

The Beausoleil First Nations Lands Department is dedicated to the membership of Beausoleil First Nation, Present and Future. We will respect our Lands. We will do so by providing the highest quality of service using the most effective Lands Management practices while maintaining and respecting the vision of our community.

Please forward questions, comments and ideas to Beausoleil First Nation Land Code Coordinator or a member of the Land Code Committee.

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## Beausoleil First Nation

### LAND CODE INITIATIVE



### Frequently Asked Questions

MARCH 2013

## Beausoleil First Nation

### *What are the benefits of the First Nation Land Management Initiative for Beausoleil First Nations?*

One of the main benefits of FNLM would be Beausoleil First Nation would have authority over reserve lands, natural resources and revenues. The Initiative would remove the barriers of economic development that Beausoleil First Nation faces under the Indian Act.

Under the Land Code Regime we as a community have the opportunity to address legislative gaps in the Indian Act such as environmental laws, matrimonial real property, generate our own revenues from leasing . We also would have the opportunity to develop our own land directly and generate profit.

The long- term benefits for the Beausoleil First Nation operating under this Initiative will be improvements for the community in the areas of economic and social development. These improvements will become more apparent over time, allowing us to be more efficient in the management of our lands.

### *How does this new land management regime differ from the existing land administration regime under the Indian Act?*

It would provide Beausoleil First Nation with a wide range of land related law-making powers and ensuring proper enforcement mechanisms are available.

Allowing Beausoleil First Nation land related decisions to be made at the community level without the involvement of the Minister.

Beausoleil First Nation would receive and retain and manage revenue money flowing from reserve land transactions.

The Land Code would limit federal expropriation powers.

Ensuring that there will be no loss of reserve land through sale or expropriation.

Providing alternate dispute resolution mechanism.

## Beausoleil First Nation

### *Community Participation*

The contents of the Land Code are developed by the membership of Beausoleil First Nation. The Land Code Development Committee will be responsible for developing the draft Land Code for Beausoleil First Nation. The lands committee will hold community meetings with the members to develop the policy upon which the Land Code is based. Once the draft Land Code begins to take shape, drafts are circulated in the community for comment. Door to door meetings with members are also arranged to allow the lands committee and members an opportunity for more in depth discussion of the draft Land Code.

As a fundamental principle, the development of a Land Code is an exercise in community self government at a “grass-roots” level.

Community approval is needed for Beausoleil First Nation to assume control over its lands, the Land Code and the Individual Agreement must be ratified by the members of Beausoleil First Nation.

The procedure for the community ratification process is developed by the community in accordance with the Framework Agreement. This process will be set out in a document that will contain all the details of the process. The ratification procedure involves a thorough process to locate all eligible voting members and provide them with the opportunity to vote in person or by mail.

On and off reserve members are involved in the development , draft and finalization stage of the Land Code.

*~Vote Date May 2014~*

## Beausoleil First Nation

### *What is land management?*

Land management involves the day to day administration of reserve lands and resources and the right to legislate in respect of those lands and resources.

Within the Framework Agreement Initiative we are opting out of the land management sections of the Indian Act and take over responsibility for the management and control Beausoleil First Nation land and resources. The Framework Agreement sets out the principal components of this new land management process.

The Framework Agreement is not a treaty and does not affect treaty rights or other constitutional rights of the First Nation.

### *Can First Nation land be mortgaged?*

No. Title to Beausoleil First Nation land remains with the Federal Crown and cannot be mortgaged. Title to Beausoleil First Nation cannot be lost through legal process.

### *Can interests in First Nation land be mortgaged?*

Yes. Leasehold interest are capable of being mortgaged. In its Land Code, Beausoleil First Nation may allow leasehold interests on land to be subject to mortgages and seizure by third parties.

Beausoleil First Nation may also allow any certificates of possession held by members to be mortgaged to Beausoleil First Nation itself or to other members.

In the event of the default on a leasehold mortgage, Beausoleil First Nation has the right to redeem the mortgage.

## Beausoleil First Nation

### *What role does the Provincial government play in the new land management regime?*

The provinces are not signatory to the Framework Agreement because the issues addressed in the Framework Agreement are within the federal jurisdiction. The new regime provide for the participation of the provinces in matters that normally fall within or could affect their jurisdiction, such as the administration of justice and environmental protection and assessment.

One of the intentions of the new regime is to foster partnerships between interested parties, such as provincial governments , municipalities and private industries, who have dealings with Beausoleil First Nations on a daily basis, relationships of mutual respect and co-operation will develop.

### *What is the scope of the jurisdiction for Beausoleil First Nation operating under the Initiative?*

Beausoleil First Nation will have authority over reserve lands, natural resources and revenues on its reserve land base. The Initiative empowers Beausoleil First Nation to enact its own laws, in areas such as environment and matrimonial real property, and to enforce those laws. In addition, the Initiative removes the land management barriers to economic development that the First Nation faced under the Indian Act.

### *Can Beausoleil First Nation opt out of the FNLMA once they are under this regime?*

No, Beausoleil First Nation cannot opt out of the FNLMA and return to the land management system under the Indian Act. Administrative problems could arise if the First Nation has leases or other land transactions that cannot be managed under the regime of the Indian Act.



## Beausoleil First Nation

### *How will Beausoleil First Nation Land Base be protected for future generations?*

The land base of Beausoleil First Nation is protected for future generations. Once we are under the Land Code, it cannot be sold or surrendered for sale. Beausoleil First Nation may decide that it is advantageous to exchange some of its land for other lands. Provisions can be made in its Land Code for a procedure to negotiate and approve such exchanges. However, any exchange of land cannot occur without the consent of our community. Under FNLN Beausoleil First Nation will have the power to make environmental laws.

Beausoleil First Nation would be able to create and enforce its own laws. These laws would deal with environmental assessment and protection. Environmental management and assessment agreements will be negotiated between Beausoleil First Nation and Canada for funding these laws and for harmonization of First Nation, provincial and federal environmental laws.

### *Existing environmental problems?*

Currently if there is an existing environmental problem on a reserve before the Land Code takes effect, the federal government continues to be responsible for the problem and liable for any of its actions that may have caused the problem.

### *What resources are covered by the Framework Agreement?*

The Framework Agreement covers reserve lands and resources. Included are all the interests rights and resources that belong to that land, to the extent that these are under the jurisdiction of Canada and are part of that land.

Forestry resources are included within the scope of the agreement. Any other matters related to agriculture are included as well.

## Beausoleil First Nation

### *How will First Nation laws be enforced?*

Beausoleil First Nation will have full power to enforce its land and environmental laws in respect of the development, conservation, protection, management, use and possession of our land. This includes laws on zoning, environment, services and dispute resolution.

### *Will we be able to develop our land?*

Yes, we will be able to create land development policies and laws to promote economic development. We may also become directly involved in economic development activities to create revenue and job opportunities for its members.

### *Is there any continuing federal responsibility for Beausoleil First Nations lands?*

Canada will continue to hold title of Beausoleil First Nation land, although Canada will have no management authority over the land.

The Minister of Indian Affairs and Northern Development will no longer be involved in the management of the our reserve lands.

### *Is Beausoleil First Nation council accountable to the membership?*

The Beausoleil First Nation council under the Land Code is legally responsible for managing the lands and resources for the benefit of the members of Beausoleil First Nation.

Accountability will be ensured by reporting annually to its members on the land management activities. The Land Code will also set out rules on financial accountability for its management of lands, resources and revenues. The Beausoleil First Nation council is politically accountable for laws that it enacts.