



February 2, 2024

Via email: pluckham@islandstrust.bc.ca

Islands Trust Executive Committee
200-1627 Fort Street,
Victoria BC V8R 1H8



Attention: Chair Peter Luckham

Re. Tsawout First Nation Objection to Proposed Salt Spring Bylaw 537

Dear Chair Luckman,

I hope this letter finds you well. I am writing to express the Tsawout First Nation's deep concern and continuing opposition to Bylaw 537, which was given three readings, and was passed subject to your approval, at the Salt Spring Local Trust Committee's electronic meeting on January 22, 2024.

In addition to our substantive concerns, which we previously articulated, we are seriously concerned with the process that was followed to pass this bylaw. We were not consulted or informed about this meeting and given no time to submit our objections before it. The Salt Spring LTC acted with undue haste, and with no opportunity for a public hearing at which we could have submitted our concerns. Furthermore, the published legal notice was inaccurate, stating that the meeting was for a first reading only, not three readings.

As you are aware, the Tsawout First Nation has the only reserve on Salt Spring Island, an extensive stretch of land at Fulford. This land would certainly be affected by misguided land-use decisions bordering it, and throughout the greater parts of Salt Spring Island that are unceded Tsawout territory. As we set out in our first letter of August 2022, and reiterated to the Salt Spring LTC in June 2023 (copy attached):

Tsawout First Nation holds unextinguished Aboriginal rights & title to the land and its resources within our traditional territory. As a signatory to the Douglas Treaty 1852, Tsawout has Treaty rights to hunt and carry on our fisheries as formerly, to the protection of our village sites, and to carry on our **CELÁNEN** (way of life) in perpetuity as guaranteed under the provisions of the treaty. Tsawout's Aboriginal and Treaty rights include the right to manage resources and to protect habitat where our rights can be exercised. These rights have been affirmed in several court cases.

[The bylaw] will significantly change the environmental trajectory of the island by pushing the living capacity well past the standards that were

originally outlined in the Salt Spring Island Official Community Plan. Furthermore, [the bylaw] does not address the potential impacts increased development and living capacity will have on Tsawout First nations rights to manage the traditional territory for now and future generations.

It is essential that the Islands Trust ensures meaningful consultation in good faith with the Tsawout First Nation. Our rights and needs, both present and future, must be addressed to our satisfaction in any decision-making process that may impact our lands and resources. Bylaw 537 has the potential to infringe upon these rights and could adversely affect the cultural, economic, and ecological wellbeing of First Nations. Although Bylaw 537, as drafted, has less reach than the previous Bylaw 530, Salt Spring LTC is proposing to enlarge its catchment once it is in force, by encouraging a program of spot-zoning to add density on demand. In its report on the special LTC meeting, the *Gulf Islands Driftwood* quotes Trustee Laura Patrick as saying: "I am comfortable that we have more than addressed [Tsawout FN] concerns...So I am more than satisfied to move forward today with this bylaw, and I'm hopeful we will have a spot-zoning process." *Driftwood*, January 24, 2023, page 3.

Salt Spring LTC has not addressed our concerns. They have simply found a way to scale the bylaw down to pass it, intending to expand it later. The Saltspring LTC lobbied us through much of last summer and fall, months after presenting a version of Bylaw 530 that was almost the same as Bylaw 537, and which we could not support. They then told us they would sponsor a potlatch to build a relationship for reconciliation, but never did so. Clearly, the Saltspring LTC did not believe they had addressed our concerns a few months ago. So why should they think so now?

I urge the Salt Spring Island Trust to take immediate action to engage in a meaningful and respectful consultation process with the Tsawout First Nation. Furthermore, I request that the Salt Spring LTC provide clear, timely and transparent information regarding proposed laws and development programs to the Tsawout First Nation, including adequate expert study of potential impacts on freshwater and seawater. It is also essential that the residents of Salt Spring Island are fully informed and aware of the implications of these Bylaws, particularly in relation to First Nation rights and interests. Failure to do so is another form of colonial governance denying the rights of First Peoples under international law and enshrined in the Constitution of Canada.

In conclusion, Tsawout First Nation strongly opposes Bylaw 537, and respectfully urges you to withdraw it, and to cease the Saltspring LTC's envisioned program to expand the bylaw's impact by easing "spot-zoning" applications for added settler population density. It is crucial that the Islands Trust upholds its commitment to reconciliation and engages in meaningful dialogue to ensure that our rights, as well as the natural environment on which all life depends, are respected, and protected.

We would welcome the opportunity to meet with you do discuss these concerns and build a more respectful relationship. Please feel welcome to reach out to our Lands Manager, Conrad Young to set up a meeting.

Sincerely,



Chief Abraham Pelkey

Encl.

cc. Tobi Elliott: telliott@islandstrust.bc.ca
David Maude: dmaude@islandstrust.bc.ca
Timothy Peterson: tpeterson@islandstrust.bc.ca
Conrad Young: landsmanager@tsawout.ca