
Interim Measures Agreement
Regarding the Direct Awarding of a Community Forest Pilot Agreement under
Section 43.5 of the *Forest Act* to the Ktunaxa/Kinbasket Tribal Council Society to
Facilitate Its Participation in the Management of Forest Resources on the Dominion
Coal Blocks
(the "Agreement")

Between:

Ktunaxa/Kinbasket Tribal Council Society
representing, for the purposes of the Agreement, the following Indian Bands
as defined under the *Indian Act*:
Columbia Lake Indian Band
Lower Kootenay Indian Band
Shuswap Indian Band
St. Mary's Indian Band
Tobacco Plains Indian Band
(hereinafter referred to as "KKTC")

And

Her Majesty the Queen in Right of the Province
of British Columbia as represented by the
Minister of Forests
(hereinafter referred to as "British Columbia")

(collectively referred to as the "Parties")

Purpose:

1. The purpose of this Agreement is to:
 - a) directly invite the KKTC to apply for a community forest pilot agreement on the lands known as the Dominion Coal Blocks;
 - b) support efforts to build and maintain a positive working relationship between British Columbia and KKTC respecting the ongoing development of forest resources.
 - c) partially address KKTC's interests respecting the use and management of forest resources located within its asserted traditional territory.

Interpretation:

2. Nothing in this Agreement shall be interpreted in a manner that obliges British Columbia to act in a manner inconsistent with provincial legislative or regulatory authorities, or that fetters the statutory discretion of government decision-makers.
3. This Agreement will not limit the positions that the parties may take in future negotiations or court actions.
4. This Agreement is not intended to be a treaty or a land claims agreement within the meaning of sections 25 and 35 of the Constitution Act, 1982 and is not intended to recognize, affirm, or deny the existence of aboriginal rights, including title, or treaty rights.

Tenure Opportunity

5. Within 30 days of execution of this Agreement, the Minister of Forests will invite KKTC to apply for a community forest pilot agreement on the lands known as the Dominion Coal Blocks (consisting of Parcels 73 and 82 of District Lot 4589 in the Kootenay Land District) under section 43.5 of the *Forest Act*.
6. Any invitation to apply for, and any award of a community forest pilot agreement that is issued under this Agreement, is subject to the policies, regulations and statutes of British Columbia as amended from time to time.
7. A community forest pilot agreement issued under this Agreement will contain a condition that the KKTC must comply with the terms of this Agreement and the consultation protocol referred to in section 11.
8. A community forest pilot agreement issued under this Agreement is not transferable without the consent of the Minister of Forests.
9. The term of a community forest pilot agreement issued under this Agreement will be a maximum of five years unless the term is amended under the Forest Act.
10. A community forest pilot agreement issued under this Agreement will contain a condition that it will terminate in the event that Canada withdraws British Columbia's authority to issue and administer forestry tenures on the Dominion Coal Blocks.

Operational Stability on Crown Lands

11. On receipt of the letter of invitation from the Minister of Forests referred to in section 5, the KKTC will negotiate a regional consultation protocol with British

Columbia regarding forestry activities within the agreed upon areas of the Arrow, Columbia, Cranbrook, Invermere and Kootenay Lake Forest Districts.

12. A community forest pilot agreement will not be awarded under this Agreement until the Parties have signed the regional consultation protocol referred to in section 11, and all other requirements for the issuance of a community forest pilot agreement have been met, as contemplated by section 6.

Amendments

13. The provisions of this Agreement may only be amended by written agreement of the Parties.

Term

14. This Agreement will take effect on the date that it has been signed by the Parties.
15. This Agreement will terminate on the occurrence of any of the following events, whichever is earliest:
 - (a) the suspension, cancellation, expiry or termination of a community forest pilot agreement issued under this Agreement;
 - (b) March 31, 2005, if the Minister has not issued a community forest pilot agreement under this Agreement by that date; or
 - (c) The effective date of a treaty among KKTC, Canada and British Columbia under the British Columbia treaty process
16. Without limiting the actions which may be taken by British Columbia, if British Columbia determines that the KKTC is not in compliance with this Agreement or with the regional consultation protocol signed by the Parties under section 11, the Minister of Forests or person authorized by the Minister of Forests may suspend the community forest pilot agreement issued under this Agreement.

Dispute Resolution

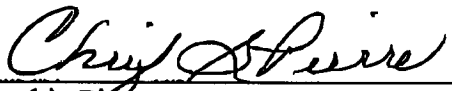
17. Prior to British Columbia taking any action pursuant to section 16, it will notify and give reasons to the KKTC of its intention to do so.
18. In the event a dispute arises between British Columbia and the KKTC regarding the interpretation of a provision, the obligation of a Party under this Agreement, or the reasons provided to the KKTC pursuant to section 17, the Parties or their duly appointed representatives will meet forthwith to review the situation and attempt to resolve the dispute.

Execution

19. This Agreement may be executed in one or more counterparts and by facsimile. Each facsimile will be deemed to be an original for all purposes, and all counterparts taken together will be deemed to constitute one document.

**Signed on behalf of the
Ktunaxa/Kinbasket Tribal Council
Society**

**Signed on behalf of Her Majesty the
Queen in Right of the Province of British
Columbia**



Sophie Pierre
Chief Administrator

Date:

Witnessed by *Sherry Innes*



Michael de Jong,
Minister of Forests

Date:

Witnessed by *Brian Menzies*
Brian Menzies