



K'ómoks First Nation

Reclaiming our Independence

A Summary of the K'ómoks First Nation Treaty



The K'ómoks Treaty

As the treaty gets closer to Ratification, we have been working hard at the negotiating table to get the best deal for K'ómoks.

After many years, K'ómoks, the Government of British Columbia (BC) and the Government of Canada have all agreed to the conditions in this treaty, with only a few outstanding issues expected to be resolved soon.

When the K'ómoks Treaty is ready for Ratification, K'ómoks people must decide whether to accept the treaty. If we vote “yes,” we will move forward with preparations to implement the treaty.

Read on to learn more about what is in our treaty.





General Provisions

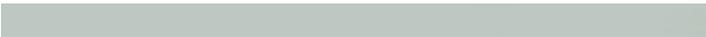


The K'ómoks Treaty will be a 'living agreement' that can be updated and renewed over time.

K'ómoks Members will continue to keep their Indian Status. They will also continue to receive programs and services provided by Indian Affairs.

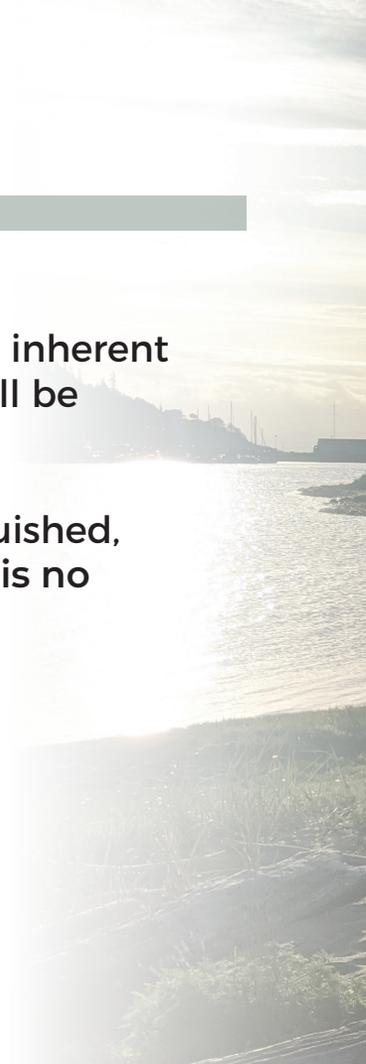
K'ómoks Members will also still be Canadian citizens and will still be eligible for programs and services that all other Canadians are entitled to.

Aboriginal Rights and Title



K'ómoks Aboriginal Rights, including Aboriginal Title and the inherent right to self-government, are recognized and affirmed and will be exercised as agreed to in the treaty.

The treaty will clearly state that existing rights are not extinguished, surrendered or modified. There is no extinguishment. There is no modification.







Periodic Renewal

Periodic renewal allows for the three governments (K'ómoks, BC and Canada) to open parts of the treaty to renegotiate every 10 years.

This includes a 'me too' clause. This means that if there was a provision that was previously missed in the initial treaty, it can be added to the K'ómoks Treaty during periodic renewal.

Periodic renewal also allows changes to the treaty that may arise due to unforeseen circumstances, including changes to the environment.

This allows for the treaties to evolve with the ever-changing world. This is why it is referred to as a 'living agreement'.

Consultation

Consultation is required by common law for any activities that affect people's ability to exercise their rights or impacts K'ómoks Lands.



Orderly Process/New Aboriginal Rights

If a new Aboriginal right is established through the courts, and if K'ómoks can establish it had that right historically, then it can be added to the treaty.



Governance



K'ómoks will be self-governing and no longer under the Indian Act. We will have new governance authority and be responsible for making our own governance decisions including laws. We have developed our own constitution for our new government to follow.

For more information on the K'ómoks Constitution, please see our Constitution Summary Booklet.





Culture and Heritage



The K'ómoks Government can make laws to preserve, protect and develop our culture and language. We can also make laws to protect heritage sites on our lands and we can rename geographical features in our territory according to provincial law.

BC will be returning K'ómoks artifacts currently held in BC and Canadian museums.

Lands

If the K'ómoks Members vote 'yes' to the treaty, K'ómoks will own all its current reserves and the land agreed to in the treaty. The K'ómoks land base will increase substantially and we will be one of the largest landowners in our territory.

K'ómoks Lands (still under negotiation and can change)

- 813.5 acres (329.2 ha) of reserve lands
- 252.3 acres of (102.1 ha) of KFN privately owned lands
- 6865.4 acres (2778.3 ha) of Crown land
- 4596.2 acres (1860 ha) of pre-approved additions (woodlots)
- A total of 12,527.4 acres (5069.6 ha),
- K'ómoks will have the ability to add new lands in the future.

These lands will come to K'ómoks in two phases. A majority of the lands will come to K'ómoks when the treaty comes into effect (Effective Date), the rest will come gradually as 'pre-approved additions' to K'ómoks Lands. The land area will increase substantially from the current K'ómoks reserve lands which combined are only 813.5 acres (329.2 ha).

Land Title

With private ownership of land, we can register our land with the provincial land registry. Registered land has higher value, provides certainty, can be mortgaged, and has much better economic advantages and opportunities for the owner.

Roads and Rights of Way

K'ómoks will have ownership of roads that pass over K'ómoks Lands. It will be K'ómoks's responsibility to maintain the roads and provide access to K'ómoks Lands for repairing and maintaining roads.

K'ómoks can make laws for traffic, transportation, and parking on TSL.

Crown Corridors continue to be under the jurisdiction of BC.





Fisheries

Because the Department of Fisheries and Oceans (DFO) did not provide us with an honourable offer, K'ómoks will not have a fish chapter. Instead, K'ómoks Members will exercise their Aboriginal Right to fish, as in the past.

We are also negotiating greater access to the commercial fishery with all the A-Tlegay member nations pursuant to a Fish Reconciliation Agreement.

Harvesting



K'ómoks has the right to hunt wildlife, migratory birds and gather plants and timber for food, social and ceremonial (FSC) purposes throughout the K'ómoks Territory. Any limitations on that right will be included in this chapter. This is referred to as the 'right to harvest'.



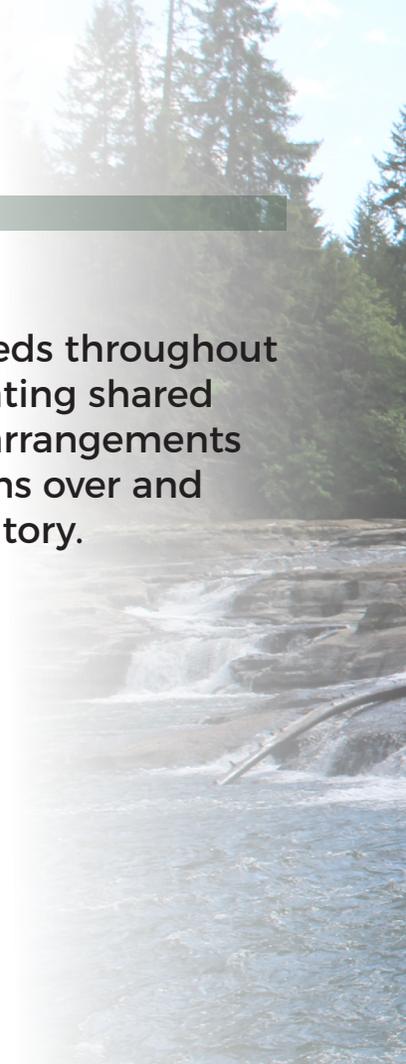


Parks

K'ómoks can participate in land use planning outside of our treaty lands. BC and Canada will consult with the K'ómoks Government before making decisions about resource management and development. We have also agreed that some K'ómoks Lands would be protected in perpetuity as K'ómoks Tribal Parks.

Co-management

K'ómoks will be able to co-manage the important watersheds throughout our traditional territory (excluding private lands) by negotiating shared governance arrangements. With these shared governance arrangements as well as revenue sharing, we will be able to make decisions over and benefit from the natural resources from our traditional territory.





Environmental Management

K'ómoks will be consulted and have input before decisions are made about major development and the management of resources in our traditional territory. K'ómoks will have the right to participate in environmental assessments of all major projects.

No federal or provincial project will take place on our lands without our consent.



Forest and Resources



We will own all forest and resources on K'ómoks Lands and have access to monumental cedars for cultural purposes, such as building canoes, totem poles, bighouses, longhouses and community buildings.

We also anticipate that negotiations will provide K'ómoks with a total allowable annual cut of approximately 100,000 cubic meters, taking into account all of the K'ómoks forestry resources.

Water

K'ómoks will have constitutionally protected access to surface water and groundwater which we will set out as water reservations. The chart below also sets out the volumes of water from different rivers and streams that are reserved for K'ómoks. Water will be vital to the future of K'ómoks development.



Hart Creek	1668dm
Trent River	3362 dm
Puntledge River	3056 dm
Oyster River	3807 dm
Sub-total:	11,893 dm

Salmon River	Under negotiation
Groundwater	Under negotiation
Comox Lake	5000 dm
Total:	Pending
Decameters (dm)	

The above volumes are enough to supply approximately 30,000 people with their annual drinking water needs. Salmon River Water Reservation is currently under negotiation.



Resource Revenue Sharing



As a K'ómoks Treaty will provide the Crown with increased predictability around the ownership of lands and resources within the K'ómoks Territory, K'ómoks will have increased benefits from the revenues from our natural resources including revenue sharing related to forestry, mining activities and energy resources.

Fiscal Relations



The fiscal chapter sets out the commitment for governments to provide Fiscal Financing Agreements (FFAs) to K'ómoks. FFAs will replace annual funding agreements between Indigenous Service Canada (ISC) and K'ómoks. The fiscal relationship also addresses three major concerns of K'ómoks:

1. ensuring there will be enough funds to be ready for self-government;
2. ensuring there are enough funds to pay for the actual activities of governing, and
3. ensuring that all the program funding currently received by K'ómoks continues.

Capital Transfer

We are currently in negotiations with Canada and British Columbia on the capital transfer and have not received a final offer. The offer will depend on how much land we receive. The agreement in principle contemplated a capital transfer of \$17.5 million (\$4 million for Sage Hills lands).



Taxation

Tax Powers

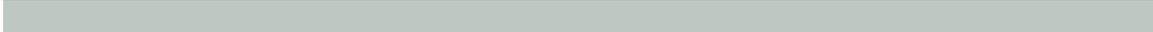
A treaty will provide K'ómoks with a sufficient tax powers to ensure that tax revenues paid by Members as well as tax revenues collected from Non-Members on K'ómoks Lands can be used to benefit K'ómoks Members.

Tax Powers includes:

- federal income tax and GST sharing for all residents of TSL;
- provincial income tax and PST sharing for resident Members;
- property tax on all property owners.



Taxation



Tax Exemption

The Crown seeks to eliminate tax exemption (after an 8–12-year phase out period) in exchange for increased taxation powers.

After discussions with the community, K'ómoks has proposed:

- KFN would have tax powers (income, property, sales taxes)
- Status Indian members keep their tax exemption unless Indian Act changes
- Because TSL are not reserves, the tax exemption cannot be used on TSL after a phase out period
- We propose a 50-year phase out period on former Indian Reserves, but status Indian members could still use their exemption on other reserves

Taxation



The Tax Chapter is still under negotiation, but Canada does not appear to be supporting our recent proposal on the tax exemption and has said it has little flexibility.



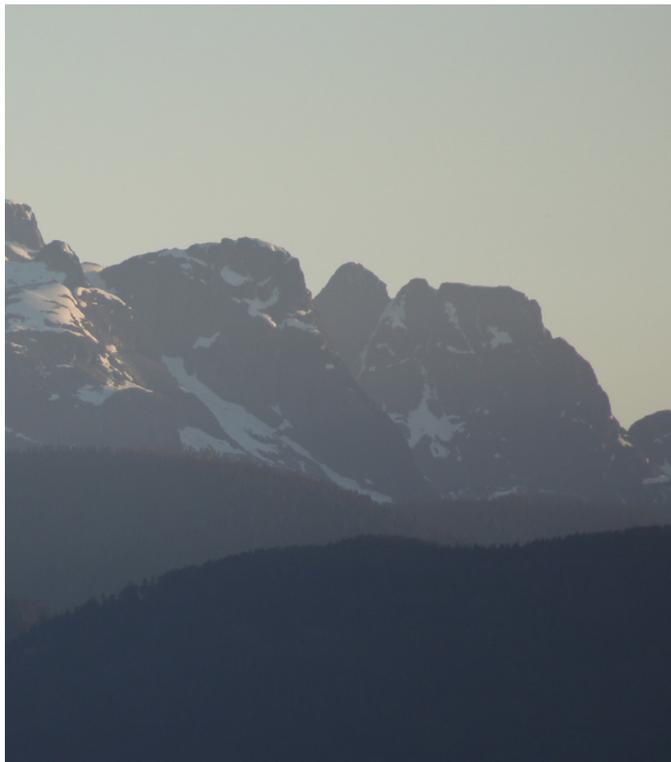
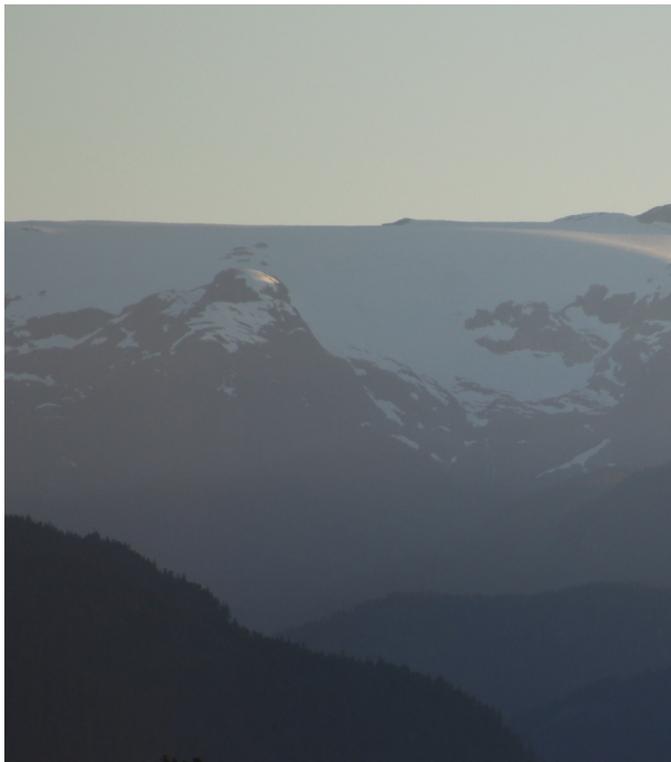
Eligibility and Enrollment

All people of K'ómoks ancestry and all K'ómoks Band members will be eligible to enroll. K'ómoks people will need to be 'enrolled' to become a treaty beneficiary and to be eligible to vote on treaty. For more information on eligibility and enrollment including criteria, please see our Enrollement & Eligibility and Ratification Booklet.

Indian Act Transition

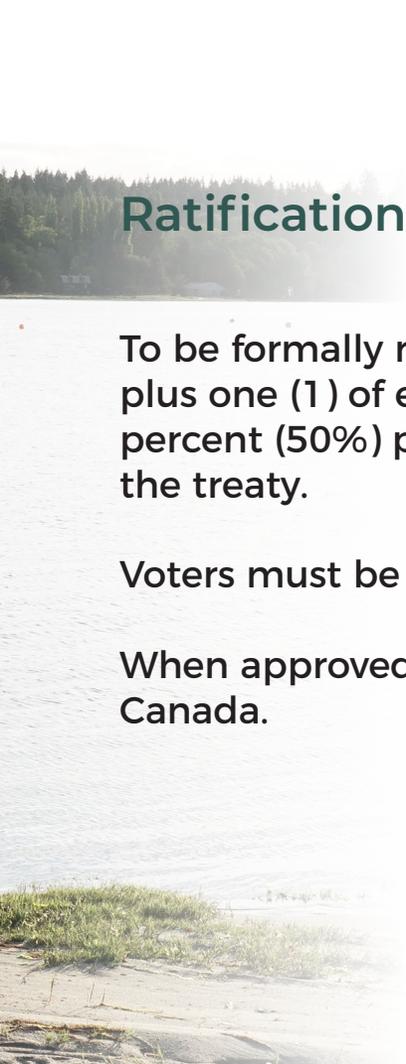


There will be changes that will come into effect once the treaty is completed. K'ómoks will no longer be an Indian Act band and will have self-government and a much broader range of responsibilities and opportunities.



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A background image showing a calm lake in the foreground, a dense forest of evergreen trees in the middle ground, and a hazy sky in the background. The image is partially obscured by a light grey horizontal bar that serves as a header background for the title.

Ratification

To be formally ratified, the treaty requires that at least fifty percent (50%) plus one (1) of eligible voters on the official voters list vote, and fifty percent (50%) plus one (1) of those who vote are in favour of ratification of the treaty.

Voters must be at least 18 years+ and enrolled to vote.

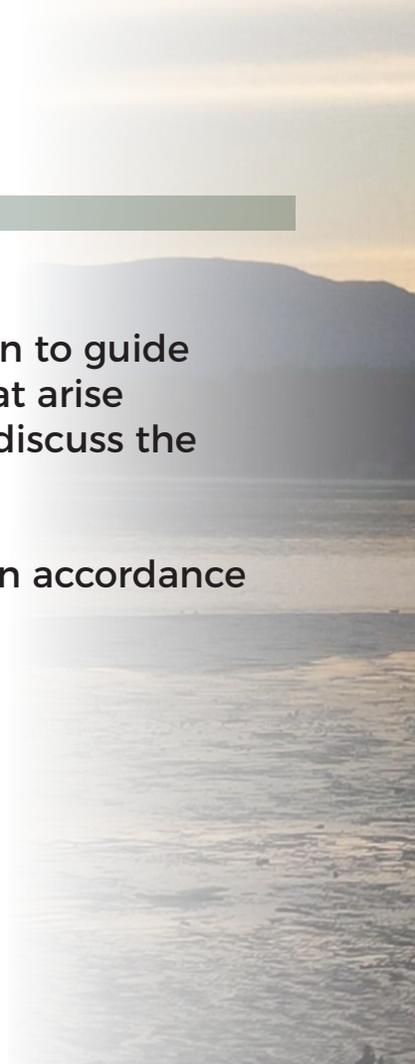
When approved, the treaty will then be signed by K'ómoks, BC and Canada.

Implementation



An Implementation Plan will be developed to lay out a plan to guide the parties in carrying out responsibilities and activities that arise from the treaty and for an Implementation Committee to discuss the Implementation of the treaty.

Implementation begins on the Effective Date, and will be in accordance with the Implementation Plan that has a 10 year term.







K'ómoks First Nation Treaty Statement of Intent Area (SOI)





Gilakas'la / ?imot from the entire treaty team.

Gilakas'la / ?imot to our people for your support of the
creation of the K'ómoks First Nation Treaty.
This document was created with our people for our people.



K'ómoks First Nation

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