

**FISHING LAKE METIS SETTLEMENT IN THE
PROVINCE OF ALBERTA
SURFACE RIGHTS COMPENSATION DISTRIBUTION
TO MEMBERS BYLAW**

#2006- 0163

WHEREAS Section 20 OF Schedule 1 of the Metis Settlements Act, S.A. 1990, c. M-14.3 as amended provides that the Settlement Council may make any bylaw that is necessary to implement a General Council Policy.

WHEREAS Section 3.7 (2) the General Council Mineral Projects Policy provides that the Settlement Council may make a bylaw providing for the distribution of compensation received in relation to a project.

NOW THEREFORE the Council and members of the Fishing Lake Metis Settlement enact as follows:

Definition

1. In this bylaw,

“Agreement” means an agreement, between an Operator, Settlement Council and General Council,

- a. For evaluating, exploring for, or developing, a non-renewal resource within the Settlement area, or
- b. Defining surface access for which a right of entry order may be made under Part 4 Division 7 of the Metis Settlements Act and specifying terms and conditions of compensation;

**FISHING LAKE METIS SETTLEMENT IN THE
PROVINCE OF ALBERTA
SURFACE RIGHTS COMPENSATION DISTRIBUTION
TO MEMBERS BYLAW**

#2006- 0163

“Annual Compensation” means the compensation payable by an operator to the occupant or the Settlement periodically for access under as Agreement or Right of Entry Order and includes money paid in subsequent years under the Agreement or Order.

“Compensation” means the money payable by an Operator to an occupant, or the Settlement to compensate for the impact to land within the Settlement area for evaluating, exploring for or developing a non-renewable resource or surface access,

- a. Upon the execution and delivery of an Agreement or Right-of-Entry Order and includes money paid for special damages under the Agreement, or Right-of-Entry Order;
- b. Periodically for access under an Agreement or Right-of-Entry Order and includes money paid in subsequent years under the Agreement or Right-of-Entry or
- c. For any arrears paid in respect of past special damages or access pursuant to an Existing Agreement or Right-of-Entry Order;

To compensate for the impact to land within the Settlement area of

**FISHING LAKE METIS SETTLEMENT IN THE
PROVINCE OF ALBERTA
SURFACE RIGHTS COMPENSATION DISTRIBUTION
TO MEMBERS BYLAW**

#2006- 0163

- a. Evaluating, exploring for, or developing a no Renewable, or
- b. Surface access; and

Does not include any money held by General Council for the common interest as the result of the enactment of an agreement and includes money paid for special damages under the agreement.

"Existing Agreement" or "Right-of-Entry Order" means an Agreement or Right-of-Entry Order entered into prior to November 1, 1990;

"Initial payment" means the compensation payable by an Operator to the Occupant or the Settlement upon the execution and delivery of an Agreement and includes money paid for special damages under the agreement.

"Member" means an individual who is a registered member of the Fishing Lake Metis Settlement;

"Occupant" means a person/settlement who

- a. Holds a Certificate of Metis, Provisional Metis Title, or a Memorandum of Allotment created by General Council Land Policy, or
- b. Who holds an interim allocation or allocation as defined in the General Council Land Policy, and

**FISHING LAKE METIS SETTLEMENT IN THE
PROVINCE OF ALBERTA
SURFACE RIGHTS COMPENSATION DISTRIBUTION
TO MEMBERS BYLAW**

#2006- 0163

- c. Primarily resides in the Settlement area;

"Operator" means

- a. The holder of an existing mineral lease, or
- b. A person who is authorized or permitted to engage in an authorized project as defined in Part 4 Division 7 of the Metis Settlements Act; and

"Settlement" means the Fishing Lake Metis Settlement.

All terms used have the same meaning as set out in the Metis Settlements Act.

2. Purpose

1. This by-law is enacted to determine the rates of compensation payable to occupants from
 - a. Compensation payable by an operator pursuant to an Agreement or Right-Of-Entry Order affecting lands within the Settlement area entered into after November 1, 1990;

**FISHING LAKE METIS SETTLEMENT IN THE
PROVINCE OF ALBERTA
SURFACE RIGHTS COMPENSATION DISTRIBUTION
TO MEMBERS BYLAW**

#2006- 0163

- b. Increases in Annual Compensation pursuant to an Existing Agreement or Right-Of-Entry Order implemented after November 1, 1990;

- c. Compensation arrears paid in respect of past special damages or access or pursuant to an Existing Agreement or Right-Of-Entry after November 1, 1990.

2. This Bylaw does not affect Compensation paid by an Operator to an Occupant pursuant to an Existing Agreement or Right-Of-Entry prior to November 1, 1990 and does not effect Annual Compensation payable pursuant to an Existing Agreement or Right-Of-Entry implemented prior to November 1, 1990

3. DISTRIBUTION OF COMPENSATION

- 1. If there is no Occupant on the lands affected by the Agreement or Right-Of-Entry Order, then the Settlement retains 100% of the Compensation payable pursuant to an Agreement or Right-Of-Entry Order.

- 2. If an Occupant acquires lands affected by an Existing or pending Agreement or Right-Of-Entry Order, then the Occupant is not entitled to any compensation payable

**FISHING LAKE METIS SETTLEMENT IN THE
PROVINCE OF ALBERTA
SURFACE RIGHTS COMPENSATION DISTRIBUTION
TO MEMBERS BYLAW**

#2006- 0163

pursuant to an Agreement or Right-Of-Entry Order,
except in the case of the following:

- a. An estate, then the Compensation payable will be payable to the heir in accordance with section 3 and 4, and
 - b. A transfer within family, then any Compensation payable will be payable to the transferee in accordance with section 3 and 4.
3. A Settlement member who does not primarily reside in the Settlement area is not entitled to any compensation payable pursuant to an Agreement or Right-Of-Entry Order as set out in the Fishing Lake Metis Settlement Leave of Absence Bylaw No. FLMS 970099.
4. Compensation payable by an Operator, including accrued interest, is allocated by the Settlement Council to the Occupant as follows:
- a. The Certificate of Metis Title Occupant, shall receive 80% of the initial and 100% of the annual compensation;
 - b. The Provisional Metis Title occupant shall receive 30% of the initial and 30% of the annual;
 - c. The Memorandum of Allotment Occupant

**FISHING LAKE METIS SETTLEMENT IN THE
PROVINCE OF ALBERTA
SURFACE RIGHTS COMPENSATION DISTRIBUTION
TO MEMBERS BYLAW**

#2006- 0163

or lease holder shall be entitled to 20% of the initial and no annual, except for compensation for special damages to any improvements made by the Member to the land

5. If the Occupant holds an interim allocation or allocation as defined in General Council Land Policy then the Settlement shall hold the percentage as set out in subsection (4) in trust subject to the occupant acquiring an interest in the land.
6. A member who holds a lease of land affected by an Agreement or Right-Of-Entry is entitled to compensation for special damages to any improvements made by the Member to the land.
7. The Settlement is entitled to the remaining balance of the compensation payable to the occupant as set out in subsection (4) to (6).
8. Any costs incurred in negotiating or administering an Agreement that are not otherwise borne by the Operator shall be borne by the Settlement and the occupant pro rata in accordance with the respective percentages of Compensation to which each is entitled. In no case shall the costs allocated to the occupant exceed 15% of the Compensation payable to the Occupant. The Settlement shall be entitled to have the Occupants percentage to the costs and administration fee deducted from the

**FISHING LAKE METIS SETTLEMENT IN THE
PROVINCE OF ALBERTA
SURFACE RIGHTS COMPENSATION DISTRIBUTION
TO MEMBERS BYLAW**

#2006- 0163

Compensation payable to the Occupant and paid directly to the Settlement;

9. The Settlement shall be entitled to deduct any outstanding amounts in default on payments owed by the Occupant to the Settlement or any of its entities from Compensation payable to the Occupant and paid directly to the Settlement;
10. All Compensation paid on a Slant Drill project, approved by Settlement Council shall be wholly retain by the Settlement and deposited into a heating account established for the purpose of providing heating costs subsidies to the households of the Settlement;
11. An Occupant, of a Slant Drill project shall be entitled to a signing fee all other initial and annual Compensation shall be deposited into the aforementioned heating account.
12. The Members, on or about at their November General Meeting shall review the amount deposited into the heating account and disburse equally to each member occupied household on the Settlement for the purpose of providing a heating subsidy;

**FISHING LAKE METIS SETTLEMENT IN THE
PROVINCE OF ALBERTA
SURFACE RIGHTS COMPENSATION DISTRIBUTION
TO MEMBERS BYLAW**

#2006- 0163

13. The Fishing Lake Metis Settlement Surface Rights Compensation Distribution to Members Bylaw #2000-0116 is hereby repealed.

Effective Date

This bylaw comes into effect the day after it is given third reading.

READ a first time this 18th day of July 2006 at a Council meeting in Fishing Lake Metis Settlement Office at which 4 Council members were present and voted as follows;

3 For 0 against

READ a second time this 18th day of July 2006 at a Council meeting in Fishing Lake Metis Settlement Office at which 4 Council members were present and voted as follows;

3 For 0 against

APPROVED by secret ballot vote scheduled at a Settlement Special General Meeting on 16th day of August 2006 in Fishing Lake Metis Settlement at which 16 members were present and voted to scheduled a ballot vote on August 23rd, 2006 which resulted in the following;

 22 For 14 against

**FISHING LAKE METIS SETTLEMENT IN THE
PROVINCE OF ALBERTA
SURFACE RIGHTS COMPENSATION DISTRIBUTION
TO MEMBERS BYLAW**

#2006- 0163

READ a third time this 5th day of September, 2006 at a Council meeting in Fishing Lake Metis Settlement Office at which 4 Council members were present and voted as follows;

3 For 1 against



Settlement Administrator (SEALED)