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REPORT TO REGIONAL WATER SUPPLY COMMISSION MEETING OF MAY 20, 2026

SUBJECT **Bylaw Nos. 4753, 4769, and 4770: First Nations' Access to the Greater Victoria Water Supply Area**

ISSUE SUMMARY

Local First Nations are requesting access to the Greater Victoria Water Supply Area (GVWSA) for traditional practices and cultural use. To facilitate this type of access, the Water Supply Area Regulations Bylaw requires amendment, which also provides an opportunity to streamline and update the bylaw and accompanying fines schedules.

BACKGROUND

Capital Regional District (CRD) Bylaw No. 2804, "Capital Regional District Water Supply Area Regulations Bylaw No. 1, 2000" (Appendix A), regulates access and use of the Greater Victoria Water Supply Area (GVWSA). Access to the GVWSA is restricted to authorized personnel and those holding a valid access permit, granted by the General Manager, Infrastructure and Water Services, and/or the Regional Water Supply Commission (Commission) in accordance with the CRD *Water Supply Area Access and Special Use Request and Approval and Procedure* (Appendix B).

Currently, Bylaw No. 2804 permits First Nations' access and use of the Leech Water Supply Area portion of the GVWSA under the terms of a written agreement between a First Nation and the CRD. There is currently one First Nation with a traditional use access agreement for the Leech Water Supply Area. This agreement allows for hunting, trapping, fishing, gathering, ceremonial fire, firewood collection, tree cutting and general access, with detailed terms and conditions.

Through consultation and discussions with First Nations related to the Regional Water Supply Strategic Plan, several Nations have requested access to the GVWSA for traditional and cultural purposes, particularly for hunting; however, Bylaw No. 2804 currently permits First Nations' traditional uses only within the Leech Water Supply Area and does not extend these permissions to the Goldstream or Sooke Water Supply Areas, where the traditional territories of several Nations are located.

The proposed bylaw amendments aim to expand First Nations' access for traditional and cultural use in the GVWSA, enabled through written agreements between the CRD and a First Nation (Appendix C). Staff recommend that the specific details of access and use, including type, location, timing and nature of activities, be managed through individual agreements rather than through prescriptive bylaw provisions. Each agreement for access and use would be submitted to the Commission and CRD Board for consideration.

Staff support facilitating First Nations' access to GVWSA lands which pose lower risk to water supply (e.g., "Kapoor" lands, Leech and Goldstream water supply areas) and maintaining limited access to the Sooke Water Supply Area, due to its criticality to current unfiltered water supply.

While now part of the GVWSA, the newly acquired “Kapoor” lands are not yet included under the scope of Bylaw No. 2804 as management of these lands has not been finalized. The “Kapoor” lands are therefore available for First Nations’ traditional practices and cultural uses without bylaw amendment.

Additional amendments to Bylaw No. 2804, Bylaw No. 1857, “Capital Regional District Ticket Information Authorization Bylaw, 1990” (Appendix D), and Bylaw No. 4683, “Bylaw Notice Enforcement Bylaw No. 1, 2025” (Appendix E) are proposed in order to:

- update definitions and references.
- strengthen enforcement language consistent with Bylaw No. 4225, “CRD Parks Regulation Bylaw”.
- streamline and clarify access permit authorization and General Manager written approvals.
- revise the area depicted as the ‘Greater Victoria Water Supply Area’ in Schedule “A”.
- update fines for Bylaw No. 2804 violations.

ALTERNATIVES

Alternative 1

That the Regional Water Supply Commission recommend to the Capital Regional District Board:

1. That Bylaw No. 4753, “Capital Regional District Water Supply Area Regulations Bylaw No. 1, 2000, Amendment Bylaw No. 3, 2026” be introduced and read a first, second and third time;
2. That Bylaw No. 4753 be adopted;
3. That Bylaw No. 4769, “Capital Regional District Ticket Information Authorization Bylaw, 1990, Amendment Bylaw No. 90, 2026” be introduced and read a first, second and third time;
4. That Bylaw No. 4769 be adopted;
5. That Bylaw No. 4770, “Bylaw Notice Enforcement Bylaw No. 1, 2025, Amendment Bylaw No. 4, 2026” be introduced and read a first, second and third time; and
6. That Bylaw No. 4770 be adopted.

Alternative 2

That the proposed bylaws be referred back to staff for further information.

IMPLICATIONS

Alignment with Board & Corporate Priorities and Alignment with Existing Plans & Strategies

The CRD Board & Corporate Priorities, draft CRD Reconciliation Action Plan, and Regional Water Supply Strategic Plan all support finding ways to provide greater access and use of GVWSA lands to First Nations for traditional practices and cultural use that are consistent with land and watershed management for drinking water supply.

Service Delivery Implications

There is potential that First Nations’ traditional practices and cultural use could have impacts on the service of drinking water for the region. The order of WSA priority for First Nations’ access and use, along with details contained in written agreements, would seek to ensure no or limited impact on Regional Water Supply service delivery.

It is not yet known how much administrative coordination of access may be required and if the CRD will need to play a role if multiple First Nations are on site at the same time. The level of coordination will depend on the number of First Nations’ access agreements, as well as the subsequent uptake from First Nations once in place. At this time, it is expected that coordination can be accommodated with existing resources, but this will need to be reassessed once the access agreements are implemented.

First Nations Implications

The implication for First Nations may be transformational. Access to areas of First Nations’ traditional territories that were not accessible since the early 1900s could greatly expand access to forested areas for traditional practices when access to natural areas is otherwise diminishing, especially in territories located in expanding urban and rural areas.

Social Implications

Public awareness of the opportunity of First Nations to access future, backup and off-catchment water supply areas for Greater Victoria for traditional uses is expected to be positive. Interaction with the public on water tours show support for working with First Nations to help repair and reconcile the injustices of the past and incorporating First Nations’ knowledge and needs in management of the GVWSA.

CONCLUSION

Local First Nations have requested access to the Greater Victoria Water Supply Area (GVWSA) for traditional practice and cultural use. Given the goals and priorities of both the Capital Regional District and local First Nations, it is reasonable and appropriate to provide access and use of the GVWSA for traditional uses, where this access and use does not impact drinking water supply and drinking water quality, and where operational protocols are established and followed to mitigate risks.

The Capital Regional District Water Supply Area Regulations Bylaw No. 2804 must be amended to allow for access and use of the GVWSA where CRD has a written agreement with a First Nation on the terms of access and use. While the bylaw is being amended, it is beneficial to incorporate other housekeeping updates and the accompanying fines schedules in the appropriate ticketing bylaws.

RECOMMENDATION

That the Regional Water Supply Commission recommend to the Capital Regional District Board:

1. That Bylaw No. 4753, “Capital Regional District Water Supply Area Regulations Bylaw No. 1, 2000, Amendment Bylaw No. 3, 2026” be introduced and read a first, second and third time;
2. That Bylaw No. 4753 be adopted;
3. That Bylaw No. 4769, “Capital Regional District Ticket Information Authorization Bylaw, 1990, Amendment Bylaw No. 90, 2026” be introduced and read a first, second and third time;
4. That Bylaw No. 4769 be adopted;
5. That Bylaw No. 4770, “Bylaw Notice Enforcement Bylaw No. 1, 2025, Amendment Bylaw No. 4, 2026” be introduced and read a first, second and third time; and
6. That Bylaw No. 4770 be adopted.

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ATTACHMENT(S)

- Appendix A: Redlined Consolidated Bylaw No. 2804, “Capital Regional District Water Supply Area Regulations Bylaw No. 1, 2000”
- Appendix B: Water Supply Area Access and Special Use Request and Approval Procedure
- Appendix C: Bylaw No. 4753, “Capital Regional District Water Supply Area Regulations Bylaw No. 1, 2000, Amendment Bylaw No. 3, 2026”
- Appendix D: Bylaw No. 4769, “Capital Regional District Ticket Information Authorization Bylaw, 1990, Amendment Bylaw No. 90, 2026”
- Appendix E: Bylaw No. 4770, “Bylaw Notice Enforcement Bylaw No. 1, 2025, Amendment Bylaw No. 4, 2026”