose of permitting the owner to conduct the following use on their property:

a) a Short Term Vacation Rental within an Accessory Building as shown on Schedule A.

3. And is subject to the following conditions:

- a) either the property owner or other on-island contact must be available on North Pender Island by telephone 24 hours/day, seven days per week. The name and contact number of property owner and/or the on island contact person must be provided to guests upon arrival;
- b) the property owner or Short Term Vacation Rental operator must provide neighbours within a 100 metre radius of the vacation rental with the contact person's phone number and email, and a copy of the temporary use permit;
- c) the property owner or Short Term Vacation Rental operator must provide guests with information on noise bylaws, water conservation, fire safety, wildfire safety, outdoor burning, storage and disposal of garbage and recycling, septic care, and control of pets (if permitted). The guest information must also remind guests that the property is located in a residential area;
- d) the maximum number of guests is limited to two (2);
- e) camping and occupancy of recreational vehicles are prohibited;
- f) signage advertising the Short Term Vacation Rental may not exceed 0.6 m²;
- g) that water conservation signs be posted at all water sources;
- h) the total floor area of all buildings on the property must not exceed 185 m².
- i) the existing landscaping, screening, and fencing must be retained;
- j) the rental or provision of motorized personal watercraft is prohibited;
- k) all outdoor fires are prohibited;
- l) the owner must provide parking for a minimum of two vehicles on the property. All parking for the Short Term Vacation Rental must be contained on the subject property;
- m) the holder of this Permit, will be held accountable for any violation of the conditions of this Permit. The Islands Trust Bylaw Investigations Officer may enter the property between the hours of 9:00 am and 5:00 pm on any day without prior consultation with the holder of the Permit, or commercial vacation renter for the purpose of investigating a complaint;

- n) the property owner or Short Term Vacation Rental operator must provide guests with emergency service contact information and to provide a means for contacting them if the property is located in an area with no cellular service;
 - o) the property owner or Short Term Vacation Rental operator must post the name and contact number of the property owner or on-island contact person, and permit information at the entrance to the house; and,
 - p) that an application to renew this permit include hydro and water meter readings for the term of the TUP.
4. This permit is valid for three (3) years from date of issuance of the permit and upon expiry of the permit the owner of the site shall discontinue the temporary use to the satisfaction of the Islands Trust, or apply for a renewal of this permit.
5. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of "North Pender Island Land Use Bylaw No. 224, 2022" and to obtain other approvals necessary for completion of the proposed development, including approvals from the Capital Regional District, Island Health and Ministry of Transportation and Infrastructure.

AUTHORIZING RESOLUTION PASSED BY THE NORTH PENDER ISLAND LOCAL TRUST COMMITTEE THIS ##TH DAY OF MONTH, 2024.

Deputy Secretary, Islands Trust

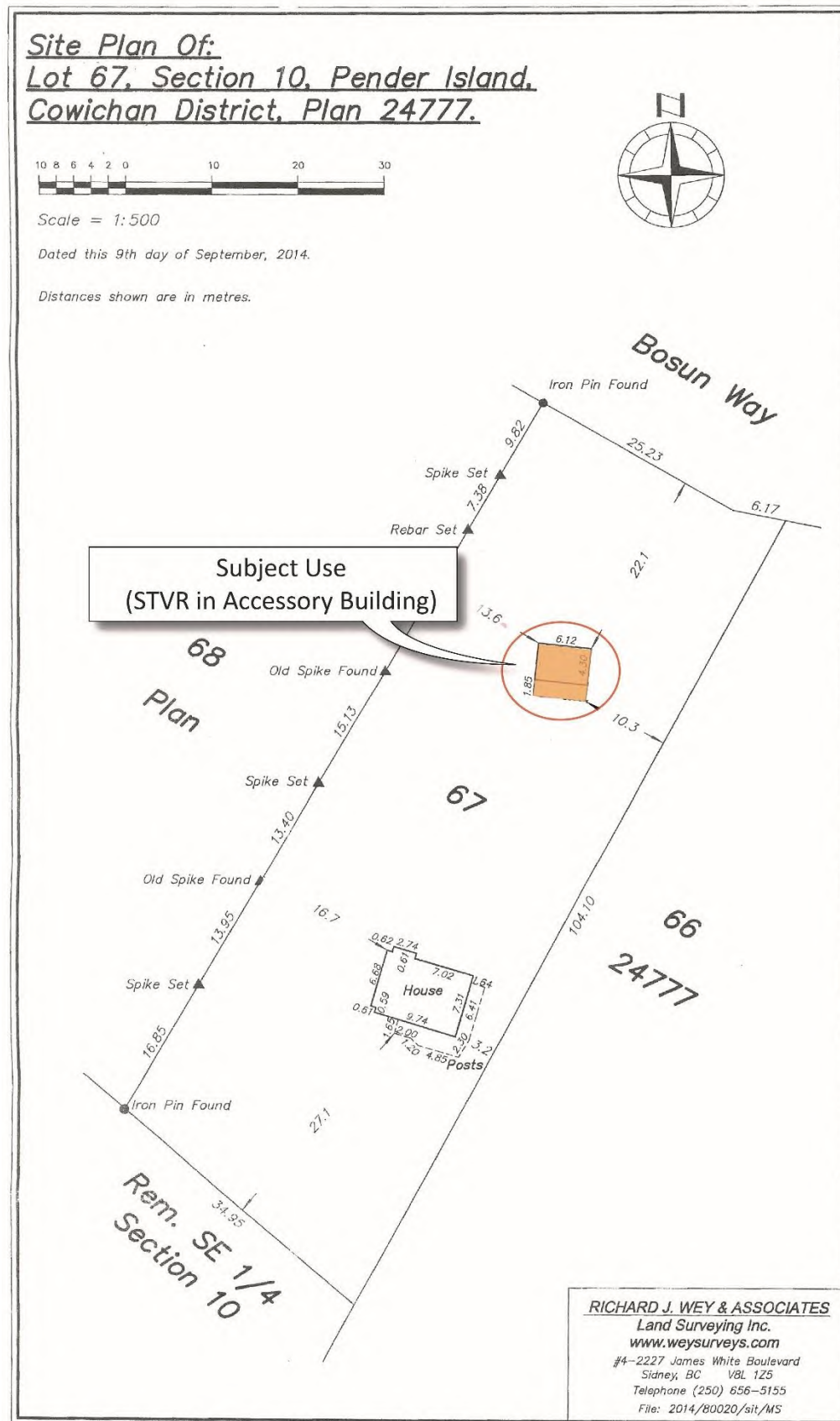
Date of Issuance

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

NP-TUP-2024.1

Renewal of NP-TUP-2021.1 (Landale)

SCHEDULE 'A'



File No.: NP-TUP-2023.6 (Kroeker)
(NP-TUP-2020.8 & 2017.5)

DATE OF MEETING: February 23, 2024

TO: North Pender Island Local Trust Committee

FROM: Phil Testemale, Planner 2
Southern Team

COPY: Brad Smith, Island Planner

SUBJECT: Renewal of Temporary Use Permit for STVR
Applicant: Mark Kroeker
Location: 2602 Harpoon Road, North Pender Island

RECOMMENDATION

1. That the North Pender Island Local Trust Committee amend draft Temporary Use Permit NP-TUP-2023.6 (Kroeker) as shown in Attachment 9 by:
 - a. Amending condition 3. g) for the maximum number of bedrooms that can be used for the STVR use from eight (8) to four (4);
 - b. Amending condition h) for the maximum number of guests from ten (10) to six (6); And,
 - c. Amending condition i) for the maximum number of rental days in any calendar year for the period of May 1 to September 30 from One Hundred and Fifty (150) days to Sixty (60) days; And,
2. That the North Pender Island Local Trust Committee approve draft Temporary Use Permit NP-TUP-2023.6 (Kroeker) as amended.

REPORT SUMMARY

The purpose of the report is to consider a Temporary Use Permit (TUP) for a Short Term Vacation Rental (STVR) within a dwelling unit.

BACKGROUND

The application is for an STVR use within an existing eight (8) bedroom dwelling, four (4) bathroom, 409 m² (4400 ft²) home with a maximum number of guests of ten (10) and for a maximum of one hundred and fifty (150) days in the summer months.

The STVR use has been permitted under a TUP since 2018: NP-TUP-2017.5 issued in February 2018 and renewed in March 2021 (NP-TUP-2020.8) for a further three (3) years. Under the *Local Government Act*, TUPs can be issued for a maximum of three (3) years and renewed only once for up to a further three (3) years. The

applicants made a new application in October 2023 and issuance of the permit would allow the STVR use to continue in compliance with the Land Use Bylaw (LUB).

That initial application substantively complied with the current OCP TUP guidelines for STVRs. Specifically, the number of guests was limited to six (6) and the number of rental days in the summer to thirty (30). The proposed number of bedrooms was eight (8), noting that the applicable OCP guideline only provides that the number of rooms may be limited, but no maximum is stated.

The application was amended in January of this year to increase guests to ten (10) and one hundred and fifty (150) days and eight (8) bedrooms, respectively. The applicant's amended checklist is Attachment 3. In the applicant's words, they are requesting that the use be "grandfathered" to allow the same conditions of use as permitted with the previous TUP and renewal (Attachment 4). The applicant has stated that "the family uses the home every month of the year whenever it is vacant." And that the summer months are "fully booked." The applicant's rationale is outlined in a letter to the Chair of the NPILTC that is Attachment 5. The information package provided to guests is Attachment 6.

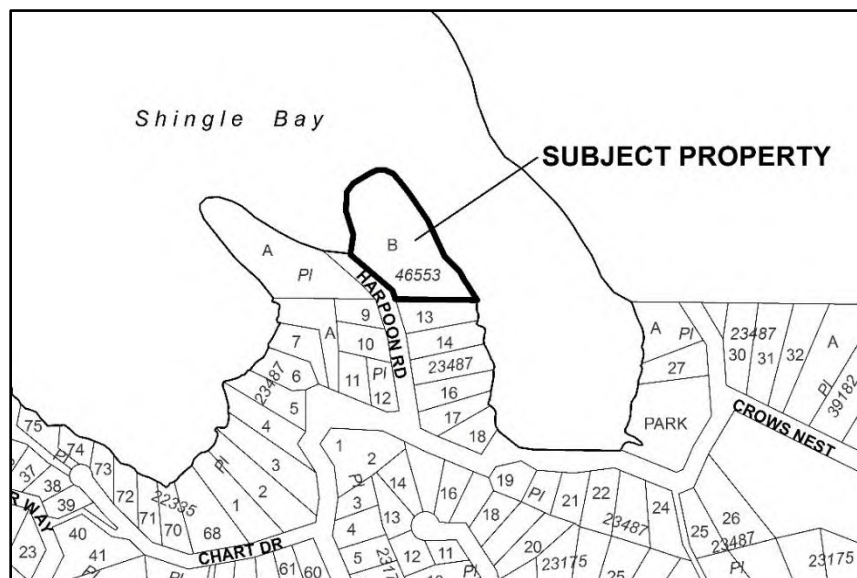
The property is on a point at the end of Harpoon Road and the 1.1 hectares size is significantly larger than most in the neighbourhood and for Magic Lake Estates in general (Figures 1 and 2). The waterfront of the property is a steep sloped sea cliff topography with the mature vegetation that provides privacy and sound absorption to adjacent properties either side (Attachments 1 and 2). The dwelling is situated at the end of the point with the closest neighbouring dwellings approximately 125 metres south and 132 metres west. There are two (2) accessory buildings on the property and dock on Shingle Bay with stair and ramp access. The applicant reports that they have off-street parking capacity for up to twelve (12) cars.

There is no new development proposed with this application.

A copy of the Notice is Attachment 8 and the proposed TUP is Attachment 9.

Staff have not visited the property since the original application in 2017.

Figure 1 – Location of subject property



ANALYSIS

Policy/Regulatory

Policy/Regulatory

Islands Trust Policy Statement

- 4.4.2 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure neither the density nor intensity of land use is increased in areas which are known to have a problem with the quality or quantity of the supply of freshwater, water quality is maintained, and existing, anticipated and seasonal demands for water are considered and allowed for.
- 5.2.3 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address policies related to the aesthetic, environmental and social impacts of development.
- 5.2.5 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means for achieving efficient use of the land base without exceeding any density limits defined in their official community plans.
- 5.7.2 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address economic opportunities that are compatible with conservation of resources and protection of community character.

The proposal for a Temporary Use Permit to allow for a commercial vacation rental within a dwelling unit is not consistent with all above policies, as outlined in following and below.

Official Community Plan

The property is designated as **RR (Rural Residential)** in the North Pender Island Official Community Plan No. 171, 2007 (OCP). Guidelines for TUP applications for STVRs are contained in the OCP.

A completed STVR checklist for this proposal is Attachment 7. The checklist includes comments on how, and if, the application complies with the specific STVR/TUP guidelines. Overall, the application does not comply with the guidelines (see also 'Issues and Opportunities' – below).

Development Permit Area 6 (DPA 6) Intertidal Sensitive Ecosystem is designated on a portion of the adjacent foreshore and water adjacent to the subject property (Attachment 1). As there is no development proposed, a Development Permit is not required. A requirement for the applicant to provide information on the DPA to all guests is a condition in the draft TUP, and the applicant has indicated that, if approved, they will post copies of Island Trust ecosystem info sheet in prominent locations.

Land Use Bylaw

The property is zoned **Rural Residential (RR)** in the North Pender Island Land Use Bylaw No. 224, 2022. **RR** zoning permits a single-family dwelling and accessory uses. The RR zone permits STVRs as a home occupation, but only when a TUP has been obtained.

Figure 2 – Orthophoto



Issues and Opportunities

OCP Guidelines

The LTC's TUP Review Project was completed with the adoption of amended OCP Guidelines that were derived after a thorough public consultation process. The guidelines represent LTC policy and should be regarded as the standard in terms of the size, location and intensity of any proposed STVR operation, as well as limits on the overall number of STVR uses, particularly in Magic Lake Estates. That said, they are guidelines, and the LTC has the discretion to apply them as they deem reasonable, with consideration to the unique circumstances of each application. Over the past two (2) years, other applications have substantively adhered to the amended guidelines. One comparable exception is NP-TUP-2022.4 (O'Malley) at 1603 Schooner Way which permits four (4) bedrooms, eleven (11) guests (max eight [8] adults) and a limit of ninety (90) days in the summer months.

At the time of the renewal application in 2021, the applicant was aware of the TUP Review Project, which was nearing completion, and that the use would be non-compliant with some of the new guidelines. As a renewal, the LTC of the day could either renew without changes or deny the renewal with the only discretion being to adjust the length of time it would be for the valid period. LTC allowed for a renewal period of three (3) years, in part as it would allow the applicant the time to adapt the business with respect to the new guidelines or make a rezoning application. However, the current application does not propose any changes to substantively comply with the new guidelines.

Staff is of the opinion that there may be some justification for modest increases from some OCP guidelines for this application based on the history of the use, the absence of any complaints, as well as the physical location, size and siting of the dwelling on the property. However, the size and intensity of the use as applied for appears to exceed the guideline of permitting STVR uses as secondary to the regular residential use of the dwelling when the owners are not using the dwelling.

The operation ("Orca View Lodge") is a small commercial accommodation use on a full-time basis in the summer months. As was proposed through the LTC's discussion in 2021 when the renewal was considered and issued, staff would recommend that a rezoning application would be a more appropriate path to legalize the use if the

applicant wants to continue at the proposed scale and intensity ('Alternatives' – below). Issuing the TUP as drafted for one (1) year would give the applicant time to make that application.

Compliance with original TUP

Staff contacted the applicants requesting confirmation that: they have complied with all conditions over the valid period of the TUP; that all contacts are current and, if they were updated, that those have been supplied to neighbours; and whether there have been any changes to the STVR use or use of the property. The applicant has confirmed in writing that they have adhered to all the foregoing. He has further added that they will post more water conservation signage and signage on the sensitive ecosystem.

Cumulative Impacts, Proximity and Number of STVRs

Assessing cumulative impacts entails that the LTC's exercise its discretion to determine where the threshold for impacts lie for a local neighbourhood and the island as a whole on a case-by-case basis. Assessing compliance with existing policies for maximum guest capacity, a cap on STVRs numbers in Magic Lake Estates, distance to other STVRs, and other information provides guidance for that determination.

There is one other permitted STVR (NP-TUP-2021.9) that is in close proximity on Harpoon Road (Figure 3). Guideline Policy 6.4.18 limits the maximum number of permits to twenty (20). There are currently eleven (11) TUPs issued for STVRs, all are in Magic Lake Estates with one exception.

Potential Impacts on Direct Neighbours and Neighbourhood

The potential impacts of an STVR use can be considerable on direct neighbours and the local neighbourhood. Generally, these include noise and nuisance, change of neighbourhood character, traffic and other impacts. Further, the use can potentially impact established commercial accommodation operations by increasing alternative supply.

The dwelling's location on the subject property, and ample amount of space for parking, reduces some of the potential impacts on neighbours. The STVR use has been in operation for six years with no formal complaints. The scale and intensity of the use could impact established commercial operations, but this is unmeasured.

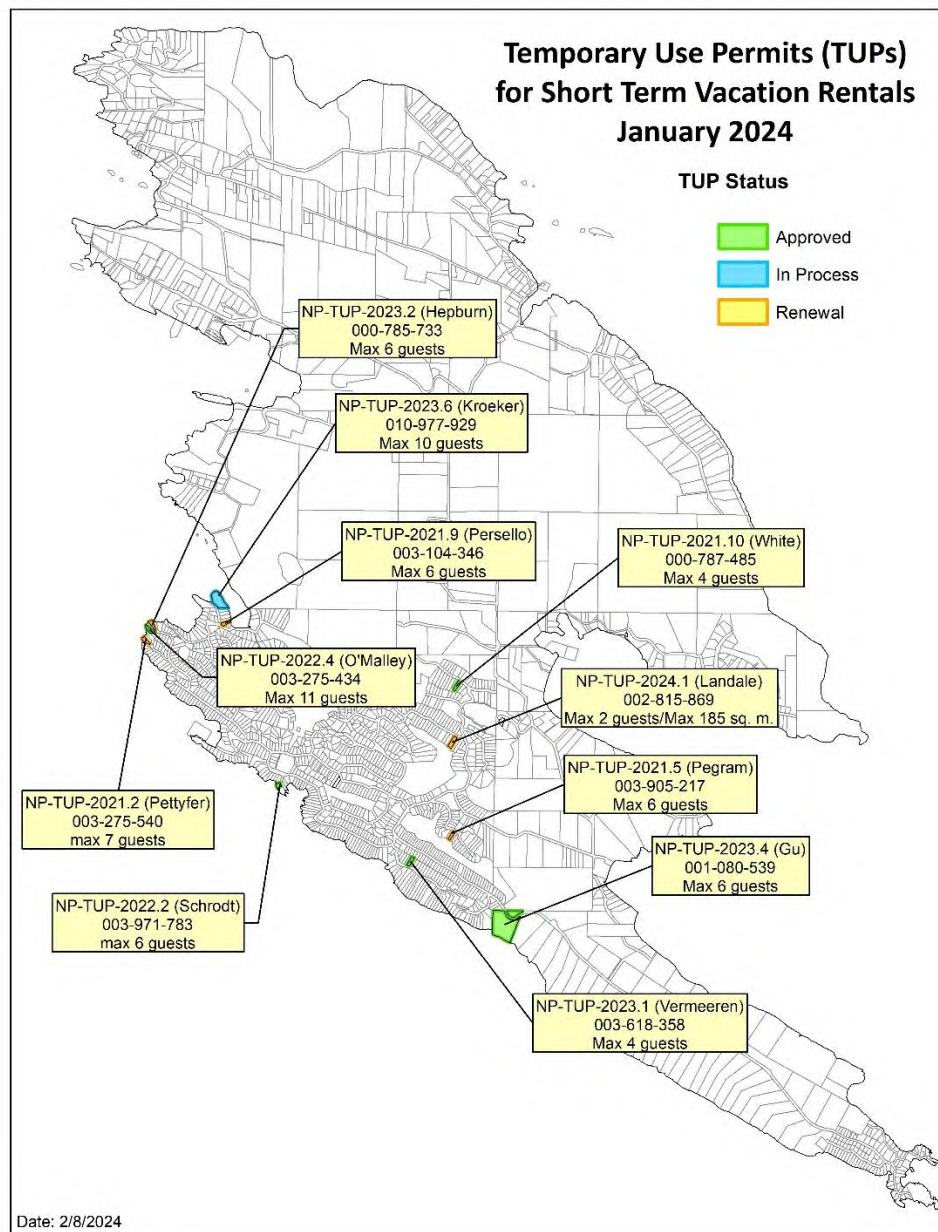
TUP Conditions

TUP conditions, including the proposed amendments on page 1, have the objective of ensuring that the use does not have an unreasonable impact on neighbours and the local area, and, in the event it does, provide the ability to enforce compliance with the conditions of the TUP. The recommended term of three (3) years is the maximum permitted by legislation (above), and the owners would be eligible to apply to renew for a further three (3) years. The LTC may opt to reduce that timeframe to allow sufficient time for a rezoning application to be made, or if they judge that a shorter time to gauge any impacts and concerns prior to a renewal application is preferable.

There are other guidelines that have not been included in the draft TUP that the LTC may opt to include by amendment. These are as follows:

- *The following **mitigating measures** are required:*
 - *retention of existing screening and fencing; and/or,*
 - *the installation of addition screening; and*
- *The **dates** during which the use may occur are limited to _____.*

Figure 3 – STVR Map



Consultation

Statutory Requirements

TUP Notices were circulated to surrounding property owners and residents, published in the *Driftwood* newspaper (Attachment 8) and posted on North Pender Island community bulletin boards. The notification period ends at 4:30 p.m. on February 14 2024.

At the time of writing, staff has received no responses to notification. Any submissions received prior to the LTC Meeting will be forwarded to the LTC and reported at the meeting.

First Nations

There is no additional development proposed outside the current footprint of the existing dwelling with no proposed disturbance or impact to any possible archaeological sites. The Islands Trust reviews all applications to ensure the preservation and protection of cultural heritage, archaeological sites, and ancestral places. As reviewed, the application is consistent with respect to LTC Standing Resolutions on reconciliation.

Notwithstanding, to provide applicants with awareness regarding unknown archaeological areas, staff forwarded the Islands Trust Chance Find Protocol and the provincial Archaeological Branch guidelines on *Heritage Act* directly to the applicants with the initial application.

Rationale for Recommendations

In summary, the recommendations on page 1 are supported as:

- As submitted, the application and proposed TUP conditions do not conform to the TUP Guidelines for STVRs;
- The applicant's rationale does not acknowledge the overall objectives of the TUP Guidelines for limiting the size, intensity and purpose of STVR uses;
- The proposed amendments would place reasonable limits on the STVR operation that align with recent TUP applications and would allow the use to continue as a secondary to a residential use. Further, the amended the number of bedrooms, would provide a reasonable number relative to the number of guests;
- The cumulative impacts of STVR use from approval of the TUP (as drafted or amended) are somewhat reduced given the STVR use has been in operation for the past 6 years; And,
- The permit with recommended amendments would provide conditions to ensure that the use does not have an unreasonable impact on the local area, and, in the event it does, there is the ability to enforce compliance with the TUP.

ALTERNATIVES

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

1. Issue for a different time period

The LTC may opt to approve the renewal for a longer or shorter time period. Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee approve application NP-TUP-2023.6 for a period of _____year(s).

2. Issue for one year and rezoning application

The LTC may opt to approve the renewal for a one (1) year with a requirement to submit a rezoning application. Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee approve application NP-TUP-2023.6 for a period of one year; And,

That the North Pender Island Local Trust Committee require that the owner submits to the Islands Trust a complete rezoning application for a commercial accommodation use prior to consideration of a TUP renewal application.

3. Request further information

The LTC may request further information prior to making a decision. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request. Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee request that the applicant submit to the Islands Trust _____.

4. Amend or Add conditions

The LTC may wish to further amend the TUP by placing further limits on the adding conditions. If selecting this alternative the LTC should specify the additional conditions. Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee amend Temporary Use Permit NP-TUP-2023.6 (Kroeker) be amended by the addition of the following condition(s): _____

5. Deny the application

The LTC may deny the application and proceed no further. Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee deny Temporary Use Permit NP-TUP-2023.6 (Kroeker)

Submitted By:	Phil Testemale, Planner 2	February 12, 2024
Concurrence:	Robert Kojima, Regional Planning Manager	February 13, 2024

ATTACHMENTS

1. Site Context
2. Photographs
3. Checklist (Applicant)
4. Renewal NP-TUP-2020.8
5. Letter to the Chair of the Local Trust Committee
6. Guest Information
7. DPA Guideline Checklist
8. Notice
9. Draft TUP

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	Lot B, Section 16, Pender Island, Cowichan District, Plan 46553
PID	010-977-929
Civic Address	2602 Harpoon Road
Property Size	0.86 ha (2.13 acres)

LAND USE

Current Land Use	Short Term Vacation Rental (STVR) and family vacation home
Surrounding Land Use	Rural residential

HISTORICAL ACTIVITY

File No.	Purpose
NP-TUP-2020.8	Renewal - STVR Use – Issued March 30, 2021, Expires March 30, 2024
NP-TUP-2017.5	STVR Use – Issued February 28, 2018
NP-BE-2012.11	Bylaw enforcement concerning operation of an unlawful short term vacation rental.
UN-DVP-1989.27	Does not appear to have been issued
UN-DVP-1989.2	Does not appear to have been issued

POLICY/REGULATORY

Official Community Plan Designations	Land Use Designation: Rural Residential (RR) DPAs: 6 (Intertidal Sensitive Ecosystem)
Land Use Bylaw	Zoned: Rural Residential (RR) Water: Water 1 (W1)
Other Regulations	
Covenants	Restrictive Covenant EB27018: Covenant with the Ministry of Transportation at the time of subdivision prohibiting construction of buildings and structures within a specified distance of the natural boundary of the sea as shown on site plan. Existing viewing platform may be a violation of covenant terms.
Bylaw Enforcement	NP-BE-2012.11 – Unlawful operation of a short term vacation rental (STVR) – file closed

SITE INFLUENCES

Islands Trust Conservancy	Islands Trust Conservancy interests unaffected.
Regional Conservation Strategy	This application has no considerations for the Regional Conservation Plan.
Species at Risk	None listed
Sensitive Ecosystems	Islands Trust Sensitive Ecosystem Mapping (SEM) shows the subject property contains a secondary class Woodland Ecosystem.

Hazard Areas	The perimeter of the subject area is of moderate steep slope risk.
Archaeological Sites	Archaeological Potential on property (See report under 'First Nations')
Climate Change Adaptation and Mitigation	No development proposed with application. However, use of the property as a large STVR may result in increased greenhouse gas emissions linked to transportation and intensity of use over and above a residential use.
Shoreline Classification	Rock Shoreline - Low Rock/Boulder and Pebble/Sand Beach
Shoreline Data in TAPIS	Surf Smelt/Pacific Sandlance shoreline habitat on west side of subject property. Eelgrass habitat in the waters surrounding the subject property.

ATTACHMENT 2 – PLANS, DRAWINGS, PHOTOGRAPHS

2.1 PHOTOGRAPHS (2017)



Driveway entrance from Harpoon Way



Entrance to Dwelling (left); Accessory Garage (right)

2.1 PHOTOGRAPHS (2017 –CONT'D)



Front (North) side of Dwelling (Fire pit removed in 2018)



Stairway and Dock on Shingle Bay

OFFICE USE ONLY

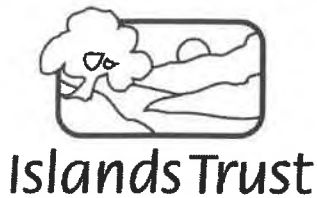
File No: _____

NORTH PENDER ISLAND STVR TUP CHECKLIST			
Issue	Information and Documentation Required	✓	Comments
Site Plan	Depending on the proposal, a site plan <i>may</i> be required.	☐	See Attached
	Site Plans must be drawn to scale and based on a legal survey, and contain the following:	☐	Previously sent
	Existing buildings and structures labeled as to their use and their floor area.	☐	"
	Roads and driveways	☐	"
	Streams or other water bodies	☐	NONE
	Natural boundary of the sea	☐	See Attached
	Well location	☐	NONE
	Septic field location	☐	AS SHOWN
	Off-street parking area showing dimensions sufficient to accommodate at least two vehicles, and more as required by the proposed use	☐	AS SHOWN
	Any fences or vegetative screening between adjacent lots or the road	☐	NONE
Intensity of Use Proposed	Applicant should provide the following information:	☐	
	No. of bedrooms proposed for STVR use	☐	8
	Maximum no. of guests to be permitted at one time. Note: the number is limited to six (6) for properties located within the Magic Lake Estates Water System Area	☐	10
	No. of weeks per year unit is proposed to be available. :	☐	52
	No. of days from May 1 to September 30 in a calendar year. Note: maximum of thirty (30)	☐	150
Potable Water	Where the subject property is serviced by groundwater, the applicant should provide:	☐	NA
	A written statement concerning the quantity and quality of water available on the subject lot.	☐	MUNICIPAL WATER
	Any available supporting documentation related to the quantity and quality of potable water on the subject lot.*	☐	
	*Islands Trust staff may ask for further information, including professional reports, related to quantity and quality of available water.	☐	NA
	Where a subject property has insufficient groundwater to support the proposed use, applicant should provide: Plans for a rainwater catchment, storage, and delivery system.	☐	NA
Septic Capacity	Where the property is serviced by a septic system, the applicant should provide:	☐	
	A written statement about the septic system on the subject property including: - Date of installation - Capacity of the system	☐	SEPTIC SYSTEM IS ^{WAS} INSTALLED IN 1989-DESIGNED TO ACCOMMODATE A HOUSE WITH 16 BEDS- 4 BATHROOMS

NORTH PENDER ISLAND STVR TUP CHECKLIST			
Issue	Information and Documentation Required	✓	Comments
	Any available supporting documentation related to the quantity and quality of potable water on the subject lot.* *Islands Trust staff may ask for further information, including professional reports, related to sewage disposal systems.	☐	N/A.
Residential Appearance	If building or land alterations are proposed as part of the STVR use, they should not alter the residential appearance of any existing residence and the applicant should provide: Plans showing form, character and floor area of proposed building or land alterations.	☐ ☐	N/A. N/A.
Sensitive Ecosystems	Where a property is located within, or contains, a sensitive ecosystem*, applicant should provide: A copy of the information intended to be provided to guests indicating the location of the sensitive areas, and information on how to avoid impacting these sensitive features. Applicant should state how this information will be conveyed to guests. *Use Islands Trust's <u>MapIT</u> program or the <u>Development Permit Area map</u> for North Pender Island to identify sensitive ecosystems on your property. Or, contact Islands Trust staff for further information. Please note, where new development or vegetation removal is to be undertaken as a part of the proposed STVR use, a Development Permit for work within a sensitive ecosystem may be required.	☐ ☐	Written information is provided in several visible locations in the house.
Building Information	Confirmation of an occupancy permit Is there a monitored fire detection system	☐ ☐	N/A. NO.
On-Island Contact	Applicant should provide contact information for an on-island owner or manager to address issues that may arise from the proposed use, 24 hours/day, seven days per week.	☐	MIKE TELFORD 778-389-4424
Information for Guests	Applicant should provide a copy of information to be provided to guests that: Reminds them they are in a residential area Provides information regarding noise bylaws, water conservation, fire safety, storage and disposal of garbage and recycling, septic care, and control of pets (if pets permitted) Provides emergency service contact information and offers use of a phone for the duration of the stay, if required. Emergency contact information should include the civic address of the property. Application should also demonstrate where above information will be posted in the building	☐ ☐ ☐ ☐ ☐	see attached ✓ ✓ ✓ ✓
Signage	If signage is proposed, applicant should provide a rendering of the proposed sign that includes its dimensions.	☐	NONE.

NORTH PENDER ISLAND STVR TUP CHECKLIST			
Issue	Information and Documentation Required	✓	Comments
	Confirmation that there is clearly marked civic address signage at the driveway	☒	
Accessory Buildings	If the proposed use is to occur in an accessory building, the applicant should provide information demonstrating:	☐	NA .
	That accessory building has an occupancy permit for residential use under the BC Building Code	☐	NA .
	That the total floor area of all buildings on the property does not exceed 185 m ²	☐	NA

Additional Comments	
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**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
TEMPORARY USE PERMIT
NP-TUP-2020.8 (Kroeker)
Renewal of 2017.5 (Kroeker)**

2602 Harpoon Road

To: Mark and Donald Kroeker

1. This Permit applies to the land described below:

Lot B, Section 16, Pender Island, Cowichan District, Plan 46553
(PID: 010-977-929).

2. This Permit is issued for the purpose of permitting the owner to conduct the following use on their property:

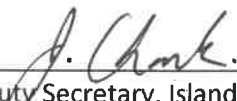
- a) a Short Term Vacation Rental within the Dwelling Unit.

3. and is subject to the following conditions:

- a) either the property owner or other on-island contact must be available on North Pender Island by telephone 24 hours/day, seven days per week. The name and contact number of property owner and/or the on island contact person must be provided to guests upon arrival;
 - b) the property owner or Short Term Vacation Rental operator must provide neighbours within a 200 metre radius of the vacation rental with the contact person's phone number, and a copy of the temporary use permit;
 - c) the property owner or Short Term Vacation Rental operator must provide guests with information on noise bylaws, water conservation, fire safety, storage and disposal of garbage and recycling, septic care, and control of pets (if permitted). The guest information must also remind guests that the property is located in a residential area;
 - d) the property owner or Short Term Vacation Rental operator must provide guests with information on the location of the woodland sensitive ecosystem located on the property, and how to avoid or minimize impacting the sensitive feature. The property owner or Short Term Vacation Rental operator must also provide guests with information about the sensitive shoreline ecosystems in the vicinity and how to avoid or minimize impacting the sensitive feature;
 - e) the maximum number of guests is limited to ten (10);
 - f) camping and occupancy of recreational vehicles are prohibited;
 - g) Signage advertising the Short Term Vacation Rental may not exceed 0.6 square metres;
 - h) the rental or provision of motorized personal watercraft is prohibited;
 - i) all outdoor fires are prohibited;
 - j) existing fire pit must be removed;
 - k) all parking for the Short Term Vacation Rental must be contained on the subject property;
 - l) the holder of this Permit, will be held accountable for any violation of the conditions of this Permit. The Islands Trust Bylaw Investigations Officer may enter the property between the

- hours of 9:00 am and 5:00 pm on any day without prior consultation with the holder of the Permit, or commercial vacation renter for the purpose of investigating a complaint;
- m) the property owner or Short Term Vacation Rental operator must provide guests with emergency service contact information and to provide a means for contacting them;
 - n) the property owner or Short Term Vacation Rental operator must post the name and contact number of the property owner or on-island contact person, and permit information at the entrance to the house;
4. This permit is valid for three (3) years from date of issuance of the permit and upon expiry of the permit the owner of the site shall discontinue the temporary use to the satisfaction of the Islands Trust, or apply for a renewal of this permit.
5. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of "North Pender Island Land Use Bylaw No. 103, 1996" and to obtain other approvals necessary for completion of the proposed development, including approvals from the Capital Regional District, Island Health and Ministry of Transportation and Infrastructure.

AUTHORIZING RESOLUTION PASSED BY THE NORTH PENDER ISLAND LOCAL TRUST COMMITTEE THIS 25TH DAY OF MARCH, 2021.


Deputy Secretary, Islands Trust

March 30, 2021
Date Issued

From: Mark Kroeker <[REDACTED]>
Date: January 5, 2024 at 1:41:58 PM PST
To: David Maude <dmaude@islandstrust.bc.ca>
Subject: Kroeker TUP application for 2602 Harpoon Road

Dear David,

Further to our recent phone call, i am attaching copies of the original permit and its renewal certificate for your information.

As you will confirm there has never been a restriction of days to our previous permitting.

our family has been operating the home over the last twenty years or so as a home away from home for our many friends / family and guests.

Diet and Lenora Kroeker were active residents of the Pender Island community from their arrival in 1987.

During following years they operated a permitted Bed and Breakfast and hosted hundreds of visitors to their 8 bedroom home.

When health challenges forced them to leave the Island , we began operating the home as a vacation rental home and quickly discovered that there is a need for a vacation rental home that accommodates a multi generational family and we fit the bill to the tee.. that is how the home was designed

initially there were no permits required however when TUP were instituted as a way of managing this market we complied and were issued a permit.

We have had a remarkable experience sharing the home with family and friends and also operating a vacation rental on VRBO exclusively.

We have over 85 five star reviews over the years of operating on VRBO.

i would respectfully request that the Trustees consider a grandfather continuation of our existing permit for ten guests as issued.

the new restrictions that impose a limit of 6 guests and limits use to 30 days in the peak summer months means that we are essentially out of business.

We have commitments to families that have been returning for more than 5-10 years during our summer season.

i would be grateful if you could consider our request at the upcoming meeting scheduled in February where are our application for a new TUP will be considered.

We have long term relationships with a property manager resident on the island five minutes from the property and believe that we have been good Neighbour's in the community, in the years since 1988

Sincerely ,
Mark Kroeker



Sent from my iPad

Welcome to Orca View Lodge 2024

We hope you enjoy your visit to our Pender Island home.

Our reputation with our neighborhood friends is in your hands. Our ability to continue to share our home in the community depends on your compliance with our TUP conditions while you are here. A copy of the TUP is posted for your review.

Check in: 5 pm no exceptions! Check out: 11am no exceptions

Outdoor Quiet time starts at 10 pm

The Orca View lodge property is a **No Smoking** zone, inside and outdoors. Please respect this safety rule. One careless cigarette could destroy our property.

Water on Pender Island is a Scarce and Precious resource. Please conserve water whenever showering or consider a swim off the dock as an invigorating alternative to a daily shower.

The tidal foreshore waterfront is a sensitive ECO system. Please respect its unique characteristics.

Please bring all the used towels to the laundry room but do not strip the bedsheets when you leave.

Please leave the kitchen in the condition you found it. You may leave your dishes in the dishwasher and set it to Express wash before you leave.

The domestic water waste is discharged through a septic field.DD NO NOT PUT FOOD WASTE down the drains. Grease and oil can be composted.

Please leave the fridges and freezers empty on your departure. Turn off BBQ gas.

The Electrical Panel is in the furnace room in case a breaker is tripped.

There is no garbage or recycling pick up on the island. We ask you to take your garbage on your departure. It can be left at Medicine Beach Liquor store for a small fee. Open 7 days a week 10am-10pm. The recycling depot is enroute to the ferry and is open Tuesday –Sunday. For more info see their website: penderislandrecycling.com.

We do offer onsite compost for fruits, vegetables, and coffee grounds. The compost barrel is behind the carport. **DO NOT PUT ANY ANIMAL OR SEAFOOD WASTE OF ANY KIND IN THE COMPOST.** Seafood or animal waste can be returned to the ocean but never compost.

Please close the umbrellas and store any cushions used outside in the house at night and on your departure.

Fire extinguishers are in prominent locations near the fireplace / kitchen and the garage.

Please note the emergency numbers on the inside cupboard door above the kitchen phone.

The indoor fireplace is available for winter use. **There are no outdoor fires allowed on the property at any time.** This is a local By-law that is enforced. Violators of our outdoor fire ban will be asked to leave the property.

The ping pong table land garage is available for your enjoyment.

Observing these simple guidelines helps us to preserve this special place for your enjoyment.

The Kroeker family Host: Heather Peterson Cellphone: 604-319-4651

Island representative: Mike and Kristine Telford Cellphone: 778-889-4424

Attachment 7: TUP Checklist for Short Term Vacation Rental

NP-TUP-2023.6 (O'Malley)
2602 Harpoon Road

Guidelines	Comments
Overall TUP Guidelines	
a) Time Period - For the purpose of a temporary use permit, "short term vacation rental" means the use of a dwelling or cottage as temporary commercial accommodation for a period of less than a month at a time by persons, other than the owner or a permanent occupier.	The proposed use meets the definition of STVR.
b) Residential Appearance - The Local Trust Committee may consider issuance of a short term vacation rental permit provided the proposal would not alter the residential appearance of the residence	No exterior changes proposed.
c) Cumulative Effects - The Local Trust Committee may consider the cumulative effects on the neighborhood and Island of all the temporary use permits issued for commercial vacation rentals.	The STVR has operated for the past 6 years. No cumulative effects are expected.
d) Distance to Another STVR - The Local Trust Committee should not approve more than one short term vacation rental temporary use permit within a 200 metre radius from another short term vacation rental temporary use permit.	There is one STVR TUPs within 200 metres of the subject property.
e) Water Supply - The landowner should demonstrate an adequate supply of water and septic capacity for the duration of the proposed use:	
i. Private Well - If the property is serviced by a private well, the applicant must demonstrate the well has adequate quality and quantity of water for the short term vacation use. A pump test or other report may be requested in the application process. Where there is inadequate groundwater, a rainwater cistern may be required as a condition of the permit.	N/A
ii. Community Water System (Magic Lake & Razor Point) - If the property is serviced by a community water system, the draft permit must be sent to the water system for information.	Yes - Property is on Magic Lake Water. If approved, staff will refer the TUP to the CRD.
iii. Trincomali Improvement District - A short term vacation rental temporary use permit must not be issued if located within the Trincomali Improvement District.	N/A

Attachment 7: TUP Checklist for Short Term Vacation Rental

Guidelines	Comments
f) Parking - the landowner should demonstrate that the property is able to accommodate off-street parking for a minimum of two (2) vehicles	Complies.
g) Sensitive Ecosystems - If the proposal is located on a property identified as containing a sensitive ecosystem, the permit should require that the landowner provide information for guests indicating the location of the sensitive areas, and information on how to avoid impacting the sensitive features.	Yes – Condition in draft TUP to provide guests with information on the location of the adjacent Intertidal Sensitive Ecosystem , and how to avoid or minimize impacts on the sensitive ecosystem.
h) Signage - The Permit should restrict advertising to one unilluminated sign, with a maximum area of 0.6 m ² .	Yes – condition in TUP.
i) Operator Contact - The permit should require that the owner or other contact be available on North or South Pender Island by telephone 24 hours/day, seven days per week.	Yes – condition in TUP.
j) Operator Contact & TUP to Neighbours - The permit should require the owner or manager provide neighbours within a 100 metre radius of the vacation rental with the owner or manager's phone number, and a copy of the temporary use permit	Yes – condition in TUP.
k) Guest Information - The permit should require the landowner post the following information for guests:	
i. remind guests that the property is located in a residential area;	Yes
ii. information on noise bylaws, water conservation, fire safety, storage and disposal of garbage and recycling, septic care and control of pets (if pets are permitted);	Yes
iii. emergency services contact information, and to provide a means for contacting them if the property is located in an area with no cellular service; and,	Yes
iv. the applicant provide the name and contact information of the property owner or designated contact who is available on North or South Pender Island at all times when the short term vacation rental is in use.	Yes
l) Permit Conditions - In addition to any other conditions the LTC may consider appropriate, the permit may:	
i. limit the number of bedrooms that can be used for short term vacation rentals;	A maximum of eight (8) bedrooms as stated in TUP condition.
ii. limit the number of guests to six (6) for properties located within the Magic Lake Estates Water System Area;	Does not comply: Applicant has requested the continued maximum occupancy of ten (10) adults.

Attachment 7: TUP Checklist for Short Term Vacation Rental

Guidelines	Comments
iii. limit the number of days the short term vacation rental may be in use from the period of May 1 to September 30 in a calendar year to a total of thirty days;	Does not comply: Applicant has requested a limit of 150 days (no limit) from May 1 st to September 30 th .
iv. require mitigating measures to address neighbours' concerns , such as retention of existing screening and fencing, or installation of additional screening;	Not a condition, property and dwelling reasonably isolated from neighbours.
v. require the landowner/operator to post contact information and permit information at the entrance to the property;	Yes, a condition of the TUP.
vi. prohibit camping or occupancy of RVs on the property;	Yes, a condition of the TUP.
vii. prohibit the rental or provision of motorized personal watercraft;	Yes, a condition of the TUP.
viii. prohibit watercraft that has been brought from off island to be used on Magic Lake or Buck Lake;	Yes, a condition of the TUP.
ix. prohibit outdoor fires; and	Yes, a condition of the TUP.
x. establish the dates during which the use may occur.	Not a condition.
m) Agriculture Land Reserve - A temporary use permit a short term vacation rental on a parcel in the Agricultural Land Reserve must require the approval of the Agriculture Land Commission prior to the permit being issued.	N/A
n) Owner Occupancy - An application for a short term vacation rental temporary use permit must not be considered if the dwelling unit is not occupied on a regular basis by the property owners.	The family (applicant) does not reside full time. They state that "the family uses the home every month of the year whenever it is vacant."
o) Maximum Number of STVRs - The Local Trust Committee must not approve more than twenty (20) temporary use permits for short term vacation rentals within the Magic Lake Estates Water System Area.	The total number of issued TUPs in Magic Lakes is eleven (11).
p) Occupancy Permit - A short term vacation rental temporary use permit must not be issued in a dwelling or cottage that does not have Occupancy Permit approval	Yes.
q) Bylaw Enforcement - The Permit should include a provision stating that the bylaw enforcement officer may enter the property between certain hours, without prior consultation, if a complaint is received	Yes, condition of TUP.



NOTICE
NP-TUP-2023.6
North Pender Island Local Trust Committee

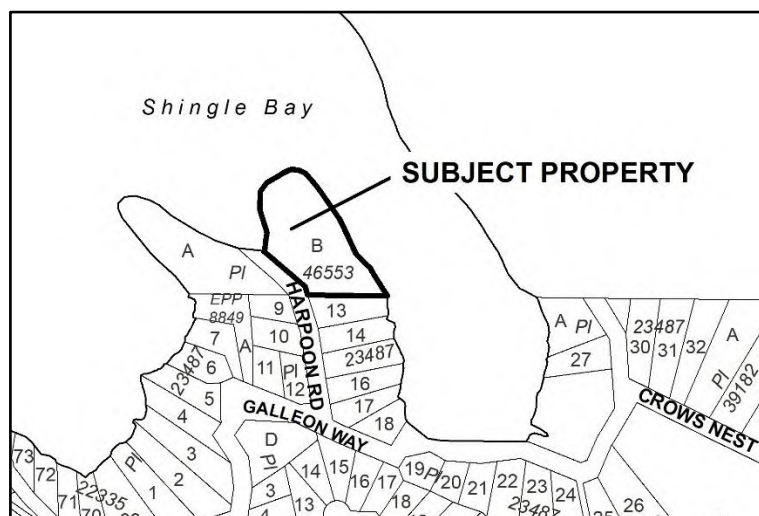
NOTICE is hereby given pursuant to Section 494 of the *Local Government Act* that the North Pender Island Local Trust Committee (LTC) will be considering a resolution allowing for the issuance of a Temporary Use Permit. The proposed permit would apply to LOT B, SECTION 16, PENDER ISLAND, COWICHAN DISTRICT, PLAN 46553 (PID: 010-977-929). This property is located at **2602 Harpoon Road**, North Pender Island.

The purpose of this temporary use permit would be to permit a **Short Term Vacation Rental** use within the Dwelling Unit.

The establishment of these uses would be subject to the conditions specified in the attached proposed permit. The permit would be issued for three (3) years and the owner may apply to the LTC to have it renewed once for an additional three (3) years.

The use has been permitted by a previous Temporary Use Permit that was issued in 2018 and renewed in 2021.

The general location of the subject property is shown on the following sketch:



A copy of the proposed permit may be inspected at the Islands Trust Office, 200 - 1627 Fort Street, Victoria, B.C. V8R 1H8 between the hours of 8:30 a.m. to 4:30 p.m. Monday to Friday inclusive, excluding statutory holidays, commencing **February 2, 2024** and continuing up to and including **February 14, 2024**.

For the convenience of the public only, and not to satisfy Section 499 (2) (c) of the *Local Government Act*, additional copies of the Proposed Permit may be inspected at various Notice Boards on North Pender Island.

Enquiries or comments should be directed to Phil Testemale, Planner 2 at (250) 405-5170, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 660-2421 and elsewhere in BC 1-800-663-7867; or by fax (250) 405-5155; or by email to: southinfo@islandstrust.bc.ca before 4:30 p.m., **February 14, 2024**.

The North Pender Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the regular electronic business meeting starting at **10:00 a.m., February 23, 2024** via zoom.

All applications are available for review by the public with prior appointment. Written comments made in response to this notice will also be available for public review.



**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
TEMPORARY USE PERMIT
NP-TUP-2023.6 (Kroeker)**

2602 Harpoon Road

To: Mark and Donald Kroeker

1. This Permit applies to the land described below:

Lot B, Section 16, Pender Island, Cowichan District, Plan 46553
(PID: 010-977-929).

2. This Permit is issued for the purpose of permitting the owner to conduct the following use on their property:

a) a **Short Term Vacation Rental** within the Dwelling Unit.

3. and is subject to the following conditions:

- a) A **parking** area that will accommodate a minimum of **two (2)** vehicles for the Short Term Vacation Rental (STVR) is required and must be wholly contained on the subject property;
- b) either the property owner or other designated **contact** must be available on North or South Pender Island by telephone 24 hours per day, seven days per week when the STVR is in use, and the name (s) and contact information shall be provided to STVR guests upon arrival;
- c) either the property owner or other designated **contact** must provide neighbours within a 100 metre radius of the vacation rental with the owner or manager's phone number, and a copy of the temporary use permit;
- d) the property owner must provide guests with information on the location of the **Intertidal Sensitive Ecosystem** adjacent to the property, and how to avoid or minimize impacts on the sensitive feature;
- e) **Signage** advertising the STVR is restricted to one unilluminated sign, with a maximum area of 0.6 m²;
- f) the property owner must post within the dwelling the following **information for guests**:
 - i. remind guests that the property is located in a residential area;
 - ii. information on noise bylaws, water conservation, fire safety, storage and disposal of garbage and recycling, septic care and control of pets (if pets are permitted);
 - iii. emergency services contact information, and to provide a means for contacting them if the property is located in an area with no cellular service; and
 - iv. the name and contact information of the property owner or designated contact who is available on North or South Pender Island at all times when the STVR is in use.
- g) the **maximum number of bedrooms** that can be used for the STVR use is limited to **eight (8)**
- h) the **maximum number of guests** is limited to **ten (10)**;
- i) from the period of May 1 to September 30 only, the STVR use is limited to **One Hundred and Fifty (150) days** in any calendar year;

- j) The following activities are **prohibited**:
- i.* camping and occupancy of recreational vehicles;
 - ii.* the rental or provision of motorized personal watercraft;
 - iii.* the use on Magic Lake or Buck Lake of watercraft brought from off island; and,
 - iv.* outdoor fires; and,
- k) the holder of this Permit, will be held accountable for any violation of the conditions of this Permit. The Islands Trust Bylaw Investigations Officer may enter the property between the hours of 9:00 am and 5:00 pm on any day without prior consultation with the holder of the Permit, or STVR renter for the purpose of investigating a complaint.
4. This permit is valid for **three (3)** years from date of issuance of the permit and upon expiry of the permit the owner of the site shall discontinue the temporary use to the satisfaction of the Islands Trust, or apply for a renewal of this permit.
5. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of "North Pender Island Land Use Bylaw No. 224, 2022" and to obtain other approvals necessary for completion of the proposed development, including approvals from the Capital Regional District, Island Health and Ministry of Transportation and Infrastructure.

AUTHORIZING RESOLUTION PASSED BY THE NORTH PENDER ISLAND LOCAL TRUST COMMITTEE THIS ##TH DAY OF MONTH, 202#.

Deputy Secretary, Islands Trust

Date Issued

DATE OF MEETING: February 23, 2024
TO: North Pender Island Local Trust Committee
FROM: Phil Testemale, Planner 2
Southern Team
COPY: Brad Smith, Island Planner
SUBJECT: Development Permit Application
Applicant: Heath Lansdowne
Location: 5589 Hooson Road

RECOMMENDATION

1. That the North Pender Island Local Trust Committee approve issuance of Development Permit NP-DP-2023.5 (Lansdowne).

REPORT SUMMARY

This report is to consider a Development Permit (DP) application.

The purpose of the application is to provide measures for the protection of the sensitive ecosystem and construction management for a proposed dwelling within **Development Permit Area Seven – Raptor Nests (DPA 7)**.

The draft DP is based on a comprehensive Biologist's report recommendations and provides conditions for protection of a designated old growth, Douglas-fir nesting tree (inactive/viable), two (2) identified perching trees and the interlocking forest canopy and supporting understorey and soils.

BACKGROUND

The DP application was submitted to the Islands Trust in response to a *Preliminary Plan Review* application in advance of a CRD Building Permit application.

The extent of proposed development is summarized as follows:

- Site preparation and construction for a 201.8 m² (2163.5 ft²) dwelling within the DPA. Approximately 26m² (280 ft²) would be within 30 metres¹ of one of the two designated trees on the property;

¹ See 'Development Permit Area' (below) for protection zone divisions in the designated DPA.

- Site preparation and construction of an approximately 3 m² (32.3 ft²) portion of a 58.5 m² (629.7 ft²) accessory building (carport) within the DPA;
- The removal of the ten (10) trees required for the dwelling's siting; and,
- The removal of dead, dying, or suppressed Douglas-fir up to 12.5cm in diameter at breast height (1.3m) to meet potential fire risk reduction objectives within the DPA.

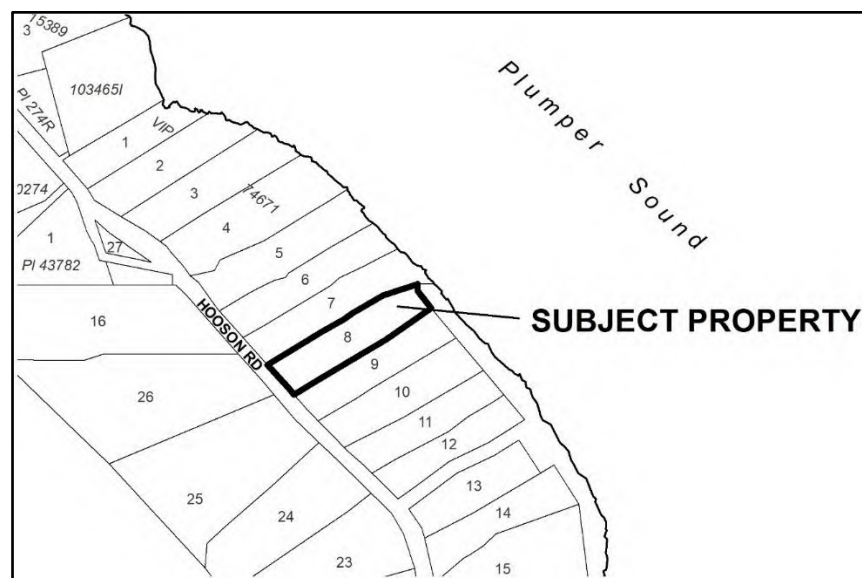
Outside of the DPA, there is also a 179 m² (1926.7 ft²) accessory garage/carport proposed.

The siting rationale for the dwelling submitted by the applicant is Attachment 3. In summary, they describe how the criteria of providing a modest sized dwelling whilst affording some views is constrained by the topography as well as the need to minimize potential impacts to the sensitive raptor nest and perching habitat from the construction, temporary and ongoing access, and servicing of the dwelling. The proposed building site is shown in Figures 2, 3 and Attachment 2.3. It was selected as the less impactful of only two (2) flatter (bench) sites on the property (see next). It is located approximately 10 m above the base of the remaining, viable DPA tree on top of a large rock bluff formation that provides a natural, physical separation.

The property is 1.25 hectares (3.11 acres) in size with a complex topography that slopes moderately from Hooson Road to the northeast toward the flatter rock bluff formation (proposed dwelling site). Below that there is a second small bench from where the land then slopes to the top of bank of a steep slope that descends toward the Crown Land ecological buffer strip above Plumper Sound (Attachment 1). The Biologist's report (below) describes the vegetation and soil conditions as primarily a young Douglas-fir forest stand which includes a few dominant, large diameter, old-growth trees and small patches of Douglas-fir/Arbutus on shallow soiled rock bluff formations.

There is currently an improved gravel driveway that follows an old logging road and wraps the upper knoll feature leading to the lower second bench mid lot via an easement section on the neighbouring Lot 7 (Figure 2). There has been some tree removal and clearing outside of the DPA as shown in Attachment 2.3. Existing development includes a septic disposal field, water well and tank, buried piping and a small shed.

Figure 1 – Subject Property



The application is supported by a professional report by Keith Erikson, R.P. Bio 'Development Permit Area Assessment Report' (November 27, 2023 – 'Biologist's Report' – Attachment 4 – see: 'Issues and Opportunities' (below).

The proposed Development Permit NP-DP-2023.5 (Lansdowne) is Attachment 6.

Staff visited the site on February 7, 2024 (Attachment 2.3).

ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement:

Islands Trust Policy Statement:

- 3.1.3 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and protection of the environmentally sensitive areas and significant natural sites, features and landforms in their planning area.
- 3.1.4 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning, establishment, and maintenance of a network of protected areas that preserve the representative ecosystems of their planning area and maintain their ecological integrity.
- 3.3.2 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address means to prevent further loss or degradation of freshwater bodies or watercourses, wetlands and riparian zones and to protect aquatic wildlife.

Official Community Plan:

The subject property is designated as **R - Rural** in the North Pender Island Official Community Plan Bylaw No. 171, 2007.

Development Permit Area:

Development Permit Area 7 (DPA) – Raptor Nests is designated for two (2) areas on the property and property to the north as shown in Figure 2 below and Attachment 1. Development requires either an exemption or that a DP be obtained complying with the DPA guidelines. The Biologist's Report confirmed that there are no active or inactive nests on the property.

The specific objective of the designation of the DPA is:

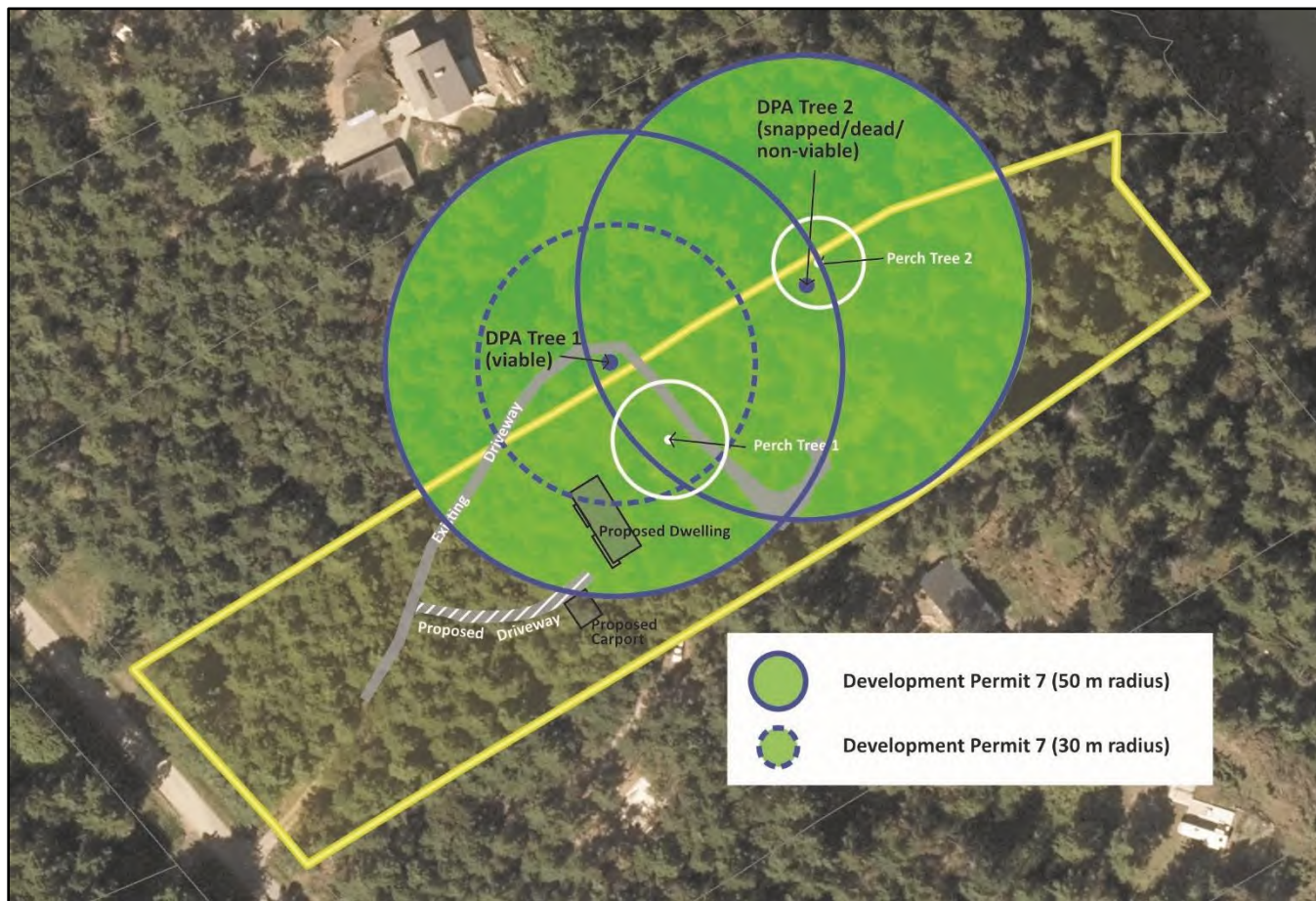
To preserve and protect remaining raptor and heron nesting sites.

DPA is divided into two zones: 30 and 50 metres radii from the base of a designated nest tree. In the case of eagles nest trees, construction activities outside of the 30 metre radius from a nest tree between the dates August 16th and January 14th and are exempt from the requirement to obtain a DP (OCP – 5.2.8.4 d) – p.80).

Attachment 5 is the DPA Checklist prepared by staff. The DP as drafted meets the objective and guidelines of the DPA.

Adherence to the conditions of the DP including restoration and monitoring will mitigate impacts from the development.

Figure 2 – DPAs



Land Use Bylaw:

The property is zoned **Rural Comprehensive 1 (RC1)** in the North Pender Island Land Use Bylaw No. 224, 2022 (Attachment 1). The proposed uses, density and siting meet the requirements of the LUB.

Issues and Opportunities

Biologist's Report

The Biologist's Report provides: a comprehensive biophysical and habitat evaluation; a development and land alteration description; an impact assessment; and, recommended measures for protection of the remaining designated nesting tree ('DP Tree 1') and two (2) perching trees. A DP Guideline checklist completed by the Biologist is attached to the report.

As above, the report confirms that "No active or inactive nest sites were observed on the property" (p.3). However, DPA Tree 1 is in reasonable health and remains as a viable potential nesting site. DPA Tree 2 is now a dead standing Douglas-fir snag the top of which was blown off approximately 3 to 4 years ago, and is no longer viable as nesting or perching habitat for eagles, ospreys or herons (p.9). The report identifies two (2) Perch

Trees shown on Figures 2 and 3. Perch Tree 2 has potential as a “recruitment tree” for a nest site with future growth of upper branches (p.9). The report:

“... focuses on minimizing impacts of development to future potential use of the area by nesting eagles and other raptors through the prevention of direct damage to the identified habitat trees and by maintaining a buffer of interlocking forest canopy and natural vegetation around them.” (p.16)

The impact assessment for the proposed development, land alteration and tree removal confirms that there would be no impact to nesting sites by the absence of active or inactive nesting sites within the two designated DPA areas (pp. 15 to 17). It states that the health of the remaining viable tree and the two perching trees will not be directly impacted by the development:

“The proposed house and services are sited well outside of the rooting zones associated with any of the subject trees and a buffer of native forest canopy will be retained.”

Additionally, access to the proposed development is from the southwest, beyond the 50m DPA Site 1 buffer, with the existing driveway route that bisects the DPA not required for regular residential use.” (p.15).

Further, given the minimal portion of the proposed dwelling within the 30 m perimeter of DP Tree 1 (26 m²), siting of the dwelling which minimizes tree removal within that same area, and adherence to the recommended measures, the impacts are “...estimated to be negligible...” (p.17)

Further, proposed tree removal “... will have no significant impact on the canopy or vegetation screening between the house and the potential nesting tree and perching trees.” (p. 17)

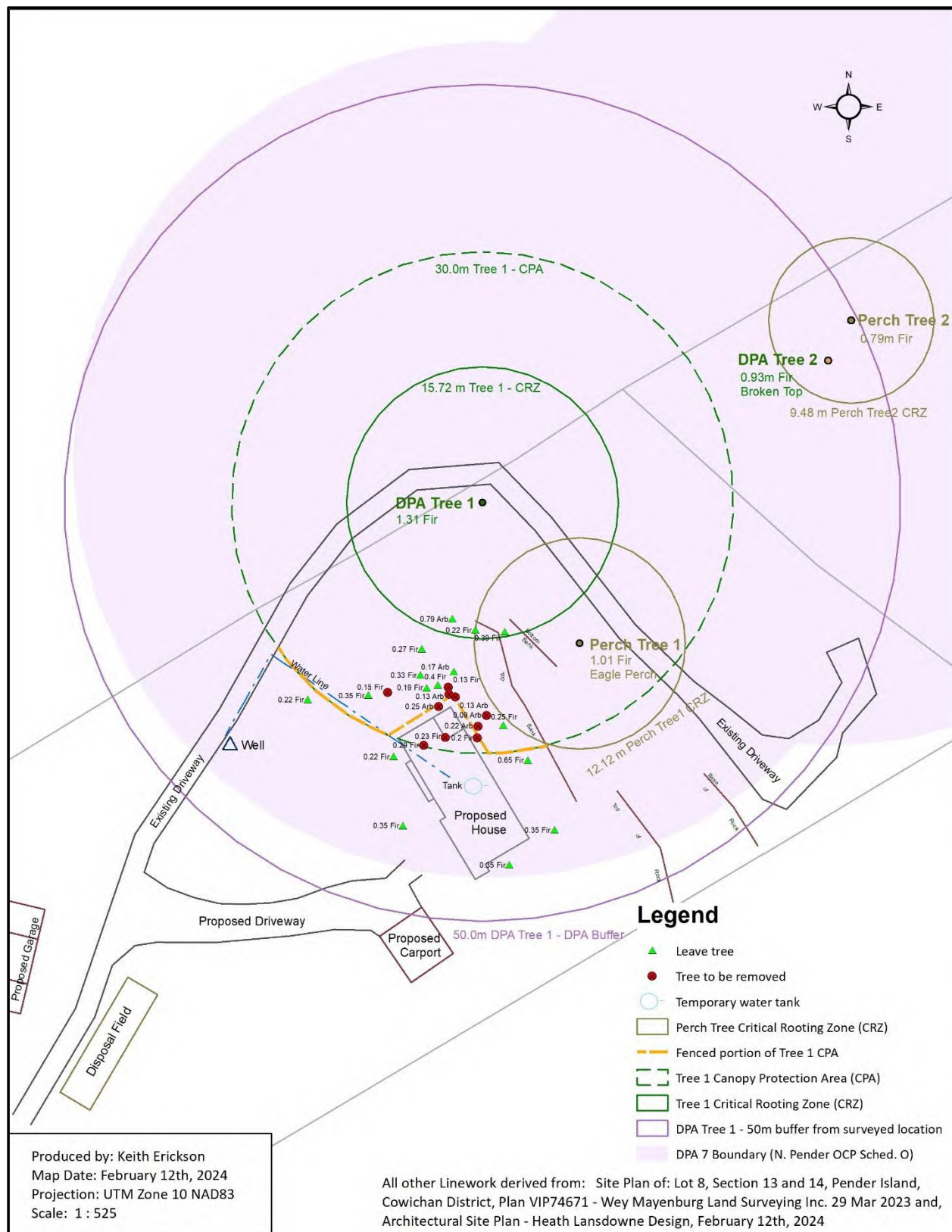
The ongoing use and maintenance of the existing driveway is identified as a possible threat from any potential widening and/or vegetation removal or soil disturbance along its perimeter or within the roadbed itself. However, the repair or maintenance of existing driveways provided there is no expansion to width or length is exempt (5.2.8.4 (m) OCP, p.81). Otherwise an application for a new Development Permit or amendment application or exemption would be required.

The report outlines a series of measures divided by Critical Root Zones (CRZs) and Canopy Protection Areas (CPAs). The measures are for the protection, construction management, maintenance and monitoring of the sensitive habitat consistent with the DPA guidelines. All recommendations have been included as conditions in the proposed DP.

Other Regulation:

For information only, Restricted Covenant EJ133424 in favour of the province (Ministry of Environment) is registered on the property title. The restrictions apply only to the 30 and 50 metre zones around DP Tree 2 (dead and snapped). All proposed development is distant from those zones.

Figure 3 – Biologist's/Site Plan



Consultation

There is no public or agency consultation regularly associated with a DP application. In addition, there is no statutory notification required.

First Nations

With respect to the potential for archaeological material to be found on the property during the proposed site preparation and construction, Islands Trust reviews all applications to ensure the preservation and protection of cultural heritage, archaeological sites, and ancestral places. As reviewed, the DP application is consistent with respect to LTC Standing Resolutions on reconciliation. Notwithstanding, to provide applicants with awareness regarding unknown archaeological areas staff has forwarded the Islands Trust Chance Find Protocol and the provincial Archaeological Branch guidelines on *Heritage Act* compliance have provided the Islands Trust directly to the applicants.

Rationale for Recommendation

In summary, the recommendations on page 1 is supported as:

- The objectives and specific guidelines of the DPA have been met;
- All relevant recommendations of a comprehensive Biologist's Report have been incorporated into the conditions of the proposed DP; And,
- Implementing and monitoring conditions in the draft DP will ensure the protection of the potential sensitive raptor nest habitat.

ALTERNATIVES

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

1. Request further information

The LTC may request further information prior to making a decision. Staff advise that the implications of this alternative are a potential delay in construction and costs to the applicant. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request. Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee request that the applicant submit to the Islands Trust _____.

2. Amend the permit and approve the permit as amended

The LTC may opt to make amendments to the permit based on the guidelines in the DPA.

Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee amend NP-DP-2023.5 (Lansdowne) by adding the following condition(s) ____; and,

That the North Pender Island Local Trust Committee approve issuance of NP-DP-2023.5 (Lansdowne) as amended.

3. Deny the application

The LTC may deny the application. Note, if this alternative is selected, the decision MUST be accompanied by specifying which guideline(s) the application does not comply with. Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee deny application NP-DP-2023.5 (Lansdowne) as it does not comply with guideline_____.

Submitted By:	Phil Testemale, Planner 2	February 12, 2024
Concurrence:	Robert Kojima, Regional Planning Manager	February 13, 2024

ATTACHMENTS

1. Site Context
2. Plans and Photographs
3. Applicant's Siting Rationale
4. Biologist's Report (November 27, 2023)
5. DPA Guidelines Checklist
6. Draft Development Permit NP-DP-2023.5

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	LOT 8 SECTION 13 AND 14 PENDER ISLAND COWICHAN DISTRICT PLAN VIP74671
PID	025-568-876
Civic Address	5589 Hooson Road
Property Size	1.26 ha (3.11 ac)

LAND USE

Current Land Use	Vacant property - driveway and services (drilled well and septic field) established
Surrounding Land Use	Rural Comprehensive and Ecological (East)

HISTORICAL ACTIVITY

File No.	Purpose
NP-BP-2023.3	Construction of dwelling and accessory buildings

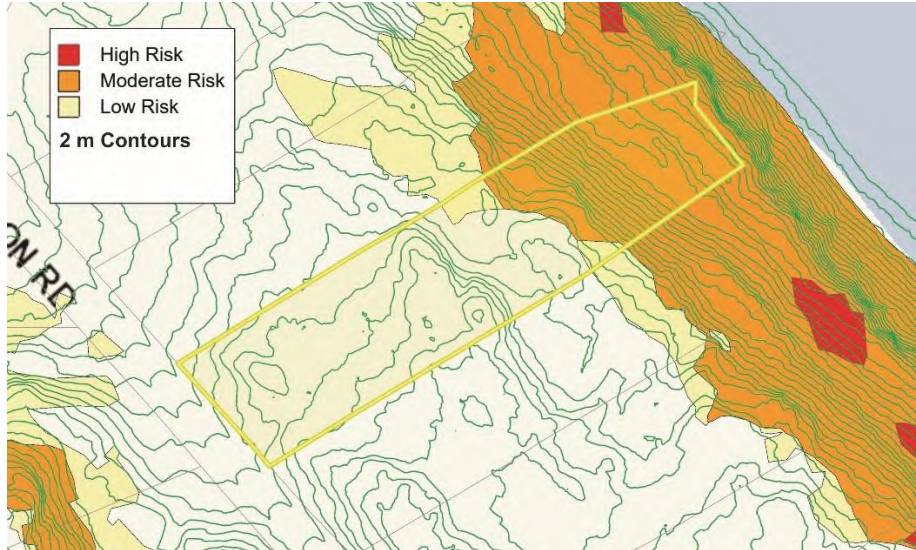
POLICY/REGULATORY

Official Community Plan Designations	Designated as Residential – R in the North Pender Island Official Community Plan No.171, Development Permit Area 7 – Raptor Nests (DPA) are designated on the property: 
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	<i>DPAs</i>
Land Use Bylaw	Zoned as Rural Comprehensive Development (CD1) in the North Pender Island Land Use Bylaw No.224, 2022  <i>Zoning</i>
Other Regulations	
Covenants	EJ133421 – CRD/Geotechnical EJ133423 – MoE Raptor Nest Protection (Tree Removal) ET144016 – Easement
Bylaw Enforcement	N/A

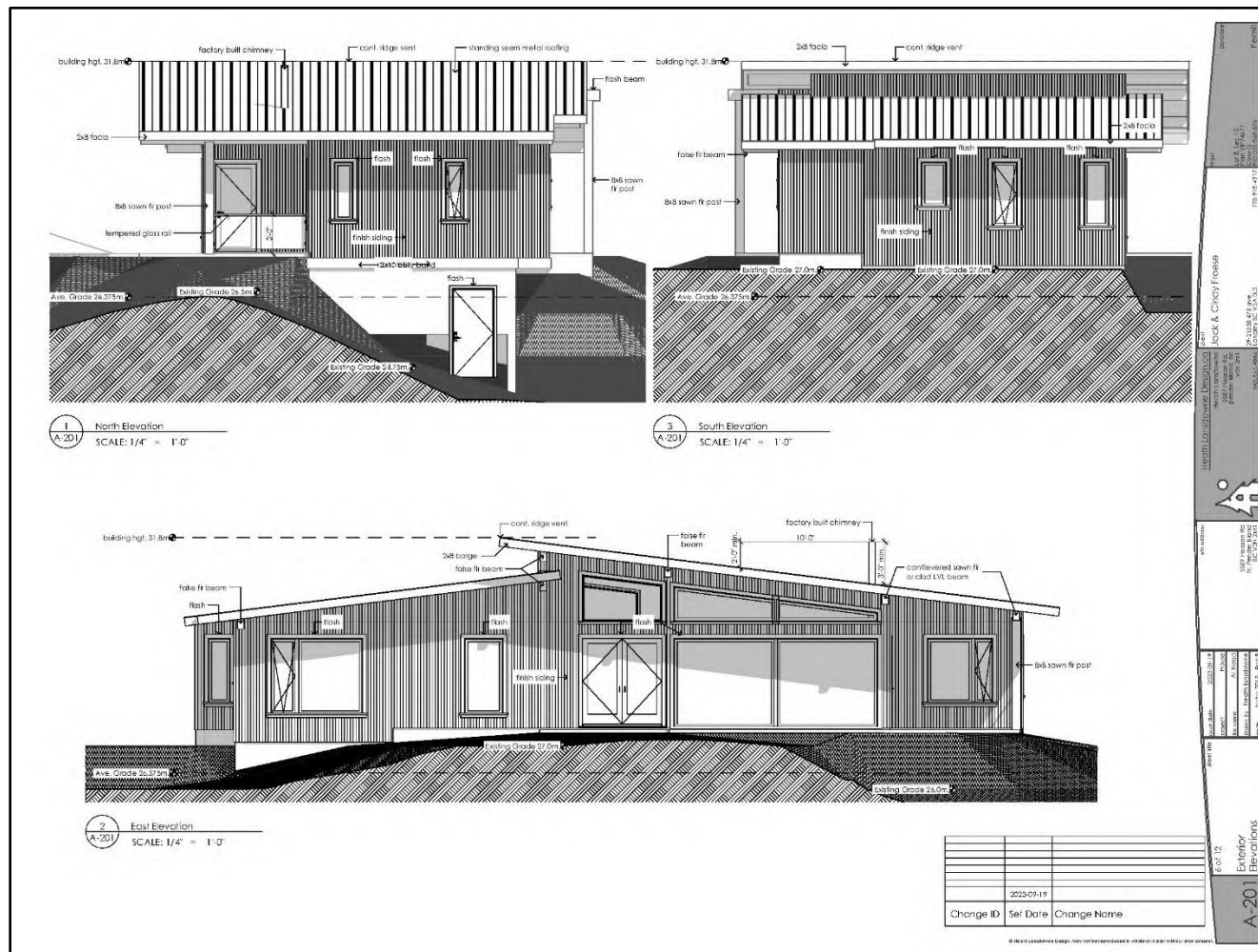
SITE INFLUENCES

Islands Trust Conservancy	The application has no considerations for the Islands Trust Conservancy
Regional Conservation Strategy	This application has no considerations for the Regional Conservation Plan.
Species at Risk	None listed.
Sensitive Ecosystems	 <i>Sensitive Ecosystem Mapping</i>

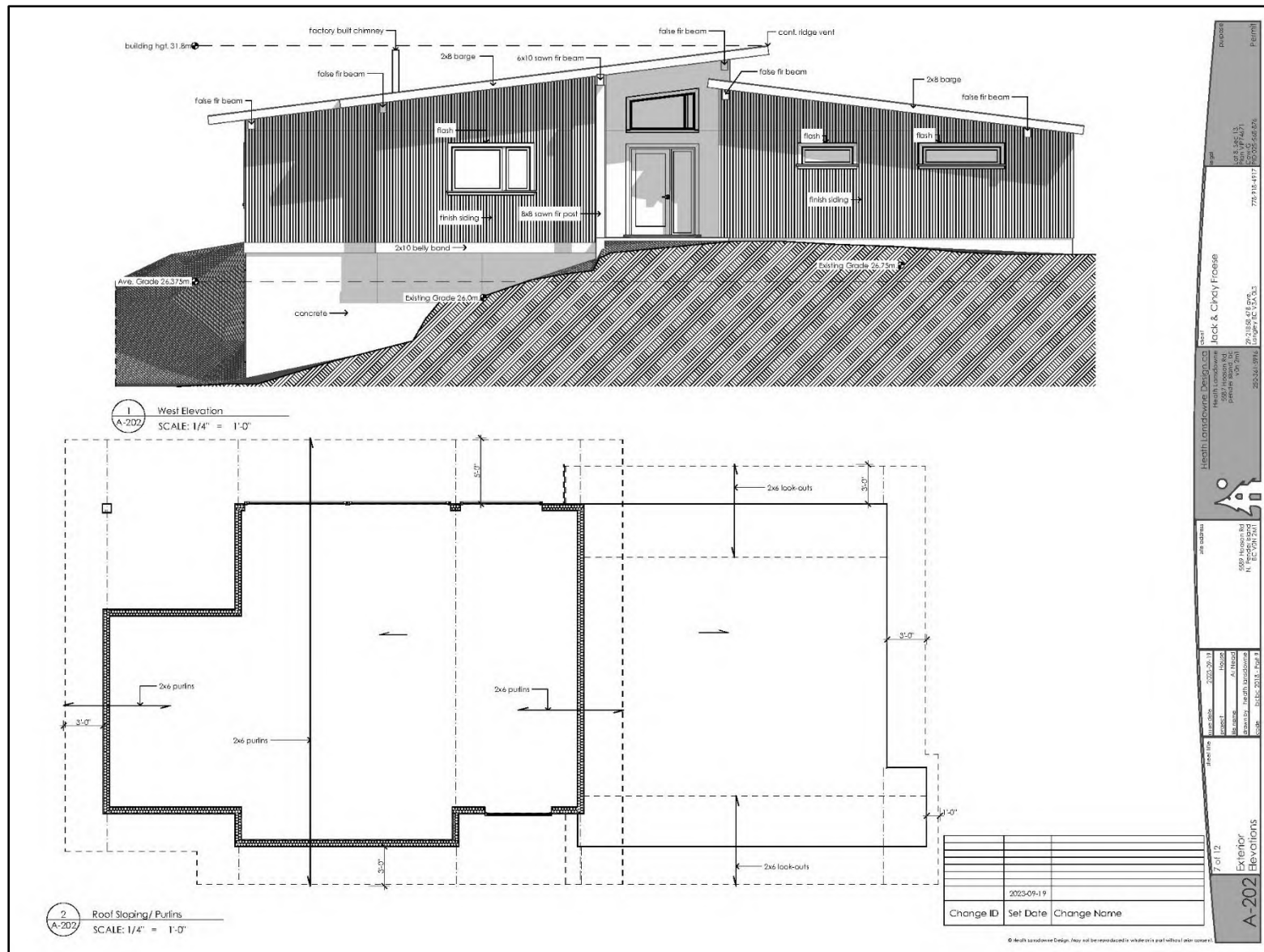
Hazard Areas	 <i>Steep Slope Hazard and 2 m Contour Mapping</i>
Archaeological Sites	Archaeological Potential on property (See report under 'First Nations')
Climate Change Adaptation and Mitigation	GHG emission changes are linked to allowable density on the property and will not change with approval of the DPA. The submitted Geotechnical Report confirms that the development will be safeguarded from climate change induced hazards (erosion of slope toe).

ATTACHMENT 2 – PLANS, DRAWINGS, PHOTOGRAPHS

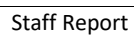
2.1 PROPOSED DWELLING ELEVATION AND FLOOR PLANS (NTS)



2.1 PROPOSED DWELLING ELEVATION AND FLOOR PLANS (CONT'D - NTS)



Islands Trust



2.3 PHOTOGRAPHS



Looking Northeast from Garage Location



Carport Location



Looking Northeast toward Carport



From Carport Location looking North

2.3 PHOTOGRAPHS (CONT'D)



Looking Northeast at Proposed Dwelling Location

Looking Northwest at Proposed Dwelling



Looking Southwest at Proposed Dwelling Location

2.3 PHOTOGRAPHS (CONT'D)



Looking Southwest up Driveway



DPA Tree 1 (Viable)



DPA Tree 2 (Snapped/Dead)

Schedule B Supplement

Lot 8, Sec. 13 714, Plan VIP74671

The purpose of the development of the subject property is for an SFD and ancillary buildings.

In considering that the lot is over 1.2 Ha, options for the location for the SFD is severely limited due to topography and existing DPAs. Although the majority of the lot is sloping to the sea with potential views. Though not apparent from the documentation, the chosen location is the only spot on the entire lot that affords a practical siting that allows for some modest views while allowing for practical access during construction, and installation of services such as power, sanitation and water. The only other feasible location that would also allow for some views is also within a DPA and would require heavy vehicle traffic during construction through the CRZs of DPA Tree1 and Perch Tree 1, also continued traffic for all future access to the occupancy. This location would also require substantial trenching at the edge of the CRZ for Perch Tree 1 to install subsurface services. For these reasons and others, the proposed siting was chosen in stead. The proposed home is of modest floor area and footprint and the encroachment into the DPA exclusion zone is minimal. Efforts have been made to size and locate the home to have the least impact on trees in and around the DPA.

We fully appreciate and support the intent of the Islands Trust mandate and the importance of DPAs, and feel that we have managed to strike a balance for the protection of the unique nature of our island's environment while meeting the practical realities of building a home within that environment.

Sincerely,
Heath Lansdowne

DEVELOPMENT PERMIT AREA ASSESSMENT REPORT

Lot 8, Sec. 13 and 14, Plan VIP74671, Pender Island
5589 Hooson Rd, Pender Island, BC
PID:025-568-876

November 27th, 2023
Revised February 12, 2024

Prepared For
Heath Lansdowne

Keith Erickson R.P.Bio. (#2132)
355 Melissa Road, Galiano Island, BC, V0N 1P0, kericksongaliano@gmail.com

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Introduction

Keith Erickson (Erickson Environmental) was retained by Heath Lansdowne (agent of the owner) to prepare a development permit assessment report for areas of Lot 8, Sec. 13 and 14, Plan VIP74671, Pender Island ('the property') that are subject to Development Permit Area (DPA) 7 in the North Pender Official Community Plan. The report considers the proposed construction of a 1600 square foot house within the DPA boundaries.

Schedule O of the North Pender Island Official Community Plan shows two areas designated as 'Development Permit Area 7 – Raptor Nests' located on the Property.

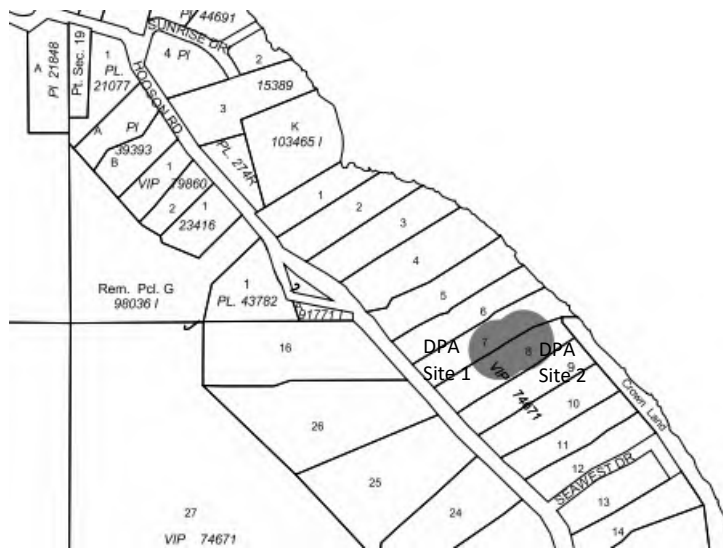


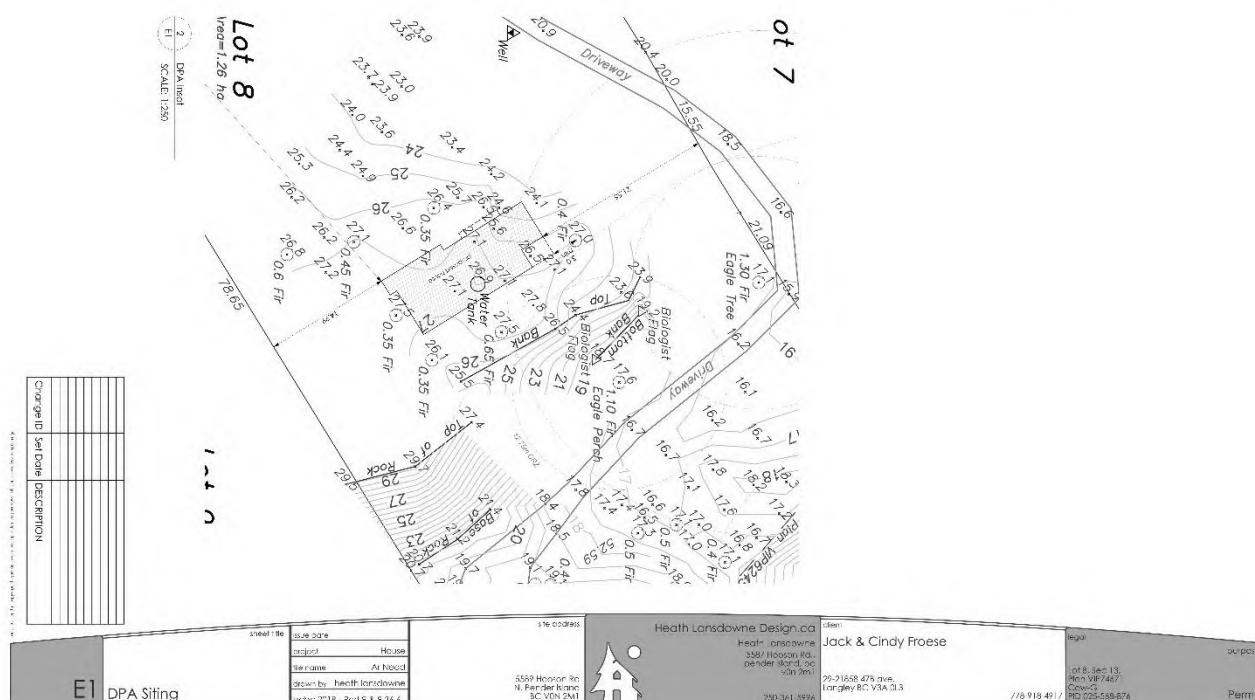
Figure 1: Clip from North Pender Island OCP Schedule 'O' showing location of DPA 7 – Raptor Nest sites (1 and 2) on subject property Lot 8.

This report establishes the DPA boundaries based on accurate survey of the tree locations and the parameters set out in the North Pender OCP, provides an assessment of the status and general health of the trees, a description of the proposed development, its impacts to the values of the DPA sites, and makes recommendations to help minimize potential impacts to the health and viability of potential nesting sites.

The assessment is based on observations made during three site visits to the property, conducted on November 8th, 2021, January 31st, 2022, and October 27th, 2023. The site was also surveyed from the air by drone on December 17th, 2021, and August 12th, 2023. Development information and the architectural site plan were provided in November 2023 by Heath Lansdowne. A revised site plan with a minor correction to the location of the driveway and garage was provided on February 12, 2024.

No active or inactive nests sites were observed on the property. The tree (DPA Tree 1) associated with DPA Site 1 remains as a viable potential nesting site. The tree (DPA Tree 2) associated with DPA Site 2 is dead, its trunk snapped at roughly 15m height from a windstorm. The proposed house site is within the DPA Site 1 boundary. A portion (approximately 280 square feet) of the proposed structure is within 30m of DPA Tree 1.

Map 1: Surveyor Site Plan



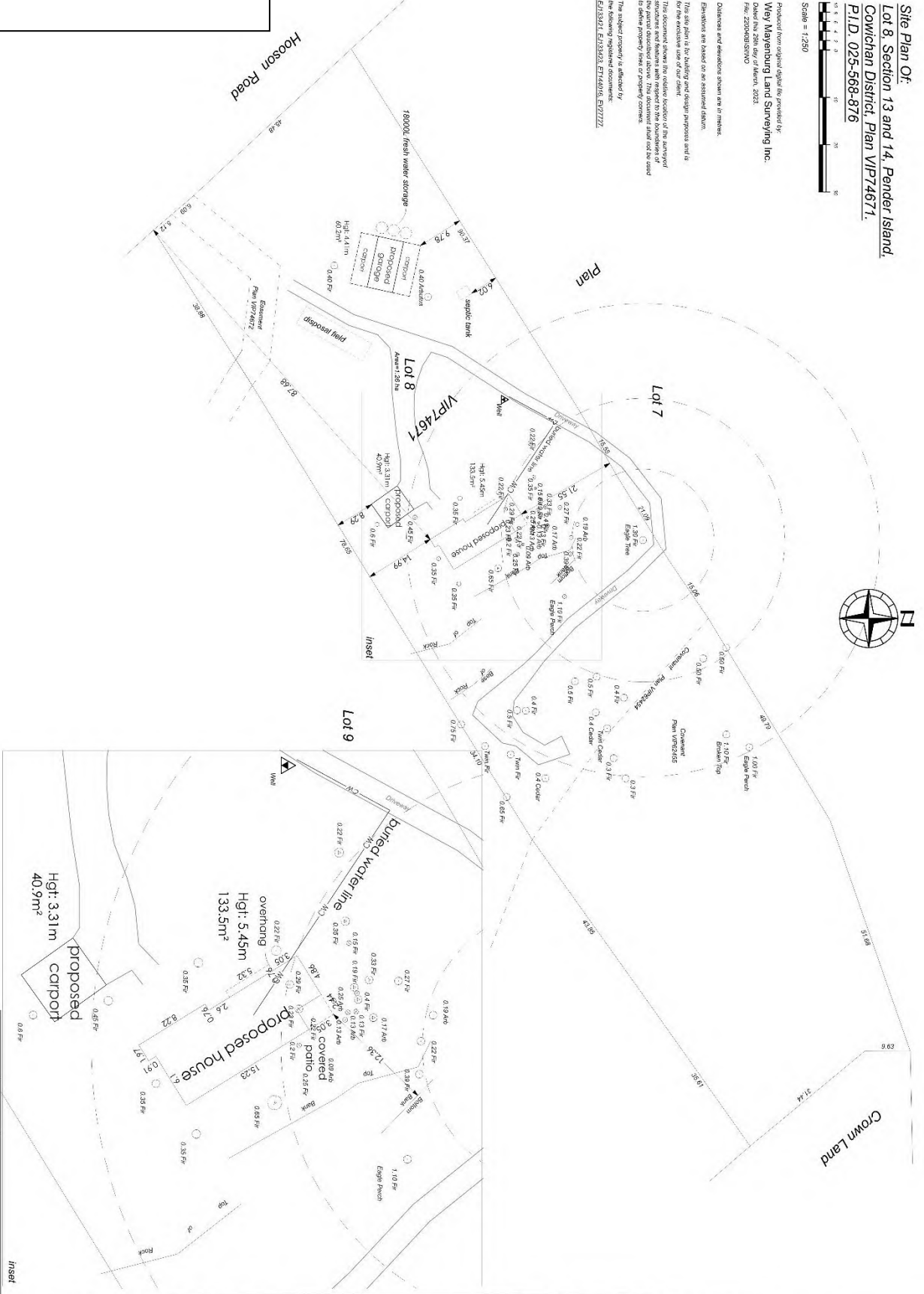
Map 2: Architectural Site Plan

Site Plan Of:
Lot 8, Section 13 and 14, Pender Island,
Cowichan District, Plan V1P74671,
P.I.D. 025-568-876



Produced from original digital file provided by:
Weir Marebun Land Surveying Inc.
Dated this 28th day of March, 2023.
File: 2204049.SMD

Distances and elevations shown are in metres.
Elevations are based on an assumed datum.
This site plan is for building and design purposes and is
for the exclusive use of our client.
The document shows the outline location of the proposed
building and other structures on the site. It does not
show the exact location of the building or other structures
to be built. This document should not be used
to define property lines or property corners.
The architect hereby is attested by
the following registered documents:
E151321, E151322, E1744016, E177772.

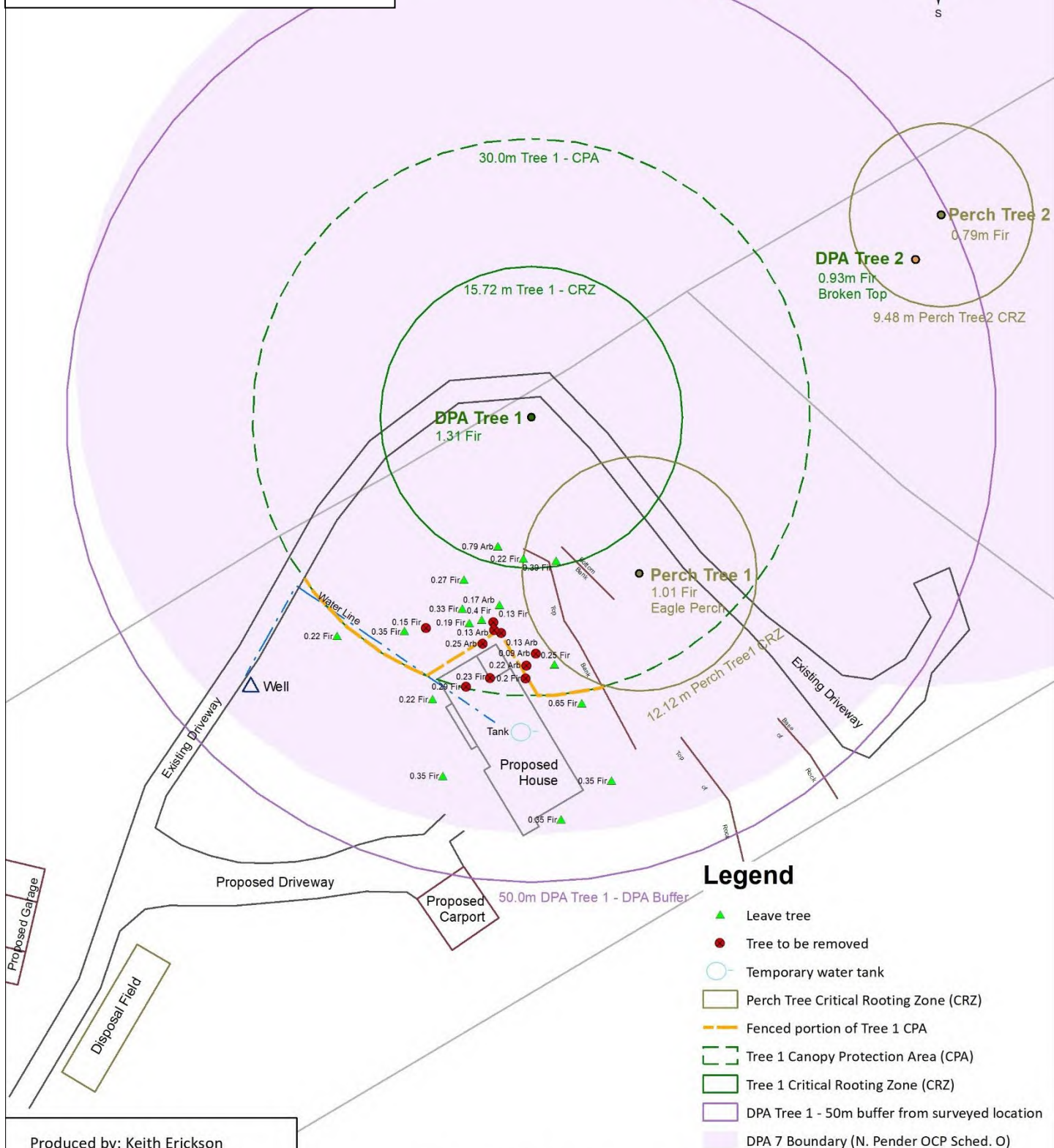


Change ID	Set Date	Change Name
2024-02-09		

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1 of 14 DVP	Sheet title: Issue date: 2024-02-09 Project: House File name: A1 Need Drawn by: heath lansdowne code: bcpc 2018 Part 9	Site address: 5589 Hooson Rd N, Pender Island BC V0N 2M1	Heath Lansdowne Design.ca Heath Lansdowne 5587 Hooson Rd, Pender Island BC V0N 2M1 250-361-8996	Client: Jack & Cindy Froese 29-2188 478 ave, Langley BC V3A 0L3	Logo: [Logo]	Permit: [Permit]
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Map 3: Potential eagle nesting and perching trees and measures for protection



Produced by: Keith Erickson
Map Date: February 12th, 2024
Projection: UTM Zone 10 NAD83
Scale: 1 : 525

All other Linework derived from: Site Plan of: Lot 8, Section 13 and 14, Pender Island, Cowichan District, Plan VIP74671 - Wey Mayenburg Land Surveying Inc. 29 Mar 2023 and, Architectural Site Plan - Heath Lansdowne Design, February 12th, 2024

Evaluation

The site is a partially developed residential property approximately 1.25 hectares in size. The property includes a young Douglas-fir dominated forest stand on a moderate southwest facing slope that extends from Hooson Road, wraps over a rocky, shallow soiled bluff, and then down a northeast facing steep slope towards Plumper Sound. The forest is primarily characterized by a Douglas-fir – salal (CDFmm/01) community but includes small patches of Douglas-fir / Arbutus (CDFmm/02) community on shallow soiled and rocky bluff areas. The stand includes a few dominant, large diameter, old-growth trees. Two of these dominant structures are identified as raptor nesting sites under Development Permit Area (DPA) 7 of the North Pender Island Official Community Plan with their associated DPA locations shown on OCP Schedule O.

The DPA trees are described below with their locations shown on Map 1 and Map 3 above. The digital records of the DPA 7 sites were obtained from the Islands Trust website (<https://islandstrust.bc.ca/mapping-resources/mapping/north-pender/>) and are included on Map 3 along with the surveyed tree locations and other relevant information.

DPA Tree 1 (Associated with DPA Site 1):

DPA Tree 1 is an old-growth Douglas-fir with a diameter at breast height (dbh) of 131cm. The tree is alive and remains intact. The top of the tree is dead and includes several large diameter broken radial branches with a clear view over the surrounding forest canopy to Plumper Sound.

DPA Tree 1 appears to be in reasonable health though it does have a broken top and modest needle dieback on the upper live branches, and abundant cavities in the bark of the lower trunk. There is a driveway that wraps around 2 sides of the tree within 2m of the trunk. The road was established during past logging (several decades ago) but has been recently upgraded and resurfaced with crushed rock.

Despite a high potential, no eagle nest or activity was observed in this tree over the past two nesting seasons. The tree was surveyed from the ground (all angles) on November 8th, 2021, January 31st, 2022, and October 27th, 2023. The tree was surveyed from the air by drone on December 17th, 2021 and on August 12th, 2023 (see Appendix 1 for August 12, 2023 drone report and photos). No nest fragments or debris were observed on the ground in the area around the base of the tree. No whitewash or other indication of regular perching use of the tree was observed. If this tree was actively used as a nesting site in the past, it is possible that the branches supporting the nest have broken since the original study was completed. This possibility seems likely upon observation of the dead broken branches at the top of the tree shown in the drone photos.

Despite not supporting a nest, DPA Tree 1 exhibits many of the characteristics preferred by eagles and other raptors for a nesting site and has potential for future use. An additional large diameter old-growth tree (dbh 101cm) observed in proximity to DPA Tree 1 has potential as a perching / roosting tree. No whitewash or other indication of regular perching use of the tree was observed. Perch Tree 1 was determined not to be suitable for nesting as it has a narrow dead top that lacks large diameter radial branching.



Photo 1 (left) shows the top of DPA Tree 1 looking up from the ground.

Photo 2 (above) shows the top of DPA Tree 1 looking down from above. Note the modest needle dieback on the live branches.



Photo 3 shows the lower portion of DPA Tree 1's trunk in relation to the driveway. Note the fire scars and cavities.



Photo 4 shows the top of nearby Perch Tree 1, an old-growth Douglas-fir that has potential as a perching tree but not as a nest tree.

DPA Tree 2 (Associated with DPA Site 2):

DPA Tree 2 is now a dead standing Douglas-fir snag roughly 15m in height and having a dbh of 93cm. The top of the tree was blown off 3 to 4 years ago and now lies on the ground at its base as large woody debris. This tree no longer provides nesting or perching habitat for eagles, ospreys, or herons. There were no obvious nest fragments observed within the broken top debris on the ground, indicating that this tree was likely not in use prior to becoming a snag.

An additional older Douglas-fir tree with a dbh of 79cm, was observed just down slope from DPA Tree 2 near the property line with Lot 7 to the North. While no nests were observed in this tree, it has potential for use as an eagle perch tree and could be considered a 'recruitment tree' with potential for a nest site as the diameters of the upper branches increase in size over the coming decades. The tree is labeled as Perch Tree 2 on Map 3. No whitewash or other indication of regular perching use of the tree was observed.



Photo 5 shows DPA Tree 2 snapped off with the 'recruitment' tree in the background.



Photo 6 shows the DPA Tree 2's trunk (wildlife marker) and recruitment tree behind right.



Photo 7 shows the DPA Tree 2 snag on the right and the crown of the potential recruitment tree in the center-left.

Description of Land Alteration / Development

Current and proposed development are shown on Map 2 and shown in relation to the DPA Trees and Perch Trees on Map 3.

Current development on the property includes a driveway from Hooson Road that extends along a relatively flat bench around the rocky bluff height of land and terminates at a small clearing at the crest of the steep northeast facing slope overlooking Plumber Sound. The driveway follows the route of an old logging road, likely constructed when the stand was logged roughly 50 or 60 years ago. The driveway was recently improved with the addition of a layer of crushed rock. A portion of the driveway veers off the subject property and onto adjacent Lot 7 and is subject to a registered easement. The driveway bisects the DPA Site 1, coming within 2m of DPA Tree 1's base.

There is a drilled well located alongside the driveway, just inside the DPA Site 1 boundary. A buried water line was installed leading from the well up to the proposed building site, roughly at the high point of the property, where it terminates at a temporary above ground water tank. The buried line was completed with minimal disturbance to soils and was routed around existing trees. The water tank is located inside the footprint of the proposed house.

Development on the property outside of DPA Site 1 includes a small outhouse/shed constructed near the driveway terminus along the southeastern property line (see Map 1 for location) and a waste disposal field near Hooson Road.

The proposed house footprint falls entirely within DPA Site 1 and is approximately 25m (horizontal distance) from the base of the tree at its closest point. The proposed house is approximately 1600 square feet in size. Construction of the house will require the cutting and removal of trees within the proposed excavation footprint and to provide access to the structure from the southeast. Most of these trees are located between 30m and 50m from DPA Tree 1. Ten trees are proposed for removal within 30m of DPA Tree1 (closest at 23m). These include five sub-canopy, small diameter arbutus that are in poor health and two sub-canopy Douglas-fir poles located outside of the proposed excavation footprint along with 3 young Douglas-fir trees in the main canopy within the area to be excavated. The footprint of the proposed building site and related tree and vegetation removal is estimated to account for roughly 5% of the DPA Site 1 area.

Driveway access, a carport, a garage, power infrastructure, and wastewater services along with additional tree clearing associated with these developments will be primarily located outside of the DPA Site 1 boundary to the southwest, with the exception of approximately 1m² of the proposed garage and 35m² of the driveway.



Photo 8: Looking downhill from the height of land shows the driveway and the clearing at its terminus along with the small outhouse/shed constructed along the property line.



Photo 9: Looking northwest along the driveway with Tree 1 in the background. The driveway veers to the southwest (and onto the neighbouring Lot 7) around the base of Tree 1.



Photo 10: Shows the route of the buried water line (bright blue) with the wellhead located in the top left of the photo with an orange cone on top. The blue flagging on the right of the photo roughly indicates the northern edge of the proposed house.



Photo 11: Shows the small temporary water tank located within the footprint of the proposed house. The buried water line is to the left of the tank.



Photo 12: Shows the 10 trees to be removed (marked with red dot) from within the 30m of DPA Tree 1.



Photo 13: Shows crown dieback (circled in orange) and poor health of arbutus slated for removal.

Impact Assessment

Impact to nesting sites:

There are no established (both active or inactive) eagle, osprey, or great blue heron nesting sites within the identified DPA Site 1 and DPA Site 2 areas.

- DPA Tree 1 does not contain a nest. If a nest existed at one time, it was blown out of the top of the tree and has not been re-established.
- The top half of DPA Tree 2 was blown off in a windstorm leaving a roughly 15m tall, branchless snag. Tree 2 no longer provides eagle, osprey, or heron nesting habitat and does not support values associated with DPA 7.

Impact to health of identified eagle nest trees and perch trees:

Despite not supporting a nest or showing any indication of use such as whitewash at its base, DPA Tree 1 does continue to have high potential as a future nesting site and certainly as a perching site.

Two additional large diameter, mature Douglas-fir trees identified on the property are assessed to have high potential for use as perching sites. Perch Tree 2, a 79 cm diameter, mature Douglas-fir also has the potential to develop the preferred characteristics of an eagle nest tree in the decades to come.

The proposed development will not directly impact the health of any of the identified potential perching and/or nesting trees. The proposed house and services are sited well outside of the rooting zones associated with any of the subject trees and a buffer of native forest canopy will be retained.

Additionally, access to the proposed development is from the southwest, beyond the 50m DPA Site 1 buffer, with the existing driveway route that bisects the DPA not required for regular residential use.

The agent to the owner has indicated that the portion of the existing driveway that bisects the DPA Site 1 and skirts the bases of DPA Tree 1 and Perch Tree 1 will be used occasionally to access the clearing and view at its terminus (personal communication, Heath Lansdowne, October 27th, 2023). While the subject trees have likely adapted to the road and related soil compaction over the past decades, ongoing use and maintenance may pose a threat to their health. More specifically, the trees are likely vulnerable to any potential expansion of the width of the driveway, removal of vegetation and soil disturbance along the margins of the driveway, and any digging below the surface of the road or adjacent to the roadbed.

This report acknowledges that use of the existing driveway infrastructure is permitted through North Pender Island OCP Development Permit Exemptions 5.2.8.4 m), which states that the following activity is exempted:

“The repair and maintenance of existing roads, driveways, paths and trails, provided there is no expansion of the width or length of the road, driveway, path or trail, and no creation of additional impervious surfacing, including paving, asphaltting or similar surfacing.”

Impact on the potential for nesting use:

The property is located in an established residential neighbourhood on Hooson Road. The introduction of ongoing residential use and activity on the property, along with established use on neighbouring properties may act as a deterrent to future use of the identified trees by eagles for nesting. Eagles are known for their ability to create new nest sites in proximity to a variety of anthropogenic conditions including residential uses in urban areas, directly adjacent to roads and highways, or to trails with intensive recreational use.

The ongoing disturbance from the proposed residential use will be located approximately 25m from DPA Tree 1 at its closest point. This is closer than existing and longstanding residential use on neighbouring properties where houses (and related development) on Lots 6 and 9 are roughly 60m and 55m away from Tree 1 respectively.



Figure 1 The 2021 air photo shows neighbouring properties to Lot 8 and associated development and clearing.

This report focuses on minimizing impacts of development to future potential use of the area by nesting eagles and other raptors through the prevention of direct damage to the identified habitat trees and by maintaining a buffer of interlocking forest canopy and natural vegetation around them.

It is noted that construction beyond 30m from the base of a nest tree is permitted with limitations through North Pender Island OCP Development Permit Exemption 5.2.8.4 d), which states that the following activity is exempt from any requirement for a development permit:

“d) in the case of eagle nest trees, construction activities more than 30 metres from the base of the nest tree between the dates of August 16th and January 14th.”

It is also noted that the North Pender Island OCP section 5.2.8.4 k) exempts:

“k) the removal of trees or vegetation minimally necessary for the construction of any of the uses, buildings or structures exempted from the requirement for a development permit;”

The portion of the proposed house that lies within the 30m buffer around DPA Tree 1 is approximately 280 square feet in size. The house has been sited in a manner that minimizes the number of trees required for removal within the 30m buffer. Additional impacts to the quality of the nesting habitat

resulting from the encroachment of the 280ft² portion of the house into the 30m buffer are estimated to be negligible, given adherence to the recommended measures in this report.

Seven sub-canopy trees (5 arbutus, 2 Douglas-fir) and three main canopy Douglas-fir trees are proposed to be removed from within the 30m buffer. The sub-canopy trees are in poor health with significant crown dieback observed and are relatively small in diameter (less than 15cm) with limited wildlife value as dead standing snags. Their removal will have no significant impact on the canopy or vegetation screening between the house and the potential nesting tree and perching trees. The main canopy, young Douglas-fir trees have diameters of 20cm, 23cm, and 29cm. They are located 28m, 29m, and 30m from DPA Tree 1 respectively. Given the protection of all other trees within the 30m buffer along with the location of the proposed removal trees along its outer edge, additional impacts to canopy screening of DPA Tree 1 are minimal.

There is a cluster of leave trees on the ridge approximately 3m to the north of the proposed house footprint that will require measures to ensure their root systems are not damaged by the excavation and construction of the foundation.

Once the house is constructed, ongoing management of the surrounding forest may include the removal of danger trees from time to time, which may further impact the contiguity of the interlocking canopy around DPA Tree 1. It is noted that North Pender Island OCP section 5.2.8.4 exempts:

“i) the removal of dangerous trees posing an immediate threat to life or property;”

Measures

1. Protect DPA Tree 1 and the two identified perching trees from impacts related to development.
 - a. Establish a ‘critical rooting zone’ (CRZ) around DPA Tree 1 where no disturbance to trees, vegetation, or soil may occur. For the purposes of this report the CRZ is determined using a 1 to 12 ratio or 12cm of buffer radius for every 1cm of diameter at breast height (dbh of 100cm = 12m protected radius around the tree). The CRZ boundaries may be adjusted in accordance with a certified arborist report.
 - b. Do not cut or remove perching trees. Establish a ‘critical rooting zone’ (CRZ) around DPA Tree 1 where no disturbance to trees, vegetation, or soil may occur. For the purposes of this report the CRZ is determined using a 1 to 12 ratio or 12cm of buffer radius for every 1cm of diameter at breast height (dbh of 100cm = 12m protected radius around the tree). The CRZ boundaries may be adjusted in accordance with a certified arborist report.
 - c. Required maintenance for the existing driveway surface (as surveyed) is excluded from requirements (a) and (b) above. However, any maintenance activity should avoid widening the driveway and/or excavating below its surface to minimize impacts to the rooting zone (within the CRZ boundaries). This measure may be adjusted in accordance with a certified arborist report.

2. Prior to commencement of construction, a QEP should be consulted to determine that no new nest site has been established in DPA Tree 1.
3. Prior to commencement of construction, establish a 30m radius buffer or 'canopy protection area' (CPA) around DPA Tree 1 and flag or otherwise clearly mark the boundary on the ground.
4. During site preparation and construction, minimize access to the CPA by establishing temporary fencing along its border (in the vicinity of the works roughly from the top of bank to the well), skirting the edge of the proposed footing excavation where it encroaches into the CPA.
5. Protect the health and integrity of the interlocking forest canopy surrounding DPA Tree 1 by retaining all trees within the CPA, with the following exceptions:
 - a. The removal of ten trees specified on MAP 3 and shown in photographs 12 and 13.
 - b. The removal of dead, dying, or suppressed Douglas-fir up to 12.5cm in diameter at breast height (1.3m) to meet potential fire risk reduction objectives within the 'canopy protection area'.
 - c. The removal of dangerous trees posing an immediate threat to life or property as determined by a certified arborist.
6. Minimize disturbance to the native vegetation and to the soils within the 30m radius CPA:
 - a. Ensure excavation of the portion of the house site occurring within the CPA is constrained to the minimum area practically required to establish the footings and foundations.
 - b. Use an individual pad foundation for the "covered patio" (as shown on MAP 2) portion, rather than a continuous foundation. Individual pad(s) should be located on exposed or moss-covered bedrock where possible and should avoid damage to soils inhabited by the root systems of nearby protected trees (see photo 14).
 - c. No storage of construction materials, piles of excavated soil/rock, fill materials, excavator/machine use, or staging/work areas may be located within the CPA, except within the excavated footprint of the house.
7. Retain a natural forest canopy and protect native understorey vegetation as much as practically possible, within areas from 30m to 50m from the base of DPA Tree 1:
 - a. Minimize tree cutting and vegetation clearing required for access by machinery and workers to the proposed construction site, to provide connections to services, and for the construction of the building.
 - b. Avoid storage of construction materials, piles of excavated soil/rock, or fill materials in this area.
8. Should a raptor nest become established in DPA Tree 1 or in one of the identified perching trees prior to the commencement of site clearing and construction, the following construction management measures should be followed during nesting and fledging periods (between January 14th and August 16th):
 - a. No construction activity may occur within the DPA including the operation of large equipment (ie. excavators, cement trucks etc.).
9. All contractors and construction personnel are to be notified of the location of the DPA and the conditions of this permit by providing copies to the contractor.

DPA Checklist

OFFICE USE ONLY

File No: _____

RAPTOR AND HERON NEXT DEVELOPMENT PERMIT AREA (DPA 7)			Office Use only
	Information and Documentation Required	✓	
Site Plan	Professionally prepared plan at an appropriate scale and based on a legal survey, containing the following:	✓	
	The proposed development and associated features	✓	
	The natural boundary of the sea	n/a	
	The development permit area boundary	✓	
	Existing buildings and structures	✓	
	Roads and driveways	✓	
	Significant features identified in the site inventory, including the nest tree	✓	
	Where development would occur on slopes exceeding 20% grade: site profiles and cross sections demonstrating terrain conditions prior to disturbance	n/a	
Evaluation	An evaluation for the site and the current status of the nest tree, following current best practices.	✓	
Development Proposal	A description of the proposed development detailing construction, cut and fill, blasting, road or driveway construction, vegetation clearing or trimming, alteration to hydrological systems, alterations affecting the marine foreshore, septic field installation, landscaping, or other land alteration during or after the development phase. Alternative development options.	✓	
Impact Assessment	An assessment of the nature and extent of the impact of the proposed development on the nesting site, consisting of anticipated impacts stemming from the construction phase, the intended long-term use of the site, and any cumulative impacts of development in the area.	✓	
Measures	A description of all measures to limit, mitigate and manage the impacts of the development on the nesting site.	✓	
	A description of feasible mitigation measures and their anticipated effectiveness in maintaining the health and function of nesting site.	✓	
	Any recommended measures to restore or enhance the health of the nesting site.	✓	

Appendix 1: August 12, 2023 Drone Report and Photos



29 – 21858 47B Ave.,

Langley, BC

V3A 0L3

778.918.4917

jack@firstlightds.ca

Heath Landsdowne Design

Heath Landsdowne

5587 Hooson Rd.,

Pender Island, BC

VON 2M1

heathldesign@icloud.com

November 24, 2023

Subject: Photo of Eagle Tree on Lot 8, Hooson Rd., Pender Island

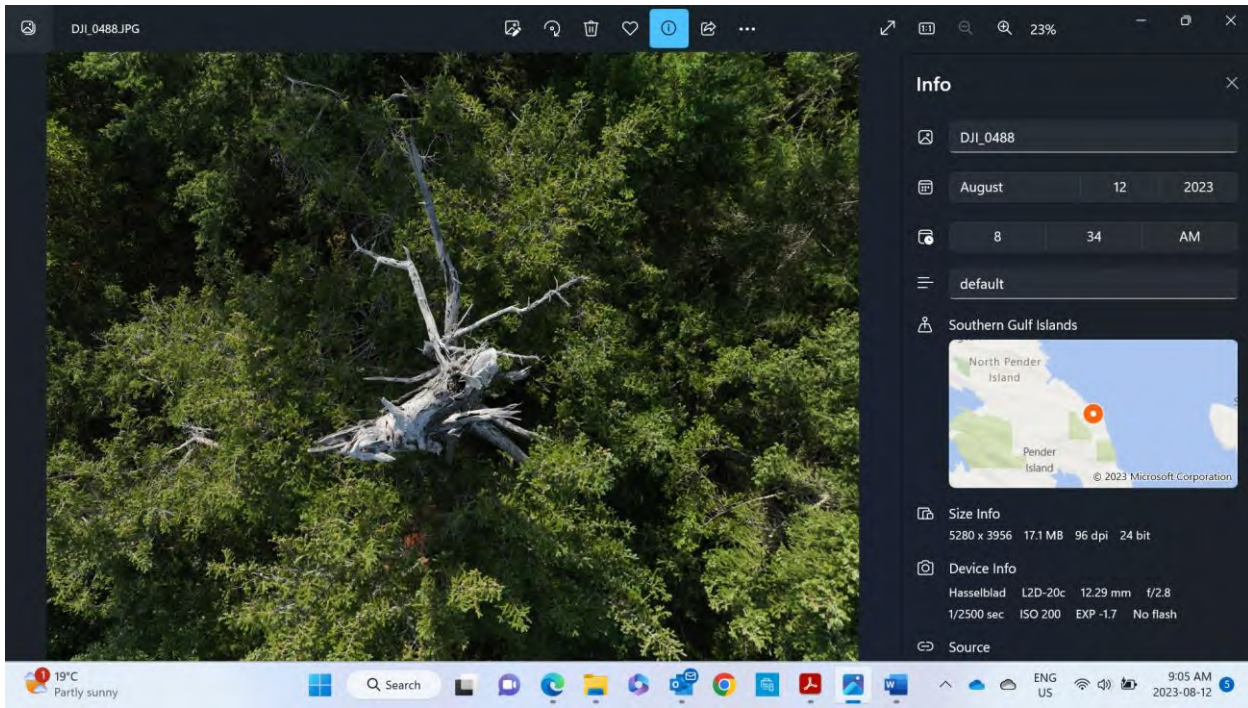
Dear Mr. Landsdowne,

On August 12, 2023, at 0834 hours I took a photo of the top of Tree 1 in a similar orientation to the original photo of the top of Tree 1 in the original report prepared by Mr. Erickson. The photo is attached to this letter along with the data showing date and time of the photo.

I am a qualified pilot for advance operations with a Remote Piloted Aircraft System (RPAS) and owner of First Light Drone Services. The flight was conducted under Nav Canada regulations and an approved flight plan. I am a co-owner of the subject property and would recommend that this letter be forwarded to Mr. Erickson for his review and opinion as a qualified biologist if required.

Sincerely,

Jack Froese

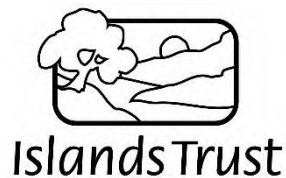


Screen shot showing date and time data for Tree 1. Photo of Tree 1 below.



DPA 7 - Raptor Nest Development Permit Area Guidelines Checklist

Guideline	Comments
Avoid disturbance of occupied nesting, roosting and feeding sites.	Biologist's Report confirms no active or abandoned nests. Siting and measures minimize impacts on one viable nesting tree and perching trees
Retain existing natural habitats suitable for raptors and herons, such as potential or currently unoccupied nesting trees, perches, roosting trees, snags, and trees with cavities.	Yes – measures for protection of Critical Root Zone (CRZ) and Canopy Protection Area (CRA)
Where possible retain groups of trees rather than isolated single trees to provide an inter-locking canopy.	Complies (above)
Maintain an effective buffer of undisturbed vegetation around nest sites. Larger buffer areas may be suitable on larger lots; lesser buffer areas may be suitable in areas of longstanding development, on small lots and where on-going activity has habituated birds to human presence.	Complies (above)
Locate new trails, buildings and roads away from nesting, roosting and foraging areas.	No new roads - existing driveway to be maintained at current width.
Consider restoration or enhancement of key habitat features where they have been disturbed.	Voluntary measures for removal or non-native/invasive species and planting of native species.



**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT NP-DP-2023.5**

To: Stanley Froese and Cindy Savoy

1. This Development Permit (the "Permit") applies the land described below and all buildings, structures and other developments therein:

LOT 8 SECTION 13 AND 14 PENDER ISLAND COWICHAN DISTRICT PLAN VIP74671
PID: 025-568-876

2. This Development Permit NP-DP-2023.5 authorizes the construction of a dwelling unit, limited tree removal and driveway maintenance as indicated in Schedule 'A' within **Development Permit Area ('DPA') 7 – Raptor Nests**, subject to the following requirements and conditions:

Pre-Development

- a. Prior to the commencement of any land alteration or construction:
 - i. A Qualified Environmental Professional (QEP) should be hired to monitor the development and determine that no new nest site has been established in DPA Tree 1, as shown on Schedule 'A' attached to and forming part of this permit; and,
 - ii. The QEP shall also verify that all protection zones and measures required in the conditions of this Permit have been established on the subject property.
- b. Should a raptor nest become established in DPA Tree 1 or in one of the identified perching trees prior to the commencement of land alteration or construction, there shall be no construction activity within the DPA including the operation of large equipment and machinery (i.e. excavators, cement trucks etc.) for the duration of the annual nesting and fledging period (January 14th to August 16th)

Nesting Tree Protection – Critical Root Zone

- c. To protect DPA Tree 1 and the two (2) identified Perching Trees from impacts related to development 'Critical Rooting Zones' (CRZs) shall be established as shown on Schedule 'A' and as follows:
 - i. A 15.72 metre radius CRZ around DPA Tree 1;
 - ii. A 12.12 metre radius CRZ around Perch Tree 1; and,
 - iii. A 9.48 metres radius CRZ around Perch Tree 2.
- d. Within the established CRZs:
 - i. There shall be no disturbance to trees, vegetation, or soil;
 - ii. Required maintenance for the existing driveway surface is permitted as surveyed and shown on Schedule 'A'; and,

- iii. The driveway shall not be widened or excavated below its surface within the within the CRZ boundary.
- e. The boundary of the CRZ and the width of the driveway within the CRZ shall only be amended based on the recommendations of a certified arborist's report and verified by a QEP.

Nesting & Perching Tree Protection – Canopy Protection Area

- f. To protect the health and integrity of the interlocking forest canopy, native vegetation and soils surrounding DPA Tree 1, prior to commencement of construction, a 'Canopy Protection Area' (CPA) buffer area shall be established within a 30 metre radius around DPA Tree 1 as shown on Schedule 'A'.
- g. The CPA shall be delineated with flagging or otherwise clear marking of the boundary on the ground.
- h. During site preparation and construction, access to the CPA shall be limited by establishing temporary snow or other clearly visible fencing along its border as shown on Schedule 'A'.
- i. The two (2) perching trees as shown on Schedule 'A' shall not be cut or removed.
- j. All trees within the CPA shall be retained except for the following:
 - i. The removal of the ten (10) trees identified as shown on Schedule 'A' ;
 - ii. The removal of dead, dying, or suppressed Douglas-fir up to 12.5cm in diameter at breast height (1.3m) to meet potential fire risk reduction objectives within the CPA; and,
 - iii. The removal of dangerous trees posing an immediate threat to life or property as determined by a certified arborist.
- k. Disturbance to the native vegetation and soils within the CPA shall be minimized as follows:
 - i. Ensure excavation of the portion of the house site occurring within the CPA is limited to the minimum area practically required to establish the footings and foundations;
 - ii. Use an individual pad foundation for the "covered patio" shown on Schedule 'A', rather than a continuous strip foundation;
 - iii. Individual pad foundation(s) should be located on exposed or moss-covered bedrock where possible and should avoid damage to soils inhabited by the root systems of nearby protected trees; and,
 - iv. There shall be no storage of construction materials, piles of excavated soil/rock, fill materials, excavator and machines, or staging/work areas, nor the use of excavators or machines within the CPA, except within the excavated footprint of the dwelling as shown on Schedule 'A'.

Remaining Development Permit Area

- l. Within the area from 30 m to 50m of the base of DPA 1 Tree, the retention of the natural forest canopy and native understory vegetation shall be protected as much as is practically feasible by the following measures:
 - i. Minimize tree cutting and vegetation clearing to that required for access by machinery and workers to the proposed construction site, to provide connections to services, and for the construction of the building; and,
 - ii. Avoid storage of construction materials, piles of excavated soil/rock, or fill materials in this area.

- m. The ongoing removal of invasive plant species (particularly Scotch broom) is encouraged within the DPA and the remainder of the property to prevent its continued spread and improve the quality of natural areas.
- n. Landscaping and restoration of natural areas outside the DPA should be conducted using only native plant species.

Construction Management

- o. All construction personal and hired contractors shall be notified of the location of the DPA, the CRZ and the CPA, and be informed of the conditions of this permit by providing copies of this permit on site.
- p. Any soils exposed for prolonged periods (i.e., greater than 2 weeks) shall be covered and maintained by tarping or hydromulch (without seed mixture).
- q. Prior to entering the property, any hired contractors should wash and inspect their equipment and vehicles to ensure they do not transport invasive plant species seeds onto or off the property.
- r. The lightest feasible machines and equipment should be utilized to minimize impacts.

Monitoring

- s. Monitoring and guidance is to be conducted by the QEP who shall be a registered professional biologist (R.P. Bio.) to ensure that all pre-construction, protection and construction management conditions herein have been met to the satisfaction of the QEP.
 - t. The monitoring QEP shall prepare and submit to the Islands Trust written confirmation of compliance with all conditions with this permit as issued within one (1) month of the development work being completed.
- 3. Any further development within designated Development Permit Areas will require a new Development Permit, or a Development Permit Amendment.
 - 4. The area described herein shall be developed in accordance with the terms, conditions and provisions of this Permit, and any plans and specifications attached to this Permit, which shall form a part thereof.
 - 5. This permit does not relieve the applicant from complying with the provisions of the North Pender Island Land Use Bylaw unless varied by this Permit.

This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of North Pender Island Land Use Bylaw No. 224, 2022 and to obtain other approvals necessary for completion of the proposed development.

**AUTHORIZING RESOLUTION PASSED BY THE NORTH PENDER ISLAND LOCAL TRUST COMMITTEE THIS
##TH DAY OF MONTH, 202#.**

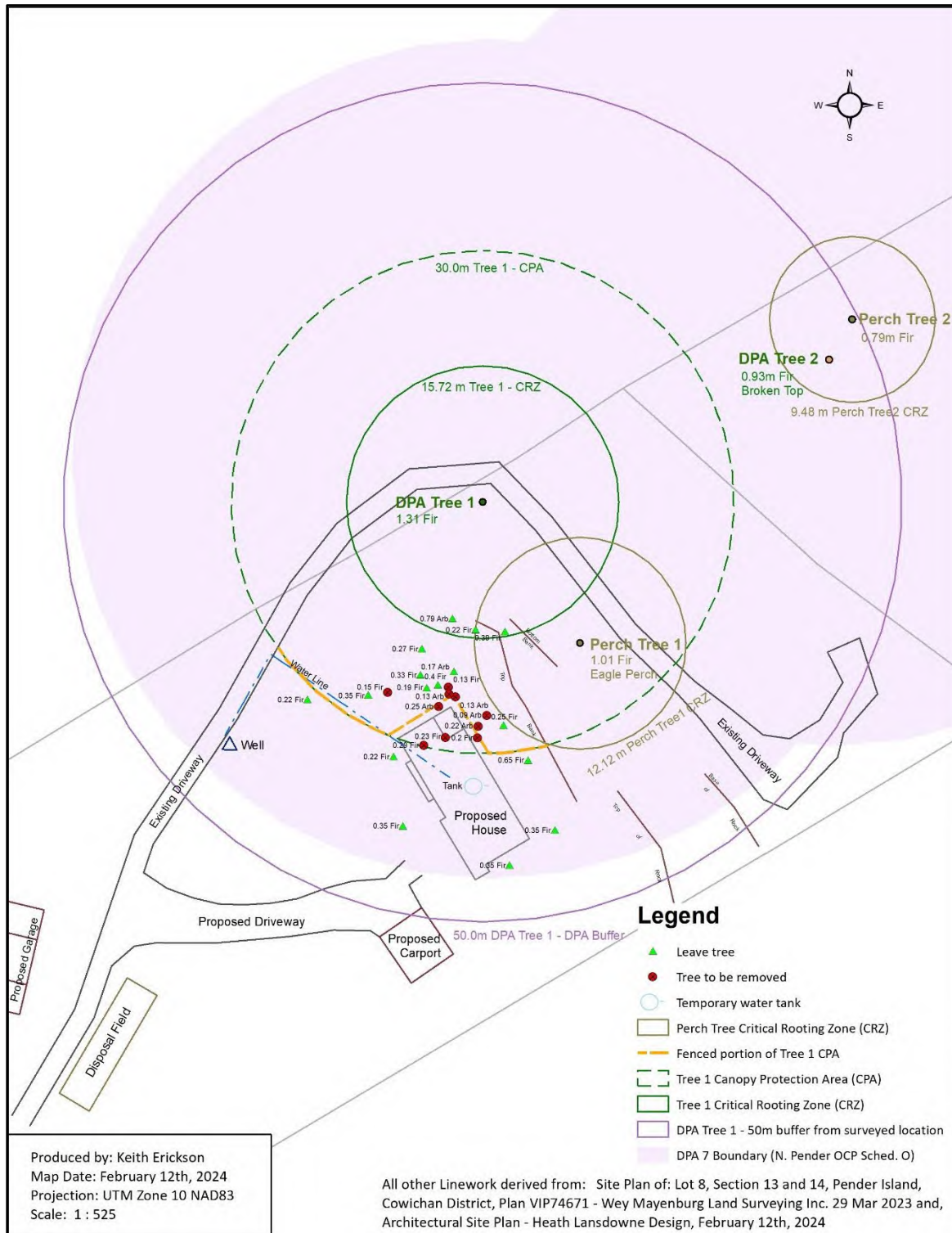
Deputy Secretary, Islands Trust

Date of Issuance

IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE ##RD DAY OF MONTH, 202#, THIS
PERMIT AUTOMATICALLY LAPSES.

DRAFT

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT PERMIT NP-DP-2023.5
SCHEDULE 'A'
Site Plan



DATE OF MEETING: February 23, 2024
TO: North Pender Island Local Trust Committee
FROM: Phil Testemale, Planner 2
Southern Team
COPY: Brad Smith, Island Planner
SUBJECT: Development Permit Application
Applicant: Nicholas Bardon and Mikayla Troke
Location: 377 Evergreen Lane, Sidney Island

RECOMMENDATION

1. That the North Pender Island Local Trust Committee approve issuance of Development Permit NP-DP-2024.1 (Bardon)

REPORT SUMMARY

The purpose of this report is to consider a Development Permit (DP) application.

The application is to permit development and land alteration within the **Sidney Island Geotechnical Development Permit Area (DPA)** on the property. Specifically, it would permit construction of a dwelling up to 10m into the geotechnical hazard Area 'B' based on a submitted geotechnical hazard assessment of the site.

BACKGROUND

The application has been made in advance of a Building Permit Review and is for the purpose of constructing a single family dwelling and minimal tree removal¹

In the applicant's words, they are requesting that the dwelling be sited within the DPA as shown in Figure 2 for the following reasons:

- 1) Preserve mature second growth including mature Arbutus, Douglas-fir and Western Red Cedar on the rear of the property.
- 2) Remove some of the over-planted trees to reduce fire hazard and promote natural understory growth.
- 3) Locate the home in an area conducive to the use of solar panels, the sole power source.

¹ Trees with a trunk diameter over 0.20 m measured 1.5 above the ground requires a permit in Sidney Island Geotechnical Area 'B'.

The application would permit the work within DPA Area B up to 10 metres to the southwest of the existing Area 'B' boundary line. The building site is predominately populated with smaller diameter trees.

The majority of the property is relatively flat with a moderate slope from the northwest to southeast across the width of the property. The crest of slope lies approximately 4-6 metres from the southwest property line and from there the land descends near vertical to the abutting common property area (Islands Trust Conservancy covenant area - below). The slope then continues at approximately 45 degrees to the toe of slope on the foreshore with some localized, flatter areas. The upper area is undeveloped and largely forested with some mature tree cover with a small driveway area in the northeast corner of the property. It is noted that the historical reforestation and the subsequent lack of thinning of this area of the island has led to "crowding" of the understorey with smaller trees that can represent a fire hazard if unmanaged.

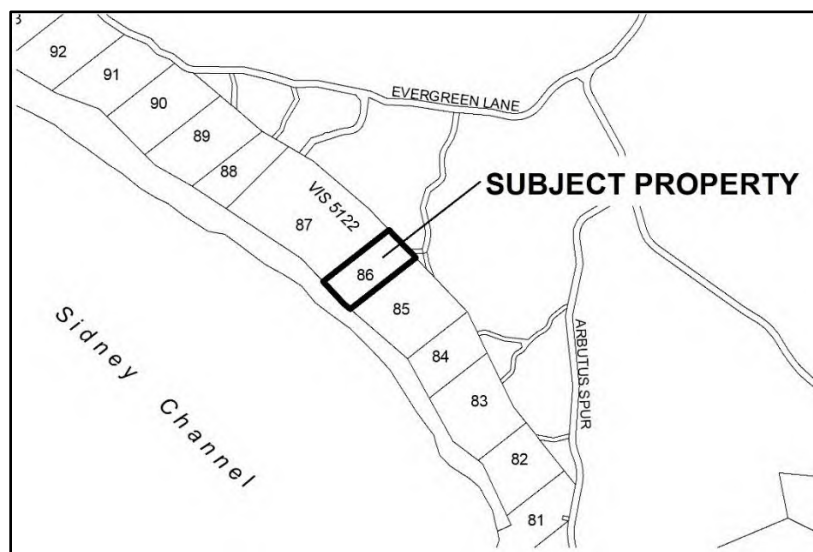
The applicants purchased the undeveloped property in May of 2023. The previous owner had cut down a few trees as shown in Attachment 2.2. They have taken down some small diameter trees (some dead) within the building site and driveway. The proposed development is a modest 82.5 m² (888 ft²), single-storey dwelling (Attachment 2.1). Further tree removal would be limited and be under the supervision of an Arborist. The applicants do not plan on building any other structures in the current DPA.

A geological hazard assessment was submitted (Attachment 3) which includes a guidelines checklist and a site plan. In summary, the report and its recommendations complies with the DPA Guidelines.

Owing to the location, staff have not visited the subject property.

The proposed Development Permit NP-DP-2024.1 (Bardon) is Attachment 4.

Figure 1 – Subject Property



ANALYSIS

Policy/Regulatory

Islands Trust Policy Statement:

Applicable ITPS statements:

3.4.4 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of sensitive coastal areas

3.4.5 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for and regulation of development in coastal regions to protect natural coastal processes

5.2.6 Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of areas hazardous to development, including areas subject to flooding, erosion or slope instability, and strategies to direct development away from such hazards.

The proposal is supported by the above ITPS policies.

Official Community Plan:

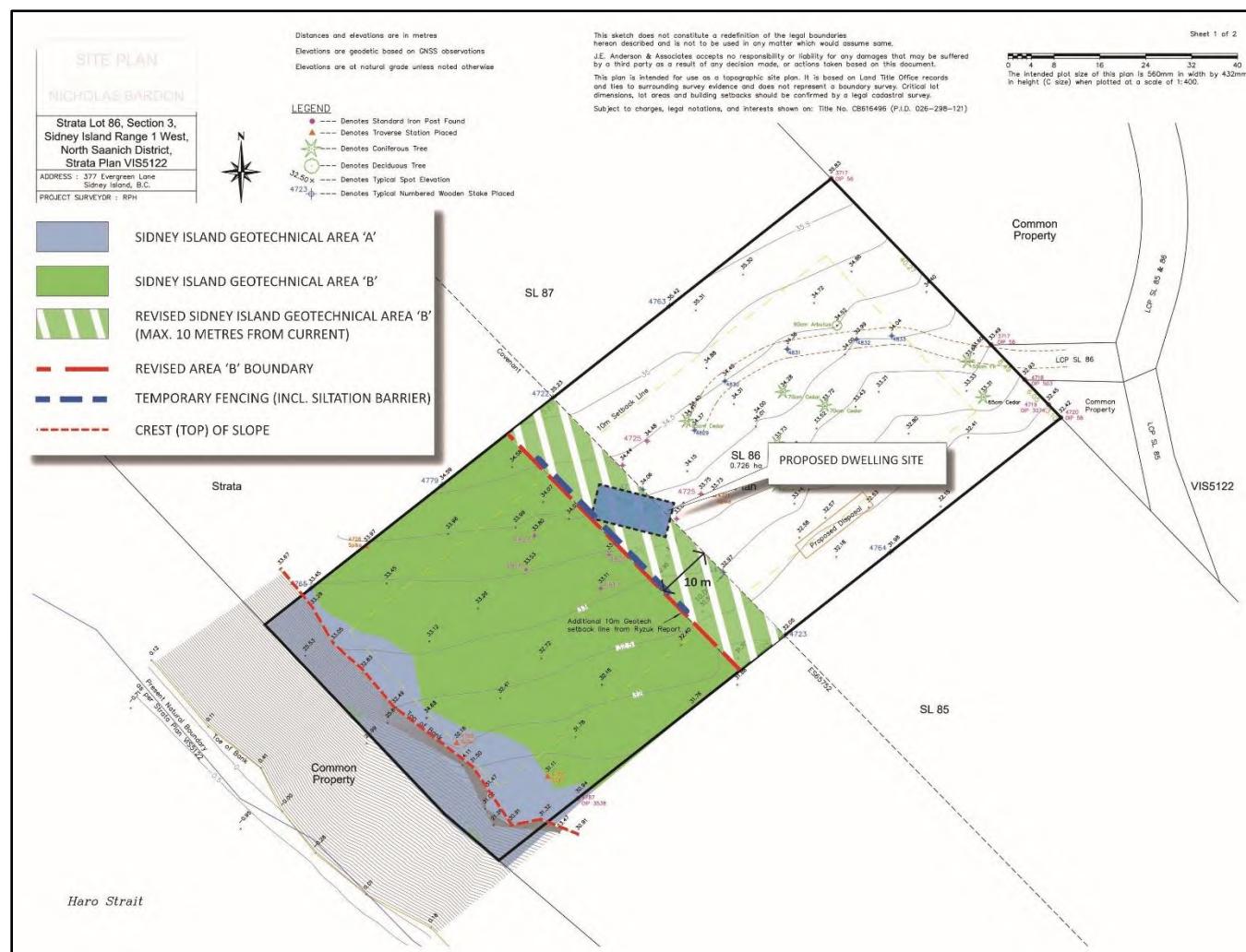
The property is designated **Residential - R** in the North Pender Associated Islands Official Community Plan No. 147, 2002.

The Sidney Island Geotechnical Development Permit Area (**Geotechnical DPA**) and the Sidney Island Shoreline is designated on the subject property (see Figure 2 and Attachment 1). The Shoreline DPA is not designated on this property.

Land Use Bylaw:

The property is zoned as **Sidney Island Comprehensive Development Zone 2 (CD2)** in the North Pender Associated Islands Land Use Bylaw No. 148, 2003 (LUB - Attachment 1). The proposed siting of a dwelling, septic field (outside of DPA) and infrastructure complies with the LUB

Figure 2 – Site Plan



Issues and Opportunities

Sidney Island Geotechnical DP- General

The objectives of the designation of the DPA are threefold:

- To protect the shoreline banks from development activities which exacerbate the natural erosion process;*
- To limit development in hazardous areas susceptible to erosion; and*

To preserve the integrity of coastal processes and reduce cumulative impacts to the coastal shoreline.

The Geotechnical DPA is designated for the protection of development from hazardous conditions. The DPA coincides with a covenant (ES65752) that was registered at the time of subdivision of the island based on a report by Levelton Engineering.

The DPA has two components, the shoreline banks ('Area A') and relatively level upland areas (Area 'B') above and beyond the crest of the shoreline banks (Figure 2). The Exemptions and Guidelines for considering issuance of a DP are different for the two areas.

The applicants have submitted a Geotechnical Report to the Islands Trust. That report analyzes the Levelton report, undertakes a slope regression analysis based on erosion of the slope toe and/or from a seismic event, the geological conditions (makeup and slope) of the subject property, and the proposed development, including tree removal and site drainage. The report concludes with the professional opinion that:

"Based on the above, we conclude that a single family residence can be constructed near the center of the site, southwest of the existing geotechnical covenant, without being at risk of seismic or erosion based slope regression. It is recommended that the proposed residence be constructed no further than 10 m southwest of the current geotechnical covenant line..." (p. 2).

Further, they state:

"We expect the removal of select trees within area 'B' of the DPA would not result in a significant change to the existing slope stability conditions, provided tree removal is carried out by a qualified arborist, ground disturbance is limited during removal, and the stump and root plates of trees outside of the proposed residence footprint are left in place..." (p. 2-3)

Sidney Island Geotechnical DP- Guidelines

The Geotechnical Report attaches a checklist that assesses and certifies compliance for each of the applicable DP Guidelines for the proposed development. It also provides the above recommendations for tree removal, minimizing disruption of existing vegetation and storm drainage management. All recommendations have been incorporated as conditions of the proposed DP.

Based on the foregoing and attached, it is staff's opinion that the application has met all of the applicable Guidelines for the DPA.

Consultation

There is no public or agency consultation regularly associated with a Development Permit application. In addition, there is no statutory notification required.

The property abuts (is upland from) the Islands Trust Conservancy (ITC) Sandbanks Conservation Covenant (Attachment 1). Under Policy 3.1 the application was referred to the ITC for information. They have responded with no concerns, but recommended that the owners be reminded of the covenant and the need to comply with the terms. Staff have forwarded a copy of the covenant to the owners.

First Nations

With respect to the potential for archaeological material to be found on the property during the proposed development, the Islands Trust reviews all applications to ensure the preservation and protection of cultural heritage, archaeological sites, and ancestral places. As reviewed, the application is consistent with respect to LTC Standing Resolutions on reconciliation. Notwithstanding, to provide applicants with awareness regarding unknown archaeological areas, staff have forwarded the Islands Trust Chance Find Protocol and the provincial Archaeological Branch guidelines as per the *Heritage Act* directly to the applicants.

Rationale for Recommendation

The recommendation in support of approving issuance of the DP is based on the analysis of relevant policies and regulations, and, in particular DPA guidelines. In summary:

- The application is based on a professional geotechnical assessment which meets all of the relevant objectives and guidelines for the DPA; And
- All recommendations of that assessment have been incorporated into the proposed DPA.

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. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request.

Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee request that the applicant submit to the Islands Trust _____.

2. Deny the application

The LTC may deny the application. If this alternative is selected, the LTC MUST state the reasons for denial.

Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee deny application NP-DP-2024.1 (Bardon) as it is not consistent following guideline(s) _____.

NEXT STEPS

Submitted By:	Phil Testemale, Planner 2	February 12, 2024
Concurrence:	Robert Kojima, Regional Planning Manager	February 13, 2024

ATTACHMENTS

1. Site Context
2. Maps, Plans, Photographs
3. Geotechnical Assessment - Ryzuk Geotechnical (September 1, 2023)
4. Proposed Development Permit NP-DP-2024.1 (Bardon)

ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	Strata Lot 86, Section 3, Sidney Island, Range 1W, North Saanich District, Strata Plan VIS5122
PID	026-298-121
Civic Address	377 Evergreen Lane, Sidney Island
Property Size	0.72 ha (1.79 acres)

LAND USE

Current Land Use	Vacant property  <i>Orthophoto</i>
Surrounding Land Use	Residential , Conservation Covenant Area (Common Property) and Forestry 1 (Common Property)

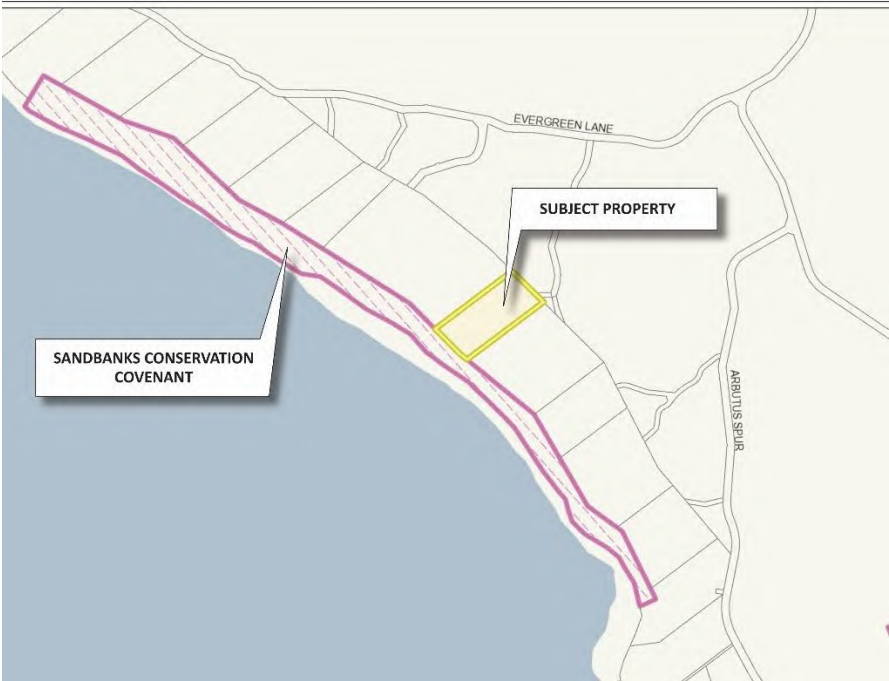
HISTORICAL ACTIVITY

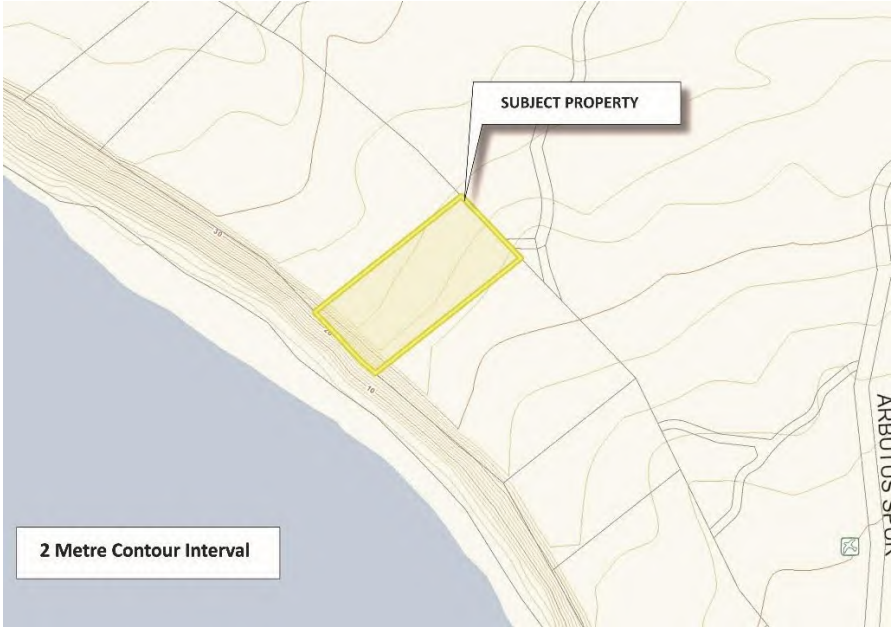
File No.	Purpose
N/A	

POLICY/REGULATORY

Official Community Plan Designations	Designated as Residential – R in the North Pender Associated Islands Official Community Plan No.147, 2002 The Sidney Island Geotechnical Development Permit Area (DPA) is designated on the property:  <i>DPA</i>s
Land Use Bylaw	Zoned as Sidney Island Comprehensive Development (CD2) in the North Pender Associated Islands Land Use Bylaw No.148, 2003  <i>Zoning</i>
Other Regulations	The property is part of the Strata Plan VIS5122 Council
Covenants	Adjacent Sandbanks Covenant (<i>see below</i>)
Bylaw Enforcement	N/A

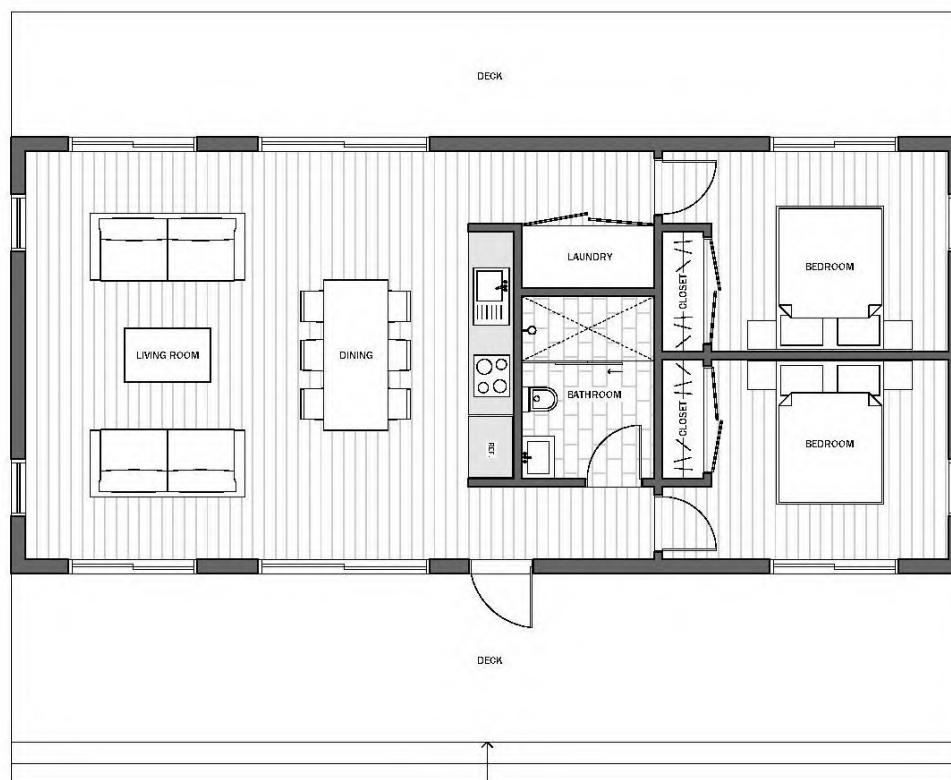
SITE INFLUENCES

Islands Trust Conservancy	The application was referred to ITC staff for information under Policy 3.1 as the property abuts Sandbanks Conservation Covenant. Responded with no concerns and a request (See report, under 'Consultation')  <i>Conservation Covenants</i>
Regional Conservation Strategy	This application has no considerations for the Regional Conservation Plan.
Species at Risk	None listed.
Sensitive Ecosystems	There is no development proposed in or in proximity to the shoreline DPA (15 metres from the Natural Boundary of the Sea).

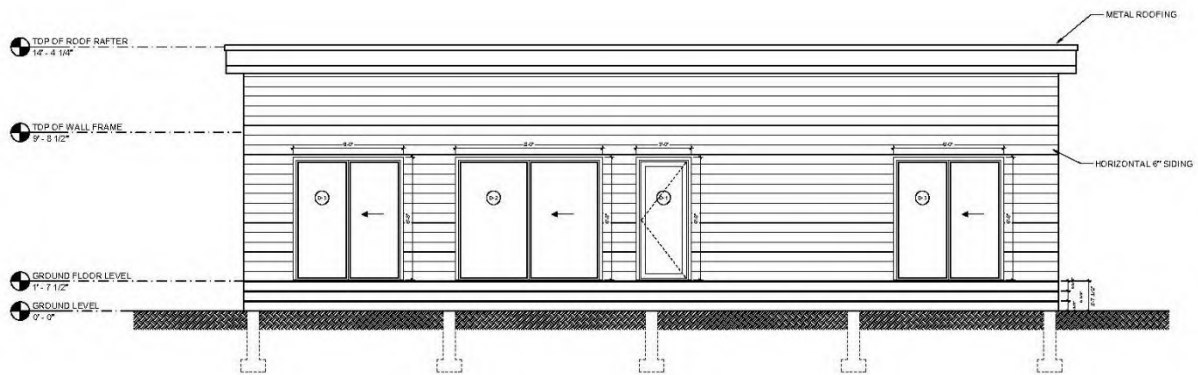
Hazard Areas	The Sidney Island Geotechnical DPAs A and B are designated for the protection of development from hazardous conditions.  2 metre contours
Archaeological Sites	No known sites or potential within 300 metres of property (See report under 'First Nations')
Climate Change Adaptation and Mitigation	GHG emission changes are linked to allowable density on the property and will not change with approval of the DPA. The submitted Geotechnical Report confirms that the development will be safeguarded from climate change induced hazards (erosion of slope toe).
Shoreline Classification	Pebble/Sand Beach
Shoreline Data in TAPIS	Forage Fish on shoreline, and Eel Grass beds in Sidney Channel (offshore)  <i>Marine Sensitive Ecosystems and Shorelines</i>

ATTACHMENT 2 – PLANS, DRAWINGS, PHOTOGRAPHS

2.1 PROPOSED DWELLING PERSPECTIVE RENDERING AND FLOOR PLANS (NTS)

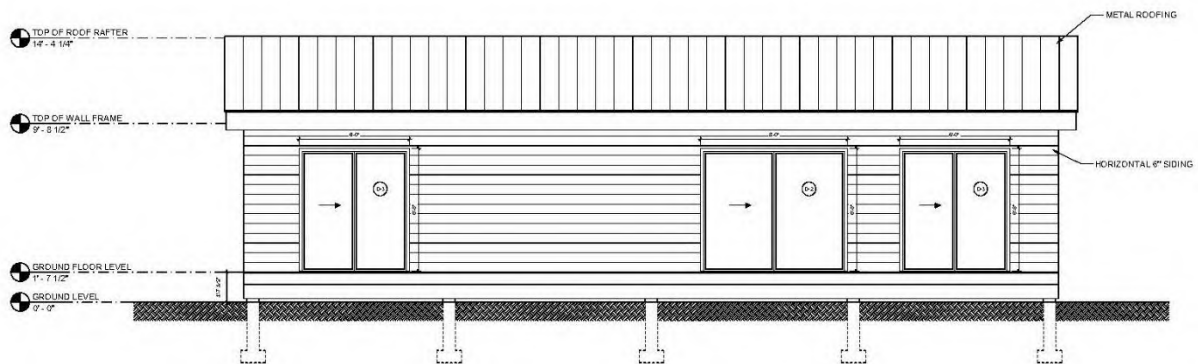


2.1 PROPOSED DWELLING ELEVATION PLANS (CONT'D - NTS)



FRONT ELEVATION

SCALE: 1/4" = 1'-0"

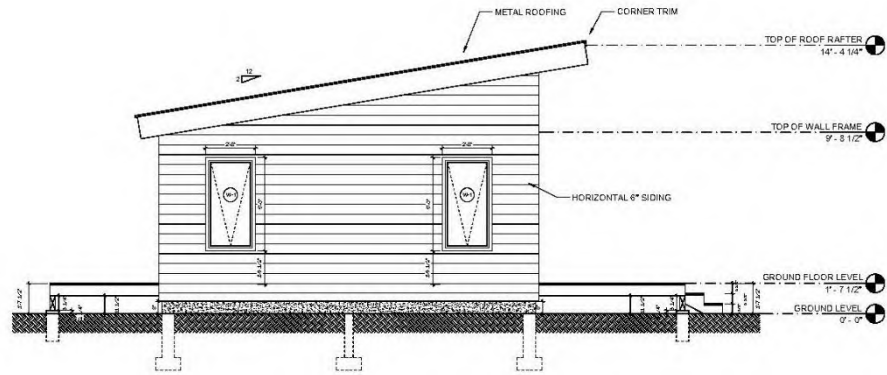


REAR ELEVATION

SCALE: 1/4" = 1'-0"

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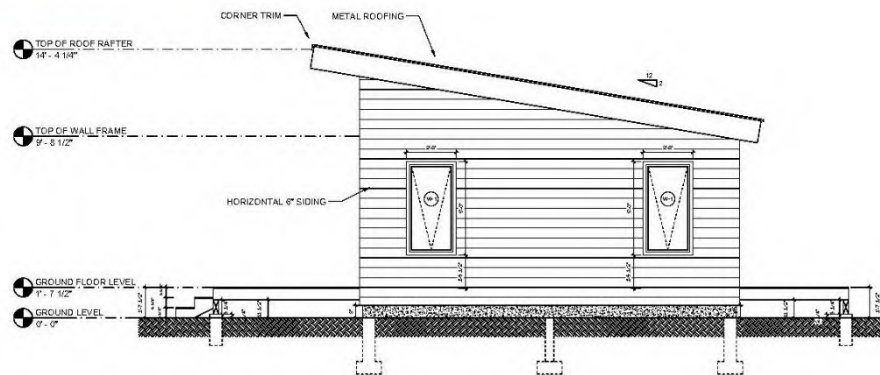
2.2 PROPOSED DWELLING ELEVATION PLANS (CONT'D - NTS)



LEFT SIDE ELEVATION

SCALE: 1/4" = 1'-0"

Note: Concrete foundation to be replaced by helical piers/piles. See attached for pile foundation layout.



RIGHT SIDE ELEVATION

SCALE: 1/4" = 1'-0"

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2.3 PHOTOGRAPHS (PROPOSED HOUSE SITE)



2.3 PHOTOGRAPHS (CONT'D)





RYZUK GEOTECHNICAL
Engineering & Materials Testing

6-40 Cadillac Ave, Victoria, BC, V8Z 1T2 Tel: 250-475-3131 E-mail: mail@ryzuk.com www.ryzuk.com

September 01, 2023

File No: 11763-1

Nocholas Bardon Personal Real Estate Corporation

[REDACTED]
[REDACTED]
[REDACTED]

Attn: Nicholas Bardon (By E-mail: [REDACTED])

Re: Geotechnical Assessment
Strata Lot 86 – Sidney Island, BC

As requested, we attended site on August 10, 2023, to review geotechnical conditions for the proposed single family residence. The referenced site is located within Sidney Island's Geotechnical Development Permit Area (DPA), as per North Pender Associated Islands Official Community Plan, Bylaw No. 147 (Bylaw No. 147). We attended the referenced lot to assess the existing site conditions and potential geohazards related to the development of a single family residence, the associated driveway, and the proposed select tree removal within area 'B' (upland of the slope) of the noted DPA. We further understand that Bylaw No. 147 restricts the removal of trees larger than 0.2 m in diameter within the DPA, and that a geotechnical hazard assessment of the lot is required. Our assessment included a review of the Sidney Island Geotechnical Development Permit Area map, the Sidney Island Residential Subdivision geotechnical report prepared by Levelton Engineering Ltd., as well as our file information from previous projects in the area. Our associated observations, comments, and recommendations pertaining to potential geohazards on site are contained herein. The work has been undertaken in accordance with, and is subject to, the previously signed Terms of Engagement.

The site is rectangular in shape, with dimensions approximately 58 m wide by 125 m long, and is bounded by Sidney Channel to the southwest, similar strata lots to the northwest and southeast, and common strata property to the northeast. There is currently a geotechnical covenant line crossing the property, which is located approximately 60 m southwest of the northeast property line, that restricts building construction southwest of the line. We understand that you wish to assess the feasibility of constructing the proposed residence southwest of the current covenant line.

Topography southwest of the site slopes up steeply at 45 – 50 degrees from the natural boundary and beach area at Sidney Channel over a horizontal distance of between 25 m and 30 m,

becoming near vertical within 3 – 8 m of the crest of the slope. The crest of the slope is located approximately 4 – 6 m northeast of the southwest property line. The total elevation difference from the toe of the slope to the crest is approximately 32 m. From the crest, the site slopes up gently to the northeast to the center of the lot, and continues sloping up very gently to the northeast beyond, with minor localized variation. The site is undeveloped and vegetated with low-lying brush and medium to large trees, except for a small driveway area near the northeast corner. Several stumps were visible on the site, as well as logs and small boulders in areas.

Soil conditions as exposed within the foreshore slope generally consisted of 4 – 8 m of compact to dense brown/grey sand with silt and trace gravel and clay atop dense Quadra Sands. The Quadra Sands generally comprised dense grey sand with some silt and gravel, interbedded with more gravelly and silty layers. Some evidence of erosion was noted on the slope, with a few fresh scarps near the crest leaving portions vertical to slightly overhanging, and sloughed material on the lower portions of the slope. However, there was some small vegetation and a small tree on the slope which may indicate some surficial stability. Localized rivulets from rainfall/surface water were noted in a few areas on the slope.

It is expected that the crest of the slope will regress from its current location due to erosion of the toe (from wave action) and/or during a seismic event. The Levelton report noted previously suggests that the toe of the foreshore slope may be receding at a rate as high as 0.38 m per year. Considering a typical design life of 75 years for a residential structure, this would suggest a regression in the order of 29 m may be encountered over the lifespan of the residence. To quantify the amount of seismically induced slope regression, we have conducted a slope stability analysis of the foreshore slope. A limit equilibrium slope stability analysis was done using RocScience Slide2 Modeler software (version 9.003), considering a design seismic event with a 2% probability of exceedance in 50 years. The results of this analysis indicated that the regression encountered during the design seismic event may extend up to 48 m northeast from the crest of the slope. This analysis considered safety factors of 1.5 and 1.1 under static and seismic conditions, respectively. While the slope regression based on regression and a seismic event is significant, we do not consider that the maximum slope regression from both will happen simultaneously.

Based on the above, we conclude that a single family residence can be constructed near the center of the site, southwest of the existing geotechnical covenant, without being at risk of seismic or erosion based slope regression. It is recommended that the proposed residence be constructed no further than 10 m southwest of the current geotechnical covenant line, which will need to be confirmed by a surveyor prior to construction. As well, to help prevent further increase in the rate of erosion at the toe of the slope, any surface water flow should be directed away from the slope crest and discharged on the northeast portion of the lot. In addition to this, no stormwater is to be discharged on the foreshore slope.

We understand that some trees may be removed to accommodate the proposed residence and new driveway, some which are located southwest of the covenant line. We expect the removal of select trees within area 'B' of the DPA would not result in a significant change to the existing slope stability conditions, provided tree removal is carried out by a qualified arborist, ground

disturbance is limited during removal, and the stump and root plates of trees outside of the proposed residence footprint are left in place (outside of the driveway and building areas).

The offset proposed above for the proposed single family residence is considered to be sufficient to mitigate the geohazard risks from erosion based slope regression and seismically induced slope regression, considering a seismic event with a 2% probability of exceedance in 50 years. As such, we consider the site safe for the use intended, that being single family residential use, in accordance with Section 56 of the Community Charter. Further to this, we consider that the work proposed will be in conformance with the objectives of the North Pender Associated Islands Official Community Plan, Bylaw No. 147.

We hope the preceding is suitable for your purposes at present, however if you have any questions with respect to the above, please contact us.

Sincerely,
Ryzuk Geotechnical

Shane Haxton, P.Eng.
Intermediate Geotechnical Engineer

Attachments: - JE Anderson & Associates Survey Plan – Site Plan, dated August 01, 2023
- Geotechnical Development Permit Area Checklist – Sidney Island

SITE PLAN

NICHOLAS BARDON

Strata Lot 86, Section 3,
Sidney Island Range 1 West,
North Saanich District,
Strata Plan VIS5122

ADDRESS : 377 Evergreen Lane
Sidney Island, B.C.

PROJECT SURVEYOR : RPH

DRAWN BY : BAR DATE : AUG 01/23

OUR FILE : 34482 REVISION :



**J.E. ANDERSON
& ASSOCIATES**
SURVEYORS - ENGINEERS

4212 GLANFORD AVE, VICTORIA, B.C. V8Z 4B7
TEL: 250-727-2214 FAX: 250-727-3395
E-MAIL: Info@jeanderson.com
VICTORIA-NANAIMO-PARKSVILLE-CAMPBELL RIVER

V:_Projects\34482\07\03\Microsurvey\34482.dwg

Distances and elevations are in metres

Elevations are geodetic based on GNSS observations

Elevations are at natural grade unless noted otherwise

LEGEND

- Denotes Standard Iron Post Found
- Denotes Traverse Station Placed
- Denotes Coniferous Tree
- Denotes Deciduous Tree
- Denotes Typical Spot Elevation
- 4723 --- Denotes Typical Numbered Wooden Stake Placed

This sketch does not constitute a redefinition of the legal boundaries hereon described and is not to be used in any matter which would assume same.

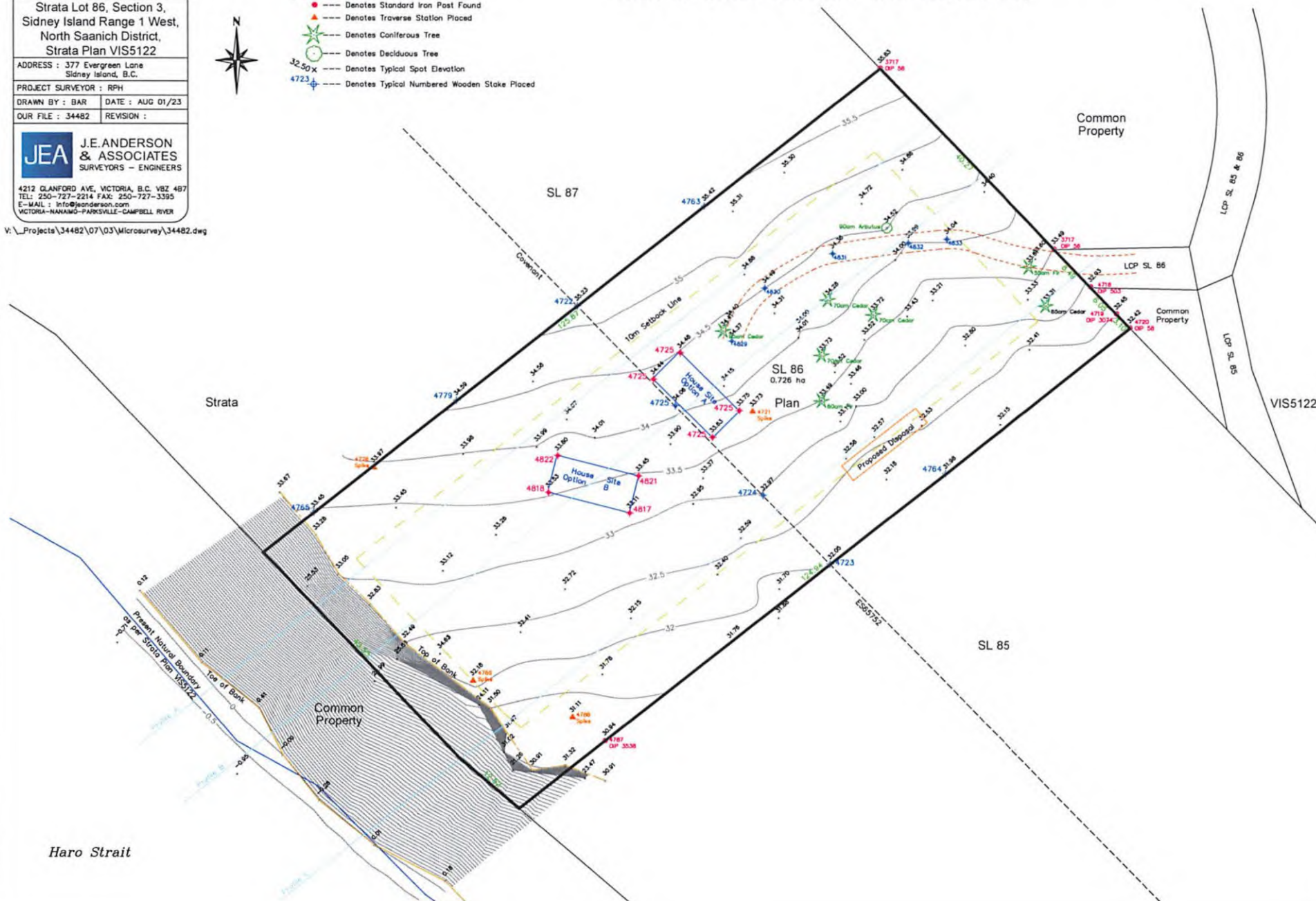
J.E. Anderson & Associates accepts no responsibility or liability for any damages that may be suffered by a third party as a result of any decision made, or actions taken based on this document.

This plan is intended for use as a topographic site plan. It is based on Land Title Office records and ties to surrounding survey evidence and does not represent a boundary survey. Critical lot dimensions, lot areas and building setbacks should be confirmed by a legal cadastral survey.

Subject to charges, legal notations, and interests shown on: Title No. CB616496 (P.I.D. 026-298-121)

Sheet 1 of 2

0 4 8 16 24 32 40
The intended plot size of this plan is 560mm in width by 432mm in height (C size) when plotted at a scale of 1:400.



Geotechnical Development Permit Area Checklist – Sidney Island

Guideline	Yes?	No?	N/A?	Has the guideline been met and/or how are you addressing the guideline?
A development permit should not allow any land alteration or other development activities to take place within any area identified by a geological hazard assessment as subject to a landslide or other geotechnical hazard with a probability in excess of 2% in 50 years.				The proposed development / land alteration, including, but not limited to, the construction of a residence 10 m or less southwest of the current geotechnical covenant line, will be outside of the area within Lot 86 subject to a landslide or other geotechnical hazard with a probability of excess of 2 % in 50 years.
All applications should include a geological hazard assessment from a qualified professional licensed in the Province of BC with experience in geotechnical engineering stating that the proposed land alteration or other development will not result in slope instability or other geological failure hazard with a probability in excess of 2% in 50 years. Where the geological hazard assessment report describes an area suitable for development provided that specific measures are taken, the development permit should only allow the development to occur in compliance with the measures described in the report.				The proposed development / land alteration (as outlined in our <i>Geotechnical Assessment Report</i> of August 24, 2023), in our professional opinion, will not result in slope instability or other geological failure hazard with a probability of excess of 2 % in 50 years.
Any area proposed to be cleared and disturbed for development should be minimized and landowners are encouraged to retain existing trees and vegetation in areas that may be reasonably considered subject to erosion as determined by a qualified professional. Where a permit authorizes the cutting of trees, re-planting and maintenance of disturbed areas should be considered for inclusion as a condition of the permit. The introduction of non-native species should be avoided and the permit may require a landscaping plan and a security, in the form of an irrevocable letter of credit, for 125% the cost of re-planting as determined by a professional landscaper.				We consider that the proposed select tree removal, within area "B" of the development permit area, to be minimal and to be outside of areas subject to significant erosion. However, we recommend that tree removal is carried out by a qualified arborist, that ground disturbance is limited during removal, and that the stumps and roots outside of the proposed residence/driveway footprints are left in place.
All on-site drainage should be directed away from the shoreline or crest of slope.				We understand that all onsite drainage will be directed away from both the shoreline and the crest of the slope.
Any land alteration or development involving the disturbance of the soil must be conducted in such a manner as to limit direct run-off into the sea and prevent the release of sediment towards the shore.				We do not anticipate any significant run off into the sea and release of sediment towards the shore resulting from the proposed development / land alteration. However, recommend that the proposed development / land alteration be carried out with minimal ground disturbance.
When structures for bank stabilization measures are proposed, it should be demonstrated that the 'softest' possible measures have been applied before increasingly 'harder' measures are required. Monitoring and regular reporting to the Islands Trust by a registered professional engineer or geoscientist at the applicant's expense may be required during construction and land development phases, as specified in a development permit.				
Any proposed bank stabilization should be limited to that minimally necessary to prevent damage to existing structures, uses or features. Applications involving stabilization features should include a report, prepared by a qualified professional licensed in the Province of BC with experience in geotechnical engineering, which describes the proposed stabilization measures including:				
The Local Trust Committee may consider variances to siting or size regulations where the variance could result in enhanced protection of the eroding sandbanks.				

File No.: NP-DVP-2023.1 and 2023.5
(McKerrell)

DATE OF MEETING: February 23, 2024
TO: North Pender Island Local Trust Committee
FROM: Brad Smith
Southern Team
COPY: Robert Kojima, Regional Planning Manager
SUBJECT: Development Variance Permits
Applicant: Dave McKerrell for John Tognetti
Location: 5709 and 5727 Canal Rd.

RECOMMENDATION

1. That the North Pender Island Local Trust Committee approve issuance of Development Variance Permit application NP-DVP-2023.1 (McKerrell).
2. That the North Pender Island Local Trust Committee approve issuance of Development Variance Permit application NP-DVP-2023.5 (McKerrell).

REPORT SUMMARY

The purpose of the report is to consider two Development Variance Permit (DVP) applications to permit the siting of two existing oversized floats and wharf structures located in the foreshore off each of the two upland subject parcels.

RATIONALE FOR VARIANCE

The above recommendations are supported as:

- The new floats replaced the long-standing pre-existing non-conforming floats and are smaller than the replaced floats;
- The variances are relatively minor and are not impactful to neighbours or the natural environment;
- The proposed variances do not challenge the intent of the regulation; and,
- There were no concerns raised during the notification period.

BACKGROUND

The two variance applications are the result of bylaw enforcement file NP-BE-2022.1 which was opened in response to the previously existing docks being removed and replaced with new structures.

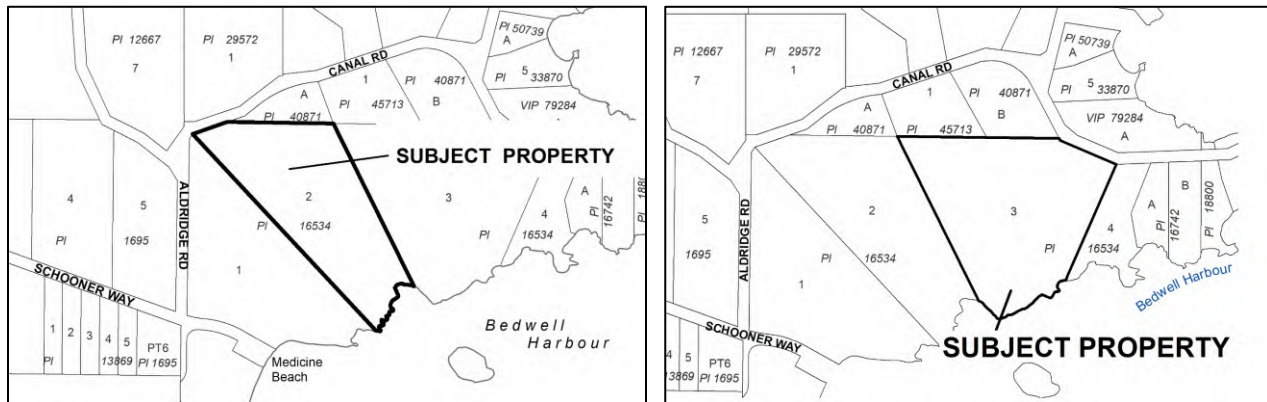
While the previous docks were legal non-conforming as they were demonstrated to be in place since the 1950's, the removal of the entire dock structures for a period of greater than 6 months prior to their replacement,

rather than a stepwise process of maintenance and repair of the existing docks, has resulted in the loss of this non-conforming status.

As such, the replacement docks are now required to adhere to the current North Pender Island Land Use Bylaw No. 224 (LUB) provisions for the Water 1 (W1) zone where the docks are located. These provisions include a maximum water area coverage of 37 m² for floats and wharves, and a provision that no structure may be located within 3 metres of the seaward projection of any side lot line of the abutting upland lot.

The subject properties are located at 5709 and 5727 Canal Road (Figure 1). There are currently uninhabited dwellings on each lot that are in disrepair and in need of significant renovation or replacement.

Figure One - Subject Properties



5709 Canal Road

5727 Canal Road

The specific LUB variances being sought for each property are:

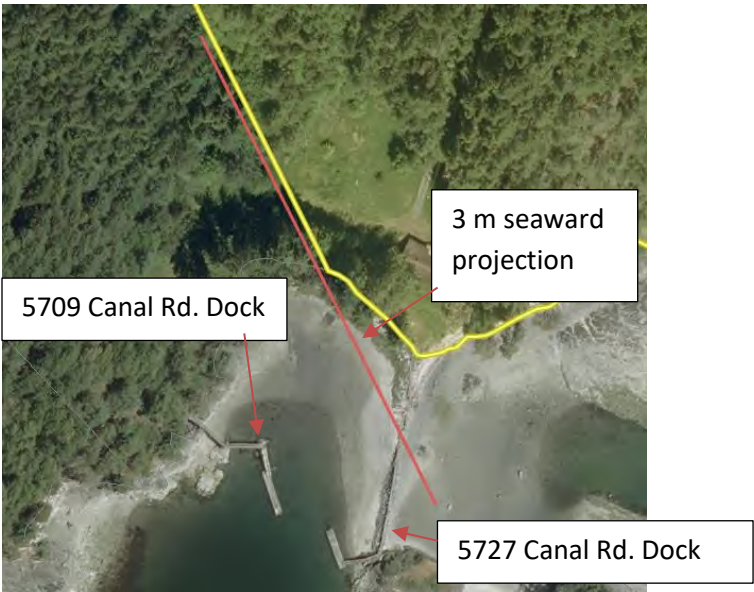
5709 Canal Road

- a) Subsection 5.20 (4) which states that the maximum area that may be covered by floats and wharves is 37 square metres is varied to permit the siting of an existing float and wharf structure with a maximum area of 40.87 square metres.

5727 Canal Road

- a) Subsection 5.20 (3) which states that no structure may be located within 3 metres of the seaward projection of any side lot line of the abutting upland lot is varied to permit the siting of an existing float and wharf structure located within 3 metres of the seaward projection of a side lot line.
- b) Subsection 5.20 (4) which states that the maximum area that may be covered by floats and wharves is 37 square metres is varied to permit the siting of an existing float and wharf structure with a maximum area of 42.67 square metres.

To help the LTC understand the seaward projection provision, the image below shows the extension of the 3 m projection from the abutting lot line cutting through the



Staff visited the subject property on February 6, 2024. Additional site context is included in Attachment 1 and maps and photos are included in Attachment 2. A copy of the statutory notices and proposed permits are included as Attachments 3 and 4.

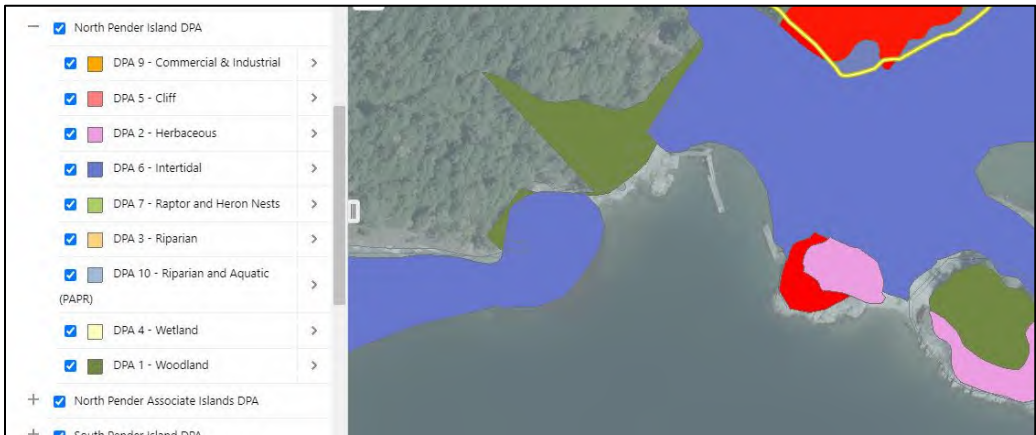
ANALYSIS

Policy/Regulatory

Official Community Plan:

The subject parcels are designated as **Rural** in the North Pender Island Land Use Official Community Plan (OCP) No. 171, 2007.

There are several Development Permit Areas (DPAs) located on the subject properties and within the foreshore where the docks are located.



However, based on the submission of professional reports from an RP Bio indicating no impact of dock replacement (Attachment 5 and 6), and site visits conducted by both planning and bylaw enforcement staff verifying no observable habitat impacts of dock replacement, the replacement work is exempt from the requirement for a development permit.

Land Use Bylaw:

The upland subject parcels are zoned as **Rural** in the LUB. The existing upland residential uses comply with the current LUB use and density provisions.

The docks requiring variance are located in the Water 1 zone. The Water 1 zone permits one private dock per abutting upland residential lot. The Water 1 zone includes a maximum water area coverage of 37 m² for floats and wharves, and a provision that no structure may be located within 3 metres of the seaward projection of any side lot line of the abutting upland lot.

Issues and Opportunities

Impact on Neighbouring Properties and Natural Environment

The impacts on the neighbouring properties are minimal as the new docks are in the same configuration and footprint as the previous legal non-conforming docks, there are no immediate dwellings with site line affected, and both upland subject parcels requiring variance are owned by the same person. There have also been no concerns raised by neighbours in response to the DVP notification.

The Intent of the Regulation being Varied

The overall purpose of the Water 1 zoning requirements with respect to maximum wharf and float size, and seaward projection siting are to:

- Limit the impact of shoreline and marine development on adjacent properties and the environment.
- Establishing a consistent development pattern for docks within the Trust Area.
- Protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
- Maintaining a rural character.
- Establishing certainty with respect to residential development by maintaining consistent siting regulations.

Potential Impacts of Granting the Variance

Granting a variance can potentially create an expectation in the community with regard to future applications. As variances consider the unique circumstances pertaining to a particular situation that may warrant the relaxation of a specific zoning regulation, each application should be evaluated on its own merits.

In this case, the variances are reasonable as the replacement docks are in the same footprint and configuration as the previous docks, the topography of the upland lots requires the dock at 5027 Canal Rd. to be sited in the adjacent side lot line seaward projection, and the size of the new float and wharf structures are only slightly

larger than the 37 m² maximum allowed (ie. 40.87 m² and 42.67 m²), and smaller than the original non-conforming floats.

Consultation

DVP Notices were circulated to surrounding property owners and residents as per statutory requirements. Staff have received no responses from neighbouring residents at time of report writing. The notification period ends at 4:30 pm, February 19, 2024. Responses received after the publishing of this staff report will be provided to the LTC prior to the February 23 meeting, and spoken to by staff at that meeting.

First Nations

The Islands Trust reviews all applications to ensure the preservation and protection of cultural heritage, archaeological sites, and ancestral places. There are archaeological sites identified on the provincial RAAD site in the immediate area, and significant archaeological potential identified on the upland property. However, as the docks were replaced using the existing concrete footings, no impacts to soil or other potentially culturally sensitive areas was required.

By copy of this report, the owners and applicant should be aware that there is a chance that the upland lots may contain previously unrecorded archaeological material that is protected under the *Heritage Conservation Act*.

Recommendation

Staff are recommending approval of the requested variances for the following reasons:

- The new floats replaced the long-standing pre-existing non-conforming floats and are smaller than the replaced floats;
- The variances are relatively minor and are not impactful to neighbours or the natural environment;
- The proposed variances do not challenge the intent of the regulation; and,
- There were no concerns raised during the notification period.

ALTERNATIVES

1. Request further information

The LTC may request further information prior to making a decision. If selecting this alternative, the LTC should describe the specific information needed and the rationale for this request.

Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee request that the applicant submit to the Islands Trust_____.

2. Deny the application

The LTC may deny the application(s). If this alternative is selected, the LTC should state the reasons for denial.

Recommended wording for the resolution is as follows:

That the North Pender Island Local Trust Committee deny Development Variance Permit application NP-DVP-20223.1 (McKerrell)

That the North Pender Island Local Trust Committee deny Development Variance Permit application NP-DVP-2023.5 (McKerrell)

Submitted By:	Brad Smith, Island Planner	February 7, 2024
Concurrence:	Robert Kojima, Regional Planning Manager	February 12, 2024

ATTACHMENTS

1. Site Context
2. Maps, Plans, Photographs
3. Notices
4. Draft Permits
5. 5709 Canal Rd. Biologist Report
6. 5727 Canal Rd. Biologist Report

ATTACHMENT 2 – SITE CONTEXT – 5709 CANAL RD

LOCATION

Legal Description	LOT 2 SECTION 7 PENDER ISLAND COWICHAN DISTRICT PLAN 16534
PID	000-036-447
Civic Address	5709 Canal Road, North Pender Island
Lot Size	6.46 ha

LAND USE

Current Land Use	Residential
Surrounding Land Use	Residential, Conservation, Community Service (h), Community Housing, Water 1

HISTORICAL ACTIVITY

File No.	Purpose
	None

POLICY/REGULATORY

Official Community Plan Designations	North Pender Island OCP No. 171, 2007 Designation: Rural (R) Intertidal, Woodland and Herbaceous DPA
Land Use Bylaw	North Pender Island Land Use Bylaw No. 224, 2022 Zoning: Rural
Other Regulations	None
Covenants	None
Bylaw Enforcement	NP-BE-2022.21 – Oversize float and wharf structure

SITE INFLUENCES

Islands Trust Conservancy	There is a Conservancy property adjacent to the subject parcel, however no referral is required as the requested variance only pertains to the dock that is located on crown land below the natural boundary of the sea.
Regional Conservation Strategy	The proposal does not impact the objectives and priorities of the Islands Trust Conservancy regional conservation plan.
Species at Risk	N/A
Sensitive Ecosystems	Presence of woodland, littoral, herbaceous ecosystems near foreshore Presence of eel grass meadows in bay where docks are located
Hazard Areas	N/A
Archaeological Sites	There are archaeological sites identified on the provincial RAAD site in the immediate area, nor are there sites with archaeological potential identified on the upland property. By copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the Heritage Conservation Act.

Climate Change Adaptation and Mitigation	N/A
--	-----

ATTACHMENT 2 – SITE CONTEXT – 5727 CANAL RD

LOCATION

Legal Description	LOT 3 SECTION 7 PENDER ISLAND COWICHAN DISTRICT PLAN 16534
PID	000-036-455
Civic Address	5727 Canal Road, North Pender Island
Lot Size	7.75 ha

LAND USE

Current Land Use	Residential
Surrounding Land Use	Residential, Community Service (h), Community Housing, Water 1

HISTORICAL ACTIVITY

File No.	Purpose
	None

POLICY/REGULATORY

Official Community Plan Designations	North Pender Island OCP No. 171, 2007 Designation: Rural (R) Intertidal, Woodland and Herbaceous DPA
Land Use Bylaw	North Pender Island Land Use Bylaw No. 224, 2022 Zoning: Rural
Other Regulations	None
Covenants	None
Bylaw Enforcement	NP-BE-2022.21 – Oversize float and wharf structure and extension of structure through the seaward projection of a side lot line

SITE INFLUENCES

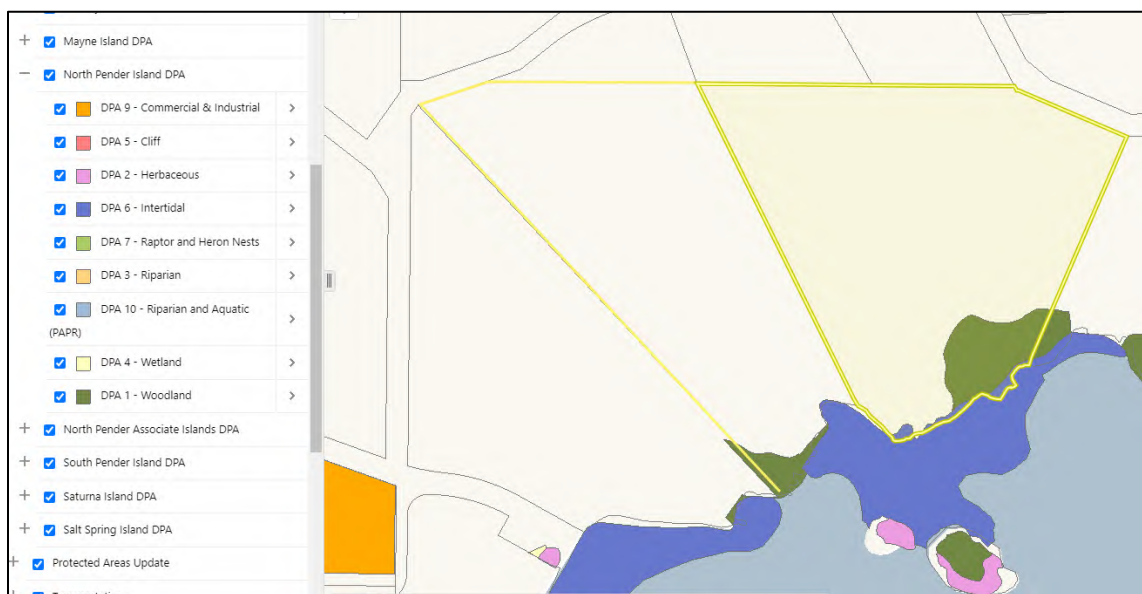
Islands Trust Conservancy	N/A
Regional Conservation Strategy	The proposal does not impact the objectives and priorities of the Islands Trust Conservancy regional conservation plan.
Species at Risk	N/A
Sensitive Ecosystems	Presence of woodland, littoral, herbaceous ecosystems near foreshore Presence of eel grass meadows in bay where docks are located
Hazard Areas	N/A
Archaeological Sites	There are archaeological sites identified on the provincial RAAD site in the immediate area, and significant archaeological potential identified on the upland property. By copy of this report, the owners and applicant should be aware that there is still a chance that the lot may contain previously unrecorded archaeological material that is protected under the Heritage Conservation Act.
Climate Change Adaptation and Mitigation	N/A

ATTACHMENT 2 – MAPS, PLANS, DRAWINGS, PHOTOGRAPHS

2.1 ORTHOPHOTO



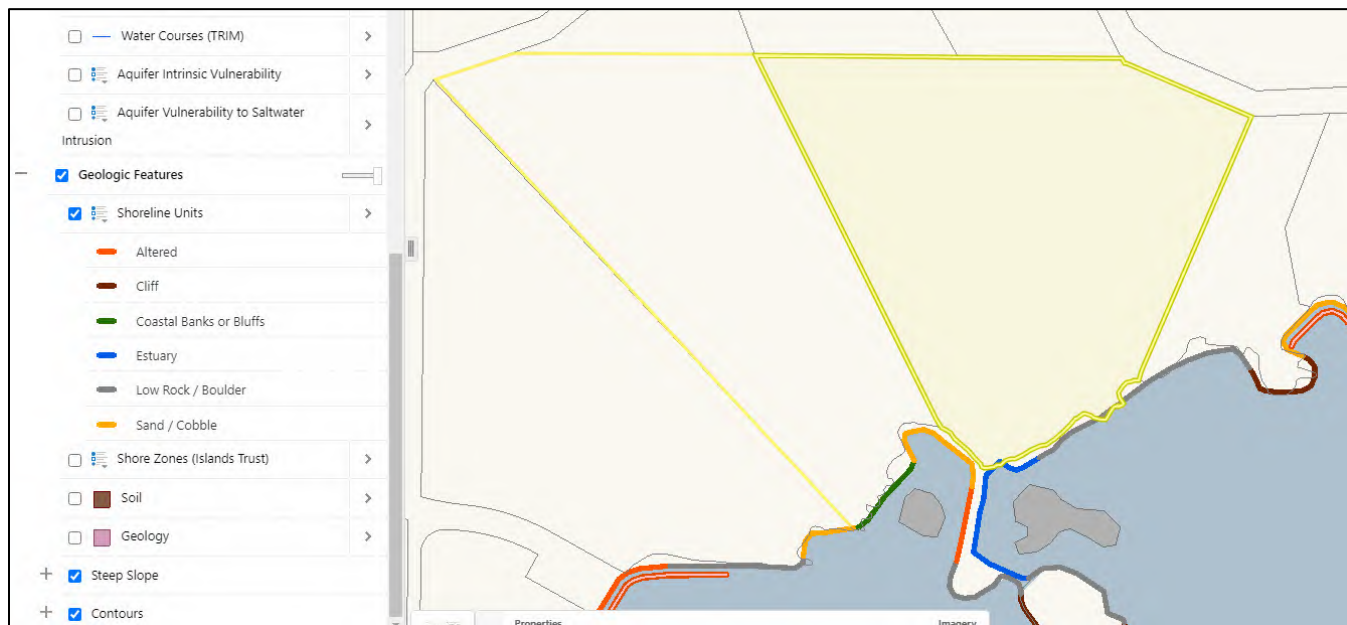
2.2 DPAs



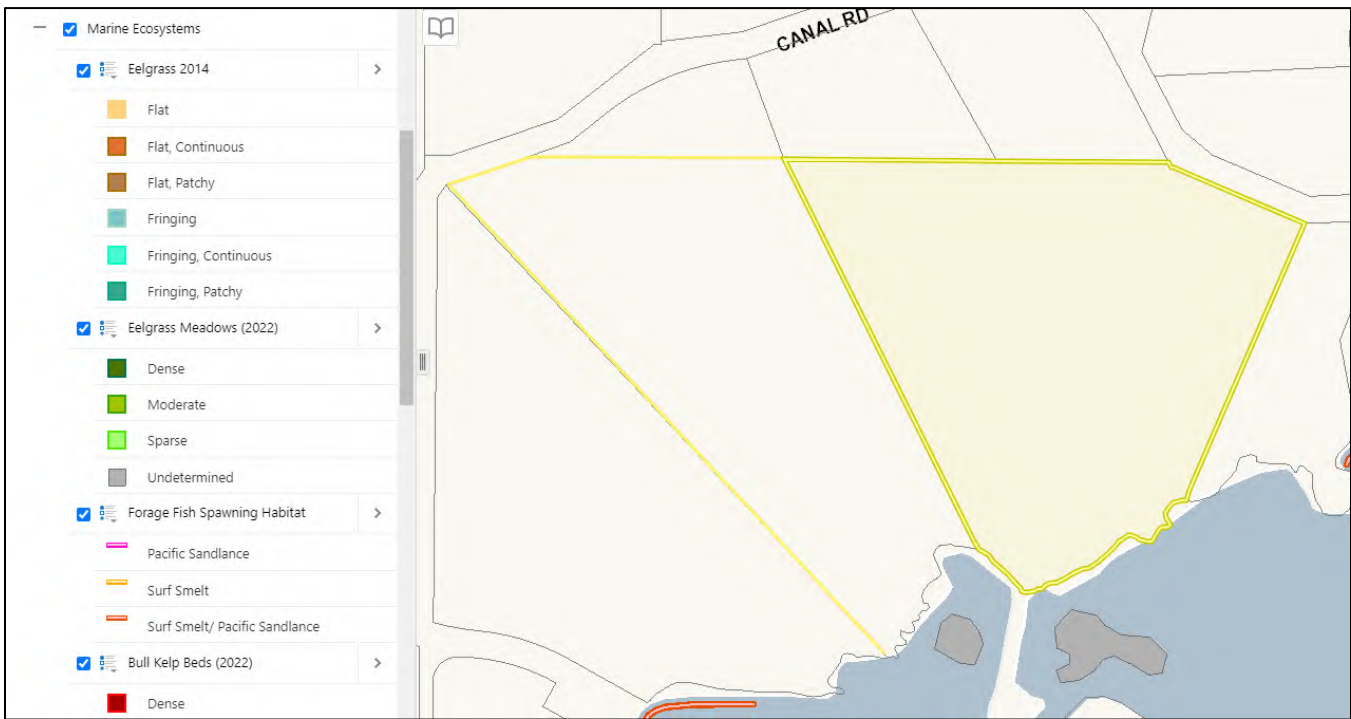
2.3 SENSITIVE ECOSYSTEM MAPPING



2.4 SHORELINE UNITS

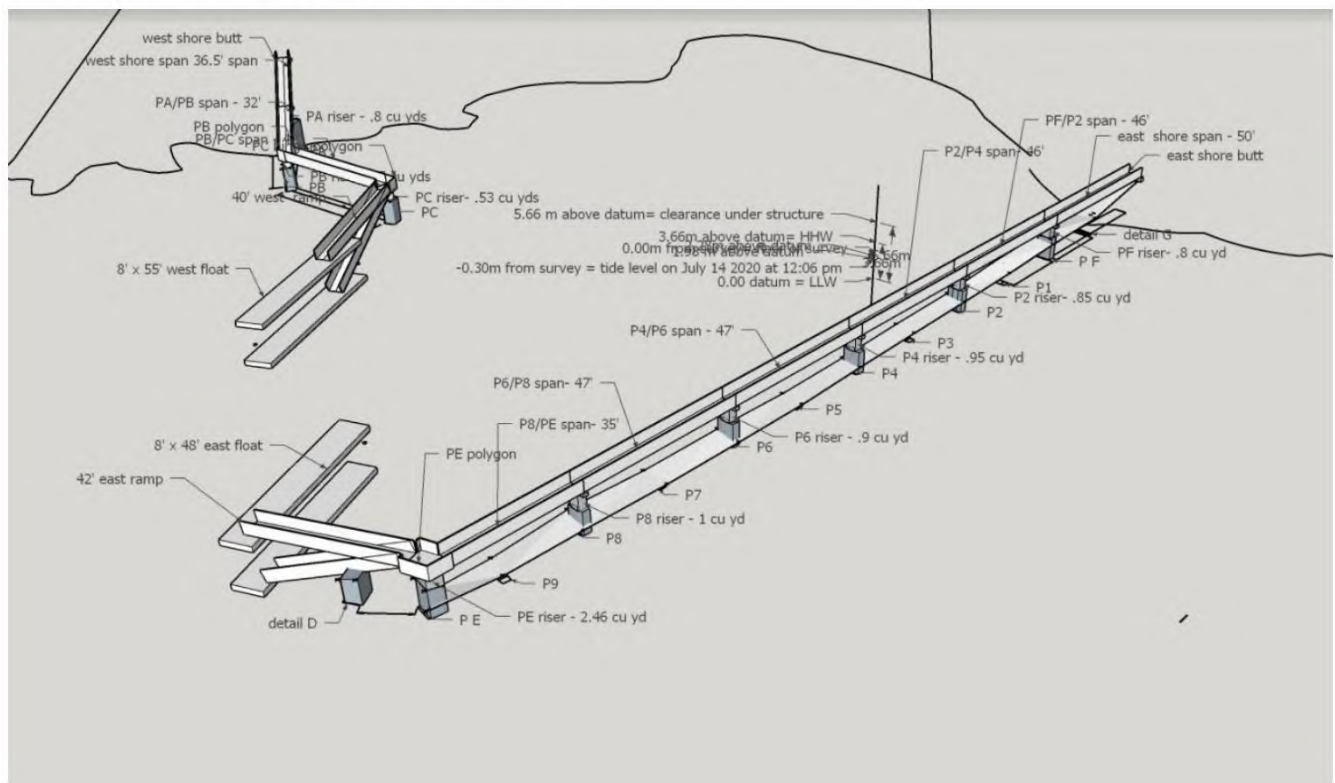


2.5 MARINE ECOSYSTEMS



2.6 PLANS AND DRAWINGS

Figure 2. Profile diagram of the walkway and dock design.



2.7 PHOTOGRAPHS



WEST DOCK - 5709 CANAL RD.



EAST DOCK - 5727 CANAL RD.

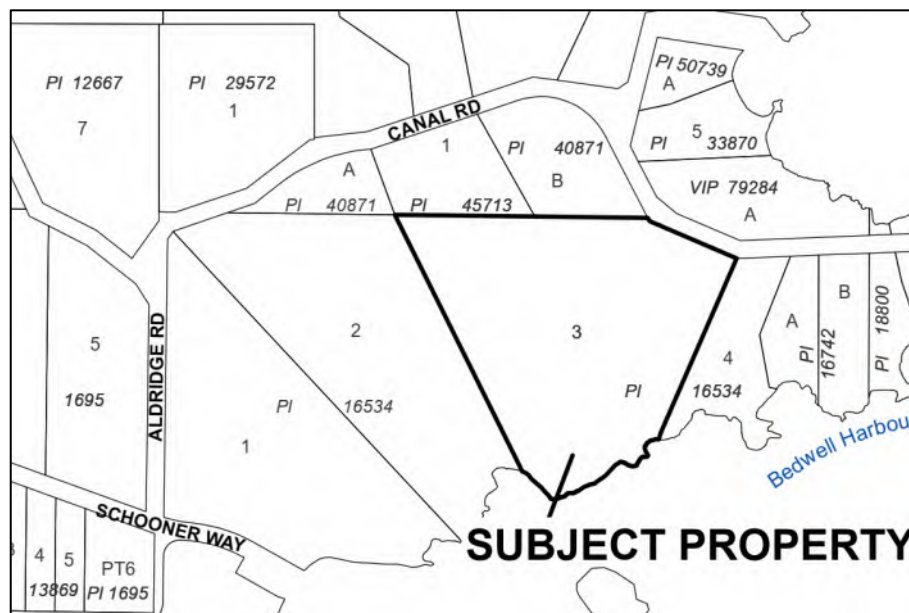
NOTICE
NP-DVP-2023.1
NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

NOTICE is hereby given pursuant to Section 499 of the *Local Government Act* that the North Pender Island Local Trust Committee will be considering a resolution allowing for the issuance of a Development Variance Permit, the proposed permit would vary the North Pender Island Land Use Bylaw No. 224 by:

- Permit the siting of an existing wharf and float that exceeds the maximum water area that may be covered by floats and wharves and to vary the maximum seaward projection of any side lot line of the abutting upland lot.

The property is located at **5727 Canal Road** and is legally described as Lot 3 Section 7 Pender Island Cowichan District Plan 16534 (PID: 000-036-455).

The general location of the subject property is shown on the following sketch:



A copy of the proposed permit may be inspected at the Islands Trust Office, 200 - 1627 Fort Street, Victoria, B.C. V8R 1H8 between the hours of 8:30 a.m. to 4:30 p.m. Monday to Friday inclusive, excluding statutory holidays, commencing **February 7, 2024** and continuing up to and including **February 19, 2024**.

For the convenience of the public only, and not to satisfy Section 499 (2) (c) of the *Local Government Act*, additional copies of the Proposed Permit may be inspected at various Notice Boards on North Pender Island.

Enquiries or comments should be directed to Brad Smith, Island Planner at (250) 405-5194, for Toll Free Access, request a transfer via Enquiry BC: In Vancouver 660-2421 and elsewhere in BC 1-800-663-7867; or by fax (250) 405-5155; or by email to: southinfo@islandstrust.bc.ca before 4:30 pm, **February 19, 2024**.

The North Pender Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the electronic business meeting starting at **10 a.m., February 23, 2024**.

All applications are available for review by the public with prior appointment. Written comments made in response to this notice will also be available for public review.

Jas Chonk, Deputy Secretary



**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT VARIANCE PERMIT
NP-DVP-2023.1**

To: John Tognetti

1. This Development Variance Permit applies to the land described below:

Lot 3 Section 7 Pender Island Cowichan District Plan 16534
(PID: 000-036-455).

2. North Pender Island Land Use Bylaw No. 224, 2022 is varied as follows:

- a) Subsection 5.20 (3) which states that no structure may be located within 3 metres of the seaward projection of any side lot line of the abutting upland lot is varied to permit the siting of an existing float and wharf structure located within 3 metres of the seaward projection of a side lot line.
- b) Subsection 5.20 (4) which states that the maximum area that may be covered by floats and wharves is 37 square metres is varied to permit the siting of an existing float and wharf structure with a maximum area of 42.67 square metres.

The development shall be consistent with Schedule 'A' and 'B' which are attached to and form part of this permit.

3. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of "North Pender Island Land Use Bylaw No. 224, 2022" and to obtain other approvals necessary for completion of the proposed development, including approval of the Capital Regional District and Ministry of Transportation and Infrastructure.

AUTHORIZING RESOLUTION PASSED BY THE NORTH PENDER LOCAL TRUST COMMITTEE THIS ___ DAY OF , 2024.

Deputy Secretary, Islands Trust

Date of Issuance

**IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE ___ DAY OF , 2026 THIS PERMIT
AUTOMATICALLY LAPSES.**

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
NP-DVP-2023.1

Schedule A – Siting of Float and Wharf Structure

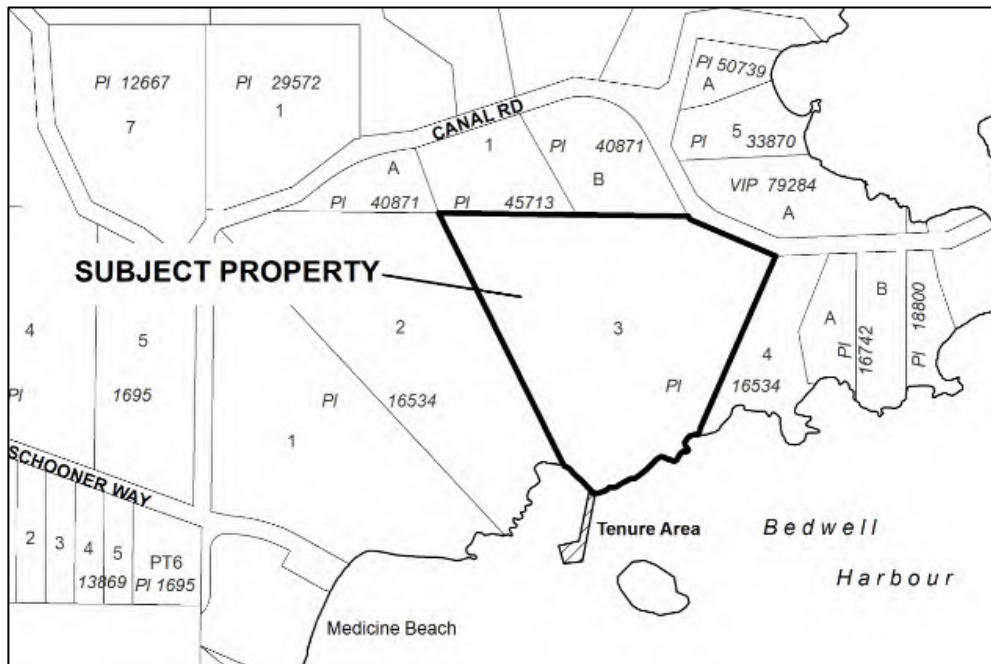


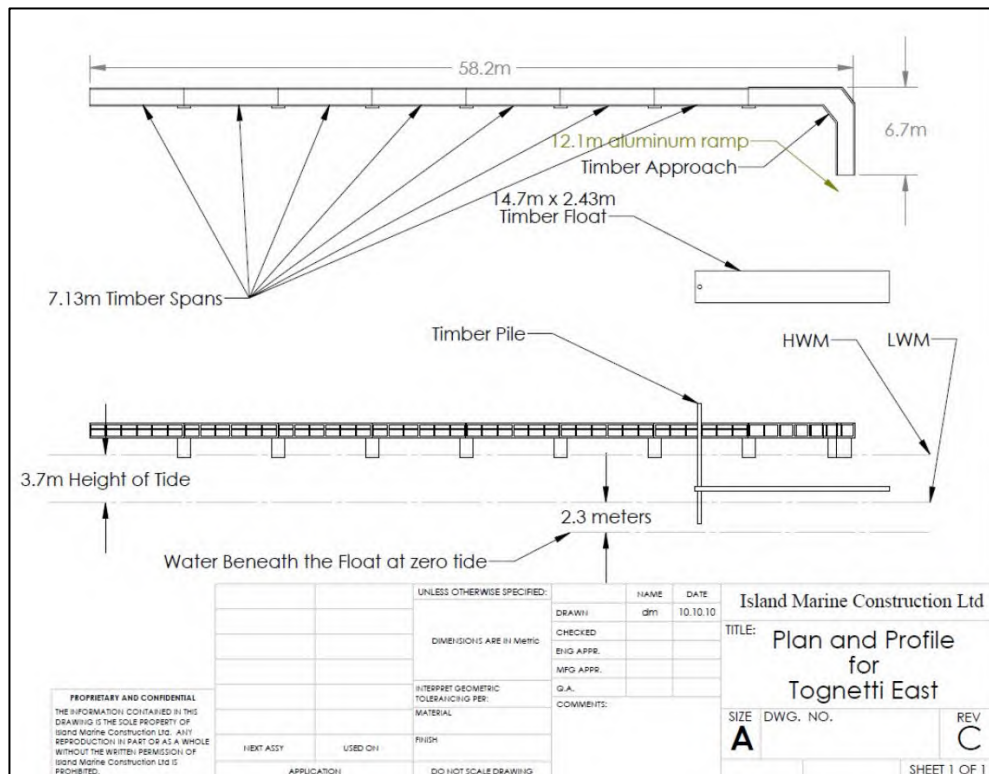
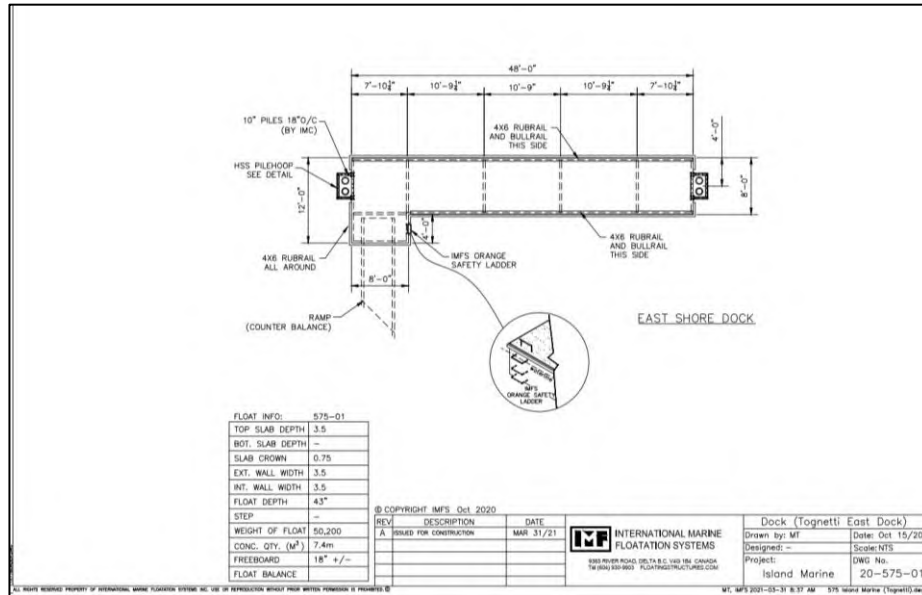
Figure A. Provincial Private Moorage Tenure Boundary



Figure B. Required Siting of Float and Wharf Structure within Tenure Area

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
NP-DVP-2023.1

Schedule B – Structural Design



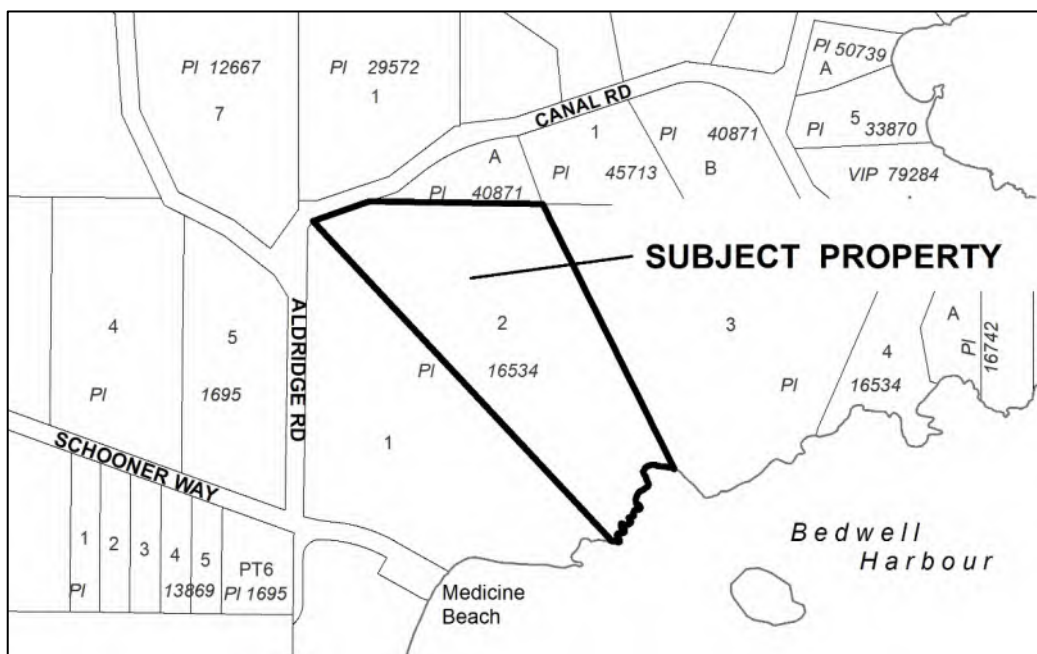
NOTICE
NP-DVP-2023.5
NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

NOTICE is hereby given pursuant to Section 499 of the *Local Government Act* that the North Pender Island Local Trust Committee will be considering a resolution allowing for the issuance of a Development Variance Permit, the proposed permit would vary the North Pender Island Land Use Bylaw No. 224 by:

- Permit the siting of an existing wharf and float that exceeds the maximum water area that may be covered by floats and wharves.

The property is located at **5709 Canal Road** and is legally described as Lot 2 Section 7 Pender Island Cowichan District Plan 16534 (PID: 000-036-447).

The general location of the subject property is shown on the following sketch:



A copy of the proposed permit may be inspected at the Islands Trust Office, 200 - 1627 Fort Street, Victoria, B.C. V8R 1H8 between the hours of 8:30 a.m. to 4:30 p.m. Monday to Friday inclusive, excluding statutory holidays, commencing **February 7, 2024** and continuing up to and including **February 19, 2024**.

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The North Pender Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the electronic business meeting starting at **10 a.m., February 23, 2024**.

All applications are available for review by the public with prior appointment. Written comments made in response to this notice will also be available for public review.

Jas Chonk, Deputy Secretary



**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT VARIANCE PERMIT
NP-DVP-2023.5**

To: John Tognetti

1. This Development Variance Permit applies to the land described below:

Lot 2 Section 7 Pender Island Cowichan District Plan 16534
(PID: 000-036-447).

2. North Pender Island Land Use Bylaw No. 224, 2022 is varied as follows:

- a) Subsection 5.20 (4) which states that the maximum area that may be covered by floats and wharves is 37 square metres is varied to permit the siting of an existing float and wharf structure with a maximum area of 40.87 square metres.

The development shall be consistent with Schedule 'A' and 'B' which are attached to and form part of this permit.

3. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of "North Pender Island Land Use Bylaw No. 224, 2022" and to obtain other approvals necessary for completion of the proposed development, including approval of the Capital Regional District and Ministry of Transportation and Infrastructure.

AUTHORIZING RESOLUTION PASSED BY THE NORTH PENDER LOCAL TRUST COMMITTEE THIS __ DAY OF , 2024.

Deputy Secretary, Islands Trust

Date of Issuance

**IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE __ DAY OF , 2026 THIS PERMIT
AUTOMATICALLY LAPSES.**

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
NP-DVP-2023.5

Schedule A – Siting of Float and Wharf Structure

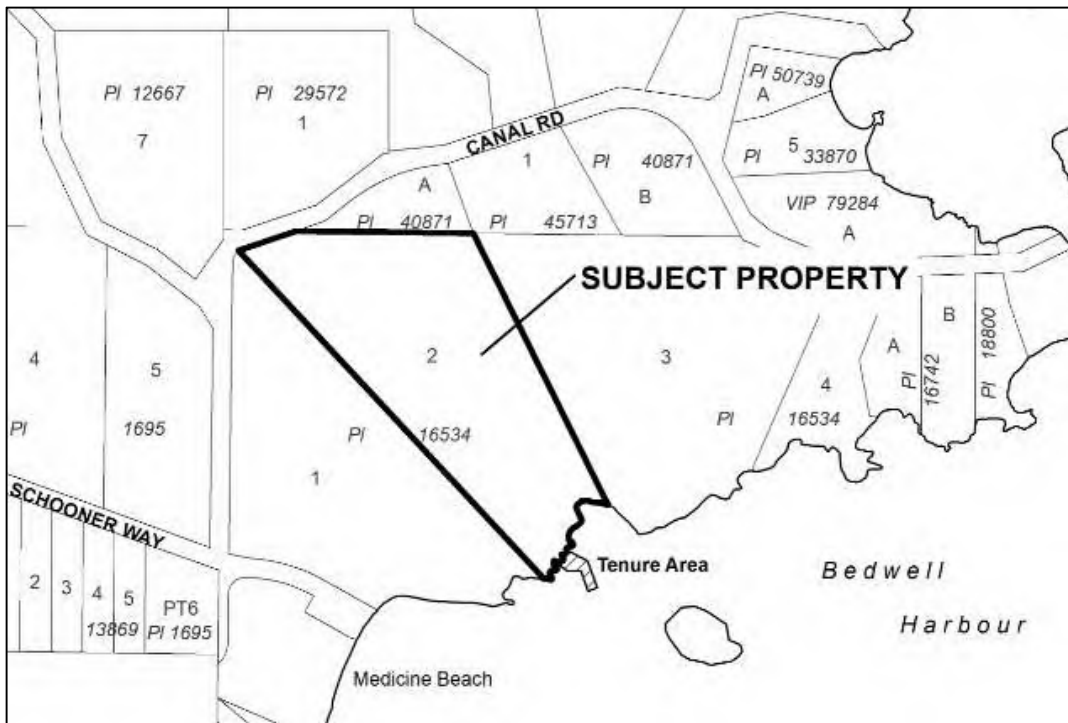


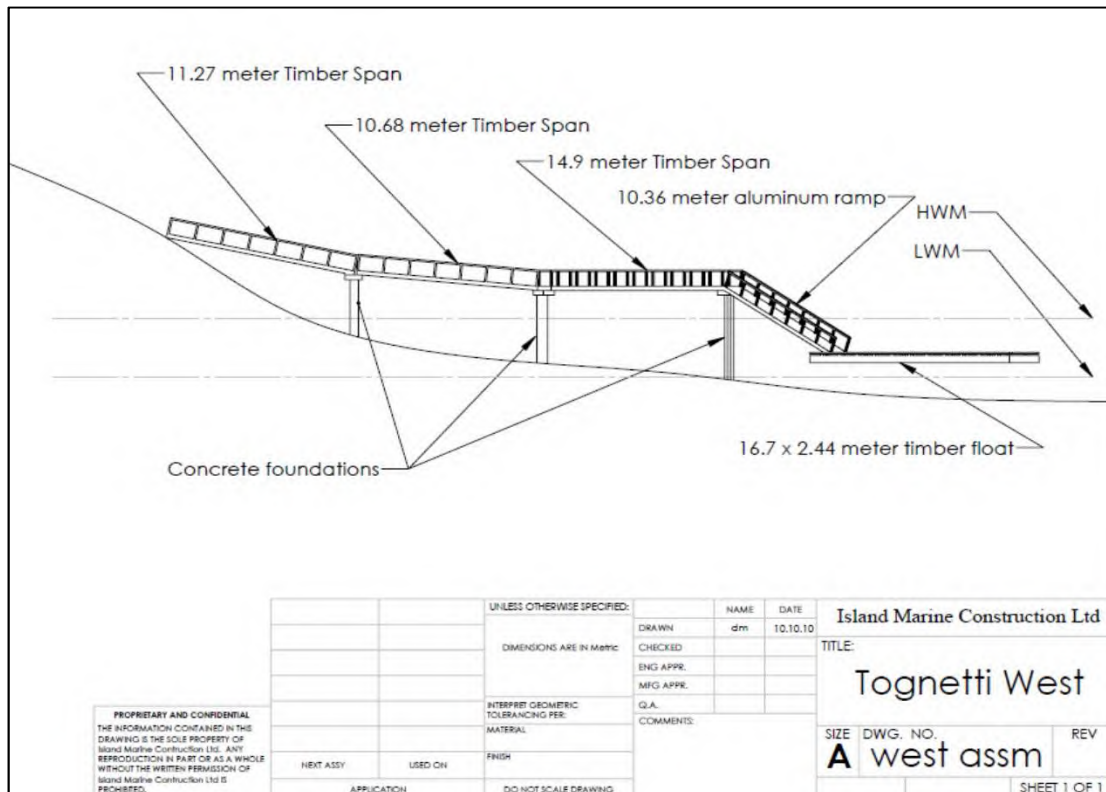
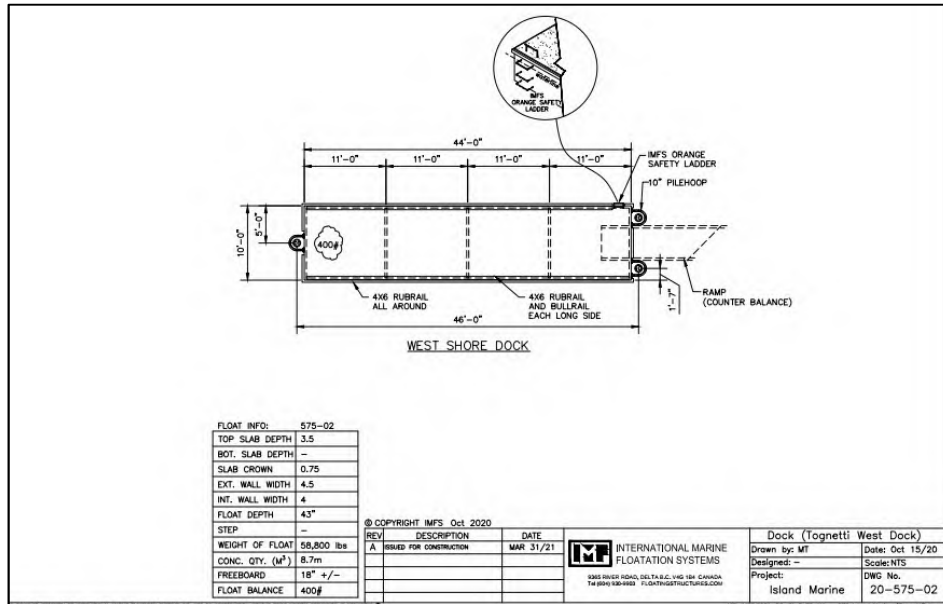
Figure A. Provincial Private Moorage Tenure Boundary



Figure B. Required Siting of Float and Wharf Structure within Tenure Area

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
NP-DVP-2023.5

Schedule B – Structural Design





**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT VARIANCE PERMIT
NP-DVP-2023.1**

To: John Tognetti

1. This Development Variance Permit applies to the land described below:

Lot 3 Section 7 Pender Island Cowichan District Plan 16534
(PID: 000-036-455).

2. North Pender Island Land Use Bylaw No. 224, 2022 is varied as follows:

- a) Subsection 5.20 (3) which states that no structure may be located within 3 metres of the seaward projection of any side lot line of the abutting upland lot is varied to permit the siting of an existing float and wharf structure located within 3 metres of the seaward projection of a side lot line.
- b) Subsection 5.20 (4) which states that the maximum area that may be covered by floats and wharves is 37 square metres is varied to permit the siting of an existing float and wharf structure with a maximum area of 42.67 square metres.

The development shall be consistent with Schedule 'A' and 'B' which are attached to and form part of this permit.

3. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of "North Pender Island Land Use Bylaw No. 224, 2022" and to obtain other approvals necessary for completion of the proposed development, including approval of the Capital Regional District and Ministry of Transportation and Infrastructure.

AUTHORIZING RESOLUTION PASSED BY THE NORTH PENDER LOCAL TRUST COMMITTEE THIS ___ DAY OF , 2024.

Deputy Secretary, Islands Trust

Date of Issuance

**IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE ___ DAY OF , 2026 THIS PERMIT
AUTOMATICALLY LAPSES.**

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
NP-DVP-2023.1

Schedule A – Siting of Float and Wharf Structure

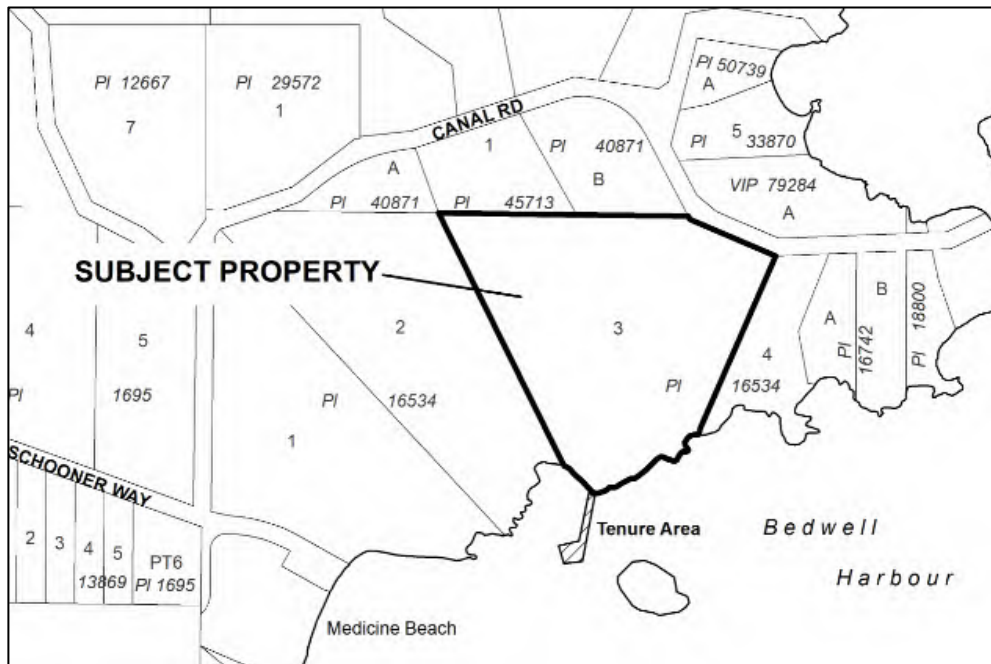


Figure A. Provincial Private Moorage Tenure Boundary

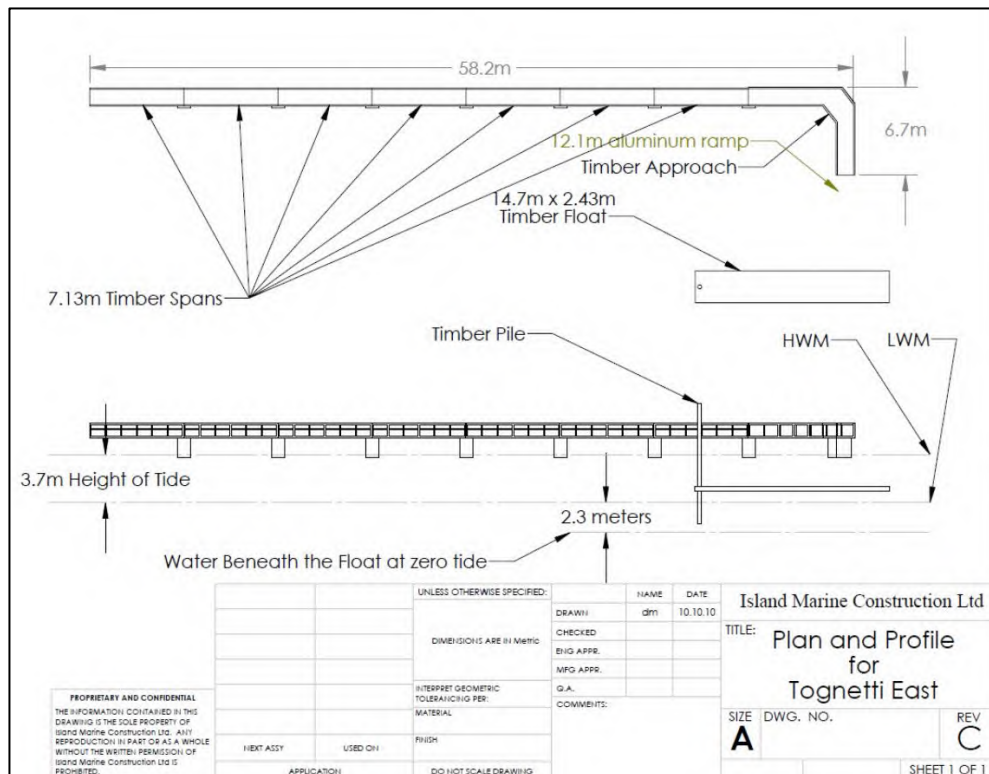
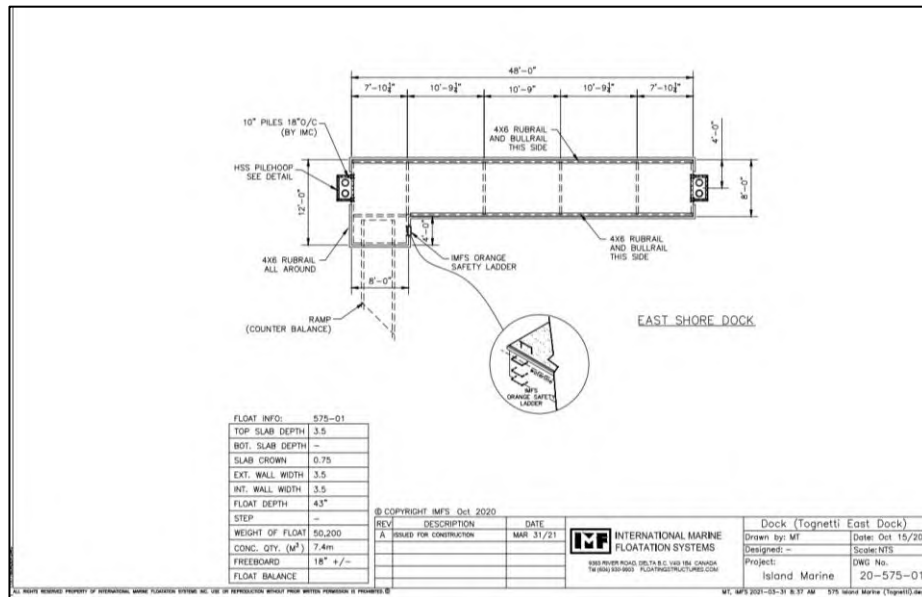


Figure B. Required Siting of Float and Wharf Structure within Tenure Area

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE

NP-DVP-2023.1

Schedule B – Structural Design





**NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
DEVELOPMENT VARIANCE PERMIT
NP-DVP-2023.5**

To: John Tognetti

1. This Development Variance Permit applies to the land described below:

Lot 2 Section 7 Pender Island Cowichan District Plan 16534
(PID: 000-036-447).

2. North Pender Island Land Use Bylaw No. 224, 2022 is varied as follows:

- a) Subsection 5.20 (4) which states that the maximum area that may be covered by floats and wharves is 37 square metres is varied to permit the siting of an existing float and wharf structure with a maximum area of 40.87 square metres.

The development shall be consistent with Schedule 'A' and 'B' which are attached to and form part of this permit.

3. This permit is not a building permit and does not remove any obligation on the part of the permittee to comply with all other requirements of "North Pender Island Land Use Bylaw No. 224, 2022" and to obtain other approvals necessary for completion of the proposed development, including approval of the Capital Regional District and Ministry of Transportation and Infrastructure.

AUTHORIZING RESOLUTION PASSED BY THE NORTH PENDER LOCAL TRUST COMMITTEE THIS __ DAY OF , 2024.

Deputy Secretary, Islands Trust

Date of Issuance

**IF THE DEVELOPMENT DESCRIBED HEREIN IS NOT COMMENCED BY THE __ DAY OF , 2026 THIS PERMIT
AUTOMATICALLY LAPSES.**

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
NP-DVP-2023.5

Schedule A – Siting of Float and Wharf Structure

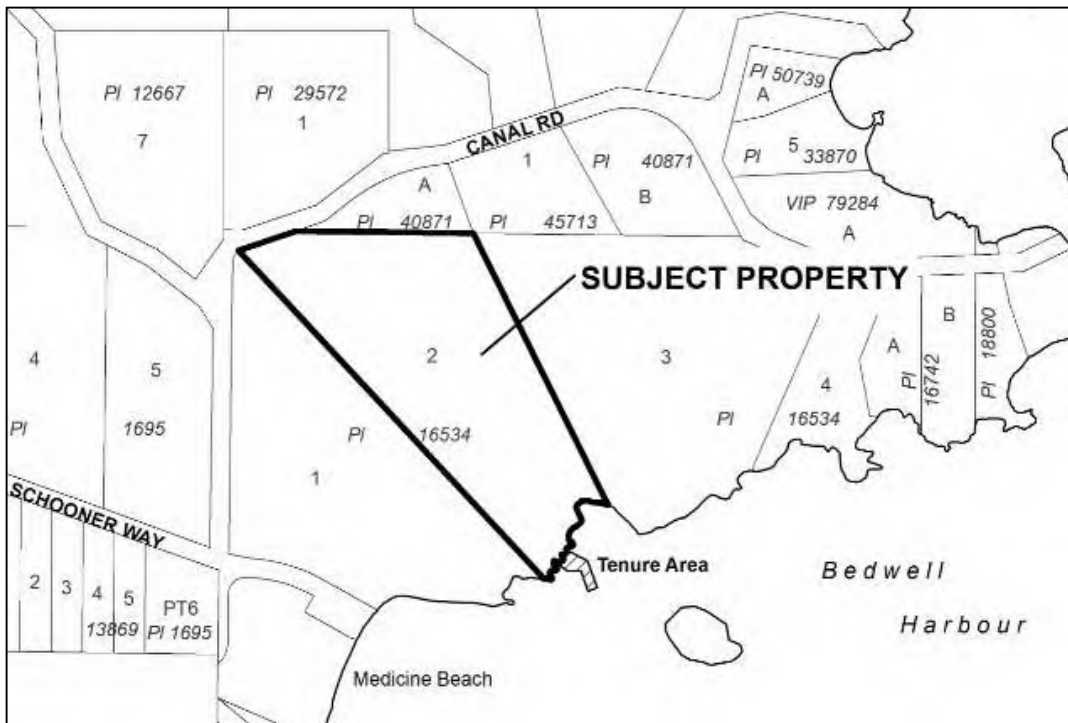


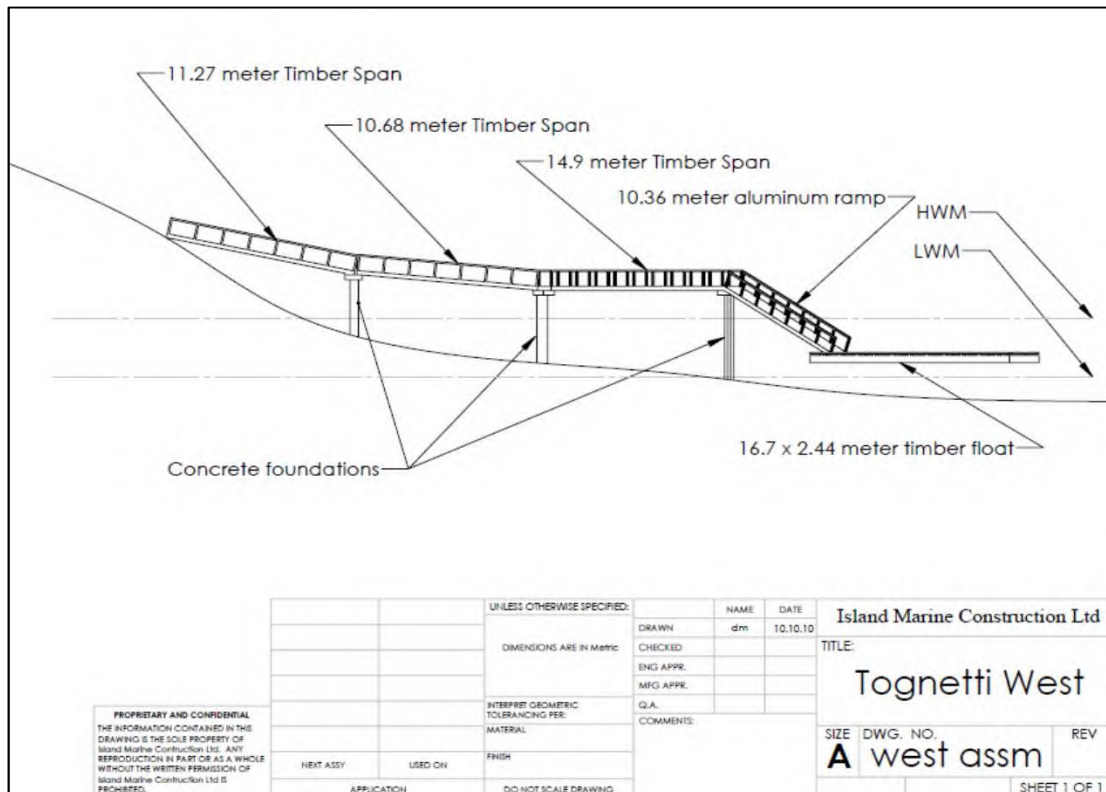
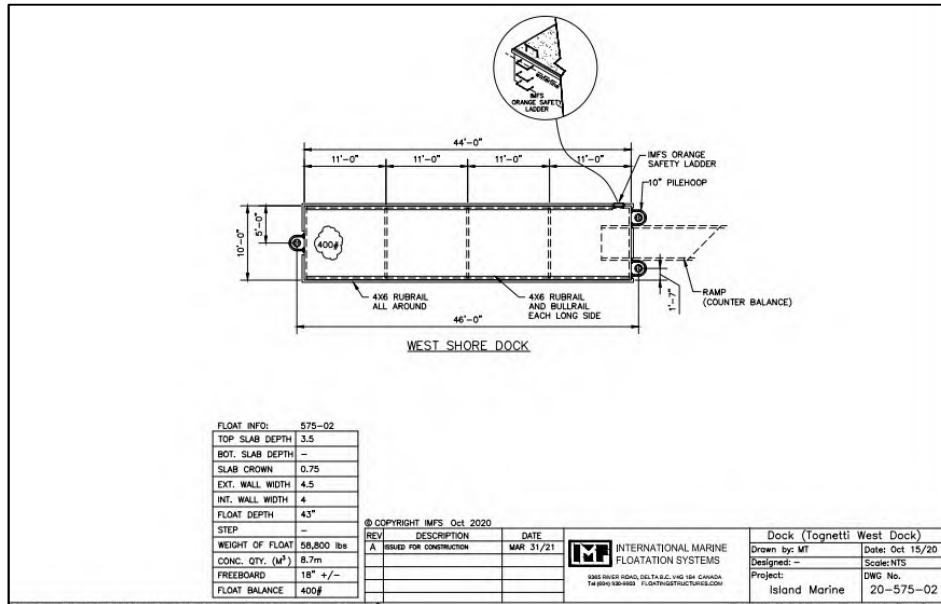
Figure A. Provincial Private Moorage Tenure Boundary



Figure B. Required Siting of Float and Wharf Structure within Tenure Area

NORTH PENDER ISLAND LOCAL TRUST COMMITTEE
NP-DVP-2023.5

Schedule B – Structural Design





Memorandum

Date: December 8th, 2021

Attention: John Tognetti (Property Owner)

CC: Dave McKerrell, Island Marine Construction Services Ltd.

Re: DRAFT Lot 3, North Pender Island Dock – Marine Habitat Assessment Report

1. Introduction

Weaver Technical Corp (Weaver Tech) is pleased to provide a marine habitat assessment report for the reconstruction of a private dock (the Project) located on Lot 3, North Pender Island, BC associated with the following legal description: Lot 3, PART OF BEDWELL HARBOUR, SECTION 7, PENDER ISLAND, COWICHAN DISTRICT, Plan 16534 (PID: 000-036-455). The proposed dock will be situated within a small western bay of Bedwell Harbour, North Pender (Figure 1). This assessment includes the description of habitats within the foreshore, intertidal, and subtidal areas where the proposed dock will be constructed. These habitats were assessed during a site visit completed on November 15th, 2021. A review of habitats and determination of potential impacts is included within the environmental assessment portion of this document. In addition, a management plan has been developed to mitigate potential impact through discussion and commitments to appropriate best management practices (BMPs).

Figure 1. Overview map of the project location occurring in Bedwell Harbour associated with the upland address of Lot 3., North Pender Island, B.C. (Google Earth Imagery).



2. Scope of Work

This Project entails the assessment of habitats within the vicinity of the private moorage structure. The moorage has been in use since the 1950's and is need of repair and alterations for compliance to current regulations. Proposed works include the following components:

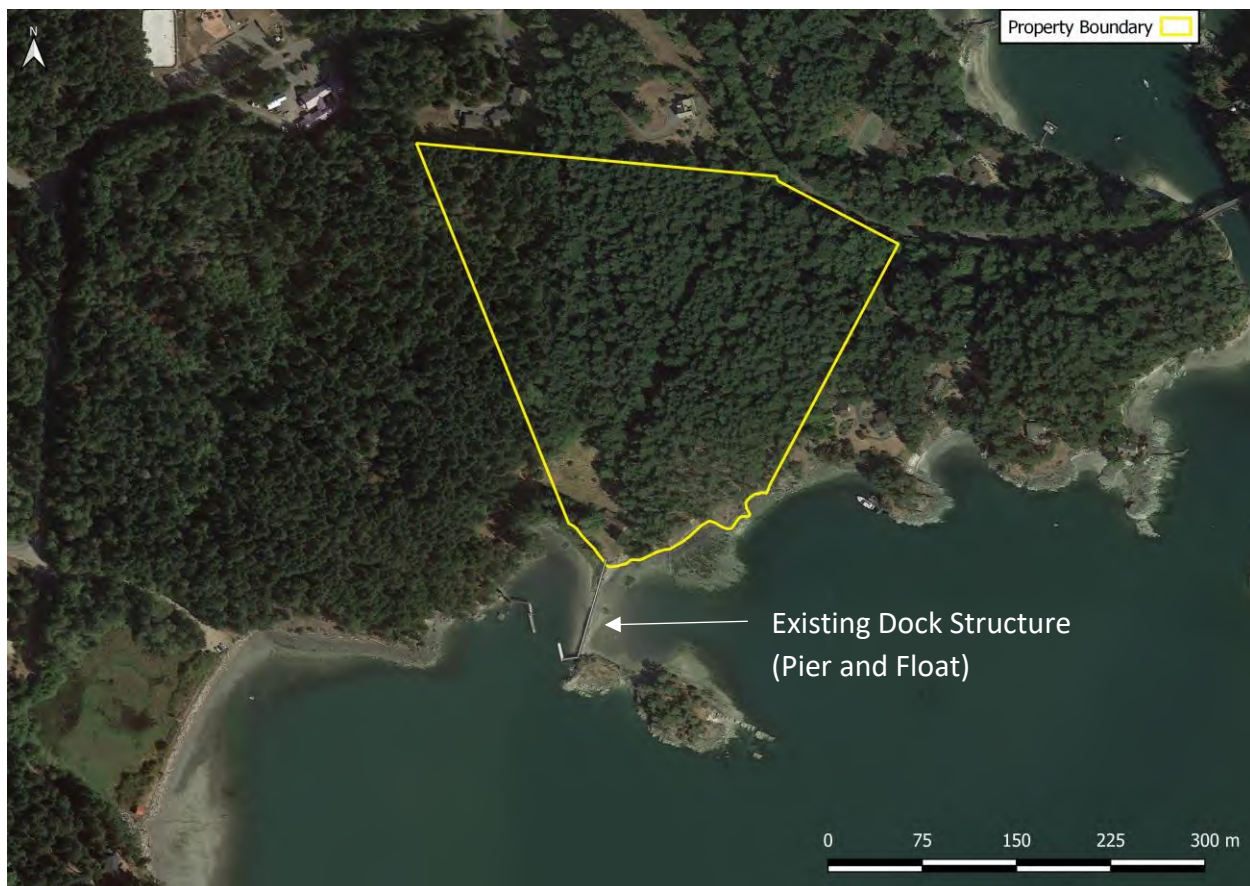
- Removal of existing walkways, dock, and other related timber structures.
- Installation of six concrete, cast-in-place risers upon the existing concrete foundations (Pillars).
- Placement of six, 1.5 m by 14-15 m aluminum framed pier/walkway sections atop of the pillars connecting the ramp to shore.
- A 1.5 m by 12.8 m hinged aluminum framed ramp extends from the pier seaward to a 2.43 m x 14.6 m (35.47 m²) concrete float.
- Two 275 mm steel piles to support the float.
- Removal of the outer most concrete pillar

The float will be constructed with precast concrete at a separate location then towed to site. The float will be held in place by two 275 mm steel mooring piles in leu of anchors and chain. Six walkways (10.7 m – 15.24 m in length) extending from shore will be supported by six

concrete foundation pillar. All pile installations and concrete works are to follow the *Best Management Practices for Pile Driving and Related Operations* (DFO, 2003). The ramp and walkways will be made from marine grade aluminum and decked with reinforced MiniMesh fibreglass grating.

Technical drawings of the proposed dock and the associated components that are accounted for in this assessment are provided in Appendix A.

Figure 2. Depiction of the subject property boundary located within Bedwell Harbour, North Pender Island (QGIS and Google Satellite Imagery).



3. Regulatory Requirements

The Project falls under several regulatory bodies and legislations including:

- **Ministry of Forest, Lands and Natural resource Operations**

The waterlot associated with the project is under tenure number 1413467 with the Province of British Columbia. As the waterlots and foreshore property belong to the Crown, a Crown waterlot lease will continue to be required for this dock. As the associated upland property is a privately held property, (not Crown) no other provincial leases are required. In addition, the

Land Operation Policy for Private Moorage requires a minimum of two metres height of structures above the HWM and that floats must be situated at a minimum of negative two metres Chart Datum (BC Ministry of FLNRORD, 2019).

- **Department of Fisheries and Oceans Canada (DFO)**

All docks must obtain prior approval by DFO to ensure they comply with the *Fisheries Act* whereby no harmful alterations, disruptions, or destructions (HADD) of fish habitats result from the proposed Project.

- **Transport Canada (TC)**

Any construction or installation of items that may impede or alter navigation of vessels must gain approval under the *Navigable Waters Protection Act* (TC, 2014).

- **North Pender Island Official Community Plan (OCP) Bylaw No. 171 (2007)**

Guidelines for the development in Intertidal Sensitive Ecosystems, outlined below (items 1-7), in Schedule N, Section 5.2.7. of the Bylaw. The project occurs within a mapped Intertidal Sensitive Ecosystem Area (Development Permit Area Six). As the proposed walkway and ramp replacement works are part of maintenance to existing structures, a development permit is not required. Pile driving of new metal piles will occur outside the intertidal DPA zone (Figure 3).

The design follows recommendations set forth in the OCP below.

1. *Stairs, walkways and other access within a sensitive intertidal ecosystem should be limited to that required for safe access, with shared access where feasible. Stairs should incorporate landings, follow the existing contours of the site, utilize small concrete pilings and have gaps between boards.*
2. *Docks should be sited to avoid impacts on sensitive ecosystems such as eelgrass beds, fish habitat and natural processes such as currents and littoral drift.*
3. *Docks should be constructed in a manner which allows free flow of water beneath the dock and supports should be located on a hard substrate.*
4. *Floating docks that do not rest on the bottom at any time and a minimal ramp should be utilized rather than fixed wharves.*
5. *Piers on pilings and floating docks are preferred over solid-core piers.*
6. *Docks should not incorporate unenclosed plastic foam or other non-biodegradable materials and should be constructed of stable materials that will not degrade water quality.*
7. *Boat launch ramps should only be located on stable, non-erosional banks where a minimum amount of substrate disturbance or stabilization is required.*

Figure 3. Map of development permit areas with relation to the subject property within Bedwell Harbour, North Pender Island (QGIS and Google Satellite Imagery).



4. Assessment Methods

On November 15th, 2021, a survey was conducted by two Weaver Tech personnel to assess the habitat values that may be impacted by the construction and long-term presence of the proposed dock. The survey consisted of a visual assessment of the foreshore's terrestrial habitat and the upper intertidal areas (i.e., unsubmerged areas during the assessment period) and a snorkel inspection of the lower intertidal and subtidal areas (i.e., submerged areas during the assessment period). The substrate types and dominant habitat features were identified one transect and assessed to 30 m from the HWM, a point beyond the expected floating dock location. The transect was established at the centre point of the expected ramp location extending from a small rocky islet approximately 75 m south from the property (Figure 4).

To support visual assessment of the survey area, observations were documented with videography of the terrestrial and underwater environments.

In relation to the tide levels during the snorkel assessment, the survey period occurred between 10:30 and 12:23 PST, on November 15th, 2021. The tide level during the assessment

was established to be +2.74 m Chart Datum (CD) for 11:15 PST, and +3.0 m C.D for 12:00 PST, as reported for the Bedwell Harbour, BC, Tide Station, number 7350 (DFO, 2021).

5. Habitat Values

The terrestrial habitat of the property on North Pender Island is defined as Coastal Douglas Fir moist maritime (CDFmm) by the Biogeoclimatic Ecosystem Classification program of British Columbia (BEC). This biogeoclimatic unit is found along the southeastern region of Vancouver Island and Southern Gulf Islands. It occurs along low elevation terrain and experiences long growing seasons due to mild winters and dry summers. The dominant vegetation species are Douglas fir (*Pseudotsuga menziesii*), Western Red Cedar (*Thuja plicata*) and Bunch Grasses. During the assessment, the observed terrestrial habitat was moderately altered by human activities for a single home dwelling, with portions of the land surrounding the house cleared of tall vegetation and trees. Within the naturalized areas of the site, observations of Douglas Fir, Western Red Cedar, and Arbutus (*Arbutus menziesii*) trees were recorded (Figure 5). In addition, an understory of mosses, grasses, shrubs, and herbaceous plants were observed.

The geomorphological components of the area consisted of a gently sloped bedrock foreshore of the main property, an ~75 m long sandy tombolo extending southward, and a small bedrock islet connected to it (Figure 6 and Figure 7). These features formed a small bay, along the western shore of Bedwell Harbour. The bedrock that formed the foreshore and islet was composed of igneous rock material, which was also observed in portions of the intertidal area. Sand and silt substrates were observed on the tombolo and low current areas of the intertidal and subtidal habitats. Along the transect from the anticipated ramp location, bedrock was observed to occur up to 7 m from the HWM. At 7 m to 9 m from the HWM, a concrete pillar occurs. Beyond the pillar, the rocky substrate quickly drops out to sand and shell substrate that continues to the end of the transect area at 30 m from the HWM.

Regarding biota, the upper intertidal habitat (splash zone) was void of algal growth and had little invertebrate life. Beginning at ~2 m from the HWM, the presence of barnacles (suborder: *Balanomorph*), and algae (*Fucus sp.*) were observed. At 7 m – 9 m from the HWM, growth of *Ulva sp.* was observed on the submerged surfaces of the outer most concrete pillar (Figure 8). From the pillar to the intertidal boundary minor presence of *Ulva* was observed over the soft bottom substrate (Figure 9). The subtidal habitat beyond 13.9 m from the HWM remained low in algal and benthic invertebrate density. A couple Sugar Kelp (*Saccharina sp.*) were observed near the transect indicated some kelp occurrence at the site but in relatively low density (Figure 10). Timing of the assessment may have resulting in the low observed density, but general area looked to be of poor quality. A result of limited tidal movement expected in the bay. No observations of Bull Kelp (*Nereocystis luetkeana*), or Eelgrass (*Zostera sp.*) were observed in the



project area. However, several stalks of uprooted Eelgrass were observed settled on the sand and shell substrate indicating presence within the Harbour.

Benthic invertebrate abundance in the assessed area was observed to be a low-moderate density of species. Incidental observations of the following invertebrate species were made during the assessment including Barnacles (Suborder: *Balanomorph*) and Nuttall's Cockle (*Clinocardium nuttallii*; Figure 11).

Of note, what appeared to be metal fencing was observed near the concrete piling at ~9 m from the HWM. It is unknown where the debris originated from and is recommended to be removed in conjunction with the pillar removal (Figure 12).

An overview diagram of the observed habitat, geomorphology, and dock components is presented in (Figure 13).

Figure 4. Overview map of the property (yellow), proposed dock infrastructure (white), and transect line (Pink) beginning at the ramp attachment point.



Figure 5. Photograph of the terrestrial vegetation surrounding the dwelling and the concrete pillars on the tombolo, facing NNE. Photograph collected November 15, 2021.



Figure 6. Looking NW at the point of connection to the upland property and small section of terrestrial habitat on the islet. Imagery collected on November 15, 2021.



Figure 7. Facing east towards the islet and the end of the proposed walkway. The existing pillars are armoured by blast rock along the tombolo. A Purple Martin nesting box can be seen to the top right of the image. Photograph collected November 15, 2021.



Figure 8. Representative photo of the upper intertidal zone depicting *Ulva* and Barnacles growing on the concrete piling at ~7 m from the HWM. Photograph collected November 15, 2021.



Figure 9. Representative view of the sand and shell substrate and benthic habitat at 14 m from the highwater mark. Photograph collected November 15, 2021.

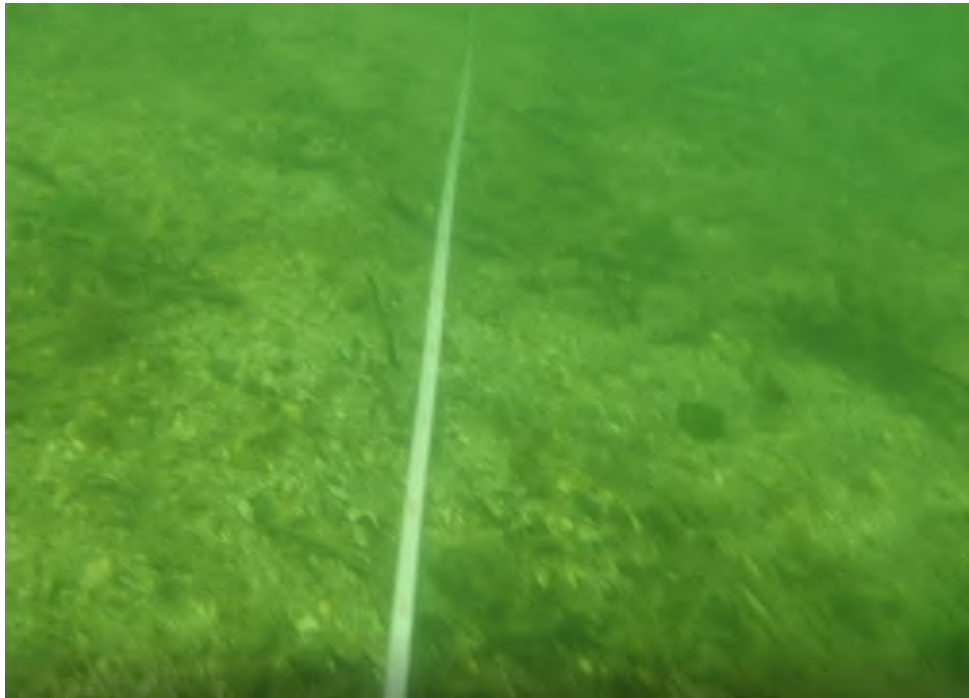


Figure 10. Representative photo of Sugar Kelp growing on the sand and shell substrate. Photograph collected November 15, 2021.



Figure 11. A single Nuttall's Cockle observed near the end of the transect on the soft bottom habitat. Photograph collected November 15, 2021.



Figure 12. View of the submerged metal fencing found at 9 m from the HWM, near the transition from bedrock to sand and shell substrate. Photograph collected November 15, 2021.

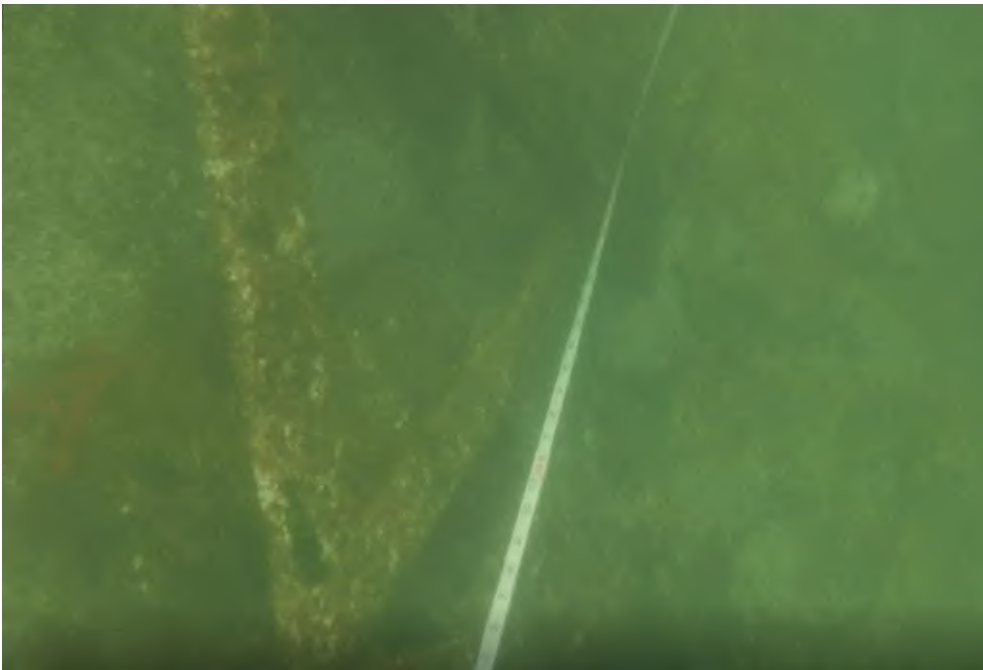
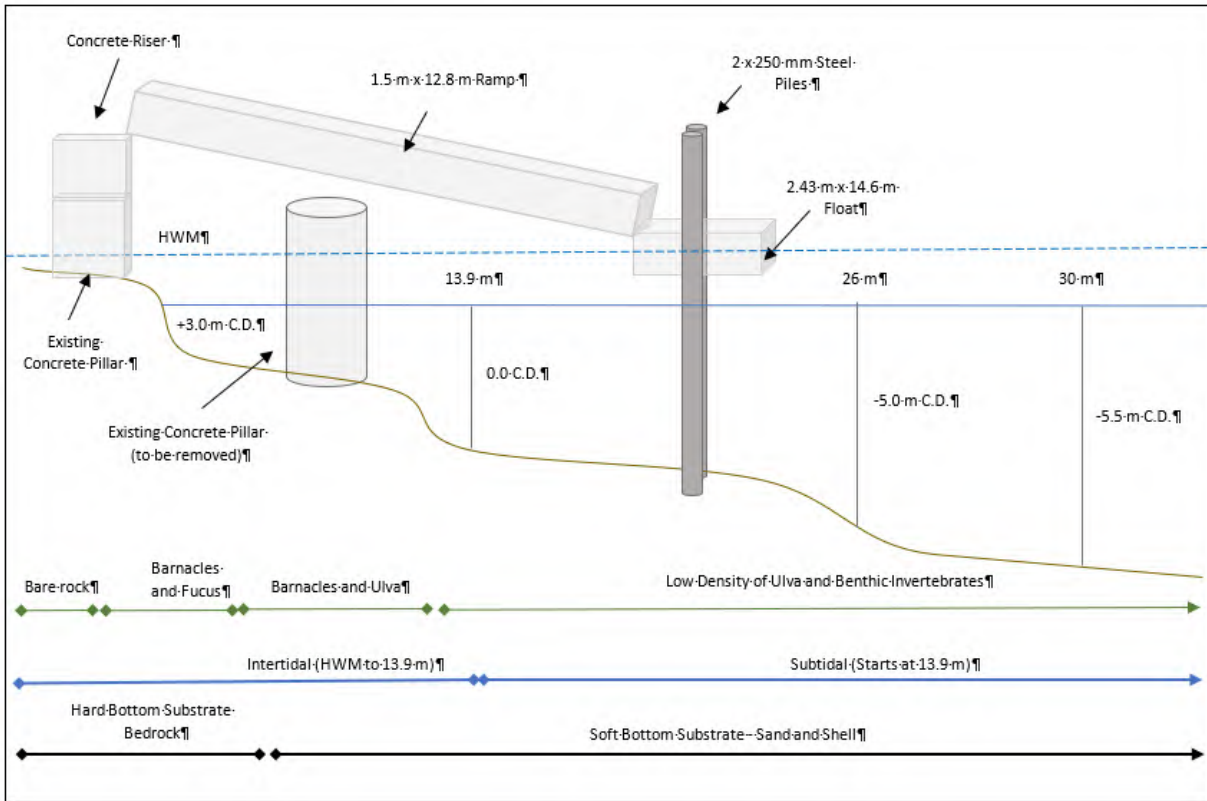


Figure 13. Diagram of the observed habitat type/species assemblage, dock components and substrate composition along the Transect. Water depths were measured at 12:00 PST (+3.0 m chart datum) on November 15th, 2021.



6. Species at-risk

The Project is unlikely to impact any species at-risk or critical habitats. Based on a search of the BC Species & Ecosystems Explorer for red- and blue-listed species and the Conservation Data Centre (CDC) for critical habitats, two mapped occurrences of species/ecosystems at-risk are present on the subject property (Figure 14). The ecosystems at-risk (Grand fir/Dull Oregon Grape, and Douglas-fir/Dull Oregon Grape) populate much of upland property and large portions of North Pender Island. Little to no terrestrial habitat is expected to be disturbed as a result from the dock maintenance works, as such, no long-term impacts are anticipated for the terrestrial ecosystems present in the Project Area (i.e., losses of Grand Fir/ Dull Oregon-grape Ecosystem).

Southern Resident Killer Whale (SRKW): This is a subspecies of endangered Orca (*Orcinus Orca*) most often found near the inshore waters of southern Vancouver Island but may range from Northern BC to Central California. The SRKW exclusively feeds on fish and cephalopods in these waters making them distinct from other neighbouring populations of Orca. A downward trend

in the SRKW population in recent years has increased environmental protections from threats including loss of prey availability, acoustic disturbance, pollution, and loss of habitat.

The project has been identified to occur within critical habitat of the SRKW (Figure 15).

Potential impacts during construction works include subsurface acoustic disturbances from vessel traffic, ship strikes, and temporary avoidance of the area. For prescribed mitigations, see section 7.3.

Due to the sensitivities of the area as a SRKW habitat and forage fish spawning habitat, it is recommended that all pile driving activities be precluded from the list of works until review by the DFO has occurred. The establishment of a marine mammal exclusion area coupled with monitoring for marine mammals and forage fish spawning activity by experienced personnel is recommended and expected as DFO requirement. Hydroacoustic monitoring will not be required if impact pile driving is avoided.

It is anticipated that no interactions of SRKWs will occur during construction activities at the site and risk is low. The construction site occurs in a shallow, isolated bay of Bedwell Harbour that is unlikely to be frequented by SRKWs. The greatest chance of a SRKW encounter may occur while in transit to and from the project site by crews. Federal ship traffic laws regarding distance buffers to SRKWs will apply.

Purple Martin (*Progne subis*): Purple Martin are a colony nesting, shoreline bird species native to the coast of British Columbia and are a Provincially blue-listed species by the BC CDC. This species is known to be reliant on artificial nesting boxes typically on pilings over water due to loss of habitat by human activities. Nesting season begins in the spring, with birds remaining in nesting boxes until August or September. Purple Martins are widely distributed through much of eastern North America and Central America with the coast of British Columbia as the northwestern most extent of their range. As a result, population densities can rapidly fluctuate and are extremely sensitive to changes.

Prior to construction, a Purple Martin nesting box colony had been moved by the property owner in preparation for construction. The nesting boxes are affixed to a timber pile that was originally located over water west of the rocky islet. The pile and boxes were observed still affixed to the pile but attached to shore of the rocky islet. Potential impacts of this movement include increased risk of land-based predation and may result in reluctance of reuse by the birds due to the alteration. It is recommended that the nesting boxes be returned to the original position to prevent these impacts.

In addition to the above, other federally and provincially listed species may occur in the vicinity or within the Project Area based on a search of the BC Species & Ecosystem Explorer for red- and blue-listed species. A refined list of these species at risk is provided in Appendix C. A review



of the listed species and their habitat requirements was completed to determine potential Project effects. It was determined that the Project it is unlikely to negatively impact any of the listed species or critical habitats.

Figure 14. Occurrences of at-risk species and critical habitats in the vicinity of the proposed Project Area (QGIS and Provincial Species at Risk Data, 2021).

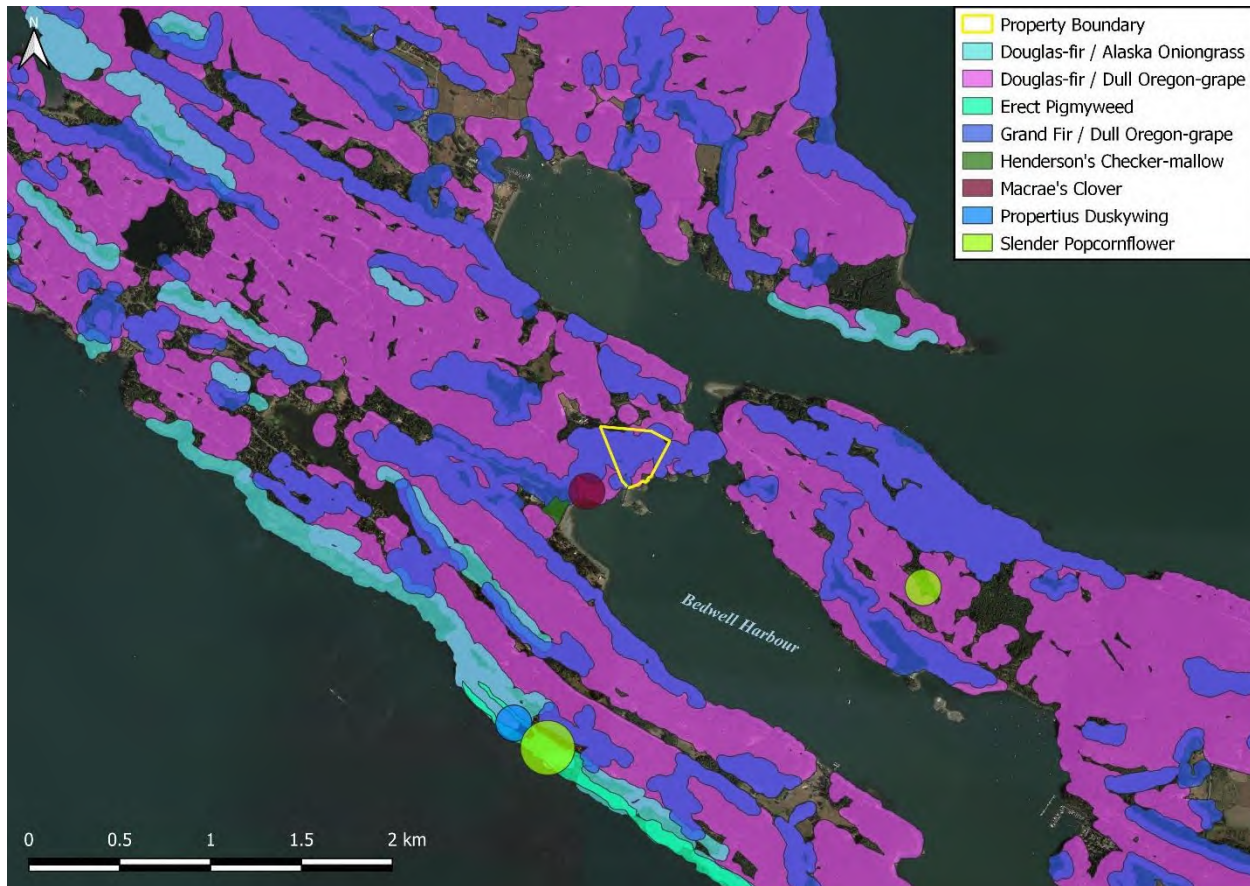


Figure 15. Map of SRKW Critical Habitat in the vicinity of the proposed Project Area (QGIS and Federal Species at Risk Critical Habitat Data, 2021).



7. Best Management Practices, Mitigation Measures and Monitoring

7.1. Recommended Best Management Practices for Project Operations

The proponent will adhere to the best management practices outlined below during the works. Any deviation (if required) from these best management practices will only be undertaken under the direction of a qualified professional and/or notification of appropriate agencies when applicable.

- **DFO – Measures to avoid causing harm to fish and fish habitat including aquatic species at risk.** <https://www.dfo-mpo.gc.ca/pnw-ppe/measures-mesures-eng.html>
- **DFO Timing Windows to Conduct Projects In or Around Water** – Two low-risk fisheries window occur for Area 18 (Cowichan Area) 1) Summer Window: July 1st – October 1st and 2) Winter Window: December 1st – February 15th).
<http://www.dfo-mpo.gc.ca/pnw-ppe/timing-periodes/index-eng.html>

- **BC Erosion and Sediment Control Best Practices** <https://escabc.com/>
- **BC Guidelines for Use of Treated Wood In and Around Aquatic Environments and Disposal of Treated Wood** https://www2.gov.bc.ca/assets/gov/driving-and-transportation/transportation-infrastructure/engineering-standards-and-guidelines/environment/references/guidelines-treated_wood.pdf?bcgovtm=CSMLS
- **Best Management Practices for Pile Driving and Related Operations** https://buyandsell.gc.ca/cds/public/2016/08/17/f0fcf96f5bd08535ff8e81aac62bbd74/fp802-160141_bc_pile_driving_practices.pdf

7.2. Mitigation Measures

In general, any equipment and machinery used in the construction/installation of the dock and its component parts are required to be in good operating condition. They are to be maintained to a standard where operating parts are free of leaks and no excess oil or grease are present that could lead to introductions to the environment. An appropriately equipped spill containment kit will be readily accessible during in-water works in the event of a release of any deleterious substance to the environment. If fuel stored on site or on barges the spill kit should be stored alongside. All members of the working crew should be trained in the use of spill containment equipment/items. Any spill of a substance that is toxic, polluting, or deleterious to aquatic life of reportable quantities must immediately be reported to the Emergency Management BC Program 24-hour phone line at **1-800-663-3456**.

In addition, the proponent has committed to implementing the following mitigation measures during in-water works:

To use a vibratory hammer during pile driving whenever feasible. However, should an impact hammer be required the following items must be implemented.

- Establish a marine mammal exclusion zone around the work area. The extent of the zone shall be determined by the distance at which sound levels above 160dB_{RMS} re: 1uPa are not exceeded at the edge of the exclusion zone (i.e., determine distance at which sounds levels are measured below the specified level and create a radius around the work site using this distance).
- Use of an impact hammer may only occur during daylight hours and when weather conditions (i.e., heavy rain, dense cloud, fog, etc.) permit the visual assessment of marine mammals within the exclusion zone as defined below.
- Installation and use of a bubble curtain will be implemented as a tool to reduce peak sound pressure levels to those below 206 dB re:1uPa and a SEL_{CUM} of 180 dB re uPa²s outside of the sound attenuation device
- Monitor for marine mammals within the exclusion zone for a minimum of 30 minutes prior to impact pile driving. Impact hammering is to be ceased if a marine mammal is observed



to enter the exclusion zone and must not occur while the individual remains within the zone or has not been sighted for 30 minutes within the exclusion zone

- Implement the use of “soft starts” during pile driving thereby allowing pile driving energy to be gradually increased over a 10-minute period and will be required anytime there is a break in these activities of 30 minutes or more. Soft start measures have shown to encourage mobile fishes and wildlife to vacate an area prior to hydroacoustic related impacts occurring associated with full force pile driving.
- To conduct any operations requiring the use of a clam shell (if needed) will be conducted in a manner to reduce the introduction of benthic sediments into the water column. Suggested efforts include reducing the velocity of the ascending clamshell bucket.

7.3. Monitoring

The following environmental monitoring will be conducted during in-water works by a qualified environmental monitor:

- Hydroacoustic monitoring will be conducted during in-water works to assess impacts to fish and marine mammals. Sound levels must remain below the threshold levels (A. 160dB_{RMS} re: 1uPa at the edge to the exclusion zone and B. 206 dB re:1uPa and a SEL_{CUM} of 180 dB re uPa²s outside of the sound attenuation device). If these thresholds are exceeded impact hammer must be ceased and only resumed if additional mitigation measures are implemented that reduces sound level below both thresholds.
- Visual effectiveness monitoring of the mitigation measures for any impacts to fishes or marine mammals within the above-mentioned exclusion zone.

8. Socio-community Impacts

Given that the work is occurring on the west shore of Bedwell Harbour, BC, adverse effects or interactions with the community or businesses in the area are expected to be minimal. Private residences adjacent to the site may experience noise disturbances during construction.

However, the duration of the Project is not expected to be longer than two weeks. Noise disturbances will likely occur during the day when nearby residences are often away. Overall, based on the limited number of piles to be installed (total of two) and the short duration of works the noise impacts expected to result from the dock installation should be minimal.



9. Archaeology and Heritage Resources

9.1. Soil Disturbance and Archeology

Based on the BC Treaty Map, the Project is located within the Te'mexw Treaty Association, Tsawwassen First Nation, and the Hul'qumi'num Treaty Group traditional territories (BC Treaty Commission, 2021). The Province of British Columbia has indicated that an archaeological site is reported to occur southeast of the project. The archaeological site is identified as "DeRt-17", as a potential burial site located at approximate coordinates 10U 480693.34 E, 5400924.36 N (see Figure 16). These islets have been marked as potential for burials due to similar burial sites in the area occurring on small islands. No heritage resources have been discovered at this site however there is still potential for discovery if excavation on or near the islets occurs.

Only a minor disturbance of native soils is expected with the project (excavation for abutment footing) as the project primarily involves walkway replacement atop existing structures and pile driving. All excavations and soil disturbances must adhere to the following Chance Find Procedures (as described below) to mitigate for potential impacts.

Figure 16. Map of approximate location of archaeological site DeRt-17 (QGIS, Province of British Columbia Archaeology Branch, and Google Earth Satellite Imagery, 2021).



9.2. Chance Find Procedures

If evidence of any archeological resource is encountered, the following Chance Find Procedure will be implemented to mitigate impact:

- Any activities that might disturb potential archaeological resources or the site in which it is contained within will be immediately stopped.
- The artifacts or other remains present at the site will not be moved.
- The site will be staked or flagged off to prevent additional disturbances.
- BC Archaeology Branch will be contacted at **1-250-953-3334**.

10. Summary of Potential Environmental Impact

Potential impacts from the proposed dock may result from the following factors: 1) losses of terrestrial and marine habitats resulting from the occupation by structures, 2) habitat degradation from dock infrastructure and construction activities, 3) reduced primary and secondary production as a result from shading, 4) hydroacoustic impacts to fish and marine mammals from pile driving and 5) disturbances of the Purple Martin nesting sites.

The small foundational abutment will occupy approximately 1 m² area of terrestrial habitat upon installation. Marine habitat losses of less than 5 m² are expected because of occupation of natural substrates from the placement of the steel pilings and removal of an existing concrete pillar and are considered negligible. In addition, it is expected that over time these structures will be colonized and become integrated and continuous with the surrounding habitat.

Habitat degradation from anchor lines and other mooring structures can incur continuous damage from abrasion. To mitigate the risk of scour, the float will be supported by two pilings instead of anchors and chain. This shall prevent any continued disturbance of the substrate and to the species that reside within. Potential habitat degradation during construction activities from the following sources have been reviewed: groundings of barges and support vessels, spills, turbidity, and noise impacts. With care these risks can be appropriately mitigated.

Overall shading impacts are expected to be minimal based on the limited algal growth in area occurring under the proposed float and ramp. Additional mitigation measures have been prescribed to allow for greater light penetration through constructed surfaces of the dock and walkway. The running surfaces of the pier/walkway and the ramp (approximately 100 m²) are to be constructed of light transmissive MiniMesh grating resulting in a minor reduction in light penetration. The concrete dock (approximately 35 m²) will be impermeable to light and will be positioned over soft sediments habitat. Additional shading is expected when vessels are moored alongside the dock. Overall, losses to the existing primary and secondary production to the site are expected to be low.

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Potential impacts from pile driving activities on fishes and marine mammals, including the SRKW are of concern. To address potential occurrences of harm visual and acoustic monitoring has been prescribed follow the standard operating practices recommended by the Department of Fisheries and Oceans Canada (DFO).

11. Conclusion

In general, the potential impacts from the Project are low with regards to terrestrial habitats, marine habitats, species at-risk, socio-community impacts, and archaeological/heritage resources. Based on the current design plan (Appendix A), the installation of the float, ramp, concrete risers, and walkway; no impacts to any fish or marine mammal species are expected to result from the proposed dock design if the prescribed mitigations and BMPs are followed. Works are to occur within either of the DFO the low-risk fisheries windows (July 1st – October 1st or December 1st – February 15th) to further reduce potential impacts to the habitat values present within the Project Area. To ensure compliance with the Fisheries Act, the project should be submitted to DFO for review through the Request for Review process. In addition, the property owner (John Tognetti) and all persons whom they employ on this Project have committed to abide by all prescribed mitigation measures, BMPs, and appropriate legislation and regulatory requirements for the installation of a private marine dock.

For any questions regarding the content of this letter please contact the undersigned.

Regards,

Arin Yeomans-Routledge, R.P.Bio., B.Sc. and

Spencer Lapp, Fish. Tech.

STAMP

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North Vancouver, BC, V7J 2L1

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Appendices:

Appendix A – Technical Drawings

Appendix B – Representative Site Photographs and Raw Datasheets

Appendix C – Species and Ecosystems At-Risk List



Appendix A
Technical Drawings



Figure 1. Plan and profile of the dock design. Technical drawing, of side and overhead view of the private moorage structure.

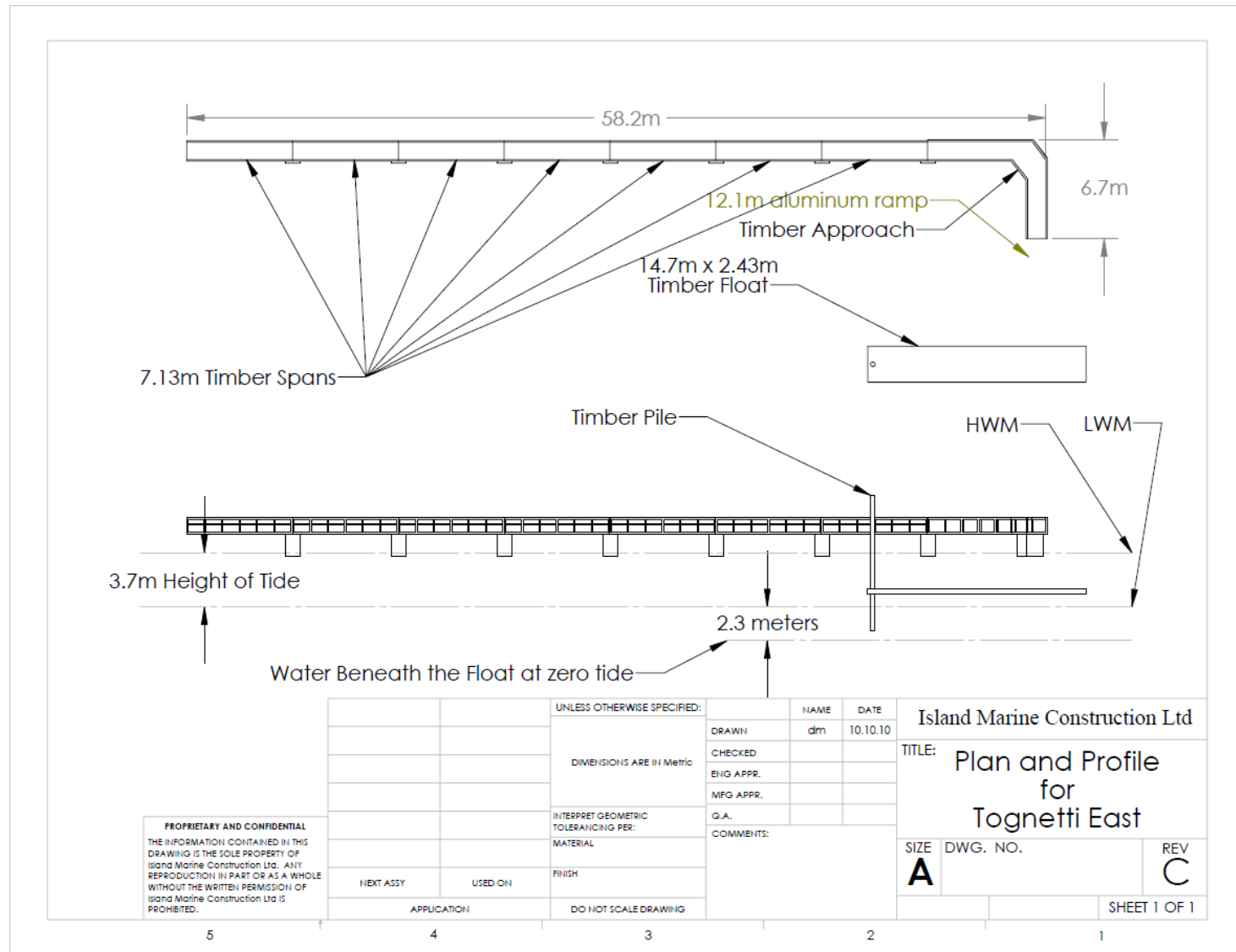
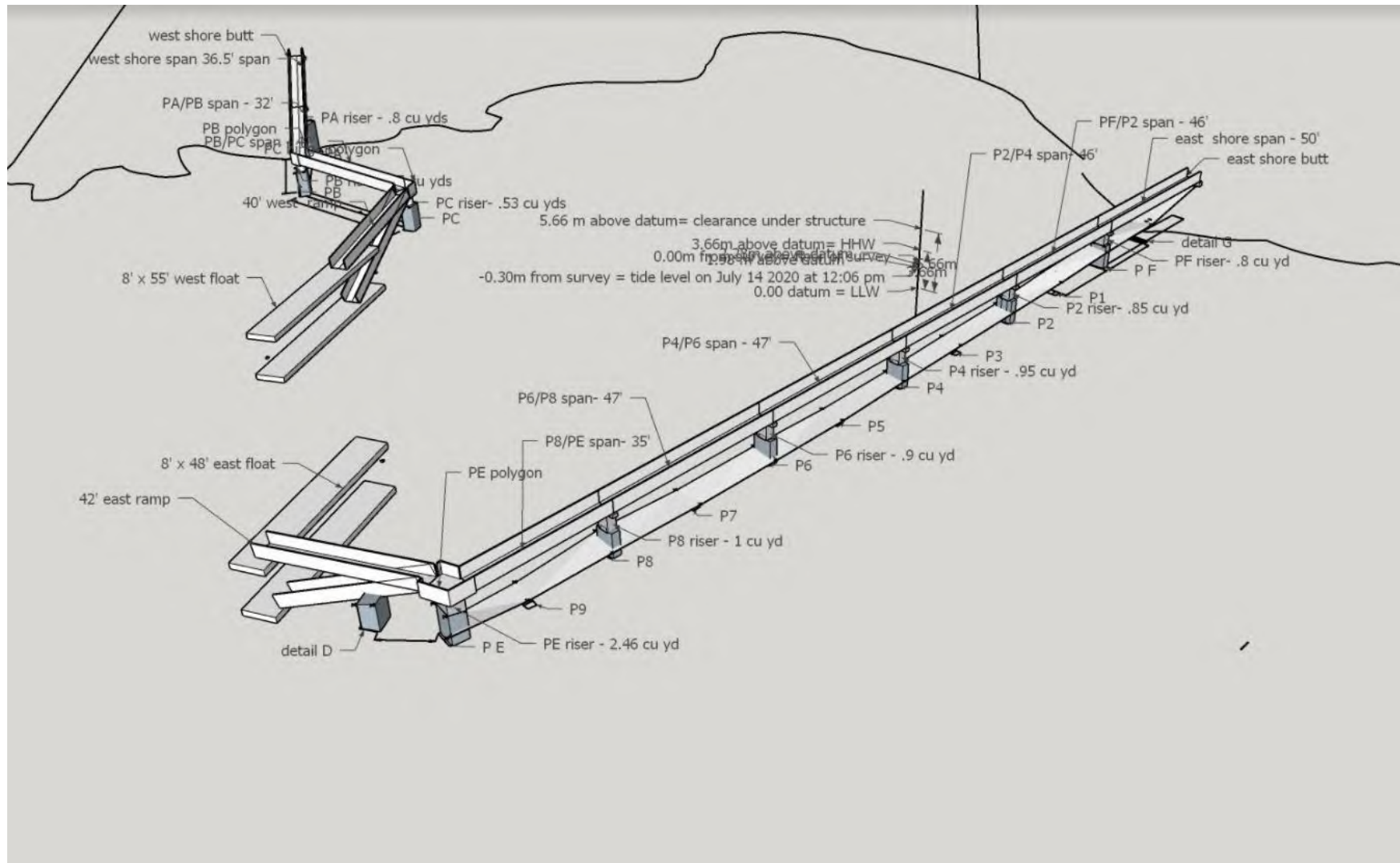


Figure 2. Profile diagram of the walkway and dock design.



Appendix B

Representative Site Photograph

Figure 1. Representative photograph of the terrestrial habitat. Arrow indicates the proposed attachment point of the walkway. Imagery collected on November 15, 2021.



Figure 2. View of the existing concrete pilons spanning the length of the sandy tombolo. Photograph collected November 15, 2021.



Figure 3. Facing east towards the islet and the end of the proposed walkway. The existing pilons are armoured by blast rock along the tombolo. A Purple Martin nesting box colony can be seen to the top right of the image. Photograph collected November 15, 2021.



Figure 4. View of the Purple Martin nesting boxes that were relocated to an attachment point on the islet. Photograph collected November 15, 2021.



Figure 5. Representative photo of the upper intertidal zone depicting *Ulva* and Barnacles growing on the concrete piling at 7 m from the HWM. Photograph collected November 15, 2021.



Figure 6. Representative photo of barnacle and algal growth on the concrete piling at 8 m from the HWM. Photograph collected November 15, 2021.

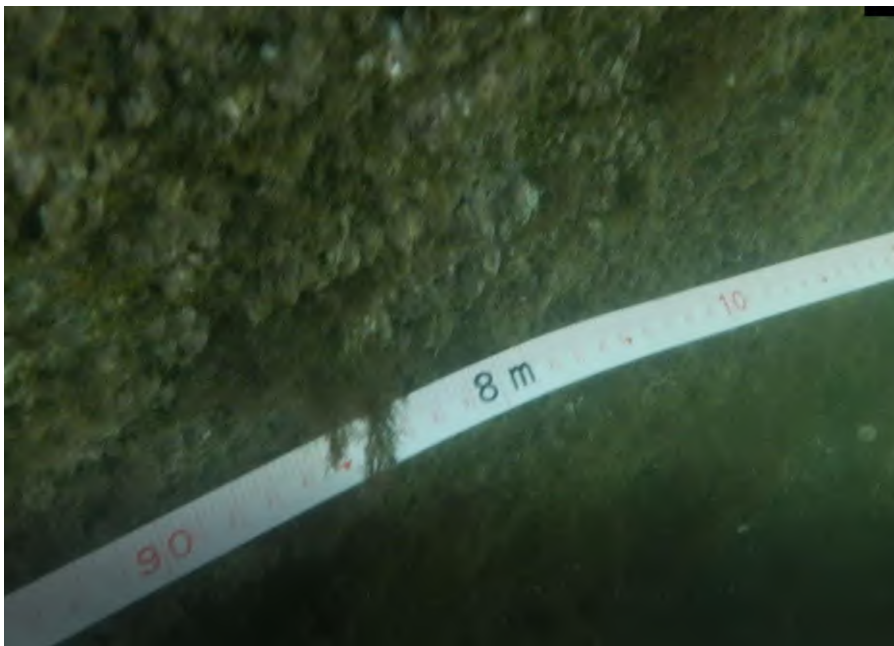


Figure 7. Representative view of the sand and shell substrate and low biota density at 14 m from the highwater mark. Photograph collected November 15, 2021.

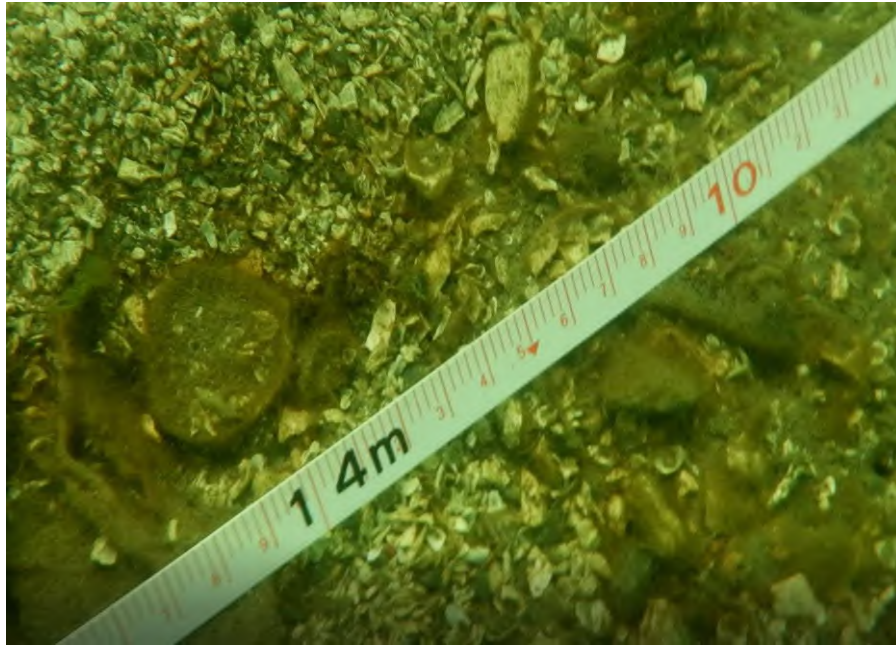


Figure 8. Representative photo of Sugar Kelp growing on the sand and shell substrate. Photograph collected November 15, 2021.



Figure 9. View of the soft bottomed substrate at 17 m from the HWM. Photograph collected November 15, 2021.

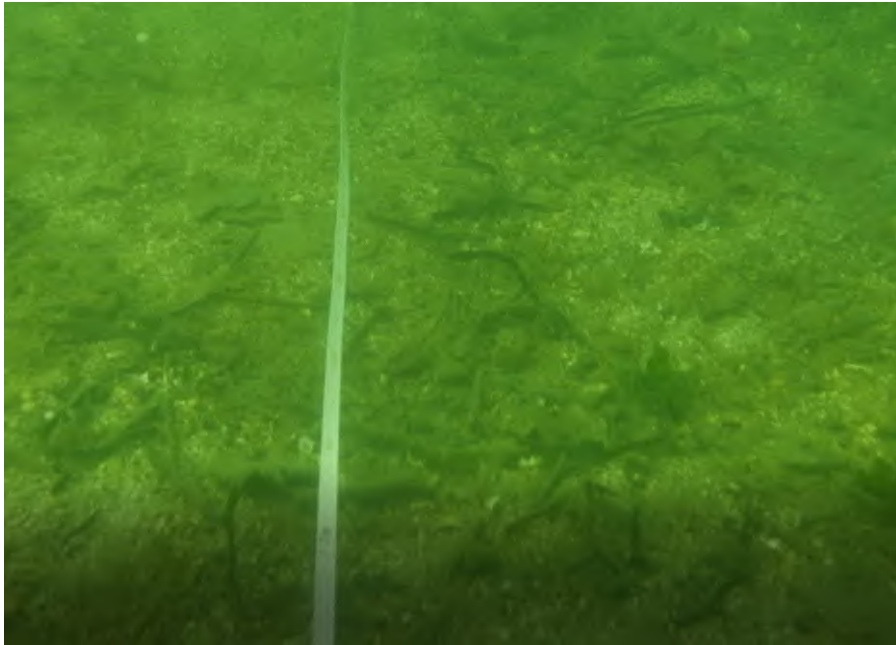
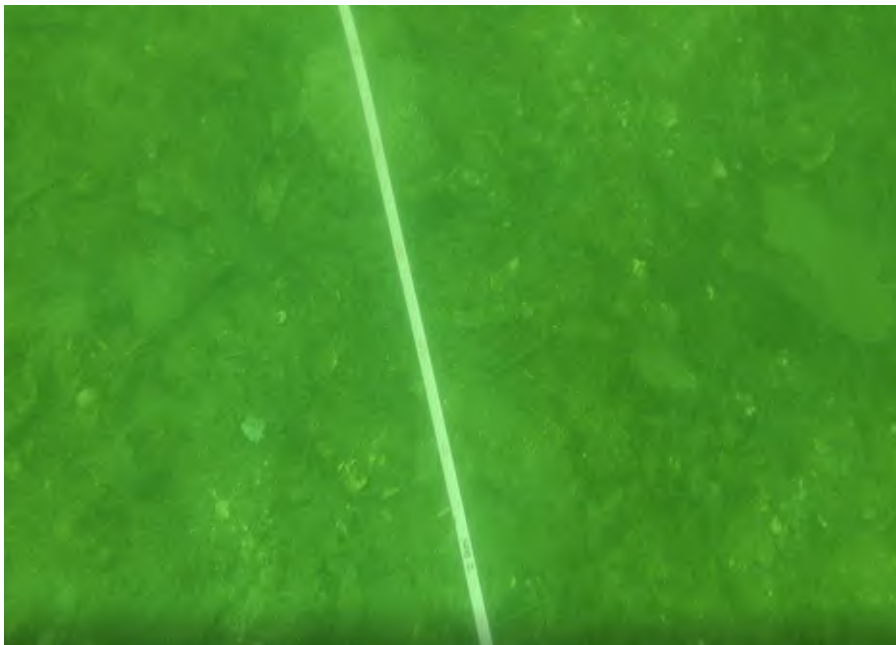


Figure 10. View of the sand and shell substrate near the end of the transect at 29 m from the HWM. Photograph collected November 15, 2021.



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Scientific Name	English Name	BC List	SARA	SARA Date
Animals				
Amphibians				
<i>Dicamptodon tenebrosus</i>	Coastal Giant Salamander	Blue	Threatened	Jun-03
<i>Ascaphus truei</i>	Coastal Tailed Frog	Yellow	Special Concern	Jun-03
<i>Lithobates pipiens</i>	Northern Leopard Frog	Red	Endangered	Jun-03
<i>Rana aurora</i>	Northern Red-legged Frog	Blue	Special Concern	Jan-05
<i>Rana pretiosa</i>	Oregon Spotted Frog	Red	Endangered	Jun-03
<i>Aneides vagrans</i>	Wandering Salamander	Blue	Special Concern	Feb-18
<i>Anaxyrus boreas</i>	Western Toad	Yellow	Special Concern	Jun-18
Birds				
<i>Recurvirostra americana</i>	American Avocet	Blue		
<i>Botaurus lentiginosus</i>	American Bittern	Blue		
<i>Pluvialis dominica</i>	American Golden-Plover	Blue		
<i>Pelecanus erythrorhynchos</i>	American White Pelican	Red		
<i>Synthliboramphus antiquus</i>	Ancient Murrelet	Blue	Special Concern	Aug-06
<i>Patagioenas fasciata</i>	Band-tailed Pigeon	Blue	Special Concern	Feb-11
<i>Tyto alba</i>	Barn Owl	Red	Threatened	Jun-18
<i>Hirundo rustica</i>	Barn Swallow	Blue	Threatened	Nov-17
<i>Setophaga castanea</i>	Bay-breasted Warbler	Red		
<i>Melanitta americana</i>	Black Scoter	Blue		
<i>Cypseloides niger</i>	Black Swift	Blue	Endangered	May-19
<i>Nycticorax nycticorax</i>	Black-crowned Night-heron	Red		
<i>Setophaga virens</i>	Black-throated Green Warbler	Blue		
<i>Dolichonyx oryzivorus</i>	Bobolink	Blue	Threatened	Nov-17
<i>Phalacrocorax penicillatus</i>	Brandt's Cormorant	Red		
<i>Branta bernicla</i>	Brant	Blue		
<i>Athene cunicularia</i>	Burrowing Owl	Red	Endangered	Jun-03
<i>Larus californicus</i>	California Gull	Blue		
<i>Branta canadensis occidentalis</i>	Canada Goose, <i>occidentalis</i> subspecies	Red		
<i>Cardellina canadensis</i>	Canada Warbler	Blue	Threatened	Feb-10
<i>Hydroprogne caspia</i>	Caspian Tern	Blue		
<i>Ptychoramphus aleuticus</i>	Cassin's Auklet	Red	Special Concern	May-19



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<i>Uria aalge</i>	Common Murre	Red		
<i>Chordeiles minor</i>	Common Nighthawk	Yellow	Threatened	Feb-10
<i>Oporornis agilis</i>	Connecticut Warbler	Blue		
<i>Phalacrocorax auritus</i>	Double-crested Cormorant	Blue		
<i>Coccothraustes vespertinus</i>	Evening Grosbeak	Yellow	Special Concern	May-19
<i>Sterna forsteri</i>	Forster's Tern	Red		
<i>Ammodramus savannarum</i>	Grasshopper Sparrow	Red		
<i>Ardea herodias fannini</i>	Great Blue Heron, <i>fannini</i> subspecies	Blue	Special Concern	Feb-10
<i>Butorides virescens</i>	Green Heron	Blue		
<i>Falco rusticolus</i>	Gyr Falcon	Blue		
<i>Eremophila alpestris strigata</i>	Horned Lark, <i>strigata</i> subspecies	Red	Endangered	Jul-05
<i>Fratercula corniculata</i>	Horned Puffin	Red		
<i>Limosa haemastica</i>	Hudsonian Godwit	Red		
<i>Chondestes grammacus</i>	Lark Sparrow	Blue		
<i>Melanerpes lewis</i>	Lewis's Woodpecker	Blue	Threatened	Jul-12
<i>Numenius americanus</i>	Long-billed Curlew	Blue	Special Concern	Jan-05
<i>Brachyramphus marmoratus</i>	Marbled Murrelet	Blue	Threatened	Jun-03
<i>Ammodramus nelsoni</i>	Nelson's Sparrow	Red		
<i>Fulmarus glacialis</i>	Northern Fulmar	Red		
<i>Accipiter gentilis laingi</i>	Northern Goshawk, <i>laingi</i> subspecies	Red	Threatened	Jun-03
<i>Glaucidium gnoma swarthi</i>	Northern Pygmy-owl, <i>swarthi</i> subspecies	Blue		
<i>Contopus cooperi</i>	Olive-sided Flycatcher	Blue	Threatened	Feb-10
<i>Falco peregrinus</i>	Peregrine Falcon	No Status	Special Concern	
<i>Falco peregrinus anatum</i>	Peregrine Falcon, <i>anatum</i> subspecies	Red	Special Concern	Jun-12
<i>Falco peregrinus pealei</i>	Peregrine Falcon, <i>pealei</i> subspecies	Blue	Special Concern	Jun-03
<i>Pinicola enucleator carlottae</i>	Pine Grosbeak, <i>carlottae</i> subspecies	Blue		
<i>Falco mexicanus</i>	Prairie Falcon	Red		
<i>Progne subis</i>	Purple Martin	Blue		
<i>Calidris canutus</i>	Red Knot	Red	Threatened / Endangered	Feb-10
<i>Phalaropus lobatus</i>	Red-necked Phalarope	Blue	Special Concern	May-19



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<i>Buteo lagopus</i>	Rough-legged Hawk	Blue		
<i>Euphagus carolinus</i>	Rusty Blackbird	Blue	Special Concern	Mar-09
<i>Oreoscoptes montanus</i>	Sage Thrasher	Red	Endangered	Jun-03
<i>Limnodromus griseus</i>	Short-billed Dowitcher	Blue		
<i>Asio flammeus</i>	Short-eared Owl	Blue	Special Concern	Jul-12
<i>Calcarius pictus</i>	Smith's Longspur	Blue		
<i>Strix occidentalis</i>	Spotted Owl	Red	Endangered	Jun-03
<i>Melanitta perspicillata</i>	Surf Scoter	Blue		
<i>Buteo swainsoni</i>	Swainson's Hawk	Red		
<i>Uria lomvia</i>	Thick-billed Murre	Red		
<i>Fratercula cirrhata</i>	Tufted Puffin	Blue		
<i>Cygnus columbianus</i>	Tundra Swan	Blue		
<i>Bartramia longicauda</i>	Upland Sandpiper	Red		
<i>Poocetes gramineus affinis</i>	Vesper Sparrow, <i>affinis</i> subspecies	Red	Endangered	Dec-07
<i>Tringa incana</i>	Wandering Tattler	Blue		
<i>Aechmophorus occidentalis</i>	Western Grebe	Red	Special Concern	Nov-17
<i>Megascops kennicottii</i>	Western Screech-Owl	No Status	Threatened	
<i>Megascops kennicottii kennicottii</i>	Western Screech-Owl, <i>kennicottii</i> subspecies	Blue	Threatened	Jan-05
<i>Aeronautes saxatalis</i>	White-throated Swift	Blue		
<i>Coccyzus americanus</i>	Yellow-billed Cuckoo	Red		
<i>Icteria virens</i>	Yellow-breasted Chat	Red	Endangered	Jun-03
Bivalves				
<i>Sphaerium occidentale</i>	Herrington Fingernailclam	Blue		
<i>Musculium transversum</i>	Long Fingernailclam	Blue		
<i>Ostrea lurida</i>	Olympia Oyster	Blue	Special Concern	Jun-03
<i>Sphaerium patella</i>	Rocky Mountain Fingernailclam	Red		
<i>Sphaerium striatinum</i>	Striated Fingernailclam	Blue		
<i>Musculium partumeium</i>	Swamp Fingernailclam	Blue		
Fish				
<i>Hybognathus hankinsoni</i> - Pacific group	Brassy Minnow - Pacific Group	Blue		
<i>Salvelinus confluentus</i>	Bull Trout	Blue		
<i>Salvelinus confluentus</i> pop. 28	Bull Trout - South Coast Population	Blue	Special Concern	Aug-19



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<i>Cottus aleuticus</i> pop. 1	Coastrange Sculpin, Cultus Population	Red	Threatened	Jun-03
<i>Entosphenus macrostomus</i>	Cowichan Lake Lamprey	Red	Threatened	Jun-03
<i>Oncorhynchus clarkii clarkii</i>	Cutthroat Trout, <i>clarkii</i> subspecies	Blue		
<i>Gasterosteus</i> sp. 3	Enos Lake Benthic Stickleback	Red	Endangered	Jan-05
<i>Gasterosteus</i> sp. 2	Enos Lake Limnetic Stickleback	Red	Endangered	Jan-05
<i>Thaleichthys pacificus</i>	Eulachon	Blue		
<i>Acipenser medirostris</i>	Green Sturgeon	Blue	Special Concern	Aug-06
<i>Gasterosteus aculeatus</i> pop. 2	Little Quarry Lake Benthic Threespine Stickleback	Red		
<i>Gasterosteus aculeatus</i> pop. 3	Little Quarry Limnetic Threespine Stickleback	Red		
<i>Rhinichthys cataractae</i> - Chehalis lineage	Nooksack Dace	Red	Endangered	Jun-03
<i>Gasterosteus</i> sp. 5	Paxton Lake Benthic Stickleback	Red	Endangered	Jun-03
<i>Gasterosteus</i> sp. 4	Paxton Lake Limnetic Stickleback	Red	Endangered	Jun-03
<i>Spirinchus</i> sp. 1	Pygmy Longfin Smelt	Red		
<i>Catostomus</i> sp. 4	Salish Sucker	Red	Threatened	Jan-05
<i>Gasterosteus</i> sp. 17	Vananda Creek Benthic Stickleback	Red	Endangered	Jun-03
<i>Gasterosteus</i> sp. 16	Vananda Creek Limnetic Stickleback	Red	Endangered	Jun-03
<i>Lampetra richardsoni</i> pop. 1	Western Brook Lamprey (Morrison Creek Population)	Red	Endangered	Jun-03
<i>Acipenser transmontanus</i>	White Sturgeon	No Status	Endangered	
<i>Acipenser transmontanus</i> pop. 4	White Sturgeon (Lower Fraser River Population)	Red		
Gastropods				
<i>Prophysaon coeruleum</i>	Blue-grey Taildropper	Blue	Threatened	Feb-19
<i>Pristiloma johnsoni</i>	Broadwhorl Tightcoil	Blue		
<i>Hemphillia dromedarius</i>	Dromedary Jumping-slug	Red	Threatened	Jan-05
<i>Galba dalli</i>	Dusky Fossaria	Blue		
<i>Deroceras hesperium</i>	Evening Fieldslug	Red		



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<i>Planorbula campestris</i>	Meadow Rams-horn	Blue		
<i>Haliotis kamtschatkana</i>	Northern Abalone	Red	Endangered	
<i>Allogona townsendiana</i>	Oregon Forestsnail	Red	Endangered	Jan-05
<i>Galba bulimoides</i>	Prairie Fossaria	Blue		
<i>Cryptomastix devia</i>	Puget Oregonian	Red	Extinct	Jan-05
<i>Galba parva</i>	Pygmy Fossaria	Blue		
<i>Physella propinqua</i>	Rocky Mountain Physa	Blue		
<i>Gyraulus crista</i>	Star Gyro	Blue		
<i>Physella virginea</i>	Sunset Physa	Blue		
<i>Nearctula</i> sp. 1	Threaded Vertigo	Blue	Special Concern	Jul-12
<i>Promenetus umbilicatellus</i>	Umbilicate Sprite	Blue		
<i>Galba vancouverensis</i>	Vancouver Fossaria	Red		
<i>Hemphillia glandulosa</i>	Warty Jumping-slug	Red	Special Concern	Jan-05
<i>Carychium occidentale</i>	Western Thorn	Blue		
<i>Stagnicola traski</i>	Widelip Pondsnaill	Blue		
<i>Stagnicola caperata</i>	Wrinkled Marshsnail	Blue		
Insects, Spiders and Worms				
<i>Enallagma clausum</i>	Alkali Bluet	Blue		
<i>Omus audouini</i>	Audouin's Night-stalking Tiger Beetle	Red	Threatened	Jun-18
<i>Sympetrum vicinum</i>	Autumn Meadowhawk	Blue		
<i>Tanypteryx hageni</i>	Black Petaltail	Blue		
<i>Tramea lacerata</i>	Black Saddlebags	Red		
<i>Pachydiplax longipennis</i>	Blue Dasher	Blue		
<i>Icaricia icarioides blackmorei</i>	Boisduval's Blue, <i>blackmorei</i> subspecies	Blue		
<i>Parnassius clodius claudianus</i>	Clodius Parnassian, <i>claudianus</i> subspecies	Blue		
<i>Parnassius clodius pseudogallatinus</i>	Clodius Parnassian, <i>pseudogallatinus</i> subspecies	Blue		
<i>Coenonympha tullia insulana</i>	Common Ringlet, <i>insulana</i> subspecies	Red		
<i>Cercyonis pegala incana</i>	Common Wood-nymph, <i>incana</i> subspecies	Red		
<i>Euphyes vestris</i>	Dun Skipper	Blue	Threatened	Jun-03
<i>Euphydryas editha taylori</i>	Edith's Checkerspot, <i>taylori</i> subspecies	Red	Endangered	Jun-03
<i>Anarta edwardsii</i>	Edwards' Beach Moth	Red	Endangered	Feb-11



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<i>Argia emma</i>	Emma's Dancer	Blue		
<i>Octogomphus specularis</i>	Grappletail	Red		
<i>Icaricia saepiolus insulanus</i>	Greenish Blue, <i>insulanus</i> subspecies	Red	Endangered	Jun-03
<i>Cicindela hirticollis</i>	Hairy-necked Tiger Beetle	Blue		
<i>Chlosyne hoffmanni</i>	Hoffman's Checkerspot	Red		
<i>Papilio indra</i>	Indra Swallowtail	Red		
<i>Callophrys johnsoni</i>	Johnson's Hairstreak	Red		
<i>Euchloe ausonides insulanus</i>	Large Marble, <i>insulanus</i> subspecies	Red	Extinct	Jun-03
<i>Danaus plexippus</i>	Monarch	Red	Special Concern	Jun-03
<i>Callophrys mossii mossii</i>	Moss' Elfin, <i>mossii</i> subspecies	Red		
<i>Erynnis propertius</i>	Propertius Duskywing	Red		
<i>Stygobromus quatsinensis</i>	Quatsino Cave Amphipod	Blue		
<i>Parnassius smintheus olympiannus</i>	Rocky Mountain Parnassian, <i>olympiannus</i> subspecies	Blue		
<i>Copablepharon fuscum</i>	Sand-verbena Moth	Red	Endangered	Jul-05
<i>Epargyreus clarus</i>	Silver-spotted Skipper	Blue		
<i>Epargyreus clarus californicus</i>	Silver-spotted Skipper, <i>californicus</i> subspecies	Red		
<i>Ophiogomphus occidentis</i>	Sinuous Snaketail	Blue		
<i>Argia vivida</i>	Vivid Dancer	Blue	Special Concern	Feb-19
<i>Hesperia colorado oregonia</i>	Western Branded Skipper, <i>oregonia</i> subspecies	Red		
<i>Bombus occidentalis</i>	Western Bumble Bee	Blue		
<i>Callophrys eryphon sheltonensis</i>	Western Pine Elfin, <i>sheltonensis</i> subspecies	Blue		
<i>Erythemis collocata</i>	Western Pondhawk	Blue		
<i>Speyeria zerene bremnerii</i>	Zerene Fritillary, <i>bremnerii</i> subspecies	Red		
<i>Arctiostrotus perrieri</i>		Blue		
Mammals				
<i>Eptesicus fuscus</i>	Big Brown Bat	Yellow		
<i>Myotis californicus</i>	Californian Myotis	Yellow		
<i>Mustela erminea anguinae</i>	Ermine, <i>anguinae</i> subspecies	Blue		
<i>Pekania pennanti</i>	Fisher	No Status		

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<i>Eschrichtius robustus</i>	Grey Whale	Blue	Special Concern	Jul-05
<i>Ursus arctos</i>	Grizzly Bear	Blue	Special Concern	Jun-18
<i>Lasiurus cinereus</i>	Hoary Bat	Yellow		
<i>Myotis lucifugus</i>	Little Brown Myotis	Yellow	Endangered	Dec-14
<i>Myotis evotis</i>	Long-eared Myotis	Yellow		
<i>Myotis volans</i>	Long-legged Myotis	Yellow		
<i>Mustela frenata altifrontalis</i>	Long-tailed weasel, <i>altifrontalis</i> subspecies	Red		
<i>Aplodontia rufa</i>	Mountain Beaver	Yellow	Special Concern	Jun-03
<i>Oreamnos americanus</i>	Mountain Goat	Blue		
<i>Mirounga angustirostris</i>	Northern Elephant Seal	Red		
<i>Sorex rohweri</i>	Olympic Shrew	Red		
<i>Sorex bendirii</i>	Pacific Water Shrew	Red	Endangered	Jun-03
<i>Cervus elaphus roosevelti</i>	Roosevelt Elk	Blue		
<i>Lasionycteris noctivagans</i>	Silver-haired Bat	Yellow		
<i>Lepus americanus washingtonii</i>	Snowshoe Hare, <i>washingtonii</i> subspecies	Red		
<i>Myodes gapperi occidentalis</i>	Southern Red-backed Vole, <i>occidentalis</i> subspecies	Red		
<i>Eumetopias jubatus</i>	Steller Sea Lion	Blue	Special Concern	Jul-05
<i>Corynorhinus townsendii</i>	Townsend's Big-eared Bat	Blue		
<i>Scapanus townsendii</i>	Townsend's Mole	Red	Endangered	Jan-05
<i>Sorex trowbridgii</i>	Trowbridge's Shrew	Blue		
<i>Sorex navigator brooksi</i>	Western Water Shrew, <i>brooksi</i> subspecies	Blue		
<i>Gulo gulo</i>	Wolverine	No Status	Special Concern	Jun-18
<i>Gulo gulo luscus</i>	Wolverine, <i>luscus</i> subspecies	Blue	Special Concern	Jun-18
<i>Gulo gulo vancouverensis</i>	Wolverine, <i>vancouverensis</i> subspecies	Red	Special Concern	Jun-18
<i>Myotis yumanensis</i>	Yuma Myotis	Yellow		
Reptiles				
<i>Contia tenuis</i>	Common Sharp-Tailed Snake	Red	Endangered	Jun-03

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<i>Pituophis catenifer catenifer</i>	Gopher Snake, <i>catenifer</i> subspecies	Red	Extinct	Jan-05
<i>Pituophis catenifer</i>	Gophersnake	No Status	Extinct / Threatened	Jan-05
<i>Dermochelys coriacea</i>	Leatherback Sea Turtle	Red	Endangered	May-17
<i>Charina bottae</i>	Northern Rubber Boa	Yellow	Special Concern	Jan-05
<i>Actinemys marmorata</i>	Northwestern Pond Turtle	Red	Extinct	Jan-05
<i>Chrysemys picta</i>	Painted Turtle	No Status	Endangered / Special Concern	Dec-07
<i>Chrysemys picta</i> pop. 1	Painted Turtle - Pacific Coast Population	Red	Endangered	Dec-07
Scientific Name	English Name	BC List	SARA	SARA Date
Plants				
<i>Seligeria acutifolia</i>	acuteleaf small limestone moss	Red	Endangered	May-21
<i>Glehnia littoralis</i> ssp. <i>leiocarpa</i>	American glehnia	Blue		
<i>Entosthodon fascicularis</i>	banded cord-moss	Blue	Special Concern	Aug-06
<i>Scytinium platynum</i>	batwing vinyl	Yellow	Endangered	Feb-17
<i>Calystegia soldanella</i>	beach bindweed	Blue		
<i>Triphysaria versicolor</i> ssp. <i>versicolor</i>	bearded owl-clover	Red	Endangered	Jun-03
<i>Sanicula arctopoides</i>	bear's-foot sanicle	Red	Threatened	Jun-03
<i>Polygonum paronychia</i>	black knotweed	Blue		
<i>Hosackia pinnata</i>	bog bird's-foot lotus	Red	Endangered	Jul-05
<i>Physconia detera</i>	bottlebrush frost	Red		
<i>Corispermum hookeri</i> var. <i>pseudodeclinatum</i>	British Columbia bugseed	Unknown		
<i>Epilobium torreyi</i>	brook spike-primrose	Red	Endangered	Dec-07
<i>Lomatium papilioniferum</i>	butterfly bearing lomatium	Red	Threatened	Feb-11
<i>Ranunculus californicus</i>	California buttercup	Red	Endangered	Feb-11
<i>Polystichum californicum</i>	California Sword-fern	Red		
<i>Montia chamissoi</i>	Chamisso's montia	Blue		
<i>Marah oregana</i>	coast manroot	Red		
<i>Microseris bigelovii</i>	coast microseris	Red	Endangered	Dec-07
<i>Silene scouleri</i> ssp. <i>scouleri</i>	coastal Scouler's catchfly	Red	Endangered	Jan-05
<i>Dryopteris arguta</i>	coastal wood fern	Blue	Special Concern	Jun-03
<i>Githopsis specularioides</i>	common bluecup	Blue		
<i>Pannaria rubiginosa</i>	considerable gingerbread	Red		



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<i>Camissonia contorta</i>	contorted-pod evening-primrose	Red	Endangered	Dec-07
<i>Fuscopannaria coralloidea</i>	coral crackers	Blue		
<i>Nephroma occultum</i>	cryptic paw	Blue	Special Concern	Dec-07
<i>Balsamorhiza deltoidea</i>	deltoid balsamroot	Red	Endangered	Jun-03
<i>Epilobium densiflorum</i>	dense spike-primrose	Red	Endangered	Aug-06
<i>Lupinus microcarpus</i> var. <i>microcarpus</i>	dense-flowered lupine	Red	Endangered	Aug-06
<i>Festuca rubra</i> ssp. <i>mediana</i>	dwarf red fescue	Yellow		
<i>Sabulina pusilla</i>	dwarf sandwort	Red	Endangered	Jul-05
<i>Crassula connata</i>	Erect Pigmyweed	Blue		
<i>Leioderma solediatum</i>	felted elf	Blue		
<i>Lomatium dissectum</i>	fern-leaved desert-parsley	Red		
<i>Collema flaccidum</i>	flaking tarpaper	Red		
<i>Carex tumulicola</i>	foothill sedge	Yellow	Endangered	Feb-10
<i>Plagiobothrys figuratus</i> ssp. <i>figuratus</i>	fragrant popcornflower	Red	Endangered	Feb-10
<i>Woodwardia fimbriata</i>	giant chain fern	Blue		
<i>Castilleja levisecta</i>	golden paintbrush	Red	Endangered	Jun-03
<i>Sidalcea hendersonii</i>	Henderson's checker-mallow	Blue		
<i>Triteleia howellii</i>	Howell's triteleia	Red	Endangered	Jan-05
<i>Viola howellii</i>	Howell's violet	Red		
<i>Sisyrinchium idahoense</i> var. <i>segetum</i>	Idaho blue-eyed-grass	Red		
<i>Juncus kelloggii</i>	Kellogg's rush	Red	Endangered	Jan-05
<i>Lupinus oreganus</i> var. <i>kincaidii</i>	Kincaid's lupine	Unknown	Extinct	Feb-11
<i>Pyrola aphylla</i>	leafless wintergreen	Blue		
<i>Uropappus lindleyi</i>	Lindley's microseris	Red	Endangered	Feb-10
<i>Ranunculus lobbii</i>	Lobb's water-buttercup	Red		
<i>Limnanthes macounii</i>	Macoun's meadow-foam	Red	Threatened	Aug-06
<i>Trifolium dichotomum</i>	Macrae's clover	Red		
<i>Scytinium californicum</i>	midlife vinyl	Blue		
<i>Zeltnera muehlenbergii</i>	Muhlenberg's centaury	Red	Endangered	Feb-10
<i>Peltigera gowardii</i>	northwest waterfan	Red	Special Concern	Feb-18
<i>Potamogeton oakesianus</i>	Oakes' pondweed	Unknown		
<i>Utricularia ochroleuca</i>	ochroleucous bladderwort	Blue		
<i>Lobaria silvae-veteris</i>	oldgrowth lung	Red		

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<i>Fraxinus latifolia</i>	Oregon ash	Red		
<i>Corallorhiza maculata</i> var. <i>ozettensis</i>	Ozette coralroot	Blue		
<i>Collema furfuraceum</i> var. <i>luzonense</i>	Pacific tarpaper	Blue		
<i>Scytinium polycarpum</i>	peacock vinyl	Yellow	Special Concern	
<i>Cephalanthera austiniae</i>	phantom orchid	Red	Threatened	Jun-03
<i>Fissidens pauperculus</i>	poor pocket moss	Red	Endangered	Jun-03
<i>Trifolium depauperatum</i> var. <i>depauperatum</i>	poverty clover	Blue		
<i>Lupinus lepidus</i>	prairie lupine	Red	Endangered	Jun-03
<i>Sanicula bipinnatifida</i>	purple sanicle	Red	Threatened	Jun-03
<i>Dermatocarpon intestiniforme</i>	quilted stippleback	Blue		
<i>Lasthenia glaberrima</i>	rayless goldfields	Red	Endangered	Feb-10
<i>Bartramia aprica</i>	rigid apple moss	Red	Endangered	Jun-03
<i>Brotherella roellii</i>	Roell's brotherella	Red	Endangered	Jun-18
<i>Orthocarpus bracteosus</i>	rosy owl-clover	Red	Endangered	Jul-05
<i>Eurybia radulina</i>	rough-leaved aster	Red		
<i>Erigeron philadelphicus</i> var. <i>glaber</i>	salt marsh Philadelphia daisy	Red		
<i>Hosackia gracilis</i>	seaside bird's foot lotus	Red	Endangered	Jun-03
<i>Hypogymnia heterophylla</i>	seaside bone	Red	Threatened	Feb-10
<i>Lathyrus littoralis</i>	silky beach pea	Red		
<i>Fabronia pusilla</i>	silver hair moss	Red	Endangered	Jan-05
<i>Plagiobothrys tenellus</i>	slender popcornflower	Red	Threatened	Feb-11
<i>Allium amplexans</i>	slimleaf onion	Blue		
<i>Tonella tenella</i>	small-flowered tonella	Blue	Endangered	Jul-05
<i>Cladonia decorticata</i>	strip-tease pixie	Blue		
<i>Psilocarphus elatior</i>	tall woolly-heads	Red	Endangered	Jun-03
<i>Nuttallanthus texanus</i>	Texas toadflax	Blue		
<i>Syntrichia laevipila</i>	twisted oak moss	Blue	Special Concern	Jul-05
<i>Callitriche heterophylla</i> var. <i>heterophylla</i>	two-edged water-starwort	Unknown		
<i>Bidens amplissima</i>	Vancouver Island beggarticks	Blue	Special Concern	Jun-03
<i>Castilleja victoriae</i>	Victoria's owl-clover	Red	Endangered	Jul-12
<i>Erioderma soledatum</i>	vole felt	Blue		
<i>Claytonia washingtoniana</i>	Washington springbeauty	Red		



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<i>Ranunculus alismifolius</i> var. <i>alismifolius</i>	water-plantain buttercup	Red	Endangered	Jun-03
<i>Meconella oregana</i>	white meconella	Red	Endangered	Aug-06
<i>Pinus albicaulis</i>	whitebark pine	Blue	Endangered	Jul-12
<i>Platanthera ephemerantha</i>	white-lip rein orchid	Blue		
<i>Sericocarpus rigidus</i>	white-top aster	Blue	Special Concern	Jun-03
<i>Clarkia purpurea</i> ssp. <i>quadrivulnera</i>	wine-cup clarkia	Red		
<i>Viola praemorsa</i> var. <i>praemorsa</i>	yellow montane violet	Red	Endangered	Jun-03
<i>Abronia latifolia</i>	yellow sand-verbena	Blue		
Plant Communities				
<i>Sarcocornia pacifica</i> - <i>Lysimachia maritima</i>	American glasswort - sea-milkwort	Red		
<i>Arbutus menziesii</i> / <i>Arctostaphylos columbiana</i>	arbutus / hairy manzanita	Red		
<i>Juncus arcticus</i> - <i>Plantago macrocarpa</i>	arctic rush - Alaska plantain	Red		
<i>Ruppia maritima</i> Herbaceous Vegetation	beaked ditch-grass Herbaceous Vegetation	Red		
<i>Populus trichocarpa</i> - <i>Alnus rubra</i> / <i>Rubus spectabilis</i>	black cottonwood - red alder / salmonberry	Blue		
<i>Populus trichocarpa</i> / <i>Salix sitchensis</i>	black cottonwood / Sitka willow	Blue		
<i>Menyanthes trifoliata</i> - <i>Carex lasiocarpa</i>	buckbean - slender sedge	Blue		
<i>Typha latifolia</i> Marsh	common cattail Marsh	Blue		
<i>Eleocharis palustris</i> Herbaceous Vegetation	common spike-rush Herbaceous Vegetation	Blue		
<i>Pseudotsuga menziesii</i> - <i>Arbutus menziesii</i>	Douglas-fir - arbutus	Red		
<i>Pseudotsuga menziesii</i> - <i>Pinus contorta</i> / <i>Cladina</i> spp.	Douglas-fir - lodgepole pine / reindeer lichens	Red		
<i>Pseudotsuga menziesii</i> - <i>Tsuga heterophylla</i> / <i>Gaultheria shallon</i> Dry Maritime	Douglas-fir - western hemlock / salal Dry Maritime	Red		
<i>Pseudotsuga menziesii</i> / <i>Melica subulata</i>	Douglas-fir / Alaska oniongrass	Red		
<i>Pseudotsuga menziesii</i> / <i>Mahonia nervosa</i>	Douglas-fir / dull Oregon-grape	Red		
<i>Pseudotsuga menziesii</i> / <i>Polystichum munitum</i>	Douglas-fir / sword fern	Red		
<i>Leymus mollis</i> ssp. <i>mollis</i> - <i>Lathyrus japonicus</i>	dune wildrye - beach pea	Red		
<i>Quercus garryana</i> - <i>Arbutus menziesii</i>	Garry oak - arbutus	Red		
<i>Quercus garryana</i> / <i>Bromus carinatus</i>	Garry oak / California brome	Red		
<i>Quercus garryana</i> / <i>Holodiscus discolor</i>	Garry oak / oceanspray	Red		
<i>Abies grandis</i> / <i>Mahonia nervosa</i>	grand fir / dull Oregon-grape	Red		



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<i>Abies grandis</i> / <i>Tiarella trifoliata</i>	grand fir / three-leaved foamflower	Red
<i>Schoenoplectus acutus</i> Deep Marsh	hard-stemmed bulrush Deep Marsh	Blue
<i>Sidalcea hendersonii</i> Tidal Marsh	Henderson's checker-mallow Tidal Marsh	Red
<i>Rhododendron groenlandicum</i> / <i>Kalmia microphylla</i> / <i>Sphagnum</i> spp.	Labrador-tea / western bog-laurel / peat-mosses	Blue
<i>Carex macrocephala</i> Herbaceous Vegetation	large-headed sedge Herbaceous Vegetation	Red
<i>Pinus contorta</i> / <i>Sphagnum</i> spp. CDFmm	lodgepole pine / peat-mosses CDFmm	Red
<i>Pinus contorta</i> / <i>Sphagnum</i> spp. Very Dry Maritime	lodgepole pine / peat-mosses Very Dry Maritime	Blue
<i>Carex lyngbyei</i> Herbaceous Vegetation	Lyngbye's sedge herbaceous vegetation	Red
<i>Artemisia campestris</i> - <i>Festuca rubra</i> / <i>Racomitrium canescens</i>	northern wormwood - red fescue / grey rock-moss	Red
<i>Alnus rubra</i> / <i>Rubus spectabilis</i> / <i>Equisetum arvense</i>	red alder / salmonberry / common horsetail	Blue
<i>Alnus rubra</i> / <i>Lysichiton americanus</i>	red alder / skunk cabbage	Red
<i>Alnus rubra</i> / <i>Carex obnupta</i> [<i>Populus trichocarpa</i>]	red alder / slough sedge [black cottonwood]	Red
<i>Festuca roemerii</i> - <i>Koeleria macrantha</i>	Roemer's fescue - junegrass	Red
<i>Bolboschoenus maritimus</i> var. <i>paludosus</i> Alkali Marsh	seacoast bulrush Alkali Marsh	Red
<i>Distichlis spicata</i> - <i>Sarcocornia pacifica</i>	seashore saltgrass - Pacific swampfire	Red
<i>Carex sitchensis</i> - <i>Oenanthe sarmentosa</i>	Sitka sedge - Pacific water-parsley	Blue
<i>Picea sitchensis</i> / <i>Rubus spectabilis</i> Very Dry Maritime	Sitka spruce / salmonberry Very Dry Maritime	Red
<i>Salix sitchensis</i> - <i>Salix lasiandra</i> var. <i>lasiandra</i> / <i>Lysichiton americanus</i>	Sitka willow - Pacific willow / skunk cabbage	Red
<i>Carex lasiocarpa</i> - <i>Rhynchospora alba</i>	slender sedge - white beak-rush	Red
<i>Myrica gale</i> / <i>Carex sitchensis</i>	sweet gale / Sitka sedge	Red
<i>Dulichium arundinaceum</i> Herbaceous Vegetation	three-way sedge	Red
<i>Myosurus minimus</i> - <i>Montia</i> spp. - <i>Limnanthes macounii</i>	tiny mousetail - montias - Macoun's meadow-foam	Red
<i>Populus tremuloides</i> / <i>Malus fusca</i> / <i>Carex obnupta</i>	trembling aspen / Pacific crab apple / slough sedge	Red
<i>Deschampsia cespitosa</i> - <i>Sidalcea hendersonii</i>	tufted hairgrass - Henderson's checker-mallow	Red



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<i>Deschampsia cespitosa</i> ssp. <i>beringensis</i> - <i>Hordeum brachyantherum</i>	tufted hairgrass - meadow barley	Red
<i>Selaginella wallacei</i> / <i>Cladina</i> spp.	Wallace's selaginella / reindeer lichens	Blue
<i>Tsuga heterophylla</i> - <i>Pseudotsuga menziesii</i> / <i>Eurhynchium oregonum</i>	western hemlock - Douglas-fir / Oregon beaked-moss	Red
<i>Tsuga heterophylla</i> - <i>Thuja plicata</i> / <i>Struthiopteris spicant</i>	western hemlock - western redcedar / deer fern	Red
<i>Thuja plicata</i> - <i>Pseudotsuga menziesii</i> / <i>Eurhynchium oregonum</i>	western redcedar - Douglas-fir / Oregon beaked-moss	Red
<i>Thuja plicata</i> - <i>Picea sitchensis</i> / <i>Lysichiton americanus</i>	western redcedar - Sitka spruce / skunk cabbage	Blue
<i>Thuja plicata</i> / <i>Lonicera involucrata</i>	western redcedar / black twinberry	Red
<i>Thuja plicata</i> / <i>Symphoricarpos albus</i>	western redcedar / common snowberry	Red
<i>Thuja plicata</i> / <i>Oemleria cerasiformis</i>	Western Redcedar / Osoberry	Red
<i>Thuja plicata</i> / <i>Rubus spectabilis</i>	western redcedar / salmonberry	Red
<i>Thuja plicata</i> / <i>Carex obnupta</i>	western redcedar / slough sedge	Red
<i>Thuja plicata</i> / <i>Polystichum munitum</i> - <i>Lysichiton americanus</i>	western redcedar / sword fern - skunk cabbage	Blue
<i>Thuja plicata</i> / <i>Polystichum munitum</i> Very Dry Maritime	western redcedar / sword fern Very Dry Maritime	Red
<i>Thuja plicata</i> / <i>Tiarella trifoliata</i> Very Dry Maritime	western redcedar / three-leaved foamflower Very Dry Maritime	Blue
<i>Thuja plicata</i> / <i>Achlys triphylla</i>	western redcedar / vanilla-leaf	Red





Memorandum

Date: December 20th, 2021

Attention: John Tognetti (Property Owner)

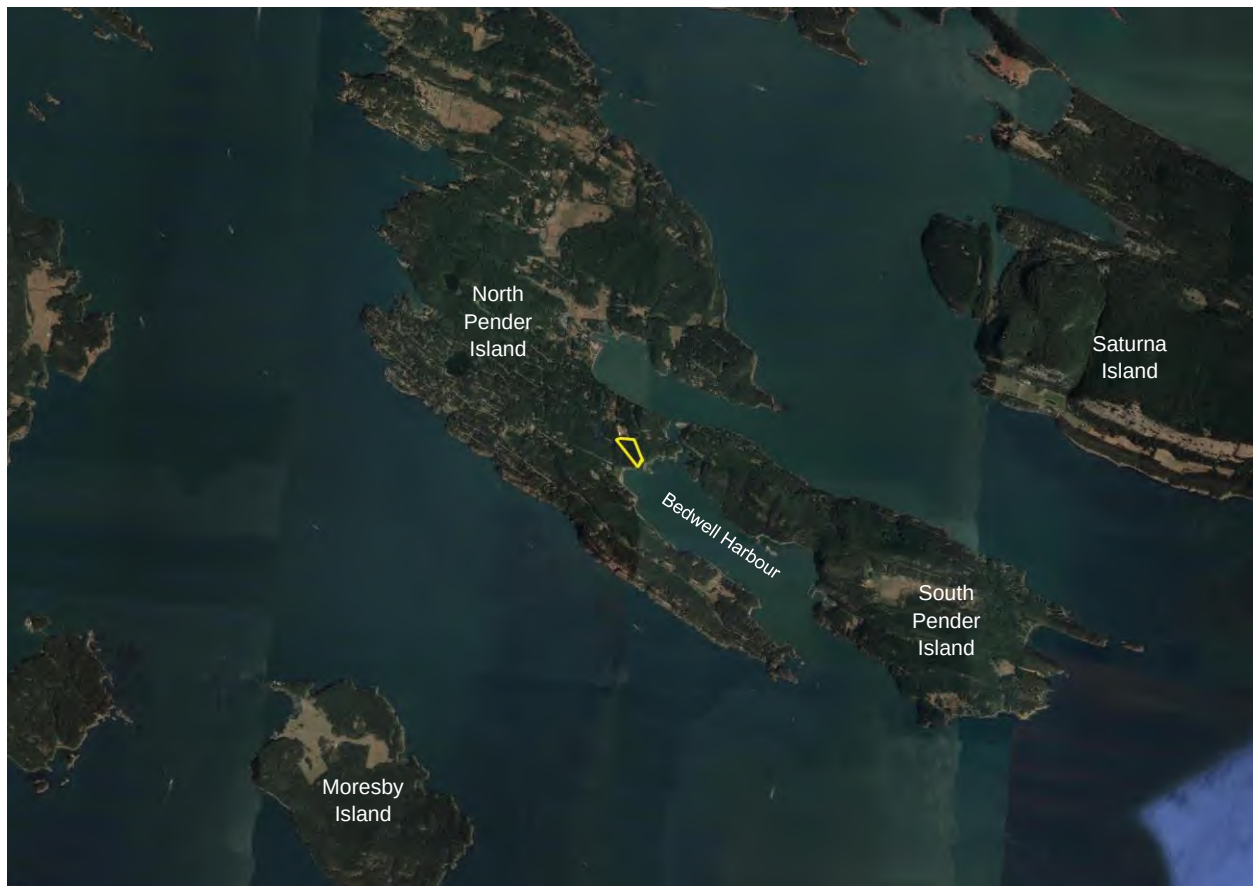
CC: Dave McKerrell, Island Marine Construction Services Ltd.

Re: Lot 2 North Pender Island Dock – Marine Habitat Assessment Report

1 Introduction

Weaver Technical Corp (Weaver Tech) is pleased to provide a marine habitat assessment report for the reconstruction of a private dock (the Project) located on Lot 2, North Pender Island associated with the following legal description: Lot 2, PART OF BEDWELL HARBOUR, SECTION 7, PENDER ISLAND, COWICHAN DISTRICT, Plan 16534 (PID: 000-036-447). The proposed dock will be situated within a small western bay of Bedwell Harbour, North Pender Island BC. (Figure 1). This assessment includes the description of habitats within the foreshore, intertidal, and subtidal areas where the proposed dock will be constructed. These habitats were assessed during a site visit completed on November 15, 2021. A review of habitats and determination of potential impacts is included within the environmental assessment portion of this document. In addition, a management plan has been developed to mitigate potential impact through discussion and commitments to appropriate best management practices (BMPs).

Figure 1. A satellite Image of the project along the south side of North Pender Island associated with Lot 2, North Pender Island, B.C. (Google Earth Imagery).



2 Scope of Work

This Project entails the assessment of habitats within the vicinity of the proposed private moorage structure that includes the following components:

- Removal of existing timber walkways, piles and dock structures.
- Installation of concrete, cast-in-place risers upon existing concrete foundations.
- Placement of three (3) aluminum framed pier/walkway sections connecting the ramp to shore.
- Placement of a 12.19 m aluminum framed ramp spanning from the concrete foundation
- Placement of a 3.04 m x 13.41 m (40.76 m²) concrete float.
- Install three steel piles to anchor the float.

The float will be constructed with precast concrete at a separate location then towed to site. The float will be held in place by three 275 mm diameter steel mooring piles. The piles will be vibrated into the substrate. The aluminum framed ramp (1.41 m by 12.19 m) will be attached to

the outermost concrete foundation pillar. Three walkways (1.5 m by 11.3 m, 1.5 m by 9.75 m, and 1.5 m by 12.19 m) are to be installed extending from shore to the ramp that will be supported by the three existing concrete foundation pillars. Concrete raisers are to be added to the existing pillars. Construction of the raisers had already occurred at the time of the assessment, as observed in the below photos. No other works were observed to have occurred.

All pile and concrete installations are to follow the *DFO Best Management Practices for Pile Driving and Related Operations* (DFO, 2018). The ramp and walkways will be made from marine grade aluminum and decked with reinforced Mini Mesh fibreglass grating.

Technical drawings of the proposed dock and the associated components that are accounted for in this assessment are provided in Appendix A.

Figure 2. Depiction of the subject property boundary located within Bedwell Harbour, North Pender Island (QGIS and Google Satellite Imagery).



3 Regulatory Requirements

The Project falls under several regulatory bodies and legislations including:

- **Ministry of Forest, Lands and Natural resource Operations**

The waterlot associated with the project is under tenure number 1413467 with the Province of British Columbia. As the waterlots and foreshore property belong to the Crown, a Crown waterlot lease will continue to be required for this dock. As the associated upland property is a privately held property, (not Crown) no other provincial leases are required. In addition, the Land Operation Policy for Private Moorage requires a minimum of two metres height of structures above the HWM and that floats must be situated at a minimum of negative two metres Chart Datum (BC Ministry of FLNRORD, 2019).

- **Department of Fisheries and Oceans Canada (DFO)**

All docks must obtain prior approval by DFO to ensure they comply with the *Fisheries Act* whereby no harmful alterations, disruptions, or destructions (HADD) of fish habitats result from the proposed Project.

- **Transport Canada (TC)**

Any construction or installation of items that may impede or alter navigation of vessels must gain approval under the *Navigable Waters Protection Act* (TC, 2014).

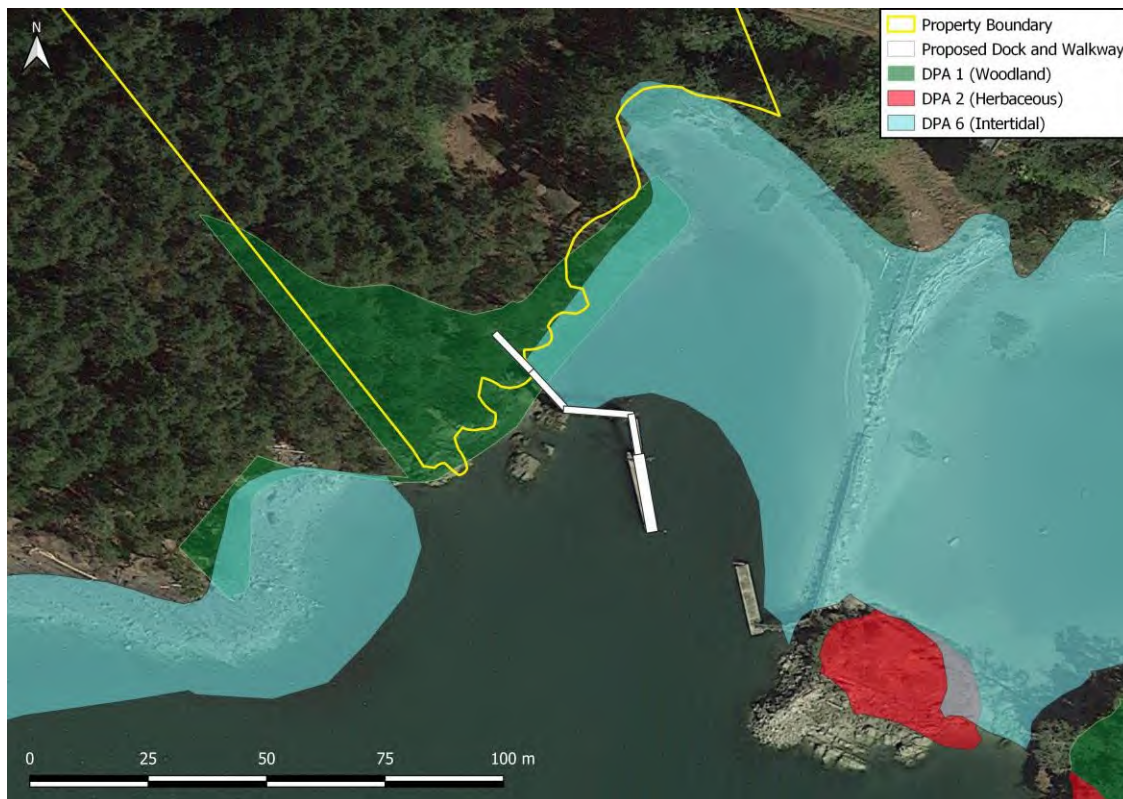
- **North Pender Island Official Community Plan (OCP) Bylaw No. 171 (2007)**

Guidelines for the development in Intertidal Sensitive Ecosystems, as indicated on page 85, in Schedule N, Section 5.2.7. of the Bylaw. Portions of the project occurs within Development Permit Area One (Intertidal Sensitive Ecosystem Area) and Development Permit Area (Woodland Sensitive Ecosystem Area), (Figure 3). As the proposed works are part of maintenance of existing structures, a development permit is not required. Additionally, the installation of new steel piles falls outside of the Intertidal DPA zone. The design follows recommendations set forth in the OCP below.

1. *Stairs, walkways and other access within a sensitive intertidal ecosystem should be limited to that required for safe access, with shared access where feasible. Stairs should incorporate landings, follow the existing contours of the site, utilize small concrete pilings and have gaps between boards.*
2. *Docks should be sited to avoid impacts on sensitive ecosystems such as eelgrass beds, fish habitat and natural processes such as currents and littoral drift.*
3. *Docks should be constructed in a manner which allows free flow of water beneath the dock and supports should be located on a hard substrate.*
4. *Floating docks that do not rest on the bottom at any time and a minimal ramp should be utilized rather than fixed wharves.*
5. *Piers on pilings and floating docks are preferred over solid-core piers.*

6. *Docks should not incorporate unenclosed plastic foam or other non-biodegradable materials and should be constructed of stable materials that will not degrade water quality.*
7. *Boat launch ramps should only be located on stable, non-erosional banks where a minimum amount of substrate disturbance or stabilization is required.*

Figure 3. Map of development permit areas with relation to the subject property within Bedwell Harbour, North Pender Island (QGIS, Google Satellite Imagery and DPA area data from Islands Trust).



4 Assessment Methods

On November 15th, 2021, a survey was conducted by two Weaver Tech personnel to assess the habitat values that may be impacted by the construction and long-term presence of the proposed dock. The survey consisted of a visual assessment of the foreshore's terrestrial habitat and the upper intertidal areas (i.e., unsubmerged areas during the assessment period) and a snorkel inspection of the lower intertidal and subtidal areas (i.e., submerged areas during the assessment period). The substrate types and dominant habitat features were identified one transect and assessed to 30 m from the HWM, a point beyond the expected floating dock location. The transect was established at the centre point of the expected ramp location

extending from a small islet associated with the property, approximately 75 m south from shore (Figure 4).

To support visual assessment of the survey area, observations were documented with videography of the terrestrial and underwater environments.

In relation to the tide levels during the snorkel assessment, the survey period occurred between 10:30 and 12:23 PDT, on November 15th, 2021. The tide level during the assessment was established to be +2.74 m Chart Datum (CD) for 11:15 PDT as reported for the Bedwell Harbour, BC, Tide Station, number 7350 (DFO, 2021).

5 Habitat Values

The terrestrial habitat of the property on North Pender Island is defined as Coastal Douglas Fir moist maritime (CDFmm) by the Biogeoclimatic Ecosystem Classification program of British Columbia (BEC). This biogeoclimatic unit is found along the southeastern region of Vancouver Island and Southern Gulf Islands. It occurs along low elevation terrain and experiences long growing seasons due to mild winters and dry summers. The dominant vegetation species are Douglas fir (*Pseudotsuga menziesii*), Western Red Cedar (*Thuja plicata*) and Bunch Grasses. During the assessment, the observed terrestrial habitat was mildly altered by human activities for the previously existing dock infrastructure. The naturalized areas of the site were populated by Douglas Fir, and Arbutus (*Arbutus menziesii*) trees (Figure 5). In addition, an understory of mosses, grasses, shrubs, and herbaceous plants were observed.

The geomorphological components of the area consisted of a steep bedrock foreshore within a small bay along the western shore of Bedwell Harbour. The bedrock that formed the foreshore and was composed of igneous rock material, which was also observed in portions of the intertidal area. Below the bedrock was substrates entirely comprised of fine sands and shell.

Along the transect extending from the anticipated ramp location, bedrock was observed to occur for 1-2 m from the HWM. Two outcrops of bedrock were observed to occur at 4 m and 12 m from the HWM (Figure 6). Other than the rocky outcrops, the remaining substrate of the assessment area was entirely sand and shell up to approximately 40 m from the HWM at the end of the survey area.

Regarding biota, the upper intertidal habitat (splash zone) was void of algal growth and had little invertebrate life. Beginning at ~2 m from the HWM, the presence of barnacles (suborder: *Balanomorpha*), *Fucus sp.* and mats of Sea Lettuce (*Ulva sp.*) were observed (Figure 7). Algal density was moderate but with low diversity. The first bedrock outcrop at 4 m from the HWM supported algal growths of Sea Lettuce, Sugar Kelp (*Saccharina sp.*) and occasionally Japanese Wire Weed (*Sargassum sp.*) (Figure 8). The second bedrock outcrop at 12 m from the HWM was occupied by *Fucus sp.* and oysters (Family: *Ostreidae*). Beyond the second outcrop, sporadic

Ulva growth was the dominant algal species on the soft substrates to the end of the intertidal zone at ~26 m from the HWM.

Substrates of the subtidal zone were a continuation of the lower intertidal area. Sand and shell materials settle onto a gentle grade, sloping to the east into the bay. Algal and invertebrate density was lower throughout the subtidal zone (Figure 10). Growths of *Ulva* were periodic on the soft substrates, with rare sightings of sugar kelp in the upper subtidal zone. Density remained the same in the deeper habitat of the subtidal area, with small clusters of *Ulva* observed around the existing timber pilings approximately 40 m from the HWM (Figure 11).

No observations of Bull Kelp (*Nereocystis luetkeana*), or Eel Grass (*Zostera sp.*) beds were observed in the project area.

Benthic invertebrate abundance in the assessed area was observed to be a low density of species. These species are typically found within habitats associated with low to moderate currents. Incidental observations of the following invertebrate species were made during the assessment including Barnacles (Suborder: *Balanomorph*), Periwinkle (*Litorina sp.*), Whelks (Family: *Neptuneidae*), Northern Red Sea Anemone (*Urticina sp.*), Purple Ochre Star (*Pisaster ochraceous*) and Chitons (Class: *Polyplacophora*) (Figure 9).

An old timber pile was observed submerged and wedged in a crevice near the first concrete pillar footing at ~4 m from the HWM. It is unknown where the debris originated from and is recommended to be removed.

An overview diagram of the observed habitat, geomorphology, and dock components is presented in (Figure 12).

Figure 4. Overview map of the property (yellow) and proposed dock infrastructure (white) beginning at the ramp attachment point (QGIS and Provincial property parcel data, 2021).



Figure 5. Representative photograph of the terrestrial habitat, existing concrete foundations, and bedrock outcrops. Arrow indicates the proposed attachment point of the walkway. Imagery collected on November 15, 2021.



Figure 6. Photograph of the upper intertidal zone, terrestrial vegetation, and the pre-existing concrete columns. Photograph collected November 15, 2021.



Figure 7. Representative photo of the submerged bedrock habitat of the intertidal area near 4 m from the HWM. Photograph collected November 15, 2021.



Figure 8. View of the lower intertidal zone depicting a mat of *Ulva* growth on the sand and shell habitat approximately 10 m from the HWM. Photograph collected November 15, 2021.



Figure 9. Subsurface view of the second bedrock outcrop in the intertidal zone at approximately 23 m from the HWM. Photograph collected November 15, 2021.



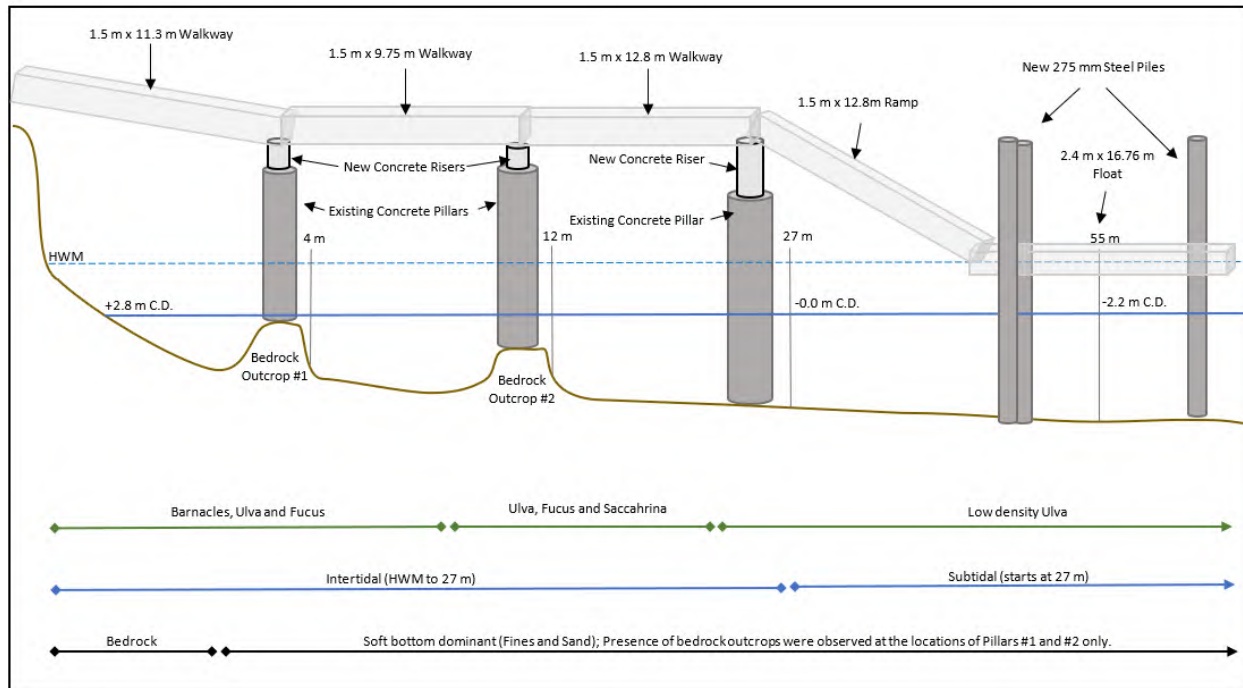
Figure 10. View of Sugar Kelp growing on the sand and shell substrate approximately 40 m from the HWM. Photograph collected November 15, 2021.



Figure 11. Representative photo of the sand and shell substrate near the outer timber pilings at approximately 45 m from the HWM, near the end of the assessment. Photograph collected November 15, 2021.



Figure 12. Diagram of the observed habitat type/species assemblage, dock components and substrate composition. Water depths were measured at 12:00 (+3.0m chart datum) on November 15th, 2021.



6 Species at-risk

The Project is unlikely to impact any species at-risk or critical habitats. Based on a search of the BC Species & Ecosystems Explorer for red- and blue-listed species and the Conservation Data Centre (CDC) for critical habitats, three mapped occurrences of species of species/ecosystems at-risk are present in the Project Area (Figure 13). The ecosystems at-risk are Grand fir/Dull Oregon Grape, and Douglas fir/ Dull Oregon Grape. The species at risk possibly occurring near or on the property is Macrae's Clover (*Tripholium dichotomum*).

Little to no terrestrial habitat, that has not already been disturbed, is expected to result from the dock's attachment point to the shore, as such, no long-term impacts are anticipated for the terrestrial ecosystems present in the Project Area (i.e., losses of Grand Fir/ Dull Oregon-grape Ecosystem).

In addition to the specific mapped occurrences, other federally and provincially listed species may occur in the vicinity or within the Project Area based on a search of the BC Species & Ecosystem Explorer for red- and blue-listed species. A refined list of these species at risk is provided in Appendix C. A review of the listed species and their habitat requirements was completed to determine potential Project effects. It was determined that the Project it is unlikely to negatively impact any of the listed species or critical habitats.

Southern Resident Killer Whale (SRKW): This is a subspecies of endangered Orca (*Orcinus Orca*) most often found near the inshore waters of southern Vancouver Island but may range from Northern BC to Central California. The SRKW exclusively feeds on fish and cephalopods in these waters making them distinct from other neighbouring populations of Orca. A downward trend in the SRKW population in recent years has increased environmental protections from threats including loss of prey availability, acoustic disturbance, pollution, and loss of habitat.

The project has been identified to occur within critical habitat of the SRKW (Figure 14).

Potential impacts during construction works include subsurface acoustic disturbances from vessel traffic, ship strikes, and temporary avoidance of the area. For prescribed mitigations, see section 7.3.

Due to the sensitivities of the area as a SRKW habitat and forage fish spawning habitat, it is recommended that all pile driving activities be precluded from the list of works until review by the DFO has occurred. The establishment of a marine mammal exclusion area coupled with monitoring for marine mammals and forage fish spawning activity by experienced personnel is recommended and expected as DFO requirement. Hydroacoustic monitoring will not be required if impact pile driving is avoided.

Purple Martin (*Progne subis*): Purple Martin are a colony nesting, shoreline bird species native to the coast of British Columbia and are a Provincially blue-listed species by the BC CDC. This species is known to be reliant on artificial nesting boxes typically on pilings over water due to loss of habitat by human activities. Nesting season begins in the spring, with birds remaining in nesting boxes until August or September. Purple Martins are widely distributed through much of eastern North America and Central America with the coast of British Columbia as the northwestern most extent of their range. As a result, population densities can rapidly fluctuate and are extremely sensitive to changes.

A Purple Martin Nesting box colony occurs nearby, southeast of the project area.

Figure 13. Occurrences of at-risk species and critical habitats in the vicinity of the proposed Project Area.). (QGIS and Provincial Species at Risk Data, 2021).

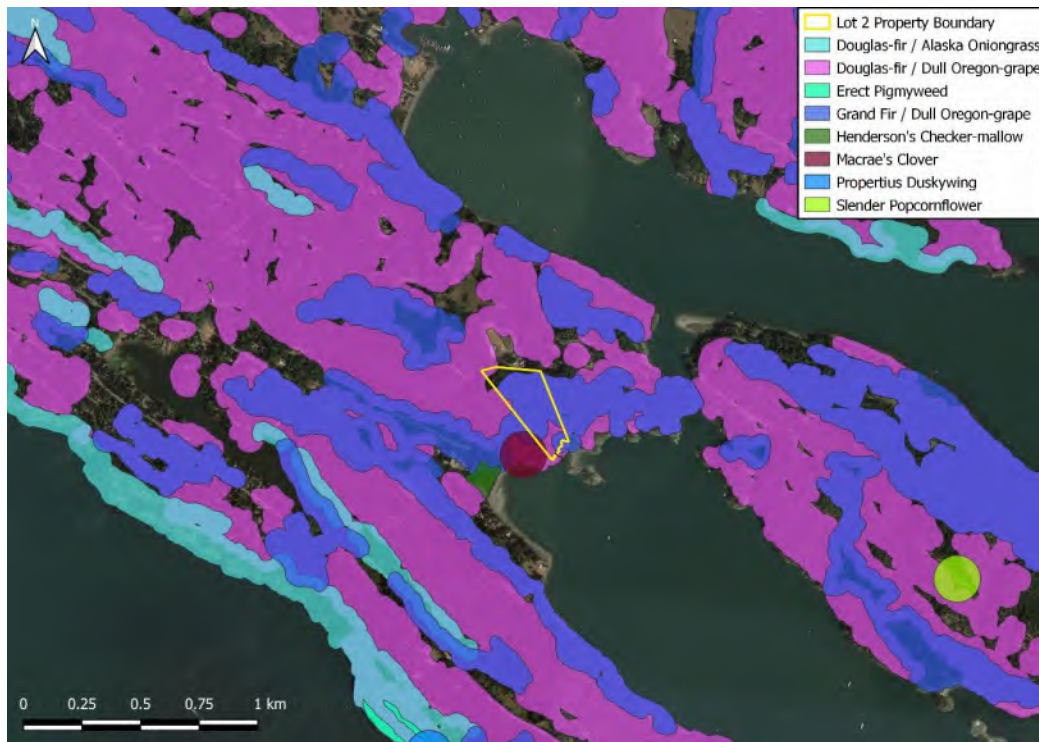
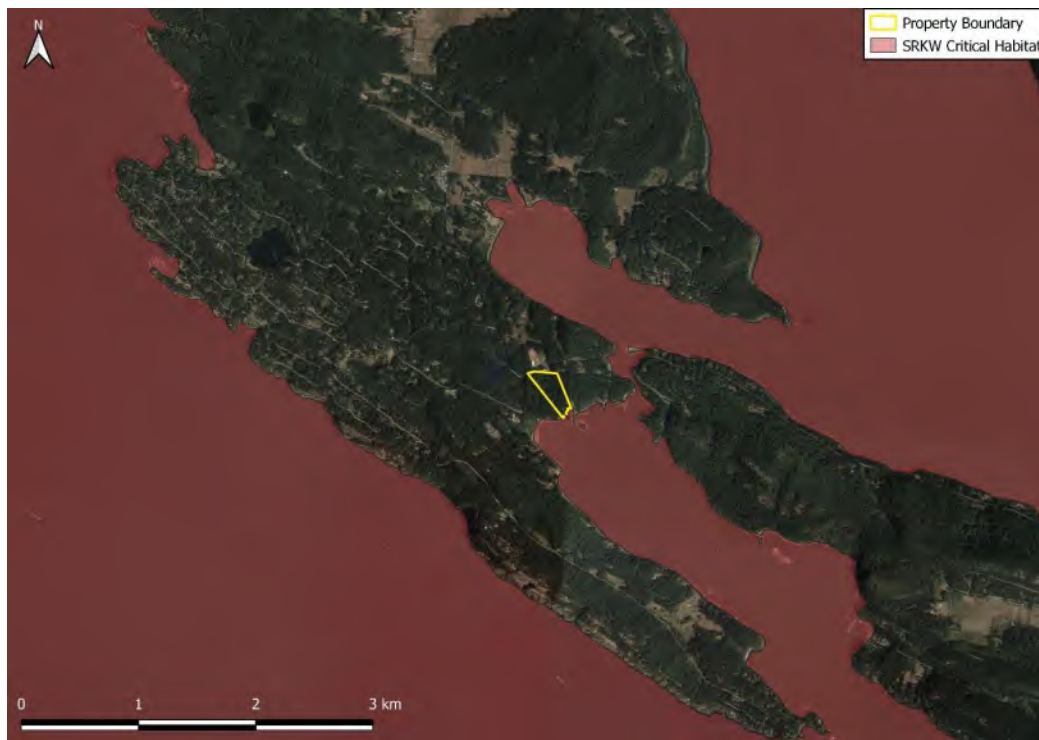


Figure 14. Map of SRKW Critical Habitat in the vicinity of the proposed Project Area (QGIS and Federal Species at Risk Critical Habitat Data, 2021).



7 Best Management Practices, Mitigation Measures and Monitoring

7.1 Recommended Best Management Practices for Project Operations

The proponent will adhere to the best management practices outlined below during the works. Any deviation (if required) from these best management practices will only be undertaken under the direction of a qualified professional and/or notification of appropriate agencies when applicable.

- **DFO – Measures to avoid causing harm to fish and fish habitat including aquatic species at risk.** <https://www.dfo-mpo.gc.ca/pnw-ppe/measures-mesures-eng.html>
- **DFO Timing Windows to Conduct Projects In or Around Water** – Two low-risk fisheries window occur for Area 18 (Cowichan Area) 1) Summer Window: July 1st – October 1st and 2) Winter Window: December 1st – February 15th).
<http://www.dfo-mpo.gc.ca/pnw-ppe/timing-periodes/index-eng.html>
- **BC Erosion and Sediment Control Best Practices** <https://escabc.com/>
- **BC Guidelines for Use of Treated Wood In and Around Aquatic Environments and Disposal of Treated Wood** https://www2.gov.bc.ca/assets/gov/driving-and-transportation/transportation-infrastructure/engineering-standards-and-guidelines/environment/references/guidelines-treated_wood.pdf?bcgovtm=CSMLS
- **Best Management Practices for Pile Driving and Related Operations**
https://buyandsell.gc.ca/cds/public/2016/08/17/f0fcf96f5bd08535ff8e81aac62bbd74/fp802-160141_bc_pile_driving_practices.pdf

7.2 Mitigation Measures

In general, any equipment and machinery used in the construction/installation of the dock and its component parts are required to be in good operating condition. They are to be maintained to a standard where operating parts are free of leaks and no excess oil or grease are present that could lead to introductions to the environment. An appropriately equipped spill containment kit will be readily accessible during in-water works in the event of a release of any deleterious substance to the environment. If fuel stored on site or on barges the spill kit should be stored alongside. All members of the working crew should be trained in the use of spill containment equipment/items. Any spill of a substance that is toxic, polluting, or deleterious to aquatic life of reportable quantities must immediately be reported to the Emergency Management BC Program 24-hour phone line at **1-800-663-3456**.

In addition, the proponent has committed to implementing the following mitigation measures during in-water works:

To use a vibratory hammer during pile driving whenever feasible. However, should an impact hammer be required the following items must be implemented.

-
- Establish a marine mammal exclusion zone around the work area. The extent of the zone shall be determined by the distance at which sound levels above 160dB_{RMS} re: 1uPa are not exceeded at the edge of the exclusion zone (i.e., determine distance at which sounds levels are measured below the specified level and create a radius around the work site using this distance).
 - Use of an impact hammer may only occur during daylight hours and when weather conditions (i.e., heavy rain, dense cloud, fog, etc.) permit the visual assessment of marine mammals within the exclusion zone as defined below.
 - Installation and use of a bubble curtain will be implemented as a tool to reduce peak sound pressure levels to those below 206 dB re:1uPa and a SEL_{CUM} of 180 dB re uPa²s outside of the sound attenuation device
 - Monitor for marine mammals within the exclusion zone for a minimum of 30 minutes prior to impact pile driving. Impact hammering is to be ceased if a marine mammal is observed to enter the exclusion zone and must not occur while the individual remains within the zone or has not been sighted for 30 minutes within the exclusion zone
 - Implement the use of “soft starts” during pile driving thereby allowing pile driving energy to be gradually increased over a 10-minute period and will be required anytime there is a break in these activities of 30 minutes or more. Soft start measures have shown to encourage mobile fishes and wildlife to vacate an area prior to hydroacoustic related impacts occurring associated with full force pile driving.
 - To conduct any operations requiring the use of a clam shell (if needed) will be conducted in a manner to reduce the introduction of benthic sediments into the water column. Suggested efforts include reducing the velocity of the ascending clamshell bucket.

7.3 Monitoring

The following environmental monitoring will be conducted during in-water works by a qualified environmental monitor:

- Hydroacoustic monitoring will be conducted during in-water works to assess impacts to fish and marine mammals. Sounds levels must remain below the threshold levels (A. 160dB_{RMS} re: 1uPa at the edge to the exclusion zone and B. 206 dB re:1uPa and a SEL_{CUM} of 180 dB re uPa²s outside of the sound attenuation device). If these thresholds are exceeded impact hammer must be ceased and only resumed if additional mitigation measures are implanted that reduces sound level below both thresholds.
- Visual effectiveness monitoring of the mitigation measures for any impacts to fishes or marine mammals within the above-mentioned exclusion zone.

8 Socio-community Impacts

Given that the work is occurring on the west shore of Bedwell Harbour, BC, adverse effects or interactions with the community or businesses in the area are expected to be minimal. Private residences adjacent to the site may experience noise disturbances during construction. However, the duration of the Project is not expected to be longer than two weeks. Noise disturbances will likely occur during the day when nearby residences are often away. Overall, based on the limited number of piles to be installed (total of two) and the short duration of works the noise impacts expected to result from the dock installation should be minimal.

9 Archaeology and Heritage Resources

9.1 Soil Disturbance and Archeology

Based on the BC Treaty Map, the Project is located within the Te'mexw Treaty Association, Tsawwassen First Nation, and the Hul'qumi'num Treaty Group traditional territories (BC Treaty Commission, 2021). The Province of British Columbia has indicated that an archaeological site is reported to occur southeast of the project. The archaeological site is identified as "DeRt-17", as a potential burial site located at approximate coordinates 10U 480693.34 E, 5400924.36 N (see Figure 15). These islets have been marked as potential for burials due to similar burial sites in the area occurring on small islands. No heritage resources have been discovered at this site however there is still potential for discovery if excavation on or near the islets occurs.

Only a minor disturbance of native soils is expected with the project (excavation for abutment footing) as the project primarily involves walkway replacement atop existing structures and pile driving. All excavations and soil disturbances must adhere to the following Chance Find Procedures (as described below) to mitigate for potential impacts.

Figure 15. Map of approximate location of archaeological site DeRt-17 (QGIS, Province of British Columbia Archaeology Branch, and Google Earth Satellite Imagery, 2021).



9.2 Chance Find Procedures

If evidence of any archeological resource is encountered, the following Chance Find Procedure will be implemented to mitigate impact:

- Any activities that might disturb potential archaeological resources or the site in which it is contained within will be immediately stopped.
- The artifacts or other remains present at the site will not be moved.
- The site will be staked or flagged off to prevent additional disturbances.
- BC Archaeology Branch will be contacted at **1-250-953-3334**.

10 Summary of Potential Environmental Impact

Potential impacts from the proposed dock may result from the following factors: 1) losses of terrestrial and marine habitats resulting from the occupation by structures, 2) habitat degradation from dock infrastructure and construction activities, 3) Existing submerged debris

in the project area, 4.) reduced primary and secondary production as a result from shading, and 5) hydroacoustic impacts to fish and marine mammals from pile driving.

The small foundational abutment will occupy approximately 1 m² area of terrestrial habitat upon installation. The proposed walkways and ramp will be installed on previously existing foundational pillars along the marine areas. Marine habitat losses of less than 5 m² are expected due to occupation of natural substrates from the placement of three steel pilings are considered negligible. In addition, it is expected that over time these structures will be colonized and become integrated and continuous with the surrounding habitat.

Habitat degradation from anchor lines and other mooring structures can incur continuous damage from abrasion. To mitigate the risk of scour, the float will be supported by two pilings instead of anchors and chain. This shall prevent any continued disturbance of the substrate and to the species that reside within. Potential habitat degradation during construction activities from the following sources have been reviewed: groundings of barges and support vessels, spills, turbidity, and noise impacts. With care these risks can be appropriately mitigated.

Submerged timber pile debris was encountered approximately 4 m from the HWM during the initial habitat survey. The origin of the debris is currently unknown but may potentially be treated with creosote. Creosote is a deleterious substance to aquatic habitat and the timber pile should be removed as a precaution during construction works.

Overall shading impacts are expected to be minimal based on the limited algal growth in area occurring under the proposed float and ramp. Additional mitigation measures have been prescribed to allow for greater light penetration through constructed surfaces of the dock and walkway. The running surfaces of the pier/walkway and the ramp (approximately 70 m²) are to be constructed of light transmissive MiniMesh grating resulting in a minor reduction in light penetration. The concrete dock (approximately 40 m²) will be impermeable to light and will be positioned over soft sediments habitat. Additional shading is expected when vessels are moored alongside the dock. Overall, losses to the existing primary and secondary production to the site are expected to be low.

Potential impacts from pile driving activities on fishes and marine mammals, including the SRKW are of concern. To address potential occurrences of harm visual and acoustic monitoring has been prescribed follow the standard operating practices recommended by the Department of Fisheries and Oceans Canada (DFO).

11 Conclusion

In general, the potential impacts from the Project are low with regards to terrestrial habitats, marine habitats, species at-risk, socio-community impacts, and archaeological/heritage resources. Based on the current design plan (Appendix A), the installation of the float, ramp,

John Tognetti

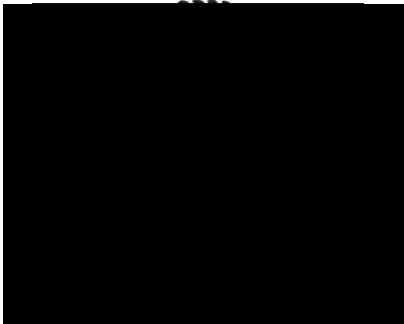
concrete risers and footing, and walkway; no impacts to any fish or marine mammal species are expected to result from the proposed dock design if the prescribed mitigations and BMPs are followed. Works are to occur within either of the DFO the low-risk fisheries windows (July 1st – October 1st or December 1st – February 15th) to further reduce potential impacts to the habitat values present within the Project Area. To ensure compliance with the Fisheries Act, the project should be submitted to DFO for review through the Request for Review process. In addition, the property owner (John Tognetti) and all persons whom they employ on this Project have committed to abide by all prescribed mitigation measures, BMPs, and appropriate legislation and regulatory requirements for the installation of a private marine dock.

For any questions regarding the content of this letter please contact the undersigned.

Regards,

Arin Yeomans-Routledge, R.P.Bio., B.Sc. and

Spencer Lapp, Fish. Tech.



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Appendices:

Appendix A – Technical Drawings

Appendix B – Representative Site Photographs

Appendix C – Species and Ecosystems At-Risk List

Appendix A
Technical Drawings



Figure 1. Side Profile, Dock Design. Technical drawing, of side view of the private moorage structure.

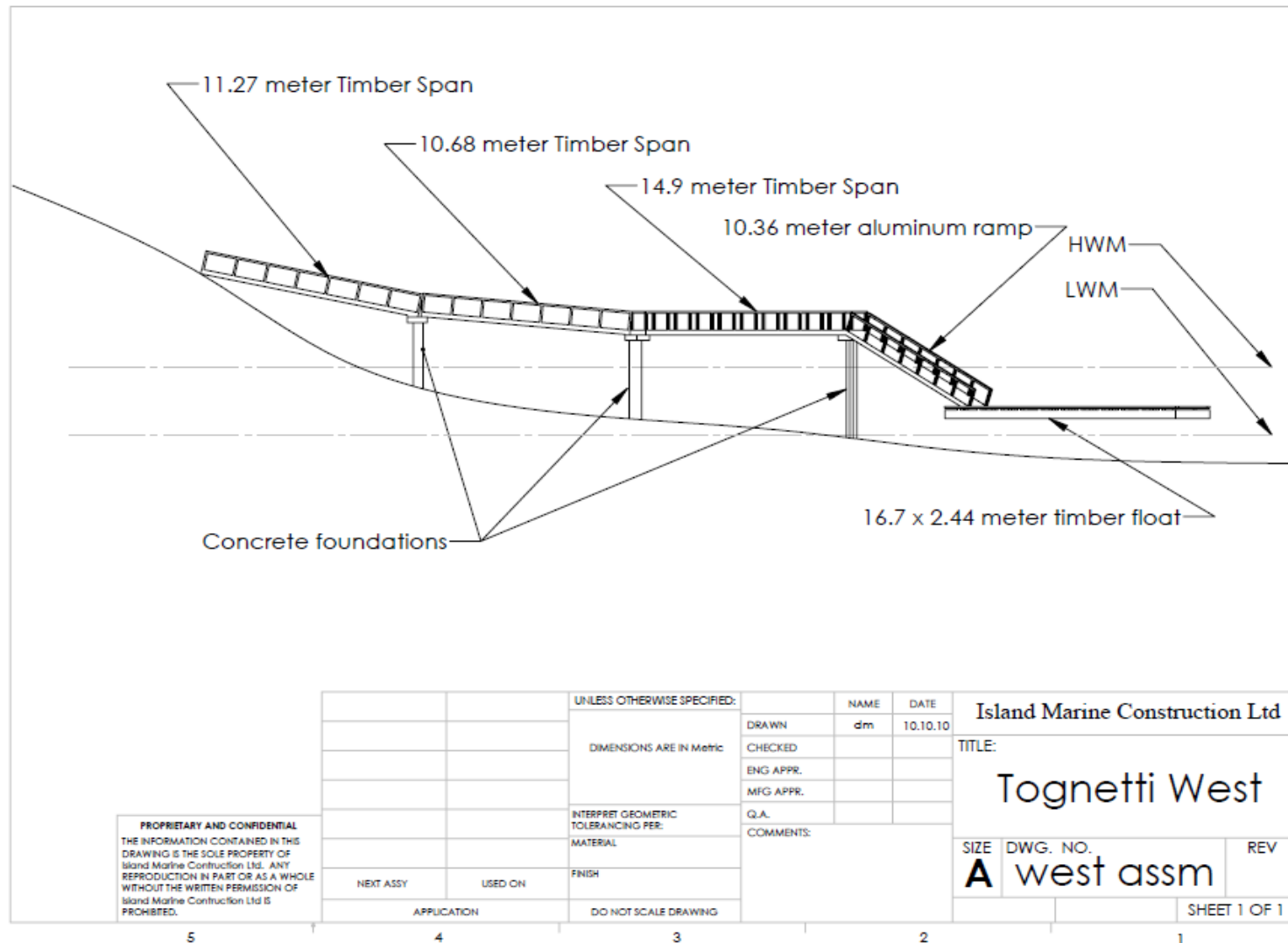
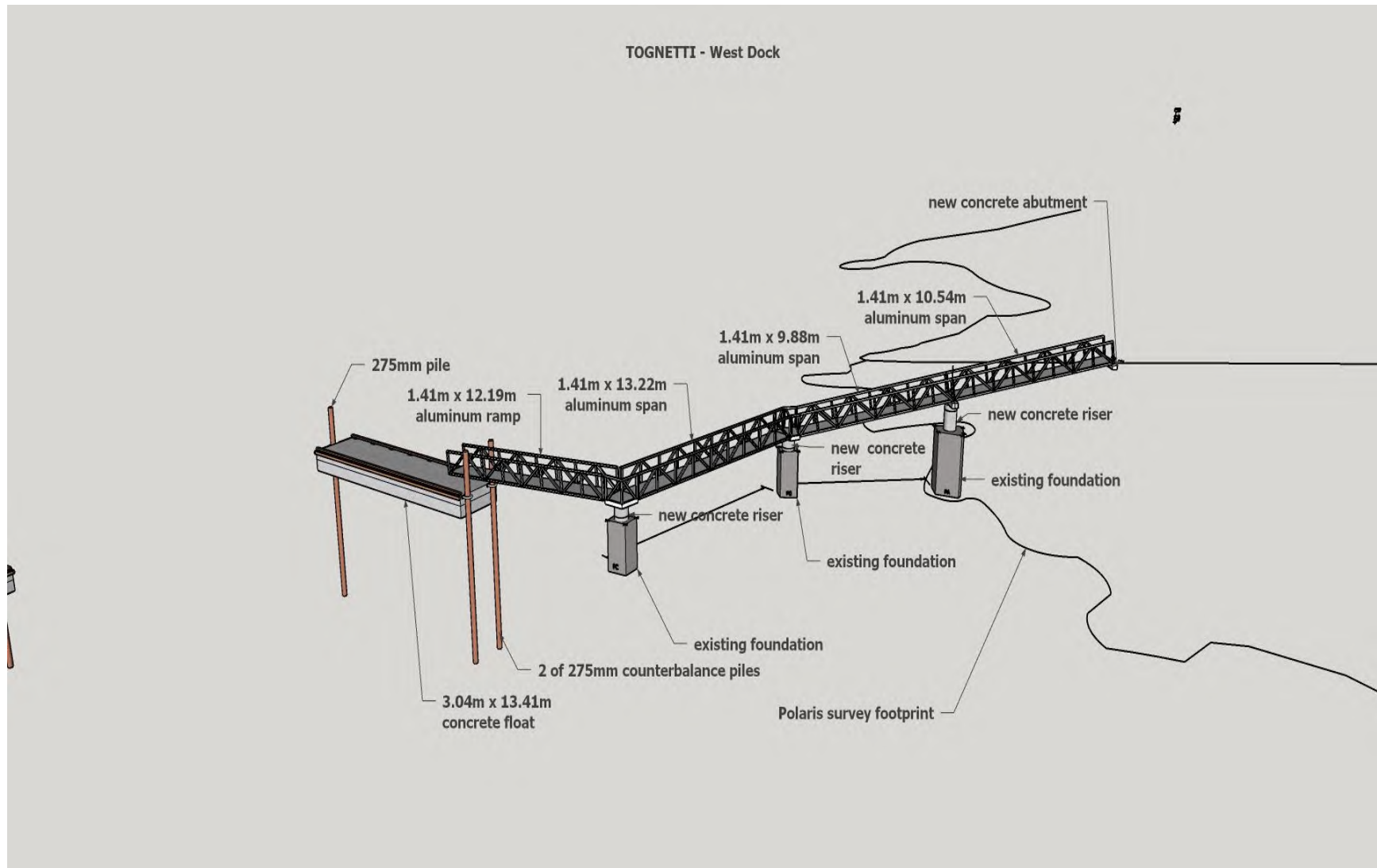


Figure 2. South view diagram of the walkway and dock design.



Appendix B

Representative Site Photograph

Figure 1. Representative view of the upland terrestrial vegetation. A mixed forest dominated by Douglas Fir and Arbutus neighbours the project site. Photograph collected November 15, 2021.



Figure 2. Photograph of bedrock in the upper intertidal (splash) zone and barnacle growth, beneath the first concrete column. Photograph collected November 15, 2021.



Figure 3. Representative photo of the submerged bedrock habitat of the intertidal area at ~4 m from the HWM. Photograph collected November 15, 2021.



Figure 4. Cluster of detached bull kelp stipes and holdfasts collected at the bottom near the first bedrock out crop and concrete pillar approximately 6 m from the HWM. Photograph collected November 15, 2021.



Figure 5. View of the sand and shell substrate immediately near the transition from bedrock. Photograph collected November 15, 2021.



Figure 6. View of the lower intertidal zone depicting a mat of Ulva growth on the sand and shell habitat approximately 8 m from the HWM. Photograph collected November 15, 2021.



Figure 7. View of the soft substrates and algal growth approximately 10 m from the HWM. Photograph collected November 15, 2021.

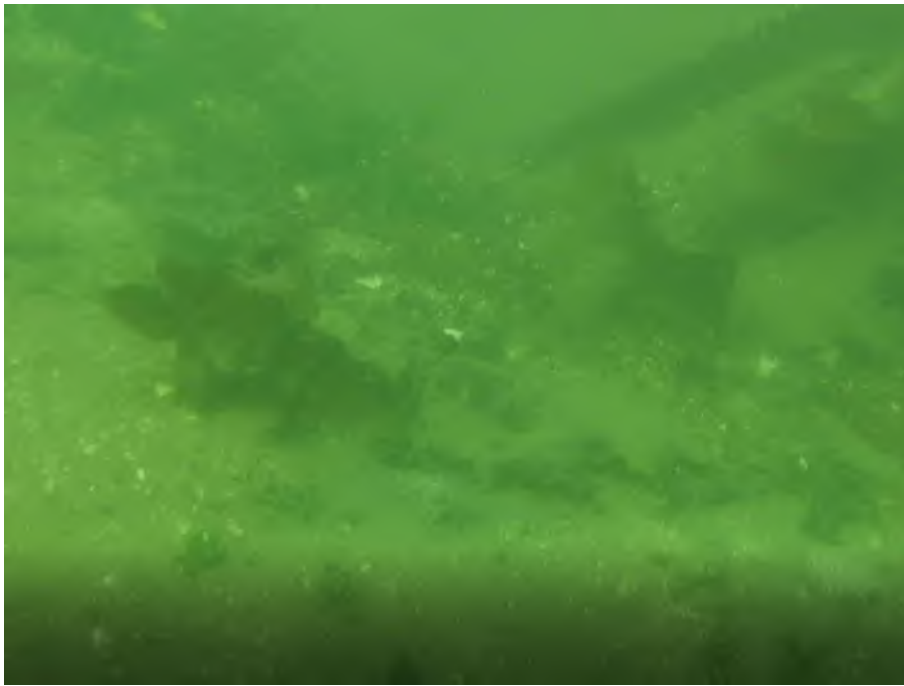


Figure 8. View of the submerged timber debris near the bedrock outcrop approximately 10 m from the HWM. Photograph collected November 15, 2021.



Figure 9. View of the sand and shell substrate near the outer timber piling, approximately 45 m from the HWM. Photograph collected November 15, 2021.



Figure 10. Representative view of the algal growth and soft substrates found at the end of the transect area beyond 45 m from the HWM. Photograph collected November 15, 2021.



Appendix C

Species and Ecosystems At-Risk List



Scientific Name	English Name	BC List	SARA	SARA Date
Animals				
Amphibians				
<i>Dicamptodon tenebrosus</i>	Coastal Giant Salamander	Blue	Threatened	Jun-03
<i>Ascaphus truei</i>	Coastal Tailed Frog	Yellow	Special Concern	Jun-03
<i>Lithobates pipiens</i>	Northern Leopard Frog	Red	Endangered	Jun-03
<i>Rana aurora</i>	Northern Red-legged Frog	Blue	Special Concern	Jan-05
<i>Rana pretiosa</i>	Oregon Spotted Frog	Red	Endangered	Jun-03
<i>Aneides vagrans</i>	Wandering Salamander	Blue	Special Concern	Feb-18
<i>Anaxyrus boreas</i>	Western Toad	Yellow	Special Concern	Jun-18
Birds				
<i>Recurvirostra americana</i>	American Avocet	Blue		
<i>Botaurus lentiginosus</i>	American Bittern	Blue		
<i>Pluvialis dominica</i>	American Golden-Plover	Blue		
<i>Pelecanus erythrorhynchos</i>	American White Pelican	Red		
<i>Synthliboramphus antiquus</i>	Ancient Murrelet	Blue	Special Concern	Aug-06
<i>Patagioenas fasciata</i>	Band-tailed Pigeon	Blue	Special Concern	Feb-11
<i>Tyto alba</i>	Barn Owl	Red	Threatened	Jun-18
<i>Hirundo rustica</i>	Barn Swallow	Blue	Threatened	Nov-17
<i>Setophaga castanea</i>	Bay-breasted Warbler	Red		
<i>Melanitta americana</i>	Black Scoter	Blue		
<i>Cypseloides niger</i>	Black Swift	Blue	Endangered	May-19
<i>Nycticorax nycticorax</i>	Black-crowned Night-heron	Red		
<i>Setophaga virens</i>	Black-throated Green Warbler	Blue		
<i>Dolichonyx oryzivorus</i>	Bobolink	Blue	Threatened	Nov-17
<i>Phalacrocorax penicillatus</i>	Brandt's Cormorant	Red		
<i>Branta bernicla</i>	Brant	Blue		
<i>Athene cunicularia</i>	Burrowing Owl	Red	Endangered	Jun-03
<i>Larus californicus</i>	California Gull	Blue		
<i>Branta canadensis occidentalis</i>	Canada Goose, <i>occidentalis</i> subspecies	Red		
<i>Cardellina canadensis</i>	Canada Warbler	Blue	Threatened	Feb-10
<i>Hydroprogne caspia</i>	Caspian Tern	Blue		
<i>Ptychoramphus aleuticus</i>	Cassin's Auklet	Red	Special Concern	May-19

<i>Uria aalge</i>	Common Murre	Red		
<i>Chordeiles minor</i>	Common Nighthawk	Yellow	Threatened	Feb-10
<i>Oporornis agilis</i>	Connecticut Warbler	Blue		
<i>Phalacrocorax auritus</i>	Double-crested Cormorant	Blue		
<i>Coccothraustes vespertinus</i>	Evening Grosbeak	Yellow	Special Concern	May-19
<i>Sterna forsteri</i>	Forster's Tern	Red		
<i>Ammodramus savannarum</i>	Grasshopper Sparrow	Red		
<i>Ardea herodias fannini</i>	Great Blue Heron, <i>fannini</i> subspecies	Blue	Special Concern	Feb-10
<i>Butorides virescens</i>	Green Heron	Blue		
<i>Falco rusticolus</i>	Gyr Falcon	Blue		
<i>Eremophila alpestris strigata</i>	Horned Lark, <i>strigata</i> subspecies	Red	Endangered	Jul-05
<i>Fratercula corniculata</i>	Horned Puffin	Red		
<i>Limosa haemastica</i>	Hudsonian Godwit	Red		
<i>Chondestes grammacus</i>	Lark Sparrow	Blue		
<i>Melanerpes lewis</i>	Lewis's Woodpecker	Blue	Threatened	Jul-12
<i>Numenius americanus</i>	Long-billed Curlew	Blue	Special Concern	Jan-05
<i>Brachyramphus marmoratus</i>	Marbled Murrelet	Blue	Threatened	Jun-03
<i>Ammodramus nelsoni</i>	Nelson's Sparrow	Red		
<i>Fulmarus glacialis</i>	Northern Fulmar	Red		
<i>Accipiter gentilis laingi</i>	Northern Goshawk, <i>laingi</i> subspecies	Red	Threatened	Jun-03
<i>Glaucidium gnoma swarthi</i>	Northern Pygmy-owl, <i>swarthi</i> subspecies	Blue		
<i>Contopus cooperi</i>	Olive-sided Flycatcher	Blue	Threatened	Feb-10
<i>Falco peregrinus</i>	Peregrine Falcon	No Status	Special Concern	
<i>Falco peregrinus anatum</i>	Peregrine Falcon, <i>anatum</i> subspecies	Red	Special Concern	Jun-12
<i>Falco peregrinus pealei</i>	Peregrine Falcon, <i>pealei</i> subspecies	Blue	Special Concern	Jun-03
<i>Pinicola enucleator carlottae</i>	Pine Grosbeak, <i>carlottae</i> subspecies	Blue		
<i>Falco mexicanus</i>	Prairie Falcon	Red		
<i>Progne subis</i>	Purple Martin	Blue		
<i>Calidris canutus</i>	Red Knot	Red	Threatened / Endangered	Feb-10
<i>Phalaropus lobatus</i>	Red-necked Phalarope	Blue	Special Concern	May-19

<i>Buteo lagopus</i>	Rough-legged Hawk	Blue		
<i>Euphagus carolinus</i>	Rusty Blackbird	Blue	Special Concern	Mar-09
<i>Oreoscoptes montanus</i>	Sage Thrasher	Red	Endangered	Jun-03
<i>Limnodromus griseus</i>	Short-billed Dowitcher	Blue		
<i>Asio flammeus</i>	Short-eared Owl	Blue	Special Concern	Jul-12
<i>Calcarius pictus</i>	Smith's Longspur	Blue		
<i>Strix occidentalis</i>	Spotted Owl	Red	Endangered	Jun-03
<i>Melanitta perspicillata</i>	Surf Scoter	Blue		
<i>Buteo swainsoni</i>	Swainson's Hawk	Red		
<i>Uria lomvia</i>	Thick-billed Murre	Red		
<i>Fratercula cirrhata</i>	Tufted Puffin	Blue		
<i>Cygnus columbianus</i>	Tundra Swan	Blue		
<i>Bartramia longicauda</i>	Upland Sandpiper	Red		
<i>Poocetes gramineus affinis</i>	Vesper Sparrow, <i>affinis</i> subspecies	Red	Endangered	Dec-07
<i>Tringa incana</i>	Wandering Tattler	Blue		
<i>Aechmophorus occidentalis</i>	Western Grebe	Red	Special Concern	Nov-17
<i>Megascops kennicottii</i>	Western Screech-Owl	No Status	Threatened	
<i>Megascops kennicottii kennicottii</i>	Western Screech-Owl, <i>kennicottii</i> subspecies	Blue	Threatened	Jan-05
<i>Aeronautes saxatalis</i>	White-throated Swift	Blue		
<i>Coccyzus americanus</i>	Yellow-billed Cuckoo	Red		
<i>Icteria virens</i>	Yellow-breasted Chat	Red	Endangered	Jun-03
Bivalves				
<i>Sphaerium occidentale</i>	Herrington Fingernailclam	Blue		
<i>Musculium transversum</i>	Long Fingernailclam	Blue		
<i>Ostrea lurida</i>	Olympia Oyster	Blue	Special Concern	Jun-03
<i>Sphaerium patella</i>	Rocky Mountain Fingernailclam	Red		
<i>Sphaerium striatinum</i>	Striated Fingernailclam	Blue		
<i>Musculium partumeium</i>	Swamp Fingernailclam	Blue		
Fish				
<i>Hybognathus hankinsoni</i> - Pacific group	Brassy Minnow - Pacific Group	Blue		
<i>Salvelinus confluentus</i>	Bull Trout	Blue		
<i>Salvelinus confluentus</i> pop. 28	Bull Trout - South Coast Population	Blue	Special Concern	Aug-19

<i>Cottus aleuticus</i> pop. 1	Coastrange Sculpin, Cultus Population	Red	Threatened	Jun-03
<i>Entosphenus macrostomus</i>	Cowichan Lake Lamprey	Red	Threatened	Jun-03
<i>Oncorhynchus clarkii clarkii</i>	Cutthroat Trout, <i>clarkii</i> subspecies	Blue		
<i>Gasterosteus</i> sp. 3	Enos Lake Benthic Stickleback	Red	Endangered	Jan-05
<i>Gasterosteus</i> sp. 2	Enos Lake Limnetic Stickleback	Red	Endangered	Jan-05
<i>Thaleichthys pacificus</i>	Eulachon	Blue		
<i>Acipenser medirostris</i>	Green Sturgeon	Blue	Special Concern	Aug-06
<i>Gasterosteus aculeatus</i> pop. 2	Little Quarry Lake Benthic Threespine Stickleback	Red		
<i>Gasterosteus aculeatus</i> pop. 3	Little Quarry Limnetic Threespine Stickleback	Red		
<i>Rhinichthys cataractae</i> - Chehalis lineage	Nooksack Dace	Red	Endangered	Jun-03
<i>Gasterosteus</i> sp. 5	Paxton Lake Benthic Stickleback	Red	Endangered	Jun-03
<i>Gasterosteus</i> sp. 4	Paxton Lake Limnetic Stickleback	Red	Endangered	Jun-03
<i>Spirinchus</i> sp. 1	Pygmy Longfin Smelt	Red		
<i>Catostomus</i> sp. 4	Salish Sucker	Red	Threatened	Jan-05
<i>Gasterosteus</i> sp. 17	Vananda Creek Benthic Stickleback	Red	Endangered	Jun-03
<i>Gasterosteus</i> sp. 16	Vananda Creek Limnetic Stickleback	Red	Endangered	Jun-03
<i>Lampetra richardsoni</i> pop. 1	Western Brook Lamprey (Morrison Creek Population)	Red	Endangered	Jun-03
<i>Acipenser transmontanus</i>	White Sturgeon	No Status	Endangered	
<i>Acipenser transmontanus</i> pop. 4	White Sturgeon (Lower Fraser River Population)	Red		
Gastropods				
<i>Prophysaon coeruleum</i>	Blue-grey Taildropper	Blue	Threatened	Feb-19
<i>Pristiloma johnsoni</i>	Broadwhorl Tightcoil	Blue		
<i>Hemphillia dromedarius</i>	Dromedary Jumping-slug	Red	Threatened	Jan-05
<i>Galba dalli</i>	Dusky Fossaria	Blue		
<i>Deroceras hesperium</i>	Evening Fieldslug	Red		

<i>Planorbula campestris</i>	Meadow Rams-horn	Blue		
<i>Haliotis kamtschatkana</i>	Northern Abalone	Red	Endangered	
<i>Allogona townsendiana</i>	Oregon Forestsnail	Red	Endangered	Jan-05
<i>Galba bulimoides</i>	Prairie Fossaria	Blue		
<i>Cryptomastix devia</i>	Puget Oregonian	Red	Extinct	Jan-05
<i>Galba parva</i>	Pygmy Fossaria	Blue		
<i>Physella propinqua</i>	Rocky Mountain Physa	Blue		
<i>Gyraulus crista</i>	Star Gyro	Blue		
<i>Physella virginea</i>	Sunset Physa	Blue		
<i>Nearctula</i> sp. 1	Threaded Vertigo	Blue	Special Concern	Jul-12
<i>Promenetus umbilicatellus</i>	Umbilicate Sprite	Blue		
<i>Galba vancouverensis</i>	Vancouver Fossaria	Red		
<i>Hemphillia glandulosa</i>	Warty Jumping-slug	Red	Special Concern	Jan-05
<i>Carychium occidentale</i>	Western Thorn	Blue		
<i>Stagnicola traski</i>	Widelip Pondsnaill	Blue		
<i>Stagnicola caperata</i>	Wrinkled Marshsnail	Blue		
Insects, Spiders and Worms				
<i>Enallagma clausum</i>	Alkali Bluet	Blue		
<i>Omus audouini</i>	Audouin's Night-stalking Tiger Beetle	Red	Threatened	Jun-18
<i>Sympetrum vicinum</i>	Autumn Meadowhawk	Blue		
<i>Tanypteryx hageni</i>	Black Petaltail	Blue		
<i>Tramea lacerata</i>	Black Saddlebags	Red		
<i>Pachydiplax longipennis</i>	Blue Dasher	Blue		
<i>Icaricia icarioides blackmorei</i>	Boisduval's Blue, <i>blackmorei</i> subspecies	Blue		
<i>Parnassius clodius claudianus</i>	Clodius Parnassian, <i>claudianus</i> subspecies	Blue		
<i>Parnassius clodius pseudogallatinus</i>	Clodius Parnassian, <i>pseudogallatinus</i> subspecies	Blue		
<i>Coenonympha tullia insulana</i>	Common Ringlet, <i>insulana</i> subspecies	Red		
<i>Cercyonis pegala incana</i>	Common Wood-nymph, <i>incana</i> subspecies	Red		
<i>Euphyes vestris</i>	Dun Skipper	Blue	Threatened	Jun-03
<i>Euphydryas editha taylori</i>	Edith's Checkerspot, <i>taylori</i> subspecies	Red	Endangered	Jun-03
<i>Anarta edwardsii</i>	Edwards' Beach Moth	Red	Endangered	Feb-11

<i>Argia emma</i>	Emma's Dancer	Blue		
<i>Octogomphus specularis</i>	Grappletail	Red		
<i>Icaricia saepiolus insulanus</i>	Greenish Blue, <i>insulanus</i> subspecies	Red	Endangered	Jun-03
<i>Cicindela hirticollis</i>	Hairy-necked Tiger Beetle	Blue		
<i>Chlosyne hoffmanni</i>	Hoffman's Checkerspot	Red		
<i>Papilio indra</i>	Indra Swallowtail	Red		
<i>Callophrys johnsoni</i>	Johnson's Hairstreak	Red		
<i>Euchloe ausonides insulanus</i>	Large Marble, <i>insulanus</i> subspecies	Red	Extinct	Jun-03
<i>Danaus plexippus</i>	Monarch	Red	Special Concern	Jun-03
<i>Callophrys mossii mossii</i>	Moss' Elfin, <i>mossii</i> subspecies	Red		
<i>Erynnis propertius</i>	Propertius Duskywing	Red		
<i>Stygobromus quatsinensis</i>	Quatsino Cave Amphipod	Blue		
<i>Parnassius smintheus olympiannus</i>	Rocky Mountain Parnassian, <i>olympiannus</i> subspecies	Blue		
<i>Copablepharon fuscum</i>	Sand-verbena Moth	Red	Endangered	Jul-05
<i>Epargyreus clarus</i>	Silver-spotted Skipper	Blue		
<i>Epargyreus clarus californicus</i>	Silver-spotted Skipper, <i>californicus</i> subspecies	Red		
<i>Ophiogomphus occidentis</i>	Sinuous Snaketail	Blue		
<i>Argia vivida</i>	Vivid Dancer	Blue	Special Concern	Feb-19
<i>Hesperia colorado oregonia</i>	Western Branded Skipper, <i>oregonia</i> subspecies	Red		
<i>Bombus occidentalis</i>	Western Bumble Bee	Blue		
<i>Callophrys eryphon sheltonensis</i>	Western Pine Elfin, <i>sheltonensis</i> subspecies	Blue		
<i>Erythemis collocata</i>	Western Pondhawk	Blue		
<i>Speyeria zerene bremnerii</i>	Zerene Fritillary, <i>bremnerii</i> subspecies	Red		
<i>Arctiostrotus perrieri</i>		Blue		
Mammals				
<i>Eptesicus fuscus</i>	Big Brown Bat	Yellow		
<i>Myotis californicus</i>	Californian Myotis	Yellow		
<i>Mustela erminea anguinae</i>	Ermine, <i>anguinae</i> subspecies	Blue		
<i>Pekania pennanti</i>	Fisher	No Status		

<i>Eschrichtius robustus</i>	Grey Whale	Blue	Special Concern	Jul-05
<i>Ursus arctos</i>	Grizzly Bear	Blue	Special Concern	Jun-18
<i>Lasiurus cinereus</i>	Hoary Bat	Yellow		
<i>Myotis lucifugus</i>	Little Brown Myotis	Yellow	Endangered	Dec-14
<i>Myotis evotis</i>	Long-eared Myotis	Yellow		
<i>Myotis volans</i>	Long-legged Myotis	Yellow		
<i>Mustela frenata altifrontalis</i>	Long-tailed weasel, <i>altifrontalis</i> subspecies	Red		
<i>Aplodontia rufa</i>	Mountain Beaver	Yellow	Special Concern	Jun-03
<i>Oreamnos americanus</i>	Mountain Goat	Blue		
<i>Mirounga angustirostris</i>	Northern Elephant Seal	Red		
<i>Sorex rohweri</i>	Olympic Shrew	Red		
<i>Sorex bendirii</i>	Pacific Water Shrew	Red	Endangered	Jun-03
<i>Cervus elaphus roosevelti</i>	Roosevelt Elk	Blue		
<i>Lasionycteris noctivagans</i>	Silver-haired Bat	Yellow		
<i>Lepus americanus washingtonii</i>	Snowshoe Hare, <i>washingtonii</i> subspecies	Red		
<i>Myodes gapperi occidentalis</i>	Southern Red-backed Vole, <i>occidentalis</i> subspecies	Red		
<i>Eumetopias jubatus</i>	Steller Sea Lion	Blue	Special Concern	Jul-05
<i>Corynorhinus townsendii</i>	Townsend's Big-eared Bat	Blue		
<i>Scapanus townsendii</i>	Townsend's Mole	Red	Endangered	Jan-05
<i>Sorex trowbridgii</i>	Trowbridge's Shrew	Blue		
<i>Sorex navigator brooksi</i>	Western Water Shrew, <i>brooksi</i> subspecies	Blue		
<i>Gulo gulo</i>	Wolverine	No Status	Special Concern	Jun-18
<i>Gulo gulo luscus</i>	Wolverine, <i>luscus</i> subspecies	Blue	Special Concern	Jun-18
<i>Gulo gulo vancouverensis</i>	Wolverine, <i>vancouverensis</i> subspecies	Red	Special Concern	Jun-18
<i>Myotis yumanensis</i>	Yuma Myotis	Yellow		
Reptiles				
<i>Contia tenuis</i>	Common Sharp-Tailed Snake	Red	Endangered	Jun-03

<i>Pituophis catenifer catenifer</i>	Gopher Snake, <i>catenifer</i> subspecies	Red	Extinct	Jan-05
<i>Pituophis catenifer</i>	Gophersnake	No Status	Extinct / Threatened	Jan-05
<i>Dermochelys coriacea</i>	Leatherback Sea Turtle	Red	Endangered	May-17
<i>Charina bottae</i>	Northern Rubber Boa	Yellow	Special Concern	Jan-05
<i>Actinemys marmorata</i>	Northwestern Pond Turtle	Red	Extinct	Jan-05
<i>Chrysemys picta</i>	Painted Turtle	No Status	Endangered / Special Concern	Dec-07
<i>Chrysemys picta</i> pop. 1	Painted Turtle - Pacific Coast Population	Red	Endangered	Dec-07
Scientific Name	English Name	BC List	SARA	SARA Date
Plants				
<i>Seligeria acutifolia</i>	acuteleaf small limestone moss	Red	Endangered	May-21
<i>Glehnia littoralis</i> ssp. <i>leiocarpa</i>	American glehnia	Blue		
<i>Entosthodon fascicularis</i>	banded cord-moss	Blue	Special Concern	Aug-06
<i>Scytinium platynum</i>	batwing vinyl	Yellow	Endangered	Feb-17
<i>Calystegia soldanella</i>	beach bindweed	Blue		
<i>Triphysaria versicolor</i> ssp. <i>versicolor</i>	bearded owl-clover	Red	Endangered	Jun-03
<i>Sanicula arctopoides</i>	bear's-foot sanicle	Red	Threatened	Jun-03
<i>Polygonum paronychia</i>	black knotweed	Blue		
<i>Hosackia pinnata</i>	bog bird's-foot lotus	Red	Endangered	Jul-05
<i>Physconia detera</i>	bottlebrush frost	Red		
<i>Corispermum hookeri</i> var. <i>pseudodeclinatum</i>	British Columbia bugseed	Unknown		
<i>Epilobium torreyi</i>	brook spike-primrose	Red	Endangered	Dec-07
<i>Lomatium papilioniferum</i>	butterfly bearing lomatium	Red	Threatened	Feb-11
<i>Ranunculus californicus</i>	California buttercup	Red	Endangered	Feb-11
<i>Polystichum californicum</i>	California Sword-fern	Red		
<i>Montia chamissoi</i>	Chamisso's montia	Blue		
<i>Marah oregana</i>	coast manroot	Red		
<i>Microseris bigelovii</i>	coast microseris	Red	Endangered	Dec-07
<i>Silene scouleri</i> ssp. <i>scouleri</i>	coastal Scouler's catchfly	Red	Endangered	Jan-05
<i>Dryopteris arguta</i>	coastal wood fern	Blue	Special Concern	Jun-03
<i>Githopsis specularioides</i>	common bluecup	Blue		
<i>Pannaria rubiginosa</i>	considerable gingerbread	Red		

<i>Camissonia contorta</i>	contorted-pod evening-primrose	Red	Endangered	Dec-07
<i>Fuscopannaria coralloidea</i>	coral crackers	Blue		
<i>Nephroma occultum</i>	cryptic paw	Blue	Special Concern	Dec-07
<i>Balsamorhiza deltoidea</i>	deltoid balsamroot	Red	Endangered	Jun-03
<i>Epilobium densiflorum</i>	dense spike-primrose	Red	Endangered	Aug-06
<i>Lupinus microcarpus</i> var. <i>microcarpus</i>	dense-flowered lupine	Red	Endangered	Aug-06
<i>Festuca rubra</i> ssp. <i>mediana</i>	dwarf red fescue	Yellow		
<i>Sabulina pusilla</i>	dwarf sandwort	Red	Endangered	Jul-05
<i>Crassula connata</i>	Erect Pigmyweed	Blue		
<i>Leioderma solediatum</i>	felted elf	Blue		
<i>Lomatium dissectum</i>	fern-leaved desert-parsley	Red		
<i>Collema flaccidum</i>	flaking tarpaper	Red		
<i>Carex tumulicola</i>	foothill sedge	Yellow	Endangered	Feb-10
<i>Plagiobothrys figuratus</i> ssp. <i>figuratus</i>	fragrant popcornflower	Red	Endangered	Feb-10
<i>Woodwardia fimbriata</i>	giant chain fern	Blue		
<i>Castilleja levisecta</i>	golden paintbrush	Red	Endangered	Jun-03
<i>Sidalcea hendersonii</i>	Henderson's checker-mallow	Blue		
<i>Triteleia howellii</i>	Howell's triteleia	Red	Endangered	Jan-05
<i>Viola howellii</i>	Howell's violet	Red		
<i>Sisyrinchium idahoense</i> var. <i>segetum</i>	Idaho blue-eyed-grass	Red		
<i>Juncus kelloggii</i>	Kellogg's rush	Red	Endangered	Jan-05
<i>Lupinus oreganus</i> var. <i>kincaidii</i>	Kincaid's lupine	Unknown	Extinct	Feb-11
<i>Pyrola aphylla</i>	leafless wintergreen	Blue		
<i>Uropappus lindleyi</i>	Lindley's microseris	Red	Endangered	Feb-10
<i>Ranunculus lobbii</i>	Lobb's water-buttercup	Red		
<i>Limnanthes macounii</i>	Macoun's meadow-foam	Red	Threatened	Aug-06
<i>Trifolium dichotomum</i>	Macrae's clover	Red		
<i>Scytinium californicum</i>	midlife vinyl	Blue		
<i>Zeltnera muehlenbergii</i>	Muhlenberg's centaury	Red	Endangered	Feb-10
<i>Peltigera gowardii</i>	northwest waterfan	Red	Special Concern	Feb-18
<i>Potamogeton oakesianus</i>	Oakes' pondweed	Unknown		
<i>Utricularia ochroleuca</i>	ochroleucous bladderwort	Blue		
<i>Lobaria silvae-veteris</i>	oldgrowth lung	Red		



<i>Fraxinus latifolia</i>	Oregon ash	Red		
<i>Corallorhiza maculata</i> var. <i>ozettensis</i>	Ozette coralroot	Blue		
<i>Collema furfuraceum</i> var. <i>luzonense</i>	Pacific tarpaper	Blue		
<i>Scytinium polycarpum</i>	peacock vinyl	Yellow	Special Concern	
<i>Cephalanthera austiniae</i>	phantom orchid	Red	Threatened	Jun-03
<i>Fissidens pauperculus</i>	poor pocket moss	Red	Endangered	Jun-03
<i>Trifolium depauperatum</i> var. <i>depauperatum</i>	poverty clover	Blue		
<i>Lupinus lepidus</i>	prairie lupine	Red	Endangered	Jun-03
<i>Sanicula bipinnatifida</i>	purple sanicle	Red	Threatened	Jun-03
<i>Dermatocarpon intestiniforme</i>	quilted stippleback	Blue		
<i>Lasthenia glaberrima</i>	rayless goldfields	Red	Endangered	Feb-10
<i>Bartramia aprica</i>	rigid apple moss	Red	Endangered	Jun-03
<i>Brotherella roellii</i>	Roell's brotherella	Red	Endangered	Jun-18
<i>Orthocarpus bracteosus</i>	rosy owl-clover	Red	Endangered	Jul-05
<i>Eurybia radulina</i>	rough-leaved aster	Red		
<i>Erigeron philadelphicus</i> var. <i>glaber</i>	salt marsh Philadelphia daisy	Red		
<i>Hosackia gracilis</i>	seaside bird's foot lotus	Red	Endangered	Jun-03
<i>Hypogymnia heterophylla</i>	seaside bone	Red	Threatened	Feb-10
<i>Lathyrus littoralis</i>	silky beach pea	Red		
<i>Fabronia pusilla</i>	silver hair moss	Red	Endangered	Jan-05
<i>Plagiobothrys tenellus</i>	slender popcornflower	Red	Threatened	Feb-11
<i>Allium amplexans</i>	slimleaf onion	Blue		
<i>Tonella tenella</i>	small-flowered tonella	Blue	Endangered	Jul-05
<i>Cladonia decorticata</i>	strip-tease pixie	Blue		
<i>Psilocarphus elatior</i>	tall woolly-heads	Red	Endangered	Jun-03
<i>Nuttallanthus texanus</i>	Texas toadflax	Blue		
<i>Syntrichia laevipila</i>	twisted oak moss	Blue	Special Concern	Jul-05
<i>Callitriche heterophylla</i> var. <i>heterophylla</i>	two-edged water-starwort	Unknown		
<i>Bidens amplissima</i>	Vancouver Island beggarticks	Blue	Special Concern	Jun-03
<i>Castilleja victoriae</i>	Victoria's owl-clover	Red	Endangered	Jul-12
<i>Erioderma soledatum</i>	vole felt	Blue		
<i>Claytonia washingtoniana</i>	Washington springbeauty	Red		

<i>Ranunculus alismifolius</i> var. <i>alismifolius</i>	water-plantain buttercup	Red	Endangered	Jun-03
<i>Meconella oregana</i>	white meconella	Red	Endangered	Aug-06
<i>Pinus albicaulis</i>	whitebark pine	Blue	Endangered	Jul-12
<i>Platanthera ephemerantha</i>	white-lip rein orchid	Blue		
<i>Sericocarpus rigidus</i>	white-top aster	Blue	Special Concern	Jun-03
<i>Clarkia purpurea</i> ssp. <i>quadrivulnera</i>	wine-cup clarkia	Red		
<i>Viola praemorsa</i> var. <i>praemorsa</i>	yellow montane violet	Red	Endangered	Jun-03
<i>Abronia latifolia</i>	yellow sand-verbena	Blue		
Plant Communities				
<i>Sarcocornia pacifica</i> - <i>Lysimachia maritima</i>	American glasswort - sea-milkwort	Red		
<i>Arbutus menziesii</i> / <i>Arctostaphylos columbiana</i>	arbutus / hairy manzanita	Red		
<i>Juncus arcticus</i> - <i>Plantago macrocarpa</i>	arctic rush - Alaska plantain	Red		
<i>Ruppia maritima</i> Herbaceous Vegetation	beaked ditch-grass Herbaceous Vegetation	Red		
<i>Populus trichocarpa</i> - <i>Alnus rubra</i> / <i>Rubus spectabilis</i>	black cottonwood - red alder / salmonberry	Blue		
<i>Populus trichocarpa</i> / <i>Salix sitchensis</i>	black cottonwood / Sitka willow	Blue		
<i>Menyanthes trifoliata</i> - <i>Carex lasiocarpa</i>	buckbean - slender sedge	Blue		
<i>Typha latifolia</i> Marsh	common cattail Marsh	Blue		
<i>Eleocharis palustris</i> Herbaceous Vegetation	common spike-rush Herbaceous Vegetation	Blue		
<i>Pseudotsuga menziesii</i> - <i>Arbutus menziesii</i>	Douglas-fir - arbutus	Red		
<i>Pseudotsuga menziesii</i> - <i>Pinus contorta</i> / <i>Cladina</i> spp.	Douglas-fir - lodgepole pine / reindeer lichens	Red		
<i>Pseudotsuga menziesii</i> - <i>Tsuga heterophylla</i> / <i>Gaultheria shallon</i> Dry Maritime	Douglas-fir - western hemlock / salal Dry Maritime	Red		
<i>Pseudotsuga menziesii</i> / <i>Melica subulata</i>	Douglas-fir / Alaska oniongrass	Red		
<i>Pseudotsuga menziesii</i> / <i>Mahonia nervosa</i>	Douglas-fir / dull Oregon-grape	Red		
<i>Pseudotsuga menziesii</i> / <i>Polystichum munitum</i>	Douglas-fir / sword fern	Red		
<i>Leymus mollis</i> ssp. <i>mollis</i> - <i>Lathyrus japonicus</i>	dune wildrye - beach pea	Red		
<i>Quercus garryana</i> - <i>Arbutus menziesii</i>	Garry oak - arbutus	Red		
<i>Quercus garryana</i> / <i>Bromus carinatus</i>	Garry oak / California brome	Red		
<i>Quercus garryana</i> / <i>Holodiscus discolor</i>	Garry oak / oceanspray	Red		
<i>Abies grandis</i> / <i>Mahonia nervosa</i>	grand fir / dull Oregon-grape	Red		

<i>Abies grandis</i> / <i>Tiarella trifoliata</i>	grand fir / three-leaved foamflower	Red
<i>Schoenoplectus acutus</i> Deep Marsh	hard-stemmed bulrush Deep Marsh	Blue
<i>Sidalcea hendersonii</i> Tidal Marsh	Henderson's checker-mallow Tidal Marsh	Red
<i>Rhododendron groenlandicum</i> / <i>Kalmia microphylla</i> / <i>Sphagnum</i> spp.	Labrador-tea / western bog-laurel / peat-mosses	Blue
<i>Carex macrocephala</i> Herbaceous Vegetation	large-headed sedge Herbaceous Vegetation	Red
<i>Pinus contorta</i> / <i>Sphagnum</i> spp. CDFmm	lodgepole pine / peat-mosses CDFmm	Red
<i>Pinus contorta</i> / <i>Sphagnum</i> spp. Very Dry Maritime	lodgepole pine / peat-mosses Very Dry Maritime	Blue
<i>Carex lyngbyei</i> Herbaceous Vegetation	Lyngbye's sedge herbaceous vegetation	Red
<i>Artemisia campestris</i> - <i>Festuca rubra</i> / <i>Racomitrium canescens</i>	northern wormwood - red fescue / grey rock-moss	Red
<i>Alnus rubra</i> / <i>Rubus spectabilis</i> / <i>Equisetum arvense</i>	red alder / salmonberry / common horsetail	Blue
<i>Alnus rubra</i> / <i>Lysichiton americanus</i>	red alder / skunk cabbage	Red
<i>Alnus rubra</i> / <i>Carex obnupta</i> [<i>Populus trichocarpa</i>]	red alder / slough sedge [black cottonwood]	Red
<i>Festuca roemerii</i> - <i>Koeleria macrantha</i>	Roemer's fescue - junegrass	Red
<i>Bolboschoenus maritimus</i> var. <i>paludosus</i> Alkali Marsh	seacoast bulrush Alkali Marsh	Red
<i>Distichlis spicata</i> - <i>Sarcocornia pacifica</i>	seashore saltgrass - Pacific swampfire	Red
<i>Carex sitchensis</i> - <i>Oenanthe sarmentosa</i>	Sitka sedge - Pacific water-parsley	Blue
<i>Picea sitchensis</i> / <i>Rubus spectabilis</i> Very Dry Maritime	Sitka spruce / salmonberry Very Dry Maritime	Red
<i>Salix sitchensis</i> - <i>Salix lasiandra</i> var. <i>lasiandra</i> / <i>Lysichiton americanus</i>	Sitka willow - Pacific willow / skunk cabbage	Red
<i>Carex lasiocarpa</i> - <i>Rhynchospora alba</i>	slender sedge - white beak-rush	Red
<i>Myrica gale</i> / <i>Carex sitchensis</i>	sweet gale / Sitka sedge	Red
<i>Dulichium arundinaceum</i> Herbaceous Vegetation	three-way sedge	Red
<i>Myosurus minimus</i> - <i>Montia</i> spp. - <i>Limnanthes macounii</i>	tiny mousetail - montias - Macoun's meadow-foam	Red
<i>Populus tremuloides</i> / <i>Malus fusca</i> / <i>Carex obnupta</i>	trembling aspen / Pacific crab apple / slough sedge	Red
<i>Deschampsia cespitosa</i> - <i>Sidalcea hendersonii</i>	tufted hairgrass - Henderson's checker-mallow	Red

<i>Deschampsia cespitosa</i> ssp. <i>beringensis</i> - <i>Hordeum brachyantherum</i>	tufted hairgrass - meadow barley	Red
<i>Selaginella wallacei</i> / <i>Cladina</i> spp.	Wallace's selaginella / reindeer lichens	Blue
<i>Tsuga heterophylla</i> - <i>Pseudotsuga menziesii</i> / <i>Eurhynchium oregonum</i>	western hemlock - Douglas-fir / Oregon beaked-moss	Red
<i>Tsuga heterophylla</i> - <i>Thuja plicata</i> / <i>Struthiopteris spicant</i>	western hemlock - western redcedar / deer fern	Red
<i>Thuja plicata</i> - <i>Pseudotsuga menziesii</i> / <i>Eurhynchium oregonum</i>	western redcedar - Douglas-fir / Oregon beaked-moss	Red
<i>Thuja plicata</i> - <i>Picea sitchensis</i> / <i>Lysichiton americanus</i>	western redcedar - Sitka spruce / skunk cabbage	Blue
<i>Thuja plicata</i> / <i>Lonicera involucrata</i>	western redcedar / black twinberry	Red
<i>Thuja plicata</i> / <i>Symphoricarpos albus</i>	western redcedar / common snowberry	Red
<i>Thuja plicata</i> / <i>Oemleria cerasiformis</i>	Western Redcedar / Osoberry	Red
<i>Thuja plicata</i> / <i>Rubus spectabilis</i>	western redcedar / salmonberry	Red
<i>Thuja plicata</i> / <i>Carex obnupta</i>	western redcedar / slough sedge	Red
<i>Thuja plicata</i> / <i>Polystichum munitum</i> - <i>Lysichiton americanus</i>	western redcedar / sword fern - skunk cabbage	Blue
<i>Thuja plicata</i> / <i>Polystichum munitum</i> Very Dry Maritime	western redcedar / sword fern Very Dry Maritime	Red
<i>Thuja plicata</i> / <i>Tiarella trifoliata</i> Very Dry Maritime	western redcedar / three-leaved foamflower Very Dry Maritime	Blue
<i>Thuja plicata</i> / <i>Achlys triphylla</i>	western redcedar / vanilla-leaf	Red