

Summary of Our Individual Agreement



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Temagami First Nation members have a chance to vote in favour of the Temagami First Nation taking over land management of **Bear Island Indian Reserve No. 1** from HER MAJESTY THE QUEEN IN RIGHT OF CANADA as represented by the Minister of Indian Affairs and Northern Development (hereinafter called "Canada"). If our members approve our *Land Code* and Individual Agreement, the 34 land-related sections of the Indian Act will no longer apply to our **reserve** lands. Temagami First Nation would take over land management. Canada would retain liability for land management decisions and environmental issues prior to the *Land Code*. The Individual Agreement is an important part of our Land Code process because it is an agreement between Canada and Temagami First Nation that sets out the specifics of the transfer of management of **reserve** lands from Canada to Temagami First Nation. The Individual Agreement has 12 sections and 7 attached documents which are called "Annexes".

Contents of Our Individual Agreement

1. Interpretation

Section 1 defines the terms that are used in the Individual Agreement, including identifying Bear Island Reserve No. 1 as the **reserve** lands to which the *Land Code* will apply.

2. Information Provided by Canada

Since Canada would retain liability for land management decisions and environmental issues prior to the Land Code, section 2 confirms that Canada has provided Temagami First Nation 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 2014 is summarized in Annex "D".

3. Transfer of Land Administration

Section 3 states that Canada will transfer the management and control of Bear Island Reserve No. 1 **reserve** land to Temagami First Nation. Temagami First Nation will then begin managing and controlling its lands and natural resources under its *Land Code*.

4. Acceptance of Transfer of Land Administration

Temagami First Nation accepts the transfer of all of Canada's rights, obligations, powers and authorities in or under all previous interests or licenses affecting **reserve** lands. As of

the date the *Land Code* comes into force, the land management sections of the *Indian Act*, as listed in the *Framework Agreement*, will no longer apply to our **reserve** land and Canada retains no powers and obligations in relation to Temagami First Nation Land under these provisions. Temagami First Nation shall commence governing their **reserve** lands pursuant to its *Land Code*. As per the Framework Agreement Clause 3.1, the Indian Oil & Gas Act will continue to apply to any First Nation lands. As per Clause 23.6 of the Framework Agreement it is not intended to affect the rights and powers related to migratory birds and endangered species.

5. Operational Funding

Section 5 commits Canada to provide funding and resources for managing **reserve** lands. The Operational Funding Formula, as amended from time to time, outlines the funding amount of \$204,536 for the first fiscal year, and is also set out in Annex "A". In addition, Temagami First Nation will also receive Transitional and Environmental Funding in the amount of \$75,000 for the first fiscal year and \$75,000 for the second fiscal year.

6. Transfer of Revenues

Section 6 requires Canada to transfer to the Temagami First Nation any monies that it holds in trust for the use and benefit of the Temagami First Nation and any revenues it receives from **reserve** lands. The initial transfer amount is set out in Annex "B".

7. Notice to Other Persons

If our members vote in favour of our Land Code, we must notify all non-members within 30 days, who have a legal interest in **reserve** lands (such as a lease), that we are taking over management of our lands, and will collect revenue from those interests in the future.

8. Interim Environmental Assessment Process

Section 8 states that until Temagami First Nation establishes its own Environmental Assessment process, the *Canadian Environmental Assessment Act* will apply. The procedure for Environmental Assessments during this time is set out in Annex "F".

9. Amendments

Section 9 states that the Individual Agreement can be amended if it is done in writing collectively by Canada and Temagami First Nation.

10. Notices

Section 10 sets out how Canada and Temagami First Nation will contact each other in the future for sending formal letters or notices.

11. Dispute Resolution

Section 11 confirms that the dispute resolution process from the Framework Agreement applies to any disputes between Canada and Temagami First Nation regarding the Individual Agreement.

12. Date of Coming Into Force

The Individual Agreement will come into force at the same time as our Land Code.



Bear Island Reserve No. 1 - Lands to be under proposed Land Code.

For more information, or to read the full Individual Agreement, go to www.temagamilandcode.com

Land Code Information

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