

UPDATE ON FIRST NATIONS CONSULTATION/ENGAGEMENT JUNE 2009

INITIATIVES TO DATE

The Capital Regional District's (CRD) approach to working with First Nations on the Core Area Wastewater Management Program is to create a clear understanding of roles, responsibilities and expectations at the front end of the program to ensure the potential of a strong working relationship throughout its completion. As a result, the CRD has entered into a protocol with the province to form a partnership on consultation and engagement by outlining those issues which are the responsibility of the CRD, and those that ultimately lie with senior governments.

Within that agreement, the province retains overall responsibility for consultation with First Nations including outlining which First Nations need to be engaged and to what extent. The CRD is taking the "on the ground" responsibility for making sure First Nations are well informed about the project, have real opportunities to provide input, and can see how that input is being used, where practical, in the design and construction of the project. If issues remain, it will then be the provincial or federal government's responsibility to respond to, and, where appropriate accommodate assertions concerning potential impacts on a First Nation's existing aboriginal or treaty rights.

In addition to the protocol with the provincial government, the CRD has taken the following steps to engage First Nations on the wastewater management program:

- The CRD has renewed its secondment of a senior official from the Province with a strong background in aboriginal relations to help work with First Nations on these issues.
- The CRD and the province have signed tripartite protocols (attached) with the Songhees, Esquimalt, and Beecher Bay Nations laying out a common understanding of the consultation/engagement process (the Esquimalt protocol is awaiting provincial ratification).
- The CRD is also trying to address other issues with these First Nations which have the potential to affect progress on a good working relationship on this project.
- The Province has provided initial capacity funding to the Songhees, Beecher Bay and Esquimalt Nations to support the consultation process.
- The CRD has met with federal agencies to ensure a common understanding with regard to consultation duties with First Nations if federal decisions are required to complete the project.
- The CRD has entered into the information sharing process in earnest with Songhees, Esquimalt and Beecher Bay Nations on project design and siting work recording interests and providing these records to MOE officials (summary of interests on next page).
- At the request of the Tsawout First Nation, the CRD has provided an overview of the wastewater treatment project to that First Nation and will be providing a formal briefing to Tsawout Chief and Council on June 24. The CRD will work with ministry of environment officials to determine whether a more formal consultation process should be entered into with the Tsawout.
- The CRD has provided information packages to the Tseycum, Tsartlip and Pauquachin Nations to keep them informed on the project even though provincial officials have not advised that consultation should be pursued with these communities.

GOALS FOR THE REMAINDER OF 2009

- Continue to provide information to First Nations on project design, gather interests and feedback, and use that information where possible in project design. Resolve issues, as possible, and refer those not resolvable within the CRD legislative mandate to the provincial or federal government.
- Provide information to other interested First Nations not directly affected by the program.
- Continue to use the wastewater management program as a vehicle to address other relationship issues between the CRD and First Nations.

It is important to recognize that consultation and engagement with First Nations is not an endeavor that can be accomplished by simply setting a deadline. Given the complexities of the wastewater management program, the legal requirement and genuine desire to engage and consult with First Nations in a meaningful way, and the number of other important endeavors taxing these First Nation's capacity, this pursuit can be expected to require more effort and possibly more time than was envisioned at the inception of the project.

First Nation Engagement Chart

First Nation	Status	Interests Identified to Date	Engagement on other Issues	Next Steps
Songhees	Consultation MOU signed	<ul style="list-style-type: none"> • Use of federal Crown land • Impacts to the foreshore • Protection of natural resources • Any outfall located near Chatham and Discovery Islands • Affects on marine species • Affects on archaeological sites • Adequate sewage capacity for Songhees lands including future Treaty Settlement Land 	<ul style="list-style-type: none"> • Regional Growth Strategy • E&N rail trail 	<p>Continue Meeting to gather interests.</p> <p>Next meeting early July</p>
Esquimalt	Consultation MOU signed by Esquimalt and CRD, awaiting BC ratification	<ul style="list-style-type: none"> • Meaningful participation in the project and concerns about the timelines for input • Impacts on the environment including the foreshore and marine species 	<ul style="list-style-type: none"> • Sewer infrastructure • Regional Growth Strategy • E&N rail trail 	<p>Continue Meeting to discuss the project and examine Esquimalt participation</p> <p>Next meeting early July</p>
Beecher Bay	Consultation MOU signed	<ul style="list-style-type: none"> • Location of any outfall near Albert Head • Use of Crown land for sewage treatment in the Western Communities 	<ul style="list-style-type: none"> • Sea to sea greenbelt • Beecher Bay sewage treatment plant 	<p>Continue Meeting to gather interests.</p> <p>Next meeting July</p>

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Tsawout	Information package provided	<ul style="list-style-type: none"> • May have concerns about the extension of the Finnerty Cove outfall affect on fishing and marine species • Affects of discharges into inland water bodies 	<ul style="list-style-type: none"> • Expansion of service agreement • Partnering on foreshore restoration • Tsawout sewage treatment plant 	Briefing with Chief and Council on wastewater project this summer
Saanich Tribes <ul style="list-style-type: none"> • Tsartlip • Tseycum • Pauquachin 	Information package provided			Continue to forward information packages and be prepared to provide information