



FORT MCKAY
FIRST NATION

**INDIVIDUAL AGREEMENT BETWEEN FORT MCKAY
FIRST NATION AND CANADA
SUMMARY**



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FIRST NATION

SUMMARY – INDIVIDUAL AGREEMENT BETWEEN FORT MCKAY FIRST NATION AND CANADA

The Individual Agreement is the agreement that Fort McKay and Canada will sign to officially transfer control over Fort McKay's land to Fort McKay First Nation.

Section 1- Interpretation

- This section includes definitions for words that are used in the Agreement and identifies Fort McKay First Nation's 5 reserves as the reserve lands to which the Land Code will apply.

Section 2- Information provided by Canada

- This section says that Canada will provide Fort McKay with this information:
 - Lists of interests in Fort McKay reserve land such leases and permits; and
 - Results of the reserve wide ESA work and environmental work that is ongoing.

Section 3 - Transfer of Land Administration

- This section says that Canada will transfer the management and control of Fort McKay First Nation reserve lands to Fort McKay First Nation.

Section 4 – Acceptance of Transfer of Land Administration

- This section says that the land management provisions of the Indian Act no longer apply, specifically:
 - Canada no longer has any authority over the land
 - Fort McKay First Nation will start governing its reserve land pursuant to its Land Code.
- In this section Canada and Fort McKay agree:
 - That Canada will remain liable any damages or losses relating to the land that occurred before the Land Code comes into effect; and
 - Fort McKay First Nation will be liable for damages or losses after the Land Code comes into effect.

Section 5- Operational Funding

- In this section Canada is agreeing to provide a base amount of operational funding to Fort McKay First Nation.
- To help with the initial Land Code implementation Fort McKay First Nation will also receive payments of \$75,000 for the first and second year once the land code is operational.

Section 6- Transfer of Moneys

- In this section, Canada agrees to transfer to Fort McKay First Nation all the money that Canada is holding in Fort McKay First Nation's Indian Moneys accounts (capital and revenue).
- This section also confirms that Fort McKay First Nation will collect all land-related revenues and royalties (i.e., headlease payments from FMGOC) effective the date the Land Code comes into force.

Section 7- Notice to Third Parties of Transfer of Administration

- This section says that Fort McKay First Nation must give notice of the Land Code to any of the companies that have an interest in Fort McKay reserve land (i.e., lease holders such as Fort McKay Group of Companies).

Section 8- Interim Environmental Assessment Process

- In this section Fort McKay agrees that an environmental assessment that is similar to the federal Impact Assessment Act will be completed for certain projects on reserve land.
 - Once the land code is in place Fort McKay First Nation will establish its own environmental assessment law that will meet or beat the federal requirements.
 - This process does not apply to an oil sands project on Fort McKay 174C; the FMOS Regulation will apply.

Sections 9 and 10

- This section of the agreement says how amendments to the agreement will be made and how notices will be delivered to the parties.
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Section 11- Dispute Resolution

- This section says that the any disputes between Canada and Fort McKay First Nation regarding the Individual Agreement will be resolved using the dispute resolution options in the Framework Agreement on First Nation Land Management. This includes options such as negotiation, mediation, neutral evaluation, and arbitration.

Section 12- Date of Coming into Force

- This section says that the Individual Agreement will start to apply at the same time as the Land Code.