



Saturna Island Local Trust Committee Regular Meeting Agenda

Date: October 15, 2020
Time: 11:30 am
Location: Electronic Meeting

		Pages
1.	CALL TO ORDER	11:30 AM - 11:45 AM
2.	APPROVAL OF AGENDA	
3.	TRUSTEE REPORT	
4.	CHAIR'S REPORT	
5.	TOWN HALL AND QUESTIONS	11:45 AM - 12:00 PM
6.	COMMUNITY INFORMATION MEETING	
	None	
7.	PUBLIC HEARING	
	None	
8.	MINUTES	12:00 PM - 12:10 PM
8.1.	Local Trust Committee Minutes Dated July 9, 2020 (for Information)	3 - 8
8.2.	Section 26 Resolutions-without-meeting Report Dated October 2020	9 - 9
9.	BUSINESS ARISING FROM THE MINUTES	
9.1.	Follow-up Action List Dated October 2020	10 - 10
10.	DELEGATIONS	
	None	
11.	CORRESPONDENCE	
	<i>Correspondence received concerning current applications or projects is posted to the LTC webpage</i>	

12.	APPLICATIONS AND REFERRALS	12:10 PM - 12:40 PM	
12.1.	SA-TUP-2020.1 (Hannay) - Staff Report (Attached)		11 - 71
13.	LOCAL TRUST COMMITTEE PROJECTS	12:40 PM - 1:20 PM	
13.1.	First Nations Relationship Building – Staff Report (Attached)		72 - 77
13.2.	Gulf Islands National Park Reserve Rezoning – Staff Report (Attached)		78 - 102
13.3.	Update on Southern Gulf Islands Groundwater Sustainability Strategy - Staff Memo (Attached)		103 - 104
14.	REPORTS	1:20 PM - 1:35 PM	
14.1.	Work Program Reports (attached)		
14.1.1.	<u>Top Priorities Report Dated October 2020</u>		105 - 105
14.1.2.	<u>Projects List Report Dated October 2020</u>		106 - 106
14.2.	Applications Report Dated October 2020 (attached)		107 - 109
14.3.	Trustee and Local Expense Report Dated August 2020 (attached)		110 - 110
14.4.	Adopted Policies and Standing Resolutions (attached)		111 - 114
14.5.	Local Trust Committee Webpage		
14.6.	Islands Trust Conservancy Report Dated July 2020		115 - 116
15.	NEW BUSINESS		
16.	UPCOMING MEETINGS	1:35 PM - 1:45 PM	
16.1.	Next Regular Meeting		
16.1.1.	<u>Draft 2021 LTC Meeting Schedule</u>		117 - 117
17.	TOWN HALL	1:45 PM - 2:00 PM	
18.	CLOSED MEETING		
	None		
19.	ADJOURNMENT	2:00 PM - 2:00 PM	

Adopted



Saturna Island Local Trust Committee

Minutes of Regular Meeting

Date: July 9, 2020

Location: Electronic Meeting

Members Present: Laura Patrick, Chair
Paul Brent, Local Trustee
Lee Middleton, Local Trustee

Staff Present: Robert Kojima, Regional Planning Manager
Brad Smith, Island Planner
William Shulba, Senior Freshwater Specialist
Maple Hung, Recorder
Wil Cottingham, Admin Assistant (Host)

Public: There were approximately (3) attendees in the Zoom Webinar.

1. CALL TO ORDER

Chair Patrick called the meeting to order at 11:31 a.m. She acknowledged that the meeting was being held in traditional territory of the Coast Salish First Nations.

Trustee Middleton joined the meeting at 11:33 a.m.

2. APPROVAL OF AGENDA

By general consent the agenda was approved as presented.

3. TRUSTEE REPORT

Trustee Brent had nothing to report.

Trustee Middleton reported on the following:

- A Capital Regional District (CRD) project is being led by Justine Starke, Southern Gulf Islands Service Delivery manager from the CRD;
- The project relates to improving bandwidth and web access for the Gulf Islands. There is funding and hopefully a plan to be involved at the federal level as a connectivity plan is needed;
- Islands Trust Chief Administrative Officer (CAO) has been interested with the “connecting coast project”; and
- Further work is being done by Transport Canada and there’s a roll out for the Southern Killer Resident Whale (SKRW) plan.

4. CHAIR'S REPORT

Chair Patrick reported on the following:

- Regarding the Gulf Island Driftwood Story titled *Douglas Fir Protection Strategy* may have portrayed her as critical of Islands Trust staff, however she is not criticizing staff. She is critical of map based development permit areas;
- She is encouraging new approaches to ecosystem based policies and regulations; and
- The highlights of the June Trust Council meeting will be available soon on the Islands Trust website.

5. TOWN HALL AND QUESTIONS

John Hutchison commented that he was interested in the relationship building project with First Nations and wording put into the Official Community Plan (OCP). He questioned why only 9 First Nations are receiving the bylaw referral.

Planner Smith explained the difference is the province would use the First Nations database of traditional territory it's their duty to do consultation. At Islands Trust we have a First Nations advisor, Lisa Wilcox that has intimate knowledge of the First Nations. The Islands Trust is at the engagement level. The consultation level rests with the province and federal government. We work with Lisa Wilcox to hone in on what the First Nations' interests are in respect to Islands Trust.

John Hutchison questioned if we will be sending wrong messages to the First Nations and do we include the names of the bands or just generically 'First Nations'.

Planner Smith explained it's difficult to comment on and up to the Local Trust Committee to determine if broader First Nations engagement is required. It varies on the language in the OCP and the context it's on. We can only provide advice.

Trustee Brent mentioned there's a long process to get everyone on board. He explained that if they can get wording into the OCP and a complaint happens, they can always address it. They have the opportunity to modify the OCP.

More discussions were held on the following:

- Identifying each of the 9 First Nations;
- Chair Patrick explained when a debate comes up, they will consider John Hutchison's comments; and
- Planner Smith mentioned a Community Information Meeting with public input will happen if a draft bylaw is moved forward.

6. COMMUNITY INFORMATION MEETING - None

7. PUBLIC HEARING - None

8. MINUTES

8.1 Local Trust Committee Minutes Dated May 15, 2020 (for Adoption)

By general consent the Local Trust Committee meeting minutes of May 15, 2020 were adopted.

8.2 Section 26 Resolutions-Without-Meeting Report - None

9. BUSINESS ARISING FROM THE MINUTES

9.1 Follow-up Action List Dated July 2020

Planner Smith commented that most things are completed. He has to work on the National Parks Rezoning and referrals. He had opportunity to come to Saturna Island in early July to conduct site visits and meet with Trustee Middleton to discuss various projects and application files.

Trustee Middleton mentioned meeting Planner Smith for the first time and had discussions with him on the Southern Resident Killer Whales (SRKW). Planner Smith was knowledgeable on marine related issues. He mentioned to ensure that Planner Smith has the resources he needs so he can undertake that work.

Planner Smith appreciated the introduction from Trustee Middleton.

10. DELEGATIONS - None

11. CORRESPONDENCE - None

Correspondence received concerning current applications or projects is posted to the LTC webpage

12. APPLICATIONS AND REFERRALS - None

13. LOCAL TRUST COMMITTEE PROJECTS

13.1 Groundwater Sustainability Project – Verbal Update (William Shulba)

William Shulba, Islands Trust – Senior Freshwater Specialist (SFS), gave a brief update and presentation from the Groundwater Sustainability Project including:

- An update on the current stages of the project;
- Overview of the information to date and the different phases;
- 3-D Hydrogeological Conceptual Modeling (showing sea level and salt water intrusion risk);
- Groundwater regional recharge potential delineation;
- Water usage and demand;
- Precipitation and gridded water balance, water surplus; and
- Findings from this project that will be highlighted for the public and the Saturna LTC.

Chair Patrick opens the floor for questions.

Trustee Brent questioned when the reviews will be finished.

SFS Shulba explained there's 2 types of reviews, a contracted professional review by consultants and a peer-review that included several academic professors, the Hornby Water Stewardship, Salt Spring Island Watershed Protection Alliance, Ministry of Environment (MOE) and Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNRO). He is reviewing them now (available end of August).

Trustee Middleton thanked SFS Shulba for his work, looking forward to seeing further evolution and how it will be used for refined understanding the ecosystem approach on ground water.

13.2 First Nations Relationship Building – Draft Bylaw – Staff Report

Planner Smith gave an overview of the draft bylaw staff report and the First Nations Relationship Building project. There were no responses from First Nations to the first round of introductory letters sent to First Nations. He explained the next steps if the LTC gives first reading, including formal First Nation and agency referrals.

Trustee Brent mentioned this has been with us for awhile and taking it to first reading is the right thing.

SA-2020-020

It was Moved and Seconded,

that the Saturna Island Local Trust Committee Bylaw No. 132, cited as "Saturna Island Official Community Plan Bylaw No. 70, 2000, Amendment No. 2, 2020", be read a first time.

Trustee Middleton mentioned if the phrase "presence of Coast Salish peoples since time immemorial" is becoming an empty jargon. He is not suggesting an alternative and consultation, but questioned if there might be a more refined terminology or an archaeological record that the First Nations may want to point to.

Planner Smith suggests with his experience with First Nations that they do see themselves in that time in memorial and it's not seen as hollow context.

The question on the motion was called.

CARRIED

SA-2020-021

It was Moved and Seconded,

that the Saturna Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directive Policies Checklist and determined that proposed Bylaw No. 132 is not contrary to or at variance with the Islands Trust Policy Statement.

CARRIED

14. REPORTS - None

14.1 Work Program Reports

14.1.1 Top Priorities Report dated July 2020

Received for information.

14.1.2 Projects List Report Dated July 2020

Received for information.

14.2 Applications Report Dated July 2020

Trustee Brent commented on application SA-DP-2020.1. The latest survey was sent to LTC by Planner Smith. He mentioned there's no disruption to the Development Permit area, so this could be dealt with by resolution without meeting (RWM) rather than waiting for next meeting.

Planner Smith confirmed that it's a simple application and low-risk decision. He will bring a staff report forward to LTC for consideration by RWM.

Trustee Middleton commented on a violation on the Land Use Bylaw (LUB) at East Point and a widely known community issue.

Trustees were told a Temporary Use Permit (TUP) application will be sent in.

Trustee Middleton will contact the person applying for the TUP and will send Planner Smith a note.

Trustee Brent mentioned the property-owner thinks the TUP is a good route to go.

14.3 Trustee and Local Expense Report Dated May 2020

Received for information.

14.4 Adopted Policies and Standing Resolutions

Received for information.

14.5 Local Trust Committee Webpage - None

14.6 Islands Trust Conservancy Report Dated May 2020

Received for information.

15. NEW BUSINESS

15.1 Contiguous Forest Mapping in the Islands Trust Area Report

The LTC mentioned it was a good report and it was received for information. Trustee Brent encouraged the public to read it.

16. UPCOMING MEETINGS

16.1 Next Regular Meeting Scheduled for October 15, 2020 - Electronic Meeting

17. TOWN HALL

John Hutchinson asked about the next LTC meeting date once again.

Chair Patrick confirmed it will be October 15, 2020.

18. CLOSED MEETING - None

19. ADJOURNMENT

By general consent the meeting was adjourned at 12:21 p.m.

Laura Patrick, Chair

Certified Correct:

Maple Hung, Recorder



Resolutions Without Meetings Log

Saturna Island

Resolution Number	Action	Date
2020-007 That the Saturna Island Local Trust Committee regular electronic meeting minutes of July 9, 2020, be adopted as presented.	Carried	18-Aug-2020
2020-006 That the Saturna Island Local Trust Committee approve issuance of Development Permit SA-DP-2020.1 (Hall).	Carried	18-Aug-2020

Follow Up Action Report

Saturna Island

14-Feb-2020

Activity	Responsibility	Dates	Status
1 Letter to be sent from the chair to the appropriate agencies/people regarding the LTCs resolution supporting interim sanctuary zones for the recovery of Southern Resident Killer Whales (SKRWs). (see minutes and contact Trustee Middleton for further details).	Clare Frater Mike Richards	Target: 31-Jul-2020	In Progress
2 Letter to be sent from the chair to the appropriate agencies/people regarding the LTCs resolution supporting the regulation of commercial whale watching boats similar to the regulatory regime in the adjacent Washington State waters. (see minutes and contact Trustee Middleton for further details).	Clare Frater Mike Richards	Target: 31-Jul-2020	In Progress

DATE OF MEETING: October 15, 2020

TO: Saturna Island Local Trust Committee

FROM: Brad Smith, Island Planner
Southern Team

COPY: Robert Kojima, Regional Planning Manager
Warren Dingman, Bylaw Enforcement Officer

SUBJECT: Report subject: Temporary Use Permit – Hydrophone Research Station
Applicant: David Hannay, Jasco Applied Sciences Ltd.
Location: 198 Cliffside Road, Saturna Island

RECOMMENDATION

- 1) **That the Saturna Island Local Trust Committee approve the issuance of Temporary Use Permit SA-TUP-2020.1 (Hannay) for a three (3) year period.**

REPORT SUMMARY

The purpose of this report is to consider a Temporary Use Permit (TUP) for the operation of an offshore cabled hydrophone/oceanographic system that extends upland from the marine environment to the subject property, and for the onsite processing and management of data collected by that system.

The recommendations above are supported as:

- The applicant is voluntarily applying for a TUP to seek compliance and address community concerns;
- The proposed conditions in the TUP limit any future construction activities or infrastructure related to the project without prior approval of the Local Trust Committee;
- Two additional suggested conditions included in this staff report ensure operational management planning and project decommissioning are considered within a reasonable timeframe; and,
- The hydrophone project would likely be considered a federal government activity which is immune to local government bylaws.

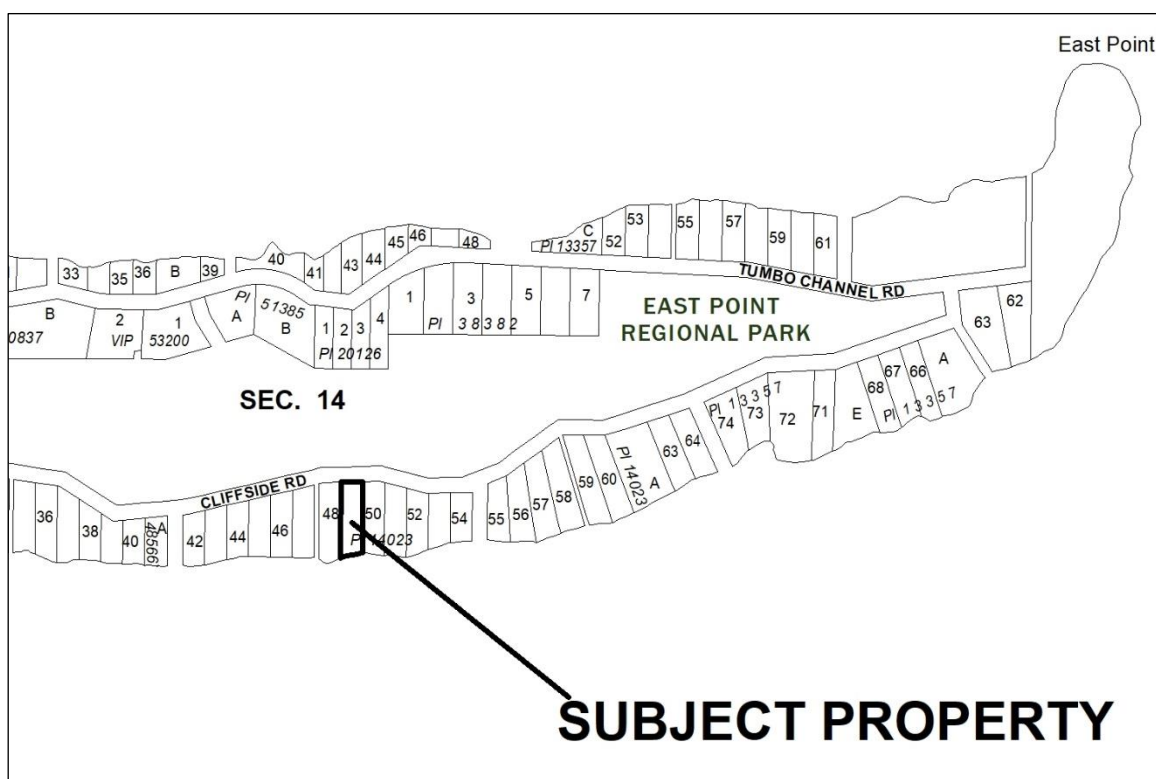
BACKGROUND

A TUP is being voluntarily sought for the operation and maintenance of hydrophone cables and a computer control system that are located inside an existing auxiliary building on the property. The cables connect to an underwater listening station located south of the property, offshore in Boundary Pass. The equipment and activities are components of a Transport Canada project designed to reduce the impacts of commercial vessels on cetaceans and other marine mammals, including critically endangered Southern Resident Killer Whales.

The proposed TUP is for a term of three (3) years which can be renewed for a further three (3) years by application.

The subject property is located at 198 Cliffside Road (Figure 1). Schedule A of the draft permit (see Attachment 1) includes a site plan of the subject property showing infrastructure related to the hydrophone project.

Figure 1. Location of Subject Property



Additional site context is provided in Attachment 2. Planning staff conducted a site visit on August 13, 2020.

ANALYSIS

Jurisdiction

The hydrophone project would likely be considered a federal government activity which is immune to local government bylaws as the doctrine of interjurisdictional immunity (in respect of the Constitutional division of federal and provincial powers) applies to exempt land use regulations from a matter that is the exclusive jurisdiction of the federal government.

TUP Conditions

The proposed permit is included as Attachment 1. While the applicant has indicated there are no future plans for expansion of the project or its related infrastructure, the proposed condition in the TUP ensures this will be the case by limiting any future construction activities or infrastructure related to the project without prior approval of LTC. This is intended to ensure future disruptions to the surrounding neighbourhood from construction activities are minimized.

Input from the community has resulted in the bringing forward of two additional suggested conditions for LTC consideration:

- 1) The property owner is required to develop an operational management plan for the site for the duration of the project, to be completed and submitted to the Islands Trust within 6 months of issuance of this permit
- 2) The property owner is required to develop an decommissioning management plan for the site, to be completed and submitted to the Islands Trust within 6 months of issuance of this permit

LTC could impose further conditions but given the passive nature of ongoing project operations and limited visual or sound impacts now that the construction phase is complete, staff are not recommending other conditions be added.

OCP TUP Guidelines

The proposed TUP is generally consistent with the TUP guidelines in the OCP.

Statutory Notification

Statutory TUP notices were circulated to surrounding property owners and residents on September 25, 2020 and published in the Driftwood newspaper on October 7, 2020 (Attachment 3). The notification period ended 4:30 p.m. on October 7, 2020.

There have been several responses to public and neighbourhood notification. Generally, the feedback identifies concerns with the issuance of a TUP and various facets of the project. All of the responses received up to the time of writing this report have been provided to the LTC and are included in Attachment 4.

Any comments received after the writing of this report will be separately distributed to the LTC and brought to the October 15, 2020 LTC meeting.

Rationale for Recommendation

The recommendations above are supported as:

- The applicant is voluntarily applying for a TUP to seek compliance and address community concerns;
- The proposed conditions in the TUP limit any future construction activities or infrastructure related to the project without prior approval of the Local Trust Committee;
- Two additional suggested conditions included in this staff report ensure operational management planning and project decommissioning are considered within a reasonable timeframe; and,
- The hydrophone project would likely be considered a federal government activity which is immune to local government bylaws.

ALTERNATIVES

The LTC could consider the following alternatives to the above recommendation:

1. Request further information

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

Resolution:

That the Galiano Island Local Trust Committee request that the applicant submit to the Islands Trust further information including: _____

2. Add additional conditions

The LTC may wish to amend the TUP by adding additional conditions. If selecting this alternative the LTC should specify the additional conditions.

Resolution:

That the Saturna Island Local Trust Committee request that the proposed permit be amended by the addition of the following conditions: _____

3. Deny the application

The LTC may deny the application.

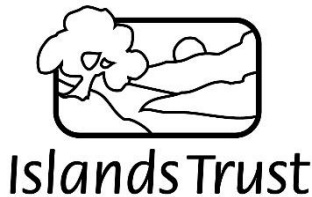
Resolution:

That the Saturna Island Local Trust Committee deny application SA-TUP-2020.1 (Hannay)

Submitted By:	Brad Smith, Island Planner	October 8, 2020
Concurrence:	Robert Kojima, Regional Planning Manager	October 8, 2020

ATTACHMENTS

1. Draft Temporary Use Permit
2. Site Context
3. Public Notice
4. Public Input from Notification



**SATURNA ISLAND LOCAL TRUST COMMITTEE
TEMPORARY USE PERMIT
SA-TUP-2020.1 (Hannay)**

198 Cliffside Road, Saturna Island BC

To: David Hannay, Jasco Research Ltd.

1. This Permit applies to the land described below:
 - a) 198 Cliffside Road, Saturna Island, BC
Lot 49, Section 14, Saturna Island, Cowichan District, Plan 14023
PID: 001-386-450
 - b) Unsurveyed Crown foreshore or land covered by water being the bed of Boundary Passage, Cowichan District.
2. This Permit is issued for the purpose of permitting the owner to conduct the following use on their property:
 - a) The operation of an offshore cabled hydrophone/oceanographic system that extends from the marine environment to the upland subject property, and for the onsite processing and management of data collected by that system on the upland lot.
3. The Permit is subject to the following conditions:
 - a) The upland use permitted in part 2(a) shall be limited to the existing infrastructure shown in Schedule 'A'. Any additional construction activity or installation of infrastructure associated with the permitted land use in the upland lot would require an amendment to schedule A of this permit.
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.
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 "Saturna Island Land Use Bylaw No. 119, 2018" and to obtain other approvals necessary for completion of the proposed development, including approvals from the Capital Regional District, Vancouver Island Health Authority and Ministry of Transportation and Infrastructure.

AUTHORIZING RESOLUTION PASSED BY THE SATURNA ISLAND LOCAL TRUST COMMITTEE THIS XX DAY OF XX, 2020.

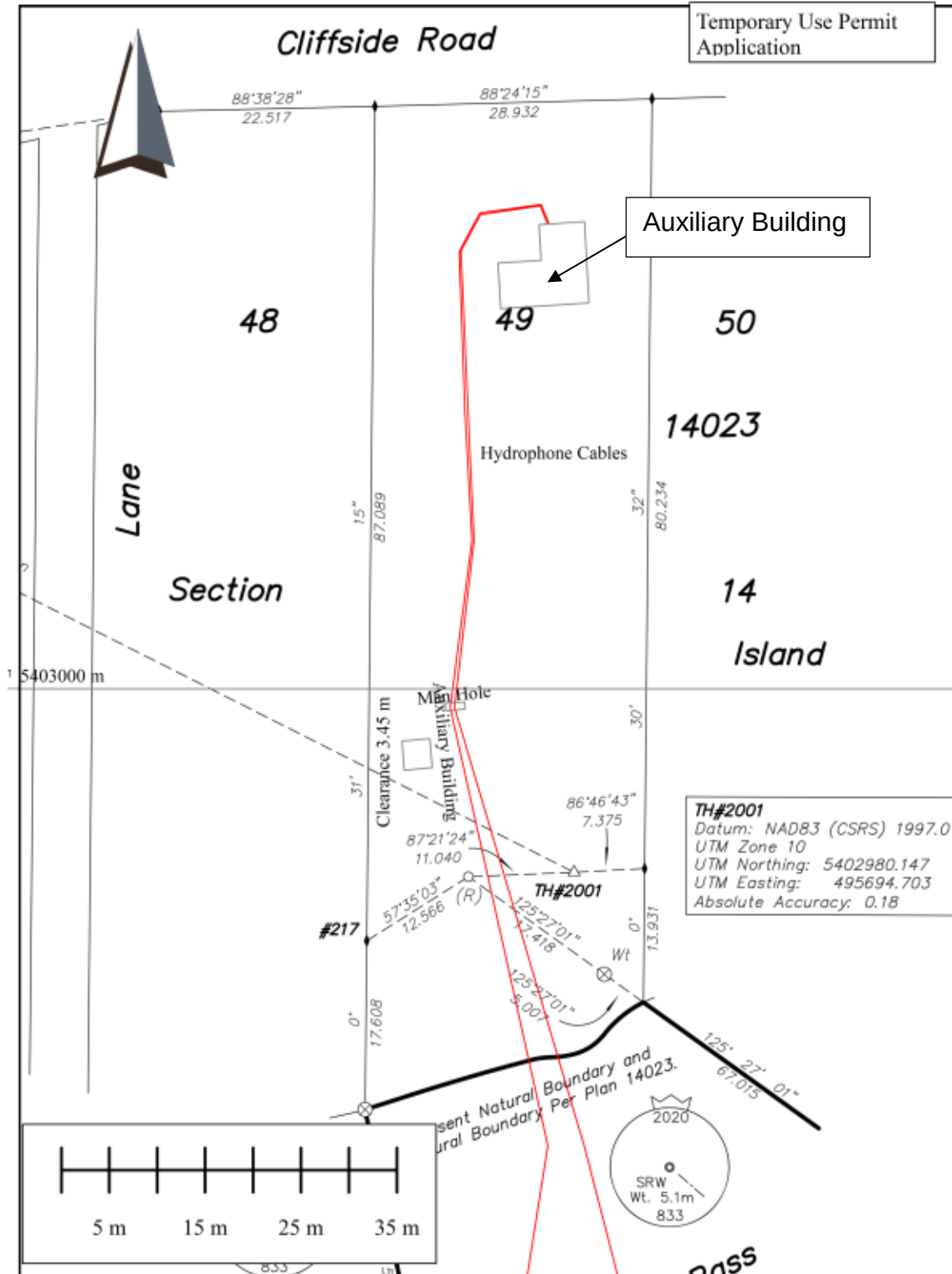
Deputy Secretary, Islands Trust

Date of Issuance

SATURNA ISLAND LOCAL TRUST COMMITTEE

TEMPORARY USE PERMIT SA-TUP-2020.1

Schedule "A" Site Plan with Existing Hydrophone Infrastructure



ATTACHMENT 1 – SITE CONTEXT

LOCATION

Legal Description	Lot 49, Section 14, Saturna Island, Cowichan District, Plan 14023
PID	001-386-450
Civic Address	198 Cliffside Road, Saturna Island
Lot Size	0.28 hectares (0.69 acres)

LAND USE

Current Land Use	Rural Residential (RR)
Surrounding Land Use	Rural General, Rural Residential, Open Waters

HISTORICAL ACTIVITY

File No.	Purpose
None	N/A

POLICY/REGULATORY

Official Community Plan Designations	Saturna Island OCP No. 70, 2010 Designation: Rural (R)
Land Use Bylaw	Saturna LUB No. 119, 2018: Rural Residential (RR)
Other Regulations	None
Covenants	None
Bylaw Enforcement	SA-BE-2019.3

SITE INFLUENCES

Islands Trust Conservancy	There are no Conservancy covenants or properties in the direct area; therefore no referral has been made to the Board.
Regional Conservation Strategy	The proposal does not impact the objectives and priorities of the Islands Trust Conservancy regional conservation plan.
Species at Risk	None
Sensitive Ecosystems	<i>Woodland</i> and <i>Cliff:coastal</i> sensitive ecosystems on the subject property.
Hazard Areas	None identified

Archaeological Sites	Islands Trust reviews all applications/permits using Remote Access to Archaeological Data (RAAD) mapping to ensure the preservation and protection of cultural heritage, archaeological sites, and ancestral places. Further to that review, staff have directed the applicant to the following guidelines: • All archaeological and cultural heritage is protected under the <i>Heritage Conservation Act</i> and areas of archaeological potential may contain undocumented archaeological sites which would be automatically protected under the <i>Heritage Conservation Act</i> (including all intact or disturbed sites) and require a permit from the BC Archaeology Branch. Further information regarding permits: https://www2.gov.bc.ca/gov/content/industry/natural-resource-use/archaeology/permits. • In the event that archaeological features or materials are found, either intact or disturbed on the subject property, stop work immediately and contact the BC Archaeology Branch at 250-953-3334 or archaeology@gov.bc.ca. • Any impacts, would include the following: landscaping, tree removal, digging, using heavy equipment, development, fencing, footings, or any form of groundwork.
Climate Change Adaptation and Mitigation	N/A
Shoreline Classification	Sediment Shoreline - Bluff
Shoreline Data in TAPIS	No evidence of Eelgrass Beds.



Islands Trust

NOTICE
SATURNA ISLAND LOCAL TRUST COMMITTEE
SA-TUP-2020.1

NOTICE is hereby given that the Saturna Island Local Trust Committee will be considering a resolution allowing for the issuance of a Temporary Use Permit pursuant to Section 493 of the *Local Government Act*. The proposed permit would apply to:

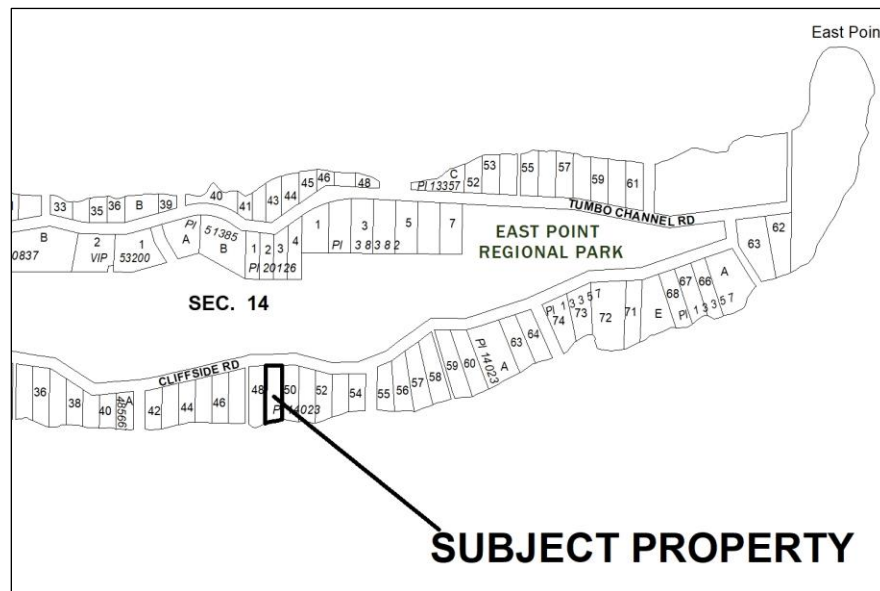
198 Cliffside Road, Saturna Island, BC

Lot 49, Section 14, Saturna Island, Cowichan District, Plan 14023

PID: 001-386-450

The purpose of this temporary use permit would be to permit the operation of an offshore cabled hydrophone/oceanographic system that extends upland from the marine environment to the subject property, and for the onsite processing and management of data collected by that system. The establishment of the temporary use would be subject to conditions specified in the permit. The permit would be issued for up to three years and the owner may apply to the Saturna Island Local Trust Committee to have it renewed once for up to an additional three years.

The general location of the subject property is shown in 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. and 4:30 p.m., Monday to Friday inclusive, excluding Statutory Holidays, commencing **September 25, 2020** and up to and including **October 7, 2020**.

For the convenience of the public only, and not to satisfy Section 494(1) (a) of the *Local Government Act*, additional copies of the Proposed Permit may be inspected at various Notice Boards on Saturna Island, B.C., commencing **September 25, 2020**.

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: information@islandstrust.bc.ca, before **4:30 p.m., October 7, 2020**. The Saturna Island Local Trust Committee may consider a resolution allowing for the issuance of the permit during the regular business meeting starting at **11:30 a.m., October 15, 2020**, to be conducted electronically.

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

Jas Chonk
Deputy Secretary

From: Brad Smith
Sent: Wednesday, October 7, 2020 4:16 PM
To: Brad Smith
Subject: FW: T.U.P Saturna

From: Captain col <[REDACTED]>
Sent: Tuesday, October 6, 2020 2:57 PM
To: information <information@islandstrust.bc.ca>
Subject: T.U.P Saturna

Dear Islands Trust,

Since I live on a rural residential property near an Islands Trust area on Saturna Island, I have grave concerns about the temporary SA-TUP-2020.1 also known as 198 Cliffside Road, Saturna Island. This permit was granted for a commercial operation in a residential area from November 2018 - September 25, 2020. It is disappointing and concerning because there seems to be a lack of accountability and transparency on the part of the Islands Trust, especially since it is the same Islands Trust who enforces our bylaws and community plans.

In its current state this TUP is vague nor does it offer any assurances so my questions to the Islands Trust are as follows-

1. What will be the use of the property by employees, will they simply come and collect data and leave?
2. What is the length that the TUP may run? According to IT a TUP may be issued for three years with a one-time extension of three additional years but the contract JASCO has in place is seven years. Why?
3. The hours of operation for a commercial property are between the hours of 7 am and 7 pm, does this apply?
4. Will employees will be residing on the property?
5. How will the drilling area will be fixed going into the seabed?
6. What will be done with the cables in the ground?
7. Will the land will be remediated after the project ends? How will this be done?
8. What is the timeline for remediation?

Since this has set a precedent here on Saturna Island, I'm concerned that any rural residential properties are now no longer protected by the Islands Trust. Can we possibly expect to have a commercial drilling site set up next to us with no recourse? This is definitely not protecting our island properties nor following our community plan.

Please let me know what the Islands Trust is planning to do about this and possible future situations that may arise.

Sincerely,

Colleen Mori

From: Brad Smith
Sent: Wednesday, October 7, 2020 4:15 PM
To: Brad Smith
Subject: FW: Temporary Use Permit (TUP) from JASCO.

From: Kerry Pavlatos <[REDACTED]>
Sent: Tuesday, October 6, 2020 12:09 PM
To: information <information@islandstrust.bc.ca>
Subject: Temporary Use Permit (TUP) from JASCO.

To Brad Smith,

As a concerned citizen on Saturna Island, I have been watching Jasco using their residential lot at 198 Cliffside as a commercial enterprise. It's bad enough that they have used loopholes to push their project through Islands trust under the guise of Transport Canada, they have not been held accountable for any of the problems and concerns of their neighbors. They also didn't listen when the community meeting told them Saturna wasn't interested in them using a residential area to conduct any kind of business activity there. But now they are requesting a TUP without any community input and no one will tell us (citizens of Saturna) what they want the permit for! Please don't allow them to get this permit without full disclosure to the community about what else they plan on doing on this property!!

Thank you, Kerry Pavlatos

The following is a breakdown of our concerns:

The way JASCO has conducted themselves to date means, at the very least, the Islands Trust must be very specific on what commercial activities can be conducted on this rural residential lot. A loosely worded TUP will mean the Islands Trust will not have specific enough powers to protect us from whatever activities JASCO may want to engage in. We need an airtight TUP and we need the IT to be responsible for this project.

The TUP in its current state does not offer any assurances of the following:

1. What will be the use of the property by employees, will they simply come and collect data and leave?
2. The length the TUP may run? According to IT a TUP may be issued for three years with a one-time extension of three additional years but the contract JASCO has in place is seven years.
3. The hours of operation for a commercial property are between the hours of 7 am and 7 pm, does this apply?
4. Will employees will be residing on the property?
5. Define both buildings in the TUP as auxiliary buildings as neither have an occupancy permits. One is listed as a cottage.
6. How will the drilling area will be fixed going into the seabed?
7. What will be done with the cables in the ground?
8. How will the land will be remediated after the project ends?
9. What is the timeline for remediation?

Thank you for your time,
Kerry

From: Michel Chiasson <[REDACTED]>
Sent: Tuesday, October 6, 2020 8:16 PM
To: Brad Smith; Saturna Island Local Trust Committee
Cc: 'David Osborne'; 'Susie Washington-Smyth'
Subject: Concerns of the Approval of Commercial Business in a Residential Zone

Importance: High

Mr. Smith,

As a resident of Saturna residing at 166 Cliffside Rd, I have grave concerns that the Islands Trust (IT) failed abysmally in its responsibility in exercising due diligence with regards to enforcing our local bylaws governing activities of Jasco's venture in a rural residential zone on Saturna.

I support the Transport Canada/Jasco project in principal. That said I am adamant that neither the IT was transparent in giving approval for the project to proceed, nor was Jasco forthright in their disclosure to the residents of Saturna. Jasco obfuscated the entire project, in my view from the outset, Jasco's business plan was structured on the principal, it is better to ask forgiveness that permission to proceed.

I attended the public community meeting in December as well as listening to the webinar hosted by Transport and Jasco. Further I was invited by Ryan Klomp to participate in a call with all the TC representatives on the project along with Mr. Hannay. Nothing on the call I heard from Mr. Hannay caused me to change my point of view on the launching of the project, nor the deceitful process in which Jasco has proceeded. In fact, commitments made on the call by Hr. Hannay and reassurances have fallen well short. This has for me personally underscored that Jasco's inability to be forthright or transparent with Saturna residents.

The intent of my email is to express my deep concerns that the IT will again not exercise, in my view, due diligence and transparency with future applications. As a Saturna Island resident am I (we are) all at risk of discovering that a commercial operation has been approved in a neighboring lot?

I need assurances that this approval for Jasco followed all of the required criteria, more importantly that the next approval process will be fully transparent and communicated to residents. Full and transparency should be one of the IT's pillars in any application process for commercial development in a residential zone.

This experience for me personally and I suspect of many residents has eroded confidence in the IT's governance and positioned our local IT representatives in a negative light.

I anticipate a response from your office and a detail explanation on how this met all of the bylaw's approval processes and guarantees that this boondoggle we experienced will not occur again.

Cheers,

Michel

[REDACTED]

Susie Washington-Smyth

Brad Smith
Islands Trust Planner, Saturna

October 7, 2020

Re: Temporary Use Permit for JASCO Applied Sciences at 198 Cliffside, Saturna Island

Please be advised, I do not support the activities conducted by JASCO Applied Sciences (JASCO) for the Underwater Listening Station project on Saturna, nor do I trust JASCO, or their local agent David Hannay, to be forthright or truthful given the history of the company's actions and behaviour on Saturna. Further, I am of the opinion that the Islands Trust has failed in its responsibility and its exercise of due diligence to enforce the bylaw governing activities of this commercial venture in a rural residential zone on Saturna. Compounding the above, the Islands Trust's position that this is a federal project and that the Islands Trust has no jurisdiction is based on a confidential legal document which is not available to the public for scrutiny. This lack of transparency and disclosure further erodes the confidence of this review process and, as importantly, the public's faith in the governance of the Islands Trust.

Because the Trust failed to conduct an appropriate review of the JASCO Underwater Listening Station project on Saturna prior to construction it now appears that a Temporary Use Permit (TUP) is the only mechanism that will bring this commercial venture temporarily into compliance with our local bylaw. That is unfortunate because it sets a precedent for a commercial operation to be sited in a rural residential zone in the Trust Area without an appropriate public review. As a result, we are faced with a choice of removing of this commercial project or the issuance of a TUP for the JASCO project on Cliffside. Because a TUP appears to be the only legal means to give enforcement powers to the Islands Trust as governed under Saturna Bylaw 119, I recommend the following additional commit conditions be included.

1. Process and Precedent

JASCO's contract with Transport Canada as the owner operator of the underwater listening station and site at 198 Cliffside Road is for a minimum of seven years according to David Hannay and officials at Transport Canada. A temporary use permit is for three years only and renewable once.

- As part of the TUP application process, the applicant and the Islands Trust needs to develop a plan to address this time frame discrepancy and this should be communicated to the public on Saturna in advance of finalizing the TUP.

The Islands Trust has a very clear application process to review a Temporary Use Permit. Among other requirements noted on the Islands Trust's website it states "on ALL islands, applicants are responsible for meeting all regulatory requirements applicable to land use and development in BC (e.g. BC Building Code, Transportation Act, Water Sustainability Act, Environment Act, Public Health Act, ALC Act, etc.)."

Because the applicant has been less than forthright with the community and because the public has no access to written evidence that any of these requirements have been met compliance is a concern. In fact, there appear to be outstanding compliance issues with some of the regulations noted above. These compliance issues can be provided upon request although other intervenors will no doubt outline them. Thus, to assure the Saturna community that this commercial venture is in compliance:

- If the Islands Trust has written confirmation that the applicant has met the requirements as detailed on the Islands Trust website, this needs to be indicated in the TUP. This information also should be provided to the public prior to any issuance of a temporary use permit.
- If the Islands Trust does not have written confirmation that these requirements have been met, the Local Trust Committee needs to establish a timeframe in which all these regulatory requirements are met. This process and time frame should be provided to the public prior to any issuance of a temporary use permit.

This project sets a precedent in the Trust Area in that the Local Trust Committee has to create a TUP for a commercial venture in a rural residential zone in order to bring this project into compliance with the bylaw 119. Because the Islands Trust has not been vigilant in reviewing this project prior to construction, at a minimum the Islands Trust has a duty to provide the community the following :

- The Islands Trust Planning Department and Trust Council to conduct an administrative review of the policies and procedures governing referrals from the provincial government, and the application process for commercial ventures in a designated rural residential zone. Further, the Islands Trust planning department and Trust Council conduct a more careful review of what is considered a federal project in the trust area notwithstanding the confidential legal document from their lawyers. The public should be actively involved in this review. Transparency and full public disclosure should be the hallmark of this review.
- As a starting point of this public review, the confidential legal opinion provided to the Islands Trust regarding this project should be made available to the public.

2. Site specific Issues

It is well documented in numerous emails and in other documents from Saturna residents there was misinformation provided by the applicant regarding the scope of the

project, lack of accurate information about their activities, the duration of these activities, the noise and the significant inconvenience to neighbours during the construction phase of this project. Copies of these emails and documents are available upon request. Further, David Hannay, as JASCO's representative, has been less than forthright (one might even say deliberate in omitting details) with community members about what would be happening on the site and when. Because of Jasco's actions and questions about the veracity of the individuals leading this project trust has become an issue for many on Saturna. Therefore, as a condition of the TUP, more specificity from the applicant would go a long way toward reducing community concern regarding the operations and decommissioning phases of this project. Specifically:

- As part of the TUP, the applicant be required to provide an operational management plan for the site for the duration of the project within 6 months. This is not an unusual request for project proponents and should already be outlined as part of JASCO's contract with Transport Canada.
- Similarly, the applicant be required to provide a decommissioning management plan for the site within six months of receiving a temporary use permit. Again, this is not an unusual request for a project proponents in that it is a requirement for federal contracts.

In closing, it is not unreasonable for members of the community to request the Local Trust Committee provide assurance that from now on the Islands Trust will enforce strict compliance for the JASCO project as governed the bylaw. This is not a residence it is a commercial venture in a residential zone that was not reviewed prior to construction. The Saturna public has a right to expect better due diligence on the part of the Islands Trust.

If you have any questions on my above comments please do not hesitate to get back to me. Unfortunately, I am unable to attend the October 15 local trust committee meeting regarding this project because of a important medical appointment and I designate Priscilla Ewbank to speak to these matters on my behalf at the zoom meeting.

DocuSigned by:

 9B9D0555960A4B7...

Susie Washington Smyth


cc.
 Saturna Local Trust Committee
 SIRRA Board
 Saturna Sighting Network

Brad Smith

From: Patricia DeJoseph <[REDACTED]>
Sent: Wednesday, October 7, 2020 1:40 PM
To: Brad Smith; information; Lee Middleton; Paul Brent; Saturna Island Local Trust Committee; Susie Washington-Smyth; Al; Loren Smith; Erin Chapple; Hieg Khatcherian; [REDACTED] Kathy Hanson; Warren Dingman; SIRRA; [REDACTED]
Subject: SA-TUP-2020.1 - Land Management Plan Boundary Pass Listening Station. July 19 2019 - project 103958-01
Attachments: H Hemmera.pdf; ATT00001.txt

Mr Smith;

Attached please find the JASCO Applied Sciences (Canada) Ltd. document outlining the scope of work at 198 Cliffside.

5.1.1 -

The Saturna Island Land Use Bylaw No. 119 Schedule B identifies the private land zoning, associated with the Project, as Rural Residential (RR). That portion of Project works over private land shall be constructed and operated in accordance with Bylaw No. 70 and No. 119.

There are no land and resource management plans, coastal plans, provincial or regional growth strategies or local government plans with zoning, management policies or use restrictions in place that could limit or preclude the proposed use of the land.

Mr Smith this Project at 198 Cliffside Road is clearly in violation of multiple land use bylaws and uses for a RR property. Indeed The Project has converted the RR to C, commercial and we have had no opportunity as a community or as direct adjacent property owners to be informed or involved in this project prior to construction.

The Islands Trust via Warren Dingman - Enforcement Division letter to SIRRA said that IT did not receive notification of this project. He also stated the original complaints were noise related, which is absolutely incorrect. You stated there is a confidential legal opinion in place that you will not share with the public regarding your inability to oversee the infractions because it is a federal project.

Starting December 2, 2019 we clearly voiced our concerns regarding the building bylaws infractions and the unauthorized use of the upland property as well as the noise and vibrations. We have emails to prove our correspondence to our local trustees as well as the planning department. The next action from Islands Trust is a letter from Warren Dingman to ourselves in December saying that Islands Trust cannot oversee the Project because it is a federal project.

You have nothing from the federal government stating it has jurisdiction over the upland portion of the project.

You do have correspondence from BC Province stating the upland portion of the project was private property, it also clearly states the private property is in compliance with Saturna Island Land Use Bylaws. It is not.

I have email correspondence that says IT did have the project information prior to our initial complaint December 2, 2019.

From: Andrew Money <[REDACTED]>
Sent: Wednesday, October 7, 2020 9:00 AM
To: information <information@islandstrust.bc.ca>
Subject: SA-TUP-2020.1-TUP

Hi Brad

I'm writing to convey my support of the proposed Temporary Use Permit (TUP) from JASCO. The way JASCO has conducted themselves to date has been very professional throughout this process with multiple public hearings throughout the past several years and mail outs. The critical infrastructure has been installed and despite the temporary inconvenience of loud machinery working during business hours this summer it is now complete and they are providing critical information in regards to vessel traffic speed and noise level as well as whale location and direction. At this point trying to create hurdles for a whale research company is only going to cost more tax dollars and will only be detrimental to the enforcement of the current laws around our killer whales.

Thank you,
Andrew

From: Hieg Khatcherian <[REDACTED]>
Sent: Wednesday, October 7, 2020 2:36 PM
To: information <information@islandstrust.bc.ca>
Cc: Erin Chapple <[REDACTED]>
Subject: SA-TUP-2020.1 Concerns

Hi Brad, I'm writing to express my concerns around the handling of the situation with the JASCO property on Saturna. I know you've been having an ongoing conversation with Patricia DeJoseph and I want to lend my support to the concerns she's outlined over the past months. My wife Erin and I own the property at 194 Cliffside, two lots down from the JASCO site.

We have grave concerns about the lack of environmental impact study, and the lack of any geotechnical survey prior to drilling through the fragile foreshore. We're also very concerned about the apparent lack of any sort of remediation plan, not to mention the current state of the property re: septic, occupancy permit. There has also been considerable disruption to the neighbours as well.

It's very unclear to us how IT intends for that property to be used. Who will be residing there? Was the construction they undertook permitted? How will the site be remediated? When will it be remediated?

We stand behind Patricia's concerns and lend our voices to her efforts to see this issue resolved.

--

Hieg Khatcherian & Erin Chapple

Our follow up complaint in May and complaint to BC Land Use Peter Warburton lead to several troubling revelations and brought to light how the Islands Trust failed to do their duty and finally put into writing that the upland property was private property. That means the private property portion is under Islands Trust jurisdiction.

I have email correspondence from Peter Warburton, Land Officer for the BC Province May 28, 2020 stating that the upland portion of the property is private property. He also states he contacted the Islands Trust for review but you never responded, which he took "no reply" to mean approval. He also told me on a phone call the week earlier that he heard nothing from Islands Trust until December 2019 and at that point Warburton asserts there was a closed door meeting between JASCO attorney's and Islands Trust, where the matter was settled. Is this meeting in the confidential legal document you refer to?

We have spent hundreds of hours trying to get to the bottom of this situation. We have suffered emotional damage and have been repeatedly ignored, passed around from agency to agency or given lies or half truths.

This should not happen to any rural residential property holder in the Islands Trust Area. This should not have happened to us as individuals or as a community.

This entire project was brought to our doorstep without proper consultation or oversight. We have been left holding the bag. We are the "noisy" neighbours, the complainers. Hundreds of emails, lost time, business and sleep. We have been living in a cloud of uncertainty for ten months.

What damage was done to the foreshore by the drilling?

What damage was done to the sea floor with the weeks of welding?

What damage was done to the marine environment with the project works?

What damage has been done to the Saturna Bylaws for future commercial ventures?

What precedent has been set?

What has been done to our property value?

What activities are we expected to endure in the future?

Where is the protection?

Where is the preservation?

Where is the you must be more careful on an island?

What damage has been done to us?

What damage has been done to the community?

We feel like there are far too many unanswered questions for this TUP to proceed as it. It is too vague, it does nothing to repair the damages, real and emotional that have already transpired.

There must be public disclosure and accountability for this situation. Procedures and processes must be put in place to prevent anything like like from ever happening again.

If you issue the TUP on October 15, 2020, as proposed you will be issuing it at your discretion. Our voices and the voices of our community members will be silenced. Your lack of oversight and management will be brushed under the TUP and you will have set a dangerous precedent of other commercial operations wishing to convert rural residential lots to commercial properties.

Sincerely,

Al & Patricia DeJoseph

██████████

Please respond to the receipt of this email via email prior to Oct 7 at 4:30 pm and assure us that it will be part of the public record.

Land Management Plan Boundary Pass Underwater Listening Station

Prepared for:

JASCO Applied Sciences (Canada) Ltd.
2305-4464 Markham Street
Victoria, BC V8Z 7X8

Project No. 103958-01

July 17, 2019

Prepared by:

Hemmera Envirochem Inc.
1221 Broad Street, Suite 303
Victoria, BC V8W 2A4
T: 250.388.3584
F: 250.388.3517
hemmera.com

EXECUTIVE SUMMARY

This work was performed in accordance with PO01460-5731 between Hemmera Envirochem Inc. (Hemmera), a wholly owned subsidiary of Ausenco Engineering Canada Inc. (Ausenco), and JASCO Applied Sciences (Canada) Ltd. (Client), dated May 22, 2019 (Contract). This report has been prepared by Hemmera, based on desktop review and fieldwork conducted by Hemmera, for sole benefit and use by JASCO Applied Sciences (Canada) Ltd. In performing this work, Hemmera has relied in good faith on information provided by others, and has assumed that the information provided by those individuals is both complete and accurate. This work was performed to current industry standard practice for similar environmental work, within the relevant jurisdiction and same locale. The findings presented herein should be considered within the context of the scope of work and project terms of reference; further, the findings are time sensitive and are considered valid only at the time the report was produced. The conclusions and recommendations contained in this report are based upon the applicable guidelines, regulations, and legislation existing at the time the report was produced; any changes in the regulatory regime may alter the conclusions and/or recommendations.

This Executive Summary is not intended to be a stand-alone document, but a summary of findings as described in the following Report. It is intended to be used in conjunction with the scope of services and limitations described therein.

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Photo 3	Boundary Pass looking south from the Project Site upland area along approximate subsea cable alignment (2019.06.05)
Photo 4	Project Site upland cable alignment over private property; existing building to become the shore station facility (2019.06.05)

LIST OF ACRONYMS AND ABBREVIATIONS

Acronym / Abbreviation	Definition
ADCP	Acoustic Doppler Current Profiler
AIS	Automatic Identification System
AOA	Archaeological Overview Assessment
CD	Chart Datum
CDFmm	Coastal Douglas-fir moist maritime
CRD	Capital Regional District
CTD	Conductivity Temperature Depth
DP	Dynamic Positioning
HDD	Horizontal Direct Drilling
MFLNROD	Ministry of Forests, Lands, Natural Resource Operations and Rural Development
PFR	Preliminary Field Reconnaissance
RAAD	Remote Access to Archeological Data
RGS	Regional Growth Strategy
RR	Rural Residential
SRKW	Southern Resident Killer Whales
TEM	Terrestrial Ecosystem Mapping
ULS	Underwater Listening Station

LIST OF SYMBOLS AND UNITS OF MEASURE

Symbol / Unit of Measure	Definition
cm	centimeter
m	meter
km	kilometer
km ²	square kilometers

1.0 BACKGROUND

1.1 Project Overview

JASCO Applied Sciences (Canada) Ltd. (JASCO; the Applicant) has been retained by Transport Canada to install and operate an Underwater Listening Station (ULS) and supporting shore-based infrastructure in Boundary Pass, British Columbia (the Project). The Project will include laying fibre optic cable from onshore to subsea observatory sites located between Saturna Island and 2.5 km offshore in Boundary Pass, respectively (**Figure 1.1**). The purpose of the Project is to monitor commercial shipping traffic and provide a real-time warning system to support the protection of marine mammals (e.g., Southern Resident Killer Whales). The ULS will monitor vessel traffic, sound levels, and will detect marine mammal presence.

The Project landing site is located on the East Point coast of Saturna Island which, consists of a relatively low and rugged sandstone cliff (~ 5- 30 m cliffs). The intertidal zone consists of a near vertical sandstone cliff that provides habitat for a variety of intertidal species at and below the low tide level. The Project Site shoreline area is scarcely vegetated (limited to grass sp.) and upland vegetation consists predominantly of young coniferous forest, low-lying shrubs and ground cover species. Upland areas, above natural boundary, associated with the Project works are located over private land owned by the Applicant.

Project works will be located over Provincial Crown land through the shoreline, intertidal, subtidal and subsea zones. Therefore, JASCO is applying to the Ministry of Forests, Lands, Natural Resource Operations, and Rural Development (MFLNRD) for a right-of-way land tenure.

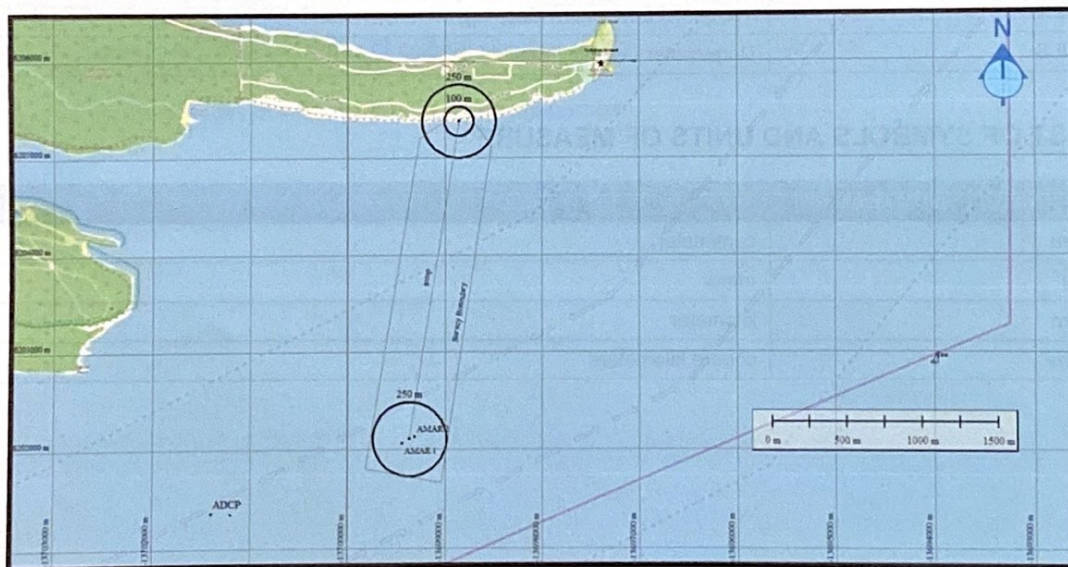


Figure 1.1 Project Location Overview map of general locations of shore landing and subsea ULS frames south of East Point Saturna Island, BC.

1.2 Investigative Work

Table 1.1 below outlines some of the geophysical, biological and archaeological investigative work undertaken in support of the Project to date.

Table 1.1 Geophysical, Biological and Archaeological Investigative Work Undertaken for the Project

Activity	Brief Description of Activity	Status/Comments
Site Assessment & Desktop Study	Assess regional geology, regional climatology, oceanography, marine traffic, restricted areas, commercial operations, biological factors, geotechnical investigation, and regulatory factors	Complete – June 2019
Cable Route Survey	Multibeam sonar to develop accurate bathymetry mapping, side-scan sonar, bathymetry mapping and ROV camera survey along a swath between the shoreline and the ULS site.	Complete – June 2019
LIDAR Survey	LIDAR survey to map the above-water shoreline at the shore station property. Combined with near shore multibeam survey to provide a digital elevation map.	Complete - June 2019
Archaeological Overview Assessment (AOA) and Preliminary Field Reconnaissance (PFR)		In Progress

1.3 Authorizations, Permits or Approvals

The Project will meet all applicable regulatory requirements and JASCO will obtain necessary authorizations, permits and approvals prior to initiation of Project works. The key anticipated permits and legislative requirements for the Project are listed in **Table 1.2** below.

On May 10, 2019 the federal Government declared that the Project area will be designated a Sanctuary with a no-go zone for vessels other than commercial shipping while Southern Resident Killer Whales (SRKW) might be present. The period of sanctuary and vessel restrictions is from June 1 to October 31. The Project has received confirmation from Transport Canada and DFO that the works will be exempt from the designated sanctuary timing restrictions and a letter is anticipated to be forthcoming.

Table 1.2 Key Permits Anticipated for the Project

Permit Name	Permitting Agency	Comments
Land Tenure Right of Way	Ministry of Forests, Lands, Natural Resource Operations and Rural Development (MFLNRORD)	Land Management Plan submitted in support of this land tenure application.
Self-Assessment	Fisheries and Oceans Canada (DFO)	A finding of no effects is expected based on initial site overview.
Vessel Licence	Transport Canada	All contracted vessels will have the appropriate licensing from Transport Canada.

1.4 Confirmation of Safety Plan

Safety planning for the Project will be guided by the Occupational Health and Safety criteria set out by Worksafe BC. Prior to the commencement of works, the contractor retained by JASCO will develop and implement a health and safety plan that meets all appropriate regulations.

1.5 First Nations

The BC Consultative Areas Database was reviewed to identify First Nations who have treaty rights or asserted or proven rights or title on the land base overlapping the Project. The following First Nations were identified:

- Semiahmoo First Nation
- Stz'uminus First Nation
- Cowichan Tribes
- Lake Cowichan First Nation
- Halalt First Nation
- Lyackson First Nation
- Penelakut Tribe
- Pauauqchin First Nation
- Tsartlip First Nation
- Tseycum First Nation
- Tsawout First Nation
- Tsawwassen First Nation

The Saturna Island Indian Reserve is located approximately 1.5 km west of the Project area. There is a Tsawwassen First Nation Wildlife Harvest Area, Migratory Bird Harvest Area, and Intertidal Bivalve Area in the vicinity of the Project location. A remote access to archaeological data (RAAD) screening was conducted on June 11, 2019. There are no registered sites that overlap with the Project site (RAAD, 2019). Archaeological resources and areas of cultural significance are unknown at this time.

JASCO is in the process of initiating First Nation engagement.

Table 1.2: Key Parties Anticipated for the Project

Party	Role	Notes
Transport Canada	Regulatory	Responsible for the project's compliance with the Canadian Transportation Act (CTA).
Self-Insured	Insurance	Responsible for the project's insurance coverage.
Local Government (e.g., City of Vancouver)	Permitting	Responsible for the project's compliance with local regulations and permits.

2.0 LOCATION

2.1 General Description

Saturna Island is a mountainous island, about 31 km² in size, in the Southern Gulf Islands chain of BC. It is the most easterly of the Gulf Islands and is surrounded on three sides by the Canada/US border. The Project area is located on the eastern extent of Saturna Island and extends approximately 2.5 km south of the shoreline through Boundary Pass (**Figure 1.1**). The Project components will be installed on private upland property, sandstone cliffs in the upland/intertidal zone, and on the seafloor between the inbound and outbound shipping lanes of Boundary Pass. The shore facility site is located approximately 3 km due north from the US border.

There is a federal marine park located approximately 1.1 km from the Project Site around the eastern tip of Saturna Island and there is a rockfish conservation area located approximately 1.5 km west of the Project Site.

The Project area is located in the Coastal Douglas-fir Biogeoclimatic Zone moist maritime subzone (CDFmm). The CDF climate is characterized by warm, dry summers and mild, wet winters with the majority of precipitation falling as rain (Nuszdorfer et al., 1991). The vegetation of the CDF includes a number of rare seaside, aquatic, rock outcrop, and forest habitat species restricted within this zone at the northern limit of their distribution (Nuszdorfer et al., 1991). Terrestrial Ecosystem Mapping (TEM) along the northern two-thirds of the subject property is classified as Douglas-fir – Salal with a young forest primary unit stage and on the southern third of the subject property is classified as Douglas-fir – Oniongrass with a young forest primary unit stage (MapIT, 2019).

The existing concrete building located on private property at 198 Cliffside Road (the subject property) will be used for the shore station facility. The subject property's shoreline consists of a 5-10 m high sandstone cliff, with a relatively gentle slope above, leading back from the clifftop. The cliff enters the ocean at an angle of approximately 60 degrees from horizontal, and there is an approximate 3 m bench near the nominal tide depth. The ocean environment in Boundary Bay Pass is a high-energy zone for current, surface wave action, wind, and vessel traffic.

2.2 Location Justification

The shore station facility site was selected and secured by the Applicant in April 2019. The Project site was selected to position the ULS's and extend the cable lay through the inbound and outbound commercial shipping zones of Boundary Pass. The proposed Project Site selection aims to monitor shipping lane and marine mammal activity for the development of a warning system to protect marine mammals.

The subject property has an existing concrete building that will be used for the cable landing station (shore facility) to house and operate the shoreside data and power equipment for the cable system. The property has open ground and a section of open ground and coastline that is suitable for the cable landing station and submarine cable landing sites.

2.3 Seasonal Expectations of Use

The seasonal expectations of use are based on the need to access the Project

Site for site investigation, construction, and operations, as outlined in **Table 2.1** below.

Table 2.1 Project Phase, Description of Works, and Seasonal Use

Project Phase	Brief Description of Activity/Works	Season
Investigation	Complete Site Assessments (environmental, geotechnical, First Nations)	Spring/Summer 2019
Construction	- Installation of fiber optic cable and ULS structures by cable laying vessel. - Installation of fiber optic cable at cliff shoreline - Outfitting of shore facility	Fall 2019*
Operations	- Underwater Listening Station operations - Annual ULS component - Periodic maintenance, as needed	Year-round, Project duration 10 years
Decommissioning	Removal of all subsea infrastructure (except cables)	2029

*All shore station equipment is anticipated to be installed by November 1, 2019. Note: the works will be exempt from the Sanctuary Designation timing restrictions (e.g., no-go zone June 1 – October 31).

3.0 INFRASTRUCTURE

3.1 New Facilities or Infrastructure

New infrastructure associated with the Project includes: a shore station facility and its control systems, an upland man-hole, two hydrophone arrays, an ocean current monitoring system (Acoustic Doppler Current Profiler; ADCP-based), temperature and conductivity measurement system (Conductivity Temperature Depth; CTD-based), fiber optic cables, and four muxes (two per each cable). The cables will connect into two offshore observatory sites (AMAR1 and AMAR2). The shore station facility will be installed inside the existing concrete building located at the subject property. The two ULS devices will include electronic monitoring equipment and hydrophones located on tetrahedral frames.

Each cable will have a 3 cm diameter and associated power conductors. A segment of each cable may be armoured through the intertidal zone (e.g., HDPE conduit). The upland cable installation may require minor clearing, excavating, and backfilling over private land. Cable installation along the upland/intertidal sandstone cliff may require Horizontal Direct Drilling (HDD).

No additional infrastructure, or associated facilities, are proposed as part of this Project.

3.2 Access

During the Project investigation, construction, and operation phases the Project subject property will be accessed from public roadways (198 Cliffside Road) or by boat. Access for construction material and equipment is anticipated to occur via municipal roads (e.g., Cliffside Road) or by barge and boat from Boundary Pass.

The primary inbound and outbound shipping lanes leading to/from Port of Vancouver pass through Boundary Pass. Traffic management during the cable installation process will be required. The Applicant and/or their Contractor will make arrangements with Port of Vancouver traffic management, and with BC Pilots to ensure procedures are established to minimize risks during Project construction and operations.

3.3 Utilities Requirements and Sources

The scope of the Project will require utilization of electrical and telecommunications infrastructure. Power, water, and sewage requirements will be sourced from existing services at the subject property. No new water or sewer utilities are required for the Project. There is an Automatic Identification System (AIS) receiver on Saturna Island that currently monitors vessel traffic.

3.4 Water Supply

The scope of proposed Project activities will not require the utilization of new water infrastructure. In addition, there are no known sewer outfalls located in close proximity to the Project Site. There are a number of unlicensed wells located near the Project Site (**Table 3.1**).

Table 3.1 Project Phase, Description of Works, and Seasonal Use

Well Tag Number	Well Use	License Status
64900	Private Domestic	Unlicensed
64889	Private Domestic	Unlicensed
41501	Unknown Well Use	Unlicensed
42511	Unknown Well Use	Unlicensed
65324	Private Domestic	Unlicensed
91844	Private Domestic	Unlicensed
64847	Private Domestic	Unlicensed
95788	N/A	Unlicensed

No impacts to water supply or water sources are anticipated to result from the Project.

3.5 Waste Collection, Treatment and Disposal

Any waste generated during construction and operations will be collected in appropriate waste containers and disposed of offsite at an approved disposal facility. The requirement for sewage disposal services will not be required. Existing sewer facilities at the subject property will be used to meet sewerage requirements during construction and operation (e.g., existing concrete building facilities).

4.0 ENVIRONMENTAL

4.1 Land Impacts

4.1.1 Vegetation Removal

Periodic occurrences of grass species over the section of sandstone cliff and upland alignment may be impacted by the cable installation. Vegetation removal on Provincial Crown land for Project works will be limited to groundcover grass species and removal will be conducted by hand, if required.

Vegetation removal over private land will be limited to low-lying shrub and groundcover species (e.g., grasses). Vegetation removal on private lands will be conducted by-hand or small excavator.

4.1.2 Soil Disturbance

All upland Project works will be conducted over private land at 198 Cliffside Road. Excavation of a trench will be required for fiber optic cable installation in upland areas over private land. No soil disturbance on Provincial Crown land will be conducted as part of the Project works.

Fiber optic cable installation in the sandstone cliff shore transition zone is anticipated to require HDD to create a drilled hole entry and protect the cable from the high-energy wave zone. Drilling activities have the potential to generate and release fine silica dust to the receiving environment. Appropriate mitigation measures will be employed by the Contractor to contain dust from drilling activities and these mitigation measures will be outlined in the environmental management plan for the Project.

4.1.3 Riparian Encroachment

No riparian areas will be encroached upon or impacted by the Project works.

4.1.4 Pesticides and Herbicides

No pesticides or herbicides will be used during the construction, operations and/or maintenance phase of the Project.

4.1.5 Visual Impacts

That portion of the Project works located on Provincial Crown land will be over the rocky shoreline adjacent to Boundary Pass and in the offshore subsea zone of Boundary Pass. During construction, equipment will include cable laying vessel (barge/boat) and drilling equipment for fibre optic cable installation in the sandstone cliff shoreline. The potential visual impact associated with the operation of equipment will be temporary. The installation method for the fibre optic cable is anticipated to create a protective conduit in the existing shoreline rock face, which will visually conceal it. There are no visual impacts anticipated during Project operations.

4.1.6 Archaeological Sites

Archaeological sites or their potential to occur within the Project footprint is unknown. A review of remote access to archaeological data (RAAD) on June 11, 2019 indicates there are no registered archaeological sites that overlap the Project Site.

4.1.7 Construction Methods/Materials

The Project will require outfitting an existing concrete building with shore facility infrastructure and installing segments of fiber optic cable in upland areas over private land. A temporary laydown area during construction will be established at the subject property and existing permanent vehicle access will be used off Cliffs Road. The shore facility will be outfitted with internet connection, electrical power, a backup generator, HVAC, security alarm with remote monitoring, equipment racks, and fire suppression tools. Cable installation in the upland area will require trenching. All structures will meet BC Building Code and local bylaw requirements.

Cable installation materials may include fiber optic cable armouring, fasteners, shore manhole or plinth, fiber optic cable and associated ULS structures (e.g., tetrahedral frame, muxes, hydrophones). Machinery and equipment required for the cable installation is anticipated to consist of: a small excavator, vacuum truck, a generator, drill, cable lay vessel, and barge.

Fiber optic cables will run through a trench from the shore station facility, through a plinth or upland manhole near the cable entry drill hole through the sandstone cliff (drilled hole entry or conduit) and continue along the approximately 2.5 km subsea alignment. The total cable length from existing concrete building to point of water entry is approximately 111 m. The shore transition section will pass through the sandstone cliff drill hole to an exit hole located near the low tide water line.

The exposed cliff shoreline at the shore station facility site poses a risk of cable damage from ocean waves exerting force on the cable, that could lead to direct damage or movement causing abrasion against the rock substrate. Therefore, JASCO is proposing to use HDD (e.g., steered bit drilling) to install the fiber optic cable from the cliff through the shore transition zone or install the fiber optic cable in a conduit down an existing rock crevice. Final installation methodology along the exposed cliff shoreline will be determined following the cable lay organization desktop study outcome; and, Project engineer and Contractor methodology review.

At the shore entry, the cable will exit a drill hole below the low tide water line. At the exit point, a small flange (less than one-meter square) will be fastened to the bedrock wall to support the end of a split-pipe cable protection that will be installed over the cable as it passes over some large boulders near shore. The split-pipe is made of cast iron that has minimal corrosion. This split-pipe protection is flexible and will extend approximately 50 m from shore. The cable lay contractor will attempt to move it between boulders where possible.

Cable lay vessels and barges will be used to lay the cable along its subsea alignment. The cable will be laid directly on the ocean floor. Deep water off the cliff face will facilitate larger cable lay vessels to complete the works. The subsea cable alignment will need to navigate through a mapped boulder patch, nearshore rock outcrops, and sand waves. There are a few rocky areas where the cable will be carefully threaded through boulders using a work-class Remote Operated Vehicle (ROV). The cable lay vessels will be outfitted with the appropriate equipment to navigate these subsea topographies. The cable lay contractors expect the cable will become mostly buried in sediment naturally by the high currents in this area. The cable will be terminated at the subsea end to a small steel termination frame/mud mat that weighs 1800 lbs in air. This is weighted to hold the cable from moving due to tidal currents.

Currents in Boundary Pass are generally oriented parallel to the Pass; however, strong eddies form around shoals along the east shore of Saturna Island and may extend into the cable lay route. These current conditions have the potential to affect cable lay vessel position holding and commercial vessel navigation leading to increased difficulty maintaining vessel tracks. To reduce this risk, cable lay operations will be timed to coincide with low current periods.

The ULS devices will be deployed in a tetrahedral frame directly on the seabed, with appropriate weighting to avoid movement by currents at the site. The ULS frames will be cabled to shore using two separate cables. Frames will be deployed approximately 200 m apart at the southern end of the cable corridor.

4.2 Atmospheric Impacts

4.2.1 Sound, Odor, Gas or Fuel Emissions

Potential notable adverse atmospheric impacts would only apply throughout the Project's construction period. Activities with the potential for negative atmospheric impacts are limited to the use of barges, boats and equipment used to support the installation of the fibre optic cable. Installation activities will cause the following impacts, which are not anticipated to disturb wildlife or nearby residents:

- Sound – will be short-term; and
- Fuel emissions – will be short-term.

Project construction is not anticipated to result in any notable odours or gases that could disturb wildlife or nearby residents provided that best management practices for fuel and equipment management are implemented.

The constructed ULS is expected to provide long-term atmospheric benefits by monitoring and regulating vessel operations in commercial shipping lanes, and informing management decisions for the protection of marine mammals. In particular, the site will monitor vessel speeds and emissions to ensure vessels adhere to speed limits and noise emissions limits. Reduced speeds produce reduced vessel exhaust and noise.

4.3 Restrictions on Tenuring of Aquatic Lands

4.3.1 Drainage Effect

The Project is not anticipated to affect any surrounding drainage.

4.3.2 Public Access

No changes to public access will result from the Project.

4.3.3 Flood Potential

The Project will not result in risks to flooding.

4.4 Fish and Wildlife Habitat

4.4.1 Disturbance to Wildlife or Wildlife Habitat

Hemmera conducted a site assessment of the Project site on June 5, 2019 to assess habitat in the upland and intertidal areas (low tide of 0.49 ft CD). In addition, Hemmera has reviewed ROV footage from the entire cable route survey conducted for the project by professional surveyors, Terra Remote Surveys Inc.

The Project site upland area is located within the red-listed Douglas-fir/ Dull-Oregon grape ecological community. Upland vegetation identified during the site assessment included shore pine (*Pinus contorta* var. *contorta*), Douglas fir (*Pseudotsuga menziesii*), salal (*Gaultheria shallon*), dull Oregon grape (*Mahonia nervosa*), a variety of grass species and lichens, and periodic occurrences of invasive groundcover species.

Bald eagle activity was observed during the site assessment. No raptor nests at or adjacent to the Project site upland areas were observed.

Intertidal species observed in and adjacent to the Project Site during the assessment included: acorn barnacles (*Balanus glandula*), sea urchins (red sea urchin; *Mesocentrotus franciscanus* and purple sea urchin; *Strongylocentrotus purpuratus*), plumose anemones (*Metridium farcimen*), ochre stars (*Pisaster ochraceus*) and a variety of limpet, chiton, and snail species. Seaweed species identified during the site assessment included: winged kelp (*Alaria marinata*), rockweed (*Fucus distichus*), and sea lettuce (*Ulva* sp.). Humpback whales (*Megaptera novaeangliae*) were observed offshore moving back and forth along Boundary Pass. Whale species that migrate through Boundary Pass include: Southern Resident Killer Whale (*Orcinus orca*), gray whale (*Eschrichtius robustus*), Minke whale (*Balaenoptera cutorostrata*) and harbour porpoise (*Phocoena phocoena*).

Review of the ROV footage identified the following additional species in the intertidal and subtidal Project areas: California sea cucumber (*Apostichophus californicus*), Quillback rockfish (*Sebastes maliger*), sea start species (*Henricia* sp.), sunflower star (*Pycnopodia helianthoides*), and sponges (*Demospongiae* sp.).

The Project is not anticipated to result in adverse effects to fish, wildlife, or wildlife habitat provided that best management practices are implemented throughout the works. An environmental management plan will be developed prior to the commencement of the works to identify best management practices and mitigation measures to be implemented during Project construction and installation activities. The long-term operation of the Project is anticipated to result in positive effects to marine mammals by facilitating marine mammal protection through establishing a warning-system based on monitoring and communications with commercial shipping operations.

5.0 SOCIO-COMMUNITY

5.1 Land Use

The Project Site is located over private land and Provincial Crown land located through the intertidal and subsea areas of Boundary Pass. Boundary Pass is the primary inbound and outbound shipping lane leading to/from Port of Vancouver. A review of Crown Land tenures that overlap the Project area are provided in **Table 5.1**.

Table 5.1 Crown Land Tenures Overlapping the Project Area

Crown Land File No.	Tenure Type - Subtype	Tenure Purpose - Subpurpose	Responsible Business Unit
1414573	Reserve/Notation – Notation of Interest	Residential – Application Only-private moorage	VI – Land MGMNT – Vancouver Island Service Region

5.1.1 Land Management Plans and Regional Growth Strategies

The Project is located in the Capital Regional District (CRD). The CRD has adopted a regional growth strategy (RGS) bylaw (2018 RGS – Bylaw 4017) that sets management objectives and goals for the region. The region's strategy for Environment and Infrastructure includes the protection, conservation and management of ecosystem health (2018 RGS Appendix A Section 2.1). The Project works are consistent with policies identified within the RGS; whereby, the Project objectives are intended to protect ecological integrity of marine areas through the development of a marine mammal warning system for commercial shipping operations.

Saturna Island has a permanent population of approximately 350 and the population increases significantly during the busy summer season. Saturna Island is part of the Islands Trust and the local government goals, objectives and policies are provided in the Saturna Island Official Community Plan Bylaw No. 70. The Saturna Island Land Use Bylaw No. 119 Schedule B identifies the private land zoning, associated with the Project, as Rural Residential (RR). That portion of Project works over private land shall be constructed and operated in accordance with Bylaw No. 70 and No. 119.

There are no land and resource management plans, coastal plans, provincial or regional growth strategies or local government plans with zoning, management policies or use restrictions in place that could limit or preclude the proposed use of the land.

5.2 Socio-Community Conditions

5.2.1 Adjacent Users or Communities

The Project site over Provincial Crown land is located in a sandstone cliff intertidal area with limited public access. The Project will not impact the ability of adjacent land owners or tenure holders to access their property or tenures. Prior to the start of construction, public and stakeholder consultation and engagement regarding the proposed Project will be undertaken. The Applicant will conduct a separate but parallel consultation process with First Nation groups.

Public engagement may include emails and phone calls to key stakeholders in advance of the construction period; and, written notification to adjacent land users. The communication objectives for the Project include providing clear information about the Project and its related activities; and, communicating the potential benefits of the Project on marine mammal management. Community stakeholders for the proposed Project include relevant:

- Land owners;
- Adjacent residents;
- General public; and,
- Special Interest Groups

5.2.2 Existing Services

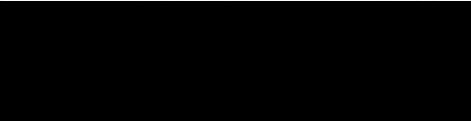
There will not be an increased demand on fire protection, health facilities and emergency services arising from the Project.

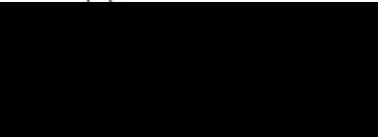
6.0 CLOSURE

We sincerely appreciate the opportunity to have assisted you with this project and if there are any questions, please do not hesitate to contact the undersigned by phone at 604.379.2251.

Report prepared by:
Hemmera Envirochem Inc.

Report reviewed by:
Hemmera Envirochem Inc.


Sarah Wyness, M.Sc., R.P.Bio.
Biologist


Laura White, B.Sc. (Hons), PhD
Project Manager



REASONS FOR DECISION

FILE NUMBER: 1414939

APPLICANT: JASCO APPLIED SCIENCES (CANADA) LTD.

BACKGROUND: JASCO Applied Sciences (Canada) Ltd. (JASCO; the Applicant) has been retained by Transport Canada to install and operate an Underwater Listening Station (ULS) and supporting shore-based infrastructure in Boundary Pass, British Columbia (the Project). The Project will include laying fibre optic cable from onshore to subsea observatory sites located between Saturna Island and 2.5 km offshore in Boundary Pass, respectively. The purpose of the Project is to monitor commercial shipping traffic and provide a real-time warning system to support the protection of marine mammals (e.g., Southern Resident Killer Whales). The ULS will monitor vessel traffic, sound levels, and will detect marine mammal presence. A Statutory Right of Way for a term of 10 years is requested.

DECISION: PROCESSED – TENURE ISSUED

REASONS FOR DECISION:

- This proposed project meets provincial Crown Land allocation principles, specifically that Crown land values are managed for the benefit of the public and that economic, environmental and social needs and opportunities are identified and supported. Given the current perilous status of the Southern Resident Killer Whale population and inevitable future increases in marine shipping traffic, the establishment of a monitoring station to observe ship and marine mammal movement in this critical habitat area is timely and aligns with fundamental conservation principles.
- The Provincial Government is committed to the responsible management of Crown land, including submerged aquatic land, for the benefit of the public, through sound, transparent and durable *Land Act* decisions which consider social, economic and environmental needs, and recognize and support the interests of First Nations. This application meets those goals and commitments.
- The application aligns with Crown Land Allocation Principles and the Crown Land Utility Policy.
- The application is consistent with local zoning bylaws.
- The Crown has met its duty to consult with First Nations; and First Nations Interests have been considered and addressed.



REASONS FOR DECISION

DECISION MAKER:

Name: Nick Donnelly

Title: Sr. Land Officer

Delegated authority under *Land Act* s. 97

For more information contact:

Name: Peter Warburton

Title: Land Officer

Phone: 250 751-7248

Email: Peter.warburton@gov.bc.ca

From: Patricia DeJoseph <[REDACTED]>
Sent: Monday, October 5, 2020 11:35 AM
To: Saturna Planner
Cc: Brad Smith; Lee Middleton; Paul Brent; information; Saturna Island Local Trust Committee; Al; Warren Dingman
Subject: Re: SA-TUP-2020.1

Mr Smith,

My question was has Transport Canada informed you that the upland, private property is immune to local bylaws? Why would you stand on a legal opinion and not get that information, in writing, from them? Why hasn't the Islands Trust reached out to Transport Canada directly? To go forward with this TUP without a legal opinion directly from the federal government is ludicrous and an egregious oversight by the Islands Trust. It's a slap in the face to the bylaws, community and us as private property owners.

We would like a copy of the legal opinion.

If the BC Province recognizes the land as private property and refers to the project in the Land Management Plan as adhering to the local bylaws, when clearly it does not, why wouldn't the federal government do the same?

Were any parts of the upland project such as the excavation, plumbing, auxiliary foreshore building construction, septic and water hook ups to the trailer and auxiliary building or cable installation put out for bid, as would be required by a federal project?

Does the federal government own the land? The answer is no.

Do you have a copy of the Land Management Plan and the BC Foreshore permit. They all refer to the property as being in compliance with local bylaws and refer to it as private property. Has your legal department reviewed these documents?

Patricia DeJoseph

Sent from my iPhone

On Oct 5, 2020, at 10:54 AM, Saturna Planner
<saturnaplanner@islandstrust.bc.ca> wrote:

The Islands Trust has received a legal opinion that the land use bylaw likely does not apply to this particular hydrophone and its related works, as these works are part of an immune federal government undertaking.

In light of this, the issuance of a TUP is viewed as a mechanism to have some Trust regulatory authority over the ongoing activities at the property, including limiting any future construction.

Best regards, Brad

From: Patricia DeJoseph [REDACTED] >
Sent: Friday, October 2, 2020 12:52 PM
To: Brad Smith <bsmith@islandstrust.bc.ca>
Cc: Lee Middleton <lmiddleton@islandstrust.bc.ca>; Paul Brent <pbrent@islandstrust.bc.ca>; information <information@islandstrust.bc.ca>; Saturna Island Local Trust Committee <SaturnaIslandLocalTrustCommittee@islandstrust.bc.ca>; Al <[REDACTED]>
Subject: Re: SA-TUP-2020.1

Mr Smith,

It is clearly stated in the language of the Provincial contract and it has been clearly stated by Warburton from the Province in writing that the upland portion of the Project is PRIVATE PROPERTY.

This Project is not listed on the CEAA website or on the Transport Canada website. There is nothing in writing stating it IS a Federal project. Transport Canada employees have clearly stated the upland portion of the project is private property.

Please provide your written notification from the federal government stating the upland property is not under the Islands Trust jurisdiction.

Our own local representatives stated the use of the property was not in compliance with local bylaws.

The CRD has stated that it is under your jurisdiction.

It is clearly in the jurisdiction of the Islands Trust and we would like you to take responsibility for it.

The TUP is not a courtesy from the JASCO corporation, it is your job to administer this property in accordance with local bylaws.

We would like your response to this request before we respond, in earnest, to the proposed TUP. Given the short timeline you have given us to prepare we request your response by the end of the business day today.

Patricia & Al DeJoseph
200 Cliffside Rd

Sent from my iPhone

On Sep 28, 2020, at 2:38 PM, Brad Smith
<bsmith@islandtrust.bc.ca> wrote:

Please find responses to your specific questions below:

How can the issuance of a TUP be decided at this meeting on October 15?

The issuance of TUPs is a discretionary decision of the LTC. The decision must be made in a public meeting – the next one occurs on October 15.

Aren't there supposed to be three hearings?

A TUP can be issued in a single meeting. What you are thinking of is amending bylaws which requires three readings and one public hearing before they can be adopted.

How can a TUP be issued to a property that is not in compliance with umpteen other bylaws?

Please clarify what other bylaw concerns you have.

In the notice it was stated that copies of the Proposed Permit would be made available at various Notice Boards on Saturna commencing September 25, 2020. We checked every billboard location and nothing was posted. Please advise.

Our minute taker who delivered the notices to residents was also supposed to post them on bulletin boards. I will follow-up to verify. The actual statutory requirement is for notifying the residents within 100 m of the subject property.

The notice was also published in the SSI Driftwood which is also a statutory requirement.

In addition, what specifically are our rights as adjacent land

owners with regards to our property at 200 Cliffside, located in a Rural Residential subdivision area? Do we have the right to refuse this property use that is in direct conflict with the Land Use Bylaws?

The issuance of a TUP is entirely discretionary by LTC. The *Local Government Act* requires notice to be provided but does not obligate the LTC to consider input from the community. That said, in practice, typically input from neighbours and the community is considered by LTCs when deliberating the issuance of a TUP.

This particular case is further complicated by the fact that the activities on the upland land base and associated marine environment are being undertaken on behalf of the federal government and local government bylaws do not technically apply to federal government lands or as in this example, federal government activities occurring on private lands.

As such, the property owner is voluntarily applying for the TUP to provide some certainty to the immediate neighbours that no further construction activities will be occurring in relation to the project on the subject property.

Best regards,

Brad Smith

Island Planner, Southern Team
Islands Trust

200-1627 Fort Street, Victoria, BC V8R 1H8
Office: (250) 405-5194 Cell: (778) 679-5185
Email: bsmith@islandstrust.bc.ca
Websites: www.islandstrust.bc.ca | www.islandstrustfund.bc.ca

From: Lee Middleton <lmiddleton@islandstrust.bc.ca>
Sent: Monday, September 28, 2020 2:05 PM
To: Patricia DeJoseph <[REDACTED]>
Cc: Paul Brent <pbrent@islandstrust.bc.ca>; information <information@islandstrust.bc.ca>; Saturna Island Local Trust Committee <SaturnaIslandLocalTrustCommittee@islandstrust.bc.ca>
Subject: Re: SA-TUP-2020.1

Hi Patricia and Al

I've forwarded this to the Saturna Island Local Trust Committee official e-mail which automatically enters your e-mail into the written correspondence record for this file.

It is unlike Gary to not have replied to your e-mails in December - I'm wondering if he had retired by that point but I don't recall the exact timeframe. Would you be able to re-forward the e-mails you sent so that they can be answered properly?

Paul has mentioned that technical questions about the process of hearings and bylaw enactments are best answered by our planner, Brad Smith. If he had not received your previous e-mail he is forwarded on the LTC e-mail and I am sure will respond.

A note on the permitting: A Temporary Use Permit is also an active permit. It doesn't give a blank card to conduct the permitted activity for three years. If the conditions of the permit aren't maintained the permit can be removed. This is your protection that no further heavy construction activity will take place on the site if the TUP is enacted. Your input on these provisions is very important - as the neighbour do you feel the provisions are strong enough to protect the peaceful enjoyment of your property? This is the kind of input we hope to get from neighbours while considering this TUP.

I'll leave it to our planner to elaborate on the process and the details. I checked this morning and it looks as though the next LTC will be held via Zoom so what the implications for the meeting are as a public meeting because of this I have to leave to Brad to explain.

Sincerely,

Lee Middleton

On Sep 28, 2020, at 11:57 AM, Patricia DeJoseph
<[REDACTED]> wrote:

Trust Representatives Saturna:

We are forwarding this to you so that you can be aware of our written comments to Brad Smith, Island Planner.

Our multiple emails in December 2019 requesting information from Gary Richardson, former planner went unanswered.

How can the issuance of a TUP be decided at this meeting on October 15? Aren't there supposed to be three hearings? How can a TUP be issued to a property that is not in compliance with umpteen other bylaws?

Al & Patricia DeJoseph
200 Cliffside Rd
Saturna

Sent from my iPhone

Begin forwarded message:

From: Patricia DeJoseph
<[REDACTED]>
Date: September 28, 2020 at
10:37:09 AM PDT
To: information@islandtrust.bc.ca
Cc: Al
<[REDACTED]>
Subject: SA-TUP-2020.1

Attn: Brad Smith

Re: Proposed permit missing at
posting locations as advertised in the
notice.

Clarification of our rights, if any, as
adjacent property owners.

In the notice it was stated that copies
of the Proposed Permit would be
made available at various Notice
Boards on Saturna commencing
September 25, 2020. We checked
every billboard location and nothing
was posted. Please advise.

In addition, what specifically are our rights as adjacent land owners with regards to our property at 200 Cliffside, located in a Rural Residential subdivision area? Do we have the right to refuse this property use that is in direct conflict with the Land Use Bylaws?

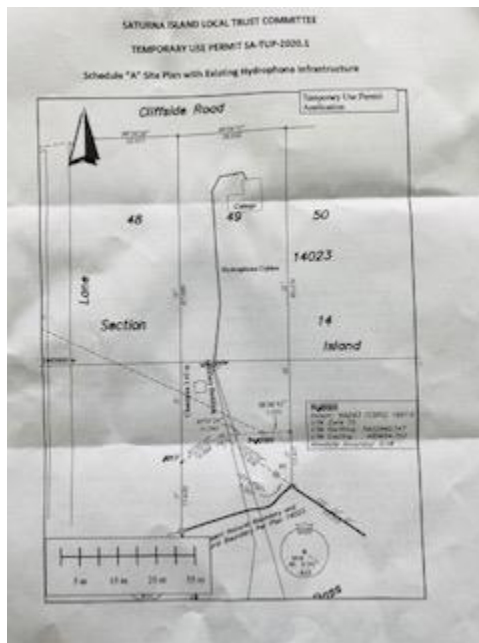
Your prompt response is requested as we have already lost several days and we have been given an extremely short window to respond to this notice.

Al and Patricia DeJoseph
[REDACTED]
[REDACTED]

Sent from my iPhone

From: Brad Smith
Sent: Wednesday, October 7, 2020 4:22 PM
To: Brad Smith
Subject: SA-TUP-2020.1 schedule A

From: Patricia DeJoseph <[REDACTED]>
Sent: Monday, October 5, 2020 1:51 PM
To: Saturna Planner <saturnaplanner@islandstrust.bc.ca>
Cc: Brad Smith <bsmith@islandstrust.bc.ca>; Lee Middleton <lmiddleton@islandstrust.bc.ca>; Paul Brent <pbrent@islandstrust.bc.ca>; information <information@islandstrust.bc.ca>; Saturna Island Local Trust Committee <SaturnaIslandLocalTrustCommittee@islandstrust.bc.ca>; Al [REDACTED]; Warren Dingman <wdingman@islandstrust.bc.ca>
Subject: Re: SA-TUP-2020.1 schedule A

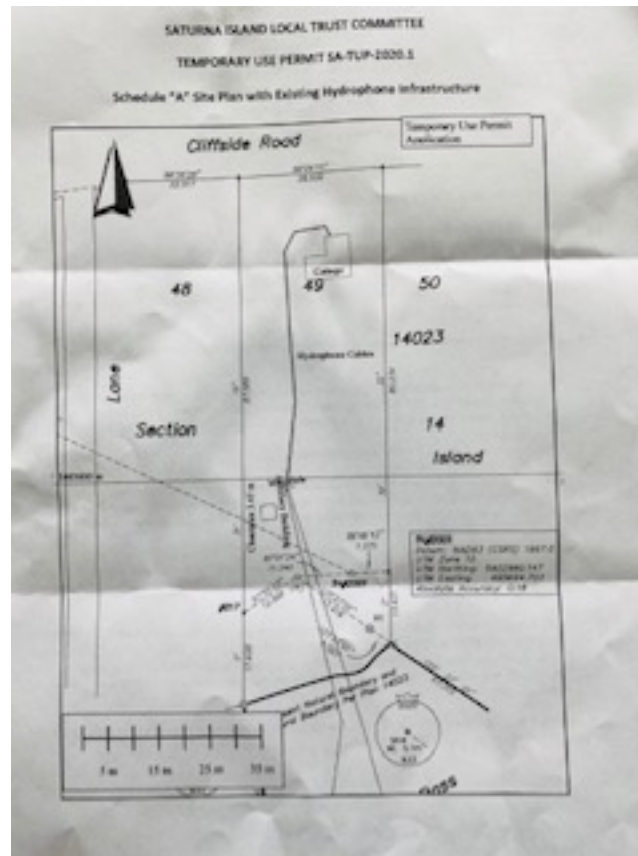


Please amend Schedule A to rename the Cottage to an auxiliary building as it does not have a home permit pulled and has no occupancy permit issued per our written correspondence with the CRD.

There is water and septic running to the foreshore auxiliary building (not listed as part of the project on the Land Management Plan) and an open septic line still protruding from the ground that was affixed to the trailer that was onsite.

More to follow.

Patricia DeJoseph
Sent from my iPhone



From: Brad Smith
Sent: Wednesday, October 7, 2020 4:30 PM
To: Brad Smith
Subject: FW: SA-TUP-2020.1 Concerns

From: Hieg Khatcherian <[REDACTED]>
Sent: Wednesday, October 7, 2020 2:36 PM
To: information <information@islandstrust.bc.ca>
Cc: Erin Chapple <[REDACTED]>
Subject: SA-TUP-2020.1 Concerns

Hi Brad, I'm writing to express my concerns around the handling of the situation with the JASCO property on Saturna. I know you've been having an ongoing conversation with Patricia DeJoseph and I want to lend my support to the concerns she's outlined over the past months. My wife Erin and I own the property at 194 Cliffside, two lots down from the JASCO site.

We have grave concerns about the lack of environmental impact study, and the lack of any geotechnical survey prior to drilling through the fragile foreshore. We're also very concerned about the apparent lack of any sort of remediation plan, not to mention the current state of the property re: septic, occupancy permit. There has also been considerable disruption to the neighbours as well.

It's very unclear to us how IT intends for that property to be used. Who will be residing there? Was the construction they undertook permitted? How will the site be remediated? When will it be remediated?

We stand behind Patricia's concerns and lend our voices to her efforts to see this issue resolved.

--

Hieg Khatcherian & Erin Chapple

From: Black Sheep Clan <[REDACTED]>
Sent: Wednesday, October 7, 2020 4:57 PM
To: information <information@islandstrust.bc.ca>
Subject: SA -TUP 2020.1 re Saturna vs Jasco

Dear Brad Smith;

I am strongly Against allowing this TUP to be approved for Jasco on Cliffside drive Saturna BC.
I vote No!

There are Too many unanswered questions as to how this Commercial project was allowed to proceed as far as it has so far in a Residential Neighbourhood.

Islands Trust has to first answer these questions to the community as to how the bylaws were overlooked to allow this.

Its a very serious infraction of your job; that of fairly enforcing the bylaws for the protection of our community.

You have some explaining to do.

Dawne Cressman
[REDACTED]
[REDACTED]
[REDACTED]

From: Louai Munajim <[REDACTED]>

Sent: Wednesday, October 7, 2020 4:27 PM

To: information <information@islandstrust.bc.ca>

Subject: We do NOT support of the proposed Temporary Use Permit (TUP) from JASCO.

We find that as error was made in the due process and execution of the by laws in regards to this project.

Extremely concerned that the by laws in this case was not followed and it had such an impact on the local neighbourhood.

I would recommend that TUP be suspended at this time for JASCO.

Resident at [REDACTED]

--

Louai Munajim
BC Canada

From: Julia V. <[REDACTED]>
Sent: Wednesday, October 7, 2020 4:06 PM
To: information <information@islandstrust.bc.ca>
Subject: opposed to the Temporary Use Permit (TUP) from JASCO

Hello,

I reside on 106 Cliffside Rd and I am opposed to the SA-TUP-2020.1.

The TUP in its current state does not offer any assurances of the following:

1. What will be the use of the property by employees, will they simply come and collect data and leave?
2. The length the TUP may run? According to IT a TUP may be issued for three years with a one-time extension of three additional years but the contract JASCO has in place is seven years.
3. The hours of operation for a commercial property are between the hours of 7 am and 7 pm, does this apply?
4. Will employees will be residing on the property?
5. How will the drilling area will be fixed going into the seabed?
6. What will be done with the cables in the ground?
7. How will the land will be remediated after the project ends?
8. What is the timeline for remediation?

Sincerely,
Julia Vassilevskaia

[REDACTED]
[REDACTED]

From: Patricia DeJoseph <[REDACTED]>
Sent: Wednesday, October 7, 2020 3:03 PM
To: Brad Smith <bsmith@islandstrust.bc.ca>; information <information@islandstrust.bc.ca>; Lee Middleton <lmiddleton@islandstrust.bc.ca>; Paul Brent <pbrent@islandstrust.bc.ca>; Saturna Island Local Trust Committee <SaturnaIslandLocalTrustCommittee@islandstrust.bc.ca>; Susie Washington-Smyth <[REDACTED]>; Al <[REDACTED]>; Loren Smith <[REDACTED]>; Erin Chapple <[REDACTED]>; Hieg Khatcherian <[REDACTED]>; jamieson@sfu.ca; Kathy Hanson <[REDACTED]>; Warren Dingman <wdingman@islandstrust.bc.ca>; SIRRA <[REDACTED]>; Elizabeth.May.C1A@parl.gc.ca; adam.olsen.MLA@leg.bc.ca
Subject: Re: SA-TUP-2020.1 - Land Management Plan Boundary Pass Listening Station. July 19 2019 - project 103958-01

Timeline of Events regarding JASCO's Hydrophone Project as seen from Saturna

November 6, 2018 Gulfport Realty listed 198 Cliffside Rd. NOTE: 2002 building permit with CRD for a utility building/garage. 2000 septic permit for and one bath residence with updated repair work listed January 12, 2006. No occupancy permit is listed.

November 14, 2018 198 Cliffside Road Saturna is sold.

November 30, 2018 newspaper article announcement by Transport Canada hydrophones to be installed near Saturna Island intended to support recovery of wild whale populations.

Spring of 2019 Hannay introduced himself as an acoustic scientist. He said that he and his wife had purchased the island cottage and that we would likely see her jogging with their rescue collie. He said was a contributor to the development of the Sanctuary Zones and would like to put a hydrophone on his property because he was keenly interested in the whales. He also said he had no plans of building a home and planned to stay in the converted garage. He said he knew about the SIMRES hydrophones. We understood that his hydrophone would be similar in style, size and local impacts. He took my business card and wrote out his contact details as Dave & Jackie Hannay with his phone number. He did not mention the size or style of the upcoming project.

June 1 2019 Hannay told us one of his graduate students from UVIC, Nicole LeBaron, would be staying in a trailer. Hannay did not inform us about the upcoming project.

June to October 2019 Craig Hatzel of SureLook Homes Construction worked on a new 10 x 10 shed and in the rammed earth structure. He had no idea of the property pins and had no building codes with him. We gave him our Saturna Island Bylaws to use. We contacted the real estate agent who sold the property and asked if he could locate the pins because the contractor for our neighbours Dave & Jackie Hannay next door needed the property lines.

Mid June 2019 Hatzel hooks the travel trailer up to the septic system. We are told by a local septic installer two of the runs on the field are not functioning properly.

Hatzel worked erratically, often late at night. Parked near the shed and played music until his car battery died on several occasions. He told us he was a stripper, liked to do drugs and his girlfriend liked to do meth. We phoned Dave Hannay on two occasions to report late night construction noise who quickly called Hatzel and asked him stop work. Hannay never mentioned the upcoming project during these calls. We still believed that he and his wife would use the property as a weekend retreat.

June 21, 2019 A neighbour sent an email to ask if we could help Nicole Le Baron with her sightings for whales. Throughout the summer we traded sighting emails. She said she was sharing her data with the ECHO program. Nicole Le Baron never mentioned the upcoming project.

July 5, 2019 we contacted Nicole because she had not been seen on the property. She appreciated that and voiced some concerns regarding Craig Hatzel. We told her if at any time she felt nervous or afraid she could call us or come over.

July 17, 2019 Unknown by and unannounced to anybody on Saturna a tenure is issued for the Hydrophone cable installation network and Jasco prepares a Land Management Plan with Hemmera Envirochem Inc. Project 103958D contract states all land-use bylaws are in compliance with Saturna codes 119 and official community plan 70. The contract also states the portion of the work over private land will comply with all bylaws and they will contact adjacent users and the community prior to the start of the construction project, public and stakeholder consultation and engagement regarding the project will be undertaken with clear information and written notification to adjacent land users.

August 17, 2019 a SIMRES event takes place with talks from an orca expert and a humpback specialist. Hannay was at the event but there was no mention of a Transport Canada sponsored hydrophone project, nor was it mentioned at the SIMRES event. NOTE: This is corroborated by community members and a video of his presentation.

August 2019 Nicole Le Baron asked if we could be a contact person for a person staying in the trailer while she was away working on her research project.

September 1, 2019 we told Nicole Le Baron that we were leaving for vacation and would not be returning until the end of the month.

September 5, 2019 There was a posting at the property hung regarding the cabling tenure project installation and advertised in the Times Colonist during August/September, according to Peter Warburton, BC Lands NOTE: The Times Colonist is not available on Saturna and generally not read by island residents. Regardless of the posting status, according to provincial and local bylaws, immediate neighbours are to be informed in writing. No neighbours were informed. Furthermore the tenure posting was not an actual description of the project or how it was to be delivered.

November 2019 a storm happened on the island. We phoned Hannay and asked if we could go on his property to close an open door. He said yes and mentioned he was thinking about fencing the large propane tank just installed. We stated it was ill advised as our Fire Safe inspection told us to remove all burnable materials away from our propane tank. There was no mention about the hydrophone project or that it was a commercial venture.

December 2, 2019 a large trailer arrives and parks in front of our house and business, blocking both driveways and effectively cutting off parking for the public. Four people and an environmental monitor all show up at 198 Cliffside. The environmental monitor tells me they will move once they have unloaded a pallet of drilling materials, generator, hopper, horizontal directional drilling machine and a backhoe.

NOTE: This is the first time neighbours are informed that Jasco Applied Sciences Canada LTD is the entity that purchased the rural residential property at 198 Cliffside Road Saturna and that an industrial project was being planned for the property. However, there was no discussion about the size and scope of the project.

The environmental monitor explains that she is there to stop any work if the drilling oil they will be using goes into the fractures of the sandstone. She states they will be drilling into the sandstone bluff into the ocean. We are informed there will be a 30 person crew staying at Poets Cove.

They park some of the heavy equipment on the septic field. The environmental monitor explained Hannay was out of the country and explained that this was going to be a very noisy operation. The environmental monitor offers us earplugs to mitigate the noise.

We contacted some of our neighbours to find out if they know what's happening, we write to our Islands Trustees and Gary Richardson, Planner from Islands Trust. Nobody we contacted had been informed about the project.

The crew stays in the rammed earth structure and the environmental monitor lives in the trailer.

December 3, 2019 other neighbours go to the drilling site to find out more information. They speak to the environmental monitor and she relays their concerns to Hannay. He replies in writing to Kim Gilmore (who resides at 202 Cliffside) using Jasco letterhead (for the first time) replies that he has been publicizing since last summer. He wrote that an information sign was posted in early September (cabling tenure notice). There was a notice on a bulletin board at the General Store (in between the clutter of local notices) two months and it was advertised in the Victoria Times Columnist. He stated he gave a presentation about the project at the SIMRES event in August (see note above where others in the community state he did not mention the project and there is video evidence to support there was no mention of the project) and that planning was now complete. Kim Gilmore replies to this correspondence and stresses concern regarding the noise and the sandstone bluff drilling and challenges him as to why the community was not made aware of this project.

December 4, 2019 email sent to the Ministry of Forest Land and Natural Resources conveying our concerns about the hydraulic drilling going on into the sandstone cliffs and that they were breaking rock with a backhoe. We contact the local Islands Trust representatives and they suggest we contact the bylaw enforcement officer Warren Dingman. We send photos of the drilling machine in place within the backhoe for the record.

Hannay replies to Kim Gilmore in an email that the property in question will remain residential as long as they were owners, that the drilling noise would be short-lived and that he would consider a public meeting but it was a very busy time of year for him and it would have to wait until January.

December 5, 2019 EAO compliance replies to our email regarding the drilling and the backhoe digging and refers us to the Islands Trust as the organization that is responsible for the land-use.

December 5 and December 6 the crew is digging. The environmental monitor arrives with spray painted plywood signs saying excavation on progress, taped fencing for the worksite,

December 7 2019 the drilling begins.

Sunday, December 8 the drilling begins at 7:30 AM on and runs until 3 PM . We lodge a complaint to Islands Trustee Paul Brent.

Monday, December 9 drilling runs from 7:30 AM to 7 PM.

December 10 drilling runs from 7:30 AM to 5:15 PM. We lodge another complaint with Paul Brent who asks if we have heard from the landowner Jasco. We say no. He states that Hannay has told him on several occasions that he will be contacting us to tell us what's happening We ask the Islands Trust to issue a stop work on the property because it does not comply with local bylaws.. Paul once again confirms that the Islands Trust did not know about this and they were not contacted about the project.

We also asked if the Islands Trust Planner had responded about the work. NOTE: To date, there has not been a response to whether the Islands Trust had any correspondence with JASCO.

December 10 Islands Trustee Lee Middleton notifies us that the work has been granted a provincial permit. He notes it is his understanding there was a requirement to notify immediate neighbours but it did not happen. We receive an email from representative Paul Brent stating he is trying interventions with the owner but nothing has transpired.

December 11 we sent a movie to the Islands Trustees and the planner, and various neighbours, of the living conditions we were experiencing in our home , including pictures actually rattling on the wall.

December 12 on there is drilling while the humpback whales are present from approximately 3:15 to 3:30. We email Warren Dingman and he suggests we contact the provincial environmental agency. We send an email to Islands Trustees and community members about our concerns.

Trustee Lee Middleton speaks to Hannay. Lee informs us that the drilling will not occur on Sundays and will conclude sometime mid next week. He says he encouraged Hannay to contact us to see if he would discuss the impacts of the drilling on us and arrive on a mitigation plan.

December 13 we posted on the Saturna Island Facebook forum page several images and movies of the drilling occurring next door at 198 Cliffside and gave the community an update on available information.

In response to our post many members of the community reported that they felt the vibrations and hear the noise. A Cliffside neighbour left because the noise and percussion was making her ill. Several community members responded that they would be contacting our local representatives Adam Olsen, MLA and Elizabeth May, MP.

Lee Middleton asks if Hannay had a contacted us. We said we were not contacted. Drilling runs from approximately 7:30 AM to 10 AM.

December 14 received an email link from a concerned neighbour to the NRS Natural Resource Centre Sector Jasco Land Management Plan. **NOTE: This is the first written information we had regarding the project plans.**

The drilling ran from 7:30 AM to 2:50 PM.

Hannay phones our house at 3:30 PM . We emailed our Trustees to say we are not interested in a phone conversation with Hannay and if he would like to speak with us he needs to put any communication he has to say in writing to us and to the larger community.

Sunday, December 15 no drillers . Lee Middleton emailed us to say Hannay told him that he called us but wasn't able to leave a message. Lee said drilling would be done Wednesday or Thursday at the latest and he was informed that the upcoming offshore operations were not likely to generate any noise.

December 16 no drilling the crew was onsite working.

December 17 8 AM to 2 PM drilling. Lee emails us to confirm drilling has ended but asked if there were some bags of cement on the property next-door as the workers still needed to concrete the sides of the drilling holes.

December 18 we attended the Adam Olsen, MLA meeting that ran from 12 PM to 2 PM . Hannay was at the meeting and he attempted to defer our opportunity to speak and requested that we meet after that community meeting. We refused. We explained to the attendees and Mr. Olsen about the lack of information regarding the project. We explained that there was a Land Management Plan from British Columbia showing tenure and documents from Hemmera which were provided to us by a neighbour, not the proponent, a few days ago. We noted that in the documents it stated that they would notify the community and adjacent neighbours prior to the start of construction and that this had not happened. We gave copies of these documents to Mr. Olsen and told him if we felt he was responsible as these were provincial documents. He stated he believed it was a federal project he also stated the property is actually under Islands Trust land use zoning bylaws.

WHO DO WE TALK TO? Mr. Olsen said it was typical of the government to keep pointing people around in circles and told Hannay that this is what happens when you fail to communicate up front. Hannay told us that he would like to meet with us and we told him the only way we would speak with him was in the presence of Ron Monk local mediator. Hannay agreed to arrange a meeting with Ron Monk.

A neighbour forward us an email telling us that Hannay had told her the project was approved in July by all agencies including Islands Trust.

December 19 the crew is on site working on begin at 7:30 AM to 10:30 AM. The grey waste material began spilling over the ground . The crew quickly pushed it across the dirt. We took a video and reported it to the National Resource Violation hotline we received an email confirming our report to compliance and enforcement file 143815 . They reported it to the conservation officer and the national resources compliance.

President of Saturna Island Resident and Ratepayers Association contacted us to offer support of the group regarding the drilling activities as he could hear it at his own home 160 Cliffside Road. He was distressed about the lack of community outreach and communication from Jasco.

We receive an email from Islands Trust enforcement officer Warren Dingman stating that because the project is Transport Canada Jasco is immune to local bylaws for the purpose of installing equipment for the monitoring of shipping.

December 20 Hannay emails us to acknowledge the drilling noise disturbance, apologizes and offers to meet with us directly or with island mediator Ron Monk.

January 1 we discovered that the door knobs on our doors upstairs, closest to the drilling activity, rattled apart and every picture in our home was askew from the vibrations.

January 5, 2020 Hannay posts as Jasco on the Saturna Island Forum page Facebook, that he is holding a community meeting on Wednesday, January 8 from 1 PM to 3 PM at the Community Hall. NOTE: the community was given 3 days' notice to have a community information meeting AFTER the drilling was completed. Hannay (JASCO) did not contact any of the directly affected neighbours about the meeting.

January 8, 2020 Transport Canada and JASCO hold the first community meeting regarding the project the community, it was widely attended.

During question period we asked Hannay if there was an occupancy permit for the building. He did not answer. We asked him when he received approval from Islands Trust for the project and he said July. We are asked about the spill that had occurred and he said it was just clay and that it was all contained on the plastic. We told him we had video footage showing it was on the ground and was not contained by the plastic. Moreover we had footage of the crew pushing it across the ground with brooms down into the drilling hole. Hannay told us there was no geotechnical survey done prior to the drilling but not to worry the experienced oil drilling crew assured him it was "very hard sandstone". Several community members spoke about the noise and lack of community involvement and transparency of the project.

We again agreed for Hannay to arrange a meeting with ourselves and Kim Gilmore, neighbour at 202 Cliffside and a mediator. That promise was in front of the group. NOTE: This is the 2nd time that Hannay agreed to setup a meeting with Ron Monk.

Transport Canada marine biologist Veronique Nolet told the group that the funding for the project was from the TMX pipeline project. That the project was to listen to the shipping lane noise. She also said TC came to this meeting to look at what not to do when putting a project of this nature into a rural residential neighbourhood.

Hannay confirmed the hydrophone would be producing sounds that could interfere with the harbour porpoise hearing but only if they swim directly over the sound beam.

Paul Brent told the group that according to the Islands Trust there was nothing wrong going on next-door. We told him that was not what Mr. Dingman said in his letter to us Paul said well the only potential problem is the trailer.

The drilling crew leaves on the 8th.

There is no further communication from Hannay until the email received April 29, 2020, NOTE: there is been no attempt to set up a meeting between ourselves and Ron Monk.

April 29, 2020 community members receive an email from Jasco that says there will be work May 15, 16, 17th and that work may shift three days that there will be a cabling and some trenching done prior. We are told here will be a COVID safety plan will be in place and everyone will be wearing masks and they will maintain social distancing, not enter our property or interact with the community.

Fishing season opens May 1 and closes September 31 for lingcod. May is the only month we can fish from the beach adjacent to our property because the Interim Sanctuary Zone, in front of our property, is in effect June 1 through November 30.

May 4 a dive boat arrives and runs compressors and motor almost every day until May 31 in front of our property and is a source of constant noise. Moreover no one within 300 feet left or right of the dive boat could use the shoreline for fishing because of the noise and disturbance. NOTE: The community was not informed about the dive boat, schedule or operational plan of the dive boat.

The dive boat attached a line that to two cleats in the rock face. That line remains in place from May 4 to May 31. There is no environmental monitoring person on site until May 15 through May 21 when the environmental monitoring person arrives during the cabling operation.

May 5 trenching on the property begins with the local installer. We speak to Hannay about the unsupervised child on the property and he points to the trench running from the shed to the septic tank and says this is to run the electrical to the septic pump He also mentions the trench will be filled and native grasses planted. NOTE: Hannay did not offer any sort of a progress on the meeting he was supposed to set up with Ron Monk.

Transport Canada notified the Saturna community about a Zoom meeting to discuss the JASCO project.

We contacted Mr. Klomp (TC) about the meeting. He responded saying that the questions on the project and offshore operations be answered in the Zoom meeting that the meeting would be posted on the Saturna Facebook Forum. He stated Hannay is the responsible party for the land-use issues.

May 6 emailed Ryan Klomp a picture of the very loose tangled line in the water in front of 198 that was left by the divers. To date there has been no reply to my email inquiry and that line remained in place May 4 through May 31.

The dive boat is in operation approximately from 8:30 am. Hannay is there working on the property. Under CRD noise bylaws and outdoor amplified music is allowed to be played from 7 AM to 11 PM. We played music for several hours in order to drown boat noise and construction noise. Hannay emails a complaint about the music. NOTE: He did not mention the status of the meeting that he was supposed to arrange with the moderator Ron Monk.

May 9 trenching shows a clear layer of grey material deposit from the spill of December 19, indicating the spill was not contained by plastic.

May 13 sent an email to the CRD regarding the project and asking if there was a permitted building on site or if it is legal for a trailer and outdoor shed to be hooked up to the existing septic field.

Notified Mr. Klomp by email requesting the Zoom meeting be posted on the Facebook page as promised. That afternoon the Zoom meeting recap was posted.

May 15 , as announced, barge, tug boat and 2 to 3 other supporting vessels arrive at 7 AM and work till 6 PM . The noise generated from the vessels is louder than we could have possibly imagined, and than Lee Middleton was led to believe. The boats were directly in front of 198, 200 and 202 Cliffside all property owners we could not go outside because of the noise.

May 16 at 7 AM the barge, tug, dive boat and 2 to 3 other support vessels arrive, 7 or 8 person crew arrives. The vessels are off shore in front of 198, 200 and 202 Cliffside. The noise was extremely loud. We exercised our right to play outdoor amplified music for a few hours to help drown out the boat noise. We found it ironic that that we could be subjected to rock breaking, horizontal drilling, generators, compressors, barges, tugs, dive boats, supporting boats and a large work crew for days and our outdoor amplified music on generated a complaint from Mr. Hannay. NOTE: No mention of mediation.

May 17 JASCO worked 7 AM to 7 PM directly in front of the above properties.

May 18 worked 7 AM on to 7:38 PM the dive boat was still directly in front of the above properties. NOTE: Hannay had stated that the barge would be gone by 2 PM

2:30 pm the workers are all grouped together with no COVID measures. We exercised our right to play music and again Hannay has sent another email letter with no mention of a meeting with a moderator Ron Monk.

Note: The land has been trenched from the septic tank to the shed from the shed to the temporary power structure from the manhole covers around to the front of the rammed earth building. The driveway has been dug up, there has been a trench dug from the trailer to the septic field and there's been a trench dug from the propane tank to the home . NOTE: Hannay has not informed adjacent neighbours what is the remediation plan for the property, nor has the community been advised about the operational phase of the project.

May 19 the workers on site and the dive boat noise all day.

May 20 received email correspondence from the CRD that said our concerns with the building and the land-use next door was a land-use issue and deferred our complaint to Islands Trust.

May 20 wrote to BC Land Officer Peter Warburton, listed as the contact person for the tenure issued by the BC land use contract. We asked why the tenure was issued when the project was not in compliance with local zoning bylaws, which, according to BC Land Office was one of the reasons listed as to why the tenure was granted.

May 21 Mr. Warburton contacted us regarding the project. HE stated the BC Province had no authority over the upland land use because it was privately owned and that any land-use issues should be directed to the Islands Trust. He also stated that his office sent the project information to Islands Trust in the summer and heard nothing back and considered no reply as consent. He said that Jasco

and Islands Trust council had a 'behind closed doors' meeting in December and that he heard nothing back from Islands Trust after that so he considered the matter solved.

NOTE: The only communication from JASCO stated that the cabling would be done from the 15th to 21st of May with a possible extension until the 24th of May.

May 21- 31 Drilling and construction activity continued with no further notification to the neighbours or Saturna community.

May 27 Email to the CRD and ask if there was an occupancy permit

June 2 CRD responds via email that 'at this time that a permit for an accessory building received final approval in 2002 but there is no occupancy permit.'

June 18, a neighbour confirmed that the JASCO hydrophone is not a federal project and because the land is privately owned it is subject to the CRD and Islands Trust bylaws. A complaint was filed with the Islands Trust By Law Enforcement Office.

June 19 Hannay removes Trailer from property.

Mr. Dingman responded that the file was never closed and IT has sent correspondence to the owner. The owner replied that JASCO would bring the property into compliance. He suggested we contact CRD for building violations. We forwarded his letter back to the CRD offered documents showing the photos of the rammed earth building as listed on the real estate listing.

Lee Middleton wrote to advise us that the property is in violation of the local bylaws. The Trust was wrongly advised about their responsibility regarding land use jurisdiction because Transport Canada was involved in the project. He suggested a Temporary Use Permit would likely be pursued and that clear expectations of the property use would be defined. He said further legal review was underway.

To conclude: our lives, and that of our neighbours, have been disrupted for over a year by the lack of a forthright, honest and transparent discussion about this project by the proponent. Multiple agencies, at the federal, provincial and municipal level have compounded the problem by lack of responsibility. If JASCO had been proactive in engaging with the Saturna community, in particular with the more directly affected neighbours, shared information, and followed the rules the project may have been broadly supported. Sadly, JASCO and in particular David Hannay, has been deceptive and deceitful from the outset. Our hope is Transport Canada will require JASCO, in meeting the terms and conditions of their contract, to give due consideration to legitimate social, environmental and public safety issues and require JASCO to develop a successful community engagement program. Further, we hope you will actively monitor all further activities in this regard.

And, we are still waiting to have a meeting with David Hannay and a mediator.

Sincerely,

Al & Tricia DeJoseph

[REDACTED]

File No.: SA-6500-20 First Nations
Relationship Building

DATE OF MEETING: October 15, 2020

TO: Saturna Island Local Trust Committee

FROM: Brad Smith, Island Planner
Southern Team

COPY: Robert Kojima, Regional Planning Manager
Lisa Wilcox, Senior Intergovernmental Policy Advisor

SUBJECT: First Nations Relationship Building – Bylaw No. 132 Referrals

RECOMMENDATION

- 1. That the Saturna Island Local Trust Committee direct staff to schedule a Public Hearing for Bylaw No. 132.**
- 2. That the Saturna Island Local Trust Committee direct staff to schedule a Community Information Meeting in conjunction with the Public Hearing for Bylaw No. 132.**

REPORT SUMMARY

The purpose of this staff report is to inform the Saturna Island Local Trust Committee (LTC) on results of the referral process for Bylaw No. 132, and to recommend next steps.

The intent of the bylaw amendment is to revise the Saturna Island Official Community Plan No. 70, 2001 (OCP) to include wording in acknowledgement and reconciliation of First Nations place, context and inherent rights.

The recommendations above are supported as:

- First Nations have been provided both a preliminary referral letter sent in October 2019 and the formal Bylaw No. 132 referral package sent in August 2020 and no responses were received;
- Staff have completed agency referrals and no responses were received;
- Proceeding with a Community Information Meeting (CIM) and Public Hearing will provide additional opportunity for the community to provide input or raise concerns; and,
- Scheduling a Community Information Meeting (CIM) in conjunction with the Public Hearing is reasonable given there has been no opposition or concerns raised with the proposed bylaw amendment to date.

BACKGROUND

The First Nations Relationship Building Project began in 2017, and in July 2019 the LTC endorsed a project charter that focussed on amending the OCP to include wording in acknowledgement and reconciliation of First Nations place, context and inherent rights.

With this direction from the LTC, staff developed Bylaw No. 132 and at the July 6, 2020 meeting the LTC passed the following resolution:

SA-2020-020

It was Moved and Seconded,

that the Saturna Island Local Trust Committee Bylaw No. 132, cited as “Saturna Island Official Community Plan Bylaw No. 70, 2000, Amendment No. 2, 2020”, be read a first time.

Carried

Staff have now completed the referral process for Bylaw No. 132 and are seeking direction on next steps.

Proposed Bylaw No. 132 is included in Attachment 1. Additional project information, including previous staff reports, is located here: <http://www.islandstrust.bc.ca/islands/local-trust-areas/saturna/projects-initiatives/first-nations-relationship-building/>

Consultation

First Nations

Proposed Bylaw No. 132 was referred to the following First Nations:

- BOĶĖĆEN (Pauquachin) First Nation
- MÁLEXEŁ (Malahat) Nation
- Scia’new (Beecher Bay) First Nation
- SEMYOME (Semiahmoo) First Nation
- SĶÁUTŲ (Tsawout) First Nation
- Tsawwassen First Nation
- T’Sou-ke Nation
- ŲJOŁEŁP (Tsartlip) First Nation
- ŲSIĶEM (Tseycum) First Nation
- Musqueam Indian Band

No responses were received.

This referral was in follow-up to an initial letter sent to these First Nations in October 2019, where there was also no response.

Other Referrals

Proposed Bylaw No. 132 was referred to the following agencies:

- Ministry of Municipal Affairs and Housing
- Ministry of Indigenous Relations & Reconciliation
- Mayne Island Local Trust Committee
- North Pender Island Local Trust Committee
- South Pender Island Local Trust Committee

No responses were received.

Statutory Requirements

In accordance with regular statutory requirements, a Public Hearing is required for any bylaw amendment and it is normal practice to hold a CIM prior to that.

Staff are recommending that the CIM be scheduled in conjunction with the Public Hearing given there has been no opposition or concerns raised with the proposed bylaw amendment to date.

If LTC decides to proceed with a Public Hearing, it would likely be scheduled in conjunction with the next regular LTC meeting. The Public Hearing notice would be posted as per statutory and bylaw requirements in advance of the Public Hearing.

Rationale for Recommendation

Based on the foregoing, the recommendation on page 1 is supported as:

- First Nations have been provided both a preliminary referral letter sent in October 2019 and the formal Bylaw No. 132 referral package sent in August 2020 and no responses were received;
- Staff have completed agency referrals and no responses were received;
- Proceeding with a Community Information Meeting (CIM) and Public Hearing will provide additional opportunity for the community to provide input or raise concerns; and,
- Scheduling a Community Information Meeting (CIM) in conjunction with the Public Hearing is reasonable given there has been no opposition or concerns raised with the proposed bylaw amendment to date.

ALTERNATIVES

1. Request further information

The LTC may request further information prior to directing staff to schedule a CIM and/or Public Hearing.

Resolution:

That the Saturna Island Local Trust Committee request that staff provide the following additional information:_____.

2. Schedule a Public Hearing separate from a CIM

The LTC may request that staff schedule a Public Hearing and CIM on different days.

Resolution:

That the Saturna Island Local Trust Committee direct staff to schedule a Community Information Meeting on a day prior to the Public Hearing for Bylaw No 132.

3. Receive for information

The LTC may receive the report for information.

4. Proceed no further with the project.

The LTC may decide to proceed no further with the project.

Resolution:

That the Saturna Island Local Trust Committee proceed no further with the First Nations Relationship Building project.

NEXT STEPS

Based on direction from the LTC, staff will schedule Public Hearing in conjunction with a CIM and undertake statutory notifications.

Submitted By:	Brad Smith, Island Planner	October 7, 2020
Concurrence:	Robert Kojima, Regional Planning Manager	October 7, 2020

ATTACHMENTS

Attachment 1. Bylaw No. 132

PROPOSED

SATURNA ISLAND LOCAL TRUST COMMITTEE BYLAW NO. 132

A BYLAW TO AMEND SATURNA ISLAND OFFICIAL COMMUNITY PLAN BYLAW NO. 70, 2000

The Saturna Island Local Trust Committee enacts in open meeting assembled as follows:

1. CITATION

This Bylaw may be cited for all purposes as “Saturna Island Official Community Plan Bylaw No. 70, 2000, Amendment No. 2, 2020”.

2. SCHEDULES

Saturna Island Official Community Plan No. 70, 2000 is amended as shown on Schedule 1, attached to and forming part of this bylaw.

3. SEVERABILITY

If any provision of this Bylaw is for any reason held to be invalid by a decision of any Court of competent jurisdiction, the invalid provision must be severed from the Bylaw and the decision that such provision is invalid must not affect the validity of the remaining provisions of the Bylaw.

READ A FIRST TIME THIS	9 TH	DAY OF	JULY	2020
PUBLIC HEARING HELD THIS		DAY OF		20
READ A SECOND TIME THIS		DAY OF		20
READ A THIRD TIME THIS		DAY OF		20
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS		DAY OF		20
APPROVED BY THE MINISTER MUNICIPAL AFFAIRS AND HOUSING THIS		DAY OF		20
ADOPTED THIS		DAY OF		20

CHAIR

SECRETARY

**SATURNA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 132**

SCHEDULE 1

The Saturna Island Official Community Plan No. 70, 2000, is amended as follows:

1. Schedule A of the Saturna Island Local Trust Committee Bylaw No. 70, cited as, “Saturna Island Official Community Plan Bylaw No. 70, 2000” is amended by inserting the following text immediately below Part A – Introduction and preceding A.1 Review Process for the Plan:

Coast Salish Peoples, including the W̱SÁNEĆ, have lived and resided on or near Saturna Island since time immemorial.

The history of Coast Salish Peoples is sustained in the language, place names, village sites, cultural and sacred sites that encompass the whole of the Islands Trust Area. Coast Salish Peoples have seen and lived the transformation of their lands and waters since contact. This tide of change has greatly impacted the eco-system that sustained them, and the cultural heritage of the first peoples of the Salish Sea. Coast Salish Peoples have and will continue to be a thriving people, government, and community, connected to the lands and waters through spiritual, cultural, and traditional knowledge for generations to come.

The W̱SÁNEĆ Peoples speak a language called SENĆOŦEN, and have a rich and vibrant economic, social, cultural, and spiritual life that is connected to these lands and waters. The lands and waters of the W̱SÁNEĆ Peoples is enriched with history, place names, village sites, cultural sites, and sacred sites and the islands and waters form the basis of their language, culture, and spiritual life within the Salish Sea.

Saturna Island is the location of the S̱ÁUTW (Tsawout) First Nation and W̱SIKEM (Tseycum) First Nation reserve #7. The importance and inherent rights and jurisdiction that this area holds to the W̱SÁNEĆ Peoples continues now and into the future and the stewardship of these lands and waters for their children’s children endures.

File No.: SA-6500-20 National Park
Zoning

DATE OF MEETING: October 15, 2020
TO: Saturna Island Local Trust Committee
FROM: Brad Smith, Island Planner
Southern Team
COPY: Robert Kojima, Regional Planning Manager
SUBJECT: National Park Zoning – Bylaw Referrals and First Reading

RECOMMENDATION

1. That the Saturna Island Local Trust Committee Bylaw No. 129, cited as “Saturna Island Official Community Plan Bylaw No. 70, 2000, Amendment No. 1, 2020”, be read a first time.
2. That the Saturna Island Local Trust Committee Bylaw No. 130 cited as “Saturna Island Land Use Bylaw No. 119, 2018, Amendment No. 1, 2020”, be read a first time.
3. That the Saturna Island Local Trust Committee has reviewed the Islands Trust Policy Statement Directive Policies Checklist and determined that proposed Bylaw No. 129 and No. 130 are not contrary to or at variance with the Islands Trust Policy Statement.
4. That the Saturna Island Local Trust Committee direct staff to schedule a Public Hearing for Bylaw No. 129 and Bylaw No. 130.
5. That the Saturna Island Local Trust Committee direct staff to schedule a Community Information Meeting in conjunction with the Public Hearing for Bylaw No. 129 and Bylaw No. 130.

REPORT SUMMARY

The purpose of this staff report is to inform the Saturna Island Local Trust Committee (LTC) on results of the referral process for draft Bylaw No. 129 and Bylaw No. 130, and to recommend next steps.

The intent of the bylaw amendments are to revise the Saturna Island Land Use Bylaw No. 119, 2018 (LUB) and Saturna Island Official Community Plan No. 70, 2001 (OCP) to recognize the National Park Reserve Lands both in the text of the OCP and LUB and on the associated mapping.

The recommendations above are supported as:

- Bylaw No. 129 and No. 130 are still in draft form and require first reading before LTC can proceed with a Public Hearing and CIM;
- Staff have reviewed the Islands Trust Policy Statement Directive Policies Checklist and determined that proposed Bylaw No. 129 and 130 are not contrary to or at variance with the Islands Trust Policy Statement;
- First Nations were sent a bylaw referral package in August 2020 and no responses were received;
- Staff have completed agency referrals and no responses were received;

- Proceeding with a Community Information Meeting (CIM) and Public Hearing will provide additional opportunity for the community to provide input or raise concerns; and,
- Scheduling a Community Information Meeting (CIM) in conjunction with the Public Hearing is reasonable given there has been no opposition or concerns raised with the proposed bylaw amendments to date.

BACKGROUND

In 2019, the LTC established amending of the LUB and OCP designations of lands in the National Park Reserve as one of its priorities.

With this direction from LTC, staff developed draft Bylaw No. 129 and No. 130 and at the May 15, 2020 LTC meeting the LTC passed the following resolutions:

SA-2020-020

It was Moved and Seconded,

that the Saturna Island Local Trust Committee direct staff to undertake referrals in respect of proposed Bylaw No. 129 cited as “Saturna Island Official Community Plan Bylaw No. 70, 2000, Amendment No. 1, 2020 ”.

Carried

SA-2020-020

It was Moved and Seconded,

that the Saturna Island Local Trust Committee direct staff to undertake referrals in respect of proposed Bylaw No. 130 cited as “Saturna Island Land Use Bylaw No. 119, 2018, Amendment No. 1, 2020”.

Carried

Staff have now completed the referral process for draft Bylaw No. 129 and No. 130 and are seeking direction on next steps.

Bylaw No. 129 and No. 130 are included as Attachment 1. The Islands Trust Policy Statement Checklist is included as Attachment 2. Additional project information, including previous staff reports, is located here: <http://www.islandstrust.bc.ca/islands/local-trust-areas/saturna/projects-initiatives/national-park-zoning/>

Consultation

First Nations

Draft Bylaw No. 129 and No. 130 were referred to the following First Nations:

- BOĶĖĆEN (Pauquachin) First Nation
- MÁLEXEŁ (Malahat) Nation
- Scia’new (Beecher Bay) First Nation
- SEMYOME (Semiahmoo) First Nation
- SĶÁUTW (Tsawout) First Nation
- Tsawwassen First Nation
- T’Sou-ke Nation
- WJOŁEŁP (Tsartlip) First Nation
- WSIĶEM (Tseycum) First Nation

- Musqueam Indian Band

No responses were received.

Other Referrals

Draft Bylaw No. 129 and No. 130 were referred to the following agencies:

- Parks Canada
- CRD Parks
- Saturna Parks and Recreation Commission

No responses were received. Staff also followed up directly with Parks Canada staff and no concerns were identified.

Statutory Requirements

In accordance with regular statutory requirements, a Public Hearing is required for any bylaw amendment and it is normal practice to hold a CIM prior to that.

Staff are recommending that the CIM be scheduled in conjunction with the Public Hearing given there has been no opposition or concerns raised with the proposed bylaw amendment to date.

If LTC decides to proceed with a Public Hearing, it would likely be scheduled in conjunction with the next regular LTC meeting. The Public Hearing notice would be posted as per statutory and bylaw requirements in advance of the Public Hearing.

Rationale for Recommendation

Based on the foregoing, the recommendation on page 1 is supported as:

- Bylaw No. 129 and No. 130 are still in draft form and require first reading before LTC can proceed with a Public Hearing and CIM;
- Staff have reviewed the Islands Trust Policy Statement Directive Policies Checklist and determined that proposed Bylaw No. 129 and 130 are not contrary to or at variance with the Islands Trust Policy Statement;
- First Nations were sent a bylaw referral package in August 2020 and no responses were received;
- Staff have completed agency referrals and no responses were received;
- Proceeding with a Community Information Meeting (CIM) and Public Hearing will provide additional opportunity for the community to provide input or raise concerns; and,
- Scheduling a Community Information Meeting (CIM) in conjunction with the Public Hearing is reasonable given there has been no opposition or concerns raised with the proposed bylaw amendment to date.

ALTERNATIVES

1. Request further information

The LTC may request further information prior to directing staff to schedule a CIM and/or Public Hearing.

Resolution:

That the Saturna Island Local Trust Committee request that staff provide the following additional information:_____.

2. Schedule a Public Hearing separate from a CIM

The LTC may request that staff schedule a Public Hearing and CIM on different days.

Resolution:

That the Saturna Island Local Trust Committee direct staff to schedule a Community Information Meeting on a day prior to the Public Hearing for Bylaw No 132.

3. Receive for information

The LTC may receive the report for information.

4. Proceed no further with the project.

The LTC may decide to proceed no further with the project.

Resolution:

That the Saturna Island Local Trust Committee proceed no further with the National Parks Zoning Project.

NEXT STEPS

Based on direction from the LTC, staff will schedule Public Hearing in conjunction with a CIM and undertake statutory notifications.

Submitted By:	Brad Smith, Island Planner	October 7, 2020
Concurrence:	Robert Kojima, Regional Planning Manager	October 7, 2020

ATTACHMENTS

Attachment 1. Bylaw No. 129 and Bylaw No. 130

Attachment 2. Islands Trust Policy Statement Directive Policies Checklist

**SATURNA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 129**

**A BYLAW TO AMEND SATURNA ISLAND OFFICIAL COMMUNITY PLAN
BYLAW NO. 70, 2000**

The Saturna Island Local Trust Committee enacts in open meeting assembled as follows:

1. CITATION

This Bylaw may be cited for all purposes as "Saturna Island Official Community Plan Bylaw No. 70, 2000, Amendment No. 1, 2020".

2. SCHEDULES

Saturna Island Official Community Plan Bylaw No. 70, 2000 is amended as shown on Schedule 1, attached to and forming part of this bylaw.

3. SEVERABILITY

If any provision of this Bylaw is for any reason held to be invalid by a decision of any Court of competent jurisdiction, the invalid provision must be severed from the Bylaw and the decision that such provision is invalid must not affect the validity of the remaining provisions of the Bylaw.

READ A FIRST TIME THIS	_____	DAY OF	_____	20____
PUBLIC HEARING HELD THIS	_____	DAY OF	_____	20____
READ A SECOND TIME THIS	_____	DAY OF	_____	20____
READ A THIRD TIME THIS	_____	DAY OF	_____	20____
APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS	_____	DAY OF	_____	20____
APPROVED BY THE MINISTER MUNICIPAL AFFAIRS AND HOUSING THIS	_____	DAY OF	_____	20____
ADOPTED THIS	_____	DAY OF	_____	20____

CHAIR

SECRETARY

**SATURNA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 129**

SCHEDULE 1

The Saturna Island Official Community Plan Bylaw No. 70, 2000, is amended as follows:

1. Part 3 is amended by removing “c) Schedule “C” – Land Status Overlay Map”. The remaining sections are to be renumbered accordingly.
2. Subsection B.7.1 is amended by removing “i) Schedule “C” – Land Status Overlay Map”. The remaining articles are to be renumbered accordingly.
3. Subsection B.7.4 is removed in its entirety. The remaining subsections are to be renumbered accordingly.
4. Section E1 - Open Space is amended by adding a new subsection, which is to be inserted immediately following subsection E.1.9 as follows:

“E.1.10 Lands Located within the Gulf Islands National Park Reserve should have a separate designation on Schedule B of this plan and should be zoned appropriately, recognizing the Local Trust Committee has no jurisdiction over federal land.”

The sections following the new subsection E.1.10 are to be renumbered accordingly.

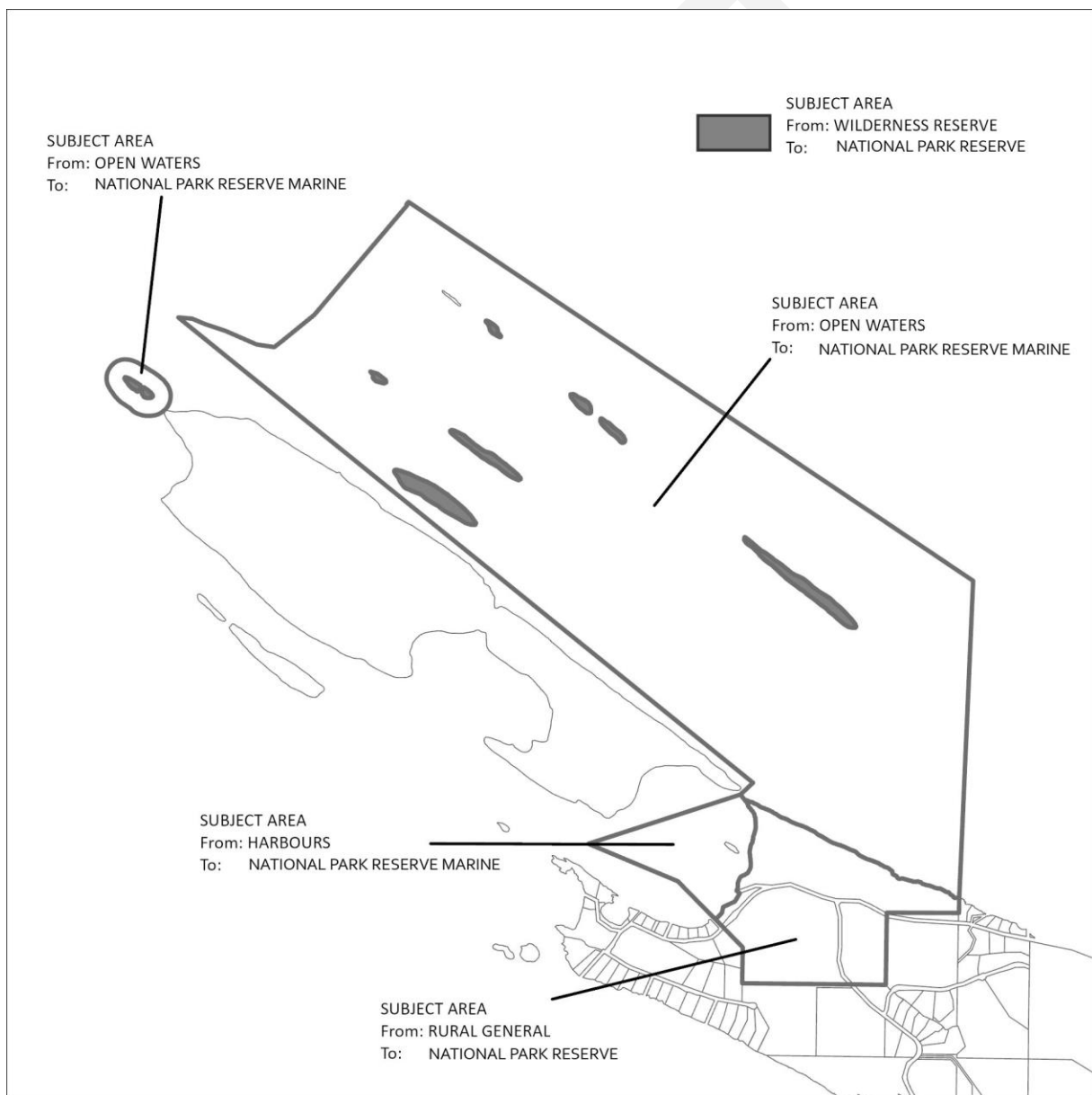
5. Section E1 Open Space is amended by adding a new subsection, which is to be inserted immediately following subsection E.1.18 as follows:

“E.1.19 The Local Trust Committee will work with Parks Canada to address community impacts arising from the establishment of the Gulf Islands National Park Reserve.”
6. Amending Schedule B – Land Use Designation Map by:
 - a) Adding to the legend two new designations: National Park Reserve and National Park Reserve Marine.
 - b) Designating the Lands identified on attached Plans No. 1, 2, 3, 4 and 5 as either National Park Reserve Lands or National Park Reserve Marine Lands.
7. Amending Schedule C - Saturna Island Land Tenure Map by removing it in its entirety.
8. Amending Schedule D – Parks and Open Space Map by removing it in its entirety and placing it with a new Schedule D which is attached to this bylaw as Plan No 6.

SATURNA ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 129

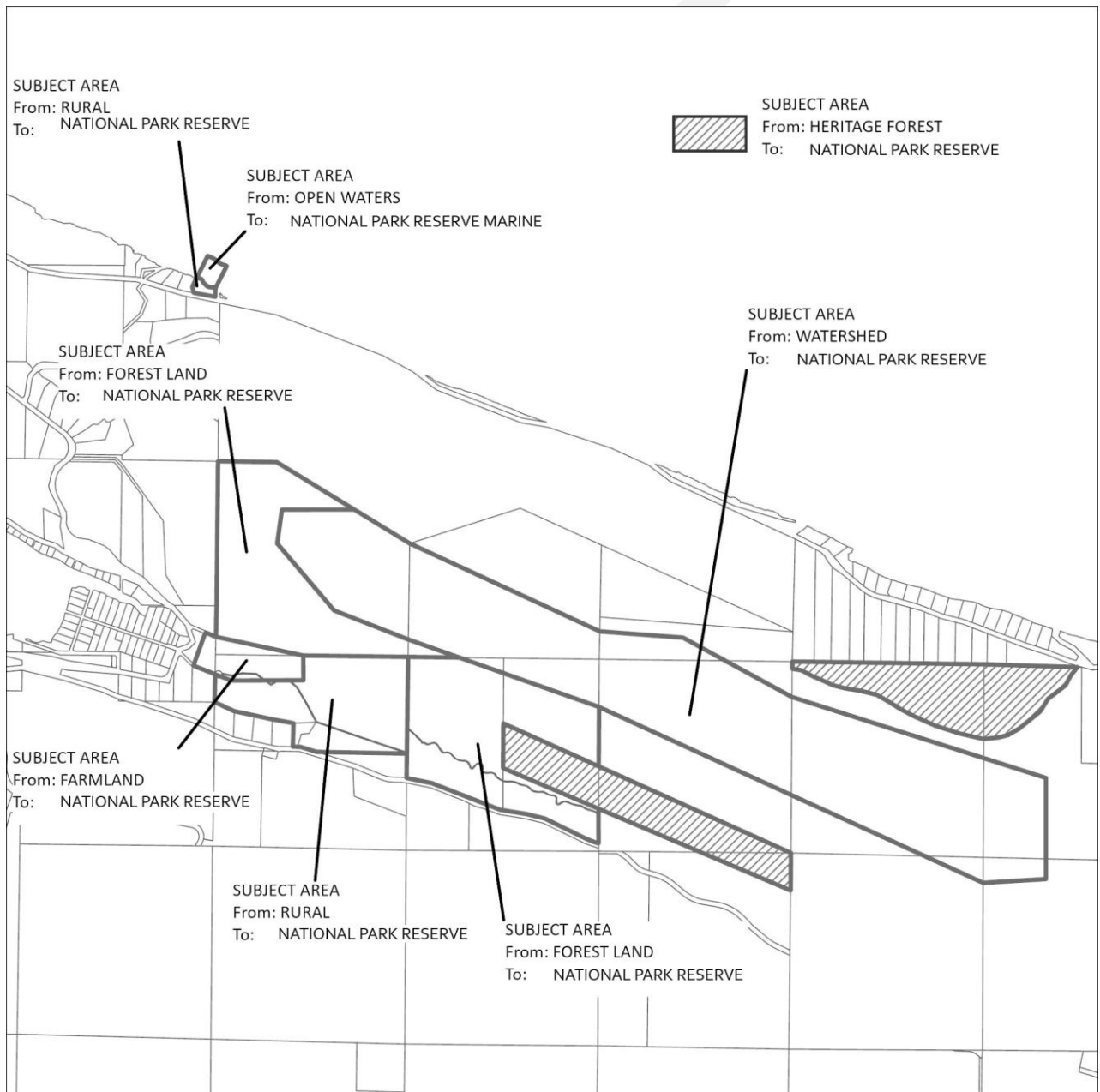
PLAN NO.1



SATURNA ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 129

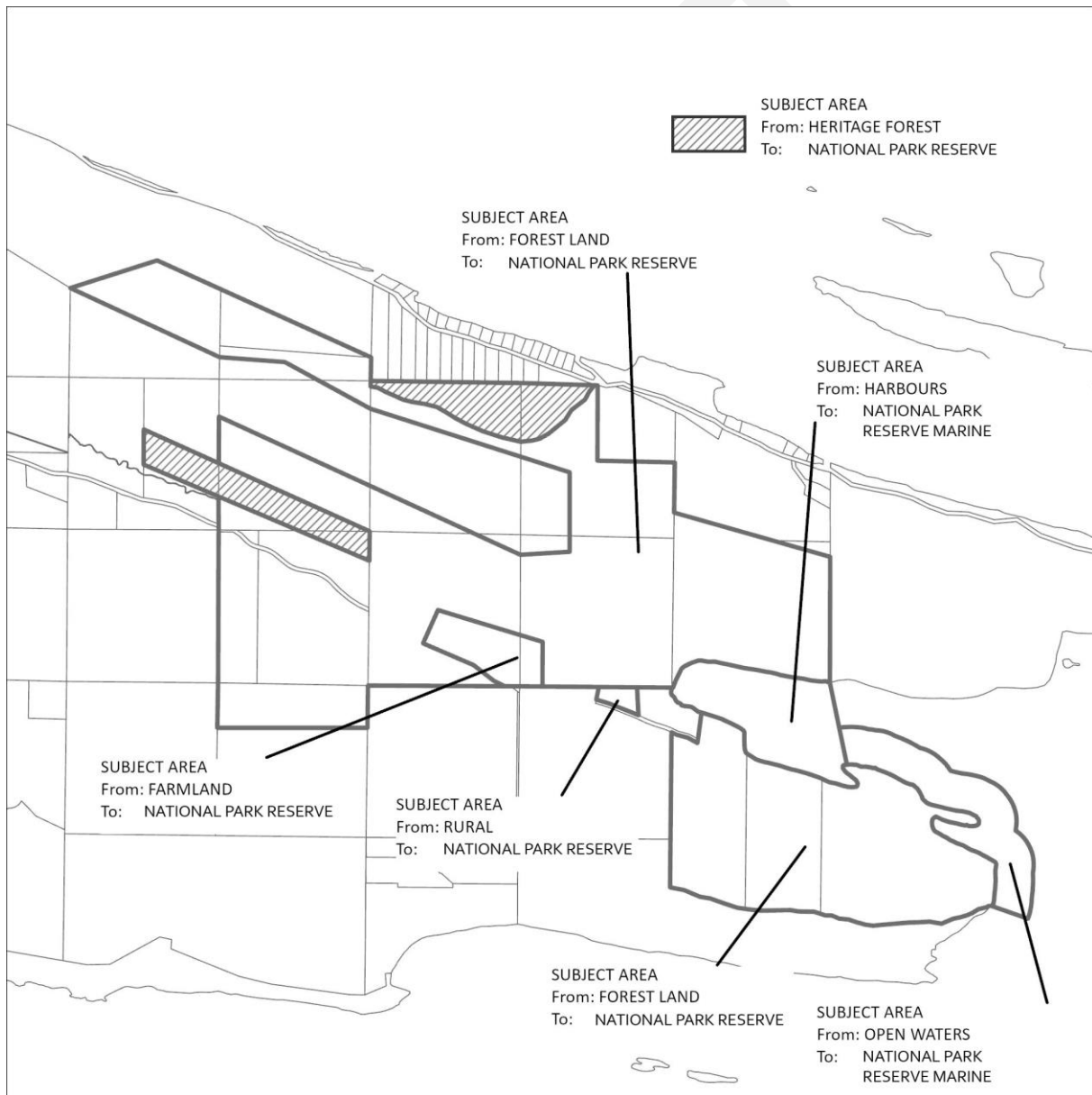
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SATURNA ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 129

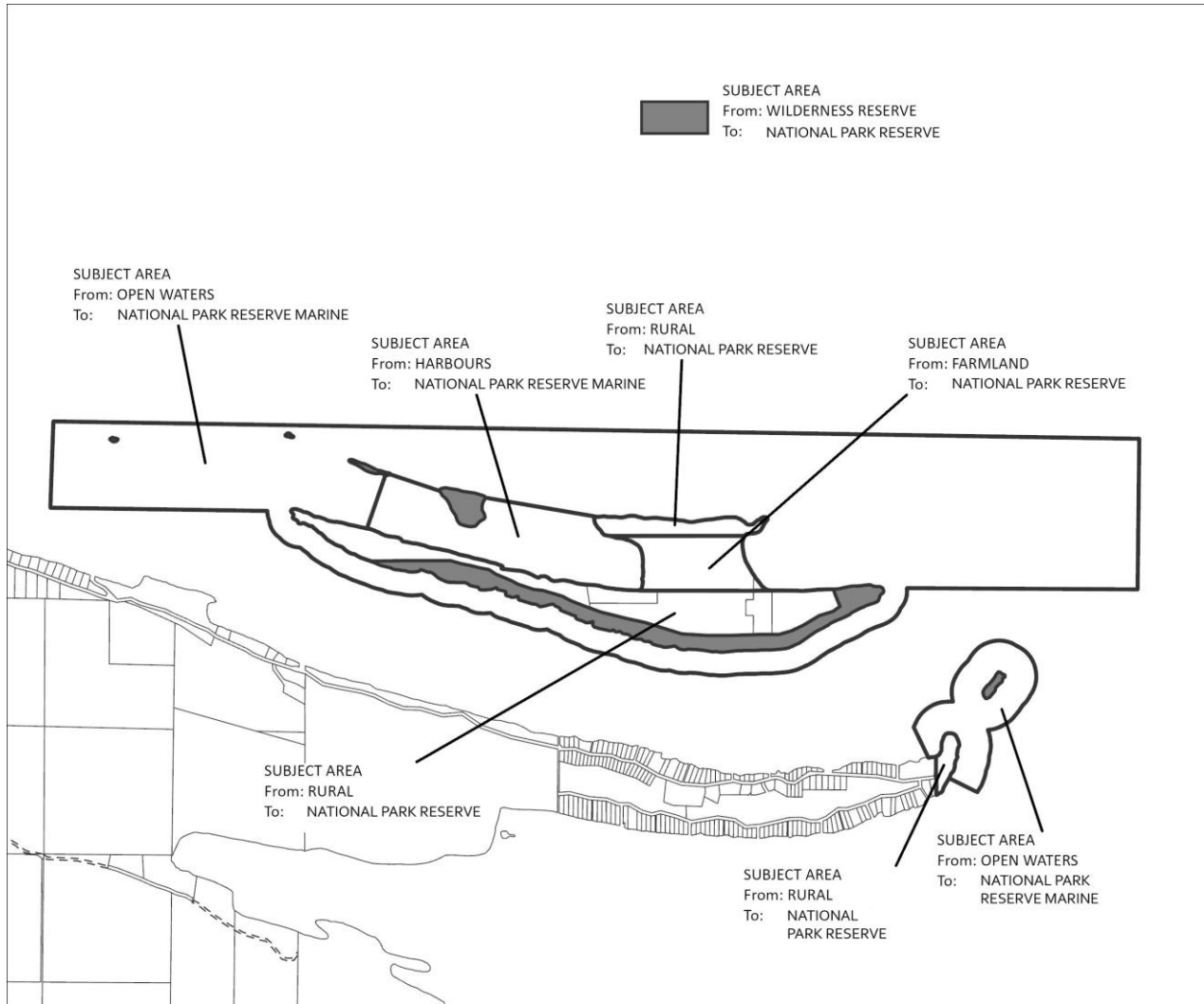
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SATURNA ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 129

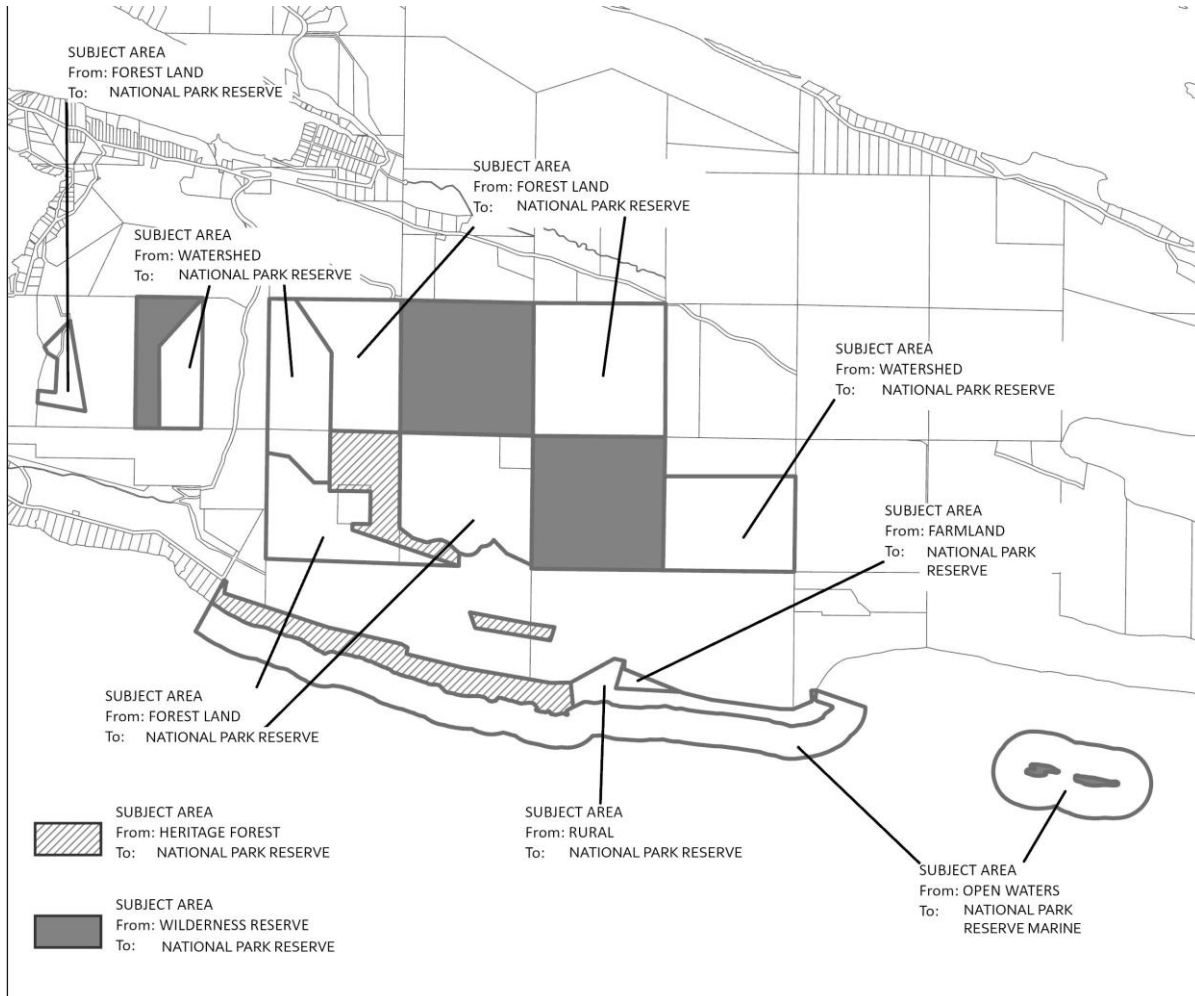
PLAN NO.4



SATURNA ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 129

PLAN NO.5



SATURNA ISLAND LOCAL TRUST COMMITTEE

BYLAW NO. 129

PLAN NO.6



**SATURNA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 130**

A BYLAW TO AMEND SATURNA ISLAND LAND USE BYLAW NO. 119, 2018

The Saturna Island Local Trust Committee, being the Trust Committee having jurisdiction in respect of the Saturna Island Local Trust Area under the *Islands Trust Act*, enacts as follows:

1. Citation

This bylaw may be cited for all purposes as “Saturna Island Land Use Bylaw No. 119, 2018, Amendment No. 1, 2020”.

2. Saturna Island Local Trust Committee Bylaw No. 119, cited as “Saturna Island Land Use Bylaw No. 119, 2018,” is amended as follows:

2.1 By adding to Section 3.1 Division into Zones two new zones: The first zone identified in Column I as “National Park” and in Column II as “NP”; and the second zone identified in Column I as “National Park Marine” and in Column II as “W5”.

2.2 Part 4 - Rural Zoning Regulations is amended by adding the following immediately after subsection 4.8:

“4.9 National Park Zone (NP)

Information Note: The Federal Crown is not subject to local government regulations, including zoning, and uses consistent with the Canada National Parks Act and other approved Gulf Islands National Park Reserve management documents are generally permitted on lands in the National Park Reserve.

Permitted Uses

4.9.1 In the **National Park (NP) Zone** the following uses are permitted, subject to the regulations set out in this section and the general regulations set out in Part 2, and all other uses are prohibited.

- 4.9.1(1) informational, interpretive, cultural, and historical uses and facilities;
- 4.9.1(2) natural and cultural resource management and protection;
- 4.9.1(3) camping and picnicking areas;
- 4.9.1(4) park operations and maintenance facilities; and
- 4.9.1(5) accessory uses, buildings and structures.

Lot Coverage

4.9.2 Buildings and structures may not cover more than 5 per cent of the parcel of land on which they are located.

Setback Provisions

4.9.3 No building or structure or part thereof may be sited within 7.6 metres of any lot line.

- 2.3 Part 11 – Water Zoning Regulations is amended by adding the following immediately after subsection 11.5:

“11.6 National Park Marine Zone (W5)

Information Note: The Federal Crown is not subject to local government regulations, including zoning, and uses consistent with the Canada National Parks Act and other approved Gulf Islands National Park Reserve management documents are generally permitted on lands in the National Park Reserve.

Permitted Uses

11.6.1 In the **National Marine Park (W5) Zone** the following uses are permitted, subject to the regulations set out in this section and the general regulations set out in Part 2, and all other uses are prohibited.

11.6.1(1) Marine Navigational Aids;

11.6.1(2) Natural and cultural resource management and protection; and

11.6.1(3) Docks, wharfs and moorage accessory to the upland National Park zone.”

- 2.4 Schedule D – Zoning Map is amended by:

- a) Adding to the legend two new designations: National Park - NP and National Park Marine – W5.
- b) Amending the lands identified on attached Plans No. 1, 2, 3, 4 and 5 as being in the National Park (NP) zone or National Park Marine (W5) zone.

3. SEVERABILITY

If any provision of this Bylaw is for any reason held to be invalid by a decision of any Court of competent jurisdiction, the invalid provision must be severed from the Bylaw and the decision that such provision is invalid must not affect the validity of the remaining provisions of the Bylaw.

READ A FIRST TIME THIS _____ DAY OF _____ 20____

PUBLIC HEARING HELD THIS _____ DAY OF _____ 20____

READ A SECOND TIME THIS _____ DAY OF _____ 20____

READ A THIRD TIME THIS _____ DAY OF _____ 20____

APPROVED BY THE EXECUTIVE COMMITTEE OF THE ISLANDS TRUST THIS
_____ DAY OF _____ 20____

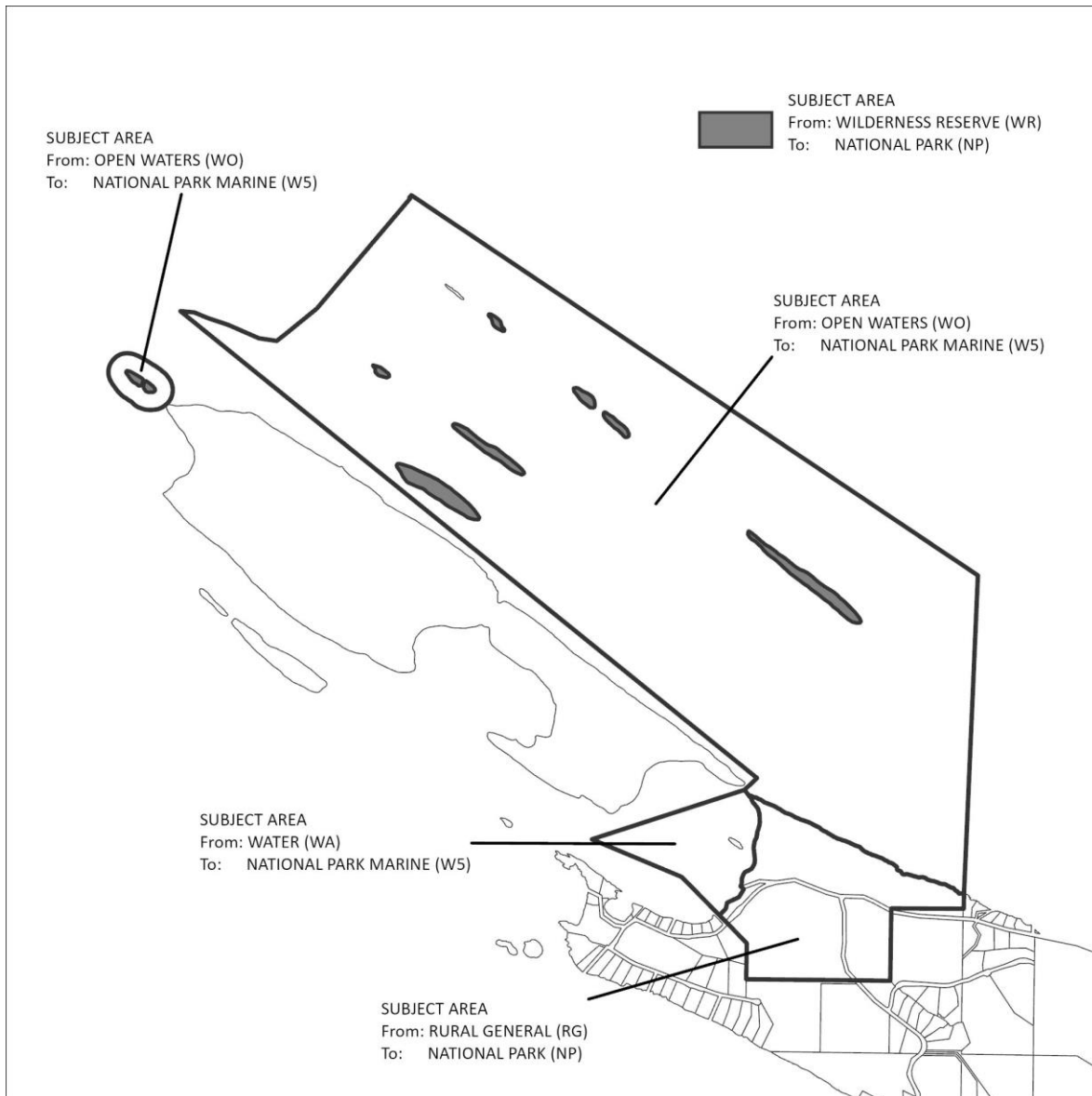
ADOPTED THIS _____ DAY OF _____ 20____

CHAIR

SECRETARY

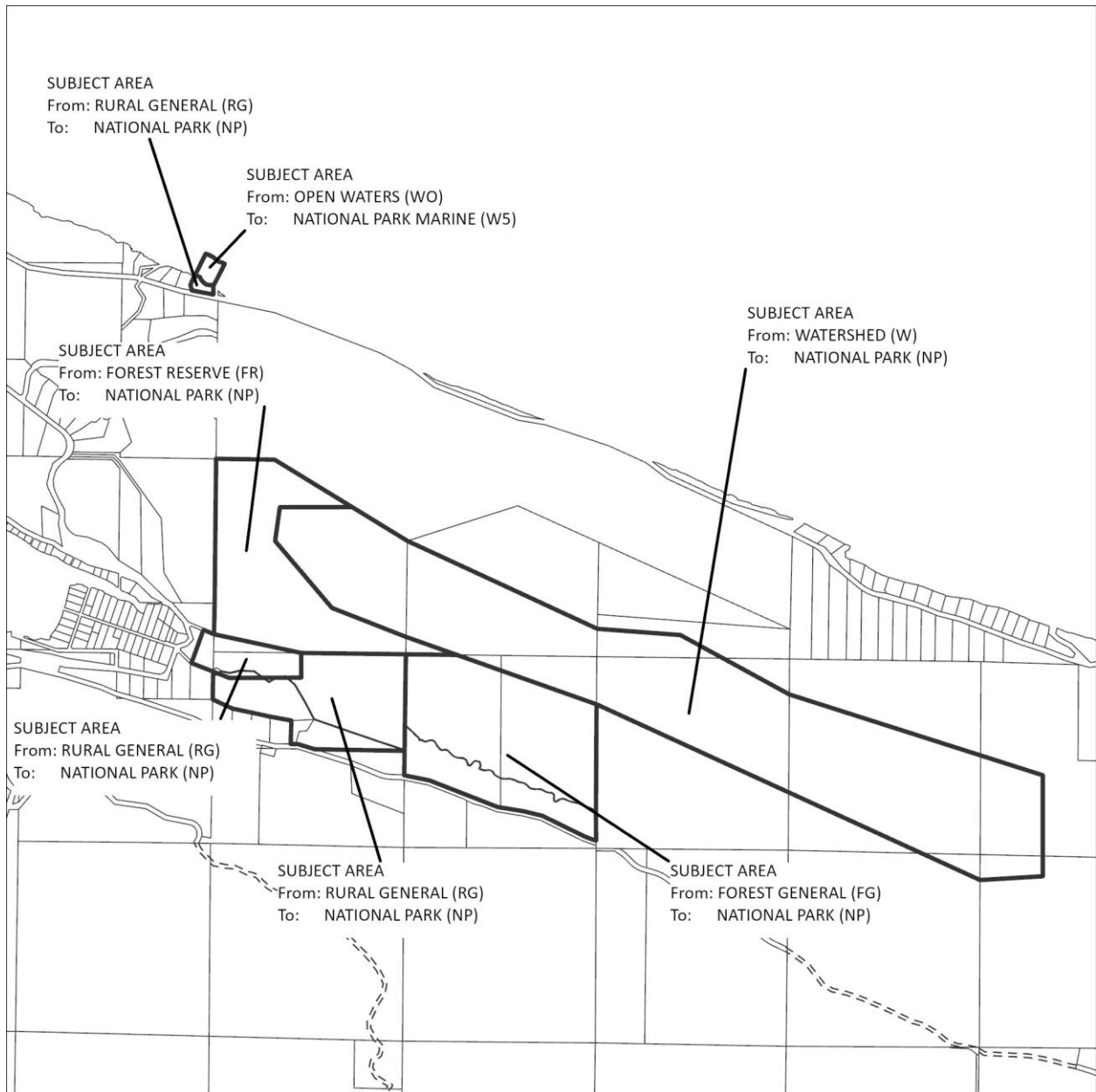
**SATURNA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 130**

Plan No. 1



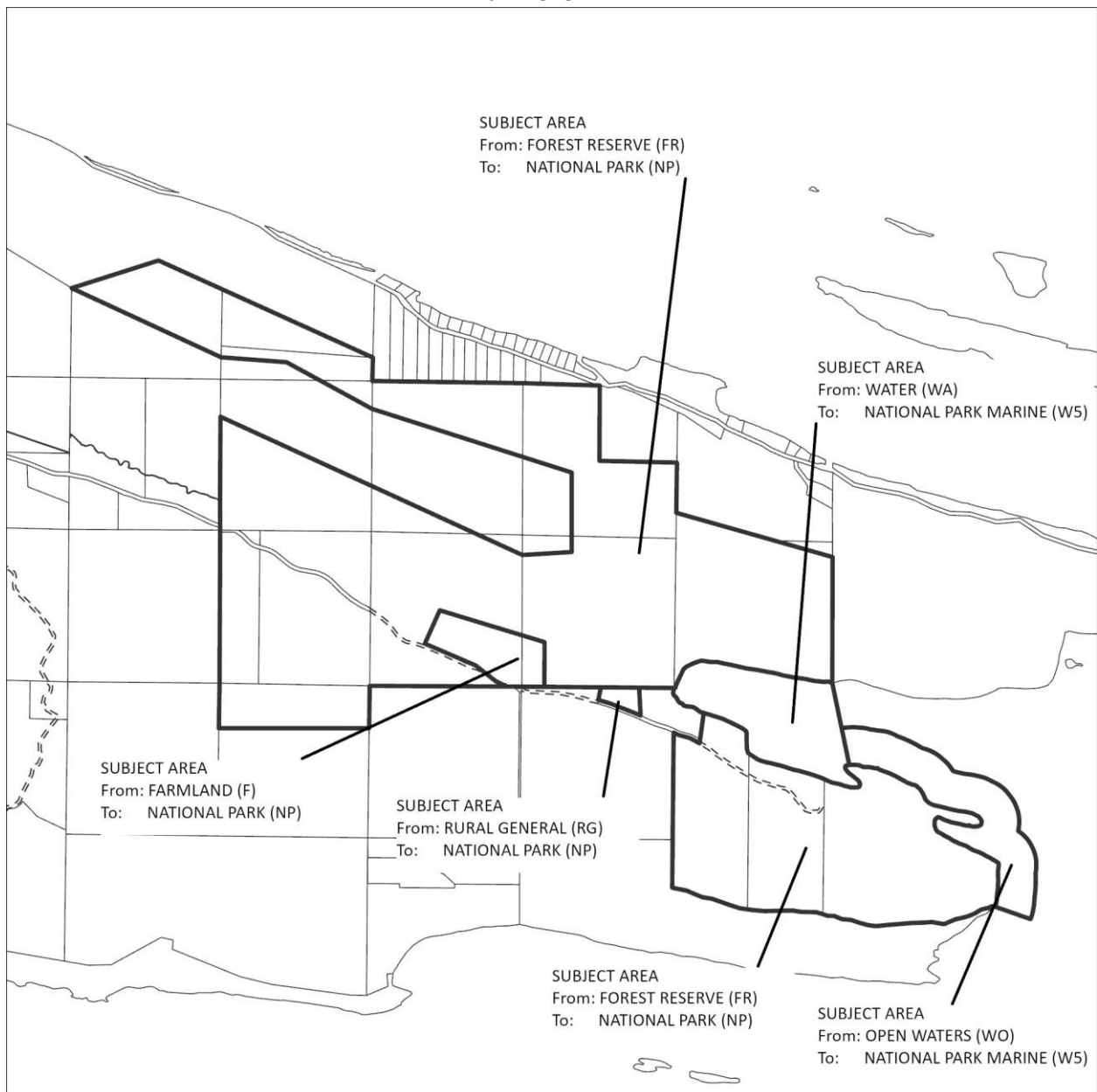
**SATURNA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 130**

Plan No. 2



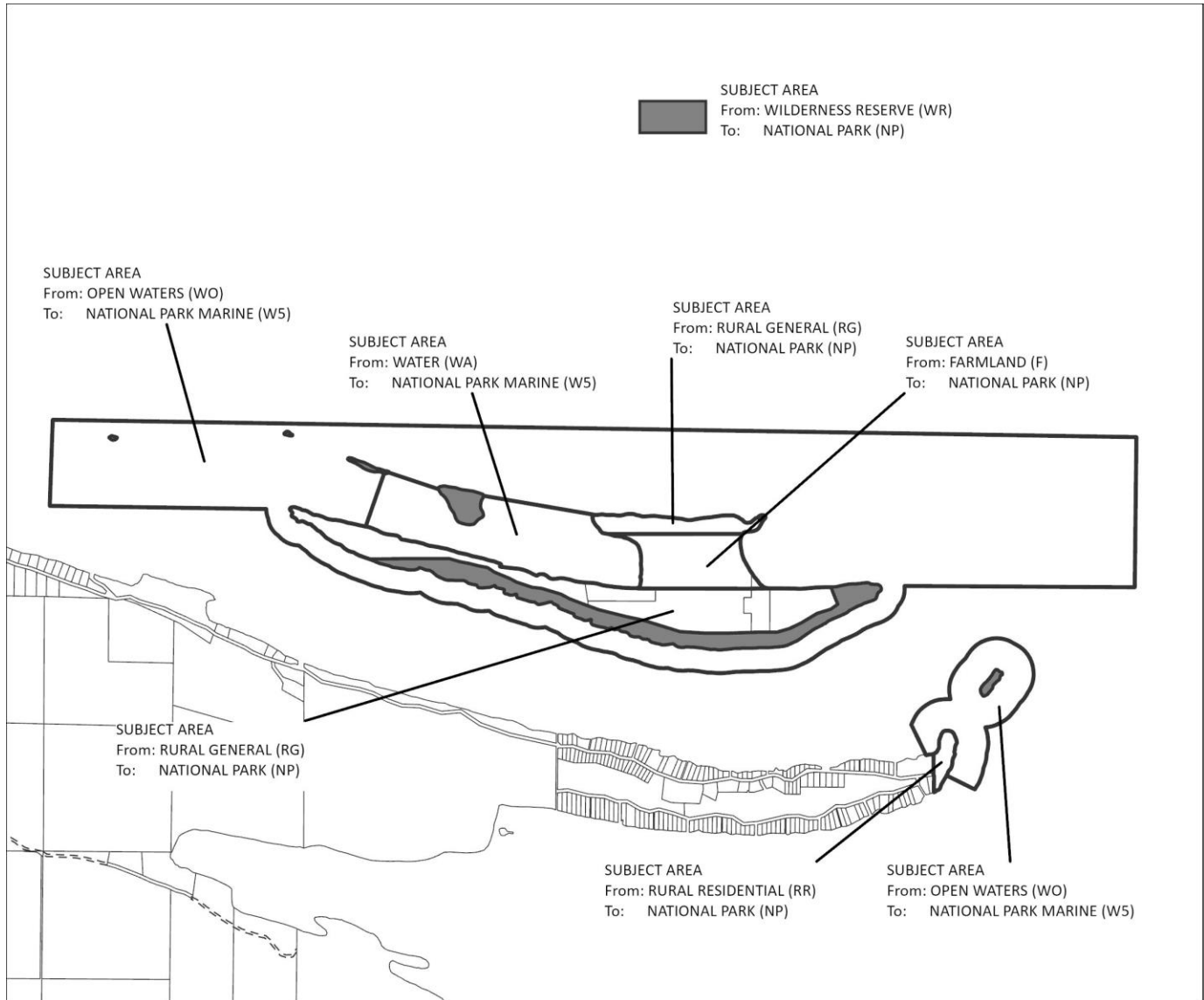
**SATURNA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 130**

Plan No. 3



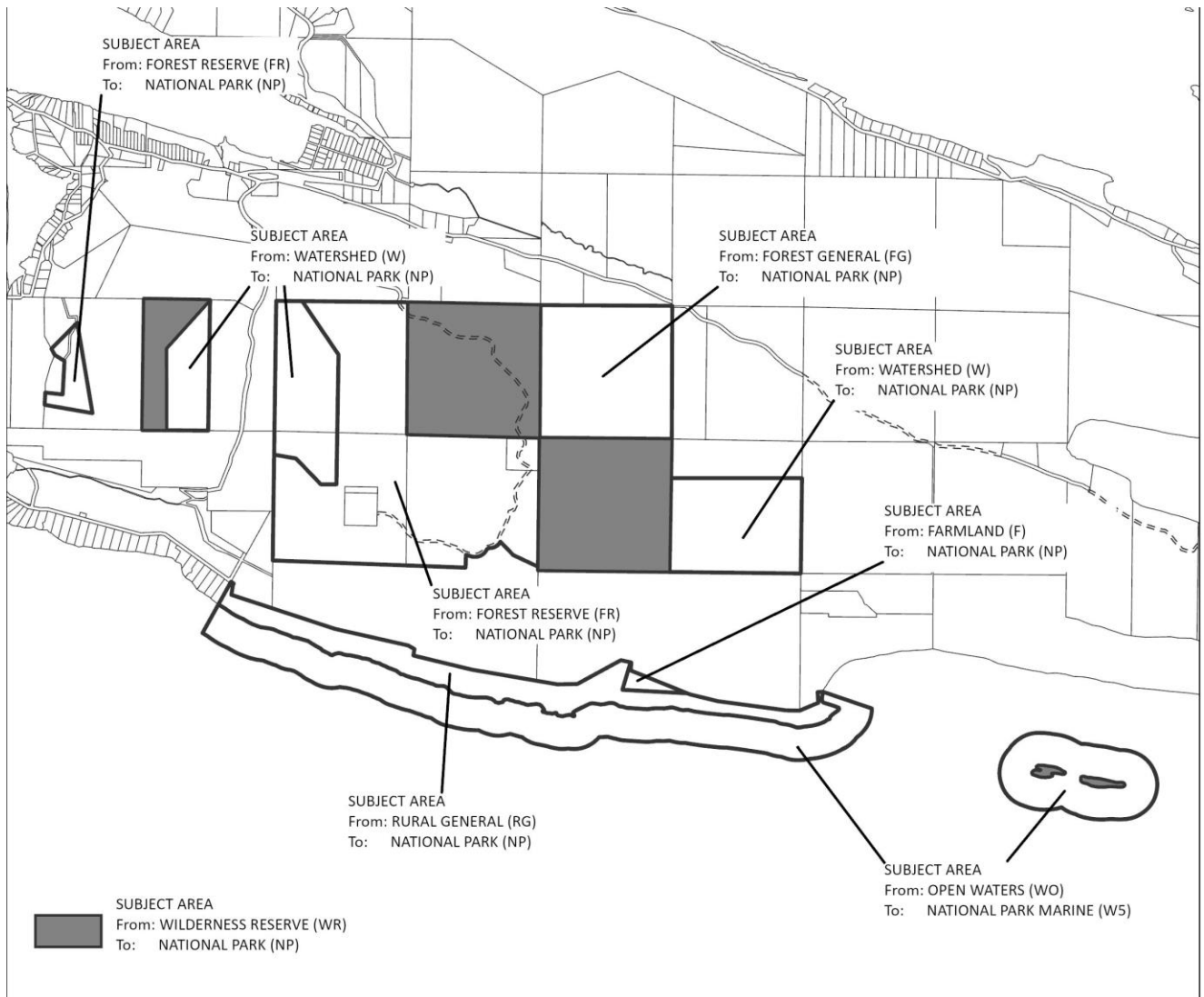
**SATURNA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 130**

Plan No. 4



**SATURNA ISLAND LOCAL TRUST COMMITTEE
BYLAW NO. 130**

Plan No. 5





Islands Trust

POLICY STATEMENT DIRECTIVES ONLY CHECK LIST

Bylaw and File No: BLs 129 and 130 - SA-6500-20 National Park Zoning

PURPOSE

To provide staff with the Directives Only Checklist to highlight issues addressed in staff reports and as a means to ensure Local Trust Committee address certain matters in their official community plans and regulatory bylaws and Island Municipalities address certain matters in their official community plans and to reference any relevant sections of the Policy Statement.

POLICY STATEMENT

The Policy Statement is comprised of several parts. Parts I and II outline the purpose, the Islands Trust object, and Council's guiding principles. Parts III, IV and V contain the goals and policies relevant to ecosystem preservation and protection, stewardship of resources and sustainable communities.

There are three different kinds of policies within the Policy Statement as follows:

- Commitments of Trust Council which are statements about Council's position or philosophy on various matters;
- Recommendations of Council to other government agencies, non-government organizations, property owners, residents and visitors; and
- Directive Policies which direct Local Trust Committees and Island Municipalities to address certain matters.

DIRECTIVES ONLY CHECK LIST

The Policy Statement Directives Only Checklist is based on the directive policies from the Policy Statement (Consolidated April 2003) which require Local Trust Committees to address certain matters in their official community plans and regulatory bylaws and Island Municipalities to address certain a matters in their official community plans in a way that implements the policy of Trust Council.

Staff will use the Policy Statement Checklist (Directives Only) to review Local Trust Committee and Island Municipality bylaw amendment applications and proposals to ensure consistency with the Policy Statement. Staff will add the appropriate symbol to the table as follows:

- ✓ if the bylaw is **consistent** with the policy from the Policy Statement, or
- ✗ if the bylaw is **inconsistent (contrary or at variance)** with a policy from the Policy Statement, or
- N/A if the policy is not applicable.

Part III Policies for Ecosystem Preservation and Protection

CONSISTENT	NO.	DIRECTIVE POLICY
	3.1	Ecosystems
✓	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.
✓	3.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the regulation of land use and development to restrict emissions to land, air and water to levels not harmful to humans or other species.
	3.2	Forest Ecosystems
✓	3.2.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of unfragmented forest ecosystems within their local planning areas from potentially adverse impacts of growth, development, and land-use.
	3.3	Freshwater and Wetland Ecosystems and Riparian Zones
✓	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.
	3.4	Coastal and Marine Ecosystems
✓	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.
N/A	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.

PART IV: Policies for the Stewardship of Resources

CONSISTENT	NO.	DIRECTIVE POLICY
	4.1	Agricultural Land
N/A	4.1.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and preservation of agricultural land for current and future use.
N/A	4.1.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation, protection, and encouragement of farming, the sustainability of farming, and the relationship of farming to other land uses.
N/A	4.1.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of adjacent properties to minimize any adverse affects on agricultural land.

CONSISTENT	NO.	DIRECTIVE POLICY
N/A	4.1.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the design of road systems and servicing corridors to avoid agricultural lands unless the need for roads outweighs agricultural considerations, in which case appropriate mitigation measures shall be required to derive a net benefit to agriculture
N/A	4.1.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address land uses and activities that support the economic viability of farms without compromising the agriculture capability of agricultural land.
N/A	4.1.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the use of Crown lands for agricultural leases.
	4.2	Forests
N/A	4.2.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the need to protect the ecological integrity on a scale of forest stands and landscapes.
N/A	4.2.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the retention of large land holdings and parcel sizes for sustainable forestry use, and the location and construction of roads, and utility and communication corridors to minimize the fragmentation of forests.
✓	4.2.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of forest ecosystem reserves where no extraction will take place to ensure the preservation of native biological diversity.
	4.3	Wildlife and Vegetation
	4.4	Freshwater Resources
N/A	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.
N/A	4.4.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address measures that ensure water use is not to the detriment of in-stream uses
	4.5	Coastal Areas and Marine Shorelands
N/A	4.5.8	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the needs and locations for marine dependent land uses.
N/A	4.5.9	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the compatibility of the location, size and nature of marinas with the ecosystems and character of their local planning areas.
N/A	4.5.10	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location of buildings and structures so as to protect public access to, from and along the marine shoreline and minimize impacts on sensitive coastal environments.
N/A	4.5.11	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address opportunities for the sharing of facilities such as docks, wharves, floats, jetties, boat houses, board walks and causeways.

	4.6	Soils and Other Resources
N/A	4.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of productive soils.

PART V: Policies for Sustainable Communities

CONSISTENT	NO.	DIRECTIVE POLICY
	5.1	Aesthetic Qualities
N/A	5.1.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the protection of views, scenic areas and distinctive features contributing to the overall visual quality and scenic value of the Trust Area.
	5.2	Growth and Development
N/A	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.
N/A	5.2.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address any potential growth rate and strategies for growth management that ensure that land use is compatible with preservation and protection of the environment, natural amenities, resources and community character.
N/A	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.
N/A	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.
	5.3	Transportation and Utilities
N/A	5.3.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of a classification system of rural roadways, including scenic or heritage road designations, in recognition of the object of the Islands Trust.
N/A	5.3.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the impacts of road location, design, construction and systems.
N/A	5.3.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the designation of areas for the landing of emergency helicopters.
N/A	5.3.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the development of land use patterns that encourage establishment of bicycle paths and other local and inter-community transportation systems that reduce dependency on private automobile use.
	5.4	Disposal of Waste
N/A	5.4.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of acceptable locations for the disposal of solid waste.

CONSISTENT	NO.	DIRECTIVE POLICY
	5.5	Recreation
N/A	5.5.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the prohibition of destination gaming facilities such as casinos and commercial bingo halls.
N/A	5.5.4	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the location and type of recreational facilities so as not to degrade environmentally sensitive areas, and the designation of locations for marinas, boat launches, docks and anchorages so as not to degrade sensitive marine or coastal areas.
N/A	5.5.5	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification of sites providing safe public access to beaches, the identification and designation of areas of recreational significance, and the designation of locations for community and public boat launches, docks and anchorages.
N/A	5.5.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification and designation of areas for low impact recreational activities and discourage facilities and opportunities for high impact recreational activities.
N/A	5.5.7	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the planning for bicycle, pedestrian and equestrian trail systems.
	5.6	Cultural and Natural Heritage
N/A	5.6.2	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the identification, protection, preservation and enhancement of local heritage.
N/A	5.6.3	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address the preservation and protection of the heritage value and character of historic coastal settlement patterns and remains.
	5.7	Economic Opportunities
Yes	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.
	5.8	Health and Well-being
N/A	5.8.6	Local Trust Committees and Island Municipalities shall, in their official community plans and regulatory bylaws, address their community's current and projected housing requirements and the long-term needs for educational, institutional, community and health-related facilities and services, as well as the cultural and recreational facilities and services.

POLICY STATEMENT COMPLIANCE	
Yes	COMPLIANCE WITH TRUST POLICY
	NOT IN COMPLIANCE WITH TRUST POLICY for the following reasons:



August 27, 2020

TO: Saturna Island Local Trust Committee

FROM: William Shulba, P.Geo
Local Planning Services

COPY: Robert Kojima, Regional Planning Manager

SUBJECT: Update on Southern Gulf Islands Groundwater Sustainability Strategy

PURPOSE

The purpose of this memorandum is to update the participating Local Trust Committees (LTC) on the *Southern Gulf Islands Groundwater Sustainability Strategy Project (Project)*.

BACKGROUND

The purpose of the *Project* is to identify evidence-based adaptation measures to protect aquifers and preserve groundwater dependent communities and ecosystems in a changing climate. With vulnerabilities of seasonal precipitation changes, evapotranspiration forcing, recharge alterations, and saltwater intrusion, groundwater resources are a metric of climate change. Protection of aquifer recharge areas is identified in the Policy Statement and this project advances that commitment.

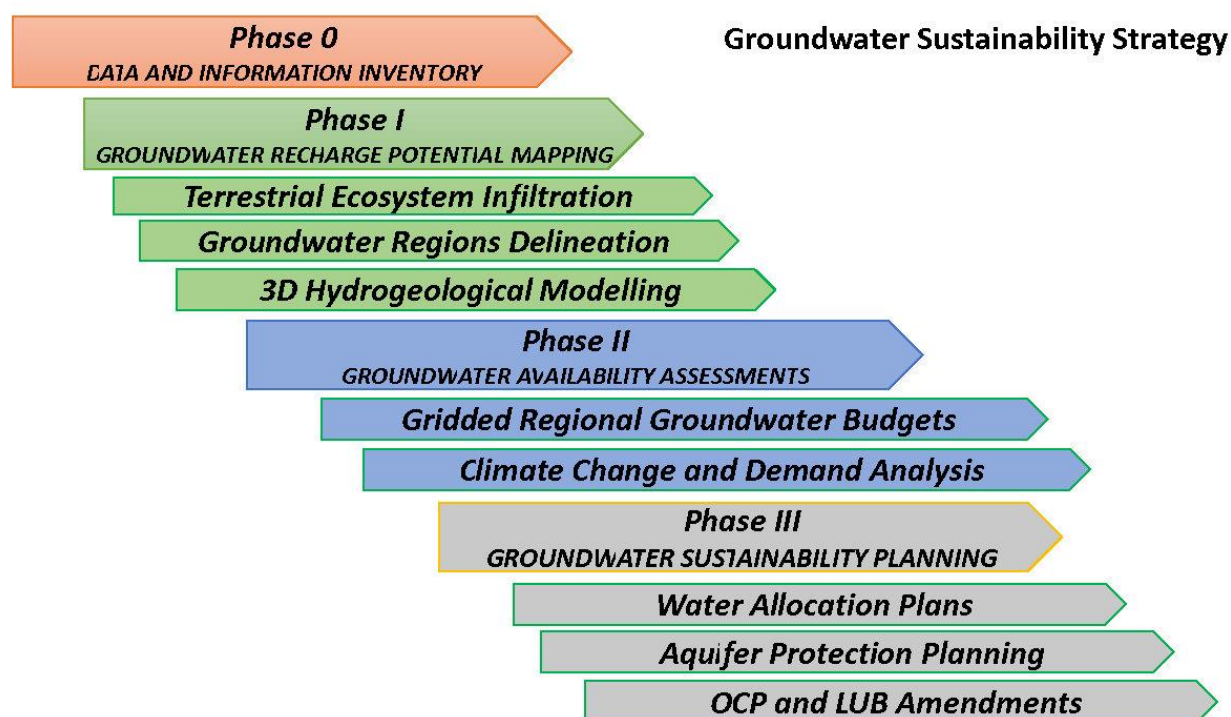
Groundwater is a unique amenity supporting ecosystem health and overall hydrological function of watersheds. Southern Gulf Island Local Trust Committees have identified groundwater resources as a priority in their Official Community Plans and as part of land-use applications over the past decades. In March 2019 the Islands Trust Council declared a climate emergency in the Islands Trust Area, directing staff to include a central focus on equitable climate change mitigation, adaptation, and resilience into strategic planning. Actions with respect to an ecosystem vulnerability approach to groundwater sustainability strategy have been recommended by previous researchers, and the Province of BC supports deep collaboration in groundwater focused projects at the Local Government level, expressing interest as an external partner in this sustainability strategy.

The Southern Gulf Islands Groundwater Sustainability Strategy is a project of the Galiano, Mayne, North Pender, Saturna, South Pender local trust committees. Each LTC endorsed a master project charter that included several phases. The project was awarded to GW Solutions in November, 2019 with project work commencing in December 2019 with preliminary deliverables provided throughout fiscal year 2019/2020 with primary research offered by Senior Freshwater Specialist including but not limited to terrestrial ecosystem infiltration mapping.

In May 2020 the Local Planning Committee endorsed a project charter for the *Trust Council Freshwater Sustainability Strategy*, a strategic priority project with focused analysis of where Islands Trust currently is with addressing freshwater priority, where scientific and policy gaps exist, challenges to be addressed and opportunities to move forward for long-term freshwater sustainability strategies. Groundwater sustainability projects have been ongoing in Islands Trust since 2018 with major projects occurring throughout the Islands Trust Area at different times under different LTC top priorities. It is a goal of the *Trust Council Freshwater Sustainability Strategy* to harmonize the efforts of the groundwater-focused projects into a cohesive and progressive framework for the organization. It is anticipated that sustainability strategy planning will embrace, rather than deviate, from the phased approach used in the Southern Gulf Islands Groundwater Sustainability Strategy.

In July 2020, Islands Trust received peer reviews of the Gulf Islands recharge potential methodology from the Hornby Water Stewardship, Salt Spring Island Watershed Protection Alliance, Provincial Hydrogeologists, Dr. Diana Allen of Simon Fraser University, and Dr. John Cox of Mount Royal University. Those peer reviews were favourable of the current methodologies with supporting statements in principle with commentary, concerns, and recommendations on details of certain methods.

Forthcoming contracted professional reviews of the recharge methodology and groundwater budget assessment will be submitted by Mr. Allan Daikin P.Eng, Mr. Allan Kohut P.Eng, Mr. Mike Wei P.Eng, Western Water Associates, and Dr. James Henderson P.Geo in the fall of 2020. These reviews will be considered and implemented in as part of this project.



ANTICIPATED TIMELINES FOR THE PROJECT

The project is currently underway in the review phase. Here is a timeline of past and future events for the project.

Project Initialization Report	February 28, 2019
Master Project Charter	July 2, 2019
Request for Proposal	October 10, 2019
Contract Awarded	November, 2019
Project Deliverables	March, 2020
Updated Draft Report	May, 2020
Peer (Volunteer) Reviews	June – July 2020
Professional (Contracted) Reviews	August – October 2020
Deliverables Finalization	October – November 2020
Final Staff Report	December 2020 (depending on the nature of review)

Top Priorities Report

Saturna Island

1. *First Nations Relationship Building*

Responsible

Dates

Review of OCP to include references to First Nations.
 Project Charter endorsed July 18, 2019
 Letter Sent to First Nations as per Project Charter
 Update to be given at February 14, 2020 LTC meeting.
 Staff to continue working with First Nations.

Rec'd: 16-Sep-2016

2. *Groundwater Sustainability Project*

Responsible

Dates

Phase 1: Mapping and data analysis
 update to be given at February 14, 2020 LTC meeting

William Shulba

Rec'd: 09-May-2019
 Target: 31-Mar-2020

3. *Review and amendment of Zoning and OCP Designations on National Park Reserve Lands*

Responsible

Dates

Prepare OCP and LUB amendments for the LTCs consideration of first reading

Brad Smith

Rec'd: 24-Oct-2019

Projects Report

Saturna Island

1. <i>Shoreline Review</i>	Responsible	Date Received
		17-Jun-2016
2. <i>Amenity Zoning and Accessible Housing Review</i>	Responsible	Date Received
		04-Oct-2018
3.	Responsible	Date Received
Review of drinking water regulations		18-Jul-2019
4.	Responsible	Date Received
Secondary suites - potable water source		18-Jul-2019
5. <i>Watershed Lands - DPA</i>	Responsible	Date Received
		18-Jul-2019



Applications

Rezoning

File Number	Applicant Name	Date Received	Purpose
SA-RZ-2018.1	Ronald Hall & Saturna Garage and Contracting Planner: Brad Smith	15-Jan-2018	Application to amend the OCP and LUB to rezone two properties.
Planning Status			
Status Date: 07-Oct-2020 Application process has stalled due to lack of agreement between applicants - Planner to confirm with applicants if file can be closed			
Status Date: 07-May-2020 New Planner will follow-up with applicant to confirm status of file			
Status Date: 18-Oct-2018 Adoption on hold pending direction from applicant to proceed with consideration			

Subdivision

File Number	Applicant Name	Date Received	Purpose
SA-SUB-2017.1	RONALD H HALL Planner: Brad Smith	22-Nov-2017	Referral of a subdivision to create one new lot.
Planning Status			
Status Date: 25-Aug-2020 Bluffs Development Permit approved - all conditions now met - staff to issue final letter			
Status Date: 26-Jun-2020 Applicant has submitted development permit application as per OCP requirement for DPA 2 Bluffs			
Status Date: 07-May-2020 New Planner will follow-up with applicant to confirm status of file			



Applications

Subdivision

File Number	Applicant Name	Date Received	Purpose
SA-SUB-2018.1	RONALD HALL	01-Feb-2018	Referral of a subdivision to create one new lot.

Planner: Brad Smith

Planning Status

Status Date: 07-May-2020

New Planner will follow-up with applicant to confirm status of file

Status Date: 06-Apr-2018

Staff sent response to MoTI April 4, 2018.

Status Date: 15-Feb-2018

Fees received, notified LTC, gave file to Planner.

File Number	Applicant Name	Date Received	Purpose
SA-SUB-2018.2	JORDAN ELLIOT	06-Jun-2018	105 Payne Road - referral of boundary adjustment subdivision

LITKE c/o POLARIS
LAND SURVEYING

Planner: Brad Smith

Planning Status

Status Date: 07-May-2020

New Planner will follow-up with applicant to confirm status of file

Status Date: 30-Oct-2018

Response sent to MOTI Oct 30, 2019.

Status Date: 23-Jul-2018

Emailed scanned letter, receipt and cheque to Applicant, mailed originals; emailed Subd Ref Review application to LTC cc Planner and MoTI. Gave folder to Planner.

**Applications****Subdivision**

File Number	Applicant Name	Date Received	Purpose
SA-SUB-2020.1	Nepenthe Holdings Limited	13-Mar-2020	Lot 3, Section 18, Saturna Island, Cowichan District, Plan 11979 Except Part in Plan 17076 - Referral of a subdivision application for proposed 3 lots.
Planner: Brad Smith			
Planning Status			
Status Date: 08-Oct-2020			
Referral review complete - letter sent to MOTI and applicant - requires DVP for lot depth/width ratio and resolution to waive 10% road frontage requirement			
Status Date: 27-Aug-2020			
Applicant sent in Subdivision referral form and complete, notified LTC.			
Status Date: 25-Aug-2020			
Planner to review referral package			

Temporary and Industrial Use Permit

File Number	Applicant Name	Date Received	Purpose
SA-TUP-2020.1	JASCO Research Ltd.	11-Aug-2020	198 Cliffside Road - An application for a temporary use permit for a operation of an offshore cabled hydrophone/oceanographic system and for the onsite processing and management of data collected by that system.
Planner: Brad Smith			
Planning Status			
Status Date: 08-Oct-2020			
Staff report on Oct 15 LTC agenda			
Status Date: 14-Sep-2020			
Statutory notification notices sent, newspaper ad finalized			
Status Date: 19-Aug-2020			
fees received, PTA sent notification to LTC, given to Planner			

Islands Trust
LTC EXP SUMMARY REPORT F2021
Invoices posted to Month ending August 2020

660 Saturna	Invoices posted to Month ending August 2020	<u>Budget</u>	<u>Spent</u>	<u>Balance</u>
65000-660	LTC "Trustee Expenses"	191.00	0.00	191.00
LTC Local				
65200-660	LTC - Local Exp - LTC Meeting Expenses	2,118.00	250.65	1,867.35
65210-660	LTC - Local Exp - APC Meeting Expenses	352.00	0.00	352.00
65220-660	LTC - Local Exp - Communications	250.00	0.00	250.00
65230-660	LTC - Local Exp - Special Projects	294.00	0.00	294.00
TOTAL LTC Local Expense		<u>3,014.00</u>	<u>250.65</u>	<u>2,763.35</u>
Projects				
73001-660-4077	Saturna First Nations Relations	2,000.00	0.00	2,000.00
73001-660-4110	Saturna National Park Zoning	2,000.00	0.00	2,000.00
TOTAL Project Expenses		<u>4,000.00</u>	<u>0.00</u>	<u>4,000.00</u>



Standing Resolutions Log

Saturna Island

Resolution Number	Action	Date
2020-006 (Standing) Whereas the waters of the Saturna Island Local Trust area extend to the US border in Boundary Pass and Georgia Strait, the Saturna Island Local Trust Committee resolves that in the waters of the Local Trust area commercial whale watching boats be regulated and or licensed to mirror the regulatory regime under development in the adjacent waters of Washington State.	Carried	14-Feb-2020
2020-005 (Standing) Be it resolved that the Saturna Island Local Trust Committee fully supports the interim sanctuary zone for the recovery of Southern Resident Killer Whales (SRKW) in the waters of the Saturna Island Local Trust Area.	Carried	14-Feb-2020
2019-047 (Standing) Be it resolved that in the waters of the Saturna Local Trust Area we support large commercial vessel speed reduction initiatives as part of the Southern Resident Killer Whale 2019 Conservation agreement signed between Canada and shipping industry stakeholders. We acknowledge voluntary speed reduction efforts in the Local Trust Waters and view the requirement to reduce transit speeds in support of SRKW recovery to be the equivalent of a voluntary bylaw in the Saturna Local Trust Area.	Carried	18-Jul-2019
2019-036 (Standing) that the Saturna Island Local Trust Committee only authorize enforcement against unlawful short term vacation rentals, unless one of the following circumstances exists: 1. There is more than one complainant from the immediate neighbourhood; 2. The complaint is made by a representative of an improvement district and it concerns overuse of water; 3. The complaint concerns use of a common driveway servicing at least two separate lots; 4. There is a written complaint by owners or residents in the immediate neighbourhood about bona fide nuisance issues such as noise or parking congestion related to the STVR.	Carried	09-May-2019
2019-017 (Standing) that Saturna Local Trust Committee no longer wishes to receive bylaw referrals from adjacent local trust committee areas unless the planner deems it in the interest of the LTC to review and comment on a specific referral.	Carried	09-May-2019

Standing Resolutions Log

Saturna Island

Resolution Number	Action	Date
2019-011 (Standing) that the Saturna Island Local Trust Committee directs staff to take enforcement action against unlawful dwellings only if one of the following conditions exists: There is a complaint from an immediate neighbour; or there is a referral from an agency responsible for health and safety issues that is doing concurrent enforcement. Nothing in this enforcement policy should be interpreted as giving permission to violate the Land Use Bylaw and the Saturna Island Local Trust Committee may change this policy at any time and may give direction to expand enforcement activities at any time.	Carried	17-Jan-2019
2018-050 (Standing) - Proposed or amended licenses for non-medical cannabis retail establishments require an application to the local trust committee. - The application process shall comprise a public consultation component, which includes at least one notification to neighbours, one public meeting, posting of public notices and one advertisement in a local periodical. - The public consultation process shall be determined by the local trust committee after initial review of the proposal. - However, as a minimum, the local trust committee will mail or otherwise deliver a notice to all owners and residents of properties within a 500 metre radius of the subject property where the establishment is proposed at least 10 days before adoption of a resolution providing comment on the application. The required notice shall include the following information: - o Name of the applicant and a description of the proposal in general terms - o The location of the proposed establishment and the subject site - o The place where, and date and time when, both a public meeting will be held and a resolution of the local trust committee considered. - o The name and contact information of the Islands Trust planning staff member who can provide copies of the proposed or amended license application - o How public comments may be submitted to the local trust committee.	Carried	04-Oct-2018

Standing Resolutions Log

Saturna Island

Resolution Number	Action	Date
2012-011 (Standing)	Carried	09-Feb-2012
It was Moved and Seconded that where a Liquor Control and Licensing Branch Special Occasion License referral relates to a property where Saturna Island Land Use Bylaw No. 78, 2002 permits public assembly uses, such as halls, recreation facilities or restaurants, and where there have been no issues related to parking or past complaints for the preceding three years, planning staff may approve the Special Occasion License without referral to the Local Trust Committee. All other Special Occasion License referrals are to be referred to the Local Trust Committee for consideration		
2011-000 (Standing)	Carried	22-Jun-2011
It was Moved and Seconded that the Saturna Island Local Trust Committee adopt a Standing Resolution to direct staff to place the in camera minutes on the agenda when there is a need to close the meeting or at least once a year.		
2009-009 (Standing)	Carried	25-Feb-2009
It was Moved and Seconded that the Saturna Island Local Trust Committee draft minutes be adopted by Resolution without meeting within 30 days of the meeting and posted to the website.		



Standing Resolutions Log

Saturna Island

Resolution Number	Action	Date
2007-016 (Standing)	Carried	16-May-2007
It was Moved and Seconded that staff be directed to not take enforcement action against property owners when a travel trailer or camper is located on a lot when: - The travel trailer or camper is being used for recreational purposes by the owners of the lot and; - The travel trailer or camper is being used intermittently and for short periods not exceeding two months. Notwithstanding this direction, staff is to take action to prevent the recreational use of travel trailers or campers on inappropriately zoned land if: - The travel trailer or camper is being used as a second residence or; - The trailer or camper is situated within the setbacks for a structure or; - There are serious safety issues, unsightliness, noise, or health problems related to the use or; - A complaint based on the above three items is received from a person who owns neighboring property. Nothing in this direction should be interpreted by a property owner as giving permission to violate the Land Use Bylaw and the Saturna Island Trust Committee may change this policy at any time and may give direction to enforce the Bylaw at any time.		



Islands Trust Conservancy Report to Local Trust Committees and Bowen Island Municipality July 14, 2020

Islands Trust Conservancy Board News

The Islands Trust Conservancy Board endorsed proposed adjustments to the 2020 annual monitoring program for nature reserves and conservation covenants due to the COVID-19 pandemic.

The Board and the Executive Committee shared a liaison meeting, July 14, 2020 and discussed:

- Working with the Province, including potential changes to Natural Area Protection Tax Exemption Program (NAPTEP) legislation and a Provincial funding request
- Working with Trust Council, including work associated with the Climate Change Emergency Declaration, ITC Budgets and ITC work towards a strategic charitable giving program
- Other items as per the agenda at <http://www.islandstrustconservancy.ca/about-us/meetings/>

The liaison meeting occurs annually as per Islands Trust policy.

Regional Conservation Plan Updates

The science-based and community-informed Regional Conservation Plan guides the work of ITC. The ITC continues to work towards 4 long-term goals and 25 objectives that further conservation in the entire Trust Area. For more information, visit www.islandstrustconservancy.ca/media/84821/itc_2018-11_rcp-2018-2027-web_final.pdf.

Goal 1 – Science-based Conservation Planning

Islands Trust Acting Senior Policy Advisor presented a brief overview of the Climate Action Plan (CAP) currently in development by the Climate Policy Working Group (CPWG). The CPWG supports joint collaboration and communication between Trust Area Services, Local Planning Services and ITC for incorporating climate change into policy guidance. Resources will be used from both Trust Area Services and Islands Trust Conservancy.

Goal 2 – Strong relationships with First Nations

The ITC Board considered ways to advance engagement with First Nations through considerations in all of its land management and acquisition decisions.

Goal 3 – Protection of core conservation areas

Property Management

Staff are conducting a reduced monitoring season to accommodate travel restrictions due to COVID-19.

The ITC Board approved conservation covenant management plans for Winter Wren Wood on Denman Island (see island updates below).

Land Acquisition and Covenants

The ITC Board approved the transfer of 3.4 ha of land on Keats Island which will become the Sandy Beach Nature Reserve. This will be the ITC's 30th Nature Reserve and was a requirement of rezoning as directed by the Gambier Island Local Trust Committee.

The ITC approved a small covenant on Salt Spring Island which will provide a buffer area for the Lower Mount Erskine Nature Reserve which is managed by the ITC.

Goal 4 – A strong voice for nature conservation

The Board directed staff to prepare a histogram showing the size distribution of Island Trust Conservancy nature reserves and covenants.

Activities by Local Trust Area/Island Municipality

Denman – The Board approved the Denman Conservancy Association's update of the Management Plan for Winter Wren Wood dated April 18, 2020 with the recommendation that the Denman Conservancy seek assistance from ITC staff or First Nations such that the property management becomes inclusive of climate change and reconciliation.

Gambier – The Board directed the Chair to sign the Transfer Agreement, between the Convention of Baptist Churches of British Columbia and the Islands Trust Conservancy, for the transfer of Sandy Beach. The Board directed staff to bring recommendations to the Board regarding the use of the required \$12,000 contribution from the Convention of Baptist Churches.

Salt Spring – The Board authorized the Chair to sign a conservation covenant over a small area adjacent to the Lower Mount Erskine Nature Reserve which is managed by ITC.

Please feel free to contact the Islands Trust Conservancy for more details.

Kate-Louise Stamford, Chair kstamford@islandstrust.bc.ca

Islands Trust Conservancy itcmail@islandstrust.bc.ca



Updated: October 2, 2020

SATURNA ISLAND LOCAL TRUST COMMITTEE

DRAFT NOTICE OF 2021 BUSINESS MEETINGS

THE LTC HAS DRAFTED THE FOLLOWING DATES FOR ITS 2020 MEETING SCHEDULE. MEETINGS ARE SUBJECT TO CHANGE. PLEASE VISIT THE SATURNA LTC WEBSITE FOR UP-TO-DATE SCHEDULE INFORMATION. THE LTC WILL MEET ON THE THURSDAY OF EACH MONTH AT 11:30 AM UNLESS OTHERWISE NOTED*

February 25, 2021	Time: 11:30 a.m. Location: Community Hall 105 East Point Road
May 20, 2021	Time: 11:30 a.m. Location: Recreation Centre 104 Harris Road
July 22, 2021	Time: 11:30 a.m. Location: Community Hall 105 East Point Rd
October 21, 2021	Time: 11:30 a.m. Location: Recreation Centre 104 Harris Road

ELECTRONIC MEETINGS: You will be able to join the meeting with a ZOOM Webinar link. The links will be available on the news webpage prior to the meeting on our news landing page here:
<http://www.islandstrust.bc.ca/islands/local-trust-areas/saturna/>

These are regular business meetings of the Local Trust Committee, where they will consider items such as bylaws, applications, and correspondence.

ALL BUSINESS REGULAR MEETINGS ARE OPEN TO THE PUBLIC

Website: www.islandstrust.bc.ca/saturna
Email: information@islandstrust.bc.ca
Phone: 250-405-5151