



## Thetis Island Local Trust Committee Minutes of Regular Meeting

**Date:** August 20, 2019  
**Location:** Royal Canadian Legion  
 9775 Chemainus Road  
 Chemainus, BC

**Members Present:** Laura Patrick, Chair  
 Doug Fenton, Local Trustee  
 Peter Luckham, Local Trustee

**Staff Present:** Marnie Eggen, Acting Regional Planning Manager  
 Penny Hawley, Recorder

**Others Present:** Lynne Smith, Electoral Area G Director  
 Jim Chisholm, Band Manager, Penelakut Tribe  
 Auggie & Laura Sylvestre, Elder, Penelakut Tribe

Approximately 40 members of the public

### 1. CALL TO ORDER

*"Please note, the order of agenda items may be modified during the meeting. Times are provided for convenience only and are subject to change."*

Chair Patrick called the meeting to order at 9:15 am. She acknowledged that the meeting was being held in the territory of the Coast Salish First Nations. Jim Chisholm, Band Manager, Penelakut Tribe was invited to introduce members of the Penelakut Tribe in attendance.

Mr. Chisholm provided background about Moore Hill and the duty to consult and meaningfully engage with Penelakut First Nation. He said at this time no consultation has occurred yet with Telus or others regarding the proposed Telus tower. Chief Joan Brown sent a letter to Telus and the Local Trust Committee wanting an immediate stop to any decisions regarding the proposal until meaningful engagement takes place with the Penelakut Chief and Council.

Elder Auggie Sylvester explained the significant cultural and spiritual value of the Moore Hill area to the Penelakut Tribe. Penelakut ancestors (loved ones) were buried in a cave in and around the Moore Hill area, but their burial boxes were removed by the BC museum and perhaps it is time that they are returned. Stone dishes are there and should be looked after. Elder Sylvester explained the sacred and cultural significance of the location and how the area should not be disturbed.

Elder Sylvester also explained that First Nations had in the past a canal between Thetis Island and Penelakut Island so there was no need to row around the island which had been impacted by settlement. Also, there is another graveyard at the ferry landing on Thetis Island which was greatly impacted with the development of the ferry dock. The long houses were located near the existing Capernwray building and were removed. Each of these impacts greatly affected the well-being of the Penelakut People and at that time no consultation or meaningful engagement took place.

Chair Patrick thanked the Penelakut members for their presentation. She made introductions of the Trustees and staff and read out the terms of the meeting and adjusted the Agenda to add late items.

## 2. APPROVAL OF AGENDA

The following additions to the agenda were presented for consideration:

11.2 Trustee Fenton to attend Union of British Columbia Municipalities 2019 convention.

7.1 Receipt of letter from Chief Joan Brown of Penelakut Tribe regarding the proposed TELUS tower.

It was noted that a TELUS representative was not present. Acting Regional Planning Manager Eggen stated that a TELUS representative was encouraged to attend, but declined the invitation to attend the meeting.

**By general consent** the agenda was adopted as amended.

## 3. REPORTS

### 3.1 Trustee Reports

Trustee Luckham reported on the following:

- Engaging with TELUS.
- Attended Roberts Bank Terminal construction and noted traffic increase and impact with First Nation surrounding impacts with fisheries and environment.
- Attended Trust Council in June; Councillor Ken Thomas and Band Manager, Jim Chisholm from Penelakut attended.
- Trust Council approved the Islands Trust Reconciliation Action Plan in order to resolve reconciliation with First Nations in a meaningful way.

Trustee Fenton reported on the following:

- Was invited and joined the four day canoe paddle to Lummi Island, Washington in July. The cultural event was hosted by Lummi Nation and involved 115 canoes travelling from Alaska, south along the Pacific. Hoped to be able to do it again next year in Nanaimo.
- Attended the Information Meeting regarding Freighter Anchorage in the South Coast Region at Nature House on Thetis on August 8. Chris Straw from Gabriolans Against Freighter Anchorages came from Gabriola Island.
- South Coast Ship Watch Alliance is launching a campaign regarding lack of consultation, protocol and to raise awareness. Georgia Strait Alliance will assist with campaign. Approximately 40 people attended.

### 3.2 Chair's Report

Chair Patrick reported on the following:

- Next Trust Council meeting is September 17 & 18 on Bowen Island. She asked the audience for submissions to be in by the August 28 deadline.
- Union of British Columbia Municipalities meeting is the last week of September. Two motions to be considered this year:
  - Development Permit Areas – requesting opportunity to enforce through ticketing.

- Cumulative effects on marine environments such as plastics in the oceans. Advocated to find ways to take them out of our daily existence.

### 3.3 Electoral Area Director's Report

Lynne Smith, Cowichan Valley Regional District (CVRD) Area G Director reported on the following:

- Just started her term in December and appreciates that she has been invited to attend the LTC meetings.
- Volunteers at the recycle depot on Thetis Island quite often and encourages people to speak to her then if there is opportunity.
- Pointed out that there are cameras on the garbage trucks to track the sorting of recycling material. If the container is contaminated with unrecyclable items, the entire bin contents goes into the garbage area of the truck.
- Hoping to even out the allocation of tax dollars so that there is more going toward Thetis Island for recycling and solid waste.
- The CVRD will launch their online interactive mapping for parks and trails.
- Will be holding public engagement meetings regarding budgets which will include wharves, solid waste and recycling.
- Recognises that the usage of some Regional District facilities on Vancouver Island by Thetis residents is potentially less than what they may be paying for.

## 4. TOWN HALL

Chair Patrick introduced the Town Hall portion of the Agenda and asked people to be respectful, speak to the issues, not individuals. A three minute time limit was given to speakers and written submissions were requested to be submitted.

A member of the public spoke about the lack of consultation with Thetis residents and First Nations regarding the proposed TELUS cell tower at 155 Pilkey Point Road. She asked the LTC to write a letter of non-concurrence to TELUS respecting their proposal.

A member of the public spoke about the Riparian Areas Regulation (RAR) implementation, pointing out 14 property owners, including 13 strata owners would be impacted. He wants this area to be recognized as a man made water course, expressed concern about communications with the QEP and that the QEP and them entering properties to conduct the assessment unsupervised by property owners, and would like to be consulted during the development of the development permit guidelines.

A member of the public spoke about fish habitats, biological cycle of fish and regulations. He feels it is incorrect to assess Ralston Creek as a RAR area because there is no water in the creek all year round.

A member of the public concerned that a TELUS representative did not attend today and that the proposed TELUS tower is creating divisiveness as shown by the number of people attending the last two meetings. She is concerned about the RAR implementation and is in support of the previous speaker.

A member of the public spoke in favour of the proposed TELUS tower and the importance of telecommunications in daily lives, such as with communications for first responders and for people who work from home. Further, that it will provide better cell coverage, will enable people to get off dial-up internet, and will attract younger families to the island, which is important for the volunteer fire department. He pointed out that the ability to call for help

becomes more important as people age, and gave examples. He thought that wireless communications would be beneficial to Thetis residents and likened the concern to when hydro came to the island.

A member of the public spoke about First Nations rights and constitutional rights.

A member of the public spoke against the proposed tower, but was pleased to hear about the pro side. He summarized concerns he has heard from other residents: First Nations considerations and respect; potential fires resulting from the tower; the impact on the bat colony, the impacts on human health, esthetics; and the potential for more infrastructure, including microwaves to be added once tower is erected. He does not agree with all of the points of the previous speaker, and that there may not be any cell service immediately below the tower. He expressed concern that a TELUS representative did not attend.

## 5. MINUTES

### 5.1 Local Trust Committee Minutes dated June 11, 2019 - for adoption

By general consent the Local Trust Committee meeting minutes of June 11, 2019 were adopted as presented.

### 5.2 Section 26 Resolutions-Without-Meeting Report dated August 12, 2019

Received.

### 5.3 Advisory Planning Commission Minutes - none

## 6. BUSINESS ARISING FROM MINUTES

### 6.1 Follow-up Action List dated August 12, 2019

Acting Regional Planning Manager Eggen provided a verbal update on the first two items.

## 7. APPLICATIONS AND REFERRALS

### 7.1 TH-OTH-2019.1 (TELUS) - Staff Report

Acting Regional Planning Manager Eggen summarized the report regarding TELUS Communication Inc. Telecommunications Facility Proposal at 155 Pilkey Point Road, Thetis Island, submitted by Cyprus Land Services Inc.

Discussion ensued amongst the Trustees and the following points were made:

- Further consultation and engagement between TELUS and the community, including First Nations and an Archeological study are needed.
- Disappointed that a TELUS representative was not present today and that attendees left the meeting before this item was considered in the meeting.
- Questioned TELUS' obligation to consult with First Nations as a corporation in BC. Acting Regional Planning Manager Eggen advised that as the Federal government has signed on to the United Nations Declaration on the Rights of Indigenous People (UNDRIP), their federal agencies, including Innovation, Science and Economic Development (ISED), the agency responsible for telecommunications are obligated to consult with First Nations.

- TELUS was requested to consult with surrounding First Nations by the LTC at their June 11 meeting and staff have provided TELUS with a list of First Nations to consult with based on the Provincial First Nation Consultative Database.
- The LTC is prepared to advance the resolution recommended by staff in order that TELUS can continue with responding to other LTC requests which would inform the LTC's future decision regarding concurrence.
- Questioned how the proposed tower might not be consistent with maintaining the preserve and protect mandate.
- Safety Code 6, created by Health Canada to establish safety limits for human exposure to radiofrequency electromagnetic energy in the frequency range from 3kHz to 300GHz was recently reviewed and LTC should pursue the outcome of the final report.
- Chair Patrick mentioned that this is just one of three tower proposals in the Islands Trust currently causing public concern, including those respecting health risks. Of concern is the location and that there will not be further consultation post tower construction when more infrastructure may be installed.
- Trustee Luckham expressed interest in ensuring further engagement with the community and First Nations.

Discussion ensued regarding the wording of the following motion.

**TH-2019-047**

**It was MOVED and SECONDED,**

that the Thetis Island Local Trust Committee, in respect of the letter dated July 3, 2019 from TELUS, withdraw the Local Trust Committee's request of the proponent of application TH-OTH-2019.1 (TELUS) to restrict future deployment of 5G technology on the proposed tower at 155 Pilkey Point Road and that the request for further public consultation regarding equipment modifications and upgrades, including 5G, also be withdrawn. The Local Trust Committee recognises that this request as specified, is outside of its authority.

**CARRIED**

A Trustee furthered the discussion for the benefit of the audience. Trust Council is firmly committed to consulting with First Nations. We are working towards a deeper understanding of First Nations. This is a learning opportunity for us and we need First Nations' help to come to an understanding of each other and learn how to work together for the future. We have committed to consult and meaningfully engage.

**TH-2019-048**

**It was MOVED and SECONDED,**

that the Thetis Island Local Trust Committee request staff to communicate with TELUS that the Local Trust Committee, Penelakut and the public were disappointed that TELUS did not attend the meeting today.

**CARRIED**

Would like to make a friendly amendment to strike "Penelakut and public". Motion to amend to remove "Penelakut" and state "public in attendance."

**TH-2019-049****It was MOVED and SECONDED,**

that the Thetis Island Local Trust Committee amend the motion to remove the “Penelakut” and to state “the public in attendance.”

**CARRIED**

The LTC thought it was inappropriate to speak on behalf of the Penelakut but wanted to address the concerns of the public in attendance.

**TH-2019-050****It was MOVED and SECONDED,**

that the Thetis Island Local Trust Committee request staff to communicate with TELUS that the Local Trust Committee and the public in attendance were disappointed that TELUS did not attend the meeting today.

**CARRIED****TH-2019-051****It was MOVED and SECONDED,**

that the Thetis Island Local Trust Committee request staff to organize a meeting for staff and a trustee to meaningfully engage with Penelakut Tribe on land use.

**CARRIED****TH-2019-052****It was MOVED and SECONDED,**

that the Thetis Island Local Trust Committee request staff, in consultation with the chair, to respond to the letter of August 19, 2019 from Penelakut Tribe.

**CARRIED****11.1 Model Cell Tower Consultation Process – Briefing**

Acting Regional Planning Manager Eggen summarized the Briefing from the Director of Local Planning Services, David Marlor.

Discussion ensued amongst the Trustees, who raised concerns about the attached consultant’s report, that the federal process that regulates telecommunications places the onus on the public. Questions were raised about the reliability of Safety Code 6 and how the federal government is addressing UNDRIP and First Nation concerns. There was interest in referring this to the Advisory Planning Commission (APC).

**TH-2019-053****It was MOVED and SECONDED,**

that the Thetis Island Local Trust Committee refer the Antenna Systems Protocol report to the Advisory Planning Commission for comment, and that the Local Trust Committee, through a letter from the Chair, copied to local First Nations, ask Industry Canada for comment on the recommendations from the Royal Society of Canada Expert Panel’s report on a review of Safety Code 6 (2013), and how it is incorporating United Nations Declaration on the Rights of Indigenous People principles in its consultation.

**CARRIED**

A Trustee mentioned that it has been difficult to obtain a sufficient number of APC members. Discussion ensued regarding the number of APC members and Trustees encouraged people to sit on the commission.

## 8. LOCAL TRUST COMMITTEE PROJECTS

### 8.1 Thetis Riparian Areas Regulation (RAR) Implementation Project - Staff Report

Acting Regional Planning Manager Eggen summarized the report.

Trustees commented on the LTC's work to implement RAR on Thetis Island up to this point. They noted that there is a water license in place on Ralston Creek and that the water level is controlled by the weir which may impact fish. The LTC has worked hard to support the neighbourhood's interests during the course of implementing RAR, which has been close to nine years. Three QEP assessment reports have been undertaken, the final one indicating that Ralston Creek is fish bearing. We are now at the stage of implementing a Development Permit Area (DPA) and a Trustee questioned the downside of a DPA.

Acting Regional Planning Manager Eggen responded that previously relayed concerns are to do with the fact that the applicant has to pay for a QEP report each time they proposed to build within the Riparian Assessment Area (RAA), within 30m of the stream. She also mentioned that the RAA cannot be reduced using a simple assessment.

A Trustee asked about the success of conservation covenants to implement RAR.

Acting Regional Planning Manager Eggen responded that there are none that she is aware of and any deviation from Provincial standards to implement RAR is not recommended. A Trustee asked that the LTC be advised of the current spokesperson for Meadow Valley Strata. A Trustee noted that the draft bylaws and DPA guidelines, as a part of the public process, will be available for public comment and subject to a public hearing.

A member of the public spoke about Meadow Valley strata organization and had concerns and questions about past and future development as it relates to DPAs.

Acting Regional Planning Manager Eggen explained what development is subject to RAR and when a development permit would be required and what would be exempt.

A Trustee mentioned that the strata development is in progress and encouraged them to complete it and that the RAR implementation project needs to advance so the LTC can move forward on other LTC Projects.

#### **TH-2019-054**

**It was MOVED and SECONDED,**

that the Thetis Island Local Trust Committee endorse the Thetis Island Riparian Areas Regulation Implementation Project Charter v.1 dated August 20, 2019.

**CARRIED**

#### **TH-2019-055**

**It was MOVED and SECONDED,**

that the Thetis Island Local Trust Committee request staff to prepare draft bylaws to amend the Thetis Island official Community Plan No. 88 and the Thetis Island Land Use Bylaw No. 89 in accordance with the Thetis Island Riparian Areas Regulation Implementation Project Charter v.1 dated August 20, 2019.

**CARRIED**

## 9. DELEGATIONS

### 9.1 Lesley Buhr for Concerned Residents of Thetis Island

The group is concerned with community strategy and would like to improve the interaction with community and stakeholders. The group wants to form an APC to discuss the Official Community Plan (OCP). They will submit the names of the four people who are interested. Written notes were submitted.

**TH-2019-056**

**It was MOVED and SECONDED,**

that the Thetis Island Local Trust Committee request staff to make a space on the next agenda for community engagement strategy.

**CARRIED**

**TH-2019-057**

**It was MOVED and SECONDED,**

that the Thetis Island Local Trust Committee request staff to advertise for additional Advisory Planning Commission members.

**CARRIED**

-----**BREAK 10:40 - 11:00**-----

## 10. CORRESPONDENCE - none

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

## 11. NEW BUSINESS

### 11.2 Trustee Fenton to Attend Union of British Columbia Municipalities Convention

Discussion ensued regarding expense for attendance.

**TH-2019-058**

**It was MOVED and SECONDED,**

that the Thetis Island Local Trust Committee supports the attendance of Trustee Fenton at the 2019 Union of British Columbia Municipalities and that the related expenditures come from its Local Trust Committee Trustee Expenses account.

**CARRIED**

## 12. REPORTS

### 12.1 Trust Conservancy Report dated May, 2019

Received.

### 12.2 Applications Report dated August 12, 2019

Received.

### 12.3 Trustee and Local Expense Report dated June, 2019

Received.

**12.4 Adopted Policies and Standing Resolutions**

Received.

**12.5 Local Trust Committee Webpage**

No changes.

**13. WORK PROGRAM**

**13.1 Top Priorities Report dated August 12, 2019**

Received.

**13.2 Projects List Report dated August 12, 2019**

Received.

**14. CLOSED MEETING - none**

**15. UPCOMING MEETINGS**

**15.1 Next Regular Meeting Scheduled for Tuesday, October 8, 2019 at 9:00 am at the Royal Canadian Legion, Chemainus Branch 191, 9775 Chemainus Road, Chemainus, BC**

**16. ADJOURNMENT**

A Trustee added that any further TELUS consultations must occur on Thetis Island.

**TH-2019-059**

**It was MOVED and SECONDED,**

that the Thetis Island Local Trust Committee adjourn the meeting at 1:20 pm.

**CARRIED**

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Laura Patrick, Chair

Certified Correct:

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Penny Hawley, Recorder