



TRIPARTITE FRAMEWORK AGREEMENT ON NATURE CONSERVATION

Between

HIS MAJESTY THE KING IN RIGHT OF CANADA,

as represented by the Minister of Environment and Climate Change who is responsible for the Department of the Environment (Environment and Climate Change Canada) and the Parks Canada Agency, and the Minister of Energy and Natural Resources
 (“**Canada**”)

And

HIS MAJESTY THE KING IN RIGHT OF BRITISH COLUMBIA,

as represented by the Minister of Water, Land and Resource Stewardship
 (“**British Columbia**” or “**B.C.**”)

And

THE FIRST NATIONS LEADERSHIP COUNCIL (“FNLC”),

as represented by the executive members of the:

**BC ASSEMBLY OF FIRST NATIONS,
FIRST NATIONS SUMMIT, and
UNION OF BC INDIAN CHIEFS**

(each a “**Party**” and collectively the “**Parties**”)



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WHEREAS:

- A. The Parties recognize that biodiversity is declining at an unprecedented rate and that goals for addressing biodiversity loss and conserving and restoring nature may only be achieved through transformative changes and sustained actions; and
- B. The Parties recognize that the climate crisis is one of the drivers of biodiversity loss, and that nature-based climate solutions¹ have the ability to protect, sustainably manage, and restore natural and modified ecosystems in ways that address societal challenges effectively and adaptively, simultaneously benefitting both biodiversity and human well-being; and
- C. The Parties recognize that Indigenous peoples are disproportionately affected by biodiversity loss and climate change, that Indigenous peoples sustain vital cultural and spiritual relationships with nature and the environment and have derived their livelihoods, way of life, health, and well-being from the care and stewardship of their territories and resources, and that Indigenous leadership and knowledge is critical in achieving transformative changes and sustained actions; and
- D. Canada is a signatory to the United Nations Convention on Biological Diversity which has adopted the Kunming-Montréal Global Biodiversity Framework (GBF) that aims to: halt and reverse biodiversity loss to put nature on a path to recovery by 2030, support the sustainable use of biodiversity for the benefit of present and future generations by 2050, including by protecting at least 30% of the world's lands, inland waters, coastal and marine areas by 2030, relying on action and cooperation by all levels of government, while respecting the rights, roles, and contributions of Indigenous peoples; and Canada has also pledged to join the Bonn Challenge, a global initiative aimed at bringing 350 million hectares of degraded and deforested landscapes under restoration by 2030; and
- E. Canada has made a nationally determined commitment (NDC) under the Paris Agreement to reduce greenhouse gas emissions by 40 to 45% below 2005 levels by 2030 and put Canada on a path to achieve net-zero emissions by 2050; and
- F. Canada and B.C. acknowledge the imperative of meaningful reconciliation with Indigenous peoples, and have enacted federal and provincial legislation to affirm the application and implementation of the *United Nations Declaration on the Rights of Indigenous Peoples* to the laws of Canada and the laws of B.C.; and
- G. The Parties are committed to a distinctions-based approach to ensure that the unique rights, interests, and circumstances of Indigenous peoples in B.C. are acknowledged, affirmed, and respected; that respects First Nations, Métis and Inuit peoples as distinct, with unique

¹ Also referred to as natural climate solutions, nature-based climate solutions are tools that embrace the power of nature to mitigate and adapt to climate change and provide benefits for biodiversity.



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- cultures, histories, rights, laws, and governments; and, which requires Canada and B.C.'s relationship and engagement with First Nations, Métis and Inuit peoples to include different approaches or actions with different outcomes; therefore this Agreement involves First Nations as the Indigenous peoples who hold title and rights to territory in B.C.; and
- H. The inherent right of self-determination of First Nations is recognized and affirmed in section 35 of the *Constitution Act, 1982*, and affirmed in the *United Nations Declaration on the Rights of Indigenous Peoples*; and
- I. Canada and B.C. acknowledge the requirement of consultation and cooperation with First Nations title and rights holders who are integral partners in advancing nature conservation, recognizing that title includes an inescapable economic component, and must be full partners in decisions about caretaking their communities, lands, and territories; and
- J. Pursuant to Canada's and B.C.'s respective commitments to implement the *United Nations Declaration on the Rights of Indigenous Peoples* and, in particular, Articles 24-29, Canada and B.C. will consult and cooperate with First Nations to develop agreements, understandings or other constructive arrangements that respect First Nations decision-making authorities and inherent rights of self-determination and self-government, and to ensure appropriate processes and resources are in place so that First Nations may effectively engage in the implementation of this Agreement; and
- K. The FNLC is a collaborative working relationship between the political executives of the BCAFN, FNS, and UBCIC and reports to and takes direction from their respective Chiefs Assemblies in British Columbia; and
- L. The FNLC has been directed by First Nations in their respective Chiefs Assemblies to engage with Canada and B.C. to co-develop this Agreement to better support title holders to engage in constructive government-to-government-to-government relationships, agreements, understandings or other constructive arrangements; and
- M. The FNLC has been directed by First Nations by way of resolution in their respective Chiefs Assemblies to, *inter alia*, advocate for the protection of lands, waters, wildlife, marine life and biodiversity; advance the rights that First Nations have in relation to the lands, waters and traditional resources; support First Nations leadership with respect to climate change and take action, when appropriate, to deal with climate change broadly while ensuring respect and recognition of First Nations rights in climate-related planning; protect Indigenous knowledge and traditional resources at local, national and international levels; advocate for First Nations well-being, needs and values, addressing both governance and operations and respect for Indigenous land-based knowledge and inherent responsibilities that First Nations have to their land and peoples; and to work towards the implementation of nature related conservation measures in the B.C. First Nations Climate Strategy and Action Plan; and



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- N. The FNLC is not a title or rights, or treaty rights, holder and cannot engage in processes to establish and provide free, prior, and informed consent on behalf of individual First Nations, and engagement with the FNLC under this Agreement does not in any way fulfill, replace, or displace Canada or B.C.'s obligations to consult and cooperate with First Nations title and rights holders; and
- O. B.C. has committed to working in partnership with First Nations to advance territorial planning, which includes land use planning, that will inform land use decisions in B.C.; and
- P. B.C. has undertaken an Old Growth Strategic Review and intends to co-develop with First Nations legislation to prioritize ecosystem health and biodiversity as an overarching priority for all sectors; and
- Q. B.C. is co-leading the Together for Wildlife Strategy with First Nations to develop and invest in new strategies aimed at better protecting wildlife and habitat, wildlife and ecological corridors, and is working in partnership with First Nations to advance Collaborative Indigenous Stewardship Forums² to co-develop a shared understanding of the health of lands, resources and territories in B.C.; and
- R. B.C. has committed to developing and implementing a provincial-scale Conservation Financing Mechanism to support First Nations-led conservation initiatives and to leverage philanthropic and other third-party contributions in support of these initiatives; and
- S. The Parties recognize that many species and ecosystems identified as at risk in B.C. have and continue to decline due to the historical and ongoing impacts of colonialism in British Columbia, and that Indigenous leadership and knowledge are essential to species at risk protection and recovery; and
- T. Canada and B.C. have agreed to the implementation of the Pan-Canadian Approach to Transforming Species at Risk Conservation in Canada ("PCA-SAR"); and
- U. Canada and B.C. have agreed to the implementation of the pan-Canadian definitions for recognizing and reporting on protected areas and other effective area-based conservation measures (OECMs) in '*One with Nature: A Renewed Approach to Land and Freshwater Conservation in Canada*'; and

² Collaborative Indigenous Stewardship Forums represent a partnership approach to shared stewardship and co-management between B.C. and regionally-aggregated groups of First Nations. The Forums provides a venue for collaboration, where shared objectives for stewardship of land, water, fish and wildlife are delivered. Activities include, but are not limited to, field-based cumulative effects assessment, monitoring, and Guardians. They are co-designed to advance reconciliation through shared responsibility; blending of Indigenous and western knowledge; and relationship building, based on mutual understanding, trust and respect.



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- V. Canada and B.C. seek to consult and cooperate, in full partnership with First Nations, in the identification of protection, conservation, restoration, and recovery measures and nature-based solutions to reduce greenhouse gas emissions, improve landscape resilience to climate change, support the protection and recovery of biodiversity and species at risk, and create and maintain healthy communities and sustainable economies in B.C.; and
- W. Canada and B.C. will, where appropriate, work together to engage communities on how Canada and B.C. could support measures to mitigate socio-economic implications arising from changes in land use that support habitat conservation and protection; and
- X. This Agreement does not define the legal status, nature, scope, content or geographic extent of any particular First Nation's rights, including title and self-government, or how those rights co-exist with those of the Crown or other First Nations; and
- Y. Nothing in this Agreement alters or supersedes any Party's obligations under existing legislation, treaties, agreements, or other constructive arrangements, nor does it alter or replace any ongoing negotiations on the recognition and implementation of rights between First Nations, Canada, and B.C, or preclude new nature-related initiatives that may be initiated outside the scope of this Agreement. Furthermore, references to specific federal and provincial legislation, programs and policies does not imply their approval or endorsement by FNLC or First Nations.

Therefore, the Parties, without prejudice to their respective powers and authorities, in the spirit of cooperation with one another, and in recognition of the inherent, constitutional and human rights of First Nations in B.C., agree to the following:

1.0 Purpose

- 1.1 The purpose of this Agreement is to establish a framework to achieve a more integrated and collaborative landscape-based approach to ecosystem health and biodiversity conservation through ambitious and sustained actions by the Parties on the stewardship, protection, restoration and recovery of diverse ecosystems, habitats, and species within the province of British Columbia.

2.0 Principles

- 2.1 The framework established through this Agreement, and further work to implement initiatives supported by this Agreement, will be guided by the following principles:
- a) **Consultation and Cooperation:** Consult and cooperate in a manner that acknowledges the respective powers, authorities, jurisdictions and responsibilities of Canada, B.C. and First Nations, in order to obtain First Nations free, prior and informed consent, and is



respectful of authorities in relation to territorial planning, land stewardship planning, management, and decision-making.

- b) **Recognition and Respect:** Recognize and respect the authorities and responsibilities of First Nations as title and rights holders, wherein First Nations have the right to use, control, and manage the land and the right to the economic benefits of the land and its resources, and act on the respective commitments and obligations of Canada and B.C. to implement the *United Nations Declaration on the Rights of Indigenous Peoples*, including the *B.C. Declaration on the Rights of Indigenous Peoples Act* and Action Plan and Canada's *United Nations Declaration on the Rights of Indigenous Peoples Act*.
- c) **Decision-Making:** Work in a manner that is consistent with the *United Nations Declaration on the Rights of Indigenous Peoples*, including Article 18, which affirms that First Nations “have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own Indigenous decision-making institutions”, Article 19 which affirms that government “shall consult and cooperate in good faith with the indigenous peoples concerned through their own representative institutions in order to obtain their free, prior and informed consent before adopting and implementing legislative or administrative measures that may affect them, Article 32.1 which affirms that First Nations“ have the right to determine and develop priorities and strategies for the development or use of their lands or territories and other resources”, and Article 32.2 which affirms governments “shall consult and cooperate in good faith with Indigenous Peoples concerned through their own representative institutions in order to obtain their free and informed consent prior to the approval of any project affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of mineral, water or other resources”.
- d) **Transparency and Adaptive Management:** Implement practices that foster transparency, are evidence-based in ways that consider both First Nations and non-First Nations scientific and knowledge systems, and support continued learning and improved conservation effectiveness, particularly where there are knowledge uncertainties.
- e) **Funding Coordination:** Adopt a proactive approach to coordination on all funding, negotiations, and initiatives within the scope of this Agreement, including major federal and provincial contributions for conservation initiatives, and collaborate to support the alignment and complementarity of goals, strategies, and operations at the federal and provincial level and with First Nations as appropriate.
- f) **Socio-economic Considerations:** Cooperate to analyze and understand the socio-economic implications of activities supported under and facilitated by this Agreement and work to identify and implement solutions to the socio-economic challenges or



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opportunities, such as carbon offsets and biodiversity offsets, demonstrated to result from activities under this Agreement.

- g) **First Nations Leadership:** Support First Nations capacity and opportunities to lead on and engage with ecosystem stewardship initiatives and planning processes, and to pursue conservation objectives for the lands they steward, in recognition that First Nations are title and rights holders and leaders in conservation and stewardship in B.C.

3.0 Partnerships with First Nations

- 3.1 Canada and B.C. recognize that First Nations in B.C. are title and rights holders, have been stewards of their lands, waters, and territories since time immemorial, and are leaders in conserving and protecting nature.
- 3.2 Canada and B.C. have endorsed the *United Nations Declaration on the Rights of Indigenous Peoples* as a framework for reconciliation and have each passed legislation to support its implementation, in consultation and cooperation with Indigenous peoples. Canada and B.C. are committed to respecting and upholding First Nations inherent, constitutional and human rights, in particular their rights of self-determination, including self-government, and stewardship of their lands, waters and territories.
- 3.3 Canada and B.C. will work with First Nations to develop agreements, understandings or other constructive arrangements necessary to advance implementation of this Agreement, in areas such as: habitat and ecosystem conservation and protection; habitat enhancement and restoration; species at risk protection and recovery; and foundational knowledge and information sharing, including integration of First Nations knowledge and perspectives into conservation programs and recovery planning.

4.0 Goals

- 4.1 The following goals guide the implementation of this Agreement, and work to achieve these goals will be carried out in a manner consistent with the *United Nations Declaration on the Rights of Indigenous Peoples* and any related agreements, understandings or other constructive arrangements:
- a) Federal-provincial-First Nations cooperation on ecosystem stewardship is exercised through partnerships based on shared and complementary interests and priorities.
- b) The percentage of land base in B.C. designated for the effective conservation and protection of ecosystems, watersheds and habitats is increased to achieve Canada and



B.C.'s commitment to protect at least 30% of terrestrial areas by 2030³ through conservation initiatives advanced on a case-by-case basis. This could include any combination of federal, provincial, municipal or Indigenous-led protected areas, and other effective area-based conservation measures (OECMs) that meet national accounting⁴ standards and are reported in the Canadian Protected and Conserved Areas Database (CPCAD)⁵, as well as interim protections that could contribute to Canada's goal of protecting 25% of terrestrial areas by 2025.

- c) An actively managed, connected province-wide network of land, inclusive of, but not limited to, rare ecosystems, enduring features, biological diversity, and high cultural or ecological value persists in B.C.
- d) The ecological health of landscapes and watersheds in B.C. is measurably improved through actions (e.g., designations that support conservation, restoration, enhancement, etc.) benefiting biodiversity and the well-being of First Nations and non-First Nations communities.
- e) The conservation and population status of species, particularly species at risk, is improved because of enhanced federal-provincial-First Nations collaboration and actions, and federal-provincial financial contributions made under this Agreement.
- f) Financial contributions by Canada and B.C. under this Agreement are strategically coordinated and could be directed to leverage additional provincial and third-party investments into conservation financing.
- g) The transparency, accessibility, reliability, and integration of information management is improved to enable collaborative ecosystem stewardship among partners and to inform decision makers and citizens.

5.0 Objectives

³ Canada has also committed to the marine conservation targets (MCTs), led by the Department of Fisheries and Oceans, with the participation of Environment and Climate Change Canada and Parks Canada Agency, to protect and conserve 25% of our oceans and marine environment by 2025, and 30% by 2030. While this Agreement does not pertain to MCTs or related programming, including the proposed Great Bear Sea Project Finance for Permanence (PFP), there may be potential linkages between terrestrial and marine conservation efforts.

⁴ For the purposes of this Agreement, accounting refers to the system by which Canada determines what protected and other conserved areas count towards Canada's national conservation objectives. The accounting system interprets internationally agreed-to definitions for protected areas and other conserved areas in a way that is supportive of international guidance for these definitions within the Canadian context.

⁵ CPCAD, compiled and managed by ECCC in collaboration with other federal entities, and provinces and territories, contains the most up-to-date spatial and attribute data on marine and terrestrial protected areas in all governance categories recognized by the International Union for the Conservation of Nature, as well as and OECMs across the country. CPCAD adheres to national reporting standards, is available to the public, and supports Canada's national and international reporting on protected areas.



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- 5.1 To achieve the goals stated above, the Parties have identified objectives in four key areas, as described in sections 6-9 below, that will be implemented in consultation and cooperation with First Nations.

6.0 Habitat and Ecosystem Conservation and Protection

- 6.1 New, additional co-developed measures for habitat and ecosystem conservation and protection in B.C. are essential for securing the health of priority ecosystems and supporting community and cultural interests on the land base, as well as contributing toward Canada's international biodiversity and climate targets.
- 6.2 Areas managed for conservation outcomes will provide multiple benefits for biodiversity and climate change mitigation, including conservation of areas that are at near term risk of irreversible loss and provide critical habitat for species at risk, and complement priorities for healthy ecosystems, reconciliation with First Nations, climate resiliency, and human and economic well-being.
- 6.3 Advancing each area for conservation and protection will be done in consultation and cooperation with appropriate First Nations title and rights holders and require their free, prior and informed consent, and B.C. Cabinet and Treasury Board approval to confirm funding requirements to address existing tenures and mitigate socio-economic impacts.
- 6.4 Objectives include:
- 6.4.1 Canada and B.C. will consult and cooperate with First Nations to identify areas for conservation and protection, through coordinated planning and decision-making processes, which will contribute to Canada and B.C.'s target of protecting at least 30% of B.C.'s land base by 2030. This could include any combination of federal, provincial, municipal, or Indigenous-led protected areas, and OECMs that meet national accounting standards and are reported in CPCAD.
- 6.4.2 Canada and B.C. will consult and cooperate with First Nations to identify areas for interim protection that could contribute to Canada's commitment to protect 25% of terrestrial areas by 2025.
- 6.4.3 Canada and B.C. will establish the Old Growth Nature Fund, with matching funding of \$50M each and potential funding from third-party organizations, and work in partnership with First Nations to permanently protect and conserve 4,000 to 13,000 km² of high priority at-risk old growth forests in the coastal western hemlock, coastal douglas-fir, or interior cedar-hemlock biogeoclimatic ecosystem classification (BEC) zones that overlap with biologically diverse and productive habitats for species at risk or migratory birds, and contribute to Canada's



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commitment to protect 25% of terrestrial areas by 2025 and Canada's climate target.

- 6.4.4 Canada and B.C. will consult and cooperate with First Nations to identify priority activities to reduce emissions through nature-based climate solutions, including conservation, enhanced management and restoration of ecosystems, as well as the development of policies, programs or tools aimed at addressing the drivers of ecosystem loss or degradation.
- 6.4.5 B.C. will participate in government-to-government territorial planning with First Nations, to collaboratively advance environmental, reconciliation and economic objectives, specifically where such participation may lead to the identification and establishment of new areas for protection or conservation, including reclamation and remediation to restore contaminated sites of natural resource extraction.
- 6.4.6 Canada and B.C. will collaborate and engage with First Nations where Indigenous protected areas are declared, and where First Nations interests in provincial and/or federal tools for co-designation are raised within or outside of territorial planning processes.
- 6.4.7 Canada and B.C. will fund First Nations-led area-based territorial planning, including land use planning, conservation and stewardship management actions and will consult and cooperate with First Nations with respect to the amounts and provision of such funding.
- 6.4.8 Canada and B.C. will consult and cooperate with First Nations in the development of guidance and projects to seek support of the national program for ecological corridors in the context of broader ecosystem health and area-based conservation initiatives.

7.0 Habitat Enhancement and Restoration

- 7.1 Habitat enhancement and restoration provides benefits in the way of ecosystem services, supports First Nations exercise of rights, and contributes to economic and human well-being. Restoration, including natural resource extraction site reclamation, is essential in achieving sustainable natural resource management. Restoration can also be an underpinning of other objectives within this Agreement, including First Nations leadership and partnerships, habitat and ecosystem conservation and protection, and species at risk protection and recovery.
- 7.2 Habitat enhancement and restoration can also mitigate the cumulative effects of ecosystem degradation resulting from climate change and resource development. Further,



habitat enhancement and restoration actions can reduce greenhouse gas emissions, improve ecosystem resiliency, connectivity, and natural species abundance, including addressing risks and impacts from climate change.

7.3 Objectives include:

- 7.3.1 Canada and B.C. will consult and cooperate with First Nations on the planning and implementation of habitat enhancement and restoration initiatives (including grasslands, wetlands, forests, riparian areas, estuaries), and will coordinate across their respective organizations to share and inform on opportunities for habitat enhancement and restoration that may be led by other departments, ministries, and organizations.
- 7.3.2 Canada and B.C. will collaborate in habitat enhancement and restoration with local communities, stakeholders, and other government agencies, and will coordinate across their respective organizations to share and inform on opportunities for habitat enhancement and restoration that may be led by other departments, ministries, and organizations.
- 7.3.3 Canada and B.C. will consult and cooperate with First Nations on implementing new restoration activities in Treaty 8 territory in B.C., which will be aligned with restoration plans and strategies developed with and by Treaty 8 Nations.
- 7.3.4 Canada will fund new restoration activities that achieve high co-benefits for species at risk, ecosystem services (e.g., reduced greenhouse gas emissions and carbon sequestration), connectivity, and ecological corridors, including incremental tree planting activities through the 2 Billion Trees Program and natural climate solutions through the Nature Smart Climate Solutions Fund where aligned with program requirements, and will consult and cooperate with First Nations with respect to the amounts and provision of such funding.
- 7.3.5 B.C. will consult and cooperate with First Nations to restore or enhance at least 140,000 hectares of wildlife habitat across the province by 2024/25⁶, beyond existing regulatory requirements.
- 7.3.6 B.C. will consult and cooperate with First Nations to develop a longer-term restoration framework to create an ongoing and lasting restoration program, and coordinate work with First Nations, industry land managers, land trusts and

⁶ This target is based on B.C.'s previous plans to restore or enhance a 20% increase from the 2020/21 baseline of hectares of wildlife habitat through management activities by 2024/25.



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private-land conservation partners who are interested in investments in restoration as part of their sustainability planning and strategies.

8.0 Species at Risk Protection and Recovery

- 8.1 The loss of a species from an ecosystem can have widespread and irreversible ripple effects that may be irreparable. This includes impacts to First Nations title and rights. Reducing the number of species at risk is a tangible indicator of ecosystem health and community well-being.
- 8.2 Canada and B.C. will consult and cooperate with First Nations on species at risk protection and recovery, including ongoing partnerships to implement existing, and future, co-developed species protection and recovery plans. Canada and B.C. reaffirm commitments to the Accord for the Protection of Species at Risk and the complementary National Framework for Species at Risk Conservation. With this foundation, the Parties will redouble efforts to improve outcomes for species at risk and provide greater legal, cultural, and economic certainty.
- 8.3 The Parties will clearly articulate responsibilities and commitments respective of jurisdiction, focus collaborative work on shared priorities and actions that are most likely to result in accelerated and sustained recovery success for species at risk, provide greater regulatory certainty, and help mitigate the need for regulatory orders under federal legislation. This includes innovating multi-species and ecosystem-based approaches that maximize nature co-benefits and opportunities for inclusive actions and fiscal partnerships that support communities impacted by the implementation of the measures and commitments in this Agreement.
- 8.4 Objectives include:
- 8.4.1 Canada and B.C. will consult and cooperate with First Nations to take conservation actions early that address threats and may obviate the need for listing under the *Species at Risk Act*⁷ (SARA) and improve the prioritization of foundational knowledge to better inform federal listing decisions.
- 8.4.2 Canada and B.C., in partnership with First Nations, will work together to continually evolve approaches to species at risk recovery and protection actions in B.C. based on experience, new information, and that are tailored to meet the specific needs of different species or groups of species, and wherever feasible and

⁷ The *Species at Risk Act* (2002) is federal legislation that provides for the legal protection of wildlife species and the conservation of their biological diversity.



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- appropriate, will take ecosystem or multi-species-based approaches to recovery implementation and the protection and recovery of species at risk in B.C.
- 8.4.3 Canada and B.C. will advance existing species listing and recovery planning pilots to ensure that listing decisions under SARA are fully informed with respect to First Nations knowledge and perspectives and socio-economic implications, and to explore recovery approaches where species are in decline due to broad-scale cumulative impacts rather than localized habitat loss. The outcomes of these pilots will improve collaborative governance, complementary policy frameworks and conservation efficacy.
- 8.4.4 Canada and B.C. will initiate new pilot work to develop one or more conservation plans or SARA-compliant action plans in accordance with PCA-SAR initiatives, i.e., single species, multi-species, habitat-based plans for species at risk in a PCA-SAR Priority Place and/or Priority Sector currently identified in B.C.
- 8.4.5 Canada and B.C. will continue to explore new, innovative, and effective SARA-compliant approaches to prioritize and develop species at risk recovery strategies and action plans, critical habitat identification and effective protections, and better alignment with other ecosystem and conservation priorities with the goals of improved outcomes and more efficient investments of resources.
- 8.4.6 B.C. will improve provincial legal and policy tools to prioritize ecosystem health, biodiversity and the conservation and recovery of species and ecosystems at risk, in consultation and cooperation with First Nations governments and organizations, to ensure consistency with the UN Declaration.
- 8.4.7 B.C. will lead and work together with Canada, in consultation and cooperation with First Nations, to implement the Old Growth Strategic Review recommendations, particularly as they pertain to PCA-SAR Priority Sectors and improved ecosystem services.
- 8.4.8 Canada will support B.C. and First Nations actions toward the recovery of Spotted Owl *caurina* including a SARA-compliant action plan, augmenting captive breeding capacity, control of competitive species, release of captive owls, and monitoring and adaptive management of both species (e.g., Spotted Owl and Barred Owl) and habitat protection, conservation, and recruitment of owls.
- 8.4.9 B.C. will continue to work in partnership with Canada and First Nations to implement the co-developed Boreal Caribou Protection and Recovery Plan in a manner that meets federal and provincial requirements by 2024, subject to agreement by First Nations.



9.0 Foundational Knowledge and Information Sharing

- 9.1 Timely and relevant data, information, and knowledge are essential for the successful implementation of this Agreement. This must include a strong role for First Nations knowledge and science, while upholding and respecting First Nations data sovereignty. Where possible, the Parties will work together to modernize federal and provincial data and knowledge systems related to the commitments in this Agreement and to ensure that data and knowledge management practices support public reporting requirements on the Agreement and for the broader responsibilities that both Parties hold for environmental reporting and open and transparent decision-making.
- 9.2 Canada and B.C. will assume an approach that values all forms of knowledge and ways of knowing, applying them in a manner that builds from the strengths of each towards a harmonized system of stewardship. Canada and B.C. will also work to ensure that federal and provincial data related to this Agreement are openly accessible and available to First Nations to support them in this partnership.
- 9.3 The Parties will collaborate to enhance data and information collection, management, analysis, and extension to support the Parties in achieving the objectives of this Agreement and the stewardship of species and ecosystems.
- 9.4 The Parties will aim to maximize open sharing of data and information aligned to accessibility and reporting standards (e.g., including requirements for data publication) and ensuring appropriate systems of protection for sensitive data and to uphold First Nations data sovereignty. Where data and information are generated by entities not a party to this Agreement, including those not under contract to the Parties and First Nations governments and organizations, sharing authorizations will be put in place. A joint rationale for data securement will be developed early on, informed by a review of existing policies.
- 9.5 The Parties acknowledge that data and information collected by the Parties could be subject to legal requirements respecting disclosure of that data and information, such as the federal *Access to Information Act* or the provincial *Freedom of Information and Protection of Privacy Act*, and that data and information pertaining to or generated by First Nations will be handled in a manner consistent with the principles of ownership, control, access and possession (OCAP)⁸.
- 9.6 In case of data sharing that includes confidential information, the Parties will enter into legally binding data sharing agreements, as appropriate, that clearly identify the roles and responsibilities of the signatories.

⁸ Refers to the First Nations principles of ownership, control, access, and possession.



9.7 Objectives include:

- 9.7.1 Canada and B.C. will continue to collaboratively gather shared and trusted data with First Nations and identify and, as appropriate, remove barriers to using trusted data in decision-making.
- 9.7.2 Canada and B.C. will work with interested First Nations governments and organizations toward improving the understanding and appropriate use of First Nations knowledge and First Nations knowledge systems, as governed by First Nations, to foster collaboration to better inform decisions and stewardship practices.
- 9.7.3 Canada and B.C. will jointly prioritize support for information management systems that will result in data that will advance the objectives of this Agreement.
- 9.7.4 Canada and B.C., in consultation and cooperation with First Nations, will develop and release a data and information collection plan, within 12 months of signing this Agreement, that will provide the information necessary to evaluate and report upon progress under this Agreement, and a data and information sharing agreement in support of Agreement implementation and annual reporting.
- 9.7.5 Canada and B.C. will work together to implement and adhere to the principles of open government data, in consideration of First Nations data sovereignty, within this Agreement and publish data according to these principles.

10.0 Tripartite Nature Committee

- 10.1 This Agreement establishes an interim Tripartite Nature Committee (the Committee). The Committee's membership will be comprised of representatives from Canada, B.C., and FNLC whose roles will be to coordinate activities under this Agreement.
- 10.2 Complementary to the role of the Committee, Canada and B.C. will consult and cooperate with First Nations to establish agreements, understandings, or other constructive arrangements to co-create additional mechanisms to ensure First Nations involvement in the implementation of, and benefits from, this Agreement in their respective territories.
- 10.3 Canada and B.C. will explore mechanisms complementary to the Committee that enable the involvement of local governments, stakeholders, and citizens.



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10.4 Where needed, sub-committees, working groups or advisory groups, made up of specialists from the appropriate ministries, departments, agencies, First Nations, First Nations organizations, and other organizations, may be formed to ensure the appropriate knowledge and expertise informs the implementation of this Agreement.

10.5 Within 12 months of signing this Agreement, the Parties will develop a Terms of Reference for the Committee that will set out its purpose, membership, roles and responsibilities, and details regarding operations and decision-making processes.

11.0 Finance and Administration

11.1 To support implementation of this Agreement, Canada will contribute up to \$500 million over the duration of the Agreement from the Enhanced Nature Legacy, Old Growth Nature Fund, Nature Smart Climate Solutions Fund, and 2 Billion Trees Program, where initiatives align with program requirements. The funds will be matched as per the terms and conditions of the funds. Additional funds may be contemplated by both governments through renewal of these initiatives or new initiatives should additional commitments be identified that fall within the scope of this Agreement.

11.2 This Agreement does not create an instrument to transfer funds. The Parties agree that contribution agreements are required to transfer funds. More specific commitments and additional conditions for the transfer of funds may be anticipated and nothing in this Agreement limits what may be appropriate to be included therein.

11.3 Canada and B.C. will sign one or more contribution agreements to support the implementation of this Agreement. Contribution agreements will be subject to the respective priorities, authorities, and budgetary constraints of Canada and B.C. Coordination across federal and provincial government departments and ministries will be led by Canada and B.C.

11.4 Canada and B.C. will champion mechanisms to promote, align and coordinate major grant and contribution funding, including with third parties, to achieve the objectives and outcomes of this Agreement. The intention is to ensure shared stewardship actions in B.C. are coordinated to achieve the highest positive impact towards the targeted outcomes of this Agreement, unless Canada or B.C. are prevented from doing so under existing agreements.

11.5 Canada and B.C. will explore financing agreements and partnerships that facilitate funding or other contributions from the private sector, key organizations, local/regional governments, and others to support the implementation of the Agreement. The Parties will also explore financial mechanisms that can create sustained long-term funding to achieve the highest ecological and community benefits.



Canada

- 11.6 Canada and B.C. will create funding opportunities for First Nations to advance their priorities related to this Agreement, including any agreements, understandings or other constructive arrangements that may be reached between First Nations as title and rights holders, B.C., and Canada pursuant to this Agreement.
- 11.7 In the context of B.C. establishing a provincial-scale conservation financing mechanism, the Parties will seek alignment with contributions of funding flowing through this Agreement to leverage provincial and third-party investments into conservation financing.

12.0 Reporting, Engagement and Communications

- 12.1 To ensure public transparency and to support broad credibility, understanding and accountability regarding progress and outcomes of the Agreement, the Parties will develop a first joint report and agree on performance indicators within 12 months of signing the Agreement and thereafter annual reports. Public reporting practices will be streamlined, standardized, aligned, and integrated with existing reporting commitments to report sites in CPCAD, and monitoring mechanisms. Canada and B.C., in collaboration with FNLC, will consult and cooperate with First Nations in the development of the Annual Report.
- 12.2 The Parties will strive to minimize reporting requirements related to this Agreement. Reporting metrics and performance measures will be designed to focus on progress toward conservation outcomes, greenhouse gas emissions reductions, and community benefits.
- 12.3 Canada and B.C., in collaboration with FNLC, will consult and cooperate with First Nations in the implementation of this Agreement. Canada and B.C. will also engage with local governments and stakeholders on opportunities for input and involvement in the implementation of the Agreement.
- 12.4 The Parties will jointly communicate on this Agreement and associated milestones, including with First Nations or other partners as appropriate.

13.0 Duration, Amendment, Termination and Renewal

- 13.1 This Agreement will come into effect on the date of signature of this Agreement (the “Effective Date”). It will remain in force until March 31, 2030, unless terminated earlier in accordance with this Agreement.



- 13.2 This Agreement is not legally binding and therefore does not create legal rights or obligations.
- 13.3 This Agreement may be amended from time to time. Any amendments require the written consent of the Parties, subject to any required approval or authorization.
- 13.4 Any Party may terminate this Agreement 90 days after providing written notice to the other Parties. Each Party will consult with the other Parties prior to providing such written notice.
- 13.5 The term of this Agreement may be renewed or extended with the mutual written consent of the Parties prior to the expiration of this Agreement.

14.0 Dispute Resolution

- 14.1 In the event of a dispute arising out of this Agreement, the Parties will use the following procedure to resolve the dispute:
- 14.1.1 The Committee established in section 10 will include dispute resolution mechanisms in the Terms of Reference and will be the first point of resolution for disputes arising from this Agreement; and
- 14.1.2 Disputes that cannot be resolved by the Committee will be elevated to senior officials within the Parties' respective organizations for discussion and resolution.
- 14.2 Unless otherwise specified, this dispute resolution procedure does not apply in the context of any agreements, understandings or other constructive arrangements that may be reached between First Nations as title and rights holders, B.C. and Canada pursuant to this Agreement.



15.0 Signatures

In witness whereof, the Parties have executed this Agreement this ___ day of _____, 20__.

On behalf of His Majesty the King in Right of Canada

The Honourable Steven Guilbeault
Minister of Environment and Climate Change
Government of Canada

The Honourable Jonathan Wilkinson
Minister of Energy and Natural Resources
Government of Canada

On behalf of His Majesty the King in Right of the Province of British Columbia

The Honourable Nathan Cullen
Minister of Water, Land and Resource Stewardship
Government of British Columbia

On behalf of the First Nations Leadership Council

BC Assembly of First Nations:

Regional Chief Terry Teegee

First Nations Summit:

Cheryl Casimer

Robert Phillips

Hugh Braker

Union of BC Indian Chiefs:



Grand Chief Stewart Phillip

Chief Don Tom

Chief Marilyn Slett