

Memorandum of Understanding
on
Pacific North Coast Integrated Management Area
Collaborative Oceans Governance

between

The Department of Fisheries and Oceans
(a Department of the Government of Canada)

and

First Nations of the Pacific North Coast
(as represented by Coastal First Nations (CFN) and the
North Coast – Skeena First Nations Stewardship Society (NCSFNSS)
(Collectively the “Parties”)

Whereas...

- A. In 2002 an Interim Measures Agreement was signed by the respective Ministers of the Department of Fisheries and Oceans (DFO), Indian and Northern Affairs and First Nations involved in the Turning Point Initiative (now referred to as CFN) that committed the parties to work towards a government to government relationship, within the framework of the Constitution of Canada, to develop and implement a process for CFN involvement in marine use planning.
- B. DFO has a mandate through the *Oceans Act* and Canada's Oceans Strategy to implement initiatives which: establish institutional governance mechanisms to enhance coordinated, collaborative oceans management across the federal government and other levels of government; to implement integrated management planning to engage partners in the planning and management of oceans activities; and to promote stewardship and public awareness within the Pacific North Coast Integrated Management Area (PNCIMA) Large Ocean Management Area.
- C. The CFN and NCSFNSS have a mandate on behalf of their member First Nations to coordinate and develop an integrated marine use planning process to support individual community plans as well as integrated plans at the large ocean and coastal management scales that maximize benefits of marine resources and areas while preserving ecological integrity, economies and the well being of coastal people.

Therefore the Parties hereby agree:

1. To adopt the attached interim 'PNCIMA Collaborative Governance Model' the ("PNCIMA Model") which proposes a governance structure and process to support PNCIMA integrated management initiatives within the PNCIMA Large Ocean Management Area.
2. That the process will remain open to the Province of BC to participate in this initiative and that efforts be made to include BC in a governance model in the future. For this reason, the attached PNCIMA Model is being endorsed as an interim step and can be amended to include provincial representatives when advancing PNCIMA initiatives under the PNCIMA Model.
3. To work towards the development and promulgation of an integrated management plan for the PNCIMA Large Ocean Management Area.
4. To develop an annual workplan that commits to collaborative work initiatives for advancing integrated marine planning in PNCIMA.
5. To develop processes through which First Nations located within the PNCIMA Large Ocean Management Area, that are not represented through the CFN or NCSFNSS, will be engaged and consulted with respect to this initiative.
6. That this MOU is not evidence of the existence, nature, scope or content of Aboriginal Rights or Title or Crown Rights or Title and is made without prejudice to the positions taken by either Party with respect to Aboriginal Rights or Title and Crown Rights or Title. Neither this MOU nor any acts performed in connection with this MOU shall be construed or relied on by anyone as an acceptance or admission of the existence, nature, scope or content of any Aboriginal Right or Title or Crown Right or Title.
7. Unless otherwise provided for, each party to this MOU is responsible for costs incurred by them in implementing the MOU.
8. To work together to implement this MOU and PNCIMA Model. If any of the parties wish to withdraw from this MOU that party will provide 60 days notice in writing to each of the other parties
9. Undertake an annual review of the general effectiveness and workability of this MOU and amend as required. This review will be undertaken by the Bilateral Coordination Steering Committee.

This Memorandum of Understanding is signed by the Parties as of the eleventh day of December, 2008.

For Canada:

**Regional Director General for the Pacific Region
Department of Fisheries and Oceans**

For Coastal First Nations:

Coastal First Nations, as directed by:

- | | |
|--|------------------------------|
| Heiltsuk Nation | Kitasoo/Xaixais First Nation |
| Council of the Haida Nation | Skidegate Band Council |
| Old Massett Village Council | Wuikinuxv Nation |
| Haisla First Nation – Kitamaat Village | |
| Gitga'at First Nation – Hartley Bay | |
| Metlakatla First Nation - Metlakatla | |

For North Coast Skeena First Nations Stewardship Society:

North Coast – Skeena First Nations Stewardship Society, as directed by:

- Gitga'at First Nation – Hartley Bay
- Gitxaala First Nation – Kitkatla
- Metlakatla First Nation – Metlakatla
- Kitsumkalum First Nation – Kitsumkalum
- Kitselas First Nation