



Site Remediation Service Enhancement Review

Summary of Comments First Nations Information and Awareness Sessions

February 13 – 14, 2024



Ministry of
Environment and
Climate Change Strategy

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Executive Summary

On February 13 and 14, 2024, the Ministry of Environment and Climate Change Strategy (ENV) hosted two virtual information and awareness sessions on the Site Remediation Service Enhancement Review. Each session consisted of a presentation by ENV, followed by a facilitated discussion by Mahihkan Management. The purpose of each session was to share information on what the Contaminated Sites Program does, explain how the Site Registry works, and hear feedback on making access to the Site Registry database free for First Nations.

A total of 29 individuals participated in the engagement sessions, 26 of whom represented a First Nation government. Representatives from the Aboriginal Housing Management Association, Emergency Planning Secretariat and a private company also attended. Also present were representatives from ENV along with an Elder, facilitator, notetakers and technical support staff.

Key Feedback

Based on an analysis of input provided in response to the questions posed, feedback was organized into six themes:

1. Opportunities the site registry will provide Indigenous communities, and how these tools will be used by community members.
2. Ensuring appropriate third-party access to the site registry.
3. Developing a monitoring process to assess the effectiveness of how First Nations communities can access the free database.
4. Processes for site remediation work such as: when parties are involved, governance in First Nations communities, and communication between interested parties.
5. Impacts of contaminated sites on Indigenous communities.
6. Proactivity among Indigenous communities in stopping site contamination by studying the causes and signs that lead to it.

Objectives

The Ministry of Environment and Climate Change Strategy is conducting a review of Site Remediation core services and contaminated sites information requests. The last service review was in 2007. Since then, the ministry has seen an increase in demand for site remediation services and an increase in resourcing needs to appropriately manage applications. This review provides an opportunity to simplify and clarify costs for services, ensure First Nations interests are considered, improve how site registry information is accessed, and ensure fees accurately reflect processing of contaminated sites services.

If the proposed changes are adopted, they will result in an amendment to the Contaminated Sites Regulation (CSR). Costs for contaminated sites services have been charged since 1996, enabled by section 62(1)(b) of EMA. Contaminated sites service fees are outlined in Schedule 3 of the CSR.

The goal of the information sessions was to build upon what was heard from past policy engagements (*Making Contaminated Sites Climate Ready*) and gain greater insight into First Nations perspectives with sessions that aimed to:

- Further understand the cultural and historical significance that contaminated sites hold for First Nation communities.
- Provide information on the Site Remediation Program and how it fits into ENV, as well as provide contact information on other government programs related to contaminated sites.
- Discuss some of the key aspects of the proposed enhancements to the Site Remediation Program, such as changes to the fee structure for land remediation core services.
- Discuss upcoming proposed changes and service enhancements, including updates to the site registry.
- Provide information on what is contained in the site registry, how it works, and how it can be used.
- Ask questions and hear feedback around providing free access to the site registry information for First Nations.

Engagement Structure and Overview

Two Zoom sessions were held with Indigenous community members to facilitate a discussion which raised the wants, needs, and concerns of communities, as well as feedback on the service enhancement. The sessions were held on February 13 and 14, 2024. Per Table 1, a total of 29 persons attended the two sessions, including 26 persons from First Nation Governments and 3 persons from other organizations. Appendix II provides a list of all participating organizations. Accounting for governments and organizations that dispatched multiple representatives to each session, or persons who attended both sessions, a total of 22 unique First Nations and 3 other organizations were represented. At each session there were also representatives from ENV along with an Elder, facilitator, notetakers and two technical support staff.

Virtual Webinar Session	Participants from First Nation Governments	Participants from Other Organizations	Total Participants
February 13, 2024	14	0	14
February 14, 2024	12	3	15
Total	26	3	29

Table 1 – Virtual Engagement Dates and Number of Participants by Affiliation.

Each virtual engagement session began with a welcome and territorial acknowledgement by the Indigenous Elder, followed by a presentation from ENV to provide an overview of the site remediation services and enhancement review process. After the presentation by ENV, participants were polled whether they had used the online site registry prior to the engagement. Per table 2, only 10% of the participants had any experience using the online site registry. A total 76% had no experience while 14% did not answer.

Virtual Webinar Session	Yes	No	No Answer	Total
February 13, 2024	3/21%	10/72%	1/7%	14
February 14, 2024	0/0%	12/80%	3/20%	15
Total	3/10%	22/76%	4/14%	29

Table 2 – Answer to Discussion Question #1

Respondent Comments

The participants in both sessions were then guided through a facilitated discussion of six open-ended questions:

1. What do contaminated sites mean to you and your community?

- Contaminated sites impact the health and safety of the community, and it is important to know what they are and where they are and how they impact the ecosystems. This is important to the future and immediate needs of First Nation communities. The sooner First Nation communities know the sooner the cleanup/reaction to environmental contamination which poses a risk to communities.
- One participant mentioned that there was a mine on a reserve in their community and that they had to work on a reclamation and closure plan. They mentioned human health impacts, ground water, and future land-use planning as some of the items that they were addressing.
- There was agreement in the chat that information needs to be shared with communities including information on the risks to water, land, wildlife, all beings in the interest of health & safety. This is especially important to watersheds, with climate changes happening it is continuously a huge concern.
- There were questions around the review process for contaminated sites and the assessment of surface and groundwater and who funds it.

2. What are your initial thoughts about the proposal for free access to contaminated sites data for First Nations? How might community members use this data for their own initiatives, projects, or decision-making processes?

- Access would be a great opportunity for information sharing.
- This access would also be useful for land use planning and implementation.
- Multiple participants shared that they would use the registry if the fees were waived and would incorporate it into their referral processes.
- Participants that use the registry regularly would benefit from free access.

- It is important to have information up front and accessible through free access for First Nations community members as it is helpful to the communities for their right to make decisions in their own territories (most current and up to date data to govern and be stewards over their own lands).
- Participant shared that they use the registry to track milestones and keep track of operations. After the site has been updated with significant milestones, participant goes out in-person to see the milestone.
- Operations in traditional territories can be tracked much more easily with communication through the registry.
- Participant shared that when operations do not properly operate on traditional property, their permits can be revoked for future operations.

3. What are appropriate methods for verifying individuals' eligibility for free access to the site registry? Is there potential value in extending free access to the site registry for individuals, including contractors, who may act on behalf of First Nations communities?

- Participant suggested using the email domains from each Nation to verify access.
- Participant shared that access should not be granted to contractors as it would provide information on other projects. They suggested that oil and gas companies can pay for access.
- Participant shared that consultants usually look at the registry on their behalf. Once access is free, the participant can look at the information themselves.
- Participant suggested applications for unique IDs among First Nations to access the registry.
- Participant suggested a system that recognizes a First Nations domain. There would be no waiting for permission. A lot of Nations have their own domain email addresses. This would also help with staff turnover, there would be no need to maintain a list of members with access.
- Participants shared that this topic would need to be answered by a different member, potentially the land manager. There was discussion around how Nations manage differently and making sure that the correct person is asked.

4. How do you perceive the potential challenges or risks associated with this initiative? What measures do you believe should be in place to monitor the effectiveness of this project?

- Participant shared a concern about contractors or consultants misusing access provided by a Nation. There should be parameters in place to mitigate this.
- Two-factor-authentication would work well to ensure appropriate access for band members and workers for these bands.
- Participant shared that the benefits which First Nations would receive would outweigh the risks.
- Participant shared that the oil, gas, and mineral exploration sector should pay for the costs of the systems, at least partially.
- Participant suggested a pilot program with selected members so that they can provide more detailed and consistent feedback. Multiple participants agreed to be part of this pilot program.
- There was general agreement that the idea needed to be brought back to the community to gather more feedback to bring to future discussions.
- One participant acknowledged that it would be difficult to navigate free access because each Nation has different perspectives and gave some examples of questions that could be asked Nations in order to give them the most useful information.
- Concern was expressed about how they need to deal with different ministries often for the same issues, and how this plays out, especially during emergencies. There are issues around dealing with several regulators at the same time.

Conclusion

The engagement sessions on the Site Remediation Enhancement Review afforded 29 people representing 22 unique First Nations and 3 other organizations a chance to comment on the ongoing process. The people attending these sessions were not well-versed in the existing system, with only 10% of the participants having used the site registry.

Overall, the review process is generally perceived to be moving in a positive direction regarding the question of free access to site registry information for First Nations and in terms of providing better

information. Comments received indicated the database would be utilized by more communities if they had free access. There is a desire to continue the dialogue using appropriate protocols to ensure that First Nation decision makers were represented in the process. There was interest expressed in forming a pilot project to help evaluate changes to the site registry system and the process chosen to receive free access to the site registry. All feedback received during the sessions help ENV ensure First Nation concerns, recommendations and perspectives are reflected in the proposed changes. Appendix 1 is a visual representation of the dialogue, comments and discussion that took place during the session

Appendix II – Participant List

Session #1: February 13, 2024 -

Total – Participants from First Nations	14
Total – Participants from Other Organizations	0
Total – All Participants	14

Session #2: February 14, 2024 -

Total – Participants from First Nations	13
Total – Participants from Other Organizations	2
Total – All Participants	15

Organizations of participants include:

First Nations:

Dease River First Nation
Doig River First Nation
Gitga'at First Nation
Haisla Nation Council
Halalt First Nation
Ktunaxa Nation Council
Kwikwetlem First Nation
Lax Kw'alaams Band
Lower Nicola Indian Band
Malahat First Nation
Mamalilikulla First Nation
Nisga'a Lisims Government
Salteau First Nations
Squamish Nations
Tahltan Central Government
Takla Nation
Taku River Tlingit First Nation
Tk'emlùps te Secwepemc
Tsawwassen First Nation
Tsay Keh Dene Nation
Ts'kw'aylaxw First Nation
Westbank First Nation

Organizations:

Aboriginal Housing Management Assoc.
Emergency Planning Secretariat
KDL Resource Management



SITE REMEDIATION SERVICE ENHANCEMENT REVIEW – FIRST NATIONS INFORMATION AND AWARENESS SESSIONS



WHO WE ARE

The Land Remediation Section of the Ministry of Environment and Climate Change Strategy (ENV) ensures protection of human health and the environment by regulating the identification, investigation, and cleanup of contaminated sites in British Columbia.

WHAT WE ARE DOING

ENV is continuing in-depth First Nation engagement as part of implementing the B.C. Declaration on the Rights of Indigenous Peoples Act with the goal of incorporating First Nation traditional knowledge, views and interests into future policies and laws relating to upcoming service enhancements for the management of contaminated sites in B.C.

The information and awareness sessions will focus on the following specific topics related to Land Remediation:

- Proposal to allow free access for First Nations to the Site Registry database (database of contaminated sites in the province); and
- Proposed Land Remediation Section service enhancements.

GOAL OF INFORMATION AND AWARENESS SESSIONS

The goal is to build on what we have heard from past policy engagements and gain greater insight and feedback from First Nation Peoples that will inform opportunities to improve the regulation of contaminated sites. To ensure success of future amendments to the Environmental Management Act (EMA) and the contaminated Sites Regulation (CSR), we continue to seek Indigenous perspectives with sessions that will:

- Provide information on the Site Remediation Section and how it fits into the ministry
- Discuss upcoming proposed changes and service enhancements, including updates to the site registry
- Provide information on what is contained in the contaminated site registry, how it works and how it can be used
- Ask questions and hear feedback around providing free access to the site registry information for First Nations



HOW YOU CAN PARTICIPATE

B.C First Nations, including governments, communities, youth, and Elders are invited to participate in a group virtual session with an experienced Indigenous facilitator. The Ministry is working with Mahihkan Management to facilitate these 2-hour sessions that will be documented by a graphic recorder.

SESSION DETAILS

SESSION #1 Tuesday 13th February: 10am-12pm

SESSION #2 Wednesday 14th February: 1:30-3:30pm

[Click here to register!](#)



MORE ABOUT MAHIHKAN MANAGEMENT:

Mahihkan Management is an Indigenous owned business that specializes in designing and delivering Indigenous engagements and events. Culturally and ethnically diverse, Mahihkan works with contractors representing many cultures, including Indigenous Peoples and have worked in collaboration with government and Indigenous led organizations to deliver engagements within B.C. and across Canada. For more information, visit mahihkan.ca.