

BEAUSOLEIL FIRST NATION INDIVIDUAL AGREEMENT

EXECUTIVE SUMMARY

Beausoleil First Nation is one of the First Nations in Canada who is party to a *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 Aboriginal Affairs. In order to do this each First Nation must enter into an Individual Agreement with the Department of Aboriginal Affairs. This Individual Agreement sets out the specifics of the transfer of management of reserve lands from Canada to Beausoleil First Nation.

The Individual Agreement for Beausoleil First Nation is summarized as follows:

Section 1- Interpretation

This section defines the terms that are used in the Agreement, including identifying Christian Island Indian Reserve No. 30 and Christian Island Indian Reserve No. 30A as the reserve land to which the Land Code will apply.

Section 2- Information provided by Canada

This section confirms that Canada has provided Beausoleil First Nation 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 Environmental Site Assessment (ESA) that was conducted in April 2002 is summarized in “Annex D”. The environmental problems were identified in this report and remedial measures subsequently undertaken by Beausoleil First Nation, a Phase II Environmental Site Assessment that was conducted in February 2005.

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”. Beausoleil First Nation Outstanding Land Issues Chart.

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 Christian Island Indian Reserve No. 30 and Christian Island Indian Reserve No. 30A reserve lands to Beausoleil First Nation. Beausoleil First Nation will then begin managing and controlling its lands and natural resources under its Land Code.

Section 4 – Acceptance of Transfer of Land Administration

This section provides that Beausoleil 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 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 Beausoleil First Nation Land under these provisions and that Beausoleil First Nation shall commence governing Beausoleil First Nation Land pursuant to its Land Code.

Section 5- Operational Funding

This section outlines Canada's obligations to fund the Beausoleil First Nation as required by the Framework Agreement. On an annual basis, Canada shall provide Operational Funding in the amount of \$251,636 to the Beausoleil First Nation as indicated in "Annex A" in accordance with the Operational Funding Formula as amended from time to time.

In addition to Operational Funding, Beausoleil First Nation will also receive Transitional and Environmental Funding. Beausoleil First Nation 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 Beausoleil First Nation any moneys it holds in trust for the use and benefit of Beausoleil First Nation and any revenues it receives from reserve lands. Canada will transfer to Beausoleil First Nation the amount of \$48,065.31 that is currently held in the Beausoleil First Nation Revenue Account. 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, Beausoleil First Nation to notify any non-members who hold an interest in reserve land that management of reserve lands that will be transferred to Beausoleil First Nation and that Beausoleil First Nation 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 Beausoleil 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 "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 Beausoleil 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 Land Code.