

WEI WAI KUM FIRST NATION LAND CODE

INDIVIDUAL AGREEMENT SUMMARY

April 15, 2011

SUMMARY

Wei Wai Kum members have a chance to vote on whether or not to take over land management on Reserve from the Department of Indian Affairs. If Wei Wai Kum members approve the Land Code, the land management sections of the *Indian Act* will no longer apply to Wei Wai Kum Reserve lands. Wei Wai Kum would take over land management. Indian Affairs would retain liability for land management decisions prior to the Land Code.

The Individual Agreement is an important part of the Land Code process. This is an agreement between the federal government and Wei Wai Kum setting out the details of what will happen if Wei Wai Kum approves the Land Code. The Individual Agreement (“IA”) has 12 sections and 6 attached documents which are called “Annexes”. Here is a summary.

1. Interpretation

This section sets out definitions and confirms that words used in the Individual Agreement (“IA”) have the same meaning as set out in the documents which established the Land Code process for all First Nations in Canada: the *Framework Agreement* and *First Nations Land Management Act*.

2. Information provided by Canada

This section sets out the information provided by Canada. This includes lists of interests (such as CPs and leases) and known environmental issues on Wei Wai Kum Reserve lands.

3. Transfer of Land Administration

Section 3 states that Canada will transfer land administration and management to Wei Wai Kum and Wei Wai Kum will become responsible.

4. Acceptance of Transfer of Land Administration

Section 4 states that Wei Wai Kum accepts the transfer of land administration and management from Canada and that the land management sections of the *Indian Act* will no longer apply to Wei Wai Kum Reserve land.

5. Operational Funding

Section 5 commits Canada to provide operational funding so Wei Wai Kum can run its lands department and manage the lands. The initial funding amount of \$92,704.93 is set out in Annex ‘A’.

6. Transfer of Revenues

Section 6 requires Canada to transfer to Wei Wai Kum land-related revenues (such as lease money from community lands). As of June 5, 2009, Canada was holding \$118,703.38.

7. Notice to Other Persons

If the members vote in favour of the Land Code, Wei Wai Kum must within 30 days notify all non-members who have a legal interest in Reserve lands (such as a lease) that Wei Wai Kum is taking over management of the lands from Canada.

8. Interim Environmental Assessment Process

Section 8 states that Wei Wai Kum will follow the federal environmental assessment process until Wei Wai Kum and Canada develop one for Wei Wai Kum Reserves.

9. Amendments

Section 9 states that the Individual Agreement can be amended if it is done in writing by Canada and Wei Wai Kum.

10. Notices

This section just sets out how Canada and Wei Wai Kum will contact each other in the future for sending letters or notices.

11. Dispute Resolution

Section 11 confirms that the dispute resolution process from the *Framework Agreement* apply to Land Code disputes.

12. Date of Coming Into Force

The Individual Agreement will come into force on the same date as the Land Code.