



**REPORT TO CORE AREA LIQUID WASTE MANAGEMENT COMMITTEE
MEETING OF WEDNESDAY 23 FEBRUARY 2011**

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

ISSUE

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

BACKGROUND

The Capital Regional District (CRD) has been engaging potentially affected First Nations on the wastewater treatment project on the basis that common law consultation obligations rest with the provincial and federal governments, but that certain aspects of the consultative process can be delegated to the CRD. With that in mind, the CRD has entered into tripartite Memorandums of Understanding (MOUs) with the Province and the Songhees, Esquimalt and Beecher Bay nations. These require the CRD to keep the First Nations well informed, gather information on their interests, use that information in the design of the project, where practical, and refer issues which cannot be resolved back to the Province.

The current status of First Nations engagement is outlined in the attached chart (Appendix A). Engagement has occurred on a regular basis with First Nations feedback on the project, focusing on concerns about the use of Crown land for facility sites, impacts to any heritage sites, especially along the shoreline, and potential impacts to fisheries. The MOUs also contain a commitment that the CRD and First Nations will use the wastewater project as a vehicle to address long-standing relationship issues and look for opportunities with mutual benefit. While there continue to be relationship challenges, especially with Esquimalt Nation (as outlined in Appendix A), regular and productive overlaps in activities between these communities and CRD staff have begun. An important next step that is beginning is greater interaction at the political level.

The CRD has also been keeping the Tsawout Nation updated about the project, in case it becomes apparent in the future that its interests could be affected.

ALTERNATIVES

Not applicable.

RECOMMENDATION

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

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Concurrence

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FIRST NATIONS ENGAGEMENT CHART

FIRST NATION	STATUS	INTERESTS IDENTIFIED TO DATE	ENGAGEMENT ON OTHER ISSUES	ACTIONS/NEXT STEPS
Songhees	<p>Consultation MOU signed</p> <p>Engagement under way</p>	<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 • Any use of federal Crown land and its impact on land available for treaty • Impacts to the foreshore • Protection of natural resources • Adequate sewage capacity for Songhees lands including future Treaty Settlement Land • Replacement of the Craigflower pump station • Would like to take part in archaeological work near any new outfalls and piping 	<ul style="list-style-type: none"> • E&N rail trail • Treaty negotiations • Sewer infrastructure • Ceremonial wood • Bathing pools • Regional Sustainability Strategy • Esquimalt Lagoon interpretive project 	<ul style="list-style-type: none"> • No federal land identified for project to date • Songhees representative involved in archaeological/environmental impact study (EIS) assessment work • Songhees representative involved in marine monitoring • Songhees shellfish harvesting areas identified for direct monitoring • Federal agencies directly engaged on shellfish issues and contacts established • Carrying out ongoing work on costing models and a commitment to provide information directly to Indian Northern Affairs Canada (INAC), if requested
Esquimalt	<p>Consultation MOU signed</p> <p>Engagement under way</p>	<ul style="list-style-type: none"> • Challenges in building a better overall relationship with the CRD including participation at the political level • Potential effects on and closures for shellfish harvesting as a result of new outfalls • Impacts on the environment, including the foreshore and marine species • Effects on archaeological sites • Replacement of the Craigflower pump station and capacity for future Esquimalt development 	<ul style="list-style-type: none"> • Sewer infrastructure • E&N rail trail • Ceremonial wood • Bathing pools • Regional Sustainability Strategy • Esquimalt Lagoon interpretive project 	<ul style="list-style-type: none"> • Esquimalt representative invited to be directly involved in marine monitoring • Esquimalt invited to identify sensitive shellfish harvesting areas • Federal agencies directly engaged on shellfish issues and contacts established • Esquimalt representative directly involved in archaeological/EIS assessment work • Working with Esquimalt staff to identify relationship-building opportunities • Provided initial briefing on costing models and a commitment to provide information directly to INAC, if requested • Continuing to discuss sewer infrastructure issues

<p>Beecher Bay</p>	<p>Consultation MOU signed</p> <p>Engagement under way</p>	<ul style="list-style-type: none"> • Potential effects on and closures for shellfish harvesting as a result of new outfall • Any use of Crown land in the Western Communities and its impact on land available for treaty • Potential employment opportunities arising out of the project • Want equitable access to service if and/or 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 • Federal agencies directly engaged on shellfish issues and contacts established • Beecher Bay shellfish harvesting areas identified for direct monitoring
<p>Tsawout</p>	<p>Engagement on potential new outfall begun</p>	<ul style="list-style-type: none"> • Identified that they have no interests in Saanich East location • Potential effects and closures for shellfish harvesting as a result of new or extended outfall • Impact of discharges into inland water bodies 	<ul style="list-style-type: none"> • Partnering on foreshore restoration • Tsawout sewage treatment plant • Expansion of service agreement 	<ul style="list-style-type: none"> • Briefed staff on potential outfall plans and marine monitoring approach • Tsawout representative directly involved in marine monitoring work • Tsawout shellfish harvesting areas identified for direct monitoring • Federal agencies directly engaged on shellfish issues and contacts established
<p>Saanich Tribes</p> <ul style="list-style-type: none"> • Tsartlip • Tseycum • Pauquachin 	<p>Information packages provided</p>			<ul style="list-style-type: none"> • Continue to forward information packages and be prepared to provide information