

Date: February 3, 2016

File No.: 4085 (First Nations Heritage)

To: Salt Spring Island Local Trust Committee, for meeting of February 11, 2016
From: Jason Youmans, Planner 2

Re: Project Update - First Nations Heritage Site Inventory

PRELIMINARY REPORT

THE PROPOSAL

The Salt Spring Island Local Trust Committee (LTC) has directed staff to obtain an inventory of sites within the area covered by the Salt Spring Island Official Community Plan that have heritage value or heritage character related to human occupation or use, or with respect to individual landmarks and other natural features that have cultural or historical value.

This staff report provides an update on this project and recommends an allocation of existing project funds for a legal review related to LTC jurisdiction for First Nations heritage protection.

BACKGROUND

At its December 17, 2015 meeting, LTC made the following resolutions related to this project:

SS-2015-218

It was MOVED and SECONDED,

that the Salt Spring Island Local Trust Committee direct staff to draft and issue a service contract to develop an inventory of sites along the shoreline of Salt Spring Island and of islands within the Salt Spring Island Local Trust Area that have heritage value or heritage character related to human occupation or use, or with respect to individual landmarks and other natural features that have cultural or historical value and for contract services to propose revisions to the Salt Spring Island Official Community Plan, Part F based on results from this inventory.

CARRIED

SS-2015-219

It was MOVED and SECONDED,

that the Salt Spring Island Local Trust Committee allocate up to \$15,000 for contract services to develop an inventory of sites along the shoreline of Salt Spring Island and of islands within the Salt Spring Island Local Trust Area that have heritage value or heritage character related to human occupation or use, or with respect to individual landmarks and other natural features that have cultural or historical value and for contract services to propose revisions to the Salt Spring Island Official Community Plan, Part F based on results from this inventory.

CARRIED

STAFF COMMENTS

Staff are in the final stages of entering into a service contract to deliver the above-noted inventory. The terms of the contract are being developed with the participation of the prospective contractors. From discussions with these contractors it has become apparent that this inventory must be limited to an exploration of recorded archaeological sites in the project area. The reason for the limited scope is that detailing unrecorded sites would require significant fieldwork beyond the timeline and budget of this phase of the project. Nonetheless, the prospective contractors have committed to recommending recorded areas or sites for inclusion in one or more potential Heritage Conservation Areas under Part 15 of the *Local Government Act*. It is anticipated that the inventory developed at this stage will be a first step in a longer process involving significant consultation with neighbouring First Nations to identify other archaeological and non-archaeological sites of heritage or cultural value not presently part of the formal record, but that could be included in a future Heritage Conservation Area(s).

As this inventory project may eventually lead to the implementation of a local permitting mechanism for development on or around sites of First Nations cultural importance, the LTC should understand how such a local permitting process would intersect with the provincial *Heritage Conservation Act* and the protections it affords pre-1846 sites. As such, staff recommend that LTC dedicate \$1,500 of existing project funds to obtain a legal review of local government jurisdiction to protect First Nations cultural and heritage sites. LTC's original resolution on this project directs staff to obtain contract services to develop potential bylaw amendments to the island's Official Community Plan and its current Heritage Conservation Area. However, staff recommend forgoing any bylaw drafting until confirmation that LTC has jurisdiction for First Nations heritage protection.

RECOMMENDATION

THAT Salt Spring Island Local Trust Committee allocate \$1,500 of existing project funds to a legal review of local government jurisdiction under Part 15 of the *Local Government Act* with respect to the protection of First Nations heritage and cultural sites.

Prepared and Submitted by:

Jason Youmans, Planner 2

February 3, 2016

Concurred in by:

Stefan Cermak, Regional Planning
Manager

February 3, 2016