



LAND CODE DEVELOPMENT- LANDS COMMITTEE AND LAND CODE COORDINATOR



SERPENT RIVER FIRST NATION

First Nation Land
Management Act

LAND CODE
DEVELOPMENT

OCTOBER 2016

ISSUE # 1

What is a Land Code?

The Serpent River First Nation and the Government of Canada have entered into an agreement based on the First Nations Land Management Act (Billc-49). The SRFN has signed a Framework Agreement and has agreed to take on work to develop a **Land Code, an Individual Transfer Agreement and a Community Ratification Process.**

This agreement and legislation will enable Serpent River First Nation to take over management and administration of the Reserve Lands from Indigenous and Northern Affairs Canada (INAC).

The Land Code will become the fundamental law of the land and will provide a basis for Serpent River First Nation to pass land

laws into the future. However, the Land Code will first have to be accepted by community members through a voting process.

The Land Code will identify the First Nation Land to be managed and set out general rules for the use of lands. It will provide a requirement for financial accountability for any revenues collected from land use. It will also contain a dispute resolution process to deal with land use issues or concerns. This is a process to apply SRFN laws to Reserve Lands and end Indian Act control over Reserve Lands. Currently the Indian Act governs reserve lands and the federal government has all power over land management on reserve.



FIRST DRAFT OF LAND CODE

THE LAND CODE IS IN THE DEVELOPMENT PHASE. PARTS 1, 2 AND 3 OF THE LAND CODE ARE AVAILABLE FOR VIEWING ON THE SERPENT RIVER FIRST NATION WEBSITE AND AT THE BAND OFFICE.

<http://www.serpentriverfn.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



Members of Serpent River First Nation will vote on the Land Code

The Framework Agreement that was signed by Serpent River First Nation in September 2015, will be ratified when eligible voting members of Serpent River First Nation vote to adopt the Land Code and the Individual Agreement. This vote is expected to happen in early 2018.

The Land Code will set out how the Reserve Land will be governed and how decisions will be made about land use. The Individual Agreement will set out the specific details about how the land will be transferred from Indian Affairs to Serpent River First Nation.

FIRST NATION LAND MANAGEMENT ACT

The Framework Agreement is a government to government agreement that was signed by 14 First Nations and Canada in 1996. There are now 125 First Nation signatories to the agreement which makes provisions for First Nation to manage their reserve lands and resources. Canada ratified this agreement by passing the First Nations Land Management Act in 1999. The Act enables the Framework Agreement and allows Canada to transfer Land management responsibilities to First Nations. To date, there are 60 First Nations across Canada who have ratified the Land Codes and who are now managing their own reserve lands.

Did You Know?

Whenever you see or hear the train pass through Serpent River First Nation, this is because 93.16 acres of land was surrendered by the Chief and Council in 1882. The Chief and Council told the Department of Indian Affairs that any monies received from the sale of these lands to Canadian Pacific Railway shall be placed in an interest bearing account for the benefit of the Indians. This agreement is 134 years old. The deal was negotiated by Indian Affairs because the government had taken control over Indian Reserve Lands and organized land surrenders and land sales.

When Serpent River First Nation assumes responsibility for managing reserve lands, decisions on land use will be by Band Members.



What Needs to Happen Before the Vote!

Serpent River First Nation must develop a **Land Code** and seek out community input. The community must identify all eligible voting members and develop a voting process (**Community Ratification Process**) to ratify the **Land Code** and **Individual Agreement**.

Serpent River First Nation must undertake a **survey** of the Reserve Lands and prepare a **Land Description Report** to ensure that the actual Reserve Lands are described accurately in the Individual Agreement.

SRFN must complete an **Environmental Assessment** of the Reserve Lands to identify any existing environmental problems. Canada remains liable for any of its actions that may have caused environmental problems.

The Land Survey is underway and the survey will be complete in January 2017. Indigenous Affairs and Northern Development (INAC) will have Natural Resources Canada complete the Land Description Report following discussions and agreement with Serpent River First Nation.

SRFN has the option to exclude parcels of land from the individual Agreement and has the option to decide if INAC should continue to manage those lands.



Legal Powers to Make Laws

Under the Framework Agreement, First Nations will acquire the legal status and the powers they need to govern and manage Indian Reserve lands.

Land Title will remain with Her Majesty the Queen in Right of Canada. Under the *Indian Act* Reserve lands are set aside for the use and benefit of Indians. The Framework Agreement and the Land Code will not change this. Reserve lands will continue to remain a federal responsibility, under section 91(24) of the Constitution.

First Nations will not have the power to sell or surrender Reserve Lands. Lands may be leased and developed but not sold. All leasing and development will be done according to the Land Code. A First Nation with a Ratified Land Code will make laws regarding development, conservation, protection, management, use and possession of Reserve land.

The Land Code does not give the First Nation the power to tax real or personal property.

The *Framework Agreement* provides the First Nation with all the powers of an owner in relation to its First Nation Land.

WHAT IS IN THE LAND CODE? The Land Code contains 9 Parts. The first three parts are available for comments from community members. Please visit the Serpent River First Nation Website to see the first 3 parts of the Land Code. <http://www.serpentrivern.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 1
Preliminary Matters**

Part 1 of the Land Code provides the definitions to be used in the document and determines how the document will be interpreted. It sets out the purpose of the Land Code. The purpose is to set out rules to govern Reserve Land and resources. It states that Serpent River First Nation has the authority to govern its Land and resources. The principles state that the Land and resources will be governed according to the culture and traditions of the people.

**LAND CODE- PART 2
First Nation Legislation**

Part 2 sets out the authority of Serpent River First Nation to make laws about Reserve land and resources. This section allows for community members to have input into how land laws are introduced. These laws will be for development, conservation, protection, management and possession of land and resources.

Any Land laws will have to be made public to members. This part states that Serpent River First Nation will have authority to enforce land laws.

**LAND CODE –PART 3
Community Meetings and Approvals**

Part 3 sets out how community meetings will be held and how eligible voters will take part in decision making about land use. A community vote will be required for:

- Land use plans,
- the granting of licenses that are longer than a term of 35 year and,
- any changes that are to be made to the Land Code.

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	Survey is to be completed Land Description Report will be prepared Environmental Assessment to begin. Community Consultation Collect comments on Part 4, 5, and 6 of Land Code.	Continue to Identify voters Community Consultation Land Description Report Continue work on Individual Agreement Collect comments on Part 7, 8 and 9 of Land Code and finalize the Land Code.

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