



# HENVEY INLET FIRST NATION BAND COUNCIL

Chronological no.

**LC2017/18-004**

Date of open meeting of Band Council

**Monday, 23 October 2017**

Meeting Location:

**Fire Hall Library  
French River Reserve No. 13**

**LAND LAW ENACTING RESOLUTION**

**DRAFT LAND LAW 2017/18-001: AMENDMENT AND REVISION OF LAND LAWS AND OTHER INSTRUMENTS**

## BACKGROUND

- A. By Land Law Tabling Resolution 2017/18-001 adopted on 05 September 2017, Council tabled "Draft Land Law 2017-18-001: Amendment and Revision of Land Laws and Other Instruments" for enactment.
- B. On 07 September 2017, notice of the draft Land Law and the open Council Meeting to consider enactment of Draft Land Law 2017/18-001 was given to the Members in accordance with the *Henvey Inlet First Nation Land Code*.
- C. The Lands Advisory Committee has reported to Council on any feedback forms received and has advised Council to proceed with the enactment of the Land Law.
- D. Council has considered any feedback forms received and the advice of the Lands Advisory Committee and wishes to enact Draft land Law 2017/18-001, with a minor amendment for clarity which does not change its substance or intent.
- E. Schedule "A" hereto is the final form of Land Law 2017/18-001 for enactment by this Council.

## BE IT RESOLVED:

- 1. Tabling Resolution LC2017/18-001, the notice given to Members and the recommendations of the Lands Advisory Committee in respect of Land Law 2017/18-001 are hereby deemed fully compliant with the *Henvey Inlet First Nation Land Code*, as amended.
- 2. Schedule "A" hereto is hereby enacted as *Land Law 2017/18-001: Amendment and Revision of Land Laws and Other Instruments* and shall come into force immediately.
- 3. The Director of Finance and Administration shall certify the attached Land Law 2017/18-001, deliver a copy thereof to the Registrar of Land Laws for registration, and provide a copy to the Lands Advisory Board, and arrange for publication of a notice of this Land Law on the Henvey Inlet First Nation Administration Offices, on the Henvey Inlet First Nation website, and in such other manner, if any, as the Director of Finance and Administration may deem advisable.

MOVED BY: *Tony Solomon*

SECONDED BY: *Lionel Fox*

CARRIED.

Quorum:	<b>4</b> present in person	<i>W. Wayne Albritton</i> (Chief)	
	<i>[Signature]</i> (Councillor)	<i>[Signature]</i> (Councillor)	<i>[Signature]</i> (Councillor)
	<i>[Signature]</i> (Councillor)	<i>[Signature]</i> (Councillor)	<i>[Signature]</i> (Councillor)



**SCHEDULE "A" TO LC 2017/18-004**  
**HENVEY INLET FIRST NATION**  
**LAND LAW 2017/18-001**  
**AMENDMENT AND REVISION OF LAND LAWS**  
**AND OTHER LAND CODE INSTRUMENTS**

**Enacted pursuant to subsections 7.01(d) and 7.03**  
**of the Henvey Inlet First Nation Land Code**

**LAND LAW MAY PROVIDE FOR AMENDMENT OR REVISION**

1. A Land Law or other instrument created, enacted, adopted or passed by Council pursuant to its law-making authority in Part 2 of the Henvey Inlet First Nation Land Code may be amended or revised in accordance with its terms.

**WHERE NO PROVISION MADE**

2. If a Land Law does not expressly provide for amendment or revision:
  - a. the Land Law may be amended by an amending Land Law enacted in compliance with the notice provisions in subsection 8.05 of the Land Code, and in compliance with Part 3 of the Land Code if the matters dealt with in the amendment fall within Land Code sections 12, 13 or 15;
  - b. the Land Law may be revised by a resolution of Council where:
    - i. Council deems the revision to be minor in that it will not change the purpose, intent or substance of the Land Law or require further Community Involvement under Part 3 of the Land Code, including a revision to correct an error or defect in the wording of the Land Law or to assist in the interpretation or implementation of the Land Law; and
    - ii. not less than 10 days' notice of the open meeting of Council at which the revision may be adopted is given to Members by posting a notice of the meeting, including the draft revision or a summary thereof, in the Band Administration Office and on a Henvey Inlet First Nation website page accessible to all Members.

**ADVICE OF LANDS ADVISORY COMMITTEE**

3. Prior to amending or revising a Land Law, Council shall seek the advice of the Lands Advisory Committee and may require any party to provide additional documentation, notification and community consultation.

**OTHER INSTRUMENTS**

4. Any instrument created, enacted, passed or adopted by Council pursuant to its law-making authority in Part 2 of the Land Code, other than a Land Law or an instrument which expressly includes provisions for amendment or revision, may be amended in the manner in which it was created, enacted, passed or adopted, and may be revised in accordance with subsection 2(b) of this Land Law.

**REGISTRATION OF AMENDMENT OR REVISION**

5. An amendment or minor revision to a Land Law or other instrument created, enacted, adopted or passed by Council pursuant to its law-making authority in Part 2 of the Land Code shall be registered in the Henvey Inlet First Nation Land Laws Register.



# HENVEY INLET FIRST NATION BAND COUNCIL

Chronological no.

**LC2017/18-005**

Date of open meeting  
of Band Council

**Monday, 23 October 2017**

Meeting  
Location:

**Fire Hall Library  
French River Reserve No. 13**

## LAND LAW ENACTING RESOLUTION

**DRAFT LAND  
LAW 2017/18-002: HENVEY INLET FIRST NATION LAND LAWS REGISTER**

### BACKGROUND

- A. By Land Law Tabling Resolution 2017/18-002 adopted on 05 September 2017, Council tabled "Draft Land Law 2017-18-002: Henvey Inlet First Nation Land Laws Register" for enactment.
- B. On 07 September 2017, notice of the draft Land Law and the open Council Meeting to consider enactment of Draft Land Law 2017/18-002 was given to the Members in accordance with the *Henvey Inlet First Nation Land Code*.
- C. The Lands Advisory Committee has reported to Council on any feedback forms received and has advised Council to proceed with the enactment of the Land Law.
- D. Council has considered any feedback forms received and the advice of the Lands Advisory Committee and wishes to enact Draft land Law 2017/18-002.
- E. Schedule "A" hereto is the final form of Land Law 2017/18-002 for enactment by this Council.

### BE IT RESOLVED:

- 1. Tabling Resolution LC2017/18-002, the notice given to Members and the recommendations of the Lands Advisory Committee in respect of Land Law 2017/18-002 are hereby deemed fully compliant with the *Henvey Inlet First Nation Land Code*, as amended.
- 2. Schedule "A" hereto is hereby enacted as *Land Law 2017/18-002: Henvey Inlet First Nation Land Laws Register* and shall come into force immediately.
- 3. The Director of Finance and Administration shall certify the attached Land Law 2017/18-002, deliver a copy thereof to the Registrar of Land Laws for registration, and provide a copy to the Lands Advisory Board, and arrange for publication of a notice of this Land Law on the Henvey Inlet First Nation Administration Offices, on the Henvey Inlet First Nation website, and in such other manner, if any, as the Director of Finance and Administration may deem advisable.

MOVED BY: Patrick Brennan

SECONDED BY: Carl Ashawasagau

CARRIED.

Quorum:	<u>4</u> present in person	 (Chief)
 (Councillor)	 (Councillor)	 (Councillor)
 (Councillor)	 (Councillor)	 (Councillor)



**SCHEDULE "A" TO LC2017/18-005  
HENVEY INLET FIRST NATION  
LAND LAW 2017/18-002  
THE HENVEY INLET FIRST NATION LAND LAWS REGISTER**

Enacted pursuant to subsections 7.01(d), 9.3, 9.4 and 9.5 of the Land Code

**PART 1 Interpretation**

**DEFINITIONS**

1. The following definitions apply in this Land Law:

*Act* means the *First Nations Land Management Act*;

*Council* means the council of Henvey Inlet First Nation, as duly elected from time to time;

*electronic image* means a single computer readable image file in Adobe Acrobat (.pdf) format or tagged image file (tif) format, or a Microsoft Word document (.doc or .docx), locked to prevent editing, capable of being printed or displayed with a resolution of at least 200 dots per inch;

*holiday* means a holiday mandated by federal legislation for federally regulated employees;

*Land Code enactment* includes the Land Code itself and any Land Law, resolution, revision, rule, regulation, standard, code, policy or other instrument and amendment or revision thereof created, enacted passed or adopted by Council pursuant to its law-making authority in Part 2 of the Henvey Inlet First Nation Land Code; and

*Protected Information* means any information in any form in which a person has privacy rights protected by applicable privacy legislation or in respect of which Henvey Inlet First Nation or any body, person or authority controlled by Henvey Inlet First Nation, is bound by a duty of confidentiality, and includes any reference to the existence of such information.

**PART 2 The Henvey Inlet First Nation Land Laws Register**

**LAND LAWS REGISTER**

2. Forthwith upon the coming into force of this Land Law, Council shall establish and maintain the Henvey Inlet First Nation Land Laws Register which shall include the following books of record:

- a. an indexed Land Law Archive containing:
  - i. original signed paper copies of all Land Code enactments accepted for registration, together with any supporting documentation required by the Land Code or included by reference in the enactment, endorsed by the Registrar with the time and date of registration thereof; and
  - ii. electronic images of all registered Land Code enactments; and
- b. a Land Laws Abstract Index containing an abstract of each registered Land Code enactment.



**ALL LAND CODE ENACTMENTS TO BE SUBMITTED FOR REGISTRATION**

3. Council shall submit to the Registrar an original copy of every Land Code enactment, signed by a majority of a quorum of Council, or by a person appointed by Council to certify its enactments, for registration.

**REGISTRATION**

4. Upon receipt of a Land Code enactment in proper form, the Registrar shall register the enactment by endorsing the original enactment with a sequential registration number, the Registrar's seal and a certificate of the time and date of registration.

**REGISTRATION, CONT'D**

5. Upon registering a Land Code enactment, the Registrar shall:
  - a. store the original enactment and an electronic image of the registered enactment in the Land Law Archive;
  - b. abstract from the registered enactment its title, date of enactment, type of enactment, date of registration, Land Laws Register number, brief subject matter; in force date and any other information which the Registrar deems relevant, and add that information to the Land Laws Abstract Index.

**GROUNDS FOR REFUSING REGISTRATION**

6. The Registrar shall not register a Land Code enactment document if:
  - a. the document is not dated;
  - b. any material part of the document is not legible or any schedule or other attachment referred to in the document is not attached;
  - c. the document does not bear the original signatures of a majority of a quorum of Council, or the original certificate of a person appointed by Council to certify Land Code enactments.

**SPENT AND REPEALED ENACTMENTS**

7. Upon notice from Council that a registered Land Code enactment is spent or has been amended or repealed, the Registrar shall add an endorsement of that change to the original enactment, to the stored image of the enactment and to the Land Laws Abstract Index, under the Registrar's seal.

**ACCESS TO THE LAND LAWS REGISTER**

8. Subject to subsection 15, any person may attend at the Henvey Inlet First Nation Register during normal business hours and may view or obtain a copy of an electronic image of any registered Land Code enactment or the Land Laws Abstract Index.

**PART 3 Administration**

**APPROPRIATIONS**

9. Council shall appropriate to the Henvey Inlet First Nation Register an annual budget for its staffing, training and operations and extraordinary funds as may be required for special projects from time to time.



**TERMS OF APPOINTMENT**

10. Council shall appoint and fix the qualifications and terms of engagement of the Registrar of Land Laws and at least one Deputy Registrar, both of whom shall serve at the pleasure of Council, by resolution.

**SEAL OF OFFICE**

11. The Registrar shall have a Seal of Office and shall affix the seal to all Land Code enactments accepted for registration in the Land Laws Register, and to all certified copies of documents or abstracts.

**DELEGATION**

12. The Registrar may delegate any or all of the Registrar's duties pursuant to this Land Law to the Deputy Registrar.

**VACANCY IN OFFICE OF REGISTRAR**

13. Where the office of Registrar becomes vacant, the Deputy Registrar may exercise the power and shall perform the duties of the Registrar until a Registrar is appointed.

**REGISTER OPEN HOURS**

14. The Henvey Inlet First Nation Register and shall be open from Monday to Thursday from 9:00 a.m. to 4:00 p.m. and on Friday from 9:00 a.m. to noon, EST or EDST, as applicable, except on holidays.

**REDACTION OF PRIVATE AND CONFIDENTIAL INFORMATION**

15. Prior to providing copies or allowing access to or inspection of any record, the Registrar shall ensure that any Protected Information is completely and effectively redacted, except:

- a. where the application is made by Council or by the authority which enacted the record;
- b. where the applicant produces releases signed by all parties having a protected interest in the Protected information contained in the record, or
- c. pursuant to an order of a court of competent jurisdiction.

**ADMINISTRATIVE FEES**

16. Council may from time to time by resolution prescribe reasonable fees for the review of documents submitted for registration or recording, for searches or viewings of abstracts and documents, for certification of abstracts or documents and other administrative services provided by the Henvey Inlet First Nation Register.

**PART 4 Coming Into Force**

**COMING INTO FORCE DATE**

17. This Land Law shall come into force immediately upon enactment by Council.



# HENVEY INLET FIRST NATION BAND COUNCIL

Chronological no.

**LC2017/18-006**

Date of open meeting  
of Band Council

**Monday, 23 October 2017**

Meeting  
Location:

**Fire Hall Library  
French River Reserve No. 13**

## LAND LAW ENACTING RESOLUTION

**DRAFT LAND LAW 2017/18-003:  
FIRST AMENDMENT TO THE HIWLP WIND ENERGY CENTRE  
ENVIRONMENTAL PERMIT**

### BACKGROUND

- A. By Land Law Tabling Resolution LC2017/18-002 adopted on 05 September 2017, Council tabled "Draft Land Law 2017/18-003: First Amendment To The HIWLP Wind Energy Centre Environmental Permit" for enactment, subject to Community Input.
- B. On 07 September 2017, notice of the draft Land Law, the Meeting of Members for Community Input and the open Council Meeting to consider enactment of Draft Land Law 2017/18-003 was given to the Members in accordance with the *Henvey Inlet First Nation Land Code*.
- C. On 23 October 2017, the Lands Advisory Committee convened a meeting of Members of the purpose of Community Input in respect of Draft Land Law 2017/18-003.
- D. The Lands Advisory Committee has reported to Council on the Meeting of Members for Community Input and any feedback forms received, and has advised Council to proceed with the enactment of the Land Law.
- E. Council has considered the results to the meeting of Members for Community Input, any feedback forms received and the advice of the Lands Advisory Committee and wishes to enact Draft Land Law 2017/18-003.
- F. Schedule "A" hereto is the final form of Land Law 2017/18-003 for enactment by this Council.

### BE IT RESOLVED:

- 1. Tabling Resolution LC2017/18-002, the notice given to Members, the meeting of Members for Community Input and the recommendations of the Lands Advisory Committee in respect of Land Law 2017/18-003 are hereby deemed fully compliant with the *Henvey Inlet First Nation Land Code*, as amended.
- 2. Schedule "A" hereto is hereby enacted as *Land Law 2017/18-003: First Amendment To The HIWLP Wind Energy Centre Environmental Permit*, and shall come into force immediately.
- 3. The Director of Finance and Administration shall certify the attached Land Law 2017/18-003, deliver a copy thereof to the Registrar of Land Laws for registration, and provide a copy to the Lands Advisory Board, and arrange for publication of a notice of this Land Law on the Henvey Inlet First Nation Administration Offices, on the Henvey Inlet First Nation website, and in such locally-distributed newspapers as the Director of Finance and Administration deems advisable.

MOVED BY: **Genevieve S. Dubois**

SECONDED BY: **Tony Solomon**

CARRIED.

Quorum:	<u>4</u> present in person	 (Chief)
 (Councillor)	 (Councillor)	 (Councillor)
 (Councillor)	 (Councillor)	 (Councillor)



**SCHEDULE "A" TO LC2017/18-006  
HENVEY INLET FIRST NATION  
LAND LAW 2017/18-003  
FIRST AMENDMENT TO THE HWLP WIND ENERGY CENTRE  
ENVIRONMENTAL PERMIT**

**Enacted pursuant to section 20 of Land Law 2015/16-009  
ENVIRONMENTAL ASSESSMENT AND PERMITTING**

The Henvey Inlet Wind Energy Centre Environmental Permit enacted on 28 February 2016 as Land Law 2015/16-012, as modified by Decision No. 2017-04 of the Commissioner dated 17 August 2017, is hereby amended as follows:

**CHANGE OF WIND TURBINE GENERATOR**

1. Paragraph (a) of Schedule "A" of Land Law 2015/16-012 is hereby repealed and the following substituted therefor:

a. up to ninety-one (91) Vestas V136-3.45 MW wind turbine generators each rated at up to 3.6 megawatts generating output capacity;

**CHANGE OF DEFINITION**

2. Paragraph 54 of Land Law 2016-17-012 is hereby repealed and the following substituted therefor:

54. "Noise Impact Assessment Report" means the report entitled "Renewable Energy Approval Application - Noise Impact Assessment" prepared by DNV-GL dated 26 July 2017, including any modifications thereof by or approved by the Commissioner.

**COMING INTO FORCE DATE**

3. This Land Law shall come into force immediately upon enactment by Council.





# HENVEY INLET FIRST NATION BAND COUNCIL

Chronological no.

**LC2017/18-007**

Date of open meeting  
of Band Council

**Monday, 23 October 2017**

Meeting  
Location:

**Fire Hall Library  
French River Reserve No. 13**

## LAND LAW ENACTING RESOLUTION

**EMERGENCY LAND  
LAW 2017/18-004:**

**NO HUNTING WITHIN HENVEY INLET RESERVE No. 2**

### BACKGROUND

- A. Pursuant to the lease granted to HIW GP for the construction of the HIW LP Wind Energy Centre on Reserve No. 2 and made effective on 19 October 2015, Henvey Inlet First Nation as Landlord is required to provide for the safety of persons, materials and equipment within the leasehold area, which includes substantially all of Henvey Inlet Reserve No. 2 lying west of Ontario Highway 69.
  - B. HIWGP has advised that it is about to commence construction activities with the leasehold area.
  - C. Council is concerned that, with the opening of hunting season, an immediate prohibition on hunting activities in the leasehold area is needed urgently to protect Henvey Inlet First Nation Land or the Members.
  - D. Pursuant to subs. 8.09 of the *Henvey Inlet First Nation Land Code*, as restated and amended, Council has authority to pass an emergency Land Law where needed urgently to protect Members and Henvey Inlet First Nation Lands, by Band Council resolution without following the normal notice requirements in subs. 8.05 of the Land Code, provided that such emergency Land Law shall expire 120 days after its enactment, unless re-enacted in accordance with section 8.05.
  - E. Pursuant to the *First Nation Lands Management Act*, Henvey Inlet First Nation has authority to enact Land Laws to create offences punishable on summary conviction and to provide for the imposition of fines, imprisonment, restitution, community service and any other means for achieving compliance with such Land Laws.
  - F. The Lands Advisory Committee has advised that it is in favor of the emergency Land Law.
- 6** Schedule "A" hereto is the final form of Land Law 2017/18-004 for enactment by this Council.

### BE IT RESOLVED:

1. Schedule "A" hereto is hereby enacted as *Land Law 2017/18-004: No Hunting Within Henvey Inlet Reserve No. 2*, which shall come into force as an Emergency Land Law at 12:01 a.m. on Tuesday, 24 October 2017 and which shall expire at midnight on Tuesday, 20 February 2018, subject to re-enactment as provided in subsection 8.05 of the *Henvey Inlet First Nation Land Code*.
2. The Director of Finance and Administration shall
  - a. certify the attached Land Law 2017/18-004, deliver a copy thereof to the Registrar of Land Laws for registration, and provide a copy to the Lands Advisory Board, and arrange for publication of a notice of this Land Law on the Henvey Inlet First Nation Administration Offices, on the Henvey Inlet First Nation website, and in such other manner, if any, as the Director of Finance and Administration may deem advisable; and
  - b. cause appropriate No Hunting signage to be posted on the boundaries of Reserve No. 2.

MOVED BY: Lionel Fox

SECONDED BY: Carl Ashawasagai

CARRIED.

Quorum:	<u>4</u> present in person	 (Chief)
 (Councillor)	 (Councillor)	 (Councillor)
 (Councillor)	 (Councillor)	 (Councillor)



SCHEDULE "A" TO LC2017/18-007  
HENVEY INLET FIRST NATION  
LAND LAW 2017/18-004  
EMERGENCY HUNTING BAN WITHIN  
HENVEY INLET RESERVE No. 2 WEST OF HIGHWAY 69

Enacted as an Emergency Land Law pursuant to subsections 7.02(e), 8.09 and 10.01(c)  
of the *Henvey Inlet First Nation Land Code*

**INTERPRETATION**

1. In this Land Law, "hunting" means predation on wildlife, and includes harvesting, taking, attacking, lying in wait for, searching for, being on the trail of, pursuing, chasing and capturing wildlife, whether or not any wildlife is killed, injured, captured or harassed, but does not include:
  - a. fishing; or
  - b. lying in wait for, searching for, being on the trail of or pursuing wildlife for a purpose other than attempting to kill, injure, capture or harass it.

**BAN ON HUNTING**

2. All hunting is prohibited within any portion of Henvey Inlet Reserve No. 2 lying west of Ontario Highway 69.

**PENALTY**

3. Any person who contravenes this Emergency Land Law shall be subject to prosecution by summary conviction and, upon a first conviction, to a fine of \$1,000.00 or imprisonment for up to three months or both a fine and imprisonment, and on any subsequent conviction, and to a fine of \$10,000.00 or imprisonment for a period of six months or both a fine and imprisonment.

**PERIOD IN EFFECT**

4. This Emergency Land Law shall take effect at 12:01 a.m. on Tuesday, 24 October 2017 and shall expire at midnight on Tuesday, 20 February 2018, unless re-enacted pursuant to subsection 8.05 of the *Henvey Inlet First Nation Land Code*.