



**REPORT TO CORE AREA LIQUID WASTE MANAGEMENT COMMITTEE
MEETING OF WEDNESDAY 28 OCTOBER 2009**

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). First Nations feedback on the project has now focused primarily on the potential effects of up to two new outfalls on the foreshore and fisheries resources in general, and shellfish harvesting in particular. The CRD is engaging First Nations directly on these issues by inviting them to identify areas or particular concern for harvesting to focus marine monitoring initiatives, and by inviting direct involvement in the marine monitoring process. Given the potential location of the new outfalls, the Tsawout Nation has been engaged directly in this process, as well as the three First Nations who have signed tripartite Memorandums of Understanding: Songhees, Esquimalt and Beecher Bay.

First Nations also continue to be opposed to the use of Crown land for sewage treatment facilities, as well concerned about potential impacts on archeological sites. Each of the communities has been invited to participate directly in archeological assessment work being carried out by Westland Resources.

The CRD continues to keep both the provincial and federal governments updated as to the status of engagement, and issues being raised.

RECOMMENDATION

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

John Balogh
Special Advisor, Intergovernmental Relations

Dwayne Kalynchuk, PEng
Project Director, Wastewater Treatment Project
Concurrence

COMMENTS

Attachment: 1
JB:jta

FIRST NATION ENGAGEMENT CHART
Update 28 October 2009

First Nation	Status	Interests Identified to Date	Engagement On other Issues	Actions/Next Steps
Songhees	Consultation MOU signed Engagement underway	<ul style="list-style-type: none"> • Potential effects on and closures for shellfish harvesting as a result of new outfalls • Any outfall located near Chatham and Discovery Islands • Use of federal Crown land if any • Impacts to the foreshore • Protection of natural resources • Adequate sewage capacity for Songhees lands including future Treaty Settlement Land • Would like to take part in archaeological work near any new outfalls and piping 	<ul style="list-style-type: none"> • Regional Growth Strategy • E&N rail trail • Treaty Negotiations 	<ul style="list-style-type: none"> • No Federal land identified for project to date • Songhees representative invited to be directly involved in archaeological/EIS assessment work • Songhees representative invited to be directly involved in marine monitoring • Working to identify sensitive Songhees shellfish harvesting areas for direct monitoring • Provided briefing on costing models and a commitment to provide information directly to INAC if requested • Continue Meeting to gather interests
Esquimalt	Consultation MOU signed Engagement underway	<ul style="list-style-type: none"> • Meaningful participation in the project and concerns about the timelines for input • Potential effects on and closures for shellfish harvesting as a result of new outfalls. • Impacts on the environment including the foreshore and marine species • Affects on archaeological sites • Challenges in building a better overall relationship with the CRD 	<ul style="list-style-type: none"> • Sewer infrastructure • Regional Growth Strategy • E&N rail trail 	<ul style="list-style-type: none"> • Esquimalt representative invited to be directly involved in marine monitoring • Working to identify Sensitive Esquimalt shellfish harvesting areas for direct monitoring • Esquimalt representative invited to be directly involved in archaeological/EIS assessment work • Working with Esquimalt staff to identify relationship-building opportunities • Continuing sewer infrastructure project

First Nation	Status	Interests Identified to Date	Engagement On other Issues	Actions/Next Steps
Beecher Bay	Consultation MOU signed Engagement underway	<ul style="list-style-type: none"> • Potential effects on and closures for shellfish harvesting as a result of new outfall • Use of Crown land for sewage treatment in the Western Communities • Potential employment opportunities arising out of the project • Want equitable access to service if/when it is available in the area 	<ul style="list-style-type: none"> • Sea to sea greenbelt • Beecher Bay sewage treatment plant • Treaty Negotiations 	<ul style="list-style-type: none"> • No Federal land identified for project to date • Beecher Bay representative invited to be directly involved in marine monitoring work • Working to identify Sensitive Beecher bay shellfish harvesting areas for direct monitoring
Tsawout	Engagement on potential new outfall begun	<ul style="list-style-type: none"> • Identified that they have no interests in Saanich East location • Potential affects and closures for shellfish harvesting as a result of new or extended outfall • 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 	<ul style="list-style-type: none"> • Briefed staff on potential outfall plans and marine monitoring approach • Invited Tsawout representative to be directly involved in marine monitoring work • Working to identify Sensitive Tsawout shellfish harvesting areas for direct monitoring
Saanich Tribes <ul style="list-style-type: none"> • Tsartlip • Tseycum • Pauquachin 	Information package provided			<ul style="list-style-type: none"> • Continue to forward information packages and be prepared to provide information