

## Intergovernmental Memorandum of Agreement

Between the Elected Leaders of the

### Syilx Okanagan Nation

Including Lower Similkameen Indian Band, Okanagan Indian Band, Osoyoos Indian Band, Penticton Indian Band, Upper Similkameen Indian Band, Westbank First Nation

and

### Local Governments

Including City of Kelowna, City of Penticton, City of Vernon, City of West Kelowna, District of Lake Country, District of Peachland, District of Summerland, Regional District of Central Okanagan, Regional District of North Okanagan, Regional District of Okanagan-Similkameen, Town of Oliver, Town of Osoyoos, Township of Spallumcheen, District of Coldstream, City of Armstrong, Town of Princeton, Village of Keremeos

of the

### The Okanagan River Watershed and Similkameen River Watershed including kłúsxnítk<sup>w</sup>, Okanagan Lake and the nməlqaytk<sup>w</sup>, Similkameen River

hereafter

“the Parties”

#### WHEREAS

- A. The Parties understand that, as governments, they each occupy unique jurisdictional space and have historically different relationships with other international, national, regional, and local governments:
  - a. The Syilx<sup>1</sup> Okanagan Nation’s sovereign, unceded right to self-governance and self-determination are affirmed within Syilx Okanagan laws and customs as directed through their captik<sup>w42</sup> and they hold and exercise title, rights, responsibilities and jurisdiction over lands and waters within Syilx Okanagan territory, including in the Okanagan River Watershed and Similkameen River Watershed.
  - b. The Local Governments are under the Community Charter of British Columbia having jurisdiction in respect of matters delegated to it by the Province of British Columbia.
- B. The Parties live together in the Okanagan and Similkameen Watershed and share a responsibility to safeguarding the siwłk<sup>w</sup> that sustains their communities.

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<sup>1</sup> Syilx are the original people who learned to live together on the land in peace; dreaming ones; bound together; of the land.

<sup>2</sup> captik<sup>w4</sup> are stories and oral traditions; creation stories that hold the laws.

- C. For the Syilx Okanagan Nation, their relationship with siwłk<sup>w</sup> means that they are responsible to ensure that siwłk<sup>w</sup> as our relation can continue to maintain the health and resiliency of our tmx<sup>w</sup>ulax<sup>w3</sup>, land and tmix<sup>w4</sup>, all lifeforms. This relationship with siwłk<sup>w</sup> is the foundation for the Syilx Okanagan Nation for these discussions.
- D. For the Local Governments, their authorities mean they have responsibilities regarding their citizens, communities, water and ecosystems.
- E. The Parties seek to understand and apply these foundations as they build the government-to-government relationships and processes contemplated in this Agreement.
- F. The Parties seek to engage in mutually respectful dialogue and take action on shared priorities consistent with the *United Nations Declaration on the Rights of Indigenous Peoples* and the Calls to Action of the Truth and Reconciliation Commission of Canada.
- G. The Parties recognize the value in collaborating on matters of common concern and seek to establish ongoing, positive, collaborative government-to-government relationships, processes through this Memorandum of Agreement.

### PURPOSE OF AGREEMENT

The purpose of this Memorandum of Agreement (“Agreement”) is to formalize a government-to-government Leadership Table to set strategic direction and address matters of common concern to protect and restore siwłk<sup>w</sup> in the Okanagan River Watershed and Similkameen River Watershed.

### OUR SHARED VISION

Our relation siwłk<sup>w</sup>, our most sacred medicine, must be kept healthy to restore and hold its relationship to tmix<sup>w</sup>, in order to ensure resiliency of all, for the good of all, for all time.

### PRINCIPLES FOR WORKING TOGETHER

The Parties agree that the following principles will guide the Leadership Table and the work under this Agreement:

**Government-to-Government:** Work together to achieve respectful, strong, enduring, and meaningful relationships among our governments to advance issues of common concern.

**Syilx-led:** Respect Syilx values and processes, including recognition of rights, respect, co-operation, and partnership.

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<sup>3</sup> tmx<sup>w</sup>ulax<sup>w</sup> is the land; the core spirit from which all creation arises and which unites everything.

<sup>4</sup> tmix<sup>w</sup> is the nsylxcən word that most closely translates as “ecology.” tmix<sup>w</sup> includes everything alive - the land, water, insects, people, animals, plants and medicines.

## DRAFT FOR DISCUSSION

**Reconciliation:** Support the framework for reconciliation set out in the *United Nations Declaration on the Rights of Indigenous Peoples* and the Calls to Action of the Truth and Reconciliation Commission of Canada.

**Diversity:** Respect the diversity of cultures, histories, and traditions among the Parties and respect that each may have unique political and policy priorities.

**Common Concern:** Work together to make progress and achieve outcomes on matters that we have agreed are shared priorities.

**Equity:** Ensure that there is equitable sharing of the benefits and the responsibilities associated with addressing issues of common concern.

**Jurisdictional Collaboration:** Respect each other's autonomous jurisdictions, while agreeing that collaboration based on mutual respect creates deeper understanding and partnership opportunities to protect and restore siwłkʷ.

**Knowledge Sharing:** Recognize and respect the different forms of knowledge, information, and data held by the Parties and, where appropriate, to share knowledge to advance issues of common concern.

**Other Agreements:** Recognize that bilateral arrangements and agreements may also be appropriate to facilitate further cooperation between the governments.

## PRINCIPLES GUIDING OUR WORK WITH SIWŁKʷ, WATER

The Parties are guided by existing principles developed by their respective systems regarding their relationships with Okanagan and Similkameen Watershed. The Parties agree that while these principles are unique, they can also be complementary. It is the Parties' intention that they be guided by all of these principles in their work under this Agreement.

### Syilx siwłkʷ Strategy

#### Okanagan Nation Alliance

- Recognize and treat siwłkʷ as a relative.
- Work to revitalize Syilx culture, language, and ceremonial practices in all of our work.
- Prioritize Syilx Traditional Ecological Knowledge (TEK). Lead with TEK and leadership.
- Maintain integrity of all Syilx research, content, and data.
- Utilize Western Science in conjunction with Syilx-based processes.
- Continue land-based gatherings and research to build relationships with each other and the tmixʷ.
- Improve partnerships and collaborations across all projects and initiatives.
- Be future looking by creating space to connect Youth to Elders and siwłkʷ.

### Okanagan Sustainable Water Strategy

#### Okanagan Basin Water Board

- Respect water.
- Think and act as one watershed.
- Control pollution at its source.
- Restore aquatic and riparian ecosystems.
- Put water stewardship at the forefront of land-use planning decisions.
- Allocate water in a transparent and responsible manner.
- Ensure community water supply systems are resilient to climate change.
- Collect and share knowledge.
- Encourage active public engagement and learning.
- Practice adaptive management and think long-term.

## OUR MATTERS OF COMMON CONCERN

The Parties agree to work together on matters of common concern to protect *siwłk<sup>w</sup>* in the Okanagan and Similkameen Watershed. These matters include, but are not limited to:

- Governance and Decision-Making (e.g., mechanisms for collaborative decision-making, and implementation processes)
- Protection (e.g., headwaters, species [salmon] and riparian areas)
- Restoration (e.g., rivers, creeks, lakes and lakeshores, wetlands, aquifers or other ecosystem restoration)
- Maintenance and Enhancement (e.g., support and enhance existing work)
- Water Quality and Quantity (e.g., base flows and flow regimes, water quality and quantity standards)
- Data and Information Priorities (e.g., ensure foundation in Syilx Knowledge and Western Science, priorities for mapping, priority research areas)
- Addressing Systemic Issues, Climate Change and Cumulative Impacts

Additional matters of common concern may be addressed subject to agreement of the Parties.

## IMPLEMENTATION OF AGREEMENT

**Governance Structures:** The elected leaders of the Parties will participate at the Leadership Table to provide direction for the implementation of the Agreement. Only elected leaders may make decisions at the Leadership Table.

**Consensus-Building Decisions:** The Parties agree to make decisions by utilizing the *nʕawqñwix<sup>w</sup>*<sup>5</sup> and *əʕacxən*<sup>6</sup>, a Syilx decision-making practice to gain consensus on issues of common. The *nʕawqñwix<sup>w</sup>*, ensures everyone at the table will be engaged in a dialogue. Everyone gets to share their personal perspective, and openly welcomes opposite perspectives that lead to resolving conflicts, making decisions, and developing plans for taking action. “Consensus” means all Parties agree or can find a way to support the decision with the group while agreeing to work to address any concerns over time.

**Chairing the Process:** The Leadership Table will be co-chaired by one representative from the Syilx Okanagan Nation and one representative from the Local Governments. Co-chairs will be determined within 120 days of this Agreement being signed and will rotate annually.

**Task Forces:** The elected leaders of the Parties may strike Task Forces on specific issues as needed. Each Task Force will be co-chaired by one representative from the Syilx Okanagan Nation and one representative from the Local Governments. Task Forces can include elected leaders, staff from the Parties, external subject matter experts, and other representatives.

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<sup>5</sup> *nʕawqñwix<sup>w</sup>* translates to knowledge filling participants’ heads like drops of water; decision making through consensus building

<sup>6</sup> *əʕacxən* is a process Syilx Okanagan follow to come to decisions about resources. One meaning is “look underneath” our actions and how they are connected to the future, to our grandchildren, to the continuation of all creation, and to the tracks that they make on the land. The process of tracking an animal and the need to look beyond the immediate to get underneath our own tracks to see where the footprints will lead

## DRAFT FOR DISCUSSION

**Meetings:** The Leadership Table will meet at quarterly or as determined by the Leadership Table. There will be a seat at the table for each Party at every meeting, and each Party will make best efforts to attend every meeting. Meeting summaries will be distributed after each meeting.

**Coordinating Team:** The Coordinating Team consists of staff from the Okanagan Nation Alliance and the Okanagan Collaborative Conservation Program.

**Agenda:** In advance of Leadership Table meetings, the Coordinating Team will work with the Co-Chairs to develop an agenda and will canvas the other Parties for agenda items. Where applicable, briefing materials, reports or other documents will be shared with the Parties prior to the meetings.

**Summary of Outcomes:** The Coordinating Team will ensure that a summary of outcomes is produced and distributed for approval of all Parties after each meeting.

**Communication and Information Sharing:** The Parties agree to share information with respect to matters of common concern in an open and timely manner. Protocols for communication among the Parties, including notification of upcoming activities, regional or local visits, and/or emergent issues of concern, will be developed as an immediate priority upon execution of the Agreement.

**Convening Capacity:** The Parties' efforts to implement this Agreement will continue to be coordinated by the Coordinating Team. Senior officials designated by the Parties will participate in the Syilx Watershed Responsibility Planning Process and related Working Groups to implement the relevant decisions of the Leadership Table.

**Resourcing:** The Parties may collectively pursue resourcing to implement projects and meetings addressing matters of common concern.

**Living Document:** This Memorandum of Agreement will be reviewed two years following the signing to assess and update the document as required.

## General Clauses

Nothing in this Agreement creates legal obligations on the Parties. This is a political agreement, not a legal agreement.

Nothing in this Agreement infringe on the Title and Rights of the Syilx Okanagan Nation, nor any related processes or negotiations.

The Parties support implementing this Agreement and commit to advancing implementation through their respective government's processes, policies, and governance structures.

Nothing in this Agreement shall constrain the governments from exercising their powers and responsibilities, nor impose any financial obligation

Nothing in this Agreement prevents the Parties from participating in other intergovernmental processes or agreements.

**SIGNATORIES OF THE MEMORANDUM OF AGREEMENT**

Signed at stqaʔtkwłniwt, Westbank, this \_\_\_\_ day of \_\_\_\_\_.

yilmixʷm, Chief Byron Louis

Okanagan Indian Band

Councillor Tim Isaac

Okanagan Indian Band

Mayor Joe Cramer

City of Armstrong

Mayor Christine Fraser

Township of Spallumcheen

Mayor Victor Cumming

City of Vernon

Councillor Brian Guy

City of Vernon

Mayor Ruth Hoyte

District of Coldstream

Mayor Blair Ireland

District of Lake Country

Chair Shirley Fowler

Regional District of North Okanagan

## DRAFT FOR DISCUSSION

Director Amanda Shatzko

Regional District of North Okanagan

Councillor Tricia Brett

District of Lake Country

simo yílmiḡw̓m, Chief Robert Louie

Westbank First Nation

səxw̓kʷínmaʔm éris, Councillor Jordan Coble

Westbank First Nation

Mayor Tom Dyas

City of Kelowna

Councillor Luke Stack

City of Kelowna

Mayor Gord Milsom

City of West Kelowna

Mayor Patrick Van Minsel

District of Peachland

Councillor Keith Thom

District of Peachland

Vice Chair Kevin Kraft

Regional District of Central Okanagan

## DRAFT FOR DISCUSSION

Mayor Doug Holmes

District of Summerland

sil-teekin yíl'mix<sup>w</sup>m, Chief Greg Gabriel

Penticton Indian Band

silx<sup>w</sup>a əlq<sup>w</sup>, Councillor Tim Lezard

Penticton Indian Band

Mayor Julius Bloomfield

City of Penticton

Mayor Martin Johansen

Town of Oliver

Councillor Petra Veintimilla

Town of Oliver

Mayor Sue McKortoff

Town of Osoyoos

xaʔtus kiʔlawnaʔ, Chief Clarence Louie

Osoyoos Indian Band

Councillor Leona Baptiste

Osoyoos Indian Band

kalʔlùpaq'n yíl'mix<sup>w</sup>m, Chief Keith Crow

Lower Similkameen Indian Band



## DRAFT FOR DISCUSSION

səx<sup>w</sup>k<sup>w</sup>inmaʔm twintk<sup>w</sup>, Councillor Janet Terbasket

Lower Similkameen Indian Band

Mayor Jason Wiebe

Village of Keremeos

Mayor Spencer Coyne

Town of Princeton

Chief Bonnie Jacobsen

Upper Similkameen Indian Band

Councillor Mike Allison

Upper Similkameen Indian Band

Chair Mark Pendergraft

Regional District of Okanagan-Similkameen