

Serious Procedural Error in Rogers tower siting on Salt Spring Island

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To: Ken.Pungente@ised-isde.gc.ca

Cc: Peter Grove Islands Trust, Peter Luckham, Laura

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Thu, Aug 11, 2022 at 12:26 p.m.

Dear Mr. Pungente,

I am writing in regards to the proposed Rogers telecommunications tower in Channel Ridge Estates on Salt Spring Island.

In your letter of May 17, 2022 (attached) written to Peter Luckman, Chair of the Salt Spring Local Trust Committee, you state:

“Since the issuance of concurrence, by the Salt Spring Island Local Trust Committee (SS LTC), the only change in circumstances is the SS LTC’s November 9, 2021 adoption of a new antenna siting protocol. Given the date of the policy adoption, it is not to be retroactively applied.”

And, that the “SS LTC did not provide any other valid rationale to support the rescindment.”

I am writing to provide this valid rationale for rescindment and to report a serious procedural error, which, I believe, renders the original siting process null and void.

Section 4 of ISED’s CPC 2-0-03 states: *“Proponents must follow the land-use consultation process for the siting of antenna systems, established by the land-use authority, **where one exists.**”*

Section 122 (4) of BC’s Community Charter states: *“An act or proceeding of a council is not valid unless it is authorized or adopted by bylaw or resolution at a council meeting.”*

Timeline

- On **April 26, 2001**, the Salt Spring Local Trust Committee (the **“LTC”**) adopted by resolution the attached *Cellular Antenna Procedural Guideline* for the siting of telecommunications towers.

- On **July 27, 2021**, the LTC issued a concurrence decision related to the proposed siting of the Rogers Channel Ridge tower. To the best of my knowledge, the April 2001 resolution noted above had not been amended or repealed by the LTC by resolution on or before July 27, 2021.
- On **November 9, 2021**, the LTC adopted the “Antenna System Siting Protocol”. On that date, this new protocol replaced the 2001 policy.

Given the requirements established by ISED in the CPC 2-0-03, I strongly believe the attached *Cellular Antennae Proposal Form* and *Procedural Guideline* should have been used in the siting of the Rogers tower on Canvasback Place. Instead, ISED’s default procedure was followed. **Is this not a serious breach of federal antenna siting regulations?**

As time is of the essence, I would appreciate acknowledgement of receipt of this letter from all parties cc’ed above, as well as a response that clearly addresses my concern,

Yours Truly,
Oona McQuat
Salt Spring Island, BC