



Individual Agreement Summary

INTRODUCTION

Kitsumkalum members aged eighteen (18) and over will have an opportunity to vote on the Kitsumkalum Land Code and Individual Agreement with Canada.

The Individual Agreement deals with such matters as:

- identifying the reserve lands to be managed by Kitsumkalum,
- outlining the specifics of the transfer of the administration of land from Canada to Kitsumkalum,
- outlining the transitional and operational funding to be provided by Canada to Kitsumkalum.

This summary provides an overview and some important highlights from the Individual Agreement.

We encourage all members to take the time to read all of the information materials provided online and in the information package that will be mailed to all eligible voters.

You can find the full Individual Agreement, Kitsumkalum Land Code, Community Ratification Process (CRP) and lots of other relevant information on the website, at the band office, and at the lands department office.

Website link: <http://www.kitsumkalum.com/kitsumkalum-laxyuup/land-code/>

Note to Readers: Terms that are capitalized in this Summary refer to terms defined in the Individual Agreement with Canada.

Questions? Want more information?

Mag de Grace, Community and Land Code Planner

250-635-5000 ext.107

land.planner@kitsumkalum.bc.ca

www.kitsumkalum.com/kitsumkalum-laxyuup/land-code/

SECTION 1 – Interpretation

Section 1 sets out definitions of the key terms used throughout the Individual Agreement.

SECTION 2 – Information Provided by Canada

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

- a list of all the interests and licenses granted by Canada in or in relation to the Kitsumkalum First Nation Land;
- a list of all existing information in Canada's possession, respecting any actual or potential environmental problems with the Kitsumkalum First Nation Land; and
- a list of any other information in Canada's possession that materially affects the interests and licences.

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 Kitsumkalum.

SECTION 4 – Acceptance of Transfer of Land Administration

Section 4 confirms that Kitsumkalum accepts the transfer of land administration and management from Canada and that the land management sections of the *Indian Act* no longer apply to Kitsumkalum reserve land.

SECTION 5 – Operational Funding

This section confirms that Canada will provide Kitsumkalum with funding for administering and managing reserve lands as outlined in Figure 1.

Figure 1.

OPERATIONAL FUNDING*	
2019-2020 Fiscal Year	\$274,981.00** and \$75,000.00 - One time Transitional Funding
2020-2021 Fiscal Year	\$277,730.00 and \$75,000.00 - One time Transitional Funding
2021-2022	\$280,508.00
2022-2023	\$283,313.00
Subsequent Fiscal Year(s)	Operational Funding will be calculated and paid each Fiscal Year based on the Operational Funding Formula as amended from time to time.

* Operational Funding will increase 1% annually over the term of a Memorandum of Understanding on Funding.

** This amount shall be prorated based on the number of months from the date the Land Code comes into force to the end of the Fiscal Year, and the Nation shall be paid the prorated amount for that year.

SECTION 6 – Transfer of Revenues

Section 6 requires Canada to transfer any land-related money it holds in trust for Kitsumkalum and confirms the details for the revenue and capital moneys transfer.

As of June 13, 2019 Canada is holding \$834,648.28 of revenue moneys and \$720,647.85 of capital moneys that will be transferred to Kitsumkalum within thirty (30) days of the Land Code coming into effect.

SECTION 7 – Notice to Third Parties of Transfer of Administration

This section requires Kitsumkalum to notify all non-members that have a legal interest in Kitsumkalum reserve lands of a newly enacted Land Code.

SECTION 8 – Interim Environmental Assessment Process

This section requires Kitsumkalum to follow the federal environmental assessment process until the time we develop our own laws in relation to environmental assessments.

SECTION 9 – Amendments

Section 9 confirms that the Individual Agreement can only be changed when Kitsumkalum and Canada both agree to the changes. Any changes must be made in writing and signed by authorized representatives for Kitsumkalum and Canada.

SECTION 10 – Notices Between the Parties

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

SECTION 11 – Dispute Resolution

This section confirms that any disputes between Kitsumkalum and Canada about the Individual Agreement will be resolved using the process set out in in Part IX of the *Framework Agreement on First Nations Land Management*.

SECTION 12 – Date of Coming into Force

Section 12 confirms the date which the Individual Agreement and the Land Code will come into effect.

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 Kitsumkalum First Nation Land