



T'Sou-ke First Nation Newsletter

tsoukenation.com | 250-642-3957 | Fax: 250-642-7808

May 2023



Administration

Michelle Thut administrator@tsoukenation.com

Ext.233

Sandra Sprinkling admin1@tsoukenation.com

Ext.223

Tara Jensen admin2@tsoukenation.com

Ext.222

Hailey Godolphin secretary@tsoukenation.com

Office Hours

- * 2154 Lazzar Road
- * 8:30 am to 4:30 pm Monday to Friday
- * Closed during Lunch; 12:00 pm to 1:00 pm
- * Closed Saturday, Sunday and Statutory Holidays

Chief and Council

Gordon Planes—chiefplanes@tsoukenation.com

Rose Dumont—dubzdu@gmail.com

Bonnie Hill—bonniehill@tsoukenation.com

Sum-SHA-Thut Lellum

sumsha@tsoukenation.com

250-642-2263

Marine Team

778-352-0011

Joanne Routhier—marineliaison1@tsoukenation.com

Eva Shaffer—marineliaison2@tsoukenation.com

Edward Chutter—echutter@gmail.com

Fisheries

Frank Sutherland—Ext.228—fisheries@tsoukenation.com

Blake Barton—Ext.232—blakebarton@hotmail.com

John Planes Sr.—Skipper Ocean Sunset

Billy Mobley—guardian2@tsoukenation.com

Dave Planes—guardian1@tsoukenation.com

Health Department

Rose Dumont—Ext. 237—adminhealth@tsoukenation.com

Daphne Underwood—Ext.235— communityhealth@tsoukenation.com

Jennifer Routhier— Ext.238— nurse1@tsoukenation.com

Debbie Ridley— Ext.236— socialdevelopment@tsoukenation.com

Lorissa Orser—healthcareassistant@tsoukenation.com

Social Development / Employment & Training

For the Month Of	Declarations Due By	Cheque Issue Day
May 2023	May 19, 2023	May 24, 2023
June 2023	June 17, 2023	June 22, 2023
July 2023	July 21, 2023	July 26, 2023
August 2023	August 18, 2023	August 23, 2023
September 2023	September 15, 2023	September 20, 2023

Declarations must be given to Debbie by the due date to avoid any delay in processing cheques. There will be a delay in receiving your cheque if declarations not received by Debbie on the due date, no exceptions. Friendly reminder to provide your income verification slips monthly if you are working. Monthly utility bills need to be provided to be paid in a timely manner.

Meals on Wheels

June 2023

Please ensure that there is a cooler outside your door, clearly marked, for your meals on wheels to go into if you are not home. This keeps your meals safe from animals. Thank you.

This is a needs-based program. If at any time an Elder or Member requires this service due to medical reasons and need some extra help, this service is offered. To receive this service one of our Nurses will set up appointments for assessments.

Meals are subject to change depending on availability of products.

Monday June 5th—Hamburger Noodle Dish, Green Salad, Strawberry with Yogurt & Juice or Milk.

Wednesday June 7th— Nuts & Bolts Stir Fry, Rice, Peach Cobbler & Juice or Milk.

Monday June 12th— Salmon & Potato Dish, Coleslaw, Whole Wheat Buns, Mousse & Juice or Milk.

Wednesday June 14th—Greek Pasta Salad, Caesar Salad, Mixed Berries, French Bread & Juice or Milk.

Monday June 19th—Hot Chicken Salad, whole Wheat Buns, Cinnamon Apples & Juice or Milk.

Wednesday June 21st—CLOSED— NATIONAL INDIGENOUS PEOPLES DAY.

Monday June 26th—Beef & Broccoli, Rice, Mousse & Juice or Milk.

Wednesday June 28th—Salmon & Potato Dish, Coleslaw, Whole Wheat Buns, Mixed Berries & Juice or Milk.

REFLEXOGLY

Reflexology is resuming twice monthly at the health department. Please connect with our office to book an appointment.

250-642-3957 ext 237 or email RoseDumont@tsoukenation.com

ACUPUNCTURE

Acupuncture is resuming once monthly at the health department. Please connect with our office to book an appointment.

250-642-3957 ext 237 or email RoseDumont@tsoukenation.com

BOOK BIN PROGRAM

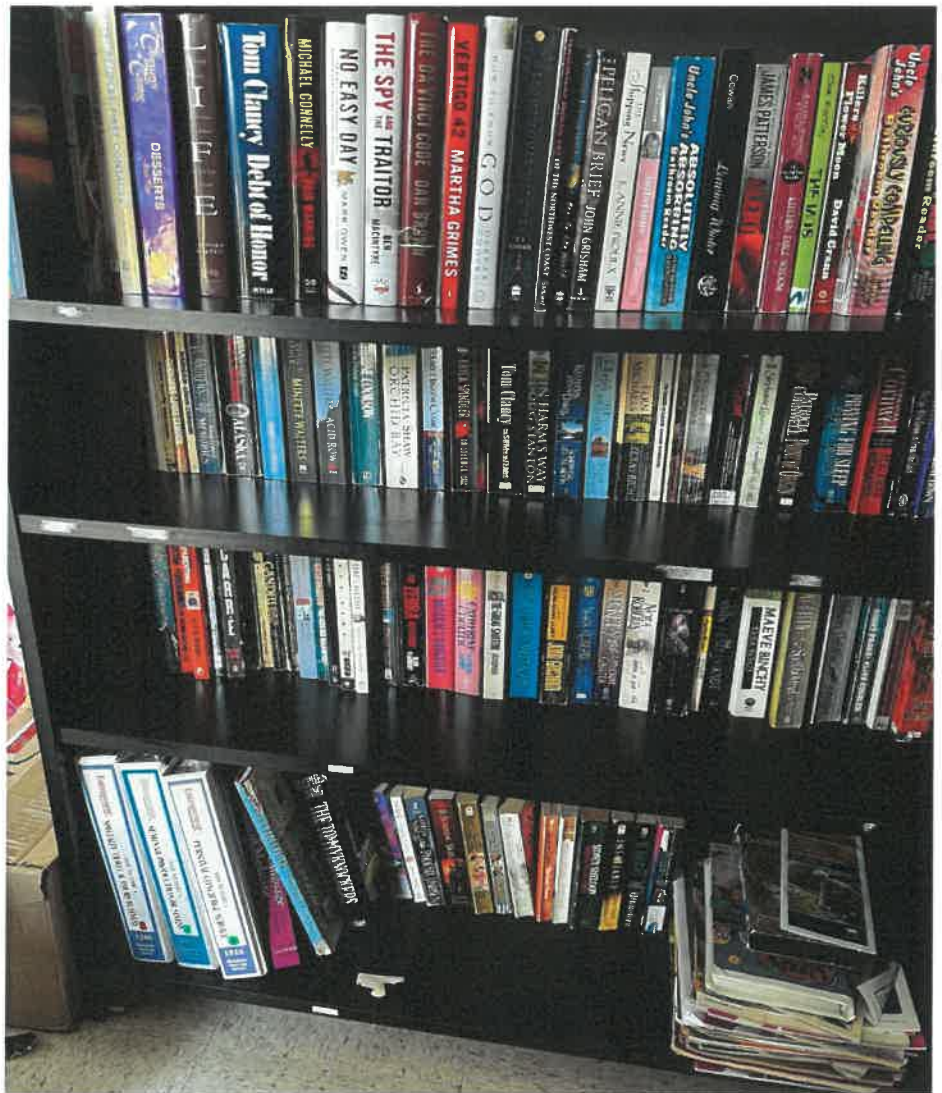
Our book bin was refilled.

Our books are yours to keep or you can return them.

Come on down and check them out!

The books are located still in our main Health Centre.

Please let our health office staff know if the door is locked and one of us will let you in.



COMING SOON - IN PERSON LANGUAGE CLASSES

Please keep an eye out for our language classes at the health office.

More Information to follow with Dates and Times!

HEALTH OFFICE SCHEDULE

With the exception of nights when our Wednesday Community Dinners are being held.

Yoga Classes

Fridays

12:00 pm—1:00 pm

Please join us for some relaxing yoga with Donna.

Rise & Shine Morning Class

Wednesday and Friday

6:00 am— 7:00 am

If you are an early riser, please join us for this fun exercise class!

Full Body Strength Training

Monday and Wednesdays

7:30 pm- 8:30pm

Please join us for this full body strength training program!

BOOTCAMP - Every Friday 12:00 pm - 1:00 pm

Every Friday, from 12:00 pm - 1:00 pm in the Band Hall. Marco Caffiero will be joining our fitness team as our Bootcamp instructor. Welcome Marco!!

Hope to see some family there.

If Bootcamp is not for you, check out our other fitness classes we have scheduled.

Seaparc Passes

Seaparc passes are available at the health office!

Each family is eligible for 4 passes per month.

Drop-in schedules are available on the Seaparc website.

Youth & Culture

778-352-3957

Brandy Daniels—youthcentre@tsoukenation.com

Kids Boxing

Kids boxing will be held on Mondays and Wednesdays from 4:00 PM—5:00 PM.

Teen boxing

Teen boxing will be held on Tuesdays and Thursdays from 5:00 PM—6:00 PM.

Youth Swim

Youth swim at Seaparc Tuesdays 7:00-8:15pm.

Library Book Read and Craft

Hosted by Natalie at the Sooke Vancouver Island Regional Library on the last Tuesday of every month.

Tutor

Starting February 2nd each Thursday from 4:00pm-5:00pm. Ongoing until the end of the school year.

Baby Playgroup

Second Tuesday of every month from 1:00pm-3:00pm at the Main Health Centre.

Mystic Beach Hike

Next Pro-D Day May 29th from 9:00am-3:00pm hike to mystic beach. Contact Brandy through email, or Facebook to register!

LADYBUG GARDEN

You can keep up to date by logging onto my Facebook site for updates and advice at or email; ladybuggarden@tsoukenation.com or call 250-642-3949.

LADYBUG GARDEN UPDATE

MALASPINA GALLERY – GABRIOLA ISLAND TRIP

Saturday July 8th 2023

I am planning an end of school year community trip to Malaspina Gallery on Gabriola Island. This trip will be open to all band members and you **MUST REGISTER** by Friday June 30th 2023. We will be travelling from the band hall to Nanaimo Harbour to catch the ferry over to the Island. We will need drivers to make this trip possible (see form) and drivers will be compensated travel fuel to drive. Lets make this work folks you can always email me for more information.

Boxes are almost ready for community to utilize this season, let me know if you are interested in using a box to grow your fresh veggies .

You can keep up to date by logging onto my facebook site for updates and advice at or email; ladybuggarden@tsoukenation.com or call 250-642-3957.

Lands, Forestry, Environment

Lawrence Underwood—Ext. 226—forestryandenvironment@tsoukenation.com

Lands Referrals Clerk—Ext. 227—landsandreferralsclerk@tsoukenation.com

Lands Manager—Ext. 227—landsmanager@tsoukenation.com

Wildfires

Following several days of unseasonably warm weather, wildfire season has arrived early in British Columbia.

Fire bans and restrictions are currently in place until October 31, 2023. This includes fires that:

- burn material in one pile not exceeding 2 m in height and 3 m in width,
- burn material concurrently in 2 piles each not exceeding 2 m in height and 3 m in width, or
- burn stubble or grass over an area that does not exceed 0.2 ha.

Also banned are fireworks, sky lanterns, binary exploding targets; and, air curtain burners. Note that Burn Barrels of any size or description are banned from use under T'Sou-ke Nation's Backyard Burning Regulation.

Burning of yard waste is only permitted in daylight hours between 1st October to April 30th, during a period of GOOD venting. T'Sou-ke Nation's Backyard Burning regulation also contains a list of items that must not be burned.

Campfires, defined as 50 cm long x 50 cm wide x 50 cm tall are still allowed, albeit with restrictions. Anyone lighting a campfire must maintain a fireguard by removing flammable debris from around the campfire area and have a hand tool or at least 8 litres of water available nearby to properly extinguish the fire.

Should a person cause a wildfire they can be investigated, held responsible and ordered to pay for the costs to extinguish a fire.

To report a wildfire, unattended campfire, or open fire violation, call 1 800 663-5555 toll-free or *5555 on a cell phone. For the latest information on current wildfire activity, burning restrictions, road closures and air quality advisories, go to: <http://www.bcwildfire.ca>.

For further questions please contact T'Sou-ke Nation Lands Office at 250-624-3957.

This is a reminder to all members and their visitors, now that the weather is nice children are at play. Please take care to drive at the speed limits posted.

NOISE BYLAWS: There have been reports about loud music, dirt bikes, and other motorized vehicles being driven on the reserves and unwanted traffic throughout the night. T'Sou-ke Nation has a Noise Bylaw that states: No person shall emit, cause, or permit the emission of sound resulting from an act listed herein, and which sound is clearly audible at a point of reception:

Racing any motorized vehicles conveyance other than in a racing event regulated by law.

The operation of a motor vehicle in such a way that the tires squeal.

The operation of any combustion engine or pneumatic device without an effective exhaust or intake muffling device in good working order and in constant operation.

The operation of a vehicle or a vehicle with a small trailer resulting in banging, clanking, squealing or other like sounds due to improperly secured load or equipment, or inadequate maintenance.

The operation of motor vehicle horns or other warning devices except where required or authorized by law or in accordance with good safety practices.

The operation of any item of construction equipment within the reserve without effective muffling devices in good working order and in constant operation.

You can learn more about the laws and regulations by visiting our website:

www.tsoukenation.com/laws-regulations/

RESPECTING NEIGHBORS: At T'Sou-ke Nation we strive to all have a good relationship with each other. However, disagreements between neighbors still occur. Most of these can be avoided by doing our best to abide by the standards set by your neighborhood. If you have a problem, talk to your neighbors face-to-face first. Look for ways to help your neighbors, instead of seeing them as problems. Being polite and non-confrontational can often resolve disagreements without the need to escalate into arguments. Should problems persist, document your concerns (with date and time), take photos/or video your concerns, and report these to the Lands office. Documentation helps us help you resolve the complaint.

T'Sou-ke Nation Lands Office can be reached at landsmanager@tsoukenation.com or 250-642-3957.

GARBAGE STORAGE AND BEARS: Bears have been observed in and around properties, and in some cases have been exhibiting problematic behavior. If a bear has gotten into your garbage, please clean it up as it is hazardous to the community and the bear. T'Sou-ke Nation Lands Department provides some preventative measures that may be undertaken if wildlife is creating problems:

Talk to your neighbor(s) about human-bear conflict and help educate them about bear attractants.

Only put garbage out on the day of collection

Neighborhood garbage conflicts can be addressed through residents being proactive in their neighborhood.

Keep garbage, compost, and other attractants inside until the morning of collection.

Garbage can also be kept in the basement or inside the garage or shed if it is bear-proof.

ANNUAL T'SOU-KE NATION ELDERS TRIP(60+) IS BACK

If you are interested in attending:

**"OUR ANNUAL ELDERS TRIP IS
AUG 28th – AUG 31ST 2023"(3 NIGHTS)
at the Tigh Na Mara in Parksville"**

Please join us for a planning/ fundraising meeting on
Thursday June 8th, 2023 at
1:30 pm in the Main Health office

Registration deadline will be Friday, June 30th, 2023 at 4:00 pm or
until room capacity is reached

Our registration is for our Elders 60+ and their spouse, Please give Rose a call at 250-642-3957
ext 237 or email at RoseDumont@tsoukenation.com for further information



T'Sou-ke First Nation

**Registration Form (closes June 30th, 2023)
Gabriola Island Trip – Malaspina Gallery Park
July 8th, 2023**

This is a basic general permission form for Malaspina Gallery Park on Gabriola Island. Please enter your name and or youth's name and age and sign in the appropriate sections.

Name(s) attending (youth will need parental signature on this form) :

- 1 _____ Youth (13-17) ___ Child (5-12) ___
- 2 _____ Youth (13-17) ___ Child (5-12) ___
- 3 _____ Youth (13-17) ___ Child (5-12) ___
- 4 _____ Child up to 5
- 5 _____ Child up to 5
- 6 _____ Adult 17 and over
- 7 _____ Adult 17 and older
- 8 _____ Elder 60 and over
- 9 _____ Elder 60 and over

Liability Release

I, the undersigned, in consideration of participation in the Malaspina Gallery Park trip offered by Ladybug Gardens agree to indemnify and release T'Sou-ke First Nation's Ladybug Gardens and its officers, staff, agents or employees from any and all liabilities from any injuries which may be suffered by the above named child, arising out of, or in any way connected with participation in activities offered throughout the day, except to the extent attributable to wilful act or active negligence of the T'Sou-ke First Nation's Ladybug Gardens or its officers, staff, agents or employees.

I, the undersigned, as the parent/guardian, acknowledge that the above-named child is being registered for the trip to Malaspina Gallery Park on Gabriola Island is an exempt, NOT licensed child care.

I ACKNOWLEDGE THAT I HAVE READ THE ABOVE AGREEMENT AND RELEASE, AND FULLY UNDERSTAND THAT I HAVE ASSUMED ALL THE RISKS FOR INJURY THAT MAY INVOLVE IN THE ACTIVITIES OFFERED BY THE T'SOU-KE FIRST NATION'S LADYBUG GARDENS.

Signature: _____

PHOTO RELEASE

Thank you for allowing us to take your picture. Since we have taken your picture, we need to be sure we have your permission to publish it in our materials. This may include publication in any communications materials (such as our newsletter, local papers & magazines etc.) and/or on our website. This may also include being aired in a video or on public media.

Thank you for allowing your photo to appear in our materials thereby illustrating the importance of our work within our Nation.

Do you give permission to T'Sou-ke First Nation to take pictures and/or video of you/your child that may or may not be used in future advertising and/or posted in the band hall, etc?

 Yes No Please initial here _____

Do you give permission for the staff of T'Sou-ke First Nation to drive the above-named child/yourself to and from the band hall during the trip to Gabriola Island and back?

 Yes No Please initial here _____

Furthermore, we also require drivers to transport from the band hall to our outing destination and back, we are asking if you would be able to transport participants to and from our events. There is a fuel allowance for each driver.

YES, I can drive _____ persons in my vehicle, including myself.

TOTAL PERSONS: _____

Signature: _____

Date: _____

**FORMS MUST BE FILLED AND HANDED IN
NO LATER THAN FRIDAY JUNE 30th 2023**



Decoda
Literacy Solutions

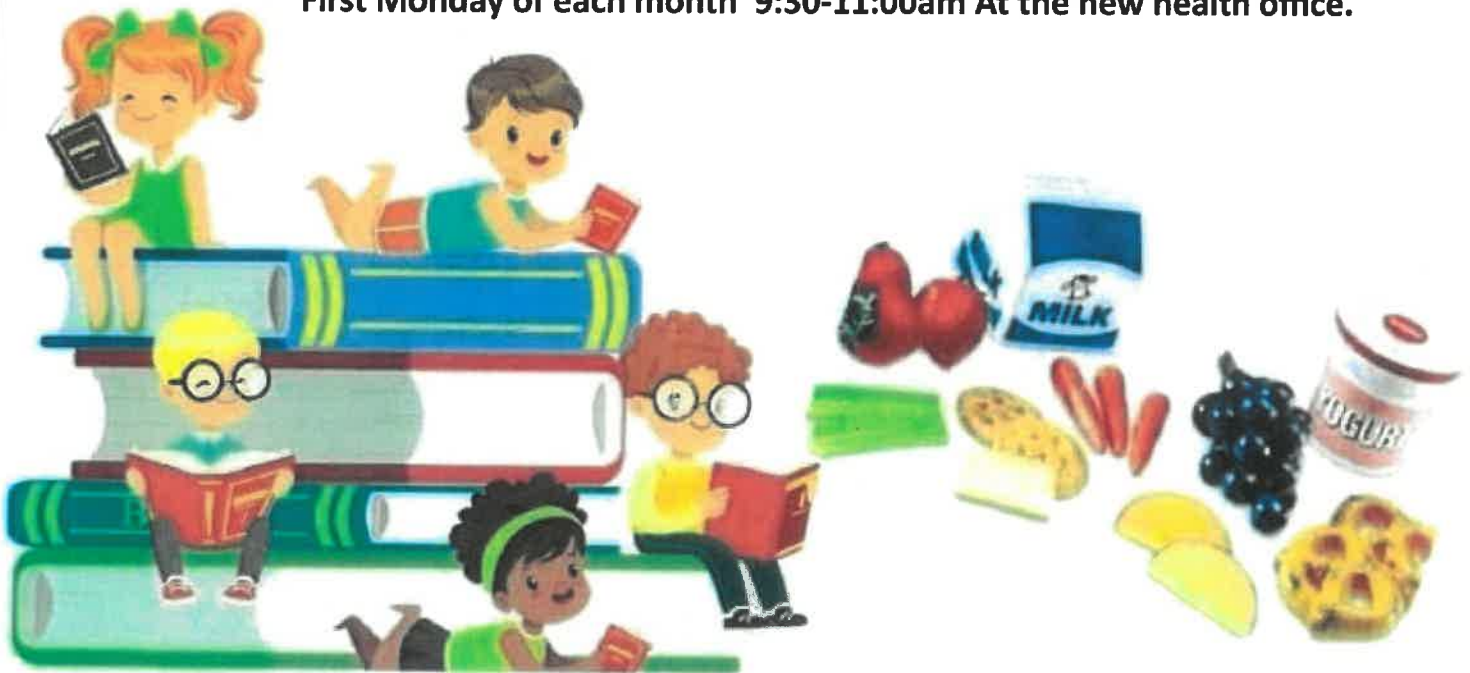


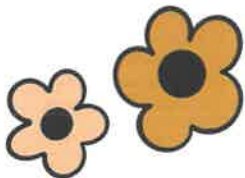
Books For Breakfast

FOR NEWBORNS TO 5 YEARS

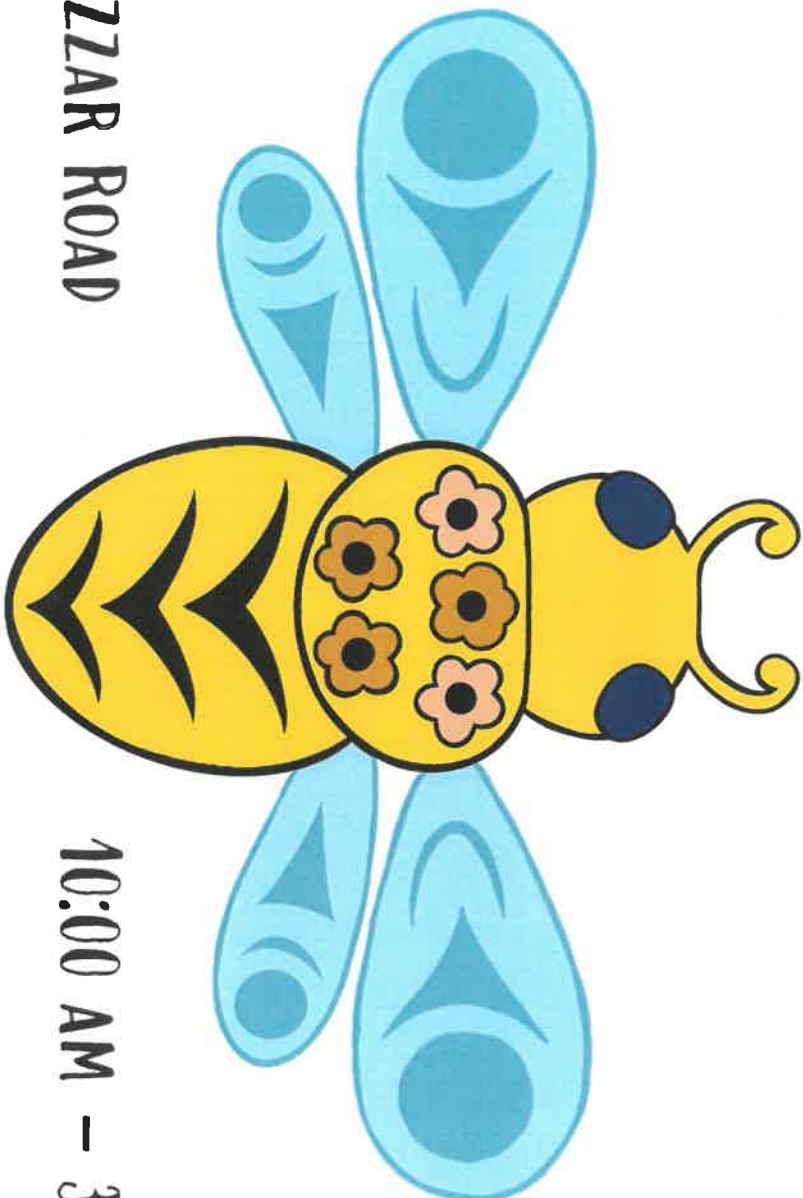
Children and their caregivers read a new book together, share some healthy snacks, make a little craft, and every family goes home with a brand new book!

First Monday of each month 9:30-11:00am At the new health office.





CRAFT FAIR MAY 27TH



2154 LAZZAR ROAD

10:00 AM -- 3:00 PM

TABLES ARE AVAILABLE
SEMSEMIVE.COM

INFO@SEMSEMIVE.COM



Boxing Classes



Starting Sunday May 28th at
3:00pm.

Upstairs at the Lazzar Building.
Class will be for T'Sou-ke Nation
Members and lead by James Vince.

All skill levels welcome!



PO Box 307, Sooke B.C., V9Z 1G1
Ph.: 250 642-3957 Fax: 250 642-7808

May 19, 2023

Hello Community:

T'Sou-ke Nation Lands Committee and Lands department have been working alongside our lawyer, Chris Macleod from Woodward & Co., toward creating a Subdivision, Development and Servicing (SDS) Law in accordance with T'Sou-ke Land Code.

A Land Code is a comprehensive law created by a First Nation to replace the 32 sections of the *Indian Act* that relate to land management. As an operational Land code First Nation, the Government of Canada no longer has a say in how the community's reserve lands are managed; that responsibility lies with T'Sou-ke.

Under the Land Code, the Council has the power to make laws about land use, subdivision, and development, amongst other things. The SDS law sets up a system for managing development on T'Sou-ke reserve land.

- ⇒ Attached is a memo that goes further into detail about the law.
- ⇒ Hard copies of the SDS Law and schedules will be available in the Lands department office, in the main Administration Hall.

BEFORE WE FINALIZE AND ENACT THE SUBDIVISION, DEVELOPMENT, AND SERVICING (SDS) LAW, A COMMUNITY ENGAGEMENT PROCESS IS REQUIRED.

WE WANT TO MAKE SURE THE LAW REPRESENTS T'SOU-KE VALUES AND INTERESTS. YOUR INPUT AND PARTICIPATION IN THAT PROCESS IS IMPORTANT.

WE WELCOME YOU TO REVIEW THE LAW AT THE FOLLOWING COMMUNITY MEETINGS:

Tuesday, June 13th, 2023, Initial Community Meeting to review and discuss the proposed SDS Law
5:30-7:30pm at the main Administration Hall. Dinner will be served.

June 14th- 30th Individual/Family meetings upon request; select lands committee members will be available to attend an in-house meeting to provide additional information.

July 1st -10th Legal counsel to revise SDS Law based on community input.



PO Box 307, Sooke B.C., V9Z 1G1
Ph.: 250 642-3957 Fax: 250 642-7808

Tuesday, July 11th, **Second Community Meeting** to review revised draft SDS Law Meeting – 5:30-7:30pm at the main Administration Hall. Dinner will be served.

August 17th **Public Notice** posted on reserve to let community know the SDS Law is being introduced/tabled at a Council meeting on Thursday, September 7th.

CHIEF AND COUNCIL MEETINGS:

September 7th SDS Law is introduced/tabled and has its 1st Reading with Chief and Council. This meeting will be open to the public.

September 13th **Public Notice** posted on reserve to let community know the 2nd reading of the SDS Law is occurring at a Chief and Council meeting in October (needs to be posted 21 days before the Chief & Council meeting). A copy must also be deposited with the Lands Committee.

October 5th Second Reading/Enactment – This meeting will be open to the public.

Bill enacted by early October 2023.

This is an exciting law that will guide and set requirements for both personal and commercial development on T'Sou-ke lands. We hope you will join us in these exciting discussions.

If you have further questions, please do not hesitate to contact us - Lands Manager, Therese and Sam.

T'Sou-ke Lands Office
(250) 642-3957 ext-227
landsmanager@tsoukenation.com

T'Sou-ke First Nation

Summary of Subdivision, Development and Servicing Law

This document explains key features of the draft T'Sou-ke First Nation *Subdivision, Development and Servicing Law* (the “**SDS Law**” or the “**Law**”). It does not summarize every aspect of the Law, so readers should review the Law itself for a more detailed understanding.

Background

In 1996, Canada and 14 First Nations made the *Framework Agreement on First Nation Land Management* (“**Framework Agreement**”). This agreement created a way for First Nations to take over management and control of their reserve land from the federal government and escape most of the land management rules under the *Indian Act*. First Nations who signed the Framework Agreement could negotiate a separate individual agreement based on the framework and take control by adopting their own Land Codes.

After signing on to the Framework Agreement and negotiating an individual agreement, T'Sou-ke First Nation (“**T'Sou-ke**”) adopted a Land Code, which took effect in February 2007. Under the Land Code, the Council has the power to make laws about land use, subdivision and development.

What is the SDS Law?

The Law sets up a system for managing development on T'Sou-ke reserve land. If a person wants to carry out development activities on the land that could have serious effects on the environment or the community, that person must apply for a Development Permit.

The Law also includes four General Requirement Schedules. These Schedules set out specific requirements for engineering, environmental assessment, heritage protection and subdivision. They are designed to help T'Sou-ke staff and decision-makers give developments the review they need, and help applicants understand what they will need to do to get approval. The Schedules are explained in more detail below.

Why is the SDS Law needed?

Land Codes can be a foundation for land management, but they aren't a finished house. To fully use Land Code powers, First Nations need to decide how they will manage the land day to day. Lawmaking under the Land Code is the main tool for filling in details about decision-making and administration – building up the walls, floors and roof of the house.

T'Sou-ke has adopted one Land Code law to-date (the Matrimonial Property Law in 2009) – the SDS Law would be the second. Because *Indian Act* land management rules no longer apply, this means that T'Sou-ke has few tools for making sure that development projects are properly designed, safe and healthy, environmentally responsible, and respectful of neighbours and the community.

What kinds of activities will require a Development Permit?

- Road, water, sewer and other infrastructure work
- Building, removing, demolishing or renovating buildings or structures
- Ground-disturbing work such as clearing land, grading, drilling, blasting, excavating, etc.
- Adding or removing more than 10 m³ of soil (between 1.2 to 2 tonnes depending on soil composition)
- Extracting natural resources such as timber

See section 7.1 of the SDS Law

Are there any exemptions from Development Permits?

Yes. Some activities generally do not require a Development Permit

- Building, removing, demolishing or renovating:
 - one-storey non-residential buildings and structures with a footprint under 10 m² (slightly larger than 10' x 10')
 - open decks less than 0.6 m (2') above grade
 - trails, driveways or internal roads needed for access on a single residential parcel
- Non-structural building work and repairs
- Landscaping that doesn't involve excavation deeper than 0.45 m (1.5') or adding or removing more than 10 m³ of soil
- Removing trees (maximum limits apply)
- Temporarily installing a storage trailer or structure (with conditions)

Some activities will always require a Development Permit even when an exemption would otherwise apply

- Activities within 30 m of a water body
- Activities that might result in contamination of the land or water pollution

Exemptions are not automatic

A person who wants to carry out an exempt activity will need to meet with the T'Sou-ke lands manager to make sure the exemption applies.

See sections 7.2 through 7.4 of the SDS Law

How does Development Permitting work?

The Law sets out the rules and steps for issuing Development Permits, from the pre-application stage through to final approval:

- Every application for a Development Permit starts with a pre-application meeting, where the Manager reviews basic information about the project, decides whether an exemption applies, and if no exemption applies, explain what will need to be included in an application.
- In many cases, applicants will have to provide approvals or information under one or more of the General Requirement Schedules attached to the SDS Law. Once applicants get the needed approvals and collect the required information, they will be ready to apply for a Development Permit.
- The Lands Manager will review complete applications and consult with members, neighbours and outside agencies before making a decision. Development Permits may include terms and conditions the developer must follow.
- The SDS Law includes a list of factors the Manager must consider when reviewing applications, and examples of terms and conditions that can be included in a Development Permit.
- The Manager can also refer the final decision on a Development Permit to the Council when the potential effects are serious, or when the project is controversial and members have raised major concerns.
- Development Permits can be extended or amended on application.

See sections 9 through 15 of the SDS Law

What are the General Requirement Schedules?

There are four General Requirement Schedules attached to the SDS Law:

- General Engineering Requirements (Schedule A)
- General Requirements for Environmental Assessments (Schedule B)
- General Requirements for Heritage Assessments (Schedule C)
- General Subdivision Requirements (Schedule D)

These Schedules set standards that development projects must meet to get a Development Permit. They also lay out the procedures for doing important pre-application work, like assessing potential environmental or heritage impacts of projects, subdividing land, or making sure new developments meet the same health and safety standards that apply off-reserve.

General Engineering Requirements

The SDS Law requires a person to comply with this Schedule when carrying out projects that the Law regulates. These requirements set standards for development based on the BC Building Code and the Master Municipal Construction Documents, which apply to infrastructure like water, sewer, roads and utilities. They also require developers and their architects or engineers to provide detailed project designs, including plans for getting services like water and sewer for the lands to be developed.

The General Engineering Requirements are based on a model that Land Code First Nations have been using for nearly 20 years.

General Requirements for Environmental Assessments

Before T'Sou-ke can issue a Development Permit, it has a legal obligation under the Land Code system to figure out if an environmental assessment ("EA") is needed. If so, T'Sou-ke then must make sure that an EA is carried out in a way that is consistent with federal law. Doing EAs before issuing a Development Permit will help T'Sou-ke identify and consider project environmental risks, reducing the danger of unexpected effects.

An EA will be required for development that could have serious negative effects on the environment. Activities that require a Development Permit will trigger an EA unless the activity qualifies for an exemption. T'Sou-ke's EA exemptions are included in an *Exclusion List Regulation* under this schedule, and are based on regulations under the federal *Impact Assessment Act*.

See *Inclusion List Regulation* (Appendix A to the General Engineering Requirements) for a list of activities that will generally require an EA

Key exemptions for residential development

On land that has already been permanently changed for human use, no EA will be required to build, remove, demolish, renovate or expand a building with a footprint up to 1,000 m² (10,763 ft²). On undeveloped land, a much smaller exemption will be applied to buildings with a footprint up to 100 m² (around 1,075 ft²). In both cases, the exemption will only apply to projects that do not disturb contaminated soil or involve putting soil into a water body. The exemptions also will not apply to demolition within 30 m of a school, hospital or residence.

This means that in most cases, residential and commercial development projects will not require an EA.

See *Exclusion List Regulation* (Appendix B to the General Engineering Requirements) for a list of activities that will be exempt from the EA requirement

Conducting EAs

The General Requirements for Environmental Assessments sets out a step-by-step process for deciding if an EA is needed, and if so, what needs to be considered as part of the EA.

If an EA is required, the Lands Manager will give the developer instructions on what to consider. The Manager can hire experts (at the developer's expense) to help prepare these instructions and may also consult T'Sou-ke members on larger projects. The developer will then carry out the EA at its own expense and submit a detailed report. Once the report has been reviewed and finalized, the Manager will analyze the report and refer the EA to Council for an EA decision. Council will decide whether to allow the project to go ahead to the Development Permit process under the main SDS Law.

Council's EA decision is not a final decision on a project.

General Requirements for Heritage Assessments

This Schedule makes sure that developers carry out archaeological studies before disturbing land that might have archaeological materials. If a project requires a Development Permit, it generally needs an Archeological Overview Assessment ("**AOA**"), but there are significant exceptions. Single family homes will not require an AOA unless development requires an excavation deeper than 1.5 m (5 ft), or the deposit or removal of more than 10 m³ of soil. The Manager can also exempt any project from the AOA requirement if the site is previously developed.

Where an AOA shows that the project area could harm culturally significant objects or sites, the developer will have to carry out an Archeological Impact Assessment ("**AIA**"), which usually involves going on the land and testing the soil.

AOAs do not require permission from T'Sou-ke, but AIAs require a field research permit because they involve digging into the land. AOAs and AIAs must both be done by qualified researchers supervised by a professional archaeologist. All work is at the developer's expense.

General Subdivision Requirements

This Schedule sets out the process for subdividing T'Sou-ke land. When a development project involves subdivision, this Schedule will apply.

Anyone who wants to subdivide land must make a proposal that includes a sketch of the subdivision done by a Canada Lands Surveyor. The Manager will review the proposal, and if it meets the requirements of the Schedule, provide preliminary layout approval. Preliminary layout approval allows a Canada Lands Surveyor to carry out on-the-ground survey and prepare a final subdivision plan. Council will approve or reject the final subdivision plan. Approved plans will be registered in the First Nations Land Registry System used by Land Code First Nations.

How will T'Sou-ke enforce the SDS Law?

The Law gives T'Sou-ke enforcement officers tools to enforce Development Permits and stop people who develop land without a Development Permit. These tools include powers to:

- inspect places and buildings subject to the law (but inspection of residences requires permission of the occupant or a warrant)
- issue compliance orders to require a developer to stop work or bring their project into compliance with the Law and the Development Permit
- if a developer does not follow a compliance order, carry out the work required by the order at the developer's expense
- do work required by a compliance order when the developer doesn't follow the compliance order, and issue orders to the developer to pay the costs
- suspend or revoke Development Permits, and when a developer has had a permit revoked, bar that person from holding a Development Permit for up to three years
- get court orders and injunctions to enforce compliance orders and orders to pay costs

For serious violations of the SDS, T'Sou-ke can prosecute a developer in BC courts. An individual or corporation convicted of an offence under the SDS Law can be fined as part of a sentence. Individuals can also face up to six months in jail.

The maximum fine for an individual is \$5,000 for each day the violation occurs. Fines for corporations are much higher – up to \$10,000 per day.

Prosecutions will be extremely rare. Most of the time, T'Sou-ke will be able to resolve compliance problems using inspections and compliance orders.

See sections 16 through 23 of the SDS Law

Appeals

The SDS Law sets up a simple appeals process where developers can challenge certain permitting and enforcement decisions made under the Law. Appeals will be available for decisions to:

- deny a Development Permit application
- issue a compliance order
- suspend or revoke a Development Permit, or bar a person from holding a Development Permit

T'Sou-ke's Lands Committee will hear and decide appeals. The Manager will have the right to be involved in appeal hearings, and both the Manager and the developer will be able to bring a lawyer to any hearing.

The Lands Committee's decisions on appeals can be referred to dispute resolution under the Land Code.

See section 24 of the SDS Law