



Annual Report of the Lands Department

Madawaska Maliseet First Nation

June 2019

ANNUAL REPORT

Under section 21.2 of the *Madawaska Maliseet First Nation Land Code*, the Madawaska Maliseet First Nation will publish an Annual Report of land matters on Madawaska Maliseet First Nation Land. This is the first Annual Report and will include what has developed since the enactment of the Land Code on January 1, 2018 and what is planned over the next year.

LAND TRANSACTIONS

Land Transactions are continuing as they had under the Indian Act. Under the Land Code, the length of time it takes to complete a transaction is greatly reduced since they are completed by MMFN Lands Staff.

Examples of land transactions include Certificates of Possession, leases, permits, and Admin Transfers upon a Member's death.

For more information about land transactions please contact Lands Officer, Mario Pelletier.

LANDS COMMITTEE

The Lands Committee held its first meeting in April 2019. Section 24.1 of the *Land Code* outlines the duties of the Lands Committee as follows:

- (a) assist Council with the development of the Land administration system;
- (b) advise Council and its staff on matters respecting Madawaska Maliseet First Nation Land;
- (c) recommend Land Laws, Resolutions, policies and practices respecting Madawaska Maliseet First Nation Land to Council;
- (d) consult with Members and non-Members on Madawaska Maliseet First Nation Land issues, and to make recommendations to the resolution of those issues to Council;
- (e) oversee community Meetings to Members, community approvals and ratification votes; and
- (f) perform such other duties as may be delegated or assigned by Resolution or Land Law under this *Land Code*.

The first duties of the Lands Committee will be to review a *Land Law Consultation and Enactment Process*. This process is needed in order to outline how land laws will be

enacted and which laws require consultation. This is to ensure that there is a written and transparent process for how land laws are enacted. A Land Interests Law will be enacted next. This law goes into further detail by outlining how land interests are granted and regulated. More information about these laws will be given to MMFN Members over the coming months.

LAND LAWS

Part 2 of the Madawaska Maliseet First Nation Land Code allows for MMFN to develop land laws, regulations, and policies. These can cover a wide range of issues dealing with reserve land that extend beyond the limited provisions of the Indian Act.

In addition to the law enactment and consultation process and Land Interests Law, other laws that will be developed will deal with trespassing and zoning for leasing. Enforcement of these laws will be dealt with by the RCMP and can be upheld by the Canadian Court system.

The Land Code makes it easier for MMFN to negotiate with third parties, such as utility companies, that use reserve land and allows MMFN to create stricter environmental legislation with greater accountability.

The Indian Act has 34 land-related sections which are applicable to all First Nations in Canada. Under the Land Code, the Madawaska Maliseet First Nation can pass land laws that are more relevant to the specific needs of the MMFN. Land laws can be passed dealing with any land-related issue and can be amended over time.

LANDS DEPARTMENT

The MMFN Lands Department is structured as follows:



Position	Individual	Contact
Lands Director	Judy Crossman	judycrossman@madawaskamaliseet.com
Environmental Officer	Sal Poirier	salpoirier@madawaskamaliseet.com
Lands Officer	Mario Pelletier	mariopelletier@madawaskamaliseet.com
Economic Development Officer	Joanna Bernard	joannabernard@madawaskamaliseet.com

Judy Crossman has been hired as the new Lands Director. With many years of experience in land management, Judy will help guide the set-up of the Lands Department and oversee the three divisions, which are land management, environmental management and protection, and economic development.

As Environmental Technician, Sal Poirier is responsible for Environmental Assessments and projects related to environmental management and protection.

As Lands Officer, Mario Pelletier is responsible for land transactions such as permits, leasing, Certificates of Possession, drafting land laws, and transferring land. He is also the contact for anything related to the Land Code.

As Economic Development Officer, Joanna Bernard is responsible for economic development activities and to develop employment strategies and training opportunities.

COMMUNICATIONS

The land management website (www.mmfndlandcode.com) will be re-launched in June 2019. This website is where official documents will be posted, such as land laws, lands audits, annual reports, and any lands updates.

There is also a MMFN Land Management Facebook group for MMFN Members with quick updates, information about community meetings, and is a forum where Members can discuss land-related issues.

OPERATIONAL FUNDING

Each year the Canadian government allocates funding to MMFN in order to operate the Lands Department. It is based on a formula that has been negotiated by the Lands Advisory Board on behalf of Land Code First Nations. Funding will increase incrementally each year and is used for salaries, staff training, and land-related projects.

In 2018-2019, MMFN received \$272,259.

For 2019-2020, MMFN will receive \$274,981.

An additional \$150,000 has been allocated for the first two years of transitioning under the Land Code to help with departmental set-up.

ENVIRONMENTAL SITE ASSESSMENT (ESA)

As a signatory to the *Framework Agreement on First Nation Land Management*, the government of Canada is responsible for reserve land which was contaminated before the Land Code came into effect. As a result, Canada has an obligation to conduct environmental site assessments on MMFN reserve land.

Phase-I and II ESAs were conducted in 2015 and 2017. A Phase-I looks at the historical use of a site and identifies any observable and potential causes of contamination. A Phase-II extracts soil and water samples revealing which pollutants exist on a site. An ESA can continue with further phases through to remediation.

MMFN is currently looking to complete the next phase of this ESA.

One site which has been identified as an area of concern is the former provincial dumpsite which was put on the reserve in 1929 and decommissioned in the 1960s. The obligation of Canada under the Land Code to take responsibility for past contamination is a good opportunity to remediate sites like the former dump.

For more information please contact Environmental Officer, Sal Poirier.

NEXT STEPS

As we move forward, community involvement will become an integral part of land management. The Land Code makes it a lot easier to plan how reserve land will be managed, protected, and developed over time.

As we begin the second year under the Land Code, there is a lot of work ahead of us and we are working diligently to build a department that is effective and efficient.

If you have any questions or concerns about land management please feel free to contact one of your representatives in the Lands Department.

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Thank You!

Merci!