

SANDY BAY OJIBWAY FIRST NATION INDIVIDUAL AGREEMENT

SUMMARY

Sandy Bay Ojibway First Nation is one of the First Nations in Canada who is party to a *Framework Agreement on First Nation Land Management* (Framework Agreement). The federal government is also a party to the Framework Agreement and ratified it through the *First Nation Lands Management Act* (FNLMA) on June 17, 1999.

The Framework Agreement and FNLMA enable First Nations to take over management and administration of reserve lands from Indigenous Services Canada ("ISC").

In order to do this, each First Nation must enter into an Individual Agreement with the ISC.

In the case of the Naawi Oodena land ("Treaty One Lands"), this land will be set apart for the joint use and benefit of all 7 Treaty One First Nations, including Sandy Bay Ojibway First Nation.

It is important to note that the Individual Agreement will only apply to the Treaty One Lands that will be managed jointly by all 7 Treaty One First Nations and to no other reserve lands of Sandy Bay Ojibway First Nation.

The Individual Agreement's main purposes are to:

- set out the assumption by Sandy Bay Ojibway First Nation of its joint responsibility for the administration of the Treaty One Lands and provides for the specifics of the transfer of administration;
- sets out the level of operational funding to be provided to Sandy Bay Ojibway First Nation.

The Individual Agreement for Sandy Bay Ojibway First Nation is summarized as follows:

Section 1- Interpretation

This section defines the terms that are used in the Individual Agreement, including identifying the Naawi Oodena joint reserve lands as the reserve land that will be set apart for the joint use and benefit of the 7 Treaty One First Nations including Sandy Bay Ojibway First Nation, and be transferred. As with all reserve land including joint reserve land, title will remain with His Majesty the King in Right of Canada with joint use and occupation by the 7 Treaty One First Nations.

Section 2 - Information Provided by Canada

This section confirms that Canada has provided Sandy Bay Ojibway First Nation with all the information in its possession regarding the Treaty One Lands, including all interests and licences granted by Canada in or in relation to the Treaty One Lands that are recorded in the Reserve Land Register and the Surrendered and Designated Lands Register, all environmental issues respecting these lands and any similar information.

Section 3 - Transfer of Land Administration

This section provides that Canada will transfer the management and control of Treaty One Lands to the 7 Treaty One First Nations, which Sandy Bay Ojibway First Nation is a member of, on the effective date of the Individual Agreement in order for all 7 Treaty One First Nations, including Sandy Bay Ojibway First Nation to jointly manage the Treaty One Lands under the Treaty One Joint Reserve Land Code of Sandy Bay Ojibway First Nation and the Governance and Management Agreement dated September 22, 2022.

Sandy Bay Ojibway First Nation will then begin jointly managing and control joint reserve lands as well as the natural resources, under its Joint Reserve Land Code and the Governance and Management Agreement.

Section 4 – Acceptance of Transfer of Land Administration

This section confirms that Sandy Bay Ojibway First Nation accepts the transfer of land administration for the joint reserve land will be governed in accordance with the Joint Reserve Land Code and the Governance and Management Agreement.

This section also confirms that as of the date the Joint Reserve Land Code comes into force, the land management sections of the *Indian Act* as listed in section 21 of the Framework Agreement and section 38 of the FNLMA no longer apply and Canada retains no powers under these sections.

Section 5 – Operational Funding & Treaty One Designated Funds

This section obligates Canada to provide Sandy Bay Ojibway First Nation with operational funding and resources for managing the joint reserve land. The amount of operational funding is set out in “Annex A” of the Individual Agreement.

The Sandy Bay Ojibway First Nation acknowledges it has a one-seventh (1/7th) interest in the Treaty One Lands and agrees that it will transfer to the Treaty One Nations Inc. (or to another entity 100% owned by the Treaty One First Nations), in care of the Treaty One First Nation’s Treasury Board, all funds received under this Agreement earmarked by the parties for the Treaty One Lands (“Treaty One Designated Funds”), as soon as practicable following receipt of such funds.

Section 6 - No Transfer of Moneys

As the Treaty One Lands are 'new' jointly held Indian Reserve lands, there are no revenue or capital monies to be transferred under the Individual Agreement.

Section 7 – Notice to Third Parties of Transfer of Administration

This section requires that as soon as the approval vote of the Joint Reserve Land Code and the Individual Agreement by the members of Sandy Bay Ojibway First Nation, Sandy Bay Ojibway First Nation is required to give notice ("Notice of Transfer of Administration"), to each interest holder in relation to the Treaty One Lands, specially to those interest holders listed in Schedule "C". These interest holds are the City of Winnipeg, Centra Gas, and Manitoba Hydro.

Section 8 – Interim Environmental Assessment Process

This section provides that as of the date the Joint Reserve Land Code comes into force, the environmental assessment process set out in Annex "F" of the Individual Agreement will apply to projects on the joint reserve lands until environmental laws of the Treaty One First Nations are passed under the Joint Reserve Land Code.

Section 9 – Amendments

This section sets the process for amending the Individual Agreement.

- No amendments shall occur to this Agreement that will contradict the shared rights, privileges and interests of the other Treaty One First Nations.
- This Agreement may only be amended by agreement of the Parties in a manner consistent with and approved by the Treaty One First Nations under the terms of the Treaty One First Nation Governance and Management Agreement.
- Any amendment to this Agreement shall be in writing and executed by the duly authorized representatives of the Parties.

Section 10- Notices Between the Parties

Section 10 deals with the Sandy Bay Ojibway First Nation and Canada providing notice to each other with anything having to do with the Individual Agreement. Thus, any notice or other official communication under the Individual Agreement between Sandy Bay Ojibway First Nation and Canada must be in writing addressed to the Party for whom it is intended. The mailing address of Sandy Bay Ojibway First Nation and Canada are set out in this section as well.

Sections 11 - Dispute Resolution

This section provides that for the purposes of the Treaty One Lands, any disputes between Sandy Bay Ojibway First Nation and any of the other Treaty One First Nations, shall be governed by and resolved pursuant to the Treaty One First Nations Governance and Management Agreement.

This section also has a second section that provides that, for greater certainty, subject to the above noted section, only those disputes arising from the interpretation or application of the terms of this Agreement to the Sandy Bay Ojibway First Nation may be resolved in accordance with the Dispute Resolution provisions set out in Part IX of the Framework Agreement (sections 43-47 of Framework Agreement).

Section 12 - Date of Coming into Force

This section provides that the signing of the Individual Agreement alone does not bring the Joint Land Code into force, and that the Sandy Bay Ojibway First Nation is not an operational First Nation under the FNLMA until such time as the Joint Reserve Land Code comes into force in accordance with the provisions of the Joint Reserve Land Code, the Framework Agreement and the FNLMA.

This section further provides that Sandy Bay Ojibway First Nation acknowledges that the Joint Reserve Land Code will only come into force if all the Treaty One First Nations have voted in favour of their Joint Reserve Land Code and, where applicable, those Treaty One First Nations have approved the amendments to their existing Land Codes and existing Individual Agreements for the purposes of assuming their joint responsibility for the administration of the Treaty One Lands.