

Interim Measures Agreement

THIS AGREEMENT dated for reference this 29 day of September, 2008

BETWEEN:

Mowachaht/Muchalaht First Nations

As represented by Chief Mike Maquinna

(the "Mowachaht/Muchalaht First Nation")

AND

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

As represented by the Minister of Forests and Range

(" British Columbia")

(collectively the "Parties")

Relationship of this Interim Measures Agreement to the Mowachaht/Muchalaht First Nation Interim Agreement on Forest Opportunities

1. This Interim Measures Agreement provides an additional economic opportunity pursuant to Section 3.0 of the Interim Agreement on Forest Opportunities between the Mowachaht/Muchalaht First Nation and the Government of British Columbia signed September 29, 2008.
2. Except where this Interim Measures Agreement sets out terms that are different from the Interim Agreement on Forest Opportunities, the terms and definitions of the Interim Agreement on Forest Opportunities apply equally to this Interim Measures Agreement.

Purposes

3. The purposes of this Interim Measures Agreement are to:
 - a. Offer some economic accommodation, within the parameters of this Interim Measures Agreement, regarding potential adverse effects on Aboriginal Interests raised by Mowachaht/Muchalaht First Nation in relation to forest decisions that occur during the term of this Interim Measures Agreement;
 - b. Increase Mowachaht/Muchalaht First Nation's participation in the forest sector;
 - c. Provide for an economic development opportunity for Mowachaht/Muchalaht First Nation by providing for an invitation to Mowachaht/Muchalaht First Nation to apply for a non-replaceable forest licence or forestry licence to cut in Tree Farm License 19;
 - d. Assist in providing stability to provincially authorized forest resource development on Crown lands within the asserted traditional territory of the Mowachaht/Muchalaht First Nation as outlined in bold on the attached Appendix "A".

Invitation to Apply for a Non-Replaceable Forest Licence

4. After execution of this Interim Measures Agreement by the parties, the B.C. Minister of Forest and Range (the "Minister") will invite ("invitation") the Mowachaht/Muchalaht First Nation to apply for a non-replaceable forest licence or a Forestry Licence to Cut (the "Licence") for up to 40,000 cubic metres annually or 200,000 cubic metres total (*existing undercut sourced*) over five years in the Tree Farm License 19 under section 47.3 of the Forest Act and within the Mowachaht/Muchalaht asserted traditional territory.
5. 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.
6. The invitation to apply for the licence under this Interim Measures Agreement will contain terms and conditions required by the Minister.
7. An invitation will contain a condition that prior to Mowachaht/Muchalaht First Nation making an application for the licence, Mowachaht/Muchalaht First Nation will contact the Ministry of Forests and Range and the parties will endeavour to identify an operating area within the

Mowachaht/Muchalaht First Nation asserted traditional territory.

8. A forest 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. contain other terms and conditions required by law, including the condition that Mowachaht/Muchalaht First Nation must comply with this Interim Measures Agreement and the Mowachaht/Muchalaht First Nation Interim Agreement on Forest Opportunities dated September 29, 2008;
 - c. include a term that Mowachaht/Muchalaht 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 district manager.
9. An invitation to apply for a licence 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

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

Entire Interim Measures Agreement

11. This Interim Measures Agreement, including its incorporation of terms from the Mowachaht/Muchalaht First Nation Interim Agreement on Forest Opportunities, dated September 29, 2008 under section 2, and any modification of it constitute the entire Interim Measures Agreement between the Parties with respect to the subject matter of the Interim Measures Agreement.

Term

12. This Interim Measures Agreement will take effect on the date on which the last party has executed it.
13. 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 13.
- 14.** If the Mowachaht/Muchalaht First Nation Interim Agreement on Forest Opportunities is terminated, the consultation and accommodation and dispute resolution processes set out in Section 4 and 5 of the Forest Agreement are incorporated into this Interim Measure Agreement and will continue to be used by the parties for as long as this Interim Measures Agreement is in effect between the parties.
- 15.** 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 Mowachaht/Muchalaht First Nation is not in compliance with the Mowachaht/Muchalaht First Nation Interim Agreement on Forest Opportunities signed on September 29, 2008.

Miscellaneous

- 16.** Nothing in this Interim Measures Agreement shall be interpreted in a manner that requires the Government of British Columbia to act in a manner inconsistent with provincial or federal law, or that fetters the statutory discretion of any government decision-maker.
- 17.** This Interim Measures Agreement is not a treaty or a land claims Interim Measures Agreement within the meaning of Section 25 and 35 of the *Constitution Act*, 1982 and does not define, recognize, affirm, amend or deny the existence of any aboriginal right, including aboriginal title, or any treaty right.
- 18.** This Interim Measures Agreement will not limit a position that a Party may take in future negotiations or court actions.

19. Any reference to a statute in this Interim Measures Agreement includes all regulations made under that statute and any amendments or replacement of that statute.

20. There will be no presumption that any ambiguity in any of the terms of this Interim Measures Agreement shall be interpreted in favour of any party.

21. The applicable laws of British Columbia and Canada shall govern this Interim Measures Agreement.

22. This Interim Measures Agreement may be entered into by each party signing a separate copy of this Interim Measures Agreement, including a photocopy or faxed copy, and delivering it to the other party via facsimile. Each facsimile will be deemed an original for all purposes and all counterparts taken together will be deemed to constitute one document.

23. This Interim Measures Agreement is deemed to take effect on the date that both the Parties have signed it and signed the Mowachaht/Muchalaht First Nation Interim Agreement on Forest Opportunities.

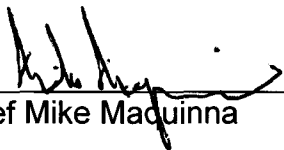
Signed on behalf of:

Mowachaht/Muchalaht First Nation

Government of British Columbia

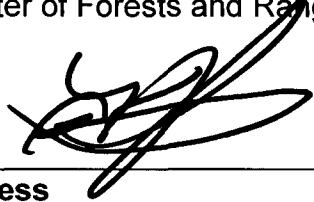
Date Sept 29/08

Date Nov 20/08


Chief Mike Maquinna


Pat Bell
Minister of Forests and Range


Witness


Witness

Mowachaht Muchalaht Traditional Territory

