



TSAWOUT FIRST NATION

7728 Tetayut Rd.

SAANICHTON, BC V8M 2E4

Louisa Garbo
Islands Trust Local Planning Services
1-500 Lower Ganges Road
Salt Spring Island, BC,
V8K-2N8

June 12, 2023

RE: Referral of Salt Spring Island Local Trust Committee Proposed Bylaw No. 530 - Accessory Dwelling Units

Dear Louisa,

Tsawout First Nation acknowledges receipt of the Salt Spring Island Local Trust Committee Proposed Bylaw No. 530 for accessory dwelling units. After reviewing the proposed project Tsawout First Nation has concluded that the Bylaw amendment infringes on our aboriginal rights and title to protect our traditional territory and therefore oppose the approval of this project.

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.¹

The proposed referral 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, Bylaw No.530 does not address the potential impacts increased development and living capacity will have on

¹ See e.g., *R. v. White & Bob* (1964), 50 D.L.R. (2d) 613 (BCCA); *R. v. Bartleman*, [1984] 55 BCLR 78, 12 DLR (4th) 73; *Saanichton Marina Ltd. v. Claxton*, [1989] BCWLD 1269 (BCCA); *Mikisew Cree First Nation v. Canada (Minister of Canadian Heritage)*, 2005 SCC 69; *Tsilhqot'in Nation v. British Columbia*, 2007 BCSC 1700.

Tsawout First nations rights to manage the traditional territory for now and future generations. Tsawout acknowledges the housing crisis on Salt Spring Island and throughout our traditional territory, however the island does not have the capacity to increase living conditions without threatening the environmental stability of our traditional territory.

Until there are adequate assessments to address future impacts of Bylaw 530 on surrounding environments and Tsawout First Nation interests we would have no other choice but to oppose the referral. In the wake of reconciliation, we expect our inherent and established aboriginal rights to manage our resources and traditional territory be respected and upheld within the final decision.

Thank you for your interest in the views of Tsawout First Nation,

Conrad Young

Lands Interim Manager/ Dev-Corp Director

Tsawout First Nation

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