



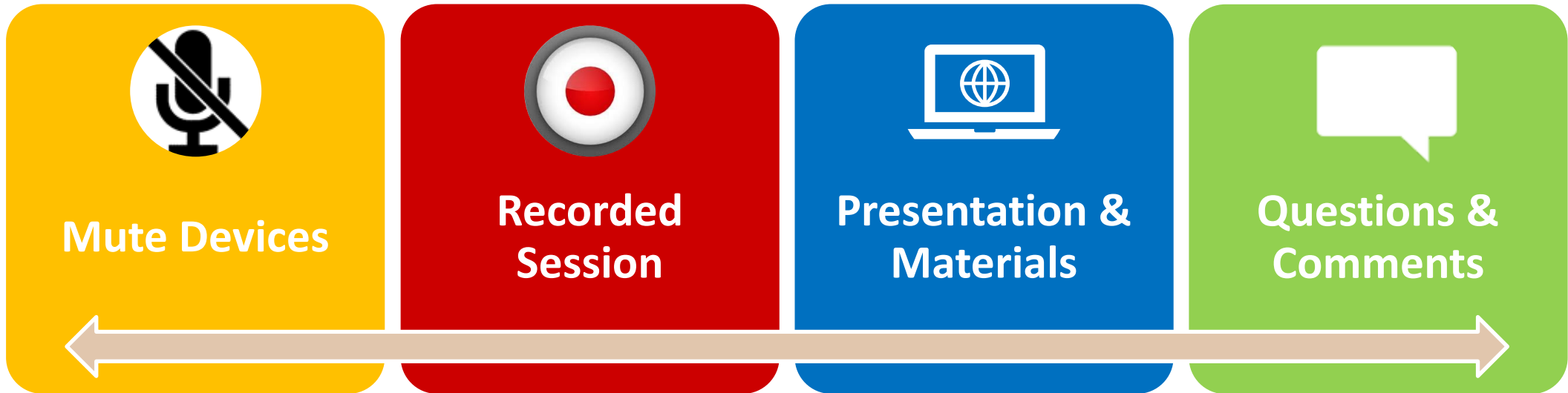
Law Enforcement Strategies & Considerations

TMPD Virtual Workshop

AUG 12, 2021 - 9:00 AM PDT / 12:00 PM EDT

WELCOME





FRAMEWORK AGREEMENT



“Supporting First Nations to exercise their Inherent Right to govern their Lands, Environment and Resources.”

9:05 AM

Law Development – Determining Strategies for Enforcement

- RC presentation by Michelle Bouvier, Kevin Broughton & Gail Starr

9:25 AM

Law Enforcement Provisions – Community Support & Practical Approaches

- RC presentation by Chantal Kitamura & Cory Kozmik

9:45 AM

Questions & Discussion

Body Break

10:15 AM

Community Based Approaches / Panel Discussion

- **McLeod Lake Indian Band** – Tania Solonas, Land Management Officer
- **Tla'amin Nation** – Derek Yang, Chief Officer, Public Safety Department
- **Lac La Ronge Indian Band** – Ty Roberts, Reserve Lands Manager
- **Nipissing First Nation** – Cathy Mcleod, Land Manager

11:00 AM

Virtual Networking Exercise

- Shared experiences and approaches to law enforcement under Land Code

11:45 AM

Questions & Discussion

LAW DEVELOPMENT

Determining Strategies for Enforcement



RC presentation by Michelle Bouvier, Kevin Broughton & Gail Starr



Introduction

Law Making Fundamentals

Development & Enactment processes

Law drafting principles, ideas & advice

Enforcement



First Nation laws under the Framework Agreement (FA)

- FA recognizes broad land related law-making authority
- FA does not deal with taxation laws
- FA recognizes stronger penalties and enforcement powers compared to Indian Act bylaws

Bylaws

- Bylaws under sections 81, 83, 85.1 of Indian Act
- Many bylaw powers are outdated and fines inadequate
- Long history of under-enforcement of bylaws
- Land Code First Nations retain option of using bylaws

Regulations

- First Nation laws can be drafted to authorize regulations that address the practical application of that law
- Regulations deal with issues such as forms, applications, approval procedures, etc.
- Regulations are typically easier to update than the main law
- Indian Act bylaws cannot authorize regulations





Band Council Resolution (BCR)

- BCRs are not laws but in some limited circumstances police forces have acted on a BCR where an individual is violating a federal or provincial law
- Many First Nations use BCRs to provide instructions, record approvals, meetings, decisions, etc., for example the decision to enact a law, a quorum of council was present to enact the law and the date the law comes into force
- Some land codes require a BCR (Council Resolution) to enact a First Nation law but the BCR is not the law



LAW DEVELOPMENT: LAW-MAKING FUNDAMENTALS

Is a law necessary?

What are your law development & enactment procedures?

Does the law clearly delegate/assign administrative and enforcement authority?

Does the law allow for alternative means for achieving compliance?

Do you have the appropriate law or regulation-making authority?

Ensure rules and obligations are clear

Are the penalties suitable for offence?





Incorporation by reference

- A drafting technique that refers to rules of other government(s) rather than restating them
- A First Nation must have the authority to make laws on the subject matter that is incorporated by reference
- The First Nation is responsible for enforcing those rules unless they have an enforcement agreement in place
- Due to the potential complexity of incorporation by reference the First Nation may want to consult legal counsel

A First Nation law which incorporates federal, provincial, or even municipal standards remains a First Nation law

This does not surrender First Nation jurisdiction to another government



Drafting Ideas and Advice

- Identify the needs and considerations when drafting your law(s)
- Ensure you consider available options
- Minimize legal jargon, use plain language - again keep it simple
- Consider the structure of the law, how you set up your law (e.g. title, preamble, definitions)
- Forms, schedules, permits, etc.
- Express provisions for fees or charges
- Offences and penalties, special authorities, conviction procedures etc. (e.g. fines paid to the First Nation rather than the province)



Enforcement

Law-making authority under the Framework Agreement is very broad however, it is not effective without enforcement. Section 19 of the Framework Agreement indicates a First Nation may:

- Enter into agreements with other government or government agencies to collect any fines, debts, fees or other penalties imposed by its land code of First Nation laws
- Adopt or incorporate by reference the summary conviction procedures within the Criminal Code for the purpose of enforcement
- Appoint justices of the peace for the purposes of enforcement, if no JP then the First Nation laws will be enforced through provincial or territorial courts
- For the purposes of prosecution, retain its own prosecutor or enter into an agreement with a province or territory to arrange for prosecution



Strategies & Considerations



Enforcement & Ticketing Law

- First Nation administered system and process
- Set out clear authority, roles and responsibilities
- Ticketing standards and fines



Capacity

- Enforcement personnel
- Partnerships, MOUs, Agreements
- Resources, support and community engagement

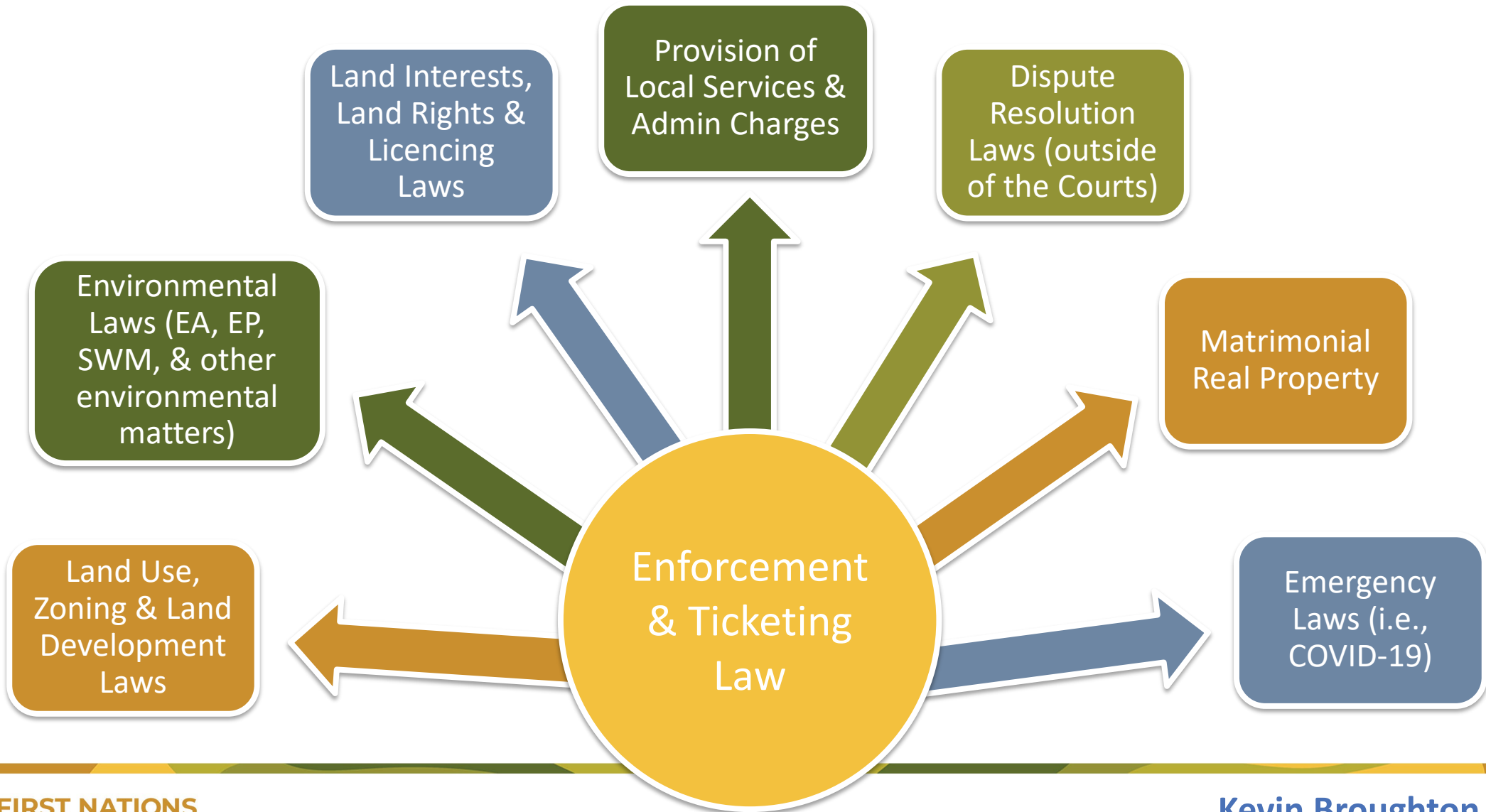


Remedies

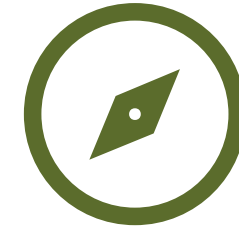
- Traditional justice measures
- Summary conviction process, Criminal Code



DEVELOPMENT OF FIRST NATION LAWS



ENFORCEMENT AND ADJUDICATION



Authorities

Procedures

Rules of practice

Enforcement &
Ticketing Law

Guiding principles for:

- Council
- Administration
- Enforcement Officer
- Any other authorities' responsibilities




ENFORCEMENT AND ADJUDICATION



Includes Sections on:

Appointments 

Procedures for warnings, tickets & orders 

Authorities to conduct inspections & investigations 



Provides for:

Consistent wording & application 

Enforcement processes 

Procedures 



ENFORCEMENT AND ADJUDICATION

Enforcement & Ticketing Law Structure



Definitions



Council's
Responsibilities



Administration
& Oversight



Appointments &
Authorities



Offences,
penalties &
remedies



Complaint about
an officer



Agreements with
Police/Security &
Courts



Adjudication



Issuing of warning,
tickets & orders



LAW ENFORCEMENT PROVISIONS

Community Support & Practical Approaches



RC presentation by Chantal Kitamura & Cory Kozmik



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LAND GOVERNANCE TOOLS

Planning



- Turning knowledge into action - a community-driven process to assist in making decisions about the land

Education



- Sharing knowledge to improve awareness of issues and responses and to seek input

Laws & Regulations



- An enforceable direction designed to achieve uniform compliance



Policy



- When the goal is to educate, promote, or implement rather than enforce.

Procedures, Guidelines & Best Management Practices



- A set of instructions offering clear direction to minimize impacts

Monitoring & Reporting



- Collection and reporting violations of laws and regulations



CONSIDERATIONS WHEN PRIORITIZING, DRAFTING & ENFORCING LAND LAWS



administration
COMMITTEE
culture



involvement

ENGAGEMENT

third party

enforceability procedures

tradition

elder
penalty

practicality

youth
outreach
education

alternative
enforcement

community

enactment

COMPLIANCE

finer

readability

council



ENGAGING WITH MEMBERSHIP – WHAT DOES IT INCLUDE?



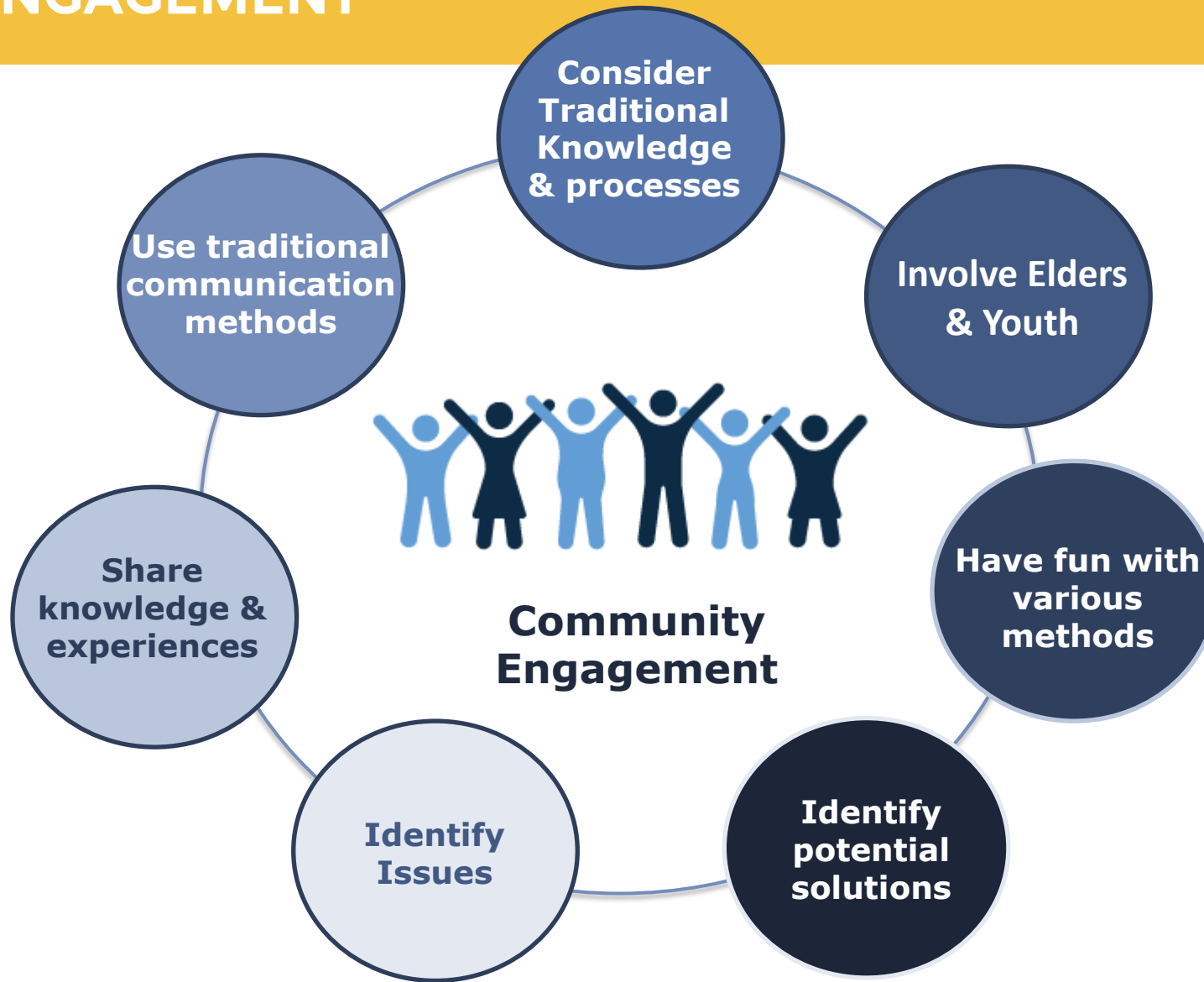
COMMUNITY ENGAGEMENT

 **Transportation**

 **Food**


 **Childcare**


 **Protocol**



 **Communications / Social Media Strategy**

 **Voices not being heard?**

 **Establish meeting protocol**

 **Listening and Caring**



ENFORCEMENT OF FIRST NATION LAWS

Under the Framework Agreement, First Nations have the authority to enforce their Land Code and their First Nation laws. First Nations have the authority to:

Establish comprehensive enforcement procedures

Appoint Justices of the Peace

Establish Offences

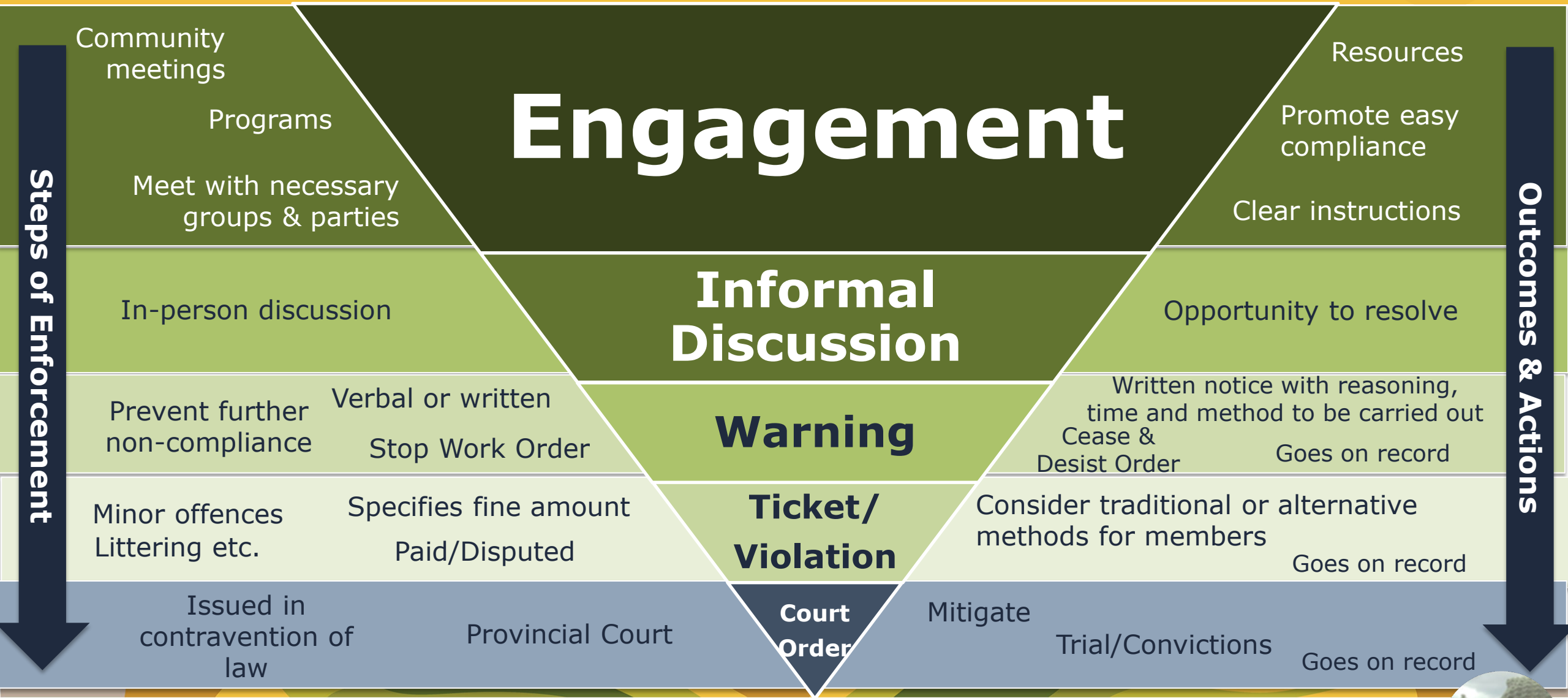
Provide for fines, imprisonment, restitution, community services and alternative means to achieve compliance

Carry out inspections, searches, seizures, sampling, testing, production of information

Provide for collection of non-tax debts, fees/charges owed to the First Nation



CONSIDERATIONS FOR AN ENFORCEMENT PROCESS



REDUCING THE NEED FOR ENFORCEMENT

Examples of enforcement strategies for promoting compliance and respect for laws as well as resolving disputes arising under First Nations Laws include:

Reducing the Risk of a Violation

- Engage and educate the community
- Incorporate culture, values, traditions
- Develop programs to make compliance easy

Resolving Violations

- Work towards voluntary compliance
- Build corrective measures into your laws
- Create incentives and disincentives

Using Elders, Mediation, Alternative Approaches

- Promotes healing and can be more effective than typical court punishments

Strong Governance Systems

- Lands records and information, monitoring systems, coordination of laws, permit and lease systems, etc., policies and procedures

Partnerships

- Work with other Indigenous Communities in appointing Justices of the Peace, inspectors, environmental experts
- Consider partnerships with other governments to use their staff and experts
- Consider written agreements regarding roles and responsibilities, information sharing, etc.



EXAMPLE OF ALTERNATIVE APPROACH TO ENFORCEMENT



One-on-one Elder Support



Cultural Healing Plan



Community Service



Education Programs



Mediation and Dispute Resolution

Stó:lō Service Agency Qwí:qwelstóm Justice Program



- A Restorative Justice Program
- provides a safe and controlled environment
- Clients, victims, and families are brought together
- support and guidance from Elders and family Knowledge-Keepers

<https://www.stolonation.bc.ca/justice>

<https://bcfnjc.com/directory-services/listing/qwiqwelstom-stolo-nation-justice-program/>



COMMUNITY INVOLVEMENT & COMPLIANCE

Tzeachten First Nation – Waste Management Program



- Ch'iyáqtel Recycle Zone Program
- Kids Coin Program
- Backyard composting program
- Curbside pickup

Recyclable items: small appliances, batteries, wet paint cans, ink cartridges, etc.

Donated items: clothing, toys, linens, books, etc.

<https://youtu.be/enj1emngrlM>



STS'AILES INTERIM COVID 19 LAW ENFORCEMENT

Sts'ailes Interim Covid 19 Emergency Protection Law enacted March 2020.

- ❖ Covid 19 Law in harmony with Provincial Health Order
 - Informed and Educated Members

Internal policies & procedures to support law

- Staggered Staffing Schedules
- Community closed to non-residents
- Gate installed at entrance of community
- Enforcement staff operating gate 24/7 – monitoring member travel activity
- Further restrictions imposed as cases increased
 - Community closed to non-resident members coming in

Officials were appointed

- Monitoring / Patrolling community
- Verbal and Written Warnings
- Orders for continued non-compliance

Covid 19 Law was amended numerous times as the Provincial Health Order restrictions changed.

Council & Staff worked closely on developing enforcement procedures.

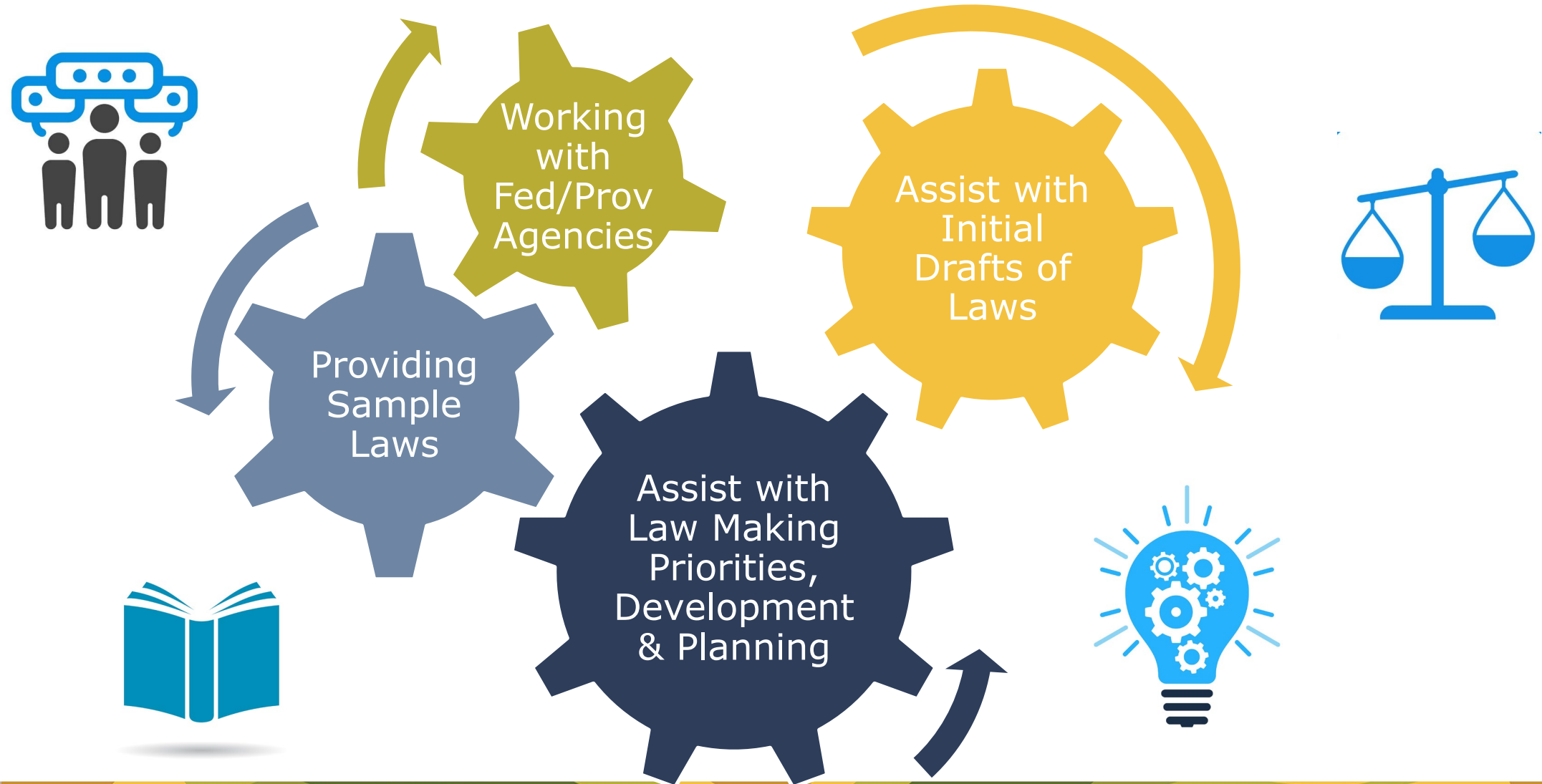
STS'AILES Interim COVID-19
Community Protection Law (Re-
enacted July 24, 2020)



Dated for Reference: July 24, 2020



DEVELOPING LAND LAWS- RC SUPPORT TOOLS



Questions & Discussion



Body Break

We will start again at 10:15 AM PT

Community Perspectives Panel



COMMUNITY PERSPECTIVES PANEL



McLeod Lake Indian Band



Tania Solonas
Land Management Officer

Tla'amin Nation



Derek Yang
Chief Officer, Public Safety
Department

Lac La Ronge Indian Band



Ty Roberts
Reserve Lands Manager

Nipissing First Nation



Cathy Mcleod
Land Manager

Tse'Khene Nation's Perspective

~ Law Enforcement Strategies & Considerations



TANIA SOLONAS

LAND MANAGEMENT OFFICER,
MCLEOD LAKE INDIAN BAND



Agenda

Law Enforcement As It Was

Issues We Are Facing

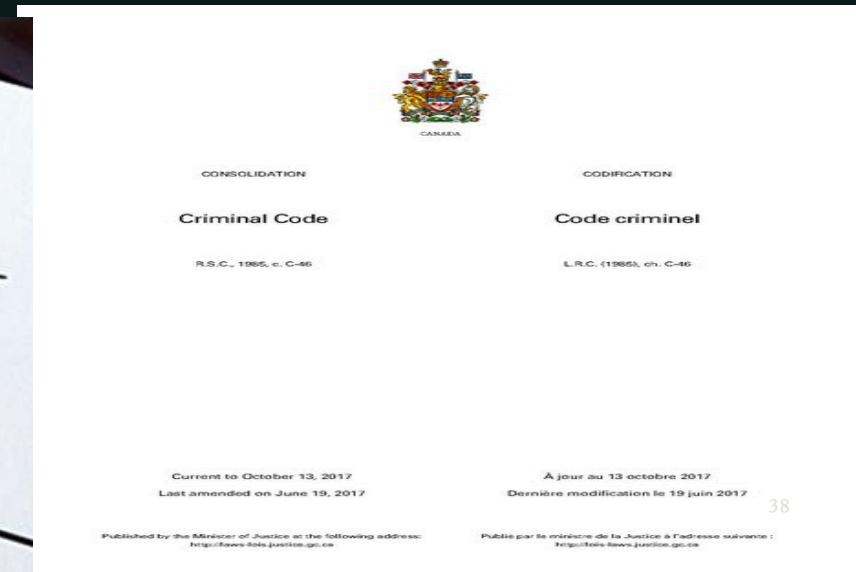
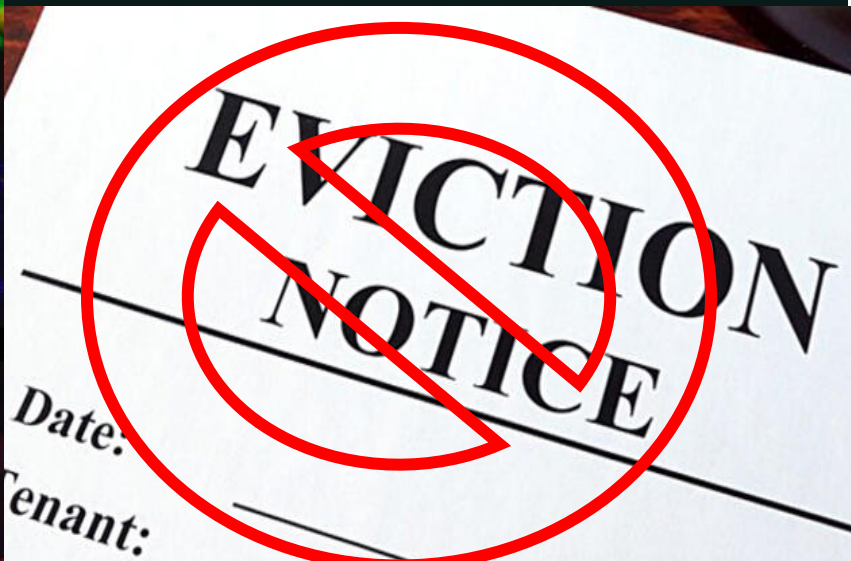
Enforcement Suite of Laws

Strategies

Considerations

Law Enforcement As It Was

- Non-existent
- Lack of ability to deal with enforcement
- Land Code mentioned *Criminal Code of Canada*



Issues We Are Facing

- Drug dealing on reserve
- Non-payment of rent (up to 90%)
- Trespass, dumping, old vehicles on reserve



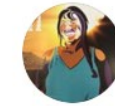
Enforcement Suite of Laws

- *Enforcement & Prosecution*
- *Trespass*
- *Animal Control*
- *Community & Land Protection*
- *Covid-19*
- *Emergency Management*
- *Order Review*
- *Residential Tenancy*

Strategies



Community engagement



Tania Solonas was live.



September 21 at 12:18 PM · 👥

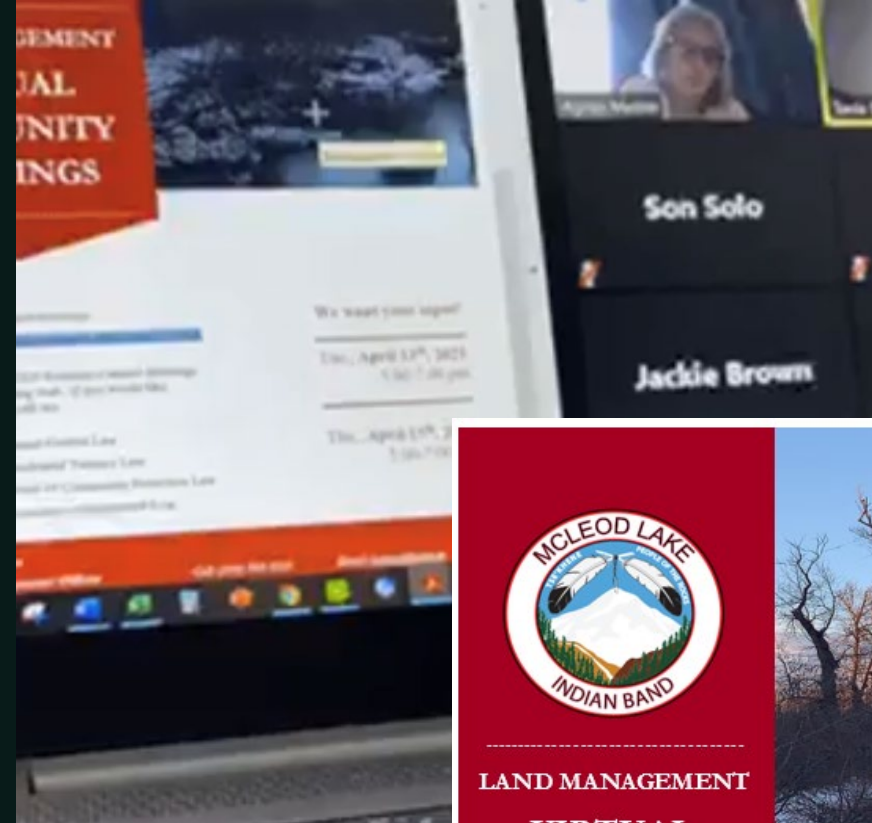
MLIB Community Meeting




Strategies



Virtual Meetings



Land Management Virtual Community Information Meeting



Link to join meetings:
<https://meetings.businessconnect.telus.com/j/1437194604>


November 7th, 2020
 1:00-4:00 pm

- Animal Control Law 2020
- MLIB Enforcement Laws
 - MLIB Trespass Law
 - MLIB Enforcement & Prosecution Law
- Evictions on Reserve
- Information Check-Point

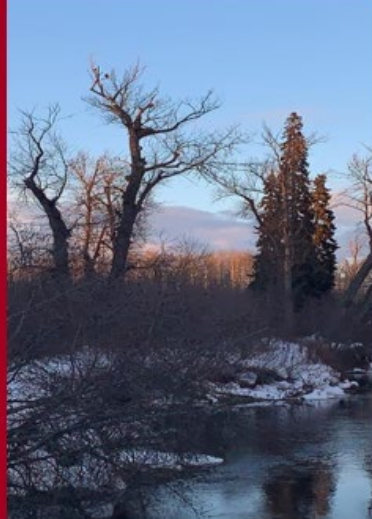
Contact Tania Solonas for more information
 @ tsolonas@mlib.ca
 (250) 988-1223

THURSDAY, MARCH 18th
 5:00 PM

Virtual ANIMAL CONTROL LAW meeting

LAND MANAGEMENT
VIRTUAL COMMUNITY MEETINGS



TELUS business connect meetings:
<https://meetings.businessconnect.telus.com/j/1424202519>

Please install the TELUS Business Connect Meetings app, before the meeting start. If you would like assistance with this, call me.

Apr. 13th:

- Animal Control Law
- Residential Tenancy Law

Apr. 15th:

- Covid-19 Community Protection Law
- Emergency Management Law

We want your input!

Tue., April 13th, 2021
 5:00-7:00 pm

Thu., April 15th, 2021
 5:00-7:00 pm

Tania Solonas
 Land Management Officer
 Cell: (250) 988-1223
 Email: tsolonas@mlib.ca

Strategies

- Summaries
- Website
- Members login page
- Email
- Mail out
- Posted in office



MLIB ENFORCEMENT LAWS SUMMARIES

ENFORCEMENT LAWS

The purpose of these summaries are to show the basics of each of the following laws:

- *MLIB Animal Control Law*
- *MLIB Community & Land Protection Law*
- *MLIB Covid 19 or Communicable Disease Law*
- *MLIB Emergency Management Law*
- *MLIB Enforcement & Prosecution Law*
- *MLIB Order Review Law*
- *MLIB Residential Tenancy Law*
- *MLIB Trespass Law*

These laws will be enforced in accordance with the *MLIB Enforcement & Prosecution Law*, through notices and, if required, summary conviction.

ANIMAL CONTROL LAW

The purpose of this Law is to regulate the keeping, ownership, breeding and treatment of animals on Band land which may otherwise be a nuisance, or detrimental to the health and safety of the MLIB community.

Helps address the following public safety concerns:

- vicious dogs
- how to deal with neglect & animal abuse
- owners' responsibilities when keeping animals
- # of pets per household (to be in line with Rental Agreement)

How to deal with vicious animals or safety concerns:

- when a person is bit
- removal of animals who are an immediate threat to health & safety to the MLIB community
- procedures for quarantine & rabies control
- when an animal must be leased or fenced in
- what to do when an animal must be euthanized if they have injured or killed, and are likely to do so again

If Band members or Council wish to pursue:

- licensing, dog tags, fees, proof of inoculation
- fencing for all lots
- kennels
- rules for people who want to engage in breeding of animals

1

COMMUNITY & LAND PROTECTION LAW

The purpose of this law is to manage Band land in a way that protects the safety and wellbeing of McLeod Lake Indian Band members, and upholds and preserves MLIB values.

Helps address the following public safety concerns:

- putting safety measures in place to help address when another person's past or current activities or behaviours pose a threat or are causing harm to the MLIB community, land or values
- ensures that MLIB values are upheld within our community and on our Band land

How to deal with Community & Land Protection concerns:

- appoint MLIB Officials to carry out the provisions of this law
- any person may submit a complaint in writing to the administrator station that another person's past or current activities or behaviours pose a threat or are causing harm to the MLIB community, land and values
- if the administrator determines that a complaint is made in good faith, the administrator will form a *Knowledge Holders Committee* to review, investigate and make a determination regarding the complaint
- if, after completing an investigation, the *Knowledge Holders Committee* is of the view that the respondent's past or current activities or behaviours do in fact pose a threat or are causing harm to the MLIB community, land or values, then the committee may issue a notice of threat to the respondent
- the notice of threat can require the person to take certain steps or refrain from engaging in certain behaviours on MLIB land
- if the person fails to follow the terms of this notice of threat, then they are guilty of an offence
- if a person commits an offence under the *MLIB Community & Land Protection Law* (including by failing to follow the terms of the notice of threat), they may be prosecuted under the *MLIB Enforcement & Prosecution Law*

COVID-19 or COMMUNICABLE DISEASE LAW

The purpose of this law is to protect the health & safety of Band members and their families, Band land and the environment; by reducing the risk of spread of Covid-19 within the Community.

Helps address the following public safety concerns:

- putting safety measures in place to help prevent the spread of the Covid-19 virus within the MLIB community

How to deal with Covid-19 safety concerns:

- appoint MLIB Officials to carry out the provisions of this law
- restrict access to Band land, keeping with access section outlined in *MLIB Land Code*
- restrictions and closures of public facilities, and physical distancing requirements in keeping with provincial restrictions in place by the Provincial Health Officer (PHO)
- ability to stop and demand ID from persons entering Band lands, to inquire about recent travel, contacts & possible exposure to persons testing positive for Covid-19 virus
- issue written warnings, information or a summons under this law
- alternative remedies for compliance and reducing exposure of the Covid-19 virus
- restricts public gatherings and the application of orders issued by an MLIB official

2

EMERGENCY MANAGEMENT LAW

The purpose of this law is to establish our Emergency Management Program, outline the *MLIB Emergency Response Plan (ERP)*, oversee services during an emergency, procedures for response coordination, and to define duties and responsibilities. It establishes the legal basis and framework for managing emergencies. It provides Chief and Council's responsibility, defines authority, responsibilities and safeguards in our Law and ERP. It is to protect the health & safety of MLIB community in event of a perceived or real emergency.

How to deal with Emergencies & safety concerns:

- respond and manage those emergencies outlined through a risk assessment in the community
- declare a "State of Emergency" in the community and enact the community's emergency plan
- state of emergency provides Chief and Council and MLIB staff the authority to take extraordinary measures and access to both Provincial and Federal Resources when managing emergencies
- relies on a strong and robust Emergency Management Plan that sets out the roles and responsibilities for all the teams dealing with perceived, identified risks in the community can be implemented for a situation that is beyond the ability and ability of the community to mount a response

ENFORCEMENT & PROSECUTION LAW

The purpose of this Law is an effort to protect our land, cultural and traditional values, as well as our community, its children and its vulnerable persons from harmful and unlawful activities that may occur on Band lands. It will also provide a means by which to charge, prosecute and enforce Offences under MLIB laws, and applies to all offences set out in any MLIB law. This Law preserves the rights of the community over the individual.

Helps address the following public safety concerns:

- when a person has committed offences on Band land, fines, and tickets may be issued
- how to banish a Band member or non-member, if the alleged offender poses a significant threat to the health, safety or wellbeing of the community
- what to do if a fine is issued, and not paid
- provides how amount(s) owing may be recovered through Provincial Court
- uses small claims court to enforce payment including payment hearings and garnishees

ORDER REVIEW LAW

The purpose of this Law is to provide a mechanism by which a Person subject to an Order may apply, on limited grounds, for a review of all or part of that Order.

Helps address the following concerns:

- protects the rights of the alleged offender, to ensure fairness and impartiality

How to deal with order review concerns:

- complete an application for a review
- provides process & requirements to apply for review
- provides authority, prescribed fees and forms, responsibilities of Chief and Council, Administrators and the Adjudicators
- once application is submitted, it is reviewed and the option to convene a hearing to be assembled to hear evidence, call witnesses, ask questions and make submissions
- limitations of Adjudicator, authority and duties set out in the law

3

RESIDENTIAL TENANCY LAW

The purpose of this law is to regulate residential tenancies on Band land. This law preserves the rights of the community over the individual and ensures fairness and equality with our housing program.

Helps address the following concerns:

- responsibility of rent and payment on time, with available remedies and consequences for default on payment
- termination and process to be followed to end tenancy prior to eviction
- clear responsibilities of tenant to maintain their residence in a clean and safe state
- allows landlord to monitor and inspect residence, with notification where required
- provides for unforeseen emergencies, with right to enter premises and effect repairs
- terms of tenancy agreements
- authority to manage tenancy on reserve
- responsibilities of landlord and tenants
- contractual relationship, that does not create any interest in land in favour of the tenant
- process for managing disputes that arise

If Band members or Council wish to pursue:

- ability to require a damage deposit and pet deposits
- ability to evict Band members/non-members in the event of non-payment of rent and arrears

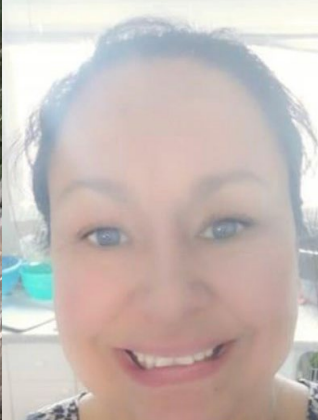
TRESPASS LAW

The purpose of this law is to provide for the protection, management, use and possession of Band land by removing trespassers from MLIB land.

Helps address the following concerns:

- prevents persons from entering MLIB land where that person has had notice from the Nation that entry is prohibited or that person engages in activities that are prohibited
- provides notice that entry is prohibited by way of posted signs or by written or verbal notice
- a person commits an offence with entry onto land after they have been given notice that entry is prohibited, or the offender engages in activities that are prohibited
- issuance of Enforcement Notices to the person against whom an offence is alleged, including fines or requirements to attend a hearing before Council to determine whether a banishment order should be issued
- This means "in essence" that if a person trespasses, a MLIB Enforcement Officer can issue a fine to the offender or require the offender to attend a hearing before Council to determine whether a banishment order should be issued
- provides that all persons must provide identification when requested by an MLIB Enforcement Officer
- provides authorities for the Enforcement Officer to perform their duties, enter onto property for investigations, and give notice to those who are unlawfully occupying a premises

Team



Band Members



Land Management Committee



Chief & Council



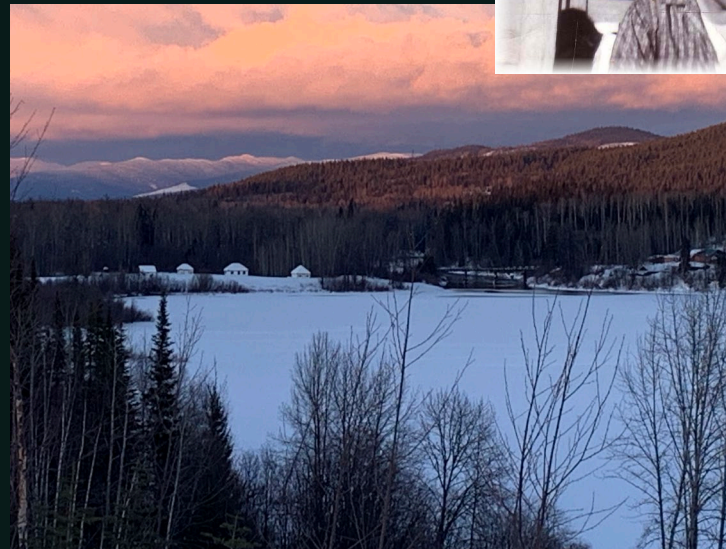
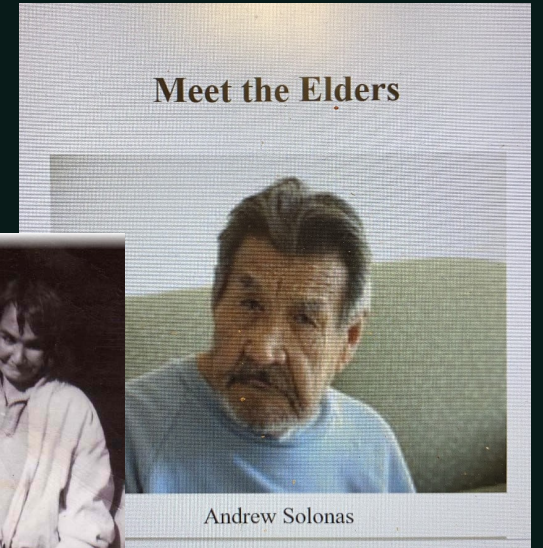
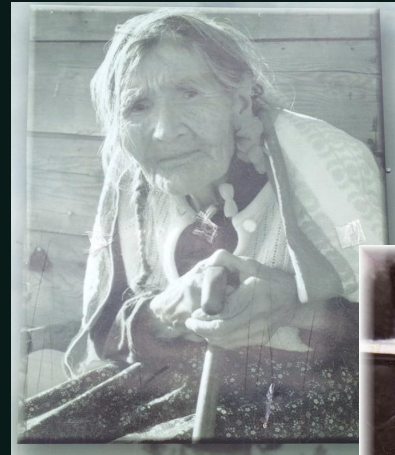
Land Management Officer

Timeline



Considerations

- Band member (BM) consultation and community engagement every step of the way.
- Update Land Code, and include:
 - ❖ Definition of access, as our Land Code gives unfettered “access” to BM’s, which creates issues down the road, when trying to banish or restrict;
 - ❖ Further define what can and cannot be done, along with what you can do when it is not followed; and
 - ❖ Mail out procedure should be updated to posting at Band office, social media (website, members login page, Facebook, Twitter, etc.), and email.
- If possible, update Community Tripartite Agreement (CTA) to include ability to work together on enforcement of laws. Provincial/National level talks.
- Think of issues you face, and how you can go about dealing with them, manual, how-to-guide, training.





Mussi Cho (Big Thanks)

Tania Solonas

tsolonas@mlib.ca

(250) 988-1223

www.mlib.ca

*-Sources Tania Solonas, McLeod Lake
Indian Band, and Creative Commons.*





**Sliammon First Nation
(Tla'amin Nation)**

Self Governance

4779 Klahanie Road, Powell River,
British Columbia V8A 0C4

Population: 1,184 Members

Reserve Size: 1,907 Ha

Tla'amin Nation



One Heart, One Mind, One Nation.

Enforcement as an Act of Self-Governance

Considerations for Indigenous Governments establishing Law
Enforcement and Community Safety Initiatives



Background

Tla'amin Nation is a Self-Governing Nation in the qathet Region of British Columbia. Tla'amin Nation celebrated its 5 year anniversary in 2021, and is taking progressive steps at exercising its authorities under the *Tla'amin Final Agreement*.

Tla'amin Nation derives its authorities to enforce its laws under Chapter 15 of the *Agreement*.

Background

On May 13th, Tla'amin Nation appeared before the House of Commons Standing Committee on Indigenous and Northern Affairs, to share our thoughts on the issues surrounding law enforcement on Indigenous reserves and lands.

Tla'amin's position at before the Committee was that self-determination is virtually meaningless without the authority and capacity to pass and enforce laws.

How are Enforcement & Self-Governance Related?

The ability to make and enforce laws in order to change, influence, or alter the behaviour of people within its territory, is a right enjoyed by governments everywhere.

This is seen in local governments (bylaws), provincial governments (regulations, laws, and quasi-criminal laws), and federal government (criminal laws, regulatory laws, and regulations).

Now this ability to make and enforce laws is being explored, and in many cases exercised, by Indigenous governments at all stages of self-governance (Indian Act, Land Code, and Final Agreements).

Enforcement

When we look at the term 'enforcement' we are talking about two parts:

1. The actual act of law enforcement (officers responding to calls for service/investigations/etc); and
2. The courts' abilities to put legal weight behind the actions taken by the officers during the execution of their duties (issue warrants, enforce fines, upholding the laws enacted by the Bands/Nations).

Law Enforcement

- 1) Program development, management, implementation, and review
 - a. Identifying scope of enforcement activities (bylaw, law, O.R.R, natural resource, community safety, etc.)
 - b. Identifying training and equipment needs
 - c. Identifying key performance/operational objectives
 - d. Appropriately situating the law enforcement/community safety program within governance

Law Enforcement

- 2) Appropriately identifying and recruiting
 - a) Management and Leadership
 - b) Enforcement Officers (Peacekeepers, Bylaw Officers, Peace Officers, Community Safety Officers, etc.)

Court Enforcement

- 1) Appropriately explore and leverage abilities to appoint Justices of the Peace to hear Indigenous law matters:
 - a) s.107 of the *Indian Act* – Appointment of Justices
 - b) s. 24 of the *First Nations Land Management Act*
 - c) Appropriate sections under the Nations' respective *Final Agreements*.

Court Enforcement

- 2) Work with the Courts to educate them on the laws of the Bands/Nations within their jurisdiction.
- 3) Establish processes for prosecution (are files officer represented, or will the Band/Nation have their own prosecutor)

Consider Regionalized Approach

Potential consideration for regionalized approach to law enforcement:

Benefits:

- Cost sharing of enforcement activities between Bands/Nations
- Similar legislations and regulation allow for ease of prosecution/enforcement

Drawbacks:

- May not address all community needs
- May not be feasible if Bands/Nations are too far apart geographically, or culturally

Contact Information

Derek Yang, B.A., Q.Arb, ICPS, EPT
Chief Officer, Public Safety Department
Tla'amin Nation

derek.yang@tn-bc.ca



Lac La Ronge Indian Band

Operational

PO Box 480, La Ronge,
Saskatchewan S0J 1L0

Population: 11,509 Members

Reserve Size: 43,305 Ha

Population

11,300+
members

**Communities
(6)**

Grandmother's
Bay

Hall Lake

La Ronge

Little Red River

Stanley Mission

Sucker River

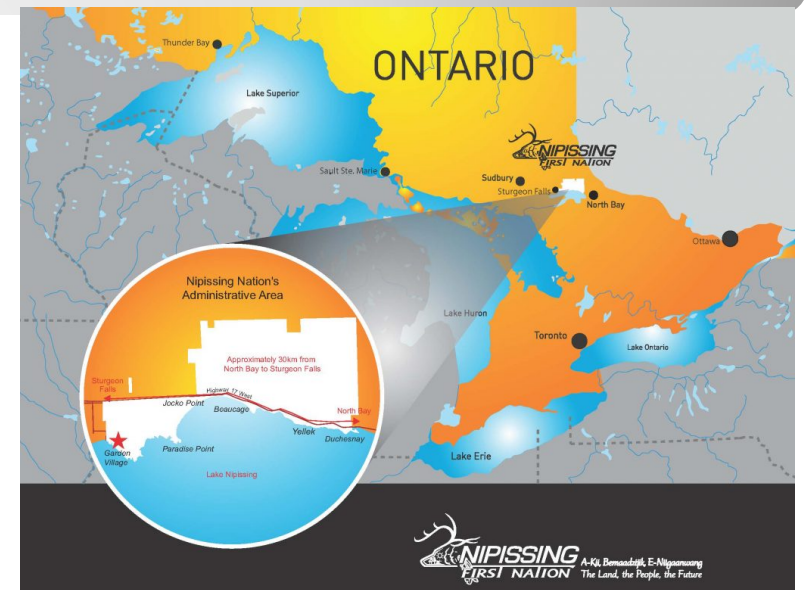
**Reserves
(19)**

RESERVE	HECTARES
Morin Lake I.R. #217	14145.85
Little Red River I.R. #106C	12939.07
Bittern Lake I.R. #218	6885.88
Grandmother's Bay I.R. #219	4488.82
Little Red River I.R. #106D	2589.95
Lac La Ronge I.R. #156	605.65
Little Hills I.R. #158	517.19
Potato River I.R. #156A	409.49
Stanley Mission I.R. #157	251.28
Sucker River I.R. #156C	154.80
Little Hills I.R. #158B	131.20
Kitsaki I.R. #156B	74.46
Fox Point I.R. #157D	56.70
Little Hills I.R. #158A	38.30
Old Fort I.R. #157B	5.40
Fox Point I.R. #157E	4.20
Stanley Mission I.R. #157A	3.80
Kiskinwuhumatowin	2.94
Four Portages I.R. #157C	0.20
Total:	43305.18

Nipissing Nation

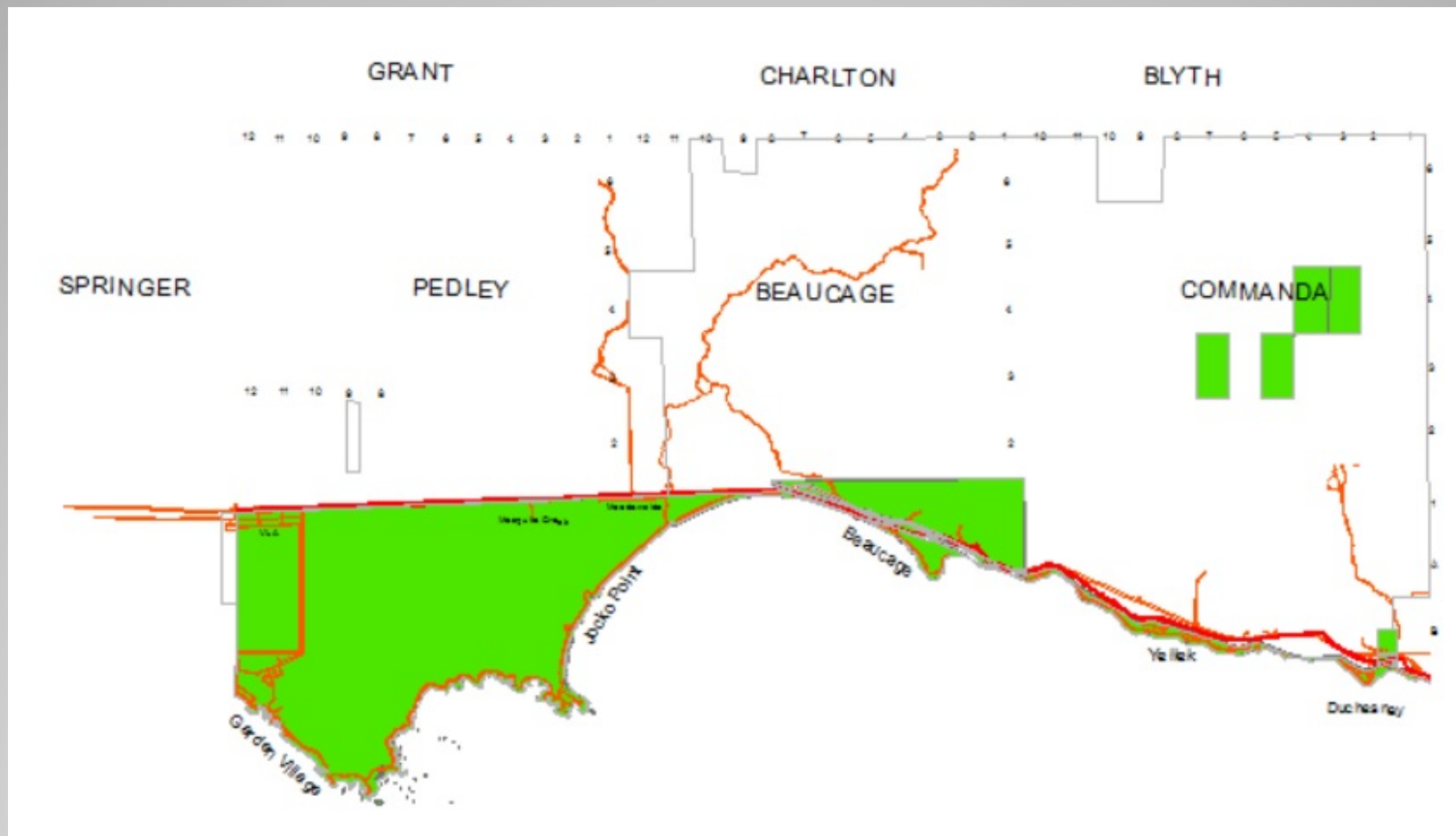
Land Management

**RC-TMPD Workshop:
Enforcement Strategies & Considerations
Presented August 12, 2021**

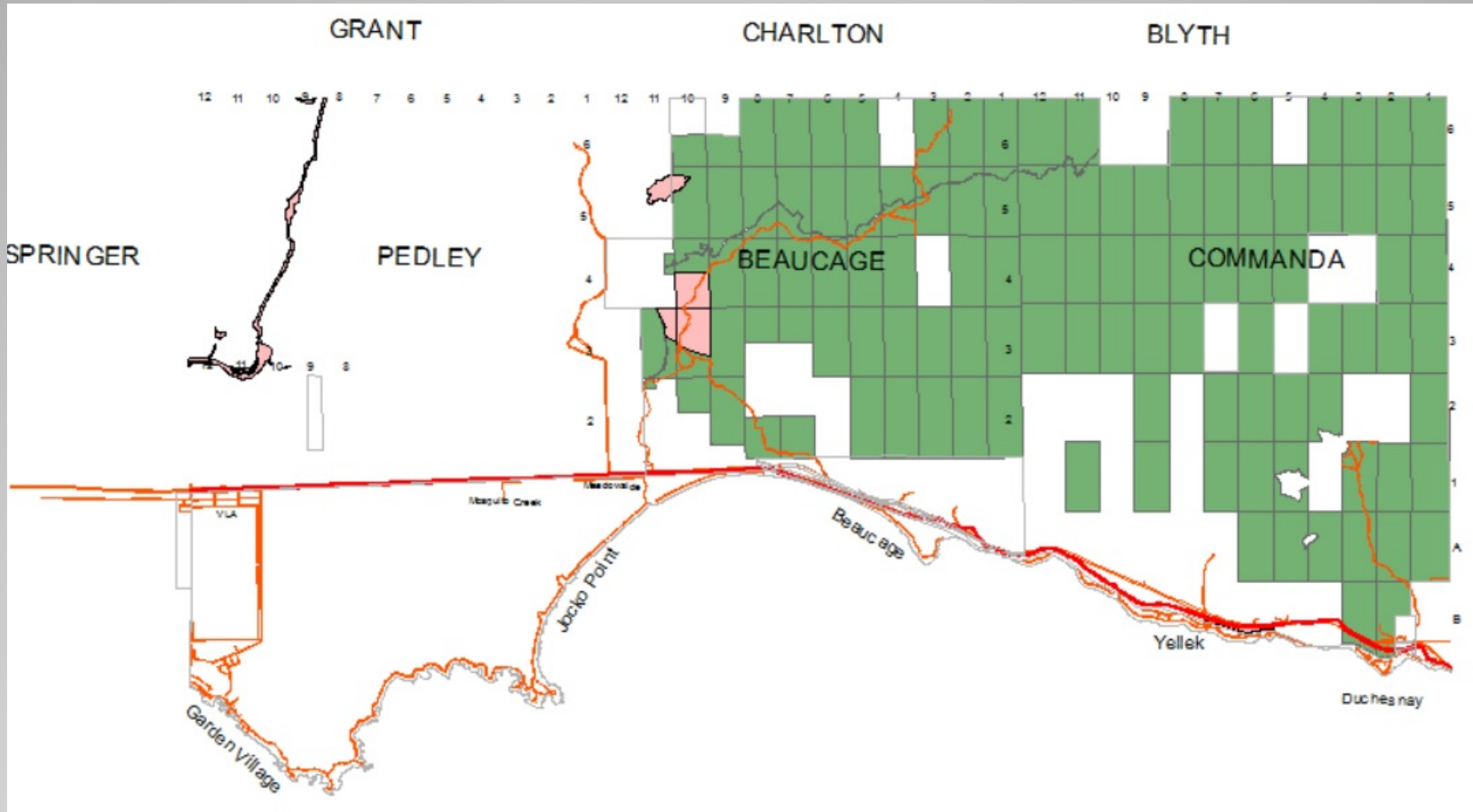


**Nipissing People have a land base of
64,388.81 acres (30,253.47 ha)
and is managed under
different land tenures**

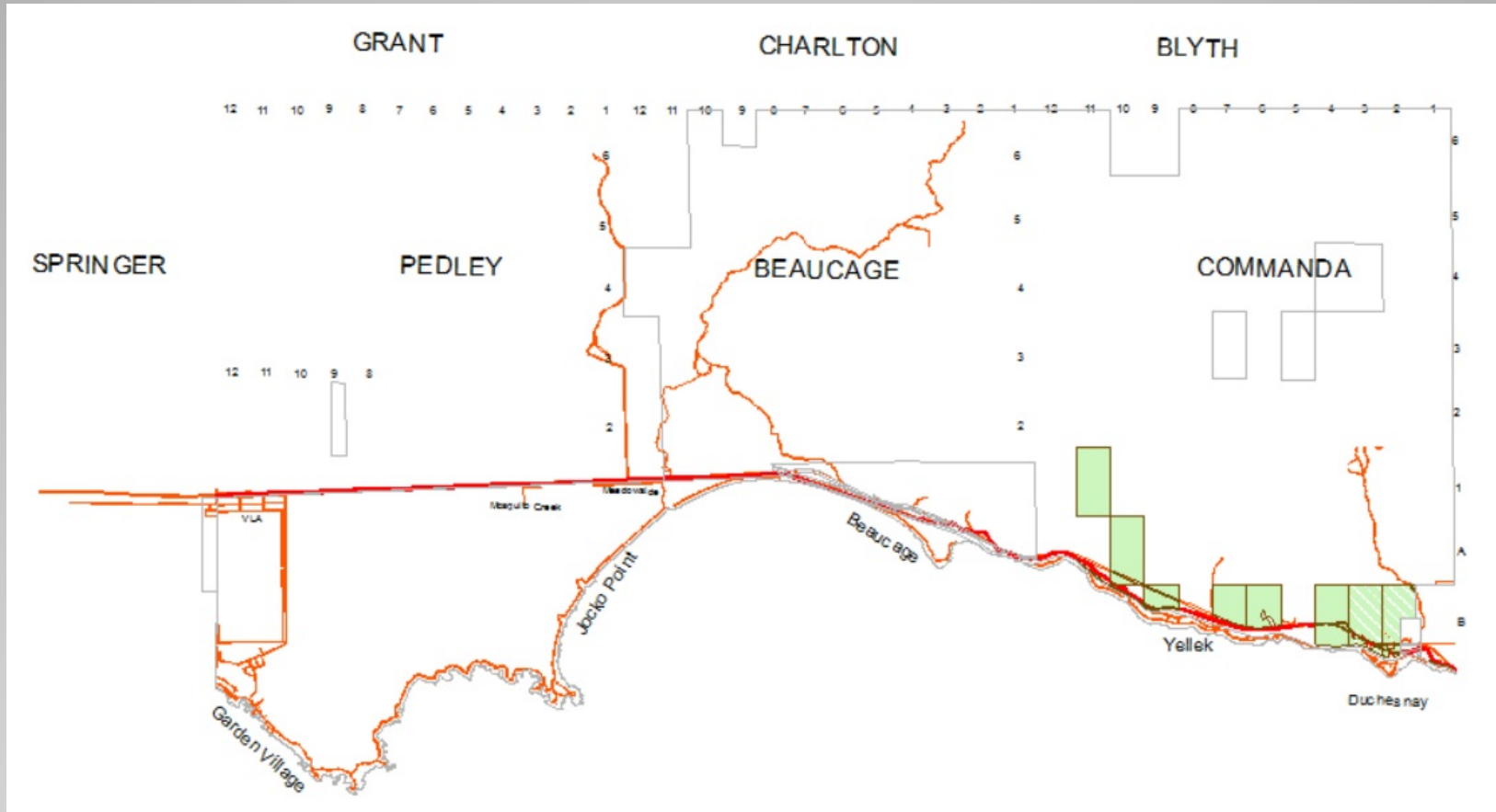
Nipissing Land Tenures	Acreage	Hectares
Nipissing I. R. #10	19,978.97	8,085.20
Remaining Unsold Surrendered	567.45	229.63
Additions to Reserve Specific Agreement	33,798.08	13,677.59
ATR Corp Fee Simple Lands <i>Exemption grandfathered</i>		
Purchased from Ontario Schedule 'J'	958.50	387.89
ATR Corp ATR Schedule 'I'	1,992.0	806.13
<u>Corporate Purchases 107 & 114 On Inc</u>		
<u>Purchases prior '97</u> Exempt. Ach. ATR & Patterson Ossuary	3,680.21	1,489.32
Purchased <i>after '97</i> No Exempt. ATR	3,473.30	1,405.59
Former Railway Lands Not Exempt.	265.30	107.36
Total Corporate Fee Simple	10,044.31	4,064.77
TOTAL NIPISSING LAND HOLDINGS	74,758.12	30,253.48



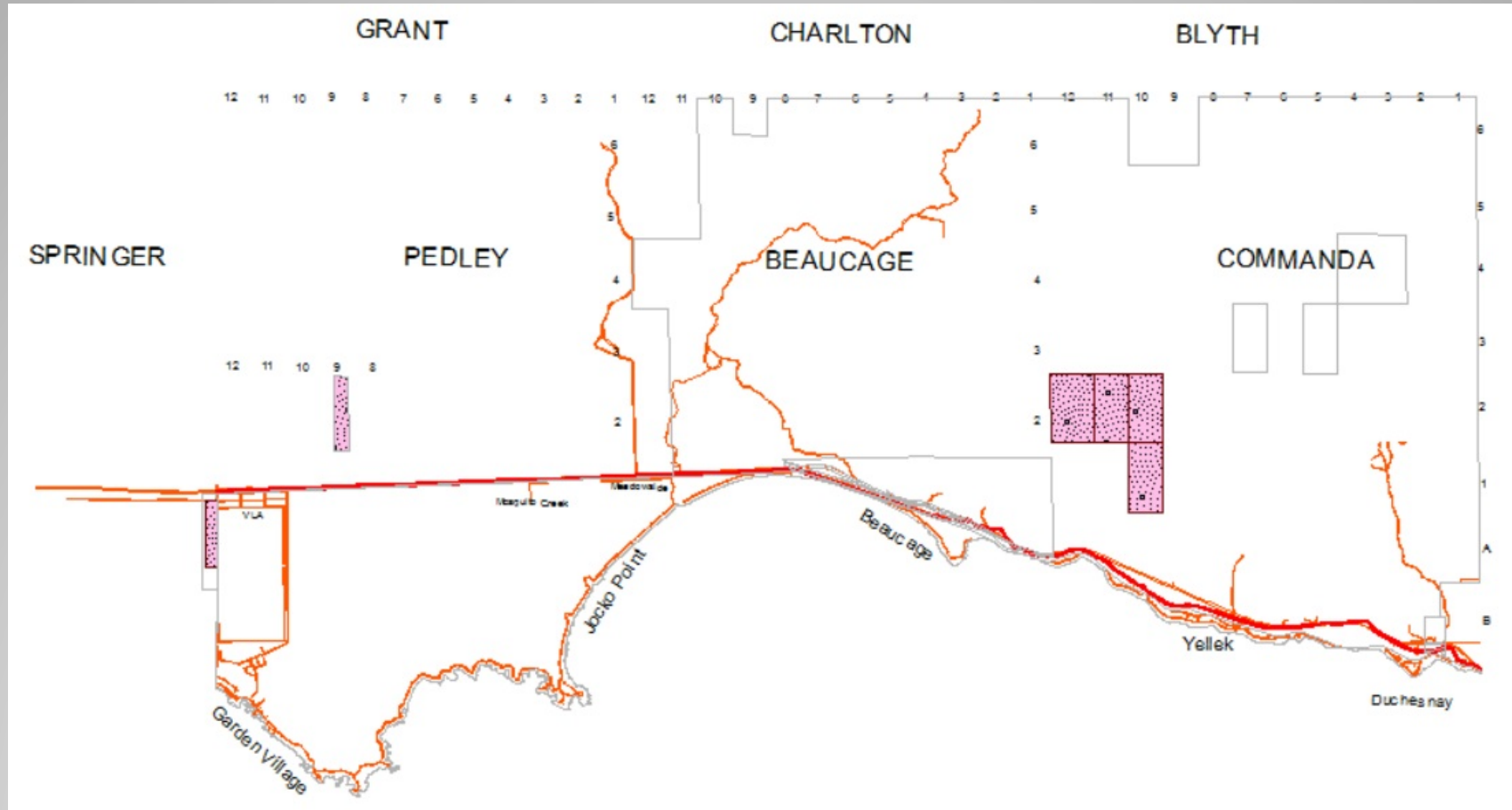
Nipissing IR #10 proper



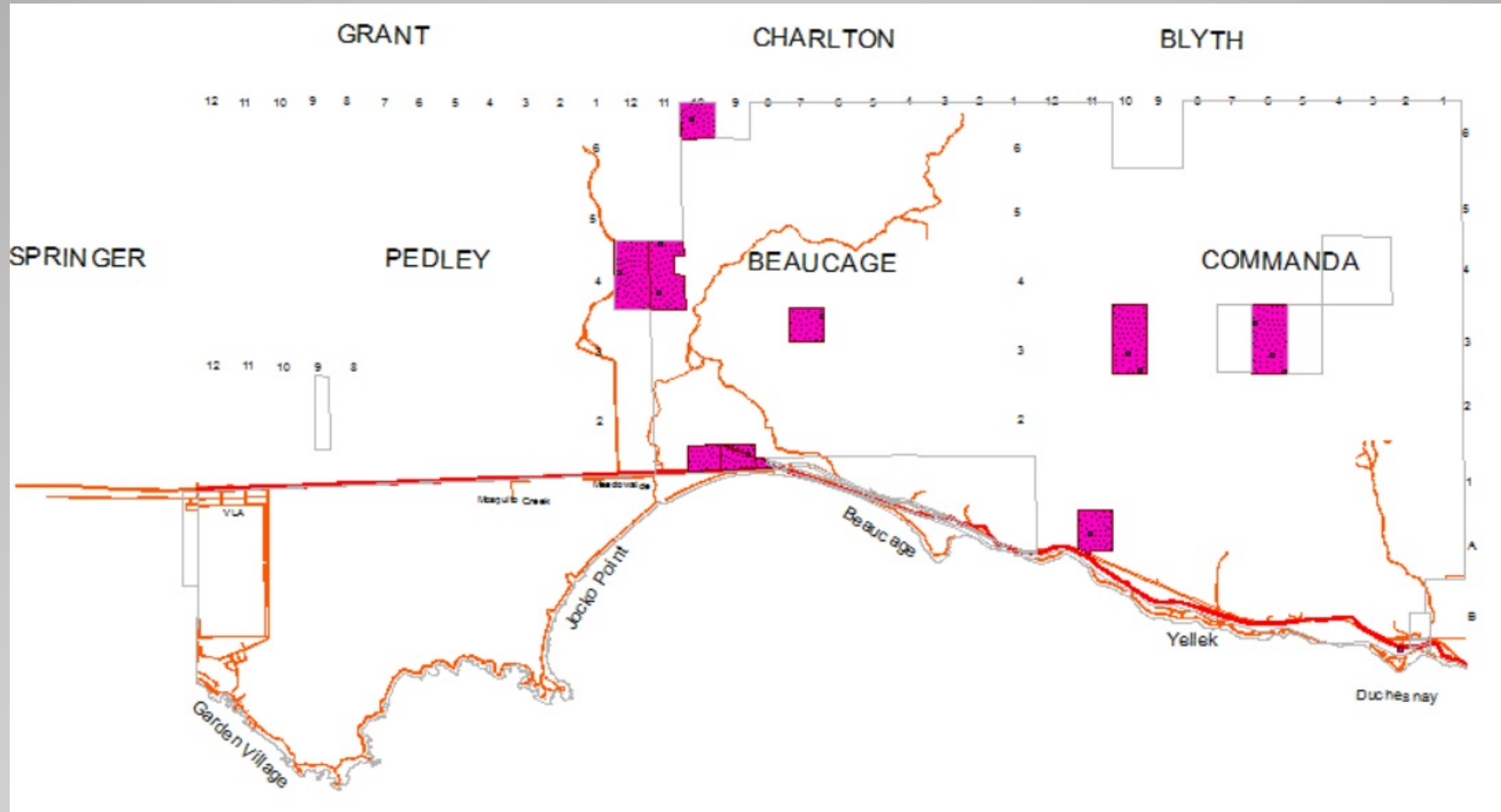
Unsold Surrendered (pink) and ATR (green)



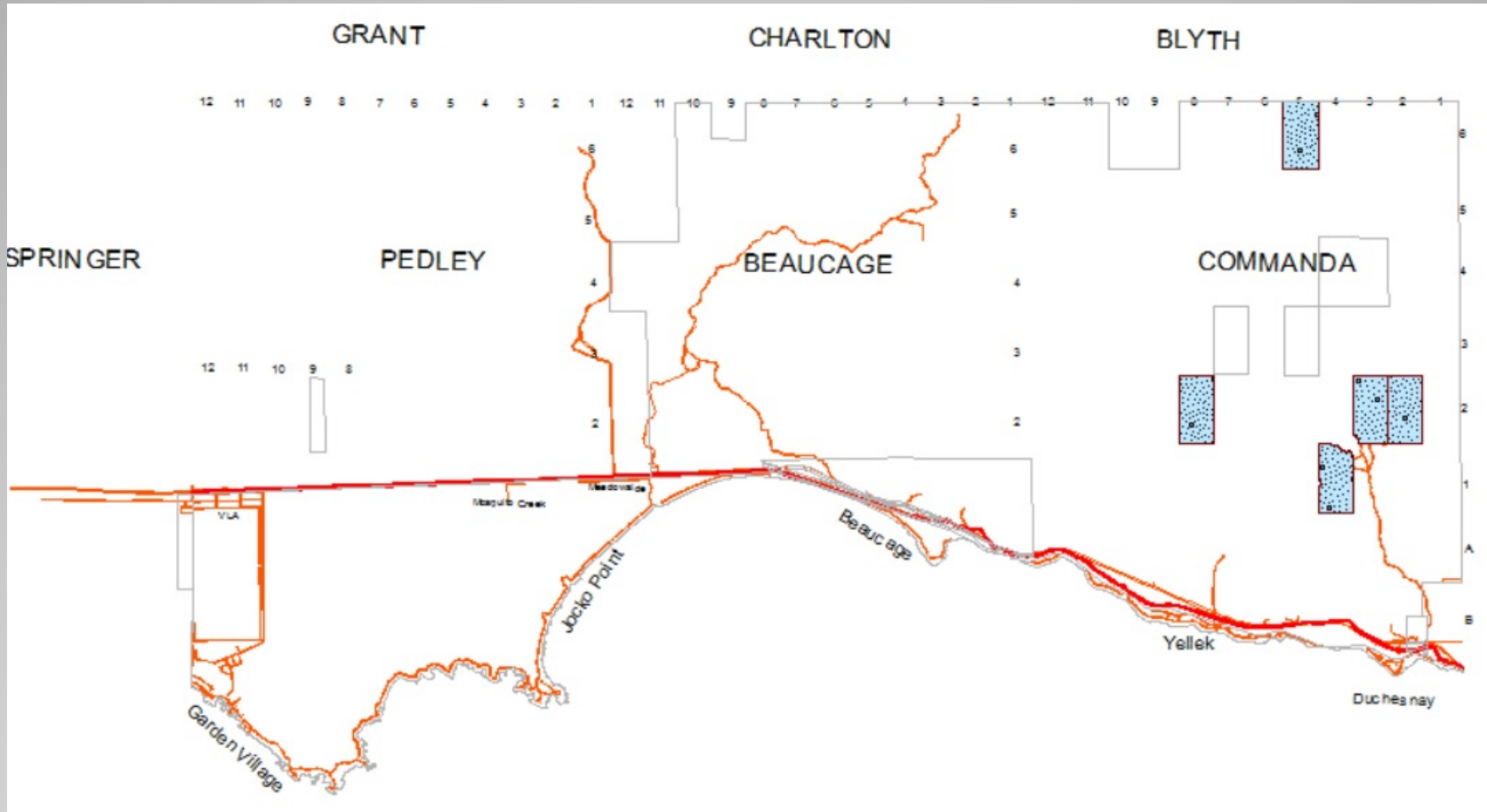
**1073059 Corporate Lands ATR
grandfathered Tax Exempt**



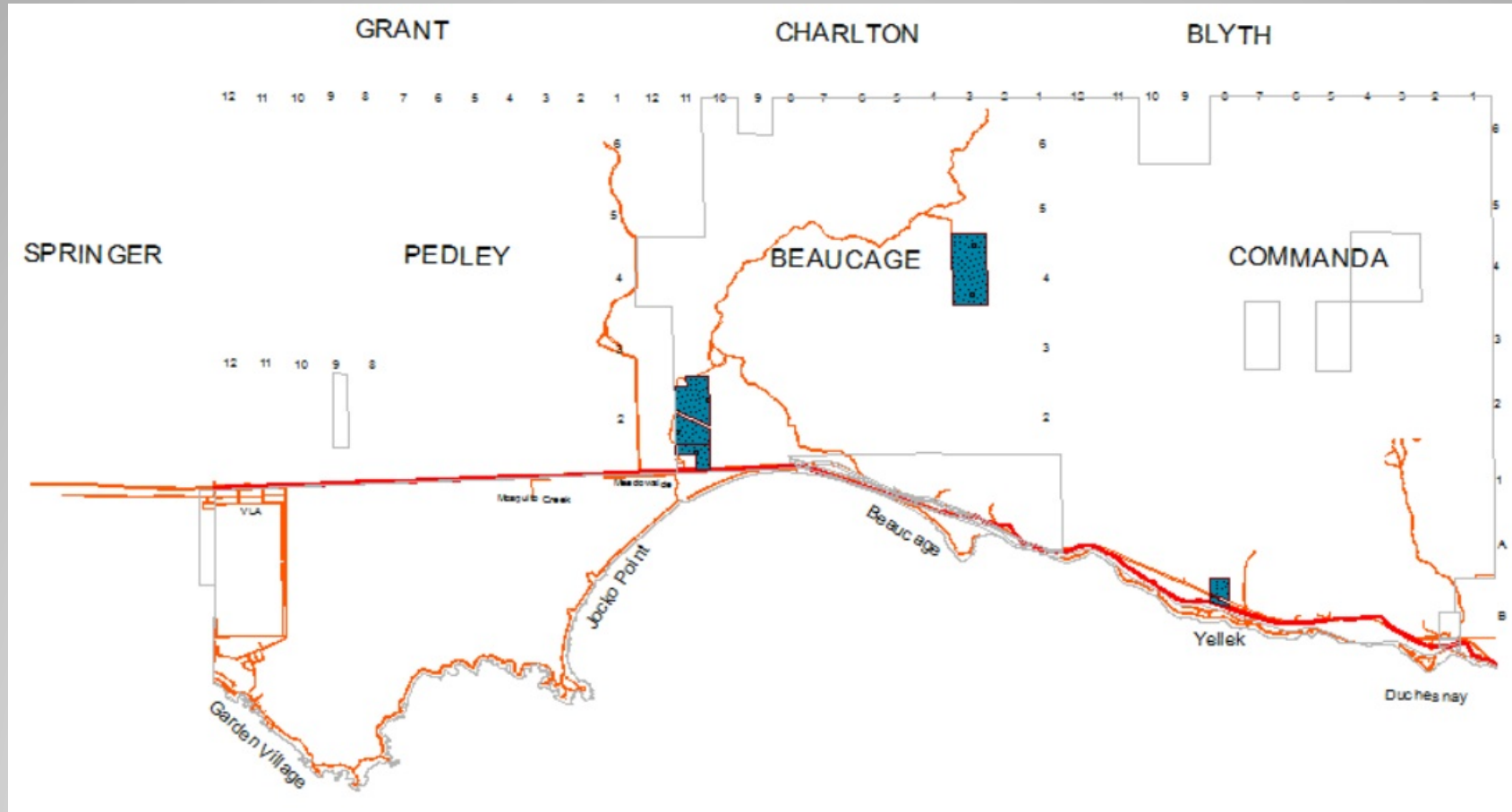
1073059 Ontario Inc.
Former Nipissing Nation in Fee Simple
Tax Exempt



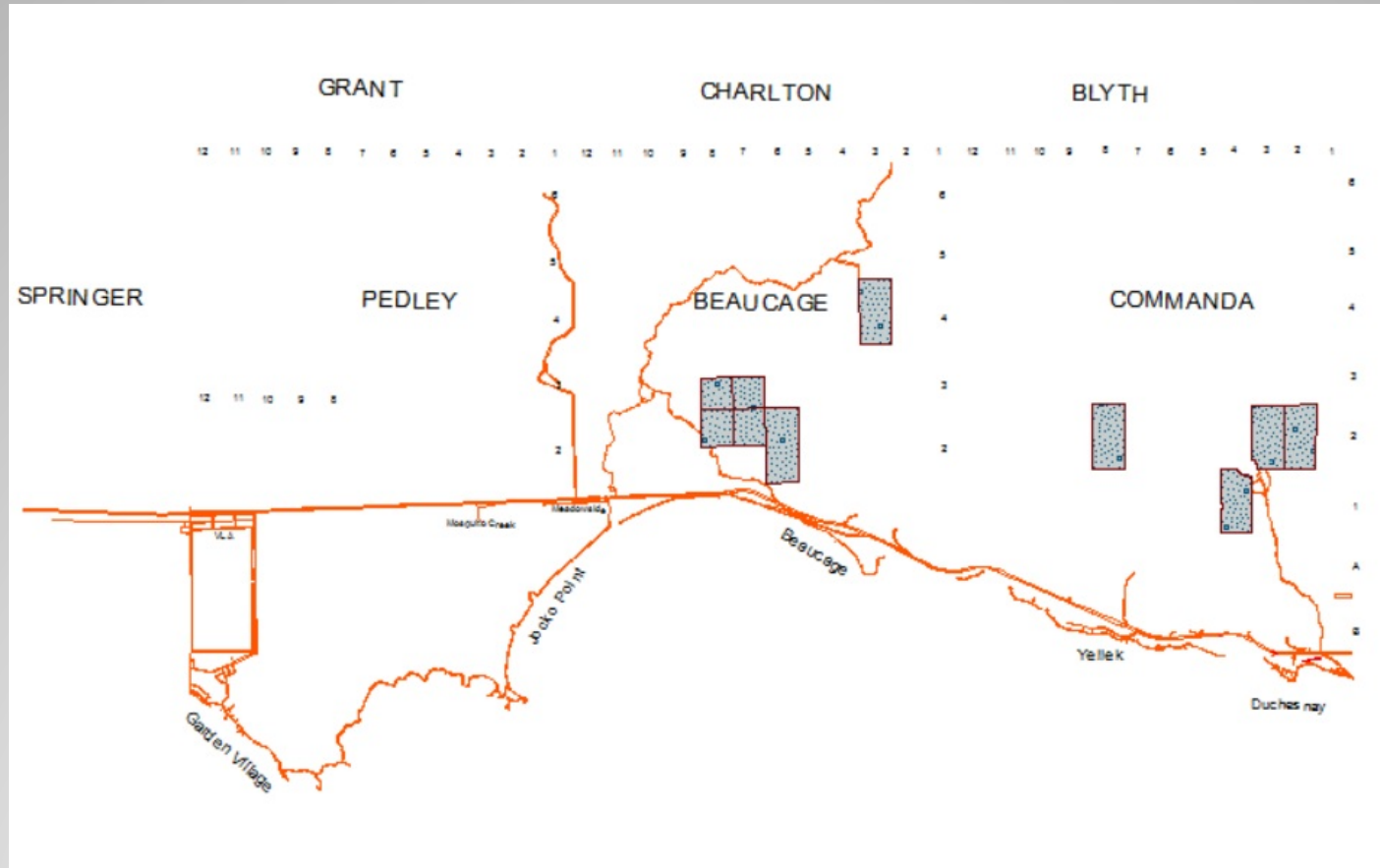
1073059 and 114946 Ontario Inc. Tax Exempt



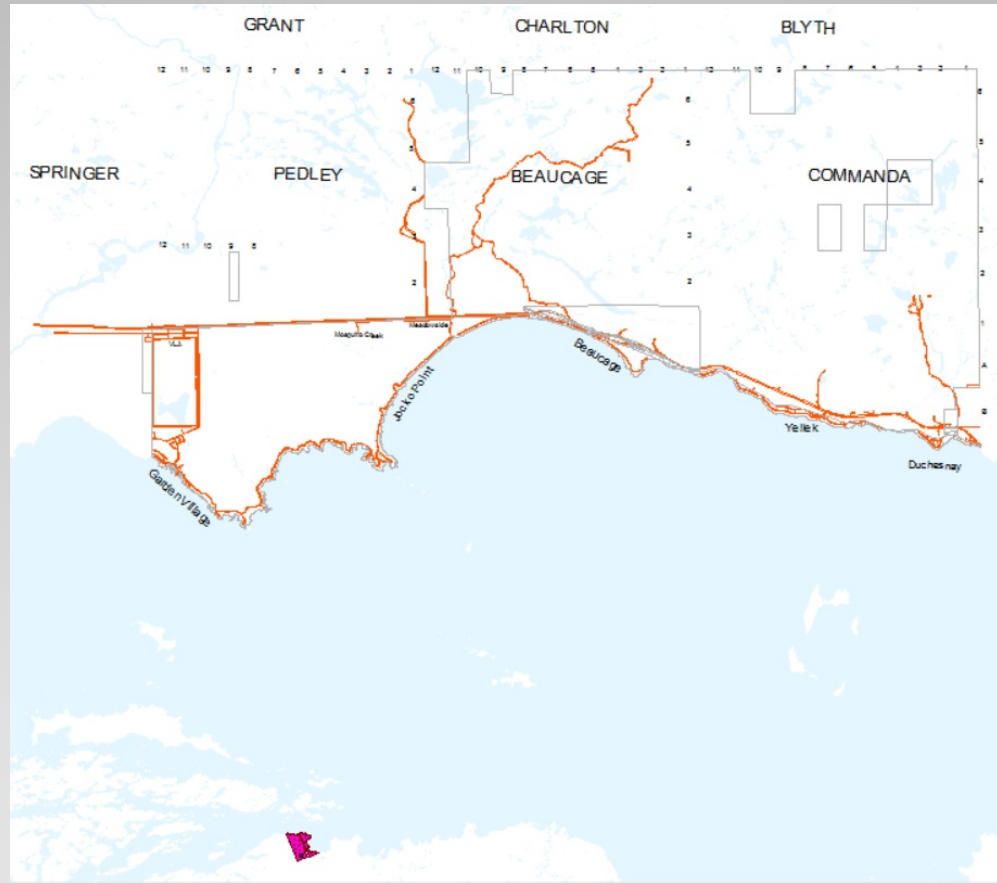
1073059 Ontario Inc.
Former Nipissing Nation in Fee Simple
Not Tax Exempt



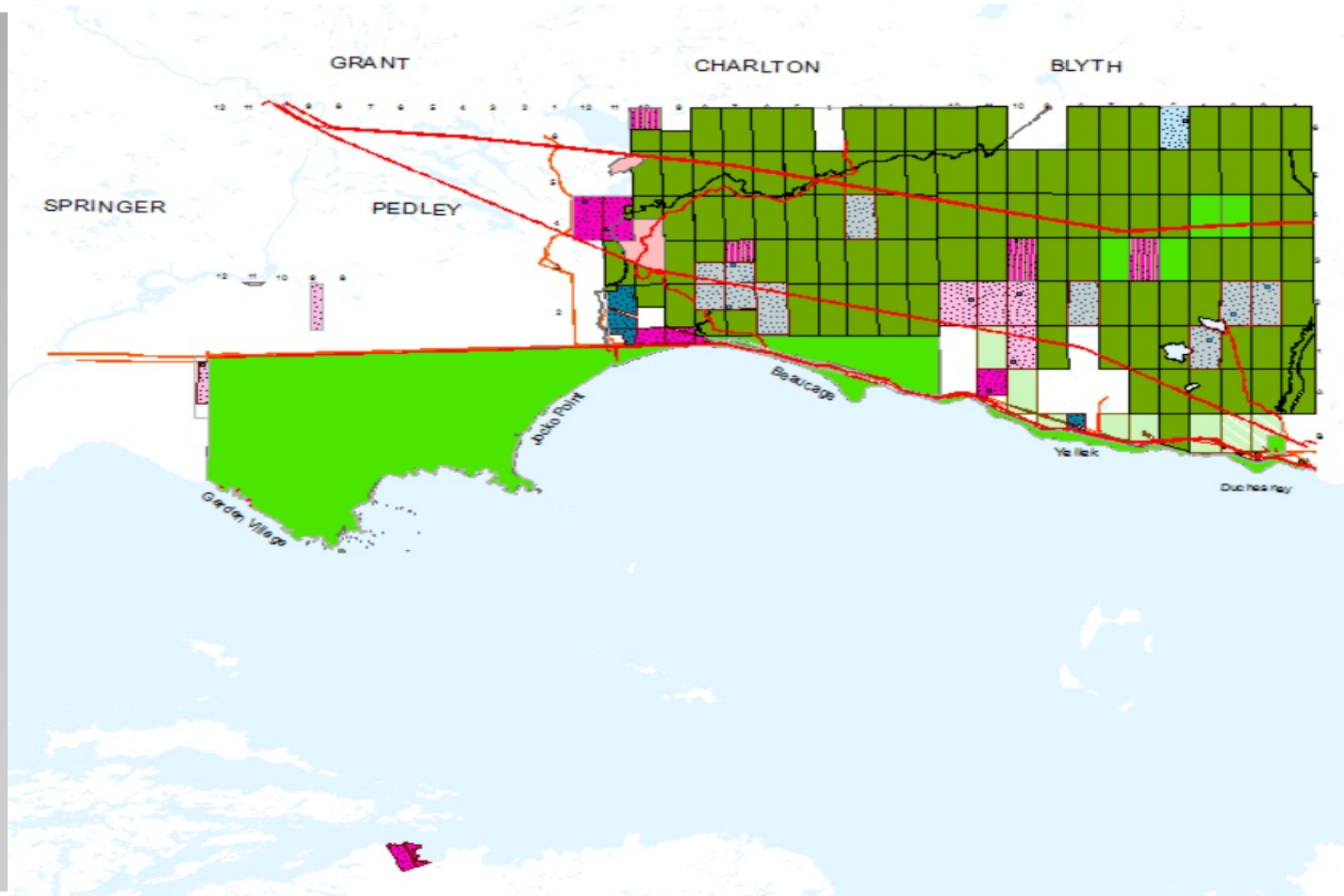
**1073059 Ontario Inc.
Not Tax Exempt**



1073059 Ontario Inc. (1997)
Not Tax Exempt



**1073059 Ontario Inc. - Patterson
Tax Exempt**



Nipissing Nation Land Holdings

Land uses requiring monitoring:

- Residential - Membership
- Residential leasing – non members
- Commercial - Membership
- Commercial - non member
- Commercial Fisheries – Membership
- Industrial leasing – non member
- Hunt camps
- Cottages outside serviced areas - Membership

Types of monitoring:

- Residential Lease Agreements – only used for single residence
- Commercial Lease Agreements & Business Law compliance – operation in accordance with licensed activities
- Environmental – compliance and complaints
- Fisheries – following law and regs
- Food Handling – chip stands and caterers
- Residential uses – comply with land laws & by-laws
- Encroachments onto NFN lands by lessees and other 3rd parties

Challenges: the challenge that we have is having such a large land base that to effectively enforce our laws, we need more resources such as more staff, boats, ATVs, drone, ski doo to be able to properly patrol the lands.

Also, an enforcement challenge case scenario where a lessee was in breach of their lease by running an AIRBNB in her residence for a period of 2 years. She sold it before it reached the courts but before she sold, there was not much we can do other than have the neighbors keep calling the police when there is noise violation. A letter goes out and it is rectified within the 30 day time frame stated in lease until the next client arrives that is rowdy. But even if it wasn't abated, the time it is taking to get heard in court to evict is too long.

Success: Enforcement success was when a member who is a fisher was letting the fish guts etc rot at his mom's home and also at the place he is renting at until it stunk up the neighbourhood.

This is in contravention of the Conduct and Nuisances Law. Notice was given to discard the refuse properly at the landfill site. The notice included the fact that it was the community complaining and not simply "the band office" enforcement and I believe that was why they complied.

We didn't need to take it any further which would have meant confiscating the bins of guts and disposing of it ourselves and charging the cost of doing so back to the homeowner who was not the fisher.

Following slides are businesses located on NFN that require annual monitor visits by Environmental Officer who is accompanied by the Environmental Health Officer or MOE as requested by NFN.



How Convenient Entrepreneur – Bill McLeod



Eagle's Nest Owner - Douglas Chevrier



Tim's Convenience Entrepreneur – Tim McLeod



Necessities – Nipissing Entrepreneur Louis McLeod



Yellek Storage & Blue Sky Travel – Entrepreneur Garnet Avery



Young Landscaping & Forestry Ltd Entrepreneur – Brian Young



Lessee Union of Ontario Indians/Anishnabek Management



Lessee Northern Brick & Tile



Lessee Nipissing Quarry McAsphalt Miller



Lessee Miller Paving Ltd, McAsphalt.



Short Radar Range Base-NavCan Lessee

Contact us:

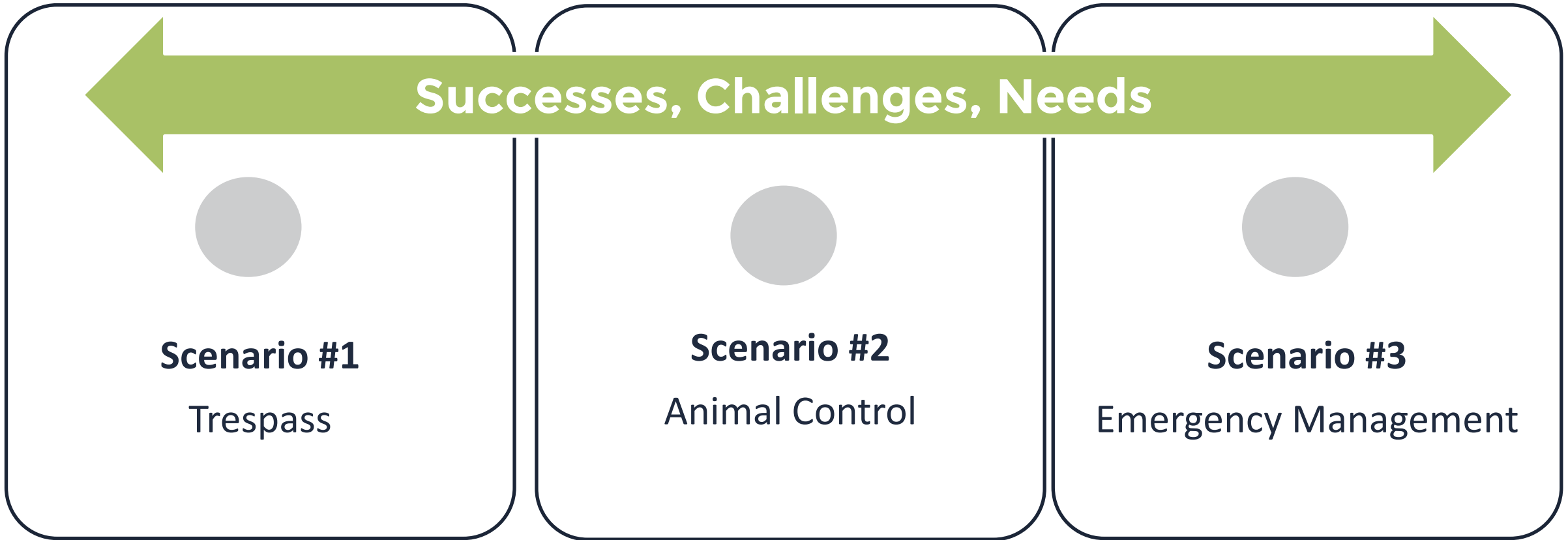
Cameron Welch, Director of Lands and Natural Resources
Cameronw@nfn.ca; 705-753-2922

Cathy McLeod, Nipissing Land Manager
cathym@nfn.ca; 705-753-2922

Nipissing Nation
36 Semo Road
Garden Village, Ontario P2B 3K2



Group Discussion





Questions & Discussion



Overview of law development and enforcement strategies

Designing provisions to building community support and practical approaches to enforcement

Review authority of enforcement and how a ticketing and enforcement law works alongside other laws

First Nations knowledge sharing opportunities on law enforcement

Virtual Networking

- Knowledge Sharing
- Breakout Room
- Open Discussion
- Frequently Asked Questions

TMPD STRATEGY & LAND GOVERNANCE TOOLS

Resources & Knowledge Sharing

T M Training, Mentorship &
P D Professional Development



Workshops

Online Course Catalogue

Knowledge Paths Tool

Land Governance Manual

Knowledge Repository

Direct Community Support

WORKSHOPS & WEBINARS

- Current
- Past Events
- LAB AGM

Sep 2021						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

SEP 9 ATR & TLE – Joint Management Agreements (TULO)

Oct 2021						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

OCT 7 Wills & Estates – Exploring Future Needs

Nov 2021						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30				

NOV 4 RC Engagement Workshop:
Operational Funding Formula for Land Code Governance

Dec 2021						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

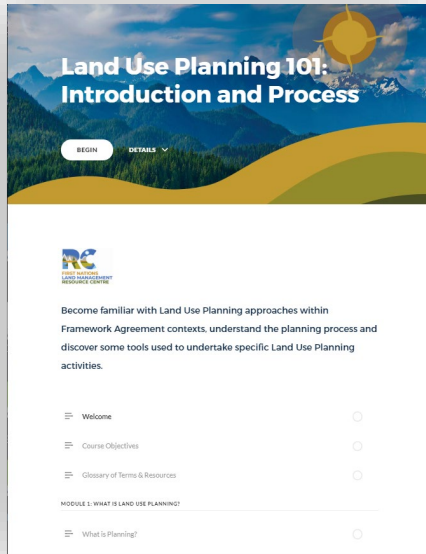
DEC 9 Decolonizing Land Governance under the FA



ONLINE COURSE CATALOGUE

TMPD Online C

- Getting Started
- Resources & Knowledge Sharing
- Training & Workshops**
- Lands Governance Manual
- Knowledge Paths Tool
- Planning

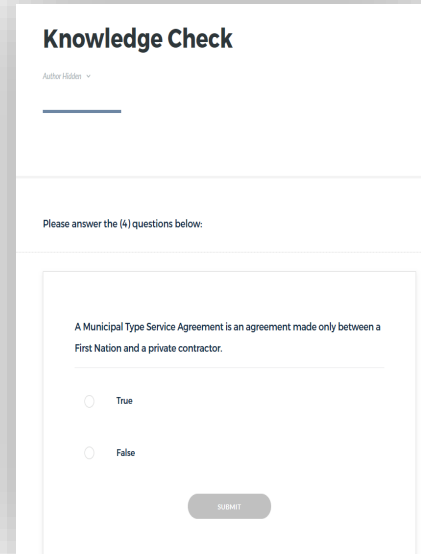


Desktop

Tablet

Smart Phone

Workbook



Practice Your Understanding

True / False

Multiple-Choice

KNOWLEDGE PATHS TOOL

Resources & Knowledge

- Getting Started >
- Resources & Knowledge Sharing
- Training & Workshops
- Lands Governance Manual
- Knowledge Paths Tool
- Planning



First Nations Land Management Resource Centre | Training, Mentorship & Professional Development

Learner Login

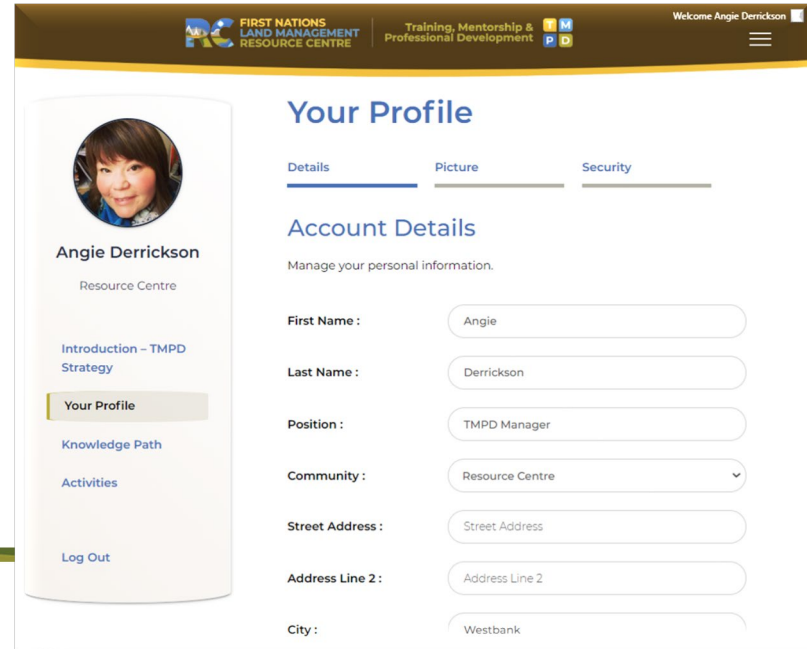
TMPD Knowledge Paths Tool

Username:

Password:

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LAND MANAGEMENT RESOURCE CENTRE



First Nations Land Management Resource Centre | Training, Mentorship & Professional Development | Welcome Angie Derrickson

Your Profile

Details | Picture | Security

Account Details

Manage your personal information.

First Name :

Last Name :

Position :

Community :

Street Address :

Address Line 2 :

City :

Angie Derrickson
Resource Centre

Introduction - TMPD Strategy

Your Profile

Knowledge Path

Activities

Log Out



LAND GOVERNANCE MANUAL

Training & Resources

- Getting Started >
- Resources & Knowledge Sharing
- Training & Workshops
- Lands Governance Manual
- Knowledge Paths Tool
- Planning

LAND GOVERNANCE MANUAL

A Guide to Best Practices for Land Governance

A resource tool for Operational First Nations under Framework Agreement on First Nation Land Management



GET STARTED ▾



- Background
- Land Governance Authority
- Operational Start Up
- First Nation Land Registry
- Land Registry Checklists & Procedures
- Individual Land Interests / Allotments
- Traditional Land Holdings
- Lands Inventory & File Management
- Mapping (GIS)
- Land Use Planning
- Website Development
- Land Law, Regulation & Policy
- Surveys & Related Documents
- Natural Resources
- Environment
- Wills & Estates
- Knowledge Sharing

KNOWLEDGE REPOSITORY

Resources & Knowledge Sharing

- Getting Started >
- Resources & Knowledge Sharing
- Training & Workshops
- Lands Governance Manual
- Knowledge Paths Tool
- Planning

Browse Categories

- FRAMEWORK AGREEMENT
- FIRST NATION PROFILE PAGES
- LAND GOVERNANCE AUTHORITY
- LAND LAW DEVELOPMENT
- FIRST NATION LAND REGISTRY
- LAND INTERESTS
- LAND SURVEYS
- LAND USE PLANNING
- MAPS & MAPPING (GIS)
- CULTURAL, HERITAGE & TRADITIONAL USE
- NATURAL RESOURCES
- ENVIRONMENT
- ONLINE COURSES
- LAND GOVERNANCE MANUAL
- VIRTUAL WEBINARS & WORKSHOPS

Order By:

Order:

TMPD WORKSHOP: Impacts of COVID 19 – PART 6



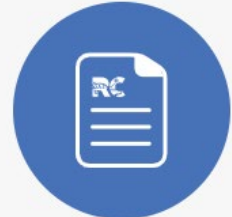
[VIEW RESOURCE](#)

TMPD WORKSHOP: Consultation & Engagement



[VIEW RESOURCE](#)

TMPD WEBINAR: Treaties & FA



[VIEW RESOURCE](#)

[Lands Advisory Board](#) >[Resource Centre \(RC\)](#) >[Our History](#)[RC Board](#)[RC Staff](#)[Employment Opportunities](#)[RC Reports](#)

Employment Opportunities

Job Opportunities (Internal and External)

[SEARCH JOBS](#) Full Time Part Time Temporary[Environmental Specialist](#)

Tk'emlúps te Secwépemc (Kamloops Indian Band)

Kamloops, BC

Full Time

[Credit \(Collections\) Officer](#)

Tk'emlúps te Secwépemc (Kamloops Indian Band)

Kamloops, BC

Full Time



Implementation, Education & Capacity Development



Lands Dept Staff



Lands Advisory
Committee



Chief & Council



Membership



Framework Agreement Signatory First Nations across Canada



As of July 20, 2021

Total Signatories	182
Operational	99
Developmental - Active	49
Developmental – Inactive	31
Self Governing	3



**FIRST NATIONS
LAND MANAGEMENT
RESOURCE CENTRE**



**Training, Mentorship &
Professional Development**

THANK YOU

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