

"ANNEX I"

# Flying Dust First Nation

## LAND CODE

February 27, 2013

**CERTIFIED**  
*Gordon Alger*  
GORDON ALGER - VERIFIER  
*July 15, 2013*  
DATE

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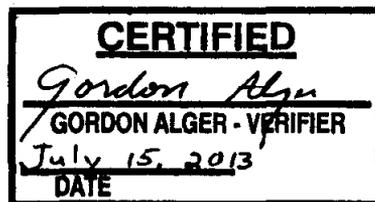
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## PREAMBLE

Whereas the Flying Dust First Nation has a profound relationship with the land which is deeply rooted in respect for the spiritual value of Mother Earth, the gifts of the Creator, and has a deep desire to preserve its relationship with the land;

Whereas the *Framework Agreement on First Nation Land Management* was entered into by the Minister of Indian Affairs and Northern Development and the Chiefs of fourteen First Nations on February 12, 1996, and which was ratified on behalf of the Government of Canada, resulting in *The First Nations Land Management Act*;

Whereas the Flying Dust First Nation has the option of withdrawing its lands from the land provisions of the *Indian Act* in order to exercise control over its lands and resources for the use and benefit of its members.

Whereas the Flying Dust First Nation wishes to exercise control over its lands and resources by adhering to the *Framework Agreement on First Nation Land Management* and having *The First Nations Land Management Act* apply to its lands.

**NOW THEREFORE, THIS LAND CODE IS HEREBY ENACTED AS THE  
FUNDAMENTAL LAND LAW OF THE FLYING DUST FIRST NATION**

## PART 1 PRELIMINARY MATTERS

### 1. Title

Title

1.1 The title of this enactment is the *Flying Dust First Nation Land Management Code* hereinafter referred to as Land Code.

### 2. Interpretation

Definitions

2.1 The following definitions apply in this Land Code:

“**Body**” means the Dispute Resolution Body established under section 38

“**Community Meeting**” means a meeting under this Land Code to which the

Members are invited to attend;

“**Council**” means the duly elected Chief and Council of Flying Dust First Nation;

“**Duplicate Land Register**” means the duplicate register maintained by the Flying Dust First Nation under Section 29;

“**Eligible Voter**” means, for the purpose of voting in respect of land matters under this Land Code, any Member who has attained the age of eighteen (18) years of age, in accordance with the Flying Dust Membership Code.

“**First Nations Land Management Act**” means *The First Nations Land Management Act*, S.C., 1999, c. 24, as amended from time to time;

“**First Nations Land Register**” means the register established and maintained by the Department of Indian Affairs and Northern Development under the *Framework Agreement* and by the *The First Nations Land Management Act*;

“**Flying Dust First Nation Land**” means any portion of the land referred to in Section 5 of this Land Code, including all the rights and resources that belong to the land;

“**Framework Agreement**” means the *Framework Agreement on First Nation Land Management* entered into between the Minister of Indian Affairs and Northern Development and the Chiefs of fourteen First Nations, on February 12, 1996, as amended to include Flying Dust First Nation, and which has been ratified on behalf of the Government of Canada by an Act of Parliament.

“**Immediate relatives**”, in respect of a person, means the person’s mother, father, sister, brother, children or spouse.

“**Interest**” in relation to Flying Dust First Nation land, means any estate, right, or interest of any nature in or to the land but does not include title to the land.

“**Land law**” means a land law enacted pursuant to this Land Code.

“**License**” means an interest in Flying Dust Lands granted under Part 7 of this Land Code, giving a member or a recognized business entity the right to use, develop or extract the Natural Resources on or under the land of another Member or on or under Flying Dust First Nation Lands.

“**Member**” means a person whose name appears or is entitled to appear on the Flying Dust First Nation Band Membership List.

“**Meeting of Members**” means a meeting under section 13 to which the members are invited to attend;

**“Natural Resources”** means any materials on or under the land in their natural state which when extracted have economic value;

**“Permit”** means an interest in Flying Dust First Nation Lands other than a Leasehold, Easement or License, granted under Part 7 of this Land Code or, prior to the date this Land Code comes into force, granted pursuant to the provisions of the Indian Act, giving one person the right to use the land of another for a specified purpose. A permit does not convey any right of exclusive possession in the land and does not restrict the rights of the grantor of the permit beyond that required to give effect to the permit granted.

**“Ratification vote”** means a vote of Eligible Voters by way of ballot, to obtain community approval in accordance with Section 14.

**“Spouse”** means a person who is married to another person, whether by a traditional, religious or civil ceremony;

**“Transfer Agreement”** means the Individual Transfer Agreement made between Flying Dust First Nation and Her Majesty in right of Canada.

Paramourncy

2.2 If there is an inconsistency between this Land Code and any other enactment of Flying Dust First Nation, this Land Code prevails to the extent of the inconsistency.

Non-abrogation

2.3 This Land Code does not abrogate or derogate from any Aboriginal, Treaty or other rights or freedoms that pertain to the Flying Dust First Nation or its Members.

Number

2.4 Words in the singular include the plural and words in the plural include the singular.

Fair Interpretation

2.5 This Land Code shall be interpreted in a fair, large and liberal manner.

Special Relationship

2.6 This Land Code does not abrogate the special relationship between Her Majesty and the Flying Dust First Nation and its Members.

2.7 A reference to land in this Land Code means all rights and resources that belong to the land, and includes:

- (a) the water, beds underlying water, riparian rights, and renewable and non-renewable natural resources belonging to the land, to the extent that these are under the jurisdiction of Canada; and
- (b) all the interests and licenses granted to Flying Dust First Nation by Her Majesty the Queen in right of Canada listed in the Transfer Agreement.

### **3. Authority to Govern**

#### Origin of Authority

3.1 The Lands and Resources were given by the Creator for the use and benefit of the Flying Dust First Nation Members in perpetuity. Flying Dust First Nation, by virtue of its cultural and spiritual relationship to the Land, and Inherent Rights and Treaty Rights under Treaty 6, wishes to preserve the Land for future generations. By enacting this Land Code, the Flying Dust First Nation is confirming this special relationship.

3.2 The authority of the Flying Dust First Nation to govern its Lands and Resources was given by the Creator to the Members of Flying Dust First Nation and from the Members to the Chief and Council according to the culture, traditions, customs and laws of the Flying Dust First Nation.

### **4. Purpose**

#### Purpose

4.1 The purpose of this Land Code is to set out the principles, rules and structures that apply to Flying Dust First Nation Lands and Resources. Flying Dust First Nation will exercise authority over those Lands in accordance with the Framework Agreement.

#### Ratification

4.2 The *Framework Agreement* is ratified and confirmed when this Land Code comes into force by a successful Ratification Vote.

## 5. Description of Flying Dust First Nation Land

### Flying Dust First Nation Land

5.1 The following Flying Dust First Nation Lands are subject to this Land Code:

Flying Dust First Nation Indian Reserve 105;  
Meadow Lake Indian Reserve 105A;  
Gladue Lake Indian Reserve 105B;  
Meadow Lake Indian Reserve 105C;  
Flying Dust First Nation Indian Reserve 105D;  
Flying Dust First Nation Indian Reserve 105E;  
Flying Dust First Nation Indian Reserve 105F.

(See attached Annex "A" for Legal Description of Flying Dust First Nation Lands)

### Additional Lands

5.2 Subject to section 5.3, the following lands may be made subject to this Land Code after the applicable condition is met:

- (a) any lands owned jointly by Flying Dust First Nation and another First Nation, when the First Nations involved agree upon a joint management scheme for those lands; and
- (b) any land or interest acquired by Flying Dust First Nation after this Land Code takes effect, whether by land claim, purchase or other process, when an environmental audit declares it free of environmental hazard and safe for community use.

### Land Exchange

5.3 For greater certainty, section 5.2 does not apply to land acquired by land exchange, which is governed by the process in section 17.

### Inclusion of Land or Interest

5.4 When the relevant conditions in section 5.2 are met, the Council shall call a meeting of Members under section 11 and, after receiving their input, may by enacting a law declare the land or interest to be subject to this Land Code.

### Title

5.5 Title to Flying Dust First Nation Lands remains with Her Majesty the Queen

in Right of Canada.

## **PART 2 FIRST NATION LEGISLATION**

### **6. Law-Making Powers**

#### **Council May Make Laws**

6.1 The Council may, upon the recommendation of the Lands and Resources Commission, and in accordance with this Land Code, make laws respecting the development, conservation, protection, management, use and possession of Flying Dust First Nation Lands, and Interests, Permits and Licenses in relation to those lands. This power includes the power to make laws in relation to any matter necessary or ancillary to the making of laws in relation to Flying Dust First Nation Land.

#### **Example of Laws**

6.2 The following examples illustrate some of the laws that may be enacted:

- (a) laws on the regulation, control and prohibition of zoning, land use, subdivision control and land development;
- (b) laws on the creation, regulation and prohibition of interests and licenses in relation to Flying Dust First Nation Land;
- (c) laws on environmental assessment and protection;
- (d) laws on the provision of local services in relation to Flying Dust First Nation Land and the imposition of equitable user charges;
- (e) laws on the provision of services for the resolution, outside the courts, of disputes in relation to Flying Dust First Nation Land; and
- (f) laws on the regulation, control and management of Natural Resources.

### **7. Law-Making Procedure**

Introduction of Laws

7.1 A proposed Land Law may be introduced by a member of the Council, or the Lands and Resources Commission at a duly convened meeting of the Council.

Explanation

7.2 The Council shall require the member of Council, or the Lands and Resources Commission introducing a proposed Land Law to explain, at a duly convened meeting of the Council, how the law would benefit the community.

Tabling and posting  
of proposed land  
laws

7.3 A proposed Land Law shall be voted on by the Council only if it has been:

- (a) tabled at a meeting of the Council held at least 90 days before the Land Law is to be considered for the approval of the Council;
- (b) posted in the administrative offices of the Flying Dust First Nation in a location to which the public has access, and in any other public places on Flying Dust First Nation Land that the Council deems appropriate, at least 21 days before the Land Law is to be considered for the approval of the Council;
- (c) published in the community newspaper or distributed to Eligible Voters at least fifteen working days before it is considered by Council;
- (d) reviewed by the Lands and Resources Commission; and
- (e) dealt with in compliance with this Land Code.

Members Comments

7.4 Members shall be entitled to provide written comments and/or verbal presentations to the Council on the proposed Land Law, within 21 days following the publication of the proposed law, and prior to the Land Law being considered for the approval of the Council. The Council shall consider such comments prior to the Land Law being approved and shall provide written response to the Member(s) submitting comments, within a 30 day period of receiving those comments.

Urgent Matters

7.5 The Council may enact a Land Law without the procedures required under section 7.3 if the Council is of the opinion that the law is needed urgently to protect Flying Dust First Nation Land or the Members, but the law expires 60 days after its enactment, unless re-enacted in accordance with section 7.3

Approval of land law  
by Council

7.6 Subject to section 7.5, a Land Law is enacted if, at a duly convened meeting, where a quorum of the Council is present, a quorum of the Council vote in favour of the Land Law or as provided in Section 18. (conflict of interest section)

Certification of land  
laws

7.7 The original copy of any Land Law or land resolution concerning Flying Dust First Nation Land shall be signed by a quorum of the Council present at the meeting at which it was approved.

## 8. Publication of Laws

Publication

8.1 All considerations and approvals of Land Laws shall be recorded in the minutes of the Council.

Posting land laws

8.2 Within seven days of a Land Law being enacted, the Council shall post a copy of the law in the administrative offices of the Flying Dust First Nation in an area to which the public has access for a period of 30 days.

Registry of land laws

8.3 The Council shall maintain, at the administrative office of Flying Dust First Nation, a register of, as well as an original copy of all Land Laws enacted, including the date a Land Law was enacted, becomes enforceable, amended, repealed, replaced or are no longer in force.

Public Access

8.4 A Member, a holder of an Interest or License, or any other person with the consent of the Council, may obtain a copy of a Land Law on payment of a reasonable fee set by the Council from time to time.

## 9. Commencement of Laws

9.1 A Land Law comes into force on the date of its enactment or such later date as specified by or under the Land Law.

### **PART 3 COMMUNITY APPROVALS**

#### **10. Rights of Eligible Voters**

Rights of Eligible  
Voters

10.1 Each Member who is an Eligible Voter, regardless of where they reside, has the option to attend at a Community Meeting and at a Ratification Vote held under the provisions of this Land Code.

#### **11. Community Input**

Community Meeting

11.1 The Council shall convene a Community Meeting to receive input prior to the introduction of the following:

- (a) a Land Law respecting a community plan or subdivision plan;
- (b) a Land Law declaring land or an interest referred to in section 5.2 or 5.3 to be subject to this Land Code;
- (c) a Land Law affecting a heritage site or an environmentally sensitive property;
- (d) a Land Law respecting environmental assessment;
- (e) a Land Law respecting the transfer and assignment of interests in land;
- (f) a Land Law respecting the rate and criteria for the payment of fees or rent for land;
- (g) any other Land Law or class of Land Law that Council, by resolution, declares to be subject to this section; and

- (h) a Land Law respecting the use, disposition, and development of Natural Resources.

Process to  
Implement Laws

11.2 Subject to section 38, the Lands and Resources Commission shall establish a community process to develop and implement the laws referred to in section 11.1.

## 12. Community Approval at a Meeting of Members

Community Approval  
By Community Meeting

12.1 A Community Meeting shall be held by Flying Dust First Nation to decide whether to:

- (a) approve a land use plan
- (b) approve a grant or disposition of an interest in, or license to use any Flying Dust First Nation Land exceeding a term of 25 years;
- (c) approve a renewal of a grant or disposition of an interest in or license to use any Flying Dust First Nation Land that extends the original term beyond 25 years;
- (d) approve a grant or disposition of any Natural Resources on any Flying Dust First Nation Land exceeding a term of 25 years;
- (e) approve a charge or mortgage of a leasehold interest;
- (f) approve a law on spousal property that may be enacted under section 37;
- (g) approve any matter provided for by a Land Law requiring approval by a Community Meeting;
- (h) enact a Land Law or Land Resolution that the Council is unable to enact due to a Conflict of Interest; and
- (i) make any amendment to this land code.

Annual Community Meeting

12.2 An annual community meeting will be held within 60 days of a completed audit to present the audit and any reports required by the Code.

### **13. Procedures for Community Meetings**

#### Community Meeting

13.1 Whenever this Land Code or a Land Law requires a Community Meeting, including the annual community meeting under section 12.2 of this Land Code, the procedures set out in this Section shall be followed.

#### Notice to Members

13.2 The Council shall call the Community Meeting by giving notice to the Members that:

- (a) the notice is in writing;
- (b) specifies the date, time and place of the Community Meeting;
- (c) contains a brief description of the matters to be discussed at the Community Meeting; and
- (d) if a vote is to be held, advise the Members that a vote will take place at the meeting.

#### Manner of Notice

13.3 The notice of a Community Meeting must be given to the Members as follows:

- (a) by posting the notice at least 14 days before the Community Meeting in the administrative office of the Flying Dust First Nation in an area to which the public has access and in any other locations as the Council determine appropriate;
- (b) by mailing the notice to Eligible Voters, whose address is known, at least 14 days before the meeting;
- (c) publish the notice in the community newsletter; and
- (d) such additional method as the Council may consider appropriate in the circumstance.

#### Who may attend

13.4 All Members have an option to attend a Community Meeting held under the provisions of this Land Code, but other persons may attend with the written permission of the Council.

Minimum for quorum

13.5 The Council may by a Land Law establish a minimum number or percentage of Eligible Voters who are required to be present as a quorum for the purposes of making a decision at a Community Meeting.

Meeting to be held

13.6 A meeting shall be held on the date, time and at the place set out in the notice, at which time the Council or the Lands and Resources Commission shall present the matters to be discussed at the meeting. In the event a vote is to be held at the meeting, the following procedures shall be followed:

- (a) the Council or the Lands and Resources Commission shall provide sufficient information to the Eligible Voters in attendance so as to permit the Eligible Voters to make an informed decision on the matter or matters to be voted on;
- (b) a secret ballot shall be conducted by a member of the Council or a member of the Lands and Resources Commission on each matter in respect of which a vote is to be held.

Voting

13.7 Decisions are to be made by a majority vote of the Eligible Voters present at a Community Meeting, by a secret ballot or in such other method determined by a Land Law.

Other meetings

13.8 The Council may schedule more than one Community Meeting to discuss and decide on a matter that requires a Community Meeting. When a meeting or matter to be voted upon is postponed for any reason, the provisions of this Section shall apply to any subsequent Community Meeting called in respect of the same matter or matters.

Other laws

13.9 For greater certainty, the Council may make laws respecting Community Meetings, provided such laws are not inconsistent or do not conflict with the provisions of this Section.

## 14. Community Approvals

Community Approval  
By Ratification Vote

14.1 A Ratification Vote shall be held by Flying Dust First Nation to decide whether to:

- (a) approve a development on a heritage site referred to in section 16;
- (b) approve a voluntary exchange of land;
- (c) approve any matter provided for by a Land Law requiring approval by a Ratification Vote; and
- (d) approve an amendment to the land use plan to delete a heritage site referred to in Section 16.

Transfer Agreement  
With Canada

14.2 An amendment to, or renewal of, the Transfer Agreement does not require community approval by a Ratification Vote.

Ratification Process

14.3 Any Ratification Vote required under this Land Code shall be conducted in substantially the same manner as the *Flying Dust First Nation Community Ratification Process*, which was used to ratify this Land Code.

No Verifier

14.4 A verifier is not needed in any Ratification Vote.

Minimum Requirements  
For Approval

14.5 A matter shall be considered approved at a Ratification Vote if a majority of the registered Eligible Voters cast a vote in favour of the matter.

Other Laws

14.6 For greater certainty, the Council may make laws respecting Ratification Votes, provided such laws are not inconsistent or do not conflict with the provisions of this Section.

## PART 4

## PROTECTION OF LAND

### 15. Taking Land For Community Purposes

#### Rights and Interests That may be Expropriated

15.1 An interest or license in Flying Dust First Nation Land, or in any right or interest in any building or other structure on those lands, may only be expropriated by Flying Dust First Nation in accordance with the *Framework Agreement* and any Land Law enacted for the purpose of establishing the rights and procedures for such expropriations.

#### Community purposes

15.2 A community expropriation may only be made for a necessary community purpose or works of Flying Dust First Nation, including but not in any way limited to: a fire hall, sewage or water treatment facility, community centre, public works, roads, schools, day-care facility, hospitals, health-care facility, and retirement home.

#### Expropriation Laws

15.3 Before proceeding to make any community expropriation in accordance with this Land Code, the Council shall make fair and reasonable laws respecting the rights and procedures for community expropriations, including laws respecting:

- (a) procedures governing expropriation, including the taking of possession, compulsory taking of possession and transfer of the right or interest, notice of expropriation and service of notice of expropriation; and
- (b) entitlement to compensation, determination of the amount of compensation and the method of payment of compensation.

#### Public Report

15.4 Before Flying Dust First Nation decides to expropriate a right or interest, it shall make a public report on the reasons justifying the expropriation.

#### Rights That May Not be Expropriated

15.5 A right or interest of Her Majesty the Queen in right of Canada or Saskatchewan is not subject to expropriation by Flying Dust First Nation.

#### Acquisition by Mutual Agreement

15.6 The right of Flying Dust First Nation to expropriate can only be exercised after a good faith effort to acquire, by mutual agreement, rights or interests in Flying Dust First Nation Land.

Compensation for  
Rights and Interests

15.7 Flying Dust First Nation shall, in accordance with its laws and the *Framework Agreement*,

- (a) serve reasonable notice of the expropriation on each affected holder of rights or interests in the land to be expropriated; and
- (b) pay fair and reasonable compensation to the holders of rights or interests in the expropriated land.

Compensation  
Calculations

15.8 The total value of the compensation under this clause will be based on the following:

- (a) the market value of the land or interest that is acquired;
- (b) the replacement value of any improvement to the land that is acquired;
- (c) the damages attributable to any disturbance; and
- (d) damages for any reduction in the value of the remaining interest.

Market Value

15.9 The market value of an expropriated right or an interest is equal to the amount that would have been paid for the right or interest if it had been sold by a willing seller to a willing buyer under no duress.

Neutral Evaluation to  
Resolve Disputes

15.10 The resolution of disputes concerning the right of Flying Dust First Nation to expropriate shall be determined by neutral evaluation, in the same manner as provided in Part IX of the *Framework Agreement*, and the 60 day period referred to in clause 32.6 of the *Framework Agreement* shall be applied, as appropriate in the circumstances, by the neutral evaluator.

Arbitration to Resolve  
Disputes

15.11 The resolution of the following disputes shall be determined by arbitration, in the same manner as provided in Part IX of the *Framework Agreement*

- (a) disputes concerning the right of the holder of an expropriated interest to compensation; and
- (b) disputes concerning the amount of the compensation.

## 16. Heritage Sites

Community Approval  
For Development

16.1 No development shall be allowed on any site designated as a heritage site under the land use plan, unless the development receives community approval by a Ratification Vote.

Land Use Plan

16.2 No amendment may be made to a land use plan to delete a heritage site unless the amendment receives community approval by a Ratification Vote.

## 17. Voluntary Land Exchanges and Protections

Conditions for a land  
exchange

17.1 Flying Dust First Nation may agree with another party to exchange a parcel of Flying Dust First Nation Land for a parcel of land from that other party in accordance with this Land Code and the *Framework Agreement* and the *First Nations Land Management Act*.

Negotiators

17.2 The Council, by resolution, will appoint the person or persons who will have authority to negotiate a land exchange agreement on behalf of Flying Dust First Nation.

Community approval

17.3 Any exchanges of Flying Dust First Nation Land must be submitted for community approval by a Ratification Vote in accordance with this Land Code before the land exchange becomes valid and binding on the Flying Dust First Nation.

No effect

17.4 A land exchange is of no effect unless it receives community approval by a Ratification Vote.

Land to be received

17.5 No land exchange may occur unless the land to be received in the exchange meets the following conditions:

- (a) it must be equal to or greater than the area of Flying Dust First Nation Land to be exchanged and it must be at least comparable in value to the appraised value of the Community Land; and
- (b) it must become a reserve and subject to this Land Code.

Additional land

17.6 Flying Dust First Nation may negotiate to receive one or more other parcels of land as compensation, in addition to the parcel referred to above which is intended to become a reserve. The other parcels may be held by Flying Dust First Nation in fee simple or some other manner.

Federal consent

17.7 Before Flying Dust First Nation concludes a land exchange agreement, it must receive a written statement from Canada clearly stating that Her Majesty in right of Canada;

- (a) consents to set apart as a reserve the land referred to in section 17.5, as of the date of the land exchange or such later date as the Council may specify by resolution; and
- (b) consents to the manner and form of the exchange as set out in the exchange agreement.

Community notice

17.8 Once negotiations on the land exchange agreement are concluded, the Council shall provide the following information to Eligible Voters at least 21 days before the vote:

- (a) a description of the Flying Dust First Nation Land to be exchanged;
- (b) a description of the land to be received in the exchange;
- (c) a description of any other compensation to be exchanged;

- (d) a report of a certified land appraiser setting out that the conditions in section 17.5 have been met;
- (e) a copy and summary of the exchange agreement; and
- (f) a copy of the written statement from Canada referred to in section 17.7.

Process of land  
exchange

17.9 The land exchange agreement shall provide that:

- (a) the other party to the exchange must transfer to Canada the title to the land which is to be set apart as a reserve;
- (b) the Council must pass a resolution authorizing Canada to transfer title to the Flying Dust First Nation Land being exchanged, in accordance with the exchange agreement; and
- (c) a copy of the instruments transferring title to the relevant parcels of land must be registered in the First Nations Lands Registry.

## **PART 5 ACCOUNTABILITY**

### **18. Conflict of Interest**

Conflict of interest by  
Council

18.1 This section applies to

- (a) each member of the Council who is dealing with any matter before Council that is related to Flying Dust First Nation Land;
- (b) each person who is an employee of Flying Dust First Nation dealing with any matter that is related to Flying Dust First Nation Land;
- (c) each member of the Lands and Resources Commission;
- (d) each member of a dispute resolution body established under the terms of this Land Code; and

- (e) each person who is a member of a board, commission or other body of Flying Dust First Nation dealing with any matter that is related to Flying Dust First Nation Land.

Duty to report and  
abstain

18.2 If a member of Council, the Lands and Resources Commission, a dispute resolution body or an employee of the Flying Dust First Nation or a member of a board, commission or other body of the Flying Dust First Nation dealing with any matter that relates to Flying Dust First Nation Land has any interest, financial or otherwise, in the matter being dealt with that might involve the person or his or her Immediate Relatives, the person shall:

- (a) disclose the interest, at the first possible opportunity in writing, to the Council, or the board, commission or other body as the case may be and such disclosure shall be recorded in the minutes of the meeting at which such disclosure is given; and
- (b) not take part in any deliberations on that matter, shall leave the meeting during those discussions or deliberations and shall not vote on that matter.

Common interests

18.3 This section does not apply to any interest that is held by a Member in common with every other Member.

Meeting of eligible  
voters

18.4 If the Council is unable to vote on a proposed Land Law or land resolution due to a conflict of interest, the Council may refer the matter to a Community Meeting for community approval in accordance with Section 13 of this Land Code.

Inability to act

18.5 If a quorum of the Lands and Resources Commission or of any other board, commission or other body is not able to vote on a matter or if an employee is unable to make a decision due to a conflict of interest, the matter shall be referred to the Council for their consideration.

Specific conflict  
situations

18.6 Because of the unusual conflicts of interest possible in the community, no two members from the same Immediate Relatives may be members of the board, commission or other body dealing with any matter that is related to Flying

## Dust First Nation Land.

### Disputes

18.7 Questions about whether a breach of this section have occurred may be referred to the Dispute Resolution Body

### Other laws

18.8 For greater certainty, the Council may enact laws to further implement this section provided such laws are not inconsistent or in conflict with this Land Code.

## 19. Financial Management

### Application

19.1 This section applies only to financial matters relating to Flying Dust First Nation Land.

### Establishment of bank accounts

19.2 The Council shall maintain one or more financial accounts at a financial institution located on reserve where possible, that is a member institution to which the Canada Deposit Insurance Corporation has a duty to insure deposits pursuant to the *Canada Deposit Insurance Corporation Act*, R.S.C. 1985, c. C-3, as amended, and shall deposit in those accounts the following amounts:

- (a) payments received from Canada for the management and administration of Flying Dust First Nation Land pursuant to the Transfer Agreement or otherwise;
- (b) moneys received by Flying Dust First Nation from the grant or disposition of any interests or licenses in Flying Dust First Nation Lands;
- (c) all fees, fines, charges and levies collected under this Land Code or a Land Law or Land Resolution;
- (d) all capital and revenue moneys received from Canada from the grant or disposition of any interests and licenses in Flying Dust First Nation Land pursuant to the Transfer Agreement; and
- (e) any other land revenue received by Flying Dust First Nation.

### Signing officers

19.3 The Council shall authorize at least three persons, one of whom shall be a member of the Council, to sign cheques and other bills of exchange or transfer drawn on the account under section 19.2.

Two signatures

19.4 To be valid, a cheque or other bill of exchange or transfer drawn on any account maintained by the Council under section 19.2 must be signed by two signing officers, one of whom must be a Councillor.

Fiscal year

19.5 The fiscal year of Flying Dust First Nation begins on April 1 of each year and ends on March 31 of the following year.

Adoption of budget

19.6 The Council shall, by resolution, prior to the beginning of each fiscal year, adopt a land management budget for that fiscal year and may, if the Council deems it necessary in the course of the fiscal year, adopt supplementary budgets for that fiscal year.

Procedure

19.7 After adopting the land management budget or supplementary budget, the Council shall, without undue delay:

- (a) present the consolidated land management budget to the Members at an annual community meeting, and
- (b) make a copy of the consolidated land management budget available at the administrative offices of Flying Dust First Nation for inspection by members during normal business hours of the Flying Dust First Nation.

If no budget

19.8 If the Council fails to adopt a land management budget for a fiscal year prior to the beginning of that fiscal year, the budget and any supplementary budgets of the previous fiscal year apply until a new budget is adopted.

Budget rules

19.9 The Council may make rules respecting the preparation and implementation of land management budgets.

Expenditures

19.10 The Council may not expend moneys or commit itself, by contract or otherwise, to expend moneys, unless such expenditure is authorized by or under a Land Law or resolution or an approved budget adopted pursuant to 19.6 or a supplementary budget approved under 19.7.

## 20. Financial Records

### Books of account and financial records

20.1 Flying Dust First Nation shall keep books of account and financial records in accordance with generally accepted accounting principles.

### Offences

20.2 A person is guilty of an offence if the person

- (a) impedes or obstructs anyone from exercising their right to inspect the books or account or financial records of Flying Dust First Nation; or
- (b) has control of the books or account or financial records of Flying Dust First Nation and fails to give all reasonable assistance to any one exercising their right to inspect those books or records.

### Preparation of financial statement

20.3 Within 60 days after the end of each fiscal year, the Flying Dust First Nation shall have prepared and provided to the auditor financial statements in comparative form regarding the land related financial records of the Flying Dust First Nation, containing at a minimum:

- (a) a balance sheet;
- (b) a statement of revenues and expenditures and a comparison of these with amounts stated in the consolidated land management budget and any supplementary budget; and
- (c) any other information necessary for a fair presentation of the financial position of Flying Dust First Nation land revenue and expenses.

### Consolidated accounts

20.4 The accounting and auditing requirements of this Land Code may be done

together with, and consolidated with, the other accounts of Flying Dust First Nation.

## **21. Appointment of Auditor**

### **Appointment of auditor**

21.1 For each fiscal year, a duly accredited auditor shall be appointed for the audit of the land related financial records of Flying Dust First Nation.

### **Holding office**

21.2 The auditor appointed under this section holds office until re-appointed, or until a new auditor is appointed.

### **Vacancy in office**

21.3 Where a vacancy occurs during the term of an auditor, the Council shall forthwith appoint a new auditor for the remainder of the former auditor's term and shall fix the auditor's remuneration.

### **Remuneration**

21.4 The auditor's remuneration shall be paid by Flying Dust First Nation out of the transfer payments received from Canada, pursuant to the Transfer Agreement.

### **Duty of auditor**

21.5 The auditor shall, within 90 days after the end of Flying Dust First Nation's fiscal year, audit the financial statements regarding the land related financial records of the Flying Dust First Nation, in accordance with Canadian generally accepted auditing standards and prepare and submit to the Council, a written report on such financial statements, stating whether, in the opinion of the auditor, the financial statement presents fairly the financial position of Flying Dust First Nation Land related financial transactions.

### **Access to records**

21.6 In order to prepare the report on Flying Dust First Nation's financial statements, the auditor may at all reasonable times inspect the financial records, accounts, books, minutes, vouchers and receipts of Flying Dust First Nation and any person or body who administers money on behalf of Flying Dust First Nation.

### **Explanation of auditor's report**

21.7 The Council shall present the auditor's report to the members at the annual Meeting.

## **22. Annual Report**

### Contents

22.1 The annual report will include:

- (a) an annual review of land management;
- (b) a copy and explanation of the audit as it applies to lands; and
- (c) any other matter worth including by the Council or Lands and Resources Commission.

## **23. Access to Information**

### Access

23.1 Any Member may, during the normal business hours of the Flying Dust First Nation in the administrative offices of the Flying Dust First Nation, have reasonable access to:

- (a) the register of laws;
- (b) the auditor's report; and
- (c) the annual report on land issues.

### Copies for Members

23.2 Any Member may obtain a copy of the auditor's report or annual report on payment of a reasonable fee set by resolution of Council.

## **PART 6 LAND ADMINISTRATION**

## **24. Lands and Resources Commission**

### Commission established

24.1 The Council shall, by resolution, establish a Flying Dust First Nation Lands and Resources Commission to advise Council on land and resource matters.

Composition

24.2 The Lands and Resources Commission shall be composed of at least 7 members, all of whom must be eligible voters.

Appointments by Council

24.3 The members of the Lands and Resources Commission shall be appointed by Chief and Council.

Terms and Duties

24.4 The Council shall, by resolution, establish the terms and duties of the Lands and Resources Commission members and the procedures to be followed by the Lands and Resources Commission, provided they are not inconsistent or in conflict with this Land Code.

Procedures

24.5 The Lands and Resources Commission may make its own rules of procedure not inconsistent or in conflict with this Land Code or with those established by the Council.

Role of the Lands Advisory Commission

24.6 The Lands and Resources Commission shall advise the Council on the following items including but not limited to enacting of Land Laws, and the granting of Interests or Licenses.

Delegation of powers

24.7 The Council may delegate any of its land management powers under this land Code to the Lands and Resources Commission. Such delegation shall be in writing, must be approved by a quorum of the Council at a duly convened meeting and must be posted in the administrative offices of the First Nation to which the public has access.

Development of land related policies

24.8 Within a reasonable time after this Land Code comes into force, the Lands and Resources Commission shall, in consultation with the community, develop policies that address the following matters:

- (a) environmental protection and assessment in relation to Flying Dust First Nation Land;

- (b) any outstanding issues on the resolution of disputes in relation to Flying Dust First Nation Land;
- (c) land use planning; and
- (d) any other matter requested by the Council.

#### Consultation process

24.9 In fulfilling its obligation to consult with the community as required under section 24.8, the Lands and Resources Commission shall make efforts to ensure the Members are informed on such policies and rules and procedures by mailing information to the Members, by holding meetings with the Members or by undertaking any other form of consultation as the Council may consider appropriate in the circumstance.

#### Implementation of policies

24.10 The policies developed by the Lands and Resources Commission shall be presented to the Council for consideration and implementation as Land Laws, Land Resolutions or as amendments to this Land Code, whichever is deemed by the Council to be most appropriate.

## **25. Membership of the Lands and Resources Commission**

#### Eligibility to be a Lands and Resources Commission Member

25.1 Any eligible voter is eligible for appointment to the Lands and Resources Commission, except for the following persons:

- (a) any person convicted of an offence that was prosecuted by way of indictment in the past 5 years;
- (b) any bankrupt person;
- (c) any person declared to be mentally incompetent by a court of competent jurisdiction in Canada or elsewhere;
- (d) any person convicted of a corrupt practice in connection with accepting a bribe, dishonesty or wrongful conduct;
- (e) any person who is a Chief or a Councillor of the Flying Dust First Nation; and

- (f) any employee of the Flying Dust First Nation employed on a full time basis.

Term of office

25.2 Subject to 25.4 Anyone appointed to the commission shall serve a term of three (3) years and shall continue their term until a replacement is appointed by Chief and Council. Commission members may be re-appointed.

Selection procedures

25.3 The Council may establish procedures for the selection of members to the Lands and Resources Commission provided such procedures are not inconsistent or in conflict with this Land Code.

Vacancy of Lands  
And Resources Commission

25.4 The office of a member of the Lands and Resources Commission becomes vacant if the person, while holding office:

- (a) is or becomes ineligible to hold office under 25.1;
- (b) ceases to be a Member of the Flying Dust First Nation for the purposes of this code;
- (c) is absent for 3 consecutive meetings of the Lands and Resources Commission without being authorized to do so by the Lands and Resources Commission;
- (d) dies;
- (e) resigns;
- (f) fails to fulfill their obligations and duties required by this Land Code, upon the determination of the Lands and Resources Commission;  
or
- (g) fails to disclose a conflict of interest in accordance with section 18.

Vacancy in term

25.5 Where the office of an appointed member of the Lands and Resources Commission becomes vacant for more than 90 days before the date when another appointment would ordinarily be held, a special appointment may be made, by Chief and Council, in accordance with this Land Code, as the case may be, to fill the vacancy.

Balance of term  
of office

25.6 Where a special appointment, is made, the member of the Lands and Resources Commission appointed to fill the vacancy remains in office for the balance of the term of the member of Lands and Resources Commission they are replacing.

## **26. Meetings of the Lands and Resources Commission**

Chairperson

26.1 The Lands and Resources Commission will appoint a chairperson. The members of the Lands and Resources Commission shall select one of their members to act as chairperson for the commission.

Functions of  
the Chairperson

26.2 The chairperson, in conjunction with the Director of Lands and Resources, will be responsible for managing the affairs of the commission including but not limited to:

- (a) to chair meetings of the Lands and Resources Commission;
- (b) Setting dates for meetings in consultation with other commission members;
- (c) Arranging the preparation and timely distribution of the agenda and all supporting documents required prior to each meeting in consultation with other commission members;
- (d) Maintaining a record of minutes from each commission meeting. Minutes will be forwarded to the commission members and to the Chief and Council following each meeting;
- (e) Managing the funds that are allocated to the commission for the purpose and in the manner set out in the terms of reference and to provide a monthly financial statement to the Chief and Council and to the commission.

Alternate  
Chairperson

26.3 If the Chairperson is unable to perform the functions of office, either temporarily or on a long term basis, the Lands and Resources Commission shall appoint one of the other Lands and Resources Commission members to act as

or be the Chairperson for the relevant period.

Monthly meetings

26.4 The Lands and Resources Commission shall meet at least once every month, provided that the commission shall meet at any time requested by Council.

Rules for meetings

26.5 Meetings of the Lands and Resources Commission shall be conducted in accordance with the following procedure:

- (a) whenever possible, all meetings shall be held on Flying Dust First Nation Land provided that a meeting may be conducted by telephone or other facility which permits each member of the Lands and Resources Commission in attendance to communicate with all other members of the commission at the meeting;
- (b) the Chairperson shall chair meetings, provided that, in the absence of the Chairperson, another member of the commission appointed for that purpose by those in attendance shall chair a meeting;
- (c) the quorum for meetings of the Lands and Resources Commission shall be a majority of the members of the commission;
- (d) all decisions and actions of the Lands and Resources Commission shall be in accordance with a majority vote, which for greater certainty includes the Chairperson in the event of a tie; and
- (e) written minutes of the proceedings at each meeting will be kept and the minutes of the preceding meeting approved or revised at the commencement of each meeting.

Access to minutes

26.6 A copy of the minutes of each meeting of the Lands and Resources Commission shall be provided to any Member who provides a written request to Chief and Council.

Council attendance

26.7 Any Member of the Council may attend any meeting of the Lands and Resources Commission except where any member of Chief and Council may be in conflict of interest.

Members attendance

26.8 Any Member, with prior notice to the Chairperson of the Lands and

Resources Commission, provided they conduct themselves in an appropriate and professional manner shall have the right, at their own expense, to attend a meeting of the Lands and Resources Commission as an observer.

## **27. Revenue From Lands**

### Determination of Fees and Rent

27.1 The Lands and Resources Commission shall, subject to the approval of the Council, establish the process for determining:

- (a) the fees and rent for interests and licenses in Flying Dust First Nation Land; and
- (b) the fees for services provided in relation to any Flying Dust First Nation Land.

## **28. Registration of Interests and Licenses**

### Enforcement of interests and licenses

28.1 (a) An Interest or License in Flying Dust First Nation Land created or granted after this Land Code comes into effect when it is registered in the Duplicate Land Register; and

(b) A Transfer or assignment of an interest or License in Flying Dust First Nation Land shall be registered in the Duplicate Land Register.

### Enforcement of mortgages and pledges

28.2 A charge, pledge or mortgage of a leasehold interest in Flying Dust First Nation Land or in a building on those lands under an Interest or License granted after this Land Code comes into effect is not enforceable against that leasehold interest unless it is registered in the Duplicate Land Register.

### Registration of consent or approval

28.3 No instrument evidencing an Interest or License or a transfer and assignment of an Interest or License, that requires consent of the Council, or community approval at a Community Meeting or by a Ratification Vote, may be

registered unless a document evidencing such consent or approval, certified by the Chief of the Flying Dust First Nation or the chairperson of the Lands and Resources Commission is attached to the instrument.

Rules

28.4 The Council shall make rules respecting the administration of the Duplicate Land Register, the registration of Interests and Licenses in it and the recording of any other matter, including but not limited to rules respecting:

- (a) the payment of fees for the registration of Interests and Licenses and for any other service in relation to the register; and
- (b) the appointment, remuneration, powers, functions and duties of officers and employees who administer the register.

Duty to deposit

28.5 The Council shall ensure that an original copy of the following instruments is deposited in the First Nations Land Register:

- (a) any grant of an Interest or License in Flying Dust First Nation Land;
- (b) any transfer or assignment of an Interest or License in Flying Dust First Nation Land;
- (c) any expropriation of an Interest or License in Flying Dust First Nation Land by the Flying Dust First Nation;
- (d) every land use plan, subdivision plan or resource use plan; and
- (e) this Land Code and any amendment to this Land Code

## 29. Duplicate Lands Register

Duty to maintain  
duplicate register

29.1 The Council shall maintain a land register, to be known as the Duplicate Land Register, in form and content the same as the First Nations Land Register.

Duty of member  
to deposit

29.2 Every Member who receives an Interest or License in Flying Dust First

Nation Land from another Member shall deposit an original copy of the relevant instrument in the Duplicate Land Register.

## PART 7 INTERESTS AND LICENSES IN LAND

### 30. Limits on Interests and Licenses

All dispositions in writing

30.1 An Interest in, or License to use, Flying Dust First Nation Land may only be created, granted, disposed of, assigned or transferred by written approval of Council, in accordance with this Land Code.

Standards

30.2 The Council shall establish mandatory standards, criteria and forms for interests and licenses in Flying Dust First Nation Land.

Improper transactions void

30.3 A written deed, lease, contract, instrument, document or agreement of any kind, by which Flying Dust First Nation, a Member or any other person purports to grant, dispose of, transfer or assign an Interest or License in Flying Dust First Nation Land after the date this Land Code comes into force is void if it is not authorized pursuant to this Land Code.

Grant to any person

30.4 Upon the recommendation of the Lands and Resources Commission, the Council may allocate or grant an Interest in or License to use Flying Dust First Nation Land to any person.

### 31. Existing Interests

Members Existing Interests

31.1 Member Interests in Flying Dust First Nation Land that existed when this Land Code takes effect, whether allocated pursuant to the *Indian Act*, custom of the Flying Dust First Nation or otherwise, shall continue in existence.

Continuation of Existing Interests

31.2 Any Interest in or License to use Flying Dust First Nation Land that existed when this Land Code takes effect will, subject to this Land Code, continue in force in accordance with its terms and conditions.

## **32. Land Management Powers**

Authority to make  
dispositions

- 32.1 Flying Dust First Nation, acting through the Council, may grant
- (a) interests and licenses in Community Lands, including leases, permits, easements and rights-of-ways, subject to section 12.1; and
  - (b) permits to take resources from Community Lands, including cutting timber or removing minerals, stone, sand, gravel, clay, soil or other substances, subject to section 12.1.

Conditional Grant

32.2 The grant of an interest, license or permit may be made subject to the satisfaction of written conditions as stipulated by Council.

## **33. Allocation of Land**

Allocation of Lots  
By Procedure

33.1 The Council may, with the recommendation of the Lands and Resources Commission, allocate lots of available land to Members in accordance with procedures established by the Council.

No Community  
Approval

33.2 No community approval is required for the allocation of lots to Members.

No Allocation of Lots  
To Non-members

33.3 A person who is not a Member is not entitled to be allocated a lot or to hold a permanent interest in Flying Dust First Nation Land.

Issuance of  
certificate

33.4 The Council may issue a certificate of the interest to a Member for a lot allocated to that Member.

## **34. Transfer and Assignment of Interests**

### Consent of Council

- 34.1 Except for transfers that occur by valid will or operation of law:
- (a) there shall be no transfer or assignment of an interest in Flying Dust First Nation Land without the written consent of the Council; and
  - (b) the grant of an interest or license is deemed to include section 34.1(a) as a condition of any subsequent transfers or assignments.

## **35. Limits on Mortgages and Seizures**

### Protections

35.1 In accordance with the *Framework Agreement*, section 29, section 87 subsections 89(1) and (2) of the *Indian Act* continue to apply to Flying Dust First Nation Land.

### Limits on Mortgage

35.2 A leasehold interest in Flying Dust First Nation Land may be subject to charge, mortgage, attachment, levy, seizure, distress and execution, for a term not exceeding the term of the lease.

### Exception

35.3 The term of any charge or mortgage shall not exceed 25 years, unless it receives the written consent of the Council and community approval by Community Meeting has been given.

### Enforcement of charge or mortgage

- 35.4 A charge or mortgage of a leasehold interest is not subject to seizure, attachment, distress, foreclosure or any other form of execution, unless:
- (a) the charge or mortgage was consented to by the Council;
  - (b) the charge or mortgage was registered in the Duplicate Land Register;

- (c) a reasonable opportunity to redeem the charge or mortgage is given to the Council.

Power of redemption

35.5 If the Council exercises its power of redemption, Flying Dust First Nation becomes the lessee of the land and takes the position of the person granted the charge or mortgagee for the purposes after the date of the redemption.

## **36. Residency and Access Rights**

Right of residence

36.1 Subject to sections 36.3 and 36.4, the following persons have a right to reside on Flying Dust First Nation Lands:

- (a) Members and their spouses and children;

Right of access

36.2 Subject to sections 36.3 and 36.4, the following persons, provided they comply with all applicable laws and they do not trespass on occupied land or interfere with any Interest or License granted in Flying Dust First Nation Land, have a right to access Flying Dust First Nation Land:

- (a) a holder of an Interest or License and those granted a right of access under the Interest or License;
- (b) Members, their spouses, and children;
- (c) a person accessing Flying Dust First Nation Land for social, recreational or business purpose; or
- (d) a person authorized in writing by the Council, or under a Flying Dust First Nation law.

Denial of access

36.3 Subject to section 36.4, the Council may, for valid and fair reasons, deny or restrict the right to reside on or to access Flying Dust First Nation Land to any person if, at a duly convened meeting, a quorum of the Council vote in favour of a resolution denying or restricting such right of the person.

Denial to Members

36.4 The Council may not deny or restrict the right to reside on or to access Flying Dust First Nation Land to a Member unless such denial or restriction receives community approval in accordance with Section 12.1 of this Land Code

Trespass

36.5 Any person who resides on, enters or remains on Flying Dust First Nation Land other than in accordance with a residence or access right under this Land Code is guilty of an offence.

Civil remedies

36.6 All civil remedies for trespass are preserved.

## 37. Spousal Property Law

Development of rules  
and procedures

37.1 The Council shall enact a spousal property law providing rules and procedures applicable on the breakdown of a marriage, to

- (a) the use, occupancy and possession of Flying Dust First Nation Land; and
- (b) the division of interests in that land.

Enactment of rules  
and procedures

37.2 The rules and procedures contained in the spousal property law shall be developed by the Lands and Resources Commission in consultation with the community.

Enactment deadline

37.3 The spousal property law must be enacted within 12 months from the date this Land Code takes effect.

General principles

37.4 For greater certainty, the rules and procedures developed by the Lands and Resources Commission under this section must respect the following general principles:

- (a) each spouse should have an equal right to possession of their

matrimonial home;

- (b) each spouse should be entitled to an undivided half interest in the matrimonial home, as a tenant in common;
- (c) the rules and procedures shall not discriminate on the basis of sex; and
- (d) only Members are entitled to hold a permanent interest in Flying Dust First Nation Land or a charge against a permanent interest in Flying Dust First Nation Land.

Immediate rules

37.5 In order that Members benefit immediately from the legislative authority of the Council to address the issue of spousal property under this Land Code, the Council may enact a spousal property law as soon as this Land Code comes into force. As this law would be enacted before the work of the Lands and Resources Commission and the community consultation is complete, the law will expire at the end of the 12 month period after the coming into force of this Land Code, unless re-enacted, replaced or amended.

## PART 8 DISPUTE RESOLUTION

### 38. Local Dispute Resolution System

#### LOOK AT OTHER DISPUTE RESOLUTIONS SYSTEMS

Appealable disputes

38.1 Matters that may be appealed are as follows:

- (a) whether a Land Law was enacted or Land Resolution was passed in accordance with the procedures provided for in this Land Code;
- (b) any matter regarding the allocation of residential lots to Members;
- (c) any matter regarding residency and access rights; and
- (d) any matter provided for by a Land Law or Interest or License.

Disputes not resolved  
by Council

38.2 If there is an appealable dispute that cannot be resolved by the Council or the Lands and Resources Commission, a Member or any person with an Interest or License in Flying Dust First Nation Land may, in accordance with this section, appeal the dispute.

Limitation period

38.3 The limitation period for an appeal is 30 days after the day the decision, act or omission being appealed was made.

Appeal procedures

38.4 Subject to any Land Law, an appeal shall be made and determined in accordance with the following procedures:

- (a) a person wishing to commence an appeal shall, within 30 days of the day the decision, act or omission being appealed was made, file a notice of appeal by forwarding to the Flying Dust First Nation, notice of his or her appeal, along with a statutory declaration setting out the matter which the person is appealing and the grounds of the appeal;
- (b) within 10 days of receiving the notice of appeal a dispute resolution body shall be established in accordance with section 38.5;
- (c) the Council shall within 5 working days of the dispute resolution body being established, forward to the dispute resolution body the following:
  - (i) the notice of appeal and statutory declaration received from the person making the appeal; and
  - (ii) a statutory declaration containing answers to the particulars set out in the person's statutory declaration;
- (d) the dispute resolution body shall within 5 days of receiving the information from the Council forward the statutory declaration received from the Council to the person making the appeal and to the Lands and Resources Commission;
- (e) the person making the appeal and the Lands and Resources Commission may, within 5 days of receiving the information from the dispute resolution body, forward to the dispute resolution body a statutory declaration containing answers to the particulars set out in the Council's statutory declaration;

dispute resolution body and officers and employees engaged in carrying out any matter related to the administration of Flying Dust First Nation Lands are indemnified and saved harmless for all claims, liabilities and demands of any kind or nature whatsoever arising from the performance of their obligations and duties under this Land Code, a Land Law , provided they have not acted fraudulently or negligently in the performance of their obligations and duties.

#### Liability Coverage

39.2 The Council may, but is not obligated to, arrange, maintain and pay for insurance coverage for its officers and employees engaged in carrying out any matter related to the administration of Flying Dust First Nation Land to indemnify them against personal liability from the performance of those duties.

#### Extent of Coverage

39.3 The extent of insurance coverage shall be determined by the Council.

## 40. Offences

#### Application of the Criminal Code

40.1 Unless some other procedure is provided for by a land law, the summary conviction procedures of Part XXVII of the *Criminal Code*, as amended from time to time, apply to offences under this Land Code or under a land law.

## 41. Amendments to Land Code

#### Community approval

41.1 All amendments to this Land Code must be conducted in accordance with Section 12.1 of this code.

## 42. Commencement

#### Preconditions

42.1 This Land Code shall not come into force unless:

- (a) the community approves this Land Code and the Transfer Agreement with Canada and this Land Code has been certified by the verifier pursuant to the *Framework Agreement* and the *First Nations Land Management Act*; and

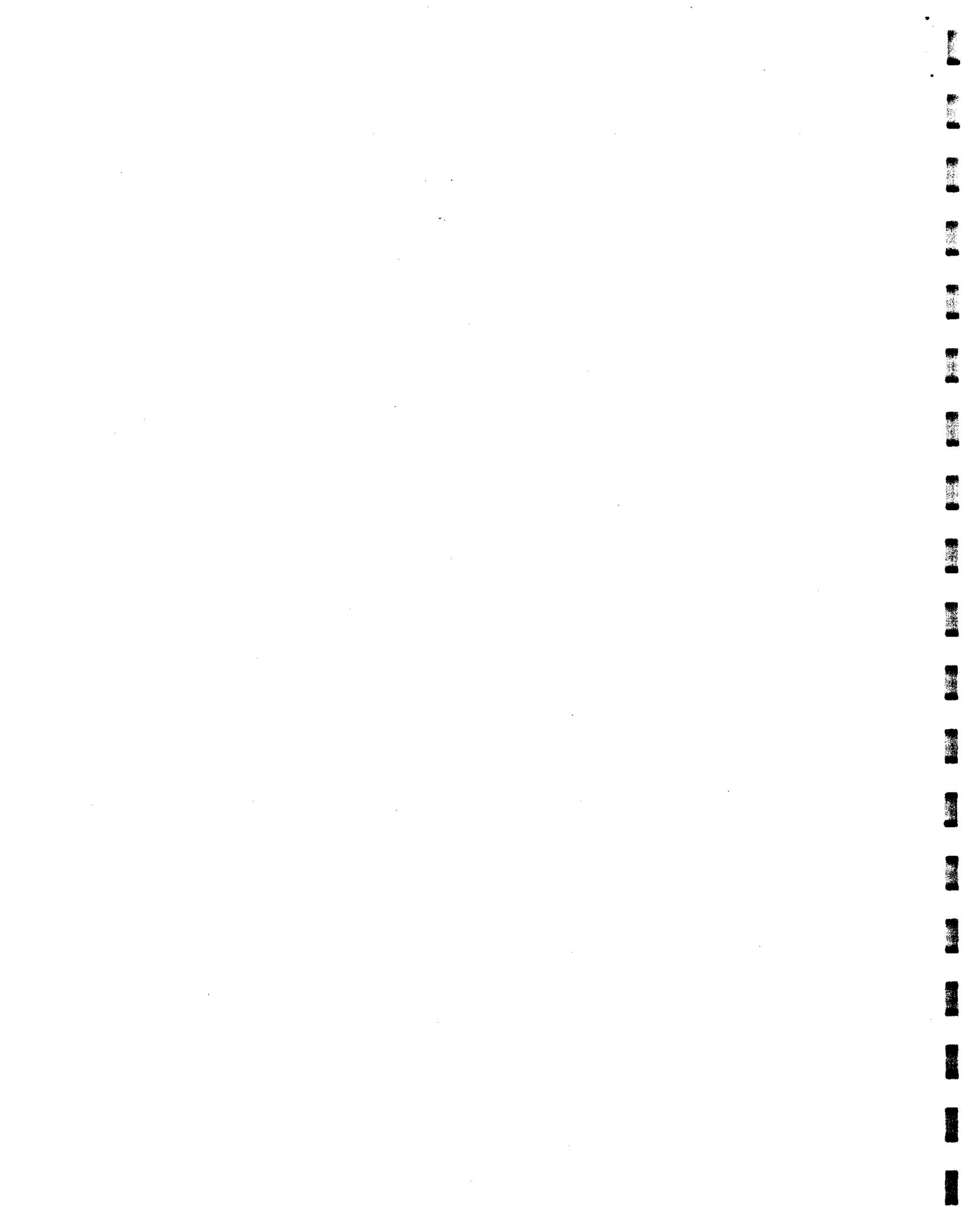
(b) the Individual Agreement has been signed by Canada.

Commencement  
date

42.2 At least ninety (90) days before fixing the date by resolution of the Band Council, the Flying Dust First Nation shall notify Her Majesty in right of Canada of its intention to fix a date for the coming into force of the Land Code.

## **ANNEX "A"**

The Legal Land Description for Flying Dust First Nation for  
Those Lands Listed Under Section 5.1



## LEGAL DESCRIPTION OF FLYING DUST FIRST NATION LAND

### Flying Dust First Nation Reserve No.105

Land Description of the extent of Reserve Lands that will be subject to the Land Code of the Flying Dust First Nation under the First Nations Land Management Act.

Reserve Lands within the Province of Saskatchewan, Canada.

Comprised of the following lands, excluding mines and minerals:  
In part of Townships 59 & 60, Ranges 16 & 17, West of the 3<sup>rd</sup> Meridian:

- All that portion of land bounded by the heavy black line as shown on Plan and Field Notes of Resurvey of the Exterior Rectilinear Boundaries of Meadow Lake I.R. No.105; recorded in the Canada Lands Surveys Records under number 58360, a portion of which has subsequently been corrected and resurveyed by plans 92424, 92729 and 93295 CLSR.

Excepting thereout:

- All that portion of the road as shown on Plan Rd.2172 CLSR lying west of the projected west limit of the road diversion as shown on Plan Rd.2172A CLSR and north of the north limit of the railroad right-of-way as shown on Plan RR.2444 CLSR.
  - All that portion of the road as shown on Plan Rd.2172 CLSR lying east of the production south easterly of a line 66 ft. perpendicularly distant, easterly from course R.12 and R.13, and outside of the limits of the road as shown on Plan Rd.2665 CLSR.
- The total lands as described above containing an area calculated to be 3,583.7 hectares (8,855.6 acres), more or less.
- All that portion of the Fractional N.E.¼ Section 8, Township 60, Range 16, W3M which lies to the North and West of the left bank of the Meadow River and containing 9.348 hectares (23.1 acres) more or less, as shown on the Township Plan dated March 28, 1916 (Plan 89412 CLSR).
  - All that portion of the N.W.¼ Section 9, Township 60, Range 16, W3M which lies to the North West of the left bank of the Meadow River and containing 1.781 hectares (4.4 acres) more or less, as shown on the Township Plan dated March 28, 1916 (Plan 89412 CLSR).
  - All that portion of the S.W.¼ Section 16, Township 60, Range 16, W3M which lies to the South West of the left bank of the Meadow River and containing 10.077 hectares (24.9 acres) more or less, as shown on the Township Plan dated March 28, 1916 (Plan 89412 CLSR).
  - All that portion of the Fractional S.E.¼ Section 17, Township 60, Range 16, W3M which lies to the South of the left bank of the Meadow River and containing 16.835 hectares (41.6 acres) more or less, as shown on the Township Plan dated March 28, 1916 (Plan 89412 CLSR).
  - All that portion of the S.½ of Fractional Section 8, Township 60, Range 16, W3M that lies to the left of the left bank of the Meadow River, containing 0.040 hectares (0.1 acres) more or less, as shown on the Township Plan dated March 28, 1916 (Plan 89412 CLSR).



- Surface Parcel No. 150104483, being the whole of the Fractional North East Quarter of Section 17, in Township 60, in Range 16, West of the Third Meridian, Saskatchewan, containing 44.961 hectares (111.1 acres) more or less, shown on the Township Plan dated March 28, 1916 (Plan 89412 CLSR).
- Surface Parcel No. 150104506, being all that portion of the Fractional North West Quarter of Section 17, Township 60, Range 16, West of the Third Meridian, Saskatchewan, that lies to the East of the Meadow River, containing 28.085 hectares (69.4 acres) more or less, shown on the Township Plan dated March 28, 1916 (Plan 89412 CLSR).
- Surface Parcel Nos. 145519881 and 145519904, being those portions of Legal Subdivision 10 and Fractional Legal Subdivision 15 of Fractional Section 30, in Township 59, in Range 16, West of the Third Meridian, Saskatchewan, described as follows: Commencing at the point of intersection of the Western boundary of the Fractional Legal Subdivision 15 with the Southern limit of the road allowance separating the Fractional Legal Subdivision from the Meadow Lake Indian Reserve No. 105; thence Easterly along the Southern limit of the road allowance a distance of 274.320 metres (900 feet); thence Southerly and perpendicular to the Southern limit of the road allowance 213.360 metres (700 feet); thence Westerly and parallel with the Southern limit of the road allowance to the point of intersection with the Western boundary of Fractional Legal Subdivision 10; thence Northerly along the Western boundary of Fractional Legal Subdivision 10 and Fractional Legal Subdivision 15 to the point of commencement, containing 5.852 hectares (14.46 acres) more or less.
- Surface Parcel No. 145608004, being that portion of the Fractional North West Quarter of Section 30, in Township 59, in Range 16, West of the Third Meridian, Saskatchewan, not covered by the waters of Meadow Lake and that lies to the South of the Southern limit of Parcel A shown on the Plan of record in the Canada Lands Surveys Records as No. 90239 and in the Saskatchewan Land Surveys Directory as No. BW5880, containing 35.317 hectares (87.27 acres) more or less.
- Surface Parcel Nos. 145608048, 145608060 and 145608082, being those portions of the North East Quarter of Legal Subdivision 5 not covered by the waters of Meadow Lake and that portion of the North West Quarter and the South East Quarter of Legal Subdivision 5, that lie to the North and East of the bank of Meadow Lake, in Section 30, in Township 59, in Range 16, West of the Third Meridian, Saskatchewan, together containing 6.839 hectares (16.9 acres) more or less, as shown on the Township Plan dated March 23, 1999.
- Surface Parcel Nos. 145608105, 145608127 and 145608149, being those portions of the North East, North West and South West Quarters of Legal Subdivision 6, not covered by the waters of Meadow Lake, in Section 30, in Township 59, in Range 16, West of the Third Meridian, Saskatchewan, together containing 5.463 hectares (13.5 acres) more or less, as shown on the Township Plan dated March 23, 1999.
- Surface Parcel No. 145615259, being that portion of Parcel A shown on the Plan of record in the Canada Lands Surveys Records, as No. M.3193 and in the Saskatchewan Land Surveys Directory as No. BY5656, located in part of the North East Quarter of Fractional Section 25, in Township 59, in Range 17, West of the Third Meridian, part of the adjacent Road Allowance and part of Fractional Section 30 and Fractional Section 31, in Township 59, in Range 16, West of the Third Meridian, Saskatchewan, as the said Sections and road allowance are shown on a Plan of Subdivision in the Canada Lands Surveys Records as No. P3455, that lie to the right of the right bank of Meadow River and Southerly of the Southern limits of the parcels shown on the Plans of record in the Canada Lands Surveys Records as Nos. 90240 and 90241; and in the Saskatchewan Land Surveys Directory as Nos. 70B03931 and 70B04626, containing 54.621 hectares (134.97 acres) more or less.

• Surface Parcel No.145519847, being that portion of the Fractional North East Quarter of Section 25, in Township 59, in Range 17, West of the Third Meridian, Saskatchewan, that lies to the East of the right bank Meadow River and to the South of the Southerly limit of Indian Reserve No. 105, containing 1.214 hectares (3 acres), more or less, as shown on the Township Plan dated January 13, 1913.

• Surface Parcel No.145608026, being that portion of the South East Quarter Section 30, in Township 59, in Range 16, West of the Third Meridian, Saskatchewan, not covered by the waters of Meadow Lake, containing 0.081 hectares (0.2 acres) more or less, as shown on the Township Plan dated March 23, 1999.

• Surface Parcel No.128387593, being that portion of Parcel A as shown on the Plan of record in the Canada Lands Surveys Records as No. 5141 and in the Saskatchewan Land Surveys Directory as No.59B04279, that lies to the South of the Southern limit of the road right of way shown on the Plan of record in the Canada Lands Surveys Records as No. 90240 and in the Saskatchewan Land Surveys Directory as No.70B03931, being part of the South West Quarter of Section 31 in Township 59, in Range 16, West of the Third Meridian, Saskatchewan, as shown on a Plan of record in the Canada Lands Surveys Records as No. P3455, containing 1.197 hectares (2.96 acres), more or less.

• Surface Parcel No. 161581495, being the whole of Parcel BB shown on Plan of record in the Canada Lands Surveys Records as No.91497 and in the Saskatchewan Land Surveys Directory as No.101886879, containing 0.84 hectares (2.08 acres) more or less.

**Total lands, excluding mines and minerals, containing 3,806 hectares, (9,406 acres) more or less.**

**Mines and minerals:**

**In part of Townships 59 & 60, Ranges 16 & 17, West of the 3<sup>rd</sup> Meridian:**

• All that portion of land bounded by the heavy black line as shown on Plan and Field Notes of Resurvey of the Exterior Rectilinear Boundaries of Meadow Lake I.R. No.105; recorded in the Canada Lands Surveys Records under number 58360, a portion of which has subsequently been corrected and resurveyed by plans 92424, 92729 and 93295 CLSR.

Excepting:

• The Fractional W.½ of Section 11, Township 60, Range 17, W3M, lying east of the east limit of the road as shown on Plan 57765 CLSR, and containing 51.2 hectares (126.6 acres), more or less.

• All that portion of the road as shown on Plan Rd.2172 CLSR, lying north of the north limit of the railroad as shown on Plan RR.2444 CLSR and lying south of the projected north limit of the reserve.

Excepting:

• That portion of the road as shown on Plan Rd.2172 CLSR lying east of the production south easterly of a line 66 ft. perpendicularly distant, easterly from course R.12 and R.13.

• All that portion of the road as shown on Plan Rd.2172 CLSR, lying north of the north limit of the railroad right-of-way as shown on Plan RR.2444 CLSR and west of the projected west limit of the road diversion as shown on Plan Rd.2172A CLSR.

• All that portion of the road as shown on Plan Rd.2172 CLSR, lying south of the projected north limit of the railroad as shown on Plan RR.2444 CLSR and lying north of and within the projected limits of the road diversion as shown on Plan 2172A CLSR.

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- Mineral Parcel No.145608037, being that portion of the South East Quarter Section 30, in Township 59, in Range 16, West of the Third Meridian, Saskatchewan, not covered by the waters of Meadow Lake, containing 0.081 hectares (0.2 acres) more or less, as shown on the Township Plan dated March 23, 1999.
- Mineral Parcel No.161371199, being part of the South West Quarter of Section 31 in Township 59, in Range 16, West of the Third Meridian, Saskatchewan, shown as Parcel A on the Plan of record in the Canada Lands Surveys Records as No. 5141 and in the Saskatchewan Land Surveys Directory as No.59B04279 containing 1.416 hectares (3.5 acres), more or less.
- Mineral Parcel No. 164040094, being the whole of Parcel BB shown on Plan of record in the Canada Lands Surveys Records as No.91497 and in the Saskatchewan Land Surveys Directory as No.101886879, containing 0.84 hectares (2.08 acres) more or less.

**Total mines and minerals, containing 3,891 hectares, (9,616 acres) more or less.**

The described lands are subject to:

- An easement under Section 35 of the Indian Act in favour of Saskatchewan Power Corporation for a right-of-way as shown on Plan 58125 CLSR containing 1.56 hectares (3.866 acres), more or less. (Registration No.X19153)
- An easement under Section 35 of the Indian Act in favour of Transgas Limited for a natural gas pipeline right-of-way as shown on Plan 58655 CLSR containing 5.50 hectares (13.60 acres), more or less. (Registration No.212916).

*RM B*

Meadow Lake Indian Reserve No. 105A

Land Description of the Extent of Reserve Lands that will be subject to the Land Code of the Flying Dust First Nation under the First Nations Land Management Act.

Reserve Lands within the Province of Saskatchewan, Canada

Section 30, Township 58, Range 17, West 3<sup>rd</sup> Meridian, described as follows:

Lands, including mines & minerals:

All that portion of Meadow Lake Indian Reserve No. 105A as shown on Plan 57763 recorded in the Canada Lands Surveys Records (CLSR)

Total lands, including mines and minerals, containing 257 hectares, (634 acres) more or less

*Ray B*

Gladue Lake Indian Reserve No. 105B

Land Description of the Extent of Reserve Lands that will be subject to the Land Code of the Flying Dust First Nation under the First Nations Land Management Act.

Reserve Lands within the Province of Saskatchewan, Canada

In Projected Township 63, Range 15, West 3<sup>rd</sup> Meridian, described as follows:

**Lands, excluding mines & minerals:**

All that portion of Gladue Lake Indian Reserve shown on Plan 72469 recorded in the Canada Lands Surveys Records (CLSR)

**Excepting thereout and therefrom;**

Lands required for right of way, containing 1.835 hectares, more or less as shown on Plan 73221 CLSR

Total lands, excluding mines and minerals, containing 96.0 hectares, (237 acres) more or less

**Mines & minerals:**

All that portion of Gladue Lake Indian Reserve shown on Plan 72469 recorded in the Canada Lands Surveys Records (CLSR)

Total mines and minerals, containing 97.8 hectares, (242 acres) more or less

*RM B*

Meadow Lake Indian Reserve No. 105C

Land Description of the Extent of Reserve Lands that will be subject to the Land Code of the Flying Dust First Nation under the First Nations Land Management Act.

Reserve Lands within the Town of Meadow Lake, Province of Saskatchewan, Canada

Within the north east ¼ Section 26, Township 59, Range 17, West 3<sup>rd</sup> Meridian, described as follows:

**Lands, excluding mines & minerals:**

Meadow Lake Indian Reserve No. 105C, comprising of Lots 12, 13 and 14, Block 14 as shown on Plan 90166 recorded in the Canada Lands Surveys Records (CLSR)

Total lands, excluding mines and minerals, containing 0.160 hectares, (0.395 acres) more or less

*RM*

Flying Dust First Nation Indian Reserve No. 105D

Land Description of the Extent of Reserve Lands that will be subject to the Land Code of the Flying Dust First Nation under the First Nations Land Management Act.

Reserve Lands within the Province of Saskatchewan, Canada

Townships 59 and 60, Ranges 15 and 16, West 3<sup>rd</sup> Meridian, described as follows:

Lands, excluding mines & minerals:

In Township 59, Range 15, West 3<sup>rd</sup> Meridian:

- The north west ¼ Section 27, as shown on Plan 89407 recorded in the Canada Lands Surveys Records (CLSR)

**Excepting thereout and therefrom:**

All that portion taken for right of way of the Canadian Pacific Railway, containing 2.748 hectares (6.79 acres) more or less, as shown on Plan 89303 CLSR

- All that portion of the south east ¼ Section 27, which is not covered by the waters of Chitek River, as shown on Plan 89407 CLSR, & which lies north east of the north easterly limit of the right of way of the Canadian Pacific Railway as shown on Plan 89303 CLSR
- All that portion of the north east ¼ Section 28, as shown on Plan 89406 CLSR, that lies to the north of the northern limit of the right of way and extra width of the Canadian Pacific Railway Company, as shown on Plan 89303 CLSR
- All that portion of the north west ¼ Section 28, as shown on Plan 89406 CLSR, that lies to the north of the northern limit of the right of way and extra width of the Canadian Pacific Railway Company, as shown on Plan 89303 CLSR
- All that portion of the north east ¼ Section 29, as shown on Plan 89406 CLSR, that lies to the north of the northern limit of the right of way and extra width of the Canadian Pacific Railway Company, as shown on Plan 89303 CLSR
- All that portion of the north west ¼ Section 29, as shown on Plan 89406 CLSR, that lies to the north of the northern limit of the right of way and extra width of the Canadian Pacific Railway Company, as shown on Plan 89303 CLSR
- The whole of Section 31, as shown on Plan 89406 CLSR

**Excepting thereout and therefrom:**

Out of the south west ¼, all that portion taken for right of way of the Canadian Pacific Railway, containing 0.093 hectares (0.23 acres) more or less, as shown on Plan 89303 CLSR

- The whole of Section 32, as shown on Plan 89406 CLSR
- The whole of Section 33, as shown on Plan 89406 CLSR

*RM 13*

- North west ¼ Section 34, as shown on Plan 89406 CLSR

**Excepting thereout and therefrom:**

All that portion taken for roadway, containing 1.35 hectares (3.34 acres) more or less, as shown on Plan 86637 CLSR

Parcels A and B, containing 0.35 hectares (0.87 acres) more or less, as shown on Plan 89532 CLSR

- South west ¼ Section 34, as shown on Plan 89406 CLSR

Lands, excluding mines and minerals, within Township 59, Range 15, West 3<sup>rd</sup> Meridian contain 1151 hectares (2844 acres), more or less.

**In Township 59, Range 16, West 3<sup>rd</sup> Meridian:**

- All that portion of the north east ¼ Section 35, as shown on Plan 89409 CLSR, which lies to the east of the easterly limit of Plan 89430 CLSR and south of the southerly limit of Plan 86494 CLSR
- All that portion of the south east ¼ Section 35, as shown on Plan 89409 CLSR, which lies to the east of the easterly limit of Plan 89430 CLSR and north of the northerly limit of Plan 89303 CLSR
- The north east ¼ Section 36, as shown on Plan 89409 CLSR
- The north west ¼ Section 36, as shown on Plan 89409 CLSR
- All that portion of the south east ¼ Section 36, as shown on Plan 89409 CLSR, which lies to the north of the northerly limit of the right of way of the Canadian Pacific Railway Company, as shown on Plan 89303 CLSR
- All that portion of the south west ¼ Section 36, as shown on Plan 89409 CLSR, which lies to the north of the northerly limit of the right of way of the Canadian Pacific Railway Company, as shown on Plan 89303 CLSR

Lands, excluding mines and minerals, within Township 59, Range 16, West 3<sup>rd</sup> Meridian contain 297 hectares (734 acres), more or less.

**In Township 60, Range 15, West 3<sup>rd</sup> Meridian:**

- All that portion of the north east ¼ Section 2 as shown on Plan 87166 CLSR, that is not covered by the waters of Lake No. 2, as shown on Plan 89410 CLSR
- The south east ¼ Section 2, as shown on Plan 87166 CLSR
- The south west ¼ Section 2, as shown on Plan 87166 CLSR
- All that portion of the south east ¼ Section 3 as shown on Plan 87166 CLSR, that is not covered by the waters of Lake No. 3, as shown on Plan 89410 CLSR
- All that portion of the south east ¼ section 4, not covered by the waters of Lake No. 6, as shown on Plan 89410

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- The south west ¼ Section 4, as shown on Plan 89410 CLSR
- The north east ¼ Section 5, as shown on Plan 89410 CLSR
- The north west ¼ Section 5, as shown on Plan 89410 CLSR

**Excepting thereout and therefrom:**

All that portion taken for roadway, containing 0.352 hectares (0.87 acres) more or less, as shown on Plan 86496 CLSR

- The south east ¼ Section 5, as shown on Plan 89410 CLSR
- The north east ¼ Section 6, as shown on Plan 89410 CLSR

**Excepting thereout and therefrom:**

All that portion taken for roadway, containing 5.443 hectares (13.45 acres) more or less, as shown on Plan 86496 CLSR

- The north west ¼ Section 6, as shown on Plan 89410 CLSR

**Excepting thereout and therefrom:**

All that portion taken for roadway, containing 5.314 hectares (13.13 acres) more or less, as shown on Plan 86496 CLSR

- The north west ¼ Section 7, as shown on Plan 89410 CLSR

**Excepting thereout and therefrom:**

All that portion taken for roadway, containing 0.514 hectares (1.27 acres) more or less, as shown on Plan 89433 CLSR

- The south west ¼ Section 7, as shown on Plan 89410 CLSR

Lands, excluding mines and minerals, within Township 60, Range 15, West 3<sup>rd</sup> Meridian contain 829 hectares (2049 acres), more or less.

**In Township 60, Range 16, West 3<sup>rd</sup> Meridian:**

- The north east ¼ Section 1, as shown on Plan 89412 CLSR

**Excepting thereout and therefrom:**

All that portion taken for roadway, containing 0.053 hectares (0.13 acres) more or less, as shown on Plan 86494 CLSR

- The north east ¼ Section 12, as shown on Plan 89412 CLSR

**Excepting thereout and therefrom:**

All that portion taken for roadway, containing 0.441 hectares (1.09 acres) more or less, as shown on Plan 89431 CLSR

All that portion taken for roadway, containing 1.125 hectares (2.78 acres) more or less, as shown on Plan 86188 CLSR

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- South east ½ Section 12, as shown on Plan 89412 CLSR

Lands, excluding mines and minerals, within Township 60, Range 16, West 3<sup>rd</sup> Meridian contain 193 hectares (478 acres), more or less.

**Total area of lands, excluding mines and minerals, containing 2471 hectares, (6106 acres) more or less**

**Mines and minerals:**

**In Township 59, Range 15, West 3<sup>rd</sup> Meridian:**

- The north west ¼ Section 27, as shown on Plan 89407 recorded in the Canada Lands Surveys Records (CLSR)

**Excepting thereout and therefrom:**

All that portion taken for right of way of the Canadian Pacific Railway, containing 2.748 hectares (6.79 acres) more or less, as shown on Plan 89303 CLSR

- All that portion of the south east ¼ Section 27, which is not covered by the waters of Chitek River, as shown on Plan 89407 CLSR, & which lies north east of the north easterly limit of the right of way of the Canadian Pacific Railway as shown on Plan 89303 CLSR
- All that portion of the north east ¼ Section 28, as shown on Plan 89406 CLSR, that lies to the north of the northern limit of the right of way and extra width of the Canadian Pacific Railway Company, as shown on Plan 89303 CLSR
- All that portion of the north west ¼ Section 28, as shown on Plan 89406 CLSR, that lies to the north of the northern limit of the right of way and extra width of the Canadian Pacific Railway Company, as shown on Plan 89303 CLSR
- All that portion of the north east ¼ Section 29, as shown on Plan 89406 CLSR, that lies to the north of the northern limit of the right of way and extra width of the Canadian Pacific Railway Company, as shown on Plan 89303 CLSR
- All that portion of the north west ¼ Section 29, as shown on Plan 89406 CLSR, that lies to the north of the northern limit of the right of way and extra width of the Canadian Pacific Railway Company, as shown on Plan 89303 CLSR
- The whole of Section 31, as shown on Plan 89406 CLSR

**Excepting thereout and therefrom:**

Out of the south west ¼, all that portion taken for right of way of the Canadian Pacific Railway, containing 0.093 hectares (0.23 acres) more or less, as shown on Plan 89303 CLSR

- The whole of Section 32, as shown on Plan 89406 CLSR
- The whole of Section 33, as shown on Plan 89406 CLSR
- North west ¼ Section 34, as shown on Plan 89406 CLSR

**Excepting thereout and therefrom:**

All that portion taken for roadway, containing 1.35 hectares (3.34 acres) more or less, as shown on Plan 86637 CLSR

- South west ¼ Section 34, as shown on Plan 89406 CLSR

Mines and minerals, within Township 59, Range 15, West 3<sup>rd</sup> Meridian contain 1151 hectares (2845 acres), more or less.

**In Township 59, Range 16, West 3<sup>rd</sup> Meridian:**

- All that portion of the north east ¼ Section 35, as shown on Plan 89409 CLSR, which lies to the east of the easterly limit of Plan 89430 CLSR and south of the southerly limit of Plan 86494 CLSR
- All that portion of the south east ¼ Section 35, as shown on Plan 89409 CLSR, which lies to the east of the easterly limit of Plan 89430 CLSR and north of the northerly limit of Plan 89303 CLSR
- The north east ¼ Section 36, as shown on Plan 89409 CLSR
- The north west ¼ Section 36, as shown on Plan 89409 CLSR
- All that portion of the south east ¼ Section 36, as shown on Plan 89409 CLSR, which lies to the north of the northerly limit of the right of way of the Canadian Pacific Railway Company, as shown on Plan 89303 CLSR
- All that portion of the south west ¼ Section 36, as shown on Plan 89409 CLSR, which lies to the north of the northerly limit of the right of way of the Canadian Pacific Railway Company, as shown on Plan 89303 CLSR

Mines and minerals, within Township 59, Range 16, West 3<sup>rd</sup> Meridian contain 297 hectares (734 acres), more or less.

**In Township 60, Range 15, West 3<sup>rd</sup> Meridian:**

- All that portion of the north east ¼ Section 2 as shown on Plan 87166 CLSR, that is not covered by the waters of Lake No. 2, as shown on Plan 89410 CLSR
- The south east ¼ Section 2, as shown on Plan 87166 CLSR
- The south west ¼ Section 2, as shown on Plan 87166 CLSR
- All that portion of the south east ¼ Section 3 as shown on Plan 87166 CLSR, that is not covered by the waters of Lake No. 3, as shown on Plan 89410 CLSR
- All that portion of the south east ¼ section 4, not covered by the waters of Lake No. 6, as shown on Plan 89410
- The south west ¼ Section 4, as shown on Plan 89410 CLSR
- The north east ¼ Section 5, as shown on Plan 89410 CLSR
- The north west ¼ Section 5, as shown on Plan 89410 CLSR

**Excepting thereout and therefrom:**

All that portion taken for roadway, containing 0.352 hectares (0.87 acres) more or less, as shown on Plan 86496 CLSR

- The south east ¼ Section 5, as shown on Plan 89410 CLSR
- The north east ¼ Section 6, as shown on Plan 89410 CLSR

**Excepting thereout and therefrom:**

All that portion taken for roadway, containing 5.443 hectares (13.45 acres) more or less, as shown on Plan 86496 CLSR

- The north west ¼ Section 6, as shown on Plan 89410 CLSR

**Excepting thereout and therefrom:**

All that portion taken for roadway, containing 5.314 hectares (13.13 acres) more or less, as shown on Plan 86496 CLSR

- The north west ¼ Section 7, as shown on Plan 89410 CLSR

**Excepting thereout and therefrom:**

All that portion taken for roadway, containing 0.514 hectares (1.27 acres) more or less, as shown on Plan 89433 CLSR

- The south west ¼ Section 7, as shown on Plan 89410 CLSR

Mines and minerals, within Township 60, Range 15, West 3<sup>rd</sup> Meridian contain 829 hectares (2049 acres), more or less.

**In Township 60, Range 16, West 3<sup>rd</sup> Meridian:**

- The north east ¼ Section 1, as shown on Plan 89412 CLSR

**Excepting thereout and therefrom:**

All that portion taken for roadway, containing 0.053 hectares (0.13 acres) more or less, as shown on Plan 86494 CLSR

- The north east ¼ Section 12, as shown on Plan 89412 CLSR

**Excepting thereout and therefrom:**

All that portion taken for roadway, containing 0.441 hectares (1.09 acres) more or less, as shown on Plan 89431 CLSR

All that portion taken for roadway, containing 1.125 hectares (2.78 acres) more or less, as shown on Plan 86188 CLSR

- South east ½ Section 12, as shown on Plan 89412 CLSR

Mines and minerals, within Township 60, Range 16, West 3<sup>rd</sup> Meridian contain 193 hectares (478 acres), more or less.

**Total area of mines and minerals, containing 2471 hectares, (6107 acres) more or less**

*Rj* *B*

All those lands previously described in the Legal Description Report (FB35761 CLSR) under "Section 3. Land Description"; containing 2,471 hectares (6,106 acres), more or less.

*With the addition of the following:*

**Lands, excluding mines & minerals:**

**In the N.W.¼ Section 35, Township 59, Range 16, West 3<sup>rd</sup> Meridian:**

- Parcel G as shown on plan 88190 CLSR, containing 4.079 hectares (10.08 acres), more or less.
- Parcel F as shown on plan 88191 CLSR that lies east of the easterly limit of plan 88190 CLSR, containing 4.479 hectares (11.07 acres), more or less.
- Lot 1 in Block 2 as shown on plan 88192 CLSR, containing 1.432 hectares (3.54 acres), more or less.

Area of lands as described above containing 9.990 hectares (24.69 acres), more or less.

**Total area of lands, excluding mines and minerals, containing 2,481 hectares, (6,131 acres) more or less**

**Mines and minerals:**

**In the N.W.¼ Section 35, Township 59, Range 16, West 3<sup>rd</sup> Meridian:**

- Parcel F as shown on plan 88191 CLSR, containing 8.959 hectares (22.14 acres), more or less.
- Lot 1 in Block 2 as shown on plan 88192 CLSR, containing 1.432 hectares (3.54 acres), more or less.

Area of mines and minerals as described above containing 10.391 hectares (25.68 acres) more or less.

**Total area of mines and minerals containing 2,482 hectares, (6,132 acres) more or less**

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Flying Dust First Nation Indian Reserve No. 105E

Land Description of the Extent of Reserve Lands that will be subject to the Land Code of the Flying Dust First Nation under the First Nations Land Management Act.

Reserve Lands within the Province of Saskatchewan, Canada

Township 60, Ranges 17 and 18, West 3<sup>rd</sup> Meridian, described as follows:

Lands, including mines & minerals:

All that portion of Flying Dust Indian Reserve No. 105E as shown on Plan 90181 recorded in the Canada Lands Surveys Records (CLSR)

Total area of lands, including mines and minerals, containing 437 hectares, (1079 acres) more or less

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Flying Dust First Nation Indian Reserve No. 105F

Land Description of the Extent of Reserve Lands that will be subject to the Land Code of the Flying Dust First Nation under the First Nations Land Management Act.

Reserve Lands within the Province of Saskatchewan, Canada

Townships 58 and 59, Ranges 14 and 15, West 3<sup>rd</sup> Meridian, described as follows:

Lands, including mines & minerals:

Township 58, Range 14, West 3<sup>rd</sup> Meridian:

- Surface Parcel No. 163511670, being all that portion of the South West Quarter of Section 29, in Township 58, in Range 14, West of the Third Meridian, Saskatchewan, that lies East of the Eastern limit of the road right of way as shown on the plan of record in the Canada Lands Surveys records as No. 93150 and in the Saskatchewan Lands Surveys Directory as No. 101924355 and that lies South of the Southern limit of the road right of way as shown on the plan of record in the Canada Lands Surveys records as No. 94928 and in the Saskatchewan Lands Surveys Directory as No. 101461171, containing 62.111 hectares (153.48 acres) more or less.
- All mines and minerals in Mineral Parcel No. 164318777, being all that portion of the South West Quarter of Section 29, in Township 58, in Range 14, West of the Third Meridian, Saskatchewan, that lies East of the Eastern limit of the road right of way as shown on the plan of record in the Canada Lands Surveys records as No. 93150 and in the Saskatchewan Lands Surveys Directory as No. 101924355 and that lies South of the Southern limit of the road right of way as shown on the plan of record in the Canada Lands Surveys records as No. 94928 and in the Saskatchewan Lands Surveys Directory as No. 101461171, containing 62.111 hectares (153.48 acres) more or less.
- The north west ¼ Section 31, as shown on Plan 89415 recorded in the Canada Lands Surveys Records (CLSR)

**Excepting thereout and therefrom:**

All that portion taken for roadway, containing 0.295 hectares (0.73 acres) more or less, as shown on Plan 86507 CLSR.

- The north east ¼ Section 31, as shown on Plan 89415 CLSR
- The south east ¼ Section 31, as shown on ~~Plan 89415 CLSR~~

**Excepting thereout and therefrom:**

All that portion taken for roadway, containing 1.764 hectares (4.36 acres) more or less, as shown on Plan 86506 CLSR

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- Surface Parcel Nos. 163511366 and 163511579, being all those portions of the South West Quarter of Section 31, in Township 58, in Range 14, West of the Third Meridian, Saskatchewan, that lies outside the limits of Parcel C shown on the Plan of record in the Canada Lands Surveys Records as No. 93150 and in the Saskatchewan Land Surveys Directory as No.101924355, containing 60.266 hectares (148.92 acres) more or less.
- All mines and minerals in Mineral Parcel Nos. 164318812 and 164318845, being all those portions of the South West Quarter of Section 31, in Township 58, in Range 14, West of the Third Meridian, Saskatchewan, that lies outside the limits of Parcel C shown of the Plan of record in the Canada Lands Surveys Records, as No. 93150 and in the Saskatchewan Land Surveys Directory as No.101924355, containing 60.266 hectares (148.92 acres) more or less.

Lands, including mines and minerals, within Township 58, Range 14, West 3<sup>rd</sup> Meridian contain 308.496 hectares (762.31 acres), more or less

**Township 58, Range 15, West 3<sup>rd</sup> Meridian:**

- The north east ¼ Section 25, as shown on Plan 89416 CLSR
- The north west ¼ Section 25, as shown on Plan 89416 CLSR
- All that portion of the north east ¼, Section 26 lying to the right of the right bank of the Lavigne River, as shown on Plan 89417 CLSR
- All that portion of the north west ¼, Section 26 lying to the right of the right bank of the Lavigne River, as shown on Plan 89417 CLSR
- The south east ¼ Section 26, as shown on Plan 89417 CLSR
- All that portion of the south west ¼, Section 26 lying to the right of the right bank of the Lavigne River, as shown on Plan 89417 CLSR
- The north east ¼ Section 35, as shown on Plan 89417 CLSR
- All that portion of the north west ¼, Section 35 lying to the right of the right bank of the Lavigne River, as shown on Plan 89417 CLSR
- All that portion of the south east ¼, Section 35 lying to the right of the right bank of the Lavigne River, as shown on Plan 89417 CLSR
- All that portion of the south west ¼, Section 35 lying to the right of the right bank of the Lavigne River, as shown on Plan 89417 CLSR
- Surface Parcel Nos. 163511883 and 163511568, being all those portions of the North East Quarter of Section 36, in Township 58, in Range 15, West of the Third Meridian, Saskatchewan, that lies outside the limits of Parcel A shown of the Plan of record in the Canada Lands Surveys Records as No. 93150 and in the Saskatchewan Land Surveys Directory as No.101924355, containing 60.266 hectares (148.92 acres) more or less.
- All mines and minerals in Mineral Parcel Nos. 164318856 and 164318823, being all those portions of the North East Quarter of Section 36, in Township 58, in Range 15, West of the

Third Meridian, Saskatchewan, that lies outside the limits of Parcel A shown of the Plan of record in the Canada Lands Surveys Records as No. 93150 and in the Saskatchewan Land Surveys Directory as No.101924355, containing 60.266 hectares (148.92 acres) more or less.

- Surface Parcel No. 128409756, being the whole of the North West Quarter of Section 36, in Township 58, in Range 15, West of the Third Meridian, Saskatchewan, containing 61.917 hectares (153 acres) more or less, as shown on the Township Plan dated February 11, 1918 and recorded in the Canada Land Surveys Records as No. 89416.
- All mines and minerals in Mineral Parcel No. 145866257, being the whole of the North West Quarter of Section 36, in Township 58, in Range 15, West of the Third Meridian, Saskatchewan, containing 61.917 hectares (153 acres) more or less, as shown on the Township Plan dated February 11, 1918 and recorded in the Canada Land Surveys Records as No. 89416.
- Surface Parcel No. 163511355, being all that portion of the South East Quarter of Section 36, in Township 58, in Range 15, West of the Third Meridian, Saskatchewan, that lies West of the Western limit of the road right of way shown on the plan of record in the Canada Lands Surveys Records as No.93150 and in the Saskatchewan Lands Surveys Directory as No. 101924355, containing 63.685 hectares (157.37 acres) more or less.
- All mines and minerals in Mineral Parcel No. 164318801, being all that portion of the South East Quarter of Section 36, in Township 58, in Range 15, West of the Third Meridian, Saskatchewan, that lies West of the Western limit of the road right of way shown on the plan of record in the Canada Lands Surveys Records as No.93150 and in the Saskatchewan Lands Surveys Directory as No. 101924355, containing 63.685 hectares (157.37 acres) more or less.
- Surface Parcel No. 128359356, being the whole of the South West Quarter of Section 36, in Township 58, in Range 15, West of the Third Meridian, Saskatchewan, containing 64.345 hectares (159 acres) more or less, as shown on the Township Plan dated February 11, 1918 and recorded in the Canada Land Surveys Records as No. 89416.
- All mines and minerals in Mineral Parcel No. 149581211, being the whole of the South West Quarter of Section 36, in Township 58, in Range 15, West of the Third Meridian, Saskatchewan, containing 64.345 hectares (159 acres) more or less, as shown on the Township Plan dated February 11, 1918 and recorded in the Canada Land Surveys Records as No. 89416.

Lands, including mines and minerals, within Township 58, Range 15, West 3<sup>rd</sup> Meridian contain 745.791 hectares (1842.89 acres), more or less.

**Township 59, Range 14, West 3<sup>rd</sup> Meridian:**

- The south east ¼ Section 5, as shown on Plan 89418 CLSR
- The south west ¼ Section 5, as shown on Plan 89418 CLSR
- The south east ¼ Section 6, as shown on Plan 89418 CLSR

**Excepting thereout and therefrom:**

All that portion taken for roadway, containing 0.061 hectares (0.15 acres) more or less, as shown on Plan 86507 CLSR

- The south west ¼ Section 6, as shown on Plan 89418 CLSR

**Excepting thereout and therefrom:**

All that portion taken for roadway, containing 2.958 hectares (7.31 acres) more or less, as shown on Plan 86507 CLSR

Lands, including mines and minerals, within Township 59, Range 14, West 3<sup>rd</sup> Meridian contain 246.267 hectares (608.54 acres), more or less.

Total area of lands, including mines and minerals, containing 1300.554 hectares, (3213.74 acres) more or less

Land Description of the lands that will not be subject to the Land Code of the Flying Dust First Nation Reserve No. 105F, Flying Dust First Nation and which have been excluded under Section 7 of the First Nations Land Management Act.

Reserve Lands within the Province of Saskatchewan, Canada  
In Townships 58 and 59, Range 14, West of the 3rd Meridian, more particularly described as:

Lots 1, 2, 3 and 4 as shown on Plan 96658 recorded in the Canada Lands Surveys Records.  
Total Lands, excluding mines and minerals, containing 2.391 hectares, (5.908 acres) more or less

