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DATE OF MEETING: October 23, 2017
TO: Saturna Island Local Trust Committee
FROM: Fiona XETXÁTTEN MacRaid, First Nations and Marine Issues
Local Planning Services
SUBJECT: Community Information Meeting to discuss OCP Amendment Text

RECOMMENDATION

1. That the Saturna Island Local Trust Committee request staff to schedule a Community Information Meeting in order to solicit community feedback on the potential OCP amendments.

REPORT SUMMARY

The purpose of the report is to recommend that the LTC schedule a CIM to discuss and receive feedback on amending the OCP to better reflect an actual history and context of First Nations interests in the Saturna Island Local Trust Area.

BACKGROUND

This CIM is being recommended to elicit broad input from the island community, to hopefully achieve political will for the OCP amendments and to provide an opportunity to learn about First Nations' history, lands and treaties through the forum of a community discussion.

Policy/Regulatory

The recommendation supports the First Nations Engagement Principles Policy 6.1.i adopted by Trust Council in December 2016.

Official Community Plan:

As the current OCP was written in a time when there was little knowledge or acknowledgement of First Nations interests in the Saturna LTA, the proposed amendments would address this omission. Having a community meeting to discuss these amendments allows to island community to learn and provide feedback or support.

Issues and Opportunities

Any community discussion carries with it the risk of individuals reacting fearfully or with rude commentary regarding First Nations interests in the Saturna LTA due the acknowledgement of ambiguity surrounding the reconciliation of Aboriginal rights and title, and treaty right with that of private property rights. The LTC can mitigate this risk through full thought out management of the meeting.

First Nations may want to be more involved in the OCP amendments than anticipated and this may slow down the process. However, ultimately this would make the amendments more robust and have a broader community buy-in.

Consultation

One community meeting would be advertised to all the major community groups and associations on Saturna Island as well as the 13 First Nations that have asserted Aboriginal rights and title, and treaty rights (see list below).

Statutory Requirements

As the project would eventually involve an OCP amendment, the LTC is required by the *Local Government Act* to consider opportunities for consultation with persons, organizations and authorities it considers will be affected. The LTC should consider if it wishes to undertake additional consultation than identified above and direct staff accordingly.

First Nations

First Nation	Applicable Treaty Rights in the Saturna LTA	Reserve land management in the Saturna LTA	Asserted Aboriginal Rights and Title in the Saturna LTA
Tsawout First Nation	Douglas Treaty	Indian Reserve 7	yes
Tseycum First Nation	Douglas Treaty	Indian Reserve 7	yes
Tsartlip First Nation	Douglas Treaty		yes
Pauquachin First Nation	Douglas Treaty		yes
Malahat Nation	Douglas Treaty		yes
Tsawwassen First Nation	Tsawwassen Final Agreement		yes
Cowichan Tribes			yes
Penelakut Tribe			yes

Halalt First Nation			yes
Cowichan Lakes First Nation			yes
Lyackson First Nation			yes
Chemainus First Nation			yes

Rationale for Recommendation

This CIM is being recommended to elicit broad input from the island community, to hopefully achieve political will for the OCP amendments and to provide an opportunity to learn about First Nations’ history, lands and treaties through the forum of a community discussion.

ALTERNATIVES

1. Request further information

That the Saturna Island Local Trust Committee request that staff ask local First Nations for their input on the proposed OCP amendments before engaging in a CIM.

2. Receive for information

NEXT STEPS

Describe the next steps in the process, if applicable.

Submitted By:	Fiona XETXÁTTEN MacRaid, First Nations and Marine Issues	October 16, 2017
Concurrence:	David Marlor, Director, local Planning Services	October 18, 2017

ATTACHMENTS

1. Word document with background explanation to the approach to the OCP proposed amendments and a draft text for discussion at a CIM.

October 16, 2017

Draft text for introductory/history/context section of the Saturna Island Official Community Plan (OCP) Bylaw.

The Approach to OCP Amendments

The approach to Local Trust committee's (LTC) request to consider amendments that would better reflect the history and interests of First Nations in the Saturna Island Local Trust Area (LTA) is one where options are provided for readability and to gauge community readiness to have a text convey a history that includes an uncomfortable chapter in Canadian history.

The current OCP was reviewed and highlighted where changes may be appropriate throughout. The challenge resembled the old adage "trying to fit a round peg in a square whole". The current version was written without the benefit of what we know now about the Indian Act, residential schools, the Truth and Reconciliation Commission, United Nations Declaration of the Rights of Indigenous Peoples and recent court decisions upholding Aboriginal title, rights and treaty rights. Because of the lack of that knowledge at the time of writing, inserting text comes across as awkward in its readability.

As an alternative, the following text is provided as a sort of "fresh start" to telling the story of the history, the lands, the treaty rights and a much broader context to the impetus behind establishing Islands Trust as a local government authority. Both the suggested insertions to the current Plan and the following text are only meant as discussion tools. Community feedback will be most welcome, including and especially, from our local First Nations:

A Draft Text for Community Discussion

How did the Islands Come to "Appear" Empty for Colonial Settlement?

The islands were never "empty", except in the immediate aftermath of an enormous tragedy that struck this region in 1782/83 (only 230+ years ago – the same year the American Revolution ended). Diseases were introduced on the east coast and in the south areas of North America and spread quickly through the efficient Indigenous trade systems. Conservative estimates of the death toll throughout the continent were 90%, but it is likely that in densely populated regions such as the Strait of Georgia, diseases killed as many as 95 per cent of the population. Given that estimate, as many as 100,000 people (many researchers estimate this number to be considerably higher) may have lived in the area at a time when the entire state of New York counted barely 200,000. These islands were the most densely populated region in the land we now call Canada for millennia due to the unrivalled rich resources and moderate climate.

When George Vancouver saw beaches strewn with bones in 1792, he was looking at a pattern of mass-death that happened only a decade previously, that many researchers say rivalled the death toll of the Bubonic Plague (the Black Death) in Europe in the 14th century.

A tragic continuance of this tragic island depopulation happened 80 years later with the grandchildren and great grandchildren of the survivors. In 1862/63, again, First Nation communities were hit and depopulated by death by disease, up to 90% in densely populated regions like the island region. That we have surviving First Nations that constitute about 5% of Canada's population today is actually a testament to how populous they were before the two waves of depopulation they survived within a short 80 years.

Emerging archaeology has also been helping to reshape the assumptions about these ancient Aboriginal societies. Evidence from the central BC coast and the Olympic Peninsula indicate the islands may have been occupied up to 4000 years *before* the ice retreated from the BC mainland (estimated to have happened about 10,000 years ago). Once this population's diet shifted from marine mammals to finfish, complex and sophisticated systems of mariculture on the islands' shorelines start to emerge about 8000 years ago. Then, by the same time of the first pyramids of Egypt, the rich and sophisticated culture of this island region includes manufacturing centres, monetary currencies and an elaborately stratified class society.

Why Have First Nations Interests in the Islands Been So Absent for So Long?

The short answer is that they have been rather busy. The depopulation of the islands by disease could arguably be called morally neutral. It could be said that there was likely no intent by Europeans who introduced these diseases that they did it on purpose (although there are academic theories that suggest the second wave of diseases in 1862/63 were a conscious effort to eliminate the "Indian problem").

However, there is no doubt that what Canada chose to do with the surviving First Nations in Canada after this enormous death toll is not morally neutral. It is this deliberate and tragic set of federal and provincial policies that underscore today's need for Canada – including the island community of Saturna - to reconcile with our First Nations and the survivors of the last 150 years of "Indian" policies.

Canada established a punitive reserve system (with the smallest reserve land allocations in BC – less than 1/60th of other reserves in Canada - , thus forcing economic collapse of Indigenous communities), established bureaucratic systems to segregate those communities from the rest of mainstream Canada (a mindset of segregation that remains to this day), and then, unforgivably, we forced a residential school system for almost a century that took the most vulnerable of their community, removed them from their families and their homes, forced new religious beliefs on them, subjected them to extreme levels of abuse and let contagious diseases run rampant and unchecked through the schools.

How was Saturna Island Used by Indigenous Peoples?

Saturna Island has been -and continues to be - a rich harvesting resource for many First Nations families. Not only is there an abundance of black-tailed deer but there is a large crab, clams, urchins, seagull eggs, "stick shoes" (chitons) and mussel harvesting area that spans from East Point, and continues through the waters along the length of Taylor's Beach, as well as Tumbo Island. The Gulf shore of the island was also an important reef net fishing site and a place of extensive clam gardens and fish traps.

How do we Reconcile this History, These Lands and the Treaties with Today's Realities?

With knowledge comes responsibility.

As Canadians, as British Columbians, as Saturnites, we may not have known this history before, but now we do. It may not be our personal fault it happened, but it is our responsibility to make right that which was wrong. Acknowledging our privileges, especially those vested in land, and the history of how they came to be, is a first step. One could arguably say that First Nations paid a considerable price for us to have these privileges.

This shift in attitude for non-Indigenous residents and visitors of Saturna Area is one of humility and discomfort as the unanswered questions about land certainty remain ambiguous. This can be seen as a threat, reacted to with fear but it doesn't have to be. There is another alternative and that is seeing this as an opportunity for sincere relationship building and expanding the Saturna community to not just include members of the local First Nations but to respect and value their advice as the island stewards for over 10,000 years, in shaping a future vision for this extraordinary Saturna Island area.