

REGIONAL DISTRICT OF NANAIMO

**SPECIAL BOARD MEETING
TUESDAY, DECEMBER 3, 2013
7:30 PM**

(RDN Board Chambers)

A D D E N D U M

PAGES

5. COMMUNICATIONS/CORRESPONDENCE

(All Directors – One Vote)

2-4 **Chief David Bob, Nanoose First Nation**, re Development at Fairwinds.

5-6 **Gerry Thompson, President, Fairwinds Community Association**, re Fairwinds Development Approvals.



RDN CAOS OFFICE			
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GMS&CD	<input checked="" type="checkbox"/>	GM T&SW	
GM R&CU	<input checked="" type="checkbox"/>	DF	
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DCS		BOARD	<input checked="" type="checkbox"/>
CHAIR			

NANOOSE FIRST NATION
 209 MALLARD WAY
 LANTZVILLE B.C.
 V0R 2H0
 Phone: (250)-390-3661
 Fax: (250)-390-3365

November 27th 2013

Regional District of Nanaimo
 All Directors C/O Joe Stanhope
 6300 Hammond Bay Road
 Nanaimo, BC
 V9T 6N2

Re: Development at Fairwinds, Lakes District, and Schooner Cove

We are writing to provide Nanoose First Nation's initial comments on the above-noted proposal (the Project).

The Project at issue falls within Nanoose First Nation's Territory. The proposed project as set out in the information we have received to date will adversely affect and/or infringe Nanoose First Nation's Douglas Treaty and Aboriginal rights. The Project can reasonably be expected to have an adverse impact on our ability to exercise our Treaty and Aboriginal rights both directly, indirectly, and cumulatively by adversely affecting habitat and animal populations in the area as well as other resources on which we rely on to exercise our Treaty and Aboriginal rights.

We are concerned about direct, indirect, and cumulative impacts on our Treaty and Aboriginal rights from activities taking place within all areas of our Territory. Nanoose First Nation's Territory is already covered by significant development. Such development has made it increasingly difficult for our members to hunt, fish, trap, gather and carry out our traditional pursuits within our Territory and we are concerned about the potential for the Project to further contribute to these difficulties. The land sustains us and is at the heart of our culture, traditions, identity, spirituality and rights. Without a meaningful, reasonable and sustainable means of exercising our rights, our very way of life and culture becomes ever more at risk.

Assessing the Project without full and accurate information contributes to the further destruction of our rights and culture and damages potential relationship building and reconciliation of future interests. Approving Projects within the timeline of the developers/proponents makes it difficult for us to understand potential impacts. The

issue is not whether the Project will adversely affect our rights, but by how much. **We respectfully request that the Regional District of Nanaimo give us an opportunity to review this information and provide a baseline of comments before approving a project that will have significant impacts on our access, habits, culture, and sacred areas.**

To permit Nanoose First Nation, as well as the proponent, to meaningfully and fully assess Project impacts please provide the following information:

- Copies of all environmental impact studies, assessments and reports that have been required to be undertaken in relation to the Project, copies of any terms of reference outlining the work to be done on those studies, assessments and reports, and copies of any completed studies, assessments and reports;
- Information on how Nanoose First Nation was consulted in respect of the terms of reference for the above-mentioned studies, assessments and reports and information on how Nanoose First Nation was otherwise consulted in relation to same, in terms of water access, habitat and environmental mitigation, access to groundwater, disposal of Sewage, **and rational of permitting residential development on “Notch Hill”**;
- all wildlife, fish and habitat data and studies that have been collected/undertaken in relation to the Project including the dates on which those studies were completed and details of any consultation that was undertaken with Nanoose First Nation in relation to same;
- all studies, assessments and reports undertaken in relation to the potential direct, indirect and cumulative impacts of the Project on the social, economic, environmental and cultural aspects of our Treaty and Aboriginal rights, and information on how Nanoose was consulted on same, including details of any consultation carried out with Nanoose dealing with information required by Nanoose First Nation to assess such impacts;
- all traditional use, traditional ecological knowledge and archaeological studies, assessments and reports that have been undertaken in relation to the Project, the dates on which those studies, assessments and reports were undertaken, and details of any consultation that was undertaken with Nanoose First Nation in relation to same, including details of any consultation carried out with Nanoose First Nation to determine the accuracy of such information as well as what further information Nanoose First Nation requires to assess impacts;
- all baseline data and related information, including pre-disturbance information, that have been gathered in relation to wildlife, fish, associated habitat, air, water and other resources on which we rely in the exercise of our rights in the vicinity of the Project, and details of any consultation that was undertaken with Nanoose First Nation in relation to same;
- information about the benchmarks, measures, standards, effects modeling and scientific criteria that will be used to assess Project impacts, and details of any consultation that was undertaken with Nanoose First Nation in relation to same.

Once Nanoose First Nation has received this information, we will be in a better position to provide more detailed comments on the project or identify what additional information, if any, we require to provide those comments.

It may be a position of local governments, or the proponent, that this project does not require any consultation with the Nanoose First Nation. We can assure you that at some point this project will trigger some sort of Provincial or Federal referral in terms of accessing water, services, archaeological, or provincial bodies of water. We also are certain that at some point projects that require consultation will be forthcoming from the RDN on future considerations. We are extremely concerned of the proposed development on the "Notch Hill" and advise through this letter that we will use every means possible to ensure that no development occurs which will alter the existing aesthetics, access, and skyline of our most sacred of places. At a minimum the whole area that constitutes the balance of land on the Notch and its approaches should be kept to public and park areas **WITH NO FUTURE DEVELOPMENT**. We emphasize that we need more time to review this information before the RDN sets in stone the future development on lands of our inherent and shared interests. We look forward to discussing a mutually beneficial resolution.

We look forward to hearing from you on these matters.

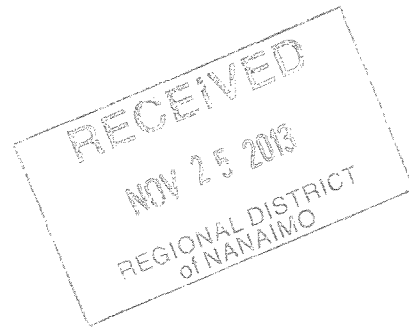
Yours truly,



Chief David Bob

CC:

- John Rustad Ministry of Aboriginal Relations and Reconciliation
- Coralee Oakes Minister of Community, Sport and Cultural Development
- Chief Doug White Snuneymuxw First Nation



V9P 9J9

**PO Box 281
Nanoose Bay, BC**

Mr. George Holme
Director, Area E
Regional District of Nanaimo
6300 Hammond Bay Road
Nanaimo, B.C. V9T 6N2

Re: Fairwinds Development Approvals

Dear Mr. Holme:

On behalf of the membership of the Fairwinds Community Association (FCA) I would like to commend you, your fellow directors and RDN staff for the progress made relative to the above. The fact that a Special Meeting of the RDN Board was convened on November 12 to deal with these matters is much appreciated. I understand that both Fairwinds and RDN staff are working diligently to complete negotiations on the Phased Development Agreements (PDA's) in preparation for 1st and 2nd reading of same on November 26. We are very interested in seeing this target met.

Hopefully a date for the associated Public Hearing to deal with both the Zoning and the PDA's can be set as soon as possible. Among other benefits of establishing this date as early as possible is that it will allow us maximum time to communicate with our membership given the mobile nature of our community and the proximity to Christmas.

Although we acknowledge that we are moving steadily into the Christmas period with the process noted above and recognize that the RDN has some procedural requirements in December, we strongly urge that, given anticipated input at the Public Hearing, 3rd

reading be accomplished before the end of the year, even if a short Special Meeting of the RDN Board is required.

Thanks again for your support.

Sincerely,

A handwritten signature in cursive script that reads "Gerry Thompson". The signature is written in black ink and is positioned above the typed name.

Gerry Thompson, President, FCA

✓ Cc Mr. Geoff Garbutt, General Manager of Strategic and Community Development