

BROKENHEAD OJIBWAY NATION



LANDS NEWSLETTER

Notice of Vote
BON Land Management Code
Individual Agreement
First Nation Land Management Act
Framework Agreement of First Nation Land Management

November 2014



NOTICE OF VOTE

MEMBERS OF BROKENHEAD OJIBWAY NATION

TAKE NOTICE that a Ratification Vote will be held in accordance with the Brokenhead Ojibway Nation Community Ratification Process on **December 8, 9, 10, and 13, 2014** in order to determine if Registered Eligible Voters approve the *Brokenhead Ojibway Nation Land Management Code* and the *Individual Agreement*.

NOTE:

February 5, 2015 may be used as a voting date if one or more of the December dates are cancelled due to weather.

The following question will be asked of the Registered Voters of Brokenhead Ojibway Nation by ballot:

“Do you approve:

- The *Brokenhead Ojibway Nation Land Management Code*, dated October 31, 2014 and the *Individual Agreement* with Her Majesty the Queen in Right of Canada? “

You will be asked to select [] **Yes** or [] **No** on your ballot

POLLING STATIONS FOR VOTING OF ELIGIBLE VOTERS WILL TAKE PLACE ON THE FOLLOWING DATES AND LOCATIONS:

December 8, 2014

Private Tom Chief Memorial Centre,
Brokenhead Ojibway Nation
9:00 am to 5:00 pm

December 9, 2014

Private Tom Chief Memorial Centre,
Brokenhead Ojibway Nation
9:00 am to 5:00 pm

December 10, 2014

South East Resource Development Council (SERDC)
360 Broadway, Winnipeg, MB
10:00 am to 4:00 pm

December 13, 2014

Indian Family Centre
470 Selkirk Ave, Winnipeg, MB
10:00 am to 1:00 pm

February 5, 2015

Private Tom Chief Memorial Centre
Brokenhead Ojibway Nation
9:00 am to 4:00 pm

NOTICE OF VOTE CONT'D...

Copies of the Background Documents, the Ratification Documents and the Ratification Process may be obtained from Gord Bluesky, Land Management Coordinator, at the Brokenhead Ojibway Nation Administration Building at I Anishinabe Way on the Brokenhead Ojibway Nation in the Province of Manitoba. Gord can be contacted at 204-766-2494, cell 204-485-5310.

AND FURTHER TAKE NOTICE that all Members of Brokenhead Ojibway Nation 18 years of age or older as of the date of the Ratification Vote are eligible to vote, **PROVIDED THAT SUCH MEMBERS MUST COMPLETE AND SIGN A VOTER REGISTRATION FORM 6.** Voter registration documents will be sent to Eligible Voters whose address is on record with the Brokenhead Ojibway Nation. Voter registration documents are also available from Burke A. Ratte, Ratification Officer at the address and telephone number appearing below.

Burke A. Ratte, Ratification Officer
P.O. Box 405, 1364 McPhillips Street
Winnipeg, MB R2X 2M4
Email: election3854@hotmail.com
Cell: 1-204-228-4786
Toll Free: 1-877-231-7769
Fax: 1-204-334-9778

NOTE:

Any Eligible Registered Voter may vote by mail-in ballot. If an Eligible Voter has not received a Voter Registration Document by November 30, 2014 please contact the Ratification Officer so that the necessary form can be supplied to you.

Summary of Brokenhead Ojibway Nation Land Management Code

BACKGROUND INFORMATION

Brokenhead Ojibway Nation has developed a Land Code according to the First Nations Land Management Act. If the Land Code is approved (ratified by vote) by BON Members who are entitled to vote, this Land Code will replace the sections of the Indian Act that address management of our reserve lands. The Land Code will also address how BON's Natural Resources are dealt with, such as monies earned from leases or development of Natural Resources of our reserve lands.

This summary of the BON Land Code has been created by the BON FNLM Technical Group, which provides a shorter explanation of the rules that are in the Land Code. The BON Land Code must be approved (ratified by vote) of electors before it becomes a law which will serve to govern the administration and management of our BON reserve lands and natural resources.

PREAMBLE

Sets out historical facts and the how and why it is the intention of BON to move away from Indian Act land administration and that BON will become responsible for its Land and Natural Resources administration.

PART I - INTRODUCTORY MATTERS

Part I provides definitions of words and terms that are used in the BON Land Code. It also addressed BON's authority of governance, the purpose of the BON Land Code and legal descriptions of BON Lands.

PART 2 - BROKENHEAD OJIBWAY NATION LEGISLATION AND LAW MAKING

The BON Land Code contains provisions so that BON can create, pass as a law and amend laws, which relate to the management of BON Lands and Natural Resources.



Summary of Brokenhead Ojibway Nation Land Management Code Cont'd...

PART 3 - COMMUNITY APPROVAL PROCESS

Obtaining Community Approval is outlined with specific actions that must take place so that there is community participation regarding BON Lands and Natural Resources.

PART 4 - LAND PROTECTION MEASURES

This part of the BON Land Code addressed how lands are managed if the Land is needed for a specific purpose outlined in this Code, such as the Land being needed for a community purpose, the BON Land Code would allow BON to take (expropriate) Land according to federal legislation provisions. This part also addresses how Traditional or Heritage Sites will be managed. Land exchange is also addressed.

PART 5 - CONFLICT OF INTEREST

The BON Land Code sets out what a conflict of interest situation may be and how this is dealt with. Council, officers, and employees in certain circumstances (i.e. immediate family involved has a business or personal interest) cannot be involved in decisions. The BON Land Code requires that these individuals to make known (disclose) their conflict of interest.

PART 6 - LAND ADMINISTRATION

This part addressed Lands staffing and the Lands Committee. An appointment process is used to establish the Lands Committee. The BON Land Code requires that a BON Land Register be established which records interests (i.e. leases) in BON Lands.

PART 7 - INTERESTS IN AND LICENSES TO USE

The granting of interests and licenses in BON Land is set out in this part and who may obtain an interest or license, both existing and new ones. It also addressed how land is allocated (granted for use). Transferring and assigning interests is also addressed. Mortgages are addressed. Residency and access is addressed. Spousal Property Law is also addressed. Once the BON Land Code is approved (ratified by vote), BON is required to establish a law that addresses breakdown of marriage and real property.

PART 8 - DISPUTE RESOLUTION

This part provides for a dispute resolution mechanism in addressing disputes that are relevant to the BON Land Code.

PART 9 - OTHER MATTERS

Liability, offences and revising (amending) the BON Land Code and when it becomes law are addressed in this part.

INDIVIDUAL AGREEMENT ON FIRST NATION LAND MANAGEMENT SUMMARY

Brokenhead Ojibway Nation is a First Nation in Canada who is party to a Framework Agreement and the First Nation Land Management. The federal government is also a party to the agreement and ratified it through the First Nation Lands Management Act on June 17, 1999.

The Agreement and legislation enable these First Nations to take over management and administration of their reserve lands from the Department of Indian Affairs. In order to do this each First Nation must enter into an Individual Agreement with the Department of Indian Affairs. This Individual Agreement sets out the specifics of the transfer of management of reserve lands from Canada to Brokenhead Ojibway Nation.

The Individual Agreement between Brokenhead Ojibway Nation and Her Majesty the Queen in the Right of Canada is summarized as follows:

Section 1 - Interpretation

This section defines the terms that are used in the Agreement, including identifying Brokenhead Ojibway Nation (as described in Annex G) as the reserve land that will be transferred.

Section 2 - Information Provided by Canada

This section confirms that Canada has provided Brokenhead Ojibway Nation with all the information in its possession regarding dispositions of reserve lands, environmental issues on reserve lands and any similar information.

Land interests and Licenses are set out in Annex C.

The information collected during the Phase I Environmental Site Assessment (ESA) that was conducted is summarized in Annex D.

This section also includes any other information in Canada's possession that materially affects the interests and licenses of the Brokenhead Ojibway Nation as set out in Annex E.

Section 3 - Transfer of Land Administration

This section transfers all of Canada's rights, obligations, powers and authorities in or under all previous interests or licenses affecting reserve lands to Brokenhead Ojibway Nation.

Section 4 - Acceptance of Transfer of Land Administration

This section confirms that the Agreement is made in accordance with the Framework Agreement on First Nations Land Management. It also provides that Canada will transfer the management and control of Brokenhead Ojibway Nation reserve lands to Brokenhead Ojibway Nation on the effective date of the Agreement. Brokenhead Ojibway Nation will then begin managing and controlling its lands and natural resources under its Land Code. This section also acknowledges that the registered voters of Brokenhead Ojibway Nation must approve the agreement before it becomes effective.

Section 5 - Operational Funding

This section obligates Canada to provide Brokenhead Ojibway Nation with funding and resources for managing reserve lands. The amount of funding is set out in Annex A. The amount of funding is determined by an interim funding formula for the first and second fiscal year. The funding formula may be negotiated on a five-year basis in the future.



INDIVIDUAL AGREEMENT ON FIRST NATION LAND MANAGEMENT SUMMARY CONT'D...

Section 6- Transfer of Revenues

This section obligates Canada to transfer to Brokenhead Ojibway Nation any moneys it holds in trust for the use and benefit of Brokenhead Ojibway Nation and any revenues it receives from reserve lands. The procedures for the transfer of funds are set out in Annex B.

Section 7- Notice to Third Parties of Transfer of Administration

This section requires Brokenhead Ojibway Nation to notify any non-members who hold an interest in reserve land that management of reserve lands will be transferred to Brokenhead Ojibway Nation and that Brokenhead Ojibway Nation will collect the revenues from those interests in the future. This notice must be given within thirty days of ratification of the Land Code.

Section 8 - Interim Environmental Assessment Process

This section provides that until a separate agreement on environmental assessment is agreed upon by the parties, the environmental assessment of projects on Brokenhead Ojibway Nation shall be conducted as set out in Annex F.

Section 9 - Amendments

This section provides that the Agreement may only be amended by agreement of the parties and any amendment must be in writing and executed by authorized representatives of the parties.

Section 10 - Notices Between the Parties

This section provides that any notice or other official communication under the Agreement must be in writing addressed to the party for whom it is intended and the specified methods, i.e.: personal delivery, registered mail or courier, facsimile or electronic mail. This section also contains the addresses of the parties to the Agreement.

Section 11 - Dispute Resolution

This section sets out the dispute resolution provisions of the Framework Agreement on First Nation Land Management applies to any disputes between Canada and Brokenhead Ojibway Nation regarding the Individual Agreement.

Section 12 - Date of Coming into Force

This section provides that the Individual Agreement comes into force at the same time as the Land Code.

Annex A Funding Provided by Canada

Annex B Details for the Revenue Moneys Transfer

Annex C List of Interests and Licenses granted by Canada

Annex D List of all Existing Information in Canada's Possession Respecting any Actual or Potential Environmental Problems with the First Nation Lands

Annex E List of other Material Information Provided by Canada that Materially Affects Interests and Licenses

Annex F Interim Environmental Assessment Process

Annex G Descriptions of Brokenhead Ojibway Nation Land

THE FIRST NATIONS LANDS MANAGEMENT ACT, S.C 1999, c 24 SUMMARY

INTRODUCTION

The Act was required under the Framework Agreement on First Nations Land Management for two purposes: to ratify the Framework Agreement on the part of the federal government, and to implement those clauses of the Framework Agreement that effect third parties or other federal laws, or that are considered important enough to be repeated in the legislation.

The First Nations Land Management Act is intended to be consistent with the Framework Agreement and to apply to the First Nations that are parties to the Framework Agreement as set out in the schedule to the Act. The Act was introduced in parliament on December 10, 1996, but the federal election that year prevented it from being enacted. The Bill was re-introduced as Bill C-49 in June of 1998. It was finally enacted and given royal assent on June 7, 1999. The Act has been amended to add additional First Nations to the initiative.

RATIFICATION

The Framework Agreement is the document that sets out the terms and conditions under which a First Nation can establish its own land management regime and remove its own reserve lands from the Minister's control under the Indian Act. Nineteen First Nations have ratified the Agreement to date. And Canada has fulfilled its obligation by enacting the First Nations Land Management Act.

FRAMEWORK AGREEMENT ON FIRST NATION LAND MANAGEMENT SUMMARY

INTRODUCTION

The Framework Agreement on First Nation Land Management was signed by the Minister of Indian Affairs and Northern Development and 13 First Nations on February 12, 1996. Many other First Nations have been added since then. The Agreement was ratified by Canada through the First Nations Land Management Act, assented to June 17, 1999.

The Agreement is an initiative for First Nations to take over the governance and management control of their lands and resources. This First Nation designed and driven Framework Agreement with Canada has expanded from the original 14 First Nation signatories to 84 First Nation Signatories in 2013. Brokenhead became a signatory in 2013. The Framework Agreement applies only to those First Nations who choose to ratify it.

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

The Framework Agreement provides the option to govern and manage reserve lands outside the Indian Act. The option to regain control of reserve land through a land code can only be undertaken with the consent of the community. A land code replaces approximately 34 sections of the Indian Act.



NOTICE OF VOTE

MEMBERS OF BROKENHEAD OJIBWAY NATION

Brokenhead Ojibway Nation Members will have the opportunity to make their voice heard as voting for the Brokenhead Land Management Code will take place on December 8, 9 10 & 13. (At the same time and locations of the Revenue Sharing)

Be sure to take part in this historical event for BON. You **MUST** be registered to vote for the Brokenhead Land Management Code and the Individual Agreement. Voter Registration Deadline is November 30. To register please contact Burke A. Ratte, Ratification Officer at 204-228-4786 or 1-877-231-7769.

December 8, 2014

Private Tom Chief Memorial Centre,
Brokenhead Ojibway Nation
9:00 am to 5:00 pm

December 9, 2014

Private Tom Chief Memorial Centre,
Brokenhead Ojibway Nation
9:00 am to 5:00 pm

December 10, 2014

South East Resource Development Council (SERDC)
360 Broadway, Winnipeg, MB
10:00 am to 4:00 pm

December 13, 2014

Indian Family Centre
470 Selkirk Ave, Winnipeg, MB
10:00 am to 1:00 pm

February 5, 2015

Private Tom Chief Memorial Centre
Brokenhead Ojibway Nation
9:00 am to 4:00 pm

BON OPEN HOUSE

FNLN Information Session

December 3, 2014

Private Tom Chief Memorial Centre
Brokenhead Ojibway Nation
6:00 pm to 8:00 pm

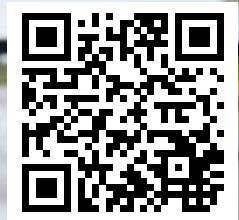
December 2, 2014

South East Resource
Development Council (SERDC)
360 Broadway, Winnipeg, MB
3:00 pm to 6:00 pm

Door Prizes
Food & Beverage Provided

Contact Sara for more
info at 204-766-2494

Scan
For More Information



brokenheadojibwaynation.net