



LAND CODE DEVELOPMENT- LANDS COMMITTEE AND LAND CODE COORDINATOR



SERPENT RIVER FIRST NATION

LAND CODE DEVELOPMENT

JANUARY 2017

ISSUE # 3

Community members invited to contribute to the Land Code

Sections of the Serpent River First Nation Land Code have been placed on the Serpent River First Nation website for Band Members to review. During the fall of last year, the first three sections were available for viewing and comment. Now, the following three sections are on the website for community comment.

Members of the Lands and Resources Committee have been working to develop the Land Code, which is **a law to govern and manage Reserve lands**. This Land Code will replace land management rules from the Indian Act and will provide the framework for Serpent River First Nation to manage its own Reserve Lands.

The Land Code defines how decisions about land use will be made. Other parts of this project include, a survey of the Serpent River First Nation boundary, and a Phase I Environmental Assessment. The Environmental Assessment is scheduled to begin in the Spring of 2017.

These parts of the project will make up the Land Description Report and will define the whole of Serpent River Indian Reserve No. 7. The Land Description Report will be included in the Individual Agreement that will give Serpent River First Nation authority to manage its own lands. Once these documents are ready, the Land Code and Individual Agreement will be submitted to a community vote.



Parts 4,5, 6 OF THE LAND CODE ARE 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



Did You Know?

In 1911 the Chief and Principal Men of the Serpent River Indian Reserve surrendered a portion of the reserve to grant the right to plant poles and carry a telephone line. The line was to follow the Tote Road to Kennebutch. It was to be 20 feet from the north limit of the right of way which was granted to the Canadian Pacific Railway. The Chief at the time was William Nahmawon. In order to grant surrenders, the Chief and Principal men (men aged 21 years and older) were required to attend a meeting of the Council and agree to the surrender. The surrender was to the Crown which was to dispose of the land and reap benefits for the people of Serpent River First Nation.

SEEKING ALL BAND MEMBERS WHO ARE ELIGIBLE TO VOTE

The Lands and Resources Committee has made a commitment to identify all band members both on and off reserve who are eligible to vote. Band members will be required to vote on the acceptance of the Land Code and the Individual Transfer Agreement. If you know of a band member who is eligible to vote but who may not be on the list, contact Kerri Commanda, Lands and Resources Coordinating Unit (705)844-2418.

First Nation Under Land Code Protected from Expropriations

Currently under the Indian Act, the Federal Government and the Province of Ontario have authority to expropriate Indian Reserve Lands. However, First Nations who vote to adopt a Land Code and manage their reserve lands under that Land Code have assurances that the land will not be sold, exchanged, conveyed or transferred except for any exchange or expropriation of land that is made under the Framework Agreement on First Nation Land Management.

Under the Framework Agreement, as a general principle, First Nation lands will not be subjected to expropriation. However, if lands are expropriated it must be only with the consent of the Governor in Council, and only by and for the use of a federal department or agency. There is a provision in the Framework Agreement to ensure that land expropriation will be limited to cases where it is justifiable and necessary for a federal public purpose that serves the national interest. The Act also requires Canada to provide alternate land to the First Nation, which would become First Nation reserve land, in order to protect the land base of the First Nation. The Legislation contains provisions on compensation and the resolution of disputes over expropriation.

Getting the word out

The Lands and Resources Committee members have been working on a communications strategy to inform community members of the upcoming vote on the Land Code.

Community members have received various newsletters in their mailboxes and information has been posted onto the Serpent River First Nation website. There was an information booth at the Annual General Meeting of band members in October 2016.

The Lands and Resources Committee welcomes any questions or comments that members might have on the Land Code.

In January, Committee members conducted a door to door campaign in the community to get the word out about the Land Code.

In the coming months there will be a community meeting to provide information to members and answer any questions they might have. Notice will be provided once the date and location has been selected.

A Land Code will be the basic land law of the First Nation and will replace the land management provisions of the Indian Act.

This can only happen if community members vote to approve the Land Code.

VOTING ON A LAND CODE

Serpent River First Nation has determined to use a Registered Voters process for the community vote on the Land Code and Individual Transfer Agreement.

What this means is that eligible voters will be required to register. Registration will take place in a defined process where voters will indicate their wish to vote on this matter and their registration will be witnessed by an eligible voter. Registration can take place before and on the day of voting. Voters will be entitled to vote in person at a community polling booth or by a mail in ballot.

Presently there are about 755 eligible voters. At least 25% (189) of them will be required to register for this vote. The Land Code and Individual Transfer Agreement will pass if more than 50% of the Registered voters vote Yes” to approve the Land Code and Agreement.

Serpent River First Nation has a responsibility to identify all on and off reserve members who may be eligible to vote. The community will have an independent person serve as Verifier for this process to ensure all documents, including the Land Code, and the voter’s list are accurate and in compliance with the Framework Agreement that was signed with Canada.

The Verifier will publish the notice of the vote, monitor the vote, confirm the results and certify the Land Code if it is approved.

Once a Land Code and Individual Agreement have been approved the Minister will sign the Individual Agreement, transferring the control of the First Nation's reserve land and resources over to the First Nation. The 32 sections of the *Indian Act* dealing with land, resources and environment no longer apply to that First Nation. The Reserve will be managed in accordance with the Land Code from that point forward.

Once the Land Code is in effect, the First Nation is considered operational under the First Nations Land Management Regime and has management authority and law-making powers over its reserve lands.

WHAT IS IN THE LAND CODE? The Land Code contains 9 Parts. Parts, 4, 5 and 6 of the Land Code are 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 4

Protection of Land

Part 4 of the Land Code deals with expropriation (taking of lands), protection of heritage sites, and voluntary exchanges of land. Serpent River First Nation has stated that it will deal fairly with anyone who may have an interest in land that the First Nation wants to expropriate. The reasons for expropriation are limited to taking land only for community works, including daycares, schools or other community buildings. The Land Code makes a commitment to protect Heritage Sites. This section also deals with voluntary land exchanges.

LAND CODE- PART 5

Accountability

Part 5 deals with Serpent River First Nation's responsibility to be accountable to band members. This section addresses the issue of Conflict of Interest and sets out a process to protect lands and community members from decisions where a party may have a conflict. This section also sets out the rules and procedures for managing finances. The Serpent River First Nation is required to publish an annual report to members, along with audited financial statements and an annual review of land and natural resource management.

LAND CODE –PART 6

Land and Natural Resources Administration

Part 6 describes the body that will oversee the management of lands and resources; how they conduct their meetings, how they will report and how they will be accountable. This section contains a provision for community members to participate in the Lands Authority. The Lands Authority shall be composed of an uneven number of no less than five and no more than seven Members, all of whom must be eligible voters. One member will be appointed by council. The others are elected positions.

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 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. Environmental Assessment to begin |

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 |