

Shared Territory Agreement



Between the
Tla'amin First Nation and
The shíshálh Nation

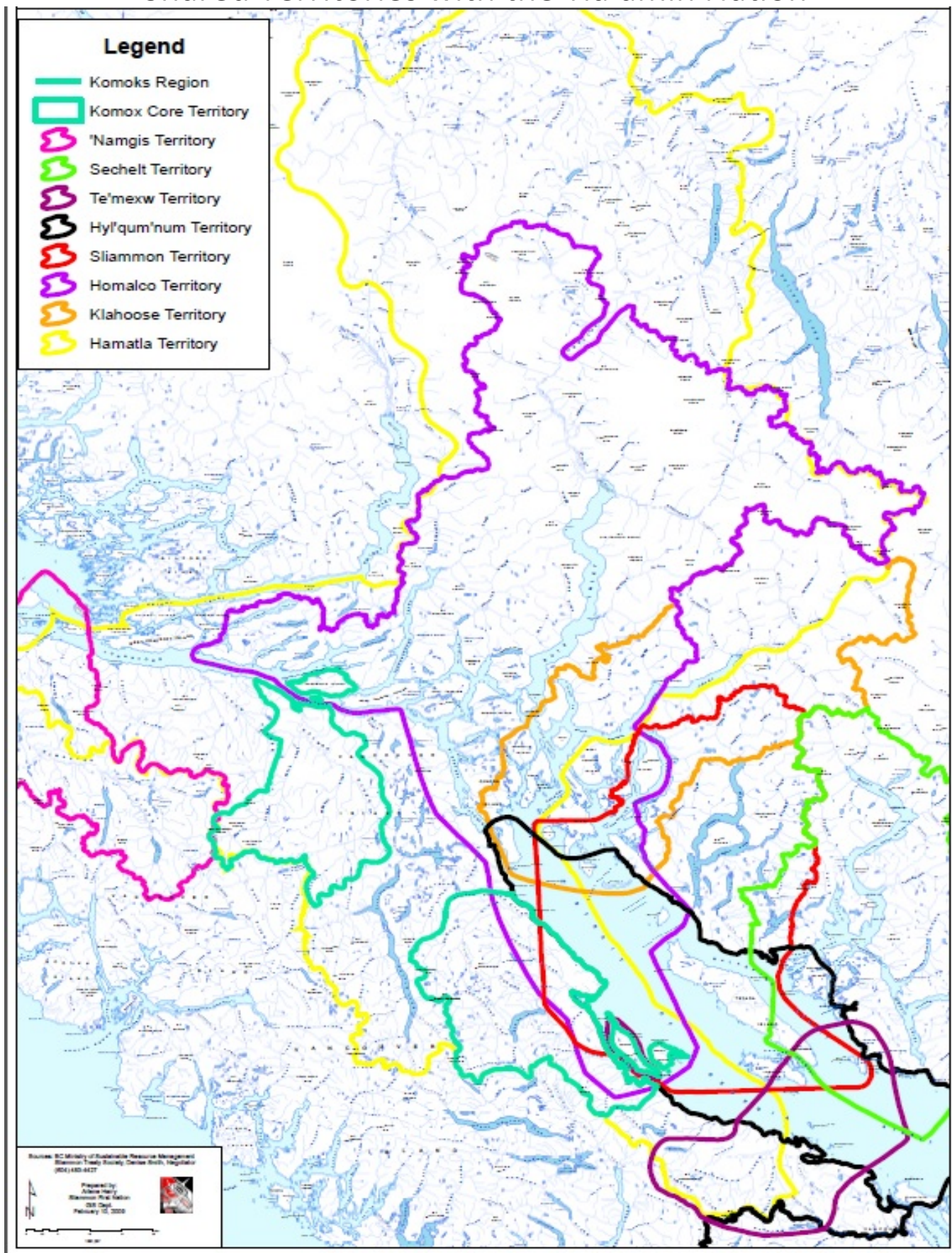




Shared Territory Memorandum Of Agreement #2

The Tla'amin First Nation entered into the BCTC Process in 1994. We have now reached a Final Agreement under the BCTC Process and conducted a full community vote which resulted in ratification of our Final Agreement in July of 2012. British Columbia approved the Final Agreement in February of 2013. Canada ratified in the House of Commons in June 2014. We are now in the process of law development in preparation for our Treaty Effective date of April 2016.

Shared Territories with the Tla'amin Nation



Shared Territory Agreements/Memorandums of Understanding

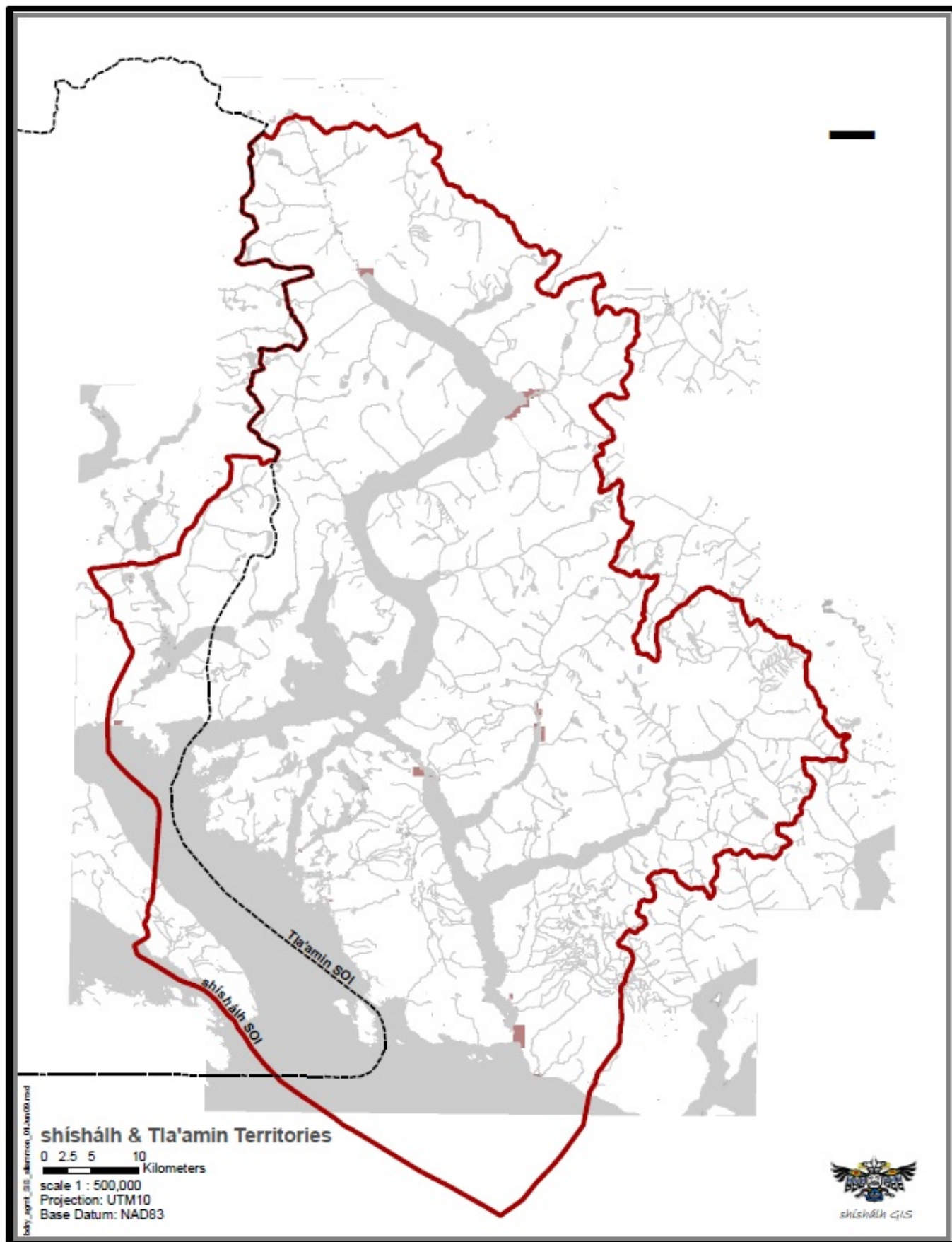
- It is a requirement under the BCTC Process for First Nations to have Shared Territory Agreements (or Memorandums of Understandings) or Protocols
- The Tla'amin Nation has Shared Territories with several of our neighbouring Nations, including the shíshálh Nation
- We acknowledge our historical ties and shared areas and wish to pay respect to the relationships that our elders and ancestors have enjoyed since as far back as we can remember
- Although it has not been our way to have written agreements about our history and culture and mutual acknowledgements about sharing our Territory, it has become necessary to document such agreements
- Our two Nations have previously signed a very general Memorandum of Understanding (March 1995) which was dedicated to our ancestors and acknowledged that we share parts of our Territories and they are subject to our shared jurisdiction and co-management



Shared Territory Memorandum of Agreement #2 August 17, 2011.

- Our process began by simply initiating contact to meet and begin the dialogue. We met and reviewed map areas and discussed the agreement. Once we had come to agreement on the wording, our Chiefs and Councils signed off the original document.
- The original Memorandum of Agreement was from March 1995. It was agreed that there was a need for our Nations to update this agreement in order to reflect the current activities within our Shared Territories.
- The meetings also provided us with the opportunity to discuss any other issues that needed to be resolved, to share concerns and to seek resolutions.
- The updated Memorandum now provides for our two nations to dialogue and to address areas of common use, occupation and resource sharing between our Nations.

Tla'amin – shíshálh Shared Territory



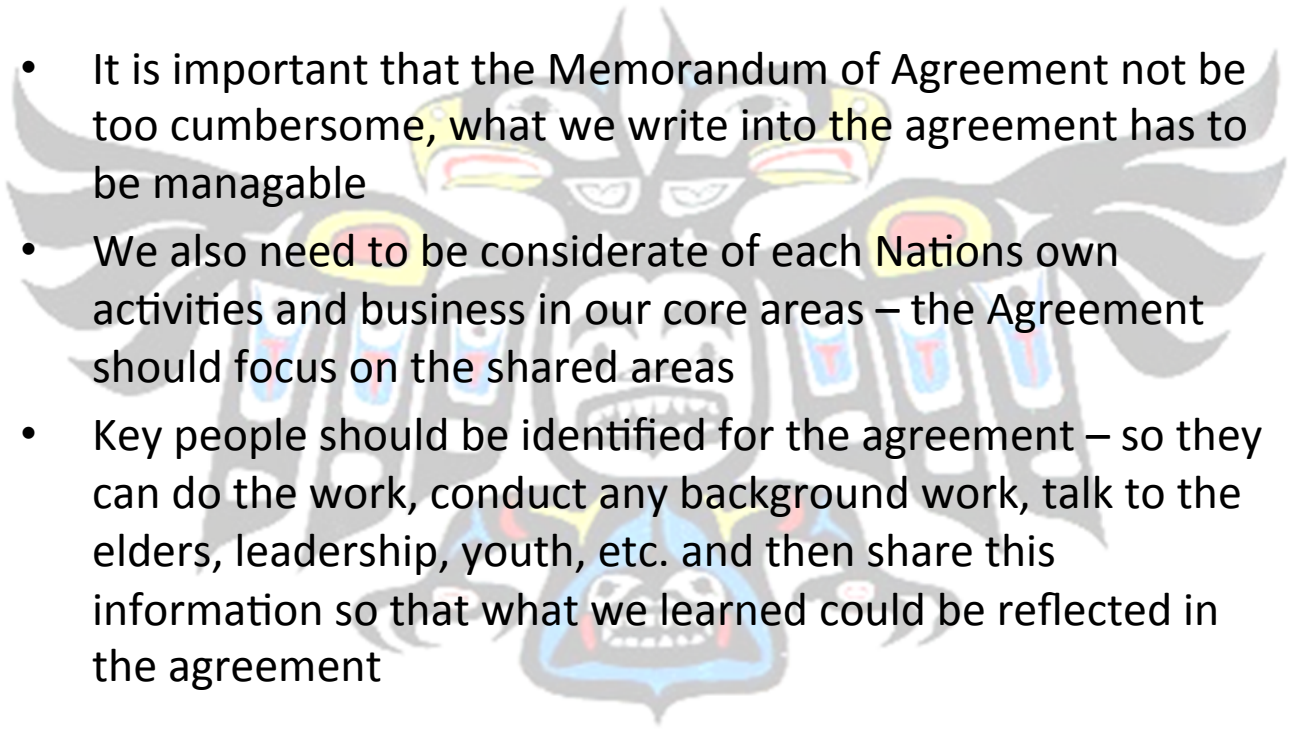
Components of the Agreement

- The Agreement is made up of several components including a Preamble, General Approach, Cultural Resources,
- Hunting, Fishing and Plant Gathering, Resource and Economic Development
- Referrals and Collaborative/Joint Decision Making with Other Governments
- Implementation, Dispute Resolution
- Amendment and Further Agreements
- Termination, Notice and General Provisions

General Approach

- This section lays out a process for us to identify, discuss and resolve substantive issues of concern.
- Stage One – Starts the process by notifying the other First Nation via letter of the matter and initiating discussion and dialogue
- Stage Two – requires a written response within 21 days to respond to the issue and identify any concerns.
- Stage Three – is Information Exchange and allows for 30 days to gather any technical or other information required to consider the matter and to provide to the other FN.
- Stage 4 – Meeting of Councils to discuss and attempt to resolve a substantive issue. This stage allows for each FN to bring their representatives or expertise to inform the Chiefs and Councils.
- This stage includes canvassing of the view, opinions and interest of both FNs and discussion on further steps that may be required to reach consensus.
- If consensus cannot be reached and the parties, the issue will be referred to the Dispute Resolution process – Section 7.0

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- It is important that the Memorandum of Agreement not be too cumbersome, what we write into the agreement has to be manageable
 - We also need to be considerate of each Nations own activities and business in our core areas – the Agreement should focus on the shared areas
 - Key people should be identified for the agreement – so they can do the work, conduct any background work, talk to the elders, leadership, youth, etc. and then share this information so that what we learned could be reflected in the agreement

Cultural Resources

- This agreement acknowledges our respective shared rights and responsibilities for cultural resources, including heritage and archeological resources, within the Shared Territory. The FNs will work cooperatively and share information respecting burial sites, identification and protection of archeological sites, cultural and heritage sites, the repatriation of artifacts and the identification and establishment of place names within the Shared Territory.
- This section contains a 60 day timeline to notify each other of any cultural, heritage or archeological work and 45 days to respond
- This section also informs our Nations on how to deal with the discovery of human remains or artifacts in the Shared area. In this event we meet to discuss appropriate arrangements. The First Nations agree that the preference is to rebury any remains in the same or closest location and to have the FN who has located the remains assume the lead.
- It is important to have clear understanding before hand so that we have guidance when we encounter these situations. Many of our Territories are explored, excavated, studied, developed and we need to have some level of agreement so we can deal with these instances in our Shared areas.

Hunting, Fishing and Plant Gathering

- Both Tla'amin and shíshálh respect and acknowledge our exclusive and shared rights and responsibilities for hunting, fishing and gathering resources within our Shared Territory
- We agree to share information regarding land and marine resources including abundance, health and harvest information
- We will give 30 days notice to each other prior to granting permission to access resources to a non-Tla'amin or non-shíshálh person
- We have agreed to continue to share Thormanby Islands (specific reference)
- We will hunt, fish or gather from each other's allocations. Access to hunt, fish or gather is by protocol – permission is not required in the Shared area but is required if asking to hunt in the other FN's core area

Resource and Economic Development Referrals and Collaborative/Joint Decision Making with other Governments

- For any proposed resource and/or economic development within the Shared Territory, each FN agrees to utilize the General Approach to address any proposed development activity and if we become aware of a third party application or if we propose to jointly develop resources with a third party proponent, we agree to provide the proponent with a copy of this agreement and notification of the General approach
- The FNs agree to utilize the General Approach to discuss and resolve matters related to all government and third party referrals and
- We agree to notify each other of any joint decision making bodies or management boards within the Shared Territory
- This area has become very important as our Nations deal with prospectors and companies and businesses that want to conduct business in our Territories or seek to joint-venture. Our intention is not to tie each other's hands but to also ensure that we are in dialogue in any area of our Shared Areas.

Implementation

- Tla'amin and shíshálh agree that the decision making processes set out in this agreement will be implemented immediately
- We agree to meet at least twice per year
- We will monitor and review the Agreement annually or as needed to make recommendations for amendments, if necessary

Dispute Resolution

- We will make bona fide efforts to resolve any disputes arising by amicable negotiations
- We agree to use best efforts to conduct dispute resolution as efficiently and cost effectively as possible
- Where useful and possible we will rely on our elders or other knowledgeable people to help facilitate understanding and resolution
- When required we will utilize a facilitator, agreed to by both FNs, to encourage consensus and seek resolutions that are culturally appropriate
- If the dispute cannot be settled within 30 days, the dispute may be referred to a mediator (agreed to by both parties and the cost shared by both parties). The determination of the mediator shall be non-binding on both parties.
- We will strive to conduct Dispute Resolution in a respectful manner, keeping in mind the teachings of our elders, our relationship that we have and the spirit and intent of the agreement.

Conclusion

- We as First Nations who share parts of our Territory have come to this agreement with mutual respect and recognition of our shared histories and mutual interests
- We also acknowledge that each First Nation has it's own authority and jurisdiction over it's Territory
- We continue to be committed to work together on issues that affect our common areas and resources.
- We would be happy to answer any questions you may have