

## **Mountain Pine Beetle Agreement**

(the "Agreement")

Between:

**Esketemc First Nation**

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 Esketemc First Nation signed a Forest and Range Agreement (FRA) with the Government of British Columbia on March 29, 2004. 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 Williams Lake Timber Supply Area have lead to increased harvesting activity and potential impacts on Esketemc First Nation aboriginal rights and/or title.
- The Government of British Columbia wishes to support economic opportunities for the Esketemc First Nation.

### **Purpose**

1. The purposes of this Agreement are to:
  - a. increase the participation of the Esketemc First Nation in the forest sector; and,
  - b. provide an economic opportunity by inviting the Esketemc First Nation to apply for a non-replaceable forest licence to assist the province in the management of mountain pine beetle in the Williams Lake 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 Esketemc First Nation 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 740,000 cubic meters of beetle infested timber over a ten (10) year term within

the traditional territory of the Esketemc First Nation as identified in black bold in Appendix A in the Williams Lake Timber Supply Area.

3. If during the term of this Agreement a further Mountain Pine Beetle temporary volume allowable annual cut increase becomes available in the Williams Lake 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*.
4. The invitation will be subject to a condition that prior to making an application for the Licence, the Esketemc First Nation 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 Esketemc First Nation.
5. 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 ten (10) years as determined by the Minister;
  - b. contain other terms and conditions required by law, including the condition that the Esketemc First Nation must comply with this Agreement and with the FRA;
  - c. include a term that Esketemc First Nation 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.
6. 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**

7. 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 Williams Lake TSA, as set out in section 4.0 and 5.0 of the Esketemc FRA.
8. 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 Esketemc First Nation agrees that the Government of British Columbia will have provided an accommodation, with respect to the economic component of potential infringements of the Esketemc First Nation 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 Williams Lake TSA, as an interim measure.

## **Dispute Resolution**

9. If a dispute arises between the Government of British Columbia and the Esketemc First Nation regarding the interpretation of a provision of this Agreement, the Parties will follow the dispute resolution process set out in the Esketemc FRA.

## **Amendments**

10. Any alteration or amendment to the terms and conditions of the Agreement must be in writing and duly executed by the Parties.
11. 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**

12. This Agreement will take effect on the date on which the last Party has executed it.
13. This Agreement will terminate on the occurrence of the earliest of any of the following events:
  - a. ten (10) 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.
14. If the FRA is terminated, the consultation processes that were set out in section 5.0 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.
15. The Government of British Columbia will not terminate this Agreement on the grounds that the Esketemc First Nation has challenged an Administrative or Operational Decision by way of legal proceedings.

## **Notice**

16. All of the provisions set out in the Notice section of the FRA/FRO apply to this Agreement.

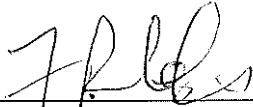
## **Miscellaneous**

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

Signed on behalf of:

**Esketemc First Nation:**

Date: 14 Jan 08




Chief Fred Robbins



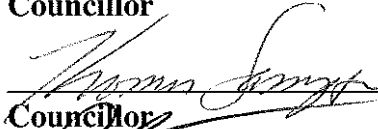
Witness



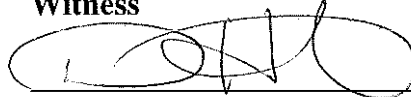
Councillor



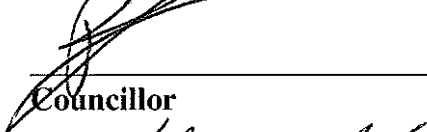
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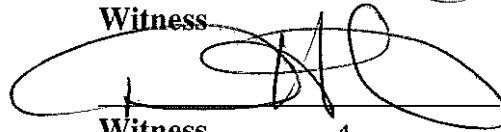
Councillor



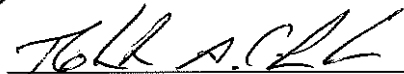
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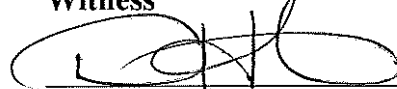
Councillor



Witness



Councillor



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Witness

Signed on behalf of:  
**Government of British Columbia**

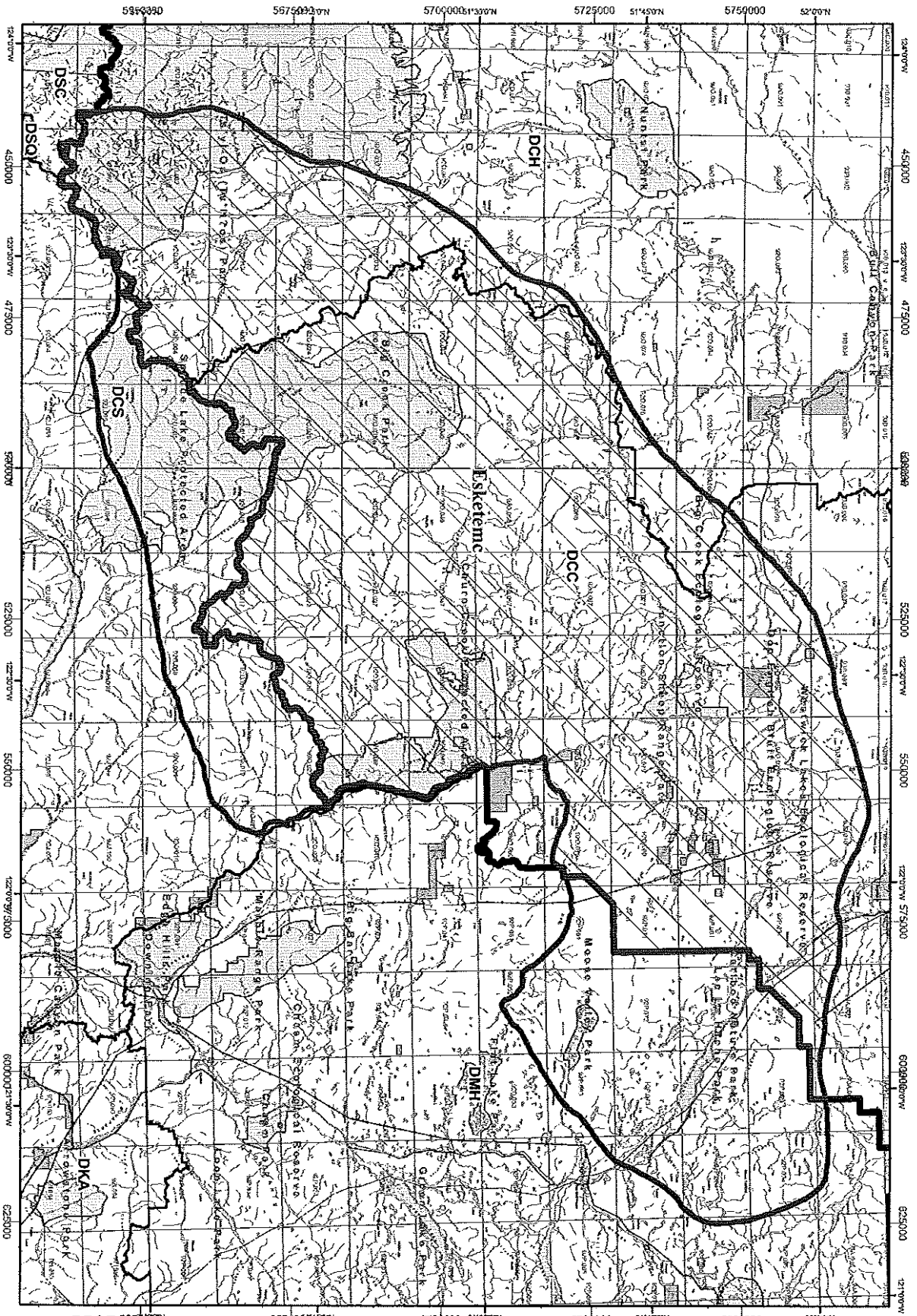
Date: Feb 13 / 08



Honourable Rich Coleman  
Minister of Forests and Range



Witness









# Appendix A

## Esktemc Mountain Pine Beetle Agreement Area



**Legend**

-  Mountain Pine Beetle Agreement Area
-  Consultative Area
-  Forest District
-  Williams Lake TSA
-  Indian Reserve
-  Protected Area



Projection: Daum/Albers, NAD 83  
 Created By: Ministry of Forests, DCC  
 Project: 0704 Forest Nations Consultative Area Maps  
 File: NationsConsultativeAreaMaps.mxd  
 Dec 21, 2007

**APPENDIX B:**

*Description and Documentation pertaining to the Intended Holder of the licence*

Applicant for the license: **ESKETEMC FIRST NATION**