



Annual Report of the Lands Department

2020

Madawaska Maliseet First Nation



TRANSFER OF CAPITAL FUNDS

On November 26, 2018 the *Framework Agreement on First Nation Land Management*, was amended a sixth time to include a number of changes (a summary of the sixth amendment from the Lands Advisory Board is included with this Annual Report). One of the changes now allows for the transfer of the First Nation's Capital Fund held by Indigenous Services Canada.

The Capital Fund has a balance of \$10,895.98. Council has made a request to Indigenous Services Canada and the full amount will be transferred to the Madawaska Maliseet First Nation.

LAW-MAKING POWERS

Part 2 of the Land Code provides the Madawaska Maliseet First Nation with authority for enacting land laws applicable on reserve.

The *Land Law Consultation and Enactment Regulations* (Land Code Regulation No. 1) was enacted on August 8, 2019. This regulation provides a process for how various land laws can be enacted by Council. You can view a copy of this regulation at www.mmfmlandcode.com and on the Madawaska Maliseet Land Management Facebook page.

TRESPASSING AND BANISHMENT LAW

A community meeting was held on November 26, 2019 to introduce a first draft of the *Madawaska Maliseet First Nation Trespassing and Banishment Law*. A final draft of the *Madawaska Maliseet First Nation Trespassing and Banishment Law* has been drafted and is awaiting a review from Council.

This law defines which activities constitute trespassing and sets out rules and procedures for enforcement. Although trespassing mostly relates to Non-members, it also applies to Members with regards to lands that are held under a Certificate of Possession or a leasehold interest (i.e. Grey Rock development lots). The law also provides Council with the right to banish Non-members from entering reserve land for a certain length of time. Please be advised that banishment will only apply to Non-members.

Law enforcement is a critical step for ensuring that this law is implemented effectively and efficiently. Section 19 of the *Framework Agreement on First Nation Land Management* sets out rights and obligations for MMFN and the Canadian Government in working together to enforce land laws. MMFN is currently working with the New



Brunswick Provincial Court on a process for implementing laws like the *Trespassing and Banishment Law*. MMFN is looking into what has been done in other provinces and considering various options. MMFN is considering to sign a Memorandum of Understanding with New Brunswick, which was recently done between the Whitecap Dakota First Nation and the Province of Saskatchewan.

The *Framework Agreement on First Nation Land Management* is a nation-to-nation agreement that establishes a relationship between MMFN and the Canadian Government over managing reserve land. We are in the beginning phase of building this relationship of which law enforcement is an important part. Unlike the *Indian Act*, which remains relentlessly static and one sided, the land code allows for a flexible relationship taking into consideration the changing needs and desires of MMFN Members and changing external circumstances that will inevitably impact our community in years to come. Adaptability and flexibility are important with any relationship and the Land Code is no exception.

We look forward to working with Canada on building this relationship and welcome Members to become actively involved in the discussion since community consent is a critical component in the Land-code process. Let's become land-management leaders and pave the way for other First Nations!

ECONOMIC DEVELOPMENT

By: Joanna Bernard, Economic Development Officer

Hello Band Members!

I hope that you and your families are well and at home at this troubling time. We will make it through.

Wow, I cant believe its been a year already!

I worked approximately six months with Judy Crossman (Acting Lands Director) to transfer update the policies and processes from MMEDC to the New Economic Development sector of the Lands Department. Everything was completed by since December 2019.

For the year 2019-20 Chief and Council have started a new program for small businesses. It went very well. We funded five band member businesses at \$3000.00 each. This has helped them with marketing, office supplies, business plans etc...

I have worked with seven new entrepreneurs and they all have started a new business, some on and off reserve.



I have been working with two national brands and some new businesses to open at Grey Rock. We are getting closer to some lease agreements for Grey Rock.

We have opened three new stores in the Strip Mall. Dollarama, Go sport and POP shoes. We have a few interested tenants for next year too.

Grey Rock Yamaha is now opened. A beautiful 22,000 square feet building was built this year.

The Grey Rock Hotel (Quality Inn) has had a few delays but is expected to open by September 2020.

I have been working with a consultant to prepare a business plan for a Four Season Tourism Business Plan. It is now complete and we are using it at this time to access funding for multiple funding program with the Province and Canada.

We have met with three First Nations; Viger First Nation, Tobique First Nation, SpekneKatik First Nation. They wanted us to present to them a “how to do what we have done” at Grey Rock.

I’m still working with the City of Edmundston on an Atlantic Marketing and Export Center. I am the vice president of the AMEC. It’s going slow but surely. This should create about 3000 jobs to start.

I have been also working with the New Brunswick Snowmobile Association. We would like to see the Grey Rock Power Center become the hub for snowmobilers. With the Hotel and Casino plus many other attractions, we feel that we can become known to snowmobilers all over the world.

Also, the Madawaska Maliseet First Nation and City of Edmundston, along with Haut St. Jean (St. François, Clair and Lac Baker), are working on a pilot project to help welcome and retain the immigrants that come to the region. We are having a hard time to develop the region and the First Nation without enough workers. We feel that it’s an especially important part of growing and developing the First Nation.

ENVIRONMENTAL MANAGEMENT

By: Sal Poirier, Environmental Officer

The environmental department has been quite busy this year. Some of the projects this year have been:

- The Snake stream diversion project on the pipeline and Little Falls road.



- The Snake stream restoration project between the pipeline and the highway.
 - Pursuing the development of a renewable energy project.
 - Exploring various options for more sustainable management and landfill diversion.
 - Environmental site assessments for properties in the addition to reserve (ATR) process.
 - Developing an emergency measures document for environmental emergencies.
 - Testing the health of the river.
 - Monitoring chlorine and bacteria in the drinking water.
 - Assisting various local non-government organizations (NGOs) with environmental projects and research.
- ... And more.

Most of these projects have been completely funded through grants and contributions by outside entities, such as, federal and provincial government, and NGOs.

For more information about these projects, please contact Sal Poirier, Environmental Officer, at salpoirier@madawaskamaliseet.com or 506-735-1758.

OPERATIONAL FUNDING

Each year the Canadian Government allocates funding to MMFN in order to operate the Lands Department. This funding 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 2019-2020, MMFN received \$274,981.

For 2020-2021, MMFN will receive \$277,730.

The level of funding is determined based on the number of land transactions registered by the MMFN lands department (e.g. Certificates of Possession, leases, permits, etc.), number of Band Members, and the total area of reserve land.



ADDITIONS TO RESERVE

Shown here are three parcels of land that are currently in the additions-to-reserve process. They are known as Angers No. 2 (PID 35316207), Madawaska Islands (PID 35166180), and Couturier (PID 35168285).

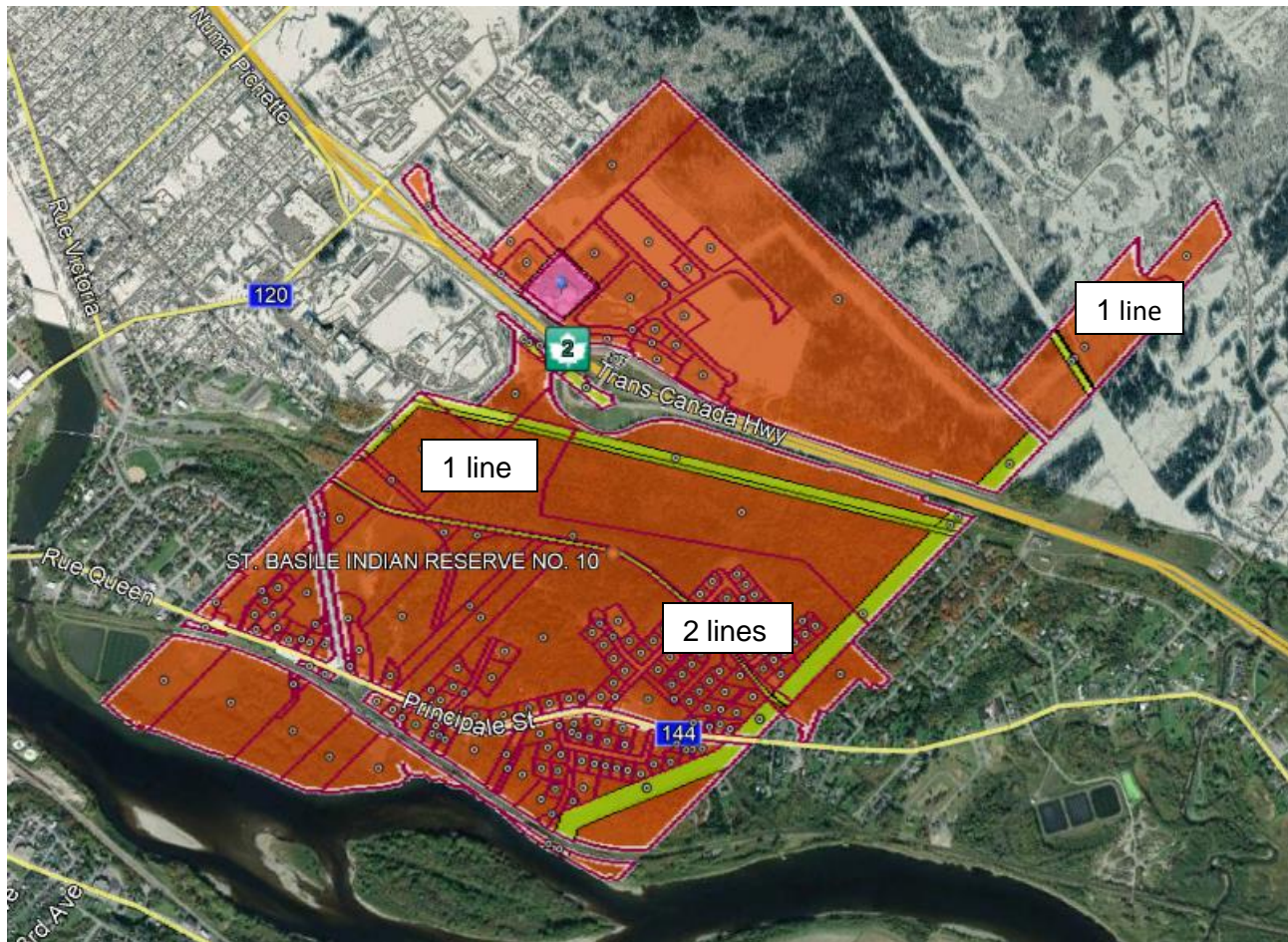


Angers No. 2 and Couturier are currently owned by Madawaska Maliseet First Nation. The Madawaska Islands are held by the Province of New Brunswick. Historically, the islands formed part of the reserve which were auctioned off in 1874 under a provincial act. Maliseets from Madawaska and Tobique made a formal complaint about the sale, since they sold hay grown on the larger island, to supplement their income.

As part of the addition-to-reserve process, Phase-I Environmental Site Assessments were completed by Sal Poirier. An official survey was completed for Angers No. 2, and surveys for Madawaska Islands and Couturier are currently underway along with negotiations with NB Power due to their transmission lines that run through both of the properties.

In addition to the new transmission lines, NB Power has four existing transmission lines on reserve that they are not paying an annual fee for. MMFN was paid a small one-time fee in 1963 and 1970 for three of the lines, and the line that crosses the hatchery property was never compensated for when the land was granted reserve status in 2006 (these lines are illustrated below in green). MMFN is currently negotiating with NB Power over these lines.

While a single addition to reserve can take several years to complete, Indigenous Services Canada made changes to the Additions to Reserve policy in 2018 allowing for this process to proceed with greater efficiency.



MOVING FORWARD

The development of land laws is an important and necessary step in the development of the MMFN Lands Department. This is a unique right that only Land-code First Nations have and is an effective way to demonstrate and embody self government. The Madawaska Maliseet First Nation is paving the way for law making and enforcement and as the only First Nation in New Brunswick with a land code, and one of only a few in the Atlantic Provinces, there is much to be proud of.

The Lands Department continues to grow and develop. Like other Land-code First Nations, this transition is on going and will continue to change and grow according to the needs and desires of the community. Council encourages Members to visit the First Nation Land Management Resource Centre website to see all the different and creative things that other First Nations are doing with land codes. Since opting out of the land provisions of the Indian Act, the possibilities are almost endless!



Wəliwəŋ!

Thank you!

Merci!