



Lands Management Advisory Committee

INDIVIDUAL AGREEMENT SUMMARY

Metlakatla is one of a number of First Nations in Canada who is party to the *Framework Agreement on First Nation Land Management (Framework Agreement)*. The federal government is also a party to the agreement and ratified it through the *First Nation Lands Management Act* on June 17, 1999.

The *Framework Agreement* and legislation enable these FNs to take control over the management and administration of their reserve lands from Indigenous and Northern Affairs Canada (INAC). In order to do this each FN must enter into an Individual Agreement with INAC. This Individual Agreement sets out the specifics of the transfer of management of reserve lands from Canada to the Metlakatla First Nation.

The Individual Agreement between Metlakatla First Nation and Canada is summarized as follows:

Section 1 – Interpretation

This section defines the terms that are used in the Individual Agreement, including identifying the reserve lands that will be transferred.

Description of Metlakatla First Nation Reserve Land

This section identifies the lands that are subject to this Individual Agreement:

- S ½ Tsimpsean Indian Reserve No. 2 (07754)
- Wilnaskaucud Indian Reserve No. 3 (07755)
- Shoowahtlans Indian Reserve No. 4 (07756)
- Tugwell Island Indian Reserve No. 21 (07760)
- Tuck Inlet Indian Reserve No. 89 (07765)
- Rushton Island Indian Reserve No. 90 (07766)
- Squaderee Indian Reserve No. 91 (07767)
- Avery Island Indian Reserve No. 92 (07768)
- Ede Indian Reserve No. 93 (07769)
- Grassy Bay (10023).

Section 2 – Information Provided by Canada

This section confirms that Canada has provided Metlakatla with all of the information in its possession regarding dispositions of reserve lands, environmental issues on reserve lands and any similar information. Land interests and dispositions are set out in “Annex C”.

The information collected during the Phase I Environmental Site Assessment (ESA) that was conducted in (May 2015) is summarized in “Annex D”. The environmental issues were identified in this report and an action plan for the Phase II Environmental Site Assessment is also included.

- Eleven Areas of Potential Environmental Contamination (APEC) were identified in S ½ Tsimpsean Indian Reserve No. 2 (07754)
- One APEC in Wilnaskaucud Indian Reserve No. 3 (07755)

This section also includes any other information in Canada's possession on monies payable, including information on any arrear of rent as the date of transfer as set out in “Annex E”.

Section 3 – Transfer of Land Management

This section provides that Canada will transfer the management and control of reserve lands to the Metlakatla First Nation on the effective date of the Individual Agreement. Metlakatla First Nation will then begin managing and controlling its reserve lands and natural resources under its Land Code.

Section 4 – Transfer of Rights

This section transfers all of Canada's rights, obligations, powers and authorities in or under all previous interests or licenses affecting reserve lands to the Metlakatla First Nation.

Section 5 – Operational Funding

This section obligates Canada to provide the Metlakatla First Nation with funding and resources for managing reserve lands. The amount of funding is set out in “Annex A”. The amount of FN operational funding is based upon a variety of factors as outlined in the Memorandum of Understanding on Funding (October 19, 2011) that would give Metlakatla First Nation \$204,536.00 for the first fiscal year.

Section 6 – Transfer of Revenues

This section obligates Canada to transfer to the Metlakatla First Nation any monies that it holds in trust for the use and benefit of the Metlakatla First Nation and any revenues it receives from reserve lands. Canada will transfer to the Metlakatla First Nation the amount of \$764,176.26 that is currently held in the Metlakatla First Nation Revenue Account. The procedures for the transfer of funds are set out in “Annex B”.

Section 7 – Notice to Other Persons

This section requires Canada to notify any non-members who hold an interest in reserve land that management of the reserve lands will be transferred to the Metlakatla First Nation and that the Metlakatla First Nation will collect the revenues from those interests in the future. This notice must be given within thirty days of the ratification of the Land Code.

Section 8 – Interim Environmental Assessment Process

This section provides that until the Metlakatla First Nation establishes its own Environmental Assessment process, the *Canadian Environmental Assessment Act* will apply. The procedure for Environmental Assessments during this period is set out in “Annex F”.

Sections 9 and 10

These are standard formalities regarding this amendment of the Individual Agreement, giving formal notice and documentation.

Section 11 – Dispute Resolution

This section provides that the dispute resolution provisions of the *Framework Agreement* apply to any disputes between Canada and the Metlakatla First Nation regarding the Individual Agreement.

Section 12 – Date of Coming into Force

This section provides that the Individual Agreement comes into force at the same time as the Metlakatla First Nation Land Code.