



Tsawout First Nation Lands Department Policy No. 01-2009

A POLICY TO ESTABLISH THE COMMUNITY IMPACT ASSESSMENT REQUIREMENTS AND PROCEDURES

- WHEREAS** the Tsawout First Nation have inherent rights, customs, traditions and the inherent right to self-government as defined in the Douglas Treaty and reinforced through Section 35 of the *Constitution Act*;
- AND WHEREAS** Tsawout First Nation has jurisdiction and authority over Tsawout lands, resources and interests through Aboriginal title to their lands which is reinforced pursuant to the *Tsawout First Nation Land Code*, which came into force and effect on May, 29th, 2007;
- AND WHEREAS** Section 6 of the Land Code allows the Tsawout First Nation the authority to enact rules and procedures, to make policies ancillary to any laws with respect to the management of Tsawout Lands;
- AND WHEREAS** Tsawout First Nation has created a Land Community Procedures Law and this policy is needed to assist this law;
- NOW THEREFORE** the Chief and Council of the Tsawout First Nation in open meeting assembled, enacts as follows, the Community Impact Assessment Requirements and Procedures policy No. 01-2009.

1.0 DEFINITIONS

In this Policy the following definitions apply:

Applicant

means any of the following; the holder of a permanent interest or an agent authorized in writing to make the application on behalf of the holder of the permanent interest or the lease holder of a permanent interest;

Application

means a completed written request on the prescribed form and the appropriate fees paid requesting the issuance of a permit, an amendment to the Tsawout Comprehensive Community Plan or the Tsawout Zoning Law;

Appropriate Professional

means any professional listed in the table in section 7 that has expertise in the subject matter about which an Applicant may be required to provide a report under sections 3 to 6 of this policy;

Chief and Council

means the Chief and Council of the Tsawout First Nation;

Development Plan

means a specific plan associated with a lease with respect to how the site may be developed;

Fish Habitat

means aquatic environments deemed important for the life history of fish;

Lands Department

means the individuals that are employed by the Tsawout First Nation to work in this department. For clarification purposes the appointed Lands Manager is the formal contact person;

Parcel of Land

means any lot, identified in the First Nations Lands Registry System; that is applicable to the Tsawout First Nation lands;

Wildlife Habitat

means an area where any red or blue listed species, as specified by the British Columbia Conservation Data Centre, exist.

2.0 REQUIREMENTS

The Community Impact Assessment requirements may be required;

1. If the lands which are the subject of an application made by an Applicant have been designated as a Community Impact Assessment area under either the Comprehensive Community Plan or as determined in writing by the Lands Department, upon receipt of an application from an Applicant, shall determine whether and to what extent any Community Impact Assessment Information will be required in accordance with this policy.
2. Where Community Impact Assessment Information is to be provided, the information shall be provided by the Applicant, at the Applicant's cost, in the form of a report prepared by the appropriate professional as set out in the table included within section 7 to the Tsawout First Nation within 120 days of the Applicant receiving a written request from the Tsawout First Nation to provide a report.
3. If the Tsawout First Nation requires information in the form of a report related to transportation patterns, including traffic flow, the report must:

- (a) Estimate the number of additional vehicle trips per day to be generated by the proposed development and, in the case of phased development, by each phase of the development;
 - (b) Provide an analysis of the proposed development impact on existing public highways identified in the Comprehensive Community Plan receiving the increased traffic circulation, including vehicular capacity of the road, size and configuration of intersections, turning lanes, merging lanes, traffic lights and pullout areas;
 - (c) Provide an analysis of the impact of the traffic to be generated by the proposed development on nearby and adjacent uses of the land;
 - (d) Provide an analysis of the impact of the traffic to be generated by the proposed development on areas where there may be conflict with vehicles, including, without limitation, paths or walking trails and train crossings and other intersection points;
 - (e) Provide onsite parking and loading requirements and identify internal circulation routes of the proposed development;
 - (f) Provide a breakdown of traffic flows associated with the proposed development as follows:
 - i) Weekday and weekend traffic rates;
 - ii) Peak morning and evening traffic rates;
 - iii) Different rates associated with different land use activities;
 - iv) Percentage of in and out flows.
 - (g) Identify any highway upgrading, reconstruction, reconfiguration or expansion to the highways referred to in paragraph 3(b) that may be necessary in order to accommodate the additional vehicle trips per day to be generated by the proposed development, including the construction of or alterations to intersections, turning lanes, merge lanes, traffic lights and pullout area and their cost and potential funding sources; and
 - (h) Provide solutions to possible traffic problems in addition to those described in paragraph 3(g), including, without limitation, opportunities for facilitating transit use, and access by alternative highways.
4. If the Tsawout First Nation requires information in the form of a report relating to the impact of development on local infrastructure, the report must:
- (a) Estimate the demand to be generated by the proposed development for water, and in the case of phased development, by each phase of the development;
 - (b) Provide an analysis of existing public water systems and the options available for the supply and delivery of water to the proposed development;

- (c) Provide an analysis of existing systems for disposal and treatment of sewage, if any, and the options available for the treatment and disposal of sewage from the proposed development;
 - (d) Estimate the amount of surface drainage waters that would be generated by the proposed development and the options available for collection, storage and disbursement of such drainage;
 - (e) Identify any possible deficiencies of the current water, sewer and drainage systems in dealing with the proposed development; and
 - (f) Identify the new capital works required for the proposed development for water, sewer and drainage systems and their cost and the potential funding sources for these expenditures.
5. If the Tsawout First Nation requires information in the form of a report relating to the impact of development on the natural environment, the report must:
- (a) Identify on the site of the proposed development any of the following physical features, both surface and subsurface:
 - i) Wet lands and bogs;
 - ii) Streams, creeks or rivers, either permanent or intermittent;
 - iii) Lakeshore regions;
 - iv) Foreshore regions;
 - v) Steep slopes;
 - vi) Flora and fauna;
 - vii) Groundwater - quality and quantity;
 - viii) Fish and Wildlife Habitat;
 - ix) Wildfire hazard interface areas;
 - x) Soil conditions;
 - xi) Surface water drainage patterns; and
 - xii) Bedrock.
 - b) Estimate the volumes of surface drainage waters that would be directed to watercourses and the methods to be used to ensure that contaminants are not released into these waters as a result of the proposed development, and in the case of phased development, each phase of the development;
 - (c) Examine the proposed development impact on the discharge of surface drainage waters in relation to Fish Habitats;
 - (d) Examine the potential for the slipping of soil, sand or silt into water courses as a result of the construction of buildings and structures and the installation of paved areas and the removal of trees and other vegetation in connection with the proposed development;

- (e) Examine the impact of the proposed development on the forest, if any, including the trees and under storey, by determining the number and type of trees and type and extent of vegetation, which would be removed to accommodate the proposed development;
 - (f) Examine the impact of the proposed development on the Fish and Wildlife Habitat, if any, and alteration of the native fauna associated with such habitat;
 - (g) Examine the impact of any proposed road and bridge construction on the watercourses and the banks of such watercourses;
 - (h) Provide a plan of revegetation to be undertaken by the Applicant during and following the construction of the proposed development to preserve disturbed soils, prevent erosion and sloughing and restore native flora;
 - (i) Examine the site's natural environmental features;
 - (j) Examine how the development may impact the environment on the site of the development and adjacent properties;
 - (k) Examine how the Applicant proposes to mitigate any potential impacts on the environment; and
 - (l) Identify how the Applicant intends to ensure that no foreign materials enter into any water courses, including, without limitation, greases, oils, gasoline, sediments and other contaminants during and after the construction phase of the development.
6. If the Tsawout First Nation requires a report containing information relating to community services and public facilities, the report must:
- (a) Identify the local community services that would be affected by the development including, without limitation, any of the following: the provision of school services, protective services such as fire and police, health care, and recreational services;
 - (b) Examine the potential financial impacts of the development on the existing community services and public facilities;
 - (c) Examine the impact of the development on the number of users of existing community services and public facilities;
 - (d) Outline any potential costs and identify possible strategies to mitigate against the potential impacts, including, an outline of the potential funding sources for the provision of additional community services and public facilities that may be required as a consequence of the development.
7. The required Community approval information must be prepared by an Appropriate Professional as outlined in the table below:

TYPE OF INFORMATION	CONSULTANT
Transportation	Traffic Engineer (P. Eng.)
Local Infrastructure	Civil Engineer (P. Eng.)
Natural Environment	Registered Professional Biologist (R.P. Bio) Hydrological Engineer (P. Eng.) Geotechnical Engineer (P. Eng.) Professional Geologist (P. Geo.) Member of Canadian Institute of Planners (MCIP) Registered Professional Forester (RPF) Architect (MAIBC) Landscape Architect (BCSLA) Professional Agrologist (P. Ag.)
Public Facilities and Community Services	Member of Canadian Institute of Planners (MCIP) Architect (MAIBC) Civil Engineer (P. Eng.)

8. If a report includes text and maps, the maps are to be drawn at a scale of 1:2000 or, with the approval of the Tsawout First Nation, at a scale of 1:5000;
9.
 - (1) Within 60 days of receiving a report from an Applicant, the Tsawout First Nation will decide whether the report is complete.
 - (2) If the Tsawout First Nation decides a report is incomplete or deficient it will notify the Applicant in writing of the nature of the deficiencies within 80 days of receiving it from the Applicant and the Applicant must resubmit the corrected report within 40 days of the Tsawout First Nation's notification that the report is incomplete or deficient.
10. The Tsawout First Nation may distribute a report and publicize the results of a report.

Tsawout First Nations Community Impact Assessment Policy No. 01-2009 is hereby endorsed and accepted by the Chief and Council at a meeting held January 21, 2009.

Chief Allan Claxton