

# HIAWATHA FIRST NATION INDIVIDUAL AGREEMENT

## EXECUTIVE SUMMARY

Hiawatha First Nation is one of a number of 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 agreement and ratified it through the *First Nation Lands Management Act* on June 17, 1999.

The Agreement and legislation enable these First Nations to take over management and administration of their reserve lands from the Department of Indigenous and Northern Affairs Canada. In order to do this each First Nation must enter into an Individual Agreement with the Department of Indigenous and Northern Affairs Canada. This Individual Agreement sets out the specifics of the transfer of management of reserve lands from Canada to Hiawatha First Nation.

The Individual Agreement has 12 sections and 7 attached documents which are called “Annexes” and is summarized as follows:

### **Section 1- Interpretation**

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This section defines the terms that are used in the Agreement, including identifying Hiawatha First Nation as the reserve lands to which the *Land Code* will apply.

### **Section 2- Information provided by Canada**

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This section sets out the information provided by Canada. This includes lists of interests (such as CPs and leases) and known environmental issues on the First Nation’s Reserve lands. The lists of interests are set out in Annex ‘C’ and known environmental issues are set out in Annex ‘D’.

A list and copies of any other information in Canada’s possession that materially affects the interests and licences will be listed in “Annex E”.

### **Section 3 - Transfer of Land Administration**

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As of the date the *Land Code* comes into force, Canada will transfer the management and control of Hiawatha First Nation reserve lands to Hiawatha First Nation. Hiawatha First Nation will then begin managing and controlling its lands and natural resources under its *Land Code*.

### **Section 4 – Acceptance of Transfer of Land Administration**

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As of the date the *Land Code* comes into force, the land management provisions of the *Indian Act*, as listed in the *Framework Agreement* cease to apply and Canada retains no powers and obligations in relation to Hiawatha First Nation Land under these provisions. Hiawatha First Nation shall commence governing its First Nation Land pursuant to its *Land Code*.

Note: Canada will remain liable for and will indemnify a First Nation for losses suffered as a result of any act or omission by Canada, or its agents, that occurred before the *Land Code* comes into effect.

## **Section 5- Operational Funding**

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This section outlines Canada's obligations to fund the Hiawatha First Nation as required by the *Framework Agreement*. Canada shall provide Operational Funding in the amount of \$280,508 with an annual increase of 1%, to the Hiawatha First Nation as indicated in "Annex A" in accordance with the Operational Funding Formula as amended from time to time.

In addition to Operational Funding, Hiawatha First Nation will also receive Transitional and Environmental Funding. Hiawatha First Nation will receive one-time payments of \$75,000 for the first fiscal year and \$75,000 for the second fiscal year.

## **Section 6- Transfer of Moneys**

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This section obligates Canada to transfer to Hiawatha First Nation any moneys it holds in trust for the use and benefit of Hiawatha First Nation and any revenues it receives from reserve lands. Canada will transfer to Hiawatha First Nation the amount of \$247,332.78 that is currently held in the Hiawatha First Nation Revenue Account and \$12,870.15 that is currently held in the Hiawatha First Nation Capital Account. The procedures for the transfer of funds are set out in "Annex B".

## **Section 7- Notice to Third Parties of Transfer of Administration**

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Immediately following the approval of the *Land Code* and the Individual Agreement by the members, Hiawatha First Nation is to notify any non-members who hold an interest in reserve land that management of reserve lands that will be transferred to Hiawatha First Nation and that Hiawatha First Nation will collect the revenues from those interests effective the date the *Land Code* comes into force.

## **Section 8- Interim Environmental Assessment Process**

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Until Hiawatha 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 "Annex F".

## **Sections 9 and 10**

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These are standard formalities regarding amendment of the agreement, giving of formal notice and documentation.

## **Section 11- Dispute Resolution**

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The dispute resolution provisions of the *Framework Agreement* apply to any disputes between Canada and Hiawatha First Nation regarding the Individual Agreement.

## **Section 12- Date of Coming into Force**

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The Individual Agreement comes into force at the same time as the *Land Code*.