

Te'mexw Treaty Association and Songhees Nation
March 31, 2019

**Draft Governance Models
Colquitz/Gorge Watershed
Special Management Area**



Prepared by:
Emergent Sustainable Solutions



Executive summary

This document provides an overview of a range of governance options for bringing stakeholders together for the purposes of the proposed Colquitz/Gorge Special Management Area (SMA). Facilitated workshops for stakeholder participants are planned to explore levels of interest in the concept and to work through options and decide together the best model to accomplish agreed upon objectives.

The overarching goal of the proposed SMA is to establish some form of partnership for integrated management of the Colquitz/Gorge watershed, where participants take a common approach to watershed management. It is hoped that stakeholders will become formal participants in the SMA organization, including First Nations, local governments, the Capital Regional District, relevant Federal and Provincial ministries, and other relevant jurisdictions. In addition, there will be a role for other organizations who are already involved in Colquitz/Gorge watershed sustainability to participate in the SMA.

This document considers the following governance models:

1. Informal Agreement to work together
2. Protocol Agreement/Memorandum of Understanding (MOU)
3. Regional District Service
4. Regional District Delegated Commission
5. Not-for-Profit Society or other incorporated organization
6. Federally or Provincially mandated

There are also models that combine two or more of the above for unique circumstances.

After preliminary analyses and review of each of governance options, the following four models have been identified for consideration with stakeholders, as they are most applicable to the Colquitz/Gorge Watershed context and have potential to provide a successful framework:

- Informal Agreement
- Protocol Agreement/MOU
- Delegated Commission
- Not-for-Profit Society

The next step is to invite stakeholders to facilitated meetings to discuss and collaborate on:

- Identifying the best governance structure for the SMA organization or arrangement;
- developing a Statement of Principles;
- formalizing the mechanisms of coordinating and management of activities among participants: and
- developing objectives, goals and action plans.

Introduction

This document is a starting point for stakeholders to consider governance options for the Colquitz/Gorge Watershed Special Management Area (SMA). It is a supporting and subsequent document to the Colquitz/Gorge Watershed Special Management Area Concept Paper, March 31, 2019 (“Concept Paper” Appendix A), developed in support of a project led by Songhees Nation.

The Concept Paper proposes a multi-agency organization for the Colquitz/Gorge Special Management Area to:

- identify and achieve SMA objective(s);
- oversee/govern the implementation of an action plan; and
- monitor progress towards achieving the SMA objectives.

The proposed preliminary objectives of this SMA are to:

- ensure sustainable salmon populations in the Colquitz River; and
- ensure a sustainable herring population in the Gorge Waterway and Portage Inlet.

An important issue affecting aquatic sustainability is the limitation of many existing management systems (e.g., divided and duplicated jurisdictions and laws, single sector approaches, limited knowledge, and gaps in responsibility for cumulative effects and overall aquatic system health) (PNCIMA 2010). It is hoped that the creation of an SMA for the Colquitz/Gorge Watershed will result in a cooperative and coordinated approach to address this limitation.

The aim of the SMA organization is to generate outcomes that cannot be achieved by participants working in isolation.

The SMA organization is not necessarily intended to provide a detailed prescription of all measures required to achieve its objectives. Instead, it can enhance and support existing decision-making processes by linking sector planning and management to an overarching SMA framework. The SMA participants will identify priorities for action that flow from the SMA framework. Implementation of the framework will take place within existing programs and resources, where possible, and may ultimately lead to the identification of new work which could be implemented as resources permit.

Implementation of the SMA framework can result in greater certainty and stability in watershed management; better integration and coordination of new and existing management and planning processes; and sustainable management of resources.

Integrated management involves comprehensive planning and managing activities to minimize conflict among users, with a collaborative approach and flexible and transparent planning process that respects existing divisions of constitutional and jurisdictional authority and does not abrogate or derogate from any existing Aboriginal rights or treaty rights.

Benefits of integrated management planning can include:

- reducing cumulative effects of human uses on aquatic and coastal environments;

- providing increased certainty for the public and private sector regarding existing and new investments; and
- reducing conflict between uses (Minister of Public Works and Government Services 2005).

Additional benefits may include:

- integration of data collection and synthesis, monitoring, research, information sharing, communication and education;
- development of inclusive and collaborative watershed governance structures and processes;
- application of flexible and adaptive management techniques to deal with uncertainty and improvements in the understanding of aquatic species and ecosystems; and
- planning on the basis of natural and economic systems together rather than principally on political or administrative boundaries (DFO 2002).

The SMA organization may have a governing body with representatives from each stakeholder (participants). The SMA organization may also have a technical body which could include representatives from the participants and may include representatives from other agencies (e.g. University of Victoria or Non-Governmental Organizations). It is not anticipated that the SMA organization will have land use or regulatory powers but would be a cooperative body.

In order to ensure participants are satisfied the SMA organization is achieving its objectives, the organization could have a fixed term (proposed 10 years), with an option and mechanism identified to extend the term if further progress may be made.

Methodology

The steps taken to prepare this document include:

- Literature (website) review of successful partnership building, with follow-up interviews with key people;
- examination of existing partnerships among neighbouring local governments and First Nations in B.C.;
- jurisdictional scan of local government and/or provincial/federal governments–Indigenous community partnerships; and
- examination of practices by local government associations in BC to promote local government–Indigenous community partnerships

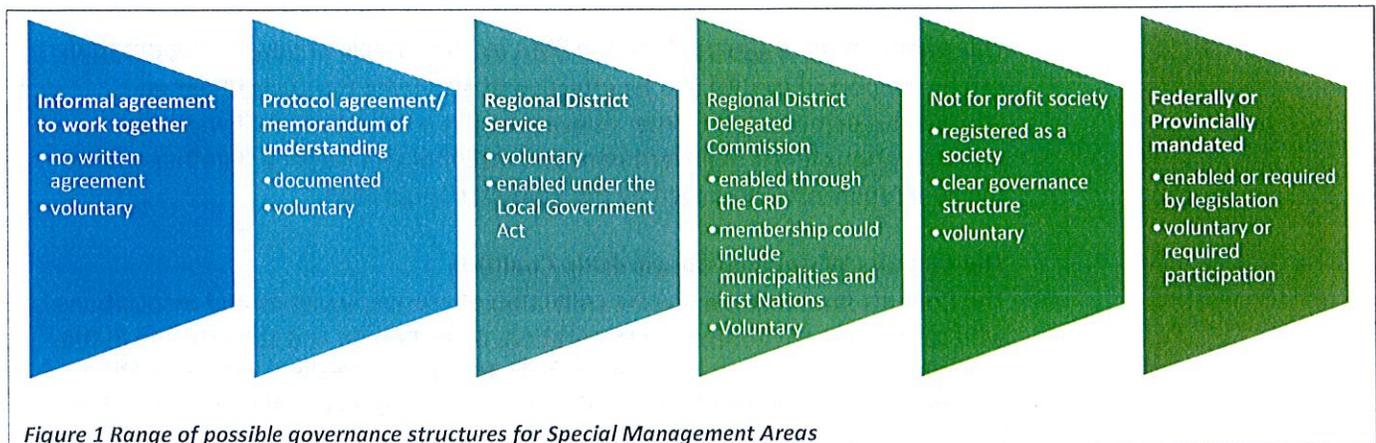
Various examples of different governance models were reviewed to determine applicability for the SMA Project, criteria for inclusion include how the models support:

- the objectives of the SMA;
- cooperation and collaboration among stakeholders; and
- the values important to the stakeholders.

Governance Model Spectrum

There is a range of governance models possible for the Colquitz/Gorge SMA as illustrated in Figure 1.

1. Informal Agreement to Work Together
2. Protocol agreement/memorandum of understanding
3. Regional District Service
4. Regional District Delegated Commission
5. Not-for-profit society or other incorporated organization
6. Federally or Provincially mandated



Governance Model Examples

The purpose of most of these governance models is to establish guidelines or principles for improving communication and dialogue between the Parties and by extension, their constituents. The level of detail regarding the actions flowing from the agreements varies greatly. While a few agreements outline specific roles for all participants, and may even include a formal meeting schedule, others focus on the benefits of working together without detailing precise plans.

Examples of each identified governance model:

1. Informal Agreement to Work Together

An informal agreement to work together involves no written agreement, contract or memorandum of understanding, but a mutually agreed upon decision between two or more parties to work together to achieve goals or objectives voluntarily.

Some relevant examples of an informal agreement include:

Gorge Waterway Initiative (GWI): GWI operates under terms of reference which defines the purpose, role, geographic area, membership and membership selection process, meeting schedule, and subcommittees of GWI. The mission of the GWI is to protect, enhance and restore the health of the Gorge Waterway, Portage Inlet, their watersheds and communities, for the enjoyment and well-being of present and future generations. It is an initiative of the Victoria and Esquimalt Harbours Environmental Action Program (VEHEAP); which is an intergovernmental initiative (established by MOU) under the CRD. The GWI operates by consensus and helps coordinate different jurisdictions and foster partnerships between municipalities, community groups, landowners, universities and colleges and others. The Capital Regional District, through the Harbours Environmental Action program, provides coordination and logistical assistance to the GWI and helps to move strategy implementation forward.

This organization is applicable to the SMA as an example of how an organization can be supported by CRD and be effective at achieving the goals under an informal agreement. It is further relevant as it is a collective of stewardship groups, various levels of government and stakeholders working together within the geographic area proposed by the Colquitz/Gorge SMA.

The Colquitz Watershed Stewardship Coalition

The Colquitz Coalition is a diverse collection of groups, societies and associations who care about environmental restoration, conservation and stewardship in the Colquitz Watershed. It was formed in 2014 to foster increased communication, partnership and sharing of information and resources among the groups and the general public.

Again, this collective of stewardship groups, government agencies and stakeholders are working together within the geographic area proposed by the Colquitz/Gorge SMA. This group is primarily formed for information sharing, and to ensure that the work being undertaken by diverse groups considers all the other work underway or proposed in the area.

2. Protocol Agreement/Memorandum of Understanding

A protocol agreement or a memorandum of understanding (MOU) is a documented agreement of expectation among participants. Protocol agreements commonly provide a framework for on going collaboration between governments and First Nations. They function as a broad umbrella agreement, under which meaningful discussion, information sharing and the exploration of issues of mutual concern can occur. Entering into and commitment to achieve goals or objectives is voluntary, although there may be requirements once the agreement or memorandum has been signed.

Some examples of partners working through a protocol agreement or MOU include:

Marine Plan Partnership for the North Pacific Coast (MaPP)

This is a co-led process between 17 First Nations and the Government of British Columbia that developed and is implementing plans for marine uses on B.C.'s North Pacific Coast. The MaPP initiative was formalized in 2011 through a Letter of Intent. Four marine plans were signed in 2015, a regional action framework was completed in 2016 and implementation agreements were announced in 2016. Sub-regional marine plan implementation is led by joint implementation teams, co-chaired by a B.C. government and a First Nations technical representative. Sub-regional decision-making processes will build on existing decision-making frameworks between B.C. and First Nations. For implementation work related to the Regional Action Framework, and for consistency in achieving MaPP implementation commitments, the co-chairs of the sub-regional implementation teams collaborate as a regional MaPP implementation technical team.

MaPP is an example of a partnership that resulted in specific plans for managing an aquatic area, with a regional framework and plan implementation agreements. The MaPP initiative is notable for the diversity of stakeholders involved and the number of marine uses, activities and values addressed. This organization has a complicated structure, but documents in great detail who is responsible for each aspect of their process. The documents include very specific hierarchy of how conflict resolution will take place. It is unlikely that a structure as complicated as this one will be required for the SMA; however it is an interesting model for ensuring that there is clarity about how differences will be resolved. There are potential benefits to laying out the implementation agreements separately from the organizational structure, as there is likely to be a number of different types of initiatives proposed to achieve objectives. It is unlikely that all participants will be equally engaged in all initiatives.

Regional District of Fraser-Fort George & Lheidli T'enneh Band

The Regional District of Fraser-Fort George (RDFFG) works proactively with First Nations to create and exercise good working relationships based on mutual trust, respect, open and constructive dialogue, intent to work together, recognition of interests and a shared desire for successful and timely resolution of treaties. The partnership between the Regional District of Fraser-Fort George (RDFFG) and the Lheidli T'enneh Band (LTN) is guided by their MOU and protocol agreements on cooperation and communication signed in 2002. The partners have successfully built on the relationship and expanded to include economic development ventures.

These examples show clearly how MOU or protocol agreements and communications can grow from inception into powerful partnerships that are beneficial to all participants.

3. Regional District Services

Regional District Services are enabled under the Local Government Act and approved by participating local governments through the Regional District (RD). A Regional District Service may be operated directly by the regional district or through another public authority, person or organization. Any plans/mandates developed by the service require approval by the RD. First Nations cannot be Regional District members unless they are Treaty First Nations, as is the case with First Nations in the Alberni Clayquot Regional District and the Greater Vancouver Regional District. The RD can enter into service agreements with non-members, such as the Airport Authority, Department of National Defence and First Nations governments.

While regional services are important mechanisms for shared services in BC, there may be challenges associated with this model in the SMA context including the requirement of participants to be CRD members. As Songhees Nation and other First Nations are not currently members of the CRD, they would not be able to vote on initiatives arising from the recommendations of the SMA.

4. Regional District Delegated Commission

Regional District Delegated Commissions (DC) are enabled under the Local Government Act. Through a delegated commission the RD Board can, by bylaw, delegate certain powers, duties and functions to a committee or commission to enable it to manage (such as an organization developing a framework for a Special Management Area).

The delegation has limitations. The RD Board **cannot delegate** the making/amendment of a bylaw, exercise of a power by bylaw, powers conferred under an enactment to hear an appeal, and appointment, suspension, or termination of a regional district officer. Decisions made by the DC that are within its authority would not be subject to RD Board approval.

Please refer to **Appendix B** for further discussion of delegated commissions along with information about the *Local Government Act* and potential governance models involving the Province and Capital Regional District.

Examples of a delegated commission include:

- The CRD Regional Water Supply Commission; and
- CRD East Sooke Advisory Planning Commission. Established by Bylaw 2945, for Community Planning

The Delegated Commission model could be applicable to the SMA, as there could be benefits to having the CRD provide services for coordination and information management, as well as offer a “home” where no independent organization is required. An additional challenge could arise if there is an expectation the CRD would provide funding to the SMA as there would be the requirement for participants to levee their citizens for costs associated with the Delegated Commission.

5. Not-for-Profit Society, Federally or Provincially Enabled

Partnerships in BC that are enabled by the Provincial or Federal Governments are generally required to have a legal structure such as a not-for-profit society registered under the *Society's Act*. Enabled partnerships have voluntary participation but may include commitment to undertake the agreed actions.

Specific legislation and regulations govern how societies¹ are created and run in B.C. and societies may be formed for any lawful purpose.

Not-for-profit organizations are not required to incorporate however, when a society is incorporated it acquires the capacity of an individual, as well as an independent existence - separate and distinct from its members - and an unlimited life expectancy. If a society is seeking funding or grants, or charitable status from the Federal Government, there may be a requirement to incorporate. Once a society is incorporated, it needs to maintain compliance with the Societies Act by filing annual reports and updating society information as required.

Examples of Not-for-Profit Societies include:

The Garry Oak Ecosystems Recovery Team (GOERT)

The Garry Oak Ecosystems Recovery Team (GOERT) Society is a non-profit organization dedicated to the recovery of Garry Oak and associated ecosystems in Canada and the species at risk that inhabit them. The Society was incorporated in 2007 and received charitable status in 2009. The organization has its roots in a long-standing multi-stakeholder partnership comprised of experts from all levels of government, non-governmental organizations, academic institutions, First Nations, volunteers and consultants, sharing a common interest in conserving and restoring these unique ecosystems and the species that comprise them. The Society is authorized by the Ministry of Environment to hold conservation covenants.

Comox Valley Project Watershed (CVPW)

Comox Valley Project Watershed Society is a registered non-profit environmental society with Canadian charitable tax status. The organization is guided by a volunteer board and managed by staff. PW is focused on sensitive habitat stewardship.

One main partnership that PW hosts is The Estuary Working Group, made up of 11 member organizations and individuals dedicated to protecting, conserving and restoring the K'omoks Estuary.

Objectives of the Estuary Working Group are:

- To collaborate with local governments to establish an integrated governance system and a plan for protecting and restoring the estuary.
- To establish monitoring projects to gather baseline information on the state of the estuary. This data will be used to determine what needs to be done to restore the health of the estuary.
- To initiate restoration projects.
- To document past human activity in the estuary.
- To Increase public knowledge about estuary issues, health, restoration,

¹ Not-for-Profit Societies are also known as non-profits, and societies, and are often "Non-Governmental Organizations".

and protection through public forums and the dissemination of information.

- To increase public participation in estuary issues, health, restoration, and protection through involvement in monitoring and restoration projects and educational opportunities.

These two examples demonstrate the powerful potential of not-for-profit organizations to engage multiple partners, including various levels of government, to carry out work. Neither of these examples is specifically set up to engage Local Governments and First Nations Governments in land management, but they do include both groups in specific projects.

Other incorporated organizations such as a Not-for-Profit Corporation

A not-for-profit corporation is an example of another type of legally incorporated organization, incorporated under the *BC Business Corporations Act* or under the *Canada Not-for-profit Corporations Act*. Not-for-profit corporations are not automatically considered registered charities or non-profit organizations, so they may not be exempt from paying regular corporate taxes. They are free to conduct the same business activities as business corporations and can make a profit. The Act enables organizations that had previous iterations to be re-organized under this umbrella (i.e. a conversion or an amalgamation)

An example of a Not-for-Profit Corporation is

Capital Region Emergency Service (CREST)

Governed by the *Emergency Communications Corporations Act*. It is a private emergency communications not-for-profit corporation owned by its shareholders and governed by a Board of Directors. It has 20 stakeholders (municipalities, ambulance, police, transit, province), each of whom have a seat on the board.

This example is relevant to the SMA as it includes a number of municipalities and other stakeholders however the not-for-profit corporation model is not appropriate for the SMA, as it is not a company or existing corporation that needs to be constituted. Additionally, CREST is enabled under the *Emergency Communications Corporations Act* which is not available to the SMA. If the SMA participants want to pursue something like this, significant time would be required to engage the Provincial Government to enact legislation appropriate for the SMA.

6. Organizations that are Mandated by Federal or Provincial Regulation

Partnerships in BC mandated by Provincial or Federal legislation are generally required to have a legal structure such as a not-for-profit society registered under the *Society's Act*. Mandated partnerships have required participation and commitment to undertake the objectives.

Example(s) of partnerships that are mandated by Provincial or Federal legislation include:

Islands Trust and the Islands Trust Conservancy

In 1974, the Government of British Columbia established both the Islands Trust and the Islands Trust Conservancy with the enactment of the *Islands Trust Act* to

protect the unique nature of the islands in the southern Strait of Georgia and Howe Sound.

The Islands Trust is a federation of local governments responsible for planning land use and regulating development in the Trust Area. The Islands Trust Conservancy (ITC) also works at the regional level, helping island communities to protect special places throughout the Islands Trust Area and holds conservation covenants and nature reserves in support of its goals. Registered as a charity under the Income Tax Act, it accepts donations, grants and bequests of money, land and covenants in order to preserve and protect significant natural and cultural features in the Trust Area.

The Islands Trust and the Islands Trust Conservancy are relevant examples of a partnership mandated by the Provincial Government, in that they have a common mandate with multiple stakeholders. They also demonstrate the need to have a regulatory body for some things and a ‘voluntary’ body for others. If the SMA participants want to pursue a similar arrangement significant time would be required to engage the Provincial government to enact legislation to enable the arrangement.

Greater Victoria Harbour Authority

The non-profit organization Greater Victoria Harbour Authority (GVHA), was established through a Memorandum of Understanding between the Provincial Capital Commission (PCC), Esquimalt Nation, Songhees Nation, the City of Victoria, the Township of Esquimalt, and the Victoria/Esquimalt Harbour Society (V/EHS); Greater Victoria Chamber of Commerce, Destination Greater Victoria and the Capital Regional District were added later. GVHA is a registered society incorporated under the BC Societies Act as a not-for-profit corporation. Its constitution and bylaws outline its purposes and accountabilities. There are specific purposes in the constitution for integrating/involving/featuring First Nation culture and activities.

There are also federal bodies involved in the administration and regulation of water and activities in Victoria’s harbour. Victoria Harbour waters and water traffic are administered and regulated by Transport Canada. The harbour seabed is also controlled by Transport Canada, as far inland as the Selkirk Trestle. Air traffic into the harbour, including helicopters and seaplanes, is regulated by Nav Canada.

This is a complex example with aspects of a number of different models. It is a good example of engaging various levels of government, including First Nations, with other stakeholders. Being an independent Not-for-Profit Society allows organizations to specify their purposes, membership and accountabilities. This is attractive to organizations wanting to determine their own path as well as to government agencies providing funding.

Please refer to **Appendix C** for a table providing additional examples, further information on the examples and links to their websites.

Examination of the Models

The models described above all have characteristics that render them more or less applicable to the SMA project. Ultimately, the stakeholders will need to determine which structure is most suitable and is likely to produce the best prospect for success. In order to facilitate the discussion, Table 1 outlines the potential models and identifies some preliminary aspects to consider during deliberation of the proposed SMA Project.

The SMA governing body will need to oversee the objectives of the SMA as well as meet criteria for cooperation and decision making (to be established by the stakeholders during formation of the body)

Consideration regarding funding and funder requirements will also need to be taken into account when evaluating the governance models for the SMA.

Table 1 RANGE OF POSSIBLE GOVERNANCE STRUCTURES FOR SPECIAL MANAGEMENT AREAS					
CHARACTERISTICS					
GOVERNANCE STRUCTURE	Formalized in writing	Voluntary participation	Clear governance and decision-making structure	Legislative authority	Details to consider in decision-making
Informal agreement to work together	X	√	X	X	<ul style="list-style-type: none"> • Easy to establish • No defined governance and decision making structure • Allows evolution of purpose over time • Easy for partners to join and leave the organization
Protocol Agreement/Memorandum of Understanding	√	√	possibly	X	<ul style="list-style-type: none"> • Easy to establish • Voluntary participation- may have requirements once signed • Can have clearly defined governance and decision making structure • Some stakeholders may not join in
Regional District Service enabled under the Local Government Act	√	√	√	√	<ul style="list-style-type: none"> • Would be "housed" and supported by the CRD • Would require establishment of a new service bylaw • Would build on work currently being done at the CRD • Could face political resistance from participants • Could only include municipal stakeholders as partners
Regional District Delegated Commission	√	√	√	√	<ul style="list-style-type: none"> • Would be "housed" and supported by the CRD • Would have authority and longevity • Could include First Nations as participants
Not for profit society registered as a society	√	√	√	X	<ul style="list-style-type: none"> • Relatively easy to establish • Clearly defined governance and decision making structure • Required record keeping and reporting
Federally or Provincially mandated by legislation	√	required	√	√	<ul style="list-style-type: none"> • Would have authority and longevity • All stakeholders would be represented • Would require legislative enactment, requiring significant time to establish.

Next steps

The next steps are to invite stakeholder to facilitated meetings where participants will be invited to discuss and collaborate on:

- their interest in cooperating through a Special Management Area;
- determining the structure of the organization;
- developing a statement of principles;
- formalizing the mechanisms for coordinating and management of activities among participants: and
- develop objectives, goals and action plans



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technical skill, and a high level of expertise in a variety of areas.

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Additional resources are included in **Appendix D**.

Te'mexw Treaty Association and Songhees Nation
March 31, 2019

Colquitz-Gorge Watershed
Special Management Area
Concept Paper



Project purpose

The goal of the Colquitz-Gorge Watershed Special Management Area Project is to build a cooperative partnership among Local, Regional, Provincial, Federal and First Nation governments in Greater Victoria, to explore practical, collaborative approaches for protecting and improving sustainability of the salmon and herring runs in the Colquitz/Gorge watershed.

Background

A Special Management Area is an area where natural, cultural and recreational values are considered in land use and development decision making.

This paper outlines the proposed Special Management Areas (SMA) referenced in Section 21 of Chapter 9 of the Te'mexw Treaty Association Agreement-in-Principal:

"21. Prior to the Final Agreement any Te'mexw Member First Nation may identify areas of special interest within the Te'mexw Member First Nation Area, and if such areas are identified the Parties will discuss the Te'mexw Member First Nation's role in the management of each area, including special management measures that may be required."

The Treaty Association conceptually proposes two Special Management Areas:

1. A SMA is proposed for Songhees Nation focused on the Colquitz River Watershed, including Gorge Waterway and Portage Inlet, and
2. A second SMA is proposed for T'Sou-ke First Nation focused on the Sooke Basin.

Project objectives

The proposed preliminary objectives for the SMAs are to:

- ensure sustainable salmon populations in the Colquitz River;
- ensure a sustainable herring population in the Gorge Waterway; and
- rehabilitate the Sooke Basin to enable harvesting of bivalve shellfish without the requirement for depuration.

The proposal is to initially focus on the Colquitz/Gorge watershed and then apply lessons learned and successes to a similar model for Sooke Harbour Special Management Area.

The proposed boundaries for the Colquitz/Gorge SMA are shown on the attached maps. The boundaries shown are for discussion purposes only and may be subject to change.

Concept

A multi-agency organization is proposed for Colquitz/Gorge Special Management Area, to:

- identify and achieve SMA objective(s);
- oversee/govern the implementation of an action plan; and
- monitor progress towards achieving the SMA objectives.

It is expected that participants in the SMA organization will include First Nations, local governments, the Capital Regional District, relevant Federal and Provincial ministries, and other relevant jurisdictions (e.g. Victoria Harbour Authority).

The aim of the SMA partnership is to generate outcomes that cannot be achieved by participants working in isolation. Participants will be invited to collaborate on:

- determining the structure of the organization;
- developing a Statement of Principals; and
- formalizing the mechanisms of coordinating and management of activities among participants.

The overarching goal is to establish a partnership, where participants identify their interests and take part in common projects together as partners. It is also anticipated that nonprofit organizations and the private sector may also partner resulting in interorganizational alliances.

The SMA organization may have a governing body with representatives from each participant. The SMA organization may also have a technical body which could include representatives from the participants and may include representatives from other agencies (e.g. University of Victoria or NGOs).

It is proposed that in order to ensure participants are satisfied the SMA organization is achieving its objectives, the organization could have a fixed term (proposed 10 years), with an option and mechanism identified to extend the term if further progress may be made.

It is not anticipated that the SMA organization will have land use or regulatory powers but would be a cooperative body.

It is expected that SMA participants would work together to achieve the SMA objectives through activities such as:

- developing an action plan including sub-objectives and priorities, which may take into account previous studies (see Appendix B for selected examples);
- recommending policies, guidelines, codes of practice, bylaws, regulations, and other management measures;
- recommending specific actions, for example specific infrastructure projects;
- undertaking specific projects and studies; and
- promoting awareness and engaging the public.

The list above is intended to clarify the concept rather than be comprehensive. It is expected that SMA participants would take independent actions such as:

- incorporate SMA policies into Official Community Plans as development permit areas;

- incorporate the SMA policies into the CRD Regional Growth Strategy;
- incorporate management measures into local government and First Nation bylaws where appropriate; and
- consider recommended priorities and actions when planning capital projects and infrastructure works.

It is expected that the Canada and British Columbia would assist this process. For example, by:

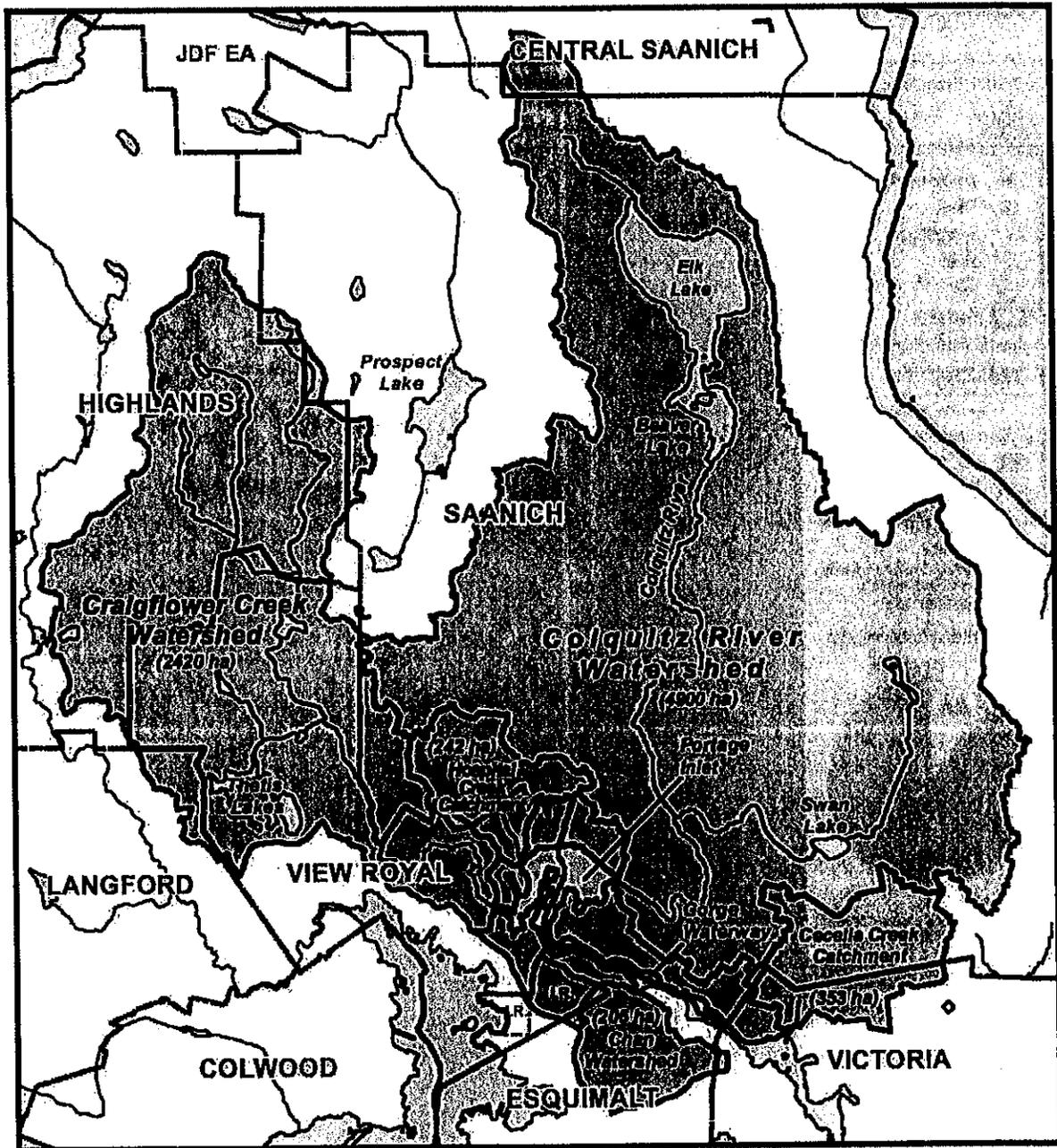
- providing capacity funding to support participation by First Nations;
- modifying eligibility project criteria and/or priorities so that projects that contribute to SMA objectives are eligible for funding under grant programs such as Gas Tax funding, Coastal Restoration Fund, Community Works Fund, Green Municipal Fund, and Clean Water and Wastewater Fund (these are intended as examples and not a comprehensive list);
- considering providing special powers to local governments within the SMA for the purpose of achieving SMA objectives (for example, BC might consider providing local governments with specific powers that have priority over the Farm Practices Protection Act);
- considering participating in implementation agreements under s. 451 of the Local Government Act where SMAs are incorporated into CRD's Regional Growth Strategy; and
- considering establishing special regulations applicable within the SMA areas (for example, prohibiting wastewater discharges other than storm drains).

The drafting of this concept paper was assisted by

Emergent Sustainable Solutions



Figure 2 Areas Draining into Gorge Waterway and Portage Inlet



APPENDIX 2

Excerpts from *Colquitz River Watershed Proper Functioning Condition Assessment, 2009* <https://www.crd.bc.ca/docs/default-source/es-watersheds-pdf/colquitz-river-watershed-proper-functioning-condition-assessment.pdf?sfvrsn=0> and *Craigflower Watershed Management Plan, 1998* https://www.crd.bc.ca/docs/default-source/es-watersheds-pdf/craigflower-watershed-management-plan.pdf?sfvrsn=15d494c9_0

In 2009 the CRD published the *Colquitz River Watershed Proper Functioning Condition Assessment, 2009* and in 1998 the *Craigflower Watershed Management Plan, 1998* (the Craigflower is a primary system feeding into Portage Inlet and the Gorge Waterway.) These reports, although dated, identify specific objectives based on comprehensive watershed assessments and specific recommendations to achieve these objectives and will be valuable assets to the SMA initiative. It should be noted that Songhees participation is lacking in these reports.

The following are sample goals and objectives from the Craigflower report that align with Songhees objectives:

- Water quality will be improved and maintained;
- Riparian and aquatic ecosystems will support healthy populations of fish (anadromous and resident) and wildlife; and
- Native vegetation will be protected and restored throughout the watershed, providing habitat for birds, wildlife and fish.

Sample recommended 'actions' to achieve the goals set out above include:

- Change zoning bylaws and OCP's to protect the variable riparian zone defined by mapping the fisheries sensitive zones;
- Modify Stormwater Management Bylaws;
- Amend tree-cutting bylaws to prevent tree-cutting and other vegetation removal in the identified riparian zone; and
- Prepare a feasibility study of storing more water in the watershed.

The Colquitz report is structured around the more general objective of restoration to a "Proper Functioning Condition", with priority rankings for specific reaches of the Colquitz River.

Sample actions from the Colquitz report include:

- Control invasive plant species;
- Fence riparian corridors in park areas;
- Continue acquiring property adjacent to the Colquitz River for management and protection; and
- Install weirs in some locations to trap sediment and build up a channel to access its floodplain (to improve watershed storage capacity).

Appendix B: Local and Regional Government Opportunities through the Local Government Act (LGA)

Union of BC Municipalities

From: BC Government relationships with local government and First Nations

<https://www2.gov.bc.ca/gov/content/governments/local-governments/governance-powers/collaborating-building-relationships/relations>

Local governments have a critical interest in improving Aboriginal relations; local non-Aboriginal communities live near or adjacent to First Nation communities. When treaties are initiated, ratified by governments and ultimately implemented, local governments will work often and closely with newly established First Nation self-governments. Land use planning, taxation, economic development, infrastructure construction, municipal-level service delivery and other issues are dealt with at the local and regional level. Therefore, neighbouring local governments and First Nation governments must have effective working relationships.

In British Columbia, the legal framework for the establishment of local governments is the *Local Government Act*. This statute, along with the Community Charter and other provincial statutes, administered by the Ministry of Community Development, sets out the powers, functions and activities of local governments. First Nation governments are under the federal government's purview. Section 91(24) of the Constitution Act, 1867 stipulates that the federal government has legislative authority for "Indians, and Lands Reserved for the Indians." Through the Federal Indian Act, band councils are mandated to fulfill functions similar to local governments. Section 81 of the Indian Act outlines the powers of band councils, including the construction and maintenance of infrastructure such as roads and bridges; the regulation of traffic; and the zoning of lands. First Nation governments are also permitted to enact bylaws with respect to the health of residents on the reserve. It is stipulated in section 81 that First Nation governments can enact bylaws on these specific policy areas even when those bylaws are inconsistent with the Indian Act and any regulations created by the federal cabinet or minister responsible. However, subsection 82(2) still gives the minister the power to disallow any bylaw adopted by band councils. It is important to note that this governance structure is foreign to First Nations, which had their own customary and hereditary governance structures before colonization. Because of this, amendments were made to the Indian Act which give bands the option to return to their traditional governance systems. These systems recognize the authority of select individuals in their communities, such as Elders and Hereditary Chiefs.

The Union of BC Municipalities (UBCM) enjoys a strong working relationship with the First Nations Summit (FNS), a provincial Aboriginal organization whose membership is comprised of the majority of First Nations and tribal councils in British Columbia. It represents the interests of these communities in the B.C. Treaty Process. The two organizations signed, and have since renewed, a Protocol on cooperation and communication to promote information sharing and relationship building among local governments and First Nations. In fact, UBCM's First Nations Relations Committee organizes workshops with FNS to bring local governments together to facilitate information sharing on how to build effective relations with First Nation communities. The two organizations jointly administer the Regional Community to Community Forum Program, funded by the B.C. Ministry of Community Development and INAC. The program supports relationship building activities between neighbouring local governments and First Nations across B.C., and it has played a key role in bringing local governments and First Nations together since its inception more than a decade ago. It remains a popular program in the province and is considered a best practice on local government-Aboriginal relationship building throughout Canada.

B.C. is home to a number of notable local government–First Nation partnerships, including those in the areas of collaborative governance, land and resource co-management, and economic development. Through engagement, many local governments and First Nations have developed service agreements, protocol agreements and memorandums of understanding to achieve mutual interests. Positive engagement between local governments and First Nations can also facilitate stronger relationships, open dialogue, and improved understanding between communities to promote reconciliation and build a foundation for future relations. Local government engagement with First Nations differs from the provincial government’s constitutional duty to consult on potential impacts to indigenous interests. That said, engagement can be a valuable way to explore opportunities for cooperation and collaboration, and minimize potential disagreements which is all part of building positive relationships between neighbours

Service Agreements have traditionally been the basic interface between local governments and First Nations, with local governments often providing/contracting basic services such as road maintenance and fire protection to First Nations.

Capital Regional District

One of the core functions of the CRD is to provide services on a cost-recovery basis for participating members. First Nations, as upper levels of government, are not under the authority of the Local Government Act. The CRD can however, enter into service agreements with non-members such as the Airport Authority, Department of National Defence and First Nations governments.²

The CRD has been trying to find ways to undertake more inclusive governance on common areas of interest with First Nations– but it has been challenging under existing legislation. The LGA only allows for Treaty First Nations (TFNs) to become members of the Regional (CRD) Board. Of the 10 First Nations who have Reserve lands in the CRD, 5 are negotiating modern treaties (known as BC Treaties) with the Crown (Pacheedaht, T’Sou-ke, S’cia-new, Songhees and Malahat).

Management under the framework of a Delegated Commission (DC)

The CRD can use bylaws to delegate decision making authority to a committee or commission of CRD.

Delegation of board authority³

229 (1) Subject to the specific limitations and conditions established under this or another Act, a (regional) board may delegate its powers, duties and functions, including those specifically established by an enactment, to

- (a) a board member or board committee,
- (b) an officer or employee of the regional district, or
- (c) another body established by the board.

(2) As exceptions, a board may not delegate the following:

- (a) the making of a bylaw;
- (b) a power or duty exercisable only by bylaw;
- (c) a power or duty to appoint, suspend or terminate a regional district officer;
- (d) a power or duty established by an enactment that the board hear an appeal or reconsider an action, decision or other matter;

² Excerpted from the CRD website

³ Excerpted from the Local Government Act

- (e) a power or duty established by this or any other Act that the board give its approval or consent to, recommendations on or acceptance of an action, decision or other matter;
 - (f) the power to impose a remedial action requirement under Division 12 [Remedial Action Requirements] of Part 3 of the *Community Charter*.
- (3) A board may not delegate under subsection (1) to a corporation.
- (4) In exercising its powers under subsection (1), a board may establish any terms and conditions it considers appropriate.

This would allow the DC to establish the management plan.

The DC could not have staff members as voting participants. Staff would serve the commission. The commission members can be anyone in the public, for First Nations it could be council or staff, or members of the community. There would be a conflict of interest however for those on council or TFN members that may benefit directly from contracts/employment etc. (eg: paid work to clean up the harbours, monitoring, contracts associated with the commission's work)

Decisions made by the DC that are within its authority would be final and would not be subject to CRD approval.

A Delegated Commission must follow CRD's Procedures Bylaw

- Meeting procedures (Robert's rules)
- Must be public meetings; in camera can only be called under certain conditions such as staffing, legal matters, land acquisition/disposition recommendations to the Board
- Must be able to receive delegations from the public
- Must take and post minutes; Documentation is public and subject to Freedom of Information Requests
- Commission members are typically not remunerated for attendance

Limitations of the DC

- Cannot change the status of the land
- Cannot move the boundaries of the land
- Cannot be delegated the powers to create or amend bylaws
- TFN would lobby the DC for its interests to be addressed and would not be able to lobby the CRD

List of commissions can be found:

<https://www.crd.bc.ca/about/board-committees/board-committees-and-commissions>

Operations Working Group

Joint committee of TFN and CRD reps, staff would participate on such a committee. Decisions made by this committee are still the ultimate responsibility of the CRD. Committee meeting structure does not have to follow procedural rules but would still be subject to Freedom of Information requests. Any individual on the committee may take issue with the decision of the majority and bring forward/appeal to the General Manager and CAO. No such option for a DC, majority vote is the de facto position of the commission.

Service/Management agreement with Interested First Nation, retain current governance structure

Board is able to delegate to a public authority to manage property (S. 263 of LGA). This is a different form of delegation than municipal service agreements mentioned above. This is entering into an agreement to manage

property, and therefore deliver the service, rather than making decisions with respect to the powers of the Board in the provision and delivery of the service.

- It would be possible to have interested First Nations or SMA organization provide “management” of the lands as part of the service according to set CRD guidelines and the service contract;
- Interested First Nation would be responsible, in accordance with funding agreement, to conserve, use, operate, administer, and maintain the lands under the definition of “manage property” in the LGA;
- Lands/waters could not be closed, developed upon, leased or licensed without going through the CRD;
- Interested First Nation would be provided funding to provide the service;
- Interested First Nation would have discretion on how to use these funds, subject to the agreement and CRD standards;
- FN would have no overall governance or decision making power, other than advisory, in governance of the service, development of a management plan, or any other such decision making
- The Interested First Nation would continue to be able to lobby the CRD, staff, or any parks commission with their interests and concerns;
- Interested First Nation would need to enforce bylaws and management plan as-written and provided; and
- Interested First Nation would be subject to Freedom of Information requests on the management of the service

Appendix C. Details of Organizations Reviewed for Governance Models

Organization/contact	Governance Model and Structure	Description
<p><u>Gorge Waterway Initiative</u></p>	<p>Informal Agreement under The Capital Regional District, through the Harbours Environmental Action program (VEHEAP, above), provides coordination and logistical assistance to the GWI and helps to move strategy implementation forward</p> <p>The agencies signed off on an environmental management strategy (EMS) for the harbours in 2000.</p> <p>As a “group of groups” representing a broad array of interests, membership in the GWI includes representatives from community and environmental groups, landowner organizations, local governments, federal government and recreational users.</p> <p>Every stewardship group related to the gorge/portage inlet is a member.</p>	<p>The GWI steering committee consists of representatives from each partner organization. The committee meets regularly to facilitate program implementation and to share ideas and information about the Gorge Waterway, Portage Inlet and their watersheds. Collectively, the representatives act as a community-based, multi-stakeholder body working to address environmental issues in Portage Inlet, the Gorge Waterway and their watersheds. All GWI meetings are open to the public. The steering committee currently meets on a quarterly basis at the Victoria Canoe and Kayak Club, 355 Gorge Road West.</p>
<p><u>Colquitz Watershed Stewardship Coalition</u></p>	<p>Informal Agreement amongst a diverse collection of groups, societies and associations who care about environmental restoration, conservation and stewardship in the Colquitz Watershed.</p>	<p>The Coalition was formed in 2014 to foster increased communication, partnership and sharing of information and resources among the groups and the general public.</p>
<p><u>Regional District of Fraser-Fort George & Lheidli T’enneh Band</u></p>	<p>MoU and Protocol Agreement</p> <p>The partnership between the Regional District of Fraser-Fort George (RDFFG) and the Lheidli T’enneh Band (LTN) is guided by their MOU and Protocol agreements on cooperation and communication signed in July 2002.</p>	<p>The RDFFG and LTN work proactively together to create and exercise good working relationships based on mutual trust, respect, open and constructive dialogue, intent to work together, recognition of interests and a shared desire for successful and timely resolution of treaties. The economic, social and cultural strength of the region will depend to a significant degree on collaboration between the regional community and its governments and First Nations in regional governance and service provision, to maintain productive relationships and identify partnership opportunities. The RDFFG enhances relationships with First Nations by:</p> <ul style="list-style-type: none"> • coordinating Community-to-Community Forums and other events with First Nations and municipal partners; • facilitating McLeod Lake Indian Band and Lheidli T’enneh First Nations participation in regional governance, including participation on the RDFFG Board of Directors by the Lheidli T’enneh First Nation following final treaty;

Organization/contact	Governance Model and Structure	Description
		<ul style="list-style-type: none"> • engaging in service agreements to provide coordinated and joint services; • engaging in initiatives through which RDFFG can assist First Nations to build administrative, technical and political capacity; • engaging in initiatives through which First Nations can provide assistance to RDFFG; and • continuing to provide RDFFG staff resources in support of the Prince George Treaty Advisory Committee.
<p><u>Victoria Esquimalt Harbours Environmental Action Program (VEHEAP)</u></p>	<p>MoU, 1994, in which the partner agencies agreed to work together to protect and improve the environmental quality in the harbours while recognizing the social and economic needs of the community and harbour users.</p> <p>VEHEAP Information-sharing Committee –The following government agencies participate in the VEHEAP information-sharing committee:</p> <ul style="list-style-type: none"> • BC Ministry of the Environment • Capital Regional District • Department of National Defence • Fisheries and Oceans Canada • Environment Canada • Public Works and Government Services Canada • Transport Canada 	<p>In the Core Area Liquid Waste Management Plan (LWMP), the Capital Regional District commits to coordinate harbours environmental protection and improvement efforts. The implementation of this program is carried out under the Victoria and Esquimalt Harbours Environmental Action program (VEHEAP).</p> <p>VEHEAP is an intergovernmental initiative working to protect and improve the environmental quality in Victoria and Esquimalt Harbours, Portage Inlet, the Gorge Waterway and Esquimalt Lagoon.</p> <p>They have a number of collaborative initiatives underway, the two most relevant to this project are:</p> <p>Gorge Waterway Initiative (GWI) The mission of the GWI is to protect, enhance and restore the health of the Gorge Waterway, Portage Inlet, their watersheds and communities, for the enjoyment and well-being of present and future generations.</p> <p>and</p> <p>Esquimalt Lagoon Stewardship Initiative</p>
<p><u>City of Vernon & Okanagan Indian Band</u></p>	<p>Protocol Agreement</p> <p>The City of Vernon and Okanagan Indian Band (OKIB) signed a Protocol Agreement in February 2003. The agreement outlines “the overall intention of the Band and the City to enter into a more formal arrangement respecting a long term, cooperative</p>	<p>A forum funded by UBCM Regional Community to Community Forum Program was the site of the two governments’ inaugural meeting to establish protocols for the relationship and begin to create the foundation for future discussions on areas of mutual interest. The two governments have participated in numerous</p>

Organization/contact	Governance Model and Structure	Description
	<p>working relationship” and articulates three fundamental purposes: effective, adequate communications; cooperation which is aimed at mutual benefit; and partnerships which create lasting benefits (OKIB & City of Vernon).</p>	<p>C2C forums, all of which were exclusively with one another. Outside C2C forums, the City and OKIB meet and discuss local issues at hand. For instance, the two parties update each other on the status of developments, and the City has invited OKIB to comment on development proposals in the municipality</p> <p>The Okanagan Indian Band and City of Vernon announced their participation in the Community Economic Development Initiative (CEDI) Feb 6, 2018. Further information on CEDI in Appendix C.</p>
<p><u>Regional emergency Management Partnership (REMP)</u></p>	<p>The Regional Emergency Management Partnership (REMP) was established in March 2016 through a Memorandum of Understanding between the Province of BC and the Capital Regional District (CRD) on behalf of its member municipalities and electoral areas.</p> <p>Participants include three First Nations, along with municipal, provincial and federal governments. This model also exists in Vancouver and more recently in Haida Gwaii.</p>	<p>The REMP vision as articulated in their strategic plan is “ A disaster resilient region where local, provincial, First Nation and federal governments work together with regional and community stakeholders as partners towards enhanced emergency management.”</p> <p>The purpose of this partnership is to enhance regional emergency management planning activities within the geographical area of the CRD. Member municipalities within the CRD are responsible for developing and implementing emergency management plans, including preparation for, response to, and recovery from emergencies and disasters as outlined in the Emergency Program Act or jointly through municipal bylaws and other agreements. The REMP vision as articulated in their strategic plan is</p> <p>“ A disaster resilient region where local, provincial, First Nation and federal governments work together with regional and community stakeholders as partners towards enhanced emergency management.”</p> <p>The format and presentation of the strategic plan is very impressive; one that could be applicable for this SMA as an action plan moving forward.</p>

Organization/contact	Governance Model and Structure	Description
<p><u>Protocol Agreement</u> between SNUNEYMUXW FIRST NATION and the Regional District of Nanaimo, Feb 2019</p> <p><u>Other protocol agreements with the Regional District of Nanaimo:</u></p>	<p>Protocol Agreement</p> <p>An agreement between two governments</p> <p>“Snuneymuxw and the RDN wish to engage in positive, co-operative, and mutually respectful government-to-government discussions on issues of common interest to them, including servicing agreements, matters of cultural importance such as the protection of culturally sensitive sites, the mutual benefits of enhancing the economic, recreational and environmental status of the Nanaimo region, land and resource use planning and participation in regional management, and the development of this Protocol Agreement.”</p>	<p>Purposes of the agreement are to provide a framework and timelines for: (a) Reaching agreements on issues discussed between the parties and</p> <p>(b) For setting out policies, procedures, and processes for the way in which Snuneymuxw and the RDN will interact from time to time.</p>
<p><u>The Pacific North Coast Integrated Management Area (PNCIMA)</u></p>	<p>Protocol Agreement (MOU)</p> <p>The PNCIMA plan is the product of a collaborative process led through an oceans governance agreement between federal, provincial and First Nations governments and contributed to by a diverse range of organizations, stakeholders and interested parties. The plan is strategic in nature and has been developed pursuant to the 2008 Collaborative Governance Memorandum of Understanding (MOU) among Canada, the Province and First Nations.</p>	<p>One of five national Large Ocean Management Areas identified in Canada’s 2005 Oceans Action Plan, Under the PNCIMA Collaborative Governance Memorandum of Understanding, First Nations, federal and provincial government staff work together in a Steering Committee that provides strategic direction and executive oversight to the PNCIMA initiative. First Nations, federal and provincial technical staff work together in a Planning Office which supports the Steering Committee and the Integrated Oceans Advisory Committee (IOAC). Advice from stakeholders is formally provided by the IOAC. The plan is high level and strategic, and provides direction on and commitment to integrated, ecosystem-based and adaptive management of marine activities and resources in the planning area as opposed to detailed operational direction for management</p> <p>This is a large, well-funded organization that is an applicable model for the SMA because it demonstrates on a large scale how various levels of government can work together to develop a management plan. It is a model with a steering committee of government representatives and a technical planning office that provides information for steering decision-making. The formation of the PNCIMA resulted in a high-level plan that is a guiding document for decision makers. The MOU includes expectations for meetings, expectation of participants and the collaborative governance model for working into the future.</p>

Organization/contact	Governance Model and Structure	Description
<p data-bbox="149 748 499 808"><u>Marine Plan Partnership for the North Pacific Coast (MaPP)</u></p>	<p data-bbox="583 196 877 224">Protocol/MOU Agreement</p> <p data-bbox="583 277 1276 402">The Marine Plan Partnership for the North Pacific Coast (MaPP) is between First Nations organizations and the Province of British Columbia as represented by the Ministry of Forests, Lands and Natural Resource Operations</p> <p data-bbox="583 456 1276 711">In March 2015, the MaPP partners and Tides Canada signed an implementation support project memorandum of understanding (the MOU), for MaPP. The MOU is supplemented by specific implementation agreements on sub-regional marine plan implementation between the Province of B.C. and the appropriate First Nation partners in each sub-region. These agreements also contain implementation provisions for actions in the Regional Action Framework. http://mappocean.org/about-mapp/mapp-governance-process-structures-for-implementation/</p> <p data-bbox="583 797 1276 1117">Sub-regional marine plan implementation is led by joint implementation teams, co-chaired by a B.C. and a First Nations technical representative. Sub-regional decision-making processes will build on existing decision-making frameworks between B.C. and First Nations as appropriate. For implementation work related to the Regional Action Framework, and for consistency in achieving MaPP implementation commitments, the co-chairs of the four sub-regional implementation teams will collaborate as a regional MaPP implementation technical team.</p> <p data-bbox="583 1133 1276 1448">Consistent with the structures used in the MaPP planning phase, a senior marine working group comprised of MaPP partner organizations will provide direction and oversight to the MaPP implementation phase. An executive level committee of senior leaders from the MaPP partners will address and resolve significant issues related to MaPP implementation that cannot be resolved by the marine working group. Senior sub-regional implementation bodies will provide oversight, guidance, and resolution of issues related to sub-regional MaPP implementation work. A secretariat will provide</p>	<p data-bbox="1306 331 1999 548">This is a co-led process between 17 First Nations and the Government of the Province of British Columbia that developed and is implementing plans for marine uses on B.C.'s North Pacific Coast, now and into the future. The MaPP initiative is notable also for the diversity of stakeholders involved and the number of marine uses, activities and values addressed.</p> <p data-bbox="1306 565 1999 760">The MaPP initiative was formalized in November 2011 through a Letter of Intent between the provincial government and First Nations organizations. Four marine plans were signed in April 2015, a regional action framework was completed in May 2016 and plan implementation agreements were announced in August 2016.</p> <p data-bbox="1306 808 1999 1166">The sub-regional marine plans and the Regional Action Framework benefitted from robust stakeholder and local government engagement and public review mechanisms and processes. Regional and sub-regional advisory committees, comprised of individuals with a wide variety of marine experience and interests, provided input and advice on planning products. A science advisory committee comprised of scientists with expertise in ecological, economic, social and/or cultural aspects of the North Pacific Coast's marine environment provided multidisciplinary technical and scientific advice and knowledge.</p> <p data-bbox="1306 1182 1999 1269">Strong support for the sub-regional marine plans and the Regional Action Framework was received from a wide range of marine stakeholders and from local governments.</p>

Organization/contact	Governance Model and Structure	Description
	<p>day-to-day administration and support to the MaPP implementation technical team and the marine working group.</p> <p>The implementation of government-to-government structures are described in provisions of the implementation agreements developed between B.C. and each of the four sub-regional First Nation partners.</p>	
<p><u>Regional Growth Strategies Legislation</u></p>	<p>Protocol/MoU enabled under CRD (Local Government Act) Section relating to regional growth strategies http://www.bclaws.ca/civix/document/id/complete/statreg/r15001_13#part13</p> <p>The preparation of a regional growth strategy must be initiated by resolution of the (regional) board.</p> <p>(2) If a regional growth strategy is to apply to less than the entire regional district or is to be prepared jointly with another regional district, this must be authorized under section 430 (2) [minister authorization on request] or required under section 431 [regulation requiring regional growth strategy] before the regional growth strategy is initiated.</p>	<p>Regional growth strategies are designed to promote human settlements that are socially, economically and environmentally sustainable and that make efficient use of public facilities, land and other resources to support and enhance regional sustainability and resilience.</p> <p>The development of a regional growth strategy is a collaborative and interactive process. A regional growth strategy is initiated, prepared and enacted by a regional district, with the involvement of its member municipalities, provincial agencies and others.</p> <p>A regional district may design a custom strategy that fits local circumstances by adding other matters that cross local government boundaries and cannot be addressed by one jurisdiction.</p> <p>Minimum requirements for any regional growth strategy include:</p> <ul style="list-style-type: none"> • A 20-year minimum time frame • Regional vision statements • Population and employment projections • Regional actions for key areas such as housing, transportation, regional district services, parks and natural areas, and economic development • Targets, policies and actions for the reduction of greenhouse gas emissions in the regional district <p>The CRD approved the regional growth strategy in 2018. There could be an opportunity for the SMA to be connected to the RGS in relation to the section 2.1 Protect, Conserve and Manage Ecosystem Health</p> <p>One of the many purposes of a regional growth strategy: -Reducing and preventing air, land and water pollution</p>

Organization/contact	Governance Model and Structure	Description
<u>The Garry Oak Ecosystems Recovery Team (GOERT)</u>	Not for profit Society The society is authorized by the Ministry of Environment to hold conservation covenants.	The Garry Oak Ecosystems Recovery Team (GOERT) Society is dedicated to the recovery of Garry oak and associated ecosystems in Canada and the species at risk that inhabit them. While the Society was incorporated in BC in 2007, and received charitable status in 2009, the organization has its roots in a long-standing multi-stakeholder partnership comprised of experts from all levels of government, non-governmental organizations, academic institutions, First Nations, volunteers and consultants who first came together in 1999 out of a common interest in conserving and restoring these unique ecosystems and the species that comprise them.
<u>Peninsula streams</u>	Not for profit Society	Peninsula Streams Society helps coordinate stream restoration and habitat conservation on the Saanich Peninsula. They provide our associated groups with the technical expertise and resources to help achieve their goals. The goal is to achieve healthy aquatic habitat that supports self-sustaining populations of native species in both freshwater and marine environments. Accomplish this objective through research, restoration, innovative projects, public education and private land stewardship. Peninsula Streams continues to liaise with the municipality and others to develop an Integrated Stormwater Management Plan (ISMP) for the Swan/Blenkinsop Watershed, which will help guide future restoration plans. Although some study has been undertaken in discrete areas of this watershed, a comprehensive study will consider ecological, hydrological, agricultural, engineering and societal factors to address stormwater issues.
<u>Project Watershed</u>	Comox Valley Project Watershed Society is a registered non-profit environmental society with Canadian charitable tax status. The organization is guided by a volunteer board and managed by staff. Also an active partner of the Comox Valley Conservation Strategy – Community Partnership.	Comox Valley Project Watershed Society (PW) is focused on sensitive habitat stewardship. PW offers professional conservation mapping and related technical services, host regular <u>Streamkeeper & Wetlandkeeper courses</u> , maintain a <u>stewardship information library</u> , and currently manages research, restoration, assessment, protection and awareness raising projects in the <u>K'ómoks Estuary</u> and <u>Puntledge River Watershed</u> .

Organization/contact	Governance Model and Structure	Description
		<p>PW often works in partnership with local stewardship organizations, industry and all levels of government, to meet these goals.</p> <p>One main partnership is The Estuary Working Group, made up of 11 member organisations and individuals dedicated to protecting, conserving and restoring the K'omoks Estuary.</p> <p>Objectives:</p> <ul style="list-style-type: none"> • To collaborate with local governments to establish an integrated governance system and a plan for protecting and restoring the estuary. • To establish monitoring projects to gather baseline information on the state of the estuary. This data will be used to determine what needs to be done to restore the health of the estuary. • To initiate restoration projects. • To document past human activity in the estuary. • To increase public knowledge about estuary issues, health, restoration, and protection through public forums and the dissemination of information. • To increase public participation in estuary issues, health, restoration, and protection through involvement in monitoring and restoration projects and educational opportunities.
<p><u>Greater Victoria Harbour Authority.</u></p> <p>they are (corporate) members of the <u>Canadian Port Authority Association</u> (there is no governance/ accountability connection though)</p>	<p>Not for Profit Society, registered under the Societies Act of BC https://www.gvha.ca/governance/constitution-bylaws</p> <p>They are constituted under Societies Act. Their constitution and bylaws outline their many purposes and accountabilities FN are equal members (two FN; Esquimalt and Songhees), and there are specific purposes in the constitution for integrating/involving/featuring FN culture and activities</p>	<p>The control of the harbour and its waterfront lands was in dispute for a couple of hundred years. At times, control of Victoria's harbour has been in the hands of absentee landlords in Britain. Once the province of British Columbia joined the Dominion of Canada, jurisdiction rested with Ottawa.</p> <p>Greater Victoria Harbour Authority was formed in 2002, and four parcels of harbour land were divested to its control.</p>

Organization/contact	Governance Model and Structure	Description
<p>CREST Capital Region Emergency Service Telecommunications Inc</p>	<p>Not for Profit corporation. The purpose and delivery is enabled by provincial legislation</p> <p>CREST is governed by the <i>Emergency Communications Corporations Act</i> http://www.bclaws.ca/Recon/document/ID/freeside/00_97047_01#section2 and incorporated under the <i>BC Business Corporations Act</i> http://www.bclaws.ca/civix/document/id/lc/statreg/02057_00</p> <p>It is a private emergency communications not-for-profit corporation owned by its shareholders and governed by a Board of Directors.</p> <p>The 20-member Board is responsible for overseeing the Corporation's strategic direction, its finances, governance and operating results. The members of the Board are nominated by CREST shareholders.</p> <p>http://crest.ca/governance/</p>	<p>20 stakeholders (municipalities, ambulance, police, transit, province), each of whom have a seat on the board</p>
<p>Service under local government Act https://www.crd.bc.ca/project/first-nations-relations/crd-services-offered</p>	<p>Service agreement between CRD or a municipality and a FN (or group of FN?)</p>	<p>One of the core functions of the CRD is to provide services on a cost-recovery basis for participating members. First Nations, as upper levels of government, are not under the authority of the Local Government Act - the legislative and regulatory framework that governs regional districts and their members. The CRD can however, enter into service agreements with non-members such as the Airport Authority, Department of National Defence and First Nations governments.</p> <p>Service Agreements have traditionally been the basic interface between local governments and First Nations, with local governments often providing/contracting basic services such as road maintenance and fire protection to First Nations</p> <p>The CRD has negotiated a number of service agreements and contracts with First Nations communities, including water and sewer service, animal control, fire protection, waste collection and building inspection. The First Nations Relations Division is available to assist Nations in renewing their service agreements or negotiating new agreements.</p>

Organization/contact	Governance Model and Structure	Description
<u>The Regional Water Supply Commission</u>	<p>Delegated Commission</p> <p>The CRD can delegate decision making authority to a committee or commission of CRD.</p> <p>This must be done by bylaw of the CRD Board</p> <p>http://www.bclaws.ca/civix/document/id/lc/statreg/r15001_06#section229</p>	<p>List of commissions can be found:</p> <p>https://www.crd.bc.ca/about/board-committees/board-committees-and-commissions</p>
<u>Islands Trust</u>	<p>Provincially mandated, through legislation <u>Islands Trust Act</u></p> <p>Governance Structure Islands Trust: The islands of the <u>Islands Trust Area</u> are grouped in a unique federation into twelve 'local trust areas' (LTAs) and one 'island municipality'. Every four years, each island group elects two trustees to represent electors, when local elections are held throughout British Columbia. These twenty-six trustees sit on the Islands Trust Council, which in turn elects four of its members to sit on an Executive Committee</p>	<p>In 1974, in recognition of the special nature of the islands in the southern Strait of Georgia and Howe Sound, the Government of British Columbia enacted the <u>Islands Trust Act</u> http://www.islandstrust.bc.ca/trust-council/islands-trust-act/ to protect this unique part of the world through regulations. <u>The Act</u> also established the <u>Islands Trust Conservancy</u> as part of the Islands Trust that holds conservation covenants and nature reserves in support of the Islands Trust's goals.</p>
<u>Islands Trust Conservancy</u>	<p>Registered Charity and Provincially mandated,</p> <p>As a conservation land trust, the Islands Trust Conservancy is legally independent from the Islands Trust. The land and money donated to the Islands Trust Conservancy are owned and managed by the land trust's board, not the regulatory bodies of Islands Trust.</p>	<p>The Islands Trust Conservancy is conservation land trust, protecting land through voluntary measures.</p>
<u>Nisga'a Fisheries Management Program</u>	<p>Federally mandated, the Committee was established under the Fisheries Chapter of the Nisga'a Final Agreement.</p>	<p>Safeguards the resource to ensure its health and sustainability. Facilitated through the Joint Fisheries Management Committee-which is comprised of representatives from Canada, British Columbia, and Nisga'a Lisims Government-the program utilizes six fish wheels on the Nass River for salmon monitoring, tagging, and data collection, and conducts stock assessment on a variety of species throughout the Nass Area.</p>

Appendix D Resources

BC First Nations Fisheries Action Plan

https://www.fnfisheriescouncil.ca/wp-content/uploads/2018/05/FNFC-Protecting-Water-Our-Way-Report_May-2018_FINAL-1.pdf

British Columbia First Nations have directed the First Nations Fisheries Council of BC (FNFC) to support, protect, reconcile and advance Aboriginal Title and Rights and Treaty Rights as they relate to fisheries and the health and protection of aquatic resources. The priorities are to develop effective governance mechanisms, form collaborative relationships among First Nations organizations and work together to build a cohesive voice on fisheries matters. The FNFC's Water for Fish freshwater initiative was launched in 2012 to advance objectives in the Action Plan under the theme of Safeguarding Habitat and Responding to Threats. Through this initiative we work to support First Nations in their engagement in water governance and freshwater habitat protection and management activities. The intended impact of this program is for BC First Nations to be informed and have the necessary resources to actively exercise governance and jurisdiction of fresh waters in their traditional territories

The Island Marine Aquatic Working Group

<https://imawg.ca/index.php/about-imawg/>

This is an organization that works through a collaborative management approach to help facilitate discussions with local, federal and provincial governments regarding the recognition of First Nations inherent rights with respect to the management of fisheries

To facilitate Tier One and Tier Two forums for First Nations to exchange and analyze information on fisheries management, build a unified voice, and to support bilateral discussions between First Nations and Government.

Union of BC Municipalities

<https://www.ubcm.ca/EN/main/resolutions/policy-areas/first-nations-relations.html>

UBCM has signed a Partnership Agreement with Reconciliation Canada [PDF - 3.4 MB], a Protocol on Communication and Cooperation with First Nations Summit, a Memorandum of Understanding (MOU) on engagement with the Province of British Columbia [PDF - 2.4 MB], as well as an MOU on Communication and Information Sharing with Indigenous and Northern Affairs Canada. These agreements provide the framework for initiatives that UBCM undertakes in the area of local government-First Nation relationship building.

UBCM refs: <https://www.ubcm.ca/EN/main/resolutions/policy-areas/first-nations-relations/current-policy-initiatives/policy-documents-initiatives.html>

The First Nations – Municipal Community Economic Development Initiative (CEDI)

<http://www.edo.ca/cedi>

The First Nations – Municipal Community Economic Development Initiative (CEDI) aims to improve the economic prosperity of participating First Nations and adjacent municipalities through joint community economic development planning and initiatives. It is a national program delivered jointly by the Federation of Canadian Municipalities (FCM) and Cando (the Council for the Advancement of Native Development Officers).

Through the CEDI program, Cando and FCM work with partner communities, consisting of First Nations and adjacent municipalities and often, other regional partners. As well, CEDI works to share lessons learned and stories of success as part of a community of practice with those who are interested in joint First Nation – municipal community economic development.

Saanich Inlet Study

https://d3n8a8pro7vhmx.cloudfront.net/adamolsen/pages/612/attachments/original/1444244322/wat_wq_saanich_sisrofnc.pdf?1444244322

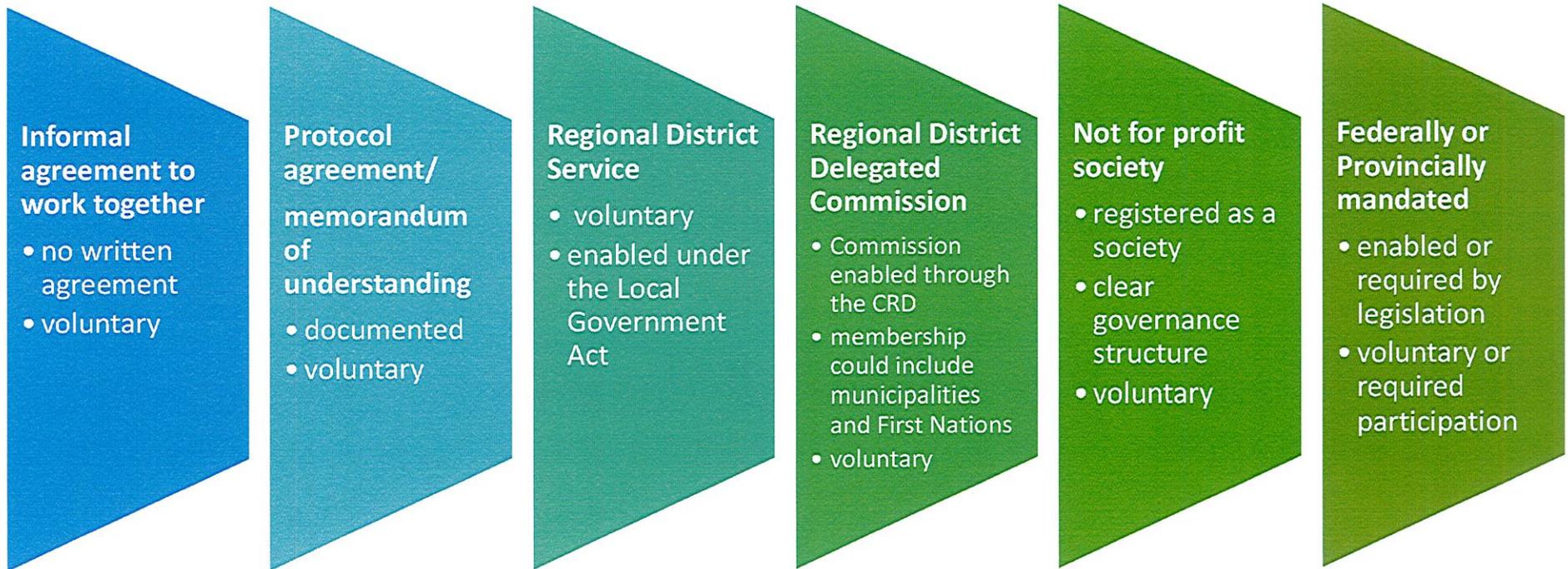
A study done by the Province (ministry of the Environment, environmental protection division). The report outlines the results of a four week long consultation process and cultural resources overview study carried out within the context of the Saanich Inlet Study on southern Vancouver Island. The Saanich Inlet Study has been initiated by the Government of British Columbia to produce baseline information on the assimilative capacity of Saanich Inlet. Although this study arose largely in response to the proposed Bamberton Development Project, the various study components include an examination of natural and cultural elements within all of Saanich Inlet - as contained in the area south of Hatch Point on the west side of the inlet, and Moses Point on the east side. Among the six "key elements" of the overall study, two are of particular significance to the present report. These are:

- seeking First Nations and public involvement to provide input on uses, values and expectations for the inlet environment; and
- documenting historical, existing and future uses of Saanich Inlet, including fisheries, recreation, aesthetic and
- cultural elements, with qualification of these uses, and forecasts of future expectations (from Saanich Inlet Study Terms of Reference).

Colquitz River Watershed Proper Functioning Condition Assessment, 2009

<https://www.crd.bc.ca/docs/default-source/es-watersheds-pdf/colquitz-river-watershed-proper-functioning-condition-assessment.pdf?sfvrsn=0> and ***Craigflower Watershed Management Plan, 1998*** https://www.crd.bc.ca/docs/default-source/es-watersheds-pdf/craigflower-watershed-management-plan.pdf?sfvrsn=15d494c9_0

In 2009 the CRD published the *Colquitz River Watershed Proper Functioning Condition Assessment, 2009* and in 1998 the *Craigflower Watershed Management Plan, 1998* (the Craigflower is a primary system feeding into Portage Inlet and the Gorge Waterway.) These reports, although dated, identify specific objectives based on comprehensive watershed assessments and specific recommendations to achieve these objectives and will be valuable assets to the SMA initiative. It should be noted that Songhees participation is lacking in these reports.



Range of possible governance/collaboration structures for special management

