



Meeting with K'omoks First Nation Breaks Ground

This month I'm reporting on what felt like a groundbreaking event that took place back in August: a meeting between the Denman Island Local Trust Committee (DLTC) and the K'omoks First Nation (KFN).

Why groundbreaking? Historically, the signs suggest the time is ripe for putting our relationships with First Nations in order. In June when Trust staff were setting up this meeting, the Supreme Court of Canada delivered a landmark ruling recognizing Aboriginal title over 1,750 square km of territory for the Tsilhqot'in Nation, and the BC Supreme Court ruled in favour of the Squamish Nation's challenge to the Whistler Official Community Plan, saying First Nations had not been adequately consulted.

For the DLTC, just getting the event to happen was significant, because this item -- meeting with K'omoks First Nation -- had been languishing on the DLTC's "to-do list" for over three years, with both parties never quite managing to align their schedules.

During that time, the need this meeting was thrown into high relief as tensions rose over questions about shellfish aquaculture jurisdiction in the waters around Denman (for more info on this, see the Denman page of the Islands Trust website for a press release and past Trustee Notebooks in the "Trustee Corner").

Mediators tell us that conflict can bring opportunity, opening the door to deeper understanding and improved communication, and this situation could be an example of that: the aquaculture conflict compelled the DLTC to learn more about the legal, historical and political context of the KFN shellfish farming practices. This learning process included a meeting with the Provincial treaty negotiators, and those negotiators offered to set up a meeting with K'omoks Band representatives. In an impressive feat of schedule-wrangling, they included a couple hours for the DLTC as part of a marathon treaty meeting for the K'omoks.

So, on a sunny Friday morning, I, along with fellow Local Trustee David Graham, DLTC Chair Peter Luckham and Northern Regional Planning Manager Courtney Simpson, headed to the K'omoks Band office in Comox to meet with K'omoks Chief Councillor Robert Everson, other K'omoks Band representatives, treaty negotiators, and a number of other participants.

After introductions, Mark Stevenson, a lawyer and Chief Negotiator for the K'omoks, outlined the historical background of the current treaty process in Canada, and

reported on the status of the K'omoks treaty negotiations, which began in 1994 and are now in stage five of a six-stage process. Stevenson spoke bluntly about his view of the shortcomings of the Canadian treaty system, but explained that the K'omoks Band has stayed the course because they consider a treaty the best possible option.

After that we had a conversation with Richard Hardy, Manager of the K'omoks' two shellfish farming companies, about the KFN's shellfish aquaculture operations. The tone was frank and respectful. My feeling is that we were able to put the facts on the table, acknowledge them, and affirm a shared intention to do our best to address the issues. Hardy stated his desire to build relationships with Denman Island, pointing out that unlike the big aquaculture operations, his company is working in the place they live, and have lived for 1000s of years. He also reminded us that the K'omoks Band shares our concerns around the carrying capacity of Baynes Sound and the potential negative environmental impacts of shellfish aquaculture.

We also heard about the Band's interest in starting a Coastal Guardian Watchmen Program, as has been done in other aboriginal communities in BC. This program mobilizes band members who monitor and protect the lands and waters on their territory, carrying forward the work of their ancestors to manage and respect natural and cultural resources. The DLTC agreed to share relevant information and stay in touch about potential co-operation, and provided introductions to the staff of the Island Trust Fund, the Trust's conservation arm.

The meeting ended with an offer: Chief Councillor Everson invited us to meet again, with the intention of creating a Memorandum of Understanding. This is a document that sets out common goals, mutual agreements, and ways of working together. The document lays a blueprint for the future, and the process of creating it builds mutual understanding and good will in the present.

"Can we find common ground for moving forward in a way that includes rights and privileges for Islanders who are living and making their home on Denman?" asked Chief Everson.

The DLTC considered that question at its Sept 16 meeting -- and answered in the affirmative by voting to adopt "relationship-building with K'omoks First Nation" as a top priority project. So consider this column the first of a series! The ground has been broken; let's see what we can build.