



CHIPPEWAS OF KETTLE AND STONY POINT FIRST NATION INDIVIDUAL AGREEMENT SUMMARY

Members have a chance to vote on whether or not to take back the control and land management of reserve land from Indigenous and Northern Affairs Canada (INAC). If Members approve the *Land Code*, the land management sections of the *Indian Act* will no longer apply to First Nation land. The Chippewas of Kettle and Stony Point First Nation would take over land management. INAC would retain liability for their land management decisions that happened before the *Land Code*.

The Individual Agreement is an important part of the *Land Code* process. This is a government-to-government agreement between the Chippewas of Kettle and Stony Point First Nation and the federal government. The Individual Agreement sets out the specifics of the transfer of management of reserve lands from Canada to the Chippewas of Kettle and Stony Point First Nation if the Members approve the *Land Code*.

The Individual Agreement has 12 sections and 7 attached documents called Annexes.

Section 1 Interpretation

This section defines the terms used in the Agreement, including identifying Kettle Point Indian Reserve No.44 as the reserve land to which the *Land Code* will apply.

Section 2 Information Provided by Canada

This section sets out the information provided by Canada. This includes lists of interests (eg: CPs and leases) and known environmental issues on First Nation land. The list of interests are set out in Annex C and known environmental issues are set out in Annex D.

A Phase I Environmental Site Assessment (ESA) was conducted in 2006. An update was conducted in 2017 and it recommended a geophysical survey, underground storage tank removal and excavation program, and a Phase II ESA for the following sites of concern:

- Employment Centre
- Fire Station
- St. John's Anglican Church
- Kettle Point United Church
- Youth Centre
- Former Pump House
- R & R Marina
- Birch Pine Campground
- Al's Variety
- Kettle & Stony Point Gas & Convenience
- Residential areas

Section 3 Transfer of Land Administration

Canada will transfer the management and control of Kettle Point Indian Reserve No.44 reserve land to the Chippewas of Kettle and Stony Point First Nation. The Chippewas of Kettle and Stony Point First Nation will begin managing and controlling First Nation land and natural resources under the *Land Code*.



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Section 4 Acceptance of Transfer of Land Administration

This section states that the Chippewas of Kettle and Stony Point First Nation accepts the transfer of land administration and management from Canada. The land management sections of the *Indian Act* will no longer apply to First Nation land.

Section 5 Operational Funding

This section commits Canada to provide funding and resources for managing reserve lands. On an annual basis, Canada shall provide operational funding in the amount of \$317,386 to the Chippewas of Kettle and Stony Point First Nation as indicated in Annex A in accordance with the Operational Funding Formula as amended from time to time.

Canada will also provide transitional and environmental funding. The Chippewas of Kettle and Stony Point First Nation will receive one-time payments of \$75,000 for the first year and \$75,000 for the second year.

Section 6 Transfer of Revenues

This section requires Canada to transfer to the First Nation any land-related revenues it holds in trust (such as lease money from community lands). The approximate amount to be transferred is \$3,932.05 and the procedures for the transfer of funds are set out in Annex B.

Section 7 Notice to Third Parties of Transfer of Administration

If the Members approve the *Land Code* and the Individual Agreement, the First Nation must, within 30 days, notify all non-members who have a legal interest in First Nation (such as a lease or permit) and that the First Nation is taking over management of the lands from Canada.

Section 8 Interim Environmental Assessment Process

Until the Chippewas of Kettle and Stony Point 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.

Section 9 & 10 Amendments and Notices

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

Section 11 Dispute Resolution

This section confirms that the dispute resolution process from the *Framework Agreement* apply to any disputes between Canada and the Chippewas of Kettle and Stony Point First Nation regarding the Individual Agreement.

Section 12 Date of Coming into Force

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