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REPORT TO FIRST NATIONS RELATIONS COMMITTEE MEETING OF WEDNESDAY, MAY 26, 2021

SUBJECT **Inclusive Governance & Decision-Making Update**

ISSUE SUMMARY

To provide an update to the First Nations Relations Committee on the CRD Board Priority 3a-1: 'Look to First Nations for leadership in understanding how to create new regional planning & decision-making systems together on their Traditional Territories.'

BACKGROUND

Inclusive Governance

Following the endorsement of the CRD Board to include First Nation Members at Standing Committees in early January 2021, letters were distributed to all nine First Nations (see example at Appendix A).

The WSÁNEĆ Leadership Council has nominated Tsartlip First Nation Councillor Joni Olsen and her alternate Phillip Tom to join the CRD committee tables. Staff have provided an initial orientation session and will continue to provide any further assistance they may require to attend meetings. Pauquachin First Nation has indicated they would like a formal presentation at a future Chief and Council meeting which CRD staff will coordinate. The Esquimalt First Nation will be reviewing the proposal at an upcoming Chief and Council meeting and will provide feedback to the CRD.

In the course of reaching out to the Nations to seek appointments, staff have received additional feedback. At a recent Lekwungen Liaison table, the Nations indicated an interest in participating, however shared that elected representatives have limited capacity to attend. The Songhees representative raised the possibility of traditional knowledge keepers attending with observer status. The Nations expressed concern that the current compensation rate for member participation is insufficient in comparison to compensation they would typically receive for similar meetings.

Follow up conversations have taken place with Pacheedaht and Sc'ianew First Nations where there is an interest in participation but their elected officials have limited capacity to attend. The Nations indicated that it may be more feasible for their staff or other representatives to attend. The Board Chair has met with T'Sou-ke First Nation Chief and Council. They indicated they would be discussing the item further at an upcoming Chief and Council meeting and will provide feedback to the CRD. While there are some questions and concerns that have emerged from this process, the response has generally positive towards the effort CRD has made towards inclusion, and CRD staff will continue engaging with local First Nations to share information and assist those that are interested in attending CRD standing committees.

To reinforce that participation in standing committees is intended to support a government-to-government relationship, direct outreach from CRD Directors would assist in inviting participation. Where CRD Directors have existing relationships with local Nations within their jurisdiction, staff

recommend they reach out to discuss the inclusive governance model, answer any questions and hear any feedback that might be brought forward. This would align with the request from First Nations to establish leadership to leadership relationships. Staff are able to support CRD Directors with any of their outreach efforts.

Collaborative Decision-Making across CRD operations

Implementing the CRD's Statement of Reconciliation and related Board Priorities requires increasing communication between CRD staff and First Nations on a wide scope of topics across all CRD service delivery, in order to incorporate First Nations' perspectives into our work. CRD staff regularly request assistance from the First Nations Relation Division staff to facilitate input from the Nations on topics ranging from archaeology, land acquisition, parks planning, ecological restoration, active transportation, water and waste water servicing, parks interpretive programming, food security programming, and emergency management, to name a few. The ability of the First Nations Relations team to facilitate an increasing level of collaboration in CRD service delivery is hindered by the overstretched capacity of the Nations. First Nations are often over extended in their ability to respond to all the agencies working in their territory and do not have dedicated resources to respond to CRD requests.

Where program funding for liaison positions exists, communication is enhanced and CRD staff are more able to incorporate First Nations' perspectives into plans and day-to-day operations.

Under the agreements entered into as part of the Core Area Wastewater Treatment Project, liaison positions were funded with the Esquimalt and Songhees First Nations for 4 years, and the W̱SÁNEĆ Leadership Council for 2 years. The contract with the Esquimalt and Songhees First Nations ended in March of this year and the contract with the W̱SÁNEĆ Leadership Council ends in December of 2021. These positions have been incredibly valuable to the design and construction of the Wastewater Treatment Project, while also supporting other CRD project work and strengthening relationships.

In 2020 alone, CRD staff brought 30 unique items to the Lekwungen liaison table for discussion, supporting those CRD divisions and municipal partners asking for assistance in engaging the Nations on various projects, plans, strategies, grant applications, land acquisitions and decisions. Through the regularly scheduled liaison tables, staff were able to bring these requests in a respectful and coordinated manner, and the liaisons were able to do the work of connecting with people within their Nation (elected leadership, staff, knowledge keepers, subject experts) so as to provide input and feedback to the CRD on these initiatives. The liaison tables provided the space and dedicated resources to properly discuss, review and revisit projects brought forward by the CRD as well as a reciprocal opportunity for the Nations to bring forward requests of the CRD.

Funded liaison tables have been a regular ask by First Nations to assist their ability to meaningfully engage with CRD referrals. Most recently the Pacheedaht have requested resources for a liaison position to facilitate engagement with CRD inclusive governance and the development of a governance MOU which would enhance service delivery in the region.

Staff will connect with other regional districts and other levels of government, including First Nations, to compile options and best practices for facilitating ongoing respectful engagement with local First Nations on CRD projects in a manner that supports the CRD's Statement of

Reconciliation theme of self-determination.

Information Sharing Regarding Land Altering Activities

In December of 2019, the CRD entered into an MOU with the W̱SÁNEĆ Leadership Council (WLC) as part of the Core Area Wastewater Treatment Project which included a commitment to develop an information sharing protocol to ensure the WLC is informed of CRD activities within W̱SÁNEĆ territory. One of the ways staff are demonstrating this commitment is by engaging in more information sharing on planned capital projects within W̱SÁNEĆ traditional territory and working towards more inclusive decision-making on mitigating concerns where a site overlaps with sacred, cultural or archeologically significant areas.

Currently this initiative is a pilot project guided by the principles in the Protection and Conservation of Heritage Sites policy. CRD staff and the WLC have held the first two of what are to be quarterly meetings, and together are addressing on a project-specific basis the level of deployment of Cultural Monitors on CRD projects in W̱SÁNEĆ territory, based on a review of project information and an understanding of the archeological significance of an area. First Nations Relations Division staff are assisting project managers on working to bring capital budgets and planning cycles into alignment with this new policy and model of enhanced mitigation for the protection of cultural heritage resources. Staff anticipate reporting back prior to the end of 2021 with more information on how this initiative is progressing.

ALTERNATIVES

Alternative 1

The First Nations Relations Committee recommends to the Capital Regional District Board: That this report be received for information.

Alternative 2

That this report be referred back to staff for additional information.

IMPLICATIONS

Intergovernmental Implications (e.g. First Nations)

Through the CRD's statement of reconciliation, the CRD Board has committed to working with First Nations through the governance systems they choose and to support First Nations when there's an interest in working with CRD's governance system. This commitment requires ongoing work to continue to build familiarity, trust and to respond to queries and suggestions from local First Nations. First Nations continue to have an expectation that their rights and authority is respected and addressed in their territory and while the CRD's inclusive governance model does not fully address that request it has been noted that it is a step in the right direction.

Service Delivery Implications

Our collective ability to build strong relationships with First Nations based on trust and mutual respect, partnerships and working together on shared goals will be significantly aided by having First Nations representatives actively participating in Standing Committee discussions and engaging with CRD staff. This level of engagement at both the governance and staff level will support and enable service delivery that is informed by Indigenous perspectives as a result of

deepening relationships with First Nations.

Alignment with Board & Corporate Priorities

The 2019 – 2022 CRD Board Priorities include Reconciliation with First Nations, specifically:

- 3a Look to First Nations for leadership in understanding how to create new regional planning and decision-making systems together on their Traditional Territories.
- 3b Seek partnerships, share information and deliver fair and equitable services in working with First Nations on achieving their economic goals.
- 3c Work with First Nations on taking care of the land and water while providing space for cultural and ceremonial use, food and medicine harvesting, traditional management practices and reclaiming Indigenous place names.

Alignment with Existing Plans & Strategies

The following strategies have been identified as related to the Reconciliation with First Nations Board Priority:

- Special Task Force on First Nations Relations Final Report and the Statement of Reconciliation
- Regional Climate Action Strategy
- Regional Food and Agricultural Strategy
- Regional Growth Strategy
- Regional Housing Affordability Strategy
- Regional Parks Strategic Plan
- Regional Water Supply Strategic Plan
- Organizational Development Plan
- Corporate Asset Management Strategy

CONCLUSION

The CRD is continuing to explore ways to look to First Nations for leadership in creating new regional planning and decision-making systems together on their Traditional Territories. One opportunity is through the CRD's inclusive governance model. Outreach is taking place with local First Nations however the government-to-government nature of this opportunity could be elevated through targeted outreach from CRD elected leadership. Liaison tables have been another method to support First Nations inclusion in CRD projects. These liaison tables, funded by time-limited projects, have been very valuable and effective for their duration. CRD staff are working towards more inclusive decision-making with the WSÁNEĆ Leadership Council regarding land altering activities and mitigating any potential impacts on WSÁNEĆ cultural heritage resources. CRD staff will be continuing to explore options for supporting strategic engagement of First Nations in CRD operations and decision-making.

RECOMMENDATION

The First Nations Relations Committee recommends to the Capital Regional District Board: That this report be received for information.

Alternative 2

Submitted by: Caitlyn Vernon, MES, Manager, First Nations Relations

Concurrence:	Kristen Morley, J.D., General Manager, Corporate Services & Corporate Officer
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

ATTACHMENT(S)

Appendix A: Letter to Esquimalt First Nation on Inclusive Governance