

**INDIVIDUAL AGREEMENT
ON
FIRST NATION LAND MANAGEMENT**

BETWEEN

KÁTŁ'ODEECHE FIRST NATION

AND

HER MAJESTY THE QUEEN IN RIGHT OF CANADA

June 17, 2020



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THIS AGREEMENT made in duplicate this ____ day of _____ 2020.

**INDIVIDUAL AGREEMENT
ON
FIRST NATION LAND MANAGEMENT**

BETWEEN:

KÁTŁ'ODEECHE FIRST NATION, as represented by their Chief and Council (hereinafter called the "Kátł'odeeche First Nation" or the "First Nation")

AND:

HER MAJESTY THE QUEEN IN RIGHT OF CANADA, (hereinafter called "Canada") as represented by either the Minister of Crown Indigenous Relations and Northern Affairs Canada or the Minister of Indigenous Services (hereinafter called the "Minister") or both, as the case may be

(the "Parties")

WHEREAS the Framework Agreement on First Nation Land Management was signed by Canada and fourteen first nations in 1996 (the "Framework Agreement") and was ratified and brought into effect by the First Nations Land Management Act, S.C. 1999, c. 24 (the "Act");

AND WHEREAS the First Nation has been added as a signatory to the Framework Agreement by an adhesion signed by the First Nation and Canada on Nov 9th, 2017.



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

AND WHEREAS clause 6.1 of the Framework Agreement and subsection 6(3) of the Act require the First Nation to enter into an Individual Agreement with the Minister for the purpose of providing for the specifics of the transfer of administration;

AND WHEREAS subsection 6(3) of the Act further requires that the Individual Agreement provide for the date and other terms of the transfer to the First Nation of Canada's rights and obligations as grantor of interests and licences in or in relation to the land, the environmental assessment process that will apply to projects until the enactment of applicable First Nation laws, and any other relevant matter;

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

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subject to its terms and conditions, the Parties agree as follows:

1. INTERPRETATION

1.1 In this Agreement,

"Act" means the First Nations Land Management Act, S.C. 1999, c.24, 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;

"Kátł'odeeche First Nation Land" means the land to which the Land Law will apply and more specifically means the reserve known as Hay River Dene Reserve No. 1 as described in the Land Description Report(s) referred to in Annex "G" and includes all the interests in and resources of the land that are within the legislative authority of Parliament, but does not include the Excluded Land;

"Excluded Land" means land excluded from the application of the Land Law pursuant to section 7 of the Act, the description of which is set out in Land Description Report(s) referred to in Annex "G".

"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 Kátł'odeeche 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 Law" means the Kátł'odeeche First Nation Land Law, developed as a Land Code in accordance with clause 5 of the Framework Agreement and section 6 of the Act;

"Minister" means either the Minister of Crown Indigenous Relations and Northern Affairs Canada or the Minister of Indigenous Services, or both, as the case may be, and his or her duly authorized representatives;

"Operational Funding" means the resources to be provided by Canada to the Kátł'odeeche 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 law, and includes financial resources, as described in clause 27 of the Framework Agreement, to establish and maintain environmental assessment and environmental protection regimes;



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“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 Kátł’odeeche 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 Kátł’odeeche 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.


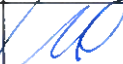
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3. TRANSFER OF LAND ADMINISTRATION

- 3.1 The Parties acknowledge that, as of the date the Land Law comes into force, the First Nation shall have the power to manage the Kátł'odeeche First Nation Land in accordance with section 18 of the Act and clause 12 of the Framework Agreement.
- 3.2 As provided in subsection 16(3) 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 Kátł'odeeche First Nation Land that exist on the coming into force of the Land Law shall be transferred to the First Nation on the coming into force of the Land Law.
- 3.3 As of the date the Land Law comes into force, the First Nation shall be responsible for, among other responsibilities identified in this Agreement, the Framework Agreement and the Act, 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 Kátł'odeeche 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 section 39 of the Act, 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 Law comes into force, and in accordance with the Framework Agreement and section 18 of the Act:
- (a) the land management provisions of the Indian Act, as listed in clause 21 of the Framework Agreement and section 38 of the Act, cease to apply and Canada retains no powers and obligations in relation to Kátł'odeeche First Nation Land under these provisions; and
 - (b) the First Nation shall commence administering Kátł'odeeche First Nation Land pursuant to its Land Law.

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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 Kátł'odeeche 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 Kátł'odeeche 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 Law comes into force, Canada shall transfer the revenue and capital moneys referred to in section 19 of the Act and 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 Law 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 Kátł'odeeche 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 Kátł'odeeche First Nation Land and Canada's rights in Kátł'odeeche First Nation Land, other than title, will be transferred to the First Nation effective the date the Land Law 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

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responsibility.

7.3 The Kátt'odeeche 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 Law comes into force, the environmental assessment process set out in Annex "F" shall apply to projects on Kátt'odeeche First Nation land until the coming into force of First Nation laws enacted in relation to that subject.

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:

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Canada:

Mr. Matt Spence
Regional Director General
Crown Indigenous Relations & Northern Affairs Canada
Northwest Territories Region
P.O. Box 1500,
Yellowknife, NT
X1A 2R1

Kátt'odeeche First Nation:

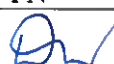

Chief April Martel
Kátt'odeeche First Nation
P.O. Box 3060
Hay River, NT
X0E 1G4

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 Law and this Agreement in accordance with the Framework Agreement and the Act.
- 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 Law into force, and that the First Nation is not an operational First Nation under the First Nations Land Management regime until the Land Law comes into force in accordance with the provisions of the Land Law, the Framework Agreement and the Act.

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13. SIGNATURE BLOCK

IN WITNESS WHEREOF, the duly authorized representatives of the First Nation have signed this Agreement on behalf of the First Nation on _____, 2020, and the Minister of Crown Indigenous Relations & Northern Affairs Canada and Minister of Indigenous Services Canada have signed this Agreement on behalf of Her Majesty The Queen in right of Canada, on _____, 2020.

Her Majesty the Queen in right of Canada, as represented by the Minister of Crown Indigenous Relations & Northern Affairs Canada and the Minister of Indigenous Services Canada

Minister of Crown Indigenous Relations & Northern Affairs

Minister of Indigenous Services

Kát'odeeche First Nation

Chief April Martel

Councillor Doug Lamalice



Councillor Robert Lamalice

Councillor Pat Martel

Councillor Raymond Sonfrere

Councillor Peter Sabourin



Councillor Joyce Studney

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ANNEX "A"
FUNDING PROVIDED BY CANADA

- (a) The amount of Operational Funding for Fiscal Year 2020-2021 is shown in the table below. The amount shall be prorated based on the number of months from the date the Land Law 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 Law 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.
- (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	
2020-2021 Fiscal Year	\$277, 730.00 This amount shall be prorated in accordance with paragraph (a) above. <i>and</i> \$75,000.00 - One-time Transitional Funding per 1 st Fiscal Year
2021-2022 Fiscal Year	\$280, 508.00 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. <i>and</i> \$75,000.00 – One-time Transitional Funding per 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.

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ANNEX "B"
DETAILS FOR THE TRANSFER OF MONEYS

1. **As of the 2nd day of June 2020**, Canada is holding \$ **950, 413.95** of revenue moneys and \$ **39.66** 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 Law 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.

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ANNEX "C"
LIST OF INTERESTS AND LICENCES GRANTED BY CANADA

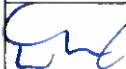

All interests and licences granted by Canada in or in relation to the Kát'odeeche First Nation Land that are recorded in the Reserve Land Register and the Surrendered and Designated Lands Register are listed in reports that are available for review at the Kát'odeeche First Nation Land Management Office located on the Kát'odeeche First Nation Reserve.

- **Reserve General Abstract Reports for:**
 - **Hay River Dene Reserve No. 1**

- **Lawful Possessors Reports for:**
 - **Hay River Dene Reserve No. 1**

- **Lease or Permits Reports for:**
 - **Hay River Dene Reserve No. 1**

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

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ANNEX "D"
**LIST OF ALL EXISTING INFORMATION IN CANADA'S POSSESSION
RESPECTING ANY ACTUAL OR POTENTIAL ENVIRONMENTAL
PROBLEMS WITH THE KÁTŁ'ODEECHE FIRST NATION LAND**

2019 PHASE I ENVIRONMENTAL SITE ASSESSMENT

Executive Summary

Stantec Consulting Ltd. (Stantec) was retained by the Kátł'odeeche First Nation (KFN) and Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC) to conduct a Phase I Environmental Site Assessment (ESA) of the Hay River Dene Reserve No. 1 located in the South Slave region of the Northwest Territories (herein referred to as the "Site"), excluding undeveloped forested lands within the reserve. The findings of the Phase I ESA will be used to help determine the environmental condition of the reserve lands prior to transfer of management of KFN lands and resources from the Government of Canada to the First Nation.



Conclusions and Recommendations

Based on the information gathered and observations made, the Phase I ESA has identified evidence of potential or actual environmental contamination associated with the Site and surrounding properties.

Table ES-1 summarizes our conclusions in the form of a list of specific APECs recommended for further investigation, an explanation of the nature and location of each APEC, associated PCOCs, and recommendations for further work. The table also identifies the drawing in which the APEC is illustrated, if applicable, as well as the section of the report where the APEC is discussed.

AST areas are where fuel transfers routinely occur. Further, older ASTs and their connections have a higher potential to leak. As such, each location on the reserve which has or had a single-walled heating fuel AST is generally considered an APEC. Stantec recommends that each of the heating fuel AST locations at the Site undergo a shallow soil assessment. The shallow soil assessments should include, at a minimum, the field screening of soil for both combustible headspace vapours (CHV) and volatile headspace vapours (VHV) using a portable organic vapor analyzer (e.g. RKI Eagle II with photoionization capabilities). Soils with petroleum hydrocarbon (PHC) odours or staining, or soils with elevated CHV and/or VHV readings should be sent to an accredited laboratory for analysis of PHCs and PAHs.

Stantec also recommends that:

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- Archaeological assessment be conducted prior to development or other ground disturbance activities in or near the Old Village, including the former uranium staging area (APEC 12);
- Best management practices and/or standard operational procedures for the storage, transfer and disposal of fuels, and the storage and disposal of batteries be implemented across the reserve;
- Replacement of single-walled ASTs with double-walled ASTs having a minimum of 110% secondary containment capacity;
- Improperly stored refrigeration units with the potential to release ODSs be collected and transported for disposal at an approved facility.

Some information from the GNWT hazardous materials spill database suggested additional APECs on Reserve lands; however, Stantec was unable to verify locations of these potential spills or releases. Properties on Reserve which may have had historical spills or releases which could not be verified include, but may not be limited to:

- 239 Wolverine Road
- 258 Wolf Drive
- 252 Wolf Drive and
- 106 Reserve Highway

Further, Stantec could not access the following lots due to prohibitive signage, aggressive domestic animals, or uncooperative residents:

- 250 Wolf Drive
- 220 Wolf Drive and
- 112 Reserve Highway

Abbreviations used in Phase 1 ESA



AANDC: The former department of Aboriginal Affairs and Northern Development Canada	L: litre
ACM: asbestos containing materials	M: metre
AEC: area of environmental concern	Mbgs: metres below ground surface
Amsl: above mean sea level	MOT: Ministry of Transport
APEC: area of potential environmental concern	MTS: Marine Transportation Services
AST: aboveground storage tank	NPRI: National Pollutant Release Inventory
Bgs: below ground surface	NTCL: Northern Transportation Company Limited
BTEX: benzene, toluene, ethylbenzene, xylenes	NWT: Northwest Territories
CCME: Canadian Council of Ministers of the Environment	ODS: ozone depleting substance
CER: Canada Energy Regulator	OROGO: Office of the Regulator for Oil and Gas Operations
CFC: chlorofluorocarbon	PAH: polycyclic aromatic hydrocarbons
CHV: combustible headspace vapours	PCB: polychlorinated biphenyls
CIRNAC: Crown-Indigenous Relations and Northern Affairs Canada	PCOC: potential contaminant of concern
CLSR: Canada Land Survey Record	PHC: petroleum hydrocarbons
COC: contaminant of concern	Ppm: parts per million

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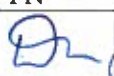
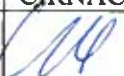
CSA: Canadian Standards Association	PVC: polyvinyl chloride
ENR: Environment and Natural Resources	ROW: right-of-way
ERIS: Environmental Risk Information Services	RWED: Department of Resources, Wildlife & Economic Development
ESA: Environmental Site Assessment	SAR: species at risk
FCSI: Federal Contaminated Sites Inventory	SARA: <i>Species at Risk Act</i>
FIGQG: Federal Interim Groundwater Quality Guidelines	SARC: Species at Risk Committee

Table ES-1 Areas of Potential Environmental Concern:



APEC and Location	Drawing	Section Reference	Risk Rank	Description of APEC	Location on the Site	PCOCs	Recommendations
APEC #1 Lots 11 to 16	8.1 Appendix A	8.1.1.1 8.2.2 8.4.2 9.0	High	Clearing north of Highway 5 and east of the Reserve Highway: <ul style="list-style-type: none"> Abandoned burned out vehicle Soil piles from trenching in community Dumping site for municipal refuse Abandoned UST, drums and metal debris Vertical steel pipe, buried. Purpose unknown. 	Southwest corner of reserve lands. North of Highway 5 and east of the Reserve Highway. Approximate coordinates: 60° 45' 14.27" N 115° 48' 45.58" W	PHCs, PAHs, metals	Phase II ESA—perform a shallow soil assessment to confirm or refute the presence of PCOCs. A deeper soil assessment should be performed in the vertical steel pipe area, which may be associated with unknown historical infrastructure.
APEC #2 Lot 628 CLSR 55495	8.2 Appendix A	7.1.2.1 7.3.1 8.1.1.1 8.5.2.2 9.0	High	Former Nav Canada radio beacon site, and access point to the Buffalo Airways crash site: <ul style="list-style-type: none"> Former communication tower site Gravel pad remains Occasional dumping site for municipal refuse Access point and road access to Buffalo Air Crash Site 	Approximately 1,300 m north of Highway 5 in the south-central portion of the reserve lands. Approximate coordinates: 60° 45' 17.06" N 115° 42' 30.53" W	PHCs, PAHs, PCBs, metals	Limited file review and Phase II ESA—perform a limited file review to better determine the historical locations of buildings and infrastructure associated with the former radio beacon, followed by a Phase II ESA to confirm or refute the presence of PCOCs. APEC
APEC #3 Lots 49, 50 and 51 CLSR 99075	8.3 Appendix A	8.1.1.1 8.2.1 9.0	Low	Storage area: <ul style="list-style-type: none"> Abandoned or unused vehicles Unused heavy equipment Abandoned ASTs and metal debris Pole-mounted transformer on road 	Clearing on the east side of the Reserve Highway, across from Subdivision A road. Approximate coordinates: 60° 45' 29.39" N 115° 49' 03.54" W	PHCs, PAHs, metals, glycols	Phase II ESA—perform a shallow soil assessment to confirm or refute the presence of PCOCs. APEC
APEC #4 Lot 175-7 CLSR 85105	8.4 Appendix A	6.3 8.1.1.1 8.4.1 9.0	High	Residence and construction business: <ul style="list-style-type: none"> Significant soil staining, and slight PHC odour, on road where multiple vehicles are staged Pole-mounted transformer on road, and vehicle batteries staged on ground Large cache of automotive fluids (motor oil, gear oil, etc) stored on ground in 5-gallon pails Fuel storage (Jerry Cans, ASTs) with no containment, 	27 Subdivision A Road. Approximate coordinates: 60° 45' 32.86" N 115° 49' 16.78" W	PHCs, PAHs, metals, glycols	Phase II ESA—perform a shallow soil assessment to confirm or refute the presence of PCOCs.

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				<ul style="list-style-type: none"> and a barrel pump was observed Vehicle, recreational vehicle, and construction equipment storage (semitruck, tracked excavator, water trucks, tractor, tandem end dump, bobcat, others) on road and/or property Entire property has potential have PHC and/or metals impacts Residential structure has a basement 			
APEC #5 Lot 1 CLSR 59738	8.5 Appendix A	7.3.9 8.1.1.1 8.2.1 8.5.5 9.0	High	<p>KFN Municipal Services:</p> <p><u>Multiple Structures</u></p> <ul style="list-style-type: none"> ➤ Hunters and Trappers Association - 1 x ~2,000 single-walled AST (no label) ➤ Frank's Water Services - 1 x 1,140 L single walled AST (2003) ➤ Heavy Equipment Maintenance and Storage - 1 x 2,045 L AST with secondary containment (2009) ➤ Dry/Cold Storage Building ➤ Les Norm's Sewer Services (under construction) • Lot - Storage of multiple ASTs, old 55-gallon drums, vehicles, fridges, heavy equipment • Possible spill location near 3-bay equipment maintenance building • Metal fencing, old fuel pumps, paint, lubricating compound, fuel storage (jerry cans and 55-gallon drums) • Metal debris, old appliances and furniture. 	New Village on Reserve Highway	PHCs, PAHs, metals, glycols, ODSs	<p>The heavy equipment maintenance shop may have been the location of a historical heating fuel release. There are several structures present with active heating fuel ASTs. The sewage truck, which actively leaks oil, is stationed on the lot. Unauthorized dumping of refuse and hazardous materials (used motor oil) has reportedly occurred at the rear of the property. There are multiple vehicles, ASTs, and smaller fuel storage containers present. Metal debris and 55-gallon drums are present throughout the lot.</p> <p>Perform a detailed Phase II ESA including the installation of groundwater monitoring wells and the collection of groundwater samples.</p>
APEC #6 Lot 169 CLSR 77689	8.6 Appendix A	6.3 8.2.1 8.2.2 8.5.5 9.0	High	<p>Ehdah Cho Grocery Store and Gas Station:</p> <ul style="list-style-type: none"> • Two fuel pumps on concrete slab, with staining • 1 x 90,000 litre (L) double-walled active AST (2008) • 1 x 11,000 L double-walled active AST (2015) • 2 x 1,111 L single-walled active ASTs (no label) for heating fuel • Reportedly site underwent a large remedial excavation. No report available. • 1 abandoned AST and disconnected fuel pump staged SE side of lot 	New Village on Reserve Highway	PHCs, PAHs, ODSs	<p>Historically the site had buried fuel tanks which were removed and replaced with ASTs. Reportedly, during the tank replacement, a remedial excavation was performed. A remedial report was not available for review, so confirmation that the site was sufficiently remediated, impacted soil was properly disposed of, or if imported backfill material was suitable for use at the Site could not be verified. Further, there were no groundwater monitoring wells identified at or around the site during the site visit.</p> <p>Perform a detailed Phase II ESA</p>

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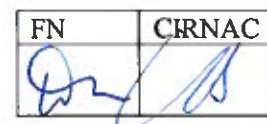
								including the installation of groundwater monitoring wells and the collection of groundwater samples.
APEC #7 Lot 157 CLSR 77686	8.7 Appendix A	7.3.1.2 8.1.1.1 8.4.1	Low	Residential Lot: <ul style="list-style-type: none"> Mobile home with crawl space and skirting 1 x 910 L single-walled heating fuel AST (1999) Storage of multiple vehicles (domestic, recreational, industrial) in various states of repair Fuel storage - jerry cans and multiple ASTs stored on ground, slip tank with fuel pump, automotive fluid containers and 55-gallon drums observed Soil staining noted underneath water truck Multiple ATVs, ski-doos, generator, 5-gallon pails of motor oil, boat 	710 Beaver Road Approximate coordinates: 60° 49' 49.43" N 115° 45' 54.41" W	PHCs, PAHs, metals, glycols	A significant number of vehicles are stored on this lot, several were observed to be in poor states of repair. Ground staining and multiple fuel storage containers were noted. Fuel transfer may occur on the lot. Phase II ESA—perform a shallow soil assessment to confirm or refute the presence of PCOCs.	
APEC #8 Lot 289 CLSR 106886	8.8 Appendix A	8.2.1	High	Daycare Centre: <ul style="list-style-type: none"> Wooden structure, elevated, on jacks with crawl space, no skirting Oil staining observed on gravel west side near AST 1 x 1,000 L single-walled AST, no label, observed to be actively leaking 	Daycare Centre on corner of Lynx Road and the Reserve Highway. Approximate coordinates: 60° 50' 06.87" N 115° 45' 38.35" W	PHCs, PAHs	The heating fuel AST connection was observed to be actively leaking at the time of the site visit. Ground staining was observed under the AST and on a nearby gravel access road. The duration of the leak and the volume released is unknown. Impact may extend underneath the Daycare structure. Perform a Phase II ESA to determine the depth and areal extent of impact.	
APEC #10 Lot 103 CLSR 61182	8.10 Appendix A	8.1.1.1 8.2.3 8.4.1 8.5.5	Medium	Residential Lot: <ul style="list-style-type: none"> 4 x AST and 5-gallon pail with no lid, full of oily liquid, and staining observed - at front of property Multiple 5-gallon pails of motor oil observed on ground near ASTs Propane AST, ski-doos observed Wooden residence on jacks, piles or blocks with crawl space and skirting 55-gallon barrels, barrel pump and multiple jerry cans observed under porch at rear of building Additional jerry cans, drums, old vehicles, and a fridge observed on the property 	Residential property at 254 Wolf Drive Approximate coordinates: 60° 50' 14.67" N 115° 45' 38.03" W	PHCs, PAHs, ODSs	Significant fuel storage and potential for fuel transfer was noted in two areas—near the front of the property (ASTs, motor oil containers) and at the rear of the property underneath the porch (barrels, barrel pump, jerry cans). Further, an open 5-gallon pail full of motor oil was noted by the ASTs. PHC ground staining was observed near the ASTs. Phase II ESA—perform a shallow soil assessment to confirm or refute the presence of PCOCs. APEC	
APEC #11 Lot 115 CLSR 61182	8.11 Appendix A	8.0 8.2.3	Low	Residential Lot: <ul style="list-style-type: none"> Wooden structure on blocks with crawl space, no skirting 	Residential property at 243 Wolf Drive	PHCs, PAHs, Metals, pH	Fuel drum, heating fuel AST, vehicle batteries and 5-gallon pail of motor oil full to brim with no lid at rear of property.	

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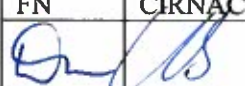
				<ul style="list-style-type: none"> 5-gallon pails of motor oil, full, one with no lid, and vehicle batteries on west side of bld 1 x 1,000 L AST, no label and in good condition, with 55-gallon drum on south side of bld Abandoned vehicle, domestic appliances 	Approximate coordinates: 60° 50' 13.43" N 115° 45' 40.86" W		Phase II ESA—perform a shallow soil assessment to confirm or refute the presence of PCOCs. APEC
APEC #12 Lot 14 CLSR 40266	8.12 Appendix A	4.1 7.3.4 9.1	High	Undeveloped Land, Former Uranium Ore Staging Area: <ul style="list-style-type: none"> Approximate Coordinates 60° 51' 23.69" N 115° 43' 22.13" W Potentially an archeologically significant site 	Near old cemetery across from Island A Approximate coordinates: 60° 51' 23.67" N 115° 43' 21.87" W	Radionuclides	<p>There were no obvious indications of concern visually apparent during the site visit. Based on interviews with community members and Elders, sediments on the reserve side of the Hay River are also considered an APEC.</p> <p>Phase II ESA—perform a shallow soil assessment to confirm or refute the presence of PCOCs. Assess the shallow sediments on the reserve side of the Hay River.</p>
APEC #13 Lot 15 CLSR 40266	8.13 Appendix A	2.1 7.2 7.3.5 7.3.14 8.7.4 9.0	High	Island A: <ul style="list-style-type: none"> 6 x beached barges observed on east side of island 	On Island A: Approximate coordinates: 60° 51' 11.95" N 115° 43' 19.96" W	Metals, Radionuclides	<p>The beached barges on Island A were identified as an APEC by community members and Elders during interviews. A historic Phase II ESA assessed shallow near-shore surface water and sediments around Island A; however, soil results were not provided</p> <p>Phase II ESA—perform a shallow soil assessment around the beached barges to confirm or refute the presence of PCOCs.</p>
APEC #14 Lot 213 CLSR 100442	8.14 Appendix A	8.1.1.1 8.2.3	Medium	Residential Property: <ul style="list-style-type: none"> Several old vehicles and ski-doo, vehicle battery observed Same lot # as 219 Wolf Drive Wooden structure on blocks with crawl space and skirting 1 x 1,111 L single walled AST, no label, appears in good condition Open containers (pails) filled with oily substance observed on east side of property Jerry cans on east side and around lot 	Residential property at 217 Wolf Drive Approximate coordinates: 60° 50' 03.49" N 115° 46' 13.44" W	PHCs, PAHs	<p>Fuel storage, AST, 5-gallon pails of motor oil full to brim with no lid at rear of property.</p> <p>Phase II ESA— perform a shallow soil assessment to confirm or refute the presence of PCOCs.</p>
APEC #15 Lot 244 CLSR 106886	8.15 Appendix A	7.3.9	Medium	Vacant Residential Property: <ul style="list-style-type: none"> Location of former spill (~ 75 L of heating fuel) No structure present 1 x 1,000 L single walled AST on ground, 55-gallon drum observed 	Residential property at 218 Wolf Drive Approximate coordinates: 60° 50' 03.49" N 115°	PHCs, PAHs	<p>Location of former heating fuel release.</p> <p>Phase II ESA—perform a shallow soil assessment to confirm or refute the presence of PCOCs.</p>



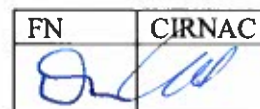
				<ul style="list-style-type: none"> Abandoned 1/2-ton truck and ski-doo, automotive fluid containers observed 	46' 13.44" W		
APEC #16 Lot 241 CLSR 106886	8.16 Appendix A	9.0	Low	Burned Residential Property: <ul style="list-style-type: none"> Residence burned down 1 x 1,100 L single walled AST, no label Old class C motor home at rear of property 	Residential property at 214 Wolf Drive Approximate coordinates: 60° 49' 58.99" N 115° 46' 18.07" W	PHCs, PAHs, metals	Location of former residential structure, which burned. Burned building debris was present onsite at the time of the Site visit. Phase II ESA—perform a shallow soil assessment to confirm or refute the presence of PCOCs.
APEC #17 Lot 238 CLSR 106886	8.17 Appendix A	8.5.5	Low	Residential Property: <ul style="list-style-type: none"> Wooden structure, elevated, on jacks, blocks or piles with crawl space and skirting Several jerry cans observed near tent trailer 1 x 1,000 L AST with 110% closed secondary containment (2014) Several jerry cans observed near wood structures (shed) at rear of property Old single walled AST and pile of jerry cans observed at rear of property near shed 	Residential property at 208 Wolf Drive Approximate coordinates: 60° 49' 55.07" N 115° 46' 18.39" W	PHCs, PAHs, ODSs	Fuel storage (jerry cans, AST) and potential recent AST replacement. Phase II ESA—perform a shallow soil assessment to confirm or refute the presence of PCOCs.
APEC #18 Lot 126 CLSR 61182	8.18 Appendix A	7.3.3 8.1.1.1 8.4.1 9.0	Medium	Residential Property: <ul style="list-style-type: none"> Wooden structure, elevated, on jacks, blocks or piles with crawl space and skirting 1 x 1,100 L single walled AST, no label 2 x 1/2-ton trucks, 3 x boats, 2 x ski-doo observed 1 x 1,100 L single walled AST, no label, on ground and disconnected. Multiple ASTs, jerry cans, automotive fluid containers, vehicle batteries, 55-gallon drums, ATVs, barrel pumps observed rear of property 	Residential property at 401 Fox Road Approximate coordinates: 60° 49' 57.24" N 115° 45' 58.69" W	PHCs, PAHs, metals, pH, glycols	Fuel transfer activities may occur as evidenced by the barrel pump and fuel drums, jerry cans, and vehicles observed on the property. Heating fuel AST may have been replaced. Interviews suggest that oil changes occur on the property and spills may have occurred. Phase II ESA—perform a shallow soil assessment to confirm or refute the presence of PCOCs.
APEC #19 Lot 221 CLSR 100442	8.19 Appendix A	8.2.1 8.4.1	Medium	Residential Property: <ul style="list-style-type: none"> Wooden structure, elevated, on jacks with crawl space no skirting Staining and dead vegetation observed under 910 L single walled AST (2004) 	Residential property at 407 Fox Road Approximate coordinates: 60° 50' 00.19" N 115° 46' 04.71" W	PHCs, PAHs	As evidenced by the ground staining and stressed vegetation underneath the heating fuel AST, contamination may be present due to spills or releases in the AST area. Perform a Phase II ESA to determine the depth and areal extent of the observed impacted area.
APEC #20 Lot 133 CLSR 61182	8.20 Appendix A	8.2.1 8.4.1	Low	Residential Property: <ul style="list-style-type: none"> Oil staining observed on driveway, possibly due to 	Residential property at 104 Reserve highway	PHCs, PAHs	Potential spill or release from the heating fuel AST, and potential ground staining by



				<ul style="list-style-type: none"> leaky sewage truck Wooden structure, elevated, on blocks, piles or jacks with crawl space and skirting 1 x 1,100 L single walled AST with no label Possible AST had a leak, sand observed underneath tank and in low areas and drip bucket placed under connections 	<p>Approximate coordinates: 60° 50' 00.19" N 115° 46' 04.71" W</p>		<p>motor oil.</p> <p>Phase II ESA—perform a shallow soil assessment to confirm or refute the presence of PCOCs.</p>
APEC #21 Lot 25 CLSR 40266	8.21 Appendix A	4.2 6.3 7.2 8.1.1.1 8.4.1 9.0	High	<p>Commercial/Industrial Property – Automotive Salvage Yard:</p> <ul style="list-style-type: none"> Multiple vehicles (100+), ski-dos, auto and engine parts, batteries observed Historical vehicle crushing near entrance, no fluids contained Fuel containers (ASTs, automotive tanks, 55-gallon drums, etc.) observed throughout Stressed vegetation observed near entrance to lot Automotive shop burned down approximately 2014 	<p>Automotive Salvage Yard on road to Old Village</p> <p>Approximate coordinates: 60° 50' 55.25" N 115° 43' 20.87" W</p>	PHCs, PAHs, metals, glycols	<p>Historical vehicle crushing with no containment for spilled fluids, derelict vehicles throughout property, and historical shop/garage which burned in 2014 (estimated).</p> <p>Perform a Phase II ESA to determine the depth and areal extent of impacts which are likely concentrated near the lot entrance but may be present throughout the site.</p>
APEC #22 Lot 4 CLSR 40266	8.22 Appendix A	7.3.9	Medium	<p>Residential Property:</p> <ul style="list-style-type: none"> Wooden structure, elevated, on blocks, piles or jacks with crawl space and skirting 1 x 1,000 L AST with secondary containment (2010) Ski-dos, jerry cans, 55-gallon drums and containers full of automotive fluids, no lids, staged around sheds north of residence Potential spill location - 568 L of heating fuel in February of 2002 from heating fuel AST 	<p>Residential property at #28 Old Village</p> <p>Approximate coordinates: 60° 51' 33.87" N 115° 43' 36.22" W</p>	PHCs, PAHs	<p>Containers of automotive fluids, without lids, full and sitting atop a 55-gallon fuel drum—indicative of automotive maintenance. Potential spill location at heating fuel AST. No known assessment or remediation is known to have occurred.</p> <p>Phase II ESA – perform a soil assessment to confirm or refute the presence of PCOCs.</p>
APEC #23 Lot 4 CLSR 40266	8.23 Appendix A	8.2.1 8.2.3 8.4.1	Medium	<p>Residential Property:</p> <ul style="list-style-type: none"> 1 x propane AST, 1 x 2,000 L single walled AST not in service Main structure wooden, elevated, on blocks, piles or jacks with crawl space and skirting Green structure has 1 x single walled AST (no label) with leaky connection, ground staining and stressed vegetation 1 x 55-gallon drum and 	<p>Residential property at #30 Old Village</p> <p>Approximate coordinates: 60° 51' 32.85" N 115° 43' 28.72" W</p>	PHCs, PAHs	<p>AST appeared to have a leaky connection as evidenced by ground staining and stressed vegetation underneath the heating fuel AST. Evidence of automotive fluid transfers and vehicle maintenance, and ground staining.</p> <p>Phase II ESA—perform a soil assessment to confirm or refute the presence of PCOCs.</p>

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				<p>small fuel container east side of green bld.</p> <ul style="list-style-type: none"> Staining on ground on driveway north side of green bld. 1 x 55-gallon drum with oil filters, ground staining and stressed vegetation south side of green bld. 			
APEC #24 Lot 4 CLSR 40266	8.24 Appendix A	8.2.1 8.4.1	Medium	<p>Residential Property:</p> <ul style="list-style-type: none"> Wooden structure, elevated, on blocks, piles or jacks with crawl space and skirting 1 x 1,111 L single walled AST (2007) Drip bucket observed under AST with staining 2 x jerry cans observed next to AST 5 x jerry can, 2 x 5-gallon pail of motor oil observed on ground north side of shed 	Residential property at #29 Old Village	PHCs, PAHs	<p>Fuel storage and automotive fluid containers observed, and a drip bucket was noted underneath the heating fuel AST. Ground staining was also noted in the AST area.</p> <p>Phase II ESA—perform a shallow soil assessment to confirm or refute the presence of PCOCs.</p>
APEC #25 Lot 127 CLSR 61182	8.25 Appendix A	7.1.4 7.3.9 8.4.1	Low	<p>Residential Property:</p> <ul style="list-style-type: none"> Wooden structure, elevated, on blocks with crawl space no skirting 1 x 1,000 L AST with 110% closed secondary containment 1 x 1,100 L single walled AST, no label, on ground and disconnected. Possible spill location, heating fuel release from AST. 2 x jerry cans observed 	Residential property at 116 Reserve Highway	PHCs, PAHs	<p>Possible spill location. Newly replaced heating fuel AST present, and old single-walled AST (disconnected) observed on ground.</p> <p>Phase II ESA—perform a soil assessment to confirm or refute the presence of PCOCs.</p>
APEC #26 Lot 1 CLSR 59738	8.26 Appendix A	8.4.3.3 9.0	High	<p>Historical Oil or Gas Well:</p> <ul style="list-style-type: none"> Signage "HR-B-52" Confirmed location of historical oil or gas well 	Undeveloped area on road to Wilderness Lodge	PHCs, PAHs, metals, salinity/sodality	<p>Confirmed through dialog with OROCO that this is an historical oil or gas well.</p> <p>Perform an upstream Phase I ESA to identify site-specific oil and gas infrastructure, the location of the onsite or remote sump, and confirm PCOCs. Perform a Phase II ESA as required following completion of the upstream Phase I ESA.</p>
APEC #27 Lots 46 and 47, Block C CLSR 98528	8.27 Appendix A	7.3.7 8.1.1.1 8.4.1	Medium	<p>Residential Property includes part of Lot 46:</p> <ul style="list-style-type: none"> Wooden structure, slab on grade no skirting, single walled 1,100 L heating fuel AST, no label 2 x AST staged on ground, jerry cans (fuel storage no containment) Vehicle batteries on ground, 5-gallon pails of oil observed Previous Phase I ESA 	Residential property at 61 Reserve Highway Approximate coordinates: 60° 47' 44.85" N 115° 47' 37.84" W Lot 46 adjacent to west of 61 Reserve Highway Approximate coordinates: 60°	PHCs, PAHs, Metals, pH	<p>Fuel storage (jerry cans and ASTs), automotive fluid containers, vehicles observed. Old AST may have been recently replaced with new. Previous Phase I ESA identified fuel storage and stressed vegetation on adjacent lot 46 (not assessed by Stantec during Site visit).</p> <p>Phase II ESA—perform a shallow soil assessment to confirm or refute the presence of PCOCs.</p>



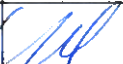
				identified fuel storage and stressed vegetation at Lot 46 to the west	47° 43.25" N 115° 47' 38.94" W		
APEC #28 Lot 46, Block 1 CLSR 99075	8.28 Appendix A	7.2 9.0	High	Commercial/Industrial - Old Forestry Compound: <ul style="list-style-type: none"> 1 x wooden structure, 1 x metal structure observed 1 x 55-gallon drum observed Historical office trailer or structure reportedly burned down 	Approximate coordinates: 60° 45' 13.60" N 115° 49' 06.29" W	PHCs, PAHs	Reportedly a structure burned down on this lot. No further details were available. A helicopter and large AST were noted in the aerial photo review. Phase II ESA—perform a shallow soil assessment to confirm or refute the presence of PCOCs.
APEC #29 Lot 146 CLSR 106886	8.29 Appendix A	7.2 7.3.10 7.3.15 8.4.3.1 9.0	High	Dene Wellness and Development Centre: <ul style="list-style-type: none"> 2 x propane ASTs on East side of site building. 1 x 4,500 litre doubled-walled AST (2004) in good condition on East side of bld. Fill pipe for interior AST 1 x pad-mounted transformer, no staining Two monitoring wells observed (labeled EBA) onsite Bid on piles or jacks, with skirting 	Approximate coordinates: 60° 49' 09.89" N 115° 45' 58.03" W	PHCs, PAHs	Soil analytical data from the 2018 Tetra Tech Phase II ESA was largely compliant with referenced guidelines. Groundwater analytical results exceeded the PHC F2 guideline in one sample, however its duplicate did not. Resample the monitoring wells and analyze for PHCs, PAHs and metals. Should PHCs persist at concentrations above the applicable guideline perform additional groundwater assessment to identify the source of the elevated dissolved PHCs.
APEC #30 Lot 4 CLSR 40266	8.30 Appendix A	-	Medium	Old Village Dock/Shoreline: <ul style="list-style-type: none"> Reportedly an area used for fueling boats 	Approximate coordinates: 60° 51' 31.11" N 115° 43' 40.33" W	PHCs	Reportedly, this is an area which has been used for fueling boats. Phase II ESA—perform a shallow soil assessment to confirm or refute the presence of PCOCs.
Notes: PHC – petroleum hydrocarbons PAH – polycyclic aromatic hydrocarbons							

2019 PHASE I ENVIRONMENTAL SITE ASSESSMENT

The full Phase 1 Environmental Site Assessment is available for review at the Kát'odeeche First Nation Land Management Office located on the Kát'odeeche First Nation.

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

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ANNEX "G"
DESCRIPTION OF KÁTŁ'ODEECHE FIRST NATION LAND

1. Hay River Dene Reserve No. 1 – CLSR 59738

Reserve: 08523 - Hay River Dene Reserve No. 1


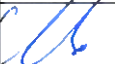
- a) Land Description of the extent of reserve lands that will be subject to the Land Law of the Kátł'odeeche First Nation under the *First Nations Land Management Act*.

The following Land Description Prepared by Leslie L. Smith of Natural Resources Canada on March 2, 2020 and recorded on March 10, 2020 is available for review at Kátł'odeeche First Nation Administration Office. Located on the Kátł'odeeche First Nation Reserve.

- **Hay River Dene Reserve No. 1 (08523) recorded in the Canada Lands Surveys Records as FB42993 CLSR**

Notes:

1. Third (3rd) party interests are not addressed in this land description.
2. The Administrative Sketch in Section 2 illustrates this Land Description.
3. Refer to the official survey plans and legal documents for the definitive boundary definition and the nature of the interest in the reserve land.
4. The extent of oil and gas rights are not dealt with by this Land Description.
5. The bank of Hay River and Great Slave Lake form part of the natural boundary of the reserve: consequently, the area of the reserve may have changed since the date of survey and may continue to change.

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6. All processes shall be conducted at the expense of the First Nation or of the proponent of the project.
7. The provisions in this Annex are without prejudice to any environmental assessment process that the First Nation may develop in accordance with the Act and the Framework Agreement for incorporation in First Nation laws respecting environmental assessment.

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ANNEX "F"
INTERIM ENVIRONMENTAL ASSESSMENT PROCESS

1. In this Annex,
 - (a) "MVRMA 1998 means the *Mackenzie Valley Resource Management Act, 1998*, S.C. 1998, c. 25, as amended from time to time.
2. This Annex sets out the environmental assessment process that will apply to projects on First Nation Land until the enactment and coming into force of First Nation Laws on that subject.
3. The First Nation shall conduct an assessment process in respect of every project on First Nation Land consistent with:
 - (a) MVRMA 1998
4. Notwithstanding clause (3), the First Nation is not required to conduct an additional environmental assessment if the First Nation decides to adopt an environmental assessment that Canada conducts in respect of that project.
5. If the First Nation elects to use a process consistent with MVRMA 1998, the following applies:
 - a) When the First Nation is considering the approval, regulation, funding or undertaking of a project on First Nation Land that is not described in the exclusion list as defined in MVRMA 1998, the Council of the First Nation shall ensure that an environmental assessment of the project is carried out in accordance with a process that is consistent with that of MVRMA 1998. Such assessment shall be carried out as early as practicable in the planning stages of the project before an irrevocable decision is made.
 - b) The First Nation shall not approve, regulate, fund, or undertake the project unless the Council has concluded, taking into consideration the results of the environmental assessment, any economically and technically feasible mitigation measures identified as necessary during the assessment, and any public comments received during the assessment, that the project is unlikely to cause any significant adverse environmental effects are justifiable under the circumstances.
 - c) If the First Nation approves, regulates, funds, or undertakes the project, the First Nation shall ensure that all mitigation measures referred to paragraph (b) above are implemented at its expense or it is satisfied that another person or body will ensure their implementation. The Council shall also consider whether a follow-up program, as defined in MVRMA 1998, is appropriate in the circumstances and if so, shall design a follow-up program and ensure its implementation.

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