

SUMMARY

HENVEY INLET FIRST NATION INDIVIDUAL AGREEMENT

Henvey Inlet First Nation is one of the First Nations in Canada that is party to the *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 the *FNLMA* allows First Nations to initiate the process 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 Henvey Inlet First Nation.

The Individual Agreement for Henvey Inlet First Nation is summarized as follows:

Section 1- Interpretation

This section defines some terms that are used in the Agreement.

Section 2- Information Provided by Canada

This section confirms that Canada has provided Henvey Inlet 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 2007 is summarized in “Annex D”. The environmental problems were identified in this report and an action plan for Phase II Environmental Site Assessment is also included.

Issues identified in the ESA Phase 1 are:

- Fire hall – ASTs and fuel pump
- Private Fuel Tanks – potential leaks and spills onto ground and impact soil and shallow groundwater
- Former Dump Site – Closure of landfill and hazards analysis of the uncontrolled waste disposal
- Former Gas Station – ASTs and underground piping
- Maintenance Garage at 276 Pickerel Road – oil staining on gravel floor of maintenance garage
- 1221 Pickerel Road – Testing required on remediated site of house fire that resulted in spill of approximately 450 litres of furnace fuel from an AST to surrounding soil
- Various uncontrolled dump sites – Clean up waste and debris and conduct soil/water sampling
- Gravel Pit Operation – Noted but no further work is recommended
- Non point sources of contamination – prepare strategy to minimize non-point source pollutants both on reserve and in-cooperation with off-reserve neighbours
- Septic Systems – complete inventory and inspection of the systems and develop remedial action plan to target problem areas.
- Former Sawmill and Logging Areas – oil and fuel spills from equipment maintenance and leachate from potential wood wastes
- Railway – Tie storage and possible slag and cinders in ballast

This section also addresses any outstanding issues that affect interests and licences outlined in a Chart attached as “Annex E” that Canada has to resolve.

Section 3- Transfer of Land Administration

This section provides that Canada will transfer all of Canada’s rights, obligations, powers and authorities in or under all previous interests or licenses affecting French River Indian Reserve # 13 to Henvey Inlet First Nation on the effective date of the Land Code. Henvey Inlet First Nation will have the power to manage its lands and natural resources under its Land Code on the effective date of the Land Code.

This section also states that Canada agrees to resolve those issues listed in the Outstanding Lands Issues Chart attached as “Annex E”. Henvey Inlet Reserve #2 is an outstanding lands issue that INAC must resolve.

Section 4- Acceptance of Transfer of Land Administration

This section provides that Henvey Inlet First Nation accepts for transfer from Canada the management and control of French River Indian Reserve # 13 to Henvey Inlet First Nation on the effective date of the Agreement. Henvey Inlet First Nation will then begin managing and controlling its lands and natural resources under its Land Code.

Section 5- Operational Funding

This section obligates Canada to provide Henvey Inlet First Nation 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. The funding formula is being reviewed and funding may be negotiated on a five-year basis in the future.

Section 6- Transfer of Revenues

This section obligates Canada to transfer to Henvey Inlet First Nation any moneys it holds in trust for the use and benefit of Henvey Inlet First Nation and any revenues it receives from Reserve lands for French River Indian Reserve #13. Canada will transfer to Henvey Inlet First Nation the amount of dollars that is currently held in the Henvey Inlet First Nation Revenue Account for French River Indian Reserve # 13. The procedures for the transfer of funds are set out in “Annex B”.

Once Henvey Inlet Indian Reserve #2 is added to the Land Code, the revenue from that Reserve will be transferred to Henvey Inlet First Nation.

Section 7- Notice to Third Parties of Transfer of Administration

This section requires Henvey Inlet First Nation to notify any non-members who hold an interest in Reserve land that management of Reserve lands will be transferred to Henvey Inlet First Nation and that Henvey Inlet First Nation will collect the revenues from those interests in the future. This notice must be given soon after the ratification of the Land Code.

Section 8- Interim Environmental Assessment Process

This section provides that until Henvey Inlet 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- Amendments

These sections briefly outline standard formalities regarding amendment of this Agreement, giving of formal notice and documentation.

Section 10- Notices Between the Parties

These sections provide that notices or communications under this Agreement must be in writing and addressed to the appropriate Parties in this Agreement, the Parties being Canada/INAC and Henvey Inlet First Nation.

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 Henvey Inlet 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. It also acknowledges that the eligible voters of Henvey Inlet First Nation must approve the Land Code and this Agreement before it becomes effective.