
NON-RENEWABLE SURFACE RESOURCES POLICY

Policy GC-P9807

Adopted September 24, 1998

PART 1 - CONTEXT

1.1 Background

The Metis Settlements General Council holds the fee simple title to land in the Metis Settlement areas. The *Metis Settlements Act* provides that the General Council can make a Policy respecting the creation of rights or interests in these lands. The *Act* also provides that a settlement council may, in accordance with such Policy, make by-laws respecting the rights and interests created by the Policy.¹ By a Land Policy General Council created a system of Metis titles and transferred these titles to settlements while retaining ownership of non-renewable surface resources and providing for settlement councils to grant rights of removal regarding these resources.

1.2 Purpose

The purpose of this Policy is to transfer ownership of non-renewable surface resources to the settlements and provide for the settlements' authority and responsibilities regarding these resources within their respective settlement areas.

1.3 Definitions

In this Policy

- *Act* means the *Metis Settlements Act*;
- *Land Policy* means the Metis Settlements General Council Land Policy in place at the time of interpreting this Policy;
- *non-renewable surface resources* means sand, gravel, clay, marl and peat on the surface of land or obtained by stripping off the overburden or excavating from the surface, or otherwise recovered by surface operations;

and terms defined in the *Metis Settlements Act*, or in regulations made under it, have the same meaning when used in this Policy, unless the context makes such an interpretation unreasonable.

1.4 Footnotes

Footnotes are part of the Policy included to help with interpretation.

PART 2 - OWNERSHIP AND MANAGEMENT OF NON-RENEWABLE SURFACE RESOURCES

2.1 Title

- (1) For each settlement area there is a "non-renewable surface resources title" created in the name of the settlement.
 - (2) The non-renewable surface resources title represents ownership of all non-renewable surface resources within the settlement area.
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- (3) The non-renewable surface resources title may only be held by the settlement, but the council may enter into long or short term agreements consistent with the Land Policy and with this Policy for the removal and sale of non-renewable surface resources.
- (4) On acquiring the non-renewable surface resources title, the settlement assumes responsibility for any claims that may be made against another settlement or the General Council, including any claim against the General Council as “registered owner” under the *Environmental Protection and Enhancement Act*, as a result of the settlement’s action or inaction on non-renewable surface resource matters in its own settlement area.

2.2 Council Authority and Responsibility

- (1) Subject to the terms of the Land Policy and this Policy, the settlement council has sole authority and responsibility for managing the non-renewable surface resources of the settlement area and the benefits from these resources.
- (2) The settlement council must manage the non-renewable surface resources of the settlement area in ways that benefit the community and minimize damage to wildlife resources and the environment.
- (3) General Council or any party adversely affected may, within one year of the event but not later, ask the Metis Settlements Appeal Tribunal to review a decision or action that is contrary to subsection (2).

2.3 Settlement By-laws

Subject to the Land Policy and this Policy, a settlement may make bylaws respecting

- (a) the removal of non-renewable surface resources in the settlement area or access to any land in the settlement area to effect removal, and
- (b) the management of non-renewable surface resources in the settlement area and the benefits from these resources.

PART 3 - GENERAL MATTERS

3.1 Nature of this Policy

As a consensus of all Settlements, this Policy is intended to operate both as legislation of the General Council under the *Act* and as an agreement among all of the Settlements and the General Council.

¹For reference see sections 51, 99, 222, and Sch. 1 s. 19(h) of the *Metis Settlements Act*.