



INDIVIDUAL AGREEMENT SUMMARY

Introduction

Montreal Lake Cree Nation is one of a number of First Nations (FN) in Canada who is a party to the *Framework Agreement on First Nation Land Management (Framework Agreement)*. The federal government is also a party to the agreement and ratified it through the *Framework Agreement on First Nation Lands Management Act, S.C. 2022, c.19, s.121*.

The *Framework Agreement* and legislation enables a FN to govern their own land and resources through their own First Nation Land Code. Also, an Individual Agreement is developed which explains how the transfer of control to the First Nation Land Code will happen.

The Individual Agreement for Montreal Lake Cree Nation is summarized as follows:

Section 1 – Interpretation

This section defines the terms that are used in the Individual Agreement, including identifying the reserve lands that the Land Code will apply to.

Description of Montreal Lake Cree Nation Land

This section identifies the lands that are subject to this Individual Agreement:

- a) Land Description for Montreal Lake Cree Nation Reserve No.106 dated August 25, 2022, as approved by Roberta Holtner ALS, CLS, P.Eng. Surveyor General Branch, Natural Resources Canada.
- b) Land Description for Montreal Lake Cree Nation Reserve No. 106B, dated March 29, 2023, as approved by Roberta Holtner ALS, CLS, P.Eng. Surveyor General Branch, Natural Resources Canada.

Section 2 – Information Provided by Canada

This section confirms that Canada has provided Montreal Lake Cree 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 are set out in “Annex C”.

The information collected during the Phase I Environmental Site Assessment (ESA) that was completed on April 19, 2023 is summarized in “Annex D”. *OPTIONAL TO HIGHLIGHT PARTICULAR ITEMS OF INTEREST (example from the P1ESA or Action Plan for Phase II Environmental Site Assessment):*

List of Areas of Potential Environmental Concern

Executive Summary

Montreal Lake Cree Nation (MLCN, Montreal Lake, the First Nation) retained PINTER & Associates Ltd. (PINTER) to carry out a Phase I Environmental Site Assessment (ESA) of the Montreal Lake Cree Nation lands including the following:

- Montreal Lake Reserve #106
- Montreal Lake Reserve #106B

The purpose of the Phase I ESA was to identify areas of potential environmental concern (APEC) and actual areas of concern (AEC) resulting from historical and current land use on the Reserve. Montreal Lake Cree Nation Reserve lands are located through the northern portion of Saskatchewan. Currently, the total combined area of the Reserve land #106 and #106 B is approximately 8,289 hectares (ha). This Phase I ESA pertains to all Reserve lands listed above. Site inspections took place between 06 June and 10 June 2022. Additional site inspections took place on 15 June 2022. The findings of this report are subject to the temporal scope of the visual assessment and field inspection. The site conditions and level of contamination on-site may have changed at any time outside of the timeframe of this assessment.

After completion of the background document review, site inspections, interviews, and desktop analysis of field findings, a total of one AEC and seventeen APECs were identified on Montreal Lake Cree Nation #106 and #106 B for follow-up assessment. AECs and APECs requiring further investigation are presented in the following summary Table A. All identified potential and/or actual contamination are presented in the table for consideration.

Table A – APEC/AEC Summary Table

Site ID	Reserve	Site Description and Coordinates (Lat/Long)	Figure	Risk	Recommended Action
APEC1	#106	Nick Bird Memorial Building, Housing & Public Works and Sawmill (54.045002, -105.758973)	4D	Potential petroleum hydrocarbon contamination due to spilled fluids.	Phase II ESA with drill rig to collect soil and groundwater samples.
APEC2	#106	House 1612 (54.049361, -105.788291)	4C	Potential petroleum hydrocarbon, metals, and glycol contamination due to significant volume of salvaged vehicles.	Phase II ESA with drill rig to collect soil and groundwater samples.
APEC3	#106	MLCN Landfill (54.060857, -105.818087)	4B	Potential metals, salt, nutrient, VOC, PAH, dioxin and furan, and petroleum hydrocarbon contamination due to landfilling practices.	Phase II ESA with drill rig to collect soil and groundwater samples. Test-pitting to determine landfill footprint.
APEC4	#106	Former Landfill (54.047833, -105.802498)	4C	Potential metals, salt, nutrient, VOC, PAH, dioxin and furan, and petroleum hydrocarbon contamination due to landfilling practices.	Phase II ESA with drill rig to collect soil and groundwater samples. Test-pitting to determine landfill footprint.
APEC5	#106	Dumpsite West of Siding Hill (54.013244, -105.756166)	4F	Potential petroleum hydrocarbon contamination due to spilled fluids.	Remove waste. Phase II ESA with hand augured soil samples.
APEC6	#106	Dumpsite West of Siding Hill (54.013493, -105.755591)	4F	Potential petroleum hydrocarbon contamination due to spilled fluids.	Remove waste. Phase II ESA with hand augured soil samples.
APEC7	#106	Dumpsite West of Siding Hill (54.013611, -105.755325)	4F	Potential petroleum hydrocarbon contamination due to spilled fluids.	Remove waste. Phase II ESA with hand augured soil samples.
APEC8	#106	Dumpsite West of Siding Hill (54.014322, -105.754466)	4F	Potential petroleum hydrocarbon contamination due to spilled fluids.	Remove waste. Phase II ESA with hand augured soil samples.

Site ID	Reserve	Site Description and Coordinates (Lat/Long)	Figure	Risk	Recommended Action
APEC9	#106	Dumpsite West of Siding Hill (54.014458, -105.753834)	4F	Potential petroleum hydrocarbon contamination due to spilled fluids.	Remove waste. Phase II ESA with hand augured soil samples.
APEC10	#106	Sawmill (54.044717, -105.757528)	4D	Potential dioxins and furans, and PAH contamination due to burned materials.	Phase II ESA with hand augured soil samples.
APEC11	#106	Old Church (54.045342, -105.799551)	4C	Potential dioxin and furan, and PAH contamination due to burned materials.	Phase II ESA with hand augured soil samples.
APEC12	#106	House 2406 (54.040711, -105.770285)	4D	Potential dioxin and furan, and PAH contamination due to burned materials.	Phase II ESA with hand augured soil samples.
APEC13	#106	Main Lagoon (54.059217, -105.790457)	4C	Potential contamination due to cracked dumping structure.	Phase II ESA with drill rig to collect soil and groundwater samples.
APEC14	#106B	Public Works/Former Rafter Plant (53.531605, -105.994319)	5	Potential petroleum hydrocarbon contamination due to spilled fluids.	Phase II ESA with drill rig to collect soil and groundwater samples.
APEC15	#106B	Little Red Store (53.525761, -105.995451)	5	Potential petroleum hydrocarbon contamination due to spilled fuel.	Phase II ESA with drill rig to collect soil and groundwater samples.
AEC1	#106B	Little Red Landfill (53.530162, -105.969802)	5	Actual groundwater contamination due to landfilling of waste.	Continued groundwater monitoring program. Develop Corrective Action Plan.
APEC16	#106B	House 4005 (53.528855, -105.986599)	5	Potential dioxin and furan, and PAH contamination due to burned materials.	Phase II ESA with hand augured soil samples.
APEC17	#106B	Community Lagoon (53.532181, -105.97255)	5	Potential contamination due to poor condition of loading area.	Phase II ESA with drill rig to collect soil and groundwater samples.

The following is a list with the types of potential and actual contaminated sites identified in the Phase I ESA for follow-up consideration:

- Current fuel storage and distribution sites (FS)
- Waste disposal sites/landfills (DS)
- Waste burning sites (WB)
- Automotive storage (AS)
- Health and Safety Concerns (HS)

Numerous auto salvage sites were identified during this assessment. However, the degree of environmental concern surrounding the collection and long-term storage of vehicles is subject to several factors. These factors may include but are not limited to, the number of vehicles present on-site, the state and condition of the vehicles, whether the vehicles have had fluids drained and batteries removed, and if there is any visual indication of staining on the ground beneath or around the vehicles.

MLCN Reserves #106 and #106B have been designated for oil and gas purposes at different times and under different orders according to Indian Oil and Gas Canada (IOGC). However, IOGC confirmed that there has never been any oil and/or gas activity on MLCN lands to date.

General Environmental Management Considerations and Special Attention Items

In addition to the specific AEC and APECs identified in this assessment, there are several environmental management issues and special attention items that may affect the environment or human health and safety present within any community. If not properly managed, items listed below could lead to contamination. The following is a list of considerations and best practices that may be employed by the First Nation into the future.

- Several residents expressed concern over mould and water damage within their homes, including flooding in their basements and crawl spaces. Water and mould-affected materials should be identified and should be removed and replaced. The source of moisture should also be determined and repaired.
- Buildings on the Reserve may contain equipment that contains ozone-depleting substances. Equipment in a state of disrepair should be taken out of service and disposed of in a manner that is consistent with the Federal Halocarbon Regulations (2022).

- Due to the unknown ages of the Band Office, Daycare, Firehall, and School Storage buildings on #106, and the Daycare, Preschool, Community Rec Centre, and Youth Centre buildings on #106B, there is a potential that these buildings contain lead-based paint, urea formaldehyde foam insulation (UFFI), asbestos, and polychlorinated biphenyls (PCBs). Proper management and disposal procedures are required to ensure that the above-listed materials are handled appropriately if encountered during maintenance and renovation activities.
- Special management issues (SMI) identified on MLCN are generally residences or sites that have accumulations of garbage and debris, however there are no environmental concerns or staining associated with the accumulated materials. The materials could however be viewed as unsightly. Thirty-nine SMI sites were identified on #106 and thirty-one SMI sites were observed on #106B.
- Health and safety concerns (HS) identified on MLCN are residences or sites that have visible ground staining attributable to minor leaks or spills from fuel storage, vehicles, vehicle maintenance, and garbage and debris that contains automotive fluids or parts. These sites are a low environmental risk but could become an environmental concern if chronic spills/leaks occur. Nineteen HS sites were identified on #106 and fourteen HS sites were identified on #106B.
- Spill kits and appropriate training should be available to staff at all fuel storage locations such as the Ne-He-Thow Store and the Little Red Store to help manage potential fuel releases.
- Improved fluid management practices should be developed for all locations where vehicles are being stored in an unused condition or for long periods of time. This includes removing all anti-freeze, hydraulic oil, engine oil, fuel, and batteries for disposal at an approved location off-reserve.

Section 3 – Transfer of Land Management

This section provides that Canada will transfer the management and control of reserve lands to Montreal Lake Cree Nation on the effective date of the Individual Agreement.

Montreal Lake Cree Nation will assume management and control of the reserve lands and natural resources under its Land Code.

Section 4 – Transfer of Rights

This section transfers all of Canada's rights, obligations, powers and authorities in or under all previous interests or licenses affecting reserve lands to Montreal Lake Cree Nation. Canada confirms that it no longer has authority over the lands being included in the land code.

It also says that Canada and Montreal Lake agree: That Canada will remain liable any damages or losses relating to the land that occurred before the Land Code comes into effect; and Montreal Lake Cree Nation will be liable for damages or losses after the Land Code comes into effect.

Section 5 – Operational Funding

This section obligates Canada to provide Montreal Lake Cree Nation with funding and resources for managing reserve lands. The amount of funding is set out in "Annex A". MLCN will fall into category 1 for funding - \$348, 744.00 1st year with 2% increases for the following 4 years. The First Nation will also receive \$100,000 per year for the first years as transitional funding.

Section 6 – Transfer of Revenues

This section obligates Canada to transfer to Montreal Lake Cree Nation, any monies that it holds in trust for the use and benefit of Montreal Lake Cree Nation and any revenues it receives from Montreal Lake reserve lands. Canada will transfer to Montreal Lake Cree Nation the amount of \$_____ that is currently held in the Revenue Account and \$0 that is currently held in the Capital Account. The procedures for the transfer of funds are set out in "Annex B".

Section 7 – Notice to Other Persons

This section requires Montreal Lake Cree Nation to notify any non-members who hold an interest in Montreal Lake reserve land, that management of the reserve lands will be transferred to Montreal Lake Cree Nation who will collect the revenues from those interests in the future. This notice must be given within thirty days of the ratification of the Land Code, with a copy provided to Canada.

Section 8 – Interim Environmental Assessment Process

This section provides that until Montreal Lake Cree Nation establishes its own Environmental Assessment process, the procedure for Environmental Assessments will be determined as set out in “Annex F”.

Sections 9 and 10 – Amendments and Notices Between the Parties

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

Section 11 – Dispute Resolution

This section provides that the dispute resolution provisions of the *Framework Agreement* apply to any disputes between Canada and Montreal Lake Cree Nation regarding the Individual Agreement.

Section 12 – Date of Coming into Force

This section provides that the Individual Agreement comes into force at the same time as the Montreal Lake Cree Nation Land Code.

There are seven (7) Annex’s attached to the Agreement and they include:

ANNEX "A" – Funding provided by Canada;

ANNEX "B" – Details of the Transfer of Moneys;

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 the First Nation 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" - Description of Montreal Lake Cree Nation Land

**FOR A FULL VERSION OF THE INDIVIDUAL AGREEMENT,
PLEASE CONTACT THE LANDS OFFICE AT 1(306) 663-5349**

BY EMAIL AT: jballantyne@mlcn.ca OR VISIT OUR WEBSITE AT www.mlc.ca