

MODIFICATION AGREEMENT
North Coast Cumulative Effects Demonstration Project Agreement

THIS MODIFICATION AGREEMENT dated for reference March 31, 2018 (the “Reference Date”)

BETWEEN:

Her Majesty the Queen in Right of the Province of British Columbia, as represented by the Minister of Energy, Mines and Petroleum Resources, Minister of Indigenous Relations and Reconciliation and the Minister of Forests, Lands, Natural Resource Operations and Rural Development (the “Province”)

AND:

Gitxaala First Nation, Gitga’at First Nation, Kitselas First Nation, Kitsumkalum Indian Band, and Metlakatla First Nation as represented by their Chief or authorized representative (the “Participating Coastal First Nations” or “PCFNs”)

(Hereinafter referred to individually as a “Party” and collectively as the “Parties”)

WHEREAS

- A. The Parties entered into the Environmental Stewardship Initiative North Coast Cumulative Effects Demonstration Project Agreement dated for reference November 24, 2016 (the “Agreement”).
- B. The Parties have agreed to modify the Agreement.

NOW THEREFORE in consideration of the promises and mutual covenants and agreements set out hereinafter, the Parties agree as follows:

1. The reference to “Demonstration” in the title of the Agreement is removed.
2. Recital A is deleted and is replaced with the following:

“A. The Environmental Stewardship Initiative (“ESI”) is a collaborative government to government initiative between the Province and First Nations intended to generate a positive environmental stewardship legacy through projects related to:

- ecosystem assessment and monitoring;
- ecosystem restoration and enhancement;
- ecosystem research and knowledge exchange; and
- stewardship education and training.”

3. Subsection 2.1.3 is deleted and is replaced with the following:

“2.1.3 undertake a process to understand the potential gaps in cumulative effects assessment and monitoring initiatives within the traditional territories of the PCFNs, and inform decision-making by the Parties on aligning environmental values for the Cumulative Effects Project with other existing and potential cumulative effects initiatives;”
4. Subsection 3.1.1.2 is deleted and is replaced with the following:

“3.1.1.2 implement the Agreement and reach major milestones in a timely manner by March 31, 2021; and,”
5. Subsection 3.1.3.2 is deleted and replaced with the following:

“3.1.3.2 the capacity and travel costs of PCFN representatives to participate in the RSF and Project Team shall be in accordance with the ESI North Coast Project Participation letters of agreement entered into by each PCFN and the Province.”
6. Subsection 3.1.6 is deleted and is replaced with the following:

“3.1.6 The Parties agree that the Nisga’a Nation, Haisla Nation and Lax Kw’alaams may become a party to this Agreement by executing with the Minister of Energy, Mines and Petroleum Resources on behalf of the Province an adherence agreement, in substantially the form attached at Appendix A to this Agreement (“Adherence Agreement”) and this Agreement will be deemed to be amended as of the date the Adherence Agreement is fully executed.
7. Subsection 4.8 is deleted and replaced with the following:

“4.8 The term of this Agreement will be from November 24, 2016 until March 31, 2021, or when the elements in section 3.0 of the Agreement are completed to the satisfaction of the Parties, whichever is sooner.”
8. Appendix A: Adherence Agreement is deleted and replaced with the form attached to this Modification Agreement.
9. In all other respects, the terms of the Agreement remain in effect.
10. This Modification Agreement will commence on the Reference Date.

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11. This Modification Agreement may be entered into by each Party signing a separate copy of this Agreement and delivering it to the other Party by facsimile or electronic transmission.

SIGNED and DELIVERED on the 29th day of March, 2018 on behalf of Her Majesty the Queen In Right of the Province of British Columbia by the Minister of Energy, Mines and Petroleum Resources




Minister Michelle Mungall

SIGNED and DELIVERED on the 29th day of March, 2018 on behalf of Her Majesty the Queen In Right of the Province of British Columbia by the Minister of Forests, Lands, Natural Resource Operations and Rural Development



Minister Doug Donaldson

SIGNED and DELIVERED on the 09 day of April, 2018 on behalf of Her Majesty the Queen In Right of the Province of British Columbia by the Minister of Indigenous Relations and Reconciliation



Minister Scott Fraser

SIGNED and DELIVERED on the 8th day of MARCH, 2018 on behalf of Gitga'at First Nation:



Chief Arnold J. Clifton

SIGNED and DELIVERED on the 08 day of March, 2018 on behalf of Kitselas First Nation:



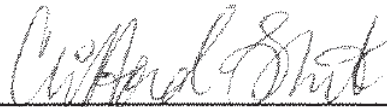
Chief Joseph Bevan

SIGNED on the 26 day of February, 2018 on behalf of Kitsumkalum Indian Band: ¹



Chief Donald Roberts

SIGNED and DELIVERED on the 1 day of MARCH, 2018 on behalf of Gitxaala First Nation:



Chief Clifford White

SIGNED and DELIVERED on the 20 day of March, 2018 on behalf of Metlakatla First Nation:



Chief Harold Leighton

**Appendix A:
Adherence Agreement –
North Coast Cumulative Effects Project Agreement**

BETWEEN:

Her Majesty the Queen in Right of the Province of British Columbia, as represented by the Minister of Energy, Mines and Petroleum Resources (the “Province”)

AND:

XXXX First Nation (the “xxxx First Nation”)

(Hereinafter referred to individually as a “Party” and collectively as the “Parties”)

WHEREAS

- A. The Province, Gitxaala, Gitga'at, Kitselas, Kitsumkalum, and Metlakatla have entered into the North Coast Cumulative Effects Project Agreement (the “Agreement”);
- B. Xxxx First Nation would like to become a Party to the Agreement and participate in the Cumulative Effects Project;
- C. The Province, Gitxaala, Gitga'at, Kitselas, Kitsumkalum, Metlakatla have agreed that Xxxx First Nation should join the Agreement; and
- D. The Agreement provides that xxxx First Nation may become a Party to the Agreement by executing an Adherence Agreement with the Province.

NOW THEREFORE the Parties agree as follows:

- 1. xxxx First Nation will become a Party to the Agreement on the date this Adherence Agreement is fully executed by xxxx First Nation and the Province.
- 2. xxxx First Nation acknowledges the Cumulative Effects Project described in the Agreement is already underway.
- 3. xxxx First Nation agrees that it will participate in the Cumulative Effects Project from this date forward in the form that is currently underway, in accordance with the terms of the Agreement.

IN WITNESS WHEREOF the Parties have executed this Adherence Agreement as set out below

SIGNED and DELIVERED on the _____ day of _____, 20____ on behalf of Her Majesty the Queen In Right of the Province of British Columbia by the Minister of Energy, Mines and Petroleum Resources

Minister Michelle Mungall

SIGNED and DELIVERED on the _____ day of _____, 20____ on behalf of xxxx First Nation:

Chief NAME