

**BY-LAW NO. 2000-01**  
**of the One Arrow Indian Band**  
**A BY-LAW RELATING TO A PORTION OF THE ENTITLEMENT RESERVE**  
**AND REGULATING LAND USE THEREOF**

**WHEREAS:**

- A. Canada and the Band are parties to the Saskatchewan Treaty Land Entitlement Framework Agreement dated September 22, 1992, (herein the "Framework Agreement")
- B. Council of the One Arrow Indian Band desires to obtain Entitlement Reserve status for the Entitlement Land acquired by the Band for Entitlement Reserve purposes as such land is more particularly described in Schedule "A" hereto (hereinafter referred to as the "Entitlement Land");
- C. A portion of the Entitlement Land as such portion is more particularly described in Schedule "B" hereto is encumbered with a caveat protecting a restrictive use interest therein held by the Minister of Canadian Heritage pursuant to a Federal Grant No. film-583 document 20 dated 9 July 1987 (hereinafter referred to as the "Prior Interest").
- D. Council of the Band and the Minister of Canadian Heritage, are desirous of providing a means to place the Entitlement Land into Entitlement Reserve status free of the caveat registered against the title to that portion of the Entitlement Land described in Schedule "B";
- E. To give effect to the replacement of the Prior Interest in accordance with the Framework Agreement and to discharge the caveat the Council of the Band, (with the consent of the Minister of Canadian Heritage) are prepared to provide a by-law restricting the use of that portion of the Entitlement Land more particularly described in Schedule "C" hereto for Agricultural purposes or such other purpose that is not inconsistent with the integrity of the Batoche National Historic Park, that portion being hereinafter referred to as "the Land."
- F. Council of the Band did enact, made effective upon the Entitlement Land receiving Entitlement Reserve status, By-law No. 2000-01 on the 27<sup>th</sup> day of MARCH, A.D. 2000 as the replacement of the Prior Interest.

## PART I - GENERAL

### Short Title

1. This by-law may be cited as the "One Arrow Indian Band River Lot Zoning By-law".

### Interpretation

2. In this by-law:

- a) "Act" means the Indian Act R.S.C., c. I-5, and the regulations made thereunder, as amended from time to time or any federal legislation enacted in substitution therefore in modification thereof that is applicable to the Band;
- c) "Band" means the One Arrow Band of Indians;
- d) "Band Council Resolution" means a written resolution of the Council of the Band adopted at a duly convened meeting of the Council of the Band;
- e) "Entitlement Land" means lands, minerals or improvements in Saskatchewan purchased by the Band intended to be set apart as an Entitlement Reserve pursuant to the provisions of the Framework Agreement entered into among the Entitlement Bands, the Province of Saskatchewan and the Government of Canada dated September 22, 1992 and the Band Specific Agreement entered into by the Band pursuant to the Framework Agreement and the Trust Agreement of the Band dated July 6, 1993;
- f) "Entitlement Reserve" means Entitlement Land that is set apart by Canada as a reserve for the use and benefit of the Band in accordance with its Band Specific Agreement entered into with Canada pursuant to the Framework Agreement;
- g) "Framework Agreement" means the agreement entered into on September 22, 1992 among Canada, Saskatchewan and the Entitlement Bands;
- h) "Land" means that portion of the Entitlement Reserve subject to this by-law and more particularly described in Schedule "C" hereto;
- i) "Owner" means any person lawfully in possession of any portion of the Entitlement Reserve;
- j) "Prior Interest" means the restrictive use of the Entitlement Land in favour of the Minister of Canadian Heritage as such interest is more particularly described in the Letters Patent of Grant issued July 9, 1987 with respect to the lands described in Schedule "B";

- k) "Zone" means an area of the Entitlement Reserve designated for Agricultural purposes or such other purpose that is not inconsistent with the integrity of the Batoche National Historic Park ; and
- l) "Zoning Administrator" means the person appointed or designated by the Council under this by-law and charged with the duty of administering and enforcing the provisions of this by-law.

#### Application of By-law

- 3 (1) The provisions of this by-law apply to the Land, as described in Schedule "C", upon the Land becoming an Entitlement Reserve.
- (2) Schedules "A" to "C" which are attached hereto, are part of this by-law as fully and to all intents and purposes as though recited in full herein.

### PART II-ADMINISTRATION

#### Zone Administrator

- 4. (1) The Council may, by resolution, appoint or designate a person as Zoning Administrator, whose duty it shall be to administer and enforce this by-law.
- (2) The Council may, in the resolution, provide for reasonable remuneration to be paid to the appointed or designated Zoning Administrator.

### PART III-GENERAL ZONING PROVISIONS

#### Prohibition

- 5. (1) No building or structure shall hereafter be erected nor shall the use with respect to the Land hereafter be changed in whole or in part, except in conformity with the provisions of this by-law.
- (2) Notwithstanding any other by-law of the Council, no building permit shall be issued with respect to the Land except in conformity with the provisions of this by-law,

#### Non-Conforming Uses

- 6. Nothing in this by-law prevents the use of the Land for any purpose prohibited by this by-law, if such Land was lawfully used for such purpose on the day this by-law was made, so long as it continues to be used for that purpose.

**Noxious Uses**

7. No use of the Land is permitted which is offensive or dangerous by reason of the emission of odour, smoke, dust, noise, gas, fumes, vibration or refuse matter.

**Gravel Pits, Stone Quarries**

8. Gravel pits and stone quarries are prohibited on or in the Land.

**PART IV-SPECIFIC ZONING PROVISIONS****Zones**

9. The Land upon becoming an Entitlement Reserve shall receive the following Zone:

<u>Zones</u>	<u>Zone Symbols</u>
Rural	RR

**Rural (RR) Zone Permitted Uses**

10. a) The Land may be used only for Agricultural purposes or such other purpose that is not inconsistent with the integrity of the Batoche National Historic Park .
- b) The determination of what constitutes "agricultural purposes or such other purpose that is not inconsistent with the integrity of the Batoche National Historic Park ." shall be jointly made between the Band and the Assistant Deputy Minister-Parks of Canadian Heritage and such determination shall be made in writing and signed by the Band and the Assistant Deputy Minister-Parks of Canadian Heritage.
- c) Any dispute between the parties concerning any issue arising out of the provisions of paragraphs 10 a) and b) shall be referred for resolution to the Minister of Canadian Heritage and the Band.

**PART V-OWNER APPLICATION****Allocation of Reserve Land**

11. The Land is in the name of Her Majesty the Queen in Right of Canada for the use and benefit of the Band, has not been allocated to any person as of the date of this by-law, and has received or is intended to receive reserve status pursuant to the terms of the Framework Agreement. It is a term of the acquisition of the Entitlement Land by the Band

that the Prior Interest be replaced at the time of Entitlement Reserve status being provided to the Land. The Band undertakes not to request or consent to any use of the Land which is not in accordance with the terms of this by-law.

#### Amendment

12. (1) (a) It is the specific intention of this by-law and the commitment of the Band, that this by-law takes effect on the date the Entitlement Land described in Schedule "A" receives Entitlement Reserve status.
- (b) It is also the intention of this by-law and the commitment of the Band that no amendment to this by-law will be sought by the Band nor authorized by Council during the period that the Batoche National Historic Park exists as a National Historic Park under the *National Parks Act* without the prior written approval of the Minister of Canadian Heritage.
- (2) Upon the Batoche National Historic Park ceasing to exist as a National Park under the *National Parks Act*, Council may alter or revoke this by-law.

### PART VI-ENFORCEMENT

#### Inspection

13. The Zoning Administrator may, at all reasonable hours, enter and inspect the Land for the purpose of determining whether this by-law is being complied with.

#### Offence


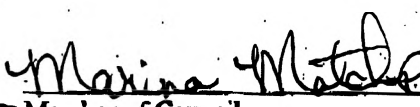
14. (1) A person who uses the Land in a manner contrary to any provision of this by-law, or who causes or permits such use or who otherwise violates any provision of this by-law or causes or permits any such violation, commits an offence.
- (2) A person who interferes or obstructs the Zoning Administrator in the administration and enforcement of this by-law commits an offence.
- (3) Where an act or omission in contravention of this by-law continues for more than one day, such an act or omission shall be deemed to be a separate offence committed on each day during which it continues, and may be punished as such.

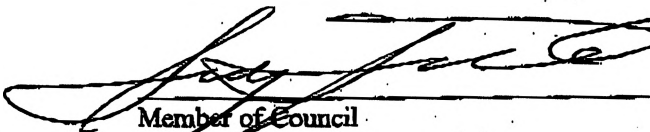
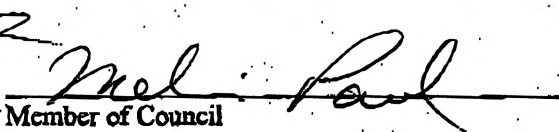
Penalty

15. A person who commits an offence under Section 14 is liable on summary conviction to a fine not exceeding \$1,000.00 or to imprisonment not exceeding 30 days, or to both.

This By-law is hereby made at a duly convened meeting of the Council of the One Arrow Indian Band this 27<sup>th</sup> day of MARCH 1999. 2000

Voting in favour of the by-law are the following members of Council

 Member of Council	 Member of Council
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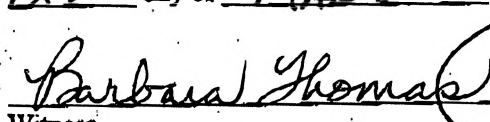
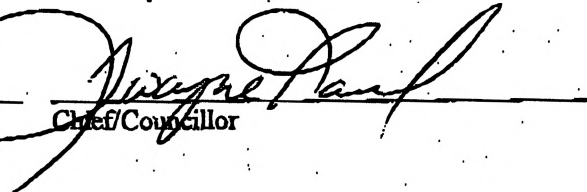
 Member of Council	 Member of Council
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 Member of Council	 Member of Council
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being the majority of those members of the Council of the One Arrow Indian Band present at the aforesaid meeting of the Council.

The quorum of the Council is 5 members.  
The number of members of the Council present at the meeting 7.

I DWAYNE PAUL Chief/Councillor of the Band, do hereby certify that a true copy of the foregoing by-law was mailed to the Minister of Indian Affairs and Northern Development of the Regional Office of the Department of Indian Affairs and Northern Development 2221 Cornwall Street, Regina, Saskatchewan S4P 4M2 pursuant to Subsection 82(1) of the *Indian Act* this 29<sup>th</sup> day of MARCH 1999. 2000.

 Witness	 Chief/Councillor
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THIS IS SCHEDULE "A" TO BY-LAW NO 2000-01

Addition To One Arrow Indian Reserve No. 95

**FIRSTLY**

All that portion of River Lot 29, in St. Laurent Settlement, in the Province of Saskatchewan, Dominion of Canada, as shown on a Plan of Survey of the said Settlement, dated June 24, 1921, which lies to the East of the Easterly limit of the road right of way shown on a Plan of Survey of record in the Land Titles Office for the Prince Albert Land Registration District as No. 92PA09649 and containing 54.528 hectares (134.74 ac) more or less.

**MINES AND MINERALS INCLUDED**

**SECONDLY**

River Lot 43, in St. Laurent Settlement, in the Province of Saskatchewan, Dominion of Canada, containing 81.746 hectares (202 ac) more or less, as shown on a Plan of Survey of the said Settlement, dated June 24, 1921.

Excepting:

- (a) 0.17 hectares (0.42 ac), more or less, as Parcel X taken for roadway as shown on a Plan of Survey of record in the Land Titles Office for the Prince Albert Land Registration District as No. 84PA09058.
- (b) 1.13 hectares (2.79 ac) more or less, as Parcels A and B taken for roadway as shown on a Plan of Survey of record in the Canada Lands Surveys Records in Ottawa as No. 69404 and in the said Land Titles Office as No. 84PA18099.
- (c) that portion containing 21.113 hectares (52.17 ac) more or less, taken for Parcel F shown on a Plan of Survey of record in the Canada Lands Surveys Records in Ottawa as No. 70324 and in the said Land Titles Office as No. 86PA06839.
- (d) that portion containing 9.551 hectares (23.60 ac) more or less, taken for Batoche National Historic Park as shown on a Plan of Survey of record in the Canada Lands Surveys Records in Ottawa as No. 70812 and in the said Land Titles Office as No. 87PA08149.

**MINES AND MINERALS INCLUDED**

**THIRDLY**

River Lot 44, in St. Laurent Settlement, in the Province of

in the portion of River Lot 50, 38.508 hectares (95.16 ac) more or less; in the portion of River Lot 51, 38.545 hectares (95.25 ac) more or less; in the portion of River Lot 52, 51.714 hectares (127.79 ac) more or less, and in the portion of River Lot 53, 54.534 hectares (134.76 ac) more or less.

Excepting:

Out of River Lot 52, all that portion which lies to the East of a line drawn parallel with and 543.274 metres (27 chains and 6/10 links) Westerly from the rear line of the lot and containing 9.279 hectares (22.93 ac) more or less.

**MINES AND MINERALS INCLUDED**

**SIXTHLY**

River Lot 54, in St. Laurent Settlement, in the Province of Saskatchewan, Dominion of Canada, containing 62.322 hectares (154 ac) more or less, as shown on a Plan of Survey of the said Settlement dated November 14, 1910.

Excepting:

1.16 hectares (2.87 ac) more or less, taken for roadway as shown on a Plan of Survey of record in the Land Titles Office for the Prince Albert Land Registration District as No. 84PA09058.

**MINES AND MINERALS INCLUDED**

**SEVENTHLY**

The South East and South West Quarters of Section 2, in Township 44, in Range 1, West of the Third Meridian, in the Province of Saskatchewan, Dominion of Canada, each containing 64.750 hectares (160 ac) more or less.

**MINES AND MINERALS INCLUDED**

All of the above 7 parcels of land contain 670.342 hectares (1,656.46 ac) more or less.



THIS IS SCHEDULE "B" TO BY-LAW NO 2000-01

All those portions of River Lots 47, 48 and 49  
St. Laurent Settlement, Saskatchewan  
lying East of the Eastern limits of the surveyed road  
Right of Way on Plan 84PA18099.

Except: 1.157 hectares out of River Lots 48 and 49, the  
old Surveyed Trail from a point on the Qu'Appelle and  
Prince Albert Trail to Batoche 1.00 chain in width and  
of Record in the Department of the Interior as No. 8233  
and in the Land Titles Office for the Prince Albert Land  
Registration District as No. BJ 868.

MINES AND MINERALS EXCEPTED BY 71PA09770 as to River Lot  
47.

MINES EXCEPTED BY 61PA11720 as to North Half of River Lot  
48.

MINERALS IN THE CROWN as to River Lot 49 and the most  
Southerly 5 chains in width of River Lot 48.

This is Schedule "C" to the  
One Arrow Band By-law # 2000-01

**Description for Buffer Zone Bylaw**

Those lands in St. Laurent Settlement, in the Province of Saskatchewan, Dominion of Canada, more particularly described as:

**FIRSTLY**

All that portion of the River Lots 47, 48 and 49 lying to the West of the production Southerly of the Eastern limit of Parcel F, shown on a plan of record in the Canada Lands Surveys Records as number 70324 and of record in the Land Titles Office for the Prince Albert Land Registration District as number 86PA06839 and to the East of the Eastern limit of the road right of way shown on a plan of record in the Canada Lands Surveys Records as number 69404 and of record in the said Land Titles Office as number 84PA18099.

**MINES AND MINERALS EXCEPTED**

**SECONDLY**

All that portion of the River Lots 50, 51, 52, and 53 lying to the East of the Eastern limit of the road right of way shown on a plan of record in the Canada Lands Surveys Records as number 69404 and of record in the Land Titles Office for the Prince Albert Land Registration District as number 84PA18099 and to the West of a line drawn perpendicular to the Southern boundary of River Lot 53 through a point distant Easterly thereon 300 metres (984.25 ft.) from the intersection of the said Southern boundary with the Easterly limit of the said road right of way.

**MINES AND MINERALS EXCEPTED**

The two parcels of land contain together 61.49 hectares (151.95 ac), more or less.