



LAND CODE DEVELOPMENT- LANDS COMMITTEE AND LAND CODE COORDINATOR

Gearing up to manage Serpent River reserve lands

Serpent River First Nation is preparing to operate under its own land management system. There are 58 First Nation communities across Canada who are managing their own reserve lands. At this time, Serpent River First Nation is part of a group of an additional 60 First Nations who are in the process of developing land codes and assuming land management authority from the Department of Indigenous and Northern Affairs (INAC).

This move is an incremental step towards setting up a First Nation based land management system and will be the beginning of setting up land management policies and procedures at the community level.

The decision to move under a land code will be made by community members through a community voting process, where members will vote to approve the Land Code, and the Individual Transfer Agreement.

Once the Land Code is in effect, SRFN will be required to develop policies, procedures and regulations to govern the use of land and resources at the First Nation Level. SRFN will assume responsibility for making and enforcing environmental assessment laws, protection of lands and resources, regulations for the development of resources and permits for resource use. The community will also have authority to generate revenues through licenses, permitting and leases.



**SERPENT
RIVER FIRST
NATION**
**LAND CODE
DEVELOPMENT**
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THE LAND CODE IS AVAILABLE FOR VIEWING ON THE SERPENT RIVER FIRST NATION WEBSITE AND AT THE BAND OFFICE.

<http://www.serpentrivernfn.ca>

WE NEED YOUR INPUT

Community members are invited to add to the Land Code. We want your ideas. Please attend Community Meetings when they are scheduled. Please email the Land Code Coordinator with your comments or questions at:

Lorraine.rekmans@sympatico.ca

COMMUNITY DINNER AND INFORMATION SESSION LAND CODE AND VOTING ON THE LAND CODE

April 11th at 4:30 p.m

Community Centre (Band Hall)

The *Framework Agreement* enables First Nations to move out from under the following land related provisions of the *Indian Act*.

1. Reserves (s.18-19)
2. Possession of Lands in Reserves (s. 20,22 -28)
3. Trespass on Reserve (s. 30-31)
4. Sale or Barter of Produce (s. 32-33)
5. Roads and Bridges (s. 34)
6. Lands Taken for Public Purposes (s. 35)
7. Surrenders and Designations (s. 37-41)
8. Distribution of Real Property but not personal property on intestacy (s. 49 & 50(4))
9. Management of Reserves and Surrendered and Designated Lands (s. 53-60)
10. Management of Indian Moneys (s. 66,69)
11. Farms (s. 71)
12. Removal of Materials from Reserves (s.93)
13. Regulations made under section 57 of Indian Act ; and
14. Regulations under section 42 and 73 of Indian Act to the extent that they are inconsistent with the Framework Agreement or the Land Code or the Laws of the First Nation.



We are asking for your assistance in providing up-to-date contact information for off-reserve members. If you have friends or relatives who live off-reserve, who may wish to vote, contact us. We need to inform all eligible voters. Please contact Kerri Commanda at 705-844-2418.

GETTING READY TO VOTE ON THE LAND CODE

The Serpent River First Nation Land Code is completed and will soon be going for a legal review. Comments and input are still welcome. This is the actual document that eligible band members will be asked to vote on, along with the Individual Agreement between Canada and Serpent River First Nation. The vote will really come down to one simple question: do you want Serpent River First Nation to manage its own lands under the Land Code?

The question on the ballot will ask:

Do you approve the Serpent River First Nation Land Code and the Individual Agreement with Canada?

On the Ballot you will only have 2 choices: YES or NO

If you vote YES, this will mean that Serpent River First Nation will manage its own lands under the Land Code.

If you vote NO, this will mean that Indian Affairs will continue to manage the lands.

You will be able to vote by Mail or in Person.

Prior to the vote, we will mail out information packages that contain the following documents:

- a Voter Registration Card;
- a pre-paid postage return envelope;
- a Notice of Vote;
- a copy of the Land Code;
- a Summary of the Land Code;
- a Summary of the Individual Agreement;
- a Summary of the Framework Agreement on First Nations Land Management; and
- a Summary of the First Nations Land Management Act.

Individual Agreement

When community members vote to ratify the Land Code, they will also be asked to vote to accept the Individual Agreement. The Individual Agreement between Serpent River First Nation and Canada deals with such matters as:

- the reserve lands to be managed by Serpent River First Nation,
- the specifics of the transfer of the administration of land from Canada to Serpent River First Nation, such as the interests in land held by Canada that are to be transferred to Serpent River,
- the transfer of revenues,
- an interim environmental assessment process, and
- the funding to be provided by Canada to Serpent River First Nation for land management.



WHAT IS IN THE LAND CODE? The Land Code contains 9 Parts. The Land Code is available for comments from community members. Please visit the Serpent River First Nation Website to see the Land Code. <http://www.serpentriverfn.ca> You can email comments to: Lorraine.rekmans@sympatico.ca. If you would like a paper copy of the Land Code please contact Kerri Commanda at lrcu.srfn@gmail.com or call 705-844-2418 ext.232

LAND CODE- PART 7

Interests and Licenses in Land

Part 7 deals with how revenues from land and natural resources will be treated. This section sets out the requirement for SRFN to maintain a Land Registry in the same format as INAC's Indian Land Registry System. Any land interest must be documented in writing and registered. Any interest in SRFN land that exists when the Land Code comes into effect will continue. This section states Council has authority to grant certificates of possession, member allocations, leases, permits, easements and rights-of-ways.

LAND CODE- PART 8

Dispute resolution

Part 8 sets out a dispute resolution process to ensure that all members of Serpent River First Nation will use land with due respect to the rights of others. This section contains guidelines to set up a dispute resolution panel and a process where disputes can be arbitrated and resolved. The panel will consist of three members who will be drawn from a Roster of twenty people. Each party to the dispute will choose one panelist and the third panelist, who will serve as Chair, will be chosen by the other two.

LAND CODE –PART 9

Other Matters

Part 9 deals with Liability, Insurance and Offences. It states that SRFN is not liable for anything done by Canada before the Land Code came into effect. It also sets out a process where the Land Code may be revised. Any major revisions to the Land Code must be ratified by a community vote. In this section, the Land Code states that the Canadian Environmental Assessment Act (CEEA) will be applied to Serpent River First Nation land until the community develops its own environmental assessment process that meets or exceeds the CEEA.

WHERE ARE WE IN THE LAND CODE PROCESS?

YEAR ONE

JULY – SEPTEMBER 2016	OCTOBER – DECEMBER 2016	JANUARY- MARCH 2017	APRIL- JUNE 2017
First Draft of Land Code is ready for community comments. Announcement of the Land Code Project Land Survey is under way	Begin identifying all eligible voters from Serpent River First Nation Establish a community voting process Community Consultation Work begins on Individual Agreement Collect comments on Part 1, 2 and 3 of Land Code	Community Consultation Collect comments on Land Code. Continue to Identify voters Continue work on Land Survey Prepare RFP for Environmental Assessment	Community Consultation Survey to be completed -Land Description Report Continue work on Individual Agreement Collect comments on Land Code and finalize the Land Code. Environmental Assessment to begin Continue to identify voters

YEAR TWO

JULY- SEPTEMBER 2017	OCTOBER-DECEMBER 2017	JANUARY – MARCH 2018	APRIL-JUNE 2018
Draft 3- of Land Code Negotiate Transfer Agreement Locate Voters Notify Third Party interests Finalize steps for voting process	Finalize Land Code Approve Land Description Report Legal Review of Transfer Agreement Community Meeting	Finalize Voters List Documents delivered to Community Members Set Voting Date	Vote to be held on Land Code and Individual Agreement