



OPASKWAYAK CREE NATION

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OPASKWAYAK CREE NATION LAND LAW FOR LAND USE AND COMMUNITY PLAN INCLUDING NATURAL RESOURCES

ENACTED MAY 14, 2009

Ratified by Chief and
Council on June 9, 2009

 **Landmark**

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along with OCN Land Authority

NEKANOOTĀWINĒK - TIPĀNIMISOWIN

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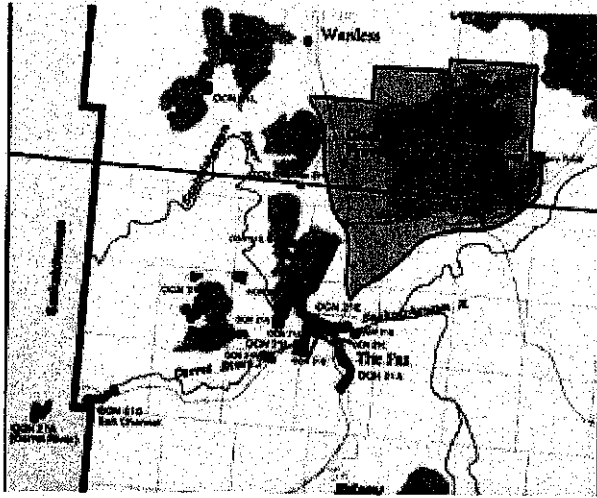
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**ANNEX - OCN Land Use Plan and Natural Resource Plan
Community Plan Map dated March 2009**

OPASKWAYAK CREE NATION

LAND LAW FOR LAND USE AND COMMUNITY PLAN

INCLUDING NATURAL RESOURCES



Missing from map - Parcel 18 – Root Lake Beach Ridge
which is located Near Wanless

OPASKWAYAK CREE NATION
VISION STATEMENT

**GUIDED BY THE WISDOM OF OUR
ELDERS AND THE ENERGY OF OUR
YOUTH, OPASKWAYAK CREE NATION IS
PROUD, PROGRESSIVE AND
INDEPENDENT.**

**THROUGH OUR RICH CREE CULTURAL
TRADITIONS AND VALUES, THE
ININUWAK OF OPASKWAYAK ARE
EMPOWERED TO ACHIEVE AN
ENHANCED QUALITY OF LIFE IN A SAFE
HEALTHY AND STRONG COMMUNITY.**

OCN's Mission Statement:

OCN's mission is to have true aboriginal self-government as determined by the people which incorporates the community's cultural values and traditions and which is based on its unique history.

While pursuing this vision of self-government, independence and self-sufficiency, the community is determined to continue to progress toward the future through planned social and economic growth, not neglecting the needs of residents but by providing a range of social, educational and economic services necessary to support and raise the community's standard of living.

This mission will be reached through the development of OCN's human resources and economic base, the foundation of which is an adequate land base and control of the community's resources. These will also provide the sources for continued delivery of essential services.

The attainment of this vision will lead to the enhanced quality of life and general prosperity for the community as a whole. This quality of life will be sustained by OCN's rich cultural heritage and by ensuring that its values are a central part of this vision.

VISION STATEMENT FOR THE LAND AUTHORITY

The Opaskwayak Cree Nation Land Use Plan promotes planned community development, through its policies, thereby bringing together the membership, business, and resources which will enhance growth in a manner consistent with OCN's overall goals to establish a complete and sustainable community.

PREAMBLE

WHEREAS, the Opaskwayak Cree Nation has entered into the Framework Agreement on First Nation Land Management with Canada on February 12, 1996, as amended, and as ratified on behalf of the Government of Canada by the *First Nation Land Management Act*, S.C.1999, C.24;

AND WHEREAS, the Opaskwayak Cree Nation had the option of withdrawing the provisions of the land management section of the *Indian Act* which sections are outlined in Section 38 of the *First Nation Land Management Act*;

AND WHEREAS, by withdrawing from those provisions of the *Indian Act*, Opaskwayak Cree Nation through their Land Code, was ratified by their citizens on June 20, 2002, now has the authority and jurisdiction to exercise control and management over their lands and resources for the use and benefits of its citizens, rather than having their lands managed by Canada;

AND WHEREAS, the *Opaskwayak Cree Nation Land Code* took effect as of August 1, 2002 pursuant to the ratification of the citizens of Opaskwayak Cree Nation;

AND WHEREAS, pursuant to Section 6.2(a) of the *Opaskwayak Cree Nation Land Code*, Land Laws may be enacted in relation to the regulation, control and prohibition of zoning, land use and land development;

AND WHEREAS, pursuant to Section 11.1(a) of the *Opaskwayak Cree Nation Land Code*, the Chief and Council shall convene a Community Meeting to receive members input prior to the introduction of a Land Law respecting a community plan or subdivision plan;

AND WHEREAS, pursuant to Section 14.1(a) of the *Opaskwayak Cree Nation Land Code*, the community approval by a ratification vote must be obtained for a land use plan and community plan including natural resources;

AND WHEREAS, the Chief and Council have deemed it necessary to enact a Land Law for Land Use and Community Plan including Natural Resources;

AND WHEREAS, that nothing in this Land Law shall alter, diminish, abrogate, derogate or breach the Treaty and/or aboriginal rights of OCN or its community members;

AND WHEREAS, the Land Authority Board of Directors on 3rd day of April, 2009 have approved this Land Law for recommendation to Chief and Council to call for a community ratification vote to enact this Land Law;

THEREFORE IT IS HEREBY ENACTED THAT THIS LAND LAW HAS BEEN APPROVED by way of a Ratification Vote of the OCN Community Members held on 14 day of May, 2009.

1.0 NAME

- 1.1 This Land Law shall hereinafter be known as the “Land Law for Land Use and Community Plan including Natural Resources” (“Land Use Plan” for short).

2.0 INTERPRETATIONS

2.1 General Interpretations within this Land Law

For the interpretation of this Land Law, the terms set out herein shall have the following meanings:

Agricultural Activities means a use of land for agricultural purposes, typical uses include farming, pasturage, agriculture, apiculture (bees), floriculture and horticulture;

Approving Authority means the OCN Council or other delegated authority;

Chief and Council means the members of the Chief and Council of the Opaskwayak Cree Nation acting collectively for the benefit of OCN community members;

Community Members means a person whose name appears on Opaskwayak Cree Nation membership list or is entitled to appear and shall have the same meaning as “Member” as defined in the *OCN Land Code*;

Community Meeting means a meeting of OCN Community Members under Part 3 of the *OCN Land Code*;

Conditional Use means those uses of land, building or structures that may be permitted in a particular zoning district as outlined in the OCN Zoning Regulation, and such use is at the discretion of the Land Authority;

Crown Land means Provincially owned land, which is administered under *The Crown Lands Act, The Forestry Act, The Wildlife Act, The Fisheries Act, The Ecological Reserves Act, or The Provincial Parks Act*;

Development means the carrying out of the construction, erection, structural alternation, placement or relocation of any building, excavation, other operation on, over or under land, or the making of any change in the use or intensity of use of any land or buildings or premises;

Development Review Officer means a person who has been appointed, contracted or hired by the Land Authority;

First Nation Land Registry means the registry maintained by the Department of Indian Affairs and Northern Development under the Framework Agreement on First Nation Land Management.

Framework Agreement on First Nation Land Management means the Framework Agreement on First Nation Land Management entered into between the Minister of Indian Affairs and Northern Development and fourteen First Nations, including OCN, on the 12th day of February, 1996, as amended;

Green Space means parcels of land that are available for passive or active public recreation activities;

Hazard Land means land that has become unstable as a result of flooding, water erosion, wind erosion, landslide or subsidence, or where the effects of same on the land have been predicted;

Heritage Resources means:

- a heritage site;
- a heritage object; and
- any work or assembly of works of nature or human endeavour that is of value for its archaeological, palaeontological, prehistoric, historic, cultural, natural, scientific or aesthetic features, and may be in the form of sites or objects or a combination thereof;

Home Occupation means occupation, trade, profession or craft carried on, in or from a dwelling unit or its accessory building and which is clearly incidental to the dwelling unit;

Incompatible Land Use means land use activities that can not co-exist without creating undesirable effects or interferences;

Interest means in relations to first nation lands, any interest, rights or estate of any nature in or to the land, including a lease, easement, right-of-way, servitude, or profit à prendre, but does not include title to that land in accordance with Section 1 of the Framework Agreement on First Nation Land Management, dated the 12th day of February, 1996;

Land Authority means the executive body that will facilitate present and future administration, management and land planning, and which is established by *Land Law #2002/002* as amended from time to time;

Land Law means a Law enacted pursuant to the *OCN Land Code* as amended for time to time;

Mineral means a non-living substance that is formed by natural processes and is found on or under the surface of the ground, irrespective of chemical or physical state and before or after extraction, and includes peat, peat moss and substances that are prescribed as minerals for purpose *The Mines and Minerals Act* but does

not include agricultural soil, oil, natural gas or any other gas, any surface or ground water or other substance that for purposes of *The Mines and Minerals Act* is prescribed not to be a mineral;

Natural Resource means a use or development that is directly dependent on the land's resources base including, mining, forestry, plants and fishing and trapping;

Non-Commercial Farm means a development for small scale, non-commercial agricultural pursuit's ancillary to rural residential uses and where animals are kept for the use or enjoyment of the householder only;

OCN means the collective body of first nation members governed by a Chief and Council exercising collective and individual rights of Opaskwayak Cree Nation;

OCN Land Code means the *Opaskwayak Cree Nation Land Code* enacted by the eligible registered voted Members of Opaskwayak Cree Nation and became effective August 1, 2002;

OCN Lands mean all the lands referred to in the *OCN Land Code* and the Individual Transfer Agreement, including any additional lands which may be registered and set aside by Canada as OCN Lands, from time to time made add;

OCN Land Registry means the registry system in which OCN Land Laws, regulations, policies, interest and licenses, relating to land management are maintained for recording of interest on OCN Lands.

Person means any person, including an OCN Community Member, who has any interest or license in OCN Land;

Rural mean those land that are located main stream activities, land used for agricultural, natural resources, concerned country area as opposed to urban;

Urban means a municipal type setting of land where there are commercial, governing centres, residential and community services along with town setting infrastructure;

Use means the purpose or activity for which a piece of land or its buildings are designed, arranged, developed or intended, or for which it is occupied or maintained.

Variation means the altering of any of the regulation found in a Zoning Regulation in accordance with this Land Law;

Zoning Regulation means a law enacted by OCN Chief and Council to regulate the use and development within OCN Lands;

Zoning District means a section of the OCN Zoning Regulations that regulates the Use and development of land as depicted on a Zoning District map.

2.2 Phrases

2.2 Unless the context clearly indicates the contrary, where a policy in this Land Law involves two (2) or more items, conditions, provisions or events connected by the conjunctions **and**, **or**, or **either-or**, the conjunctions shall be interpreted as follows:

- (1) **and** indicates that all the connected items, conditions, provisions or events shall apply;
- (2) **or** indicates that all connected items, conditions, provisions or events may apply singularly or in combination;
- (3) **either-or** indicates that the connected items, conditions, provisions or events shall apply singularly but not in combination.

3.0 BACKGROUND ON THE OCN LAND CODE AND ITS LAND LAWS



OCN's Land Code officially in place August 1, 2002

3.1 Framework Agreement on First Nation Land Management

- (1) The Framework Agreement on First Nation Land Management and the *First Nation Land Management Act* enabled first nations to take over responsibility for the management and control of their reserve lands and resources under their own land codes.
- (2) Guidelines are provided that deal with the establishment and administration of a land management regime by these first nation, including:
 - a) the preparation and certification process of a land code; and
 - b) the enactment of land code laws such as land use and community plans and zoning regulation.

3.2 Opaskwayak Cree Nation Land Code

- (1) A land code is a mechanism that allows for the development and enactment of land laws. The *OCN Land Code* makes provisions for the following matters:
 - a) identifying lands to be managed;
 - b) outlines the general rules and procedures for the use and occupation of OCN Lands;
 - c) sets out the financial accountability for revenues administered in relation to OCN Lands;
 - d) the preparation and implementation of OCN Land Laws, including zoning regulation;
 - e) the conflict of interest rules;
 - f) a Land Law applicable to OCN Lands upon a breakdown of spousal relationship;
 - g) a dispute resolution process;
 - h) procedures by which OCN can grant interest in land or acquire lands for community purposes;
 - i) the delegation of land management responsibilities; and
 - j) the procedure for amending the *OCN Land Code*.
- (2) OCN has administered and managed all OCN Lands under its land code since August 1, 2002 when it was ratified. The *OCN Land Code* set out the principles, guidelines and processes for the control and management over OCN Lands and its resources. The Land Code provides for land laws, regulations and policies to be enacted for the purpose of managing land and resource administration. Any proposed land law requires community input and/or community approval.
- (3) OCN has amended its Land Code on June 15, 2005. The amendment identified the community process for accepting additional lands under the Land Code.
- (4) The *OCN Land Code* under Section 14.1(a) provides authority for the preparation of the OCN Land Law for Land Use and Community Plan, including Natural Resource, (hereinafter referred to as “this Land Law”).

3.3 Existing Land Laws

- (1) As of December 31, 2008, OCN has enacted three (3) Land Laws under its Land Code:
 - a) the "*Land Law for the Establishment of a Land Authority*," enacted March 10, 2003. This Land Law sets out:
 - i) the composition of the Land Authority;
 - ii) the lines of authority when dealing with OCN Lands;
 - iii) outlines the Chief and Council, Land Authority and staff responsibilities; and
 - iv) the Land Authority Board of Directors members comprise of:
 - Chief and Council, appointing of two (2) Council members;
 - four (4) Directors elected by OCN Citizens; and
 - an elder appointed, along with a alternate, that will sit as an ex-officio member.
 - b) the "*Land Law Governing the Use and Occupancy of OCN Lands*," enacted August 11, 2003. This Land Law sets out:
 - i) the authority and process for granting an interest or license on OCN Lands;
 - ii) definitions for traditional/custom allocation, pre-existing interest, and newly granted interests;
 - iii) the various types of transactions;
 - iv) how interests are registered; and
 - v) how appeals or disputes are settled;
 - c) the "*Spousal Interest Land Law*," enacted February 15, 2006. This Land Law sets out:
 - i) the rights and remedies that can be utilized when there is a breakdown in a spousal relationship, when it come to land issues; and
 - ii) the process to be used when determining Land issues in relationship to a spousal breakdown.

3.4 Community Ratification under the OCN Land Code

- (1) Community members must ratify specific Land Laws including this Land Law, as per the *OCN Land Code*.
- (2) The process for holding a community ratification vote by its members is outlined in the *OCN Land Code*. OCN has adopted Opaskwayak Cree Nation Community Ratification Process dated April 18, 2005, a process that will be used for enacting this Land Law.

3.5 Areas Covered by this Land Law

- (1) The area that is covered is shown in Appendix A, "Community Plan" of this Land Law, and shall apply to all OCN Lands in it's entirely.
- (2) This Land Law does not affect any provincial government, municipal government or privately held lands within the plan area. This Land Law only applies to OCN Lands.
- (3) Identifies a process that adds additional newly created OCN Lands under this Land Law.

3.6 General Purpose

- (1) The purpose for this Land Law is to provide it's community members with a set of fundamental planning policies, and procedures along with any regulations that may be required to assist with the management, compliance, and enforcement of any development within OCN Lands.
- (2) The general objectives seek to preserve and develop what is beneficial to OCN.
- (3) The general land use designations indicated on the maps in Appendix A illustrates the long-term land use and development strategy for OCN with the:
 - a) achievement of the land use objectives and polices that will take place over a period of years; and
 - b) ability to enact an OCN Zoning Regulation that will provide one of the principal means to effect transition.

3.7 Multi-Faceted Purpose

- (1) The multi-faceted purposes of this Land Law are as follows:
 - a) to serve as a framework whereby the Chief and Council, the Land Authority and the community as a whole may be guided in formulating development policies and decisions;
 - b) to identify the factors relevant to the use and development of OCN Lands;
 - c) to identify the critical problems and opportunities concerning the development of OCN Lands and the social, environmental and economic effects thereof;
 - d) to set forth the desired timing, patterns and characteristics of future development of OCN Lands;
 - e) to establish programs necessary for the implementation of this Land Law; and
 - f) to identify those matters which affect the use and development of lands and other resources within OCN.

3.8 Zoning Principles

- (1) Within this Land Law is the ability to enact zoning boundaries for the various land designations shown on map 1 in Appendix A.
- (2) Any lot size, distances and area requirements mentioned in this Land Use Plan are meant to serve as guidelines only.
- (3) Situations may arise that will necessitate a degree of flexibility in the application of these standards provided the intent of this Land Law is not compromised.
- (4) The standards within this Land Law will provide general guidelines for the preparation of the more specific performance standards and requirements of an OCN Zoning Regulation.

3.9 Polices under this Land Law

- (1) Individual policies adopted under this Land Law should be interpreted within the overall spirit and intent of all other objectives and policies.
- (2) The examples of general land use classifications in the land use areas within this Land Law are used for explanatory purposes only.
- (3) Specific permitted and Conditional Use shall be established in the OCN Zoning Regulation.

4.0 OVERVIEW

4.1 History

Several thousand years ago, the junction of the Saskatchewan and Pasquia Rivers in what is now Manitoba was the meeting place for early aboriginal peoples. In 1741, a fur-trading place was established and the Cree soon adopted the economics of trading furs. Later they served as middlemen for the surrounding First Nations wanting to trade their furs with the Hudson Bay Company. During the Hudson's Bay Company rule (1670-1870) interest in this land was restricted to its fur potential.

People settled in the northern regions of Manitoba localities that provided opportunities for hunting, trapping, fishing and other land uses. The strategic locations of The Pas and OCN on the Saskatchewan River enhanced its importance as a "Gateway to the North" during the days of the fur trade.

The Pasquia region has been known since 1691 when the Saskatchewan River was the main artery of travel during the fur trade era.

Some grain and garden crops were grown around the forts and church missions.

OCN's land base presently consists of 23,207.879 acres (9,392.1 ha.) within 18 various parcels of land, which are dispersed over a vast area of north-west Manitoba including land in Saskatchewan. OCN lands vary in sizes of land base ranging from 10 acres (4.047 ha.) to 8,699.57 acres (3,520.6 ha.)

An additional 55,045 acres (22,276 ha.) of land will be acquired through Treaty Land Entitlement (TLE).

The main OCN community is situated along the north bank of the Saskatchewan River at the confluence with the Carrot and Pasquia rivers directly across from the Town of The Pas.

Today, OCN is the home to over 5,000 people of Cree descent. It is one of seven (7) First Nation's within the Swampy Cree Tribal Council.

OCN is one of the most progressive First Nations in Canada and has a thriving culture, rich heritage and bright future.

OCN is a traditional gathering place of the Cree who meet to hunt, fish and socialize.

The community is recognized as a model for self-government and was the first (1st) First Nation Band in Canada to be recognized as a municipality.

4.2 Existing Land Uses

- (1) Most of the occupied and developed areas are within OCN 21E along the Saskatchewan River from the Townsite area to the community of Big Eddy.
- (2) OCN is fully serviced with sanitary sewer/water infrastructure and the roads of OCN are mostly asphalt paved with surface land drainage with the exception being the rural area.
- (3) OCN 21E is comprised of various sections:
 - a) the Townsite area is the hub of the community and has a mixture of land uses with:
 - i) the greatest concentration of land use activities consisting of residences and community facilities;
 - ii) land along the Provincial Trunk Highway (PTH) No. 10 within the Townsite area is primarily devoted to the commercial enterprises including a hotel, shopping centre, OCN Shell, Casino and Gordon Lathlin Memorial Centre which is home of the OCN Blizzard Junior A hockey team; and
 - iii) the banks of Saskatchewan River serves as a gathering place (ie. Opaskwayak Indian Days and Powwow's);
 - b) residences are also situated along Umpherville Road (known to community members as Eastside), there are few cemeteries and one commercial MTS tower;
 - c) residences are also situated along Kiche Maskanow Road (known to community members as Carrot River and Cow's Head) to the community of Big Eddy, there are few community facilities such as a church, cemetery, and parks;
 - d) the community of Big Eddy primarily accommodates single-family housing with community facilities such as a youth centre, water treatment plant, cemetery, Moose Park, the Big E Mart and the road leading to Pike Lake; and
 - e) further north of Big Eddy:
 - i) are the gravel and sand excavation areas;
 - ii) is public use areas such as cemetery, landfill and land farms site;
 - iii) is timber resource;
 - iv) is the residential areas of Oliver Bay and residential small agricultural area of Watchi Bay.

4.3 Regional Development

- (1) The Pas region, also known as the “Gateway to the North”, is located approximately 375 miles (620 km) northwest of Winnipeg. The community is both a geographically and economically integrated region that is composed of three (3) distinct communities, namely, Opaskwayak Cree Nation (OCN), the Town of The Pas (The Pas), and the Rural Municipality of Kelsey (RM of Kelsey).



Opaskwayak Cree Nation, The Pas, and R.M. of Kelsey

- (2) Its unique location on rich soils of the Saskatchewan River Delta surrounded by dense boreal forests and countless fish stocked lakes endows the region with a colorful heritage and panoramic beauty.
- (3) OCN and The Pas serve as a major economic centre for many communities in northwest Manitoba. The businesses in the area provide goods and services to the large number of people in the neighboring communities. Businesses in OCN and The Pas also provide services and supplies to the local agricultural community. The RM of Kelsey has prime agricultural land.
- (4) The diverse regional economy includes strong forestry, agriculture, transportation and education sectors. In addition, with the agricultural section roughly 1.5 million bushels of grain and specialty crops are grown each year on up to 131,000 acres (53,051.7 ha.) of prime farmland within the Carrot River Valley area.

- (5) The area also has a thriving tourist industry due mainly to the forested woodlands of the Canadian Shield. The areas surrounding OCN and The Pas are home to beautiful lakes and rivers, with many scenic natural areas. The abundant forests of the area also support a strong forestry industry supplying local producers with raw timber.
- (6) OCN is one of the largest employers in the region with Tolko being the largest.
- (7) There is a local university within the region, located in The Pas. The University College of the North offers a broad range of post-secondary programs and opportunities to about 4,500 northern residents.
- (8) There are two (2) major festivals drawing hundreds of visitors to the area each year. The two events are:

The Northern Manitoba Trappers Festival, that features the World Championship Dog Sled Race, held in mid-February; and



The Opaskwayak Indian Days (OID), featuring the canoe classic, held in mid-August on OCN Lands. The site for the OID is where the Saskatchewan, Carrot and Pasquia Rivers meet and it is a traditional Cree meeting place where throughout history First Nations have converged to hunt, socialize and practice spiritual life.

4.4 Current Land Use Plan

- (1) The current OCN Land Use Plan is over thirty (30) years old and has not been updated since 1991. With numerous changes in land use, new additional lands and development, as well as, the approval of the *OCN Land Code*, the community has decided to enact this Land Law.
- (2) The existing OCN Land Use Plan provided development objectives for residential, commercial, industrial, community development, recreation, resources and green space. Community members have followed these objectives and implemented various recommendations outlined in the plan.

4.5 Existing OCN Parcels

OCN has 18 parcels of reserve land, totaling 23,208 acres (9,392.1 ha.) more or less, as listed below:

- (1) 21A - Timberland Trailer Court, small lot on Larose Avenue, and Connaught Avenue in The Pas, and a strip land along PTH No. 10 South just before Young's Point;
- (2) 21B - Cemetery Road; 1 mile east on PR 285 towards Rhals Island on the South bank of the Saskatchewan River;
- (3) 21C - Whitebridge; 0.5 km west of The Pas on the south bank of Saskatchewan River and the west bank of the Pasquia River;
- (4) 21D – Part of the Dyke, near The Pas with access via PR 283;
- (5) 21D Salt Channel – which includes some lands on the Dyke, near the Saskatchewan border, access is through the Dyke;
- (6) 21E – Main OCN areas which includes Eastside, Townsite, Carrot River, Cows Head, Big Eddy, Oliver Bay, and Watchi Bay;
- (7) 21F - Fischer Island with access provided via a local road;
- (8) 21G - Potato Island with access provided via water and winter road;
- (9) 21I - Bracken Dam and along PR 283; lands along the southeast bank of the Carrot River; 3 miles west of The Pas;
- (10) 21J - On the mouth of the Birch River and Saskatchewan River with access provided via the Saskatchewan River;
- (11) 21K - Saskeram with access provided via the Saskatchewan River;
- (12) 21L - Near Rocky Lake;
- (13) 21N - Mile 21 heading west to the Saskatchewan border with access provided via PR 283;
- (14) 21P - Saskeram & Pear Islands;

- (15) 21 Stoney Point - has some land along the Clearwater Lake area;
- (16) 231 Root Lake - Root Lake area with access provided via winter road;
- (17) 27A Carrot River - In the Province of Saskatchewan, with access provided via PR 283 (MB) and PR 9 (SK); and
- (18) Root Lake Beach - North of The Pas heading towards Wanless.

4.6 Treaty Land Entitlement

- (1) In January 1999, OCN signed its Treaty Land Entitlement Agreement (TLEA) and the resolution of the long outstanding treaty obligations.
- (2) The Framework Agreement settled the land debt that was owed to the 19 First Nations under Treaties 1, 2, 3, 4, 5, 6 and 10 because they did not receive all the land they were entitled to.
- (3) OCN was entitled to an additional 56,068 acres (22,669.72 ha.) to be set aside as reserve land and which OCN has converted 8,699.60 acres (3,520.60 ha.) as of December 31, 2008. The Province of Manitoba was to provide 47,658 acres (19,287.19 ha.) of Crown Land. The Government of Canada was to provide \$2,153,051 to enable OCN to purchase up to 8,410 acres (3,403.53 ha.) of land where Crown Land was unavailable. This land purchase is to be made on a willing buyer/willing seller bases. In addition, Canada was to provide OCN with \$1,364,397 for the use and benefit of its members.
- (4) There are five (5) other parcels of land that will soon receive Reserve status as follows:
 - a) OCN Egg Lake Indian Reserve No. 1 - 14,055.05 acres (5,688 ha.);
 - b) OCN Rocky Lake Indian Reserve No. 1 - 5,399.14 acres (2,185 ha.);
 - c) Attic Lake - 1,160.14 acres (469.5 ha.);
 - d) OCN Reserve 21A South - 113.42 acres (45.9 ha.); and
 - e) Barrier Settlement - 37.00 acres (55.4 ha.).

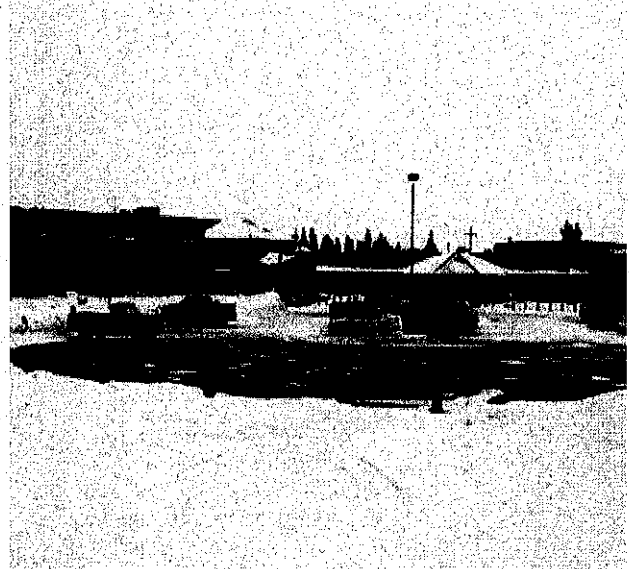
the process used to include these new lands under this Land Law, is that upon lands acquiring OCN reserve status, by way of a community approval process, these lands shall have their use pre-determined and approved at a community meeting.

5.0 COMMUNITY GOALS AND POLICIES

5.1 OCN's Community Goals

(1) OCN's community goals are:

- a) to encourage and promote community economic development initiatives, which utilizes the land base in a manner that contributes to the physical, social, cultural, spiritual and economic vitality of OCN;
- b) to develop land use policies that reflects sound environment management and complements the OCN Environmental Management System;
- c) to ensure the availability of an adequate supply of land to meet present and future land use requirements;
- d) to ensure development occurs in a manner that is harmonious with surrounding land uses and the environment;
- e) to encourage and promote the use and development of land in a manner that is consistent with the principles and guidelines of sustainable development;
- f) to support and enhance OCN as a regional centre;
- g) to support and enhance viable agricultural and natural resource areas;
- h) to ensure that developments does not occur on lands that are unsuitable for what is being proposed;
- i) to provided a sound framework for the administration of land use planning and development in the community;
- j) to provide a measure of protection for investments in community infrastructures, including utilities and transportation networks in order to maintain cost-effective operations of new, upgraded or extended infrastructure service;



Kikiwak Inn – located on OCN 21E

- k) to encourage that development review processes include careful consideration of the short and long term costs and benefits that may result from proposed developments;
- l) to promote cooperation between OCN and adjacent communities regarding the planning and development of areas of local or mutual concern;
- m) to provide policies that ensure that any revenues derived from natural resources is set aside that will benefit future generations and any expenditure from those resources shall be determined at an Annual General Meeting of OCN members;
- n) to ensure that funding is available for enforcement from the lands program revenue for this Land Law and any regulations made thereafter which complements this Land Law;
- o) to promote community networking and communication with newly acquired OCN Lands in areas that are outside of the main reserve, such as Cumberland House, when it comes to development of those lands and for the use of the land for their grandchildren;
- p) to support the idea of a satellite office in areas that are occupied by OCN members;
- q) to improve communications for all members regarding accountability and transparency with regards to lands, developments, and revenues;
- r) to enhance the land management program to run effectively and efficiently as its own separate entity, and
- s) to ensure that OCN continues to be an enjoyable place to reside.

5.2 General Community Policies

- (1) Prior to submitting an application for a development approval, a development proponent will be required to provide information that is satisfactory to OCN in order to establish:
 - a) that the proposed land use(s) will be developed in such a manner that will eliminate or minimize conflicts with adjacent land uses;
 - b) that the land is physically suited for the purposes intended and in particular that the soil and drainage conditions are adequate for the proposed development; and

- c) that the land is not subject to an environmental hazard or that appropriate remedial measures have been or will be taken to protect public health, safety and property.
- (2) Manitoba Hydro, Manitoba Telecom Services and other similar utilities will work with OCN to ensure the provision of their services in the most economical and efficient manner possible.
 - (3) When reviewing site requirements, the utility companies should ensure they will not have an adverse impact on adjacent land uses within the community, with such uses as:
 - a) communication towers; and
 - b) maintenance compounds.
 - (4) A site-specific groundwater pollution hazard appraisal may be required for major projects prior to the approval of a proposed new development or expanded facility.
 - (5) Information may be required from interest holders relating to:
 - a) the nature of any discharges into the air, soil or water;
 - b) the nature of outside storage requirements;
 - c) the compatibility of the proposed development or facility expansion with adjacent land uses; and
 - d) the nature of plans for buffering such activities from adjacent land uses.
 - (6) Development or activities that could cause pollution under normal operation conditions may not be permitted in an identified groundwater pollution sensitive area unless:
 - a) it can be proven by adequate engineering or hydro-geological investigation that the proposed activity will not cause pollution of the groundwater supply; or
 - b) appropriate remedial measures have been or will be taken to sufficiently mitigate the risk of endangering the potability of groundwater supply.
 - (7) No development of land shall be permitted unless it conforms to the general intent and provisions of this Land Law.

5.3 Hazard Lands, Flooding and Erosion

A. Objectives

- (1) To minimize personal hardship and inconvenience, adverse effect on public health, and loss of life and safety.
- (2) To minimize property damage and public expenditures for relief or protection.
- (3) To restrict activities which would accelerate or promote environmental damages arising from causes such as erosion or bank instability.
- (4) To maintain the natural capability of streams to convey flood flows.



Bracken Dam, OCN 211 - Sandbagging

- (5) To restrict activities that could negate the benefits derived from existing flood control works.

B. Policies

- (1) Low intensity uses such as some agriculture or green space recreational activities may be acceptable with hazard areas, but any other use involving higher intensity of development shall be restricted. Hazard areas include lands subject to flooding, water erosion, bank instability, landslides or subsidence. More specific criteria are as follows:
 - a) lands subject to flooding are all lands that would be flooded by a 100-year flood, or a flood specified by OCN or Provincial and Federal government agencies in area of protected flood control works;
 - b) lands subject to water erosion are all lands that would, within a 50-year period, be eroded or become unstable due to the action of water contained in an adjacent waterway or water body; and/or
 - c) land subject to other hazards such as landslides or subsidence are those lands where actual effects of such hazards have occurred or have been predicted by an accredited source such as a Provincial or Federal government agency.

- (2) It may not be practical or desirable for economic or social reasons to totally restrict development in all hazard areas. Developments shall, however, be carefully controlled to ensure that they are compatible with the risks or that the hazard has been eliminated or protected against. Where such exceptions are made, the following criteria shall be applied:
 - a) the development shall not adversely alter, obstruct or increase water flow, flood velocities or flood stages and should only be allowed if the cumulative effects of all foreseeable development in the flood prone area is within limits specified in the regulations or policies;
 - b) there shall be no added risk to life, health or safety;
 - c) all structures and services shall be protected against damage and shall be functional under hazard conditions;
 - d) activities such as dumping, excavation and clearing, which would accelerate or promote damages due to causes such as erosion or bank instability, should be prohibited; and
 - e) natural tree and vegetative cover should be preserved to reduce erosion and assist in maintaining bank stability.
- (3) Development proposals in hazard areas shall include completion of engineering studies by the proponent including recommendations regarding preventative and mitigating measures, which:
 - a) eliminate the risk or
 - b) reduce the risk to an acceptable level;
 - c) restore or rehabilitate damage that may occur; and
 - d) minimize or eliminate any liability to OCN.
- (4) In areas where the specific hazard has not been determined, buildings should be set back from all waterways a distance of at least 10 times the height of the bank above channel grade or 98 feet (29.87 m.) whichever is greater, unless an engineering investigation shows that these limits may be reduced.
- (5) A buffer strip of natural vegetation from 150 feet (45.72 m.) to 300 feet (91.44 m.) wide should be left adjacent to all water courses and permanent water bodies.
- (6) Wetlands should not be drained or filled without the approval of the Land Authority upon an Environmental Assessment being completed.

5.4 Heritage, Cultural and Spiritual Resources

A. Objectives

- (1) To identify sites and structures having historic, architectural, spiritual, cultural or archaeological significance.
- (2) To protect these sites and structures from uses or activities that would endanger the specific areas.
- (3) To encourage public awareness, understanding and appreciation of these historic, spiritual and cultural sites.
- (4) To meet periodically with community elders and/or any relevant cultural groups, to ensure that heritage, cultural and spiritual artifacts and resources are protected for the benefit of future generations.



OCN 21E – Arbor Site – Pow Wow Grounds

B. Policies

- (1) OCN will create, "A Community Heritage Registry" of all known historic, architectural, spiritual, cultural or archaeological resources within the community.
- (2) OCN will, within its resources, conduct comprehensive reviews of the historical significance and physical condition of each historic, architectural, spiritual, cultural or archaeological resource, and establish priorities for the preservation and management of these resources.
- (3) The development of those areas or sites that have been formally identified by the community elders, and/or any relevant cultural group and/or Chief and Council may be considered only after consultation with community elders and an examination of the site or area to determine if the heritage, spiritual and traditional resources would be endangered.
- (4) The development, designation and preservation of heritage, cultural and spiritual resources shall be coordinated with other heritage and recreational resources in OCN to maximize interpretive and tourism potential.

5.5 Transportation

A. Objectives

- (1) To protect and facilitate the various functions of the road system in order to move traffic safely and efficiently.
- (2) To direct large volumes of business and automobile traffic away from residential areas.
- (3) To ensure safe pedestrian movements.
- (4) To protect the main function of Provincial Trunk Highway (PTH) No. 10 as a primary arterial route.
- (5) To protect investments in the transportation network that is already in place and prevents its premature obsolescence.
- (6) To minimize disruption to local development in the future, and reduce public costs for land acquisition when upgrading to the transportation network is required.

B. Policies

- (1) Strip development along a PTH, whereby direct connections to the roadway are continuously relied upon for providing access to abutting properties, shall not be permitted unless approved by the appropriate authority and copy provided to the Land Authority.
- (2) Developments that would generate traffic in an amount and/or type that would unduly impair the present and potential capability of the adjoining highway to carry traffic safely and efficiently, shall not be permitted unless adequate measures are taken to mitigate the problem(s).
- (3) Any improvements to upgrade the existing provincial highway system deemed necessary by the appropriate Provincial Government authority, which are directly associated with a development, shall be the responsibility of the development proponent.
- (4) The local road or street network associated with any type of proposed development shall be designed to conform to both the existing and planned transportation network of the neighboring areas.

- (5) Highway commercial developments may be permitted where interference with other resources is minimized and the safe and efficient operation of the highway is maintained. Direct private access to the highway shall be minimized by means of service or internal roads, where appropriate.
- (6) The location and construction of accesses to local roads shall be subject to the approval of the Land Authority.
- (7) Any development that is to occur within the control areas of PTH's and Provincial Roads (PR's) under provincial authority shall be subject to approval by the appropriate government authority.
- (8) The location and construction of an access to a Provincial Road (PR) and to a Provincial Trunk Highway (PTH) will be subject to approval by the appropriate government authority.
- (9) Land uses which generate significant amounts of regional vehicle traffic and/or significant truck traffic shall be located in proximity to major roadways, including PR's and PTH's, if appropriate.
- (10) Where an area of development is bordered on one side by a major transportation corridor or facility such as a highway or rail line, any new development should be directed to the same side of a corridor to maintain maximum safety conditions by eliminating unnecessary cross-corridor movements.
- (11) The drainage of any water into the highway drainage system shall require the approval of the appropriate government authority. Any improvements requires to upgrade the existing highway drainage system, which are directly associated with a development, shall be the responsibility of the development proponent.
- (12) Setbacks, changes in land use, signage, landscaping and access to PTH No. 10 shall be in accordance with the OCN Zoning Regulations and other applicable regulations.
- (13) Major new developments, as determined by the Land Authority, shall:
 - a) provide their own collector road system so not to impose increased traffic on adjoining local streets;
 - b) design the local road network in accordance with both existing and planned road system of neighboring areas;

- c) provide through routes that are direct, safe and pleasant for members to walk and cycle to neighbors, schools, shops and related community services;
 - d) provide mid-block crossing opportunities on major roads to make it easier for members to access business and community service areas; and/or
 - e) prepare transportation concept plans and traffic impact studies.
- (14) OCN roads shall be classified into the following three levels to reflect their respective roles in the transportation network:
- a) local roads will provide access directly to the property, will typically carry local only, and have a right-of-way width of approximately 66

B. Policies

- (1) All new development in the urban and central area shall be serviced by sewer and water infrastructure, if available. All lots not serviced by OCN must be capable of supporting a private on-site sewage disposal.
- (2) When considering development proposals, the Land Authority shall ensure that protection and emergency services such as police, fire and first responder services are sufficient to meet increased demands and that the location of these services are accessible to the proposed development.
- (3) OCN will pursue innovative and environmentally sensitive methods of handling solid wastes including the development of a recycling program based on reduce, reuse, recycle and recover.
- (4) The expansion of the water supply and wastewater treatment systems will be carried out within a logical phasing program on the basis of good engineering practice and cost effectiveness and will be subject to the community's ability to accommodate development without compromising existing community development.

5.7 Community Design and Improvements

A. Objectives

- (1) To promote and maintain a attractive and well designed appearance of the community, particularly with respect to new or expanded multi-unit residential and business areas.



Town Site - Residential, Community Service Areas and Commercial Sites

- (2) To recognize the long term benefits of the urban design as a sound investment.

B. Policies

- (1) The location of buildings shall accommodate, wherever possible, views of parks, as well as natural, spiritual, traditional and landscaped areas both on and off-site.
- (2) Local environmental effects of new development, particularly view blockage and sun shadow, shall be minimized, wherever possible.
- (3) New or expanding multiple family dwellings and business development projects should consider the following design criteria:
 - a) all exterior finishing materials should be of good quality, durable and attractive;
 - b) exterior finishing materials of exposed faces of the building(s) in a proposed development should be of equal standard and appearance;
 - c) consideration should be given to whether the proposed building design maintains the character of the surrounding area including any cultural or traditional areas;
 - d) where a proposed development is adjacent to existing residential areas, consideration should be given to the proposed location of mechanical equipment, outdoor storage and garbage collection areas to reduce any negative impacts to surrounding land uses;
 - e) the extent of the projection of a proposed building on a site should relate to neighboring properties, wherever possible;
 - f) the building footprint should attempt, wherever possible, to preserve existing on-site trees or other natural features;
 - g) building and site designs should incorporate features that address the functional needs of residents of all ages and abilities;
 - h) the appearance of a solid wall of buildings should be avoided by varying the street edge treatment through such means as the use of strategically placed green spaces and planting, and varied building setbacks;
 - i) major entrance points to proposed developments should be accentuated through landscaping, signage, lighting, and other design techniques in order to enhance security and reinforce a scale and rhythm to the street that is complimentary to local uses and pedestrian activities;
 - j) signs should be compatible in scale and character with the building to which they relate;

- k) all utilities should be underground, wherever possible; and
 - l) outdoor storage area should be screened from adjacent streets by fencing or landscaping.
- (4) New or expanding business, governmental, public interest area, institutional and multiple family residential developments should include landscape plans as part of the development plans and environmental assessment, prior to approval from the Land Authority.
- (5) Parking areas should incorporate appropriate landscaping, fencing and other treatments into order to improve the appearance of the lots and contribute to the continuity of the street edge.

5.8 Recreation and Green Space

A. Objectives

- (1) To ensure that recreation developments are designed in a manner that is in keeping with good land use practice and includes provisions for adequate green space and protection from incompatible land use.
- (2) To provide the members and visitors with adequate indoor and outdoor recreation facilities and green spaces to ensure a healthy and aesthetically pleasing community environment.
- (3) To encourage and promote a variety of recreation, cultural, spiritual, and leisure opportunities that meets the needs of the members and responds to changing demographic trends.
- (4) To prevent overuse and consequent degradation of recreational resources.



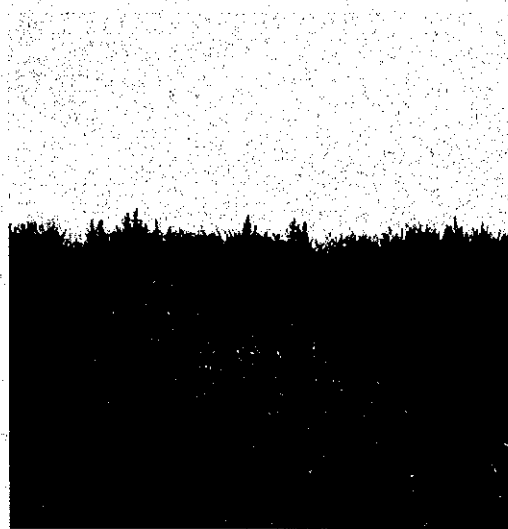
B. Policies

- (1) Any proposed recreation trail systems shall inter-connect residential neighborhoods with commercial and community service areas, wherever possible.

- (2) Development on affected lands with significant capability for recreation shall only be permitted after the proponent has proven to the satisfaction of the Land Authority that there will be no adverse affects on those lands or that it cannot practically be located elsewhere.
- (3) Development of a recreation area shall be limited to a level of intensity that permits the sustainable use of the recreational resource.
- (4) Design and development of outdoor recreational resource opportunities shall be sensitive to such consideration as crowding and resource degradation.

5.9 Natural Environment Areas

- (1) To ensure the protection of scarce natural and scenic resources.
- (2) To manage community activities, lands and resources that ensures the ability of future generations to grow and prosper.
- (3) To protect significant natural features or areas which may be degraded or eliminated by certain types of development?
- (4) To help sustain threatened or endangered plants and animals.
- (5) To minimize the potential dangers of air, soil and water pollution.
- (6) To ensure that environmental issues are considered when economic development are planned.
- (7) To recognize the value of traditional knowledge and incorporate the use of traditional knowledge into the development review process.



OCN 21F

B. Policies

- (1) Design and development of outdoor recreational opportunities shall be sensitive to such considerations such as crowding and resource degradation.

- (2) Areas identified by OCN as having high recreation and natural resources capability shall be protected, wherever possible, from any negative affect and which areas are critical to sustaining:
 - a) threatened or endangered plants and animals;
 - b) Heritage Resources; and
 - c) flora and/or fauna.
- (3) Developments that would drain or fill any significant wetland or marshland area may be prohibited.
- (4) The retention of tree cover shall be encouraged as a means to control erosion and wind damage and protect significant wildlife habitat areas.
- (5) All agricultural lease/permit holders shall handle agricultural chemicals in a responsible manner.
- (6) Disposal of any chemical containers on OCN Lands will not be permitted without specific permission from the Land Authority.
- (7) Chemical spraying and other farming practices shall be in accordance with industry best practices.
- (8) OCN Members and lease holders shall not dispose of hazardous material in the OCN Landfill and shall utilize any recycling water disposal facilities and in the event that hazardous materials is required to be disposed of within OCN Lands, the Land Authority must first give approval and permission.
- (9) All projects and activities affecting OCN Lands and resources shall be in compliance with the requirements of:
 - a) the Canadian Environmental Assessment Act; and
 - b) any future environmental processes, procedures, regulations or agreements that OCN adopts and/or enacts.
- (10) If required by Federal government for capital projects, an environmental assessment must be undertaken by the proponent.
- (11) Upon OCN enacting their environmental management agreement and environmental assessment process, any requirements within the regulation will be followed by the proponent.

5.10 Water and Shore Land

A. Objectives

- (1) To maintain the natural capacity of waterways and water bodies to convey flows.
- (2) To preserve and maximize the capability of waterways and water bodies to be used for a variety of purposes.
- (3) To maintain and manage key shore lands:
 - a) to meet domestic water supply;
 - b) for recreation use;
 - c) for erosion protection;
 - d) ensure water table retention requirements; and
 - e) ensure the viability of local flora and fauna in areas that may be considered critical environment areas.
- (4) In addition to Section 5.10 (3) (e), it is anticipated that certain shore lands will be designed for protection solely to ensure the right of the public to fully utilize major waterways and water bodies.

B. Policies

- (1) Land shall be developed in manner which ensures that waterways, water bodies, groundwater and shore land areas of significance are sustained.
- (2) Identification of waterways, water bodies, and groundwater and shore lands requiring protection will be achieved through ecological programs. The extent of protection required will be determined depending on:
 - a) the characteristics of the local situation;
 - b) the size and configurations of the waterway, water body, shore land or groundwater;
 - c) the need for public access;
 - d) the rate of erosion;
 - e) the recreation potential; and
 - f) the related criteria that will all have a bearing on the mode of protection adopted and shore land reserves may be created to protect shore land, waterways or water bodies.

- (3) Development shall occur in a manner that sustains the yield and quality of water from significant aquifers.
- (4) Groundwater pollution hazard areas shall be taken into account in development proposals. Provisions require to safeguard such areas shall be applied through the environmental assessment process in terms of land uses and structures that could potential pollute groundwater.
- (5) The preservation and rehabilitation of native vegetation will be encouraged in sensitive environment areas such as the shorelines of lakes, rivers, creeks and streams in order to stabilize banks, filter run-off and to promote surface water quality.
- (6) In the case of development proposals which require significant volumes of surface water and/or ground water, the proponent shall be required to investigate the need for any government approval.
- (7) Public access to water and shore land areas shall be encouraged to foster appreciation and enjoyment to nature.
- (8) Any access to water and shoreline areas shall not lead to levels of activity that will exceed the capability of the area to sustain the ecosystem and recreation integrity.
- (9) Any proposed development adjacent to fisheries habitats, spawning sites and fish nursery areas shall conform to the following development criteria:
 - a) measures are put in place to limit nutrient and sediment inflow;
 - b) the construction of dykes is preferred to channel deepening and straightening;
 - c) land shall not be cleared, cultivated or developed to the water's edge of creeks, streams and lakes;
 - d) organic loading or siltation from agricultural run-off shall be prohibited.

5.11 Mineral and Forestry Resources

A. Objectives

- (1) To protect mineral resources, including known sand and gravel deposits, from conflicting land uses which may prevent the economic extraction of minerals.
- (2) To rehabilitate, in accordance with applicable regulations, lands disturbed by mineral or forestry resource extraction to environmentally safe, stable and compatible with adjoining lands.

- (3) To promote the socio-economic benefits of harvesting timber and the production of forest products, goods and services.
- (4) To ensure that revenues derived from the mineral and forestry resources go back into the community for the future generations.

B. Policies

- (1) Aggregate and other quarry mineral deposits shall be protected from conflicting and potentially incompatible land uses.
- (2) Minimum setback regulations shall be established in the OCN Zoning Regulation for extraction operations and adjacent land uses.
- (3) In accordance with government standards and/or OCN Zoning Regulation, the proponent shall rehabilitate the lands disturbed by mineral, quarry mineral or metallic mineral exploration to a condition that is:
 - a) environmentally safe;
 - b) stable; and
 - c) compatible with adjoining land.
- (4) Land uses in close proximity to sites of active mineral extraction operations, and which may be sensitive to the impact of surface mining shall not be permitted.
- (5) OCN members who carry out timber harvesting activities shall be encouraged to ensure that:
 - a) roads, landings and excavated trails are:
 - i) constructed, maintained or deactivated in a manner that minimizes soil erosion, landslide hazards and ensures that nearby streams are maintained in their natural or existing courses; and
 - ii) restored to the extent necessary that reforestation requirements are achieved; and
 - b) woodland debris on the site does not result in damage to lakes, rivers, creeks, streams and wildlife habitat areas.
- (6) Forestry activities shall be conducted in such a manner that ensures maximum protection and enhancement of all resources and aesthetic for the area in which the activity is occurring.

- (7) Forestry harvesting methods shall be conducted in such a manner as to promote regeneration of the highest value species naturally occurring on the site.
- (8) Where one resource may be reduced through the extraction of another resource, OCN will try to recover both resources, if possible, such as cutting merchantable timber prior to the extracting of gravel.
- (9) Approval of resource development shall be conditional on the proponent demonstrating that the development is in the long-term interest of OCN and will not result in unacceptable environmental degradation or conflict with other land uses.

6.0 TOWNSITE AND CENTRAL AREAS

6.1 Intent and General Objectives

A. Intent

- (1) In addition to the general objectives and policies outlined in Section 5 of this Land Law, the intent of the objectives and policies outlined in this section will address general issues that may arise from considering development proposals.

B. General Objectives

- (1) To maintain or improve the social and physical characteristics of the residential, community and business area.
- (2) To recognize the diversity of land uses within OCN.
- (3) To promote future growth of residential, business, government, institutional and recreational development in such a manner that they can coexist with minimal land use conflicts.
- (4) To protect and improve the economic well-being of the area by encouraging and participating in programs that will promote new jobs, new capital investment, economic growth and an increased OCN tax base.
- (5) To ensure orderly growth in a manner beneficial to OCN.
- (6) To facilitate the development of a range of community service and facilities that is in close proximity to residential areas.
- (7) To ensure that attractive, affordable and compatible housing choices are available to meet the changing socio-economic and demographic needs.

- (8) To develop efficient, attractive and well-planned business areas serving OCN.
- (9) To ensure adequate recreational, leisure, spiritual and cultural opportunities for the health and enjoyment of OCN members.
- (10) To protect any traditional and spiritual areas from incompatible development.

6.2 Residential Areas

A. Intent

- (1) The intent of the Residential Areas in this Land Law is to outline policies for short and long term Community Development opportunities relating to existing developed and undeveloped residential areas.

B. Objectives

- (1) To protect and enhance existing residential areas through the accommodation of residential and community service development.
- (2) To ensure land uses are compatible with adjacent areas and reflect the demographic and market profile of the community.
- (3) To ensure that adequate sewage disposal and public water supply are available.

C. Policies

- (1) The following land uses shall be accommodated in Residential Areas for:
 - a) a range of housing opportunities such as single-dwellings, multiple family dwellings and mobile home subdivisions;
 - b) local commercial enterprises that serve the daily needs of local residents and visitors;
 - c) institutional and governmental facilities such as churches, public and private schools, libraries, cemeteries, day care facilities as well as police and fire stations;
 - d) recreation and green space uses such as neighborhoods parks, playgrounds, athletic fields and nature trails; and
 - e) spiritual and cultural uses such as burial grounds and meeting places.

- (2) Where available, all new developments shall be connected to sewer and water infrastructure.
- (3) All lots not serviced by sewer and water must comply with all Federal regulations including all OCN Land Laws and regulations.
- (4) New or pending developments shall have access to community roads.
- (5) The Land Authority shall, in the review process take into consideration the following criteria, when considering proposed multiple family dwelling, commercial and institutional developments;
 - a) the impact regarding building scale, street relationships, pedestrian safety, traffic volumes and movement;
 - b) the cost and feasibility of providing infrastructure service;
 - c) storm drainage patterns;
 - d) the protection or enhancement of existing treed or natural areas;
 - e) the proximity to, and availability of, public green space and recreational facilities; and
 - f) the use of buffers including berms, walls, fencing, landscaping, plantings, or a combination thereof, between adjacent or incompatible land uses.
- (6) Where large underdeveloped areas are being considered for future development the proponent shall:
 - a) prepare a Development Plan for the area in order to provide an efficient, well-planned outline which will include:
 - i) future roadways;
 - ii) site plan;
 - iii) green space;
 - iv) infrastructure;
 - v) drainage;
 - vi) erosion control; and
 - vii) any other major features.

- b) ensure that the design of the roadways and the site plan are integrated with the existing roadways and services;
 - c) conform to recognized engineering and planning standards; and
 - d) conform to OCN Zoning Regulation.
- (6) Home Occupation, which shall be regulated by the OCN Zoning Regulation, is secondary to a primary residential use and shall not have adverse effects on adjacent land uses.

6.3 Business and Mixed Use Areas

A. Intent

- (1) The intent of the Business and Mixed Use Areas in this Land Law is to outline policies that recognize:
- a) the vital role of the commercial area within OCN which diversities the local economy and generates employment; and
 - b) OCN's social and economic opportunities derived from having a mixture of residential and community service development in close proximity to each other.

B. Objectives

- (1) To achieve a well-balanced local economy that facilities economic and employment opportunities.
- (2) To ensure an adequate supply of serviced and possibly un-serviced business sites that are available to accommodate present and future development opportunities.
- (3) To encourage businesses with similar characteristics to be grouped together to create a more pleasing business environment.
- (4) To ensure land uses are compatible with adjacent areas.
- (5) To promote a full range of business, multi-family residential, recreational and community service developments.
- (6) To encourage mixed-use developments that caters to different market and client needs.
- (7) To ensure that development effectively utilizes existing infrastructure.

C. Policies

- (1) The following land uses shall be accommodated in the Business and Mixed Use Area:
 - a) residential uses including but not limited to single dwelling units, condominiums, cottages, townhouses and duplexes that are used for personal use and not as a business;
 - b) commercial mobile parks including but not limited to single dwelling units within a mobile home park and mobile park head lease with sub-leases;
 - c) commercial uses including but not limited to any business enterprise that require a land base other than small business within a home dwelling, industrial, leisure, retail, recreational, residential for renting, and other general uses such as retail malls, restaurants, grocery stores, clothing, sporting good establishments, furniture/appliance outlets, professional offices, household repair businesses and various support services.
 - d) removal of resources including but not limited to:
 - i) selective timber cuts;
 - ii) removal and storage of peat;
 - iii) limited sand and gravel extractions; and
 - iv) cutting and cleaning of deadfall;
 - e) Utilities including but not limited to electrical, cable, water lines, sewer lines, lagoon, telephone, irrigation, infrastructure;
 - f) easements including but not limited to right of ways, encumbrances, roads, ditches, railways, waterline, and walking trails;
 - g) occupancy including but not limited to short term residential use, cabins, short term cottage and year to year leases, bill board permits, small agricultural activities; gardening; and community gathering;
 - h) public interest including but not limited to parks, schools, churches, cemeteries, camp grounds, water plant, sewage plant, traditional areas, burial grounds, land fill, land farms, fire/emergency/public safety buildings, public works building and yard; recreational sites; and general use areas that are used in common by OCN Citizens; and
 - i) any other land use which may not be listed above and that the Land Authority and Chief and Council deem appropriate.

- (2) Where available, all new major developments shall be serviced by sewer and water infrastructure and have access to community roads.
- (3) New business developments shall be designed to encourage safe pedestrian movements linking shopping, parking and recreation services.
- (4) The Land Authority shall, in the review process take into consideration the following criteria when considering proposed business, governmental, institutional, multiple family dwelling, and mixed used developments:
 - a) the local impacts regarding building scale, street relationships, pedestrian safety, traffic volume and movement;
 - b) adequacy of lighting, parking, universal access and the reduction of noise;
 - c) the availability and proximity to business and community services as well as public green space and school facilities;
 - d) the cost and feasibility of providing infrastructure services;
 - e) storm drainage patterns;
 - f) the protection or enhancement of existing treed or natural areas;
 - g) the use of buffers including berms, walls, fencing, landscaping, plantings, or a combination thereof, between adjacent or incompatible land uses;
 - h) the volume of water consumption in the peak use periods will not unduly strain OCN's water supply or distribution system;
 - i) the amount and type of waste will not reduce the effectiveness of OCN to collect, treat and dispose of solid or liquid waste; and
 - j) the proposed development, particularly its gas, noise or light emissions, will neither disrupt adjacent areas nor diminish the quality of the environment beyond the site being used.
- (6) The proponent may be required to provide an environmental assessment and/or study.
- (7) Commercial type developments shall be restricted mainly to the PTH No. 10 strip.
- (8) Where large underdeveloped areas are being considered for future development the proponent shall:

- a) prepare a Development Plan for the area in order to provide an efficient, well-planned outline which will include:
 - i) future roadways;
 - ii) site plan;
 - iii) green space;
 - iv) infrastructure;
 - v) drainage;
 - vi) erosion control; and
 - vii) any other major features
- b) ensure that the design of the roadways and the site plan are intergraded with the existing roadway and services;
- c) conform to recognized engineering and planning standards; and
- d) conform to OCN Zoning Regulations

7. RURAL MIXED USE AREA

7.1 Intent and General Objectives

A. Intent

- (1) The addition to the general objectives and policies outlined in Section 5 of this Land Law, the intent of the section is to address general issues that may arise from evaluating development proposals in the Rural Mixed Use Area.

B. General Objectives

- (1) To ensure land uses are compatible with adjacent areas.
- (2) To provide a measure of protection for investments in the transportation networks in order to maintain cost-effective operations of new, upgraded or extended transportation infrastructure services.
- (3) To protect and enhance renewable and non-renewable natural resources, including water, forests, soils, aggregates, minerals and wildlife habitats.
- (4) To ensure that development does not occur on lands that is unsuitable for the proposed development.

7.2 Rural Settlement Areas

A. Intent

- (1) The intent of the Rural Settlement Area in this Land Law is to outline policies that are not within the main developed areas.

B. Objectives

- (1) To maintain and strengthen the viability of the Rural Settlement Areas as places to live.
- (2) To accommodate a variety of residential and limited commercial and recreation uses.
- (3) To ensure that uses located in the Rural Settlement Areas do not adversely affect adjacent uses.
- (4) To ensure that the Rural Settlement Areas remain compact and are not adversely affected within their immediate rural boundary.
- (5) To identify suitable areas for future development in keeping with the anticipated demand for land and efficient infrastructure servicing strategies.



OCN 21E – Watchi Bay Residence

C. Policies

- (1) The following land uses shall be accommodated in the Rural Settlement Areas:
 - a) a range of housing opportunities such as single-family dwellings, multiple family dwellings, cottage dwellings and mobile home dwellings;
 - b) limited commercial developments that serve the public such as restaurants, convenient type stores and various support services;
 - c) recreation and green space uses ranging from parks and nature trails to various sports facilities including golf courses;
 - d) limited agricultural activities; and
 - e) spiritual and cultural uses such as burial grounds and meeting place.

- (2) Any new development shall occur in such a manner so that it is compatible with adjoining land uses and potential conflict between uses is minimized. The use of buffers may be required to minimize conflicts.
- (3) Minimum lot sizes shall be established in the OCN Zoning Regulation to permit effective disposal of sewage and to minimize the risk of groundwater pollution.
- (4) The growth of Rural Settlement Areas bordering on one side of a Provincial highway shall be located on the same side as the existing settlement.
- (5) Expansion of the Rural Settlement Area shall, wherever possible be directed away from prime agricultural land and other resource-related uses to avoid incompatibilities and so that land is not prematurely taken out of production or its use prematurely inhibited.

7.3 Rural Mixed Land Use

A. Intent

- (1) The intent of the Rural Mixed Land Use Areas in this Land Law is to outline policies that support and protect the natural aesthetics and wildlife with the rural areas.

B. Objectives

- (1) To prevent incompatible land uses for intermixing.
- (2) To maintain the rural character and quality of life presently enjoyed in the Rural Mixed Land Use Area.
- (3) To ensure that proposed developments can be serviced to an appropriate rural standard and in a cost-effective manner with respect to access by way of road, trails, or waterways.
- (4) That any type of land use do not adversely effect the environment.

C. Policies

- (1) The following land uses shall be accommodated in the Rural Mixed Land Use Areas:
 - a) small scale agricultural such as gardening and a limited amount of farm animals;

- b) public general industrial uses, such as timber mills and lumber yards, farm equipment and machinery repair shops, light manufacturing uses, general contractor services, warehouse sales as well as equipment or implement sales or rentals, that accommodate a mix of manufacturing, assembly distribution and services with indoor or outdoor operational storage characteristic;
 - c) limited housing opportunities such as single-family dwellings, mobile home dwellings and cottage dwellings;
 - d) outfitters and game farms as well as wildlife conservation reserves;
 - e) public interest areas such as water/sewer facilities, group and/or healing centres and cemeteries;
 - f) recreation, green space and natural trails;
 - g) seasonal recreation uses such as cottages, lodges, campgrounds, parks, and natural trails; and
 - h) spiritual and cultural uses such as burial grounds and meeting places.
- (2) The surface water quality in the area shall be protected.
- (3) For sites where there is potential for pollution of soils, groundwater or surface water may be required to incorporate mitigating measures that will reduce the risk to acceptable levels or shall be precluded from operating.
- (4) Residential lots shall be of such dimensions so as to maintain the rural character of the land and shall take into consideration:
- a) existing shelterbelts as well as other physical and natural features;
 - b) suggested minimum lot size of two (2) acres is preferred with a maximum lot size of 10 acres; and
 - c) where it can be demonstrated that the minimum and maximum figures are either deficient or excessive for their purposes, they may be altered at the discretion of the Land Authority.
- (5) Home Occupation or home-based businesses are:
- a) secondary to a primary residential use and shall not have adverse effects on neighboring land uses; and
 - b) such Home Occupation shall be regulated by the OCN Zoning Regulation.

- (6) Residential Development shall be directed towards sites with low potential for agricultural and natural resources development due to adverse topography, poor soil conditions, or other physical constraints and the proposed development will not unduly interfere with existing or proposed agricultural operations.
- (7) Residential development shall be planned in a manner that will not produce unacceptable social or economic costs. The Land Authority will consider the impact of such development on the provision of such public services as schools, school busing, hydro, telephone, highways, police and fire protection, health care and recreational facilities, snow removal and refuse collection.
- (8) Residential development shall accommodate adequate drainage, the proper function of a septic field or other acceptable method of domestic effluent disposal, and a potable water supply.
- (9) Land should be preserved and protected for Agricultural Activities on prime agricultural lands and lands where Agricultural Activities are dominant or could be viable on lower class land and where it is desirable and feasible to provide protection to such activities as determined by the Land Authority.

8.0 RURAL AGRICULTURAL AREAS

8.1 Intent and General Objectives

A. Intent

The intent of the Rural Agricultural Areas in this Land Law is to outline policies that support and protect agricultural related uses in the rural areas.

B. Objectives

- (1) To protect agricultural lands for a full range of agricultural activities.
- (2) To prevent incompatible land uses for intermixing.
- (3) To encourage measures to bring new land into productive agricultural uses provided it does not have a higher potential for wildlife management or other non-agricultural use.
- (4) To maintain the rural character and quality of life presently enjoyed in the Rural Agricultural Area.

- (4) To maintain the rural character and quality of life presently enjoyed in the Rural Agricultural Area.
- (5) To ensure that proposed developments can be serviced to an appropriate rural standard and in a cost-effective manner with respect to road access, water supply and wastewater disposal.
- (6) To ensure proposed developments do not negatively impact agriculture, the environment or development.

C. Policies

- (1) The following land uses shall be accommodated in the Rural Agricultural Areas:
 - a) general agricultural uses such as farming, pasturage, agriculture, apiculture, floriculture, horticulture, non-commercial farms, and agricultural product storage facilities.
 - b) limited housing opportunities such as single-family dwellings, mobile home dwellings and cottage dwellings;
 - c) agri-commercial uses such as commercial seed cleaning plants, agricultural implement sales and service establishments;
- (2) The surface water quality in the area shall be protected.
- (3) For sites where there is potential of pollution of soils, groundwater or surface water, agricultural operations may be required to incorporate mitigating measures that will reduce the risk to acceptable levels or shall be precluded from operating.
- (4) Residential lots in the Rural Agriculture Areas shall be limited and take into consideration:
 - a) existing shelterbelts as well as other physical and natural features;
 - b) suggested minimum lot size of two (2) acres is required with a maximum lot size of five (5) acres;
 - c) where it can be demonstrated that the minimum and maximum figures are either deficient or excessive for their purposes, they may be altered at the discretion of the Land Authority.
 - d) if there is a home-based businesses that is secondary to agricultural purposes, the home-based businesses shall be regulated by the OCN Zoning Regulation;
 - e) residents development shall be directed towards sites with low potential for agricultural use and does not interfere with existing or proposed agricultural operations and impacts shall be considered

before the Land Authority grants permission for a residence to be located on agricultural land:

- i) public services available;
- ii) potable water supply (wells or existing infrastructure);
- iii) type of sewage disposal (septic field or holding tanks)
- iv) school busing;
- v) hydro hook up;
- vi) telephone hook up;
- vii) highways and accesses;
- viii) police protection;
- ix) fire protection;
- x) snow removal; and
- xi) refuse collection.

- (6) Land should be preserved and protected for agricultural activities on prime agricultural lands and lands where Agricultural Activities are dominant or could be viable on lower class land and where it is desirable and feasible to provide protection to such activities as determined by the Land Authority.

9.0 NATURAL RESOURCE AREAS

9.1 Intent and General Objectives



A. Intent

- (1) The intent of the Natural Resource Area in this Land Law is to outline policies that support and protect natural resource related uses in the rural areas.

B. Objectives

- (1) To prevent incompatible land uses for intermixing.
- (2) To maintain the rural character and quality of life presently

- (3) The intent of the Natural Resource Area in this Land Law is to outline policies that support and protect natural resource related uses in the rural areas.
- (4) To ensure that proposed developments can be serviced to an appropriate rural standard and in a cost-effective manner with respect to various means of accesses, water supply and wastewater disposal.
- (5) To ensure proposed developments do not negatively impact natural resource and the environment.
- (6) The protection of natural resource to be sustainable.
- (7) To protect the wildlife and their habitat.

C. Policies

- (1) The following land uses shall be accommodated in the Natural Resource Areas:
 - a) limited housing opportunities such as single-family dwellings, mobile home dwellings and cottage dwellings;
 - b) natural resource developments such as forestry activities, mineral exploration and extraction operations, outfitters and game farms as well as wildlife conservation reserves;
 - c) limited agricultural use such as hayfields, wild rice, preservation farms and gathering;
 - d) seasonal recreation and green space uses ranging from parks, cottages, lodges, campgrounds and natural trails; and
 - e) spiritual and cultural uses such as burial grounds and meeting places.
- (2) The surface water quality in the area shall be protected.
- (3) For sites where there is potential of pollution of soils, groundwater or surface water, resource developments may be required to incorporate mitigating measures that will reduce the risk to acceptable levels or shall be precluded from operating.
- (4) Residential Development shall be directed towards sites with low potential for natural resources development due to adverse topography, poor soil conditions, or other physical constraints and the proposed development will not unduly interfere with existing or proposed natural resources.

10.0 OTHER TYPE OF USE APPROVALS

10.1 Development Permit

- (1) New development generally requires a Development Permit issued by:
 - a) the Development Officer; and/or
 - b) OCN Land Authority.
- (2) Before a permit is issued, proposals shall be reviewed to determine their conformance with this Land Law and the OCN Zoning Regulation.

10.2 Development Review Officer

- (1) OCN may in the future authorize a Development Review Officer to issue:
 - a) development permits;
 - b) zoning memoranda;
 - c) other similar documents that allows for minor variations to the requirements of the OCN Zoning Regulation.

10.3 Conditional Use Approvals

- (1) Within OCN Zoning Regulation, there will be provisions for the approval of various types of Development as a Conditional Use in each Zoning District.
- (2) With Conditional Use Applications the Land Authority will have the flexibility to:
 - a) review specific development proposals;
 - b) to receive community members input; and
 - c) to make decisions either approving or denying the proposal.
- (3) In addition, this process provides the Land Authority with the opportunity to establish conditions of approval appropriate for each proposal.
- (4) In utilizing the Conditional Use process, the Land Authority will:
 - a) have an opportunity to influence the location of certain types of development;
 - b) as well as to implement measures to ensure that the development occurs in a manner that is acceptable to OCN.

10.4 Variation Orders

- (1) The OCN Zoning Regulation is structured to allow the Land Authority to issue Variation Orders for the purpose of
 - a) varying; or
 - b) altering the zoning regulations.
- (2) The Land Authority may attach conditions to a Variation Order in order to maintain the intent and purpose of this Land Law or the OCN Zoning Regulation.
- (3) The Land Authority may grant or refuse a minor Variation Order as set out in the OCN Zoning Regulation.

10.5 Subdivision

A. Approval

- (1) Subdivision is the process of altering legal property boundaries. Most often this involves splitting larger tracts of land into separate legal properties.
- (2) Proposals involving the subdivision of land for individual or multiple lot developments will be subject to a review and approval process of the Land Authority.
- (3) This process provides an opportunity for development proposals to be evaluated in accordance with the provision of this Land Law.

B. Criteria

- (1) Development of a subdivision on OCN Lands requires approval from the Land Authority. Prior to requesting approval the proponent must provide:
 - a) a proposal for the use of land along with their application;
 - b) an environmental assessment;
 - c) a copy of engineering plans; and
 - d) any other relevant information that the Land Staff and/or Land Authority require.

11.0 IMPLEMENTATION MEASURES

11.1 Basic Implementation Measures

- (1) This section outlines the actions that are required in order to facilitate the overall community growth, objections and development policies.
- (2) This Land Law is based on short and long range policies, regulations and criteria for OCN to grow and prosper in a sustainable manner that reflects a diversity of interest and needs; however, this Land Law does not in itself manage and control development.
- (3) This Land Law is to be used in conjunction with other planning controls such as the OCN Zoning Regulation. With this in mind, the policies outlined in this Land Law will be implemented by the measures and methods provided below.

11.2 Implementation of OCN Zoning Regulation

- (1) Regulations shall be established on the processes and procedures that the Land Authority and its staff will utilize to ensure that steps are followed prior to recommendation and approval and any specific developments.
- (2) One such regulation that OCN shall be implementing is the OCN Zoning Regulation. This regulation shall enhance this Land Law and shall set out the criteria for decision making based on intent, objectives and policies.
- (3) The OCN Zoning Regulation establishes various Zoning Districts that will:
 - a) determines allowable uses;
 - b) provides details regarding the appropriate development standards such as:
 - i) minimum lot sizes;
 - ii) maximum building heights;
 - iii) sign controls;
 - iv) landscaping, and
 - v) Home Occupation regulations; and
 - c) outlines on the applicable Zoning Districts for development.

- (7) Additional OCN Lands may be acquired and/or selected through land claim settlements, treaty land entitlement, land exchanges, unresolved exchanges and or other processes which are accepted and set aside as reserve lands shall identify the Land Use designation which will be pre-determined. The process for pre-determining the Land Use area shall:
 - a) include the pre-determination of Land Use Areas at the Community Approval Process, set out in the OCN Land Code for accepting new lands as OCN Lands; and
 - b) have the OCN members vote to accept Land Use Area designation;
 - c) upon the lands being converted into OCN Land status by Canada, the Land Use Area approved for such lands will be in full force and form part of this Land Law.
- (8) Chief and Council shall ratify such acceptance of each Additional OCN Lands by having an absolute majority of Chief and Council signing the amendment to this Land Law.
- (9) All decision of Chief and Council regarding amendments to this Land Law, whether approved or denied shall cause to have notice published in the local newsletter informing the community members of their decision.

12.0 GENERAL PROVISIONS

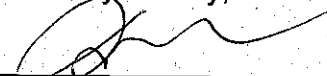
- (1) Except where otherwise specifically intended, the plural shall include the singular, the singular shall include the plural, the masculine shall include the feminine and the feminine shall include the masculine where used in this Land Law.
- (2) This Land Law will be interpreted in a full, fair and generous manner, in accordance with its spirit and intent, rather than the technical interpretation or construction of its words or technical or typographical errors or no technical defect, breach or failure in the conduct or implementation of the obligations and duties set out in this Land Law shall be considered material or shall affect the application of this Land Law.
- (3) This Land Law shall be interpreted in conformity with the following principles in priority:
 - a) in accordance with the values of the OCN Community Members;
 - b) in accordance with the OCN Land Code, Land Laws, by-laws, regulations, and policies enacted or adopted the OCN and its entities;
 - c) in accordance with appropriate Federal Law; and

- (4) The headings used in this Land Law have been inserted for convenience only and shall not be used in the interpretation, within this Land Law.
- (5) Where any part, section, subsection of this Land Law is struck down or struck out by a Court of Law, that section, subsection or provision will be deemed to be severed, and the remainder of this Land Law will remain and continues to be in force.


13.0 OCN RATIFICATION AND ADOPTION OF THIS LAND LAW

- (1) Adoption of this Land Law by OCN Community Members by way of a ratification vote will give effect to its validity and will be enforced.
- (2) This Land shall come into force and effect on 14TH day of May, 2009.
- (3) OCN Community Ratification vote was held on 14th, day of May, 2009, and has adopted this Land Law.
- (4) Upon adopted no development or land use change shall be carried out within the areas affected by this Land Law that is inconsistent or at variance with the proposals or policies set herein.

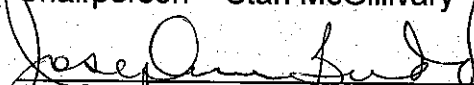
DONE AND PASSED by the Board of Directors of the Land Authority at a meeting held on the 3rd day of April, 2009 and FURTHER RECOMMENDS that Chief and Council request that Ratification Vote be held to enact this Land Law which vote will be held on the 14th day of May, 2009.



Chairperson – Stan McGillivray

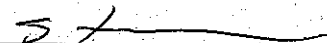


Director – Ron Constant

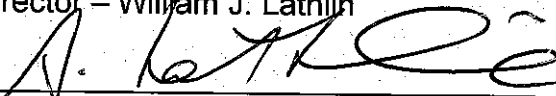


Director – Josephine Budd

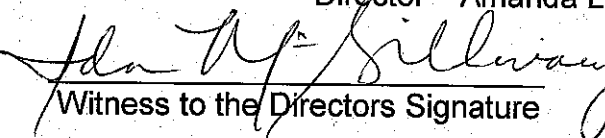
Director – William J. Lathlin



Director – Stan Head



Director – Amanda Lathlin



Witness to the Directors Signature

THAT THE CHIEF AND COUNCIL of Opaskwayak Cree Nation **RATIFIES** by Band Council Resolution #09-049, the community ratification vote held on May 14, 2009, of the enactment of the Land Law for Land Use and Community Plan including Natural Resources at a meeting held on the 9th day of June, 2009

SCHEDULE “A”

Definition of words used in relationship to development project but is that is not commonly used.

Buffer means an area designed to separate and protect incompatible land uses from one another as through the use of buffers such as appropriate landscaping to insulate the surroundings from noise, smoke, dust, odours, or visual aspects of adjacent properties or uses.

Erosion means the process by which the earth’s surface is worn away by the action of wind or water.

Exploration means a search for minerals or oil and gas by prospecting, by geological, geophysical or geochemical surveys, by trenching, stripping, excavating or drilling or by any other method.

Farmstead mean a single-family dwelling, mobile or modular home, which is the principal residence of the owner or operator of a permitted or conditionally approved agricultural activity and which is located on the same site as the agricultural activity.

Gas means natural gas that:

- contains methane and other paraffin hydrocarbons, and might contain nitrogen, carbon dioxide, hydrogen sulfide, helium or minor impurities;
- is recovered or recoverable through a well from a reservoir; and
- includes any fluid hydrocarbon, before and after processing, that is not oil or condensate.

Groundwater means water below the surface of the ground.

Hazard Land means land that has become unstable as a result of flooding, water erosion, wind erosion, landslide or subsidence, or where the effects of same on the land have been predicted;

Land means all rights and resources in and of the land and includes:

- the water, beds underlying water, riparian rights, air space and renewable and non-renewable resources in and of the land, to the extent that these are under the jurisdiction of Canada or OCN; and
- all interests and licenses transferred by Her Majesty in Right of Canada list in the Individual Transfer Agreement and those interest and licenses approved and registered in the First Nation Land Registry;

Landscaping means any combination of trees, shrubs, flowers, grass or other horticultural elements, decorative stonework, paving, screening or other architectural elements, all of which are designed to enhance the visual amenity of a property or to provide a buffer between properties in order to mitigate objectionable features between them;

Mineral Resource Development means a development for the on-site removal, extraction and primary processing of raw material found on or under the site, or accessible from the site, typical uses include gravel pits, sandpits and the stripping of topsoil, but do not include the processing of raw materials transported to the site;

Nuisance means anything that interferes with the use or enjoyment of property or endangers personal health or safety;

100 Year Flood means a flood that is likely to occur, on average, only once in 100 years, or more specifically, a flood that has a one percent (1%) chance of being equaled or exceeded in any year;

Ordinary High Water Mark means the level at which the water in a water body or waterway has been held for a period sufficient to leave a mark on the vegetation and/or soil along the bank; the line identified in plan of survey as "O.H.W.M." or "Ordinary High Water Mark" or the line on a plan of survey delineating the bed of a water body or waterway;

Pollution means the presence of foreign substances that adversely affect the natural constituents of the air, water or soil;

Prime Agricultural Land means land composed of mineral soil:

- as determined by Manitoba Agricultural, Food & Rural Initiatives to be of dry-land Agricultural Capability Class 1, 2, or 3 and includes a land unit of one-quarter (1/4) section or more or a river lot, 60 percent (60%) or more of which is comprised of dryland Agricultural Capability Class 1, 2, or 3
- in certain circumstances, land composed of organic soil determined by Manitoba Agriculture, Food, & Rural Initiatives to be of dry-land Agricultural Capability Class 1, 2, 3; or
- land determined by Manitoba Agriculture, Food & Rule Initiatives to be of Irrigation Suitability Class 1A, 1B, 2A, or 2B may also be considered as prime agricultural land.

Rehabilitate/Restoration/Remediation means, in respect of a project site or an aggregate quarry, the actions taken for the purpose of:

- protecting the environment against adverse effects resulting from operation at the site or quarry;

- minimizing the detrimental impact on adjoining lands of operations at the site or quarry;
- minimizing hazards to public safety resulting from operations at the site or quarry; or
- leaving the site or quarry in a state that is compatible with adjoining land uses and that conforms, where applicable, to a land use plan and to the specifications, limits, terms and conditions of a license issued under The Environment Act in respect to the project.

Renewable Resources includes living things such as fish, wildlife, and trees and other plants and surface and groundwater;

Shore lands mean land within 984 feet (300 m) of the ordinary high water mark of a water body, or land within 295 feet (90 m) of the ordinary high water mark of a waterway.

Structure means anything that is erected, built or constructed of parts joined together or any such erection fixed to or supported by the soil or by any other structure.

Subsidence means the vertical settlement, lowering or falling of the earth surface.

Surface Water mean any body of flowing or standing water, whether naturally or artificially created, including but not limited to a lake, river, creek, spring, swamp, wetland, and marsh, including ice on any of them, but not including a dugout on the property of an agricultural operation.

Watercourse means an open, defined natural or made channel through which water flows either intermittently or continuously, and included but is not limited to, a lake, river, creek, spring, swamp, wetland and marsh.

Wetlands means digressional low land 0.5 acres (0.20 ha.) or more in area including sloughs, potholes, marshes, oxbows and fringed open water containing temporary, seasonal or permanent water and supporting emergent vegetation such as cattails, bulrushes, blue joint, white top and Pragmatism and submerged and floating aquatic plants such as water milfoil, bladderwort, pondweeds and water lily.

Wildlife means a vertebrate animal of any species or type that is wild by nature, but does not include fish.