
Memorandum of Understanding

Between

The Province of British Columbia

and

Maa-nulth First Nations

**MAA-NULTH FIRST NATIONS
MEMORANDUM OF UNDERSTANDING**

This Memorandum is dated for reference the 3 day of December, 2013.

BETWEEN:

Her Majesty the Queen in right of the Province of British Columbia, as represented by the Minister of
Aboriginal Relations and Reconciliation

("British Columbia")

AND:

Maa-nulth First Nations,

("Maa-nulth")

(Collectively referred to as the "Parties" and individually referred to as a "Party")

Whereas:

- A. The Maa-nulth First Nations Final Agreement came into effect on April 1, 2011.
- B. The Parties wish to reach agreement with respect to certain processes between the Maa-nulth governments and British Columbia regarding:
 - (a) the Maa-nulths' and British Columbia's interest in entering into an agreement to establish a more comprehensive government to government relationship; and
 - (b) British Columbia's and Maa-nulths' mutual commitments to implementation of the Final Agreement and British Columbia further developing and maintaining a New Relationship with Maa-nulth.
- C. The Parties desire that the processes provided for in this Memorandum of Understanding, and that will be provided for in a subsequent Framework Agreement, will be collaborative and coordinated so the Parties can focus their resources and efforts efficiently to meet their obligations under the Final Agreement.
- D. Maa-nulth and British Columbia are committed to developing collaborative engagement processes on a government to government basis by negotiating a Framework Agreement.

Now therefore the Parties have the following understandings:

1. Definitions

- 1.1 In this Memorandum, including the background recitals, unless there is something in the subject matter or context which requires otherwise or unless otherwise specifically provided, each of the words and phrases described below will have the meanings given to them below:

“Government to Government Forum” means a formal bilateral forum agreed upon between the Parties to address engagement processes for the implementation of the Final Agreement.

“Final Agreement” means the Maa-nulth First Nations Final Agreement among Her Majesty the Queen in right of Canada, Her Majesty the Queen in right of British Columbia and Maa-nulth which took effect on April 1, 2011, and includes any amendments made to the Final Agreement from time to time in accordance with its provisions;

“Framework Agreement” means an agreement between Maa-nulth and British Columbia which establishes engagement processes structured to address treaty implementation related matters that cannot be addressed or overseen through existing engagement mechanisms as contemplated in the Final Agreement.

“Memorandum” means this Memorandum of Understanding;

“Minister” means the applicable federal or provincial minister having responsibility, from time to time, for the exercise of powers in relation to the matter in question and any person with authority to act in respect of the matter in question;

“Ministry” means a ministry, department, board, commission or agency;

“Maa-nulth Lands” means “Maa-nulth First Nations Lands” as defined in the Maa-nulth Final Agreement;

“Natural Resource Sector” means those matters and authorities that are within the jurisdiction of the Resource Ministries;

“Resource Ministries” means the British Columbia Ministry of Forests, Lands and Natural Resource Operations, the Ministry of Energy and Mines, the Ministry of Transportation and Infrastructure and the Ministry of Environment.

- 1.2 In this Memorandum, unless the context requires otherwise, capitalized terms in addition to those terms defined in this Article 1 have the same meaning as ascribed to them in the Final Agreement.

2. Purposes

- 2.1 The purposes of this Memorandum are to set out the understanding of the Parties regarding:

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- (a) how a government-to-government relationship between the Parties will be formalized in a Framework Agreement; and
 - (b) establishing a process for all five Maa-nulth First Nations included in the Final Agreement, for the Parties to negotiate a collaborative senior level engagement framework for matters that cannot be addressed or overseen through existing engagement mechanisms with initial focus on the Natural Resource Sector; and
 - (c) establishing a process for the Parties to form a Government to Government Forum to support initiatives for the implementation of the Final Agreement, including initially to support land and resource management within the Hahoulthee.

3. Negotiation of Framework Agreement

3.1 Within the 2013/14 fiscal years the parties will attempt to:

- (a) Finalize the Foreshore Agreements and related matters;
- (b) Finalize the Enforcement Agreements and related matters; and
- (c) Conclude negotiations of an agreement on alternatives to the obligations which would otherwise apply under 13.9.1 to 13.9.3, and 13.9.5 of the Final Agreement.
- (d) Conclude negotiations of a "Reasonable Opportunity Agreement" as referred to in the Final Agreement; and
- (e) Negotiate and attempt to reach agreement on a Government to Government Forum for the Natural Resource Sector for matters contemplated in the Final Agreement that will:
 - (i) design and monitor approaches to strategically coordinate the Parties' effective and efficient implementation of, and engagement on, the Natural Resource Sector matters contemplated in the Final Agreement; and
 - (ii) attempt to resolve Natural Resource Sector issues prior to referral to the Implementation Committee or triggering the provisions of the Dispute Resolution Chapter under the Final Agreement.

3.2 Within one year of the establishment of the forum described in 3.1(e) and upon request of Maa-nulth, British Columbia will seek a mandate to negotiate a health, education and social development Government to Government Forum which will:

- (a) strategically coordinate, within the parties respective jurisdictions, the delivery of health, education and social development programs and services to Maa-nulth Citizens;
- (b) attempt to resolve in-scope, health, education or social development issues prior to referral to the Implementation Committee or triggering the provisions of the Dispute Resolution Chapter under the Final Agreement; and

(c) other matters agreed to by the Parties.

3.3 If the Parties negotiators' initial a draft Framework Agreement:

- (a) British Columbia will follow its required approval process, including the need for the Executive Council to authorize a Minister to sign the initialed Framework Agreement on behalf of British Columbia; and
- (b) each of the Maa-nulth will follow its required approval process to authorize its leadership to sign the initialed Framework Agreement on behalf of its government.

4. Resourcing

4.1 The Parties will be responsible for pursuing resources to implement their own commitments under the Framework Agreement from funding sources potentially available to them.

4.2 British Columbia will continue to seek funding options to provide supplemental resources to Maa-nulth to support capacity for negotiation and implementation of the Framework Agreement.

5. Provincial Line Agencies

5.1 British Columbia will be responsible for ensuring the Framework Agreement is negotiated with the coordination and participation of any provincial line agencies whose participation is necessary to carry out the Framework Agreement.

6. Term

6.1 This Memorandum comes into effect when it has been executed and delivered by each of the Parties.

6.2 This Memorandum will terminate on the occurrence of the earliest of any of the following events:

- (a) signing of the Framework Agreement;
- (b) mutual agreement of the Parties; or
- (c) upon 60 days' notice by either Party.

6.3 The term of this Memorandum may be extended by the written agreement of the Parties.

7. General Provisions

7.1 This Memorandum does not create any legally binding obligation on any Party.


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- 7.2 The Framework Agreement will confirm Maa-nulth's authority on Maa-nulth First Nations Lands under Maa-nulth First Nation Law and British Columbia's authority on provincial Crown land under Provincial Law.
- 7.3 Nothing in this Memorandum affects the rights or obligations of Maa-nulth or British Columbia under the Final Agreement.
- 7.4 This Memorandum:
- (a) is not part of the Final Agreement; and
 - (b) is not a treaty or a land claims agreement, and does not recognize or affirm aboriginal or treaty rights, within the meaning of sections 25 and 35 of the Constitution Act, 1982.
- 7.5 This Memorandum may be entered into by each Party signing a separate copy of this Memorandum, including a photocopy or facsimile copy, and delivering it to the other Party by facsimile transmission.
- 7.6 Communications between the Parties in respect of this Memorandum may be mailed to the address or transmitted to the facsimile number of the receiving Party as set out below:

For: Maa-nulth First Nations
Attn: Charlie Cootes, President, Maa-nulth Treaty Society
3075 3rd Avenue
Port Alberni, BC V9Y 2A4
Fax: (250) 724-1852

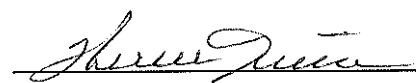
For: British Columbia
Attn: Lloyd Roberts
Ministry of Aboriginal Relations and Reconciliation
Strategic Initiatives Division
PO Box 9100 Stn Prov. Govt.
Victoria, B.C.
V9W 9B1
Fax: (250) 356-2951

IN WITNESS WHEREOF the Parties have executed this Memorandum as set out below:

Signed on behalf of the Maa-nulth First Nations by



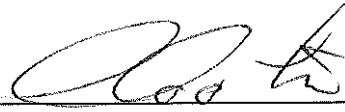
Jeff Cook, Chief Councillor
Huu-ay-aht First Nations



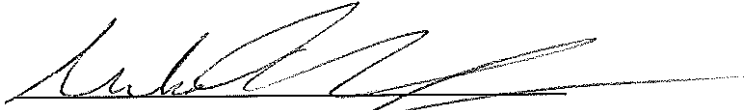
Therese Smith, Legislative Chief
Ka:'yu:'k't'h'/Che:k'tles7et'h' First Nations



Anne Mack, Tyee Ha'wilth
Toquaht Nation



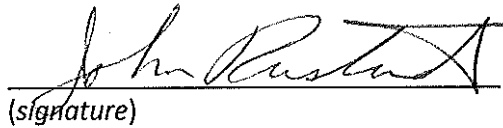
Charlie Cootes, Chief Councillor
Uchucklesaht Tribe



Charles McCarthy, President
Yuuhwifath First Nation (Ucluelet First Nation)

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

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



(signature)

John Rustad.

(print name)

**Hon. John Rustad Minister, Aboriginal Relations and
Reconciliation**