

Dated for Reference March 29, 2023

**LAKE BABINE NATION
FOUNDATION AGREEMENT – AMENDING AGREEMENT #2**

BETWEEN:

Lake Babine Nation, on behalf of itself and Lake Babine Nation people, as represented by its Chief and Council (“Lake Babine Nation”)

AND:

His Majesty the King in Right of the Province of British Columbia, as represented by the Minister of Indigenous Relations and Reconciliation (“Province”)

AND:

His Majesty the King in Right of Canada, as represented by the Minister of Crown-Indigenous Relations and Northern Affairs (“Canada”)

(Individually a “Party” and collectively the “Parties”)

Whereas:

- A. The Parties entered into the Lake Babine Nation Foundation Agreement on September 18, 2020 (“Foundation Agreement”), and an Amending Agreement #1 on March 31, 2021.
- B. The Province is providing Lake Babine Nation with funding for Negotiations and Implementation Support and for Program Enhancements in accordance with Schedule C of the Foundation Agreement, as amended in Amending Agreement #1;
- C. The Province and Lake Babine wish to amend and replace Schedule C of the Foundation Agreement in accordance with this Amending Agreement #2.

NOW THEREFORE the Parties agree as follows:

1. The Parties agree to amend and replace Schedule C to the Foundation Agreement with the Schedule C – PROVINCIAL FUNDING attached to this Amending Agreement #2.
2. The Parties agree this Amending Agreement #2 takes effect on March 29, 2023.

3. The Parties agree that all other provisions in the Foundation Agreement remain in full force and effect.
4. This Amending Agreement #2 may be entered into by each Party signing a separate copy of this Amending Agreement #2 and delivering it to the other Party by facsimile or e-mail transmission.

IN WITNESS WHEREOF the Parties hereby execute this Agreement:

Signed on behalf of **Lake Babine Nation**


on March 16, 2023:

By:  _____

Chief Murphy Abraham

Signed on behalf of **His Majesty the King
in Right of the Province of British Columbia**


on March 17, 2023:

By:  _____

The Honourable Murray Rankin, Minister of
Indigenous Relations and Reconciliation

Signed on behalf of **His Majesty the King
in Right of Canada**

on March 23, 2023:

By:  _____

The Honourable Marc Miller,
Minister of Crown-Indigenous Relations

SCHEDULE C – PROVINCIAL FUNDING

1.0 **Funding Commitment.** Subject to sections 1.1, 1.2 and 1.3, the Province intends to make the following funding contributions to Lake Babine Nation under this Agreement.

BC Contributions	2020 – 2021	2021 - 2022	2022 - 2023	2023 - 2024	2024 - 2025
Negotiation and Implementation Support Economic Development Fund Forestry Activities Fund Program Enhancements	\$	\$ 2,332,897	\$ 5,820,021	\$	\$
	\$ 15,000,000	\$	\$	\$	\$
	\$ 15,000,000	\$	\$	\$	\$
	\$ 1,000,000	\$ 1,000,000	\$ 3,000,000	\$	\$
CASH Subtotal	\$ 31,000,000	\$ 3,332,897	\$ 8,820,021	\$	\$
			5-Year		\$ 43,152,918

- 1.1 **First Fiscal Year.** The Province will provide funding to Lake Babine Nation in the amounts set out in section 1.0 for the 2020-2021 Fiscal Year as follows:
 (a) \$2,000,000 soon as practicable after the Effective Date of this Agreement; and
 (b) \$29,000,000 as soon as practicable after executing the Amending Agreement #1.
- 1.2 **Subsequent Fiscal Years.** The Province will provide funding to Lake Babine Nation in the amounts set out in section 1.0 for each subsequent Fiscal Year on or after April 1st of that subsequent Fiscal Year subject to:
- (a) Lake Babine Nation having provided the Province with a report on or before March 1st of each year of the term of this Agreement satisfactory to the Province, acting reasonably, setting out how the funds provided under this Agreement in respect of the prior Fiscal Year were used in a manner consistent with the purposes of this Agreement;
 - (b) Lake Babine Nation having provided the Province a work plan for that subsequent Fiscal Year and that is satisfactory and *confirmed in writing* by the Province, acting reasonably; and
 - (c) in years 2021-2025, the Province receiving notice that Canada has obtained the authority to implement the Agreement and has entered into a funding agreement with Lake Babine Nation for the applicable Fiscal Year.
- 1.3 **Provision of Provincial Funds.** The obligation of the Province to make any payments to the Lake Babine Nation under this Agreement in any Fiscal Year is subject to:
- (a) there being sufficient monies available in an appropriation, as defined in the *Financial Administration Act*, RSBC 1996, c. 138, to enable the Province in the Fiscal Year when any expenditure in respect of an obligation may be required, to

make that expenditure; and

- (b) Treasury Board, as defined in the *Financial Administration Act*, RSBC 1996, c. 138, not having controlled or limited expenditure under any appropriation necessary in order to make such payment.