

Semiahmoo First Nation Individual Agreement

The following is a summary of the key points of the *Semiahmoo First Nation Individual Agreement* (the “*Individual Agreement*”) with Canada for convenience and does not represent the text in its entirety. Please refer to the document itself for full terms and conditions, including relevant time limits. Full copies of the *Land Code* can be picked up at the at the Band Office or at <https://www.semiahmoolandcode.com> :

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Hours: Monday–Friday, 9am–5pm
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Summary of Key Points

History

In the early 1990s, 13 First Nations from across Canada negotiated the *Framework Agreement on First Nation Land Management* (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 March 2024, Semiahmoo First Nation signed the *Framework Agreement*, as amended.

In 1999, Canada ratified its commitment to the *Framework Agreement* 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 In 2022, the Act was repealed and replaced by the *Framework Agreement on First Nation Land Management Act*.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 the transfer of authority to manage the reserve lands, and identify funding requirements of Canada. The *Individual Agreement* between Semiahmoo First Nation and Canada must be voted on at the same time as the *Semiahmoo First Nation Land Code* (the “*Land Code*”).

Section 1 – Interpretation: This section defines the terms used in the *Individual Agreement*.

Section 2 - Information provided by Canada: This section confirms that Canada has provided Semiahmoo First Nation with all the information in its possession regarding dispositions of reserve lands, environmental issues on reserve lands, and any similar information. Land interests and dispositions, environmental assessment information, and a list and copies of any other relevant information are provided each referenced Annex.

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 reserve lands to Semiahmoo First Nation.

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 Semiahmoo First Nation Land under these provisions. Semiahmoo First Nation will commence governing Semiahmoo Land pursuant to its *Land Code*.

Section 5 - Operational Funding: This section outlines Canada's obligations to fund the Semiahmoo First Nation. On an annual basis, Canada will provide Operational Funding in the amount of \$355,718 in the first fiscal year to Semiahmoo 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, Semiahmoo will also receive Transitional and Environmental Funding. Semiahmoo First Nation will receive \$100,000 in each of the first and second fiscal years after ratification.

Section 6 - Transfer of Moneys: This section requires Canada to transfer any land-related money it holds in trust to Semiahmoo First Nation. Annex "B" confirms that as of March 2025 Canada is holding \$10,918.88 in revenue moneys and \$2,843.06 in capital moneys that will be transferred to Semiahmoo 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 Semiahmoo First Nation notify any non-members who hold a legal interest in reserve land that management of reserve lands will be transferred to Semiahmoo First Nation and that Semiahmoo 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 Semiahmoo First Nation to follow an interim environmental assessment process until they develop their own environmental assessment process under their *Land Code*. The interim process is set out in "Annex F" of the *Individual Agreement*.

Section 9 – Amendments: This section confirms that the *Individual Agreement* can only be changed when Semiahmoo First Nation and Canada both agree to the changes. Any changes must be made in writing and signed by authorized representatives of Semiahmoo First Nation and Canada.

Section 10 – Notices Between the Parties: This section sets out the communication procedures and methods between Semiahmoo First Nation and Canada about the *Individual Agreement*.

Section 11- Dispute Resolution: This section confirms that any disputes between Semiahmoo 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*.