

Draft Official Community Plan

ENGAGEMENT FEEDBACK

FIRST NATIONS

-
1. First Nations Engagement Summary

Halalt

1. Email dated December 14, 2021 – Request for Extension to Review the OCP and Potentially Meet with Municipality of North Cowichan
2. Email dated January 24, 2021 – Draft OCP Referral Comments

Lyackson

1. Email Discussion with Lyackson First Nation – Draft OCP Referral

Penelakut

1. Meeting summary notes – Draft OCP Referral
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Initial Outreach

Project initiation identified meaningful engagement with area First Nations as a key procedural objective of the Official Community Plan project, with priority on engaging both at the government-to-government level and the staff-to-staff level.

The six First Nations whose traditional territory overlap with the Municipality are:

1. Snuneymuxw First Nation
2. Stz'uminus First Nation
3. Penelakut Tribe
4. Halalt First Nation
5. Lyackson First Nation
6. Cowichan Tribes

Throughout the OCP process to date, four letters have been sent from the Mayor to the Chiefs and staff of each First Nation at key points in the project process.

1. **October, 2019:** Prior to proceeding with the finalization of the project scope, this letter advised that North Cowichan was in the very early stages of re-writing its OCP, and invited each nation to provide direction to North Cowichan:
 - a. if they would like to be engaged, and
 - b. how and on what specific issues or areas they would like to engage.The letter also invited each First Nation to engage in a Council-to-Council meeting and provided a North Cowichan staff contact person.
2. **July, 2020:** Following the public launch of the OCP public engagement process, this outreach letter acknowledged the many challenges facing each First Nation at the outset of the COVID-19 pandemic and the resource impact this may have on them. The letter further advised that the OCP Update would be moving ahead, noting shared interests and providing background materials.
3. **September, 2021:** As the OCP shifted from engagement to policy development, this letter was sent to advise each First Nation that a referral would be sent in the coming months that would include a draft of the OCP for comment. The letter further advised of our intention to allow for a 30-day referral period, and gave each First Nation an opportunity to indicate if this would be enough time. The letter advised that staff would be available to answer questions prior to and during the referral period.
4. **November, 2021:** The draft OCP was referred to each First Nation, with a referral response date of December 9. Following the decision to extend referrals in November, staff advised that the referral deadline was Dec. 22. Staff have followed up with each First Nation on a weekly basis regarding OCP referral.

Engagement Notes from Each Nation:

The response from each First Nation is as follows:

Snuneymuxw First Nation

- Staff have responded that Snuneymuxw First Nation will defer to Stz'uminus First Nation on this referral. No other engagement was obtained.

Stz'uminus First Nation

- November, 2020: Staff were invited to a meeting with Chief and Council to outline the OCP update process and to initiate dialogue. Owing to technical issues, the meeting did not proceed and we were unable to re-initiate that conversation.
- Through the referral process, Stz'uminus First Nation has advised that they currently do not have resources to provide a referral response and will be advising of this in writing soon.

Penlakut Tribe

- October, 2020: Staff and the Mayor met with Penlakut Tribe Chief, Councillors and Staff to discuss various issues and opportunities relating to the OCP and other areas of Municipal service.
- December, 2021: Staff met with referrals coordinator to discuss numerous issues related to the OCP and later confirmed that notes from this meeting comprise Penlakut's response.

Halalt First Nation

- Staffing issues and ongoing crises have had considerable impact on Halalt First Nation. While communication has been frequent, formal meetings or engagement have not advanced. Most recent informal communication from staff is that Halalt Chief and Council will discuss the OCP referral among a number of other large referrals and determine how to address each at an upcoming meeting of Chief and Council. This may result in a request to Council for additional time, resources, and meetings to advance this.
- January 2022: email from Halalt staff indicating significant interest in the OCP's implications for Halalt lands, but advising that the Chief and Council meeting at which this was to be reviewed was cancelled. There may yet be a subsequent request for a meeting.

Lyackson First Nation

- November, 2020: Staff provided an overview of the OCP process and answered questions from Lyackson Council.

OCP – First Nations Engagement summary

Summary and Highlights of Engagement to January 25, 2022

- Referral: Staffing issues and ongoing crises have had considerable impact on Lyackson First Nation. Most recent informal communication from staff is that they intend to request additional time directly to Council. Initial comments from the referrals coordinator have been taken into consideration and they have been invited to meet staff-to-staff to clarify some of those comments.

Cowichan Tribes

- Cowichan Tribes staff have met with Planning Staff a number of times throughout the OCP Project process.
- Fall 2020: staff worked together to explore the potential for an engagement framework. Cowichan Tribes ultimately did not elect to advance a draft.
- September, 2021: Cowichan Tribes provided substantial commentary, including suggested direction to better focus the OCP on issues relevant to Cowichan Tribes, suggested language for land acknowledgement, and also identified the potential to include place names of the traditional territories of the seven villages.
- September, 2021: Staff presented an overview of the draft OCP to the Quw'utsun Tumuhw committee. This was a very brief discussion and while staff were grateful for the opportunity, more discussion is needed.
- Following correspondence via North Cowichan Council and the subsequent request for a government-to-government meeting, the Cowichan Tribes referral process was suspended. This suspension has been extended until after the Cowichan Tribes election in February, 2022.

From: Chris Hutton
Sent: Wednesday, December 15, 2021 8:39 AM
To: Rob Conway; Chris Osborne; Patricia Taylor
Subject: FW: Halalt OCP Review Extension Request

From: Caitlin Kenny <ckenny@pggroup.com>
Sent: Tuesday, December 14, 2021 7:14 PM
To: Chris Hutton <chris.hutton@northcowichan.ca>
Cc: landsmanager@halalt.org
Subject: Halalt OCP Review Extension Request

Hi Chris,

Thanks for your patience – I spoke with Halalt leadership this evening and they are formally asking for an extension to review the OCP and potentially meet with MNC Leadership. Given recent flood emergency response, Halalt leadership and staff have not had adequate capacity to engage with the draft OCP at the level that Halalt needs, given the importance of MNC’s decisions in Halalt’s territory. There was also a question about whether or not MNC would be providing capacity funding to support the review and engagement process.

I have cc’d James Redford, Halalt’s new Lands Manager, to keep him updated on our conversation. I am in meetings for most of tomorrow and Thursday, however am happy to touch base by phone on Friday if needed.

Thanks,

Caitlin

Caitlin Kenny | Environmental Consultant
T: 778.746.6128 | C: 613.293.2090



402 – 645 Fort Street, Victoria, BC, V8W 1G2



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From: Chris Osborne
Sent: Tuesday, January 25, 2022 5:22 PM
To: Fiona Baker
Cc: Patricia Taylor
Subject: FW: North Cowichan OCP Referral

From: landsmanager@halalt.org <landsmanager@halalt.org>
Sent: Monday, January 24, 2022 10:59 AM
To: Chris Hutton <chris.hutton@northcowichan.ca>
Subject: RE: North Cowichan OCP Referral

Good Morning Chris,

The Chief and Council meeting for tomorrow night was cancelled.

Halalt has matters that need to be analyzed concerning the OCP.

Our draft land use plan and our future interest in treaty settlement areas are matters that may be affected.

These potential treaty areas may be private or government lands transferred through disposition to Halalt, and we need to understand the implication of development restrictions implied under the OCP.

Halalt needs to be clear from a legal view if the OCP would apply to Halalt and its assets. There are also archaeological, environmental, and economic implications of the OCP to Halalt. Each of the four areas needs some degree of analysis should Halalt responsibly contribute to the OCP.

I think we should have another discussion about the OCP. Are there other important planning documents associated with the draft OCP?

James Redford, P.Ag.
Lands Manager

[Halalt First Nation](#)

Phone: (250) 246-4736
Cell: (250) 927 0971

From: Chris Hutton <chris.hutton@northcowichan.ca>
Sent: Wednesday, January 12, 2022 3:53 PM

From: Chris Hutton
Sent: Friday, January 21, 2022 9:02 AM
To: Chris Osborne
Subject: FW: North Cowichan Draft Referral Follow-up

As requested.

Sincerely,

Chris Hutton (he/him/Mr.)
Community Planning Coordinator
chris.hutton@northcowichan.ca
T 250.746.3155

From: Chris Hutton
Sent: Thursday, January 20, 2022 10:13 AM
To: 'Consultations' <consultations@Lyackson.bc.ca>
Subject: RE: North Cowichan Draft Referral Follow-up

Thanks Karyn,

This information has been logged and will be communicated to Council at the next possible meeting.

Sincerely,

Chris Hutton (he/him/Mr.)
Community Planning Coordinator
chris.hutton@northcowichan.ca
T 250.746.3155

From: Consultations <consultations@Lyackson.bc.ca>
Sent: Wednesday, January 19, 2022 12:05 PM
To: Chris Hutton <chris.hutton@northcowichan.ca>
Subject: RE: North Cowichan Draft Referral Follow-up

Chris,

Lyackson First Nation has shared its request with you, Council's representative. We are reviewing it but have limited capacity at this point.

Karyn

From: Chris Hutton <chris.hutton@northcowichan.ca>
Sent: January 5, 2022 3:19 PM
To: Consultations <consultations@Lyackson.bc.ca>
Subject: RE: North Cowichan Draft Referral Follow-up

Karyn,

The Draft can be found here. As the referral period has closed, it is important that requests for additional review time be sent to Council@NorthCowichan.ca. I would invite you to further express your concerns regarding capacity funding and any request to address that in that direction to Council.

I will incorporate your observations as preliminary feedback. We would be more than happy to discuss some of your early observations through any form of dialogue from staff-to-staff engagement to council to council meetings. We have provided OCP overview to other First Nations, and this has helped to clear up some of the questions you outlined.

Sincerely,

Chris Hutton (he/him/Mr.)
Community Planning Coordinator
chris.hutton@northcowichan.ca
T 250.746.3155

From: Consultations <consultations@Lyackson.bc.ca>
Sent: Thursday, December 16, 2021 8:15 AM
To: Chris Hutton <chris.hutton@northcowichan.ca>
Subject: RE: North Cowichan Draft Referral Follow-up

Hi Chris,

Thank you. The Band Office re-opened though all the offices (including mine) are out of commission (down to studs) while they dry out.

Would appreciate if you could re-send the OCP as I'm assuming that's what you're inquiring after. In terms of that document, Lyackson First Nation will require additional time for review.

A few preliminary observations:

As we understand it, the development of the OCP was not approached from an Indigenous-lens nor were local First Nations involved in its development and that is something we are concerned about and keen to understand.

We further understand the previous OCP was never fully implemented and we're hoping you can speak to that and explain what is left to be done and why.

Lyackson First Nation has concerns regarding our effort required to review, the lack of capacity funding to undertake this work, timelines that ignore our recent flood experience and state of emergency and the likelihood of our review and comments having any impact.

It remains unclear how the municipality's unilateral land decisions will impact the territory and our Nation's Rights and Title. This is very concerning as our community continues to be impacted by OCP based decisions.

Look forward to discussing in the New Year.

Huy ch q'a,

Karyn

Karyn Scott, Consultations
Lyackson First Nation
8017 Chemainus Road
Chemainus BC V0R 1K5
Email: consultations@lyackson.bc.ca
Cellular: 778-700-8110



From: Chris Hutton <chris.hutton@northcowichan.ca>
Sent: December 15, 2021 2:07 PM
To: Consultations <consultations@Lyackson.bc.ca>
Subject: RE: North Cowichan Draft Referral Follow-up

Hi Karyn,

Just following up on this note from last week. Any update?

Sincerely,

Chris Hutton (he/him/Mr.)
Community Planning Coordinator
chris.hutton@northcowichan.ca
T 250.746.3155

From: Chris Hutton
Sent: Friday, December 10, 2021 11:09 AM
To: 'Consultations' <consultations@Lyackson.bc.ca>
Subject: RE: North Cowichan Draft Referral Follow-up

Hello Karyn,

I am just following up as to the status of this referral. Is the office still closed?

I hope things are improving for your community.

Sincerely,

Chris Hutton (he/him/Mr.)
Community Planning Coordinator

chris.hutton@northcowichan.ca

T 250.746.3155

From: Consultations <consultations@Lyackson.bc.ca>

Sent: Friday, November 19, 2021 1:57 PM

To: Chris Hutton <chris.hutton@northcowichan.ca>

Subject: Automatic reply: North Cowichan Draft Referral Follow-up

Thank you for your email.

Lyackson Band Office is currently closed due to flooding. I can be reached by cell at 778-700-8110 and will respond to your enquiry as soon as possible.

Huy ch q'a,

Karyn

To: 'landsmanager@halalt.org' <landsmanager@halalt.org>

Subject: RE: North Cowichan OCP Referral

Good afternoon James,

Thank you for taking the time to speak with me today. I just wanted to confirm that my understanding of the status of the North Cowichan OCP referral to Halalt First Nation is that the OCP is among a list of referrals and items of business to be included on the Jan. 25 meeting of Chief and Council, as to how those items will be dealt with. Is this correct?

For context, my previous discussion with Halalt have been to clarify the following support of engaging with Halalt on this project:

1. Does Halalt desire a Council-to-Council meeting with North Cowichan Council.
2. Does Halalt First Nation require additional resources or time/intend to provide comment on the OCP.

Please note that the referral period for this project closed on Jan. 25, but I do encourage your chief and council to make any request for meetings or resources as soon as possible. Thanks.

Sincerely,

Chris Hutton, MCIP, RPP (he/him/Mr.)
Community Planning Coordinator
Development and Engineering Services | Planning
Municipality of North Cowichan
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Penelakut Meeting Notes

Attendants:

Penelakut Tribe:

Joshua James, Economic Development Officer/Council Member

Municipality of North Cowichan

Chris Osborne, Planning Manager

Chris Hutton, Community Planning Coordinator

Intros

- Josh: Lots going on with flooding and pandemic, recent house fire, funeral tomorrow. Leveling off now

Presentation:

- CO presenting what is OCP, discussion of comparison with CCPs, like Penelakut's CCP.
- Talk about relationships: we have created a space in Ch. 1, but there is a need to better address how North Cowichan can grow the relationship with area first nations. Identify how is MNC going to work with First Nations in the area?
- MNC acknowledges that it is light in content in its current form, in order that area first nations can provide suggested wording for inclusion in the next draft.
- J: often there is a lack of resources such as community planners on staff, so it is often necessary to contract out support for us. We need to move forward with a way to move forward.

Take aways:

- OCP needs to acknowledge that the OCP is a platform for continued dialogue and relationship building, not a source of community direction in itself.
- Need to better articulate conservation measures in AFC.
- Through Chapter 1, MNC should first acknowledge and affirm a commitment to this relationship and the settlement of unceded lands. This concept should be combined with topic areas like:
 - economic development cooperation and environmental protection, especially as it relates to marine areas;
 - The need for long-stay housing for members seeking healthcare on VI;
 - Cultural representation of Penelakut culture and history and its intersection with colonial history in the Cowichan Valley.
- Chris to send notes for Josh and Chris O. comment. Once finalized, will act as feedback on OCP.

Addendum:

As confirmed by Josh James by email January 5, 2021, these notes constitute the Referral response from Penelakut Tribe.