



RECONCILIATION DISCUSSION GUIDE

CONTEXT: The following content is extracted from the draft OCP unless otherwise noted.

Since time immemorial, the Snuneymuxw People have resided in Snuneymuxw Territory as the first peoples, sustaining [the] lands, resources, culture and spiritual way of life. There are numerous archaeological sites and sites of cultural importance throughout Snuneymuxw Territory including Gabriola Island.

On December 23, 1854, Snuneymuxw and the Crown entered the Snuneymuxw Sarlequun Treaty of 1854, a trade and commerce treaty including promises and obligations to forever and always protect Snuneymuxw villages, cultivated fields, and the right to hunt and carry on fisheries as formerly. This Treaty is protected under section 35 of the Constitution Act, 1982.

Despite this historic agreement, colonial authorities later alienated promised lands (not noted in the draft OCP is that this alienation occurred as a result of the introduction of the Land Registry Act (1860), which allowed individuals -- excluding the Snuneymuxw -- to pre-empt up to 160 acres, conditional on making improvements). This led to a modern era of legal battles, a landmark 2021 Memorandum of Understanding, and recent land returns. The Reconciliation Implementation Framework Agreement and the Land Transfer Agreement with the province of B.C. serve a similar purpose of acknowledging the rights and people of Snuneymuxw.

The BC treaty negotiations process is guided by the principle that private property (fee simple land) is not on the negotiations table. Only available Crown lands are included in negotiations. Private lands can be negotiated on a willing-buyer, willing-seller basis. Treaties reconcile pre-existing Aboriginal title with Crown title, which provides legal certainty. Private lands and property remain under private ownership. (BC Treaty Commission)

The LTC must engage local First Nations and ensure substantive feedback is received from them in order for provincial approval of any OCP and/or LUB changes.

Reconciliation is one of four priorities in the draft Gabriola Official Community Plan:

- A. Integration of Indigenous knowledge and perspectives into planning processes, and
- B. Protection of Indigenous Cultural Heritage

A. Integration of Indigenous knowledge and perspectives into planning processes

The draft OCP includes the following Objectives:

- Integrate Indigenous knowledge, values, and perspectives into land use planning, policy development, and decision-making processes.
- Ensure early, ongoing and respectful engagement with Indigenous Governing Bodies on development applications and amendments to the Plan and LUB.
- Use Indigenous cultural knowledge alongside ecological, climate, freshwater data and community insights to guide planning decisions.
- Align land use planning with related plans and initiatives of Indigenous Governing Bodies

Questions:

- a) **What do you like about the draft OCP wording regarding integration of Indigenous knowledge, values, and perspectives into land use planning, policy development and decision making?**
- b) **Do you have any concerns or questions and, if so, suggestions for addressing those concerns?**

B. Protection of Cultural Heritage

The Plan Area contains numerous Indigenous cultural heritage sites, both recorded and unrecorded, that reflect long-standing relationships between First Nations and the land. These sites are vulnerable to disturbance from development, erosion, recreational use, and climate change. Protecting cultural heritage is a key priority for First Nations and is essential to reconciliation, stewardship, and respectful land use planning.

The draft OCP includes the following Objectives:

- Minimize ground disturbance in areas of known or potential archaeological significance.
- Protect archaeological sites and culturally significant areas through, Heritage Conservation Areas, covenants, and other regulatory tools.
- Use Indigenous cultural knowledge alongside ecological, climate, freshwater data and community insights to guide planning decisions.
- Collaborate with First Nations to identify, protect and steward areas, species and landscapes of cultural significance.
- Support the continued stewardship and sustainable use of land, water and natural resources by First Nations by recognizing and supporting indigenous cultural knowledge, cultural values, and traditional resource use in land use planning and decision making.
- Properties zoned for Flexible Housing should exclude areas...containing any portion of recorded archaeological and cultural heritage sites.

Questions:

- a) **What do you like about the draft OCP wording regarding protection of indigenous cultural heritage?**
- b) **Do you have any concerns or questions?**