

**July __, 2008
Interim Measures Agreement**

THIS AGREEMENT dated for reference this 29th day of July, 2008

BETWEEN:

Kwicksutainek/Ah-Kwa-Mish First Nation

As represented by Chief Councillor Robert Chamberlin and Council
(the "K-AFN")

AND

Her Majesty the Queen in the Right of the Province of British Columbia

As represented by the Minister of Forests and Range)

(the "Government of British Columbia")

- Whereas, the K AFN is seeking an economic opportunity to further their interests of building houses for their community;
- Whereas, a number of community agencies are contributing to the community rebuild project and Ministry of Forests and Range would like to assist the K AFN

Now therefore the Parties agree as follows:

Relationship of this Interim Measure Agreement to the Kwicksutainek/Ah-Kwa-Mish Forestry Agreement

1) This Agreement provides an additional economic opportunity pursuant to section 3.0 of the Kwicksutainek/Ah-Kwa-Mish Forestry Agreement between K AFN and the Government of British Columbia signed April 5, 2004 (the "Forest Agreement").

2) Except where this Agreement sets out terms that are different from the Forest Agreement, the terms and definitions of the Forest Agreement apply equally to this Agreement.

bc

Purpose:

- 1) The purpose of this Interim Measures Agreement is to:
 - a) Provide an interim measures opportunity to support K AFN participation in the forest sector in the short term while they pursue their longer term interests through their forest strategy and Treaty process
 - b) Encourage operational synergies with British Columbia Timber Sales and other licensees working in the K AFN asserted Traditional Territory
 - c) Provide for an economic development opportunity for K AFN that will assist in the development of residential buildings for the community by providing an invitation to K AFN for a non-replaceable forest licence in the Kingcome Timber Supply Area (TSA); and

Invitation to Apply for a Non-Replaceable Forest Licence

- 2) After execution of this Agreement by the parties, the Minister of Forests and Range (the "Minister") will invite the K AFN to apply for a non-replaceable licence (the "Licence") for up to 4,100 m³ over five years in the Kingcome TSA under section 47.3 of the *Forest Act* and within the K AFN asserted traditional territory.
- 3) Any invitation to apply and any licence entered into as a result of an invitation under this Interim Measures Agreement are subject to the policies, regulations and statutes of British Columbia as amended from time to time.
- 4) The invitation to apply for the licence under this Interim Measures Agreement will contain terms and conditions required by the Minister.
- 5) An invitation will contain a condition that prior to K AFN making an application for the licence, K AFN will contact the Ministry of Forests and Range and the parties will endeavour to identify an operating area within K AFN asserted traditional territory.
- 6) A licence entered into as a result of the invitation to apply under this Interim Measures Agreement:
 - a) will be for a term no longer than five years, as determined by the Minister;
 - b) will contain other terms and conditions required by law, including the condition that K AFN must comply with this Interim Measures agreement and the K AFN Forest Agreement dated April 5, 2004;
 - c) will include a term that K AFN may not dispose of the licence except in

bc

accordance with the *Forest Act*;

- d) will include other terms and conditions as may be required by the regional executive director.
- 7) An invitation to apply for a licence (an "invitation") and any licence entered into as a result of the invitation to apply under this Interim Measures Agreement may be combined with a tenure opportunity included in any other agreement in accordance with the *Forest Act*.

Amendments

- 8) Any alteration or amendment to the terms and conditions of this Interim Measures Agreement must be in writing and duly executed by the parties.

Term

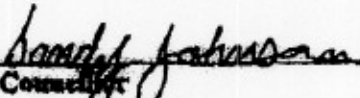
- 9) This Interim Measures Agreement will take effect on the date on which the last party has executed it.
- 10) This Interim Measures Agreement will be terminated on the occurrence of the earliest of:
- a) five years from the date this Interim Measures Agreement is executed; or,
 - b) the mutual agreement of the parties; or
 - c) written notice of withdrawal to the Interim Measures Agreement by either Party, which will take effect 90 days following receipt of the notice by the other Party; or,
 - d) the date on which the Government of British Columbia cancels the licence under this Interim Measures Agreement pursuant to Section 12
- 11) If the K AFN Forest Agreement dated April 5, 2004 is terminated, the consultation processes that were set out in Section 4 and 5 of the Forest Agreement are incorporated into this Agreement and will continue to be used by the parties for as long as this Agreement is in effect between the parties.
- 12) Without limiting the actions that may be taken by the Minister of Forest and Range or by the Government of British Columbia, the Minister or a person authorized by the Minister may suspend, or cancel the licence entered into as a result of the invitation under this Interim Measures agreement, if the Minister or a person authorized by the Minister determines that K AFN is not in compliance with this Interim Measures Agreement or the K AFN Forest Agreement dated April 5, 2004.

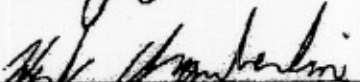
Signed on behalf of:

Kwicksutaien/Ah-Kwa-Mish First Nation

Date July 27/08


Chief Councillor Robert Chamberlin

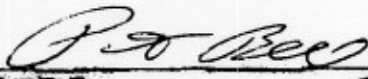

Councillor


Councillor

Signed on behalf of:

Government of British Columbia

Date Oct 20/08


Pat Bell
Minister of Forests and Range


Witness

50