



# Land Code Development Newsletter



**Lac Seul First Nation Membership—This newsletter is for the exclusive viewing  
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# Land Code Development

Lac Seul First Nation

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## What is the Land Code development?

### First Nation Land Management

It was started by 14 First Nations in 1996, and is still driven by First Nations today. These 14 First Nations negotiated the Framework Agreement with Canada to opt out of the 44 land related sections of the *Indian Act* and gain control and management of their lands and resources, with the consent of the community.

The Framework Agreement sets out the principle pieces of this new land management regime. This is not a treaty, and does not affect treaty or Aboriginal rights. Canada ratified the Framework Agreement by passing legislation called the *First Nation Land Management Act, 1999*.

Lac Seul First Nation signed onto the Framework Agreement on April 03, 2019. This means we agree to develop a Land Code, Community Ratification Process, and negotiate an Individual Agreement.

Lac Seul First Nation members will ratify the Framework Agreement by voting on the Land Code and Individual Agreement.

### Timeline of Events

1992 - 14 Chiefs across Canada search for a way to regain control of their lands and resources

1996 - Chiefs negotiated and signed the Framework Agreement with Canada

1999 - Parliament passed the FNLM Act

2000 - 3 First Nations begin operating under their Land Codes

2003-2011 - 58 new First Nations sign onto the Framework Agreement

2019 - Lac Seul First Nation signed an Adhesion to the Framework Agreement.

Today - 216 Framework Agreement signatories

88 FN's Ratified Land Codes

68 FN's Developing Land Codes

# Land Code

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## SUMMARY OF THE DRAFT LAND CODE

### BACKGROUND INFORMATION

Lac Seul First Nation has developed a Land Code according to the First Nations Land Management Act. If the Land Code is approved (ratified by vote) LSFN Members who are entitled to vote, this Land Code will replace the sections of the Indian Act that address management of our reserve lands. The Land Code will also address how LSFN's Natural Resources are dealt with, such as monies earned from leases or development of Natural Resources of our reserve lands.

### PREAMBLE

Sets out historical fact and how and why it is the intention of LSFN to withdraw from the Indian Act land administration and that LSFN will become responsible for its Land and Natural Resources administration.

### PART 1—INTRODUCTORY MATTERS

Part I provides definitions of words and terms that are used in the LSFN Land Code. It also addresses LSFN'S authority of governance, the purpose of the LSFN Land Code and legal descriptions of LSFN Lands.

### PART 2—LAC SEUL FIRST NATION LEGISLATION AND LAW-MAKING

The LSFN Land Code contains provisions so that LSFN can create, pass as a law and amend laws, which relate to the management of LSFN Lands and Natural Resources.

### PART 3—COMMUNITY APPROVAL PROCESS

Obtaining community approval is outlined with specific actions that must take place so that there is a community participation regarding LSFN Lands and Natural Resources.

### PART 4—LAND PROTECTION MEASURES

This part of the LSFN Land Code will address how lands are managed if the Land is needed for a specific purpose outlined in this Code, such as the Land being needed for a community purpose, the LSFN Land Code would allow LSFN to take (expropriate) Land according to federal legislation provisions. This part also addresses how Traditional or Heritage Sites will be managed. Land Exchange will also be addressed.

### PART 5—CONFLICT OF INTEREST

The LSFN Land Code sets out what a conflict of interest situation may be and how this is dealt with. Council, officers, and employees in certain circumstances (i.e. immediate family involved has a business or personal interest) cannot be involved in decisions. The LSFN Land Code requires that these individuals to make known (disclose) their conflict of interest.

### PART 6—LAND ADMINISTRATION

This part will address Lands staffing and the Lands Committee. An appointment process is used to establish the Lands Committee. The LSFN Land Code required that a LSFN Land Register be established which records interests (i.e. leases) in LSFN Lands.

# Land Code & Individual Agreement

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## SUMMARY OF THE DRAFT LAND CODE

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### PART 7—INTERESTS IN AND LICENSES TO USE

The granting of interests and licenses in LSFN Land is set out in this part and who may obtain an interest or license, both existing and new ones. It will also address how land is allocated (granted for use). Transferring and assigning interests will also be addressed. Mortgages will be addressed. Residency and access will be addressed. Spousal Property Law will be addressed. Once the LSFN Land Code is approved (ratified by Vote), LSFN is required to establish a law that addresses breakdown of marriage and real property.

### PART 8—DISPUTE RESOLUTION

This part provides for a dispute resolution mechanism in addressing disputes that are relevant to the LSFN Land Code.

### PART 9—OTHER MATTERS

Liability, offences and revising (amending) the LSFN Land Code and when it becomes law will be addressed in this part.

PLEASE CONTACT GINA WESLEY IF YOU WOULD LIKE A COPY OF THE 1ST DRAFT LAND CODE

## INDIVIDUAL AGREEMENT

An individual agreement between Lac Seul First Nation and the Minister of Aboriginal Affairs will be negotiated to deal with:

- *Reserve Lands* to be managed by Lac Seul First Nation
- The specifics of the *transfer of administration* of land from Canada to Lac Seul First Nation; and
- The operational *funding* to be provided by Canada for land management annually.

### PHASE I ESA

This process requires Canada to provide all information on any actual or potential environmental problems on Lac Seul First Nation reserve land. A Phase I Environmental Site Assessment (ESA) will be conducted on reserve lands.

### LAND DESCRIPTION REPORT

Natural Resources Canada will begin research on the legal land description of Lac Seul First Nation reserve land. The purpose of the research is to define the boundaries of Lac Seul First Nation, for the first time ever! Surveys of the land may be needed, especially if there are issues found during the research.

### PHASE 1 ESA

Do you know of any enviro issues on reserve?

If you are aware of any environmental issues on reserve, please share them with LCC, (Land Code Coordinator) at 807-738-1140 or [ginawesley@lacseulfn.org](mailto:ginawesley@lacseulfn.org)

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## MEMBERSHIP

**Nothing is finalized without membership approval!**

- **Land Code is developed by the Membership**
- **Membership is involved in all parts of the development**
- **Membership votes on Land Code and Individual Agreement**

**For more information:**

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## Community

### Most Important Role

The most important piece to the Land Code development, is the membership.

Each and every Member of Lac Seul First Nation has the right to be involved and vote on the Land Code and Individual Agreement.

Please help us find current mailing addresses and emails for all of our Members and share it with the Land Code Coordinator (Gina Wesley). We need:



Phone Numbers;



Mailing Addresses;



Email Addresses



General info on where to find our off-reserve members.

All information provided is kept strictly confidential and will not be shared with any third parties, for any reason.

# INDIAN ACT V. LAND CODE

## **INDIAN ACT**

The Indian Act was interpreted by Canada  
The Indian Act is one size fits all  
The Indian Act can only be amended by Canada  
The Indian Act authorizes the Minister of Indigenous Affairs Canada to have sole discretion and decision – making  
The Indian Act can be amended/changed without our consent  
LSFN is not a “Government”, we are instead considered a ward, “Ministerial Delegate” and Administrator with no law-making authority. We can only make legal decisions or by-laws that Canada approves of and not all are enforceable  
We have the authority to make certain managerial decisions and make certain bylaws  
Indian Act laws, policies, procedures, rules and legal documents are made by Canada and we must follow them  
We are not authorized to be in lawful possession of land unless the Minister approves it. This also includes land transfers  
There is no environmental assessment or protection of land unless there is an agreement by Canada. Enforcement, monitoring, testing and compliance can be a problem  
We are accountable by reporting to Canada only and there are no conflict of interest policies  
Members do not have a clear role in certain decisions and they do not have a right to receive or access information  
There is no process to solve disputes  
Expropriation is possible without our consent by Federal or Provincial governments for the purpose of crown corporations or municipalities  
The current government Lands Registry is policy based and does not guarantee land certainty because it is only bureaucratic with lengthy approval times (6-12 months)  
Our legal status/capacity is unclear and uncertain so it discourages lenders and other financial partners

## **LAND CODE**

The Lac Seul First Nation Land Code will be developed by LSFN Members for the LSFN  
The LSFN Land Code is unique to LSFN  
The LSFN Land Code can only be changed by a vote of LSFN Members aged 18 and over  
Chief and Council and the Members are in the driver’s seat  
The acts that supports our Land Code cannot be changed without the consent of the First Nation parties involved  
LSFN would be recognized as a “Government” with real legislative authority and our laws will be enforceable in the courts. Canada HAS NO AUTHORITY to overrule or cancel our land laws or decisions  
We have the authority to make, administer and enforce land laws and manage our reserve lands and resources  
Land laws, policies, procedures, rules and legal documents are all developed, approved and enacted by LSFN according to our Land Code, language and culture  
We can create and authorize different types of legal interests  
We can create and enact our own environmental assessment and protection laws  
We are accountable by reporting to the Members and having conflict of interest policies  
Members have a clear role in decision-making, approvals and access to information  
We can solve disputes by having our own dispute resolution panel composed of Members  
We will have and manage our own LSFN Lands Registry and dramatically decreased approval times  
We will have recognized legal status/capacity to acquire and hold property, to borrow and contract, to expend and invest money and to be a party to legal proceedings



## **CONTACT:**

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# LAND CODE PROCESS

## WHAT'S BEEN DONE TO DATE?

- 1) LSFN BCR #12-18 dated July 20, 2018 to join the Framework Agreement on First Nation Land Management
- 2) LSFN signing for Adhesion to Framework Agreement on First Nation Land Management & Indigenous Services Canada, April 2019
- 3) Implementation Document for Parts I & II of the Framework Agreement signed in AUGUST 2019. This outlines the activities to be completed on behalf of the three parties (LSFN, FNLM Resource Centre, ISC).
- 4) Hiring of Land Code Coordinator, Gina Wesley— July 2019.
- 5) Drafting of Land Code initiated and will be in progress for next 8 - 12 months.
- 6) Establishment of the Land Code Development Committee—October 2019

## WHO IS INVOLVED?

- Lac Seul First Nation, Chief & Council, Band Members
- LSFN Land Code Development Committee
- Land Code Project Coordinator
- First Nations Land Management Resource Centre Inc.
- Indigenous Services Canada (ISC or Federal Government)
- Natural Resources Canada (NRCAN)
- An Independent Verifier & Ratification Officer

## WHO DOES WHAT?

- Indigenous Services Canada (ISC) responsible for completing Environmental Site Assessments of First Nation reserve land that has been previously contaminated or has the potential for contamination.
- ISC will be providing developmental activity funding in the amount of \$75k for year one and an additional \$75k in year two, provided the associated Land Code development milestones are completed.
- Operational funding will be allocated to Lac Seul based on the Individual Agreement. This includes, \$75k one time transitional & environmental funding for year one, and \$75K one time transitional & environmental funding for year two. In addition to an amount based on the operational funding formula on an annual basis after Land Code coming into force.
- ISC will provide us with their list of “interests or land rights & licences” for Lac Seul reserve lands.

# THE FIRST NATIONS LANDS MANAGEMENT ACT, S.C.1999, C 24 SUMMARY

## INTRODUCTION

The Act was required under the Framework Agreement on First Nations Land Management for two purposes: to ratify the Framework Agreement on the part of the federal government, and to implement those clauses of the Framework Agreement that effect third parties or other federal laws, or that are considered important enough to be repeated in the legislation.

The First Nations Land Management Act is intended to be consistent with the Framework Agreement and to apply to the First Nations that are parties to the Framework Agreement as set out in the schedule of the Act. The Act was introduced in Parliament on December 10, 1996, but the federal election that year prevented it from being enacted. The Bill was re-introduced as Bill C-49 in June of 1998. It was finally enacted and given royal assent on June 7, 1999. The Act has been amended to add additional First Nations to the initiative.

## RATIFICATION

The Framework Agreement is the document that sets out the terms and conditions under which a First Nation can establish its own land management regime and remove its own reserve lands from Minister's control under the Indian Act.

## SUMMARY

*A Signatory Nation to the Framework Agreement creates its own Land Code, Community Ratification Process and enters into an Individual Agreement with Canada*

*A Land Code replaces the land provisions of the Indian Act and establishes a system of governance and administration of land management on the reserve lands*

*The Community Ratification Plan/Voting Methods includes—eligible voters over the age of 18 years + as of last voting day, inclusive on and off-reserve, in person polling stations, mail-in ballots and/or*

*electronic voting*

*The Individual Agreement is negotiated to deal with matters such as lands to be managed, specifics of the transfer, and the funding to be provided*

*The Lac Seul Land Code Development Committee made up of community members will keep the community involved. When the Land Code begins to take shape, drafts are given to members for comments*

*Nothing is final without community approval*

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