



**Big Grassy River First Nation**  
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## **SUMMARY OF THE MISHKOSIIMINIZIIBING AKI INAAKONIGEWIN BIG GRASSY RIVER FIRST NATION LAND CODE**

### **INTRODUCTION**

The Mishkosiiminiziibing Aki Inaakonigewin Land Code was drafted under the *Framework Agreement on First Nations Land Management*. The purpose of the Mishkosiiminiziibing Aki Inaakonigewin Land Code is to set out the principles, guidelines, and processes by which Big Grassy River First Nation will exercise control and management over reserve lands and resources consistent with the *Framework Agreement*.

### **RATIFICATION**

The Land Code has been developed in consultation with the Community. The Land Code does not come into force unless the Members approve both the Land Code and the Individual Agreement with Canada in a ratification vote. If the Land Code is approved, Big Grassy River First Nation will manage its own reserve lands, and Big Grassy River lands and resources will no longer be managed by the Minister under the *Indian Act*.

### **CONTENTS OF THE LAND CODE**

**Preamble** Whereas Big Grassy River First Nation assert that they have the right to govern themselves in relation to matters that are integral to their culture, identity, traditions, language, and with respect to their special relationship to the land and resources, now therefore the Land Code will be the fundamental Land Law of Big Grassy River First Nation.

**Definitions** The definitions are set out at sections 1 to 2.

#### ***Purpose and General Provisions***

**Jurisdiction and Authority** The Land Code establishes Big Grassy River's jurisdiction over all rights and resources in the Land, Natural Resources, and land revenues of Big Grassy River and all rights and resources in Land Interests and Licenses.

**Big Grassy River First Nation Lands** that is subject to the Land Code is the Indian Reserve known as:

- Obabikong Indian Reserve No. 35B
- Lake of the Woods Indian Reserve No. 35J, and

- Big Grassy River Indian Reserve No. 35G.

Other lands may be included in the Land Code in the future.

## ***Administration and Operation***

***Law-Making: Powers, Procedures, and Publication*** Council may, subject to the terms of the Land Code, make laws respecting the reserve lands subject to the Land Code. The law-making power is as comprehensive as possible in respect of land matters and replaces the powers set out in the *Indian Act*. Land Laws may be proposed by a Member of Council, the Lands Director, or a representative of the Lands Committee. Members must be given notice before laws are passed and may be involved in the development or approval of certain types of laws. Approved laws must be posted in the administration office and available electronically.

***Member Approvals*** Certain land laws and other important land matters must be approved by the Members before they can take effect. There are two methods of Member approval: Member approval at a meeting of Members and ratification vote. Every Member of Big Grassy River First Nation who is 18 years of age or older, whether resident on or off reserve, can participate in a Member approval at a meeting of Members and a ratification vote to discuss and decide the following matters:

- enacting a Law respecting a community plan;
- making a decision concerning any master Land use plan;
- making a decision concerning any development affecting a heritage site or an environmentally sensitive property, or concerning any change in status of a heritage site;
- enacting a Law respecting rights and Interests in First Nation Land;
- any voluntary exchange of First Nation Land;
- enacting a Law respecting family homes and matrimonial Interests on First Nation Land;
- respecting any other matter, Law or class of law that Council, by Resolution, declares to be subject to this section; and
- amending a Law described in paragraphs (a), (d), (f), and (g).

***Expropriation*** Big Grassy River First Nation may expropriate Big Grassy River First Nation Land if the made an effort in good faith by mutual agreement to acquire the Interest or Licence. A community expropriation will be made only for necessary community purposes. A public report to justify why the expropriation is to necessary. Member's whose Interests are affected will be notified prior to the public report being released.

***Voluntary Exchange of Land*** Big Grassy River First Nation may exchange a parcel of reserve land for another parcel of land, although this is not expected to happen in the near future. The Land Code sets out the procedure for how this would happen. There are four important requirements for a land exchange to occur: 1) the new land must be at least as big as the land being exchanged, 2) the new land must be at least of comparable value, 3) the new land must be eligible to become reserve land, and 4) the land exchange must be approved by the Members.

***Conflict of Interest*** The Conflict of Interest Policy of Big Grassy River First Nation shall apply for conflicts of Interest that may arise in land management. These rules for not apply to any Interest that is held by a Member in common with every other Member.

***Accountability of Council*** Council is accountable to Members for the management of moneys and land under the Land Code. An annual report will be prepared and published for the Members. The audited financial report will be presented to the Members at an annual community meeting of Members.

***Lands Department and Lands Committee*** The Council may delegate administrative authority to a

Lands Manager and Lands Management department staff who will assist with the day-to-day administrative operations Big Grassy River First Nation Lands and resources. The Lands Committee shall be composed of at least four (4) Members, the Lands Director, including at least one (1) Elder representative, one (1) youth representative, and one (1) representative living outside First Nation Lands. The Lands Committee is established to assist and advise Council, and its staff, on matters respecting Big Grassy River First Nation Land.

**Natural Resources** The Natural Resources of Big Grassy River First Nation lands are considered a part of the land. All Natural Resources on First Nation Land, including Allotted Land, belong to Big Grassy River First Nation and they have the exclusive authority to grant Licences in relation to Natural Resource, including Allotted Land.

**Registration of Interests and Licences** To be protected, Interests and Licenses to use land must be registered. The Council will establish and maintain the Big Grassy River Land Register where all Interests or Licenses in reserve lands must be registered. All Interests or Licenses must also be registered with the First Nations Land Register, maintained by the Indigenous Services Canada or any successor land register that may be established to replace the First Nation Lands Register.

**Interests of Members in Land** All Interests in or Licenses to use Big Grassy River land by Members in the future will be made by Council under the Land Code.

**Existing Interests** Any Interest or License in Big Grassy River First Nation Land that existed when the Big Grassy River First Nation Land Code takes effect will, subject to the Land Code, continue in force in accordance with its terms and conditions.

**New Interests and Licenses** All new allocation of land, Interests and Licenses, may be granted in accordance with the Land Code once it takes effect.

**Transfers of Interests and Licenses** Members may transfer their Interests to other Members. Council consent is not required for the transfer or assignment of an Interest of Licence in First Nation Land, unless otherwise specified in the Instrument.

**Mortgages and Seizures** An allotment may be subject to a Mortgage to another Member or to Big Grassy River First Nation for financing purposes. The term of any Mortgage of a Leasehold Interest will not exceed the term of the Lease. If the lessee ever defaulted on a mortgage, the Council can redeem the defaulted Mortgage. Council may waive its right to redemption of any Mortgage of a Leasehold Interest.

**Residency Access Rights and Trespass** Members, who have been allocated a residential lot or a registered Interest, and their spouse, children and invitees have the right to live on the reserve and have a right of access to Big Grassy River First Nation Land. Lessees and permittees, and those persons authorized by a Land Law also have a right to live on the reserve and a right to access to Big Grassy River First Nation Land. Any individual may have access to Big Grassy River First Nation Land for any social or business purposes. However, individuals who trespass or interfere with occupied Lands, who do not comply with all applicable laws, is barred from Big Grassy River First Nation Land, who resides on, or enters or remains on Big Grassy River First Nation Land other than accordance with a residency or access right is committing an offence subject to a fine and/or imprisonment.

**Transfers of Interests** A Member with a lot can freely transfer it to another Member by a valid deed or will. All other transfers of Interests in land must be approved by Council.

**Wills and Estates** The provisions of the *Indian Act* dealing with wills and estates shall continue to apply with respect to Interests in Big Grassy River First Nation Land. A person who receives an Interest in Big Grassy River First Nation Land by testamentary disposition or succession in

accordance with a written decision of the Minister, or his or her designate, pursuant to the *Indian Act*, is entitled to have that Interest registered in the Big Grassy River Land Register.

**Spousal Property Law** Big Grassy River First Nation may pass a Law that applies during a Spousal Relationship in the event of a relationship breakdown or death of a spouse, respecting the use, occupancy and possession of a family home and the division of values of any interests held by spouses or in structures on First Nation Land. The Big Grassy River First Nation family homes and matrimonial Interests Law would override the federal law regarding spousal property legislation.

**Dispute Resolution** Parties to a dispute may agree to mediation, arbitration, or other dispute resolution process. A dispute may be determined by a court of competent jurisdiction. Council may establish laws to provide additional or alternative processes for resolving disputes involving Interests or Licences in First Nation Land. Parties will bear their own costs in any dispute resolution process they undertake.

**Other Matters** Council must arrange for adequate insurance coverage. The summary conviction provisions of the Criminal Code apply to offences under the Land Code or law enacted under the Land Code, unless some other procedure is provided for by a law. Offences may be enforced by an appointed Justice of the Peace, or court of competent jurisdiction. Revisions to the Land Code does not require a ratification vote.

**Commencement** This Land Code comes into effect on the first day of the month following the certification of this Land Code by the Verifier. This Land Code shall not take effect unless the community approves this Land Code and the Individual Agreement with Canada.

**Funding** The Land Code does not deal with funding. Canada will provide funding for Big Grassy River First Nation to manage its lands under the Individual Agreement that will be voted on at the same time as the Land Code.

If you have any questions, please feel free to give me call or send an me an email.

**Miigwetch,**

**Glenn Archie, Coordinator  
First Nations Land Management**