

ROGERS Telecommunication Tower Proposal at Channel Ridge, Salt Spring Island

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To: Peter Luckham, Peter Grove Islands Trust, Laura Patrick, Islands Trust

Cc: Arden Beddoes, Ken.Pungente@ised-isde.gc.ca

Sat, Jun 4, 2022 at 7:30 p.m

Dear Trust Representatives,

I am writing in response to the May 17, 2022 letter sent to you by ISED, a letter that does not support your decision to rescind your concurrence with the Rogers Channel Ridge tower proposal.

A Valid Rationale to Support the Rescindment

Section 122 (4) of the 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.* Therefore, the SS LTC was required to rescind the letter of concurrence it issued for the Rogers Channel Ridge tower. Why? Because on July 27, 2021, the date the concurrence letter was written, Salt Spring had an antenna siting policy in place, a policy that had not been followed during the siting process by the LTC or the proponent. The siting of this tower should not have followed ISED's default process.

What policy did we have in place?

In 2001, the SS LTC adopted by resolution the public consultation and land use guidelines established by the Salt Spring Island Advisory Planning Commission for the siting of telecommunications towers. To the best of my knowledge, that resolution was not amended or repealed by the LTC by resolution on or before July 27, 2021.

As you are aware, ISED gives local governments the authority to consider the land-use compatibility of the antenna structure, the responses of the impacted residents and the proponent's adherence to an existing antenna siting protocol. CREST complied with our 2001 antenna siting requirements in its 2019 Blain Road tower application. Why did we use ISED's default process in this Rogers tower siting?

A Revoked Letter of Understanding Does not Cancel a Resolution by Council

Please share the timeline below with your legal team. I trust they are well versed in telecommunications and municipal law. If there are crucial details missing, I would appreciate being notified of them.

June 4 Delegation – Conflict of Interest?

Are you aware that Michael Krenz, who is presenting a delegation to the SS LTC on behalf of Rogers on June 14, worked as the Director of ISED's Coastal British Columbia office for many years before leaving the public service in 2021 or 2022 to join Rogers? Mr. Krenz has previously given presentations on managing radio tower installations to municipal governments like [Maple Ridge](#) in 2014. In 2016, he was asked to intervene in tower siting disputes between Nanaimo residents and his now associate Samuel Sugita, Municipal Projects Manager with Rogers.

Is it possible that Mr. Krenz has former work affiliations with the ISED staff that rejected your decision to rescind the Channel Ridge tower? If so, what potential bias and conflict of interest does his involvement in this siting present?

A regulatory timeline follows,

All the Best,
Oona McQuat
Salt Spring Island

Salt Spring - Rogers Channel Ridge Tower Regulatory Timeline

1. In **October 1996**, the Islands Trust Council signed a "Letter of Understanding" with then Industry Canada outlining an antenna siting procedure for all Trust communities.
2. On **April 26, 2001**, the Salt Spring Local Trust Committee approved by resolution a Cellular Antenna Procedural Guideline based on input provided by the Salt Spring Island Advisory Planning Commission. This policy covers public consultation and land use related requirements.

It requires the LTC to conduct a public consultation process that includes a minimum 30-day public comment period. It also directs that no cell phone antennae should be installed within 500 meters of any facility concerned with continuous human activity.

The protocol states that proponents wishing to install facilities within that distance "should demonstrate, using an independent consultant acceptable to the Islands Trust, that incident power density is less than 2 micro watts per square cm at any facility concerned with continuous human activity within 500 meters of the proposed antenna".

The policy further states that if a project does not meet this LTC guideline, the proponent is required to conduct a public consultation process.

The only part of this procedural guideline that refers back to the "Letter of Understanding" is the timing requirements of the comments received.

3. On **January 1, 2008**, Industry Canada's antenna siting procedures became effective, replacing existing Letters of Understanding, but not existing antenna siting protocols. Federal antenna siting policy as outlined in CPC-2-0-03 says that when a local government does not have its own policy in place, the requirements outlined in the CPC-2-0-03 become the default siting process. Clearly, this stipulation did not apply to Salt Spring Island in July 2021 as our 2001 guideline – which had not been amended or revoked by an LTC resolution - was in place.
4. In their **2019** Blain Road Tower application, CREST adhered to Salt Spring's 2001 Cellular Antenna Procedural Guideline.
5. On **July 27, 2021**, a letter of concurrence was submitted for the Rogers Channel Ridge tower by the SS LTC.
6. On **November 9, 2021**, the SS LTC adopted the Trust-wide Antenna Siting Protocol. On that date, the new protocol replaced the 2001 policy.
7. On **April 6, 2022** a letter was written by the SS LTC to Rogers and Cypress Land Services rescinding the above letter of concurrence.
8. On **May 17, 2022**, ISED wrote a letter to the LTC stating that given that the new antenna siting protocol could not be applied retroactively, they did not support the LTC's decision to rescind their concurrence. It appears ISED was unaware that an existing siting policy that should have been followed by Rogers and the LTC had been in place throughout this siting process.

