

K'ómoks Treaty Lands and Access 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 recognizing First Nations self-governance and self-determination. Treaties create jurisdictional and operational certainty for everyone in the region, while supporting partnerships, economic development and community well-being. Treaties are informed 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.

Treaties address a wide range of interests between a First Nation, B.C. and Canada. This fact sheet provides information on proposed treaty lands, land designations, and public access as detailed in the K'ómoks Treaty. Learn more at <https://engage.gov.bc.ca/KomoksTreaty>. If you have questions, please contact: komoks.treaty@gov.bc.ca

Where is the territory of the K'ómoks First Nation?

K'ómoks traditional territory spans the Comox Valley in the central eastern part of Vancouver Island, extending into Johnstone Strait, in a place referred to as "the land of plenty".

What is the difference between traditional territory and treaty land?

The traditional territory is the broad area used by the Nations currently and historically. Traditional use by members of the First Nation generally involved the harvesting of fish, wildlife and other natural resources throughout the broader territory. The treaty refers to this broader territory as "K'ómoks harvest area" where First Nation members have recognized rights to harvest and practice other cultural activities.

The K'ómoks Treaty would also include specific "treaty lands" within the broader territory that are selected through the treaty negotiations process. Treaty lands are distinct land parcels that would be owned and governed by K'ómoks.

What's the difference between reserve lands and treaty lands?

The federal government has legal title to reserve lands which it holds for the exclusive use and benefit of a First Nation community. First Nation members residing on reserve land under the *Indian Act* have limitations on their control over lands and resources. K'ómoks is administering their reserve land under the *First Nations Land Management Act* and there are some restrictions on the use and disposition of the land.

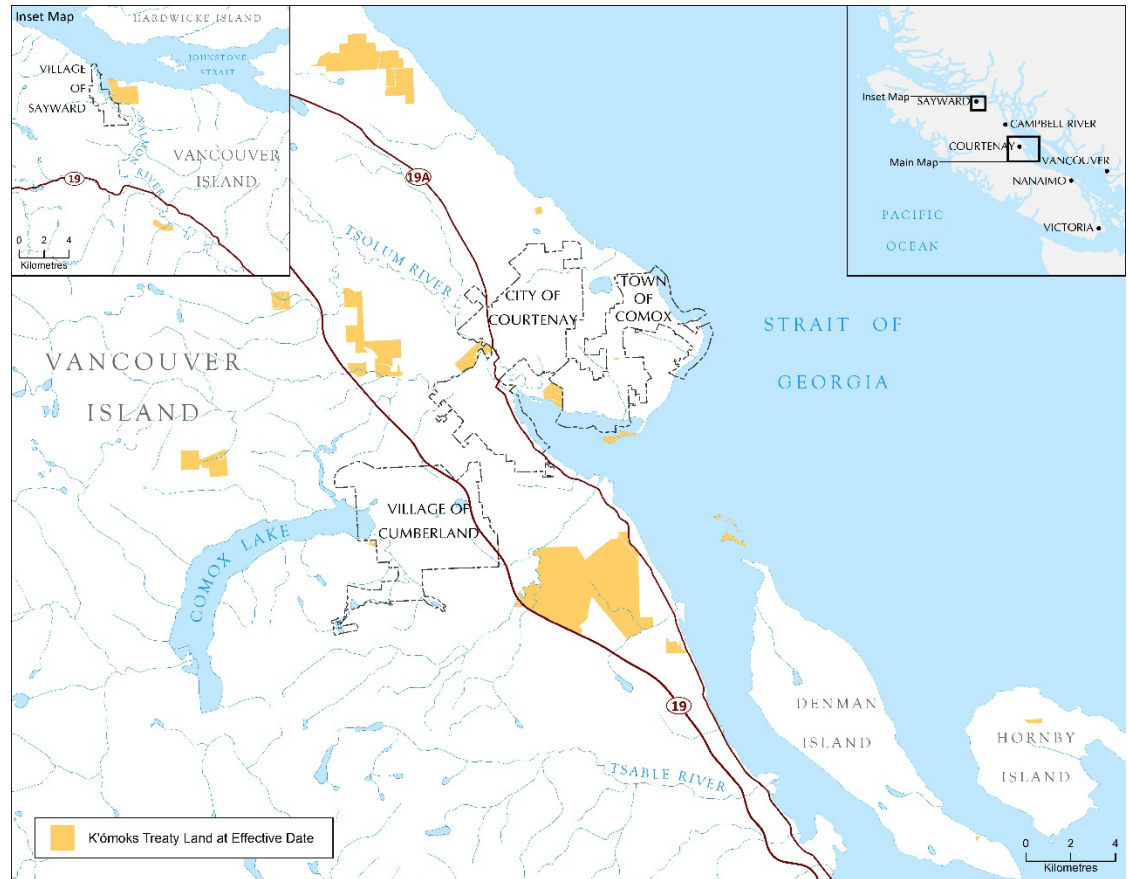
Treaty lands are specific lands within a First Nation's territory that have been negotiated through the treaty process to be owned by the Treaty Nation as a collective. Once the treaty goes into effect, all existing Indian Reserve lands become treaty lands. Treaty lands are owned by the Treaty Nation, which has jurisdiction over the land. The treaty will also enable the Treaty Nation to decide whether members (or non members) own fee simple estates on treaty lands.

What are the land components of K'ómoks Treaty?

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, in K'ómoks territory, there is limited Crown land to include as treaty lands.

The treaty will confirm the K'ómoks Nation's ownership of lands, consisting of current Indian Reserves, some Crown land and private land purchased by B.C. for the treaty settlement. This includes approximately 34.6 km² (3,460 hectares or 8,550 acres) that will become treaty lands over which K'ómoks will have law-making authority.

The majority of the land would be designated by K'ómoks as private land, with public access subject to K'ómoks' agreement, as is the case with all private land. In the treaty, there is an ability for K'ómoks to purchase and add up to 15.92 km² (1,592 hectares or 3,934 acres) of additional land over time.



K'ómoks Treaty Lands
(For informational purposes only)

What authority will K'ómoks have over their treaty lands?

K'ómoks law-making authority includes culture, heritage and social programs (such as education and wellness), as well as the management, planning, zoning and development on treaty lands. Federal and provincial laws will also apply to all lands owned by K'ómoks and operate concurrently, subject to conflict provisions for each law-making authority.

How would K'ómoks use the treaty lands?

If the treaty is approved, K'ómoks First Nation would plan for and make decisions about how best to use their treaty lands. K'ómoks would be responsible for the management, zoning and development of their respective treaty lands. The treaty identifies treaty lands such as key recreation and trail sites that would remain accessible to the public and the process by which the Nation is able to control access where public access isn't compatible with the land use.

How were the lands selected?

Land is a core aspect of treaties. Identification of lands included in treaty is a complex process involving technical analysis, consultation with other neighbouring First Nations, local governments and other interest holders.

B.C. and Canada work with the First Nation to identify land to return to the Nation based on their goals for community development, economic development, and cultural and traditional connections. The land negotiation process also considers access to traditional resources and connecting land parcels, so they are next to each other.

Would I still be able to access and use the proposed treaty lands?

Most of the treaty lands would be designated by K'ómoks as private land, with public access subject to K'ómoks' agreement. K'ómoks may also regulate access to the land such as requiring a permit for certain activities and/or charging an administrative fee. Any existing tenures, permits and other authorizations on treaty lands identified in the treaty would either be replaced or continue as is.

Public access for rights-of-way and navigable waters are maintained. Access for law enforcement, emergency response and public utility installations would also continue. Public roads and highways and major resource roads through treaty lands are excluded from treaty lands and would continue to be managed by the provincial government and access maintained.

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.

Would the treaty affect private property access?

People who own private property next to treaty lands are guaranteed continued access to their lands under the treaty. Residents living on K'ómoks lands, including leaseholders, would continue to have access to their properties. Numbered provincial highways and major resource roads are excluded from the treaty land packages, ensuring access for landowners. If a private property is accessed by a road that would become treaty lands, K'ómoks will provide an easement to ensure continued access.

How would K'ómoks be involved in regional land-use planning processes?

Treaties enable First Nations governments to work collaboratively and harmonize land-use planning with local governments. K'ómoks may participate in any provincial land-use planning process affecting their territories. The treaty also provides an opportunity to K'ómoks to join the Comox Valley Regional District. K'ómoks already has a servicing agreement with the Regional District for sewer and water. This will continue upon treaty effective date.

K'ómoks would have sole responsibility for land-use planning for treaty lands and would determine how best to use the lands. Treaty Nations manage, zone and develop their treaty lands as they see fit. The treaty identifies treaty land parcels that would remain publicly accessible.

How are existing tenures and authorizations in the future treaty lands addressed?

Any interests existing on K'ómoks treaty lands prior to the transfer, and identified in the treaty, would either be replaced with an equivalent tenure, permit, or other authorization, or continue to remain in place as-is once the treaty goes into effect.

To support the Treaty Nation's interests in becoming more active participants in the regional forest economy, three land parcels where woodlots currently operate are being considered for future additions to the treaty lands. Any impacted licensees would be compensated fairly in accordance with provincial legislation.

How are shared and overlapping territories with other First Nations addressed in this treaty?

In B.C., territories of First Nations often overlap. The outcomes of treaty discussions are subject to ongoing consultation with First Nations who may be impacted by this treaty. These are complex processes requiring respectful dialogue with and between Canada, B.C. and First Nations.

Parts of the K'ómoks territory overlaps with neighbouring First Nations. The treaty clarifies that these broader territories are non-exclusive areas and therefore enable continued access and use for other Nations to exercise their Aboriginal or Treaty rights.

What would happen to lands designated under the Agriculture Land Reserve (ALR) on treaty lands?

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 effective date of the treaty and placed under the K'ómoks agricultural designation, established by K'ómoks under its new law-making and zoning authority. K'ómoks has an option to purchase an additional 1.9 km² (190 hectares or 470 acres) of land currently designated as ALR from B.C. in the future, that would become treaty land. 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. This model supports the potential use of agricultural lands that may not otherwise be farmed and advances shared food security and agricultural goals.

K'ómoks Estuary

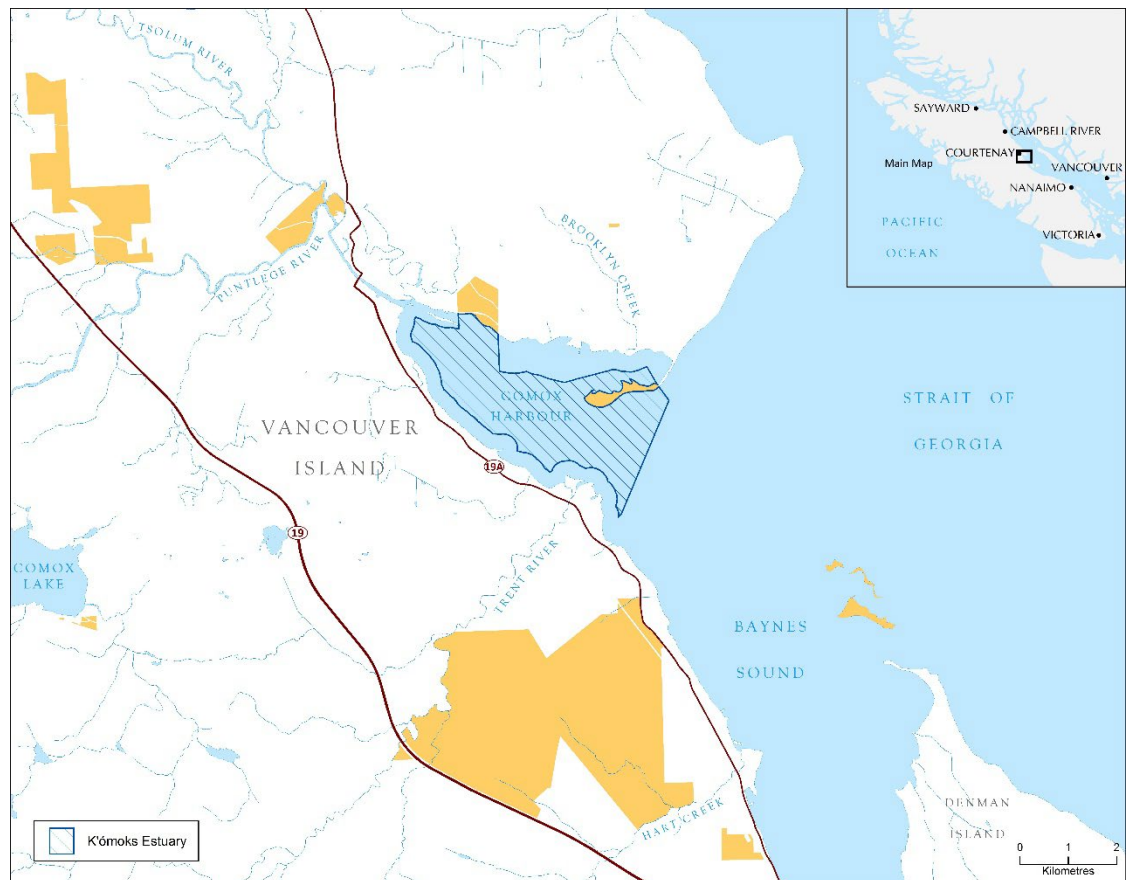
The K'ómoks Estuary, known as Kus-kus-sum, sits at the heart of the K'ómoks territory and history. Culturally significant to the K'ómoks people, remnants of their fish weirs for harvesting salmon, dated to the 8th century, can still be seen in patterns of wooden pegs that protrude from the mudflats.

K'ómoks patrols the estuary with their Guardian program and are involved in restoration by planting native sedges and erecting fencing to keep Canada Geese from grazing.

What is the K'ómoks Estuary Consent Agreement?

In recognition of such rights historically held by K'ómoks in the area referred to as the K'ómoks Estuary, the parties have negotiated a K'ómoks Estuary Consent Agreement along with the treaty to establish a consent-based decision-making process between B.C. and K'ómoks in the K'ómoks Estuary related to tenures authorized under the Land Act. The parties would seek consensus on tenure decisions in line with both federal and provincial law and the principles established in the K'ómoks Estuary Management Plan.

The parties have now concluded a draft K'ómoks Estuary Consent Agreement which, if the treaty is approved and ratified, will come into effect on the effective date of the K'ómoks Treaty (estimated 2028). The agreement will be similar to agreements intended to be concluded under Section 7 of the Declaration on the Rights of Indigenous Peoples Act but will instead be implemented using treaty settlement legislation.



K'ómoks Estuary
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