

REGIONAL COMMUNITY TO COMMUNITY FORUM:
“Neighbours Planning Together to Build Working Partnerships That Work”

FIRST NATIONS OF HAMATLA TREATY SOCIETY – LOCAL GOVERNMENTS

Hosted by the Hamatla Treaty Society (HTS)
with funding assistance by
The Union of British Columbia Municipalities (UBCM)
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I. INTRODUCTION

Forging community partnerships and building working relationships between neighbours requires a strong commitment to enhance communication and build understanding. The C2C forum was a step in that direction. It was inspired by the idea that learning more about our neighbours will help foster meaningful working relationships and successful joint ventures in the future.

The concept started out with discussions between Hamatla Treaty Society and Alison McNeil of the UBCM and took off from there. Ken Smith from the HTS had some very productive discussions with local government representatives and there was a strong consensus that a regional event would be a good way to move forward.

As a community learning event, one of the key objectives of this forum was to lay the groundwork for improved communication and understanding between local governments and the First Nations of the Hamatla Treaty Society (HTS). One of the fundamental guiding principles of the Treaty Process itself is the idea that relationships must be transformed and redefined. Perhaps the best place to begin acting on that principle is at the community level.

The community dialogue focused on the following themes:

- Establishing, Expanding and Enhancing Communication
- Building Understanding and Greater Awareness among neighbours
- Identifying Common Issues and Objectives
- Planning for Next Steps and Follow-up

The organizers decided that a series of facilitated workshops was the best approach. This community event represented an opportunity to socialize, share experiences, clarify roles and responsibilities, identify common ground, establish collaborative intentions, build awareness and begin forging partnerships and community relationships. It is critical that the HTS member Nations and local governments operating within their traditional territory begin getting to know each other better. This event began a process of increased recognition and understanding among neighbours.

The event kicked off with a traditional welcoming dinner and cultural dancers on the evening of November 6th and some opening comments by community leaders. Day Two focused on creating conversations about important issues to community stakeholders and the HTS member Nations.

FEEDBACK

By all accounts, this was a successful event. The feedback both at the workshop and afterwards has been overwhelmingly positive. Many representatives have expressed a high degree of interest in -- and a strong commitment to -- preparing for more detailed discussions as a follow-up event.

II. GOVERNMENTS AND AGENCIES REPRESENTED

GOVERNMENTS REPRESENTED

HAMATLA TREATY SOCIETY:

K'ÓMOKS NATION (COMOX)

KWIAKAH FIRST NATIONS

TLOWITSIS FIRST NATION (TURNOUR ISLAND)

WEI WAI KAI FIRST NATION (CAPE MUDGE)

WEI WAI KUM FIRST NATION (CAMPBELL RIVER INDIAN BAND)

HOMALCO FIRST NATION

CITY OF COURTENAY

COMOX STRATHCONA REGIONAL DISTRICT

DISTRICT OF CAMPBELL RIVER

MOUNT WADDINGTON REGIONAL DISTRICT

ISLANDS TRUST

TOWN OF COMOX

VILLAGE OF GOLD RIVER

VILLAGE OF SAYWARD

III. DISCUSSIONS AND THEMES

GENERAL

- β The attendance at the forum was excellent: in total there were over 70 representatives present
- β Feedback was very positive
- β This was a unique situation in that the five First Nations of the Hamatla Treaty Society initiated the event. However, the Regional District of Comox Strathcona and representatives and staff from other local governments were quick to offer their support.
- β Thank you to all of the organizers and to UBCM for their support.
- β Additional, thank you to Mr. Michael Harcourt Commissioner BCTC for his inspirational words of support at the evening social dinner.
- β There is a high degree of support for a series of follow-up meeting. Cumberland has offered to host the next meeting. Suggested topics are set out at the end of this report.

1. PLANNING & SERVICING

THEMES

- β Lots of common ground and common interests.
- β Sewer and water: “We need to show that we give a sh*t about each other’s sh*t”
- β Prior to getting into any details, you need to establish a good relationship and good communications.
- β We need to understand each other. We need more understanding of history, culture, legislative and funding regimes.
- β Boundary lines and different zonings are frequently contentious issues between municipalities and regional districts even before First Nation issues are factored in
- β We need to realize that First Nations work under different legislative structures and funding structures than local governments.
- β Some First Nations are self-contained and have their own sewer, water etc. They do not need to go to the larger community. However, when First Nations begin looking at economic development there is a need to become more involved with neighbours.
- β We need to work towards more First Nation participation in planning and building infrastructure rather than just thinking of First Nations as customers.
- β Some good examples of cooperation, protocols, servicing agreements.
- β Local governments have statutory pressures and timelines but many First Nations have serious time and resource limits making it hard to respond in a timely manner.
- β Many cultural and perspective differences between municipalities, regional districts, and Islands Trust even before we begin to deal with First Nation issues.
- β Differences between First Nations: different population bases, land bases, economic opportunities
- β The provincial and federal governments are creating problems and putting pressure on local governments, particularly in areas relating to funding and services

- β Some suspicion between inside/ outside: concerns about some people not contributing. This is an issue between municipalities and electoral areas and potential issues with First Nations.
- β Local governments could begin giving more consideration and working closer with them in planning.

FIRE SERVICES

- β Hard to fund.
- β Hard to get shared agreements on funding.
- β Sayward has a 60/40 (per capita) sharing formula with the electoral but 50/50 for capital costs.
- β Cape Mudge has an arrangement with the local government for fire services. The First Nation makes a set contribution.

RECREATION

- β Recreation facilities are expensive to keep operating.
- β Some local governments have tried to impose a surcharge on First Nation members or electoral area members. These are controversial and can backfire.

ROADS

- β What will happen with roads running through Reserves and Treaty Lands?
- β Roads are expensive to maintain: who will pay for maintenance?

COMMENTS FROM SPECIFIC AREAS

Campbell River

- β About 8 years ago Campbell River had a community forum concerning Treaty. It did not go very well: probably it was too early in the process.
- β Campbell River has a good working relationship with the Campbell River First Nation. There are servicing agreements in place and there has been good success on projects like the shopping mall.
- β Campbell River also has good working relations with Cape Mudge First Nation for the Quinsam Reserve.

Comox

- β You don't get water and sewer if not part of municipality
- β This policy leaves Comox First Nation on wells and septic.
- β Comox set up a 2-tier system a couple of years ago. Were charging First Nations and non-resident citizens more money. Turned into a major headache and it was dropped.

- β In the past Comox and First Nation were living in two parallel universes with very little contact: “You do your thing, we’ll do ours”.

Courtenay

- β Courtenay is expanding.

Cumberland

- β In the past there was not much of a relationship with First Nations
- β Cumberland have been working hard to develop better relationships with First Nations and have made some important and creative steps.
- β Cumberland has been expanding and doing new planning.
- β Have invited Comox FN to the Table to be involved in the planning.
- β 85% of land in Cumberland is Hancock trust land.

Denman (Islands Trust)

- β Denman Island is trying to develop new services and amenities

First Nations

- β Most First Nations are starting to pursue more development and provide more services.
- β Many people did not realize that Tlowitsis and Kwiakah do not even have Reserves where members can live.

Gold River

- β Provides fire protection and garbage pick-up to First Nation at same rate as for non-aboriginals.
- β Have five-year servicing agreements in place with First Nation and have built dispute-resolution provisions into some agreements.
- β Have provided some bylaws to First Nation for review.
- β High level meetings between Chief and Mayor.

Islands Trust

- β Involved with three Treaty tables.
- β Building good relations with First Nations is a major priority
- β Have developed some protocols and MOUs.
- β Very interested in working on agreements relating to fisheries/ shellfish and cultural sites.

Regional District of Comox/Strathcona

- β Regional District has many community plans that are developing or being revised
- β Some concern about committee structures internally. Concern that some municipalities or electoral areas are left out of committees and left out of decisions even if they are brought back for ratification to the Committee of the Whole.

Sayward

- β At one point, people outside Sayward could pay a small fee to have their septic pump-out dumped into the municipal system
- β There is a Comox First Nation Reserve right across the estuary from Sayward. Not much activity. Not sure what the plans are for this Reserve.
- β Would be difficult and expensive to hook this Reserve to services but would be interested in working with First Nation.

Cape Mudge

- β Cape Mudge has its own sewer and water
- β Hard to get to planning issues because of limited resources and time. Have to deal with immediate issues (health, housing, education crises).

Mt. Waddington

- β Have had reasonably good successes in working with Namgis and Kwakiutl. First Nations typically get some funding for engineering lay-outs and subdivision lay-outs.
- β Namgis contributes to operating costs for some recreation facilities.
- β Co-operated with Namgis on hospital project on Reserve.
- β Namgis has their own construction department and fire department. They get their funding from the government and contribute to services.
- β Town of Alert Bay seems to appreciate the contributions and economic development momentum provided by Namgis.

2. COMMUNICATION

GENERAL COMMUNICATION THEMES

- β In the beginning there was no communication, but now paths are open
- β There needs to be REPSECT for everything, including the elders
- β Unless there is better communication there won't be a base to build better communities
- β Capacity and resource issues.
- β Difficult for First Nations to select priorities.
- β Communications and cooperation is a recurring issue amongst all the participants
- β There is often a lack of understanding about the different legal regimes for planning between First Nations and local governments. First Nations may not understand the requirements and limits of the *Local Government Act*. Local governments may assume that similar requirements and limits apply to First Nations when they do not.
- β Many consultation processes are developed without any consultation with First Nations.
- β Often, First Nations are not consulted until most of the decisions have already been made.
- β We need to look for real opportunities for joint benefits: not just lip service.
- β Be careful about allowing a pattern to develop where First Nations input is consistently ignored. Don't ask for input if you are not going to give it meaningful consideration.

- β We need to develop more awareness and understanding. People need more understanding of history, culture and rights.
- β Need to start working with youth and younger generations.
- β Difficult to know who point of contact is.
- β Don't assume consultation only goes one way. Think about what local governments will want from First Nations post-Treaty when First Nations have more land and more control over it.
- β Need to have better continuity and consistency: a protocol could address this.
- β We could be doing a lot more sharing of resources, staff, data, studies and ideas.
- β Need a strong relationship and process that allows us to work together but also disagree.
- β Like "Men are from Mars, Women are from Venus": there are very different perspectives
- β Need to develop a shared vision.

COMMUNICATION EXAMPLES AND ISSUES

- β We want to consult but we don't quite know what we're supposed to do. It would be helpful to have a protocol or some principles in place.
- β How do we know how much consultation is adequate?
- β One representative sitting on each side, so we have First Nations sitting in with Non-First Nation councils and vice versa
- β We need regular meetings.
- β Referral timelines are often too short.
- β Sending a vague letter with a short timeline is not helpful. Develop personal relationships and talk to people in person.
- β Attending a local government or First Nation council meeting "out of the blue" can be intimidating for some local government and First Nation representatives. More personal approaches should be tried.
- β First Nations have an oral tradition. They like to talk face to face. Local governments operate in a "paper environment."
- β Solutions: eating together; less paper; more face to face meetings, involving First Nations in scheduled meetings between various local governments.
- β There are cultural differences. Local governments are often reluctant to use taxpayers' money to have "dinners or feasts"
- β Local Governments and First Nations have many similar concerns about inadequate consultation by provincial and federal government agencies.
- β Need to involve both political leaders and staff.
- β Don't use the "C" word. Be careful about using the term "consultation": it carries some very negative baggage for First Nations. It might be better to focus on working together than "consulting".
- β Try to get into the habit of using neutral or positive terminology. Don't say you are "dealing" with First Nation issues: this implies First Nations are a problem. Say we are working together with First Nations.
- β Regional District has a quarterly meeting for all local governments and staff. Are trying to involve First Nations now as well.

- β Cumberland will sometimes decline to attend a meeting unless First Nations invited.
- β Should local governments consult with First Nations about storm sewers that may contaminate clams and crabs that First Nations harvest?
- β If a First Nation or local government samples waters or soil and find problems, should they share the information?
- β Mayor of Campbell River drops by the Band Office from time to time just for coffee.
- β Local governments could offer First Nations seats on planning commissions or committees.
- β Protocols between First Nations and local governments.
- β Some good opportunities for First Nations and local governments working together on mapping projects (GIS, planning, ecosystem mapping, trail mapping).

ECONOMIC DEVELOPMENT

- β Lots of opportunities.
- β Some positive examples in joint initiatives between the District of Campbell River and the Campbell River First Nation.

COMMUNICATION RELATING TO PLANNING: THEMES

- β Local governments sometimes assume that First Nations know what OCPs are and how planning functions under the Local Government Act. This is not always true. Many First Nations have had virtually no involvement with the Local Government Act or OCPs.
- β Maybe we need to have a broader level of understanding before we start.
- β Reserves are usually just left blank in OCP processes and maps
- β First Nations are often invited into process but their participation doesn't materialize so there's no consideration of First Nation concerns

COMMUNICATION RELATING TO PLANNING: EXAMPLES

- β Cumberland invited the Comox First Nation to participate in planning. Working well but need to spend a lot of time building new relationship.
- β Cumberland has offered to share their Planner and do some exchanges: develops understanding and capacity.
- β Comox has a community process: they hire consultants to create proposals, go to community for input; also Town Residents Association which monitors issues like "quality of life issues"
- β Sometimes the federal government gets involved in local planning issues and a racial divide begins and grows. For example, on Quadra, Rate Payers didn't want the Cape Mudge First Nation to be involved because a person had to "be on the tax roll" to participate. These prejudices create divides. This is a problem since planning must be inclusive to be successful.
- β Cumberland has been asking Comox First Nation if they have particular planning interests in specific parcels of land. There may be an opportunity to protect some lands or put some protective zoning or policies in place.

- β Cape Mudge First Nation tried to get involved in the District of Campbell River planning discussions in relation to its Quinsam Reserve but was apparently informed there were legal issues that created barriers.
- β Some First Nations feel they are treated as customers to sell services to and not as participants
- β Local Improvement District-only people who pay property taxes have a vote
- β On Quadra Island, the Regional District tried to include the First Nation in planning processes and set up a seat on the “Advisory Planning Commission”. The First Nation decided not to participate because they did not want to acknowledge the jurisdiction of the local government when involved in treaty negotiations
- β The Town of Comox created a design panel for developments. They set aside a seat for the First Nation but the First Nation did not participate.

COMMUNICATION RELATING TO CULTURAL SITES

- β Some local governments have an informal policy to contact First Nations when they come across potential cultural sites.
- β This is an area that could benefit from more formal protocols to prevent problems.

RESOURCE USE THEMES

- β Revenue sharing requires discussion.

RESOURCE USE EXAMPLES

- β Example of a gravel company that came to Waddington with a deal already in place with Namgis and Kwakiutl before they came to local government.
- β Some examples for partnerships with First Nations in forestry and other areas.
- β Developing shellfish opportunities: what are the concerns of local governments?
Some local citizens and local government representatives would be very supportive of the economic development, others would express concerns about pollution, loss of access to foreshore, etc.
- β Opportunity for shared economic development ventures.

PROTOCOLS

- β There was a general consensus that developing protocols between First Nations and local governments is an excellent idea.
- β We have a common understanding with each other. Signing a protocol agreement would be good, to ensure this relationship continues in the future.
- β Don't get too specific in the protocols.
- β It is important to revisit these types of agreements to adjust the purpose and intent and also to remind people of its existence: Living document
- β The signing of such a protocol is a ceremony in itself and should be done publicly to symbolize the partnership and relationship that is being created.
- β How do we develop a regional vision?

- β These agreements exist in some form already: they are just not on paper yet.
- β What is an appropriate form to work together as separate First Nations, Towns, Councils, Regions?
- β It was suggested it might be good to have a facilitator come and work with local governments and First Nations to develop principles to guide the relationship. Both groups jointly agree to adopt the principles.

3. TREATY ISSUES

THEMES

- β A lot of misinformation and myths. A lot of issues to deal with at once.
- β A lot of misunderstanding both on aboriginal and non-aboriginal side.
- β There needs to be an education process in place for both First Nations and non-aboriginals
- β We all have common goals, we all want a vibrant healthy economy, sustainable amount of resources, an increasingly better way of living for future generations.
- β Need to educate the youth so relationships and other business carries on
- β We share a lot of common goals about community, the economy and the environment.
- β The system under the *Indian Act* doesn't work. A world with treaty can not be any worse.
- β Some local governments stay away from many issues because "they don't do treaty issues."
- β There is uncertainty about timing: when will the AiP happen?
- β How much info will local governments receive before AiPs are passed?
- β Haida offer of 10-20% has created confusion and uncertainty.
- β Not clear what the provincial government is doing.
- β The federal and provincial governments often appear to be condescending or ignorant in relation to the impacts of Treaty on local governments. Local governments don't want to be patted on the head and told everything will sort itself out in the end.
- β First Nations are negotiating with a government that has not respected past treaties. Why should this treaty be any different and why are First Nations risking it? Why not just exercise sovereignty and rights?
- β Maps and areas are an issue, what areas are being negotiated?
- β What are the right to fishing and hunting? Are there allocations?
- β Future additions to Treaty Settlement Lands by First Nations post-Treaty: regime is unclear.
- β Future additions? Should this be possible? Shouldn't everything be settled once and for all? Maybe this depends on what type of land it is and how a FN plans to develop it.
- β Not clear what will happen with revenue sharing.
- β Many non-aboriginals will probably support settlements and economic developments
- β What will happen with private land: will local governments lose part of their tax base and, if so, is this a problem?
- β What will First Nations do with their land? Will each member get some land?

- β What to do with incompatible land-use planning and bylaws. Note that this happens already between local governments.
- β Different perspectives about lands. Is it a commodity that anyone can buy, clearcut, build on and sell? Or is it is part of a community and ecosystem? How will cultural values be respected?
- β Will Treaty Settlement Lands increase value or de-value lands around them?
- β What will happen with water use? Need to find a way to share.
- β What will happen if a First Nation gets back Treaty Settlement Land in a watershed and can affect water quality? What happens if a local government does something that affects water quality for First Nations?
- β Crown land: which lands will be selected for Treaty Settlement Land? What will happen in overlap areas?
- β Local governments are not being included in discussions about Treaty Settlement Land and jurisdiction.
- β The importance of coordinated land-use planning.
- β How to protect shared values in ecosystems.
- β Wealth generated by First Nations will benefit local communities.
- β What is certainty? Can this be achieved collectively? Different First Nation perspectives versus government perspectives.
- β Treaty could be a framework for resolving issues: won't necessarily answer all the questions.
- β Loss of tax exemption is a big issue for First Nations.
- β Shared goals relating to health, education, recreation opportunities.

MYTHS AND MISUNDERSTANDINGS

- β People think they may lose their own private home and land to Treaty Settlement.
- β Will a First Nation come to a private home and say "Our Elders have arthritis so we are expropriating your hot tub"?
- β Lack of knowledge about Hamatla First Nations, their history and culture and the fact that two of the Hamatla Treaty Society First Nations have no land base.
- β Different perspectives about what a Treaty will be or should be.
- β There is an ongoing misconception that First Nations are getting everything for nothing
- β People don't understand that First Nations are borrowing money to participate in Treaty negotiations and that this money is spent in local communities right now.

OTHER ISSUES

- β Would First Nations want to be electoral areas in Regional Districts?
- β Jim Wilson sits in on Regional District meetings but is not a voting member.
- β Why would a First Nation join a Regional District just to be outvoted? How does this fit with First Nations' rights, title and governance over their whole Territory?
- β May not be as much of a problem if decisions are made by consensus.

- β What about a more informal relationship where everyone sits at the same table for regular meetings?

IV. NEXT STEPS

- β Cumberland invited FN to participate in planning. Working well but need to spend a lot of time building new relationship.
- β Cumberland has offered to share their Planner and do some exchanges: develops understanding and capacity.
- β Cumberland has been asking Comox FN if they have particular planning interests in specific parcels of land. There may be an opportunity to protect some lands or put some protective zoning or policies in place.
- β How about reps from colleges, universities, education and health boards?
- β Consider a two-part session next time: start with a background session open to the public or other groups, followed by another regional forum.
- β We don't want or need the provincial or federal government present
- β Consider providing for anonymous written questions if people are shy about asking their questions in person
- β Try to start with achievable topics: start with winners
- β Also work on face-to-face meetings between local government and First Nation Councils in the interim: don't wait for the next regional forum
- β Jim and Ken will put together a media release or make some kind of public announcement.
- β Send out summary draft report.
- β Do we need to charge a nominal fee for participation to cover costs not covered by UBCM?

- β Potential topics:
 - ? update on Treaty negotiations
 - ? more background on First Nations' culture, history and rights,
 - ? developing protocols
 - ? servicing standards
 - ? land-use planning (how to integrate community growth and development, how to create complimentary OCPs)
 - ? start to scope out "tough issues" like taxation
 - ? aquaculture

V. FINANCIAL

	Estimated	Actual
Dinner for 100 people at \$25.00/person Coffee and juice included	\$2500.00	\$2500.00
15% gratuity	\$375.00	\$365.40
GST 7%	\$175.00	\$170.52
Room Rental for work shop(Included)		N/A
Lunch for 100 people at \$16.95/person Lunch 85 people Including morning and afternoon tea	\$1695.00	\$1440.75
15% gratuity	\$254.25	\$216.11
GST 7%	\$118.65	\$100.85
Facilitation Services	\$5000.00	\$5410.00
Cultural Dancers	\$500.00	\$500.00
Preparation of materials	\$350.00	\$350.00
Printing costs	\$250.00	\$250.00
Mailing costs	\$250.00	\$250.00
Final report production	\$1000.00	\$1000.00
Contingency	\$500.00	\$500.00
Total	\$12,967.90	\$13053.63
Total funding request (50%)	\$6483.95	\$5000.00

Please note that lunch cost were less than estimated due to the 85 people served as opposed to the estimated 100. Additionally facilitation services were \$410.00 greater than the estimated \$5000.00. Additionally, some other ancillary organizational costs were absorbed by the Hamatla Treaty Society.