

First Nations Implications Guidance Document

First Nations Relations Division | March 2024

This document provides guidance to Capital Regional District (CRD) staff as they consider First Nations implications for CRD projects and staff reports. It provides principles to promote positive relations with First Nations, outlines considerations for incorporating a First Nations' lens, offers examples of how First Nations' implications can be addressed in staff reports, and provides relevant resources.

This is a living document that will be updated over time based on feedback from users and as we learn more about building respectful relationships with First Nations. Please contact the First Nations Relations Division with any questions or comments about this guide at FirstNationsRelations@crd.bc.ca.

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Introduction to this Tool

Building and strengthening positive working relationships with First Nations has been a priority of the CRD Board since 2015. The Board adopted a Statement of Reconciliation in 2018, and First Nations relations have been strategic priorities of the Board ever since.

This guidance document was developed to assist staff with identifying and addressing First Nations' implications in project planning and implementation. Use this document to apply a First Nations lens on any study, plan policy, project or initiative.

Note that every staff report is not expected to include First Nations' implications. As the CRD navigates the complexities of First Nations engagement, this guidance will provide staff with a foundation for meaningful and respectful collaboration aligned with the CRD Statement of Reconciliation.

Please contact the First Nations Relations Division with any questions or comments about this guide at FirstNationsRelations@crd.bc.ca.

PROJECT– Any study, plan, policy, or capital project can use this document

Resources and tools listed in this document can all be found on the [First Nations Relations SharePoint](#). First Nations Relations team members can provide additional assistance.

OVERVIEW: CRD's Commitment to Reconciliation

Territorial Acknowledgement

The CRD conducts its business within the traditional territories of many First Nations, including but not limited to BOKÉĆEN (Pauquachin), MÁLEXEL (Malahat), paaʔčiidʔatx (Pacheedaht), Spune'laxutth' (Penelekut), Sc'ianew (Beecher Bay), Songhees, SḶÁUTW (Tsawout), T'Sou-ke, WJOLÉLP (Tsartlip), WSIKEM (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.

Many additional First Nations also have territory within the capital region and a relationship with the land and waters that continues today. [This map of First Nations with territory in the region](#) indicates where the colonial governments moved First Nations onto reserves; however, their traditional territories extend throughout the entire region.

CRD Board Priorities

The CRD Board Priorities envision strong relationships with First Nations based on trust and mutual respect, partnerships, and working together on shared goals. The Priorities are grounded in a recognition that 'it is important to acknowledge historic harms, overcome current inequities, and respect local Indigenous laws and culture.' Several of the [2023-2026 Board Priorities](#) are focused on relationships with First Nations:

- 4a Develop mechanisms to hear more from First Nations' governments as how they would like the CRD to approach reconciliation.
- 4b Collaborate with First Nations to build and strengthen new processes for respectful, reciprocal government-to-government decision-making and service delivery that uplift Indigenous self-determination.
- 4c Invite, respect and incorporate Indigenous leadership and traditional knowledge to enhance initiatives and strategies that support other priorities in the plan.
- 4d Support shared prosperity by enhancing economic opportunities, in partnership with First Nations.

Staff are encouraged to review the relevant sections of the [2023-2026 Corporate Plan](#) for additional First Nations relations initiatives.

Statement of Reconciliation

The CRD's boundaries span the Traditional Territories of over 20 First Nations, whose ancestors have been taking care of the land since time immemorial. The CRD believes that a positive working relationship with First Nations is good for the whole region. For the CRD to have a positive relationship with First Nations we need to acknowledge, respect and complement their Indigenous laws, customs and systems of governance. The CRD is part of a national movement towards Reconciliation with Canada's Indigenous peoples, informed by:

- The Truth and Reconciliation Commission's Calls to Action
- The United Nations Declaration on the Rights of Indigenous Peoples
- Sec. 35 of the Canadian Charter of Rights and Freedoms
- The Douglas Treaties and the BC Modern Treaty process

The CRD's path to Reconciliation focuses on three recurring themes:

- Self-Determination

The CRD acknowledges the fundamental right of self-determination to Indigenous peoples. In the spirit and intent of inclusivity, the CRD is committed to working with First Nations through the governance systems they choose. When First Nations wish to participate in our decision-making process then we will support them. The CRD will look to First Nations for leadership in understanding how to create new decision-making systems together on their Traditional Territories.

- Shared Prosperity

The CRD recognizes the gap in wealth between First Nations and settler governments. The CRD will work towards a prosperous economic future for all of its residents and believes that improving the lives of the most vulnerable citizens creates a stronger and more resilient region for everyone. The CRD will seek partnerships, share information and deliver fair and equitable services in working with First Nations on achieving their economic goals.

- Relationship with the Land and Water

The CRD recognizes the integral relationship First Nations have with the land; often the names for the people of the land and the land itself were one and the same. The CRD will work with First Nations on taking care of the land while providing space for cultural and ceremonial use, food and medicine harvesting, traditional management practices and reclaiming Indigenous place names.

About the Statement

The work of Reconciliation falls to all segments of Canadian society. The Capital Regional District (CRD) is committed to Reconciliation with Indigenous peoples. It is understood that a commitment alone is not enough, and that action is needed to show that the CRD is taking measurable steps towards a better relationship with Indigenous peoples.

This statement of commitment to Reconciliation can guide decision making for the organization for many years to come. It is understood that Reconciliation is a long-term goal with no defined end point.

The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) is the reference framework for the CRD's commitment to Reconciliation, which aims to address activities within the scope of the CRD's authority. This statement is a work in progress which acknowledges that mistakes will be made and provides for adjustments to accommodate emergent practices.

First Nations Relations Division

The CRD's First Nations Relations (FNR) Division guides and supports CRD staff in fostering respectful relations with First Nations and contributes to building and strengthening government-to-government relationships between the CRD Board and First Nations. The First Nations Relations Division also supports the education, policy development, and organizational transformation required to integrate First Nations' aspirations and interests into CRD planning, operations, and governance.

The First Nations Relations Division provides resources and support to enhance understanding and implementation of the CRD's commitments to reconciliation. This includes organizing cultural perspectives training sessions for staff, facilitating opportunities for direct learning from local Nations, and providing advice, coaching, and support to CRD divisions and executive leadership on matters related to First Nations relations and engagement.

The First Nations Relations Division collaborates with relevant CRD divisions by sharing feedback, requests, and input received from First Nations, providing context to enhance understanding of these inputs, and works closely with divisions to encourage, support, and operationalize new approaches that integrate First Nations' aspirations. This includes collaborating with CRD divisions, leadership, and First Nations to develop and implement Memorandums of Understanding (MOUs), protocol agreements, and partnership agreements with Nations.

GUIDANCE: Principles to Promote Positive Relations with First Nations

- A diverse range of projects, plans, and initiatives can impact First Nations' interests and well-being. Integrating a 'First Nations lens' into a project as early as possible will help projects provide positive opportunities that contribute towards implementing the CRD's commitment to reconciliation.
- Don't make things up! Do not include First Nations implications in your staff report unless you have engaged the First Nations Relations Division in your project and are confident of what should be communicated. Legal, reputational, and operational risks can arise from mischaracterizing the CRD's relationship with First Nations.
- Respect timeframes and capacity constraints related to First Nations engagement. Nations have many competing priorities, small staff teams, and are often stretched to be able to respond quickly. Support their involvement by engaging early, providing sufficient and accessible information, and, where possible, supporting with capacity funding.
- Engage the First Nations Relations Division early in your project planning and implementation. Providing ample time for input from the First Nations Relations Division looks like reaching out well in advance, preferably with weeks of notice, to enable thorough consideration and collaboration amidst multiple competing priorities.
- Consult available First Nations Relations resources and incorporate the guidance into project work and staff reports. Use Indigenous spelling of the Nations' names.
- Refrain from speaking on behalf of First Nations and instead prioritize creating opportunities for First Nations to express their perspectives and needs directly.
- Refrain from implying benefits to Nations unless they have expressly stated them.
- Prioritize transparency, respect for cultural practices, inclusivity, and meaningful collaboration with First Nations.
- Foster an organizational learning culture by acknowledging errors and learning from them to inform future interactions with First Nations.

GUIDANCE: First Nations Implications

The following questions and considerations guide incorporating a First Nations' lens into staff reports and other phases of project design and implementation.

CONSIDERATION	QUESTIONS TO ASK
PROJECT/INITIATIVE INITIATION AND PLANNING	<ul style="list-style-type: none"> Does the project design (e.g., artwork, architecture, wayfinding), planning (e.g., review of background information, reports, permit applications, referral documentation, management plans, etc.) and budgeting (e.g., technical review, meetings, cultural monitors, elders) consider a First Nations' lens? Does your project include or trigger archaeological or First Nations engagement requirements? Have you included provisions for capacity funding, technical review, cultural workers' compensation, and/or honoraria, if applicable?
EXISTING INFORMATION	<ul style="list-style-type: none"> What information is already available at the CRD about whether and how the program, service or initiative is relevant to and/or impacts (positively or negatively) First Nations? Have you looked beyond your division to gather relevant information from other divisions regarding previous input that First Nations have provided to similar initiatives?
INDIGENOUS SELF-DETERMINATION	<ul style="list-style-type: none"> Do Nations consider this project an opportunity to further their Indigenous self-determination? Does the project provide any opportunities to involve the Nations in planning, operations, or decision-making? Have Board Directors and First Nations' leadership discussed the project through Government-to-Government meetings? Does the project help implement an MOU or protocol agreement with a Nation? Is the project related to a Priority Topic in an MOU Implementation Workplan? Is the project related to a request made by a Nation through treaty or reconciliation negotiations? Does the project invite, respect and incorporate Indigenous leadership and traditional knowledge?
SHARED PROSPERITY: ECONOMIC & EMPLOYMENT OPPORTUNITIES	<ul style="list-style-type: none"> How does the project contribute to First Nation communities' economic development, employment, and training opportunities? Is there an opportunity to procure services or materials from Indigenous businesses (e.g., unbundle larger contracts or encourage

	<p>vendors to provide opportunities for Indigenous employees and companies)?</p> <ul style="list-style-type: none"> • Has capacity funding been considered to support Indigenous involvement (e.g., technical reviews, traditional knowledge, or cultural representatives' participation during land-altering works)? • Are there opportunities to share resources with Nations, such as gravel or wood?
TAKING CARE OF LAND AND WATER	<ul style="list-style-type: none"> • Does the project recognize and support First Nations' integral relationship with the land and water (past, present, and future)? • Is there physical space provided for cultural and ceremonial use, food and medicine harvesting, and traditional management practices? • Have First Nations expressed interest in revitalizing and making Indigenous place names known to the public through signage, educational materials, or other means? • How does the project align with existing First Nations' land use plans or community visions for the area? • Are there opportunities for First Nations to lead or participate in stewardship initiatives?
COMMUNICATIONS	<ul style="list-style-type: none"> • Have you had initial discussions with First Nations regarding the project, and is there an ongoing plan for meaningful engagement throughout the project lifecycle? • Are there mechanisms in place to share relevant project information and updates in a timely and accessible manner? • Have you consulted the CRD First Nations Communications Framework to align communications and engagement strategies with established guidelines and protocols? Transparency and a commitment to adapting communication practices based on the preferences and guidance of the involved First Nations are encouraged. • Are you using the Indigenous spelling of the Nation's names?
RISKS & OPPORTUNITIES	<ul style="list-style-type: none"> • Are you considering legal, operational, and reputational risks for your project and the CRD due to possible First Nations concerns about your project? • Are you also thinking creatively about identifying opportunities for First Nations associated with your project? • Is there sufficient time in the project schedule to engage meaningfully with First Nations?

	<ul style="list-style-type: none"> • Is there sufficient budget to engage meaningfully with First Nations?
FEEDBACK	<ul style="list-style-type: none"> • Does the project foster a culture of continuous improvement, where feedback from First Nations is viewed as an opportunity for learning and enhancement? • How will you receive and incorporate feedback into your project planning, design, or operations if First Nations or the First Nations Relations Division raises concerns? • Does the project have adaptive risk management strategies that allow for the reassessment and adjustment of approaches based on feedback from First Nations? • If the project is not able to meet the expectations of First Nations, have you discussed with the First Nations Relations Division or other advisors to mitigate organizational and reputational/relationship risk? • How is the project prepared to pivot or modify its plans in response to changing circumstances or unforeseen challenges related to First Nations engagement?
LEARNING	<ul style="list-style-type: none"> • If First Nations are involved in your project, how will you share any learnings with CRD staff and leadership?

GUIDANCE: Examples of First Nations' Implications in a CRD Staff Report

This section outlines common CRD projects, plans and initiatives that have First Nations implications, *with basic staff report examples provided in italics.*

CRD PROJECT, PLAN OR INITIATIVE	FIRST NATIONS IMPLICATIONS
ANYTHING REQUIRING A CROWN PERMIT OR REGULATORY AUTHORIZATION	<p>Acquiring a Crown permit or regulatory authorization involves consultation and requires that regulatory referrals be sent to First Nations.</p> <p><i>As required before obtaining a provincial permit to proceed with this project, staff will send a regulatory referral out to all First Nations with interests in this location, requesting their input and feedback on the project. Staff will use the Consultative Areas Database to determine which First Nations to reach out to, document and respond to any concerns from the Nations, and provide a summary of feedback and any accommodation measures to the provincial ministry.</i></p>
PROJECTS INVOLVING LAND ACQUISITION	<p>First Nations were moved onto small reserves through colonization and lost access to their ancestral lands. Many Nations are actively seeking to get their land back. The CRD Board has directed staff to notify First Nations before acquiring new land for Regional Parks. Please check with First Nations Relations Division staff regarding other types of land acquisition, as similar notifications may also be required.</p> <p><i>Prior to finalizing a land acquisition, staff will notify First Nations with interests in the area regarding CRD's proposed acquisition of this property. Any input from the Nations will be brought to the Board for consideration of the next steps.</i></p>
LAND ALTERING WORKS/GROUND DISTURBANCE	<p>Whenever the CRD undertakes ground disturbance, the Protection and Conservation of Heritage Sites policy (ADM83) applies, in order to implement the BC Heritage Conservation Act, strengthen collaborative relationships, and promote cooperative management of archaeological sites and areas of cultural importance to First Nations. Nations frequently request cultural representatives to be present during land-altering works funded through the project budget.</p> <p><i>The project team is working closely with First Nations Relations Division to bring land altering works to involved First Nations prior to project implementation, to support collaboration with the Nations regarding heritage conservation and to support provincial permitting as required. This work will help mitigate risks of operational delays, enabling project schedules and budgets to stay on track.</i></p> <p><i>Project budget includes funding for First Nations' cultural workers to be</i></p>

	<p><i>present during ground disturbance.</i></p>
STRATEGIC PLANS & MANAGEMENT PLANS	<p>First Nations are interested to incorporate recognition of their perspectives, rights and interests into CRD management plans and strategic plans and have requested that they are involved early to contribute to the development of these plans. First Nations are governments, thus any engagement needs to be separate from a public engagement process.</p> <p><i>A consultant has been brought on to develop and lead the First Nations engagement for this strategic plan, in close coordination with the lead division and First Nations Relations staff. First Nations engagement is happening in advance of the public engagement process, and with a long timeframe to facilitate respectful and meaningful engagement. Capacity funding will be offered to involve First Nations to support their review of the Strategic Plan. Opportunities for First Nations input, and involvement will include in-person meetings, online meetings, written submissions, or other formats as requested by specific Nations.</i></p>
LAND USE PLANS AND REFERRALS	<p>Development proposals in the Juan de Fuca (JDF) Electoral Area are referred out to First Nations as part of the CRD land use referral process.</p> <p><i>The CRD-Pacheedaht First Nation Memorandum of Understanding (2024) includes Land Use Referrals as a priority topic for collaboration. As per the process outlined in the MOU Implementation Workplan, JDF Land Use Planning staff have engaged with Pacheedaht regarding this proposed development and have incorporated the Nation's feedback into the recommended approach.</i></p>
TAKING CARE OF LAND AND WATER	<p>Co-creating new and collaborative approaches to taking care of land and water is a priority for many First Nations. Requests for co-management arrangements are common. Much of CRD service delivery has implications related to land and water, and by extension to the ability of First Nations to access land for harvesting, hunting, food security, ceremonial purposes, housing, economic development, or other purposes.</p> <p><i>The intertidal harbours inventory is actively partnering with marine stewardship staff from X and Y First Nations. The Nation's staff have provided input on priority geographic locations and are accompanying CRD staff for the field work.</i></p> <p><i>Stormwater quality monitoring is of high interest to First Nations as it impacts their ability to harvest shellfish. CRD staff meet regularly with X and Y Nations to share information and document feedback.</i></p> <p><i>The ecological restoration program will focus on restoring species that are of importance for cultural and medicinal purposes, as has been requested</i></p>

	<p><i>through dialogue with involved Nations. The restoration project is in an area of cultural heritage sensitivity, so cultural representatives from the Nation will be onsite during the plantings.</i></p> <p><i>The proponent of this potential wind project in the Watershed has reached out to First Nations with interests in the area. As an initial step, one Nation has requested access to the watershed to conduct environmental assessment and monitoring related to the proposed project. Staff are working with the Nation to facilitate this.</i></p> <p><i>X Nation has requested that their Guardians ride along with CRD Regional Park Rangers, to jointly patrol and monitor their territory. As an initial step towards this goal, Regional Parks is offering a training for Indigenous Guardians on topics that are co-developed with the Nation. This will support the relationship building needed to facilitate next steps and deeper collaboration.</i></p>
GOVERNANCE & DECISION-MAKING	<p>First Nations are requesting to be involved in decisions impacting their territories.</p> <p><i>This project is a priority topic for X Nation, as outlined in the Government-to-Government MOU priority topics for collaboration. A letter sent by the Nation's elected Chief to the CRD Board outlines the Nation's interests and concerns in relation to this project and has informed the recommended approach.</i></p>
ECONOMIC OPPORTUNITIES / PROCUREMENT	<p>Economic opportunities are a priority of local First Nations, and it is a Board priority to enhance economic opportunities in partnership with First Nations. Any procurement is an opportunity to do so. The procurement policy was updated in 2022 to enable greater procurement from Indigenous businesses. The South Island Indigenous Business Directory provides a growing list of local Indigenous businesses.</p> <p><i>The RFP has been unbundled in order to support increased procurement from Indigenous businesses, and the RFP encourages vendors to outline steps being taken to support Indigenous partnerships and employment. Doing so supports the Board Priority of shared prosperity through enhancing economic opportunities in partnership with First Nations.</i></p> <p><i>The project budget includes funds to commission an art piece by a local First Nation.</i></p> <p><i>The preferred vendor has a joint venture with X First Nation, and a commitment to involving Indigenous employees as part of project implementation.</i></p>
HOUSING	<p>Housing is a priority of all Nations in the region. Populations are growing,</p>

	<p>and housing on reserves is over-crowded.</p> <p><i>Staff will reach out to First Nations regarding this affordable housing initiative and will engage in dialogue about how CRHC can support the affordable housing needs of Indigenous peoples.</i></p> <p><i>Funding was provided to support this Indigenous-led housing initiative, in alignment with the Board priority of supporting shared prosperity.</i></p>
EMPLOYMENT	<p>Many First Nations have expressed that employment for their members is a key priority. Supporting Indigenous employment is also important from an Equity, Diversity and Inclusion perspective. Prospective Indigenous employees may be members of local First Nations or part of the broader urban Indigenous population in the region. A recent Indigenous Employment Scoping Project outlined several recommendations for next steps. All divisions can play a role in enhancing cultural safety and promoting Indigenous employment.</p> <p><i>The RFP scoring criteria encourage vendors to hire Indigenous employees and/or businesses.</i></p> <p><i>Project staff will participate in a cultural safety awareness workshop to identify steps that can be taken towards cultural safety in the workplace.</i></p> <p><i>Division staff will participate at First Nations' career fairs, to build awareness of CRD initiatives and to recruit Indigenous employees.</i></p>
SHARING RESOURCES	<p>Resource sharing with First Nations as resources are made available through CRD works has included logs for firewood, logs for carving, gravel for Nation-led infrastructure projects, and deceased eagles for ceremonial purposes.</p> <p><i>First Nations have requested the sharing of trees for firewood as well as carving and cultural purposes. The trees taken down as part of project implementation will be made available to First Nations. The project budget will cover the cost of delivering the logs.</i></p>

RESOURCES: First Nations Relations Division Support

[The First Nations Relations Division SharePoint](#) provides resources and contact information. Many resources are listed here for your convenience. Beyond the provided materials, we encourage you to delve into additional readings, engage in community discussions, and seek firsthand knowledge to enrich your understanding of the unique histories, traditions, and perspectives of each First Nation. Taking this proactive step fosters relationships built on genuine understanding and respect.

First Nations Relations Team

Manager, First Nations Relations	250-360-3156
Manager, Archaeology	250-360-3622
First Nations Relations Advisor	250-360-3640
Administrative Support Clerk	250-360-3236

Training

- Cultural Perspectives training. See HR Learning and Development Calendar.
- Archaeology, Heritage Site Conservation, and Chance Find Management training. Any staff who puts a shovel in the ground is strongly recommended to take Chance Find training, and anyone leading projects involving land-altering works is advised to take the broader archaeology training. See the HR Learning and Development Calendar or contact the Archaeology Manager directly.
- Check with HR or the First Nations Relations Division regarding upcoming training opportunities.
- The First Nations Relations Division supports and facilitates opportunities for staff to learn directly from First Nations in the community and on the land, wherever possible. This includes site visits and gatherings involving staff and First Nations representatives related to heritage conservation, the role of cultural workers, ecosystem restoration, park management planning, and more.

Resources

- [Map of First Nations with territory within the region](#)
- First Nations [Community Profiles](#), with links to the Nations' websites
- [CRD Territorial Acknowledgement Guide](#)
- [First Nations Relations Communications Framework](#)
- [Working with Indigenous Elders Guidance Document](#)
- [Cultural Honoraria Policy and Guidelines](#)
- [Procurement Policy](#)
- [South Island Indigenous Business Directory](#)

- [Conservation and Protection of Heritage Sites Policy](#) (please note this is not publicly available and that we are working on revisions to align the policy with upcoming changes to the Heritage Conservation Act as well as feedback from First Nations)
- [Archaeological Chance Find Guidelines](#) (not public)
- [Special Task Force on First Nations Relations Final Report](#), contains the CRD Statement of Reconciliation
- Indigenous Employment Project [Summary Report](#); [Findings and Recommendations Report](#); [Wise Practices Report](#)
- [First Nations Feedback on the Interim Regional Parks and Trails Strategic Plan](#), June 2023
- 2023 [Forum of All Councils Summary Report](#)

The First Nations Relations Division shares context, resources and learning opportunities around days such as Red Dress Day, Indigenous Peoples Day and Truth and Reconciliation Day.

The [FNR Division SharePoint](#) page also provides links to external learning resources. If you have recommendations for additional resources, please send them to the First Nations Relations team.