

MEMBERTOU FIRST NATION INDIVIDUAL AGREEMENT

EXECUTIVE SUMMARY

Membertou is one of the First Nations in Canada who is party to the *Framework Agreement on First Nation Land Management*. 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 Agreement and legislation enable these First Nations to take over management and administration of their reserve lands from the Department of Indigenous and Northern Affairs Canada. In order to do this each First Nation must enter into an Individual Agreement with the Department of Indigenous and Northern Affairs Canada. This Individual Agreement sets out the specifics of the transfer of management of reserve lands from Canada to Membertou.

The Individual Agreement for Membertou is summarized as follows:

Section 1- Interpretation

This section defines the terms that are used in the Agreement, including identifying Membertou Indian Reserve No. 28B, Sydney Indian Reserve No. 28A & Caribou Marsh Indian Reserve No. 29 as the reserve lands to which the Land Code will apply.

Section 2- Information provided by Canada

This section confirms that Canada has provided Membertou with all 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 & Phase II Environmental Site Assessments (ESA) that were conducted in 2013, 2015 & 2018 is summarized in “Annex D”. The environmental problems were identified in these reports and remedial measures were subsequently undertaken by Membertou.

A list and copies of any other information in Canada’s possession that materially affects the interests and licences will be listed in “Annex E”.

Section 3 - Transfer of Land Administration

This section provides that as of the date the Land Code comes into force, Canada will transfer the management and control of Membertou Indian Reserve No. 28B, Sydney Indian Reserve No. 28A & Caribou Marsh Indian Reserve No. 29 reserve lands to Membertou. Membertou will then begin managing and controlling its lands and natural resources under its Land Code.

Section 4 – Acceptance of Transfer of Land Administration

As of the date the Land Code comes into force, the land management provisions of the Indian Act, as listed in the Framework Agreement on First Nation Land Management cease to apply and Canada retains no powers and obligations in relation to Membertou Land under these provisions and that Membertou shall commence governing Membertou Land pursuant to its Land Code.

Note: Canada will remain liable for and will indemnify a First Nation for losses suffered as a result of any act or omission by Canada, or its agents, that occurred before the Land Code comes into effect.

Section 5- Operational Funding

This section outlines Canada`s obligations to fund Membertou as required by the Framework Agreement. On an annual basis, Canada shall provide Operational Funding in the amount of \$ 272,259 to Membertou as indicated in “Annex A” in accordance with the Operational Funding Formula as amended from time to time.

In addition to Operational Funding, Membertou will also receive Transitional and Environmental Funding. Membertou will receive one-time payments of \$75,000 for the first fiscal year and \$75,000 for the second fiscal year.

Section 6- Transfer of Revenues

This section obligates Canada to transfer to Membertou any moneys it holds in trust for the use and benefit of Membertou and any revenues it receives from reserve lands. Canada will transfer to Membertou the amount of \$ 121,609.95, that is currently held in the Membertou Revenue & Capital Accounts. The procedures for the transfer of funds are set out in “Annex B”.

Section 7- Notice to Third Parties of Transfer of Administration

This section requires that immediately following the approval of the Land Code and the Individual Agreement by the members, Membertou is to notify any non-members who hold an interest in reserve land that management of reserve lands that will be transferred to Membertou and that Membertou will collect the revenues from those interests effective the date the Land Code comes into force.

Section 8- Interim Environmental Assessment Process

This section provides that until Membertou establishes its own environmental assessment process, the *Canadian Environmental Assessment Act* will apply. The procedure for environmental assessments during this period is set out “Annex F”.

Sections 9 and 10

These are standard formalities regarding amendment of the agreement, giving of formal notice and documentation.

Section 11- Dispute Resolution

This section provides that the dispute resolution provisions of the *Framework Agreement on First Nation Land Management* apply to any disputes between Canada and Membertou 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 Land Code.