



STAFF REPORT

DATE: June 4, 2024

FILE:

TO: Chair and Directors,
First Nations Relations Committee

FROM: David Leitch
Chief Administrative Officer

RE: K'OMOKS FIRST NATION ADDITION TO RESERVE

PURPOSE/PROBLEM

To consider a request from the K'ómoks First Nations (KFN) that the Regional District provide a letter of support for an Addition to Reserve (ATR) application.

EXECUTIVE SUMMARY

The KFN is seeking a Letter of Support from the Regional District for an ATR application to the Government of Canada. The application involves three parcels of fee-simple land comprising 208 acres (84 hectares) located in Union Bay south of Courtenay. According to the application, the change in status is intended to address the shortage of buildable land for KFN member housing and would assist in establishing future community and economic development. The current KFN lands apparently have various constraints limiting their use for housing and community needs, making this ATR application necessary for housing and infrastructure.

POLICY ANALYSIS

The K'ómoks First Nations request for the letter of support is not a formal referral and falls outside the SRD's jurisdictional boundaries. As a result, it has no implications for land use, public access, taxation, service delivery, governance, or other relevant aspects as outlined in the Regional District's policy with respect to ATR applications (*CP-030 Processing Addition to Reserve Referrals*).

ALTERNATIVES

Option A – THAT the Committee recommend that the Regional District provide a letter of support for the K'ómoks First Nation ATR application.

Option B – THAT the Committee recommend that the Regional District not provide a letter of support for the K'ómoks First Nation ATR application.

RECOMMENDATION

THAT the report from the Chief Administrative Officer be received.

Respectfully:



David Leitch
Chief Administrative Officer

BACKGROUND/HISTORY

In correspondence dated May 17, 2024, the KFN requested a letter of support from the SRD for an ATR application to the Government of Canada. The SRD has had Corporate Policy CP-030 in place since 2021 to establish a consistent approach for processing referrals related to designating land for First Nations reserves. However, the current request from KFN is not a referral but a request for a letter of support. An ATR is a program administered by Indigenous Services Canada that considers adding land to an existing or proposed First Nation Reserve. As a requirement of the consultation process for the KFN ATR application, the Nation has reached out to the SRD.

British Columbia's Declaration on the Rights of Indigenous Peoples Act (DRIPA) upholds the principles of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). The SRD has a role in regional development and collaboration, which includes supporting First Nations' right to self-determination and implementing their institutions, governing bodies, and economic initiatives. Specifically, by supporting the K'omoks First Nation, the SRD helps to uphold the principles of UNDRIP and DRIPA, fostering an environment where KFN governance and economic aspirations can be fully realized. KFN's request for a letter from the SRD aligns with the SRD's practice of seeking letters from First Nations for its initiatives. By providing this letter, the SRD would assist the KFN in building and strengthening their Nation's housing, infrastructure, and economic development needs.

FINANCIAL IMPLICATIONS

There are no financial implications for the SRD.

LEGAL IMPLICATIONS

The letter has no legal implications as the proposed ATR is outside the SRD's jurisdiction.

INTERGOVERNMENTAL/REGIONAL IMPLICATIONS

On May 28, 2024, the Comox Valley Regional District Board passed a motion to provide a letter of support to the K'omoks First Nation for the Addition to Reserve Application to the Government of Canada, as requested in the correspondence dated May 17, 2024.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS

Supporting the K'omoks First Nation's ATR application demonstrates the SRD's commitment to fostering relationships with First Nation governments, which aligns with the SRD's goals set out in its strategic plan for 2023-2027. The message communicated to Indigenous and non-Indigenous citizens is that the SRD values inclusivity and Reconciliation.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS

The Regional District has no official comment on this ATR request as the proposed ATR is outside the SRD's jurisdiction. However, providing the letter to the KFN aligns with the SRD's commitment to Reconciliation and partnership with First Nations and does not impact SRD operations or policies.

Prepared by: *Azalea Milwid, First Nation Liaison*

Attachments: KFN Request Letter, May 17, 2024
Policy CP-030 [*Processing of 'Addition to Reserve' Referrals*]



K'ómoks First Nation

3330 Comox Rd., Courtenay BC, V9N 3P8 Ph: 250.339.4545 F: 250.339.7053 E: reception@komoks.ca

May 17th, 2024

David Leitch, CAO
Strathcona Regional District
990 Cedar Street,
Campbell River, BC
V9W 7Z8

Dear David Leitch, CAO,

Re: K'ómoks First Nation Addition to Reserve Letter of Support

K'ómoks First Nation (KFN) is proceeding with an Addition to Reserve Application to the Government of Canada for three parcels (208 acres/84 hectare) of fee-simple land held by the Nation in the Union Bay area (Southlands Project).

As part of this process, we are seeking a Letter of Support from the Strathcona Regional District. We hope to work together with you and other First Nations, local, provincial, and federal government entities, and interested parties on our shared obligations and common interests through reconciliation and partnership building.

As you know, land is central to First Nation identity, knowledge, and economic resilience. Promoting the inherent right for First Nations to govern their lands, territories and resources is critical to creating pathways for self-determination and prosperity. KFN is seeking to act on this inherent right through the completion of an Addition to Reserve Process for the portions of District Lots 28, 31, and 32 Nelson District, as shown on Attachment No. 1. These lands are currently held fee-simple by KFN and were purchased approximately 11 years ago to enable future economic development initiatives. As time has advanced, the potential use of the lands has changed and the Nation is at an important decision-point.

At issue for the Nation is the shortage of buildable land for member housing. K'ómoks IR#1 is nearing full buildout and can no longer serve as the location for future member housing or other community needs. The Puntledge and Goose Spit IRs are heavily encumbered by environmental constraints, while the Salmon River IR is both distant and impacted by accessibility issues (see Attachment No. 2 for the location of KFN Reserve Lands). As such, KFN is applying to amend the status of a current KFN holding in the Union Bay area from fee-simple to Reserve Lands. It is anticipated that the future uses will also include administrative, community-support functions, and economic development initiatives.

The subject parcels form a 208 acre/84 hectare holding. Currently, the lands are undeveloped and contain regenerating forests, wetland areas, and passive recreation.

The federal responsibility for the Addition to Reserve process is shared between the Minister of Crown-Indigenous Relations and the Minister of Indigenous Services Canada. The ATR process acts as a redress mechanism for past injustices by the Government of Canada. As part of this process, we are required to seek Letters of Support and hope that the Strathcona Regional District will provide a positive response for this initiative. Attachment No. 3 provides a draft template for your consideration.

We request this response by June 10th, 2024. Should you have any questions or wish to receive further information, please contact Carol McColl, K'ómoks First Nation Lands Manager by phone at 250-339-4545 ext. 125 or by email at carol.mccoll@komoks.ca.

Sincerely,



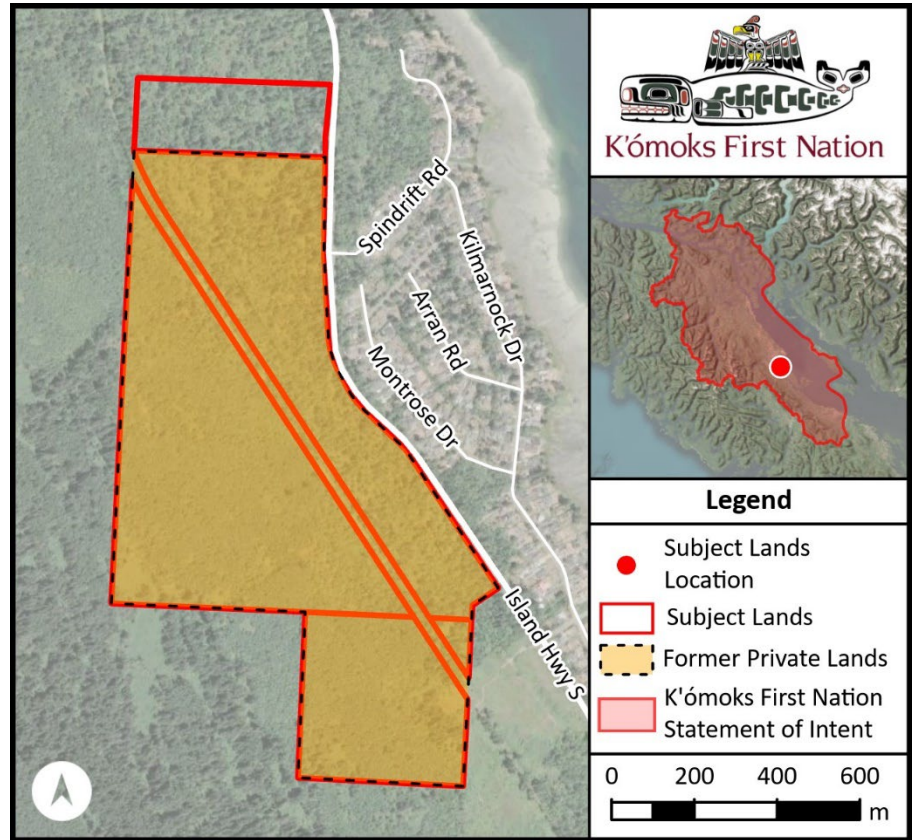
Ken Price
Chief, K'ómoks First Nation

cc: Chief & Council
cc: Treaty Team
cc: Intergovernmental Relations
cc: Tina McLean, CAO
cc: Carol McColl, Lands Manager

Attachment No. 1: Subject Lands
Attachment No. 2: KFN Reserve Lands
Attachment No. 3: Response Letter Template

Attachment No. 1: Subject Lands, KFN Addition to Reserve Application

Map 1: Subject Lands
(Total Area 208 ac/84 ha)

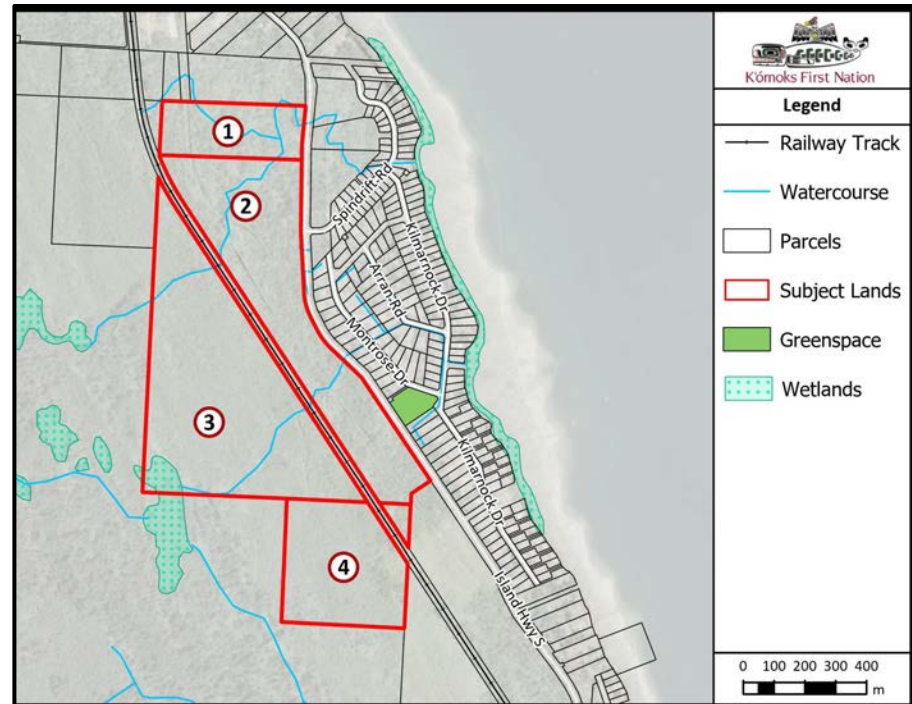


Map 2: Parcel Identification

Legal Descriptions:

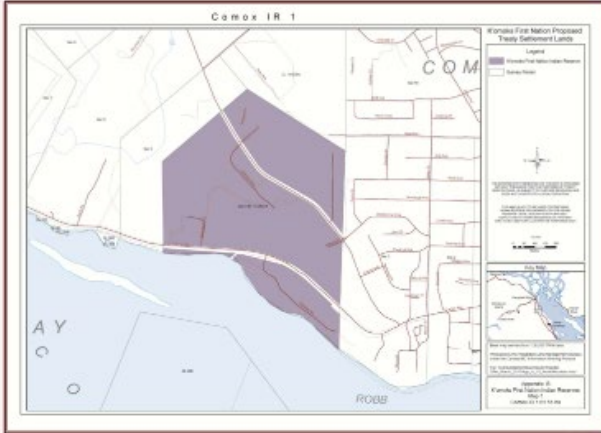
1. LOT 1 DISTRICT LOT 28
NELSON DISTRICT PLAN
EPP17930
2. LOT 2 DISTRICT LOT 28
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3. LOT 3 DISTRICT LOTS 28
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4. DISTRICT LOT 32,
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Note: Three legal descriptions reference Lot 28 as it is subdivided into three different parcels.



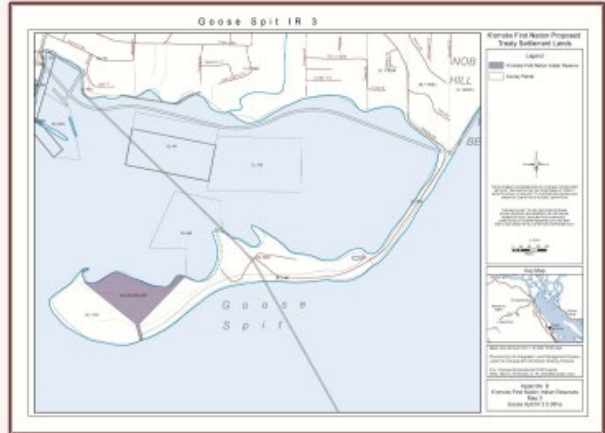
Attachment No. 2: KFN Reserve Lands

Comox IR 1



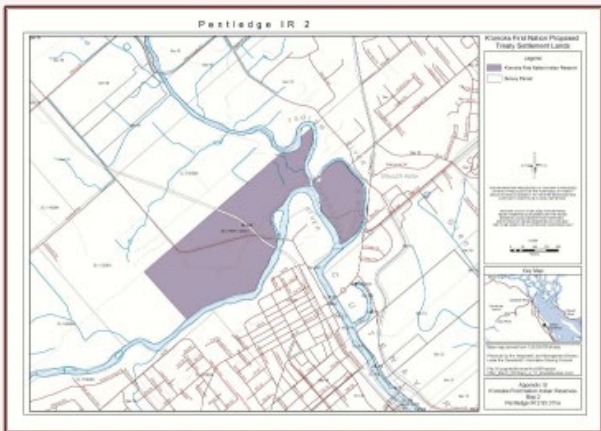
Total Area = 61.51 ha
(~ 152 acres)

Goose Spit IR 3



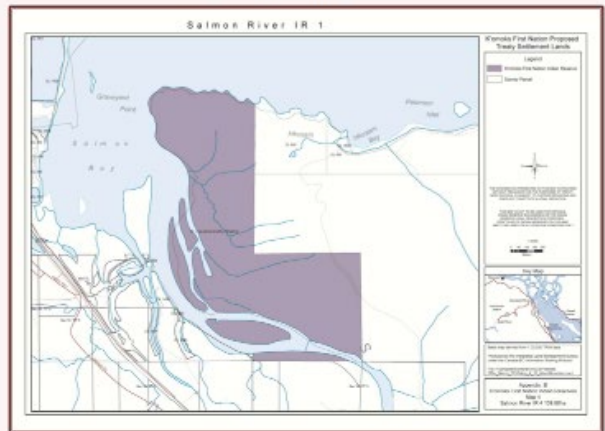
Total Area = 5.38 ha
(~ 13 acres)

Pentledge IR 2



Total Area = 83.31 ha
(~ 206 acres)

Salmon River IR 1



Total Area = 159.86 ha
(~ 395 acres)

Attachment No. 3: Response Letter Template

Letter Head

Insert date [please respond prior to June 10th, 2024]

Chief Ken Price
K'ómoks First Nation
3330 Comox Road
Courtenay BC V9N 3P8

Dear Chief Price,

Re: K'ómoks First Nation Addition to Reserve Application – Union Bay (Southlands Project)

In response to your recent letter requesting support for K'ómoks First Nation's (KFN) Addition to Reserve Application for the Southlands Project, we provide the following.

We understand that the purpose of this application is to address the shortage of buildable land for member housing and economic development activities. Further, we understand that the lands are currently held as fee-simple by the Nation.

We support this application for the following reasons (if applicable).

Add in reasons a, b, c.

Add in any comments and/or a reference to an Adopted Motion, Band Council Resolution, or other recommendation.

We understand that this letter will be provided to the Government of Canada as part of K'ómoks First Nation's (KFN) Addition to Reserve Application for the Southlands Project.

If there are any questions or if representatives of K'ómoks First Nation wish to meet to discuss this letter, please contact *contact person* at *telephone/email* at your earliest convenience.

Sincerely,

Name and Title



CORPORATE POLICY

No.: CP-030

Date Approved: June 16, 2021

Name: Processing of 'Addition to Reserve' Referrals

Purpose:	To establish a consistent approach for the processing of referrals associated with designating land for First Nations reserves.
Authority:	Section 229(2)(e) of the <i>Local Government Act</i>
Scope:	This policy applies to all referrals involving the addition of land to existing reserves, or the creation of new reserves, for first nations governments.

Definitions:	“ATR” or “Addition to Reserve”	means	the program administered by Indigenous Services Canada for considering additions of land to an existing or proposed First Nation Reserve.
	“Regional Board” or “Board”	means	the Board of Directors for the Strathcona Regional District.
	“Committee”	means	a committee established by the Regional Board
	“ISC policy”	means	the policy established by Indigenous Services Canada for administering proposals to designate land as First Nation reserve.
	“referral”	means	a request for comments or recommendations concerning a proposal to designate land as a First Nation reserve or part of a reserve.

Policy: The Strathcona Regional District will adopt a consistent process for referrals (including ATR referrals) to examine the implications of land being designated as a First Nation reserve based on Regional District bylaws, policies and strategic priorities.

General: 1) Following receipt of a referral, staff will endeavor to obtain as much background information as possible regarding the reasons for the ATR proposal and the proposed use of the land in question.

Review Date:

Name: Processing of “Addition to Reserve” Referrals

- 2) A report will be prepared that summarizes the proposal and identifies potential implications from land use, public access, taxation, service delivery, governance and other relevant perspectives.
- 3) When completed, the report will be placed on the next available Board agenda together with information on the response deadline set by the ISC policy, if applicable.
- 4) Following its initial review, the Board may:
 - a) refer the application to one or more committees for input;
 - b) defer a decision pending receipt of additional information or analysis;
 - c) invite the proponent to speak to the Board about the referral;
 - c) recommend that Indigenous Services Canada approve, conditionally approve or deny the application; or
 - d) advise Indigenous Services Canada that the Regional District chooses to not make a recommendation with respect to an ATR application.
- 5) At any time during the consideration of a referral, the Board may decide to meet with the applicant to discuss the proposal.



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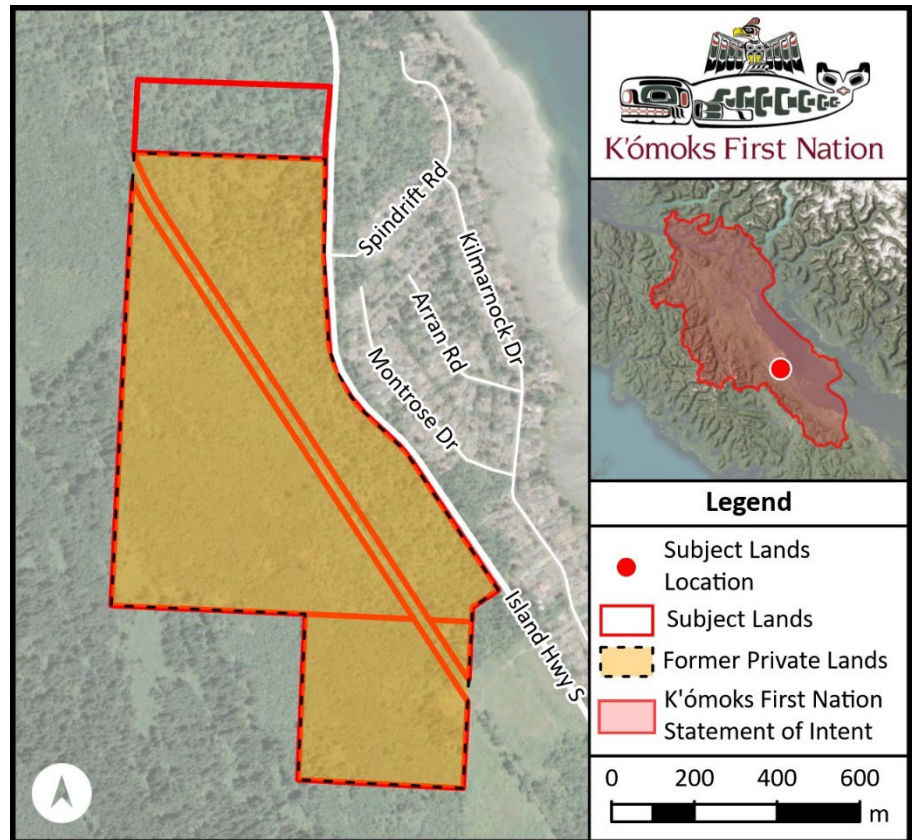
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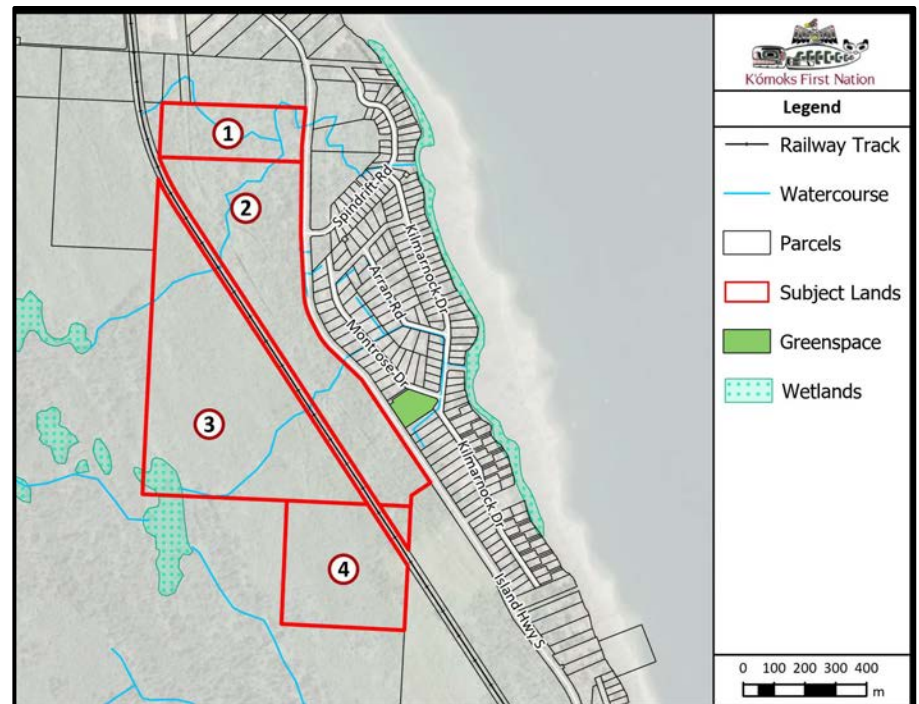


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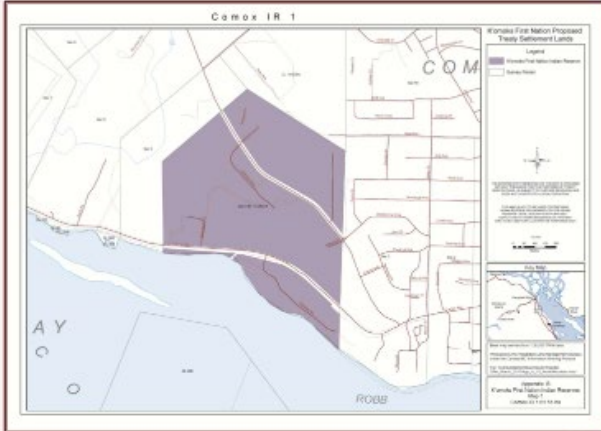
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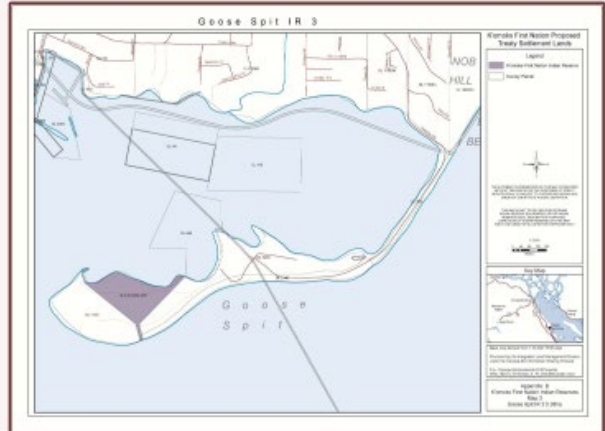
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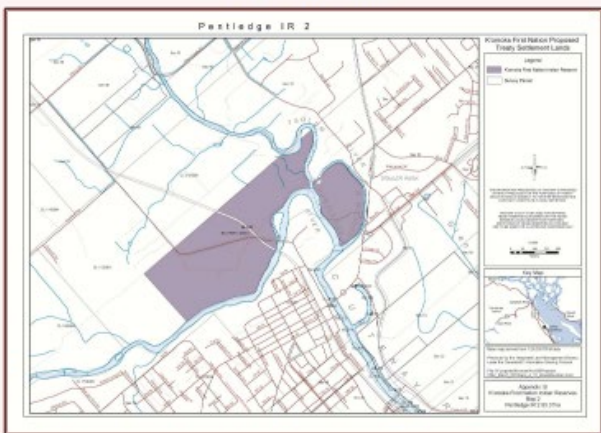
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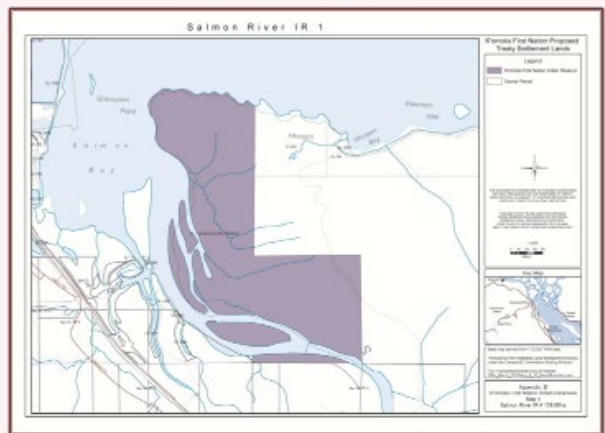
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Name and Title



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