

## **Crystal Mountain Development Plan – Brief 5: Lack of Meaningful Indigenous Consultation**

The Crystal Mountain (CMS) application involves significant indigenous interests that have not been addressed in the usual pro-forma referral letters sent to area First Nations by the Islands Trust.

Several Coast Salish communities and key political entities have claims for indigenous rights and title in the Southern Gulf Islands. With the exception of the Tsawwassen First Nation, the vast majority of area indigenous nations have never signed treaties with the Crown and continue to assert unceded aboriginal rights and title. Because fee simple title (privately-owned) is off the table, future settlements with non-treaty First Nations in the Southern Gulf Islands typically must involve BC Crown land.

The land involved in the CMS application is immediately adjacent to a key piece of BC Crown land - District lot 87. The status of DL-87 has not been resolved. The government has not transferred it to BC Parks, and it may well form the basis of a treaty settlement with area First Nations. Therefore, the indigenous consultation on the CMS application must be far more fulsome and comprehensive than the usual pro-forma referral request letters sent to 13 indigenous nations, as reported in the recent staff report to the Local Trust Committee.

Islands Trust Planner Brad Smith reported that only two First Nations, Tsawout and Tsawwassen "replied that they had no concerns". However: *"Lyackson First Nation has flagged some general concerns regarding a limited capacity to respond to referrals without funding and a lack of clarity on how the proposed zoning will respect traditional ways of being or support traditional cultural practices."* Smith resolved to turn the matter over to Lisa Wilcox, the Trust's senior intergovernmental policy advisor, and the Galiano trustees surprisingly proceeded to give the first reading of the CMS bylaws.

This is by no means sufficient consultation with Penelakut, Lyackson or any of the 13 indigenous nations whose future territorial claims and traditional use may be impacted by a dense development like CMS, adjacent to a Rural Residential Neighbourhood just south of the Penelakut reserve. The disposition of Crown Land DL 87 has never been discussed with indigenous nations.

Nor has the Galiano Island LTC included in its referrals the Galiano-based Lelum Sar Augh Ta Naogh. The group speaks for some indigenous families who never left Galiano, yet their matriarchs were stripped of federal Indian status when they married non-indigenous men. Members of this house (or Lelum) have regained individual indigenous status and have asked for Galiano LTC land-use referrals. Both Galiano trustees contributed to a June 21 healing ceremony held by Lelum Sar Augh Ta Naogh whose members are well-known among Galiano's pioneer families.

At a time when this country is facing a national reckoning and many indigenous nations are dealing with re-traumatization over the discovery of unmarked graves at indigenous residential schools across Canada, including the Kuper Island Residential School on Penelakut Island, this limited and perfunctory 30-day referral is simply insensitive and unacceptable.

The Penelakut community office has been closed due to Covid for much of the last two years. At no time should the Galiano trustees conclude that lack of indigenous response implies consent. It is imperative for the Galiano trustees to take responsibility for meaningful consultation with indigenous communities around us. The CMS file should not proceed one step further until Galiano trustees take the initiative and reach out to area First Nations to meet face-to-face to discuss specific indigenous interests that may be raised by this application, including the disposition of DL 87.

*This document (Brief 5 of 5) was prepared by Galiano residents and landowners who are concerned about the Crystal Mountain application: Sheila Anderson, Serena Coutts, Jenna Falk, Akasha Forest, Suzanne Fournier, Dan Gaucher, Bob Grist, Diana Lilly, Brad Lockett, Pat Mayhill, Ian Mayhill, Tom Mommsen, Art Moses, Sandy Pottle, John Ronsley, Risa Smith*