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February 14, 2023

File No: SS-CELLA-2020.1

**Rogers Communications Inc.**  
**c/o Michael Krenz**

[Delivered via email to [Michael.Krenz@rci.rogers.ca](mailto:Michael.Krenz@rci.rogers.ca)]

Dear Michael Krenz,

**Re: Wireless Telecommunications site at Channel Ridge, Salt Spring Island**

As you may be aware, local elections were held on September 15<sup>th</sup> and a two of three Trustees are new to the Salt Spring Island Local Trust Committee (LTC). The CRD Director was also re-elected.

I am writing to inform you that, along with the CRD Director Holman, the LTC has reviewed the file regarding your proposal to site a 40-metre cell tower at Channel Ridge. It is evident a great deal of time and effort has gone into this endeavour; by you, past members of the LTC, and by the residents most impacted by such a siting. We are aware that the previous LTC action in March 2022 to rescind the original July 2021 concurrence decision was appropriate, well within the jurisdiction granted to the land use authority within CPC 2-0-03, and consistent with direction provided to the LTC by the federal regulator (ISED) in October 2021.

Therefore, as communicated to you on November 8, 2022 by the previous Chair of the LTC, I am writing to advise you that the newly-elected LTC are in full agreement with the decision to rescind concurrence and advise Rogers to indefinitely suspend any development at the proposed site. Furthermore, we wish to be completely transparent in why we have reached this conclusion, and have thus provided the most significant reasons for rescission in an appendix to this letter.

I wish to further inform you that both the LTC and CRD are interested in working with Rogers and CREST to find a more appropriate location to site this proposed tower. Our staff are willing to work with you to locate a site that better meets the Salt Spring Island Local Trust Committee Antenna System Siting & Consultation Protocol, as well as your operational needs. We hope you can see the merit in moving forward with an alternate site.

*Preserving and protecting over 450 islands and surrounding waters in the Salish Sea*

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



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Yours sincerely,

Timothy Peterson

Salt Spring Island Local Trust Committee Chair, Islands Trust

250-607-7094

Cc: Ken Pungente, Director, Coastal Offices, STS-Western Region, ISED  
Susan Hart, Executive Director General, Spectrum Management Operations  
Gordon Horth, Executive Director, CREST  
John Wakefield, Salt Spring Island Emergency Program Coordinator

Attachment:

1. Appendix – Reasons for LTC Rescission

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## APPENDIX – REASONS FOR LTC RESCISSION

A letter dated May 17, 2022 by Mr. Ken Pungente, ISED, informed the Salt Spring Island Local Trust Committee (SS LTC) that ISED was not supportive of the decision on March 22, 2022 to rescind the tower siting concurrence, stating there was no valid rationale provided to support the rescindment.

The SS LTC has reviewed the correspondence with ISED from October 2021 related to what constitutes valid rationale for rescindment, and have reviewed all information provided from ROGERS/CREST in their application. What follows is the SS LTC's rationale for the rescindment:

1. On October 8, 2021, Islands Trust staff reached out to the ISED Spectrum Management & Telecommunications branch to seek guidance on options available to the SS LTC post-issuance of the statement of concurrence. ISED's response on October 13, 2021 was as follows:

*“Good day Kristine. Rescinding a letter of concurrence is not typical in situations such as this. If you believe that the LTC based its decision on inaccurate or incomplete information, then you may be able to consider this action.”*

2. In review of the ROGERS/CREST May 31, 2021 application submitted to the SS LTC requesting concurrence for a ROGERS cell tower at the Channel Ridge site, the application stated, “ROGERS and CREST have completed the public consultation process, following Islands Trust draft Model Public Consultation Protocol for Local Trust Areas.” This was as we expected since SS LTC staff had previously directed the Proponents to use the draft Model Protocol as a guideline in their application process.
3. We have found multiple, substantive and material areas where the Proponents did not follow nor complete the draft Model Protocol, including (but not exhaustive):
  - a. **Section 3.2 G 5 Public Information Sessions** requires that *“The LTA requests the Proponent chair a public information meeting for all proposed Telecommunication Antenna System(s) exceeding 15 metres in height or where there is significant public interest in the new free standing proposed Telecommunication Antenna System.”*

The SS LTC requested the Proponents to hold an in-person meeting in November 2021 and the request was not completed.



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- b. **Section 3.2 G 2(a) (1&2) Pre-Consultation with the LTA** requires that Prior to submitting an antenna system proposal:
- i. the Proponent provides the LTA representative potential locations and invites feedback on preferred locations and/or designs; and,
  - ii. *Site Investigation Meeting* – Based on comments from the pre-consultation step, the Proponent will provide a summary of a site-specific location, including **Alternative Locations**: summary of what other alternative locations were considered; and,
  - iii. give opportunity for the LTA to provide initial feedback to the Proponent; and,
  - iv. identify any potential *sensitive community* locations as defined by this policy.

At no time prior to their November 19, 2020 tower proposal did the Proponents hold pre-consultation sessions with the SS LTC, and furthermore, the Proponents never suggested any alternative sites nor considered the *sensitive community* locations as defined in the draft Model Protocol. Furthermore, we have subsequently learned Rogers negotiated a land use agreement with Onni in January 2020 for the specific siting proposed; a full 11 months before approaching the SS LTC.

- c. **Section 4.2 C Discouraged Locations** provides definitions that would eliminate the proposed Channel Ridge site as a viable option. Discouraged Locations for siting a Telecommunications Antenna System include:
- i. Locations directly in front of doors, windows, balconies or residential frontages.
  - ii. Land zoned for nature protection.
  - iii. Environmentally sensitive ecosystems as defined in the Official Community Plan.
  - iv. Medium and high density residential areas as defined by the Local Trust Area.
- d. **Section 3.2 G 2(b) Application Submission to the LTA** requires in paragraph VIII **Title Search**: a copy of a title search (dated within the past 30 days of proposal submission) and any restrictions, restrictive covenants, easements or rights-of-way registered against the lands the Telecommunication Antenna System is proposed on;

The Proponents failed to inform the SS LTC in their application submission about **Covenant FB102667** – which states the Lands must not be built upon except in accordance with the Master Development Plan. That Master Development Plan does not include the siting of a cell tower.



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4. Subsequent to the concurrence decision, the SS LTC were made aware that there is a complex of archaeological sites atop of Channel Ridge (the location proposed by the Proponents), including several inland shell middens, lithic scatters, a hearth feature, and two petroglyph rock art boulders. This is information the Proponents should have included in their application, however, it was omitted.

As a result, we consider the application to have been incomplete. Had we known about the archaeological importance of this site to First Nations, the SS LTC would have required both an archaeological assessment as well as a consultation with vested First Nations and requested their concurrence.

CPC 2-0-03 enables the Land Use Authority to define the protocol that must be completed by a Proponent to obtain a concurrence decision. By statements made in their application, the Proponents clearly knew that completion of the draft Model Protocol was required for concurrence. The Proponents falsely asserted they had fulfilled the protocol, provided inaccurate information, and omitted material information in their application, which are valid reasons for rescindment of the concurrence decision.