



**REPORT TO CORE AREA LIQUID WASTE MANAGEMENT COMMITTEE
MEETING OF WEDNESDAY, 23 APRIL 2008**

SUBJECT **PUBLIC CONSULTATION AND FIRST NATIONS ENGAGEMENT PROCESS FOR
CORE AREA AND WEST SHORE WASTEWATER TREATMENT PROGRAM**

PURPOSE

To outline the proposed strategy for public consultation and First Nations engagement regarding the Core Area and West Shore Wastewater Treatment program and to receive comments on the strategy from committee members.

BACKGROUND

As the Capital Regional District (CRD) has moved forward with developing its wastewater treatment strategy, a number of public education and consultation activities have been undertaken. These include: the use of an interactive website, paid and earned media, public/stakeholder meetings and presentations, an open house, public outreach/educational tours, public enquiries/correspondence management, informational brochures/materials, and two polls to gauge and identify public views and concerns.

With the wastewater treatment plant site selection process now underway and with increasing public discussion on sewage treatment in the region, it is essential to carefully plan how to appropriately inform and involve the public and First Nations in the development of this major wastewater management program.

The draft document attached in Appendix A, entitled *Public Consultation and First Nations Engagement Process – Wastewater Treatment Strategy*, was prepared by Diana Butler, MCIP, of Urban Aspects Consulting Group. Ms Butler will be in attendance at the committee meeting to present her report. It outlines a proposed strategy for engaging target audiences and describes consultation objectives and content, as well as the proposed consultation activities. The document also includes a table that lists consultation tasks and related timing. Currently, open houses regarding treatment plant site selection are being planned for May 13, 14 and 15, 2008.

The draft document attached in Appendix B, entitled *The CRD's First Nations Engagement Process – Wastewater Treatment*, provides a description of the legal framework for First Nations consultation and outlines the CRD's objectives in ensuring appropriate involvement of First Nations in the project. This document was prepared by John Balogh, CRD special advisor for aboriginal relations. Mr. Balogh will be in attendance at the committee meeting.

SUMMARY

The attached public consultation and First Nations engagement plans outline the proposed strategy and activities designed to ensure that the general public, various stakeholders and First Nations are meaningfully involved in the planning of this major wastewater management project.

RECOMMENDATION

That the Core Area Liquid Waste Management committee review, comment on and approve the attached public consultation and First Nations engagement documents provided in appendices A and B.

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Senior Manager, Engineering Services

Dwayne Kalynchuk, PEng
General Manager, Environmental Services
Concurrence

COMMENTS

SBM:dv
Attachments: 2

CORE AREA WASTEWATER MANAGEMENT PROGRAM

PUBLIC CONSULTATION AND FIRST NATIONS ENGAGEMENT PROCESS – WASTEWATER TREATMENT STRATEGY 2008 - 2009

1. Background

The planning for sewage treatment for the Core Area of the Capital Region is an important undertaking for regional residents, senior and local governments. With significant potential environmental, social, and economic impacts, it is also a sensitive undertaking. Once treatment sites are proposed and selected, this sensitivity will be heightened. As a result, public consultation should be a critical component of the planning process.

To date, the CRD has undertaken a number of public education and consultation activities as part of the Wastewater Treatment Strategy. These include: the use of: an interactive website; paid and earned media; public/ stakeholder meetings and presentations; an open house; public outreach/ educational tours; public enquiries/ correspondence management; informational brochures/ materials; and two polls to gauge and identify public views and concerns.

As well and as part of the planning process, the CRD has established two committees – the Core Area Liquid Waste Management Committee (CALWMC) comprised of elected officials and the Technical and Community Advisory Committee (TCAC) – who will play a key and continuing role in the site selection and review process.

The CRD has also initiated discussions with the Songhees, Beecher Bay, and Esquimalt First Nations, specifically to ensure they are fully informed of CRD plans and project requirements and to discuss ways all parties can work together to make the project successful. First Nations involvement is essential – specific sites may be located within their traditional territories, and sites may have archaeological significance and be culturally sensitive.

With work currently underway on treatment site assessment and selection and increasing public discussion of the why and how of sewage treatment in the region, how to further inform and involve the public is essential.

2. Target Audiences

There are usually multiple stakeholders involved in consultation processes – and this is the case with the Wastewater Treatment Strategy. Stakeholders include:

- the general public
- individuals and groups who have a special interest or interests in some aspect of sewage treatment, e.g. umbrella neighbourhood/ community association groups, environmental groups, health groups, business associations, labour, etc.
- people who live/ own property close to a proposed treatment site facility (including Clover and Macaulay) – significant and intensive attention will need to be paid to residents,

neighbourhood/ community associations, and elected officials and staff in municipalities where the possible sites are located

- First Nations who may identify issues with elements of the project – it will be important to find appropriate, efficient and effective ways to gain feedback on proposed plans and to ensure that both the provincial and federal governments maintain their legal obligations to consult with these First Nations as set out by the courts (see Appendix B).
- those people who are part of the formal planning and decision-making structure, e.g. elected and appointed officials and staff – CRD Board and Committees (e.g. CALWMC, TCAC) and Environmental Services; Municipalities/ Electoral Districts staff and elected officials (especially on the West Shore, in Saanich, Oak Bay, Esquimalt, Victoria); Senior Governments (staff and elected officials in relevant ministries/ departments, including MLAs and MPs)
- the media (television, radio, print) / key opinion leaders.

The needs of these stakeholder groups will necessarily influence the objectives, content, activities and timing of public consultation on the Strategy.

Key community associations are listed on the Victoria and Saanich websites, with contact information, but Municipal Clerks can also usually provide this information. The City of Victoria has a protocol for dealing with neighbourhood/ community associations and this should be consulted. Saanich has a Community Associations Network (SCAN), composed of representatives from twenty-one community organizations.

The CRD maintains an extensive list of community groups and individuals that can provide a starting point for developing a stakeholder contact list that includes contact coordinates and, where appropriate, is separated into sub-regional areas.

3. Consultation Objectives

Generally public consultation processes aim at:

- ensuring the public is aware of and understands issues that directly affect them, specifically the potential environmental, social and economic impacts of sewage treatment and its related facilities;
- obtaining advice from the public on the options under consideration;
- building consensus and community acceptance of the direction to be pursued (to minimize and attempt to resolve conflicts earlier rather than later in the decision making process);
- ensuring informational material will be shared with as many people as possible, is pertinent to the issues concerning wastewater management, and reflects the concerns of the public; and
- incorporating public input into the plan.

Public consultation processes are also commonly based on a number of accepted principles. Usually, such process should be:

- *meaningful* - citizens must be able to have input and influence decisions
- *accessible* - information needs to be made available and opportunities for participation provided
- *understandable and fair* (and perceived to be fair)

- *inclusive* - opportunities must be provided for all affected persons to participate in a variety of ways
- *ongoing* - participation must occur throughout the planning and decision-making process
- *open and interactive* - communication mechanisms that allow for open discussion and feedback
- *flexible* - the process must have the ability to respond to unforeseen events

More specifically, when siting facilities, such as sewage treatment facilities, public consultation processes usually focus on providing:

- information regarding the process of site selection, potential sites and final choices
- information regarding aspects of the design and environmental impact/opportunities
- information on construction details, including timeframes, working schedules, traffic management, etc.
- opportunities for mitigation in host communities - park upgrades, etc.
- information on the ongoing operation and management of facilities
- a wide range of opportunities, at various stages, for the public to provide input to both site and design options and final details

4. Consultation Content

This is a critical component. The consultation process will generate key issues/ concerns that will need to be addressed. However, it is possible, based on previous Wastewater Strategy consultation activities (e.g. public polling) and experience in siting other wastewater facilities in the region and in other jurisdictions, to anticipate what many of the key issues/ concerns will be. These can be broken down into two categories.

(1) Key issues that all target groups may be interested in include:

- environmental protection – e.g. spills, contamination, water, energy and biosolids recovery and reuse, impact on plants, animals, and habitats, impact on watercourses and marine shores;
- economic issues – e.g. cost/increased taxes;
- community and social issues – e.g. public health and safety – e.g. air emissions, chemicals and dangerous goods, visual appearance; and
- land-use issues – e.g. location of treatment plants, consistency with community plans and bylaws, impact on heritage and archaeological sites, Greenhouse Gas issues.

(2) In addition to the issues listed above, for those living/ owning property near a proposed treatment and elected officials and staff in municipalities where treatment facilities are to be located, other key issues may include:

- economic/ financial issues – e.g. impact on the value/ development potential of adjacent properties;
- community and social issues (during and/or post construction) – e.g. truck traffic, road closures/ redirection, parking, access/ loss of access, noise, dust, hours of operation, odour, air emissions, vibrations and safety/ security, visual appearance (height and massing,

exterior finishes, landscaping, layout, lighting) and mitigation measures for host communities;

- land-use issues – e.g. location/ proximity to new treatment facilities.

5. Consultation Activities

Implementing an effective consultation process requires coordination with communications activities – they go hand in hand. There is a vast array of consultation tools available. Examples include:

- Letters to key stakeholders (Community/resident associations and interest groups) – It is important to determine what information they require, what their concerns are, and how they might participate and contribute to the process. Letters could inform these groups of the progress to date and ask them if they would like further information and in what form. If it is known, the letter should include a brief description of the purpose of the public consultations, provide information on the key consultation events, where to obtain further information and what information is available. Once initial contact has been made, continued and ongoing contact will be essential – this could take the form of open houses, community forums, workshops, speaking engagements, and presentations (see below).
- Presentations to key stakeholders (Municipal Councils/ Electoral Area Directors, First Nations, community/ resident associations and interest groups, particularly in the directly affected areas) – Councils will play a significant role in the finalization and implementation of the wastewater strategy. Residents in areas near proposed facilities will look not only to the CRD for information/ action on their concerns, but their municipalities as well. Their input is going to be critical. It is important that they are familiar with the proposed content of the plan and of the consultation activities that will be conducted in their communities. This could take the form of presentations to Councils and community associations and groups, starting with those where a potential treatment site is located (including Clover and Macaulay). This is time consuming, but it does provide each Council with an opportunity to be updated, ask questions, identify further information needs, and provide advice on how they would like the public consultation process to unfold.
- 'Council of Councils' information session – With municipal elections in November 2008, this would be an efficient and effective way of bringing new Councils and CRD Board members up-to-date. Officials will need to be notified when consultation activities will take place, what they will entail, key dates/ events, and how the public can have input.
- Meetings/ workshops (Property owners of/ near proposed sites, First Nations, community/ resident associations and interest groups).
- Open houses – Open houses provide a non-confrontational, solid base for providing information to the public and receiving input (especially if informational material and feedback forms are available). Open houses should take place over a weekday afternoon and evening to provide the public with ample opportunity to attend and provide comments. CRD staff should be available to answer questions, with displays set up prior to and after the open houses, along with other informational material.
- Events – Participation in events such as relevant trade shows, community and local business events, such as Chamber of Commerce activities, could be part of efforts to raise awareness.

- Printed informational materials – These could include flyers, news-sheets, brochures, fact-sheets, backgrounders, posters, FAQs, and mail-outs – the particular target audience and purpose of the consultation should determine which type of material is used.
- Electronic information – The CRD wastewater treatment website could be used to provide two-way information to the public (e.g. through On-Line Surveys and feedback). The website needs to be updated on a regular basis, as does the CRD telephone receptionist and the hotline. Other electronic materials, such as Power Point presentations, could be prepared and used for presentations to various groups.
- Portable displays – Once it is determined what information is ready for public distribution, displays could be set up in key municipal/ commercial locations, particularly in those municipalities where a treatment plant might be situated. Municipal halls are one possible alternative, although given space and time constraints, consideration should be given to using libraries or recreation centres, especially where those facilities serve more than one municipality. The various Councils should be asked if they wish to have a display made available for set-up in municipal facilities.
- Reference Material – Background and technical studies could be made available in libraries, at the CRD, and municipal halls.
- Media – Information packages for radio/television stations and speaking notes for participation on radio/television programs by elected officials and/or CRD staff, op-eds, letters to the editor should be prepared and distributed.
- Advertisements – All events should be advertised in key media outlets and include information about the purpose of an event, place, time, date, how to obtain further information. Main media advertisements could be supplemented by placing ads/notices in organization newsletters.
- Community Project Office – A stand-alone, small community project office could be established that would enable people—particularly those without Internet access—to be provided with updates on the process as well as providing a storefront presence in the community.

Findings from the CRD's 2007 polling of public attitudes and perceptions regarding sewage treatment provide some useful information for guiding the choice of some of the above consultation tools.

- Newspapers are the main source of information about the strategy, followed by CRD mailings and the CRD website. Other important information sources include television and radio. Other sources (e.g. community meetings/ open houses, flyers/ brochures/ pamphlets, and mall displays are less important.
- Older residents are more likely to have read, seen or heard about strategy (with newspapers as the main source) than younger residents. Younger residents are more likely to mention the CRD website as a key information source.
- Newspapers are a preferred source of information across the region (highest for Oak Bay residents and lowest for Esquimalt and Victoria); CRD mailings are also a preferred source (particularly in Colwood, Esquimalt, and View Royal).

Consultation processes need to be monitored and evaluated on a continuous basis, with opportunities provided for feedback from participants. Comment sheets should be available at events, open houses, and workshops. Tear-off sheets should be included with printed materials to

obtain information about the public's views, concerns, and suggestions on the issues and effectiveness of the consultation activity.

It is not uncommon to have to adapt consultation processes as they unfold. New issues and "hot spots" can surface; sometimes the approach used does not elicit much response, indicating the need for a different or more intensive approach. Listening for and/or to ensure concerns are being heard, media coverage, the CRD website, and correspondence will need to be regularly monitored.

6. Consultation Timing

Normally in a project of this size, complexity, and duration, consultation activities are phased. Both internal and external circumstances need to be considered when deciding on the timing of the wastewater consultation process.

- Internally, these include the state of readiness to begin and continue to implement the process once started and formal reporting/decision-making structure requirements.

Externally, these include such factors as seasonal and school holidays, municipal elections (fall 2008), and other concurrent significant consultation activities taking place.

As well, and as previously noted, these and other circumstances (some unforeseen, some that occur as each activity undertaken informs other activities) can change or alter a consultation schedule – even with the best planning – the best laid plans can go awry.

7. Consultation Framework

The following table sets out a **draft consultation framework** for Phases 1 and 2 – Site Identification/ Environmental and Social Review. It must be stressed that this is preliminary. Further developing the consultation process (and implementing the next phases) will depend on a number of factors. These include:

- the completion of technical reports that will provide information for the consultations;
- the timing of anticipated/ planned CALWMC and TCAC meetings that may affect when information is released;
- the timing and results of property negotiations for potential sites;
- identifying the scope of the consultation process , its intended objectives, target groups and appropriate tools;
- identifying what information needs to be conveyed, e.g. justification for proceeding with sewage treatment, justification of approach (i.e. 4 sites versus 50), how many proposed/selected sites (i.e. West Shore, Saanich East/North Oak Bay, Clover Point, Macaulay Point, and biosolids); whether potential sites are ranked; and
- identifying and preparing consultation resources – materials, venues, staff, communications.

TIMING	DESCRIPTION OF TASKS
March 25, 2008	<ul style="list-style-type: none"> • TCAC Meeting – mapping information provided – comments sought, consideration of additional criteria, advice sought on consultation process.
March 26, 2008	<ul style="list-style-type: none"> • CALWMC Meeting – <i>in camera</i> meeting to approve shortlist of sites for West Shore and Saanich East/North Oak Bay
April 2008	<ul style="list-style-type: none"> • Updates to Municipal Councils and Staff where potential sites are located. • Property owner meetings: <ul style="list-style-type: none"> ▪ Discussions with property owners of short-listed sites. ▪ Discussions with First Nations – could involve meetings with communities at their offices. ▪ Meeting with Federal Government officials re: sites owned by them/ First Nations. • Development of stakeholder and interested individuals contact list.
End of April 2008	<ul style="list-style-type: none"> • TCAC Meeting – final maps to be released with siting information.
May 2008	<ul style="list-style-type: none"> • Letters sent to Community/Resident Associations in areas of potential sites. Letters should include an update on progress, notification of the open houses, and ask for their advice on their information and consultation needs once the open houses have been held. • General public update – prepare an informational newspaper insert, including information on work to date, next steps, and anticipated consultation process (update CRD website to include this information). An opportunity should also be provided (e.g. tear-out/on-line) to solicit comments. • Open houses in municipalities where treatment sites on the West Shore and in Saanich East/North Oak Bay) and at the CRD Headquarter’s Building. Informational materials (including feedback forms) will need to be prepared, dates and venues established, advertising and contact with key stakeholders undertaken, CRD website updated.
June – July 2008	<ul style="list-style-type: none"> • Presentations to Victoria and Esquimalt Councils re: plans for Clover and Macaulay. • Prepare report on consultation results to-date and provide an outline of anticipated future activities. Submit/ present report to TCAC and CALWMC to review and provide comments.
June – August 2008	<ul style="list-style-type: none"> • Follow-up on advice from Councils and Community/Resident Associations – may involve preparation of consultation materials and organizing/ holding local presentations, meetings, and open houses.
September – Mid-November 2008	<ul style="list-style-type: none"> • Municipal Elections – no community public consultation activities to be undertaken during this period. Time can be used to prepare for activities following the Municipal Elections.

TIMING	DESCRIPTION OF TASKS
Post Municipal Elections – Mid-December 2008	<ul style="list-style-type: none"> • General public update – prepare an informational newspaper insert, including information on work to date and next steps (including the consultation process. An opportunity should also be provided (e.g. tear-out/on-line) to solicit comments. • Open houses in municipalities where recommended treatment sites have been identified (e.g. Victoria, Esquimalt, West Shore, Saanich East /North Oak Bay). Informational materials (including feedback forms) will need to be prepared, dates and venues established, advertising and contact with key stakeholders undertaken, CRD website updated.
January – March 2009	<ul style="list-style-type: none"> • Directly contact Community/Resident Associations residents /property owners in areas of the proposed sites (e.g. through mail-outs/ flyers) – West Shore, Saanich East/North Oak Bay, Clover, Macaulay, and biosolids facility. • Organize workshops/open houses/meetings with residents/property owners near proposed sites.
Early February 2009	<ul style="list-style-type: none"> • Council of Councils – to update local elected officials, particularly new Council and CRD Board members. Holding such an event could save time, replacing the need to go to each Council again.
March 2009	<ul style="list-style-type: none"> • Prepare draft report on consultation activities and results. Submit/ present report to TCAC and CALWMC to review and provide comments. • Finalize report for input into the Phase 2 Report.
Ongoing	<ul style="list-style-type: none"> • Roll-out and coordinate consultation activities in conjunction with communications plan. • Update CRD website on regular/as needed basis. • Identify stakeholders who can assist with the process (region-wide and locally near proposed sites), before and during implementation of the wastewater plan. • Ensure that all feedback (correspondence, media, phone calls, etc.) is collected for analysis. • Ensure that adequate resources are in place to carry out the consultation process. • Respond to and manage issues as they arise – making adjustments to the process as needed.

The CRD'S First Nations Engagement Process – Wastewater Treatment

Background

- Canadian courts have emphasized that the federal and provincial governments must consult with First Nations when making decisions that may affect aboriginal and treaty rights and accommodate those rights where appropriate.
- The Courts and the federal and provincial governments have recognized that aboriginal and treaty rights of First Nation are protected under the Constitution of Canada.
- The CRD can not assume responsibility for the legal obligations to consult now imposed on the senior governments. It can, however, be delegated procedural steps such as gathering information on First Nations interests.
- The CRD is anxious to work with its First Nations neighbours in a meaningful way to seek their input, to apply their input to avoid future problems and to seek opportunities to work together.

Engagement Objectives

- Ensure there is a clear understanding of the responsibilities of the CRD and the provincial and federal governments.
- Work to partner with First Nations, the Province and the Federal government to facilitate the discharge by these senior governments of their legal obligations to consult, and to meet the CRD's commitment to engage First Nations on the project.
 - Find appropriate processes to engage First Nations in a meaningful manner.
 - Ensure that First Nations have the information they need to be aware of issues that directly affect them, including the potential impacts of sewage treatment and related facilities upon their current and traditional activities.
 - Provide real opportunities for input.
 - Where feasible, apply this input to project design.
 - Refer information on any outstanding rights-based issues that may be raised by First Nations to British Columbia or Canada for their consideration.
- Use the process of engagement on sewage treatment to improve overall relationships between the CRD and neighbouring First Nations.

Engagement timing/overlap with public consultation process

- While distinct, ensure that the engagement process with First Nations follows a timeline that is complementary to the public consultation process.