

CHIPPEWAS OF RAMA FIRST NATION
Being a Band within the meaning of the *Indian Act*

**RAMA FIRST NATION
CHIEF ISLAND PROTECTION BYLAW**

By-Law No 21 - 02

**Being a By-Law to PROTECT CHIEF ISLAND FROM ENVIRONMENTAL HARM AND
DEGRADATION OF ANCESTRAL BURIAL PLACES.**

This By-Law shall come into force and effect on July 21, 2021.

WHEREAS the Chippewas of Rama First Nation has and recognizes its inherent right of self-government, and its jurisdiction to pass laws and powers within the First Nation;

AND WHEREAS the aforementioned rights of the Chippewas of Rama First Nation have been recognized and affirmed in the domestic laws of Canada, including the *Constitution Act, 1982* and other federal and provincial legislation;

AND WHEREAS Canada and other states worldwide reaffirmed their solemn commitment to respect, promote and advance the rights of indigenous peoples and to uphold the principles of the United Nations Declaration on the Rights of Indigenous Peoples;

AND WHEREAS the Parliament of Canada recognizes that the principles set out in the United Nations Declaration on the Rights of Indigenous Peoples should be enshrined in the laws of Canada, specifically Articles 3 & 4;

AND WHEREAS the Chippewas of Rama First Nation adopted the Chippewas of Rama First Nation Land Code on September 27, 2017;

AND WHEREAS section 6.1 (a) of the Chippewas of Rama First Nation Land Code authorizes the Chief and Councillors of the Chippewas of Rama First Nation to enact Land Laws respecting conservation, protection, management and use of Chippewas of Rama First Nation lands;

AND WHEREAS Chippewas of Rama First Nation membership, through a community consultation survey, showed strong support for implementing measures to protect Chief Island from harm and protecting the Island for generations to come;

AND WHEREAS the By-Laws enacted by Rama First Nation remain in accordance with section 81(1) of the *Indian Act* which empowers the First Nation to create By-Laws providing for the preservation, conservation, protection, and use of Rama First Nation lands;

AND WHEREAS Chief and Council wishes to protect the environment and educate with respect to the history and community importance of the island known as Chief Island in Lake Couchiching from pollution, trespass, and other unauthorized use;

NOW THEREFORE the Chief and Council of the Chippewas of Rama First Nation hereby make the following By-Law:

1. SHORT TITLE

1.1. This By-law may be cited as the Chief Island Protection Bylaw.

2. APPLICATION

2.1. This Law applies to all people accessing the Chippewas of Rama First Nation lands.

3. DEFINITIONS

3.1. In this law:

- (a) **“Authorized Person”**, means any person who is not a Rama First Nation Band member but who resides in the First Nation;
- (b) **“Band Member”**, means a member of the Band, having the same meaning as “member of the Band” under the *Indian Act*;
- (c) **“Chief Island”**, means the largest island located in Lake Couchiching, being a part of the Chippewas of Rama First Nation Reserve No. 32 and the waters surrounding the island as indicated from time to time by the Chippewas of Rama First Nation through the use of signage, buoys or other means;
- (d) **“Council”**, means the Chief and Council of the Chippewas of Rama First Nation;
- (e) **“Employee of Rama First Nation”**, means a person employed by the Chippewas of Rama First Nation or its affiliated corporations;
- (f) **“Essential Service Provider”**, means any person employed by the Rama Police Service, Rama First Nation Emergency Services, or Rama Fire Service;

- (g) **“First Nation”**, means the lands contained within Rama First Nation Reserve no.32 which are vested in Her Majesty and have been set apart by Her Majesty for the use and benefit of the Chippewas of Rama First Nation;
- (h) **“Indian Act”**, means the *Indian Act*, RSC 1985, c I-5, a statute of the Federal Crown governing registered Indians, bands and reserves;
- (i) **“Notice of Fine”**, means a notice delivered by a duly authorized person to a person in contravention of this By-law to signify that the Band intends to proceed with the prosecution of an offence under this By-Law;
- (j) **“Officer”**, means a By-Law Enforcement Officer, or a member of the Rama Police Service, or any other person so appointed by Rama First Nation Chief and Council from time to time to enforce this By-Law;
- (k) **“Permit”**, means a permit issued in accordance with the provisions of this bylaw;
- (l) **“Reserve”**, means all those lands defined as a “Reserve” within the *Indian Act* and set apart for the use and benefit of the Chippewas of Rama First Nation;
- (m) **“Vessel”** means a boat, motorized or otherwise, and does not include vehicles such as airplanes;
- (n) **“Visitor”**, means any person within the Chippewas of Rama First Nation at any time who is not a:
 - i. Band Member;
 - ii. Authorized Person;
 - iii. Essential Service Provider; or
 - iv. Employee of Rama First Nation.

4. PURPOSE

4.1. The purpose of this By-Law is to:

- (a) Protect Chief Island from pollution, trespass, and destruction associated with the unauthorized use of Chief Island and the surrounding waters and to facilitate reconciliation through educational opportunities for Visitors to Chippewas of Rama First Nations lands, specifically Chief Island.

PROHIBITIONS

4.2. VISITORS NOT ACCOMPANIED BY A BAND MEMBER, EMPLOYEE OF RAMA FIRST NATION, ESSENTIAL SERVICE PROVIDER, OR AUTHORIZED PERSON

4.2.1 No Visitor shall be authorized to access Chief Island:

(a) without the express written consent of the Chippewas of Rama First Nation Permit, proof of which may be requested by enforcement officials, such permit to be granted or denied in accordance with section 6 of this By-Law; or

(b) unless accompanied by a Band Member, Employee of Rama First Nation, Essential Service Provider or Authorized Person.

4.2.2 Any person who accesses Chief Island in contravention of the above shall be guilty of committing an offence.

5. PERMITTED USE OF CHIEF ISLAND

5.1. PERMITS

5.1.1. Every Visitor who wishes to attend at Chief Island must apply, in writing or online, to the Chippewas of Rama First Nation Lands Department.

5.1.2. The Chippewas of Rama First Nation Chief and Council, in consultation with the Chippewas of Rama First Nation Lands Department and Lands Committee, may develop regulations addressing:

(a) the content and form of permit applications;

(b) the number of permits to be issued;

(c) fees for permits;

(d) required deposits; and

(e) such other terms and conditions attached to permits as determined by the Chippewas of Rama First Nation to be appropriate for the protection of Chief Island.

5.1.3. Applications shall be reviewed by the Lands Department and may be declined for any reason, such reasons to be provided to the applicant.

5.2. APPEALING A DECLINED PERMIT APPLICATION

5.2.1. Within ten (10) business days of receiving notice that an application under this section has been declined, the applicant may apply for a review of their application, in writing, addressed to the Chippewas of Rama First Nation Chief and Council.

5.2.2. Chief and Council shall review the application and provide a written response, with reasons, within ten (10) business days of receipt of said appeal. A decision of the Chief and Council shall not be subject to review.

5.3. MEMBER USE

5.3.1. Members shall be entitled to use Chief Island in accordance with their Aboriginal and Treaty rights, subject to the following restrictions. Members shall be:

(a) limited to the use of one Vessel within the Chief Island waters; and

(b) accompanied by a maximum number of Visitors as are legally permitted on such Vessel.

ii. Notwithstanding the above, if a Visitor has obtained a permit in accordance with section 6.1 above, additional Vessel(s) shall be permitted in accordance with the Visitor's permit.

6. ENFORCEMENT

7.1 This By-Law shall be enforced by the Rama First Nation By-Law Enforcement Officers, the Rama Police Service, and such other policing authority as may be required from time to time.

7.2 A person who fails or refuses to comply with any provision of this By-Law, or who fails or refuses to comply with a Notice of Fine made under this By-Law, or who resists or interferes with an Officer acting under this By-Law commits an offence.

7.3 This By-Law is in accordance with section 81 of the *Indian Act* and sections 20, 21, and 22 of the *First Nations Land Management Act* and, pursuant to the provisions of those Acts, is enforceable in a Canadian court of competent jurisdiction.

7.4 Any person who contravenes or fails to comply with any provision of this by-law is guilty of an offence and shall be liable for a penalty.

7. PENALTY

7.1. A person who commits an offence under this By-Law is liable on summary conviction to a fine not exceeding one thousand (\$1,000) dollars or to imprisonment for a term not exceeding thirty (30) days, or both.

8. SEVERABILITY

8.1. If any section or part of this By-Law is found to be invalid for any reason, such section or part or item shall be deemed to be severable and all other sections or parts of this By-Law shall be deemed to be separate and independent therefrom and to be enacted as such.

9. FORCE AND EFFECT

9.1. This By-Law shall come into effect on July 21, 2021.

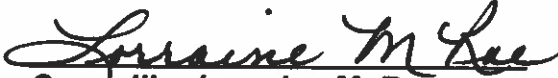
THIS BY-LAW IS HEREBY made at a duly convened meeting of the Chief and Council of the Chippewas of Rama First Nation this day of July 5, 2021.

Voting in favour of the By-Law are the following members of Chief and Council:

Chief and Council Signatures of Approval



Chief Ted Williams



Councillor Lorraine McRae



Councillor Ted Snache



Councillor Rodney Noganosh



Councillor Jeremy St. Germain



Councillor Anne Harrigan



Councillor Dillon Bickell

being the majority of those members of the Council of the Chippewas of Rama First Nation present at the aforesaid meeting of Chief and Council.

The quorum of Chief and Council is four members.

Number of members of Chief and Council present at the meeting: 7.