

Te'mexw Treaty Association Treaties Public Engagement

What We Heard May 2024



TE'MEXW
TREATY ASSOCIATION



Malahat



Songhees



T'Sou-ke Nation



**BRITISH
COLUMBIA**

Canada 

Contents

Acknowledgement	2
Executive Summary.....	2
Introduction.....	3
Engagement Process and Activities	4
What We Heard	5
<i>Treaty / Reconciliation</i>	6
<i>Governance</i>	8
<i>Law Making</i>	9
<i>Treaty Land</i>	10
<i>Land-use Planning, Access and Servicing</i>	11
<i>Economic Development</i>	12
<i>Douglas Treaty</i>	13
Reconciliation Actions.....	14
What's Next	14
Appendix A – Treaty Lands	15
<i>T'Sou-ke Nation Proposed Treaty Land</i>	15
<i>Malahat Nation Proposed Treaty Land</i>	16
<i>SC'IA/NEW First Nation Proposed Treaty Land</i>	17
<i>Snaw-Naw-As First Nation Proposed Treaty Land</i>	18
<i>Songhees Nation Proposed Treaty Land</i>	19
Appendix B – Learn More.....	19

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 based on engagement activities conducted within the territories of the five Coast Salish Nations of the Te'mexw Treaty Association — Beecher Bay (SC'IANEW), Malahat, Snaw-Naw-As, Songhees, and T'Sou-ke — whose people have inhabited this land since time immemorial.

Executive Summary

Established in 1994, Te'mexw Treaty Association (TTA) is a non-profit society formed of five Coast Salish Nations — Beecher Bay (SC'IANEW), Malahat, Snaw-Naw-As, Songhees and T'Sou-ke. The Te'mexw Member Nations joined to support one another and to work together as one organization to negotiate five Nation-specific modern treaties with the federal and provincial governments in the British Columbia Treaty Commission (BC Treaty Commission) treaty negotiations process.

In spring 2023, TTA, the Government of Canada (Canada), the Government of British Columbia (B.C.) engaged with local communities in the Nations' territories to raise awareness about these treaty negotiations and the timelines required to reach final agreements.

B.C.'s Ministry of Indigenous Relations and Reconciliation (MIRR), Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC) and TTA partnered to prepare communication tools, make presentations to local governments, and plan and deliver public engagement sessions. The BC Treaty Commission also provided support for engagement and education regarding the treaty negotiations process.

This report describes the engagement activities and participation rates, including feedback and questions collected during engagement, along with responses given from the negotiating partners.

Informing the Te'mexw Member Nations



5

One community meeting in each of the five Te'mexw Member Nations: Songhees, Malahat, T'Sou-ke, Snaw-Naw-As (Nanoose), and Beecher Bay (SC'IANEW)

Open house promotion



20+

Distinct media engagements: News releases, media coverage (CBC, Times-Colonist, CHEK TV), print ads



700+

Email invitations to interested parties and local elected officials



10+

Distinct online engagements: Social media posts by local partners, govTogetherBC site and distribution list, online ads

Engagement activities



6

Local government presentations



8

Open house public engagement sessions (563 attendees)



2

Virtual public engagement events via Zoom (59 attendees)



1

Virtual B.C. government staff event (141 attendees)



3

B.C. government staff open house events (104 attendees)

Introduction

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

Treaties empower First Nations to step out of the *Indian Act* framework, create partnerships, expand economic development and support the social well-being of their communities.

Canada, B.C. and TTA have been in treaty negotiations since 1995. In 2015, an Agreement-in-Principle (AIP) was signed that established the essential points of agreement, including the initial land package. The TTA Treaty negotiations are now in stage 5 of the BC Treaty Commission treaty negotiations process. The negotiations are approaching the final stage.

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 each of the five treaties is essential for building awareness, strengthening relationships in the region and advancing reconciliation.

The term "modern treaty" is used to distinguish the new treaties being negotiated from the Douglas Treaties signed, which occurred in the 1850s. Whether or not members decide to vote for a modern treaty, Douglas Treaty rights will remain. The [Douglas Treaties](#) were a series of treaties signed with 14 Indigenous groups on Vancouver Island in the 1850s, prior to B.C.'s entry into confederation. TTA is committed to protecting Douglas Treaty rights throughout the TTA Treaty negotiations.

Engagement Process and Activities

TTA, B.C. and Canada worked together on the engagement planning to:

- raise awareness of the TTA Treaty negotiations
- support long-term, good neighbour relations, and
- facilitate meaningful dialogue designed to respond to questions and inquiries related to the treaty process.

Canada and B.C. have consistently engaged in consultations with First Nations, a process that involves sending letters prior to initiating public engagement efforts. TTA hosted hybrid community meetings to inform members of the upcoming communication efforts with neighbouring communities and residents. Updates were also provided to Members of the Legislative Assembly (MLAs) and local governments to ensure local community leaders were knowledgeable about the treaties and aware of the public engagement process. Engagement is ongoing with interest holders, individuals and companies with a legal interest on or near proposed treaty land. Public engagement will continue to be important during the final phase of negotiations.

In spring 2023, MIRR staff organized six briefing sessions involving MLAs and all treaty negotiation partners, and delivered presentations to local government on the process, timelines and proposed land packages (see Appendix A). The treaty partners then hosted eight in-person public open houses in the Te'mexw Member Nations' territories at community-oriented venues. The venues were wheelchair accessible and were prepared in adherence with COVID-19 safety protocols to ensure compliance with public health regulations. Two virtual open houses were held to reach more people, allowing easy access to information and opportunities to engage.

Public open houses were well attended with more than 563 participants:

- Edward Milne Community School in Sooke
- Nanoose Bay Community Hall
- Royal Roads University, George Jay Elementary School, Songhees Wellness Centre in Victoria
- Metchosin Community Hall
- Shawnigan Lake Community Centre
- Parksville Community Centre
- Two virtual open house sessions

Additionally, the B.C. government organized a total of four internal events comprised of three open houses and one virtual session, which collectively engaged more than 245 staff members.

What We Heard

The treaty partners identified the following key themes from the spring 2023 engagement efforts:

- **Treaty Land Use:** There were considerable discussions regarding the utilization of treaty lands.
- **Land Use Planning and Servicing:** The public showed a keen interest in understanding the potential for infrastructure development and land management in the Nations' treaty lands.
- **Public Access to Treaty Lands:** The accessibility of some treaty lands to the general public also emerged as a topic of interest.
- **Governance and Lawmaking:** Many individuals were curious about how governance and laws created by Treaty Nations would interact with provincial and federal laws.
- **Access to Private Lands from Treaty Lands:** There were some queries around the access to private lands from the treaty lands.
- **Environment:** There were discussions encompassing a range of topics, including natural resources, ecosystems, wildlife habitats and the broader concept of environmental stewardship.
- **Douglas Treaties:** Many individuals wanted to receive more information regarding questions about the Douglas Treaties.
- **Desire for Involvement and Information:** Many individuals expressed a desire for ways to actively get involved in/support the treaty negotiations.
- **Reconciliation:** The theme of reconciliation underscored discussions, demonstrating an interest in fostering understanding, respect, and healing between Indigenous and non-Indigenous communities.

The team heard numerous questions and concerns throughout the public open houses. These are outlined in a general fashion in the table below, along with high-level responses.

Treaty / Reconciliation

Questions and Concerns	Response
Why are these five First Nations negotiating together?	Five Coast Salish Nations – Beecher Bay (SC'IANEW), Malahat, Snaw-Naw-As, Songhees and T'Sou-ke – joined to support one another and to work together as one organization to negotiate five Nation-specific modern treaties with the federal and provincial governments in the BC Treaty Commission treaty negotiations process. The Te'mexw Member Nations share a similar vision in their pursuit of self-governance – unified culturally, socially and economically for future generations.
What does Te'mexw mean?	Te'mexw means “land” in Hul'qumi'num and is pronounced Tah-MUK.
Who signs the treaty?	Modern treaties negotiated through the BC Treaty Commission treaty negotiations process are tripartite agreements between the governments of Canada, B.C., and a First Nation.
Do treaties modify Aboriginal rights?	<p>Modern treaties do not extinguish Aboriginal rights and title.</p> <p>Section 35 of the <i>Constitution Act</i>, 1982 explicitly recognizes and affirms the existing Aboriginal and treaty rights of the Aboriginal Peoples of Canada.</p>
Will there be extinguishment of rights, assurances against future claims?	<p>Aboriginal title and rights continue through modern treaties. Modern treaties in B.C. follow an agreed-upon negotiations framework that is grounded in the recognition, affirmation and implementation of Aboriginal title and rights.</p> <p>Modern treaties create the foundation for renewed relationships between the Indigenous group, in this case Te'mexw Member Nations, B.C. and Canada to build a stronger future. For more information visit the BC Treaty Commission website: https://bctreaty.ca/</p>

<p>How will the public be impacted by the treaty?</p>	<p>Modern treaties in B.C. will continue to be a net positive for society. Treaties provide a framework for all people in B.C. to live together and share the land First Nations have traditionally occupied. They provide foundations for ongoing co-operation and partnership as we move forward together to advance reconciliation.</p> <p>We have examples of other modern B.C. treaties (Maa-nulth, Tsawwassen, Tla’amin and Nisga’a), where the Treaty Nations have become major economic drivers in their areas, which benefits everyone.</p> <p>There may be other changes that could take some getting used to. For instance, some lands in the proposed land package have been available for public use. Once those lands become treaty lands, there may be limited access or even no access for public use.</p> <p>The goal is to for Treaty Nations to find self-determination and economic prosperity for its members and future generations, and that will benefit all British Columbians.</p>
<p>What is the difference between public and private treaty lands?</p>	<p>Most of the treaty lands will be private. The public will only be allowed access to these lands with permission from Te’mexw Member Nations, as is the case with other private property in British Columbia.</p> <p>Sooke Mountain Provincial Park and Discovery Island Provincial Park are proposed as treaty lands in the T’Sou-ke and Songhees treaties, respectively. T’Sou-ke and Songhees Nations are committed to maintaining public access and continued recreational opportunities in the parks, and are also committed to protecting their cultural, ecological and conservation values. These commitments will be reflected in the terms and conditions of the treaties.</p>

<p>How often is the treaty “opened” for review and update?</p>	<p>Modern treaties are living documents capable of evolving over time to embody a commitment to the ongoing process of reconciliation. There may be circumstances in which, upon the request of a Modern Treaty Partner, the terms of a modern treaty should be amended to reflect advancements in the legal and policy contexts of reconciliation and new approaches that are adopted in modern treaties. Each treaty contains periodic review and amendment provisions that set out the process for review and updates to that treaty.</p>
<p>When is reconciliation complete?</p>	<p>Reconciliation is a journey, and will involve a paradigm shift in thinking and action, including:</p> <ul style="list-style-type: none"> • recognition of the ongoing presence and rights of First Nations 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>

Governance

<p>Questions and Concerns</p>	<p>Provincial Response</p>
<p>Will the <i>Indian Act</i> continue to apply?</p>	<p>Modern treaties are a pathway for enabling First Nations to transition away from the <i>Indian Act</i>.</p> <p>Modern treaties will replace band governments imposed by the <i>Indian Act</i> with a government for all citizens of a Nation. Treaty Nations will have ownership of treaty lands and have certain jurisdiction over agreed-upon portions of their traditional territories and the resources within them. Treaty Nations will have the autonomy to</p>

	make decisions about their lives and their futures.
What are the limitations to First Nations under the <i>Indian Act</i> ?	<p>Unless they have negotiated self-government, most First Nations are currently governed by the <i>Indian Act</i>, which establishes a limited form of local administration that does not account for the specific circumstances of individual communities. Under the <i>Indian Act</i>, First Nations elect chiefs and councils to make decisions on their behalf and pass bylaws in a limited number of areas.</p> <p>In contrast, self-governing First Nations can make their own laws and policies and have decision-making power in a broad range of matters. This includes matters internal to their communities and integral to their cultures and traditions.</p>

Law Making

Questions and Concerns	Provincial Response
Can the First Nations make laws? What type of laws?	Modern treaties would enable Te'mexw Member Nations to make laws in many areas, including governance, social and economic development, education, health, marriage, lands and more. Federal and provincial laws, including the Canadian Charter of Rights and Freedoms, will continue to apply.
Will local government bylaws apply to treaty land?	<p>No. Treaties recognize the inherent right of First Nations to self-govern. Te'mexw Member Nations will create their own government laws on treaty lands to be regulated by the First Nation.</p> <p>Where there is conflict of laws, the treaty will set out which law prevails. Local government bylaws do not apply on treaty lands.</p>

<p>What will local government relations be with Treaty Nations?</p>	<p>Modern treaties enable a First Nations government to work collaboratively and harmonize land-use planning and other partnerships with local governments. The modern treaty contains a Local Government Relations chapter that outlines provisions for various areas where Te'mexw Member Nations and local governments can work collaboratively together. The treaty language will also include the option for Te'mexw Member Nations to join regional districts to further harmonize land-use planning and management.</p>
<p>Will the other Acts such as the <i>Forest & Range Practices Act</i> and the <i>Water Sustainability Act</i> continue on treaty lands?</p>	<p>Modern treaties adopt a concurrent law model, where federal and provincial laws prevail alongside Indigenous governance laws. The provincial <i>Water Sustainability Act</i> as well as other legislation such as the <i>Forest & Range Practices Act</i>, will continue to apply to treaty lands.</p>
<p>Will Te'mexw Member Nation members still be Canadians?</p>	<p>Yes.</p>

Treaty Land

<p>Questions and Concerns</p>	<p>Provincial Response</p>
<p>How will Treaty Nations own land?</p>	<p>When the treaty comes into effect, the proposed treaty lands, including current Indian Reserves, will become treaty land under the ownership and control of the Member Nation.</p>
<p>What is the difference between traditional territory and treaty land?</p>	<p>The traditional territory reflects the area where the Nation historically and currently exercises Aboriginal rights, including traditional harvesting. Historical traditional use patterns generally involved harvesting wildlife and other natural resources throughout the broader territory. Treaty lands are specific lands selected through the treaty process that will come under</p>

	the ownership and control of the member Nation.
What's the difference between reserve land and treaty land?	Reserve lands are owned by the federal government. First Nations residing on reserve land under the <i>Indian Act</i> have little control over lands and resources. Treaty lands are certain lands within a First Nation's territory that have been defined through the treaty process. Treaty lands will become treaty land under the ownership and control of the Treaty Nation.
Why isn't the land package more substantial?	B.C. and Canada work with the Te'mexw Member Nations to identify land to return to the Nations based on the Nations' community development, economic development, and cultural and traditional connections. B.C. and Canada identify lands available for inclusion in treaty land packages, largely based on available provincial Crown lands as well as some federal Crown lands, where available. Due to urbanization and the historical Esquimalt & Nanaimo Railway Land Grant on Vancouver Island, there is limited Crown land to offer as treaty lands to the Te'mexw Member Nations.
Will private land be expropriated?	No.

Land-use Planning, Access and Servicing

Questions and Concerns	Provincial Response
What are the plans for the treaty lands?	Each Te'mexw Member Nation will undertake land-use planning for their treaty lands to determine how best to use the lands, and will be responsible for the management, zoning and development of their respective treaty lands. The treaties will identify some lands that will remain publicly accessible.

<p>How do we ensure equitable distribution of water for Te'mexw Member Nations and B.C. citizens, given the shortage of water in certain areas of Vancouver Island?</p>	<p>Water is protected through the <i>Water Sustainability Act (WSA)</i> in B.C. and its groundwater protection regulations.</p> <p>B.C. is not offering aquifers as part of treaty negotiations. Instead, B.C. is including water reservations as part of the treaty package, under section 40 of the WSA.</p> <p>The water reservations to be established through a treaty do not give a First Nation water rights. After the treaty comes into effect, Te'mexw Member Nations can obtain water rights through the same process as all B.C. residents – by applying to the Province for individual licences, approved through the provincial water licensing system under the WSA. These licences would draw down from the total volumes allocated in the treaty water reservation.</p> <p>Groundwater volumes were carefully determined by provincial specialists in consultation with independent technical experts, informed by supply and demand data on these water sources. The water allocation was also informed through discussions about potential future uses of the land parcels.</p>
---	--

Economic Development

Questions and Concerns	Provincial Response
<p>What benefits and economic opportunities do treaties provide?</p>	<p>Once the treaties are signed, B.C. and Canada will enter into ongoing fiscal arrangements with the Te'mexw Member Nations. The arrangement provides funding that supports the operations of the Treaty Nation to effectively deliver programs and services to its members on an ongoing basis. And as Treaty Nations prosper, so too will their neighbours.</p>

	In addition to financial settlements and fiscal arrangements, modern treaties will also provide a Treaty Nation with taxation powers.
--	---

Douglas Treaty

Questions and Concerns	Provincial Response
Which First Nations have a Douglas Treaty?	The Douglas Treaties were signed with 14 First Nations on Vancouver Island in the 1850s, including the First Nations who today represent five Te'mexw Member Nations.
Will the Douglas Treaties continue after modern treaty implementation?	The new treaties with the five Te'mexw Member Nations will co-exist with the Douglas Treaties, which will maintain rights such as fishing and hunting rights.

Reconciliation Actions

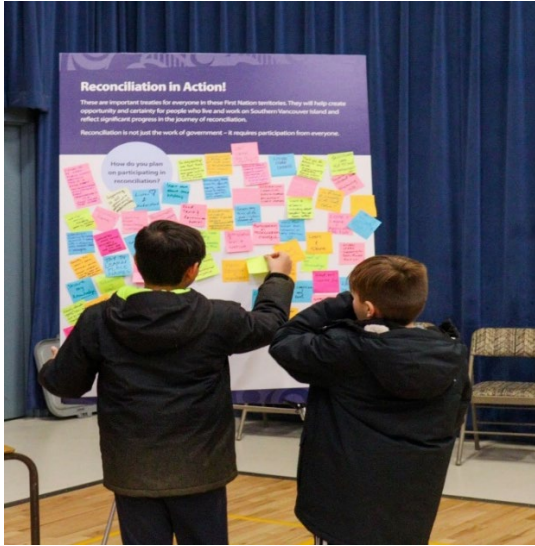


Figure 1: Display board with responses from members of the public provided at open houses.

What's Next

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

Open house participants were also invited to share their thoughts and what actions they take to participate in reconciliation. See some responses here:

“Be a good Ally”

“Try to learn (First Nation) place names”

“Participating in reconciliation dialogue”

“Support First Nation Self Governance personally and professionally”

“Using First Nations resources and books in my classroom”

“Learn + unlearn including about Canada’s + my own family history”

“Read the Truth and Reconciliation Report”

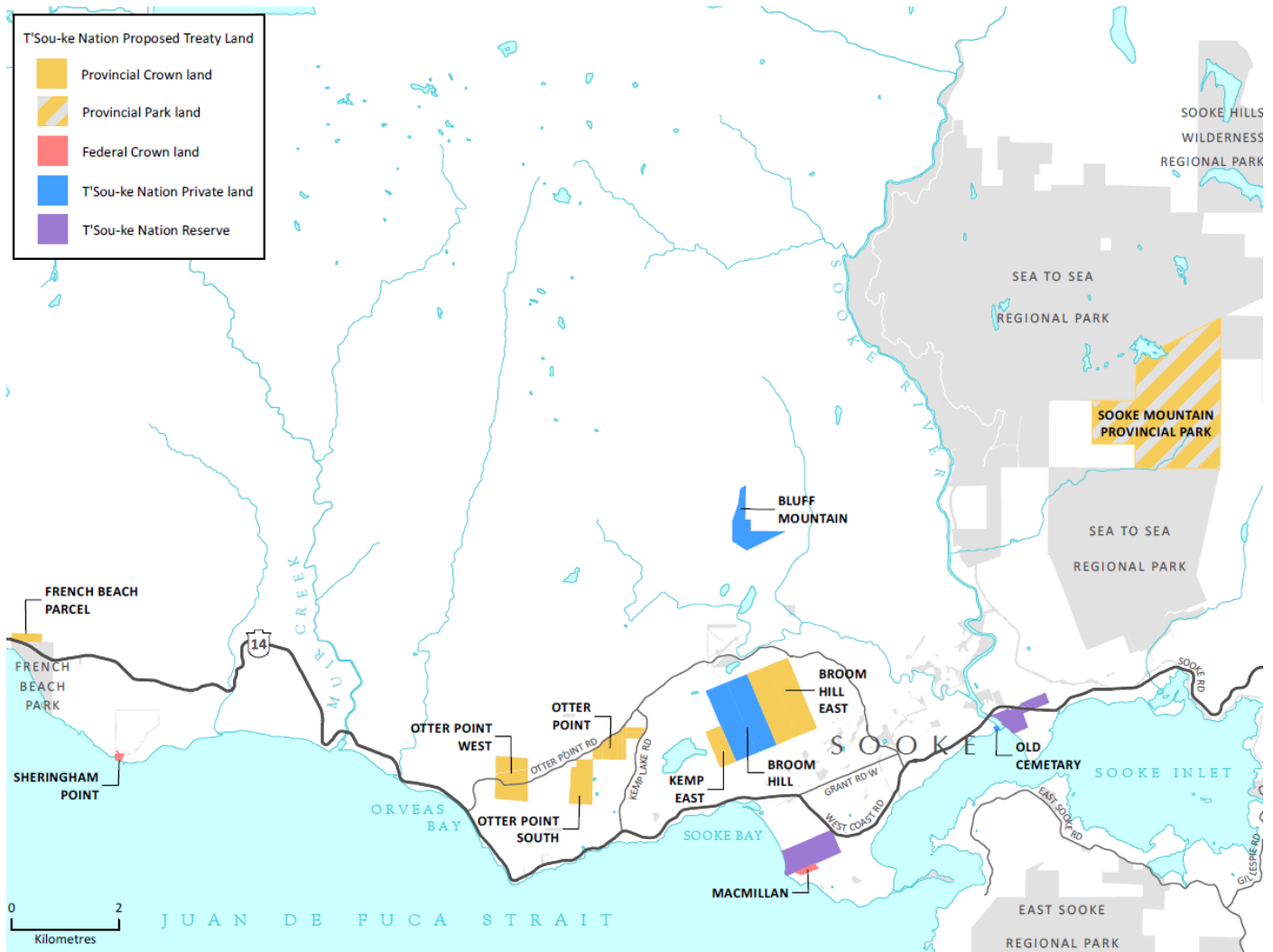
“Learning from knowledge keepers”

“Attending + listening at learning sessions and sharing information + resources with friends and family + colleagues”

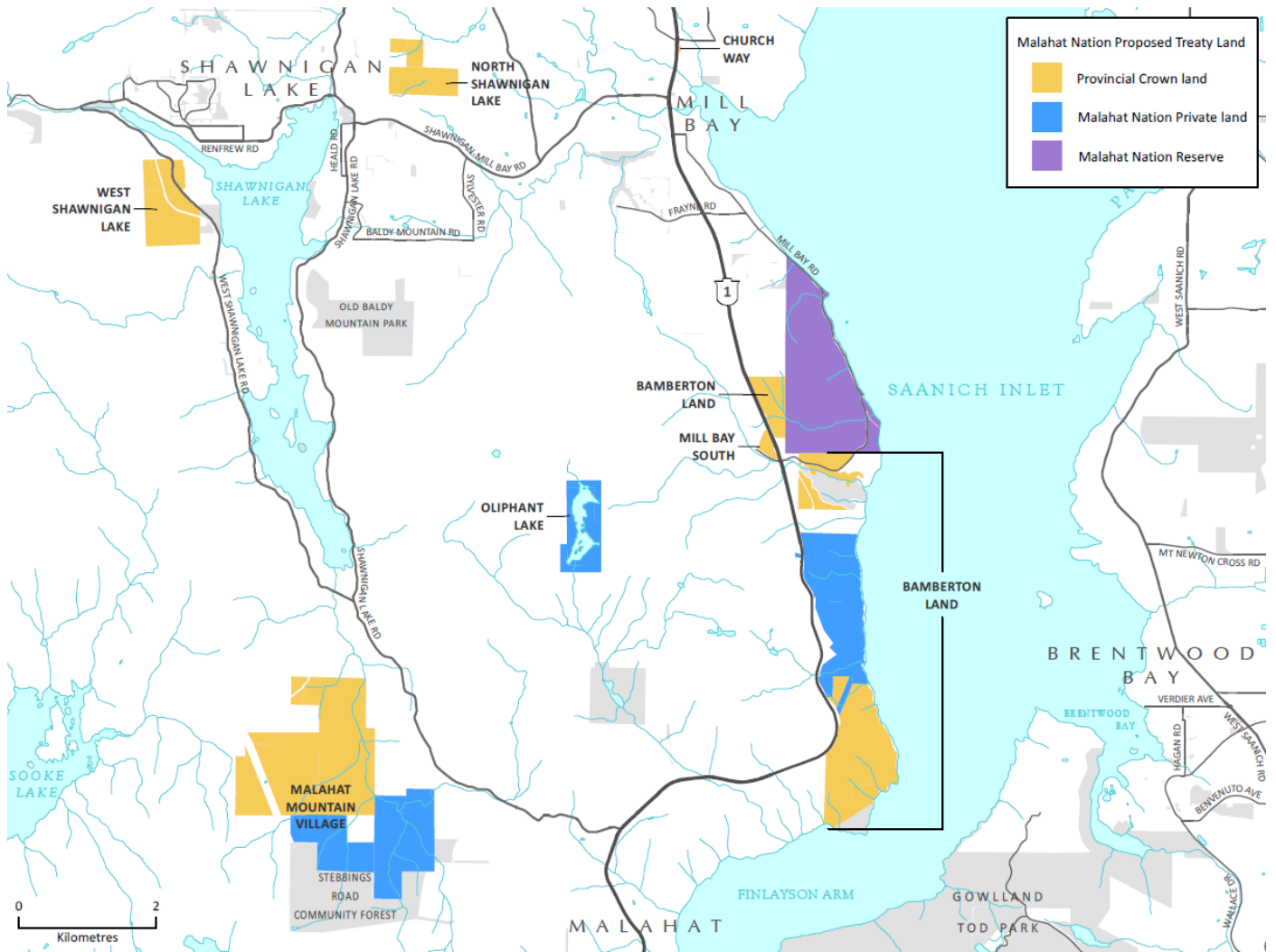
Appendix A – Treaty Lands

NOTE: As negotiations are ongoing, some of the maps depicted in Appendix A of this report have had small updates since the presentations at the open houses in Spring of 2023. Nevertheless, these maps reflect the current up-to-date proposed land packages for each Te'mexw Member Nation as of the publication of this report. For questions on the specific changes, please contact temexw.treaty@gov.bc.ca

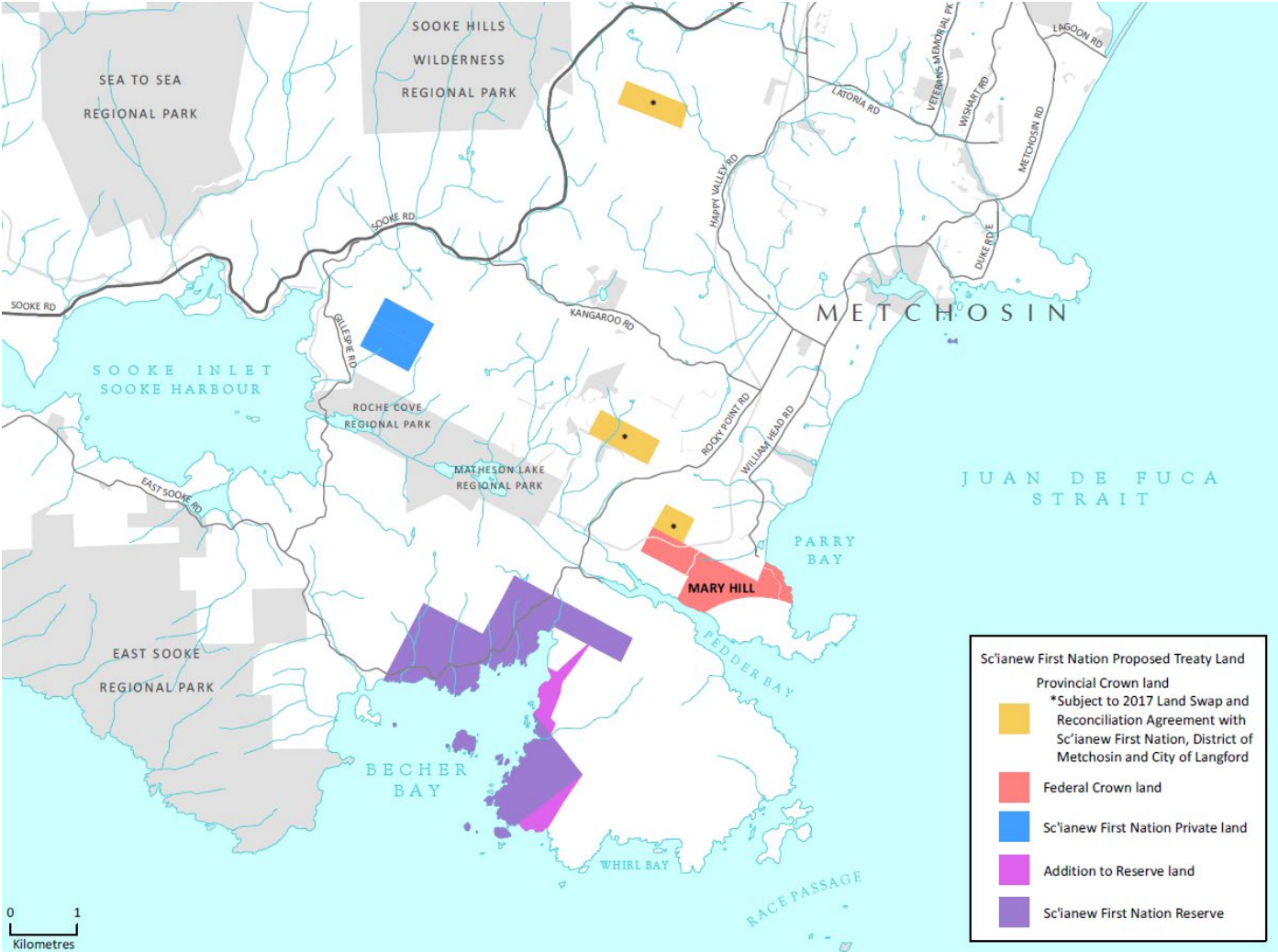
T'Sou-ke Nation Proposed Treaty Land



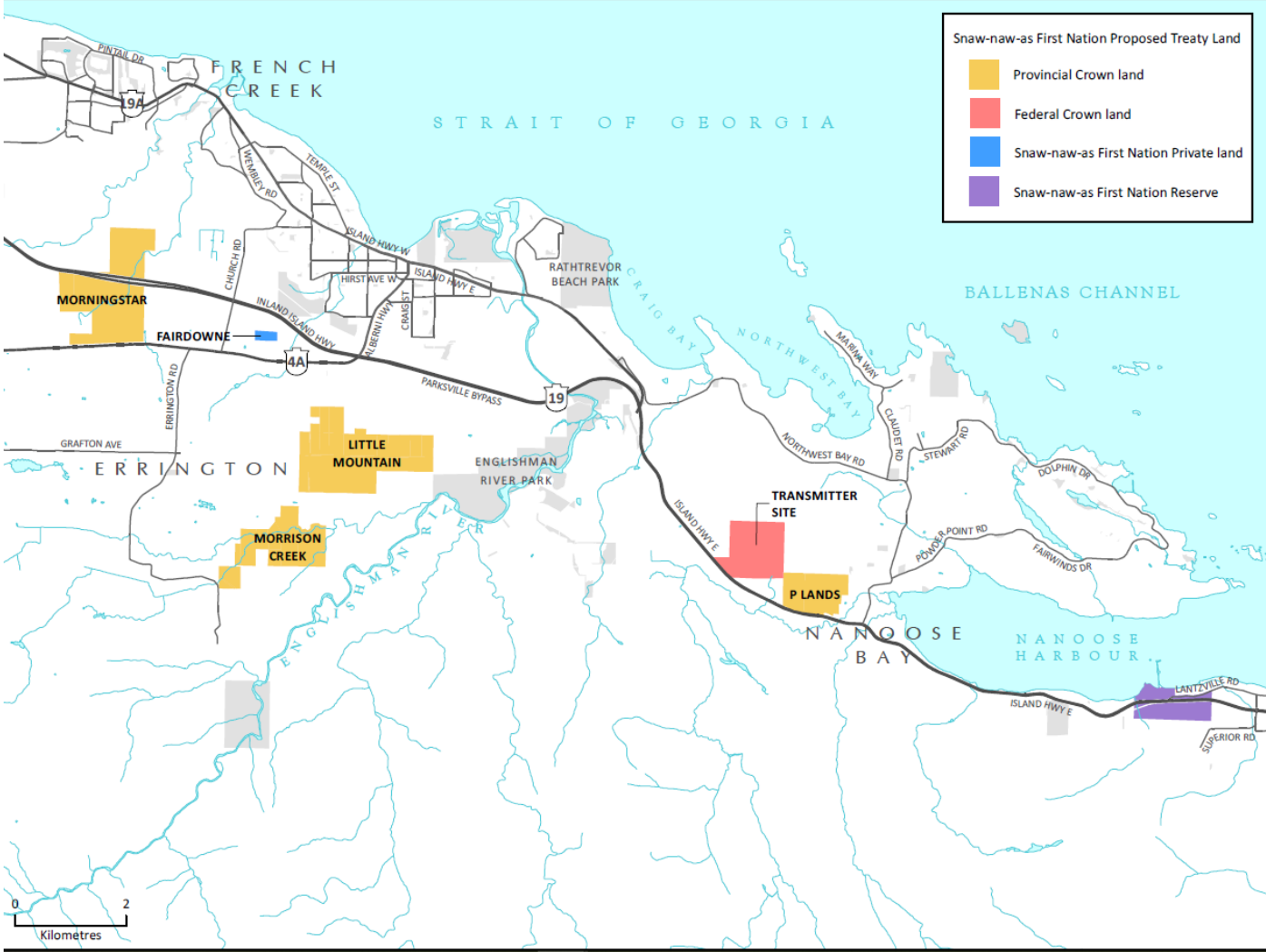
Malahat Nation Proposed Treaty Land



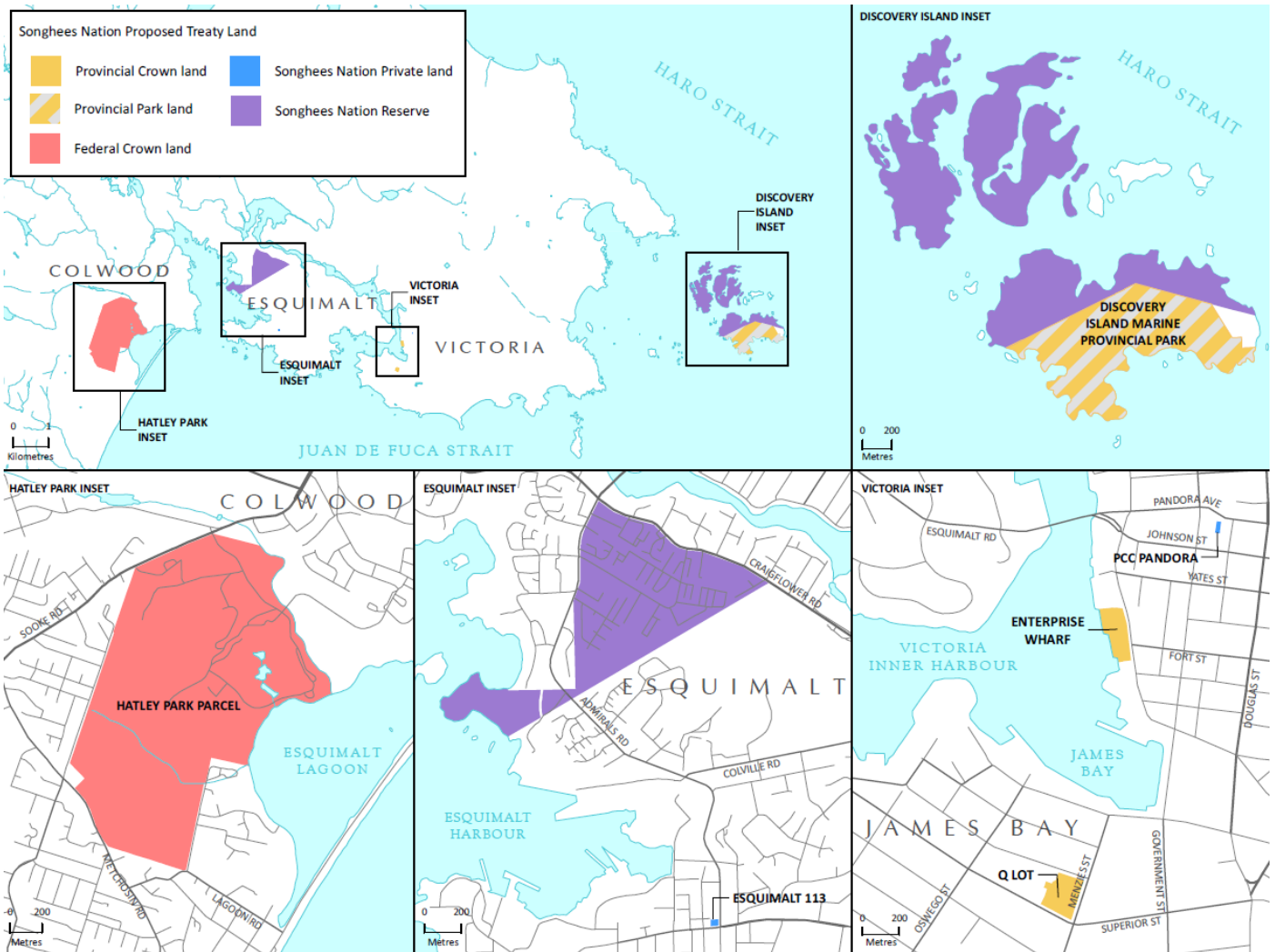
SC'IANEW First Nation Proposed Treaty Land



Snaw-Naw-As First Nation Proposed Treaty Land



Songhees Nation Proposed Treaty Land



Appendix B – Learn More

Learn more about the Te'mexw Treaty Association (TTA) by scanning the QR code below with your mobile phone camera or click on it to visit the address.

