MAA-NULTH FIRST NATIONS FINAL AGREEMENT

LAND TRANSFER
MEMORANDUM OF UNDERSTANDING

KA:'YU:'K'T'H'/CHE:K'TLES7ET'H'
FIRST NATIONS and BRITISH COLUMBIA

BRITISH COLUMBIA
www.gov.bc.ca

THIS UNDERSTANDING (the "Understanding") made the **9th** day of **April, 2009**.

BETWEEN:

KA:'YU:'K'T'H'/CHE:K'TLES7ET'H' FIRST NATIONS

AND:

HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF BRITISH COLUMBIA
("British Columbia")

The Maa-nulth First Nations, British Columbia and Canada have successfully concluded the negotiation of the Maa-nulth First Nations Final Agreement (the "Final Agreement") under the British Columbia Treaty Commission process. Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations is a Maa-nulth First Nation and a party to the Final Agreement.

Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations and British Columbia have ratified the Final Agreement in accordance with Chapter 28 Ratification of the Final Agreement. All of the parties have now signed the Final Agreement. Canada is proceeding to table its federal settlement legislation in order to fulfill its ratification requirements and be in a position to give effect to the treaty.

The parties are actively engaged in developing detailed Final Agreement implementation and closing plans that will ensure the parties are ready for the effective date – the date when the Final Agreement takes effect, has force of law and the Maa-nulth First Nations begin to exercise their rights under the Final Agreement. However, the parties recognize that it may take 18 to 24 months to prepare all the legal documents and Maa-nulth First Nation laws required to be in place to give effect to the Final Agreement.

At the provincial level, British Columbia and the First Nations Leadership Council, representing the Assembly of First Nations – BC Region, First Nations Summit and the Union of BC Indian Chiefs, have entered into a New Relationship. In the spirit of the New Relationship, British Columbia and two First Nations have recently signed the first incremental treaty agreements in the province. These agreements provide treaty-related benefits to these First Nations, including the transfer of ownership of a key land parcel, in advance of the treaty's effective date.

In the same vein as an incremental treaty agreement, subject to British Columbia obtaining an appropriation for any required land survey costs, British Columbia is prepared to negotiate a land transfer agreement (the "Transfer Agreement") with Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations for two important land parcels. These parcels, totalling approximately 36 hectares of provincial Crown land and are identified for illustrative purposes as "Candidate Parcel for Pre-Treaty Transfer"shown on Schedule 1 to this Memorandum of Understanding (the "Fair Harbour Parcel" and "Amos Island"), will become Maa-nulth First Nations Lands of Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations on the effective date of the Final Agreement. The

Fair Harbour Parcel is currently leased by Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations where a business services the needs of travellers to Kyuquot Sound. Amos Island is a beautiful island near the Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations' community of Houpsitas. If concluded, the Transfer Agreement would allow Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations to advance any development plans with partners and financial institutions ahead of the effective date of the Final Agreement.

British Columbia and Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations agree that if a Transfer Agreement is entered into it will include the following provisions:

a. the Province's commitment to transfer determinable fee simple estates, excluding subsurface resources, in the Fair Harbour Parcel and Amos Island to a duly incorporated company under the *Business Corporations Act* (British Columbia) (the 'Designated Company") as soon as practicable after the Transfer Agreement is signed by the parties and any required land surveys are completed;

b. the Designated Company will be owned and controlled by Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations;

c. the transfer of the Fair Harbour Parcel and Amos Island will be subject to identified encumbrances and exceptions and the condition that the parcels not be sold or transferred prior to the effective date of the Final Agreement;

d. existing provincial laws, including applicable zoning, land use, land development and property tax laws will apply to the Fair Harbour Parcel and Amos Island;

e. the Fair Harbour Parcel and Amos Island will be transferred "as is" with respect to their environmental conditions;

f. the Fair Harbour Parcel and Amos Island will become Maa-nulth First Nation Lands of Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations on the effective date of the Final Agreement; immediately before the effective date of the Final Agreement the fee simple estate of the Designated Company in the Fair Harbour Parcel and Amos Island will terminate; and

g. the Province will take responsibility for identified closing costs, including:

    - the cost of any survey required;

    - any other costs or fees associated with the preparation of Crown grants or any other land title office documents; and

    - property transfer tax.

The Parties acknowledge that this Memorandum of Understanding is not intended to create any legally binding obligation on either party, or to recognize, affirm, deny, limit or amend any aboriginal rights or titles of Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations.

THIS UNDERSTANDING HAS BEEN EXECUTED AND DELIVERED as of the day and year first above written.

Signed on behalf of
Ka:'yu:'k't'h'/Che:k'tles7et'h' First
Nations by
Chief Councillor

Chief Therese Smith

Witness

Signed on behalf of Her Majesty the Queen in Right of the Province of British Columbia by the Minister of Aboriginal Relations and Reconciliation

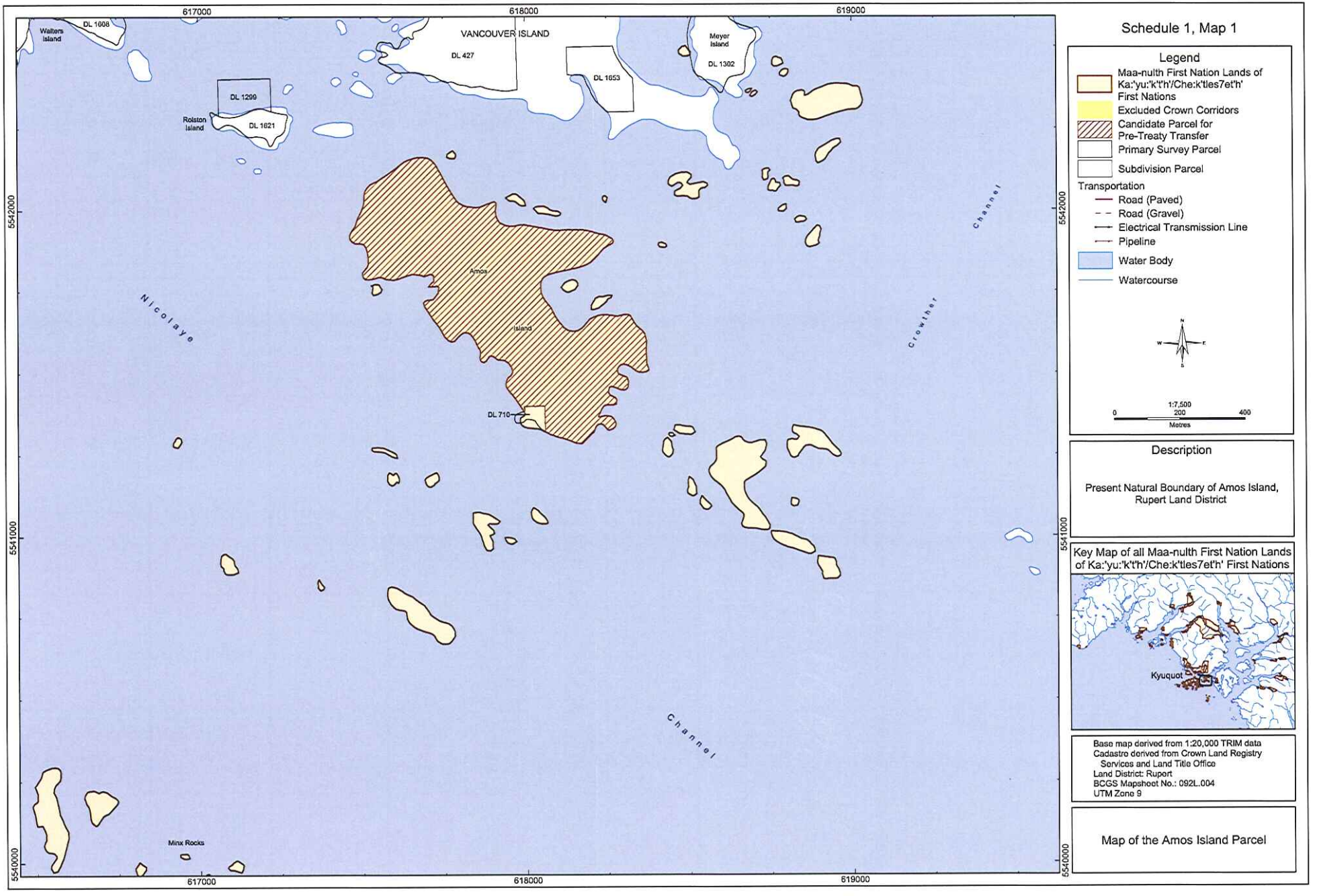
Honourable Michael de Jong

Witness

Schedule 1

Map 1 for Illustrative Purposes of Amos Island

Map 2 for Illustrative Purposes of the Fair Harbour Parcel


617000
618000
619000
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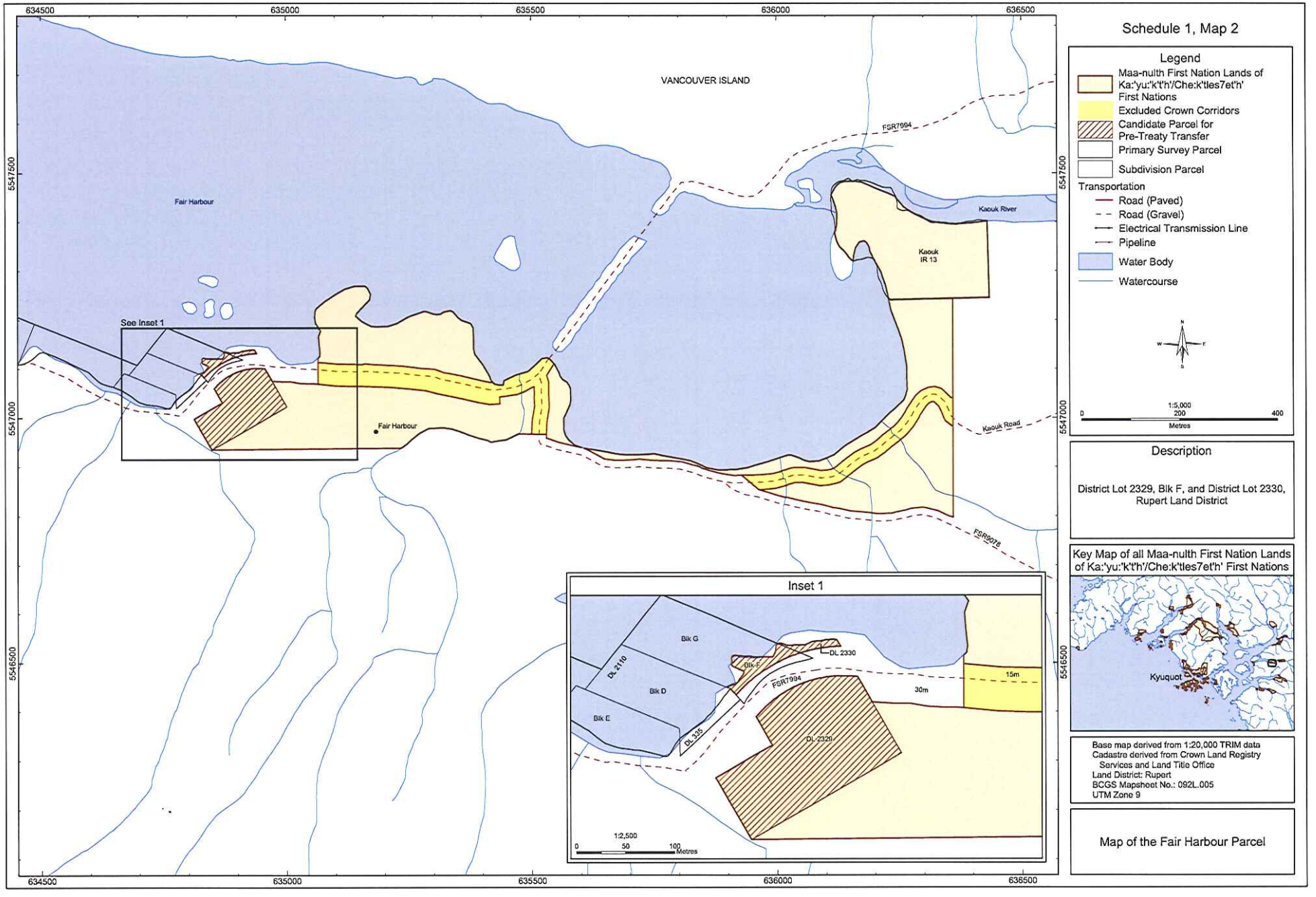
Walters Island
DL 1608
VANCOUVER ISLAND
DL 427
DL 1653
Meyer Island
DL 1302
DL 1299
Rolston Island
DL 1621
Amos Island
DL 710
Nicolaye Channel
Crowther Channel
Channel
Minx Rocks
Schedule 1, Map 1
Legend
Maa-nulth First Nation Lands of Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations
Excluded Crown Corridors
Candidate Parcel for Pre-Treaty Transfer
Primary Survey Parcel
Subdivision Parcel
Transportation
Road (Paved)
Road (Gravel)
Electrical Transmission Line
Pipeline
Water Body
Watercourse
N
W
E
S
1:7,500
0
200
400
Metres
Description
Present Natural Boundary of Amos Island, Rupert Land District
Key Map of all Maa-nulth First Nation Lands of Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations
Kyuquot
Base map derived from 1:20,000 TRIM data
Cadastre derived from Crown Land Registry Services and Land Title Office
Land District: Rupert
BCGS Mapsheet No.: 092L.004
UTM Zone 9
Map of the Amos Island Parcel


Schedule 1, Map 2
Legend
Maa-nulth First Nation Lands of Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations
Excluded Crown Corridors
Candidate Parcel for Pre-Treaty Transfer
Primary Survey Parcel
Subdivision Parcel
Transportation
Road (Paved)
Road (Gravel)
Electrical Transmission Line
Pipeline
Water Body
Watercourse
1:5,000
0 200 400
Metres
Description
District Lot 2329, Blk F, and District Lot 2330, Rupert Land District
Key Map of all Maa-nulth First Nation Lands of Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations
Kyuquot
Base map derived from 1:20,000 TRIM data
Cadastre derived from Crown Land Registry Services and Land Title Office
Land District: Rupert
BCGS Mapsheet No.: 092L.005
UTM Zone 9
Map of the Fair Harbour Parcel
VANCOUVER ISLAND
Fair Harbour
Kaouk River
Kaouk IR 13
Kaouk Road
FSR7994
FSR9078
See Inset 1
Inset 1
Blk G
Blk F
Blk D
Blk E
DL 2110
DL 2330
DL 335
DL 2329
15m
30m
1:2,500
0 50 100
Metres
634500
635000
635500
636000
636500
5547500
5547000
5546500