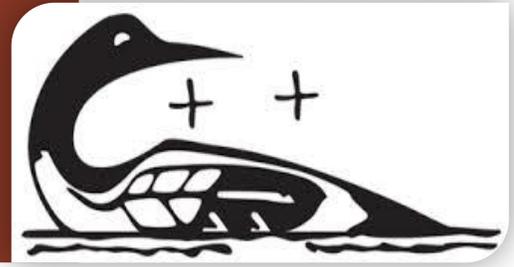


Summary of Our Long Lake #58 Land Code



Development and Purpose of Our Land Code

A committee of members from Long Lake #58 First Nation developed our Land Code with the input of Long Lake #58 members. If the members approve our Land Code and Individual Agreement, our community will take back the right to manage our own lands and resources based on rules made by Long Lake #58. Approving our Land Code and Individual Agreement will transfer decision making power over land from the Minister of Indigenous and Northern Affairs Canada (INAC) to the members of Long Lake #58 First Nation.

Benefits of Our Land Code

Benefits of our Long Lake #58 First Nation Land Code include, but are not limited to:

- ✓ First real recognition of our inherent right to manage our land and resources;
- ✓ Community control over Long Lake #58 land management and development;
- ✓ Making timely business and land decisions without Ministerial approvals from INAC;
- ✓ Making and enforcing our own laws that respect our way of life: culture, traditions and customs for the development, conservation, protection, management, use and possession of Long Lake #58 Land;
- ✓ Ability to protect the environment, deal with marital property in a way that does not discriminate, and resolve disputes here in the community rather than through court;
- ✓ Protection against provincial and federal expropriation (meaning that the government can no longer take or use our land without our consent); and
- ✓ Increased accountability to the members of Long Lake #58.

Communities with Land Codes

Since January 1, 2000, 60 First Nation communities across Canada have completed their Land Code, approved it and are now managing their own land and resources. There are an additional 50 First Nation communities that are developing their own Land Code.

Ratifying Our Land Code

The Land Code will only come into effect if our members approve both our Land Code and Individual Agreement by November 24, 2016. Options for voting include automated telephone voting, online voting, mail-in ballots and in-person voting at our polling stations.

Land Protected by Our Land Code

The Land Code will only apply to reserve land that is within the boundary of Long Lake Indian Reserve No. 58. Any future land that Long Lake #58 adds to the reserve will be protected under our Land Code.

Contents of Our Land Code

Part 1: Preliminary Matters

This part introduces our Land Code and explains how it should be read and understood by you. There are definitions for words that will be used in our Land Code, an explanation of where the authority to govern comes from, what the purpose of our Land Code is, and what reserve lands our Land Code applies to.

Part 2: First Nation Legislation

This part outlines the law making powers we will have and how new land laws will be made under our Land Code. The Land Code replaces 34 land-related sections of the *Indian Act*, with our way of doing things. Council may, subject to the terms of our Land Code, make laws respecting the development, conservation, protection, management, use and possession of reserve lands. Land Laws may be proposed by the Chief and Council, a representative of the Lands Committee or other authorized body of members, or the Lands Manager. Members must be given notice before laws are passed, and may be involved in the development or approval of certain types of laws. Approved laws must be posted in public places, at the band administration office, and be available online.

Part 3: Meeting of Members, Community Approvals and Community Ratifications

This part explains how land laws and land matters are talked about and voted on by members of Long Lake #58.

- **Meetings of Members** are for members to learn and talk about new land laws and land matters. A meeting of members is open to all members and are often required before Council can pass new land laws. This meeting does not need quorum (minimum number of people to attend).
- **Community Approvals** are needed for certain land laws and important land matters. Members who are at least 18 years old, living on or off reserve can vote. In order to get a community approval, at least 10% of eligible voters must vote, and at least half plus one (50%+1) can approve the law or land matter.
- **Community Ratifications** are needed for changes to our Land Code. Members who are at least 18 years old, living on or off reserve can vote. This vote needs a higher quorum than community approvals. In order to get a community approval by ratification vote, at least 20% of eligible voters must vote, and at least half plus one (50%+1) can approve the change.

Part 4: Protection of Land

This part outlines how the Land Code can protect Long Lake #58 reserve land.

- **Expropriation** of land can only happen if an agreement can't be reached, and only for community purposes. Community purposes must be for the health and benefit of the membership, and may include a fire hall, sewage or water treatment facility, community center, public works, utilities, roads, schools, daycare facility, hospitals, health-care facility, and retirement home.
- **Voluntary Land Exchanges** can only happen when Long Lake #58 wants to trade a parcel of its reserve land for another parcel of land to become reserve. An example might be if Ontario wanted to expand the highway through the reserve and wanted total jurisdiction and control of those lands, they would ask Long Lake #58 for a land exchange. Our land base can never be diminished, meaning that we can never have less than 571 acres (we can always add to it). Although this is not expected to happen in the near future, the Land Code sets out the procedure for how this would happen. There are four important requirements in order for a land exchange to occur: 1) the new land must be at least as big as the land being exchanged, 2) the new land must be at least of comparable value, 3) the new land must become reserve land, and 4) the land exchange must receive community approval.
- **Protection of Heritage Sites** gives Long Lake #58 the power to protect its heritage sites, cultural areas, and environmentally sensitive areas. This ensures no development can happen on these areas without community approval.

Part 5: Accountability

This part outlines how the Land Code will be administered including the rules for conflict of interest, financial management, and reporting to members.

- **Conflict of Interest** rules apply to Long Lake #58 First Nation land management. These rules do not apply to any interest that is held by a member in common with every other member. Any claims that there has been a breach of the conflict of interest rules may be referred to the Long Lake #58 Dispute Resolution Panel.
- **Financial Management** policies can be created or updated to include land-specific procedures on maintaining financial records, the audit and financial reporting. Council will be accountable to members for the management of moneys and land under the Land Code. An annual report will be prepared and published for the members. The audited financial statement will be presented to the members at an annual community meeting of members.

Part 6: Lands Administration

This part outlines the duties, roles and responsibilities of the Lands Committee. The first Lands Committee and Council will develop policies that include composition, selection method, eligibility requirements and length of term, etc. for future members on the Lands Committee.

Part 7: Interests in Land

This part is about the operation of lands administration at Long Lake #58 and focuses on:

- **Existing Interests** continue (example is a certificate or possession or lease already issued under the *Indian Act* that continues in effect under the Land Code in accordance with its terms and conditions) and **New Interests** could be made to grant members land (will be useful when the land claims are settled and more lands are added to reserve). Non-members can never hold a permanent interest in Long Lake #58 land.
- **Limits on Mortgages and Seizures** maintains all tax exemptions, and lists mortgage limits and the basic process for a default (non-payment).
- **Transfers upon Death** states Long Lake #58 can issue interests to transfer upon the passing of a member, however the jurisdiction of wills and estates will remain under the *Indian Act*.
- **Matrimonial Real Property on Reserve Law** can be created under the Land Code, and will permanently exempt Long Lake #58 from the federally imposed law (*Family Homes on Reserves and Matrimonial Interests or Rights Act, 2013*). This outlines fair and equality based principles that must be included in the rules and procedures on the breakdown of a marriage.
- **Long Lake #58 Lands Register** is a filing system that is maintained by Long Lake #58. All interests or licenses in our reserve lands will be registered here.
- **Residency and Access Rights** list the rights members and non-members have to access Long Lake #58 land. Members, their spouse, children and invited guests have the right to live on the reserve and access Long Lake #58 First Nation land. Lessees, their invited guests, permittees, and people authorized by a Land Law also have a right to access reserve land. Any person may have access to Long Lake #58 First Nation land for any social or business purposes.
- **Trespassing** is for people who trespass on Long Lake #58 land. These people can be fined, imprisoned and/or barred from Long Lake #58 First Nation land.

Part 8: Dispute Resolution

This part is created to address how possible land-related disputes are resolved outside of the courts, and includes the basic rules and processes for resolving these disputes. Disputes shall first go through facilitated discussions, mediation, negotiation, and move to final arbitration by the Dispute Resolution Panel if no agreement can be made. The Dispute Resolution Panel will have the authority to confirm or reverse a decision, make a new decision, direct an action be taken or stopped and make recommendations to Council.

Part 9: Other Matters

Council will arrange for adequate insurance coverage. The summary conviction provisions of the Criminal Code apply to offences under the Land Code and laws enacted under the Land Code, unless some other procedure is provided for by a law. Offences may be enforced by a Justice of the Peace appointed by Long Lake #58, or a court of competent jurisdiction. Revisions to the Land Code that don't change the meaning and substance of the Land Code can be made (an example would be fixing grammar). The Land Code will only come into effect if members approve both the Land Code and Individual Agreement. Once approved, the Land Code will take effect on the first day of the month following the certification of the Land Code by the Verifier.

For more information, or to read the full Land Code, go to www.longlake58fn.ca

Land Code information

please contact:

Lacey Garrett, Land Management Coordinator
Long Lake #58 First Nation
Email: lacey.garrett@longlake58fn.ca
Toll Free: (800) 463-8079 ext. 242
Office: (807) 876-2292 ext. 242
Cell: (807) 632-6954

Voting Information

please contact:

Darwin Legarde, Ratification Officer
Long Lake #58 First Nation
Email: darwin.legarde@longlake58fn.ca
Office: (807) 876-4482
Cell: (807) 853-1566