

SHUSWAP INDIAN BAND INDIVIDUAL AGREEMENT

SUMMARY

Shuswap Indian Band is a First Nation 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 Indian Affairs. In order to do this each First Nation must enter into an Individual Agreement with the Department of Indian Affairs. This Individual Agreement sets out the specifics of the transfer of management of reserve lands from Canada to Shuswap Indian Band.

The Individual Agreement for Shuswap Indian Band is summarized as follows:

Section 1- Interpretation

This section defines the terms that are used in the Agreement, including identifying Shuswap Indian Band (as described in Annex G) as the reserve land that will be transferred.

Section 2- Information Provided by Canada

This section confirms that Canada has provided Shuswap Indian Band with all the information in its possession regarding dispositions of reserve lands, environmental issues on reserve lands and any similar information.

Land interests and Licenses are set out in Annex C.

The information collected during the Phase I Environmental Site Assessment (ESA) that was conducted in March 2013 is summarized in Annex D.

This section also includes any other information in Canada's possession that materially affects the interests and licenses of the Shuswap Indian Band as set out in Annex E.

Section 3- Transfer of Land Administration

This section transfers all of Canada's rights, obligations, powers and authorities in or under all previous interests or licenses affecting reserve lands to Shuswap Indian Band.

Section 4- Acceptance of Transfer of Land Administration

This section confirms that the Agreement is made in accordance with the *Framework Agreement on First Nations Land Management*. It also provides that Canada will transfer the management and control of Shuswap Indian Band reserve lands to Shuswap Indian Band on the effective date of the Agreement. Shuswap Indian Band will then begin managing and controlling its lands and natural resources under its Land Code. This section also acknowledges that the registered voters of Shuswap Indian Band must approve the agreement before it becomes effective.

Section 5- Operational Funding

This section obligates Canada to provide Shuswap Indian Band with funding and resources for managing reserve lands. The amount of funding is set out in Annex A. The amount of funding is determined by an interim funding formula that would give Shuswap Indian Band \$204,536.00 for the first and second fiscal year. The funding formula may be negotiated on a five-year basis in the future.

Section 6- Transfer of Revenues

This section obligates Canada to transfer to Shuswap Indian Band any moneys it holds in trust for the use and benefit of Shuswap Indian Band and any revenues it receives from reserve lands. 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 Shuswap Indian Band to notify any non-members who hold an interest in reserve land that management of reserve lands will be transferred to Shuswap Indian Band and that Shuswap Indian Band will collect the revenues from those interests in the future. This notice must be given within thirty days of ratification of the Land Code.

Section 8- Interim Environmental Assessment Process

This section provides that until a separate agreement on environmental assessment is agreed upon by the parties the environmental assessment of projects on Shuswap Indian Band shall be conducted as set out in Annex F.

Section 9- Amendments

This section provides that the Agreement may only be amended by agreement of the parties and any amendment must in writing and executed by authorized representatives of the parties.

Section 10- Notices Between the Parties

This section provides that any notice or other official communication under the Agreement must be in writing addressed to the party for whom it is intended and the

specified methods, i.e., personal delivery, registered mail or courier, facsimile or electronic mail. This section also contains the addresses of the parties to the Agreement.

Section 11- Dispute Resolution

This section provides that the dispute resolution provisions of the *Framework Agreement on First Nation Land Management* applies to any disputes between Canada and Shuswap Indian Band 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.

Annex A - Funding Provided by Canada

Annex B - Details for the Revenue Moneys Transfer

Annex C - List of Interests and Licenses granted by Canada

Annex D - List of all Existing Information in Canada's Possession Respecting any Actual or Potential Environmental Problems with the First Nation Lands

Annex E - List of other Material Information Provided by Canada that Materially Affects Interests and Licenses

Annex F - Interim Environmental Assessment Process

Annex G - Descriptions of Shuswap First Nation Land

