



**REPORT TO CORE AREA LIQUID WASTE MANAGEMENT COMMITTEE  
MEETING OF WEDNESDAY 13 MAY 2009**

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**SUBJECT      FIRST NATIONS ENGAGEMENT UPDATE – CORE AREA WASTEWATER  
TREATMENT PROJECT**

**PURPOSE**

To update the Core Area Liquid Waste Management Committee (CALWMC) on First Nations engagement for the wastewater treatment project.

**BACKGROUND**

The Capital Regional District (CRD) has been pursuing engagement with First Nations potentially affected by the wastewater treatment project. Common law consultation obligations rest with the provincial and federal governments; however the CRD can be delegated certain aspects of that consultative process. With that in mind, the CRD has entered into a tripartite Memorandum of Understanding (MOU) with the provincial government and each of the Songhees, Esquimalt and Beecher Bay Nations which require the CRD to keep the First Nation well informed, gather information on their interests, use that information in the design of the project where practical, and refer unresolved issues back to the province.

The status of First Nations engagement to date is outlined in the attached chart (Appendix A). So far, First Nations feedback on the project has been limited to general interests given that the project has not yet proceeded to a point where specific sewage facility sites or outfall locations are being discussed. The MOU also contains a commitment that the CRD and the First Nations will use the wastewater project as an opportunity to address long-standing relationship issues. To date, much of the face-to-face time for project discussion with First Nations has been spent on these relationship issues with the goal of improving CRD credibility in anticipation of more substantive discussions on the wastewater project this summer and fall.

The CRD has also been updating First Nations not expected to have interests affected by the project, such as the Tsawout Nation, in the event it becomes apparent that its' interests may indeed be affected.

Finally, the CRD has been working with federal agencies such as Transport Canada and the Department of National Defense, to attempt to develop a common understanding of how the CRD will work with them to satisfy consultation obligations with First Nations. Federal agencies are not prepared to enter into an MOU concerning consultation until it is apparent that a decision will be made by their department that could affect First Nations interests; however, they have been clear that they fully intend to be responsible for those consultation obligations. This is consistent with the CRD goal of ensuring that the obligations for consultation are met by the appropriate agency.

**RECOMMENDATION**

That the Core Area Liquid Waste Management Committee receive this report for information.

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John Balogh  
Special Advisor, Intergovernmental Relations

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Dwayne Kalynchuk, PEng  
Project Director, Wastewater Treatment Project  
Concurrence

**COMMENTS**

Attachment: 1  
JB:jta

## FIRST NATION ENGAGEMENT CHART

First Nation	Status	Interests Identified to date	Engagement on other issues	Next Steps
<b>Songhees</b>	Consultation MOU signed	<ul style="list-style-type: none"> <li>• Use of federal Crown land</li> <li>• Impacts to the foreshore</li> <li>• Protection of natural resources</li> <li>• Any outfall located near Chatham and Discovery Islands</li> <li>• Affects on marine species</li> <li>• Affects on archaeological sites</li> <li>• Adequate sewage capacity for Songhees lands including future Treaty Settlement Land</li> </ul>	<ul style="list-style-type: none"> <li>• Regional Growth Strategy</li> <li>• E&amp;N rail trail</li> </ul>	<p>Continue Meeting to gather interests.</p> <p>Next meeting June 2</p>
<b>Esquimalt</b>	Consultation MOU signed by Esquimalt and CRD, awaiting BC.	<ul style="list-style-type: none"> <li>• Use of federal Crown land</li> <li>• Impacts to the foreshore</li> <li>• Affects on marine species</li> <li>• Affects on archaeological sites</li> </ul>	<ul style="list-style-type: none"> <li>• Sewer infrastructure</li> <li>• Regional Growth Strategy</li> <li>• E&amp;N rail trail</li> </ul>	<p>Continue Meeting to gather interests.</p> <p>Next meeting late May</p>
<b>Beecher Bay</b>	Consultation MOU signed	<ul style="list-style-type: none"> <li>• Location of any outfall in the Albert Head area</li> <li>• Use of Crown land for sewage treatment in the Western Communities</li> </ul>	<ul style="list-style-type: none"> <li>• Sea to sea greenbelt</li> <li>• Beecher Bay sewage treatment plant</li> </ul>	<p>Continue Meeting to gather interests.</p> <p>Next meeting in June</p>
<b>Tsawout</b>	Information package provided	<ul style="list-style-type: none"> <li>• May have concerns about the extension of the Finerty Cove outfall affect on fishing and marine species</li> <li>• Affects of discharges into inland water bodies</li> </ul>	<ul style="list-style-type: none"> <li>• Expansion of service agreement</li> <li>• Partnering on foreshore restoration</li> <li>• Tsawout sewage treatment plant</li> </ul>	<p>June 24 briefing with Chief and Council on wastewater project</p>
<b>Saanich Tribes</b> <ul style="list-style-type: none"> <li>• Tsartlip</li> <li>• Tseycum</li> <li>• Pacquachin</li> </ul>	Information package provided			<p>Continue to forward information packages and be prepared to provide information</p>