

K'ómoks Treaty Lands and Access Fact Sheet

After more than three decades, the Government of Canada (Canada), the Province of British Columbia (B.C.), and K'ómoks First Nation (K'ómoks) have concluded negotiations on the K'ómoks Treaty and the parties are ratifying the treaty through their respective processes. Initialling the K'ómoks Treaty in summer 2024 signalled the conclusion of substantive negotiations, subject to certain caveats such as legal and technical review and ongoing consultation with neighbouring First Nations. It also set the stage for an approval process called ratification, in which the First Nation, B.C. and Canada each undergo processes to sign the treaty and bring it into effect.

On March 8, 2025, in the first step of ratification, K'ómoks First Nation held its ratification vote for eligible voters, who voted in favour of ratifying their treaty and self-government constitution. Now B.C. and Canada are undergoing their own respective ratification processes, which will take a few years to complete. On April 14, 2026, B.C. introduced provincial treaty implementation legislation — the K'ómoks Treaty Act, 2026 — in the B.C. Legislature as the first step in the provincial government's ratification of the K'ómoks Treaty.

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 informed in these negotiations on various elements of the treaty and will continue to be informed as each government ratifies 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

What is the difference between traditional territory and treaty land?

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”. The traditional territory is the broad area used by the First Nation 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. In stage 1 of the B.C. treaty negotiations process, a First Nation files a Statement of Intent with the BC Treaty Commission, which describes the geographic area of the First Nation's distinct traditional territory and identify any overlaps with other First Nations.

With certain exceptions, this broader territory is also the “K'ómoks Harvest Area” where the First Nation has recognized rights to harvest. These rights are non-exclusive, which means that other First Nations may also have rights in this area. On private fee simple land within the harvest area, harvest is only allowed with the permission of the landowner.

The treaty also includes specific “treaty lands” within the broader territory that are selected through the treaty negotiations process. Treaty lands are distinct land parcels that will be owned and governed by K'ómoks once the treaty takes effect.

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. Under the *Indian Act*, First Nations have limitations on their control over lands and resources like some restrictions on the disposition of land.

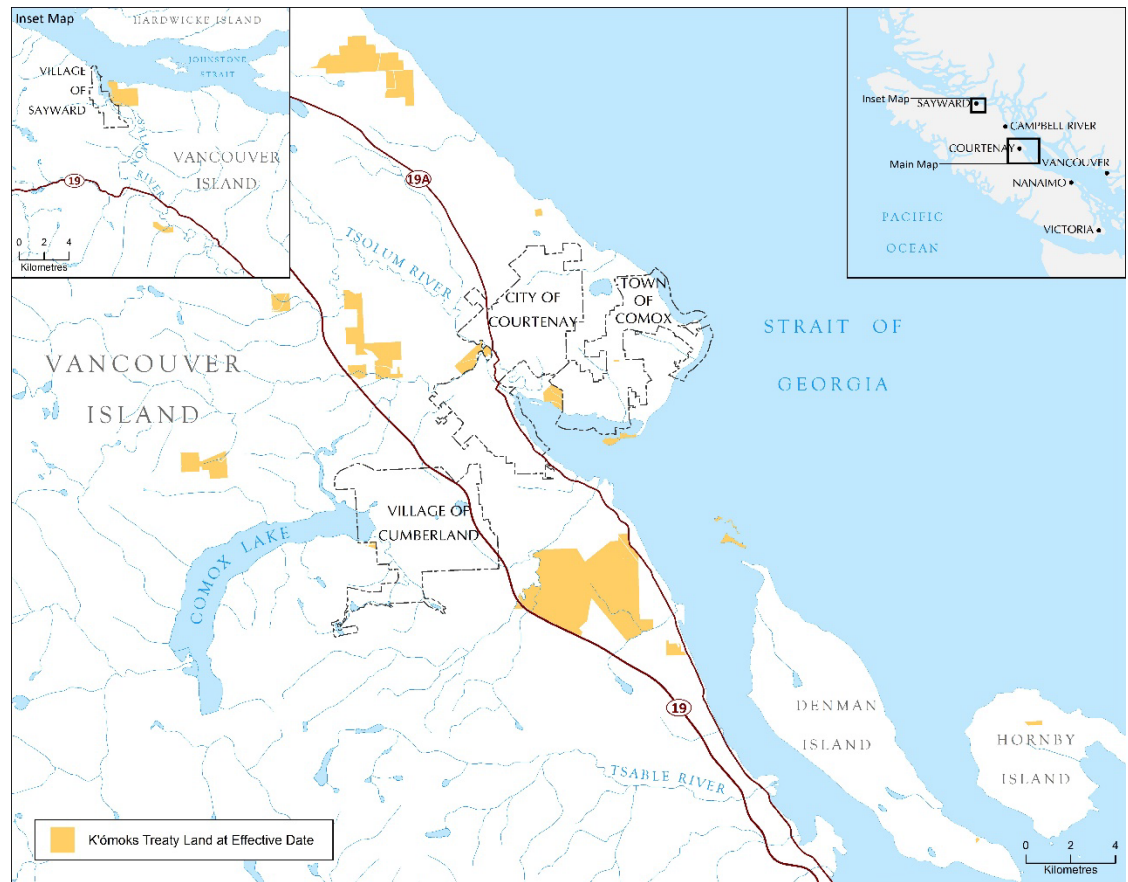
Treaty lands are specific lands within a First Nation's territory that have been negotiated through the treaty process to be owned by the Treaty Nation as a collective, which has jurisdiction over the land. Upon treaty effective date, all existing Indian Reserve lands become treaty lands. Subject to interests existing on the effective date, the treaty will also enable K'ómoks 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 specific land parcels, consisting of current Indian Reserves, some Crown land and private land already purchased by B.C. for the treaty settlement. This includes approximately 34.42 km² (3,442 hectares or 8,505 acres) that will become treaty lands over which K'ómoks will have law-making authority.

Most of the land will be designated by K'ómoks as private land, with public access subject to K'ómoks' agreement, as is the case with all private land. Identified in the treaty, there is 15.92 km² (1,592 hectares or 3,934 acres) of pre-approved additional land that K'ómoks has the ability to purchase and add to treaty lands 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 fully ratified, 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 First 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 worked with the First Nation to identify land, 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 next to each other.

Would I still be able to access and use the 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, as per the terms of the agreement. 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 its territories. The treaty also provides an opportunity for 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 K'ómoks' economic development and residential development interests, three land parcels where woodlots currently operate are being considered for future additions to the treaty lands. These licensees will be able to continue to operate their woodlots on these crown land parcels for 25 years from the effective date of the treaty.

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 negotiations are subject to ongoing consultation with First Nations which may be impacted by this treaty. Crown consultation is a complex process 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 – other than the Treaty Settlement Lands - 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.

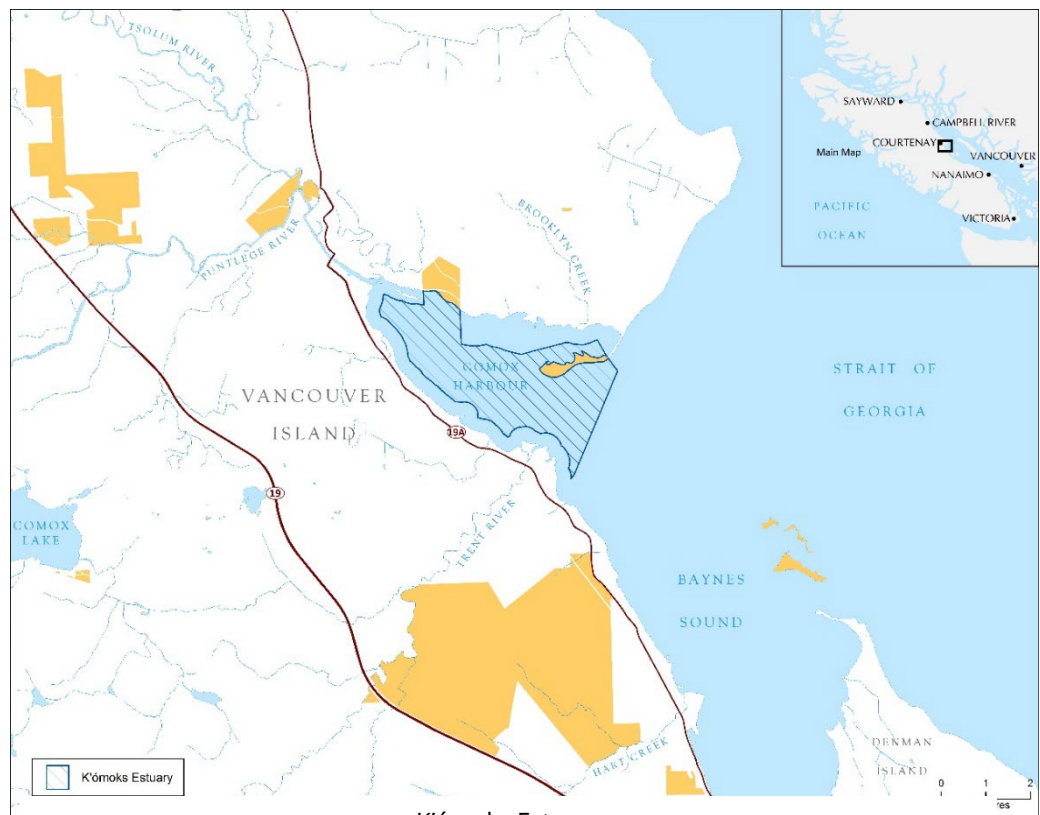
Approximately 5.5 km² (555 hectares or 1,371 acres) from the ALR will become treaty lands on the effective date of the treaty and placed under the K'ómoks agricultural designation, established by K'ómoks under its new law-making and zoning authority. K'ómoks has an option to purchase an additional 1.93 km² (193 hectares or 476.9 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. This vital, ecologically significant habitat supports hundreds of bird and plant species and all five Pacific salmon species. Culturally significant to the K'ómoks people, who lived in villages on both sides of the estuary since time immemorial. K'ómoks peoples have harvested and managed salmon in the estuary using a fish trap complex for millennia.

K'ómoks patrols the estuary with their Guardian program and are involved in several restoration projects in the area such as restoring a former industrial sawmill site, planting native sedges and erecting fencing to keep Canada Geese from grazing.



K'ómoks Estuary
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What is the K'ómoks Estuary Consent Agreement?

In recognition of the rights held by K'ómoks in the K'ómoks Estuary as well as the cultural significance of the area, B.C. and K'ómoks have negotiated a K'ómoks Estuary Consent Agreement as a side agreement to the treaty. It will establish a consent-based decision-making process between B.C. and K'ómoks in the K'ómoks Estuary related to certain Land Act tenures, specifically leases, licences of occupation, rights of way or easements. Through this process, the parties would seek consensus on disposition decisions in accordance with shared principles. Existing infrastructure tenures and public access to the estuary are not impacted by the agreement.

If the treaty is approved and ratified, the K'ómoks Estuary Consent Agreement will come into effect on the effective date of the K'ómoks Treaty. Side agreements sit outside the treaty, are not constitutionally protected, and support the implementation of specific treaty commitments. The K'ómoks Estuary Consent Agreement will be implemented using treaty implementation legislation.