

i? scaxʷtət (MEMORANDUM OF UNDERSTANDING)

BETWEEN

THE GOVERNMENT OF CANADA AS REPRESENTED BY THE MINISTER OF THE ENVIRONMENT AND CLIMATE CHANGE FOR THE PURPOSES OF THE PARKS CANADA AGENCY

(“CANADA”)

AND

THE GOVERNMENT OF THE PROVINCE OF BRITISH COLUMBIA AS REPRESENTED BY THE MINISTER OF ENVIRONMENT AND CLIMATE CHANGE STRATEGY

(“BRITISH COLUMBIA”)

AND

THE OKANAGAN NATION AS REPRESENTED BY THE CHIEF OF THE OSOYOOS INDIAN BAND AND THE CHIEF OF THE LOWER SIMILKAMEEN INDIAN BAND

(“*sməlqmix / sukna?kinx* (OKANAGAN NATION)”)

COLLECTIVELY REFERRED TO IN THIS AGREEMENT AS
“THE PARTIES”

RESPECTING

THE ESTABLISHMENT OF A NATIONAL PARK RESERVE IN THE

nxʷəlɣʷəltantət

(SOUTH OKANAGAN – SIMILKAMEEN REGION OF BRITISH COLUMBIA)

PREAMBLE

- a) **WHEREAS** the *siwłk^w* (waters), *tmx^wulax^w* (lands) and *tmix^w* (four sacred life-force systems) of the *nx^wəlx^wəltantət* (South Okanagan – Similkameen) region of British Columbia has sustained *sməłqmix / sukna?kinx* (Okanagan Nation) communities for thousands of years and will continue to do so;
- b) **WHEREAS** the Parties are committed to true and lasting reconciliation and a renewed government to government to government relationship that recognizes the ongoing presence and *skəltrar' / skəltrar'tət* (inherent rights) of the *sməłqmix / sukna?kinx* (Okanagan Nation) people, of which the member communities include the Osoyoos Indian Band and the Lower Similkameen Indian Band;
- c) **WHEREAS** the Parties fully support the United Nations Declaration on the Rights of Indigenous Peoples and commit to implement the Declaration in the context of Section 35 of the *Constitution Act, 1982*, which recognizes and affirms the existing Aboriginal and treaty rights of the Aboriginal peoples of Canada;
- d) **WHEREAS** in recognition and respect for the different languages spoken by the Parties to the *i? sčax^wtət* (Memorandum of Understanding), the Parties have defined the nsylxcən terms in the *i? sčax^wtət* (Memorandum of Understanding) with the English word or phrase in parenthesis immediately after the nsylxcən term as well as in Annex 2;
- e) **WHEREAS** the Parties jointly announced in 2017 the launch of a tri-partite process to determine the terms and conditions to establish, develop and operate a proposed national park reserve in the *nx^wəlx^wəltantət* (South Okanagan – Similkameen) region, treating the area with the highest degree of respect and protecting and managing it for present and future generations of *sməłqmix / sukna?kinx* (Okanagan Nation) people and all Canadians;
- f) **WHEREAS** after reviewing the results of a series of studies and community and stakeholder consultations, the governments of Canada and British Columbia and the *sməłqmix / sukna?kinx* (Lower Similkameen Indian Band / Osoyoos Indian Band) have concluded that the proposed national park reserve is feasible and have agreed to undertake the necessary work to protect the area under the *Canada National Parks Act*;
- g) **WHEREAS** in keeping with the Okanagan Declaration and the Okanagan Water Declaration, and after reviewing the results of the prefeasibility assessment and renewed community consultations with *sməłqmix / sukna?kinx* (Lower Similkameen Indian Band / Osoyoos Indian Band) members, *sməłqmix / sukna?kinx* (Lower Similkameen Indian Band / Osoyoos Indian Band) have agreed to undertake the necessary work to protect a portion of the *nx^wəlx^wəltantət* (South Okanagan – Similkameen) region;
- h) **WHEREAS** the Sir Wilfred Laurier Memorial 1910 (<http://www.sfu.ca/~palys/OpenLetterToWilfredLaurier-1910.pdf>) provides guidance to the *sməłqmix / sukna?kinx* (Okanagan Nation) on land management and collaborative responsibility for ecosystem management in which the Chiefs of the Shuswap, Okanagan and

Couteau or Thompson tribes said, “*These people wish to be partners with us in our country. We must, therefore, be the same as brothers to them, and live as one family. We will share equally in everything half and half in land, water and timber, etc. What is ours will be theirs, and what is theirs will be ours. We will help each other to be great and good.*”;

- i) **WHEREAS** the establishment of a proposed national park reserve in the *nx^wəlx^wəltantət* (South Okanagan – Similkameen) region will result in contributing to Canada’s international and domestic commitments pursuant to the United Nations Convention on Biological Diversity of 1992 and Canada’s Biodiversity Target 1;
- j) **WHEREAS** the parties agree to *kn[?]xtwix* (work together) to protect biodiversity, including biocultural diversity, specifically *Kin’kint i[?] tmix^w* (Species at Risk) and species of cultural significance to the *sməlmix / sukna[?]kinx* (Okanagan Nation) people, and their habitats. These efforts to protect biocultural diversity will be balanced with the ability of the *sməlmix / sukna[?]kinx* (Okanagan Nation) people to secure their social, cultural, environment, economic self-sufficiency and prosperity;
- k) **WHEREAS** the protection of species and ecosystems of cultural significance and endangered species and endangered habitats is a common goal of the Parties to ensure the living connection between land and people, between water and land, between culture and ecology remains intact for present and future generations and acknowledge the need for broader management of bio-cultural values across the *sməlmix / sukna[?]kinx* (Okanagan Nation) territory as the Parties work towards the common goal of protecting the *nx^wəlx^wəltantət* (South Okanagan – Similkameen) region; and
- l) **WHEREAS** the foundation that supports this *i[?] scəx^wtət* (Memorandum of Understanding) is a framework of *naqscn / kn[?]xtwix* (collaboration) amongst the Parties.

NOW THEREFORE the Government of Canada, the Government of the Province of British Columbia, and the *sməlmix/sukna[?]kinx* (Okanagan Nation), represented by governments of the Lower Similkameen Indian Band and the Osoyoos Indian Band, agree as follows:

ESTABLISHMENT OF A NATIONAL PARK RESERVE

1. The Parties agree that it is feasible to continue to work together towards the establishment of a proposed national park reserve in the *t̄xasqn* (Mt. Kobau), *kl̄lilx^w* (Spotted Lake) and *n̄k̄lpulax^w* (Kilpoola) *i? nx^wəlx^wəltantət* (of the South Okanagan – Similkameen) region of British Columbia by negotiating the necessary agreement to establish a national park reserve under the *Canada National Parks Act*.
2. The working boundary for the proposed national park reserve is depicted in Annex 1.
3. In negotiating the protection of *n̄x^wəlx^wəltantət* (the South Okanagan – Similkameen) region, the Parties will be mindful of *sk̄č̄x̄^w̄x̄^wipla?tantət* (that all social and ecological management) is congruent with *sm̄əlqmix / sukna?kinx* (Okanagan Nation) land law, which has its origin in the *sk̄əl̄trar̄* (inherent right) and the *captik^w̄* (doctrine for transference of all knowledge).
4. The Parties agree that the name of the proposed national park reserve will be formalized as part of an establishment agreement, and will be subject to the approval of the *sm̄əlqmix / sukna?kinx* (Lower Similkameen Indian Band / Osoyoos Indian Band).
5. Canada undertakes to recommend to Parliament, prior to concluding an establishment agreement for a national park reserve, any amendment to the *Canada National Parks Act* that ensures that the definition of a national park reserve is expanded to include situations where an area or a part of an area proposed for a national park is subject to unsettled claims of an Indigenous collective that is not involved in the formal claims process.
6. The establishment, development, management and operation of a proposed national park reserve in the *n̄x^wəlx^wəltantət* (South Okanagan – Similkameen) will respect Aboriginal and treaty rights consistent with Section 35 of the *Constitution Act, 1982*.
7. The Parties agree to support a consensus approach to decision making in the negotiation and the implementation of the national park reserve establishment agreement, and the ability for the Parties to make decisions on how the the *siw̄lk^w* (waters), *tm̄x^wulax^w* (lands) and *tm̄ix^w* (four sacred life-force systems) will be used, what economic benefits will be derived from these in the context of conservation, use and management, together. These concepts will be protected as described in the establishment agreement.

PROPOSED NATIONAL PARK RESERVE AREA BOUNDARY

8. The boundary of the proposed national park reserve in the *t̄xasqn* (Mt Kobau), *kl̄lilx^w* (Spotted Lake) and *n̄k̄lpulax^w* (Kilpoola) areas of the *i? nx^wəlx^wəltantət* (South Okanagan – Similkameen) region is intended to be substantially along the lines of the map in Annex 1, and encompass an area of approximately 27,300 hectares (273 km²) or 67,500 acres.
9. The Parties agree that the final boundary of the proposed national park reserve will be supported and informed by ongoing discussions regarding existing and proposed protected areas in the *n̄x^wəlx^wəltantət* (South Okanagan – Similkameen) region, including federal,

provincial and Indigenous protection initiatives which could lead to the achievement of larger conservation goals and support ecosystem connectivity. The Parties agree that best efforts should be made to work with adjacent land managers to help mitigate impacts to the environment within the boundary.

10. In negotiating the establishment agreement, the initial focus will be on transferring the administration and control of provincial Crown lands, including provincial protected areas, as the first phase of the proposed national park reserve, supplemented by the possible purchase of private lands by Canada at fair market value on a willing seller – willing buyer basis within the boundary.
11. As directed by Parliament under the *Canada National Parks Act*, Canada cannot and will not expropriate private property in order to establish or expand a national park or national park reserve. Private lands will only be acquired for the proposed national park reserve purposes on a willing seller – willing buyer basis.
12. All public highways under the administration of the Ministry of Transportation and Infrastructure are intended to continue as such and the Parties intend that they will not become toll roads.
13. All public utility corridors and associated statutory rights of way will remain under the authority of the grantor of that specific utility / statutory right of way.
14. Residents will not have to pay a fee to access their homes/private property or to receive guests.
15. The establishment of the proposed national park reserve will not change the jurisdiction of Indigenous, local, provincial or federal governments in relation to the lands adjacent to it.

INTERIM PROTECTION

16. While negotiations respecting the proposed national park reserve continue, and until the administration and control of the provincial Crown lands, including provincial protected areas, are transferred to Canada, British Columbia will seek to maintain or put in place as applicable interim protection measures over the provincial Crown lands, including provincial protected areas, to ensure that no new allocations for timber harvesting, mineral exploration and development, or further alienation of provincial Crown lands occur.
17. While negotiations respecting the proposed national park reserve continue, and until the administration and control of the provincial Crown lands, including provincial protected areas, are transferred to Canada, the existing regulatory licensing processes, and terms and conditions, subject to existing management policies, for existing licenses, leases and other tenures will continue.
18. While negotiations respecting the proposed national park reserve continue, and until the administration and control of the provincial Crown lands, including provincial protected

areas, are transferred to Canada, British Columbia will undertake enhanced engagement and consultation with *sməlqmix / sukna?kinx* (Lower Similkameen Indian Band / Osoyoos Indian Band) on decisions related to existing applications and any applications for renewal of any existing licences, leases and other authorizations within the proposed national park reserve boundary.

NEGOTIATION OF ESTABLISHMENT AGREEMENT

19. Canada, British Columbia and the *sməlqmix / sukna?kinx* (Okanagan Nation) as represented by the Lower Similkameen Indian Band and the Osoyoos Indian Band will proceed to negotiate a formal national park reserve establishment agreement that will define the terms and conditions for the establishment, development, management and operation of a national park reserve.
20. Negotiation of an establishment agreement will allow the Parties to recommend to their respective decision making bodies the protection of the lands and waters currently under the administration and control of British Columbia identified in the proposed boundary, and their management consistent with the *Canada National Parks Act* and with *skəltrar'* (inherent right), the *captik^{wl}* (doctrine for transference of all knowledge), the *siwłk^w* (waters), *tmx^wulax^w* (lands) and *tmix^w* (four sacred life-force systems) of the *sməlqmix/sukna?kinx* (Okanagan Nation).
21. For greater clarity, the authority to enter into the national park reserve establishment agreement will require additional approvals from each of the Parties.
22. Prior to initiating negotiations towards a national park reserve establishment agreement, the Parties will organize a workshop for their representatives for the purpose of reviewing and understanding the relevant laws and governance mechanisms that the Parties must be mindful of in negotiating an establishment agreement.
23. Without an establishment agreement reached among the Parties under clause 17, the federal Minister of the Environment and Climate Change, the provincial Minister of Environment and Climate Change Strategy, and the chiefs and councils of the Lower Similkameen Indian Band and the Osoyoos Indian Band will not recommend establishment of a national park reserve.
24. The *sməlqmix / sukna?kinx* (Lower Similkameen Indian Band / Osoyoos Indian Band) decision making systems require a community-based decision-making process which is embedded in *skəltrar'* (inherent right), the *captik^{wl}* (doctrine for transference of all knowledge) and *smi?mây* (the stories of transition between animal people to human domain) and includes use of *naqscn* (speaking with one voice), *kn?xtwix* (helping each other), *kəłsačxəntm* (considering multi-generational impacts) and *nšawqntəm* (coming together for on-going discussions to reach consensus) principles guided by *mi?scut* (traditional knowledge) and ceremony.

25. The parties intend that the proposed national park reserve establishment agreement will include provisions related to:
- a. finalization of the boundary for the proposed national park reserve in the *nx^wəlx^wəltantət* (South Okanagan – Similkameen) region;
 - b. timing and process for the transfer of administration and control of provincial Crown lands to Canada for the purpose of establishing a proposed national park reserve in the *nx^wəlx^wəltantət* (South Okanagan – Similkameen) region under the *Canada National Parks Act*;
 - c. management of said lands between the coming into effect of the establishment agreement and the date the lands are listed under Schedule 2 of the *Canada National Parks Act*;
 - d. federal investment in the establishment, development, management and operation of the national park reserve;
 - e. provisions specific to third party interests related to terms and conditions of existing leases, licenses, and permits; and
 - f. any other items to which the Parties agree.
26. The parties intend that the proposed national park reserve establishment agreement will also include provisions specific to *sməlqmix / sukna?kinx* (Okanagan Nation) *skəłtraɹ* (inherent right), the *captik^wł* (doctrine for transference of all knowledge) and *smi?mày* (events of historical significance accounts and the stories of transition between animal people to human domain), and *sux^w tux^wcncut* (the collective cultural code and practise, embedded within oral story systems and historic accounts and interests) related to:
- a. co-operative management regime that defines how the Parties will work together to establish, develop and manage a national park reserve, management planning and the development of a system that includes traditional / cultural management and western methodologies;
 - b. affirming the continuation of fishing, hunting, water access and management, gathering, foods and medicines, and associated management practises, and provisions for the mitigation of any impacts to *sməlqmix / sukna?kinx* (Okanagan Nation) for traditional use and harvesting within the proposed national park reserve;
 - c. traditional use, harvest and protection practices for cultural and ceremonial use of *lut m?isxn* (minerals) such as ochre and obsidian;
 - d. ranching / range and other historic and current tenures and practices;
 - e. forestry and other practises related to management and restoration of forests and forest and non-timber forest products;
 - f. protection and management of spiritual or culturally significant sites and special management areas (e.g. hunting areas, etc.) and ongoing use and access to such areas including campsites, pictograph sites, archaeological sites, and ceremonial sites;
 - g. the use of *mi?scut* (traditional ecological knowledge) in protection, management and harvest practises including fire and water management;
 - h. engagement of *mi?scut* (traditional ecological knowledge) of elders and youth, and the promotion and use of *sməlqmix / sukna?kinx* (Okanagan Nation) language and

- cultural knowledge and resource management within all aspects of national park reserve implementation;
- i. training opportunities to assist *sməlqmix / sukna?kinx* (Lower Similkameen Indian Band / Osoyoos Indian Band) community members to take advantage of employment opportunities in the national park reserve;
 - j. economic and employment opportunities for *sməlqmix / sukna?kinx* (Lower Similkameen Indian Band / Osoyoos Indian Band) community members in the national park reserve and measures which will be adopted to assist *sməlqmix / sukna?kinx* (Lower Similkameen Indian Band / Osoyoos Indian Band) community members to take advantage of such opportunities in the national park reserve; and
 - k. emergency measures and mitigation (e.g. fire, floods, invasive species issues, etc.).
27. Canada will fund any reasonable additional financial requirements of the *sməlqmix / sukna?kinx* (Lower Similkameen Indian Band / Osoyoos Indian Band) that may be required to enable the *sməlqmix / sukna?kinx* (Lower Similkameen Indian Band / Osoyoos Indian Band) to participate effectively in negotiation of the establishment agreement, participate in community engagement and consultation, and participate in public consultation.
28. The proposed national park reserve establishment agreement may also include provisions for the establishment of a local advisory committee to provide advice on park issues as they pertain to local community matters, and other authorizations as required.

COMMUNICATIONS SECTION

29. The Parties commit to developing a communications protocol covering all communications regarding the negotiation and establishment of a proposed national park reserve including release of this *i? s'cax'wtət* (Memorandum of Understanding).
30. The Parties agree to develop and distribute communications materials on an on-going basis in order to convey updates on the establishment process of the proposed national park reserve.

EFFECT OF MEMORANDUM OF UNDERSTANDING

31. This *i? s'cax'wtət* (Memorandum of Understanding) is an expression of the mutual intentions of the Parties and is not legally binding on them or enforceable against them.
32. This *i? s'cax'wtət* (Memorandum of Understanding) is not intended to be a treaty or land claim agreement within the meaning of section 35 of the *Constitution Act, 1982*.
33. This *i? s'cax'wtət* (Memorandum of Understanding) is an expression of the mutual intentions and goodwill of the Parties and is not intended to create, recognize, affect or deny any rights, claims, positions or obligations of any of the Parties.
34. This *i? s'cax'wtət* (Memorandum of Understanding) will come into effect when signed by the Parties and will remain in effect until a proposed national park reserve establishment

agreement is negotiated or a Party withdraws from the *iʔ sčaxʷtət* (Memorandum of Understanding).

35. This *iʔ sčaxʷtət* (Memorandum of Understanding) can only be amended with the prior written consent of all the Parties.
36. A Party may withdraw from the *iʔ sčaxʷtət* (Memorandum of Understanding) upon providing 60 days written notice to the other Parties.

This Memorandum of Understanding signed in Osoyoos, British Columbia, this 2nd day of July 2019 by:

**For the Government of
Canada**

**For the Government of
British Columbia**

**For the Lower
Similkameen Indian
Band**

**For the Osoyoos
Indian Band**

Original signed by

Original signed by

Original signed by

Original signed by

The Honourable
Catherine McKenna,
Minister of the
Environment and
Climate Change

The Honourable George
Heyman, Minister of
Environment and
Climate Change
Strategy

kałʔlùpaqʼn Ylmixwm
Keith Crow – Lower
Similkameen Indian Band

ki law na Ylmixwm
Clarence Louie – Osoyoos
Indian Band

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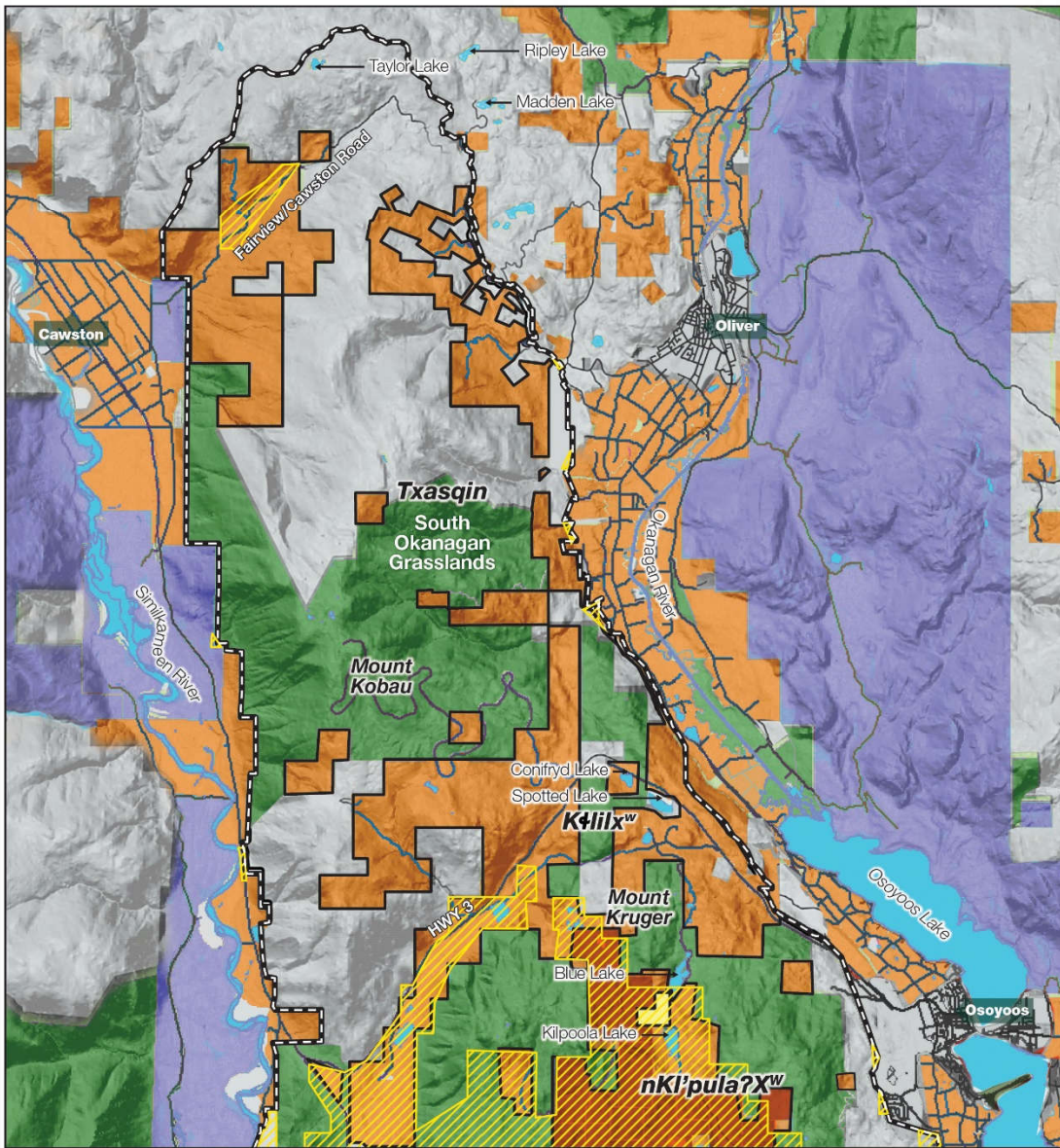
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South Okanagan – Similkameen Proposed National Park Reserve Working Boundary Map

- | | | | |
|------------------|--------------|---|---------------------------|
| Working Boundary | Crown Land | Private Land – Nature Conservancy of Canada | Indian Reserve |
| Roads | Private Land | Private Land – The Nature Trust | Provincial Protected Area |
| | | | ALR/Boundary Intersection |



! Privately owned lands will remain under the title of the private owner(s), and would only be considered for future inclusion on a willing-seller willing-buyer basis. No lands will be expropriated as part of a national park reserve establishment.

ANNEX 2

Glossary of nsyilxcən Terms

<i>kəʔʁačxən</i>	Look underneath the obvious, our actions to see how our actions or tracks that we leave are connected to the future, our grandchildren, the continuation of all creation, and to the tracks they make on the land into the future.
<i>nʁawqntəm</i>	Consensus making dialogue where a topic is scrutinized at a meeting or gathering.
<i>skəltraʔ / skəʔtraʔtət</i>	The inherent / inherited or ancestral domain / sovereignty.
<i>nʁawqnxwix^w</i>	Ceremonial dispute resolution process utilizing the 4 food chiefs.
<i>captik^{wʔ}</i>	Referred to as doctrine for the transference of all knowledge.
<i>stʔʔtaʔt</i>	A word used in translation for Title and Rights of people but refers to a responsibility toward humanity or all ecology the Rights of the People.
<i>tmix^w</i>	Refers to all ecology in creation 4 sacred life forces.
<i>skc'x^wiplaʔtantət</i>	The law/responsibility which outline our Right, law that govern every aspect of our lives that are derived from captik ^{wʔ} which is passed from the creator through oral culture.
<i>naqscn</i>	The speaking with one voice as a family or nation for a common goal or vital decisions.
<i>knʔxtwix</i>	Helping each other with all aspects of our living building, hunting, ceremonies, etc.
<i>nx^wəlx^wəltantət</i>	That which gives us life referring to a part of or the whole Territory.
<i>miʔscut</i>	Expertise in the field or topic in all aspects of ceremony, laws, discipline and management of water, land, 4 eco-systems and people.
<i>kʔlilx^w</i>	Spotted Lake.

<i>nk'lpulax^w</i>	Kilpoola as it is known by settlers – the home of coyotes' wife mole woman.
<i>tʰasqŋ</i>	Known as Mt. Kobau.
<i>sməɫqmix</i>	People of the Similkameen valley.
<i>suknaʔkinx</i>	The Okanagan peoples name for themselves – the people of the Okanagan valley.
<i>kiŋ'kiŋt iʔ tmix^w</i>	The endangered species within the 4 sacred ecosystems.
<i>smiʔməy</i>	Modern day stories during the time of transition from the animal people to human domain.
<i>iʔ s'caʰwtət</i>	Setting out a plan or work to be conducted over a timeframe (until complete).
<i>tux^wcncutlx/ sux^w</i> <i>tux^wcncut</i>	Gathered food for themselves or made a living from activities on the water, land and resources in a reciprocal and sustainable manner.
<i>lut məʔisxn</i>	Minerals not naming just one but referring to all minerals.