



Island Rail Corridor

Interests and Possible Uses Assessment

Fall 2022 First Nations Engagement Summary Report



Ministry of
Transportation
and Infrastructure



Acknowledgement

The BC Ministry of Transportation and Infrastructure and the Island Corridor Foundation would like to thank the First Nation communities listed below who were involved in this engagement process. We acknowledge the direct impacts the Island Rail Corridor has on these Nations and that the corridor lies within each of their traditional territories:

- Esquimalt Nation
- Songhees Nation
- Malahat Nation
- Cowichan Tribes
- Ts'uubaa-asatx Nation (Lake Cowichan First Nation)
- Halalt First Nation
- Stz'uminus First Nation
- Penelakut Tribe
- Snuneymuxw First Nation
- Snaw-Naw-As First Nation
- Qualicum First Nation
- Hupačasath First Nation
- Tseshaht First Nation
- K'ómoks First Nation

This report was prepared by Lucent Quay Consulting Inc., on behalf of the Ministry of Transportation and Infrastructure and the Island Corridor Foundation. Lucent Quay is a Vancouver-based communications and engagement firm retained by the Ministry to support the engagement process and provide independent analysis of the engagement input.

Note that the input received reflects the interests and opinions of Indigenous community representatives who participated in this engagement process.



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1 Engagement Background

1.1 Purpose

The Ministry of Transportation and Infrastructure (MoTI) is partnering with the Island Corridor Foundation (ICF) to facilitate engagement with municipal and regional district staff and Indigenous Groups who are directly impacted by the corridor, regarding interests and possible future uses for the Island Rail Corridor (IRC).

The purpose of engagement during fall 2022 was to understand interests and potential short, medium and long-term opportunities for the IRC as a transportation corridor, or otherwise, subject to funding and ensuring First Nations interests are appropriately addressed. The goal was to confirm First Nation and stakeholder interests and concerns related to the corridor, seek factual information around use of the corridor (regardless of mode and including non-transportation related use), and to identify potential funding opportunities (financial or in kind) to help defray costs.



Engagement was conducted in two separate streams – MoTI and ICF jointly conducted meetings with First Nations, while MoTI conducted meetings with municipal and regional government staff and key stakeholders.

1.2 Participation

On August 26, 2022, MoTI sent invitations to 14 First Nations, in whose territory the IRC located. As of January 20, 2023, MoTI and IRC met with nine First Nations located along the corridor and received written correspondence from six Nations.

Similarly, on August 29, 2022, MoTI sent invitations to staff at 29 municipal/regional governments and key stakeholder groups. Between September 8 and October 31, 2022, MoTI met with 23 of these groups. At the recommendation of the Township of Esquimalt, a meeting was subsequently scheduled with the Department of National Defence - CFB Esquimalt on December 1, 2022.

Island Rail Corridor Overview Map



Connects 13 municipalities, 5 regional districts, and several First Nations.

Bisects 8 Reserves (7.2 km). Directly adjacent to 1 Reserve.

2 Engagement Overview

2.1 Island Rail Corridor Background

The Island Rail Corridor (formerly known as the E&N Rail Corridor) is approximately 289 km long, running between Victoria and Courtenay with connections between Parksville and Port Alberni and to the Nanaimo waterfront. The railway is currently owned by the ICF and operated under contract by the Southern Railway of Vancouver Island. The rail line has fallen into disuse in recent years, except for freight traffic on a spur line in the Nanaimo area, and restoration of rail service would require substantial funding from government.



In April 2020, MoTI commissioned an “all-in” condition assessment of the entire Island Rail Corridor (Victoria to Courtenay [Victoria subdivision], Parksville to Port Alberni [Port Alberni subdivision], Wellcox Spur and Wellcox Yard). This assessment was undertaken to establish a complete and accurate picture of the railway infrastructure, from ties and track to grade crossings and bridges. The condition assessment includes estimated costs to upgrade infrastructure to restore rail freight operations and passenger service. It also includes the estimated cost of upgrading the rail line to meet the standards needed to implement a Commuter Service with frequent train service between Victoria and Langford, as well as Inter-City service between Victoria and Courtenay.

Subsequently, ICF completed its own business plan in May 2022 proposing to restore passenger and freight rail service to Vancouver Island by upgrading the existing Island Rail Corridor.

As a result of the court-imposed timeline for the Federal Government to make a funding decision by March 2023, the Ministry initiated an engagement process, involving meetings with municipal and regional district staff, key stakeholders and First Nations groups.

2.2 Engagement Purpose

In late August 2022, the Ministry issued invitations to 14 First Nations, as well as 29 municipal and regional government and key stakeholder groups, to participate in meetings to provide an update on completed and planned corridor-related studies.

The purpose of this engagement is to identify potential short, medium and long-term opportunities for the use of the IRC as a transportation corridor, or other potential uses. Feedback received will be considered by both the provincial and federal governments and inform their decision with respect to funding and continued use of the corridor, in advance of the court-imposed deadline.

2.3 First Nations Participation

MoTI invited and conducted meetings with First Nations as noted in the table below. Meetings at which representatives from IRC also attended are noted with an asterisk (*):

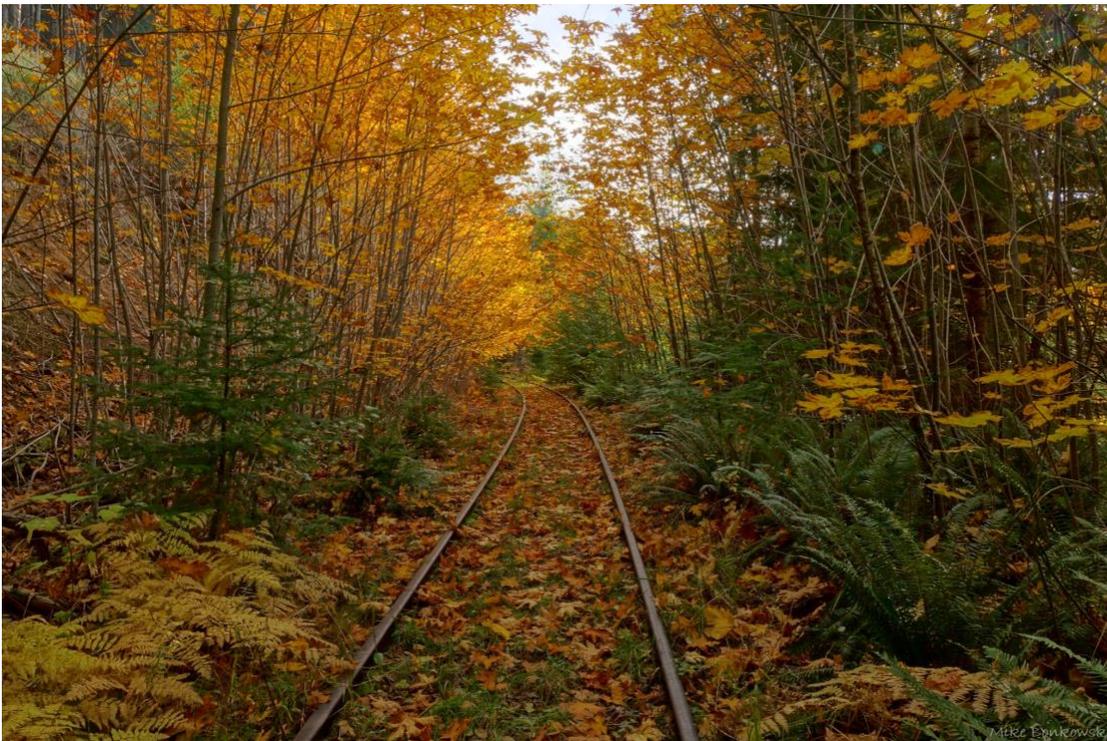
First Nation	Meeting Date
Cowichan Tribes	Unable to confirm a meeting date Written response received
Esquimalt First Nation	October 26, 2022*
Halalt First Nation	October 7, 2022* Written response received
Hupacasath First Nation	Unable to confirm a meeting date
K'omoks First Nation	November 23, 2022*
Malahat Nation	November 1, 2022
Penelakut Tribe	Unable to confirm a meeting date
Qualicum First Nation	Unable to confirm a meeting date Written response received
Snaw'Naw'As Nation	December 6, 2022 Written response received
Snuneymuxw First Nation	September 26, 2022 Written response received
Songhees Nation	December 1, 2022 Written response received
Stz'uminus First Nation	Unable to confirm a meeting date
Tseshat First Nation	November 4 & December 8, 2022 Written response received
Ts'uubaa-asatx Nation	October 17, 2022*

2.4 Engagement Topics and Materials

MoTI invited participation in the engagement through letters distributed by email to First Nations on August 26, 2022 and to municipal and regional district staff and key stakeholders on August 29, 2022. A sample of the Indigenous engagement notification letter is included in Appendix A

During each scheduled meeting, an agenda of proposed discussion topics was outlined as follows:

- Welcome and introductions
- Acknowledgements and purpose
- Open discussion
- Next steps and action items





3 First Nations Engagement Results

3.1 General Themes

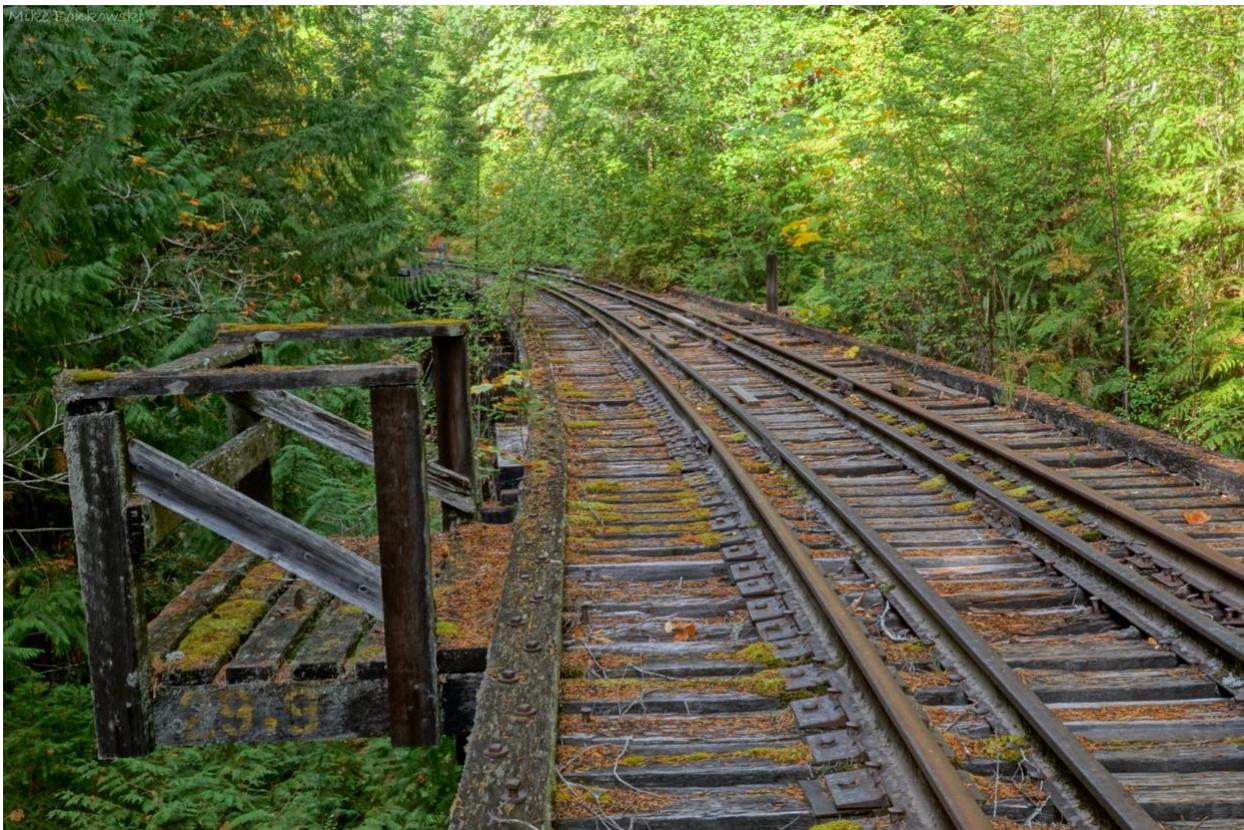
- Mutual desire to engage in open and honest dialogue and relationship building.
- The Island Rail Corridor runs directly through or adjacent to several First Nations communities and traditional territories and, in some instances, restricts access to areas within the community. Given the impacts of the corridor on some of these communities, there is limited interest in restoring rail service, in its current location(s).
- The potential for Nations to develop portions of the corridor that cross their communities could provide significant employment and economic development opportunities. Mutually beneficial land swaps could be considered to maintain the corridor, while providing Nations with access to anticipated employment and economic benefits.
- Continued concern and ongoing harmful impacts related to how land was taken for the original E&N corridor.
- Ongoing outstanding legal challenges create uncertainty and are delaying future planning and development.
- Expectation that the past and future impacts of the IRC will be reconciled, particularly given the untapped economic potential that otherwise would accrue to First Nation communities. Some Nations are making plans for alternate use of these lands if rail service is not reactivated, while some expressed interest in joint/partial ownership of a new service.
- Informal, engagement discussions do not satisfy the Crown's duty to consult and formal consultation is required to understand the nature of the decision to be made and how it will impact Nations' rights.
- Concern about community health and safety implications of living near an active rail corridor, and the potential unintended consequences of any sanctioned corridor (e.g., encampments, unfunded/downloaded maintenance requirements, influx of non-Indigenous people within Indigenous lands, impact on animal crossing corridors, flooding impacts, induced demand for travel, etc.).

- Openness to considering non-rail transportation use due to the potential environmental benefits; however, differing views on best potential use. Some indicated support for another form of commuter transit such as light rail or rapid bus to reduce the number of cars; some supported freight transportation to reduce the number of trucks; and others supported a green/active transportation corridor. However, use of the corridor for bikeways, trails or other forms of transportation should be secondary to Nations' interests.
- Preference for priority use as a utility corridor, including to address flooding and to support provision of fibre optic service/natural gas to First Nation communities.

4 Looking Ahead

4.1 Next Steps

The feedback provided and documented in this engagement summary report will be shared with the Government of Canada and other decision-makers in advance of the March 14, 2023, deadline, imposed by Federal Court of Appeal, to determine public interest and funding for the corridor. Additional technical analysis on the potential demand for freight service and the economic value of an alternative to the Malahat Highway and other choke points along the corridor will also be considered as part of the assessment.



Appendix A Notification

Sample First Nation engagement notification letter



August 26, 2022

«First Nation»

«Address»

«City», «Prov», «Postal_Code»

Dear Chief & Council,

Re: Invitation to discuss the future of the Island Rail Corridor

I hope this letter finds you and your community well. I am reaching out on behalf of the Ministry of Transportation and Infrastructure (MoTI) and, in partnership with the Island Corridor Foundation (ICF), as we wish to engage with your Nation to discuss the future of the Island Rail Corridor on Vancouver Island

About the Island Rail Corridor

The Island Rail Corridor (formerly known as the E&N Rail Corridor) is approximately 289 km long, running between Victoria and Courtenay with connections between Parksville and Port Alberni and to the Nanaimo waterfront. The railway is currently owned by the ICF and operated under contract by the Southern Railway of Vancouver Island. The rail line has fallen into disuse in recent years, except for freight traffic on a spur line in the Nanaimo area, and restoration of rail service would require substantial funding from government.

In April 2020, MoTI commissioned an “all-in” condition assessment of the entire Island Rail Corridor (Victoria to Courtenay [Victoria subdivision], Parksville to Port Alberni [Port Alberni subdivision], Wellcox Spur and Wellcox Yard). This assessment was undertaken to establish a complete and accurate picture of the railway infrastructure, from ties and track to grade crossings and bridges. The condition assessment includes estimated costs to upgrade infrastructure to restore rail freight operations and passenger service. It also includes the estimated cost of upgrading the rail line to meet the standards needed to implement a Commuter Service with frequent train service between Victoria and Langford, as well as Inter-City service between Victoria and Courtenay.

Subsequently, ICF completed their own business plan in May 2022 proposing to restore passenger and freight rail service to Vancouver Island by upgrading the existing Island Rail Corridor.

Please find both assessments attached for your information.

Engagement

As a result of the court-imposed timeline for the Federal Government to make a funding decision by March 2023, the Ministry would like to initiate engagement with your Nation as soon as possible.

MoTI understands that the corridor runs through your territory, we want to ensure we are engaging directly with your Nation. MoTI, in partnership with the ICF would like to meet with your Nation to understand your views and interests regarding rail service and the short- and long-term usage of this corridor.

MoTI plans to reach out to schedule a meeting with your Nation by Early September, 2022. If your Nation has any information to help inform the review of the corridor, please contact me directly at morganne.franssen@gov.bc.ca or 250-218-3708 .

Sincerely,



Morganne Franssen
Senior Advisor, Indigenous Relations, MoTI

Cc:

Janelle Staite, Regional Deputy Director, MoTI
Larry Stevenson, Chief Executive Officer, ICF

Attachments:

- Overview Map
- Link to May 2022 Island Corridor Foundation Business Case: <https://www.islandrail.ca/press-release-icf-initial-business-case/>
- Link to April 2020 MoTI Condition Assessment and 2010 Evaluation (including subsidy/ticket pricing): <https://www2.gov.bc.ca/gov/content/transportation/transportation-reports-and-reference/reports-studies/vancouver-island>