

INDIVIDUAL AGREEMENT
ON
FIRST NATION LAND MANAGEMENT

BETWEEN

LAC SEUL FIRST NATION

AND

HIS MAJESTY THE KING IN RIGHT OF CANADA

July 11, 2023
(date for reference purposes)

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THIS AGREEMENT made this ____ day of _____, 20__.

**INDIVIDUAL AGREEMENT
ON
FIRST NATION LAND MANAGEMENT**

BETWEEN:

LAC SEUL FIRST NATION, as represented by their Chief and Council
(hereinafter called the "Lac Seul First Nation" or the "First Nation")

AND

HIS MAJESTY THE KING IN RIGHT OF CANADA, (hereinafter called
"Canada") as represented by the Minister of Indigenous Services
(hereinafter called the "Minister")

(the "Parties")

WHEREAS Canada and 13 First Nations signed the Framework Agreement on First Nation Land Management (the "Framework Agreement") on February 12, 1996 in relation to the management by those First Nations of their lands, and other First Nations have signed the Framework Agreement after that date;

AND WHEREAS the *Framework Agreement on First Nation Land Management Act* (the "Act") provides that the Framework Agreement has the force of law;

AND WHEREAS the First Nation has been added as a signatory to the Framework Agreement by an adhesion signed by the First Nation on April 3, 2019;

AND WHEREAS the First Nation and Canada wish to provide for the assumption by the First Nation of responsibility for the administration of Lac Seul First Nation Land in accordance with the Framework Agreement and the Act;

AND WHEREAS clause 6.1 of the Framework Agreement requires the First Nation and the Minister to enter into an individual agreement for the purpose of providing for the specifics of the transfer of administration;

AND WHEREAS clause 6.1 of the Framework Agreement further requires that the individual agreement settle the actual level of operational funding to be provided to the First Nation;

NOW THEREFORE, in consideration of the exchange of promises contained in this Agreement and subject to its terms and conditions, the Parties agree as follows:

1. INTERPRETATION

1.1 In this Agreement,

"Act" means the *Framework Agreement on First Nation Land Management Act*, as amended;

"this Agreement" means this Individual Agreement on First Nation Land Management, including the Annexes attached hereto, and any documents incorporated by reference, all as amended from time to time;

"Lac Seul First Nation Land" means the land to which the Land Code will apply and more specifically means the reserve known as Lac Seul No. 28 as described in the Land Description Report referred to in Annex "G" and includes all the interests in and resources of the land that are within the legislative authority of Parliament;

"Fiscal Year" means Canada's fiscal year as defined in the *Financial Administration Act*, R.S.C. 1985, c. F-11, as amended;

"Framework Agreement" has the same meaning as in the Act;

"Funding Arrangement" means an agreement between Canada and the Lac Seul First Nation, for the purpose of providing funding, during the Fiscal Year(s) identified in that agreement, for the programs and services referred to in that agreement;

"*Indian Act*" means the *Indian Act*, R.S.C. 1985, c. I-5, as amended;

"Land Code" means the Lac Seul First Nation Land Code, developed in accordance with clause 5 of the Framework Agreement;

"Minister" means the Minister of Indigenous Services and his or her representatives;

"Operational Funding" means the resources to be provided by Canada to the Lac Seul First Nation pursuant to clause 30.1 of the Framework Agreement to manage First Nation lands and make, administer and enforce its laws under a land code, and includes financial resources, as described in clause 27 of the Framework Agreement, to establish and maintain environmental assessment and environmental protection regimes;

"Operational Funding Formula" means the method approved by Canada for allocating to First Nations such Operational Funding as may have been appropriated by Parliament for that purpose.

- 1.2 Unless the context otherwise requires, words and expressions defined in the Framework Agreement, the Act or the *Indian Act* have the same meanings when used in this Agreement.
- 1.3 This Agreement is to be interpreted in a manner that is consistent with the Framework Agreement and the Act.
- 1.4 In the event of any inconsistency or conflict between the wording in any Article set out in the main body of this Agreement and the wording in any Annex attached hereto, the wording set out in the Article shall prevail.

2. INFORMATION PROVIDED BY CANADA

- 2.1 The Minister has, to the best of the Minister's knowledge, provided the First Nation with the information required by clause 6.3 of the Framework Agreement, namely:
 - (a) a list, attached as Annex "C", and copies, or access to copies, of all the interests and licences granted by Canada in or in relation to the Lac Seul First Nation Land that are recorded in the Reserve Land Register and the Surrendered and Designated Lands Register;
 - (b) a list, attached as Annex "D", and copies of all existing information in Canada's possession, respecting any actual or potential environmental problems with the Lac Seul First Nation Land; and
 - (c) a list, attached as Annex "E", and copies of any other information in Canada's possession that materially affects the interests and licences mentioned in clause 2.1(a).
- 2.2 The First Nation has, in writing, acknowledged receipt of all the information provided to it by the Minister.

3. TRANSFER OF LAND ADMINISTRATION

- 3.1 The Parties acknowledge that, as of the date the Land Code comes into force, the First Nation shall have the power to manage the Lac Seul First Nation Land in accordance with clause 12 of the Framework Agreement.
- 3.2 As provided in section 8 of the Act, all of the rights and obligations of Canada as grantor in respect of the interests and licences in or in relation to Lac Seul First Nation Land that exist on the coming into force of the Land Code shall be transferred to the First Nation on the coming into force of the Land Code.
- 3.3 As of the date the Land Code comes into force, the First Nation shall be responsible for, among other responsibilities identified in this Agreement and the Framework Agreement, the following:

- (a) the collection of all rents and other amounts owing, payable or accruing pursuant to any instrument granting an interest or a licence in or in relation to Lac Seul First Nation Land; and
 - (b) the exercise of any power and authorities, and performance of any covenants, terms and conditions, under the instruments referred to in paragraph (a) which, but for the transfer, would have been Canada's responsibility.
- 3.4 The Parties acknowledge that the transfer of administration referred to in this Agreement is subject to clauses 3.1 and 3.2 of the Framework Agreement, which addresses the applicability of the *Indian Oil and Gas Act*.

4. ACCEPTANCE OF TRANSFER OF LAND ADMINISTRATION

- 4.1 The First Nation hereby accepts the transfer of land administration described in Article 3 of this Agreement, including, without limitation, the transfer of all the rights and obligations of Canada as grantor of the interests and licences referred to in clause 3.2 of this Agreement.
- 4.2 As of the date the Land Code comes into force, and in accordance with the Framework Agreement:
 - (a) the land management provisions of the *Indian Act*, as listed in clause 21 of the Framework Agreement cease to apply and Canada retains no powers and obligations in relation to Lac Seul First Nation Land under these provisions; and
 - (b) the First Nation shall commence administering Lac Seul First Nation Land pursuant to its Land Code.

5. OPERATIONAL FUNDING

- 5.1 In accordance with clause 30.1 of the Framework Agreement, and subject to appropriation by Parliament and the approval of the Treasury Board of Canada, Canada shall provide Operational Funding to the Lac Seul First Nation as indicated in Annex "A" in accordance with the Operational Funding Formula as amended from time to time.
- 5.2 The Operational Funding referred to in clause 5.1 will be incorporated by the Parties into the Lac Seul First Nation's Funding Arrangement in effect in the year in which the payment is to be made. For greater certainty, payment of Operational Funding will be subject to the terms and conditions of the Funding Arrangement into which it is incorporated.

6. TRANSFER OF MONEYS

- 6.1 Following the date that the Land Code comes into force, Canada shall transfer the revenue and capital moneys referred to in clause 12.8 of the Framework Agreement to the First Nation in accordance with the provisions set out in Annex "B".
- 6.2 Revenue and capital moneys transferred pursuant to clause 6.1 shall be deposited in the First Nation's account at such financial institution as the First Nation may direct by notice in writing.

7. NOTICE TO THIRD PARTIES OF TRANSFER OF ADMINISTRATION

- 7.1 Immediately following approval of the Land Code and this Agreement by the members of the First Nation, the First Nation shall give written notice (the "Notice of Transfer of Administration"), by registered mail, to each holder of an interest or a licence in or in relation to Lac Seul First Nation Land that is listed or referred to in Annex "C".
- 7.2 The Notice of Transfer of Administration shall state that:
- (a) the administration of Lac Seul First Nation Land and Canada's rights in Lac Seul First Nation Land, other than title, will be transferred to the First Nation effective the date the Land Code comes into force;
 - (b) the holder of the interest or licence shall pay to the First Nation, all amounts owing, payable or due under the interest or licence on or after that date; and
 - (c) as of that date, the First Nation shall be responsible for the exercise of the powers and authorities, and the performance of any covenants, terms and conditions, under that instrument which, but for the transfer of administration, would have been Canada's responsibility.
- 7.3 The Lac Seul First Nation shall deliver to Canada a copy of every Notice of Transfer of Administration and a copy of every acknowledgement of receipt of the Notice of Transfer of Administration received by the First Nation within 30 days of the issuance or receipt of the same.
- 7.4 The Notice obligations set out in this Article do not apply in respect of a holder of an interest or licence who is a member of the First Nation.

8. INTERIM ENVIRONMENTAL ASSESSMENT PROCESS

- 8.1 As of the date the Land Code comes into force, the environmental assessment process set out in Annex "F" shall apply to projects on Lac Seul First Nation Land until the First Nation's environmental assessment process is developed.

9. AMENDMENTS

- 9.1 This Agreement may be amended by agreement of the Parties.
- 9.2 Any amendment to this Agreement shall be in writing and executed by the duly authorized representatives of the Parties.

10. NOTICES BETWEEN THE PARTIES

- 10.1 Any notice or other official communication under this Agreement between the Parties shall be in writing addressed to the Party for whom it is intended.
- 10.2 The notice referred to in clause 10.1 shall be effective using any one of the following methods and shall be deemed to have been given as at the date specified for each method:
- (a) by personal delivery, on the date upon which notice is delivered;
 - (b) by registered mail or courier, the date upon which receipt of the notice is acknowledged by the other party; or
 - (c) by facsimile or electronic mail, the date upon which the notice is transmitted and receipt of such transmission by the other party can be confirmed or deemed.
- 10.3 The addresses of the Parties for the purpose of any notice or other official communication are:

Canada:

Director, Lands and Economic Development Sector
Indigenous Services Canada
Ontario Region
655 Bay Street, 3rd Floor
Toronto, Ontario M5G 2K4

Lac Seul First Nation
Band Administrator
P.O. Box 100
Hudson, Ontario
P0V 1X0

11. DISPUTE RESOLUTION

- 11.1 For greater certainty, any dispute arising from the implementation, application or administration of this Agreement may be resolved in accordance with the Dispute Resolution provisions set out in Part IX of the Framework Agreement.

12. DATE OF COMING INTO FORCE

- 12.1 The Parties acknowledge that the members of the First Nation have voted to approve the Land Code and this Agreement in accordance with the Framework Agreement.
- 12.2 This Agreement shall be effective as of the date on which the last of the Parties signs this Agreement.
- 12.3 The Parties acknowledge that the signing of this Agreement alone does not bring the Land Code into force, and that the First Nation is not an operational First Nation under First Nation Land Management until the Land Code comes into force in accordance with the provisions of the Land Code and the Framework Agreement.

IN WITNESS WHEREOF, the duly authorized representatives of the First Nation have signed this Agreement on behalf of the First Nation on _____, 20__, and the Minister of Indigenous Services has signed this Agreement on behalf of His Majesty the King in right of Canada, on _____, 20__.

His Majesty the King in right of
Canada, as represented by the
Minister of Indigenous Services

Lac Seul First Nation

Chief

Minister of Indigenous Services

Councillor

Councillor

Councillor

Councillor

Councillor

Councillor

Councillor

Councillor

ANNEX “A”

FUNDING PROVIDED BY CANADA

- (a) The amount of Operational Funding by Fiscal Year is shown in the table below. The 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 First Nation shall be paid the prorated amount for that year. Transitional Funding will be provided for the year the Land Code comes into force and for the subsequent Fiscal Year, as shown in the table below.
- (b) Operational Funding will increase 1% annually over the term of the Memorandum of Understanding which ends March 31, 2023.
- (c) Subject to appropriation by Parliament and the approval of the Treasury Board of Canada, Operational Funding for Fiscal Years after March 31, 2023, will be calculated and provided in accordance with the Operational Funding Formula as amended from time to time.

OPERATIONAL FUNDING	
2023-2024 Fiscal Year	\$ 283,313 (This amount shall be prorated in accordance with paragraph (a) above) and \$ 75,000 - One time Transitional Funding per 1 st & 2 nd Fiscal Year
Subsequent Fiscal Year(s)	Subject to paragraph (c) above, Operational Funding will be calculated and paid each Fiscal Year based on the Operational Funding Formula as amended from time to time.

ANNEX “B”

DETAILS FOR THE TRANSFER OF MONEYS

1. As of the 11th day of July, 2023, Canada is holding \$ 103,014.62 of revenue moneys and \$86,233.60 of capital moneys for the use and benefit of the First Nation or its members. This amount is included for information purposes only and is subject to change.
2. **Initial Transfer.** Within thirty (30) days of the Land Code coming into force, Canada shall transfer to the First Nation all revenue and capital moneys collected, received or held by Canada for the use and benefit of the First Nation or its members.
3. **Subsequent Transfers.** Following an initial transfer of moneys, Canada shall, on a semi-annual basis, transfer to the First Nation all revenue and capital moneys that are subsequently collected or received by Canada for the use and benefit of the First Nation or its members. The first such subsequent transfer shall be made in the month of April or October, whichever month comes first after the month of the initial transfer.

ANNEX “C”

LIST OF INTERESTS AND LICENCES GRANTED BY CANADA

All interests and licences granted by Canada in or in relation to the Lac Seul First Nation Land that are recorded in the Reserve Land Register and the Surrendered and Designated Lands Register are listed in reports that are available for review at the Lac Seul First Nation Lands Department office located at the Lac Seul Training Centre of Excellence, 30-2nd Street, Hudson, Ontario:

Reserve General Abstract Report for:
Lac Seul Indian Reserve No. 28 – (06316)

Lease or Permits Report for:
Lac Seul Indian Reserve No. 28 – (06316)

The above reports identify all interests or licences granted by Canada that are registered in the Indian Lands Registry System (ILRS).

ANNEX “D”

LIST OF ALL EXISTING INFORMATION IN CANADA’S POSSESSION RESPECTING ANY ACTUAL OR POTENTIAL ENVIRONMENTAL PROBLEMS WITH THE LAC SEUL FIRST NATION LANDS

1. Executive Summary - Environmental Site Assessment (ESA) Phase 1 prepared by Golder Associates Ltd. dated March 2021.

The complete Phase I Environmental Site Assessment (ESA) is available for review at the Lac Seul First Nation Lands Department office located at the Lac Seul Training Centre of Excellence, 30-2nd Street, Hudson, Ontario.



FINAL REPORT

Phase I Environmental Site Assessment

Lac Seul First Nation Reserve #28, Ontario

Submitted to:

Lac Seul First Nation

Attention: Gina Wesley, Land Management Coordinator, Lac Seul First Nation

Submitted by:

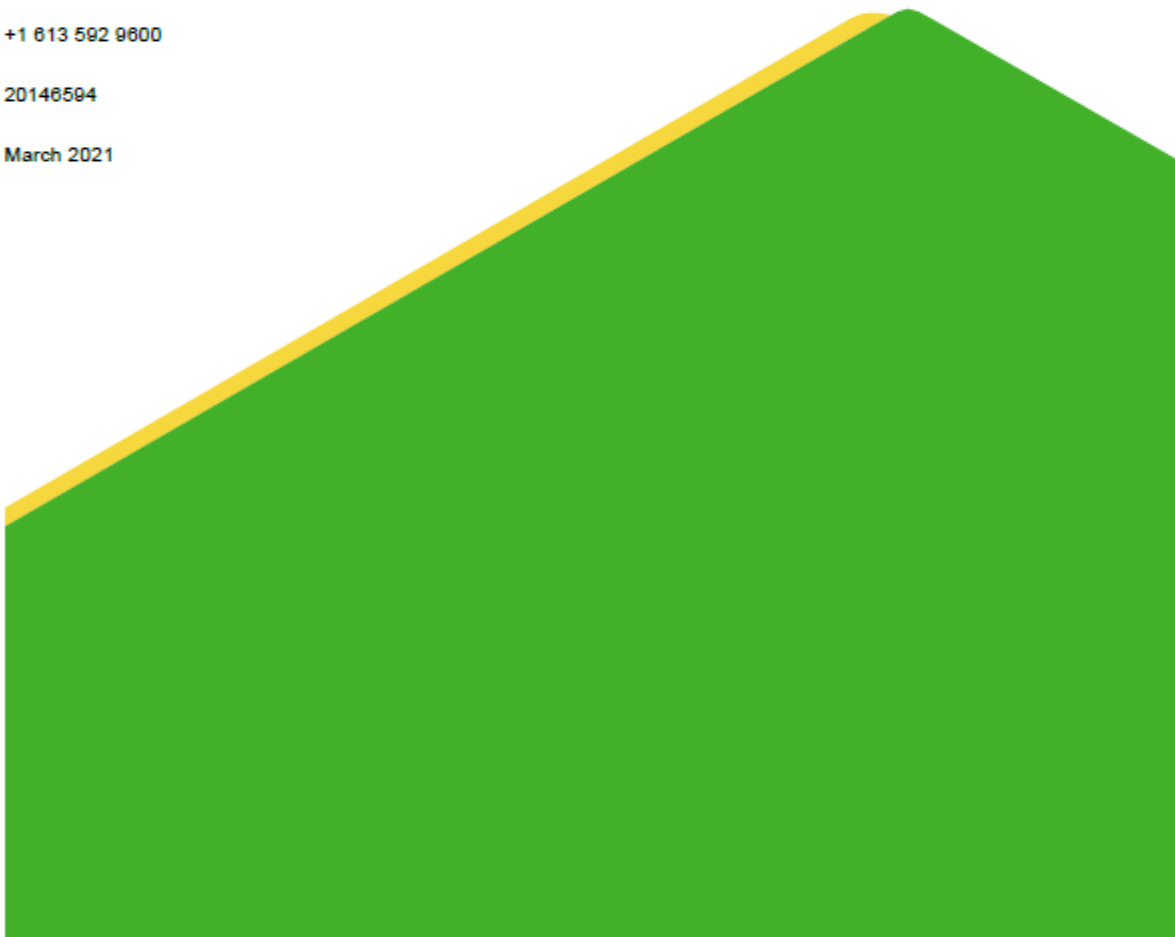
Golder Associates Ltd.

1931 Robertson Road Ottawa, Ontario, K2H 5B7 Canada

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20146594

March 2021



Distribution List

Attention: Gina Wesley,
Land Management Coordinator, Lac Seul First Nation
P.O. Box 100
Hudson, ON
P0V 1X0

Attention: Umas Madisso,
Environment Officer, Indigenous Services Canada
198 Henry Street, Unit 6A
Brantford, Ontario
N3S 5C9

Attention: Christine Laino
Sr. First Nation Lands Management Officer, Indigenous Services Canada
Sudbury Business Centre
40 Elm Street, Suite 290 Rainbow Centre – 2nd Floor
Sudbury, Ontario
P3C 1S8

Executive Summary

Golder Associates Ltd. (Golder) was retained by Lac Seul First Nation ("LSFN" or the "Client") to conduct a Phase I Environmental Site Assessment (Phase I ESA) of Lac Seul First Nation Reserve #28 in Ontario (the "Site"). The LSFN Reserve #28 is located approximately 38 kilometres northwest of Sioux Lookout and has four communities including Kejick Bay, Whitefish Bay, Canoe River and Frenchman's Head. The location, surroundings, and layout of the Reserve and each of the communities are shown in Figure - 1 Key Plan and Figures 2A, 2B, 2C and 2D – Site Plans.

It is understood that the Government of Canada and LSFN are to enter into an individual agreement, in accordance with section 6 of the Framework Agreement on First Nations Land Management (Framework Agreement), to outline the specifics of transfer of administration between the Government of Canada and the First Nation. As part of this process, a Phase I ESA is required to be completed for the Site prior to transfer of management of the First Nation's lands and resources from the Government of Canada (Indigenous Services Canada) to the First Nation as a means of identifying environmental liabilities.

The primary objective of the Phase I ESA was to identify, insofar as possible based on readily available information and a limited intrusive investigation, former or current practices at the Site that may represent issues of actual or potential environmental concern.

For the purposes of this Phase I ESA, the assessment areas included properties within Lac Seul First Nation Reserve #28.

Based on the information obtained as part of this Phase I ESA, the following 31 Areas of Potential Environmental Concern (APECs) were identified on the Reserve, 10 of which are in Frenchman's Head (APEC F1-F10), 14 in Kejick Bay (APECs K1-K13) and eight in Whitefish Bay (APEC W1-W8). The details of each APEC and recommendations to address each APEC is provided in the table below. The location of the APECs are provided in Figures 2A, 3A and 4A, and detailed site plans for each APEC are provided in Figures 2B-2H, 3B-3I and 4B-4G. There were no APECs identified in Canoe River.

Site Number on Figure 2A, 3A or 4A	Site/Area of Potential Environmental Concern	Activity/Issue of Potential Environmental Concern	Contamination (Potential or Actual), Contaminants of Concern (COCs) and Media Potentially Impacted	Recommendations	Estimated Cost for Recommendations
FRENCHMAN'S HEAD APECS					
F1	Lac Seul Resort	One inactive fuel AST and hydrocarbon impacts that were previously identified near the shoreline related to the former fuelling nozzle extending from former AST.	Potential Contamination: Previously identified hydrocarbon impacts at shoreline which may still exist. COCs: PHCs and BTEX Media: Soil	Phase II ESA including approximately 6-8 shallow soil samples should be collected along the former distribution line and the shoreline. Removal of the inactive fuel AST. If evidence of leakage (i.e., stained soils or odours) is observed at the time of the AST removal, step out soil sampling beneath/around the AST should be undertaken at that time and any impacted soil removed.	\$10,000
F2	O&M Garage	O&M garage with the following issues of concern. <ul style="list-style-type: none"> Garage building which was used for vehicle maintenance, had staining on floors and pails and drums of oils and lubricants A waste oil AST with soil staining observed arounds it. No hydrocarbon impacts were present in soil sample collected at the AST. 	Actual Contamination: Hydrocarbon impacts confirmed in two locations and presence of surface staining suggesting impacts. Also potential impacts due to maintenance activities and waste storage. COCs: PHCs, BTEX and VOCs Media: Soil and Groundwater	Phase II ESA including up to 4-6 boreholes with monitoring wells around the garage building and the waste area. The areas of staining and confirmed impacts should be removed. The waste and abandoned fuel ASTs should also be removed from the site.	\$35,000 (excludes waste removal)

Site Number on Figure 2A, 3A or 4A	Site/Area of Potential Environmental Concern	Activity/Issue of Potential Environmental Concern	Contamination (Potential or Actual), Contaminants of Concern (COCs) and Media Potentially Impacted	Recommendations	Estimated Cost for Recommendations
FRENCHMAN'S HEAD APECS					
		<ul style="list-style-type: none"> Area of waste including empty drums and an abandoned fuel AST with stained below it. Hydrocarbon impacted soil was confirmed but limited to the upper 0.5 m. Small abandoned empty diesel AST Area of staining at the northwest corner of the garage. Hydrocarbon impacts were confirmed and limited to the upper 0.5 m. Minor surface staining was observed in a few spots in front of the garage. 			
F3	Former Bus Fuel Storage Area	Hydrocarbon impacted soil historically identified at this site and reported to have naturally attenuated to below current applicable site standards, groundwater impacts were reportedly present in the vicinity of the	Potential Contamination: Groundwater impacts confirmed in 2011. Soil impacts reported to have naturally attenuated.	Phase II ESA including installation of up a monitoring well at the source to confirm the presence of groundwater impacts and sampling the existing downgradient wells. Soil sampling should also be completed at the source of assess current conditions and confirm natural attenuation of soil	10,000

Site Number on Figure 2A, 3A or 4A	Site/Area of Potential Environmental Concern	Activity/Issue of Potential Environmental Concern	Contamination (Potential or Actual), Contaminants of Concern (COCs) and Media Potentially Impacted	Recommendations	Estimated Cost for Recommendations
FRENCHMAN'S HEAD APECS					
		fuel ASTs and approximately 50 m south/downgradient of the former ASTs. Previous sampling events suggest natural attenuation of impacts has been occurring. The 2008 Phase II ESA and 2012 Remediation Report recommended that groundwater monitoring program be continued at this Site which Golder is in agreement with.	COCs: PHCs and BTEX Media: Groundwater	impacts. It is noted that the state of the existing wells is unknown and may require repair or replacement (costing not included).	

Site Number on Figure 2A, 3A or 4A	Site/Area of Potential Environmental Concern	Activity/Issue of Potential Environmental Concern	Contamination (Potential or Actual), Contaminants of Concern (COCs) and Media Potentially Impacted	Recommendations	Estimated Cost for Recommendations
FRENCHMAN'S HEAD APECS					
F4	Former Heavy Equipment Storage Area (Frenchman's Head)	Three former fuel ASTs and drums located on the west side of the driveway. Heavy staining and hydrocarbon impacted soil is present up to at least 3 m in the former fuel storage area. Free product previously noted in the area of staining.	Actual Contamination: Hydrocarbon impacted soil has been confirmed in the upper 3 metre of soil and has not been delineated. No groundwater testing has been conducted. COCs: PHCs and BTEX Media: Soil and Groundwater	Phase II ESA including up to 4-6 boreholes with monitoring wells in and around the impacted area to delineate soil impacts and groundwater quality.	\$35,000
F5	Golden Eagle Gas Station (formerly Kihnew Gas Station and Rick's Gas Bar)	Two active fuel ASTs and one former fuel AST. A spill occurred from the pump island and was reportedly cleaned up but the ground could not be assessed for visual and/or olfactory evidence of impacts due to the more recent placement of a concrete slab.	Potential Contamination: Residual soil impacts could be present near the pump and former spill. Groundwater was not assessed. Potential for impacts at the current and former fuel ASTs. COCs: PHCs and BTEX Media: Soil and Groundwater	Phase II ESA including 3 boreholes with monitoring wells in the vicinity of the pump island and former spill as well as four shallow soil samples collected near the current and former fuel ASTs.	\$25,000

Site Number on Figure 2A, 3A or 4A	Site/Area of Potential Environmental Concern	Activity/Issue of Potential Environmental Concern	Contamination (Potential or Actual), Contaminants of Concern (COCs) and Media Potentially Impacted	Recommendations	Estimated Cost for Recommendations
FRENCHMAN'S HEAD APECS					
F6	Former Band Office Shed	Elevated hydrocarbons in upper 1 m of previously identified near former barrels of oil which may exceed current applicable standards.	Potential Contamination: Potential for soil and groundwater impacts given depth of previously identified elevated hydrocarbons. COCs: PHCs and BTEX Media: Soil and Groundwater	Phase II ESA including 3 boreholes with monitoring wells in the vicinity of the former oil barrels.	\$25,000
F7	Current Frenchman's Head Landfill	Current landfill which includes some covered landfilled areas. Car crushing also occurred on the southwest portion of the landfill and a few stains were noted.	Potential Contamination: Suspected based on confirmed presence of dumping and former car crushing area with staining. COCs: Metals, VOCs, PHCs, BTEX, PAHs, PCBs and inorganics (leachate indicator parameters) Media: Groundwater (Soil is not considered a concern as it is inferred to be impacts from the waste placement)	Groundwater monitoring program consisting of the installation of 7-8 monitoring wells to evaluate groundwater quality at, up and down gradient of the landfill. Groundwater monitoring well locations, maintenance and management should be consulted on with the First Nation. The stained soils by the car crushing area should also be removed. Additionally, any scattered litter outside of the landfilling area should be removed and "No Dumping" signage added to the area.	\$50,000

Site Number on Figure 2A, 3A or 4A	Site/Area of Potential Environmental Concern	Activity/Issue of Potential Environmental Concern	Contamination (Potential or Actual), Contaminants of Concern (COCs) and Media Potentially Impacted	Recommendations	Estimated Cost for Recommendations
FRENCHMAN'S HEAD APECS					
F8	Former McKenzie Forest Products Landfill	Waste of unknown composition from the McKenzie Forest Products sawmill was placed in a sand pit located approximately 800 m northeast of the intersection of Frenchman's Head Road and Lac Seul Road. The waste was subsequently covered with fill material over 14,000 m ² of the site. Previous investigations identified PAH impacts in the fill and possibly hydrocarbon impacts.	Actual Contamination: Impacts confirmed in the fill cover. Additional contamination excepted related to the waste placement. COCs: PHCs, BTEX, PAHs, VOCs, metals and phenols Media: Soil and Groundwater	Phase II ESA including up to 3-4 boreholes with monitoring wells in the waste area.	\$30,000
F9	Former Illegal Dump Site 1	Former Illegal dumping area located approximately 50 m west of the intersection of Frenchman's Head Road and Lac Seul Road.	Potential Contamination: Suspected based on potential for buried waste. COCs: Metals, VOCs, PHCs, BTEX and PAHs Media: Soil	Given the uncertainty of the location and extent of dumping, a Phase II ESA including 6 test pits should be completed to evaluate the presence of buried waste.	\$20,000

Site Number on Figure 2A, 3A or 4A	Site/Area of Potential Environmental Concern	Activity/Issue of Potential Environmental Concern	Contamination (Potential or Actual), Contaminants of Concern (COCs) and Media Potentially Impacted	Recommendations	Estimated Cost for Recommendations
FRENCHMAN'S HEAD APECS					
F10	Former Illegal Dump Site 2	Former Illegal dumping area located on the east end of the main development area.	Potential Contamination: Suspected based on potential for buried waste. COCs: Metals, VOCs, PHCs, BTEX and PAHs Media: Soil	Given the uncertainty of the location and extent of dumping, a Phase II ESA including 6 test pits should be completed to evaluate the presence of buried waste.	\$20,000

Site Number on Figure 2A, 3A or 4A	Site/Area of Potential Environmental Concern	Activity/Issue of Potential Environmental Concern	Contamination (Potential or Actual), Contaminants of Concern (COCs) and Media Potentially Impacted	Recommendations	Estimated Cost for Recommendations
KEJICK BAY APECS					
K1	Current Kejick Bay Landfill	Current landfill which may include some covered landfilled areas. A smaller area of landfilling also appears to have occurred in a different area approximately 350 m northeast of the main landfilling area.	Potential Contamination: Suspected based on confirmed presence of dumping COCs: Metals, VOCs, PHCs, BTEX, PAHs, PCBs and inorganics (leachate indicator parameters)	Phase II ESA including a groundwater monitoring program consisting of the installation of 8-10 monitoring wells to evaluate groundwater quality at, up and down gradient of the landfill and assess groundwater quality in the smaller landfilling area to the northeast (i.e., two separate areas of investigate). Groundwater monitoring well locations, maintenance and management should be consulted on with the First Nation.	\$60,000

Site Number on Figure 2A, 3A or 4A	Site/Area of Potential Environmental Concern	Activity/Issue of Potential Environmental Concern	Contamination (Potential or Actual), Contaminants of Concern (COCs) and Media Potentially Impacted	Recommendations	Estimated Cost for Recommendations
KEJICK BAY APECS					
			Media: Groundwater (Soil is not considered a concern as it is inferred to be impacts from the waste placement)	Additionally, any scattered litter outside of the landfilling area should be removed and "No Dumping" signage added to the area.	
K2	Former Kejick Bay Landfill	Former landfill. A small area of surface waste is also present along the road surrounding the former landfill to the east of the landfill.	<p>Potential Contamination: Suspected based on confirmed presence of dumping</p> <p>COCs: Metals, VOCs, PHCs, BTEX, PAHs, PCBs and inorganics (leachate indicator parameters)</p> <p>Media: Groundwater (Soil is not considered a concern as it is inferred to be impacts from the waste placement)</p>	<p>Phase II ESA including a groundwater monitoring program consisting of 7-8 new monitoring wells to evaluate groundwater quality at, up and down gradient of the landfill. Groundwater monitoring well locations, maintenance and management should be consulted on with the First Nation.</p> <p>Additionally, surface waste area the perimeter of the landfill should be removed and "No Dumping" signage added to the area.</p>	\$50,000

Site Number on Figure 2A, 3A or 4A	Site/Area of Potential Environmental Concern	Activity/Issue of Potential Environmental Concern	Contamination (Potential or Actual), Contaminants of Concern (COCs) and Media Potentially Impacted	Recommendations	Estimated Cost for Recommendations
KEJICK BAY APECS					
K3	Former Area of Derelict Vehicles	Former disposal area of derelict vehicles and household appliances south of the former landfill.	Potential Contamination: Suspected based on former presence of waste COCs: PHCs, BTEX and Metals Media: Soil	Phase II ESA including approximately 8 shallow soil samples collected from the site.	\$10,000
K4	Former Nursing Station	Former fuel AST with reported spill prior to 1990 that was never cleaned up.	Potential Contamination: Suspected based on documented spill COCs: PHCs and BTEX Media: Soil and Groundwater	Phase II ESA including up to 3 test pits in the waste area. If sampling show impacts indicative of deeper issue, a supplemental investigation may be required.	\$10,000
K5	Former Power Shed	Former diesel AST located at the site. The ground conditions could not be assessed for visual or olfactory evidence of impacts due to the presence of the Elder's Lodge building in this area.	Potential Contamination: Suspected based on former fuel AST. COCs: PHCs and BTEX Media: Soil and Groundwater	Phase II ESA including 3 boreholes with monitoring wells in the former AST area. Surface sampling cannot be completed due to the presence of a building.	\$25,000
K6	Former Teacherages	Former presence of three heating oil ASTs and a reported spill.	Potential Contamination: Suspected based on former fuel AST and reported spill. COCs: PHCs and BTEX Media: Soil and Groundwater	Phase II ESA including up to 3-4 test pits in the former AST area.	\$10,000

Site Number on Figure 2A, 3A or 4A	Site/Area of Potential Environmental Concern	Activity/Issue of Potential Environmental Concern	Contamination (Potential or Actual), Contaminants of Concern (COCs) and Media Potentially Impacted	Recommendations	Estimated Cost for Recommendations
KEJICK BAY APECS					
K7	Archie's Landing	<p>The following issues of concern are present at Archie's Landing:</p> <ul style="list-style-type: none"> Current fuel AST as well as a former fuel AST with reported spill located near the lake associated with the former Lac Seul Police Service (LSPS) Station Former gas station on the north side of the site Former presence of six gasoline ASTs associated with the Former Ferry Landing. The ASTs were originally located in three areas on both the north and south sides of the causeway between 5 and 20 m from the shoreline and were later moved to within 3 m of the shoreline; however, exact locations were not provided. Hydrocarbon impacted soil was previously reported at the two former fuel ASTs to the south of the causeway and the latter fuel storage area near the shoreline. 	<p>Actual Contamination: Hydrocarbon impacts previously confirmed at three of the AST locations in the former Ferry Landing area. One assumed to be approximately 15 m³. Also potential contamination based on the current and former LSPS fuel AST with reported spill from a former AST as well as the former gas station.</p> <p>COCs: PHCs and BTEX</p> <p>Media: Soil and Groundwater</p>	Phase II ESA including 5-6 boreholes with monitoring wells at the current and former AST areas and the former gas station.	\$35,000

Site Number on Figure 2A, 3A or 4A	Site/Area of Potential Environmental Concern	Activity/Issue of Potential Environmental Concern	Contamination (Potential or Actual), Contaminants of Concern (COCs) and Media Potentially Impacted	Recommendations	Estimated Cost for Recommendations
KEJICK BAY APECS					
K8	Former White Pine Ridge School	Hydrocarbon impact soil from former diesel AST spill remains on Site to the north of the former generator building. Some impacts were remediation in 2011 but residual impacts below 3-5 mbgs and to the west of excavation remain. Additionally, hydrocarbon impacts were previously identified near the former fuel USTs adjacent to the school building.	Actual Contamination: Residual impacts remain below 3-5 mbgs and to the west of the former remediation of diesel ASTs. Hydrocarbon impacts in shallow soil also identified beneath school in 1997. COCs: PHCs and BTEX Media: Soil and Groundwater	Phase II ESA including up to 4 boreholes with monitoring wells in the vicinity of the former fuel ASTs/remediation to assess current soil and/or groundwater quality and delineate previously identified impacts given that the previously testing was completed 10 years ago. The Phase II ESA should also include 4 shallow soil samples in the vicinity of the former fuel USTs and beneath northeast corner of the school where impacts were previously documented in 1997 to assess current soil quality.	\$30,000
K9	Former Water Treatment Plant	Inactive fuel AST and drum storage	Potential Contamination: Potential contamination in the vicinity of the fuel AST and drums. COCs: PHCs and BTEX Media: Soil	Removal of the fuel AST and drums. If evidence of leakage (i.e., stained soils or odours) is observed at the time of the AST and drum removal, step out soil sampling beneath/around the AST and drums should be undertaken at that time and any impacted soil removed.	\$10,000 (excludes waste removal and any possible future investigations)
K10	Former Patty's Gas Station	Retail fuel outlet which operated out of 200 L drums.	Potential Contamination: Suspected due to the lack of information provided on this operation. COCs: PHCs and BTEX Media: Soil	Phase II ESA including approximately 2-4 test pits in the vicinity of the two ASTs. If sampling show impacts indicative of deeper issue, a supplemental investigation may be required.	\$10,000

Site Number on Figure 2A, 3A or 4A	Site/Area of Potential Environmental Concern	Activity/Issue of Potential Environmental Concern	Contamination (Potential or Actual), Contaminants of Concern (COCs) and Media Potentially Impacted	Recommendations	Estimated Cost for Recommendations
KEJICK BAY APECS					
K11	Abandoned Truck	Hydrocarbon impacted soil (limited to 0.5 mbgs over an area of approximately 1m by 1m) and empty oil pail beneath truck.	Actual Contamination: Soil sampling confirmed hydrocarbon impacted soils at surface COCs: PHCs and BTEX Media: Soil	Removal and disposal of hydrocarbon impacted surface soil.	\$5,000
K12	Current Ferry Landing	Reported fuel spill from fuelling truck.	Potential Contamination: Suspected based on reported fuel spill COCs: PHCs and BTEX Media: Soil and Groundwater	Phase II ESA including up to 3 boreholes with monitoring wells in the vicinity of the two ASTs.	\$25,000
K13	Fire Hall/O&M Property	Former diesel AST on west side of building. Minor staining was also observed in front of the Fire Hall/O&M building at the time of the Site visit and is limited to surface soil.	Actual Contamination: Potential contamination in the vicinity of the former diesel AST by building and in area of staining in front of building. COCs: PHCs and BTEX Media: Soil	Phase II ESA including approximately 1 to 2 test pits in the former AST area west of building. The stained surface soil in front of the building should be removed.	\$5,000

Site Number on Figure 2A, 3A or 4A	Site/Area of Potential Environmental Concern	Activity/Issue of Potential Environmental Concern	Contamination (Potential or Actual), Contaminants of Concern (COCs) and Media Potentially Impacted	Recommendations	Estimated Cost for Recommendations
WHITEFISH BAY APECS					
W1	Current Whitefish Bay Landfill	Current landfill which includes some covered landfilled areas.	<p>Potential Contamination: Suspected based on confirmed presence of dumping.</p> <p>COCs: Metals, VOCs, PHCs, BTEX, PAHs, PCBs and inorganics (leachate indicator parameters)</p> <p>Media: Groundwater (Soil is not considered a concern as it is inferred to be impacts from the waste placement)</p>	<p>Phase II ESA including a groundwater monitoring program consisting of the installation of 7-8 monitoring wells to evaluate groundwater quality at, up and down gradient of the landfill. Groundwater monitoring well locations, maintenance and management should be consulted on with the First Nation.</p> <p>Additionally, any scattered litter in the area should be removed and "No Dumping" signage added to the area.</p>	\$50,000
W2	Whitefish Bay Former Landfill	Former landfill reportedly present on south side of the current causeway, approximately 250 m from south of development in this area; however, the exact locations was not provided. This landfill was in operation in 1995.	<p>Potential Contamination: Suspected based on confirmed presence of dumping.</p> <p>COCs: Metals, VOCs, PHCs, BTEX, PAHs, PCBs and inorganics (leachate indicator parameters)</p> <p>Media: Groundwater (Soil is not considered a concern as it is inferred to be impacts from the waste placement)</p>	<p>Phase II ESA including a groundwater monitoring program consisting of installation of 4-6 monitoring wells to evaluate groundwater quality at, up and down gradient of the landfill.</p> <p>Additionally, any scattered litter in the area should be removed and "No Dumping" signage added to the area.</p>	\$35,000

Site Number on Figure 2A, 3A or 4A	Site/Area of Potential Environmental Concern	Activity/Issue of Potential Environmental Concern	Contamination (Potential or Actual), Contaminants of Concern (COCs) and Media Potentially Impacted	Recommendations	Estimated Cost for Recommendations
WHITEFISH BAY APECS					
W3	Sand and Gravel Pit Dumping Area	Current presence of illegal dumping including derelict vehicles at the sand and gravel pit.	Potential Contamination: Suspected based on presence of waste and derelict vehicles. COCs: Metals, VOCs, PHCs, BTEX and PAHs Media: Soil	It is recommended that the waste be removed from the site and a Phase II ESA be completed that includes approximately 6-8 shallow soil samples collected in the vicinity of the waste.	\$15,000
W4	Mahkwa Outfitters	Former AST and drums with documented surface soil impacts located on the west side of the lodge and waste storage area at the maintenance building. A fuel AST was also located at the maintenance building and hydrocarbon impacted soil was confirmed at this location to at least 0.5 mbgs. Empty drums were also previously noted along the shoreline by former AST.	Actual Contamination: Hydrocarbon impacts reported at two locations and suspected impacts due to presence of waste. COCs: PHCs, BTEX, PAHs, VOCs, PCBs and metals Media: Soil and Groundwater	Phase II ESA including up to 3-4 test pits in the vicinity of the waste and the current AST by the maintenance building and 3-4 test pits in the former AST and drum storage area to delineate impacts. If sampling show impacts indicative of deeper issue, a supplemental investigation may be required.	\$15,000
W5	O&M Garage	Abandoned fuel oil AST was observed in area of debris around the building and some minor surface staining noted on the south and west sides of the building.	Potential Contamination: Potential contamination in the vicinity of the fuel oil AST. COCs: PHCs, BTEX and metals Media: Soil	Removal of the surface waste including fuel oil AST. If evidence of leakage (i.e., stained soils or odours) is observed at the time of the AST removal, step out soil sampling beneath/around the AST should be undertaken at that time and any impacted soil removed. The stained surface soil in front of the building should be removed.	\$10,000 (excludes waste removal and any possible future investigations)

Site Number on Figure 2A, 3A or 4A	Site/Area of Potential Environmental Concern	Activity/Issue of Potential Environmental Concern	Contamination (Potential or Actual), Contaminants of Concern (COCs) and Media Potentially Impacted	Recommendations	Estimated Cost for Recommendations
WHITEFISH BAY APECS					
W6	Sand and Gravel Pit/Shooting Range	Presence of a fill mound with lead impacts used as a target for the shooting range and two areas of staining, the larger one (1m x 1m) confirmed to have hydrocarbon impacts to at least 0.2 mbgs.	Actual Contamination: Lead impacts confirmed in the fill mound and hydrocarbon impacts confirmed in one area of staining. Other staining inferred to be contaminated. COCs: PHCs, BTEX and lead Media: Soil	Removal of the stained soil. Given that the fill mound at the shooting range will continue to be impacted with lead due to the continued use, no action is required at this time. However, the fill should be removed and disposed of appropriately when no longer in use.	\$10,000 (excluding potential tipping fees)
W7	Former Illegal Dump Site 3	Former illegal dumping area located west of the main development. Exact location unknown but suspected to be in a current residential area.	Potential Contamination: Suspected based on potential for buried waste. COCs: Metals, VOCs, PHCs, BTEX and PAHs Media: Soil	Given the uncertainty of the location and extent of dumping, a Phase II ESA including 6 test pits should be completed to evaluate the presence of buried waste.	\$20,000
W8	Former Illegal Dump Site 4	Former illegal dumping area located northwest of the main development. Exact location unknown but suspected to be in a cleared area.	Potential Contamination: Suspected based on potential for buried waste. COCs: Metals, VOCs, PHCs, BTEX and PAHs Media: Soil	Given the uncertainty of the location and extent of dumping, a Phase II ESA including 6 test pits should be completed to evaluate the presence of buried waste.	\$20,000

In addition to the above, it is recommended that abandoned tanks be removed, and non-compliant tanks be brought up to code. Confirmatory soil sampling is recommended where evidence of leakage is observed following removal. It is also recommended that a proper closure plan be completed for all former landfills.

The above table outlines the ballpark costs for completing each of the proposed follow up investigations individually, at a total cost of \$720,000. If these investigations are completed concurrently, they could result in savings because of the reduced mobilization/demobilization and coordination costs. These estimates do not include the removal of ASTs, bringing active tanks into compliance or potential tipping fees for disposal of contaminated soil. The approximate cost for an AST removal (excluding remediation of any soil and groundwater contamination) is \$5,000 to \$10,000.

It is noted that the analytical results from the reports provided to Golder are 10 to 25 years old, and conditions at the Site may have changed over this time period.

In the cases where potential for the special attention items (SAI) as outlined in Section 6.0, are suspected to exist, a designated substance survey is recommended; however, these surveys are commonly not components of a Phase II ESA. These Special Attention Items are not considered to represent issues of potential environmental concern provided they are managed in accordance with applicable environmental, health, and safety legislation. In the event that one of the buildings containing potential SAI is to be renovated or demolished, there is the potential for disturbance of these materials and a survey of hazardous materials should be completed prior to any renovation or demolition activities.

In addition to the above issues of concern and recommendations, it is noted that there are five areas of current or former illegal dumping have been reported in Kejick Bay; however, the waste is inferred to be limited to small amount of surface waste. The locations of these five illegal dumping areas are provided on Figure 3A. Based on the amount of debris observed or expected at these illegal dumping sites and the Frenchman's Head former O&M dome storage building, they are not considered to represent an issue of environmental concern requiring investigation; however, it is recommended that the surface waste be removed from these locations.

ANNEX “E”

LIST OF OTHER INFORMATION PROVIDED BY CANADA THAT MATERIALLY AFFECTS INTERESTS AND LICENCES

- Not Applicable

ANNEX “F”

INTERIM ENVIRONMENTAL ASSESSMENT PROCESS

The Framework Agreement specifies that the First Nation and the Minister will address in the Individual Agreement how to conduct environmental assessments on First Nation land on an interim basis until the First Nation’s environmental assessment process is developed. This Annex describes that interim environmental assessment process.

The interim process is intended to be broadly consistent with requirements of the federal environmental assessment process but without imposing requirements that are only appropriate to federal organizations and departments.

- 1) The First Nation shall carry out an environmental assessment in circumstances where federal environmental assessment legislation would likely require Canada to carry out an environmental assessment for a project on federal lands.
- 2) When the First Nation must conduct an environmental assessment of a proposed project, the First Nation shall ensure that the environmental assessment is carried out in the early planning stages of the project, before the First Nation makes an irrevocable decision that would allow the project to proceed (i.e. approve, regulate, fund or undertake the project). The environmental assessment shall be conducted at the expense of the First Nation or proponent of the project.
- 3) The First Nation shall not approve, regulate, fund, or undertake the project unless the First Nation has determined that:
 - a. the project is unlikely to cause any significant adverse environmental effects; or
 - b. that those effects are justifiable under the circumstances,taking into consideration:
 - the results of a required environmental assessment;
 - any economically and technically feasible mitigation measures identified as necessary during the assessment; and
 - any public comments received during the assessment.
- 4) If the First Nation approves, regulates, funds, or undertakes the project, the First Nation shall conduct project monitoring, review implementation of approved mitigation measures, and follow-up programs as the First Nation considers necessary.

- 5) If a project on First Nation land is also subject to a federal or provincial environmental assessment process, the First Nation must make its own determination in accordance with Section 3 above, but may:
- a. agree with the Province, Canada, or both on a harmonized environmental assessment process appropriate to that project, taking into account the Framework Agreement's principle that the First Nation's environmental assessment process be used where a federal environmental assessment is required; or
 - b. use the environmental assessment completed by the Province, Canada, or both, in substitution for undertaking a First Nation-led environmental assessment process.

ANNEX “G”

DESCRIPTION OF LAC SEUL FIRST NATION LAND

The following Land Description, prepared by Kent Campbell, OLS, CLS, of Natural Resources Canada, is available for review at the Lac Seul First Nation Lands Department office located at the Lac Seul Training Centre of Excellence, 30-2nd Street, Hudson, Ontario.

- Lac Seul Reserve No. 28 (06316) – FB44307 CLSR ON