



Date Issued:  
August 11, 2016

*Surveys submitted will be entered  
for a draw for a gift card valued at  
\$100.00*



Land has a spiritual, economic and political significance for First Nation Peoples. With the Beausoleil First Nation Land Code, we will finally take back, and exercise control over our lands and resources for the use and benefit of our Members.

In May 2015 the Land Code went to a vote and the results were very positive! There were 1768 eligible voters and 487 Members voted.  
**417 Members voted YES – that’s an 84% approval rate, but we needed at least 443 yes votes.**

Since we have the opportunity to go to a second vote, we want to know what you think about the draft Land Code.

You can also request a digital survey by contacting us with your email.

Please tell us what you think!

OFFICE USE ONLY		Method of Collection:	
Survey No.	No. of Persons	Telephone	Mail-in
		In-person	Email

## Scope of the Survey

This survey is conducted both on and off reserve. The respondents must be registered band members of Beausoleil First Nation.

## Confidentiality

All information provided is kept strictly confidential and will not be shared with any third parties, for any reason. The data will be analyzed in aggregate form only.

**Feel free to answer this survey on behalf of your family or household, please include their names too.**

Name		10-Digit Band Number	
No. and Street			Apt. No.
City/ Town/ Village		Province/ Territory/ State	
Postal Code/ Zip Code		Country	
Home Phone Number		Cell Phone Number	
Email			

*If you are completing the survey for other band members living in your household, please complete below.*

Band Member #2		10-Digit Band Number	
Band Member #3		10-Digit Band Number	
Band Member #4		10-Digit Band Number	
Band Member #5		10-Digit Band Number	

If you have any questions, comments or would like an extra copy of the survey, please contact Kristin Monague, A/Lands Manager at (705)247-2051 ext.234 or [lands@chimnissing.ca](mailto:lands@chimnissing.ca) or visit the Admin Office.

## EXPROPRIATION Q & A You should know...

### What is expropriation/acquisition?

Expropriation or acquisition means the taking of land without the consent of the owner by an expropriating authority.



### Are our lands protected from outside expropriation?

Yes. With the Land Code, Ontario will never again be able to expropriate our land. Canada will have a very limited ability and it is very unlikely. Our land base can never be diminished (get smaller) with the Land Code.

### No Expropriation under the Indian Act

All other levels of government can expropriate. The Indian Act doesn't allow First Nations to expropriate (no process at all), but it allows Canada to expropriate from First Nations.

### Can Beausoleil First Nation expropriate?

Through the Framework Agreement, Canada recognizes First Nation's jurisdiction and authority to make decisions about lands and resources. This includes the ability to expropriate under our Land Code, if needed. True expropriations under the Land Code are very rare, most interests are acquired by mutual agreement.

### Who would expropriation affect?



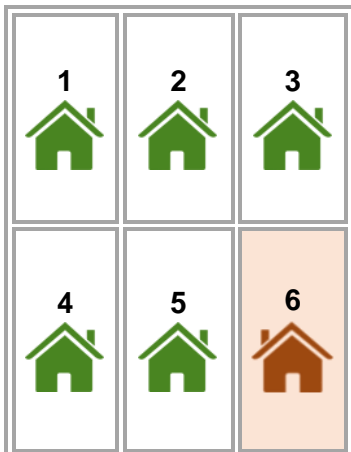
It could affect Members and non-members with an interest or licence in our reserve lands. Interests include certificates of possession/ entitlement, leases, easements, right of ways, etc. Licences include right of use or occupation of land.



### Who would be the expropriating authority?

Beausoleil First Nation would have the power to acquire interests in our land for community works or other community purposes ONLY. Examples of community purposes: fire hall, water treatment facility, community center, public works, roads, schools, daycare, hospital, health-care facility, retirement home, etc.

### Scenario when expropriation might be needed:



Another First Nation was developing a water tower for the community's safe drinking water pre-Land Code under the Indian Act. There is no ability for a First Nation to expropriate under the Indian Act. They were able to come to an agreement with the other Members in the area. The Member in house 6 was unwilling to accept any offer the Council made. Since there was just enough room to build the water tower, the Member in house 6 now lives in the shadow of the water tower and has decided to sue the First Nation, Canada, the Queen and the Pope. When this First Nation passed their Land Code in 2009, they included the ability for Council to expropriate land for important community purposes to prevent those kinds of issues.

## HOW would it happen?

- 1 • A Land Law must be developed with the input of the Members on the rights and procedures of expropriation before any expropriation can happen.
- 2 • A good faith effort must be made to reach a mutual agreement before considering expropriation.
- 3 • BFN must provide fair market value compensation, for example: money, other land, etc.

## Why have other First Nations included expropriation in their Land Code?

- Listing rules ensures Council doesn't overpay (above market value) for expropriated interests.
- Ensures that the benefit to the Member's overall quality of life is paramount.
- The Framework Agreement lists some basic rules that must be included in the expropriation section of your Land Code. These rules ensure fair process, compensation, and timelines.
- Members give input to and vote on the Land Code.
- Conflict of Interest rules in the Land Code ensure that Council acts transparently.
- Expropriation can apply to all reserve lands (ex: Member CP's and non-member leases), or just to non-member interests (ex: leases) in reserve land.

Please answer the following questions as honestly as possible. Your answers are very important and make the Land Code.

## PROTECTION OF LAND Part 4 of Land Code

Please select one answer for each question:

	Yes	No
1. Should our First Nation be able to expropriate reserve land for community purposes?	<input type="radio"/>	<input type="radio"/>
2. Should our First Nation be able to expropriate reserve land from <b>Members</b> for community purposes?	<input type="radio"/>	<input type="radio"/>
3. Should our First Nation be able to expropriate reserve land from <b>non-members</b> for community purposes?	<input type="radio"/>	<input type="radio"/>
4. Do you want to be consulted if an Expropriation Law is needed?	<input type="radio"/>	<input type="radio"/>
5. If an Expropriation Law is made, do you want to vote on it?	<input type="radio"/>	<input type="radio"/>
6. If the option for electronic voting (online and automated telephone) was available for the vote on the Land Code again, would you try it?	<input type="radio"/>	<input type="radio"/>
7. If the 2 <sup>nd</sup> vote on the Land Code were held today, are you ready to make an informed decision?	<input type="radio"/>	<input type="radio"/>

# Land Code Survey

## Beausoleil First Nation

Chi Miigwetch/ Thank you for taking time to complete this survey. Your feedback is very important to the development of the Land Code.

If you have any questions, comments or concerns, please list them below.

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**Chi Miigwetch for completing this survey!**  
**Please send it back to us today!**

Please return all completed surveys by **mail, email, fax** or **in-person** to:

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