



SUMMARY OF THE 'NAMGIS FIRST NATION INDIVIDUAL AGREEMENT ON FIRST NATION LAND MANAGEMENT

BACKGROUND

In May 2016, 'Namgis First Nation signed the Framework Agreement on First Nation Land Management ("Framework Agreement"). In the early 1990s, 14 First Nations from across Canada negotiated the Framework Agreement with the federal government. The original purpose of the Framework Agreement was to allow these communities to manage their reserve lands and resources according to their own laws. The Framework Agreement is now open to all First Nations in Canada.

In order for the Framework Agreement to take full effect in a First Nation community, each First Nation must develop a Land Code to replace the 32 sections of the *Indian Act* that deal with reserve land management. Once developed, this Land Code must also be brought to the community for a vote before it can take effect. In order for the Framework Agreement to take effect for the federal government, Parliament passed the *First Nations Land Management Act* in June 1999. This Act sets out how Canada will fulfill its obligations and responsibilities under the Framework Agreement.

Along with a Land Code, a First Nation community that has signed onto the Framework Agreement must also approve of an Individual Agreement on First Nation Land Management ("Individual Agreement") between the community and Canada. The main purpose of the Individual Agreement is to:

- identify the reserve lands to which the Land Code will apply;
- when the transfer of authority to manage the reserve lands will take place; and
- how much funding Canada will pay to the community to manage the reserve lands.

This document provides a summary of the 'Namgis First Nation Individual Agreement.

SECTION 1 – INTERPRETATION

This section sets out definitions of the key terms used throughout the Individual Agreement.

This section refers to Annex “G” of the Individual Agreement which identifies each of the reserves that the Land Code will apply to. These are:

- Alert Bay I.R.1A
- Alert bay I.R. 1
- Nimpkish I.R. 2
- Ches-la-kee I.R. 3
- Ar-ce-wy-ee I.R.4
- O-tsaw-las I.R. 5
- Ksui-la-da I.R.6
- Kuldeksuma I.R. 7

SECTION 2 – INFORMATION PROVIDED BY CANADA

This section confirms that Canada has provided 'Namgis First Nation with all the information related to:

- Annex “C”: Any and all interests and licences granted by the federal government under the Indian (e.g. a permit for a power line);
- Annex “D”: Any and all information about actual or potential environmental issues on 'Namgis reserves; and
- Annex “E”: Any and all information that could significantly affect any interests or licenses granted by the federal government.

Annex “D” also confirms the findings from an Environmental Site Assessment (ESA) conducted during the Land Code development process. The purpose of the ESA is to document the conditions of 'Namgis reserve lands before the Land Code takes effect.

SECTION 3 – TRANSFER OF LAND ADMINISTRATION

This section confirms that all of Canada's rights, obligations, powers and authorities affecting the reserve lands are transferred to 'Namgis First Nation.

SECTION 4 – ACCEPTANCE OF TRANSFER OF LAND ADMINISTRATION

This section confirms that 'Namgis First Nation accepts the transfer of land administration and management from Canada and that the land management sections of the Indian Act no longer apply to 'Namgis First Nation reserve land.

SECTION 5 – OPERATIONAL FUNDING

This section confirms that Canada will provide 'Namgis First Nation with funding for administering and managing reserve lands.

This section refers to Annex "A" of the Individual Agreement which confirms the funding formula for determining the amount of annual operational funding 'Namgis First Nation will be paid for lands management.

Annex "A" requires Canada to pay \$204,536.00 to 'Namgis First Nation in the first year of operations. Annual payments for the years after year 1 will be determined by the funding formula.

'Namgis First Nation will be paid \$75,000.00 for the first year of operations and another \$75,000.00 in the second year of operations for transitional and environmental activities.

SECTION 6 – TRANSFER OF REVENUES

This section requires Canada to transfer any land-related money it holds in trust for 'Namgis First Nation.

Annex "B" confirms that as of May 28, 2018 Canada is holding \$31,894.88 in revenue moneys that will be transferred to 'Namgis First Nation within 30 days of the Land Code coming into effect.

SECTION 7 – NOTICE TO THIRD PARTIES OF TRANSFER OF ADMINISTRATION

This section requires 'Namgis First Nation notify all non-members that have a legal interest in the reserve lands about the Land Code if it is accepted by the community.

SECTION 8 – INTERIM ENVIRONMENTAL ASSESSMENT PROCESS

This section requires 'Namgis First Nation to follow the federal environmental assessment process until we develop our own environmental assessment process under our Code.

The interim process is set out in Annex "F" of the Individual Agreement.

SECTION 9 – AMENDMENTS

This section confirms that Individual Agreement can only be changed when 'Namgis First Nation and Canada both agree to the changes. Any changes must be made in writing and signed by authorized representatives for the Nation and Canada.

SECTION 10 – NOTICES BETWEEN THE PARTIES

This section sets out the communication procedures and methods between 'Namgis First Nation and Canada about the Individual Agreement. These communications methods include personal delivery, registered mail, courier, facsimile, or electronic mail.

SECTION 11 – DISPUTE RESOLUTION

This section confirms that any disputes between 'Namgis First Nation and Canada about the Individual Agreement will be resolved using the process set out in in Part IX of the Framework Agreement.

SECTION 12 – DATE OF COMING INTO FORCE

This section confirms that the Individual Agreement and the Land Code will come into effect at the same time.

ANNEX A Funding Provided by Canada

ANNEX B Details for the Revenue Moneys Transfer

ANNEX C List of Interests and Licenses Granted by Canada

ANNEX D List of all Existing Information in Canada's Possession Respecting any Actual or Potential Environmental Problems with First Nations Lands

ANNEX E List of other Material Information Provided by Canada that Materially Affects Interests and Licenses

ANNEX F Interim Environmental Assessment Process

ANNEX G Descriptions of 'Namgis First Nation Land