

# **AGREEMENT REGARDING THE MKWAL'TS NT'ÁKMEN (URE CREEK AREA)**

Between:

**The LIL'WAT NATION**

And:

**The PROVINCE OF BRITISH COLUMBIA  
(the Province)  
as represented by  
the Minister Responsible for the Integrated Land Management Bureau  
(the Minister)**

## **WHEREAS:**

- A. The Province and the Lil'wat Nation (the Parties) acknowledge the importance of the unresolved Mkwál'ts Nt'ákmen area to the Lil'wat Nation and agreed in good faith to seek to reach agreement on land use zones, designations, and management direction for this area by October, 2009.
- B. Section 35 of the *Constitution Act, 1982* recognizes and affirms any existing aboriginal title and aboriginal rights of the Lil'wat Nation. With respect to sovereignty, title, and ownership:

### **The Lil'wat Nation asserts:**

The Lil'wat Nation has held its Territory, including all the lands, waters, and resources in its Territory, since time immemorial.

The Lil'wat Nation is the steward of its Territory and is charged with protecting and managing the lands, waters and resources today and for future generations.

The Lil'wat Nation has aboriginal title to and aboriginal rights throughout its Territory. These rights have never been ceded, surrendered, or abandoned. Similarly, they have not been extinguished.

The Lil'wat Nation asserts authority to and autonomy to its entire Territory, and an inherent right to govern the uses of the land, waters, and resources of its Territory.

### **British Columbia asserts:**

The lands, waters and resources within the asserted Territory of the Lil'wat Nation are Crown lands, waters and resources, subject to the sovereignty of Her Majesty the Queen and the legislative jurisdiction of the Province of British Columbia.

## THE PARTIES AGREE AS FOLLOWS:

### 1. Definitions

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**“Agreement”** means this agreement regarding the Mkwál'ts Nt'ákmen (Ure Creek area).

**“Conservancy”** means land in British Columbia that is established as a conservancy under the *Park Act* (RSBC 1996, c. 344) or the *Protected Areas of British Columbia Act* (SBC 2000, c. 17), as amended from time to time.

**“Land Use Planning Agreement”** means the Land Use Planning Agreement between the Lil'wat Nation and the Province of British Columbia signed by the representatives of the Lil'wat and of the Province on the 11<sup>th</sup> day of April, 2008.

**“Minister”** means the Minister Responsible for the Integrated Land Management Bureau.

**“Mkwál'ts Nt'ákmen”** means the area of land as set out in Schedule A.

## **2. Establishment and Management of a Mkwál'ts Conservancy**

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- 2.1 The Parties agree that the Mkwál'ts Nt'akmen area should be protected and managed according to the principles applicable to a Conservancy.
- 2.2 The Parties understand and intend that:
- 2.2.1 The Minister will initiate the necessary steps to establish a Conservancy that will:
- be named the Mkwál'ts Conservancy;
  - be defined according to the boundary shown on the map in Schedule B; and
  - exclude certain road rights of way as illustrated on the map in Schedule B.
- 2.2.2 The interim designations put into place pursuant to section 9.6 of the Land Use Planning Agreement will remain in place until the Mkwál'ts Conservancy is formally established;
- 2.2.3 The Mkwál'ts Conservancy will be managed in accordance with the Land Use Planning Agreement, provincial and federal laws and will be considered a new Protected Area for the purposes of sections 4, 5.5 and 5.6 of the Land Use Planning Agreement;
- 2.2.4 The forestry roads within the Mkwál'ts Conservancy will be deactivated to a standard required by regulation; and
- 2.2.5 Pending the completion of a management plan for the Mkwál'ts Conservancy, the interim management will be guided by the contents of section 3.1.4.2 of this Agreement.

### 3. Amendments to the Land Use Planning Agreement

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3.1 Immediately following the coming into force of legislation that establishes the area set out in schedule B as a Conservancy, the Land Use Planning Agreement will be deemed to be amended as follows:

3.1.1 Section 8.5.2 is deleted and replaced with:

“The process in s. 8.5.1 will result in an increase of no more than 1425 hectares of forested land base as Old Growth and Sensitive Ecosystem Areas, including a maximum of 425 hectares of contributing class timber harvesting land base as per Schedule E.”;

3.1.2 Section 9 is deleted;

3.1.3 The map in Schedule B is deleted and replaced with the revised map as set out in Schedule C to this Agreement;

3.1.4 In Schedule C of the Land Use Planning Agreement:

3.1.4.1 The list of Protected Areas on page C-3 is amended by adding Mkwál'ts Conservancy;

3.1.4.2 The following is added to the Implementation Direction on page C-5:

**“Area Specific - Mkwál'ts”**

- Access that adversely affects cultural values and uses by the Lil'wat Nation will not be developed.
- Infrastructure that adversely affects cultural values and uses by the Lil'wat Nation, will not be developed.
- The Conservancy will not be promoted as a recreational destination.
- Collectively, the Parties will develop management plan zoning for the Conservancy that protects natural and cultural values, and prohibits motorized access.

3.1.4.3 Table 2 is amended by adding a new column for the Mkwál'ts Conservancy as provided in Schedule D to this Agreement.



3.1.5 In Schedule E, Section 3 - Old Growth and Sensitive Ecosystems of the Land Use Planning Agreement:

3.1.5.1 The second bullet point under implementation direction is deleted and replaced with:

- "An additional budget of 1425 ha forested land base/425 ha contributing commercially viable timber opportunity area is available to the Lil'wat Nation for protection across Lil'wat Territory.";

3.1.5.2 The first sentence of item 1 under implementation direction is deleted and replaced with:

"The Lil'wat First Nation will, from time to time, propose, ground truth, and finalize candidate old growth area(s).";

3.1.5.3 The first sentence of item 2 under implementation direction is deleted and replaced with:

"The Lil'wat Nation will submit candidate area(s) to the provincial official who the Province has identified for this purpose."

3.1.6 Schedule H of the Land Use Planning Agreement is amended by deleting from Table 2 the rows referenced as 51 and 52 and replacing them with the row provided in Schedule D to this agreement.

#### 4. General

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- 4.1 The Land Use Planning Agreement, as amended in section 3 above, is incorporated by reference into this Agreement.

The Parties have reached this Agreement on the 22<sup>nd</sup> day of April, 2010.

Signed on behalf of  
the Lil'wat Nation by

Chief Leonard Andrew

Chief Leonard Andrew (Taya)

Lil'wat Nation / Mount Currie Band  
Council

Signed on behalf of

Her Majesty the Queen in Right of  
the Province of British Columbia by

Pat Bell

Honourable Pat Bell

Minister Responsible for the Integrated  
Land Management Bureau

In the presence of,

[Signature]

Witness

In the presence of,

[Signature]

Witness

## **List of Schedules**

Schedule A: Map of the Mkwál'ts Nt'ákmen Area

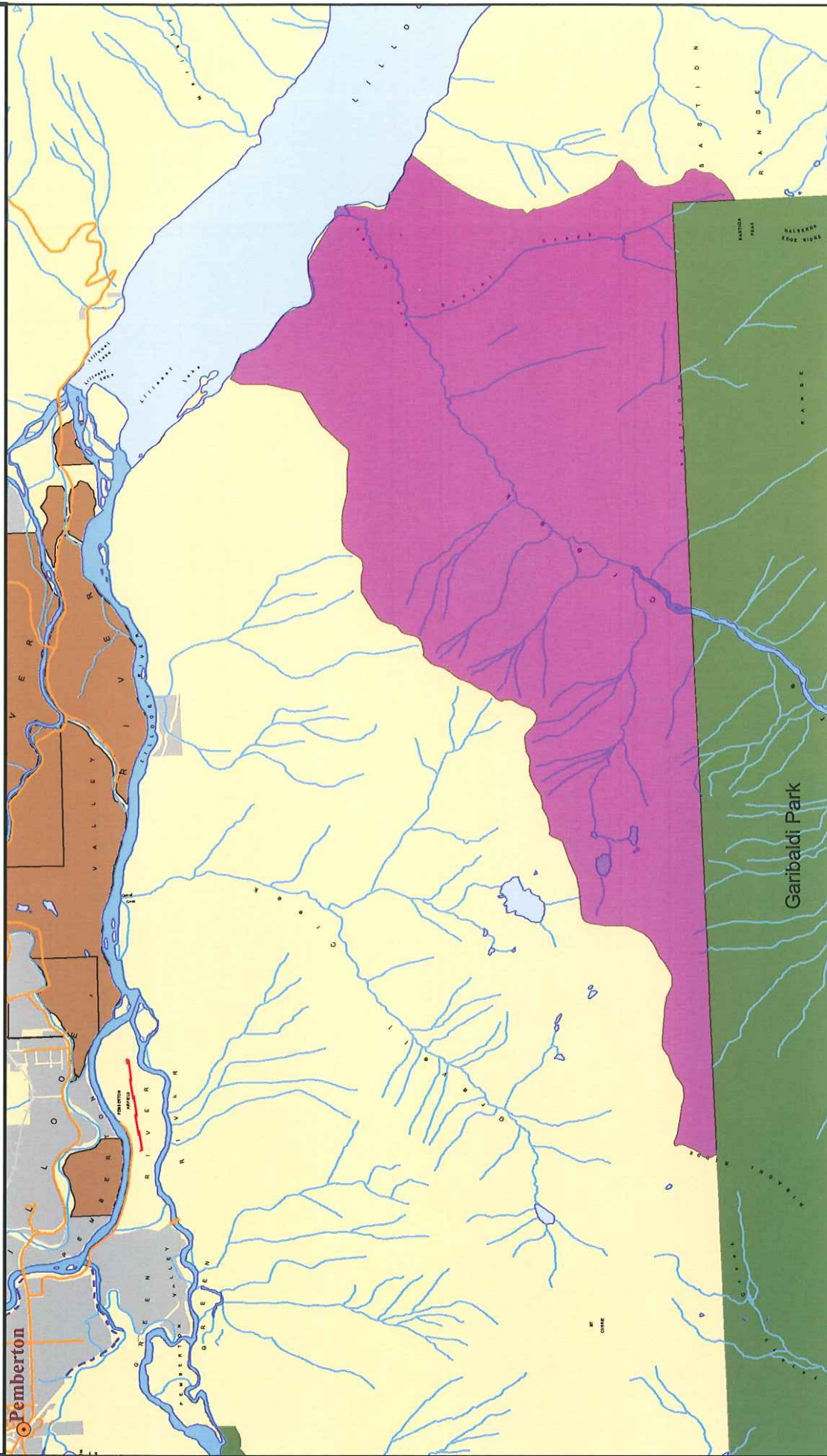
Schedule B: Proposed Map of the Mkwál'ts Conservancy Boundary

Schedule C: Revised Map of Schedule B of the Land Use Planning Agreement

Schedule D: Revisions to Table 2 in Schedule C and Table 2 in Schedule H of the Land Use Planning Agreement

# Agreement Regarding the Mkwál'ts Nt'ákmen (Ure Creek Area)

## Schedule A: Mkwál'ts Nt'ákmen Area



### Legend

- Mkwál'ts Nt'ákmen Area
- BC Provincial Parks
- Private Land



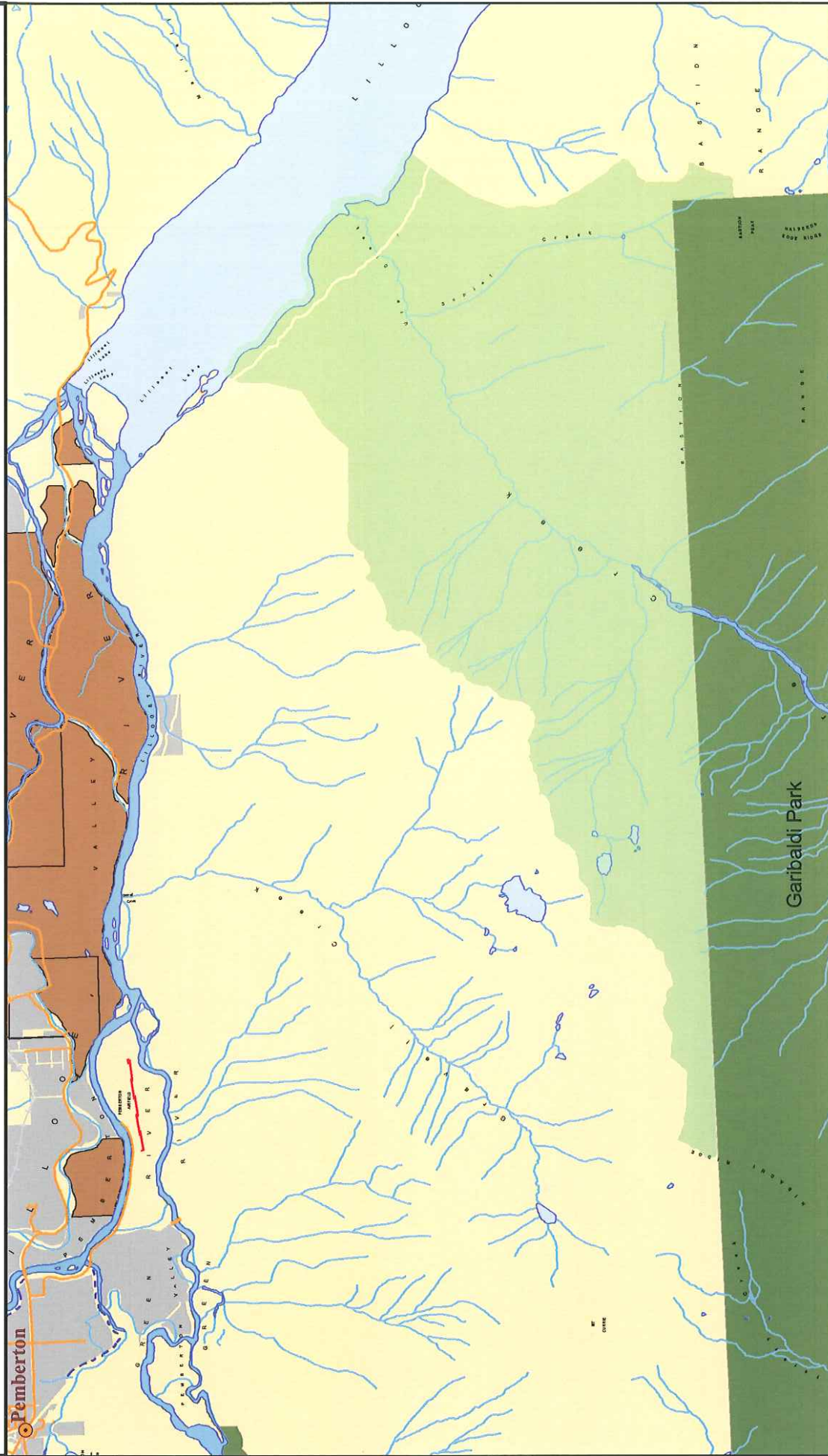
Scale: 1:75,000



Projection: BCAlbers  
 Data Source: ILMB Land & Resource Data Warehouse  
 Produced by: Coast Region,  
 Lower Mainland Service Centre, Peter Verschoor  
 Date: December 14, 2009



# Agreement Regarding the Mkwál'ts Nt'ákmen (Ure Creek Area) Schedule B: Proposed Mkwál'ts Conservancy Boundary



## Legend

- Proposed Mkwál'ts Conservancy Boundary
- BC Provincial Parks
- IR
- Private Land



Scale: 1:75,000



Projection: BC Albers  
 Data Source: ILMB Land & Resource Data Warehouse  
 Produced by: Coast Region,  
 Lower Mainland Service Centre, Peter Verschoor  
 Date: December 14, 2009

**Schedule C: Revised Map of Schedule B of the Land Use Planning Agreement.**



# Sea-to-Sky

## Land and Resource Management Plan

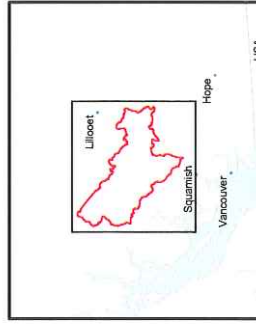
Agreement on Land Use Planning  
Lil'wat Nation  
and  
British Columbia  
Schedule B

### Strategic Land Use Zones

This map replaces Schedule B:  
Strategic Land Use Zones, dated  
March 14, 2008

#### Legend

-  Lil'wat Territory
-  Sea-to-Sky LRMP
-  BC Parks and Protected Areas
-  Conservancy
-  All Resource Uses Permitted
-  Cultural Management Area
-  Front Country



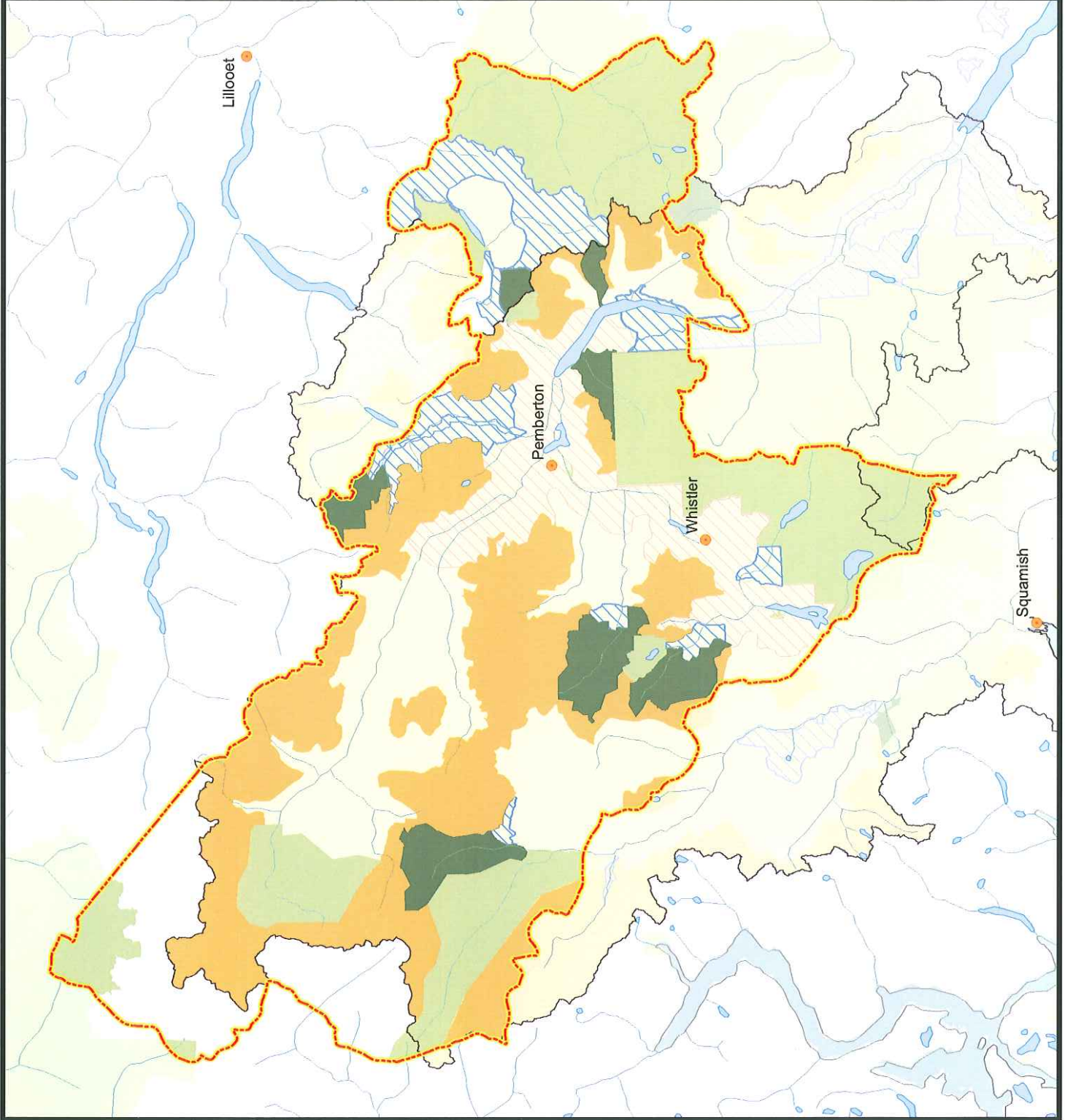
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0 5 10 20 Kilometers



Projection: BC Albers  
Data Source: LMB Land & Resource Data Warehouse  
Produced by: Coast Region,  
Lower Mainland Service Centre, Peter Verschoor  
Date: December 16, 2009

WARNING: The Integrated Land Management Bureau accepts no responsibility for the accuracy or content of the data shown on this map. All data is subject to change and can not be used for legal descriptions. The most current digital files may or may not be stored at LMB.



**Schedule D: Revisions to Table 2 in Schedule C and Table 2 in Schedule H of the Land Use Planning Agreement.**

Revision to Schedule C: Table 2 to be deleted and replaced by the following:

**Table 2. Summary of Purpose and Recommended Uses in Protected Areas**

<b>P – Primary Role</b> <b>S – Secondary Role</b>	<b>Mkwal'ts</b>	<b>(K'zuzáit / Twin Two</b>	<b>Qwalímak / Upper Birkenhead</b>	<b>Sú7a / Upper Soo</b>	<b>Nlháxten / Duffy Lake Park addition</b>	<b>Nlháxten / Cerise Creek</b>	<b>Scwálem / Callaghan</b>	<b>I7loqaw7/100 Lakes</b>	<b>Ílacwten / Elaho</b>
<b>Role</b>									
<b>Recreation</b>					<b>S</b>	<b>P</b>	<b>S</b>	<b>S</b>	<b>S</b>
<b>Ecosystem Representation</b>	<b>S</b>	<b>S</b>		<b>S</b>					
<b>Habitat Conservation / Protection</b>	<b>S</b>		<b>S</b>				<b>S</b>	<b>S</b>	<b>S</b>
<b>Cultural Heritage Representation /Protection</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>P</b>	<b>S</b>	<b>P</b>	<b>P</b>	<b>P</b>

Revision to Schedule H: Rows 51 and 52 to be deleted and replaced by the following:

51	Upper Ure	C		Objectives and implementation direction are to be developed in collaboration with Lil'wat First Nation, and incorporated into Park Management Plan.
52	Ure Fan	C		Objectives and implementation direction are to be developed in collaboration with Lil'wat First Nation, and incorporated into Park Management Plan.