

From: Sibyl [REDACTED]
Sent: Thursday, January 15, 2026 7:44 PM
To: Islands2050
Cc: Laura Patrick; Susan Yates; Tobi Elliott; northinfo
Subject: Policy Statement should continue to centre Indigenous Governing Bodies
Attachments: Frei Fleming letter to TC and Gabriola LTC re policy statement-Jan 15 2026.pdf

To the Islands Trust Council, the Gabriola Island Local Trust Committee and staff,

Please strongly consider the attached letter about the focus of the draft Policy Statement regarding Indigenous Governing Bodies. (Gabriola LTC staff, please replace the letter we sent earlier today with this one.)

Thank you,

Sibyl Frei & Louise Fleming

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January 15, 2026

TO: Islands Trust Council and Gabriola Island Local Trust Committee

RE: Islands Trust Draft Policy Statement

We encourage the Islands Trust Council and Gabriola Local Trust Committee to clearly support the reframing of the Islands Trust Policy Statement to include Indigenous voices and Governing Bodies in a revised Policy Statement. Demonstrably working with Indigenous Peoples on whose territories we all live begins to right the wrongs of 150 years of colonization and 50 years of the Islands Trust neglecting to include the Rights and Title of Snuneymuxw and many other Coast Salish Nations. We are very pleased to see that Indigenous Governing Bodies, Indigenous cultural and harvesting sites and other issues of importance to Indigenous Peoples are finally and appropriately integrated into the draft Policy Statement.

As Gabriola residents and landowners ourselves, we recognize that there are fears about what such a new direction in the Policy Statement might mean. The BC Supreme Court's decision in the Cowichan case has led many landowners within the Trust Area to express strong concerns about losing their property rights, and to argue against centering Indigenous Governing Bodies in a revised Policy Statement. However, many knowledgeable commentators have helped shed light on what the Cowichan decision, DRIPA, etc. actually means. Some examples are:

- An article by lawyer Kate Gunn of First Peoples Law, describes the effect of the Cowichan decision as follows: "Comments from the City [Richmond] and the Province which suggest that Aboriginal title and fee simple interests are mutually exclusive overlook the fact that such interests can, and do, coexist with respect to the same parcels of land. One needs only to look at the recent [Gaayhllixid/Güühlagalgang "Rising Tide" Haida Title Lands Agreement](#) – signed by the Province and the Haida Nation in 2024 – for an example of how Aboriginal title and private property interests can exist contemporaneously over the same lands." She went on to say: "No Canadian court has found that Aboriginal title can be extinguished or otherwise displaced by private landownership," and "The fact that the *Cowichan Tribes* decision raises issues which are challenging, inconvenient, and politically charged should not be used as an excuse to deviate from the Province's [and Islands Trust's] repeated public commitments to [reconciliation](#), nor does it justify the continued denial of the existence of the Cowichan's constitutionally protected rights to their traditional lands."¹
- In response to a Vancouver Sun op-ed. on this subject by Trevor Halford, BC Conservative leader, Adam Olsen, member of Tsartlip First Nation and former member of the legislative assembly for Saanich North, wrote that "the B.C. Supreme Court decision in [Cowichan Tribes v. Canada](#), rendered in August [2025], ... is based on long-established constitutional rights. ... DRIPA does not create Indigenous title; the Canadian justice system was recognizing it decades before (see Supreme Court decisions in Delgamuukw, 1997, and Tsilhqot'in, 2014). ... When Eby put \$150 million forward for private property owners who may be affected by the Cowichan decision, he was not acting recklessly; arguably, he should have done it sooner. Mostly because it is unlikely that it will be needed because the decision is not likely to directly affect private property owners, especially if Eby creates an effective table for the Crown and First Nations to negotiate a solution."²

¹ <https://www.firstpeopleslaw.com/public-education/blog/correcting-misconceptions-the-cowichan-tribes-decision>

² <https://thetyee.ca/Opinion/2026/01/05/Trevor-Halford-Wrong-Land-Title-DRIPA/>

- A piece in Policy Options Politique by lawyers Victoria Wicks and Jaklyn McNamara says, “The recent [Cowichan Tribes decision](#) ... does not mean that private-property owners who were not named in the court case are likely to lose title to their land and homes. *Cowichan* is also not a sudden shift in law. It’s a continuation of principles that have existed for decades and should be seen as a call for Canadian governments to face their constitutional obligations to Indigenous Peoples. Negotiating now in good faith with First Nations is not just a matter of legal necessity. It’s a chance to build a fairer foundation for the country we share and for governments to do the hard work necessary to fulfil their commitment to reconciliation. *Cowichan* is a positive step in this direction.”³

The same principles anchoring the UN Declaration on the Rights of Indigenous Peoples, BC’s DRIPA, and proposed changes to the Islands Trust Policy Statement are all part of how we can do that hard work and truly commit to reconciliation and “walking together in a good way” with Indigenous Peoples.

We urge the Islands Trust Council and Gabriola Local Trust Committee to strongly support the focus on working together with Indigenous Governing Bodies in the Trust Area within a revised Policy Statement. This is for all of us and the next seven generations.

Huy’ch’q’ a sii’em, thank you,

Sibyl Frei & Louise Fleming

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³ <https://policyoptions.irpp.org/2025/12/cowichan-land-ruling-explained/>