



K'ómoks Treaty Public Engagement

What We Heard

May 2023



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Acknowledgement

Thank you to everyone who generously gave their time and so openly shared their stories, lived experiences, hopes, frustrations and optimism.

This report was gratefully produced in the territory of the K'ómoks First Nation, who have lived on this land since time immemorial.

Executive Summary

From May 2022 to October 2022, K'ómoks First Nation and the governments of Canada and B.C. engaged with local communities in K'ómoks First Nation territory to raise awareness about the close of treaty negotiations. This report describes the engagement activities and participation rates, including feedback and questions collected during engagement, along with responses given from the negotiating partners.

Engagement process and activities



7 Local government presentations



4 Open houses/public engagement sessions with 340 participants



4 Community events

Open house promotion



4000 Flyers



60 Email invitations sent to community groups and service clubs



300+ Letters sent to owners of property adjacent to proposed treaty lands

What we heard

Key areas of interest included:

- treaty land use
- public access to treaty lands
- access to private lands from treaty lands
- development standards and regulations
- environmental stewardship
- law-making authority

Introduction

Treaties are an important part of advancing reconciliation and creating a foundation for renewed nation-to-nation relationships guided by the United Nations Declaration on the Rights of Indigenous Peoples and the Truth and Reconciliation Commission's Calls to Action.

The Government of Canada (Canada), the Government of British Columbia (B.C.) and K'ómoks First Nation (K'ómoks) have been in treaty negotiations since 1994. In 2012, an Agreement-in-Principle (AIP) was signed establishing the essential points of agreement, including the initial land package. The negotiations are expected to close in 2024.

The K'ómoks Treaty is intended to create jobs, promote investment and economic development, build housing, support tourism, encourage investments in infrastructure and support social well-being for the K'ómoks First Nation community, all of which will benefit the entire Comox Valley and surrounding area. The K'ómoks Treaty will support K'ómoks to rebuild internal structures and provide autonomy to make decisions for their community. The K'ómoks Treaty will recognize the pre-existing rights and title of the K'ómoks First Nation and provide the basis for a revitalized relationship between all governing bodies and their neighbours through mutual understanding and economic predictability in the region.

Engagement with local governments, interest groups, tenure and permit-holders, and adjacent landowners has taken place over the years. As negotiations are drawing to a close, public engagement on the treaty is essential for building awareness, strengthening relationships in the region and advancing reconciliation.

Engagement Process

B.C.'s Ministry of Indigenous Relations and Reconciliation (MIRR), Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC) and K'ómoks First Nation partnered to prepare a suite of communication tools, present to local governments, and plan and deliver public engagement sessions. Collaboration with other provincial ministries was important for successful delivery. The BC Treaty Commission (BCTC) also supported engagement and education about the treaty process.

K'ómoks First Nation, B.C. and Canada worked together on the engagement planning to:

- raise awareness and develop strong local relationships with K'ómoks and local governments,
- support long-term, good neighbour relations, and
- engage people in respectful dialogue on the issues that matter to them.

The outcomes of the K'ómoks Treaty discussions are subject to consultation with First Nations with overlap or shared territory interests. As a result, Canada and B.C. have been

consulting with these First Nations on an ongoing basis. Updates were also delivered to Members of the Legislative Assembly (MLA) and local governments to ensure local community leaders were knowledgeable about the treaty overview and aware of the public engagement process. Engagement has been ongoing with interest holders, individuals, and companies with a legal interest on or near proposed treaty land. Broad public engagement was an important step during the final phase of negotiations.

Engagement Activities

Ministry staff held briefing sessions with MLAs, and all treaty negotiation partners delivered presentations to local government on the process, timelines and proposed land package (see Appendix A). In the spring of 2022, prior to public engagement, approximately 300 letters were sent to owners of property adjacent to proposed treaty lands. These letters included maps showing their property in relation to proposed treaty lands and encouraged them to contact negotiators and attend public engagement sessions with any questions or concerns.

The treaty partners hosted three in-person public open houses in K'ómoks First Nation territory at community-oriented venues. Venues were wheelchair accessible, and COVID-19 safety plans were implemented to ensure public health regulations were in place. A virtual open house was also held to allow people to find out more from the comfort of their home and to ensure a broader geographical reach.

Public open houses were well attended:

- more than 180 participants in Courtenay at the Comox Valley Regional District boardroom
- 60 participants in Union Bay at the Union Bay Community Club
- 30 participants in Sayward at the Kelsey Recreation Centre
- 70 participants attended the virtual session

The treaty partners also attended four community events throughout the summer to share information and promote the public open houses:

- Market Days (Cumberland)
- Bay Days (Union Bay)
- Canada Day (Courtenay)
- B.C. Day (Comox)

What We Heard

Two key themes emerged from these discussions:

- high levels of support for the treaty and reconciliation broadly
- a desire to see reconciliation advance more quickly



Figure 1: Negotiators from K'ómoks, B.C. and Canada attending a Canada Day event in Courtenay Summer 2022.

We also heard many important questions and concerns outlined in the following table.

Themes	Questions and Concerns	Provincial Response
Access and land use	Why isn't the land package more substantial?	<p>Modern treaty land packages are largely based on available provincial Crown lands (with some federal Crown lands where available). Due to the historical Esquimalt & Nanaimo Railway Land Grant, Crown land is scarce within the territory of K'ómoks First Nation to provide as treaty lands.</p> <p>During the public open houses and other events, maps were shown that described the Agreement-in-Principle lands which are already publicly available and total approximately 1,749 hectares. Negotiations are ongoing and additional lands have been identified that may be included in the treaty. The total lands identified equal approximately 5055 hectares. These lands are still confidential but will be shared with the public prior to the signing of the treaty. The treaty will also identify lands that can become treaty lands if acquired by K'ómoks in the future.</p>

Themes	Questions and Concerns	Provincial Response
	What are K'ómoks' plans for the lands?	K'ómoks will undertake land-use planning for treaty lands to determine how best to use the lands. K'ómoks will manage, zone and develop its treaty lands as it sees fit. The treaty identifies some lands that will remain publicly accessible.
	What will be the difference in treaty lands: private, public, tribal park (and Indian Reserve)?	Most of K'ómoks treaty lands will be private. The public will only be allowed access to these lands with permission from K'ómoks. There are also public lands and tribal parks, which will be publicly accessible. For example, Sandy Island and the Seal Islets will always remain as a publicly accessible park. Wildwood Forest Tribal Park is an exception in that it will remain publicly accessible for 49 years, at which point K'ómoks may decide how they would like to manage this land.
Development standards and regulation	Will they be subject to local government zoning? Why not?	Treaties recognize the inherent right of First Nations to self-govern. While there may be a small number of parcels that will be subject to local government zoning, the majority of their lands will be regulated by the government of K'ómoks.
	Will there be continuity of land use with neighbouring land parcels?	Treaties enable First Nations governments to work collaboratively and harmonize land-use planning with local governments.
Environmental stewardship	Will K'ómoks have a servicing agreement with the Regional District for water?	K'ómoks already has a servicing agreement with the Regional District for sewer and water. This will continue upon treaty effective date.
	Given the shortage of water in the region, how do we ensure equitable distribution of water allocation?	The treaty identifies the water allocation to be set aside through the establishment of a treaty water reservation to support development of K'ómoks treaty lands.
Woodlots	What happens to the woodlots proposed to	Due to the scarcity of Crown lands, three woodlots are being considered for future additions to the treaty within the Comox Valley.

Themes	Questions and Concerns	Provincial Response
	become treaty lands in the future?	These woodlots are adjacent to treaty lands and are within K'ómoks core territory. B.C. is working directly with the woodlot owners to identify ways to address their interests.
Recreational opportunities	Will there be a loss of access to lands for recreating?	<p>Public access will continue throughout the public lands as well as the tribal parks identified in treaty. For example, Sandy Island and the Seal Islets will always remain as a publicly accessible park.</p> <p>One exception is Wildwood Forest Tribal Park, which will remain publicly accessible for 49 years, at which point K'ómoks will decide how they would like to manage this land.</p> <p>All other treaty lands will be private lands. Public access will be subject to agreement by K'ómoks.</p>
Reconciliation, rights and title	Will there be extinguishment of rights, assurances against future claims?	Treaties do not extinguish or modify rights. They are living agreements that can evolve over time. Treaties create the foundation for renewed relationships between the Indigenous group, in this case K'ómoks, B.C. and Canada to build a stronger future.
	When is reconciliation complete?	<p>Reconciliation involves a paradigm shift in thinking and action including:</p> <ul style="list-style-type: none"> • recognition of the ongoing presence and rights of Indigenous Peoples in B.C. • addressing ongoing harms and healing • supporting strong and healthy communities, and • advancing self-determination for Indigenous Peoples. <p>Reconciliation will not be complete until these four points have been addressed.</p>
Funding	How much cash will K'ómoks receive? Is funding ongoing?	Funding arrangements and amounts are confidential through treaty negotiations. Funding will be a mix of one-time and ongoing funding.

Themes	Questions and Concerns	Provincial Response
Law making	Will members of the K'ómoks First Nations be subject to the same laws as non-First Nations?	The treaty would enable K'ómoks First Nation to make certain laws, such as those for zoning, education (K-12 and post-secondary), marriage and more. Federal and provincial laws, including the <i>Canadian Charter of Rights and Freedoms</i> , will continue to apply. Where there is conflict, the treaty will set out which law prevails. Local government bylaws do not apply on treaty lands.
Consultation with other First Nations	How will the concerns of First Nations with overlap territories be addressed?	<p>Canada and B.C. are working through a variety of reconciliation processes with First Nations to negotiate long-term living agreements to:</p> <ul style="list-style-type: none"> • recognize and implement self-determination, • address Free, Prior and Informed Consent (decision-making in their territories) • implement a recognition of rights approach (inherent rights are not modified or extinguished), and • partner on shared initiatives, such as stewardship and resource management. <p>These are complex processes that require respectful dialogue with and between Canada, B.C. and First Nations.</p> <p>The outcomes of the K'ómoks Treaty discussions are subject to ongoing consultation with First Nations with overlap or shared territory interests.</p>
Nationality	Will K'ómoks members still be Canadians?	Yes.

Reconciliation Actions

Open house participants were invited to share their thoughts and actions for participating in reconciliation.



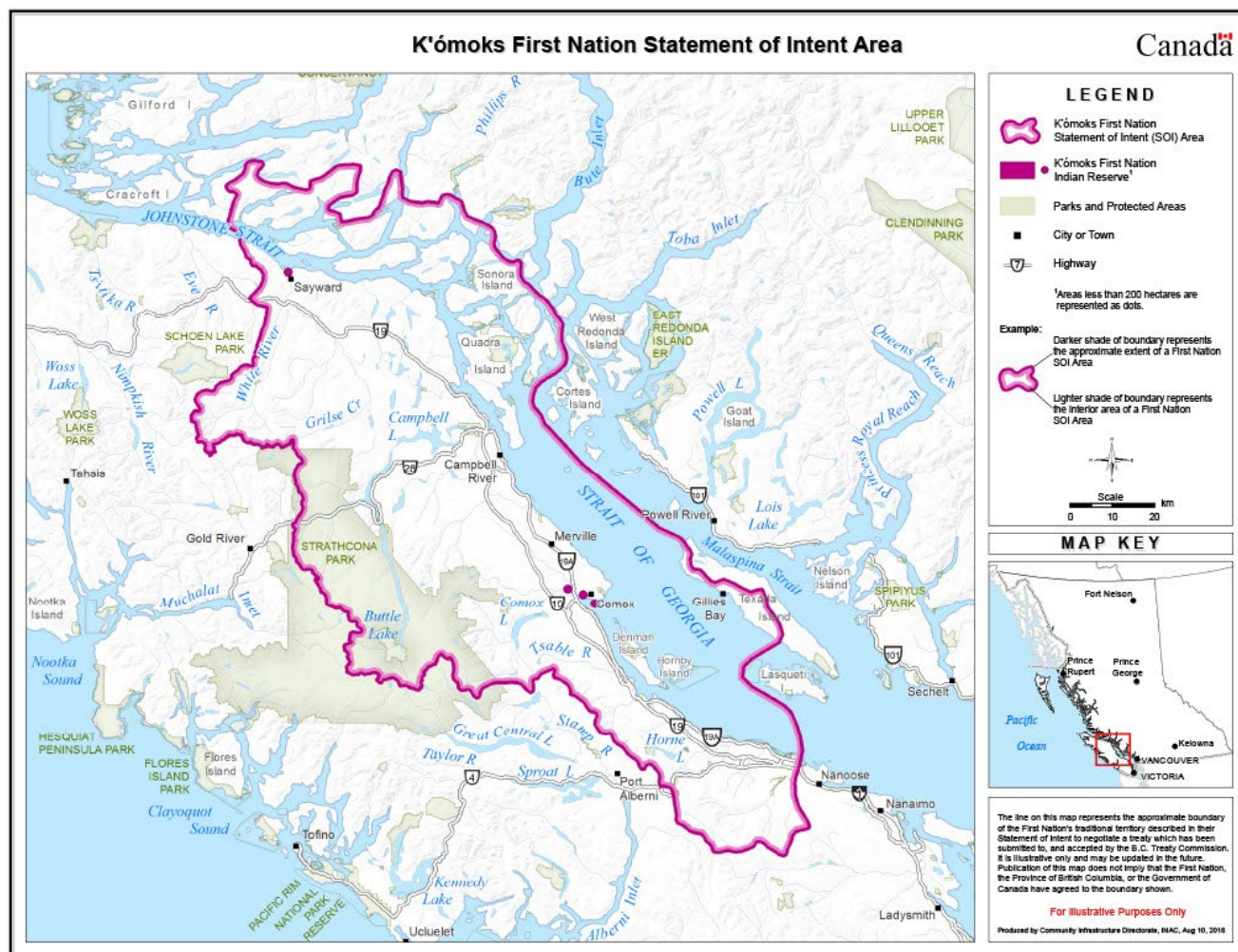
Figure 2: Display board with responses from members of the public provided at open houses.

What's Next

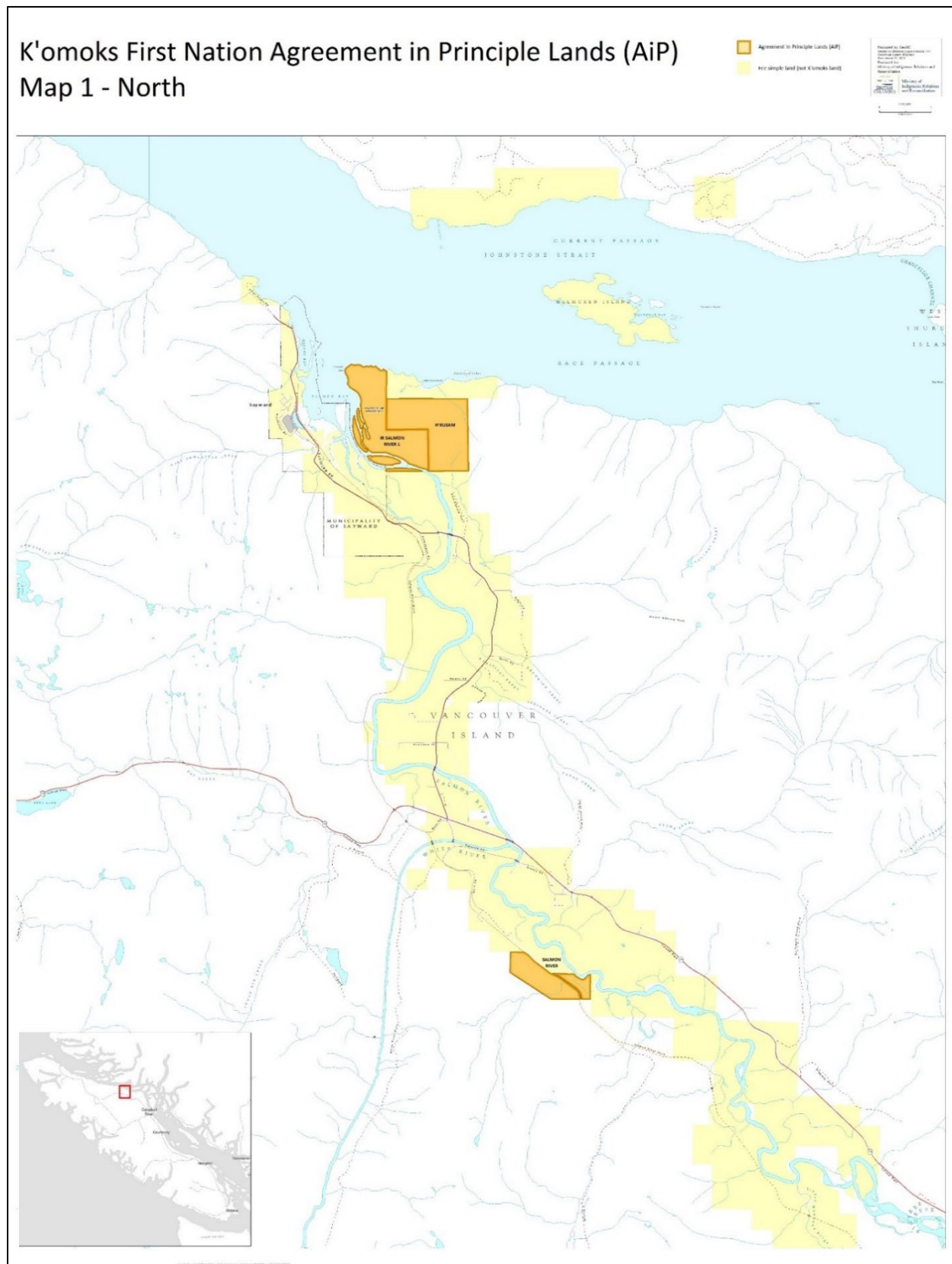
Further outreach and engagement with local communities will be undertaken throughout the close of negotiations and implementation of the treaties.

Appendix A – Maps

Map 1: K'ómoks First Nation Territory. Treaty lands have been identified within this area.



Map 2: K'ómoks First Nation Agreement in Principle Lands



K'omoks First Nation Agreement in Principle Lands (AiP)

Map 2 - South

Legend:

- Agreement in Principle Lands (AiP)
- Agreement in Principle Lands (AiP) - Initial Park or Public Land
- K'omoks current fee simple land
- Fee simple land (not K'omoks land)

Map 2 - South

This map displays the southern portion of Vancouver Island, highlighting the K'omoks First Nation Agreement in Principle Lands (AiP). The map includes various land parcels, some labeled as 'WILLIAMS BEACH PUBLIC LAND', 'MOUNT WASHINGTON', 'WOOD-MOUNTAIN PUBLIC LAND', 'PORTLEIGH W.I.', 'BURNHAMTHORPE (FORMER MILL SITE)', 'COMOX W.I.', 'GOOSE SPIT', 'GOOSE SPIT #1', 'SAGE HILLS', 'BOSTON FOREST', 'OLY PUBLIC LAND', and 'SAGE ISLAND TRIBAL PARK'. The map also shows the Strait of Georgia, Comox Lake, and the municipalities of Courtenay and Comox. An inset map shows the location of the study area within Vancouver Island.