

INFORMATION NOTICE



Community Notice

January 2025

About

Snuneymuxw First Nation has reached a proposed settlement agreement with Canada to settle a long-standing historical claim.

This newsletter is for members who are eligible to vote in the ratification of the proposed settlement.

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Proposed Settlement Agreement with Canada

Message from Chief and Council

Snuneymuxw Chief and Council are happy to announce that we have initialed a settlement agreement with the Government of Canada for a historical claim regarding the Teytexen Village Specific Claim. The next step is to bring forward the Teytexen settlement agreement to Snuneymuxw citizens for approval by way of a ratification vote. Importantly, we are asking Snuneymuxw citizens to get out and vote on March 2nd or March 3rd, 2025. This notice package provides information on the proposed settlement, a summary of the Claim, and information on how to vote in the settlement agreement ratification process.

This settlement agreement is the result of many decades of work by Snuneymuxw that led to Canada admitting fault for its past actions and coming to the negotiating table to compensate our Nation for our losses. Upon a successful vote, Canada will provide Snuneymuxw \$42 million in compensation for not protecting or reserving the southern portion of Teytexen village for Snuneymuxw People.

We strongly encourage you to review the information in this notice package related to the Claim settlement, and to attend upcoming information meetings. We are committed to meaningful dialogue and discussions to address your questions about what this settlement means as we move towards the ratification vote on March 2 and 3, 2025. We require 25% of our eligible voters to get out and vote, and without voter turnout the Teytexen settlement agreement will not be completed.

We are recommending this settlement to you for approval so that we may move forward as a Nation and bring resolve to our Snuneymuxw People. We thank you for taking the time to learn more about the Claim settlement and getting out to vote.

Summary of Claim

The Teytexen specific Claim is about Snuneymuxw's loss of part of our historic village of *teytexen* on the east bank of the Nanaimo River. As part of the Sarlequnn Treaty signed between Snuneymuxw and the Crown in 1854, our village sites and cultivated fields were to be surveyed and protected for Snuneymuxw. Canada did not live up to its treaty promise and took part of our Teytexen village away from us. In 1860, even though the northern part of *teytexen* was eventually reserved for Snuneymuxw which is now Nanaimo River IR No. 3, the southern portion of *teytexen*, which today exists just south of the Nanaimo River IR 3 border, was never protected or reserved for Snuneymuxw. This southern portion of our *teytexen* village is what was taken from us and this is what we are being compensated for. It is an important village site where Snuneymuxw practice our culture and way of life. .

Teytexen translates to "go upstream" or "going upstream." *Teytexen* formed part of our cultural, kinship, economic and traditional legal systems. The southern portion of *teytexen* was especially important for our cultivation of potatoes, hay, camass, fishing and gathering. Encroachment and destruction by settlers, and alienation of the southern part of our Snuneymuxw *teytexen* village began a few centuries ago when the Crown took it from us and gave it to settlers. It was eventually sold to a man whose wife was a Snuneymuxw member, and her name was Margaret, and that man sold it to Walter Raines. Walter eventually moved his house to the southern portion of the *teytexen* village (south of IR3 border), where George Raines also owned land. There was a cattle trail that extended through the entire *teytexen* village and eventually became Raines Road.

Summary of Claim, cont.

The Crown's failure to reserve and protect 58.3 acres of this southern portion of *teytexen* for Snuneymuxw, constitutes a breach of the Crown's legal duties and obligations to Snuneymuxw. Canada has admitted to this breach. As a result of the actions of the colonial government, Snuneymuxw has been deprived of the 58.3 acres since at least 1854. These lands have remained in the hands of third parties ever since.

Snuneymuxw Chief and Council first filed the "Teytuxen Village Specific Claim" with Canada in 2001 under the Specific Claims policy. By letter dated June 27, 2007, Canada accepted the Claim for negotiations. On July 25, 2007, Snuneymuxw agreed to enter into settlement negotiations with Canada.

On March 4, 2015, Canada offered to settle the Teytuxen Claim for \$5,051,591. Dissatisfied with Canada's initial offer, Snuneymuxw Chief and Council continued to advocate for a more comprehensive and just resolution.

After many years of intensive negotiations, Snuneymuxw Council fought hard to reach a settlement of **\$42,000,000** that we believe gives us fair value for these wrongs and the ability to move forward to invest in a better future for our membership.

Settlement Overview

- A one-time payment of **\$42,000,000** (forty-two million dollars) will be made to Snuneymuxw in 2025. Funds advanced by Canada to Snuneymuxw to prepare and negotiate the Claim (totalling approximately \$665,045) will be repaid from the funds.
- In exchange for the compensation, Snuneymuxw will release Canada from liability related to the Claim.
- The settlement agreement **does not** include any provisions related to the surrender or modification of our Aboriginal title and treaty rights.
- If Snuneymuxw secures replacement lands it wishes to have added as reserve lands, Snuneymuxw is entitled to apply to Canada to have 58.3 acres of land added to reserve.
- The use of the settlement funds is not addressed in the proposed settlement agreement with Canada and will be determined solely by Snuneymuxw.

Frequently Asked Questions

How was the compensation amount determined?

Answer: Snuneymuxw and Canada conducted joint expert studies between 2020 and 2023 to estimate the current market value of the lands; loss of use of the lands; fisheries losses; and coal losses. Snuneymuxw also proposed compensation for other losses including: timber; loss of gravesites; harms flowing from displacement, including loss and destruction of homes and improvements and anxiety and distress due to tensions with settlers; and loss of agricultural, harvesting, travel routes, and cultural areas.

Are we surrendering our lands at *teytexen*?

Answer: No. While the settlement agreement assures Canada that Snuneymuxw will not make another claim against Canada for their failure to protect and reserve land at *teytexen* for Snuneymuxw in 1854, Snuneymuxw's Aboriginal title and treaty rights **are not** impacted by the settlement agreement. A surrender of Snuneymuxw's Aboriginal title and treaty rights is **not** required in order to ratify the settlement agreement.

Where can I get more information?

Answer: Community meetings will provide an opportunity for you to receive more information and to ask questions of the negotiation team and legal counsel. The schedule of meetings is on page 8 of this notice and is posted on the Snuneymuxw Facebook page and website: <https://snuneymuxw.ca/>

Why is your participation in ratification of the settlement important?

Answer: A strong voter turnout is critical. For the ratification to succeed and the proposed settlement agreement to be accepted: (1) 25% plus 1 of Snuneymuxw voters must participate in the vote; and (2) of the votes cast, a majority of the votes must be in favour. If there is insufficient voter turnout, even if a majority vote in favour, the settlement agreement cannot be signed. **Advance voting is available by online ballot and mail-in ballot starting February 3, 2025, and in person on voting days on March 2 and 3, 2025.**

Why doesn't the settlement include a direct return of the lands?

Answer: The Specific Claims Policy only provides financial compensation to First Nations to resolve their specific claims. However, as Snuneymuxw has lost 58.3 acres of land because of Canada's breach of legal obligations, the settlement agreement sets out that Snuneymuxw may apply to have 58.3 acres of lands added to reserve. Snuneymuxw will be responsible for purchasing or acquiring any such lands at our own expense.

How will the settlement money be spent?

Answer: Snuneymuxw Chief and Council is working with Petroglyph Development Group and the Thlap'Qwum Trust to finalize a 10 – year financial plan that will outline goals and objectives to improve quality of life for Snuneymuxw. As part of our plans for use of the settlement funds, Snuneymuxw Chief and Council has agreed on a financial distribution of \$10,000 to each Snuneymuxw member, with funds for minors to be held in trust until they reach the age of 18. This distribution reflects approximately half of the settlement funds that Snuneymuxw will be receiving. We are committed to ensuring that the remainder of funds will directly benefit all members of Snuneymuxw and our future generations.



Ratification Process

- Before it takes effect, the proposed settlement agreement must be ratified by Snuneymuxw's membership under a voting process set out in the settlement agreement by Voting Guidelines developed by Snuneymuxw. All Snuneymuxw members over the age of 18 are eligible to vote in the settlement referendum ("Voters").
- The referendum will be conducted by an independent Ratification Officer appointed by Snuneymuxw.
- All Voters will receive a package in the mail containing notice of the ratification vote, information about the proposed settlement agreement, dates and locations of meetings where more information will be provided in advance of the vote, a mail-in ballot, and instructions on how to vote online.
- A polling station at the Snuneymuxw Gym will be available for Snuneymuxw members to vote in person on March 2 and 3, and online voting will be available as of February 3, 2025.
- When the polls are closed, all in-person, mail-in, and online ballots will be counted by the Ratification Officer, and the results of the ratification vote will be announced.
- 25% plus one of all Snuneymuxw Voters must participate in the vote and a majority of those who vote must vote in favour of the settlement agreement for the ratification vote to be binding.
- If the settlement agreement is ratified, Canada and Snuneymuxw can sign the settlement agreement and Canada will transfer the funds to Snuneymuxw.

Map of the Lands and Ballot Questions

The ratification vote asks Snuneymuxw members if you agree to the terms of the proposed settlement agreement regarding the lands as shown on the map below. The full text of the proposed settlement agreement summarized in this notice is included in the mail-out ballot package and will be made available to members at the community information meetings held on February 12 and February 18, 2025 or upon request.



Ballot Questions

As a Voter of the First Nation, do you:

- (a) **agree** to all of the terms and conditions of the Snuneymuxw Teyt xen Village Specific Claim Settlement Agreement initialled by the negotiators for the Snuneymuxw First Nation and Canada, which settles and releases the matters set out in the Settlement Agreement;

and

- (b) **authorize and direct** the Council of the Snuneymuxw First Nation to sign all documents and do everything necessary to give effect to the Snuneymuxw Teyt xen Village Specific Claim Settlement Agreement?

VOTING DAY

MARCH 2 and March 3, 2025

9:00 am - 8:00 pm

Polling Station:

Snuneymuxw Gymnasium

1145 Totem Road, Nanaimo, BC V9R 1H1

KEY CONTACT INFORMATION

Snuneymuxw Council:

**Erralyn Joseph, 250-740-2300,
erralynt@snuneymuxw.ca**

Legal Counsel:

**Nicole Talpalaru, 236-317-4813,
nicolet@mandellpinder.com**

Ratification Officer:

**Ron Laufer, 604-715-4777,
ronlauferelections@gmail.com**

SCHEDULE FOR COMMUNITY MEETINGS

Wednesday February 12, 2025 at 5:00 pm at the Snuneymuxw Gymnasium, 1145 Totem Road, Nanaimo, BC.

Tuesday February 18, 2025 at 5:00 pm at Online by Zoom:

- **Link:**
<https://zoom.us/j/95396090239?pwd=UpFqFCbcPox93Y18kPIhRg4OQXXDFO.1>
- **By-Phone: 1 778 907 2071 (Canada)**
- **Meeting ID: 953 9609 0239 Passcode: 477160**

Other Meeting Dates May be Announced on the on the Snuneymuxw Facebook page and website: <https://snuneymuxw.ca/>