

Protocol Respecting Offshore Oil and Gas

Between:

Nisga'a Nation

And

Province of British Columbia

WHEREAS:

- A. The Province of British Columbia, "British Columbia", in recent Throne Speeches:
 - (i) committed to promote prosperity and economic opportunities for First Nations in British Columbia, and
 - (ii) stated that it wanted Canada to complete its review and join British Columbia to respond to the offshore oil and gas opportunity by taking actions that are scientifically sound, environmentally safe and socially responsible;
- B. British Columbia and the Nisga'a Nation have indicated that exploration and development of offshore oil and gas must be done in an environmentally responsible and scientifically sound manner;
- C. The Nisga'a Final Agreement between the Nisga'a Nation and British Columbia is, to date, the only land claims agreement or modern treaty that has been entered into in British Columbia and includes provisions binding on the Parties, and on all persons, in respect of matters that could be affected by exploration and development of offshore oil and gas, including provisions in respect of lands, fisheries, wildlife, and environmental assessment and protection;
- D. The Nisga'a Nation and British Columbia are committed to complying with the Nisga'a Final Agreement, and, in particular, the provisions of the Environmental Assessment and Protection Chapter, with respect to any future exploration and development of offshore oil and gas;
- E. The Nisga'a Nation intends to participate in:
 - (i) the establishment of an appropriate fiscal and regulatory framework for any exploration and development of offshore oil and gas that may occur in the future,

- (ii) the assessment of any potential environmental, economic, social, cultural or other impacts of exploration and development of offshore oil and gas that may impact Nisga'a treaty rights or Nisga'a citizens, and
- (iii) any economic benefits arising from any exploration and development of offshore oil and gas that may arise in the future.

1.0 THE PARTIES HAVE THE FOLLOWING UNDERSTANDING:

- 1.1 "Parties" means the Nisga'a Nation and British Columbia.
- 1.2 British Columbia will be represented by the BC Offshore Oil and Gas Team to carry out the activities contemplated in this Protocol.
- 1.3 The Nisga'a Nation will be represented by the Nisga'a Lisims Government to carry out the activities contemplated by this Protocol.

2.0 INTERESTS OF THE PARTIES:

- 2.1 The Parties share an interest in:
 - (a) identifying and understanding the potential environmental, economic, social and cultural benefits, risks or opportunities arising from exploration and development of offshore oil and gas;
 - (b) identifying the interests and concerns that the Nisga'a Nation may have in relation to exploration and development of offshore oil and gas;
 - (c) exploring how the interests and concerns of the Nisga'a Nation could be addressed through their potential involvement in the regulation, environmental assessment and management of the exploration and development of offshore oil and gas; and
 - (d) collaborating on the provision of information and education materials to Nisga'a citizens in respect of exploration and development of offshore oil and gas.

3.0 INTENTIONS OF THE PARTIES:

- 3.1 The Parties intend to work collaboratively to provide information about potential exploration and development of offshore oil and gas to Nisga'a citizens by:
 - (a) identifying information needs of the Nisga'a Nation in respect of the exploration and development of offshore oil and gas;

- (b) adapting information on exploration and development of offshore oil and gas to address the Nisga'a Nation information needs;
- (c) sharing information and educational materials on exploration and development offshore oil and gas; and
- (d) conducting information events for the Nisga'a Nation.

3.2 The Parties intend to work collaboratively to examine options in respect of a fiscal and regulatory regime for exploration and development of offshore oil and gas, including options for:

- (a) environmental assessment;
- (b) royalties and taxation;
- (c) issuance of exploration and development rights and obligations;
- (d) the framework of a regulatory agency and the nature of its processes (including project and activity approvals, and regulating operations including health, environmental and safety standards);
- (e) the role of the Nisga'a Nation in the fiscal and regulatory regime; and
- (f) the distribution of economic and other benefits.

3.3 The Parties intend to work collaboratively to examine options for identifying:

- (a) exclusion zones and other areas requiring special consideration; and
- (b) the extent to which baseline data is required and the means by which baseline data, including traditional Nisga'a knowledge, could be collected in respect of future exploration and development of offshore oil and gas.

4.0 FUNDING

4.1 The Parties intend to negotiate contribution agreements to provide funding to the Nisga'a Nation to assist the Nisga'a Nation in carrying out activities contemplated in sections 3.1, 3.2 and 3.3.

5.0 OTHER PROTOCOLS/AGREEMENTS

5.1 British Columbia and the Nisga'a Nation may jointly or separately approach Canada about entering into a protocol with respect to exploration and development of offshore oil and gas.

6.0 TERM OF THIS PROTOCOL

6.1 This Protocol expires on December 31, 2006.

6.2 Despite section 6.1, this Protocol may be renewed, by written agreement of the Parties, for a period of two years from the expiration date.

6.3 The Parties agree to meet at least 60 days prior to the termination date of this Protocol to consider whether to renew this Protocol.

6.4 Sections 6.2 and 6.3 also apply to any renewal of the Protocol.

6.5 Either Party may terminate this Protocol at any time by providing 60 days written notice to the other Party to this effect at the address set out below.

6.6 The addresses and facsimile numbers of the Parties are:

British Columbia

BC Offshore Oil and Gas Team
250 - 1675 Douglas Street
P.O. Box 9312, Stn. Prov. Govt.
Victoria B. C., V8W 2G5
Fax: (250) 356-0582


Nisga'a Nation
President
P.O. Box 231
New Aiyansh
British Columbia
V0J 1A0

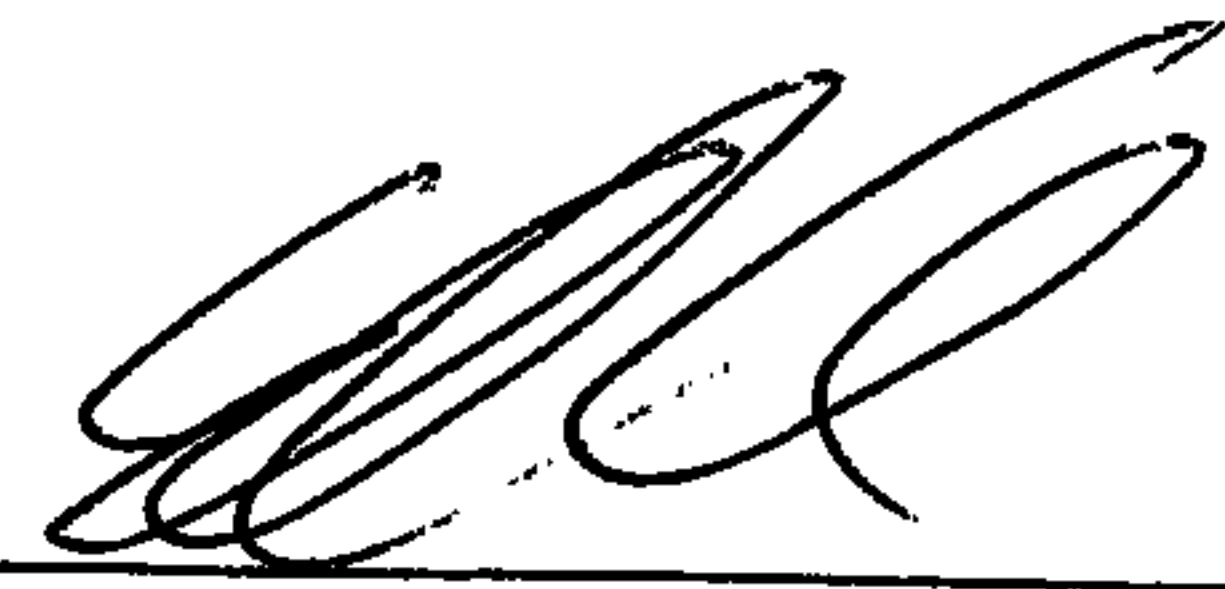
7.0 EFFECT

7.1 This Protocol is an expression of the mutual intentions of the Parties and is not legally binding on them or enforceable against them.


This Protocol is dated the 22 day of January, 2005

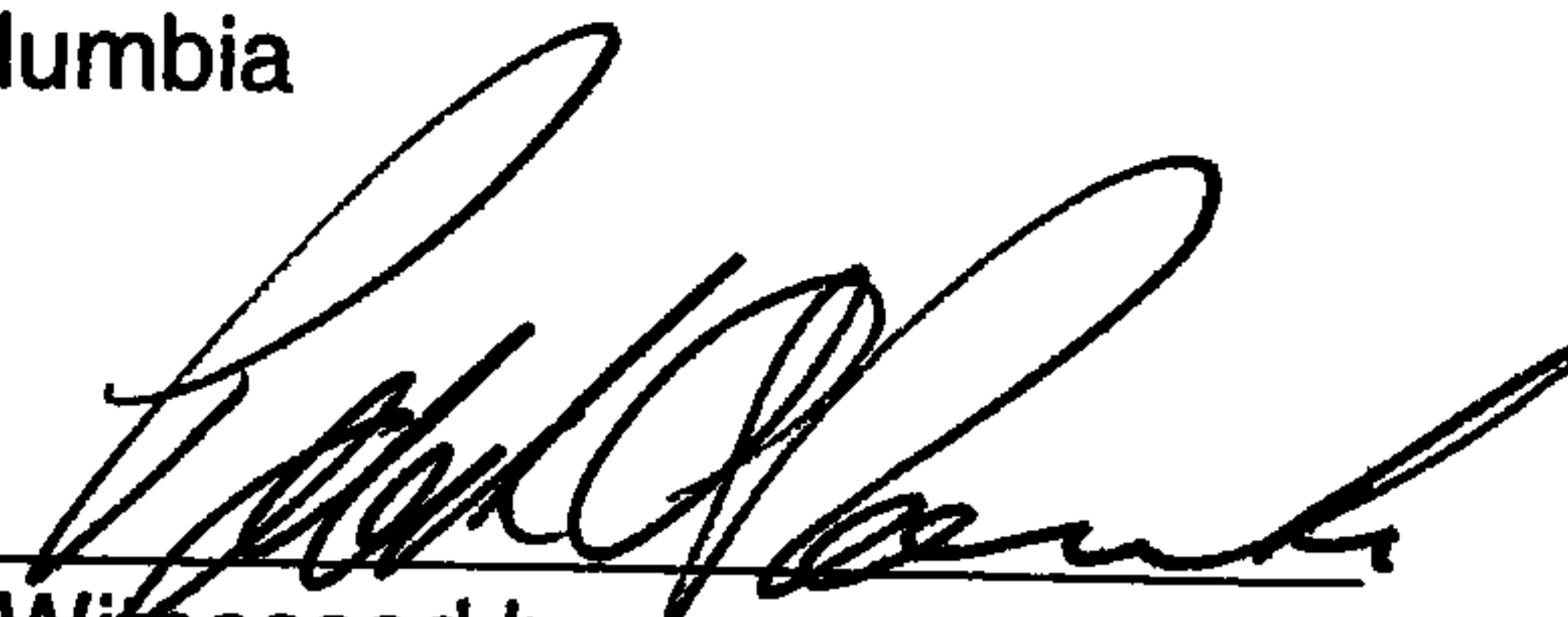
SIGNED on behalf of the Nisga'a Nation


Nelson Leeson
President


Witnessed by
Edward Allen
Chief Executive Officer

SIGNED on behalf of the Province of British Columbia


Honourable Richard Neufeld
Minister of Energy and Mines


Witnessed by
Patrick O'Rourke
Assistant Deputy Minister
British Columbia Offshore Oil
and Gas Team