



# Lytton First Nation TemEewuh na Ta hheeymOt (Land Code) Ratification Vote

## Individual Agreement Summary

### History

In the early 1990s, 13 First Nations from across Canada negotiated the Framework Agreement with the federal government. The original purpose of the Framework Agreement was to allow these communities to manage their reserve lands and resources according to their own laws. The Framework Agreement is now open to all First Nations in Canada. In November 2017, Lytton First Nation signed the *Framework Agreement on First Nation Land Management*, as amended (“Framework Agreement”).

In 1999, Canada ratified its commitment to the Framework Agreement on First Nation Land Management through the *First Nation Land Management Act*. In 2022, the Act was repealed and replaced by the *Framework Agreement on First Nation Land Management Act*.

For the Framework Agreement to take full effect, a First Nation must develop a Land Code to replace the 44 land-related sections of the *Indian Act*. Once developed, the Land Code must be approved by the community members in a ratification vote.

Along with a Land Code, a First Nation must also negotiate an Individual Agreement with Canada. The main purpose of the Individual Agreement is to:

- identify the reserve lands to which the Land Code will apply;
- set out the details of transferring authority from Canada to a First Nation to manage the reserve lands; and
- identify the amount of funding that Canada will be required to pay a First Nation for the management of its own reserve lands.

The Individual Agreement between Lytton First Nation and Canada must be voted on at the same time as the Land Code.

This document provides a summary of the Lytton First Nation Individual Agreement with Canada.

### Section 1- Interpretation

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

### Section 2- Information provided by Canada

This section confirms that Canada has provided Lytton First Nation with all the information in its possession regarding interests and licences on reserve lands, environmental issues on reserve lands and any similar information.

Land interests and licences are set out in “Annex C”.

Summary of Individual Agreement (September 2023)

The information collected during the Phase I Environmental Site Assessments (ESA) for each Lytton First Nation Reserve is summarized 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

This section provides that as of the date the Land Code comes into force, Canada will transfer the management and control of the following reserve lands to Lytton First Nation:

Nanahout Indian Reserve No. 1 (07304), Nuuautin Indian Reserve No. 2 (07305), Nuuautin Indian Reserve No. 2A (07306), Nuuautin Indian Reserve No. 2B (07307), Spintlum Flat Indian Reserve No. 3 (07308), Lytton Indian Reserve No. 3A (07309), Nickel Palm Indian Reserve No. 4 (07310), Lytton Indian Reserve No. 4A (07311), Lytton Indian Reserve No. 4B (07312), Lytton Indian Reserve No. 4C (07313), Lytton Indian Reserve No. 4D (07314), Lytton Indian Reserve No. 4E (07315), Lytton Indian Reserve No. 4F (07316), Seah Indian Reserve No. 5 (07317), Lytton Indian Reserve No. 5A (07318), Nesikep Indian Reserve No. 6 (07319), Nesikep Indian Reserve No. 6A (07320), Fish Lake Indian Reserve No. 7 (07322), Maka Indian Reserve No. 8 (07323), Stryen Indian Reserve No. 9 (07324), Lytton Indian Reserve No. 9A (07325), Lytton Indian Reserve No. 9B (07326), Nkaih Indian Reserve No. 10 (07327), Yawaucht Indian Reserve No. 11 (07328), Tsaukan Indian Reserve No. 12 (07329), Cameron Bar Indian Reserve No. 13 (07330), Lytton Indian Reserve No. 13A (07331), Halhalaeden Indian Reserve No. 14 (07332), Halhalaeden Indian Reserve No. 14A (07333), Boothahnie Indian Reserve No. 15 (07334), Two Mile Creek Indian Reserve No. 16 (07335), Two Mile Creek Indian Reserve No. 16A (08351), Klakhkamich Indian Reserve No. 17 (07336), Klickkumcheen Indian Reserve No. 18 (07337), Nocten Indian Reserve No. 19 (07338), Kitzowit Indian Reserve No. 20 (07339), Inkluckcheen Indian Reserve No. 21 (07340), Lytton Indian Reserve No. 21A (08352), Inkluckcheen Indian Reserve No. 21B (08362), Kleetlekut Indian Reserve No. 22 (07341), Kleetlekut Indian Reserve No. 22A (07342), Tuckozap Indian Reserve No. 24 (07344), Nickeyeah Indian Reserve No. 25 (07345), Skwayaynope Indian Reserve No. 26 (07346), Lytton Indian Reserve No. 26A (07347), Papyum Indian Reserve No. 27 (07348), Papyum Indian Reserve No. 27A (07349), Lytton Indian Reserve No. 27B (07350), Papyum Graveyard Indian Reserve No. 27C (07351), Lytton Indian Reserve No. 31 (07352), Lytton Indian Reserve No. 32 (07353), Lytton Indian Reserve No. 33 (07354) and Ngwyu’yemc Indian Reserve No. 36 (09668)

The Land Description Reports are listed in “Annex G” of the Individual Agreement.

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

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 Lytton First Nation Land under these provisions; Lytton First Nation will commence governing Lytton First Nation Land pursuant to its Land Code.

**Note:** Canada will remain liable 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**

This section outlines Canada's obligations to fund the Lytton First Nation. On an annual basis, Canada will provide Operational Funding in the amount of \$283,313.00 to Lytton First Nation as indicated in "Annex A" and in accordance with the Operational Funding Formula as amended from time to time.

In addition to Operational Funding, Lytton First Nation will also receive Transitional and Environmental Funding. Lytton First Nation will receive \$75,000 for the first and second fiscal year after ratifying the Land Code.

## **Section 6- Transfer of Revenues**

This section requires Canada to transfer any land-related money it holds in trust to Lytton First Nation.

Annex "B" confirms that as of August 2023 Canada is holding \$1,033,491 in revenue moneys and \$520,238 in capital moneys that will be transferred to Lytton First Nation within 30 days of the Land Code coming into effect.

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

This section requires that Lytton First Nation notify any non-members who hold a legal interest in reserve land that management of reserve lands will be transferred to Lytton First Nation and that Lytton First Nation will collect the revenues from those interests effective the date the Land Code comes into force.

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

This section requires Lytton First Nation to follow an interim environmental assessment process until Lytton First Nation develops our own environmental assessment process under our Land Code.

The interim process is set out in "Annex F" of the Individual Agreement.

## **Section 9 – Amendments**

This section confirms that our Individual Agreement can only be changed when Lytton First Nation and Canada both agree to the changes. Any changes must be made in writing and signed by authorized representatives of Lytton First Nation and Canada.

## **Section 10 – Notice Between the Parties**

This section sets out the communication procedures and methods between Lytton First Nation and Canada about the Individual Agreement.

### **Section 11- Dispute Resolution**

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

### **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.