



Notice of Meeting and Meeting Agenda First Nations Relations Committee

Wednesday, November 22, 2023

1:30 PM

6th Floor Boardroom
625 Fisgard St.
Victoria, BC V8W 1R7

M. Tait (Chair), R. Windsor (Vice Chair), M. Alto, P. Brent, B. Desjardins, S. Goodmanson, M. Little, K. Murdoch, K. Williams, C. Plant (Board Chair, ex-officio)

The Capital Regional District strives to be a place where inclusion is paramount and all people are treated with dignity. We pledge to make our meetings a place where all feel welcome and respected.

1. Territorial Acknowledgement

2. Approval of Agenda

3. Adoption of Minutes

3.1. [23-897](#) Minutes of the September 27, 2023 First Nations Relations Committee Meeting

Recommendation: That the minutes of the First Nations Relations Committee meeting of September 27, 2023 be adopted as circulated.

Attachments: [Minutes - September 27, 2023](#)

4. Chair's Remarks

5. Presentations/Delegations

The public are welcome to attend CRD Board meetings in-person.

Delegations will have the option to participate electronically. Please complete the online application at www.crd.bc.ca/address no later than 4:30 pm two days before the meeting and staff will respond with details.

Alternatively, you may email your comments on an agenda item to the CRD Board at crdboard@crd.bc.ca.

6. Committee Business

6.1. [23-826](#) Forum of All Councils Summary Report

Recommendation: There is no recommendation. This report is for information only.

Attachments: [Staff Report: Forum of All Councils Summary Report](#)
[Appendix A: Forum of All Councils Summary Report](#)

6.2. [23-825](#) Archaeology and Heritage Conservation Update

Recommendation: There is no recommendation. This report is for information only.

Attachments: [Staff Report: Archaeology and Heritage Conservation Update](#)

7. Notice(s) of Motion

8. New Business

9. Adjournment

The next meeting will be held in 2024.

To ensure quorum, please advise Sharon Orr (sorr@crd.bc.ca) if you or your alternate cannot attend.

Meeting Minutes

First Nations Relations Committee

Wednesday, September 27, 2023

1:30 PM

6th Floor Boardroom
625 Fisgard St.
Victoria, BC V8W 1R7

PRESENT

Directors: M. Tait (Chair) (EP), R. Windsor (Acting Chair), M. Alto, P. Brent (EP), B. Desjardins (EP) (1:40 pm), S. Goodmanson, M. Little, K. Murdoch (1:33 pm), K. Williams

Staff: T. Robbins, Chief Administrative Officer, K. Morley, General Manager, Corporate Services; C. Vernon, Manager, First Nations Relations (EP); S. Huculak, Manager, Archeology, First Nations Relations (EP); E. Bildfell, First Nations Relations Advisor; M. Lagoa, Deputy Corporate Officer; S. Orr, Senior Committee Clerk (Recorder)

EP – Electronic Participation

Regrets: Director C. Plant,

Guest: K. Porttris, Porttris Consulting

The meeting was called to order at 1:32 pm.

1. Territorial Acknowledgement

Acting Chair Windsor provided the Territorial Acknowledgement.

2. Approval of Agenda

MOVED by Director Alto, **SECONDED** by Director Little,
That the agenda for the September 27, 2023 First Nations Relations Committee meeting be approved.
CARRIED

3. Adoption of Minutes

3.1. [23-681](#) Minutes of the April 26, 2023 First Nations Relations Committee Meeting

Director Murdoch joined the meeting in person at 1:33 pm.

MOVED by Director Little, **SECONDED** by Director Williams,
That the minutes of the First Nations Relations Committee meeting of April 26, 2023 be adopted as circulated.
CARRIED

4. Chair's Remarks

Acting Chair Windsor noted the upcoming holiday, National Truth and Reconciliation Day on September 30, 2023. He acknowledged that its a time to reflect on the calls for action made by the Truth and Reconciliation Commission. He encouraged all CRD staff and Directors to commit to listen, learn and build stronger relationships with First Nations on who traditional territories we operate. He stated that must always acknowledge the harm that was done, lives lost, and the ongoing inter-generational trauma as a result of removing indigenous children from their families and forcing them to attend residential schools. He expressed his appreciation to all indigenous leaders for showing us how we can work together in new and better ways. He encouraged everyone to show up on September 30 at the South Island Pow-Wow at Royal Athletic park.

5. Presentations/Delegations

There were no presentations or delegations.

6. Committee Business

6.1. [23-700](#) Service Planning 2024 - First Nations Community Need Summary

K. Morley spoke to Item 6.1.

Discussion ensued regarding:

- consultation on service agreements
- capacity funding related to increased staffing
- treaty negotiations

Director Desjardins joined the meeting electronically at 1:40 pm.

MOVED by Director Murdoch, **SECONDED** by Director Goodmanson,
The First Nations Relations Committee recommends the Committee of the Whole recommend to the Capital Regional District Board:

That Appendix A, Community Need Summary - First Nations, be approved as presented and form the basis of the Provisional 2024-2028 Financial Plan.

CARRIED

6.2. [23-548](#) First Nations Relations Operational Update

C. Vernon presented Item 6.2. for information.

7. Notice(s) of Motion

There were no notice(s) of motion.

8. New Business

There was no new business.

9. Motion to Close the Meeting**9.1. [23-682](#) Motion to Close the Meeting**

MOVED by Director Williams, **SECONDED** by Director Little,

1. That the meeting be closed for Intergovernmental Negotiations in accordance with Section 90(2)(b) of the Community Charter.

CARRIED

The First Nations Relations Committee went into the Closed Session at 2:02 pm.

The First Nations Relations Committee rose from the Closed Session at 2:21 pm without report.

10. Adjournment

MOVED by Director Alto, **SECONDED** by Director Murdoch,

That the September 27, 2023 First Nations Relations Committee meeting be adjourned at 2:22 pm.

CARRIED

CHAIR

RECORDER

REPORT TO FIRST NATIONS RELATIONS COMMITTEE MEETING OF WEDNESDAY, NOVEMBER 22, 2023

SUBJECT Forum of All Councils Summary Report

ISSUE SUMMARY

To provide a summary report of the recent Forum of All Councils.

BACKGROUND

The CRD Special Task Force on First Nations Relations Final Report (2018) recommended an annual Forum of All Councils to bring together leadership from First Nations, municipalities, and electoral areas. A Forum of All Councils was held in late 2019 and then paused in recent years due to pandemic health restrictions and the General Local Election in 2022.

On October 14th, 2023 the CRD once again hosted a Forum of All Councils to bring together First Nations' leadership with local government elected representatives to build relationships and explore ways to work together. The theme of this year's Forum was Indigenous self-determination in the context of relationships with local governments. Participants included First Nations, Mayors and Councillors, and Electoral Area Directors.

The Summary Report (Appendix A) outlines the structure and agenda of the Forum, provides an overview of what was shared by First Nations and guest speakers, and summarizes the feedback received from participants. A draft of the Summary Report was provided to the First Nation participants who attended the Forum and to certain First Nation staff who provided feedback and guidance that helped to shape the agenda for the day.

IMPLICATIONS

Alignment with Board Priorities, Existing Plans & Strategies

By providing a forum for First Nations to share their priorities and perspectives with local government representatives, the Forum of All Councils supported the Board Priority of hearing more from First Nations' governments as to how they would like the CRD to approach reconciliation. Inviting guidance from First Nations on understanding and developing new mechanisms for working together also supported the Priority of strengthening government-to-government decision-making that uplifts Indigenous self-determination.

First Nations Reconciliation & Intergovernmental Implications

Participating in the Forum and listening to the perspectives of local First Nations as well as the guest speakers demonstrates a commitment from local government representatives to ongoing learning, which is a critical component to strengthening government-to-government relationships and implementing the Board's Statement of Reconciliation. While there was limited attendance from First Nation Chiefs and Councilors, the message staff received from those who did attend was that there is value in creating a platform for dialogue with interested Nations, even if participation is limited.

Service Delivery Implications

Priority topics raised by First Nations at the Forum relate to service delivery, environmental protection, capacity challenges, and governance. The themes heard will be shared internally by staff to inform the Government-to-Government Relationship Building Initiative, Inclusive Governance Initiative, ongoing dialogue between CRD Divisions and First Nations related to related aspects of service delivery, and the eventual development of a CRD Reconciliation Action Plan.

CONCLUSION

The Forum of All Councils Summary Report provides an overview of the 2023 Forum that brought together First Nations' leadership with local government elected representatives to build relationships and explore ways to work together.

RECOMMENDATION

There is no recommendation. This report is for information only.

| | |
|---------------|---|
| Submitted by: | Caitlyn Vernon, MES, Manager, First Nations Relations |
| Concurrence: | Kristen Morley, J.D., General Manager, Corporate Services & Corporate Officer |
| Concurrence: | Ted Robbins, B. Sc., C. Tech., Chief Administrative Officer |

ATTACHMENT

Appendix A: Forum of All Councils Summary Report

Summary Report

Forum of All Councils 2023

Capital Regional District | Prepared by the CRD's First Nations Relations Division



TABLE OF CONTENTS

| | |
|---|----------|
| BACKGROUND | 2 |
| Territorial Acknowledgement | 2 |
| CRD Commitment to Reconciliation..... | 2 |
| Forum of All Councils..... | 2 |
| FORUM OF ALL COUNCILS SUMMARY | 3 |
| Run of the Day | 3 |
| Participation | 4 |
| First Nations Roundtable: Themes Heard..... | 5 |
| Guest Speakers..... | 7 |
| FEEDBACK | 8 |
| Feedback Summary | 8 |



Chief Abraham Pelkey and Chair Plant

BACKGROUND

Territorial Acknowledgement

The CRD conducts its business within the traditional territories of many First Nations, including but not limited to BOŖEĆEN (Pauquachin), MÁLEXEŁ (Malahat), P'a:chi:da?ahť (Pacheedaht), Spune'luxutth (Penelakut), Sc'ianew (Beecher Bay), Songhees, SŦÁUTŦ (Tsawout), T'Sou-ke, ŦJOŁEŁP (Tsartlip), ŦSIKEM (Tseycum), and xʷsepsəm (Esquimalt), all of whom have a long-standing relationship with the land and waters from time immemorial that continues to this day.

CRD Commitment to Reconciliation

The CRD Board's [Statement of Reconciliation](#) focuses on self-determination, shared prosperity, and relationship with the land and water. The CRD Board's Special Task Force on First Nations Relations, established in 2015, released a [Final Report 2018](#). The Board approved eight recommendations from the Task Force that aimed to build government-to-government relationships between the CRD and First Nations governments. One of the recommendations was a commitment to host an annual Forum of All Councils to bring First Nations and Local Governments together to discuss issues of importance.

Forum of All Councils

The previous Forum of All Councils concluded with suggestions for future Forums, including focusing on actions, roles, responsibilities, and resources, policy discussions, networking opportunities, field trips to First Nation reserves, frequent and shorter meetings, and centring Indigenous voices. This feedback was taken into consideration when planning the 2023 Forum.

In addition, the CRD's First Nations Relations Division made efforts to engage First Nations on their preferred content, structure, and timing of the Forum. Some input was received before the Forum that was incorporated into planning the event, and additional feedback has since been received that will inform future gatherings.

The Forum of All Councils also supports the implementation of the CRD's [2023-2026 Board Priorities](#), which include initiatives to support building strong relationships with First Nations based on trust and mutual respect, partnerships and working together on shared goals.

This 2023 Forum of All Councils Summary Report was prepared by the CRD's First Nations Relations Division.

FORUM OF ALL COUNCILS SUMMARY

Run of the Day

The 2023 Forum of All Councils was held on Saturday, October 14th at the [Songhees Wellness Centre](#) on the Traditional Territory of the ləkʷəŋən peoples, **Songhees** and **xʷsepsəm** (Esquimalt) Nations. The 2023 Forum of All Councils theme was **First Nations Self-Determination in Relation to Local Governments**. The agenda was designed to allow maximum sharing from those local First Nations who could attend.

Traditional Speaker Ivy Seward, a member of the ʷOḷḷEP (Tsartlip) First Nation who is also a ləkʷəŋən language teacher for the Songhees Nation, opened the day on behalf of the CRD. A traditional speaker is asked by the host family, in this case, the CRD, to open the floor for the excellent work done that day. Ivy welcomed participants in the ləkʷəŋən language and offered her best wishes for relationship building. Throughout the morning, Ivy invited speakers, supported the gifting protocols, and offered her reflections on what was being shared.

Eugene Sam from the Songhees Nation offered an opening prayer and a song, and then the Ləkʷəŋən Traditional Dancers took the floor to share their songs and dances. Chair Plant offered a CRD welcome and introduced the local governments in the room. The Chair thanked the First Nations present for participating and spoke about the importance of building a deeper understanding of Indigenous self-determination and how local governments can co-create new ways of working with First Nations on a respectful government-to-government basis.

During the First Nations Roundtable, First Nations shared their perspectives and priorities regarding Indigenous self-determination in working with local governments. The key themes are summarized below.

Guest speakers KWAŠT-en-ayu (Maynard Harry) and Stewart Alsgard spoke about their experiences developing [the Tla'amin Nation – City of Powell River Community Accord](#).



Chair Plant and Ivy Seward



Eugene Sam, ləkʷəŋən Traditional Dancers



Chief Ron Sam, Songhees Nation



KWAŠT-en-ayu and Stewart Alsgard, Guest Speakers

Run of the Day *(continued)*

Throughout the day, gifts of blankets and honoraria were offered to recognize the work being done. In addition, all participants were gifted a tote bag and a water bottle and were invited to take home K'exmin seeds as an offering to each of the participants to honour the work being done and to acknowledge their collective role in contributing to a healthier region, and an abundant, resilient future.

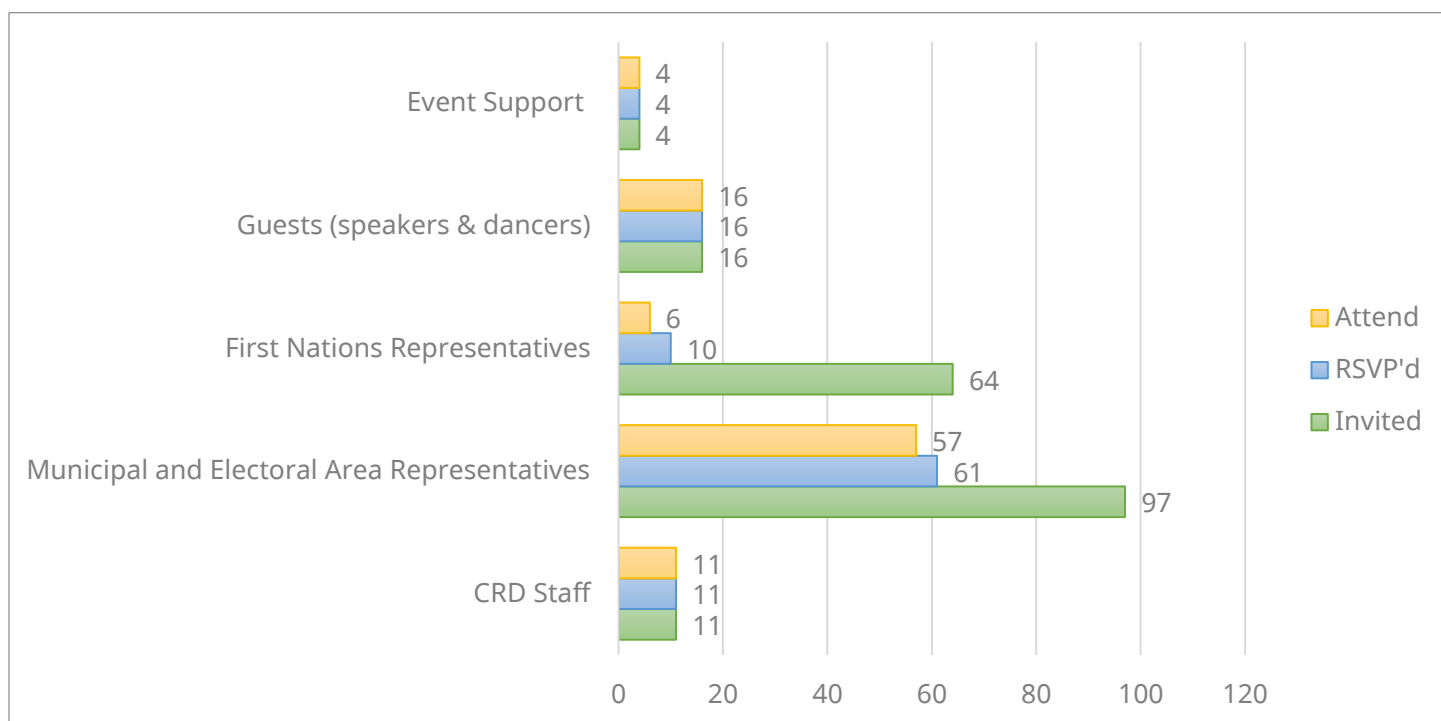
Sharing food is an essential component of relationship building, and participants enjoyed a delicious breakfast and lunch provided by Songhees Catering. Two Worlds Consulting provided event facilitation and notetaking.

Participants were asked to complete a feedback questionnaire to provide input for future events and relationship building. A summary of the feedback is provided below.

Participation

The Forum of All Councils intends to bring together leadership from First Nations, the Capital Regional District Board of Directors, and Municipalities with the support of Capital Regional District staff, guest speakers and other support personnel. **One hundred ninety-two** people were invited, **one hundred and two** RSVP'd yes, and **ninety-two** attended the event.

Participants included elected leadership from Songhees Nation and STÁUTW (Tsawout) First Nation, City of Colwood, City of Langford, City of Victoria, District of Central Saanich, District of Highlands, District of Metchosin, District of North Saanich, District of Oak Bay, District of Saanich, District of Sooke, Town of Sidney, Town of View Royal, Township of Esquimalt, the Southern Gulf Islands Electoral Area, and the Juan de Fuca Electoral Area. Staff from the WSÁNEĆ Leadership Council also attended.



First Nations Roundtable: Themes Heard

| | |
|---------------------------------|---|
| Water Quality | <ul style="list-style-type: none"> Beach pollution, primarily from agricultural land, water runoff, and pollution, poses future food security issues and requires effective water management within municipalities. Municipalities need to ensure beaches are clean enough to support harvesting. |
| Capacity | <ul style="list-style-type: none"> First Nations have limited capacity, which impedes the ability to participate in every engagement request. Inundated with a high volume of requests, e.g., requests to one Nation from 6 municipalities plus provincial and federal governments. Thirty days for reviewing is not enough. Suggest a job swap between local government and First Nations staff to understand capacity issues better. |
| Communication & Decision-Making | <ul style="list-style-type: none"> Effective communication and collaboration with Nations, particularly in land and water issues, require community accords and having a voice at the table. Create a table so there is a suitable pathway for working together. We have a responsibility to the land and water to protect it. Our land and lives matter. We want to be good neighbours but must be on a level playing field. There is a huge responsibility to work with Nations and care for the land and water. We need to have our voices in the conversation. For decades, we have advocated for dialogue between local governments and First Nations. We must fight so much for so little. Letters are not an adequate form of communication. Need active, not passive, consultation. Make a concerted effort to include Nations during a process instead of after. Hold a Forum on regional issues, with Nations meeting first rather than with municipalities. Form an Indigenous land stewardship commission with the CRD regarding park acquisition. Hold regular forums to discuss issues and the good things. |
| Access to Land | <ul style="list-style-type: none"> People need to respect the privacy of Indigenous people when they are using the land for harvesting or spiritual or cultural uses. Municipalities need to consider new approaches to land acquisition to avoid court challenges. Land back is crucial for First Nations people. Our people need land for hunting, harvesting, gathering, and firewood. Exclusive parkland affects harvesting. Consider exclusive areas for First Nations. Co-management regimes are needed for Indigenous Protected and Conserved Areas. Consider an Indigenous land trust. |

First Nations Roundtable: Themes Heard *(continued)*

| | |
|-----------------------|--|
| Reconciliation Action | <ul style="list-style-type: none"> Reconciliation is everyone's work and cannot be solely driven by Nations. Reconciliation is about unity and collective work for a better future. Reconciliation is realizing we are all here together and we can work together in a good way. The elders say things have not changed in 30 years and don't see change coming. There needs to be more than land acknowledgements; there needs to be action. The City of Victoria has shown progress in reconciliation efforts. The CRD is listening regarding archaeology. This should have happened a long time ago. |
| Self-Determination | <ul style="list-style-type: none"> The lack of large industry in this region means fewer opportunities to tap into to support our Nation. There are wealthy houses, but governments are reluctant to tap this. How do you become self-determining without land or economy? First Nations are good for the economy. CRD and municipalities should support nations in obtaining land back and treaties, as it can benefit the economy. |
| Bureaucracy | <ul style="list-style-type: none"> Indigenous names mean something to us. The bureaucracy involved in renaming is a barrier to making change happen. There are many hoops to jump through to grow at the same rate as municipalities. It feels like we are being left behind and left out. The Local Government Act impacts the ability to have impact benefit agreements. Need to cut red tape and create mechanisms for action. The Additions to the Reserve process can take over 15 years. |
| Development | <ul style="list-style-type: none"> The rapid state of development is hard on our Nations. Archaeological sites being disturbed. Nations are on the outside looking in and need to be involved more. The rapid pace of development is pushing Nations to go farther and farther away to access land for harvesting and other uses. What is the vision? Is it forever growth? The goal of reducing waste at the Hartland landfill conflicts with increasing development. The growth of municipalities is the death of our culture. |

Guest Speakers

Guest speakers KWASt-en-ayu (Maynard Harry) and Stewart Alsgard ('Qoqoq') shared their experiences building relationships between the Tla'amin Nation and the City of Powell River, which led to the development of [the Powell River & Tla'amin Nation Community Accord](#).

KWASt-en-ayu is a citizen of the Tla'amin Nation, Founder of Indigenous Insight, and Partner of Mighty Raven Technology. KWASt-en-ayu received his ancestral name from his Elders on May 10, 2003, immediately before the signing of the historic Sliammon First Nation – City of Powell River 'Community Accord'. KWASt-en-ayu has been elected as his Nation's Chief Councillor and councillor. Maynard brings 27+ years of practical knowledge and experience from direct exposure to Canada's Indian Act Indian Reserve System and being of a family directly impacted by Canada's Indian Residential School System. Maynard understands his nation's culture, history, territory, land, and resources from working with his elders, negotiators, and traditional land and resource use experts. Maynard is active in the following areas: small business and economic development, intergovernmental relationship building, reconciliation, leadership/governance/decision-making, Aboriginal rights, and title. KWASt-en-ayu's reconciliation work has been recognized on a regional level by the City of Powell River with a Freedom of the City (2008), nationally Queen's Diamond Jubilee Medal (2013) by Canada's Governor General Johnson.

Stewart Alsgard ('Qoqoq') is a UBC graduate, secondary level teacher, domestic and international; Graduate of the National Defence College of Canada; Retired naval Captain; Officer of the Order of Military Merit (OMM); UBC Senate (Order in Council); UBC Faculty of Medicine (community member admissions committee); Provincial Coroner (1990-2005); Former Mayor, City of Powell River (1999 -2011); Signatory to 2003 and 2018 Tla'amin Nation – City of Powell River Community Accord; 2004 Protocol Agreement on Economic Development and Cultural Heritage Resource Protection; Queen's Silver and Diamond Jubilee Medal; 2004 Bestowed with Honorary ancestral name ('Qoqoq' meaning 'Snow Owl'), Tla'amin Nation; and Volunteer guide, Townsite Heritage Society.

Highlights from Their Talk

- Stories and examples of relationship building behind the development and evolution of [the Powell River & Tla'amin Nation Community Accord](#), a living document that outlines a process and principles for how the two governments work together.
- The need for fearlessness and creativity in relationship building.
- The importance of 'living agreements' between municipalities and First Nations.
- Involving youth participation in decision-making.
- Relationship building can require the courage to make unpopular decisions.
- The ongoing negative impacts of colonization and intergenerational trauma cannot be separated from the importance of relationship building.
- Municipalities must recognize they are on land taken from First Nations and that their growth has ongoing impacts on First Nations.
- Truth and acknowledgement of unearned privileges must come before reconciliation.
- Importance of education and the need to reinvent and rethink systems.
- That bureaucracy can have harmful impacts on reconciliation efforts.
- Moving beyond land acknowledgements to action.
- The Indian Act and Indian reserve lands do not define First Nations people, and have limited economic opportunities because of them.
- There are opportunities for municipalities to drive reconciliation efforts and learn from past mistakes.

FEEDBACK

Before and after the event, in meetings with First Nations, the First Nations Relations Division solicited feedback and suggestions about the Forum of All Councils. This included discussions with representatives from P'a:chi:da?ah (Pacheedaht) First Nation, Songhees Nation, T'Sou-ke Nation, x̱w̱sepsəm (Esquimalt) Nation, Sc'ianew First Nation, and the W̱SÁNEĆ Leadership Council.

The Forum of All Councils participants were asked to fill out a feedback questionnaire about expectations, takeaways, successful aspects, suggestions for improvement, learning opportunities, and recommendations for facilitating relationship-building and networking between First Nations and local governments.

Feedback Summary

| | |
|----------------------------------|--|
| Learnings & Takeaways | <p>Get more involved to grow relationships. Beyond words, actions are essential. Awareness of the complexity of referrals and the capacity of the Nations and that land is essential to self-determination and collaboration. Be open. Take responsibility. Recognize white privilege.</p> <p>Awareness of the frustration of First Nations that governance/policies are used as barriers to progress and that there is still much work to do. They are learning about their priorities from First Nations leadership. Be present, be involved where you can, and be invited by the community.</p> |
| Forum Content | <p>Many participants appreciated the opportunity to hear directly from local First Nations about their challenges and priorities related to self-determination. Nations expressed frustration at being repeated the same thing for decades. Local government representatives shared that what they heard provides helpful guidance. When local government representatives sat with First Nations, meaningful and collaborative discussions were held on relevant problems and potential resolutions.</p> <p>Many participants also mentioned that hearing the stories and experiences of the guest speakers was a highlight of the day. A few participants found the speakers challenging and irrelevant to the current-day context of Indigenous relations. Many participants found the speakers' direct and frank approach to speaking their truth refreshing and inspirational. Given the sensitive and complex nature of the discussion, more could have been done to prepare the audience in advance and debrief afterwards.</p> <p>Appreciations were also given for the cultural sharing, the connections, the conversations, and the opportunity to share a terrific meal.</p> |

Feedback Summary *(continued)*

| | |
|---|--|
| Forum Structure | <p>Many participants expressed disappointment with the low turnout from First Nations. First Nations representatives acknowledged the importance of this type of forum. They noted the low attendance due to cultural commitments, harvesting season, losses in the community, recent elections, other events, and overall capacity. They suggested continuing to hold forums and that Nations would come when they could.</p> <p>Recommendations included more table discussion, mingling, and facilitated problem-solving as a region; facilitated discussion on significant issues facing the region to learn from each other on new ways of looking at problems, which helps overcome misinformation and constraints; sharing of best practices and tangible results; more speakers, including local presenters; collect questions from Nations and local government representatives in advance; more time for questions; encourage First Nations and municipalities to sit together; fewer participants; have a different First Nation host each year; organize a First Nation's caucus to meet in advance of the Forum and support conversations with local governments; include higher levels of government to elevate the importance of the gathering; inviting staff; having more of a conference-style agenda; include opportunity for social connections; and instead of a forum, focus on tangible on-the-ground reconciliation actions rather than talking.</p> |
| Suggestions for Future Learning Opportunities and Relationship Building | <p>Participants suggested knowledge sharing and learning opportunities on numerous topics, including climate change, food security, conflict resolution related to agricultural needs and traditional harvesting, a review of the CRD Task Force recommendations and progress to date, a KAIROS blanket exercise for elected leaders, the Moosehide project, tools or guidance to bridge the gap between colonial and First Nations governance models, a presentation on CRD initiatives and current priorities, wastewater, emergency management planning, building codes, opportunities for reflection, consideration of how to start making change, understanding government legislation constraints and opportunities and recent legal changes, and learning more from a First Nations roundtable.</p> <p>Recommendations for how the CRD might facilitate relationship building between First Nations and local governments included: continuing to hold an annual Forum, perhaps hosted by each local government in turn; quarterly meetings between First Nations and local governments; discuss more specific topics; facilitate land back to First Nations; implement an Indigenous land and water stewardship commission; address carrying capacity of the lands and waters in the region; more joint learning sessions; find a way to acknowledge our wrongs, make right where we can and move forward together; CRD lead a process with First Nations and local governments to propose approaches that address the capacity required for relationship building; host meals where there is no agenda other than meeting and mingling; informal time together that includes staff on all sides; try out job sharing and secondments; engage with Nations prior to land acquisition; seats for First Nations on the Board; provide standing opportunities for Indigenous leadership to share stories at the Board and committees and all gatherings; support Tribal Journeys; and create a forum where issues vital to First Nations can be discussed and meaningful work accomplished.</p> |

**REPORT TO FIRST NATIONS RELATIONS COMMITTEE
MEETING OF WEDNESDAY, NOVEMBER 22, 2023**

SUBJECT **Archaeology and Heritage Conservation Update**

ISSUE SUMMARY

To provide a summary of the CRD's approach to archaeology and heritage conservation.

BACKGROUND

At the 2023 Forum of All Councils, Chief Ron Sam from the Songhees Nation indicated that the CRD 'is listening' when it comes to archaeology, and that this should have been done a long time ago. This report provides the context to this remark as well as an update on current archaeological and heritage conservation initiatives.

Heritage conservation in BC is legislated by the provincial Heritage Conservation Act (HCA). The provincial government has guidelines and templates for local governments regarding archaeological resource management.

All archaeological sites, whether recorded or as-yet unidentified, on private and public land, intact or disturbed, are protected by legislation and may not be altered, damaged, moved, excavated in, or disturbed in any way without a permit issued under the HCA. If unanticipated archaeological resources are found, the proponent/developer must stop work immediately and contact the Archaeology Branch for further direction. The HCA authorizes compliance and enforcement actions that may be taken against those who damage, desecrate, or alter heritage sites or objects without authorization. The HCA also contains provisions authorizing the Province to enter into agreements with First Nations with respect to additional mechanisms to conserve and protect heritage sites and objects that represent their cultural heritage.

The *Heritage Conservation Act* Transformation Project, currently underway, aims to bring the legislation into alignment with the provincial Declaration on the Rights of Indigenous Peoples Act. This process is intended to support reconciliation while increasing certainty and stability for First Nations, landowners, proponents, developers, and government. It is anticipated that changes to the HCA will provide increased clarity, direction and support to local governments regarding the level of archaeological oversight required at the local government level.

First Nations are increasingly asserting their own management and approaches to heritage conservation. Important cultural places, including archaeological sites, still hold great significance to and are actively managed by First Nations. Many First Nations are asking local governments to involve the Nations' in management and decision-making related to heritage conservation, in addition to implementing the HCA. First Nations often expand the definition of heritage sites to include intangible cultural resources, such as a location with historical or cultural significance, in addition to registered archaeological sites.

The CRD's *Protection and Conservation of Heritage Sites Policy* was adopted in 2020. The policy facilitates the protection and conservation of heritage and archaeological sites within the CRD and ensures corporate compliance with the HCA. The policy also directs staff to engage with First

Nations with respect to the management and protection of archaeological sites.

In March of 2022 the CRD created a new position and hired a Manager of Archaeology. The in-house archaeologist works closely with First Nations, regulators and operational staff across all Divisions to provide direction, technical support and training to CRD initiated projects, train CRD staff and volunteers, develop and refine CRD policy and guidelines, collaborate with First Nations to support their cultural heritage management objectives, and ensure compliance with provincial legislation and best practices.

IMPLICATIONS

First Nations Reconciliation

Working in collaboration with First Nations on the management and protection of archaeological sites and areas of cultural importance is a significant component of reconciliation. First Nations care deeply about their ancestral lands, the belongings of their ancestors and protection of ancestral burial sites. It has been communicated to CRD that the protection and care of the land as related to archaeological sites and cultural landscapes is an inherited duty and an integral part of being Indigenous. CRD projects and service delivery have the potential to impact and harm First Nations communities through the disturbance of ancestral sites and burial grounds. Working with First Nation communities on how best to protect ancestral sites has provided CRD with an opportunity to advance reconciliation and strengthen relationships.

Intergovernmental Implications

Provincial guidelines outline two essential areas of archaeological resource management that can be conducted by municipalities and regional districts: integration of archaeological information into project planning and delivery as well as providing notification to applicants during the development and building permit application and approval process. Given that only a fraction of archaeological sites have been registered with the province, effective planning must include both known site locations and areas with the potential to contain protected but unrecorded archaeological sites.

The province has provided local governments with access to archaeological data and previous assessment results to aid in the planning of projects and other works. By raising the profile of archaeological site management within official community plans, local governments can flag archaeological issues at the earliest stages of development planning. Awareness helps to avoid or reduce damage to archaeological sites and early knowledge of archaeological constraints can reduce the potential for increased development costs and delays, negative press, and conflict within the community.

Service Delivery Implications

The CRD's approach to the management and respectful treatment of archaeological sites applies across the organization. The CRD Archaeology Manager provides technical oversight and direction to all divisions that involves risk reviews, development of archaeological scopes of work, attending bidders meetings, providing input into tender documents, managing archaeological consultant contracts, development and delivery of training to internal crews and contractors, collaboration with involved First Nations, report review and facilitation of First Nation involvement in field work.

Archaeology training offered to internal teams, volunteers and contractors includes archaeology awareness, archaeology policy and process, archaeological site identification, and archaeological chance find management. The trainings aim to increase awareness around First Nation expectations and to ensure that regulatory obligations are understood and followed.

The CRD Conservation and Protection of Heritage Sites policy and associated training reduce the risk of impacting known and as-yet unknown archaeological sites during project work. This in turn results in cost savings and increased project certainty, which in today's volatile construction environment is critical to achieving project success and maintaining relationships with involved First Nations.

Where new archaeological sites are identified on CRD-held properties by staff, volunteers or First Nations, the sites are registered in the provincial database. Because there is often a delay before sites are uploaded to the provincial database, as an interim measure the newly identified sites are also added to the internal CRD map so that operational staff are aware of the location and can prevent inadvertent impacts.

CRD staff are collaborating with First Nations to determine protection measures for registered archaeological sites. At times this assessment can result in boundary changes of the registered site, for example due to erosion or lack of full documentation when first recorded. In one community park where unregistered sites have been identified, CRD is partnering with First Nations to survey and record all sites in the park. This information will support park management and is an opportunity for knowledge sharing and reconciliation in action. In another location, CRD staff are working closely with First Nations to determine protection measures for registered archaeological sites in a regional park, to inform park management planning. Protection measures may at times include interpretive signage or information about the importance of the site however more often they include requests to not publicize the location and to adjust park management and operations to reduce public access to the site. CRD staff are implementing on-the-ground tangible actions in response to First Nations' requests, and First Nations have communicated their appreciation to CRD staff for taking heritage conservation stewardship seriously.

Where possible, CRD staff are establishing processes for regular meetings with First Nations staff (lands managers, guardians) and technical experts (archaeologists, biologists, ecologists, etc) to bring forward land altering works that have the potential to impact archaeological sites in their territory. Where archaeological consultants have been retained by the CRD, they lead the engagement with First Nations. Projects brought forward by staff have undergone internal review by the CRD Archaeology Manager, who works closely with CRD project managers to determine how the proposed work may impact archaeological sites or areas of cultural significance – design avoidance is discussed internally to help mitigate potential impacts, but if impacts are unavoidable the projects are brought forward to the Nations for discussion.

At these meetings the archaeological management approach is developed, data is shared, and a plan made on how/if the Nations or their preferred consultants are to be involved. Collaborating on the archaeological approach and sharing expectations early in the project lifecycle increases project certainty and supports long-term trust and relationship building.

Participation in field work is often requested, and when working in shared territories it is common and culturally appropriate for more than one First Nation to be represented on site.

Discussions between CRD staff and First Nations also inform policy and best practices, such as archaeological chance find management and communication protocols, the respectful treatment of ancestral remains, and archaeological site protection measures.

Through meetings, site visits, field work, informal discussions and formal gatherings, CRD staff continue to learn from First Nations' cultural workers, language holders and technical experts. Gaining a better understanding of each other's perspectives, roles and responsibilities allows for more trusted relationships to be built. The opportunity for staff to hear directly from cultural workers and First Nation representatives leads to an enriched work environment that fosters respect. In recognition that not all Nations have the capacity to meet with CRD on a regular basis, the approach remains flexible to meet the needs of involved First Nations.

Financial Implications

The in-house archaeologist is funded through the First Nations Relations annual budget. Cost and schedule savings to other CRD divisions include technical expertise to support project design, the ability to secure professional archaeological support within project timelines, and support for small scale works (e.g. service connections, water meters, culvert and trail repairs) that have the potential to impact archaeological sites but may not have sufficient budgets to engage with external resources. In-house technical expertise coupled with having and developing close working relationships with First Nation communities helps keep projects on time and reduces risk of inadvertent impacts to archaeological sites. Unauthorized impacts to archaeological sites can result in harm to First Nation communities and can also lead to criminal charges, imprisonment and significant fines under the HCA of up to \$1,000,000.

CRD operations continue to retain external archaeological consultants where needed for capital projects and other works. The CRD has pre-qualified four archaeological firms who are endorsed and trusted by First Nations in the CRD. Each service area covers their own costs associated with contracting archaeological consultants and hiring First Nation representatives to permit, conduct field work and carry out the appropriate technical analysis and reporting as per provincial requirements.

CONCLUSION

The CRD's approach to archaeology and heritage site conservation includes policy, guidelines, training, external consultants, evolving collaborations with First Nations, and an in-house archaeologist. The CRD works closely with First Nations and the province to collaboratively manage and protect archaeological and heritage sites as guided by provincial legislation and First Nations' expectations and as a step towards reconciliation.

RECOMMENDATION

There is no recommendation. This report is for information only.

| | |
|---------------|---|
| Submitted by: | Shauna Huculak, M.A., RPCA, Manager, Archaeology |
| Concurrence: | Caitlyn Vernon, MES, Manager, First Nations Relations |
| Concurrence: | Kristen Morley, J.D., General Manager, Corporate Services & Corporate Officer |
| Concurrence: | Ted Robbins, B. Sc., C. Tech., Chief Administrative Officer |