



Shuswap Band

Project Name:

Bylaws 3334 & 3335 (Goldie Creek / Griz Ridge)

FN Consultation ID:

P 724 525

Consulting Org Contact:

Tracy Van de Wiel

Consulting Organization:

[Regional District of East Kootenay](#)

Date Received:

Monday, November 4, 2024

November 19, 2024

Weyt-k (Hello),

Shuswap Band (SB) is in receipt of the referral for: -Bylaws 3334 & 3335 (Goldie Creek / Griz Ridge).

The Shuswap Band acknowledges receipt of the referral for Bylaws 3334 & 3335 regarding the proposed rezoning and development of 35 residential lots within the Goldie Creek / Griz Ridge area, near Invermere, BC. After careful review, we are unable to support the project due to significant environmental, cultural, and ecological concerns, along with the need for comprehensive studies to understand cumulative impacts.

Basis of Non-Support for the Project

This project is located within a region of high cultural and ecological significance to the Shuswap people, traditionally used for food and medicinal plant gathering, fishing, hunting, and trapping. Given the land's importance for Traditional Use, as well as its environmental sensitivity, it is essential that development plans fully address potential cumulative impacts to the area.

Legal Obligations of Consultation

We would like to remind the Regional District of East Kootenay (RDEK) of its legal duty to consult with Indigenous communities, as established in landmark cases such as *Haida Nation v. British Columbia* and *Taku River Tlingit First Nation v. British Columbia*. These rulings affirm that the Crown and its proponents have a duty to engage in meaningful consultation when proposed projects may impact Aboriginal rights, with an obligation to prevent or minimize any potential adverse effects.

In light of the anticipated impacts on significant cultural and ecological values, we expect RDEK to undertake a comprehensive review of our concerns. This review should be accompanied by a clear plan that prioritizes the preservation and protection of Shuswap Cultural Patrimony, including our heritage, traditional practices, and ecological resources essential to our community.

Primary Concerns and Required Actions

The attached Issue Tracker details specific concerns the Shuswap Band has identified, including the need for more comprehensive studies and mitigations:

1. Increased Environmental and Human Impacts:

The proposed transition from Rural Resource (RR) to Small Holdings (SH) zoning would significantly increase residential density, leading to more land disturbance, water and sewage demands, and road infrastructure. Without adequate studies,

we cannot adequately assess how these impacts will affect surrounding ecosystems, wildlife, and traditional values.

2. Protection of Archaeological and Cultural Heritage:

The project area includes zones with moderate to high potential for archaeological and heritage resources. We request that all identified or potential sites remain undisturbed.

3. Ecological Preservation Needs:

The referral boundaries overlap with crucial habitats, including connectivity corridors, ungulate winter ranges, and old-growth forest zones. Development plans currently do not adequately preserve these zones. Protection of these values is essential to maintain ecological integrity and traditional land use practices.

4. Inadequate Riparian Setbacks on Abel Creek:

The established 15-meter setback on Abel Creek is insufficient given its importance as a water source and habitat. A larger setback is necessary to protect the creek's riparian area from the effects of increased human activity and to maintain its ecological role within the watershed.

Required Studies and Further Actions

To address these concerns and support informed decision-making, we strongly recommend the following:

- **Cumulative Effects Study:** To assess long-term impacts, including effects on environmental features, wildlife, and Shuswap traditional practices, this study should cover cumulative effects within the context of other past, present, and anticipated developments in the area.
- **Land Capability/Suitability Study:** This study should assess the land's current viability and ecosystem health to determine the most suitable uses based on its status, providing insights on impacts related to water, sewage, environmental sustainability, and overall compatibility with the proposed zoning changes.
- **Expanded Riparian Setbacks and Conservation Zones:** We request increased setbacks along Abel Creek and the designation of no-development zones within all ecologically important areas to mitigate habitat disruption.

Proposed Consultation Process

To address the Shuswap Band's concerns effectively, we propose the following consultation process and request that the RDEK place a hold on any decision-making approval until the Shuswap Band confirms all concerns are fully resolved.

1. **Review of Referral Response and Issue Tracker:** We request that the RDEK review the concerns detailed in the attached Issue Tracker and provide a comprehensive written response outlining proposed actions and mitigations.
2. **Follow-up Engagement Meeting:** Following the response from RDEK, a follow-up engagement meeting may be required between Shuswap Band representatives and the Regional District of East Kootenay to discuss the response, address any outstanding concerns, and ensure that all issues have been adequately addressed. This meeting will be set to occur within an agreed upon time limit after the receipt of the response from RDEK.
3. **Second Commenting Period (If required):** If additional issues arise, the Shuswap Band reserves the right to submit further comments, to which the RDEK must respond within an agreed upon time limit.
4. **Additional Mandatory Meeting:** Should unresolved issues persist, another mandatory meeting will be scheduled to review and discuss remaining concerns.
5. **Referral Closeout:** The referral will be considered closed when the Shuswap Band issues a written statement confirming that all concerns have been addressed and no further issues remain.

Request for Ongoing Communication and Transparency

The Shuswap Band is committed to working with the Regional District of East Kootenay to achieve outcomes that respect our values, rights, and stewardship responsibilities. To ensure transparency and maintain open dialogue, we request that all project updates and developments be promptly shared with the Shuswap Band and uploaded to this referral via the Nations Connect (CKK Portal).

Kukwstsetsemc (Thank you) for your attention to these critical matters. We look forward to continued discussions that honor the cultural heritage and environmental responsibilities of the Shuswap Band.

Referrals Coordinator

"Our people are our strength. Our children are our future."

ec: Barb Cote - Chief, Shuswap Band

Mark Thomas - Councilor, Shuswap Band

Richard Martin - Councilor, Shuswap Band

Manon Moreau - Director, Territorial Stewardship, Shuswap Band

Travis Yeats - Referrals Coordinator, Shuswap Band

Joshua Martin - Guardian Manager, Shuswap Band
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