

**ABORIGINAL AQUATIC RESOURCE AND OCEANS MANAGEMENT
PROGRAM (AAROM)
COLLABORATIVE MANAGEMENT CONTRIBUTION AGREEMENT
AMENDMENT**

BETWEEN: HER MAJESTY THE QUEEN IN RIGHT OF CANADA as represented
by the Minister of Fisheries and Oceans (hereinafter called "DFO")

AND NICOLA TRIBAL ASSOCIATION, a society duly incorporated under the
laws of the Province of British Columbia, for and on behalf of Fraser
River Aboriginal Fisheries Secretariat (hereinafter called the
"Organization")

This Contribution Agreement Amendment dated the _____ day of _____, 2009

Duration: April 1, 2009 to March 31, 2010

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COLLABORATIVE MANAGEMENT CONTRIBUTION AGREEMENT AMENDMENT

This Collaborative Management Contribution Agreement Amendment made

BETWEEN: HER MAJESTY THE QUEEN IN RIGHT OF CANADA as represented
by the Minister of Fisheries and Oceans (hereinafter called "DFO")

OF THE FIRST PART

AND: NICOLA TRIBAL ASSOCIATION, a society duly incorporated under the
laws of the Province of British Columbia, for and on behalf of Fraser
River Aboriginal Fisheries Secretariat (hereinafter called the
"Organization")

OF THE SECOND PART

WHEREAS on or about May 28, 2009, DFO and the Organization entered into a Collaborative
Management Contribution Agreement, hereinafter called the "Collaborative Management
Contribution Agreement";

AND WHEREAS the Parties are interested in amending the Collaborative Management
Contribution Agreement by \$310,700.00 thereby increasing the Agreement from \$440,000.00 to
\$750,700.00 for salmon harvest development and research projects.

NOW THEREFORE the Parties agree as follows:

1 Amendment

- (a) Subsection 5(a) of the Collaborative Management Contribution Agreement is hereby
deleted and replaced with the following:

"5(a) Subject to the terms and conditions of this Agreement, DFO will
contribute to the Organization up to SEVEN HUNDRED AND FIFTY
THOUSAND, SEVEN HUNDRED DOLLARS (\$750,700.00) during
Fiscal Year 2009-2010 to be used exclusively for paying Allowable Costs
related to the activities described in Appendix 2 and the Organization's
AAROM Collaborative Management Statement of Interest. The
Organization's AAROM Collaborative Management Statement of Interest
is attached to this Agreement for ease of reference, but does not form part
of this Agreement. Any interest earned by the Organization on the
Contribution or any part of it will also be used exclusively for paying
Allowable Costs."

- (b) Subsection 9(a) of the Collaborative Management Contribution Agreement is hereby
deleted and replaced with the following:

"9(a) Following receipt of the cash flow projection and projected summary of
results referred to in subsection 6(a) or 13(c) and subject to subsections 16(a)
and 16(d) DFO will, upon request, provide the Organization, at the beginning
of the first Month of a Fiscal Year and Monthly thereafter, an advance equal
to the Eligible Costs for that Month based on the Organization's cash flow
projection."

- (c) Subsection 16(a) of the Collaborative Management Contribution Agreement is hereby
deleted and replaced with the following:

"16(a) A ten percent holdback will apply. In no event will the total amount of the
reimbursement (if applicable), the advances and payments made by DFO
pursuant to subsections 8(b), 9(a) and section 10 respectively, exceed

ninety percent, or SIX HUNDRED AND SEVENTY-FIVE THOUSAND, SIX HUNDRED AND THIRTY DOLLARS (\$675,630.00) in Fiscal Year 2009-2010.”

- (d) Subsection 16(b) of the Collaborative Management Contribution Agreement is hereby deleted and replaced with the following:

“16(b) In no event will the total of all reimbursements, advances and payments made by DFO pursuant to this Agreement exceed SEVEN HUNDRED AND FIFTY THOUSAND, SEVEN HUNDRED DOLLARS (\$750,700.00) during Fiscal Year 2009-2010.”

- (e) Appendix 2 (Activity Summary) to the Collaborative Management Contribution Agreement is hereby deleted and replaced with Appendix 2 (Activity Summary) attached hereto.

2 Notices and Representatives

- (a) Except as otherwise provided in this Collaborative Management Contribution Agreement Amendment, where any notice, request, information or other communication is required to be given pursuant to this Collaborative Management Contribution Agreement Amendment, it will be in writing and delivered personally, by courier, registered mail or facsimile transmission, and unless notice to the contrary is given, will be addressed to the Party at the address or number set out below.

- (i) To DFO:

Department of Fisheries and Oceans
Treaty and Aboriginal Policy Directorate, Room 1230
#200 – 401 Burrard Street
Vancouver BC
V6C 3S4

Attention: Regional AAROM Coordinator, Pacific Region

Telephone: 604-666-7998

Facsimile: 604-666-0928

- (ii) To the Nicola Tribal Association:

Nicola Tribal Association
P.O. Box 188
Merritt, BC
V1K 1B8

Attention: Victor Tom, Interim Administrator

Telephone: (250) 378-4235

Facsimile: (250) 378-9119

Email: ceo@nicolatribal.org

- (b) A notice or other communication will be deemed to have been received when the postal receipt is acknowledged by the other Party if sent by registered mail, and within five business days if sent by courier, facsimile transmission or delivered in person.
- (c) A Party may change its representative, address or telephone or facsimile number by giving written notice of the change to the other Party.

3 Ratification

- (a) The Organization warrants that the representative who executes this Collaborative Management Contribution Agreement Amendment on behalf of the Organization has authority to bind the Members of the Organization and its collective membership.
- (b) The representative who executes this Collaborative Management Contribution Agreement Amendment on behalf of DFO has authority to enter into this Collaborative Management Contribution Agreement Amendment on behalf of, and to bind, DFO.
- (c) Execution of this Collaborative Management Contribution Agreement Amendment by the representative referred to in subsection 3(a) constitutes ratification of this Collaborative Management Contribution Agreement Amendment by the Organization.
- (d) The Organization will inform the Members of the contents of this Collaborative Management Contribution Agreement Amendment and will provide Members with a copy of this Collaborative Management Contribution Agreement Amendment upon request.

4 Continuance

- (a) The Collaborative Management Contribution Agreement as amended by this Collaborative Management Contribution Agreement Amendment will continue in full force and effect.

IN WITNESS WHEREOF the Parties have executed this Collaborative Management Contribution Agreement Amendment under the hands of their proper officers duly authorized on their behalf this _____ day of _____, 2009.

HER MAJESTY THE QUEEN IN RIGHT OF
CANADA as represented by the Minister of
Fisheries and Oceans by the Regional Director
General, Pacific Region

Witness

Regional Director General
Pacific Region
Department of Fisheries and Oceans

Date

NICOLA TRIBAL ASSOCIATION by its duly
authorized representative

Witness

Victor Tom
Interim Administrator

Date

APPENDIX 2

ACTIVITY SUMMARY

The Activity consists of activities carried out by the ORGANIZATION and approved by the Parties related to the following Objectives for fiscal year 2009-2010:

1. To continue to provide communications and biological/technical support services for First Nations in the Fraser Watershed to enhance their ability to engage in collaborative and consultative fisheries management processes and activities with DFO and other Aboriginal organizations.
2. To continue to support the emerging Tier 1 body (ITTO) to complete its mission of having a mandated representative from each of the Nations in the Fraser watershed and developing its organizational structure, processes, and draft terms of reference.

Additional background information and implementation details can be found in the AAROM Collaborative Management Statement of Interest that is attached to this Agreement.

DESCRIPTION OF ACTIVITY Category of activities forming part of the Activity	EXPECTED OUTCOMES	ESTIMATED EXPENDITURES (2009/10)
I. Aquatic Resource Management and Stewardship		
A. Capacity Development (Development of Aquatic Resource Management Structures(s) and governance –includes organization strategic planning, administration and overall program management)	Overall outcomes for this section: 1. Effective delivery of all activities on budget for the year. 2. Effective communications throughout the Watershed, and between DFO and First Nations. 3. Provision of comprehensive Final Report.	\$245,485.00
1. Executive Committee (EC) - estimated 65 p/days @ 250/day; estimated travel total 14,850; 6 meetings venues @ \$400 per; 8 teleconference meetings @ \$400 per call	Successful execution of this year's program; provision of strategic direction and work-planning to FRAFS; draft plan for next four years; minimum of 12 business and planning meetings.	\$36,700.00
2. EC Chairperson - 5 days/mon @ 400/day - estimated travel @ 1500/mon	Tangible progress toward development of a transition and implementation plan with the ITTO; achieving EC meeting objectives through effective chairing of meetings; maintenance of an informal information sharing network through liaison with other organizations and tribal groups' leadership.	\$42,000.00
3. Operations Manager - estimated 1000 hrs @ 50/hr = \$50,000 + estimated additional 150 hrs @ 50/hr = \$7,500 - estimated total travel \$8,500 Operation manager labour cost increased to reflect additional workload associated with the in- season amendment. No additional travel required.	Program completion within budget; maintenance of information sharing networks through liaison with other organizations dealing with issues related to FRAFS operations including those issues related to a transition and implementation plan with the ITTO; development and administration of sub-contracts; production of monthly supplementary reports and a final report.	\$66,000.00
4. Communications Coordinator	Timely communication of	\$32,540.00

DESCRIPTION OF ACTIVITY Category of activities forming part of the Activity	EXPECTED OUTCOMES	ESTIMATED EXPENDITURES (2009/10)
<ul style="list-style-type: none"> - estimated 900 hrs @ 27/hr = \$24,300 + additional 120 hrs @ 27/hr = \$3,240 - estimated total travel \$5,000 <p>Communications coordinator labour cost increased to reflect additional workload associated with the in-season amendment. Any additional travel costs required will be charged to the specific activity that the communication coordinator provided support.</p>	information among Watershed First Nations, and between DFO and First Nations; dissemination of information/issues through production of Watershed Talk (minimum 16 issues); meeting venue organization (EC, FWJTC, Tier 2 Consultation); records of EC and other meetings (meeting minute taking, dissemination, tracking updates, storage and posting on the FRAFS web site).	
5. Corporate Services Fees	Signing of the AAROM agreement on behalf of FRAFS; financial administration of Agreement; provision of infrastructure, etc. for the Secretariat.	\$68,245.00
B. Collaborative Planning, Consultation and Engagement – Bilateral/Multilateral/Among Aboriginal Organizations	Overall outcomes for this section: Effective technical/biological support (provision of stock strength information, analysis of management plans) to First Nations to assist them in assessing and responding to DFO management plans for chinook and sockeye.	505,215.00
1. Fraser Fisheries Biologist (1) <ul style="list-style-type: none"> - estimated 90 days @ \$800/d=\$72,000 - estimated total travel \$22,000 - estimated 10 weekly in-seas. Updates @ \$300 each (conference call services)=\$3,000 	Weekly provision of in-season run size information and analysis during the sockeye fishing season; post season analyses of chinook and sockeye management; participation as a member of the Fraser Panel Technical Committee; technical advice provided to First Nation members on the Fraser Panel (pre, in, and post-season); analyses of other fisheries management issues for First Nations, including provision of technical advice pertaining to other species of salmon, and initiatives as time and budget permits; provide fisheries related technical advice to Aboriginal interests for and at Aboriginal organizations planning meetings, bi-lateral consultation sessions with DFO, and multi-lateral process as per workplans developed with the FRAFS Executive Committee.	\$97,000.00
2. Fraser Fisheries Biologist (2) <ul style="list-style-type: none"> - estimated 115 days @ 500 - estimated total travel 18,500 	Participate as an observer on the Chinook Technical Committee of the PSC; co-chair the FWJTF, and provide direction to it; analyses of salmon management decisions by	\$76,000.00

DESCRIPTION OF ACTIVITY Category of activities forming part of the Activity	EXPECTED OUTCOMES	ESTIMATED EXPENDITURES (2009/10)
	DFO; provide fisheries related technical advice for all species of salmon to Aboriginal interests for and at Aboriginal organizations planning meetings, bi-lateral consultation sessions with DFO, and multi-lateral process as per workplans developed with the FRAFS Executive Committee.	
3a. Joint Technical Working Group consisting of the FRAFS Biologists and key First Nations and DFO technical personnel. The primary function of the JTWG will consist of the <u>detailed</u> examination of technical information and data that are used as a basis for management decisions/actions for chinook and sockeye.	The first assignment for the JTWG will be to complete a review of DFO's 2008 Early-Timed Chinook Management Post-Season Review Document and report results for the EC, the FWJTF and First Nations as appropriate. The JTWG will meet at least twice in 2009 (late spring and fall), but may be required to complete additional analysis in preparation for 2010 chinook fisheries as well as for other species of salmon.	Costs are covered by technical participants existing budgets.
3b. Fraser Watershed Joint Technical Forum - venue costs estimated 4 meetings @ \$2,000 each	Common understanding between First Nations and DFO of a number of technical issues, questions, and problems surrounding management of salmon stocks in the Fraser; minimum 4 meetings during the year.	\$8,000.00
4a. Tier 1 (Inter-tribal Treaty Organization) Structure and Process Development - detailed budget to be developed through transition plan; costs estimated to include legal, travel, consult fees, meeting venue costs.	4a. FRAFS EC will engage with the ITO to discuss potential efficiencies in supporting the Inter Tribal Treaty Organization (ITO), regarding technical and communicative support provided by a watershed wide umbrella organization. ITO Objectives may include; <ul style="list-style-type: none"> • Structuring the governance process; • identifying delegate appointments process • parameters of separation of in-season technical engagement from political policy consultation • long term objective is the development of politically mandated and supported leadership group with membership from the majority of First Nations in the Fraser Watershed to further First Nations involvement in management, as well as interface with regional processes such as the First Nations Fisheries Council. 	\$22,500.00
4b. ITO representation at the following engagement activities: Interim Fraser River & Approach Working Group; Forum on Conservation & harvest planning for Fraser Salmon; and process for development of a Formal watershed	4b ITO representation at the IFRAWG and Forum meetings will provide liaison between the ITO and the Tier 2 processes during	\$13,636.00

DESCRIPTION OF ACTIVITY Category of activities forming part of the Activity	EXPECTED OUTCOMES	ESTIMATED EXPENDITURES (2009/10)
fisheries management structure agreement.	discussions such as: <ul style="list-style-type: none"> • how limited allocations can be developed when it is anticipated FSC levels may not be achieved • facilitating among FN the development of advice to address conservation constraints – and how to access abundant stocks. • In-Season process to address unforeseen circumstances. ITO representation is expected to eventually result in defined role(s) and responsibilities within a broad based structure designed for management of Fraser Salmon stocks and associated conservation issues.	
5. Visions Workshop - detailed budget to be developed through Planning Comm.; costs estimated to include venue costs, meeting expenses, fees for presenters.	Sharing of up to date information at a single venue and common gathering of representatives from throughout the Watershed on progress regarding technical and political issues and events.	\$15,000.00
6a. Forum on Conservation and Harvest Planning For Fraser Salmon - facilitator fees & travel; recorder fees & travel estimated total 8,000 - venue costs estimated 5,000 - travel costs un-funded attendees estimated 2,000. A meeting was held on Aril 7 & 8 2009.	6a and 6b - FRAFS will oversee the facilitator's contract and coordinate the activities and arrange the venues for the Forum, - Common understanding on Fraser Salmon management issues in 2009 between DFO and Fraser First Nations and marine area tribes, with an interest in Fraser salmon.	\$15,000.00
6b Additional funding is added to cover the costs associated with a meeting on May 21 and 22, 2009 Similar Cost budgeted as previous meeting		\$13,636.00
6c. Forum on Conservation and Harvest Planning for Fraser River Salmon ("Forum") -2010. Funding is provided for two meetings during the period Jan. to March 2010. (30,000 PICFI funded) The collaborative "Forum" meetings are open to the 97 Aboriginal communities of the Fraser, and up to 60 Aboriginal communities along Vancouver island approach areas in which salmon migrate to the Fraser River. The "Forum" began as a new initiative in 2008 to plan for anticipated shortages of certain stocks of Fraser salmon expected to return in weak numbers that year. This process continued in 2009 to address early timed Chinook and	6c <ul style="list-style-type: none"> • Common understanding on Fraser Salmon management issues in 2010 between DFO and Fraser First Nations and marine area tribes, with an interest in Fraser salmon. • Identification of anticipated stocks of concern and solutions to alleviate fishing pressures during migration • Development and implementation of improved in-season communications with respect to in-season technical details and management decisions. • Clarify consultation parameters – to ensure FN understand the DFO 	\$27,273.00

DESCRIPTION OF ACTIVITY Category of activities forming part of the Activity	EXPECTED OUTCOMES	ESTIMATED EXPENDITURES (2009/10)
<p>Early Stuart sockeye concerns. There was recognition and support from FN participants from a broad based area that clarity in the co-management process was needed and to continue building on this progress made.</p> <p>The funding provided is for "Forum" meetings in the first Quarter of 2010.</p> <p>Breakdown of Costs for two meetings similar to previous meetings.</p>	<p>role in balancing FSC priority access among First Nations, as well as managing the resource for all Canadians</p>	
<p>7. Development of a Salmon Management Framework for the Fraser River. This may lead to formal structures in the 2010-11 fiscal year. In the 2009-10 fiscal year, a series of three workshops are proposed that will focus on a collaborative engagement process. It is recognised that the migratory nature of salmon requires overlapping access parameters between the tribes and independent First Nation communities. Identifying the parties, their needs, the management framework for access will require consultations that will inform DFO management processes. The objective for these workshops will be to advise of this need and ultimately strive for a formal agreement on a Fraser salmon management structure that includes Aboriginal organizations that fish these stocks in the Fraser Watershed and Marine approach areas.</p> <p>Twenty thousand dollars are budgeted for each of these three workshops (including administration fees) <i>(60,000 budgeted for are from the PICFI co-management resources).</i></p>	<p>7. FRAFS will assist DFO by providing executive support for the coordination, communication and planning logistics concerning these workshops.</p> <p>Workshop objectives;</p> <ul style="list-style-type: none"> • Agreement on the engagement process • Mandated representation • Coordinated efforts for more efficient use of human resources and funding • A formal agreement (signed) or MOU - with Aboriginal organization that fish Fraser Salmon stocks in the Fraser River and Marine approach areas and DFO. • Development of decision rules (guidelines) - to guide management decisions • Continued development of management principles for implementation in 2010 fisheries 	\$54,545.00
<p>8. Interim Fraser River & Approach Working Group (IFRAWG)</p> <p>This is the blended DFO/FN Steering Committee that prepares for mutually agreed to fisheries meetings. The IFRAWG meets primarily through conference calls and occasionally in-person. IFRAWG participants also meet just prior to fisheries meetings</p>	<p>8. IFRAWG (the steering committee will hold coordinating meetings prior to and following the broader Forum meetings;</p> <p>IFRAWG members will communicate out to Fraser and marine First Nations, through the FRAFS communications coordinator, to ensure attendance or participation</p>	\$22,727.00

DESCRIPTION OF ACTIVITY Category of activities forming part of the Activity	EXPECTED OUTCOMES	ESTIMATED EXPENDITURES (2009/10)
to review the agenda and discuss relevant issues with the meeting facilitator. IFRAWG does: <ul style="list-style-type: none"> the operational planning for engagement, including agendas, time, location and issues for meetings, etc. IFRAWG is focused on assisting with development of a management structure and process for managing Fraser salmon stocks. (Items 6a, 6b, and 7 above). Funding is allocated to support participant communications, before, during and after meetings including, IFRAWG planning meetings, Forum on Conservation & Harvest Planning for Fraser Salmon Stocks and workshop planning Funding is provided for Aboriginal participant costs: (25,000 from PICFI resources)	is encouraged as part of the consultative process. FRAFS will support this through communication and coordination of venue to achieve <ul style="list-style-type: none"> Well organized meetings Appropriate participation Increased awareness and support for development of collaborative management processes and structures. 	
9. Evaluation of IFRAWG & "Forum" to Date by Paul Kariya (9,350 PICFI) The contractor will complete a survey of "Forum" participants that will evaluate the Forum process over the past two years and provide recommendations to move forward.	9. FRAFS will obtain from the contractor and forward copy to DFO; A report with consolidated recommendation on how best to move forward with this collaborative/consultation initiative that will be presented at a fall 2009 Fraser watershed/marine approach fisheries meeting.	\$8,500.00
10. Research Initiative on leadership and Salmon -two case studies (3,850 PICFI) Funding is provided for travel costs and will include attendance at a meeting to report on findings. (PICFI)	10. FRAFS will obtain from the contractor and forward to DFO: <ul style="list-style-type: none"> A research paper that may inform a better understanding of this issue which is expected to assist with development of emerging collaborative decision making structures. 	\$3,500.00
11 PST Chapter 4 Consultations DFO agreed to fund three watershed wide & marine consultative meetings to assist with negotiation of Chapter 4 in the Pacific Salmon Treaty. Costs provided in this amendment are for meeting venue, facilitating chair, record keeping and higher level technical support costs.	11. FRAFS will coordinate and communicate to Fraser FN meeting venues and logistics <ul style="list-style-type: none"> Aboriginal interests will be advised of and gain an understanding of the issues being negotiated and options that DFO will need to consider at the PST negotiations table and will be able to provide their views and advice to DFO in advance of negotiations. 	\$21,080.00
12. Mid Fraser AAROM Capacity Dev in Co-mgt/Collaborative Structure --	12. FRAFS – will provide administration and coordination services to assist the designated	\$18,182.00

DESCRIPTION OF ACTIVITY Category of activities forming part of the Activity	EXPECTED OUTCOMES	ESTIMATED EXPENDITURES (2009/10)
Contracted assistance to help develop a functional mid Fraser AAROM body (20,000 PICFI)	contractor who will assist Four Mid Fraser River Tribal Groups and Okanagan Nation Tribal Council in reaching agreement on a collaborative management body in the mid Fraser River Necessary professional support will be provided to assist with development of a mid Fraser River AAROM body.	
13. Professional service support for various aspects of Fraser watershed structural Development including for legal support and additional technical support (15,000 PICFI)	13. FRAFS will incorporate into budget and disburse necessary expenses as required. Necessary professional support will be provided to assist with development of a Fraser River Salmon management body.	\$13,636.00
14. Vancouver Island – AAROM Agreement Program Administration Support. Marine approach area First Nations have not effectively organized within an AAROM structure therefore this funding will provide for a contractor to coordinate Marine First Nations input into two workshops and two Forum meetings and cover the costs of participants and representatives to attend these sessions. This funding also provides the funding support for Vancouver Island and Mainland Inlet First Nations to meet and caucus (4 meetings) in preparation for the workshops and Forum meetings. The contractor will also provide communications on a regular basis out to these First Nations while reporting on feedback from these communications.	14. FRAFS will act as a flow through entity – as the marine groups have not organised themselves into a legal entity for financing. FRAFS will engage with the contractor on behalf of the DFO and SC First Nations <ul style="list-style-type: none"> Marine approach area First Nations will have the ability to discuss and provide more unified and formal input into the management of Fraser bound salmon stocks. The resulting coordination of input by Marine and Approach Area First Nations will demonstrate the benefits of an organizational structure, and gain greater support for the needed development of AAROM structure on the East coast of Vancouver Island and the Mainland Inlets. 	\$75,000.00
Sub-Total: Aquatic Resource Management and Stewardship		\$750,700.00
II. Food Social and Ceremonial Fisheries (FSC) Management – not applicable		
III. Economic Opportunities – not applicable		
IV. Aquatic Resource Management Compliance and Accountability – not applicable		
Sub-Total: Aquatic Resource Management Compliance and Accountability		
AGREEMENT TOTAL		\$750,700.00

BETWEEN: HER MAJESTY THE QUEEN IN RIGHT OF CANADA as represented
by the Minister of Fisheries and Oceans (hereinafter called “DFO”)

AND: NICOLA TRIBAL ASSOCIATION, a society duly incorporated under the
laws of the Province of British Columbia, for and on behalf of Fraser
River Aboriginal Fisheries Secretariat (hereinafter called the
“Organization”)

**ABORIGINAL AQUATIC RESOURCE AND OCEANS MANAGEMENT PROGRAM
(AAROM)**

COLLABORATIVE MANAGEMENT CONTRIBUTION AGREEMENT AMENDMENT
