

REQUEST FOR DECISION

DATE: October 27, 2015

Report No. DEV-15-057

TO: Laurie Hurst, Chief Administrative Officer

FROM: Bill Brown, Director of Development Services

SUBJECT:

Referral from Aboriginal Affairs and Northern Development Canada regarding:

- 1) Proposed Addition of Land to Esquimalt Indian Reserve (Schedule A); and
- 2) Proposed Addition of Land to New Songhees Indian Reserve No. 1A (Schedule B).

RECOMMENDATION:

That the Mayor be authorized on behalf of Council to send a letter to Aboriginal Affairs and Northern Development Canada stating:

- 1) That the Council of the Township of Esquimalt has no comments or concerns regarding the proposed addition to reserve land described as:

In the Province of British Columbia

In Esquimalt District

Adjacent to Esquimalt Indian Reserve

All of Lots 42, 43, 44, 45, 46, and 47 as shown on plan 81095 recorded in the Canada Lands Surveys Records in Ottawa. A copy of the said plan is filed in the Land Title Office in Victoria under number VIP67051.

Containing an area of about 1.231 hectares.

For the use and benefit of the Esquimalt First Nation.

And

- 2) That the Council of the Township of Esquimalt has no comments or concerns regarding the proposed addition to reserve land described as:

In the Province of British Columbia

In Esquimalt District

Adjacent to the Songhees Reserve

All of Lots 197, 198, and 199 all as shown on plan 90203 recorded in the Canada Lands Surveys Records in Ottawa

Containing an area of approximately 0.5301 hectares

For the use and benefit of the Songhees First Nation.

RELEVANT POLICY:

Township of Esquimalt Strategic Priorities 2015 – 2019

STRATEGIC RELEVANCE:

One of Council's Strategic Priorities is to Work with First Nations and the Esquimalt community to support economic, social, and cultural opportunities.

BACKGROUND:

In the past, areas of fill have been added to the shorelines of both the Esquimalt and Songhees Indian Reservation lands abutting Esquimalt Harbour. These new lands are being transferred from the Federal Government to the two First Nations. The new lands have been surveyed. The survey (plan 81095) for the Esquimalt First Nation indicates that six parcels (lots 42 to 47) totaling approximately 1.232 ha would be transferred to their Indian Reserve¹ (sic). The survey (plan 90203) for the Songhees First Nation indicates that three parcels (lots 197 to 199) totaling approximately 0.5301 ha would be transferred to their Indian Reserve No. 1A (sic).

As part of the process of adding these lands to the two reserves, Aboriginal Affairs and Northern Development Canada have sent the Township of Esquimalt referrals for each Reserve:

- 1) Proposed Addition to Reserve – Esquimalt Indian Band (Schedule “A”); and
- 2) Proposed Addition to Reserve – Songhees First Nation (Schedule “B”).

Staff at Aboriginal Affairs and Northern Development Canada has confirmed, based on the Township's Letters Patent, that none of the proposed additions of land lie within the Township's boundaries. Furthermore, Township staff has reviewed the referral and believe that the Township has no interests in the land being proposed to be added to the two reserves.

ISSUES:

1. Rationale for Selected Option

¹ The words “Indian Reserve” are used here in their legal context and with total respect to both the Esquimalt and Songhees First Nations.

The lands lie outside the boundaries of the Township as described in the Letters Patent for the Township. Furthermore, the lands proposed to be added to the two reserves have no strategic importance to the Township but are very important to the two First Nations.

2. Organizational Implications

There are no organizational implications to the Township associated with the proposed addition of new lands to the two First Nations Reserves.

3. Financial Implications

There are no financial implications to the Township associated with the proposed addition of new lands to the two First Nations Reserves.

4. Sustainability & Environmental Implications

There are no sustainability and environmental implications to the Township associated with the proposed additions of new lands to the two First Nations Reserves.

5. Communication & Engagement

As the Township has no legal authority to govern or regulate the transfer of lands from a federal harbour to an Indian Reserve it has not initiated any community engagement. However, Aboriginal Affairs and Northern Development Canada has initiated a referral process to which the Township is responding.

ALTERNATIVES:

1. That the Mayor be authorized on behalf of Council to send a letter (a separate letter for each referral) to Aboriginal Affairs and Northern Development Canada with a copy being sent to the Chief and Council of the respective First Nation stating:

- 1) That the Council of the Township of Esquimalt has no comments or concerns regarding the proposed addition to reserve land described as:

In the Province of British Columbia

In Esquimalt District

Adjacent to Esquimalt Indian Reserve

All of Lots 42, 43, 44, 45, 46, and 47 as shown on plan 81095 recorded in the Canada Lands Surveys Records in Ottawa. A copy of the said plan is filed in the Land Title Office in Victoria under number VIP67051.

Containing an area of about 1.231 hectares.

For the use and benefit of the Esquimalt First Nation.

And

- 2) That the Council of the Township of Esquimalt has no comments or concerns regarding the proposed addition to reserve land described as:

In the Province of British Columbia

In Esquimalt District

Adjacent to the Songhees Reserve

Lots 197, 198, and 199 all as shown on plan 90203 recorded in the Canada Lands Surveys Records in Ottawa

Containing an area of approximately 0.5301 hectares

For the use and benefit of the Songhees First Nation.

2. That the Mayor be authorized on behalf of Council to send a letter to Aboriginal Affairs and Northern Development Canada stating that they have concerns with the proposed addition of reserve land to one or both of the First Nations' reserves.