

K'ómoks Treaty Overview Fact Sheet

After three decades, the Province of British Columbia (B.C.), Government of Canada (Canada), and K'ómoks First Nation (K'ómoks) are nearing the conclusion of negotiations and have now initialled a modern treaty. After initialling, Crown consultations, and legal review, a revised version of the K'ómoks Treaty would need to be voted on by K'ómoks members in a ratification vote. Should K'ómoks members ratify the treaty, B.C. and Canada would also need to ratify the treaty, including passing legislation to bring the treaty into effect. This process will take several years to complete.

Modern treaties are an important part of advancing reconciliation, righting past wrongs and empowering First Nations self-government. Treaties create certainty for everyone in a region, while supporting partnerships, economic development and the social well-being of communities. As a part of Canada, B.C., and some First Nations' work to advance reconciliation, treaties are guided by the United Nations Declaration on the Rights of Indigenous Peoples and the Truth and Reconciliation Commission's Calls to Action.

For many years, organizations, businesses, interest holders, local governments and people in the Comox Valley have been involved in these negotiations on various elements of the proposed treaty and will continue to be involved as each government moves toward ratifying the agreement.

This fact sheet provides more information on the contents of the K'ómoks Treaty.

Learn more at <https://engage.gov.bc.ca/KomoksTreaty>

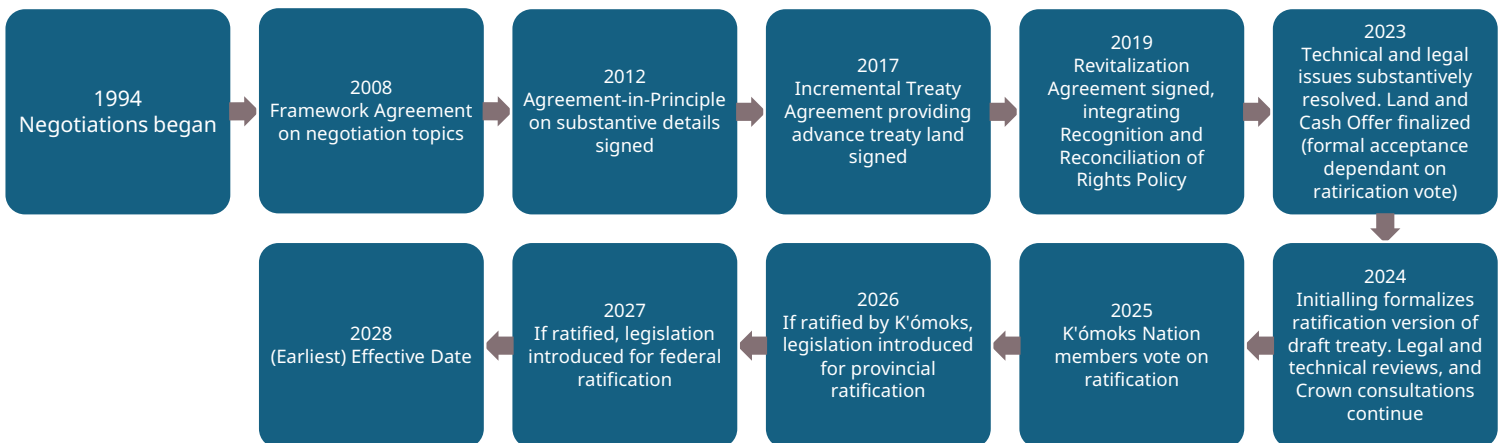
If you have questions, please contact: komoks.treaty@gov.bc.ca

THE K'ÓMOKS NATION

tuwa akʷs xoxotʷa xʷ yixmɛtɛt (?a) kʷums hɛhaw tums giʷɛ
"Care takers of the 'land of plenty' since time immemorial"

K'ómoks traditional territory spans the Comox Valley in the central eastern part of Vancouver Island, extending into Johnstone Strait. The K'ómoks Nation has approximately 350 members, primarily located in the Comox Valley. K'ómoks is active in the local economy and has strong relationships with local governments, which are supportive of the treaty. Local governments in the region have worked together with K'ómoks for years to prepare for the treaty, including co-investing in water treatment and management and sewage infrastructure for the region.

K'ÓMOKS TREATY TIMELINE



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MODERN TREATIES

Modern treaties are one of the most comprehensive forms of reconciliation between First Nations, B.C. and Canada. They are comprehensive agreements protected by the Constitution that create clarity on jurisdiction, recognize a First Nation's rights and title, and provide for First Nation self-government. Modern treaties provide predictability and transparent processes for managing land and resources together between B.C., Canada and the First Nation. This creates economic certainty and ensures all people can build a good life in British Columbia.

K'ÓMOKS TREATY SUMMARY

The treaty will:

- recognize pre-existing rights and title, not extinguish them, and confirm K'ómoks land ownership
- replace an Indian Act-imposed band government with a government authority for all K'ómoks members
- recognize and fund self-government on treaty lands, including law-making authority on land uses, culture and heritage and services
- provide a one-time federal transfer payment, and stable ongoing funding for self-government
- enable taxation powers for services and infrastructure on treaty lands
- provide for constitutionally protected rights to harvest fish, wildlife, birds, timber and plants
- improve groundwater management in the Comox Valley
- identify opportunities to work together to improve resource management under provincial laws and processes for joint responsibility of decision-making across K'ómoks, and
- establish predictability with a clear framework for working together and resolving disputes.

Advancing reconciliation builds a stronger B.C. and Canada. Treaties are an important part of this work. Partnerships and agreements like treaties create predictable relationships and help build a better future for everyone. Decades of hard work with local and First Nations governments, Indigenous and non-Indigenous peoples, organizations and businesses have created a strong foundation for reconciliation. Modern treaties in B.C. show that mutual trust and shared goals result in healthy communities, good jobs, investments, prosperity, sustainable land, water and resource stewardship, certainty and stability.

GOVERNANCE

Treaties recognize First Nations' right to self-government with accountability between the treaty government, its public service and its members. Treaties and the First Nations' constitution must be voted on and approved by the Nation members whose rights the treaty represents.

A treaty sets out law-making authorities over matters integral to the Treaty Nation's governance of lands, programs and services for Treaty Nation members, and culture and heritage.

Under the treaty, K'ómoks laws, provincial laws and federal laws would all apply on treaty lands. K'ómoks areas of responsibility include the delivery of health services, education, land management and public works.

The treaty lays out the relationship among K'ómoks laws, provincial laws and federal laws those laws in the event they conflict, offering transparency, stability and certainty. It also provides for the opportunity for the Treaty Nation to fully participate in regional government bodies. The existing service agreement between K'ómoks and the Regional District for sewer and water would continue.

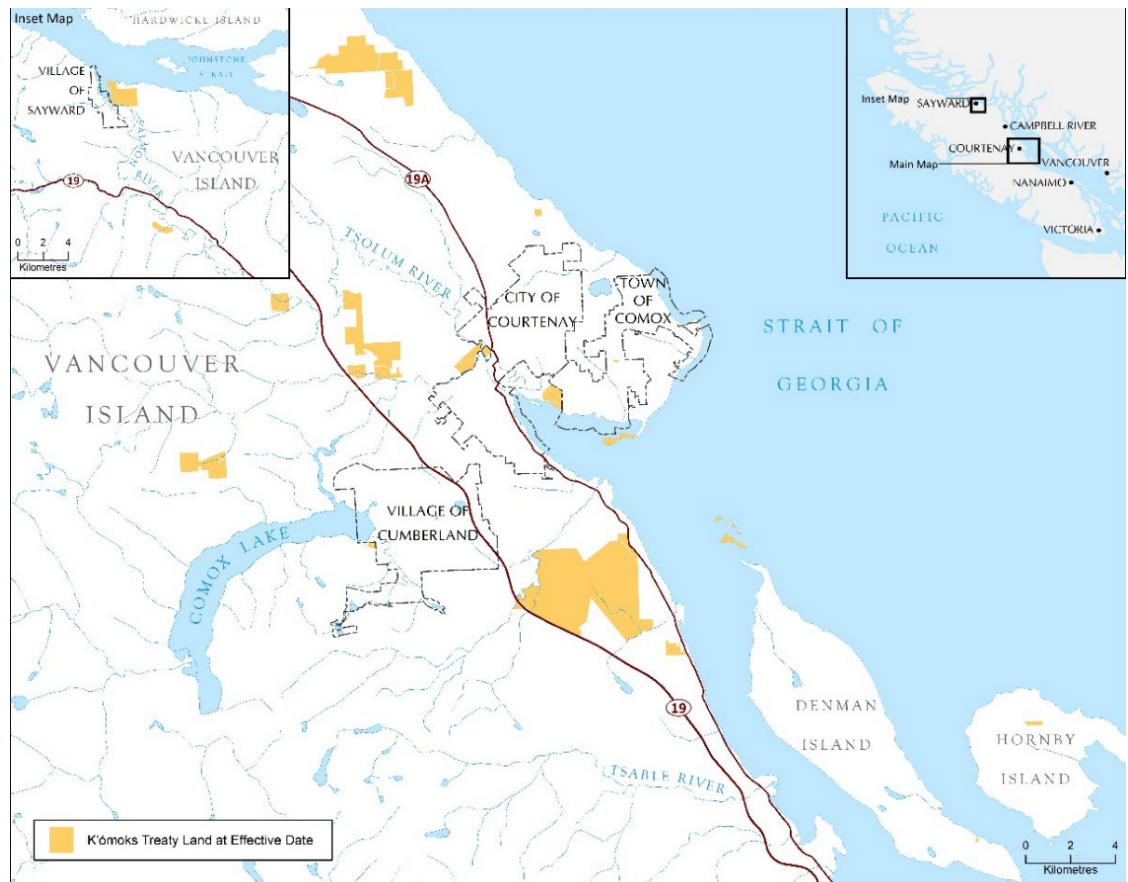
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LAND AND RESOURCES

Per the map on page 3, the treaty would confirm K'ómoks ownership of lands totalling 34.6 km² (3,460 hectares or 8,550 acres), from current K'ómoks reserve lands, some Crown and private land purchased by B.C. for the treaty settlement. K'ómoks also would have the option to purchase additional lands over time totalling 15.92 km² (1,592 hectares or 3,934 acres).

The land would be held by K'ómoks as private land, with public access subject to K'ómoks' agreement, as is the case with all private land. Access for law enforcement, emergency response and public utility installations would be maintained.



K'ómoks Treaty Lands
(For informational purposes only)

K'ómoks will own the treaty lands and can make decisions about the land, unlocking economic growth, investment and prosperity. Any existing tenures, permits and other authorizations on future treaty lands identified in the treaty would either be replaced or continue as is.

The treaty includes provisions to ensure access for rights-of-way and navigable waters, and specific access for owners of adjacent private property and tenure-holders. Residents living on K'ómoks lands, including leaseholders, would continue to have access to their properties. Highways remain provincial Crown land and are specifically excluded from K'ómoks lands.

K'ómoks intends for some treaty lands to be preserved as Tribal Parks for public use. This includes Jáji7em and Kw'ulh Marine Park (Sandy Island and Seal Islets), which would always remain a publicly accessible park. Other public access lands include Wildwood Forest Tribal Park, Wood Mountain and Williams Beach. Wildwood Forest Tribal Park would remain publicly accessible for at least 49 years; thereafter it would become K'ómoks public lands and public access will continue.

The following would apply to resource stewardship and development:

- **A water scarcity groundwater management agreement.** The K'ómoks Treaty commits the parties to develop a management agreement targeted specifically to groundwater usage related to the K'ómoks groundwater reservation. The agreement will provide a structure for collaborative groundwater management by K'ómoks and B.C., using a model that provides a role for other water users and responds to local interests and concerns.

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- **Co-responsibility in traditional territory.**
The parties will work together on management and stewardship of wildlife, parks, water and forests.
- **Consultation.** K'ómoks would be consulted concerning lands and resource use and decisions and may participate in environmental assessments, public planning and major development projects.
- **Fishing rights.** K'ómoks has the right to harvest Fish and Aquatic Plants for Food, Social, and Ceremonial (FSC) purposes in their Fishing Area in accordance with the K'ómoks Treaty. The Treaty Fishing Right is limited by duly authorized measures necessary for conservation, public health or public safety. The Treaty will include allocations for specific species of interest to K'ómoks. The allocations have been carefully developed, taking into account conservation, area-based abundance, and the existing/future FSC requirements of neighbouring First Nations.
- **K'ómoks Harvest Area.** Most of K'ómoks traditional territory would constitute a harvesting area for wildlife, birds, fish, plants and timber for cultural and domestic purposes, subject to provincial conservation, public health and safety laws and K'ómoks law.
- **K'ómoks Estuary Consent Agreement.**
A K'ómoks Estuary Consent Agreement has been negotiated along with the treaty to establish a shared decision-making process between B.C. and K'ómoks in the K'ómoks Estuary related to tenures authorized under the Land Act. The agreement is an important aspect of the K'ómoks treaty relationship to address the cultural importance of this area to the K'ómoks people.
- **K'ómoks Agricultural Land Reserve (ALR).**
The ALR was established before Aboriginal and treaty rights were recognized in Canada, and without consultation with First Nations. Roughly 50 percent of land in the ALR throughout B.C. is Crown land. Approximately 5.5 km² (555 hectares or 1,371 acres) from the ALR will become treaty lands on the treaty effective date and placed under the K'ómoks agricultural designation — established by K'ómoks' law-making and zoning authority — with the option to purchase additional 1.9 km² (190 hectares or 470 acres) of land currently designated as ALR from B.C. in the future. All of this land is currently forested and not being used for agricultural purposes.

The designation would define farm and non-farm uses comparable to current ALR regulations, and K'ómoks has committed in the treaty to prioritizing preservation of agricultural lands long-term.

MOVING FORWARD

The initialling of the K'ómoks treaty is a significant step towards concluding treaty negotiations. The initialling signals that the negotiations are nearing completion, subject to certain important caveats. The caveats include that legal review of the treaty, as well as Crown consultations, will continue beyond the initialling stage and may result in some changes to the treaty. A ratification version of the treaty will be prepared after completion of the remaining reviews and incorporation of potential changes, which will be presented for ratification by the parties in accordance with the terms of treaty.

Once ready, the treaty must be approved — a process that takes several more years. First, K'ómoks Nation will hold a vote for members to decide whether or not to approve the treaty. If ratified by K'ómoks members, the provincial legislature and federal parliament have processes to approve the treaty and make it law. Once all these approvals are in place, the K'ómoks Treaty would be signed and come into effect on an agreed-upon date (targeted for 2028/2029).

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