



LETTER OF INTENT

Between:

Her Majesty the Queen in Right of the Province of British Columbia
as represented by the Minister of Indigenous Relations and Reconciliation and
the Minister of Forests, Lands, Natural Resource Operations and Rural
Development

(the “**Province**”)

And:

‘Namgis First Nation, a band within the meaning of that term as defined in
Section 2(1) of the *Indian Act*, as represented by its Chief and Council

(“**Namgis**”)

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

The Parties wish to advance Reconciliation by entering into negotiations for a reconciliation agreement addressing forestry issues in ‘Namgis territory (the “**Forestry Reconciliation Agreement**”). The Parties intend to negotiate a Forestry Reconciliation Agreement that implements the values of both ‘Namgis and the Province while providing economic stability for northern Vancouver Island.

BACKGROUND

In 2015, after reaching a Memorandum of Understanding with Western Forest Products Ltd. (“**WFP**”), the Parties entered into the Forestry Fund Agreement (“**FFA**”), with the intent of advancing treaty negotiations and creating an agreement to enable ‘Namgis, WFP and the Province to benefit from the harvesting of 500,000 m³ of timber from the treaty settlement lands offered to ‘Namgis by the Province and Canada (the “**Lands**”).

‘Namgis community members did not approve the treaty Agreement-in-Principle. However, to further Reconciliation, the Parties continued to support the current partnership between ‘Namgis and WFP by extending the FFA to March 31, 2021.

Following the March 31, 2021 extension of the FFA, the Parties entered into the Amended and Restated Forestry Fund and Interim Reconciliation Agreement, which took effect April 1, 2021 (the “**Restated FFA**”). The Restated FFA continues the economic benefits from the harvesting of 500,000 m³ of timber on the Lands, including the Annual Payments to ‘Namgis, and the calculation of the Forestry Fund Balance (as those terms are defined in the Restated FFA).

The Parties intend that the Forestry Reconciliation Agreement will implement the values of both ‘Namgis and the Province while providing economic stability for northern Vancouver Island, by building on a number of existing projects and relationships between ‘Namgis and the Province on forestry designed to advance Reconciliation, including:

- a government-to-government process for modernized land use planning within ‘Namgis territory (the “**MLUP**”), which is aligned with the implementation of the United Nations Declaration on the Rights of Indigenous Peoples (“**UNDRIP**”) and the purposes of the Province’s *Declaration on the Rights of Indigenous Peoples Act* (“**DRIPA**”) and the sustainable management of the Province’s ecosystems, which is being advanced pursuant to a Memorandum of Understanding dated January 18, 2021;
- a pilot project supported by the Province in which ‘Namgis and WFP will produce:
 - a Forest Landscape Plan for TFL 37 for consideration by the Chief Forester; and
 - recommendations for shared decision-making for TFL 37 consistent with UNDRIP and DRIPA, (collectively, the “**Pilot**”);
- consultation pursuant to a Forest & Range Consultation and Revenue Sharing Agreement executed on March 22, 2021 (the “**FCRSA**”); and
- the negotiation of an enhanced consultation engagement framework agreement (the “**CEFA**”), which the Parties anticipate finalizing in the summer of 2021.

NEGOTIATION PRINCIPLES

The Parties agree that:

- a) negotiations will be respectful with the aim of upholding Reconciliation;

- b) the Parties will use good faith efforts to negotiate and execute a Forestry Reconciliation Agreement consistent with the intent of UNDRIP and DRIPA and before the expiry of the term of the Restated FFA, with the Parties acknowledging and agreeing that, if necessary, they intend to continue negotiations of the Forestry Reconciliation Agreement beyond the term of the Restated FFA;
- c) 'Namgis' views on how the regulation of forestry within the territory could become consistent with the intent of UNDRIP and DRIPA will be informed by the work completed through the MLUP and the Pilot;
- d) the negotiations of the Forestry Reconciliation Agreement will be informed by the MLUP and the Pilot;
- e) each Party has its own internal governance processes which are required to advance and approve their respective mandates and each Party will respect the other Party's internal governance processes;
- f) negotiations will be confidential and without prejudice; and
- g) information will be shared between the Parties, and where required, such information may be shared pursuant to data sharing agreements or protocols between 'Namgis and the Province, and interested third parties, as appropriate.

The Parties acknowledge that the completion of the Forestry Reconciliation Agreement may require engagement with other parties, including Canada, WFP, other interested forestry licensees, BC Timber Sales, and other First Nations, and agree to engage those parties as appropriate.

The Parties agree that 'Namgis will require capacity funding for the negotiation of the Forestry Reconciliation Agreement, including the development of recommendations for shared decision-making through the Pilot and the review and consideration of those recommendations by the Parties (the "**Negotiation Capacity Funding**").

The Parties further agree that they will use good faith efforts to reach an agreement for the Negotiation Capacity Funding for the current fiscal year within four months of execution of this Letter of Intent.

The Parties agree that the Annual Payments made pursuant to the Restated FFA do not constitute, or contribute to, the Negotiation Capacity Funding. Similarly, payments made pursuant to the FCRSA or the CEFA, or any agreements that replace the FCRSA or the CEFA do not constitute, or contribute to, the Negotiation Capacity Funding, unless the Parties have agreed otherwise in writing.

In subsequent fiscal years, the Parties may enter into one agreement for the capacity funding for all forestry-related negotiations and projects underway between 'Namgis and the Province.

NEGOTIATION TOPICS

The Parties intend to negotiate and attempt to reach an agreement on a Forestry Reconciliation Agreement. During the negotiation of the Forestry Reconciliation Agreement, the Parties may consider and discuss the following topics:

- forestry revenue sharing;
- a payment schedule for the Forestry Fund Balance;
- potential use of shared or joint-decision making to address 'Namgis interests related to high-level forestry land use objectives for implementation under provincial legislation;
- 'Namgis' participation in the forestry economy within 'Namgis territory;
- potential land transfers;
- 'Namgis' interest in potential redress, particularly with respect to any historical forestry activity in the 'Namgis territory;
- the land base to which the Forestry Reconciliation Agreement applies;
- expansion of the Forestry Reconciliation Agreement to other sectors, industries or activities within provincial jurisdiction; and
- other topics as the Parties consider relevant.

The Parties acknowledge and agree that the negotiation of such topics is subject to each Party obtaining the appropriate mandates.

GENERAL PROVISIONS

The Parties agree that:

- a) this Letter of Intent is not legally binding and any acts performed in connection with it, cannot be used, construed or relied on by any party as evidence or admission of the nature, scope or content of any Aboriginal Rights or Title or Crown interests;
- b) this Letter of Intent does not affirm, recognize, alter, abrogate or derogate from 'Namgis' Aboriginal Rights or Title; and

- c) further processes, involving both the Province and 'Namgis, are required to establish the nature, content, scope and geographic extent of 'Namgis' Rights and Title within the territory.

Signed on behalf of the 'Namgis:




Chief Don Svanvik
'Namgis First Nation



Date


Signed on behalf of the Province:



Honourable Murray Rankin
Minister of Indigenous Relations and
Reconciliation

August 05, 2021

Date



Honourable Katrine Conroy
Minister of Forests, Lands, Natural Resource
Operations and Rural Development

July 20, 2021

Date