



PORT of
vancouver

Vancouver Fraser
Port Authority

Land use plan update

Indigenous consultation summary report

January 25, 2021

Canada

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Background

The Vancouver Fraser Port Authority is a federal agency that, on behalf of all Canadians, is responsible for the stewardship of the lands and waters that make up the Port of Vancouver. The port authority's mandate, per the *Canada Marine Act*, is to enable Canada's trade objectives, ensuring goods are moved safely, while protecting the environment and considering local communities. This includes advancing environmental initiatives, and conducting project and environmental reviews of works and projects proposed for port lands and waters.

The Act requires that all port authorities have a land use plan. The Vancouver Fraser Port Authority Land Use Plan describes the port authority's long-term land use policy directions and commitment to accommodate future trade growth in a socially, environmentally and economically responsible way. It provides a framework to guide existing and future development of the lands and waters the port authority manages for the next 15 to 20 years.

The plan includes:

- Land and water designations, each with a specific intent and list of uses
- Goals, objectives and associated policy directions to communicate and guide strategic planning and development decisions
- Implementation measures and monitoring to demonstrate the port authority's commitment to acting on the directions established in the plan

The port authority's land use plan is used to:

- Communicate the port authority's long-term land use policy directions
- Guide land use and future growth opportunities
- Help current and future port tenants and customers identify areas to invest in new or intensified operations
- Facilitate coordination of land use and transportation planning with neighbouring communities, and government agencies
- Provide neighbouring residents and communities with greater clarity about activities and uses that may occur on port lands, and how community interests will be considered
- Provide clarity to Indigenous groups about activities and uses that may occur on port lands and waters adjacent to reserves and within asserted traditional territories, and how Indigenous interests will be considered

Purpose

Over the past year and a half, the port authority has undertaken a two-phase planning and engagement process to update our land use plan. We have engaged with local governments, Indigenous groups, the public, and stakeholders. The purpose of this engagement process was to ensure our land use plan remains current and reflects future market trends critical to Canada’s growing trade, while continuing to support communities and Indigenous groups and generate benefits for all Canadians.

The port authority, as a federal agency under the Act, has a duty to consult with Indigenous groups on actions that might adversely impact asserted or established Aboriginal and/or treaty rights. Our engagement with Indigenous groups throughout the consultation process is guided by the following principles:

- Provide clear, accessible and transparent information, while respecting the privacy of all parties
- Respect that our perspectives may be based on different world views
- Seek Indigenous perspectives during the consultation process, be open to understanding the interests and knowledge of Indigenous groups, and strive to incorporate them into our work
- Build strong working relationships between Indigenous groups and the port authority to allow for meaningful dialogue

Along with these principles, the port authority recognizes the importance of the United Nations Declaration of the Rights of Indigenous Peoples and is committed to aligning with the federal [*Principles Respecting the Government of Canada’s Relationship with Indigenous Peoples*](#) within its mandate provided for in the Act.

Engagement

Indigenous consultation mirrored the public and stakeholder process with regards to scope of engagement topics and goals. Engagement occurred in two phases:

- Phase one: fall 2019
- Phase two: summer 2020

Input received during phase one informed draft updates to the land use plan. During phase two engagement, the draft updated land use plan was shared for comment along with a summary of how all phase one input was addressed. Input received during phase two was considered in the final draft of the updated plan, which was then presented to the port authority’s board of directors for consideration of adoption.

Figure 1: Project timeline

Project timeline



Engagement Participation Overview

- Forty Indigenous groups were consulted on the land use plan update
- Online access to the land use plan update was provided to all Indigenous groups in phase one and two, and paper copies were provided upon request
- We received responses from 29 Indigenous group, with expanded comments received from 14 of those Indigenous groups
- Thirteen face-to-face meetings and two virtual meetings occurred to present the land use plan update approach and answer questions
- Follow-up virtual meetings were organized to address COVID-19 restrictions in 2020
- Digital links were provided to all Indigenous groups in phase two as we adapted to COVID-19
- Responses and engagement ranged from confirmation of receipt of referral package to be filed for information sharing purposes to detailed review of the documents
- Response timelines were modified as needed for phase one engagement and were extended beyond the 60 day requirement in the Act for phase two engagement

Phase one engagement methods

Outreach

The port authority sent out referral packages with links to information to 40 Indigenous groups and provided an opportunity to meet and present on the land use plan update. The materials included the 2014 land use plan, 20 proposed land use designation changes, and a discussion guideline document that provided context and scope of the land use plan update.

Face-to-face and or virtual meetings

The port authority presented the land use plan update to 11 Indigenous groups in their community offices. At their request, two Indigenous group representatives came to the port authority office for a presentation on the land use plan update, and two Indigenous groups had virtual presentations.

Correspondence

We received responses from 29 Indigenous groups and comments from 14 Indigenous groups.

We responded to all comments received during the first phase of the land use plan update. The port authority identified where comments were integrated into the land use plan draft or provided links to where the content was located on the port authority [website](#). For those not addressed within the land use plan draft, the port authority provided context as to why the item was not within the scope of the update.

Phase two engagement methods

Outreach

Referral packages were sent to the 40 Indigenous groups by email. The email contained links to the following engagement materials:

- Draft update of the land use plan
- Digital engagement website that included background information
- Highlights of feedback received in phase one engagement
- Summary of the proposed updates
- Fact sheet highlighting proposed changes
- Short online survey

A response date of 60 days was requested. The port authority extended the 60-day response date by two weeks to provide additional time for comments. Follow-up email reminders were sent to Indigenous groups before the comment period closed.

Virtual meetings

In light of COVID-19, we offered virtual meetings for any follow-up questions. We held virtual meetings with two Indigenous groups.

Correspondence

We received comments from 10 Indigenous groups during phase two engagement and responded directly to each group. In these responses, the port authority identified where comments were integrated into the land use plan or provided links to where the content was located on the port authority [website](#). For those not included or addressed within the land use plan, the port authority provided context as to why the item was not within the scope of the update.

What we heard

Key themes

- Aboriginal rights and title
- Archeology
- Collaboration or co-management
- Conservation
- Consultation and accommodation
- Economic opportunity
- Environmental impact
- Increased procurement opportunities
- Inclusive language
- Land use designation changes
- New approaches to increase port tenants' understanding of Indigenous issues and early engagement
- New land use designation with focus on Indigenous cultural value
- Safety
- United Nations Declaration of the Rights of Indigenous Peoples

The land use plan incorporates several updates informed by the comments provided by Indigenous groups.

Designations

During phase one, the port authority proposed a land use designation change at a location east of the confluence of Widgeon Creek and the Pitt River. Feedback was received from Indigenous groups on this proposed land use designation change as part of phase one engagement. Based on these comments, the port authority retained the existing designation as port water to retain additional flexibility of uses for Indigenous groups with interests in the area.

Section 5

A new section, Section 5, was created specifically to highlight the port authority's respect for Indigenous people as Indigenous governing bodies, and outlines our approach to working and consulting with Indigenous groups. This section includes additional language relating to consultation, links to the legislation that guides our work and new principles outlining the approach the port authority will take when engaging with Indigenous groups.

Along with these principles, the update includes a recognition of the importance of the United Nations Declaration of the Rights of Indigenous Peoples and the port authority's commitment to align with the federal *Principles Respecting the Government of Canada's Relationship with Indigenous Peoples*.

Archeology

The update also includes a recognition of the importance of archeology, with implementation measures to support policy directives.

Goals

Under our goals, the port authority has identified the following policy directions that can be linked to Indigenous contributions in the land use plan update. Some examples include, but are not limited to:

- Collaborate with Indigenous groups to explore opportunities within publicly accessible port areas to acknowledge and celebrate the traditional, cultural, and contemporary uses of port lands and water by Indigenous peoples
- Provide opportunities for employment and contracting within the port for Indigenous peoples whose treaty lands or asserted territories intersect with the Port of Vancouver
- Develop guidelines based on best practices to assist in identifying and responding to the presence of archeological sites and deposits
- Ensure potential impacts on archeological resources by port developments and activities are identified and appropriately minimized, and/or mitigated, through the project and environmental review process that solicits and incorporates input from Indigenous groups
- Explore opportunities for establishing agreements with Indigenous groups to guide collaboration and engagement on matters of shared interest related to the use and development of lands and waters within the Port of Vancouver

Implementation measures

Implementation measures were developed to support these policy directives. Some examples include, but are not limited to:

- Develop archeological review guidelines based on best practices to assist in the review of development proposals
- Develop a chance find procedure guideline to ensure a consistent approach to the management of discovered archeological resources
- Support ongoing communications through an Indigenous relations strategy
- Explore opportunities to collaborate with the Tsleil-Waututh Nation on matters of shared interest in the Indian Arm, including identifying ways to raise cultural awareness of Indigenous peoples, and considering additional designation of lands to protect key conservation areas

Acknowledgements

The port authority wishes to acknowledge all the Indigenous groups that were engaged in the land use plan update and give thanks for their contributions.

- Cowichan Tribes
- Halalt First Nation
- Katzie First Nation
- Kwantlen First Nation
- Kwikwetlem First Nation
- Tsluubaa-asatx (Lake Cowichan) First Nation
- Le'qá:mel First Nation
- Lyackson First Nation
- Matsqui First Nation
- Musqueam Indian Band
- Penelakut Tribe
- People of the River Referral Office, representing 15 upriver Stó:lo Indigenous groups – information sharing
- Popkum First Nation
- Qayqayt First Nation
- Seabird Island First Nation
- Semiahmoo First Nation
- Shxw'ow'hamel First Nation
- Squamish Nation
- Stz'uminus First Nation
- Tsawwassen First Nation
- Tsleil-Waututh Nation
- Saanich First Nation
 - Pauquachin Band Council
 - Tsawout First Nation
 - Tseycum First Nation
 - Tsartslip First Nation
 - Malahat First Nation