



HOMALCO INDIAN BAND



**Protocol Respecting A Regional Accord**

**between**

**THE XWÉMALHKWU FIRST NATION**

**and**

**THE REGIONAL DISTRICT OF COMOX-STRATHCONA**

**(“The Parties”)**

- WHEREAS** the Regional District of Comox-Strathcona is a duly constituted regional government incorporated under the laws of British Columbia; and
- WHEREAS** the Xwémalhkwu First Nation has occupied its traditional territory for thousands of years and continues to assert Aboriginal Title and Rights in and to its traditional territory; and
- WHEREAS** the Xwémalhkwu First Nation is also an Indian Act Band, named the Homalco Indian Band, with a duly elected Chief and Council, federally recognized under the Indian Act; and
- WHEREAS** the Regional District of Comox-Strathconarecognizes Aboriginal rights and title, including the inherent right to self-government, as affirmed in the Constitution of Canada;
- WHEREAS** the Regional District of Comox-Strathcona endorses the resolution and reconciliation of Xwémalhkwu Aboriginal Title and Rights interests through the negotiation of a Treaty and through working with local and regional governments; and
- WHEREAS** both Parties have powers, rights and obligations to act in the best interests of their constituents; (deliver governance for each set of their constituent interests) and
- WHEREAS** the leadership of the Parties wish to enhance the working relationship between the Parties by signing a Protocol;

**THEREFORE THE PARTIES AGREE:****1. Mutual Understanding**

The Parties recognize that a long-term relationship committed to ongoing and regular communication will be a relationship that leads to mutual understanding and respect.

The Parties commit to continue to get to know each other better.

**2. Cooperation**

The Parties recognize that although the interests of each Party may differ, cooperation on issues of mutual interest is advantageous as cooperation builds community and regional strength therefore the Parties commit to cooperate on issues of mutual interest.

**3. Communication**

3.1 The Parties agree to advise each other of long-term plans and specific land use matters which may be of interest to the other Party through regular communication and periodic meetings between the Parties.

3.2 When either Party engages in long-term planning and specific land use planning which may be of interest to the other Party to this Protocol, the Parties commit to informing one another, and to extending an invitation to participate in such planning initiatives, when appropriate:

- a) Xwémalhwu First Nation commits to inform and invite a representative of the Regional District of Comox-Strathcona to participate in long-term planning and specific land use planning initiatives which may concern the jurisdiction of the Regional District of Comox-Strathcona; and
- b) Regional District of Comox-Strathcona commits to inform and invite a representative of Xwémalhwu First Nation to participate in long term planning and specific land use planning initiatives, which may affect the traditional territory of the Xwémalhwu First Nation.
- c) For the purposes of 3.2 (a) and (b) a map outlining the boundaries of the parties jurisdiction is attached and forms part of this protocol.

#### 4. Terms

This Protocol is for a term of (3) three years upon signing by the Parties. Prior to the end of (3) three years the Parties will review the effectiveness of the Protocol and will either:

- a) negotiate a revised Protocol;
- b) extend the term of the Protocol;
- c) allow the Protocol to expire upon the completion of (3) three years; or
- d) terminate the Protocol at any time by providing 60 days written notice to the other Party to this effect.

#### 5. Counterparts

This Protocol may be signed in counterparts and is dated the \_\_\_\_ day of \_\_\_\_\_, 2004.

SIGNED on behalf of the Parties by:

\_\_\_\_\_  
Chief Darren Blaney  
Xwémalhkwa First Nation

\_\_\_\_\_  
Jim Abram  
Chair  
Regional District of Comox-Strathcona

Council:

\_\_\_\_\_  
Bill Blaney

\_\_\_\_\_  
Florence Hackett

\_\_\_\_\_  
Bonnie Wilson

\_\_\_\_\_  
Clyde Leo