

THIS IS A CERTIFIED TRUE COPY OF THE
MADAWASKA MALISEET FIRST NATION
LAND CODE, SHOWN BEFORE ME AT
INDIAN BROOK FIRST NATION, NOVA
SCOTIA ON THE 14 DAY OF
December, 2017.



JAMES A. MICHAEL
A Notary Public in and for the
Province of Nova Scotia

Madawaska Maliseet First Nation Land Code

August 22, 2017



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AUG 29 2017
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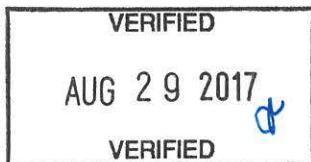
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Madawaska Maliseet First Nation Land Code

PREAMBLE

Whereas the Madawaska Maliseet First Nation has a profound relationship and deep ancestral connection to all of Maliseet homeland, a sacred source of life for Maliseet people, since time immemorial;

And Whereas the Madawaska Maliseet First Nation finds it imperative to protect Maliseet homeland in respect of all generations past, present, and future to the full extent of its ability;

And Whereas the Madawaska Maliseet First Nation affirms that its connection to land is a fundamental, inherent right and essential for life;

And Whereas the *Framework Agreement on First Nation Land Management* provides the option to First Nations of withdrawing their reserve Land from the land management provisions of the *Indian Act* in order to exercise control over their Land and resources for the use and benefit of their Members;

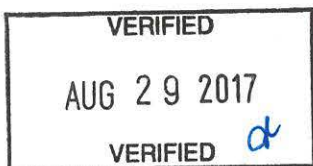
And Whereas Canada ratified its commitment to the *Framework Agreement on First Nation Land Management* with the enactment of the *First Nations Land Management Act*, S.C. 1999, c.24;

And Whereas the Madawaska Maliseet First Nation became a signatory on March 3, 2014 to the *Framework Agreement on First Nation Land Management*, as Madawaska Maliseet First Nation wishes to govern its Land and resources under the *Madawaska Maliseet First Nation Land Code*, rather than having its Land and resources managed on its behalf under the *Indian Act*;

And Whereas the provisions of the *Indian Act* relating to land no longer apply to Madawaska Maliseet First Nation in accordance with the *Framework Agreement on First Nation Land Management*;

And Whereas the *Framework Agreement on First Nation Land Management* is ratified by Madawaska Maliseet First Nation through community approval of the *Madawaska Maliseet First Nation Land Code*;

NOW THEREFORE, this Land Code is hereby enacted as the fundamental land law of the Madawaska Maliseet First Nation.



Madawaska Maliseet First Nation Land Code

PART 1

PRELIMINARY MATTERS

1. Title

Title

- 1.1 The title of this enactment is the *Madawaska Maliseet First Nation Land Code*.

2. Definitions

Definitions

The following definitions apply in this *Land Code*:

“Appeals Board” means the board established under the Madawaska Maliseet First Nation Administrative Appeals Policy;

“Canada” means Her Majesty the Queen in Right of Canada;

“Common-Law Partnership” means the relationship between two (2) persons who are cohabiting in a conjugal relationship;

“Community Land” means any Madawaska Maliseet First Nation Land in which all Members have a common interest and which have not been allocated;

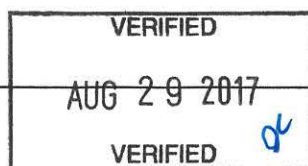
“Council” means the Chief and Council of the Madawaska Maliseet First Nation;

“Eligible Voter” means, for the purpose of voting in respect of Land matters under this *Land Code*, a Member who has attained the age of eighteen (18) years of age on the day of the vote;

“Extended Family”, in respect of a person, means the person’s grandparent, uncle, aunt, first degree cousin, grandchild, and/or any other relation or relationship that Council may add by law;

“First Nation Lands Register” means the register established pursuant to clause 51 of the *Framework Agreement* and regulated by the *First Nations Land Registry Regulations*;

“*Framework Agreement*” means the *Framework Agreement on First Nation Land Management* entered into between the Canada and the signatory First Nations on February 12, 1996, and amended to include the Madawaska Maliseet First Nation on March 3, 2014;



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“Immediate Relatives”, in respect of a person, means the person’s parent, sister, brother, child, and Spouse;

“Individual Agreement” means the Individual Agreement providing for the specific of the transfer of administration made between Madawaska Maliseet First Nation and Canada in accordance with clause 6.1 of the *Framework Agreement*;

“Interest”, in relation to Madawaska Maliseet First Nation Land, means any Interest, right or estate of any nature in or to that Land, including a certificate of possession, certificate of entitlement, lease, easement, right of way, servitude, or profit à prendre, but does not include title to that Land;

“Land” or “Madawaska Maliseet First Nation Land” means any reserve Land that is subject to this *Land Code*;

“*Land Code*” means the *Madawaska Maliseet First Nation Land Code*, and sets out the basic provisions regarding the exercise of the Madawaska Maliseet First Nation’s rights and powers over its Land;

“Lands Committee” means the Lands Committee established under this *Land Code*;

“Land Law” means a law, including, but not limited to, regulations, standards, restricted to Madawaska Maliseet First Nation Land, enacted in accordance with this *Land Code*;

“Licence” in relation to Madawaska Maliseet First Nation Land, means any right of use or occupation of that Land, other than an Interest in the Land;

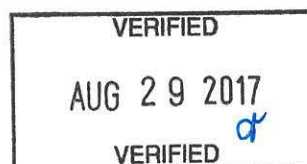
“Madawaska Maliseet First Nation” means the Madawaska Maliseet First Nation and its Members;

“Meeting of Members” means a meeting under Part 3 of this *Land Code* to which the Members are invited to attend;

“Member” means a person whose name appears or is entitled to appear on the Madawaska Maliseet First Nation Band Membership List;

“Resolution” means a resolution of the Council enacted under this *Land Code*;

“Spouse” means a person who is married to another person, whether by a traditional, religious or civil ceremony, and includes a Spouse by Common-Law Partnership.



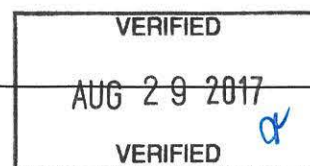
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3. Interpretation

Interpretation

3.1 In this *Land Code*:

- (a) the *Land Code* shall be interpreted in a fair, large and liberal manner;
- (b) the word “shall” signifies an obligation that, unless this *Land Code* provides to the contrary, must be carried out as soon as practicable after this *Land Code* comes into effect or the event that gives rise to the obligation;
- (c) unless it is otherwise clear from the context, the use of the word “including” means “including, but not limited to”, and the use of the word “includes” means “includes, but is not limited to”;
- (d) unless it is otherwise clear from the context, the use of the masculine includes the feminine, and the use of the feminine includes the masculine;
- (e) titles and headings have been inserted in the *Land Code* for convenience of reference only, and are not interpretive aids;
- (f) unless otherwise clear from the context, whenever the singular is used, it will include the plural, and the use of the plural includes the singular;
- (g) all references to a time period of days means consecutive days and not business days;
- (h) where the time limited for the doing of an act expires or falls on a Saturday or Sunday, or a First Nation, federal or provincial holiday, the act may be done on the next day that is not a Saturday, Sunday or holiday;
- (i) where the time limited for the doing of an act in the Madawaska Maliseet First Nation administration building falls on a day when the office is not open, the act may be done on the next day that the office is open;
- (j) where there is a reference to a number of days or a number of days between two events, in calculating that number of days, the days on which the events happen are excluded; and



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- (k) the principles set out in the Preamble to this *Land Code* may be used to interpret this *Land Code*.

Paramouncy

- 3.2 If there is an inconsistency or conflict between this *Land Code* and any other enactment of the Madawaska Maliseet First Nation, including a by-law enacted under section 81 of the *Indian Act*, this *Land Code* prevails to the extent of the inconsistency or conflict.

Culture and traditions

- 3.3 Under this *Land Code*, the structures, organizations and procedures established by or under its *Land Code* shall be interpreted in accordance with the culture, traditions and customs of the Madawaska Maliseet First Nation.

Language

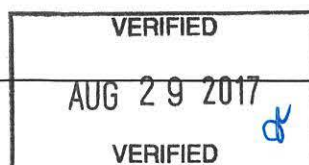
- 3.4 The language of the Madawaska Maliseet First Nation may be used to clarify the meaning of any provision in this *Land Code*, if the meaning of that provision is not otherwise clear in English or French.

Rights not affected

- 3.5 This *Land Code* does not change:
- (a) the by-law powers of Council pursuant to the *Indian Act*;
 - (b) any Aboriginal, Treaty, inherent rights or other rights or freedoms that pertain now or in the future to the Madawaska Maliseet First Nation or its Members; or
 - (c) the fiduciary relationship between Canada and Madawaska Maliseet First Nation and its Members.

Lands and interests affected

- 3.6 A reference to Land in this *Land Code* includes all the Interests and rights, as well as the resources that belong to that Land to the extent these are under the jurisdiction of Canada and are part of that Land, and includes:
- (a) the water, beds underlying water, riparian rights, and renewable and non-renewable natural resources in and of that Land, to the extent that these are under the jurisdiction of Canada;



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- (b) all the Interests and Licences granted by Canada listed in the Individual Agreement; and
- (c) all the Interests and Licences granted by Madawaska Maliseet First Nation after this *Land Code* comes into effect.

Consistency with *Framework Agreement*

- 3.7 If there is an inconsistency or conflict between this *Land Code* and the *Framework Agreement*, the *Framework Agreement* will prevail to the extent of the inconsistency or conflict.

Eligible Reserve Land

- 3.8 Only Land that has reserve status is eligible to be governed under this *Land Code*.

4. Authority to Govern

Origin of Authority

- 4.1 The Madawaska Maliseet First Nation has the right and authority to manage its Land and resources according to the laws and customs of the Madawaska Maliseet First Nation. By enacting this *Land Code*, the Madawaska Maliseet First Nation reaffirms this authority and responsibility.

Flow of authority

- 4.2 The authority of the Madawaska Maliseet First Nation to govern its Land and resources flows from the Creator to the people of the Madawaska Maliseet First Nation, and from the people to Council according to the culture, traditions, customs and laws of the Madawaska Maliseet First Nation.

5. Purpose

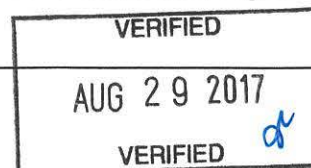
Purpose

- 5.1 The purpose of this *Land Code* is to set out the principles and administrative structures that apply to Land and by which the Madawaska Maliseet First Nation will exercise authority over that Land in accordance with the *Framework Agreement*.

6. Description of Madawaska Maliseet First Nation Land

Madawaska Maliseet First Nation Land

- 6.1 The Land that is subject to this *Land Code* is that Land known as St. Basile Indian Reserve #10 as listed in the Individual Agreement.



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Description of Land

- 6.2 The Madawaska Maliseet First Nation Land includes all reserve Lands described in Appendix "A" of this *Land Code* and any other reserve Lands or Interests of the Madawaska Maliseet First Nation that are made subject to this *Land Code* by Resolution.

Additional Lands

- 6.3 Council shall hold a Meeting of Members prior to an amendment of the description of Madawaska Maliseet First Nation Land subject to this *Land Code* and Individual Agreement.

PART 2

MADAWASKA MALISEET FIRST NATION LEGISLATION

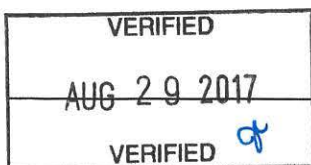
7. Law-Making Powers

Council may make Land Laws

- 7.1 Council may, in accordance with this *Land Code*, make Land Laws respecting the development, conservation, protection, management, use and possession of Land, and Interests and Licences in relation to Land. This power includes the power to make Land Laws in relation to any matter necessary or ancillary to the making of Land Laws in relation to Land.

Examples of Land Laws

- 7.2 For greater certainty, Council may make Land Laws including:
- (a) regulation, control and prohibition of zoning, Land use, subdivision control and Land development;
 - (b) the creation, regulation and prohibition of Interests and Licences in relation to Land;
 - (c) environmental assessment and protection;
 - (d) provision of local services in relation to Land and the imposition of equitable user charges;
 - (e) enforcement of Land Laws; and
 - (f) provision of services for the resolution, outside the courts, of disputes in relation to Land.



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Regulatory Instruments

- 7.3 For greater certainty, in addition to Land Laws, Council may make other regulatory instruments, including rules, regulations, standards, codes and policies.

8. Law-Making Procedure

Introduction of laws

- 8.1 A proposed Land Law may be introduced at a duly convened meeting of Council by:
- (a) the Chief or a Councillor;
 - (b) any Eligible Voter; or
 - (c) the representative of the Lands Committee, or other body or authority composed of Members, that may be authorized by Council to do so.

Rationalization of Proposed Land Law

- 8.2 It shall be incumbent upon any proponent mentioned in clause 8.1 to submit a written explanation of the reason for the proposed Land Law.

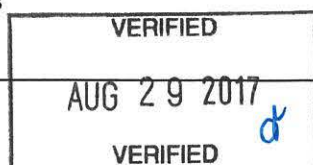
Lands Committee Review

- 8.3 Council shall refer a proposed Land Law to the Lands Committee for review and comment.

Procedure upon receipt of Proposed Land Law

- 8.4 Upon receipt of a proposed Land Law, Council may:
- (a) table the proposed Land Law for further review or for enactment;
 - (b) request that the proponent provide further information or attend before a future meeting of Council to speak to the proposed Land Law;
 - (c) undertake or direct the preparation of a draft Land Law concerning matters raised in the proposed Land Law, for consideration by Council; or
 - (d) reject the proposed Land Law.

Tabling and posting of proposed Land Laws



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- 8.5 Before a proposed Land Law may be enacted, Council shall:
- (a) table the proposed Land Law at a duly convened meeting of Council;
 - (b) post it in public places and publish it online;
 - (c) deposit the proposed Land Law with the Lands Committee;
 - (d) review comments and recommendations, if any, provided by the Lands Committee; and
 - (e) take any other steps to give notice of the proposed Land Law that Council may consider appropriate.

Urgent matters

- 8.6 Council may enact a Land Law without the preliminary steps ordinarily required, if, Council is of the opinion that the Land Law is needed urgently for public health and safety or to protect Madawaska Maliseet First Nation Land or the Members however this Land Law expires one hundred and twenty (120) days after its enactment unless re-enacted in accordance with the required preliminary steps.

Approval of Land Law

- 8.7 Subject to this *Land Code*, a Land Law is approved by a quorum of Council at a duly convened meeting of Council open to the Members.

Certification of Land Laws

- 8.8 The original copy of any approved Land Law or Resolution concerning Madawaska Maliseet First Nation Land shall be signed by a quorum of Council.

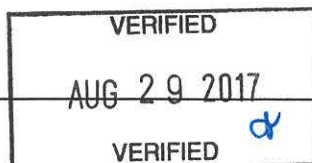
Land Laws taking effect

- 8.9 A Land Law enacted by Council takes effect on the date of its enactment or such later date as specified in the Land Law.

9. Publication of Laws

Publication

- 9.1 A Land Law shall be published:
- (a) in the minutes of the Council meeting at which it was enacted;



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- (b) by posting a copy of the Land Law, as soon as practicable after enactment, in a location within the administrative office of Madawaska Maliseet First Nation accessible to all Members, for a period of not less than thirty (30) days;
- (c) online; and
- (d) by any additional method as Council may consider appropriate.

Registry of Land Laws

9.2 Council shall cause to be kept, at the administrative offices of the Madawaska Maliseet First Nation, a register of all Land Laws and Resolutions, including Land Laws and Resolutions that have been repealed or are no longer in force.

Copies for any Person

9.3 Any person may obtain a copy of a Land Law or Resolution.

10. Enforcement of Land Laws

Enforceability of Land Laws

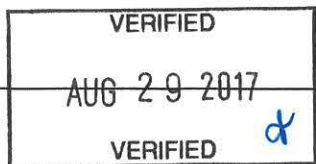
10.1 To enforce its *Land Code* and its Land Laws, Madawaska Maliseet First Nation shall have the power to:

- (a) establish offences that are punishable on summary conviction;
- (b) provide for fines, imprisonment, restitution, community services, and alternate means for achieving compliance;
- (c) establish comprehensive enforcement procedures consistent with federal law, including inspections, searches, seizures and compulsory sampling, testing and the production of information; and
- (d) enter into agreements with provincial or municipal governments with respect to any matter concerning the enforcement of its *Land Code* and Land Laws.

Prosecuting Offences

10.2 For the purpose of prosecuting offences, Madawaska Maliseet First Nation may:

- (a) retain its own prosecutor; and



- (b) make laws with respect to the appointment and authority of justices of the peace.

PART 3

COMMUNITY MEETINGS AND APPROVALS

11. Participation of Members

Participation of Members

- 11.1 Every Member is entitled to participate in the Meeting of Members.

12. Participation of Eligible Voters

Participation of Eligible Voters

- 12.1 Every Eligible Voter is entitled to participate in the community approvals.

13. Meeting of Members and Community Approval Procedure

Notice of meeting

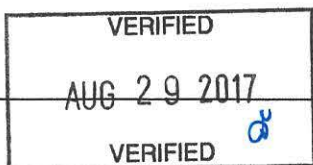
- 13.1 Council shall give written notice of the Meeting of Members and any matter requiring community approval at a Meeting of Members, and include in the notice:

- (a) the date, time and place of the meeting;
- (b) a brief description of the matter to be discussed;
- (c) a brief description of any matter that requires community approval; and
- (d) other information and material that Council considers appropriate.

Manner of notice

- 13.2 The notice shall be given to the Members at least forty-two (42) days before the meeting or vote, by:

- (a) posting the notice in public places;



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- (b) delivering the notice to on-reserve Members and taking reasonable steps to locate and inform Members who reside on and off-reserve;
- (c) posting the notice online;
- (d) publishing the notice in the community newsletter; and
- (e) additional methods Council considers appropriate.

Informed Decision

- 13.3 Council may schedule more than one Meeting of Members as may be necessary to ensure that Members are well informed before making a decision on a proposed Land Law or Land matter.

Who may attend

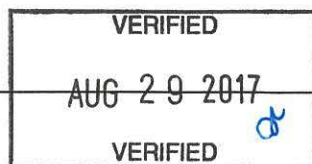
- 13.4 All Members have a right to attend a Meeting of Members, but other persons may attend with the permission of Council.

14. Community Meeting of Members

Community Meetings

- 14.1 The Council shall call a Meeting of Members prior to:

- (a) declaring Land or an Interest to be subject to this *Land Code*;
- (b) enacting a Land Law respecting a community plan or subdivision plan;
- (c) any development affecting a heritage site or an environmentally sensitive property;
- (d) enacting a Land Law respecting environmental assessment and protection;
- (e) enacting a Land Law respecting the transfer and assignment of rights and Interests in Madawaska First Nation Land;
- (f) enacting a Land Law respecting matrimonial real property on reserve;
- (g) enacting a Land Law respecting the rate and criteria for the payment of fees or rent for Madawaska Maliseet First Nation Land;



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- (h) enacting a Land Law respecting the rights and procedures on community expropriation; and
- (i) respecting any other matter, Land Law or class of law that Council, by Resolution, declares to be subject to this section.

No Quorum

14.2 No quorum or minimum level of participation is required at a Meeting of Members.

15. Community Approval

Community approval

15.1 Community approval shall be obtained for the following:

- (a) any master Land use plan;
- (b) any grant or disposition of any non-renewable natural resources on any Land exceeding a term of five (5) years;
- (c) any deletion of a heritage site;
- (d) any voluntary exchange of Land referred to in section 18 of this *Land Code*; and
- (e) any other matter, Land Law or class of law that Council, by Resolution, declares to be subject to this section.

Utility Permits Excepted

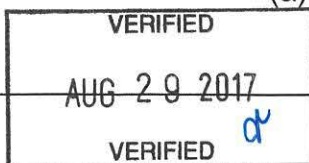
15.2 Community approval is not required for the following:

- (a) a certificate of possession granted by Council; and
- (b) an easement, right of way or permit granted by Council for utilities, including but not limited to, telecommunications, water, electricity, natural gas, sewer services and ancillary services.

Method of Voting

15.3 Community approval shall be obtained by one or more of the following methods:

- (a) establishing polling locations;



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- (b) show of hands;
- (c) mail-in ballot;
- (d) alternative voting methods, such as electronic and telephone voting; or
- (e) any other method outlined in voting policies.

Quorum

15.4 In order to obtain a quorum for community approval, at least five percent (5%) of Eligible Voters shall participate.

Approval by Majority

15.5 For community approvals, a matter shall be considered approved if a majority of fifty percent plus one (50%+1) of the Eligible Voters vote to approve the matter.

Second Community Approval Vote

15.6 If a quorum was not obtained at a first community approval, a second community approval vote may be called without any quorum requirement.

Approval by Majority

15.7 A matter shall be considered approved at a second community approval vote, if a majority of fifty percent plus one (50%+1) of the Eligible Voters vote to approve the matter.

16. Ratification Votes

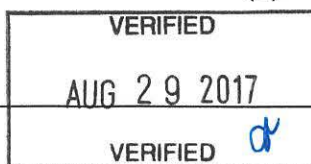
Community approval By ratification vote

16.1 Community approval by ratification vote shall be obtained for an amendment to this *Land Code*.

Exceptions

16.2 A community approval by ratification vote is not required for:

- (a) an amendment to the description of Land of this *Land Code*;
- (b) revisions to this *Land Code* made pursuant to section 43; and
- (c) an amendment to, or renewal of, the Individual Agreement.



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Ratification process

16.3 Any ratification vote required under this *Land Code* may be conducted in a similar manner as the Madawaska Maliseet First Nation Community Ratification Process, which was used to ratify this *Land Code*.

No verifier

16.4 A verifier is not required in any ratification vote.

Quorum

16.5 In order to obtain a quorum for a community approval by ratification vote under this *Land Code* at least ten percent (10%) of Eligible Voters shall register to vote.

Approval by majority

16.6 A matter shall be considered approved at a ratification vote if a majority of fifty percent plus one (50%+1) of the registered Eligible Voters vote to approve the matter.

Second Ratification Vote

16.7 If a quorum was not obtained at a first ratification vote, a second ratification vote may be called.

Second Ratification Vote Quorum

16.8 In order to obtain a quorum for community approval for a second attempt at a ratification vote under this Land Code at least five percent (5%) of Eligible Voters shall register to vote.

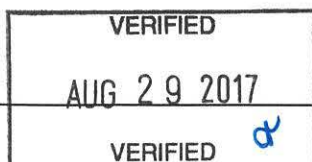
Approval by Majority

16.9 A matter shall be considered approved at a second ratification vote if a majority of fifty percent plus one (50%+1) of the registered Eligible Voters vote to approve the matter.

Policies Consultation, Approval and Ratification

16.10 For greater certainty, Council may make Land Laws or policies:

- a) for Meetings of Members;
- b) for community consultations;
- c) for community approvals;
- d) for ratification votes; and



- e) respecting any other matter, that Council, by Resolution, declares to be subject to Part 3 of this Land Code.

PART 4

PROTECTION OF LAND

17. Expropriation

Acquisition by Mutual Agreement

- 17.1 The Madawaska Maliseet First Nation may expropriate an Interest or Licence in Madawaska Maliseet First Nation Land, provided that it has made a good faith effort to acquire, by mutual agreement, the Interest or Licence.

Rights and Interests that may be expropriated

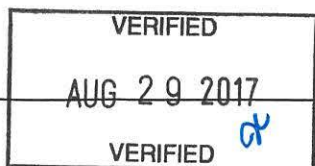
- 17.2 An Interest or Licence in Land, or in any building or other structure on that Land, may only be expropriated by Madawaska Maliseet First Nation in accordance with the *Framework Agreement* and any Land Law enacted for the purpose of establishing the rights and procedures for community expropriations.

Community purposes

- 17.3 A community expropriation shall only be made for necessary community works or other Madawaska Maliseet First Nation purposes, including a fire hall, sewage or water treatment facility, community center, public works, utilities, roads, schools, daycare facility, hospitals, health-care facility, retirement home, economic development, and other similar community purposes or works deemed necessary by Council.

Expropriation Land Laws

- 17.4 Before proceeding to make any community expropriations in accordance with this *Land Code* and the *Framework Agreement*, Council shall enact a Land Law respecting the rights and procedures for community expropriations, including provisions respecting:
 - (a) the taking of possession of the Interest or Licence;
 - (b) transfer of the Interest or Licence;



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- (c) notice of expropriation and service of the notice of expropriation;
- (d) entitlement to compensation;
- (e) determination of the amount of compensation; and
- (f) the method of payment of compensation.

Member notification

- 17.5 In the case of an expropriation of a Member's Interest in Land, the affected Member or Members shall receive notification of the expropriation within a reasonable time prior to the release of the public report.

Public report

- 17.6 Before Madawaska Maliseet First Nation expropriates an Interest or Licence, it shall make a public report on the reasons justifying the expropriation.

Rights that may not be expropriated

- 17.7 In accordance with clause 17.6 the *Framework Agreement*, an Interest of Canada or the province of New Brunswick in Madawaska Maliseet First Nation Land is not subject to expropriation by the Madawaska Maliseet First Nation.

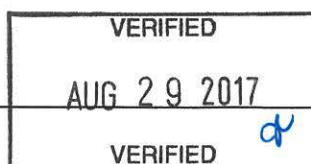
Compensation for rights and Interests

- 17.8 Madawaska Maliseet First Nation shall, in accordance with its Land Laws and the *Framework Agreement*:
- (a) serve reasonable notice of the expropriation on each affected holder of the Interest or Licence to be expropriated; and
 - (b) pay fair and reasonable compensation to the holders of the Interest or Licence being expropriated.

Compensation calculations

- 17.9 In accordance with clause 17.4 the *Framework Agreement*, Madawaska Maliseet First Nation shall calculate the total value of the compensation under this section based on the heads of the compensation set out in the *Expropriation Act (Canada)*.

Market value



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17.10 The “market value” of an expropriated Interest or Licence is equal to the amount that would have been paid for the Interest or Licence if it had been sold by a willing seller to a willing buyer under no duress.

Administrative Appeals Policy

17.11 A dispute concerning the right of the Madawaska Maliseet First Nation to expropriate an Interest or Licence in Land shall be determined in accordance with the Madawaska Maliseet First Nation Administrative Appeals Policy.

Resolution of Disputes

17.12 The resolution of the following disputes shall be determined in accordance with the Madawaska Maliseet First Nation Administrative Appeals Policy:

- (a) disputes concerning the right of a holder of an expropriated Interest or Licence to compensation; and
- (b) disputes concerning the amount of the compensation.

18. Voluntary Land Exchanges and Protections

Conditions for a land exchange

18.1 The Madawaska Maliseet First Nation may agree with another party to exchange a parcel of Madawaska Maliseet First Nation Land for a parcel of land from that other party in accordance with this *Land Code* and the *Framework Agreement*.

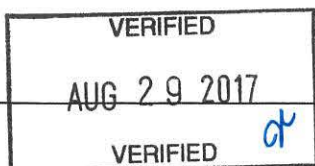
No Effect

18.2 A land exchange is of no effect unless it receives community approval in accordance with Part 3 of this *Land Code* and with clause 14.2 of the *Framework Agreement*.

Land to be received

18.3 No land exchange may occur unless the land to be received in the exchange meets the following conditions:

- (a) it must be equal to or greater than the area of the Madawaska Maliseet First Nation Land to be exchanged;
- (b) it must be at least comparable to the appraised value of the Madawaska Maliseet First Nation Land; and
- (c) it must become a reserve and Madawaska Maliseet First Nation Land subject to this *Land Code*.



Madawaska Maliseet First Nation Land Code

Negotiators

- 18.4 Council shall have authority to negotiate a land exchange agreement on behalf of the Madawaska Maliseet First Nation, the Lands Committee may provide recommendations.

Additional land

- 18.5 The Madawaska Maliseet First Nation may negotiate to receive other compensation, such as money or one or more other parcels of land, in addition to the parcel referred to above which is intended to become a reserve. Such other parcels of land may be held by the Madawaska Maliseet First Nation in fee simple or some other manner.

Federal Consent

- 18.6 Before the Madawaska Maliseet First Nation concludes a land exchange agreement, it must receive a written statement from Canada clearly stating that Canada:
- (a) consents to set apart as a reserve the land to be received in exchange, as of the date of the land exchange or such later date as the Council may specify; and
 - (b) consents to the manner and form of the exchange as set out in the exchange agreement.

Community notice

- 18.7 Once negotiations on the land exchange agreement are concluded, Council shall provide the following information to Eligible Voters at least forty-two (42) days before the vote:
- (a) a description of the Madawaska Maliseet First Nation Land to be exchanged;
 - (b) a description of the land to be received in the exchange;
 - (c) a description of any other compensation to be exchanged;
 - (d) a report of a certified land appraiser setting out that the conditions for the land to be received in the exchange have been met;
 - (e) a copy or summary of the exchange agreement; and
 - (f) a copy of Canada's consent.

Process of land exchange



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18.8 The land exchange agreement shall provide that:

- (a) the other party to the exchange must transfer to Canada the title to the land which is to be set apart as a reserve;
- (b) the Council must pass a Resolution authorizing Canada to transfer title to the Madawaska Maliseet First Nation Land being exchanged, in accordance with the exchange agreement;
- (c) a copy of the instruments transferring title to the relevant parcels of land must be registered in the First Nations Lands Register; and
- (d) the land to be set apart as a reserve has been subject to an environmental audit, and clearance or remediation as necessary, or that Council is satisfied that adequate provisions have been made for such clearance or remediation at no cost to Madawaska Maliseet First Nation, and with full indemnification to Madawaska Maliseet First Nation.

PART 5

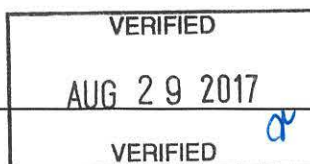
ACCOUNTABILITY

19. Conflict of Interest or Appearance of Conflict of Interest

Application of rules

19.1 The conflict of interest rules in this *Land Code* apply to the following persons:

- (a) each member of Council who is dealing with any matter before Council that is related to Madawaska Maliseet First Nation Land;
- (b) each person who is an employee of the Madawaska Maliseet First Nation dealing with any matter that is related to Madawaska Maliseet First Nation Land;
- (c) each person who is a member of the Appeals Board under the Madawaska Maliseet First Nation Administrative Appeals Policy; and



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- (d) each person who is a member of a board, committee or other body of the Madawaska Maliseet First Nation dealing with any matter that is related to Madawaska Maliseet First Nation Land.

Duty to report and abstain

19.2 If there is any actual or apparent financial, familial or personal conflict of interest in the matter being dealt with, the person:

- (a) shall disclose the interest to Council, or the board, committee or other body as the case may be;
- (b) shall not take part in any deliberations on that matter or vote on that matter; and
- (c) shall remove themselves from the proceedings.

Apparent conflict of interest

19.3 A person to which this Part applies has an apparent conflict of interest if there is a reasonable perception, which a reasonably well-informed person could properly have, that the person's ability to deliberate or decide on the matter has been affected by his or her private interest or the private interest of an Immediate Relative.

Inability to act

19.4 If the board, committee or other body is unable to act due to a conflict of interest, the matter shall be referred to Council.

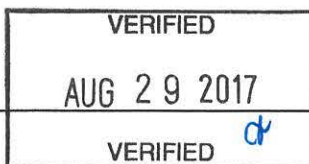
Meeting of Members

19.5 If Council is unable to vote on a matter, a proposed Land Law or Resolution due to a conflict of interest, Council may refer the matter to a community Meeting of Members and, if a quorum of Eligible Voters is present, a majority of the Eligible Voters present at the meeting may approve the matter, Land Law or Resolution.

Specific Conflict situations

19.6 No Immediate Relatives and not more than two (2) members from the same Extended Family shall be concurrent members of an appointed board, committee or other body dealing with any matter that is related to Madawaska Maliseet First Nation Land. Council or any other elected board, committee or body is exempt from this rule.

Disputes



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- 19.7 The Appeals Board has the jurisdiction to hear and decide on any matter concerning a conflict of interest, as provided in this *Land Code*.

Other laws

- 19.8 For greater certainty, Council may develop a policy or enact laws to further implement this section.

20. Financial Management

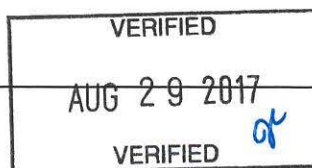
Application

- 20.1 This section applies only to financial matters relating to Land and natural resources.

Financial policies

- 20.2 All financial matters shall be conducted in accordance with this *Land Code*, and the Madawaska Maliseet First Nation Financial Management Policy as amended from time to time, including:
- (a) regulating the receipt, management and expenditure of moneys, including transfer payments, all capital and revenue moneys received from Canada, all Land revenue, and moneys received from a grant or disposition of any Interest or Licence in relation to Land and natural resources;
 - (b) managing financial records and accounts;
 - (c) preparing financial statements and audits;
 - (d) preparing and implementing Land management budgets and annual presentation of budgets;
 - (e) determining the general investment strategy;
 - (f) contract notes, loans and other indebtedness;
 - (g) revenue from the Madawaska Maliseet Economic Development Corporation;
 - (h) establishing fees, fines, charges and levies; and
 - (i) establishing and maintaining a recordkeeping system that ensures confidentiality, security of records and document retention.

Administrative structure



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20.3 Council shall establish the administrative structure:

- (a) to implement all financial policies and procedures;
- (b) to oversee the day to day operational responsibilities for managing moneys related to Land and natural resources;
- (c) to ensure the accuracy of the accounting records;
- (d) to reconcile, review and approve bank statements;
- (e) to present the annual budgets to Members;
- (f) to present annually an audit of the financial statements to the Members; and
- (g) to prepare the annual report to Members.

21. Annual Report

Publish annual report

21.1 Council, on behalf of the Madawaska Maliseet First Nation, shall publish an annual report on Land matters.

Contents

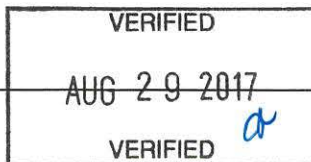
21.2 The annual report will include:

- (a) an annual review of Land and natural resources management;
- (b) annual budget;
- (c) a copy and explanation of the audit as it applies to Land and natural resources; and
- (d) any other matter as determined by the Council or Lands Committee.

22. Access to Information

Access

22.1 Any Member may, during normal business hours at the main administrative office of the Madawaska Maliseet First Nation, have reasonable access to:



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- (a) the register of Land Laws;
- (b) the auditor's report; and
- (c) the annual report on Land and natural resources.

Copies for members

22.2 Any Member may obtain a copy of the auditor's report or annual report on payment of a reasonable fee set by or under Resolution of the Council.

Access to records

22.3 The auditor, or any other person authorized by the Council may, at any reasonable time, inspect the financial records of Madawaska Maliseet First Nation related to Madawaska Maliseet First Nation Land.

PART 6

LAND ADMINISTRATION

23. Land Staff

Administration

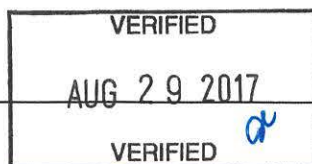
23.1 Council may delegate administrative authority to staff to carry out functions necessary for day to day administrative operations of Land and natural resources.

24. Lands Committee

Lands Committee
established

24.1 The Lands Committee is hereby established for the following purposes:

- (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;



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- (d) consult with Members and non-Members on Madawaska Maliseet First Nation Land issues, and to make recommendations on the resolution of those issues to Council;
- (e) oversee community Meetings of 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*.

Process to
Implement Land Laws

24.2 The Lands Committee shall, within a reasonable time after this *Land Code* takes effect, recommend to Council a community process to develop and implement Land Laws.

Internal procedures

24.3 The Lands Committee may establish rules for the procedure at its meetings and generally for the conduct of its affairs, not inconsistent with those established by Council.

25. Implementation of the Lands Committee

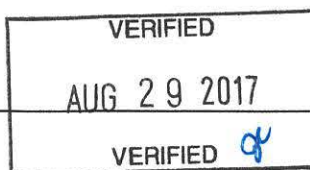
First Lands Committee

25.1 Immediately upon the coming into effect of this *Land Code*, Council shall select a Lands Committee to serve for a term of up to five (5) years until a policy governing the Lands Committee comes into force.

Policy Governing Successors to
the First Lands Committee

25.2 As soon as possible after the coming into force of this *Land Code*, Council, in consultation with the Lands Committee, shall develop a policy providing for Member involvement in the selection, election, or appointment of Eligible Voters to serve on the Lands Committee, and dealing with such matters as number of members, composition, eligibility, Chair and Deputy Chair, functions of the Chair, term of office, remuneration, conditions of service, termination, vacancies arising during term and such other matters as Council deems appropriate to the operation of the Lands Committee.

PART 7



INTERESTS AND LICENCES IN LAND

26. Revenue from Land

Determination of Fees, and rent

- 26.1 The Lands Committee shall, subject to the approval of the Council, establish the process and recommend any laws, rules and policies for determining:
- (a) the fees and rent for Interests and Licences in Community Land;
 - (b) the fees for services provided in relation to any Madawaska Maliseet First Nation Land; and
 - (c) the fees and royalties to be paid for the taking of natural resources from Madawaska Maliseet First Nation Land.

27. Registration of Interests and Licences

Enforcement of Interest and Licences

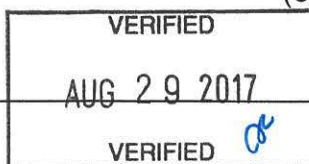
- 27.1 An Interest or Licence in Madawaska Maliseet First Nation Land created or granted after this *Land Code* takes effect is not enforceable unless it is registered in the First Nation Lands Register.

Registration of Consent or approval

- 27.2 An instrument granting an Interest or Licence in Madawaska Maliseet First Nation Land that requires the consent of the Council, or community approval, shall include a form of certificate indicating that the applicable consent or approval has been obtained.

Duty to deposit

- 27.3 A copy of the following instruments shall be deposited in the First Nation Lands Register:
- (a) any grant of an Interest or Licence in Madawaska Maliseet First Nation Land;
 - (b) any transfer or assignment of an Interest or Licence in Madawaska Maliseet First Nation Land;
 - (c) every Land use plan, subdivision plan or resource use plan;



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- (d) every Land Law; and
- (e) this *Land Code* and any amendment to this *Land Code*.

28. Limits on Interests and Licences

All dispositions in writing

- 28.1 An Interest in, or Licence to use, Madawaska Maliseet First Nation Land may only be created, granted, disposed of, assigned or transferred by a written document made in accordance with this *Land Code* and any relevant Land Law.

Standards

- 28.2 The Council may establish mandatory standards, criteria and forms for Interests and Licences in Madawaska Maliseet First Nation Land.

Improper Transactions void

- 28.3 A deed, lease, contract, instrument, document or agreement of any kind, whether written or oral, by which the Madawaska Maliseet First Nation, a Member or any other person purports to grant, dispose of, transfer or assign an Interest or Licence in Madawaska Maliseet First Nation Land after the date this *Land Code* takes effect is void if it contravenes this *Land Code*.

29. Existing Interests

Continuation of existing Interests and Licences

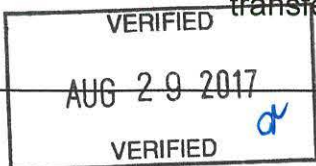
- 29.1 Any Interest or Licence in Madawaska Maliseet First Nation Land that existed when this *Land Code* takes effect will, subject to this *Land Code*, continue in force in accordance with its terms and conditions.

Voluntary replacement of existing Interests and Licences

- 29.2 For greater certainty, Interests or Licences previously issued under the *Indian Act* shall continue in effect after the coming into force of this *Land Code* unless the Member or non-Member voluntarily agrees to have the Interest or Licence replaced by a new Interest or Licence.

Replacing the role of the Minister

- 29.3 Immediately upon the coming into force of this *Land Code*, Canada transfers to Madawaska Maliseet First Nation all the rights and obligations



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of Canada as grantor in respect of existing Interests and Licences in or in relation to Madawaska Maliseet First Nation Land.

Unregistered Interests

29.4 A policy shall be established as soon as practical after the coming into force of the *Land Code* to accommodate unregistered Interests.

30. New Interests and Licences

Authority to make dispositions

30.1 Council may, on behalf of Madawaska Maliseet First Nation, grant:

- (a) Interests and Licences in Community Land, including certificates of possession, Member allocations, leases, permits, easements and rights-of-ways; and
- (b) Licences to take resources from Community Land, including cutting timber or removing minerals, stone, sand, gravel, clay, soil or other substances.

Conditional grant

30.2 The grant of an Interest or Licence may be made subject to the satisfaction of written conditions.

Role of the Lands Committee

30.3 The Lands Committee shall advise Council on the granting of Interests or Licences and may be authorized to act as a delegate of the Council under this section.

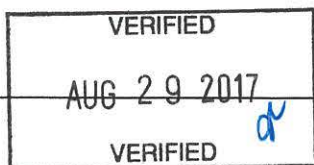
31. Interests of Non-Members

Grants to non-Members

31.1 A transfer or other disposition of all or any part of an Interest or Licence in Madawaska Maliseet First Nation Land to a person who is not a Member shall not be effective unless and until it is confirmed by a Resolution of Council.

32. Certificates of Possession or Member Interests

Application



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32.1 For greater certainty, certificates of possession or Member Interests previously issued under the *Indian Act* shall continue to exist after the coming into force of this *Land Code*.

33. Allocation of Land to Members

Policies and procedures for allocation of Land

33.1 Subject to the provisions of this *Land Code*, Council in consultation with the Lands Committee shall establish Land Laws, policies and procedures for the allocation of Land to Members.

Allocation

33.2 Council may, in accordance with this *Land Code*:

- (a) allocate Land to Members; or
- (b) issue a certificate for an interest to a Member for Land allocated to that Member.

No allocation of lots to non-Members

33.3 A person who is not a Member is not entitled to be allocated Land or to hold a permanent Interest in Madawaska Maliseet First Nation Land.

34. Transfer and Assignment of Interests

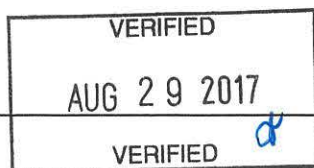
Transfer of Member Interest

34.1 A Member may transfer or assign an Interest in Madawaska Maliseet First Nation Land to another Member without community approval or the consent of the Council.

Consent of Council

34.2 There shall be no transfer or assignment of an Interest in Madawaska Maliseet First Nation Land without the written consent of Council, except for:

- (a) transfers between Members;
- (b) transfers that occur by operation of law, including transfers of estate by testamentary disposition; and
- (c) transfers in accordance with the matrimonial real property on reserve law.



35. Limits of Mortgages and Seizures

Protections

35.1 In accordance with the *Framework Agreement*, the following provisions of the *Indian Act*, as amended from time to time, continue to apply to the Madawaska Maliseet First Nation Land:

- (a) section 29;
- (b) section 87;
- (c) Sub-section 89(1); and
- (d) Sub-section 89(2).

Mortgage of CP

35.2 The Interest of a Member in Madawaska Maliseet First Nation Land may be subject to a mortgage or charge, but only to a Member or, the Madawaska Maliseet First Nation with the written consent of the Council.

Mortgages of leasehold interests with consent

35.3 A leasehold Interest may be subject to charge or mortgage, but only with the express written consent of Council.

Time limit

35.4 The term of any charge or mortgage of a leasehold Interest shall not exceed the term of the lease.

Default in mortgage

35.5 In the event of default in the terms of a charge or mortgage of a leasehold Interest, the leasehold Interest is not subject to possession by the chargee or mortgagee, by way of foreclosure, power of sale or any other form of execution or seizure, unless:

- (a) the charge or mortgage received the written consent of the Council;
- (b) the charge or mortgage was registered in the First Nations Land Register; and
- (c) a reasonable opportunity to redeem the charge or mortgage is given to the Council on behalf of Madawaska Maliseet First Nation.

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Madawaska Maliseet First Nation Land Code

Power of redemption

- 35.6 Subject to prior redemption by the lessee or Member, Council may redeem the charge or mortgage from the charger or mortgagor in possession and shall thereupon acquire all the rights and interests of the charger or mortgagor and of the lessee or Member for all purposes after the date of the redemption.

Waiver of Redemption

- 35.7 Council may, by Resolution, waive its right to redemption under this *Land Code* for any charge or mortgage of a leasehold interest or licence.

36. Residency and Access Rights

Right of residence

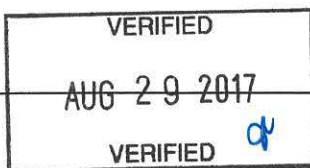
- 36.1 Pursuant to the existing Madawaska Maliseet First Nation Residency by-law, which shall be repealed upon the coming into force of a Land Law or policy enacted under clause 36.2, the following persons have a right to reside on Madawaska Maliseet First Nation Land:
- (a) Members and their Spouses and children;
 - (b) Members with a registered interest in Madawaska Maliseet First Nation Land;
 - (c) any invitee of a Member referred to in clause (a) or (b);
 - (d) lessees and permittees, in accordance with the provisions of the granting instrument; and
 - (e) a person authorized in writing by Council, Lands Committee or by the Madawaska Maliseet First Nation Residency by-law or Land Law.

Laws for residency and access

- 36.2 For greater certainty, Council may make Land Laws or policies for residency, access and trespass.

Right of Access

- 36.3 The following persons have a right of access to Madawaska Maliseet First Nation Land:
- (a) a lessee and his or her invitees;



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- (b) a person granted a right of access under a permit;
- (c) Members and their Spouses and children and his or her invitees;
- (d) a person who is authorized by a government body or any other public body, established by or under an enactment of the Madawaska Maliseet First Nation, Parliament or the province to establish, operate or administer a public service, to construct or operate a public institution or to conduct a technical survey provided that the person received written authorization from Council; or
- (e) a person authorized in writing by the Council or Lands Committee or by a Madawaska Maliseet First Nation Land Law.

Public access

- 36.4 Any person may have access to Madawaska Maliseet First Nation Land for any social or business purposes, if:
- (a) the person does not trespass on occupied Land and does not interfere with any Interest in Land;
 - (b) the person complies with all applicable laws; and
 - (c) no Resolution has been enacted barring that person.

Use of Roads

- 36.5 Any person having a right of access to Madawaska Maliseet First Nation Land may have the right of access to Madawaska Maliseet First Nation public roads, subject to this *Land Code* and Land Laws.

Trespass

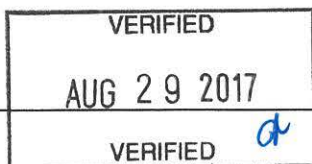
- 36.6 Any person, who resides on, enters or remains on Madawaska Maliseet First Nation Land other than in accordance with a residence or access right under this *Land Code* is guilty of an offence.

Civil remedies

- 36.7 All civil remedies for trespass are preserved.

37. Transfers on Death

Indian Act application



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37.1 Until Madawaska Maliseet First Nation exercises jurisdiction in relation to wills and estates, the provision of the *Indian Act* dealing with wills and estates shall continue to apply with respect to Interests in Madawaska Maliseet First Nation Land.

Registered of transfer

37.2 A person who receives an Interest in Madawaska Maliseet First Nation Land by testamentary disposition or succession in accordance with a written decision of the Minister, or his or her designate, pursuant to the *Indian Act*, is entitled to have that Interest registered in the First Nation Lands Register.

Disposition of Interest

37.3 If no provision has been made by the deceased Member of the disposition of the Interest to another Member, the following rules apply:

- (a) the Minister or his or her delegate may make application to Council requesting that an instrument evidencing lawful possession or occupation of Madawaska Maliseet First Nation Land be issued; or
- (b) a certificate for an Interest or other instrument may be issued in accordance with procedures established by Council, or application of the Minister or his or her delegate, if the beneficiary or purchaser is a Member.

38. Matrimonial Real Property on Reserve Law

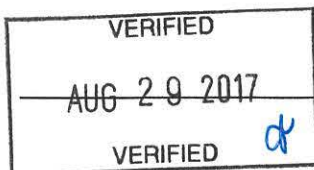
Development of rules and procedures

38.1 Council shall enact a matrimonial real property on reserve law providing rules and procedures applicable on the breakdown of a marriage, to:

- (a) the use, occupancy and possession of Madawaska Maliseet First Nation Land;
- (b) the division of Interests in that Land; and
- (c) the division of the value of the improvements in the Land.

Enactment of rules and procedures

38.2 The rules and procedures contained in the matrimonial real property on reserve law shall be developed by the Lands Committee in consultation with the community.



Madawaska Maliseet First Nation Land Code

General principles

- 38.3 For greater certainty, the rules and procedures developed by the Lands Committee under this section must respect the following general principles:
- (a) each Spouse should have an equal right to possession of their matrimonial home;
 - (b) each Spouse should be entitled to an undivided half interest in their matrimonial home, as a tenant in common;
 - (c) the rules and procedures shall not discriminate on the basis of sex; and
 - (d) only Members are entitled to hold a permanent interest in Madawaska Maliseet First Nation Land or a charge against a permanent Interest in Madawaska Maliseet First Nation Land.

Immediate rules

- 38.4 The provisional rules of the Family Homes on Reserves and Matrimonial Interests or Rights Act S.C. 2013, c.20 shall serve as the interim rules and its provisions regarding breakdown of marriage shall be repealed upon the coming into force of the matrimonial real property on reserve law enacted in accordance with the *Land Code*.

PART 8

DISPUTE RESOLUTION

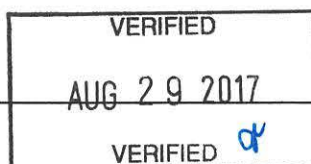
39. Appeals Board

Madawaska Maliseet Administrative Appeals Policy

- 39.1 The Madawaska Maliseet First Nation Administrative Appeals Policy shall apply for disputes in relation to Interests or Licenses in Madawaska Maliseet First Nation Land unless and until a Land Law is enacted in accordance with this *Land Code*.

40. Dispute Procedure

Disputes



Madawaska Maliseet First Nation Land Code

41.2 The extent of the insurance coverage shall be determined by the Council.

42. Offences

Application of the
Criminal Code

42.1 Unless some other procedure is provided for by a Madawaska Maliseet First Nation Land Law, the summary conviction procedures of Part XXVII of the Criminal Code, as amended from time to time, apply to offences under this *Land Code* or under a Madawaska Maliseet First Nation Land Law.

Fines & Imprisonment

42.2 Unless some other procedure is provided for by a Madawaska Maliseet First Nation Land Law, any person who commits an offence under this *Land Code* or a Madawaska Maliseet First Nation Land Law is liable to a fine not to exceed \$5,000 and to a term of imprisonment not to exceed six months or to both fine and imprisonment, provided however, that offences related to Madawaska Maliseet First Nation environmental protection laws may carry penalties consistent with similar environmental protection laws in force in Canada.

43. Revisions to Land Code

Revisions

43.1 A ratification vote is not required for revisions made to this *Land Code* that do not change the substance of this *Land Code*. Council may, from time to time, arrange and revise this *Land Code*. Revisions may be made as a result of, but are not limited to:

- (a) an amendment of the description of Madawaska Maliseet First Nation Land subject to this *Land Code* and Individual Agreement;
- (b) a reference in this *Land Code* to a clause in another act or document that was amended and resulted in clause renumbering;
- (c) a reference in this *Land Code* to an Act or parts thereof that have expired, have been repealed or suspended;
- (d) changes in this *Land Code* as are required to reconcile seeming inconsistencies with other acts;



Madawaska Maliseet First Nation Land Code

- (e) minor improvements in the language as may be required to bring out more clearly the intention of the Madawaska Maliseet First Nation without changing the substance of this *Land Code*; and
- (f) correct editing, grammatical or typographical errors.

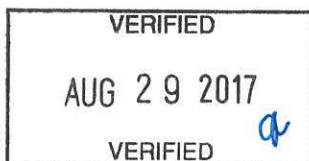
44. Commencement

Preconditions

- 44.1 This *Land Code* shall take effect if the community approves this *Land Code* and the Individual Agreement with Canada and this *Land Code* has been certified by the verifier pursuant to the *Framework Agreement*.

Commencement Date

- 44.2 This *Land Code* shall take effect on the first day of the month following the certification of this *Land Code* by the verifier.



APPENDIX "A"

Description of the Madawaska Maliseet First Nation Land as listed as ANNEX "G" in the Individual Agreement on First Nation Land Management between Madawaska Maliseet First Nation and Canada.

St. Basile Indian Reserve No. 10

Part A:

Land Description of the extent of Reserve Lands that will be subject to the Land Code of the Madawaska Maliseet First Nation under the *First Nations Land Management Act* (S.C. 1999, c. 24).

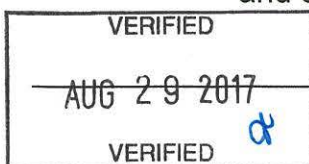
Reserve Lands at Madawaska Maliseet First Nation, in the Parish of Saint Basile, County of Madawaska, Province of New Brunswick, Canada, more particularly described as:

All of St. Basile Indian Reserve No. 10 as shown on Plan 106386 CLSR, recorded in the Canada Lands Surveys Records (CLSR).

BEING AND INTENDED TO BE the lands set apart as St. Basile Indian Reserve No. 10.

Subject to the following Third Party interests:

- a) Easement to NB Power dated March 17, 1944, registered in the Indian Lands Registry System (ILRS) as No. 7201 described as the Fraser Transmission Line and shown on plan NBP 3020 CLSR.
- b) Easement to NB Power dated June 24, 1963, registered in the ILRS as No. 7281-236 described as the NB Power Transmission Line parallel to Fraser Transmission lines and shown on plan 51440 CLSR.
- c) Easement to NB Power dated January 27, 1970, registered in the ILRS as No. 16577 described as Parcels A to G and shown on plan 55402 CLSR.
- d) Right-of-Way easement granted to Province of New Brunswick dated September 15, 1998, registered in the ILRS as No. 266912 over Parcel 1 and shown on plan 81780 CLSR.
- e) Right-of-Way easement granted to Province of New Brunswick dated December 16, 1998, registered in the ILRS as No. 269158 over Parcels 2 and 3 and shown on plan 81780 CLSR.



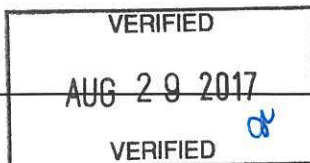
Madawaska Maliseet First Nation Land Code

- f) Pipeline easement to FPS Canada Inc. dated December 16, 1998, registered in the ILRS as No. 355906 across portions of former CP railways and shown on plan 92384 CLSR. An Assignment of Easement Agreement effective April 28, 2010, as described in a document registered in the ILRS as No. 6056430 assigned said easement to Twin Rivers Paper Company Inc.
- g) Easement to NB Power dated April 25, 1962, registered in the Madawaska County provincial registry office as document No. 68550 Volume E-7 Page 654 over Parcel 02-1 and shown on plan 88793 CLSR. Said easement is also described in the Order-in-Council P.C. 2006-1146 dated October 26, 2006, registered in the ILRS as No. 343994.
- h) Easement to Bell Regional Communications dated June 16, 1990, registered in the Madawaska County provincial registry office as document No. 168271 Volume 617 Page 113 located within the above noted NB Power Transmission lines and shown on plan 88793 CLSR. Said easement is also described in the Order-in-Council P.C. 2006-1146 dated October 26, 2006, registered in the ILRS as No. 343994.

The described lands in total containing by deduction about 312 hectares (about 770 acres).

Notes

1. The Administrative Sketch in Section 2 of this report illustrates this Land Description.
2. Refer to the official survey plans and legal documents for the definitive boundary definition and the nature of the interests in the *Reserve land*.
3. This Land Description defines the extent of the lands that are to be included in the transfer of land management functions to the First Nation and does not contain any reference as to the ownership of the subsurface interests (mines and minerals).
4. The extent of any Oil and Gas Rights are not dealt with in this Land Description.
5. The area value stated is approximate and subject to verification by a complete and current survey of the lands described. The area specified in the Land Description has been rounded accordingly to conform to the area guidelines set out in Appendix B of the *National Standards for the Surveys of Canada Lands*.



Jennifer Copage
PO Box 154
Shubenacadie, NS
BON 2H0

Chief Bernard and Council, Madawaska Maliseet First Nation

Chief Robert Louie
Chair, Lands Advisory Board

Minister, Indian and Northern Affairs Canada
c/o Judy Crossman

December 14, 2017

Re: Madawaska Maliseet First Nation Land Code Certification

I received the ratified Land Code from Madawaska Maliseet First Nation with a formal request to certify it on December 12, 2017. The Land Code is dated for reference August 22, 2017.

I received a copy of the executed Individual Agreement. The Individual Agreement was signed by Madawaska Maliseet First Nation on December 6, 2017 and by Canada on December 13, 2017.

I have therefore certified the Madawaska Maliseet First Nation Land Code. A copy of the certificate (Form 17) is attached. A copy of the Certified Madawaska Maliseet First Nation Land Code is attached as Annex 1 to Form 17.

As per section 44.2 of the Madawaska Maliseet First Nation Land Code, the effective date is January 1, 2018.

Sincerely yours,



Jennifer Copage
Verifier

cc. Mario Pelletier, Madawaska Maliseet First Nation
Julie Pellerin, First Nation Lands Management Resource Centre
Judy Crossman, Indian and Northern Affairs Canada

Enclosures:
Form 17 (with attached Annex 1)

**Form 17 – Certification of Land Code
Ratification Process**

CERTIFICATION OF LAND CODE

Whereas the *Madawaska Maliseet First Nation Land Code* and the Individual Agreement were submitted to a Ratification Vote at Madawaska Maliseet First Nation on the 2nd day of November, 2017;

And Whereas I have reported that the Ratification Vote was conducted in accordance with the *Madawaska Maliseet First Nation Community Ratification Process* confirmed by me as the Verifier;

And Whereas the *Madawaska Maliseet First Nation Land Code* and the Individual Agreement were approved by the Registered Voters at the Ratification Vote on the 2nd day of November, 2017;

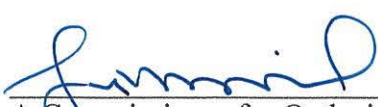
And Whereas clause 44.2 of the *Madawaska Maliseet First Nation Land Code* states that the *Land Code* shall take effect on the first day of the month following the certification of *Madawaska Maliseet First Nation Land Code* by the Verifier;

Therefore, I hereby certify the *Madawaska Maliseet First Nation Land Code*, attached as Annex “1” hereto, and the effective date of the *Madawaska Maliseet First Nation Land Code* is the 1st day of January, 2018.

DECLARED BEFORE me at Indian Brook)
First Nation, in the Province)
of Nova Scotia, this 14th day of)
December 2017.)



Jennifer Copage - Verifier



A Commissioner for Oaths in and for the)
Province of Nova Scotia.)

JAMES A. MICHAEL
A Notary Public in and for the
Province of Nova Scotia