

# LANDS AND COMMUNITY DEVELOPMENT UPDATE FOR THE MEMBERS OF BINGWI NEYAASHI



NEWSLETTER  
FALL 2016

## DEVELOPING THE BINGWI NEYAASHI RESERVE LANDS

### FORTY-TWO (42) LOT RESIDENTIAL SUBDIVISION DEVELOPMENT

The Chief and Council of Bingwi Neyaashi Anishinaabek are dedicated to the continued development of the Community and therefore have initiated the development of a forty-two (42) lot residential subdivision as set out in the comprehensive Community Capital Plan.

#### SURVEY WORK

The development of the forty-two (42) lot residential subdivision began with the surveying of the housing lots as set out in the Community Capital Plan. The housing lots are located just off of Copper Thunderbird Road and include four (4) new roads that would need to be developed for access to the lots. In January of 2016, the Lands Department dedicated \$90,000 of its annual Land Management funding to the surveying of forty-two (42) residential lots and four (4) community roads. The housing lots in this subdivision are roughly 360 feet by 330 feet in size (significantly larger than the waterfront housing lots, due to being located inland). The survey work concluded in April 2016, and both the roads and housing lots have been registered with Canada's Land Survey System.

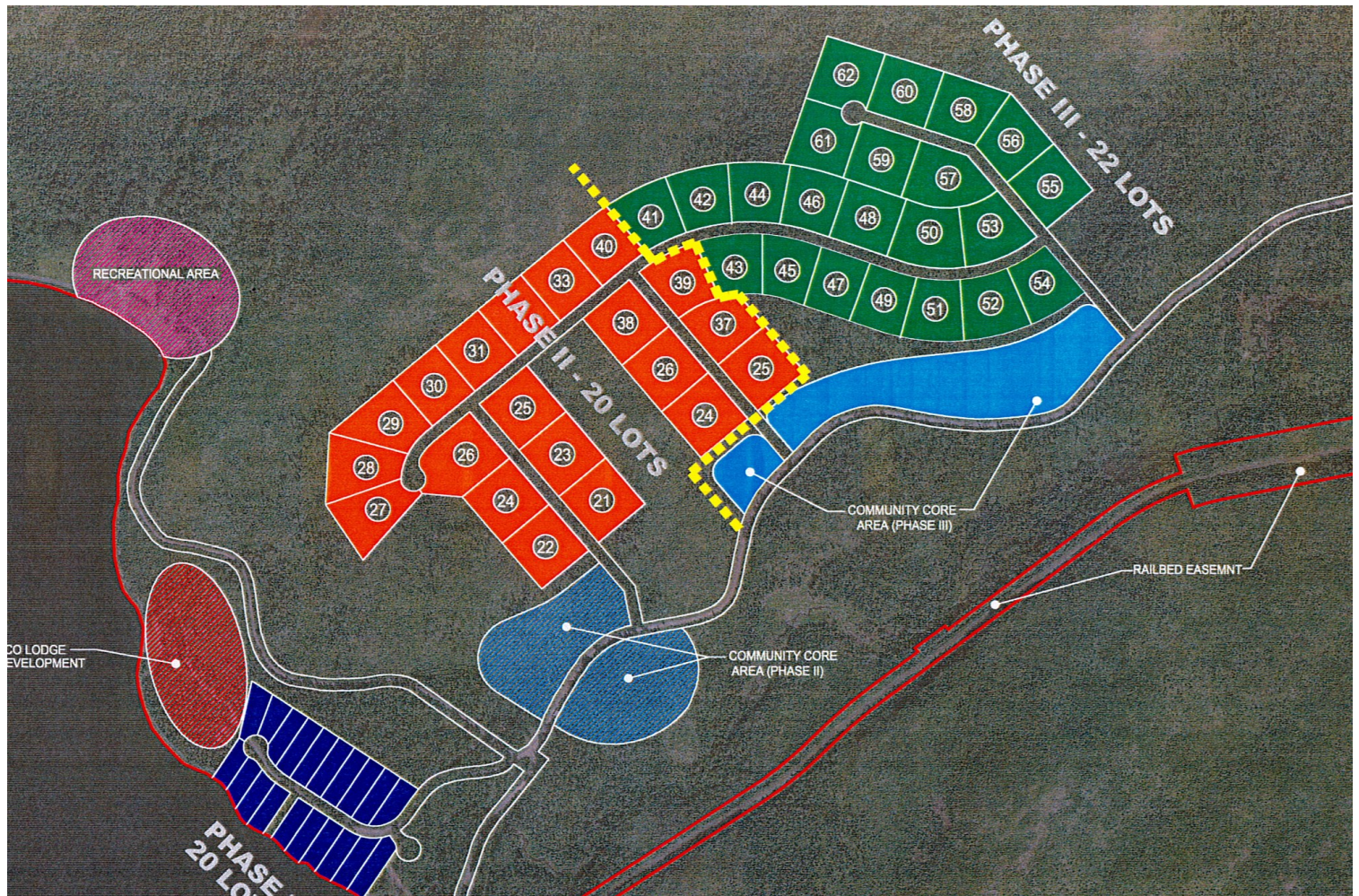


Figure 1.1: The design for the forty-two (42) lot residential subdivision was set out in the our Community Capital Plan and was deemed the best of three (3) models.

## ROAD WORK

In August 2016, Chief and Council initiated the development on four (4) new residential streets in the newest subdivision just off of the Copper Thunderbird Rd. road. The four (4) roads total approximately 2700 metres and will provide access to forty-two (42) newly surveyed housing lots as set out in the Community Capital Plan. The development and servicing of the housing lots has been a long standing priority for Chief and Council, and they were able to set aside enough money over the past four (4) years to fund a large portion of the roads construction. The new community roads will allow unobstructed access to the housing lots, which will easily allow for future hydro installation, and water and septic servicing.



## ROAD NAMING

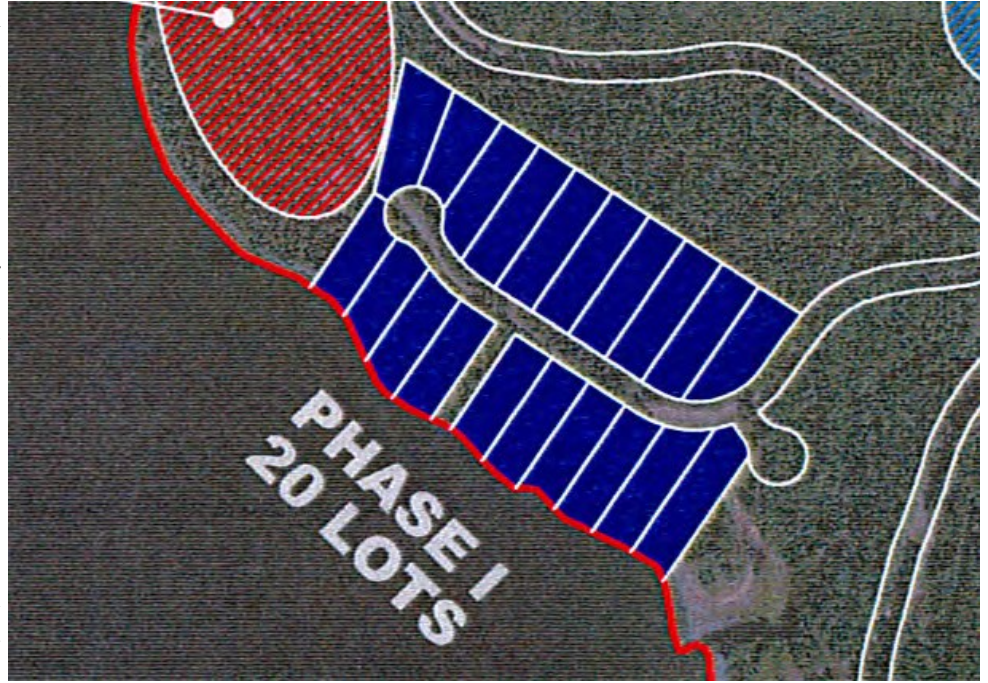
In order to establish a mailing address and postal code on-reserve, Chief and Council needed to assign names and numbers to the roads and housing and/or industrial lots in the Community. The names were chosen from a list of landmarks/items of historical significance to the Community. The road names are as follows:

- Copper Thunderbird Road (Main Road);
- Grand Bay Road (Road to Big Beach/Cultural Area);
- Cedar Island Road (Road to maintenance garage);
- Shakespeare Island Road (Road #3, Phase III Housing);
- Eagle Nest Road (Road #2, Phase II Housing);
- Diamond Willow Road (Road #1 Phase II Housing);
- Black Sands Road (Cross Road through Phase II & III Housing).



## SURVEYING EIGHTEEN (18) LOT RESIDENTIAL SUBDIVISION DEVELOPMENT

In 2013, Bingwi Neyaashi Anishaanbek was accepted into Indigenous and Northern Affairs' Land Use Planning Pilot Project where we received funding to survey eighteen (18) housing lots. The lots were surveyed in accordance with the Community Capital Plan, and are located near the end of Copper Thunderbird Road, before middle beach. The lots are roughly 100 feet by 300 feet and range from 0.20 hectares to 0.30 hectares in size. The housing lots in this subdivision are smaller and narrower than Phase II and Phase III housing lots due to location (narrower lots allow for more lots along the water). The survey work was completed in 2013, and the housing lots are registered with Canada's Land Survey System.



**Figure 3.1:** The design of phase one of housing as set out in the BNA Community Capital Plan. The actual number of lots surveyed was eighteen due to the size of the lots.

## HYDRO INSTALLATION

When it comes to installing hydro into the Community, it can be done in two ways: 1.) run a connecting line from Rocky Bay First Nation, or 2.) connecting to the mainline along Highway 11. In 2013, BNA installed hydro poles into the 18-Lot Residential Subdivision and connected through Rocky Bay First Nation's existing hydro connection. Eventually, BNA plans to run phase III hydro into the Community from the mainline on Highway 11, however a project of this size will take time as it requires substantial capital investment.



Eventually, BNA plans to run phase III hydro into the Community from the mainline on Highway 11, however a project of this size will take time as it requires substantial capital investment.



**Figure 3.2:** Mike Lesperance (Member of BNA) works along side the installers to install the hydro poles into Phase one (1) of housing.

## COMMUNITY PLAY GROUND

Funded through the Health Department, Chief and Council approved the construction of a playground in the Cultural Area, which has been designated for Community use. The Playground includes a full play structure, swings, and sand boxes.



## LAND USE PLANNING PILOT PROJECT

In addition to funding the surveying costs for the eighteen (18) lot residential subdivision, the funding also covered the acquisition of roughly \$30,000 in required equipment for the Lands Department including two (2) high-powered laptop computers for the purpose of values mapping, GIS Software, AutoCad Software, and a Plotter. This equipment is vitally important as it allows us to record values from our membership, which ensures the protection of cultural traditions and livelihood of First Nations people, from outside developments.

# THE BINGWI NEYAASHI ANISHINAABEK LAND CODE

## PASSING OF THE BNA LAND CODE

On March 29th, 2014, Members of Bingwi Neyaashi Anishinaabek cast their ballots in the Ratification Vote on their Land Code. By a large majority, the community gave a clear message that authority over land governance be returned to Bingwi Neyaashi from the Department of Aboriginal Affairs.

The Framework Agreement on First Nation Land Management was the first real recognition that First Nations have an inherent right to manage their own reserve lands and resources. This First Nation-conceived Framework Agreement with Canada has expanded from the original 14 First Nation signatories in 1996, to 112 First Nations signatories in 2014. BNA will now implement land governance, assume jurisdiction over their reserve lands and resources, and opt out of 34 land-related sections of the Indian Act – all critical steps leading ultimately toward self-sufficiency. The BNA Land Code was drafted by the membership as a grass-roots endeavour. The BNA Lands Committee operated on the basis of consensus throughout the drafting process.



## LANDS COMMITTEE ELECTION CODE

With the Land Code now in effect, BNA is required to have a Code in place outlining the procedure for how a Lands Committee Election is to take place. The Code is called the Lands Committee Election Code and includes transitional rules for the election of the first members of the Lands Committee. The Lands Committee, which shall be composed of five (5) members, will have four (4) members that will be elected by the membership, and one (1) Committee member whom will be appointed by Council. The committee will serve a term of (4) years and will be aligned with Council elections. The next Lands Committee election will take place early 2017.

## THE FIRST LANDS COMMITTEE

With the Bingwi Neyaashi Anishinaabek (BNA) Land Code now in effect, the Lands Department has been working to start up its first governing Lands Committee. With the Lands Committee typically being elected, a nomination meeting was held on February 9th 2016 to determine the candidates for the first Lands Committee election. On January 9th, a notice for the nomination meeting was posted in the BNA Band Office, mailed out to the Membership, posted in the Nokiwin Tribal Council office, and posted on the BNA Website. Unfortunately, the nomination meeting resulted in no nominees for the Lands Committee. Without any nominees, an election could not be held.

With the general election happening on January 21st 2017, Council has opted to use a newly appointed interim Lands Committee until the General Election has been held, in which case the new Council will appoint one representative, and an election will be held for the remaining four (4) committee positions. The interim Lands Committee includes Cora-Lee McGuire-Cyrette, April Lesperance, Arthur Galdu, Kari Esquega, and Tracy Gibson.



# IMPLEMENTING THE BNA LAND CODE

Following the successful ratification of the BNA Land Code, BNA is required to develop and implement a number of land laws within the initial years of operation, these laws include:

## LAND USE PLAN

Under the First Nation Lands Management Act and as part of the Land Code Process, a Land Use Plan is required within a reasonable amount of time following implementation of the Land Code. In efforts of fulfilling this requirement, BNA has utilized its Capital Plan, which was brought to the community for input during its development, to complete surveying work which will ultimately form the Land Use plan. The Land Use Plan will be ratified by the community as a Land Law under the BNA Land Code.

## MATRIMONIAL REAL PROPERTY LAWS

The Matrimonial Real Property Law was required within the first 12 months of enacting the BNA Land Code. The MRP Law, or “Spousal” Law, sets out the rules for what happens to private interests on reserve land that are held by one or both spouses, such as Certificates of Possession, or leases, when their relationship breaks down. BNA chose to enact its own Matrimonial Real Property Law as it allows the possibility to amend the law over time, whereas the Federal MRP Law allows no such opportunity. On August 8th, 2015, Members of BNA cast their ballots in a Ratification Vote on the BNA MRP Law, which was developed by the BNA MRP Committee, and by an impressive majority (99% in favour), the community gave a clear message that they accepted the proposed BNA MRP Law.



*Figure 1: Photo taken following the successful ratification of the BNA MRP Law on August 8th, 2015. Left to right: Deputy Ratification Officer, Jeremy Bonhomme; Ratification Officer, Catherine Banning; Councilor Lillian Calder; and, Scrutineer, Tracey Gibson.*

## ENVIRONMENTAL ASSESSMENT AND PROTECTIONS LAWS

The Environmental Assessment and Protection Laws are required under the framework agreement (Land Code), and must meet the Federal Environmental Assessment and Protection Laws at a minimum. Currently, the Lands Department is working closely with the Lands Committee on the development of the Community’s Environmental Assessment and Protection Laws, which are required within the first three (3) years of operation.

The Environmental Laws are among the most important Land Laws to be passed under the Land Code, and due to the complexity of the laws, the development of the Environmental Laws will be a lengthy, and on-going process which will require regular community consultation. Keeping in mind that BNA is required, at a minimum, to enforce Environmental Assessment and Protection Laws which equal to or meet Canada’s Environmental Assessment and Protections Laws, we must also ensure that we protect what matters to the Community most.

This Law is being developed through a committee driven process with Erikson & Partners LP of Thunder Bay, Ontario. The Environmental Assessment and Protection Laws are in the early stages of the development process, and will be brought to the Community for input and consultation.

