

Mountain Pine Beetle Agreement
(the "Agreement")

Between:

Osoyoos Indian Band
as represented by Chief and Council

and

Her Majesty the Queen in Right of the Province of British Columbia
as represented by the Minister of Forests and Range
(the "Government of British Columbia")

(collectively the "Parties")

Whereas:

- The Osoyoos Indian Band signed a Forest and Range Agreement (FRA) with the Government of British Columbia in July 2005. This Agreement is a short-term additional forestry economic opportunity and does not supersede or alter the FRA.
- Mountain pine beetle allowable annual cut increases in the Okanagan Timber Supply Area have lead to increased harvesting activity and potential impacts on Osoyoos Indian Band aboriginal rights and/or title.
- The Government of British Columbia wishes to support economic opportunities for the Osoyoos Indian Band.

Purpose

1. The purposes of this Agreement are to:
 - a. increase the participation of the Osoyoos Indian Band in the forest sector; and,
 - b. provide an economic opportunity by inviting the Osoyoos Indian Band to apply for a non-replaceable forest licence to assist the province in the management of mountain pine beetle in the Okanagan Timber Supply Area, in a manner linked to the FRA and as set out in this Agreement.

Therefore the Parties agree as follows.

2. After execution of this Agreement by the Parties, the Minister of Forests and Range (the "Minister") will invite the Osoyoos Indian Band to apply for a non-replaceable forest licence (the Licence) under section 47.3 of the *Forest Act* to harvest a total of up to 46,665 cubic meters of beetle infested timber over a five year term within the

traditional territory of the Osoyoos Indian Band, as identified in black bold in Appendix A in the Okanagan Timber Supply Area.

3. If the intended holder of the licence(s) is a legal entity other than the Osoyoos Indian Band, this Agreement must include supporting documentation as specified in Appendix B stating that the intended holder has been validly appointed by the Osoyoos Indian Band as its representative.
4. If during the term of this Agreement a further Mountain Pine Beetle temporary allowable annual cut volume increase becomes available in the Okanagan Timber Supply Area, the Parties agree to explore further tenure opportunities in this Timber Supply Area, in accordance with Section 47.3 of the *Forest Act*.
5. The invitation will be subject to a condition that prior to making an application for the Licence, the Osoyoos Indian Band will contact the Ministry of Forests and Range and the Parties will work co-operatively to identify an operating area within the traditional territory of the Osoyoos Indian Band.
6. The Licence(s) entered into as a result of the invitation to apply under this Agreement will:
 - a. be for a term of no longer than five years as determined by the Minister;
 - b. contain other terms and conditions required by law, including the condition that the Osoyoos Indian Band must comply with this Agreement and with the FRA;
 - c. include a term that Osoyoos Indian Band may not dispose of the Licence except in accordance with the *Forest Act*; and
 - d. include other terms and conditions as may be required by the Regional Manager.
7. An invitation to apply for a non-replaceable forest licence entered into as a result of the invitation to apply under this Agreement may be consolidated with other non-replaceable forest licenses in accordance with section 19(3)(a) of the *Forest Act*.

Consultation

8. The Parties agree to participate in consultation regarding forestry operational plans and administrative decisions pertaining to increases and/or potential increases in harvest levels to address the mountain pine beetle epidemic in the Okanagan TSA, as set out in section 4 of the Osoyoos Indian Band FRA.
9. During the term of this Agreement, and subject to the terms and intent of this Agreement being met and adhered to by the Government of British Columbia, the Osoyoos Indian Band agrees that the Government of British Columbia will have provided an accommodation, with respect to the economic component of potential infringements of the Osoyoos Indian Band aboriginal title and/or rights resulting from operational plans and administrative decisions pertaining to increases in harvest levels to address the mountain pine beetle epidemic in the Okanagan TSA, as an interim measure.

Dispute Resolution

10. If a dispute arises between the Government of British Columbia and the Osoyoos Indian Band regarding the interpretation of a provision of this Agreement, the Parties will follow the dispute resolution process set out in the Osoyoos Indian Band FRA.

Amendments

11. Any alteration or amendment to the terms and conditions of the Agreement must be in writing and duly executed by the Parties.
12. Either Party may request the participation of the other Party to review the effectiveness of this Agreement annually and consider amendments to this Agreement.

Term

13. This Agreement will take effect on the date on which the last Party has executed it.
14. This Agreement will terminate on the occurrence of the earliest of any of the following events:
 - a. five years from the date this Agreement is executed; or
 - b. the mutual agreement of the Parties, or
 - c. upon 90 days written notice by either of the Parties.
15. If the FRA is terminated, the consultation processes that were set out in section 4 of that agreement are incorporated by reference into this Agreement and will continue to be followed by the Parties for the term and for the purposes of this Agreement.
16. The Government of British Columbia will not terminate this Agreement on the grounds that the Osoyoos Indian Band has challenged an Administrative or Operational Decision by way of legal proceedings.

Notice

17. All of the provisions set out in the Notice section of the FRA apply to this Agreement.

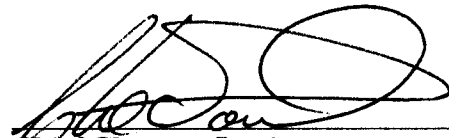
Miscellaneous

18. All of the provisions set out in the Miscellaneous section of the FRA apply to this Agreement.

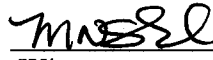
Signed on behalf of:

Osoyoos Indian Band:

Date: Dec 5 107



Chief Clarence Louie

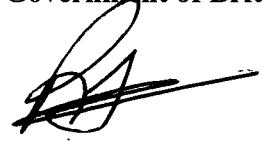


Witness Melinda Nunez-Shular

Signed on behalf of:

Government of British Columbia

Date: JAN 23 2008



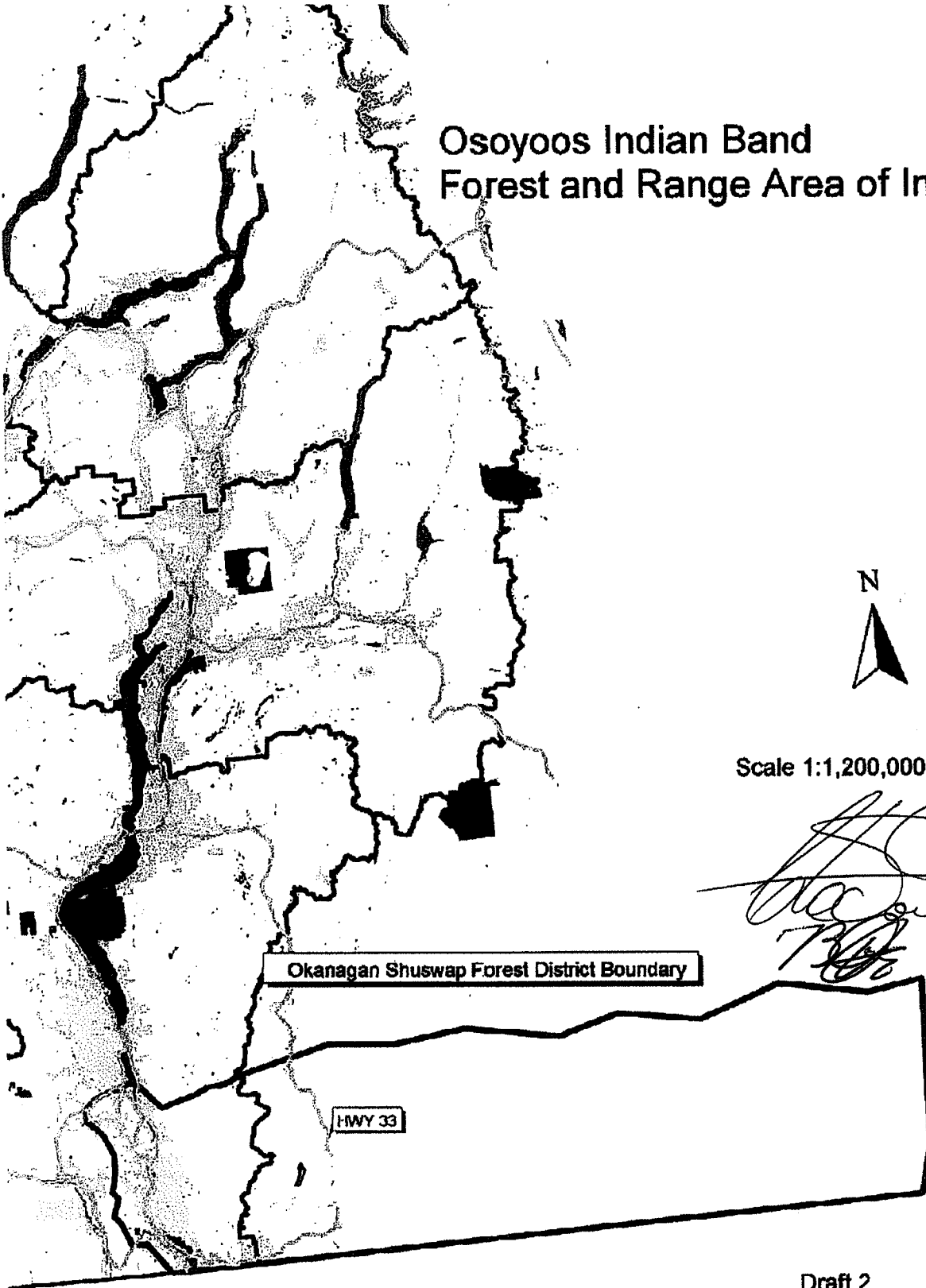
Honourable Rich Coleman
Minister of Forests and Range



Witness

APPENDIX A MAP OF OSOYOOS INDIAN BAND TRADITIONAL AREA

Osoyoos Indian Band Forest and Range Area of Interest



Scale 1:1,200,000

[Handwritten signature]
[Handwritten signature] Charlotte M. Gordon
[Handwritten signature] J. Weimer

Draft 2
June 28, 2005

APPENDIX B: (optional)

Description and Documentation pertaining to the Intended Holder of the licence

Please complete part A or B, whichever is appropriate, and attach appropriate documentation:

A) Applicant for the license: _____

OR

B) Full legal name, or corporate description of the legal entity, authorized to represent the applicant of the licence

Gorman Bros, Lumber Ltd. P.O. Box 26052, Westbank B.C. V4T2G3

- (i) Copy attached of legal instrument (letter) authorizing that legal entity to be their representative;

- (ii) Copy attached of the ownership structure of the legal entity (the intended holder of the licence).



Osoyoos Indian Band

RR3 SITE25 COMP1
OLIVER, BRITISH COLUMBIA
PHONE: 250-498-3444 FAX 250-498-6577

BAND COUNCIL RESOLUTION

| |
|---|
| Chronological no. - 2007 - 92 |
| File reference no. |


NOTE: The words "from our band funds" "capital" or "revenue" whichever is the case, must appear in all resolutions requesting expenditures from band funds.

| | | | |
|---|----------------------|-------------------|----------|
| The council of the Osoyoos Indian Band | | Cash free balance | |
| Date of duly convened meeting | 05....12 2007 | Province | |
| | D / M / Y | B.C. | |
| | | Capital account | \$ _____ |
| | | Revenue account | \$ _____ |

DO HEREBY RESOLVE:

At a duly convened meeting of the Osoyoos Band Council it was hereby resolved to appoint Gorman Bros as the Osoyoos Indian Band's representative to apply for the Non Renewable Forest License (NRFL) contemplated under the Mountain Pine Beetle Agreement.

For further clarity, the Province of British Columbia has provided the Osoyoos Indian Band up to 46,665 cubic meters of beetle infested timber over a five year agreement within the traditional territory of the Osoyoos Indian Band.

Quorum 

Recommending o. _____

Sig. _____

Approving Officer - Approv. _____

Signature _____