



**AGREEMENT TO REVITALIZE  
K'ÓMOKS FIRST NATION TREATY NEGOTIATIONS  
("Agreement")**

**BETWEEN:**

**K'ÓMOKS FIRST NATION  
("KFN")**

**AND:**

**HER MAJESTY THE QUEEN IN RIGHT OF CANADA**  
as represented by the Minister of Crown-Indigenous Relations  
("Canada")

**AND:**

**HER MAJESTY THE QUEEN IN RIGHT OF BRITISH COLUMBIA**  
as represented by the Minister of Indigenous Relations and Reconciliation  
("British Columbia")

(collectively the "Parties" and individually a "Party")

**MADE THIS 25<sup>TH</sup> DAY OF JUNE, 2019**

## **PREAMBLE**

### **WHEREAS:**

- A. KFN has existing aboriginal rights and title including the inherent right to self-government, as recognized and affirmed under section 35 of the *Constitution Act, 1982* (“K’ómoks Rights and Title”);
- B. The Parties are engaged in negotiations under the British Columbia Treaty Process with a view of achieving predictability with respect to the exercise of K’ómoks Rights and Title;
- C. On July 14, 2017, Canada announced its *Principles respecting the Government of Canada’s Relationship with Indigenous Peoples* that are intended to form the foundation for how the federal government will partner with Indigenous Peoples in a new and enduring relationship;
- D. On May 22, 2018 British Columbia announced its *Draft Principles that Guide the Province of British Columbia’s Relationship with Indigenous Peoples*;
- E. The Parties agree that both the United Nations Declaration on the Rights of Indigenous Peoples and the Calls to Action of the Truth and Reconciliation Commission form part of the foundation for a new and enduring relationship between Indigenous Peoples and the Crown;
- F. The Parties have been negotiating a draft KFN Treaty and acknowledge that certain important elements of the draft KFN Treaty may be better resolved with improved mandates;
- G. The Parties wish to advance negotiations, while exploring new and improved mechanisms to achieve reconciliation;
- H. The Parties wish to respect established case law including but not limited to the *Tsilhqot’in Nation v. BC et al., 2014 SCC 44* decision in the negotiation of a KFN Treaty.

**NOW THEREFORE the Parties wish to set out their mutual understanding as follows:**

### **1. PURPOSE:**

The purpose of this Agreement is to signify the Parties’ commitment to:

- a) Revitalize KFN Stage 5 Negotiations under the British Columbia treaty process;
- b) Achieve a comprehensive reconciliation agreement between KFN and the Crown within 2 years
- c) Establish a new approach to KFN Treaty negotiations, including restructuring the treaty to include only core or essential elements and relying more heavily on appendices or operational agreements to address operational issues;
- d) Be informed and guided by the Foundation Documents referred to in Part 2;
- e) Proceed in a manner consistent with the *Multilateral Engagement Process to Improve and Expedite Treaty Negotiations in British Columbia*, endorsed by the Principals May 24, 2016.

## **2. FOUNDATION DOCUMENTS:**

The KFN Stage 5 negotiations will be informed and guided by, but not limited to, the following Foundation Documents:

- a) Canada's Principles of Reconciliation;
- b) British Columbia's *Draft Principles that Guide the Province of British Columbia's Relationship with Indigenous Peoples*;
- c) The United Nations Declaration on the Rights of Indigenous Peoples;
- d) Calls to Action of the Truth and Reconciliation Commission;
- e) Discussion Paper: BC's Proposed Approach to Treaty Transformation;
- f) The draft KFN Treaty Agreement and Appendices.

## **3. SCOPE OF NEGOTIATIONS:**

Among other things, negotiations by the Parties will address:

- a) Common treaty objectives as set out in the Recognition and Renewal Proposal;
- b) The recognition of KFN Aboriginal Rights and Title and the inherent right to self-government;
- c) Predictable, stable and reliable processes for renewal, amendment and evolution of rights, jurisdictions and intergovernmental relations;
- d) Recognition of the KFN role in the stewardship and natural resource decisions in areas where KFN will exercise treaty rights;
- e) Recognition and establishment of the KFN government including its composition and structure;
- f) Addressing the Parties' interests in the issues of paramountcy of laws;
- g) Recognition of areas of KFN jurisdiction and authority;
- h) Fish and Marine Resources, including aquaculture;
- i) Lands to become KFN Lands including subsurface;
- j) KFN's interest in water rights;
- k) Capital transfer;
- l) New Fiscal Relationship, including consideration of Canada's Self-Government Fiscal Policy;
- m) KFN's interest in foreshore and jurisdiction;
- n) Content and composition of appendices and side agreements that may be evergreen or time limited.

#### **4. PRIORITIES**

The Parties commit to address in good faith the following issues, as identified by KFN, on a priority basis:

- a) Final land and cash settlement;
- b) An Incremental Treaty Agreement for Eton Road;
- c) KFN's interests in securing 50,000 cubic meters of long term forest tenure
- d) Finalizing terms of Goose Spit transfer;
- e) KFN's interests in water and sewer infrastructure for the Puntledge IR and Southlands;
- f) KFN's interest in tax matters;
- g) Fish;
- h) Fiscal.

#### **5. CONSULTATION WITH NEIGHBOURING INDIGENOUS GROUPS**

- a) The Parties recognize that success in negotiations and in particular agreement on a treaty land package, will be facilitated by the support of neighbouring Indigenous communities. KFN reinforces its commitment to proactively seek agreement with its neighbours on the proposed land package and on other issues that have arisen or may arise in the final stage of negotiations.
- b) Canada and British Columbia will fulfill their consultation obligations to Indigenous groups whose rights may be adversely affected by a treaty with KFN, and the Parties recognize that the outcome of treaty negotiations may be affected by those consultations.

#### **6. OTHER MATTERS:**

The Parties also agree that:

- a) Negotiations under this Agreement will take place within the British Columbia Treaty Process;
- b) This Agreement does not constitute a treaty or a land claims agreement within the meaning of sections 25 and 35 of the *Constitution Act, 1982*;
- c) This Agreement does not affirm, recognize, define, abrogate or derogate from the Aboriginal rights and title or the inherent right to self-government of KFN;
- d) The Parties acknowledge that they will each require further mandates to realize the overall objectives and purpose of this Agreement;
- e) This Agreement is not legally binding and does not create any contractual or financial obligations for any Party;
- f) All negotiations conducted pursuant to this Agreement, and all related documents, are confidential unless the Parties otherwise agree in writing, and are without prejudice to the positions of the Parties.

**EFFECTIVE DATE AND SIGNATURES**

**This Agreement will come into effect on the date of the last signature.**


**SIGNED ON BEHALF OF K'ÓMOKS FIRST NATION:**

By:  \_\_\_\_\_ Date: June 25 2019  
*Chief Nicole Rempel*

**SIGNED ON BEHALF OF HER MAJESTY THE QUEEN IN RIGHT OF CANADA:**

By:  \_\_\_\_\_ Date: \_\_\_\_\_  
*The Honourable Carolyn Bennett, Minister of  
Crown-Indigenous Relations*

**SIGNED ON BEHALF OF HER MAJESTY THE QUEEN IN RIGHT OF BRITISH COLUMBIA:**

By:  \_\_\_\_\_ Date: June 28, 2019  
*The Honourable Scott Fraser, Minister of  
Indigenous Relations and Reconciliation*