

Land Allotments Reserve – Askii Isokonikana

This booklet explains – *Oma masinahikan weetam*:

- How land allotments work under the Indian Act
Tante isi apacitanwahih askii iskonikana isi wapascikateki nehta ininew wanaswewina mistikosoo okemakan akii masinaha

- Requirements for an allotment
Kekwana itencikateki kiaspin askii isokonikana awii apacitanwaheh

- Leases and permits
Tipiyikana ekwa awawiiyakana

- *Transferring an allotment*
Ascipicikatek askii iskonikan

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Terminology & Acronyms – Itewina

Allotment – The Process by which an individual Band member receives lawful possession of reserve land from the Band Council, under section 20 of the Indian Act.

Nehini itocikateki niikan emeh miinakanwa, nantow wawiyakanwa, ininew askii iskonikan, itastek Ininew wanaswewina mistikoso okemakan akii masinaha

Cardex Holdings – A historical method of recording an individual interest lawful possession of reserve land on an index card at DIAND.

Kayasi masinahikana, mistikoso okemakanak ekanentahik, itasteki tante isi askii iskonikan ininew asiwiikit

Certificates of Occupation – Documentary evidence of a Band member’s authority to temporarily occupy reserve lands described in the certificate, pursuant to subsections 20 (4) and (6) of the Indian Act.

Masinahikan itencikatek kispin ininew acinow ka apacitat askii iskonikan, asi itastek ininew wanaswewina mistikoso okemakan akii masinaha

ILRS – Indian Lands Reserve System, the DIAND land registry for most Indian Reserves.

Ininew askii iskonikana isi kanwapascikateki, isi masinahikateki, ekanencikateki nehte mistokoso okamakan atoskekamiko

Land Description – A description by which property can be definitely located by reference to surveys or approved recorded plans within a system set up by law or approved by law.

Mistikoso okemakam wanaswewin masinahikan itastek, taniko apiiscak, mahti sooniyaskak, tante asiyastek, anima askii iskonikan akii kanwapatahik

Terminology & Acronyms continued: *Itewina kiyapic*

Land Status Report- A report summarizing all the information from the Indian Land Registry and DIAND files regarding the encumbrances and/or interests in a particular parcel of reserve land.

Masinahikan itastek keko ininew iskonikana mistikoso okimakan akanenta nantow atipenta.

Lawful Possession – The highest form of ownership available to an individual Band member on reserve.

Mawaci aniko miinakanwa, nantow awowiyakanwa, ininew kawiiKit nantow ka apacitat askii iskonikan.

Locatee – A band member who has received lawful possession of reserve land under section 20 of the Indian act.

Ininew amiinakanwa, nantow awowiyakanwa, askii iskonikan, asii itastek ininew wanaswewina mistikoso okemakan akii masinaha

Location Tickets – The form of evidence of lawful possession that was issued until September 4, 1951 under the Indian Act of 1880 for lawful possession of reserve lands by a band member.

Kayasi masinahikana itastek mawaci eniko emiinakanwa nantow awowiyakanwa ininew kawiiKit askii iskonikani, itastek Ininew wanaswewin mistikoso okemakan akii masinaha

Notice of Entitlement – An interest held under a Notice of Entitlement (NE) is similar to a Cardex Holding, in that the holdings were created by an allotment by the Band Council and approved by the Minister under subsequent 20(1) of the Indian Act. (3-2, 2.5).

Tapiskoc kayasi masinahikana, mistikoso okemakan asiy kii kanwapatam askii iskonikan, taniko apiiscak, matih asooniyaskak, tapakitnat nantow ka awowiyat ininew ka apacitat. Asiy otaswewinohk kiiwiitamohkanwak ekwa, okoteh itastew nehta Ininew Wanaswewina mistikoso okemakan akii masinaha

Introduction – *Kekwana ayanimocikateki*

This booklet on land allotments under the Indian Act was produced by the National Aboriginal Land Managers Association (NALMA) to provide interested parties with information on the land allotment process.

*Oma masinahikan yanimocikatew askii iskonikana asi wapascikateki netah Ininew
Waneswewina mistikoso okemakan akii masinaha*

If you are – *Kisaspin kiina:*

- A member of Chief and Council
Okemakan ekwa otaswewinohk
- A staff member of the Band Office tasked with helping members get access to information about land allotments
Iskonikani atoskekamik asi atoskeyan, awiicihakik kiwiici ininewak awii kiskentahik wasameh askii iskonikana iytocikateki
- A Band member seeking an allotment
Iskonikani osciit ininew awii apacitat askii iskonikan

Then this booklet was created for you

Kiina osci asikew ostanwa oma masinahikan

Important Note – *Ta kiskenicikatek*

This booklet is provided strictly for informational, not legal, purposes

Mwats tapwe kakii tapwescikatew oma masinahikan

In all legal matters, consult the appropriate laws directly and seek the advice of a competent lawyer

Kaspin awena awii moonwenta kekwan ota emasinahikatek, miskow anakatihtat otasowawewino ka wiicihis

Under section 20(1) of the Indian Act, a portion of reserve land may be allotted to a Band member by a Band Council Resolution, subject to the approval of the Minister. Band members who receive such an allotment have **lawful possession** of the land and are commonly referred to as a locatee. DIAND will issue a **certificate of possession** as evidence of the locatee's lawful possession of the parcel of reserve land.

Ininew wanaswewin mistikoso okimakan akii masinaha itastew, mwats awena ininew takii apacitaw iskonikan kiaspin ehkwa ceskwa kakehcmateh mistokoso okemakanak neteh asiyatoskecik mistikoso atoskekamikok

Additionally, under section 22 of the Indian Act, lawful possession may arise where a Band member was in possession of lands at the time that the lands were included in the reserve (eg. Treaty Land Entitlement, Additions to Reserves). Where section 22 applies, the Band member occupant is entitled to evidence of his or her possessory rights **without** requiring an allotment from the Band Council.

Ininew wanaswewina mistokoso okemakan akii masinaha, itastew, ininew semak takii apacitaw, kayaw askii iskonikan kiaspin asiy akii wiikit, ekospii niikan akii kanwapata mistikoso okemakan. Asiy miinwakanwan ininew, mwats wasimeh Ininew okemakan nantow otaswewinohk ka-tasi kekecimakanwak

Allotments may be made only to members of the Band

Anehinik piko osciicik iskonikani, takii miinwakanwak askii iskonikan

Traditional or Custom Holdings – *Kayasi ininewe tapwewina*

Some First Nations do not allot land under the provisions of the Indian Act. Instead, they may recognize traditional or custom holdings by individuals and grant “occupational rights at the pleasure of the First Nation council.” Custom holdings are not allotments under the Indian Act; this booklet does not deal with such traditional or custom holdings.

Atis Ininewak mwats kanohpatamwak Ininew Wanaswewina misotokoso okemakan akii masinaha. Miiskocs, kayasi ininewe tapwewina kanohwapatamwak. Okanik ininewak asi kanohpatahik kayasi ininewe tapwewina, wiinowaw tipenimisowak, tipentamwak askiinom, nipiy, asiniyak, mistikwak, asi-wiikicik. Kiskenitcikatew, mwats nantow takii totam mistikoso okemakan.

Certificates of Occupation

Certificates of Occupation are instruments that record temporary lawful possession of reserve land by a band member. Although not often used, these instruments can provide band members with short term lawful possession, in order to fulfill certain conditions. If the conditions are met, the Band Council will then authorize complete lawful possession, which will result in a certificate of possession. Example, a potential locatee may be required to complete a foundation for a house within a specified period.

Masinahikana akanencikateki itasteki awena akwa keko isonikan ininew asiwii apacitat nantow awii itotah askiinom. Kispim awii ostateh waskiyikan nehta ininew askii iskonikanih, ta wiitah maka piko tanikospii kanosistat ka kiisistat anima waskiyikanom awiiostat

Note that the temporary possession authorized with a certificate of occupation is not the same as lawful possession authorized with a certificate of possession. The proposed locatee cannot transfer or dispose of a certificate of occupation (eg. Sell or lease it, etc.), except by devise or descent (i.e. bequest or inheritance). If a certificate of occupation is transferred by devise or descent, the heirs or beneficiaries must fulfill the stated conditions in order to be eligible for a certificate of possession.

Nanantow masinahikana akanencikateki itahkanwa akanenta mistikoso okemankan. Peyak itastew, mwats takii sooniyakew, awena awii apacitat anima askii iskonikan. Maka miina, takii sooniyakew, kispin akii miinahkanwa ekospii akii ponihmatisinci owakohmakana.

Conflict of Interest - Moonwecikan

Conflict of interest – Moonwecikan

A “real” conflict of interest can be distinguished from an “apparent” or “potential” conflict of interest - *Nanantow asi kanwapascikateki moonwecikana*:

- A real conflict of interest exists at the present time
Tapwe moonwecikan itakwan mekwats
- An apparent conflict of interest could be perceived by reasonable observer to exist, whether or not it is the case, and
Etikwe itakwan kekwan takii moonwecikatek
- A potential conflict of interest could reasonably be foreseen to exist in the future.
Wapascikatew kekwan takii ispanik kakii moonwecikatek

An allotment to a Band Council member or to a member of their immediate families may raise the potential for **conflict of interest**, or an **apparent conflict of interest**. The Band Council should be notified of the potential conflict and provided with the opportunity to address the conflict of interest with the community, prior to proceeding (e.g. special notice, special band meeting, etc.).

Takii moonwecikatew kispin otaswewino nantow owakohmakana miinahkanwaheh askiinom. Kispin moonwecikateke anima osci, Otaswewinohk kawitamwakanwak, ekwa ka mamawapanwan, ka kake miinostanwa moonwecikan

Band councils are responsible for the management of any conflict of interest issues. If there is an appearance of a conflict of interest, the Band Council should provide its jurisdiction for proceeding with the allotment in the **Band Council Resolution** authorizing the allotment.

Otaswewinohk kayapacihanwak ta kake miinostanwa moonwecikana. Kispin otasweno ekikipanit moonwecikan, otaswewinohk takanohpatamwak matih iskonikanih osciit ana awii miinakanwa askii iskonikanom, matih eka osamih misak anima askii awii miinakanwa, mati asiy apacitanwa anima askii awii miinakanwa, ekoteh isi takii miinostawak moonwecikan.

The Land Allotment Process – *Askii iskonikan ascipicikatek*

Create a Land Status Report

Kanwapascikatek askii iskonikan matih takii apacitanwa asi wii apacitanwa, ekwa, ta masinahikateki matih tapsikoc keko ininew iskonikana asi wiiyat, nantow tante isi apacitat anima askii iskonikan

Identify and resolve conflicts of interests

Wapascikateki moonwencikana, ka miinostanwan

Obtain a land survey

Ininew ka tipiyiket ka wapascikatek askii iskonikan awii apacitat.

Identify any access requirements

Ka wiitahman kiaspin meskanow awii ostanwa

Determine whether DIAND requires an environmental review

Mahti mistikoso okemakan atoskewak kawii kanwapatahik niikan askii iskonikan awii apacitanwa

If necessary, obtain a BCR from Council

Kiaspin itencikateke, otaswewinohk kakii itaswewak mahti kakii apacitanwa askii iskonikan

If necessary, provide confirmation of membership

Kiaspin itencikatehke, wapahtin masinahikan itastek ekota askii iskonikan osciit ininew

Obtain Ministerial approval

Ka nahtaman masinahikan mistikoso okemakan itastat takii apacitayan askii iskonikan

Step 1 - Land Status Report

Niikan – Askii Isi Apacitanwa Masinahikan

Land Managers must create a Land Status Report (also known as an “encumbrance check”) that confirms that the parcel of land:

Askii ekanentahik atoskewak ka kanohpatamwak, ka masinahamwak mahti anima askii iskonikan:

- Is the Band’s reserve land – *Ininewak tipentamwak askii iskonikan*
- Has not been allotted to and held by another Band member- *Mwats ceskwa kotak kii miinwakanwan ininew osciit nehta askii iskonikan*
- Has not been designated under section 38(1) – *mwats ceskwa kii nahastanwan nahkesiis ka apacitanwa*
- Has not been set aside under section 18(2), and *Mwats ceskwa kii nahastanwan nahkesiis ka apacitanwa ekwa miinah, kakii otinikatew askii iskonikan kiaspin awii ostanwaheh, tapiskoc, kiskenohwekamik nantow kotak kekwana ka wiicihakanwahik kakihnow ininewak askii iskonikan*
- Is not subject to third-party encumbrances or other rights that are inconsistent with the proposed allotment - *Mwats ceskwa kii nahastanwan, nantow mwats mekwacs apacitanwan askii iskonikan*

If the allotment area has **other permissible uses** under other registered instruments (e.g., hydro distribution right-of-way, etc.), they should be detailed in:

Kiaspin askii iskonikan awii apacitanwa, asiy kotakeh isi apacitanwa, itencikatew ta wiitamam tante isi apacitanwa anima askii iskonikan. Oho nanantow masinahikana itencikatewa:

- The land status report / *Tante mekwac isi apactitanwa anima askii iskonikan*
- The Land Description, and / *Askii iskonikan isinahkwa, tante isi ayastek, taniko apiiscak, nipiy nah kisawak astew, ekwa;*
- The certificate of possession / *Masinahikan mistikoso okemakan emiinat ininewa, itastek kapikitinat ka apacitat askii iskonikan*

Step 2 – Conflicts of Interest / Niiso – moonwecikana

If a conflict of use exists (e.g. was set aside under section 18 (2) of the Indian Act), the Band Council must resolve the conflict or the allotment will not be authorized.

Kisaspin moonwecikateke askii iskonikan osci, otaswenwinohk maka piko ta miinostacik nantow mwats takii apacitanwan anima askii iskonikan

If a conflict of interest or a perceived conflict of interest exists, in providing allotments to council members, or members of their immediate families, the Band Council should address the issue with the community prior to proceeding (e.g. special notice, special Band meeting etc.) and provide its justification for proceeding with the allotment in the Band Council Resolution authorizing the allotment.

Kisaspin moonwecikateke amiinahkanwa otaswewino, nantow o-wakomakana, askii iskonikan, ka mamawepeyacik maka piko iskonikani ininewak ekwa otaswewinohk, ka yanhmotahik, kakeke miinostacik, kekwan osci ka miinakanwa ana anima iskonikan askii

Band Councils are responsible for the management of any conflict of interest issues. If there is an appearance of a conflict of interest, the Band Council should justify its justification for proceeding with the allotment in the Band Council Resolution.

Otaswewinohk pakoswenimakanwak ka wiicihakik ininewak, kisaspin moonwecikateke iskonikan askii awii miinakanwa awena awii apacitat. Wiinawaw, otaswewinohk, kawitahmwak kekwan osci kwaniisi kamiinakanwa ana awena awii apaitat askii iskonikan

Step 3 – Land Survey / Nisto - Askii iskonikan ekanohwapascikatek

Currently, allotment parcels must be surveyed; historically, this was always the case. The proposed locatee is responsible for paying for all costs associated with obtaining the appropriate land description (survey), unless other arrangements are made with the Band Council.

Mekwats, Ininew ka tipiyikew ka kanohpascikatenik askii iskonikan awii apacitat, nantow asiy otaswewinohk kii pakinehwak ininewa ka apacitat anima askii iskonikan

The description of the land set out in the allotment must meet the requirements contained in the “Interdepartmental Agreement” between DIAND and Natural Resources Canada. The description of the lands should identify any existing easements or encumbrances that affect the land.

Oma askii iskonikan awii apacitanwa, kascitow maka piko ka pimitisikatek otaswewin mistikoso okemakanak akii masinaha

At the time of writing, the “Interdepartmental Agreement” requires a Plan of Survey (Administrative Plan) for allotments. As the agreement is subject to revision, please consult the latest version at the Natural Resources Canada website:

<http://clss.nrcan.gc.ca/clss/surveystandards-normesdarcentage/agreements>

Oma mekwats akii masinahikatek, mistokoso okemakan kiitentam masinahikan awiiscikatek tante isi ka apacitanwa askii iskonikan, nantow, masinahikan awiiscikatek akii tipiykatek ka kanohpascikatek askii iskonikan awii apacitanwa. Maka mina kakii piitoswepano oma, ota isi ayamihta wasimeh wiikiskenitamaneh:

<http://clss.nrcan.gc.ca/clss/surveystandards-normesdarcentage/agreements>

Step 4 – Access Agreements / *Newo - Meskanow Masinahikana*

Access (road allowance, street, or lane) must be addressed in an allotment. While historically some existing land-locked parcels have been registered, no new individual land holdings may be registered in the Indian Lands Registry System unless access has been provided.

Meskanowah ka wiiscikateki kiaspin awii ostanwaheh nehta askii isokonikan awii apacitanwa.

Where access to the allotted land is not available by a public or Band owned road, access may be granted over adjacent lands by agreement with the lawful possessors of that land. An allotment of an island does not require an access agreement.

Kiaspin mwats kekwan meskanow itakwaheh nehta askii iskonikan awii apacitanwa, kotak meskanow kiswak asiy asiyastekeh, kakii apacitanwan kiaspin pakitinaheh ana awena kisowak awiikit nehta meskanow asiy ayastek

If a highway access, either directly to the subject site via a public roadway, or the reserve boundary needs to be altered, obtain an Access Permit or Letter of Intent from the provincial Ministry of Transportation.

Kiaspin meskanow awii ostanwaheh, niikan ka ayamihow mistikoso okemakanak ekwanwapatahik meskanowa

For further information on DIAND's access requirements, see Section 9.3.34 of the Indian Lands Registry Manual (2017).

Kiaspin wasimeh awii kiskentamana, mistikoso okemakan masinahikan itakwan takii ayamihayan

Step 5 – Environmental Review / Niiyanan – Askii iskonikan tiptiyikana

Allotments without an attached project proposal (i.e., Plan for a business development) are not subject to an environmental review. If the allotment does include a project proposal, DIAND will determine whether an environmental review is necessary.

Kisaspin ekah tapiskocs atoskekamik, atawekamik ka sooniyawket, twa, awii ostanwa nehta askii iskonikan, mwats itenim mistikoso okemakan, katipiyket ininew ka kwanohpascikatek pitamah askii iskonikan. Maka miiskoc, kisaspin awii ostanwaheh tapiskots atoskekamik, atawekamik, ka sooniyaket, niikan ka kakecimakanwan mistikoso okemakan, matih ka tiptiyket ininew ta kwanohpascikatenik askii iskonikan awii apacitat, tante isi ka pakamiskihkatek askii ekwa nipiy, pakaci ostanwaheh.

Step 6 – Band Council Resolution / Nikotwasik – Otaswewinohk wanaswewin

For allotments under subsection 20(1) of the Indian Act, the Band Council must confirm with a **Band Council Resolution** that:

Ota Ininew wanaswewina mistikoso okemakan akii masinaha, itastew, mwats tipenitam ininew askii iskonikan. Kisaspin ininew awii apacitat askii iskonikan, niikan otaswewinohk ta kakwecimakanwak, ta kwanohpatamwak mahti:

- The size of the allotted land is not out of proportion in relation to the size of the reserve itself;
Mwats osamih mihsow askii iskonikan awii apacitanwa;
- The allotment meets the requirements of the Band Council's development plans or zoning bylaws;
Askii oskonikan isi awii apacitanwa, mwats kakepipano kekwan kohtak otaswewinohk akii otaswecik kiy itotahik nahkesiis nehta askii iskonikan;
- It has dealt with any real or perceived conflicts of interest, and;
Kii miinwecikatewa moonwencikana, ekwa;
- The person receiving the allotment is a Band member.
Ininew awii apacitat askii iskonikan, ekota mahka piko ka osciit

For allotments under section 22 of the Indian Act, Band Council consent is not required.

Kisaspin ininew akii wiikit askii iskonikani, ekospii mistikoso okemakan akii peci kwanohwapatah askii iskonikan, wiina ana ininew otaskiinom nehta asi wiiket, mwats otasih kakwecimew otaswewinohk, kekwan awii itotah otaskiinom asi wiikit.

Step 7 - Confirmation of Membership

Tepikohp – Masinahikan iytastek tante osciit ininew

For section 10 Bands (i.e., those that control their membership code), ensure that the Band's membership clerk, or other responsible Band official, has provided written confirmation of Band membership to DIAND (i.e., the allotment is being made to a Band member).

Iskonikan astokekamik asi atoskecik, ta miinat masinahikanom mistikoso okemakan, awiitamwat ekota askii iskonikan, osciit ana Ininew awii apacitat askii iskonikan.

For section 11 Bands, DIAND will confirm that the allotment is being made to a Band member.

Mistikoso okemakan kakwecimakanwan mahti ininew, awii apacitat askii iskonikan, osciit nantow masinahikasot osciit nehta askii iskonikanom

Step 8 – Ministerial Approval / Eyniynew - Mistikoso Okemankan Kapakitihnah

Ministerial approval is required for allotments under sections 20(1) or 22 of the Indian Act.

Ininew awii apacitat askii, pihtama ka nahtam masinahikan iytastek, mistikoso okemakan pakitineew ininew ka apacitat askii iskonikan. Mwats ininew tipentam askii iskonikan itastew ininew wanaswewin mistikoso okemakan akii masinaha

Upon approval, DIAND will register the allotment in the ILRS.

Pakaci ayahteh ininew anima masinahikan, mistikoso okemakan kanentam, kenentamwak piko kekwan itootah ininew askii iskonikani

Transferring an Allotment – *Ascipicikatek askii iskonikan*

Upon obtaining an allotment, locatees may transfer a portion or the whole of their interest to another Band member of the Band.

Pakaci ayateh masinahikan ininew itastek takii apacitat askii iskonikanom, takii ascipitam kiaspin awii miinateh owakomakana anima askii iskonikan

The whole of an unsurveyed allotment may be transferred to a Band member(s) of the Band; however; an unsurveyed allotment may not be physically subdivided and transferred without first obtaining a survey(s).

Misweh takii miinwew ininew owakomakana askii iskonikanom. Maka miina, mwats takii itocikatew kiaspin ekah ceskwa tipahamoteh mistikoso okemakan ka kanwapata askii iskonikan, mahti isi kapakmiskatek askii iskonikan kiaspin apacitanwaheh

NALMA has produced another booklet on the subject of transferring land on-reserve that you can consult for more information.

Kootak itakwan masinahikan wasimeh ayanimocikatek oma ascipicikatek askii iskonikan, otah isi:

Contact NALMA at:

info@nalma.ca

Checklist for an Indian Act Allotment – *Ininew wanaswewin mistokoso okemakan akii masinaha, itocikatekih kispin ininew awii apacitat askii iskonikan*

Task - itocikana	Done/asiy
Land Status	
Ensure that a Lands Status Report has been generated/ <i>masinahikan awiiscikatek kakinow kekwana itocikateki, nantow kotak awena mekwats apacitat anima askii iskonikan</i>	
Confirm that the land is part of the reserve/ <i>Kescinahoh askii iskoninkan ka kii apacitanwa</i>	
Confirm that the land is not allotted to another Band member/ <i>kescinahoh mwats awena kotak ininew kii miinakanwan askii iskonikan</i>	
Confirm that the land has not been designated/ <i>Kescinahoh mwats ceskwa kii nahastanwan askii iskonikan ka apacikatek nakehsiis</i>	
Confirm that the land has not been set aside under section 18(2)/ <i>Kescinahoh mwats ceskwa kii nahastanwan askii iskonikan ka mamawe apacitanwa nakehsiis tapiskoc kiskinwamakekamok akwa kotakiya</i>	
Confirm that there are no third-party encumbrances that will conflict with the allotment/ <i>Kescinahoh mwats kekwana kotakya ka kakepihpanwah isiwii apacitanwa askii iskonikan</i>	
Resolve any conflicts of use with third-party encumbrances/ <i>Miinwepita anehinih kotakya ka kapepipanihki moonwencikana</i>	
Identify all existing third-party encumbrances that do not conflict (e.g., hydro distribution right-of-way)/ <i>Wiita kispin nipiy ayakokwanimokana astekeh nehta asiwii apacitanwa askii iskonikan</i>	
Conflict of Interest – Moonwecikana	
Address apparent or real conflicts of interest when allotments are made to Council members or their family members/ <i>Miinwepita moonwecikana kispin Otaswewino, nantow owakohmakana, miinwakanahch askii iskonikan</i>	
Survey and Access/<i>kanwapascikatek iskonikan, tante isiyastek, eyakiscikatek taniko apiiscak, ekwa, meskanow nahka itakwan</i>	
Ensure the parcel of land has been surveyed/ <i>kescinahoh askii iskonikan awii apacitanwa, asiy kii kanwapascikatew</i>	
Ensure the land description identifies existing easements or encumbrances/ <i>Kescinahoh askii iskonikan masinahikan, ka wiitahman kahkinow awii itocikatehk, asiwii apacitanwah askii iskonikan</i>	
Ensure that access is addressed in the allotment/ <i>Kescinahoh ka wiitahman tante isi itotanwa nehta askii iskonikan awii apacitayan</i>	

Checklist for an Indian Act Allotment / Itoocikateki awii apacitaneh askii iskonikan

Task – Itoocikana	Done/Asiy
Environment Processes for Project Proposals/Kawapascikatek askii iskonikan, nipyi, emeh ostanwah kekwan tapiskots atahwekamik	
Consult with DIAND regarding the need to environmentally review project proposals/ <i>Ayamihih mistokoso okemakan ka kanohpatahik askii iskonikanom emeh mahtiyon, nantow ostiyon kekwan askii iskonikan</i>	
Band council resolution – otaswewinohk wanaswewin	
Confirm the size of the allotted land is not out of proportion in relation to the size of the reserve itself/ <i>kescinahoh ekah osamih mihsak anima awawiykoyan askii iskonikan</i>	
Confirm the allotment meets the requirements of the Band Council's development plans or zoning bylaws/ <i>kescinahoh otaswewinohk ka nahentahik askii iskonikan awii apacitayan, ekah ka kakepipanik nakesiis awii ostacik kekwanom</i>	
Confirm the Council has dealt with any real conflicts of interest/ <i>Kescinahoh otaswewinohk kii miinwehamwak kekwana eh moonwencikateki</i>	
Confirm the person receiving the allotment is a Band member/ <i>Kescinahoh ekotah osciit ana inew iskonikanih, awii apacitat askii iskonikan</i>	
Membership – Askii iskonikan osciit	
For Section 10 Bands, ensure that membership clerk has provided written confirmation that the allotment is being made to a Band member/ <i>Otaswewinohk miinakanwak takiitecihk kekoh ininew masinahikasot nantow awiikatenahkanwa nehta osciit askii iskonikan. Masinahikan kanataman atoskekamiko, itatstek ekota osciit ana inew awii miinakanwa/awawiyahkanwa askii iskonikan</i>	
Ministerial Approval/ Mistikoso okemakan kakwecimakanwa	
Provide the Land Status Report, Survey, Band Council Resolution, and where applicable, membership confirmation to DIAND for Ministerial Approval/ <i>Mistikoso okemakan itenitam nanantow masinahikana kiaspin inew awii apacitateh askii iskonikan. Masinahikan miina itastek ekota askii iskonikan osciit ana inew awii apacitat askii iskonikan</i>	

Leases and Permits - *Tipiyikana ekwa wawiyakana*

Upon obtaining an allotment, locatees may negotiate leases or permits that authorize use of their allotted lands to another party, subject to a number of conditions, including the following:

Pakahci wawiyakanwa ininew askii iskonikan, takii sooniyakew, nantew takii wawiyakew anima askii iskonikan kiaspin piko:

- The activity conforms with all applicable laws, including all environmental, health and safety and zoning laws, this includes all Band laws, by-laws, regulations etc.
Naniyscikateki, nahencikahteki, nehik kotakiya akii wanstanwahih nehta askii iskonikani
- The locatee obtains their spouse's or common-law's partner consent if the instrument will dispose of or encumber the family home
Ininew awawiyakanwa askii iskonikan, miiskots kakii pakitinam nantow kakii wawiyakew/sooniyakew kiaspin pakitinikoteh owiikimakana
- In some cases, an environmental assessment of review will be required
Askow, mistikoso okemakan itenimew ininew kapiyiket niikan, kakanwapascikatenik anima askii iskonikan awii apacitat
- Band Council consent is required for a permit of over one year's duration (Band Council consent is not required for locatee lease)
Kiaspin wasimeh peyak askii awawiyakanwa awena askii iskonikanom, otaswewinohk mahka pihko ka kawecimakanwahik. Piitos wiinawaw ininewak awiikicik askii iskonikana, mwats kakwecihemo kiaspin wasimeh peyak askii awii apacitat askii iskoninkan.
- All leases and permits are subject to Ministerial approval
Kakinow tipiyikana ekwa wawiyakana, mistikoso okemakan kakwecimakanwan niikan, emeh pakitinat ininew ka apacitat askii iskonikan

Allotments do not give locatees rights to natural resources on or under the lot, including unconsolidated, non-metallic, minerals, or timber. Rights to the natural resources remain vested in the Crown on behalf of the Band.

Ininewak awawiyakanwa askii iskonikan, mwats tipentam kekwana tapiskocs mistikwak, nipiy, nanantow asiniyak, sooniyaskakeh. Miiskocs, mistikoso okemakan, nantow kisci okemaw iskwew, tipentam, kanentamwew otaswewinohk ekwa ininewak osciicik nehta askii iskonikan

Historical Evidence of Lawful Possession – *Kayasih masinahikana ekanencikatekih askii iskonikana*

Over time there have been different methods of documenting evidence of lawful possession. For example, location tickets and notices of entitlement, as well as the recording of lawful possession in cardex holdings, were used previously as evidence as lawful possession.

Otanakamiko aspin akii mahci masinahikateke kekoh ininew asiwiikit, nantow apacitat, kekoh askii iskonikan. Nanantow kayasih masinahikana itahkanwa awiiscikatek kekoh ininew asiy apacitat askii iskonikan.

Usually, the only significant difference between the historical records of lawful possession and a certificate of possession is that the historical records were created without a survey; whereas, more recent allotments have required a survey. Location tickets and notices of entitlement, as well as, cardex holdings continue to be valid evidence of lawful possession under the Indian Act; however, they may not be subdivided for a transfer, as they have not been surveyed.

Okanih nanantow kayasih masinahikana, kiyapic apacitow mistikoso okemakan. Maka mwats ceskwa kweyas kiisci kanohpatam mistikoso okemakan askii iskonikan, okospii akiisi masinahikatekih oho kayasih masinahikana. Ininew wanaswewin mistikoso akii masinahah, itastew mwats ininew takii ascipitam, nantow takii miinwew kanekeh apisiis anima askii iskonikan asi wiikit, nantow apacitat. Pahtima ininew tipiyikete ka kanohpascikatenik askii iskonikan, ekotah takii ascipitam, nantow takii miinwew kanakeh apisiis askii iskonikan

Historical records of lawful possession may be replaced with certificates of possession if:
Oho kayasih masinahikana, takii miskocikatewa, Kamiinahkanwa ininew masinahikan itastek wiina etipenta askii iskonikan asi wiikit, nantow apacitat, kiaspin:

1). The locatee obtains a survey of the parcel that meets DIAND requirements, and;
Ininew ka tipiyiket ka kwanwapascikatenik askii iskonikan awii apacitat. Kwanih kiaspin nahentaheh mistokoso okemakan, kapakitinew ininewa ka apacitat askii iskonikan, ekwa;

2). The Band Council confirms the survey with a BCR.
Otaswewinohk kakwecimakanwak, ekwa nahentaheh, ka pakitinew ininew ka apacitat askii iskonikan

Frequently Asked Questions – *Mawaci Kakwecimikana*

Other Resources and Training – *Kotakiya masinahikana ekwa kiskinohamakana*

MALMA offers specialized training on the following subjects:

Nanantow kiskinohwamakana itakanwa:

- Additions to Reserves and Reserve Creation/*Kiyapic askii iskonikan emiinakanwa ininew*
- By-laws/*Otaswewina*
- Introduction to Land Management/*Askii iskonikana ekanencikatekih*
- Land Regime/*Awena kakii apacitat askii iskonikan, kekwan ekwa kekwan mwats takii itotah ininew nehta askii iskonikan*
- Locatee Leasing/*Ininew awawiyakanwa askii iskonikan*
- Environmental Management/*Tante isi pakamiskahik ininewak, askii iskonikan awii apacitacik*
- Land Use Planning/*Askii iskonikan asiwii apacitanwa nahkesiis*
- Commercial Leasing/*Tipiyikana*
- Matrimonial Real Property/*kisaspin awii sooniyaket nantow awawiyaket askii iskonikan ininew awiikitot, nantow awiitamiskwet, kawitamwew nantow kakwecimew niikan owiikimahkana. Kisaspin ponimatisiteh owiikimahkana, kapakitnakanwan ka wiikit acinow nehta waskiyikan akiisi wiikicik*

- Reserve Land Designations/*Askii iskonikana kenencikateki*

A list of upcoming training sessions can be found on the events calendar nalma.ca/events

For additional opportunities, please contact:

Wiiscikatewa tanospii kamatihtanwahih kiskinohmakana, otah isi, nalma.ca/events

Kisaspin wahsimeh wiikiskentamaneh, owa masinahamo:

Buffy Hill

Education and Training Administrator

bhill@nalma.ca

About NALMA

The national Aboriginal Land Managers Association (NALMA) helps First Nations train and certify professional Land Managers. It is the umbrella organization for provincial and territorial Aboriginal Land Manager association across Canada.

Piko tante itahkanwa kiskinohtamekamoka, takii kiskinohtamanwahik ininewak kiaspin itentaheh atoskewin ekwanohpatahik, kanentahik, askiinom

Training – *kiskinohtamekana*

NALMA provides training courses across the country. First Nations are encouraged to take advantage of these offerings by contacting NALMA at:

Piko tante askii kiskinohtamekana astewa. Ininewak siikihmakanwak ka otinahik kiskinohtamekawin, oteh takii masinahikewak nantow takii isi ayamwak:

National Aboriginal Land Managers Association
1024 Mississauga St. Curve Lake, Ontario K0L 1R0
Website: www.nalma.ca
Email: info@nalma.ca
Phone: 1-877-234-9813 or 1-705-657-7660

Other Reference Material / *Kotakiya masinahikana:*

Estates Management Toolkit / *Itocikatek kiaspin ponihmatisit ininew owaskiyikanom, ekwa askii iskinokan akiisi wiikit*

NALMA has published a comprehensive Toolkit to guide First Nations staff and members in the administration of the estate of a deceased Indian. Each Band Office should have a copy of this toolkit. *Mistikoso okemakan kii masinaham tante itocikatek waskiyikan ekwa askii iskonikan, kiaspin ponimatisiteh ininew.*

Matrimonial Real Property Toolkit / *Itocikatek awiicihakhanwahik owakohmakanak akii ponimatisit ininew*

The Centre of Excellence for Matrimonial Real Property (COEMRP), hosted by NALMA, has published a comprehensive Toolkit to guide First Nations staff and members in understanding the rights of survivors as outlined in the Family Homes on Reserves and Matrimonial Interests or Rights Act, enacted in 2013. Each Band Office should have a copy of this.

Mistikoso okemakan kii miinew ininewak asi wiikicik askii iskonikana, wanaswewina masinahikan awiicikatek tante itotacikatek waskiyikan ekwa askii iskonikan, kiaspin ponimatisiteh ininew.

Understanding Estates Management On Reserve Booklet (Under FHRMIRA)

The Centre of Excellence for Matrimonial Real Property, hosted by NALMA, has published a small booklet dealing with the Provisional Federal Rules as contained in the Family Homes on Reserves and Matrimonial Interests or Rights Act.

Mistikoso okemakan kii masinaham tante itocikatek waskiyikan ekwa askii iskonikan kiaspin ponimatisiteh ininew.

Visit the Centre of Excellence for Matrimonial Real Property website:

Ota isi kamiskikatew masinahikan awiiscikatek tante itoota ininew epoonimatisinci owiikimakana:

www.coemrp.ca