



# **WSÁNEĆ**

## **LEADERSHIP COUNCIL**

**Establishing a WSÁNEĆ Referrals Office**  
**For: WLC Open House**

**June 8, 2022**

# WHAT IS A REFERRAL?



- Provincial and Federal Governments have a duty to consult when:

“the Crown has knowledge, real or constructive, of the potential existence of an Aboriginal right or title and contemplates conduct that might adversely affect it.”

- A referral is the Crown’s way of following their duty to consult:
  - They ask for responses about concerns, *often* within a 30-day window
  - With no response the project moves ahead
  - *With a response they need to illustrate how concerns are being addressed if they decide to proceed – in some cases this may require free, prior and informed consent*

# WHAT ARE THE CHALLENGES?



- First Nations across BC are overwhelmed with referrals and can't adequately respond
- Input from community, knowledge holders & leadership takes time and resources to get
- Industry and governments pit First Nations against each other for "accommodations"
- Although number of referrals is overwhelming, there is more happening than we know of:

- ✗ No referral if government feels aboriginal rights and title are not impacted
- ✗ No referrals for Municipal governments
- ✗ No referrals for other entities (*e.g.* Victoria Airport Authority, BC Ferries, *etc.*)

# WHAT IS THE VISION?



- **1987 Saanich Indian Territorial Declaration**
  - “We will, from this day forward, expect the Governments of British Columbia and Canada to respect the Territorial Title of the Saanich Indian people to their homelands as outlined in our Territorial Map.”
- **2012 - 2014 W̱SÁNEĆ Connect Project**
  - Tsawout initiated a project to coordinate referrals between all W̱SÁNEĆ First Nations: “This initiative will help build capacity not only internally but with other communities and a partnership will be formed with Tseycum First Nation, Tsartlip First Nation and Pauquachin First Nation.”
- **WLC Strategic Visioning Session Priorities from 2019**
  - “Establish a referrals office and mapping department to provide services to member Nations and coordinate referrals”

# WHAT ARE THE BENEFITS?



- Build capacity in W̱SÁNEĆ First Nations by coordinating limited resources
- Increased power in collective W̱SÁNEĆ voice
- Increased role for all W̱SÁNEĆ First Nations throughout entire W̱SÁNEĆ territory
- Improved decision-making as more perspectives are involved in review
- Able to respond to previously-missed projects because of faulty duty to consult
  - So far, WLC has ensured that "referrals" are received for all work at: Parks Canada, CRD, and District of Saanich (there will only be more work)
- Data sharing to ensure all W̱SÁNEĆ First Nations have all relevant information

# HOW WILL IT WORK?



- WLC Referrals Office will **ONLY** work on Referrals that are brought to us by individual WŚÁNEĆ First Nations and cannot represent First Nations without their approval
- Referrals will be reviewed with:
  - ✓ Referrals staff at each First Nation
  - ✓ WŚÁNEĆ Technical Advisory Committee (appointed by each WŚÁNEĆ First Nation)
  - ✓ WŚÁNEĆ Elders and relevant knowledge holders (*e.g.* cultural workers, hunters, *etc.*)
  - ✓ Community engagement will be planned for larger projects
- Data gathered will be shared with each WŚÁNEĆ First Nation
- Responses will represent a unified WŚÁNEĆ voice
- Policies and processes will be developed over the next year to clarify above

# WLC Referrals Office Phased Funding



WLC member First Nations supported WLC funding applications to increase the capacity of the new WSÁNEĆ Referrals Office

- BC Capacity Initiative (BCCI) 2021-2022 application – Referral Coordination Project - Tsartlip, Tseycum and Tsawout approved Phase 1 in December 2020
- BCCI 2022-2023 – Cultural Heritage Management Project – Phase 2 supported in December 2021 – April 2022
- Nation Rebuilding 2022-2023 – Referrals Office Staffing Project – supported in January – April 2022

# BC Capacity Initiative Applications



## Year 1 (2021-2022): Referral Coordination Project

- Hire a Referrals Manager (Done – Nov 22, 2021)
- Oversee cultural workers
- Engagements with W̱SÁNEĆ First Nations (initiated Dec 2021)
- Draft Referral and Archaeological Policies and Procedures (starting June 2022)
- Build a GIS and TK Database (in progress)

## Year 2 (2022-2023): Cultural Heritage Management Project

- Hire an Archaeologist
- Hire an Administrative Assistant
- Ratify and implement Referral and Archaeological Policies
- Create and implement Fee for Service Schedule
- Training for cultural workers
- Draft Cultural Heritage Policy Framework



# Nation Rebuilding Application



## Year 1 (2022-2023): Referrals Office Staffing Project

- Hire W̱SÁNEĆ Referrals Office support staff
  - GIS Analyst or Technician
  - Referrals Officer
  - Referrals Administrator
  - Referrals Manager contract extension
- Equipment and training
- Engagements with W̱SÁNEĆ First Nations
- Build GIS and TK Database - ongoing

## Future Years (2023 – forward):

- Implement Fee for Service Schedule
- Ongoing training for cultural workers and referrals staff
- Implement
  - W̱SÁNEĆ Referrals Policy and Procedures
  - W̱SÁNEĆ Archaeological Policies and Procedures
  - W̱SÁNEĆ Cultural Heritage Policy Framework
- Explore Reconciliation Agreement to support decision-making and supplement funding?

# Next steps

- Policy Development
  - Archaeological
  - Referrals
- MOU implementation
  - CRD Land Altering Works MOU
  - DoS ÁTOL, NEUEL “Respecting One Another” MOU
- Referrals Projects
  - MOTI Goldstream/Malahat Highway Work
  - CRD Regional Parks Strategic Plan updates
  - Joint Utility Board Sewage Outfall relocation
- Hire staff (funding dependent)
  - Archaeology Program
  - Referrals Program

