



Snuneymuxw

First Nation

www.snuneymuxw.ca

5 July 2017

Honourable Marc Garneau

Minister of Transport

Via email: mintc@tc.gc.ca

Honourable Jody Wilson-Raybould

Minister of Justice

Via email: Jody.Wilson-Raybould@parl.gc.ca

Honourable Carolyn Bennett

Minister of Indigenous and Northern Affairs

Via email: minister@aadnc-aandc.gc.ca

RE: Nanaimo Port Authority – Transition to Nation to Nation Approach in Nanaimo Harbour

Dear Ministers,

We are writing to inform you of a joint initiative being advanced by the Snuneymuxw First Nation, the City of Nanaimo, and the Nanaimo Marina Association, along with other industry users, to create an alternative to the currently existing Nanaimo port authority model, and to seek an opportunity to meet with yourselves and your senior officials to discuss this initiative. We think the cross-regional cooperation between our Nation, the municipality, and a vast cross-section of user groups provides a unique opportunity to demonstrate innovation and creativity in ways that advances Indigenous self-government, regional economies, and effective decision-making on our waterways.

By way of background, Snuneymuxw occupies a unique place among First Nations in British Columbia. Unlike most nations in BC, we were one of the few to sign a historic treaty - the Pre-Confederation Treaty of 1854. A core feature of the treaty is the agreement that the Snuneymuxw will "carry on our fisheries as formerly". The idea of continuity and non-interference with the Snuneymuxw way of life is a central element of the treaty and was, at the outset, our shared understanding of the treaty. Our shared approach premised on recognition and respect has been overrun in the past 150 years.

The Nanaimo Harbour Commission was created in 1961, and continued in 1998 by federal letters patent under the *Canada Marine Act*. Despite our treaty relationship with the Crown, Snuneymuxw was not engaged or considered at the time the NPA was created, and our treaty was ignored. Unsurprisingly when Indigenous rights and obligations are ignored, our relationship with the NPA has been strained from the beginning. Over many years we have made extensive efforts to try to normalize and develop a productive relationship. In a few instances over the years progress was achieved on discrete issues, but fundamentally the relationship has remained a strained and frustrated one. The root of this on-going unresolved challenge is the reality that the NPA and *Canada Marine Act* are structured and operate without due consideration and participation of Snuneymuxw. To be blunt, these structures are from another era – one that was not based on partnership, cooperation, and the recognition of rights.

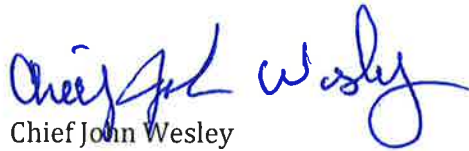
In the past year, the difficulties with the relationship have increased and become unproductive and untenable for all. While there is a persistent disregard and even disrespect of Snuneymuxw treaty rights, this struggle is enabled, and even prefigured by the structural limitations and challenges posed by the current design of the NPA and the *Canada Marine Act*. After years of effort, it appears to us that respect for Snuneymuxw rights and the current NPA structure created by federal legislation are fundamentally incompatible.

Our government has committed by resolution to undertake innovative work to achieve a solution and a way forward. We want to work with our federal, local, and industry partners to create success for everyone in new ways that respect our treaty rights. City of Nanaimo staff have also been directed by City Council resolution to explore and develop an alternative model, and user groups have committed to participate.

To date, the federal response has not been productive or constructive. Both the NPA and the responsible Transport Canada Regional Director General Robert Dick have stated that they have no interest in such innovation. In our brief meeting with Mr. Dick on April 12, 2017, we made clear that Snuneymuxw will be engaged in a discussion with the region to create an alternative respectful of our rights to the current NPA approach and we fully expect Canada to participate in that discussion. At that meeting, Mr. Dick stated he would be happy to meet with Snuneymuxw to learn about our treaty and what it would mean for necessary adjustments to the NPA approach. Despite this commitment, we recently received a letter (dated 23 May 2017) from Mr. Dick stating that he had no such interest to meet. Saying one thing and doing another, being closed to exploring new ideas, and showing apparent disinterest in trying to understand and implement our treaty relationship, is not in keeping with productive relations, the honour of crown, or just basic patterns of respect.

We request an opportunity to meet at your earliest convenience to discuss this important matter in our region. You may contact Snuneymuxw's Chief Negotiator Douglas White III Kwulasultun at dwhite@snuneymuxw.ca or 250-756-7563 to discuss arrangements.

Hycep ka Siem,



Chief John Wesley

cc. Mayor Bill McKay, City of Nanaimo
Robert Dick, Transport Canada
Odai Sirri, Nanaimo Marina Association