



## Penelakut Tribe Individual Agreement Summary

The *Framework Agreement on First Nation Land Management (Framework Agreement)* was negotiated in the early 1990s by 14 First Nations leaders from across Canada and the federal government. The purpose of the *Framework Agreement* is to empower First Nations to manage their reserve lands and resources according to their own laws if and when they are ready to do so. The *Framework Agreement* is now open to all First Nations in Canada. In February 2017, Penelakut Tribe became a signatory to the *Framework Agreement*.

For a First Nation to accept and ratify the *Framework Agreement*, they must develop a Land Code (or Tumuhw Code in our case) to replace the 44 sections of the Indian Act that deal with reserve lands management. Once developed, the Land Code is brought to the community for a vote. For Indigenous Services Canada to accept and ratify the *Framework Agreement*, parliament passed the *First Nation Lands Management Act* in June 1999.

Along with a Land Code, a First Nation community that has signed onto the *Framework Agreement* must also vote to approve an Individual Agreement on First Nation Land Management (“Individual Agreement”) between the First Nation and Canada. The purposes of the Individual Agreement are to identify:

- The reserve Lands to which the Land Code will apply;
- When the transfer of authority to manage the reserve lands will take place; and
- The amount of funding Canada will pay to Penelakut Tribe to manage the reserve Lands.

This document provides a summary of the Penelakut Tribe Individual Agreement.

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### SECTION 1 – INTERPRETATION

This section sets out definitions of the key terms used throughout the Individual Agreement, which includes identifying Penelakut Tribe Lands (as described in Annex “G”) as the reserve lands that will be transferred. These are:

- Tsussie IR No. 6
- Penelakut Island IR No. 7
- Tent Island IR No. 8
- Galiano Island IR No. 9



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### SECTION 2 – INFORMATION PROVIDED BY CANADA

This section confirms that Canada has provided Penelakut Tribe with all the information related to:

- Annex “C”: Any and all interests and licenses granted by Canada under the Indian Act (e.g. a permit for a power line);
  - Annex “D”: Any and all information about actual or potential environmental issues on Penelakut reserves. Annex “D” also confirms the findings from an Environmental Site Assessment (ESA) conducted during the Land Code development process. The purpose of the ESA is to document the conditions of Penelakut reserve lands before the Land Code takes effect; and
  - Annex “E”: Any and all information that could significantly affect any interests or licenses granted by the federal government.
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### SECTION 3 – TRANSFER OF LAND ADMINISTRATION

This section confirms that all of Canada’s rights, obligations, powers and authorities affecting the reserve lands are transferred to Penelakut Tribe.

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### SECTION 4 – ACCEPTANCE OF TRANSFER OF LAND ADMINISTRATION

This section confirms that Penelakut Tribe accepts the transfer of land administration and management from Canada and that the land management sections of the *Indian Act* no longer apply to Penelakut Tribe reserve land.

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### SECTION 5 – OPERATIONAL FUNDING

This section confirms that Canada will provide Penelakut Tribe with funding for administering and managing reserve lands.

This section refers to Annex “A” of the Individual Agreement which confirms the funding formula for determining the amount of annual operational funding Penelakut Tribe will be paid for lands management.

Annex “A” requires Canada to pay Penelakut Tribe:

- \$274,981.00 in the first year of operations (2019-2020)
  - \$277,730.00 in the second year of operations (2020-2021)
  - \$280,508.00 in the third year of operations (2021-2022)
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- \$283,313.00 in the fourth year of operations (2022-2023)

Annual payments for the years after year 4 will be determined by the funding formula negotiated with Canada.

Penelakut Tribe will be paid \$75,000.00 for the first year of operations and another \$75,000.00 in the second year of operations for transitional and environmental activities.

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### SECTION 6 – TRANSFER OF REVENUES

This section requires Canada to transfer any land-related money it holds in trust for Penelakut Tribe.

Annex “B” confirms that as of September 26<sup>th</sup>, 2019 Canada is holding \$63,603.43 in revenue moneys and \$170,428.09 in capital moneys that will be transferred to Penelakut Tribe within 30 days of the Land Code coming into effect.

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### SECTION 7 – NOTICE TO THIRD PARTIES OF TRANSFER OF ADMINISTRATION

This section requires Penelakut Tribe to notify all non-members that have a legal interest in the reserve lands about the Land Code if it is accepted by the community.

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### SECTION 8 – INTERIM ENVIRONMENTAL ASSESSMENT PROCESS

This section requires Penelakut Tribe to follow the federal environmental assessment process until we develop our own environmental assessment process under our Land Code.

The interim process is set out in Annex “F” of the Individual Agreement.

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### SECTION 9 – AMENDMENTS

This section confirms that our Individual Agreement can only be changed when Penelakut Tribe and Canada both agree to the changes. Any changes must be made in writing and signed by authorized representatives for the Tribe and Canada

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### SECTION 10 – NOTICES BETWEEN THE PARTIES

This section sets out the communication procedures and methods between Penelakut Tribe and Canada about the Individual Agreement. These communications methods include personal delivery, registered mail, courier, facsimile, or electronic mail.



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### **SECTION 11 – DISPUTE RESOLUTION**

This section confirms that any disputes between Penelakut Tribe and Canada about the Individual Agreement will be resolved using the process set out in in Part IX of the *Framework Agreement*.

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### **SECTION 12 – DATE OF COMING INTO FORCE**

This section confirms that the Individual Agreement and the Land Code will come into effect at the same time.

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**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 First Nations 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 Penelakut Tribe Land