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EMERGENCY RESPONSE ORDER #5

WHEREAS:

- A. The Council of Wasauksing First Nation (the "Council") enacted the *Temporary Emergency Response Law*, as amended by the *Temporary Emergency Response Law Amending Law* (collectively, the "Emergency Response Law");
- B. A State of Emergency was declared by the Council on March 24, 2020 (the "State of Emergency") as a result of the imminent and serious threat to human health caused by the COVID-19 global pandemic (the "Pandemic");
- C. Chief Warren Tabobondung and Deborah Pegahmagabow, Wasauksing First Nation Director of Health, have been authorized by Council to make orders and declarations in order to deal with the State of Emergency in accordance with the Emergency Response Law (the "Emergency Designates");
- D. The Emergency Designates, in accordance with the Emergency Response Law, issued Emergency Order #4 on June 11, 2020 ("Order #4"), which revoked and replaced the Emergency Response Order dated March 27, 2020, Emergency Response Order #2 dated March 31, 2020, both as amended by Emergency Response Order #3 dated June 4, 2020;
- E. The Emergency Designates now consider it necessary to revoke and replace Order #4 with this Emergency Response Order #5 ("the Order") in order that Phase II of the re-opening of Wasauksing Lands can advance as of July 6, 2020, with the appropriate measures in place to preserve the health and welfare of Citizens and residents of the Wasauksing Lands; and
- F. The Emergency Designates consider it necessary and in the best interests of Wasauksing First Nation to make the following Order to preserve the health and welfare of Citizens and residents of the reserve lands set apart for the use and benefit of Wasauksing First Nation Citizens ("Wasauksing Lands") as a result of the Pandemic,

NOW THEREFORE:

The Emergency Designates hereby make the following Order:

1. All persons and businesses on Wasauksing Lands shall, while this Order is in effect, observe appropriate precautions in order to avoid the spread of COVID-19 by complying with the following:
 - a) all persons and businesses shall comply with all federal and Province of Ontario orders, legislation, regulations, requirements, recommendations, directives and declarations relating to, or made or invoked in response to, the Pandemic or curbing the spread of the Pandemic (collectively, the "Legislation");
 - b) no person who is experiencing cough, fever, or symptoms of cold, flu or COVID-19 shall leave the home where they reside for a period of at least 14 days and they shall take all possible measures to self-isolate from other members of their household;
 - c) all persons and businesses shall follow all orders, recommendations and directives of the Wasauksing First Nation Director of Health;



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- d) with the exception of Council meetings as necessary, there shall be no group gatherings of more than 10 people unless they share a household;
 - e) notwithstanding paragraph 1(d), persons who have regularly, normally and ordinarily resided on Wasauksing Lands for a period of 180 days as of the date of this Order ("Permanent Residents") may gather in groups of more than 10 people where all other requirements of this Order continue to be observed, including the self-isolation requirements in paragraph 1(b) and the physical distancing requirements in paragraph 1(f); and
 - f) each individual shall at all times maintain a safe distance of at least two metres from any person who is not a member of their household.
2. Commencing on June 12, 2020, only the following businesses on Wasauksing Lands may open:
- a) businesses registered with Wasauksing First Nation to do business on Wasauksing Lands;
 - b) businesses located on a land allotment that is approved for business purposes by Wasauksing First Nation; and
 - c) any additional business designated in writing from time to time by an Emergency Designate or by the Council,
- provided all such businesses implement appropriate social distancing and health and safety measures, including the requirements set out at sections 1 and 3, and comply with all orders and directives of Wasauksing First Nation and the Wasauksing First Nation Director of Health and with all Legislation.
3. All owners and operators of businesses on Wasauksing Lands shall comply with the following precautions to avoid the spread of COVID-19:
- a) ensure that each individual on the premises of the business maintains a safe distance of at least two metres from any person who is not a member of their household;
 - b) ensure that employees do not come to work or stay at work if they experience cough, fever, or symptoms of cold, flu or COVID-19;
 - c) minimize contact with customers and other employees;
 - d) limit the number of customers permitted inside the business premises at one time to ensure that safe distances between people can be maintained;
 - e) supply staff with masks or face coverings;
 - f) ensure that all individuals within the business premises wear masks or face coverings at all times;
 - g) install physical barriers between cashiers and customers;
 - h) mark the floors to indicate safe distances between customers;
 - i) clean and sanitize commonly touched surfaces frequently and on an as-needed basis;
 - j) supply hand sanitizer for delivery people, customers and staff; and



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- k) post COVID-19 safety rules in visible locations inside and outside of the business.
4. All business owners and operators who sell tobacco products on Wasauksing Lands shall, in order to reduce the number of non-residents entering into Wasauksing Lands, comply with all provincial legislation and regulations with respect to the sale of cigarettes and tobacco, and with the applicable Retailer Authorization to Purchase Allocated Cigarettes and/or Cigarette Tobacco (the "Authorization"), and, without limiting the foregoing shall:
 - a) sell allocation cigarettes and authorized tobacco products in person only to First Nations customers who hold and produce for examination:
 - i. a Certificate of Indian Status card,
 - ii. a Temporary Confirmation of Registration Document, or
 - iii. a Secure Certificate of Indian Status,and to no other person;
 - b) keep books and records to demonstrate that allocation cigarettes and authorized tobacco products were sold only to those persons listed at paragraph 4(a), and have these books and records available for representatives of Wasauksing First Nation to review if requested; and
 - c) not buy or receive more than the amount of allocation cigarettes and tobacco products provided for in the Authorization for any given time period.
 5. A COVID-19 security checkpoint and vehicle registration (the "Security Checkpoint") may continue to be maintained at the point of entry to Wasauksing First Nation in order to communicate with drivers and promote compliance with Wasauksing First Nation laws, orders and directives.
 6. Any person who is not a Permanent Resident shall not enter onto or remain on Wasauksing Lands while this Order is in effect except in accordance with section 7 below, with the following exceptions for temporary entry:
 - a) qualified health care providers entering onto Wasauksing Lands for the purpose of the provision of health care services;
 - b) police officers, paramedics, firefighters and other emergency responders in the course of their duties;
 - c) individuals providing or employed at essential services as defined by the Province of Ontario;
 - d) contractors entering onto Wasauksing Lands for the purpose of carrying out property repair, property maintenance, and construction work;
 - e) Canada Post carriers and persons making shipments and deliveries of goods and mail to businesses, Citizens and residents on Wasauksing Lands;
 - f) persons transiting across Wasauksing Lands in order to access areas outside of Wasauksing Lands, provided they remain in their vehicles at all times while on Wasauksing Lands;
 - g) any person or category of persons designated in writing by Council or by the Emergency Designate as permitted to temporarily enter onto Wasauksing Lands for specified purposes; and



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- h) patrons of a business described at section 2, provided all such exempted persons take all reasonable and required precautions to avoid the spread of COVID-19 while they are on Wasauksing Lands and leave Wasauksing Lands as soon as possible, or immediately after carrying out their duties, work or business on Wasauksing Lands.
7. Commencing on June 12, 2020, persons who are not Permanent Residents may enter onto Wasauksing Lands while this Order is in effect for the following purposes and at the following locations:
- a) for seasonal camping and docking purposes with advance reservations for a duration of at least 30 consecutive days at Wasauksing Marina & Campground, located at 891 Oak Point Road or at Bay and Creek Campground located at 2334 Shingwak Road;
- b) for seasonal cottage use at a cottage property located within those lands legally described as Lots 1-72 inclusive, Plan 5061 C.L.S.R., Lots 73-143 inclusive, Plan 5062 C.L.S.R. and Lots 144-244 inclusive, Plan 51788 C.L.S.R, together with the intervening and adjoining roads and shore reservation of all of the said lots and Plans;
- c) for seasonal residence use by Citizens of Wasauksing First Nation who have a right to use communal land on Wasauksing Lands for residential/housing purposes, or otherwise have a right of possession to residential property on Wasauksing Lands, and by members of their households; and
- d) for temporary entry in order to visit Permanent Residents at their residences on Wasauksing Lands, upon invitation, provided, however, that such persons meet the following conditions:
- e) for those persons seeking to enter onto Wasauksing Lands:
- i. at the locations described at paragraph 7(a), have applied with the marina or campground where they intend to stay in accordance with paragraphs 7(f) and (g) below,
- ii. at the locations described at paragraphs 7(b) and (c), have applied with the Wasauksing Emergency Response Team by email at ert@wasauksing.ca, in accordance with paragraphs 7(f) and (g) below, and
- iii. at the locations described at paragraph 7(d), the Permanent Resident seeking to receive the visitor(s) has applied on the visitor(s)' behalf with the Wasauksing Emergency Response Team by email at ert@wasauksing.ca, in accordance with paragraphs 7(f) and (g) below (an "Application");
- f) if multiple persons are to enter onto a single campground site, marina slip, cottage or other property, as described at paragraphs 7(a)-(d), all such persons must share the same primary residence and may be included in a single Application;
- g) have submitted, or have submitted on their behalf in the case of paragraph 7(d), an Application a minimum of two business days prior to the date of arrival by providing the following information on behalf of the



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applicant (or the visitor, in the case of paragraph 7(d)) and any persons sharing the same primary residence who seek to enter onto Wasauksing Lands under the Application:

- i. the names, addresses, phone numbers, vehicle makes and models and licence plate numbers of each person who wishes to enter upon Wasauksing Lands under the Application,
 - ii. the location or address of the cottage, marina slip, campground site or other property where the applicant(s) wish to stay or to receive visitors, as applicable,
 - iii. proof of primary residency of the applicant(s) or visitor(s), by providing a copy of official identification that shows the home address of the applicant(s) or visitor(s),
 - iv. the intended duration of the applicant(s)' or visitor(s)' stay on Wasauksing Lands, and
 - v. any further information as reasonably required by the Emergency Response Team;
- h) after submitting the Application, have received written authorization from the Wasauksing Emergency Response Team prior to arriving at Wasauksing Lands;
 - i) remain in their vehicles at all times while on Wasauksing Lands except to access the locations identified in paragraphs 7(a), (b), (c) or (d), as applicable, and the businesses described in section 2; and
 - j) take all other reasonable precautions to avoid the spread of COVID-19 while on Wasauksing Lands, including but not limited to maintaining appropriate social distancing of at least two meters.
8. The Wasauksing First Nation Emergency Response Team may decline to grant authorization for an applicant or visitor to enter onto Wasauksing Lands where any term, condition or requirement in this Order is not met, and may request further information from an applicant or visitor where reasonably necessary to preserve the health and welfare of Citizens and residents.
 9. For greater clarity, notwithstanding section 6 or 7, no person should apply or visit and no person is permitted to enter onto Wasauksing Lands, if they are experiencing, or have experienced within the preceding fourteen days, a cough, fever, or symptoms of cold, flu or COVID-19, or have been in direct contact with someone exhibiting any of these symptoms.
 10. For greater clarity, nothing in this Order alters any permissions that were previously granted to any person or category of person to enter onto Wasauksing Lands in accordance with Orders #1, 2, 3 or 4.
 11. All persons on Wasauksing Lands in accordance with section 6 shall, where required by an Emergency Designate, display in their vehicle windshield a valid permission to enter onto Wasauksing Lands, at all times while on Wasauksing Lands.



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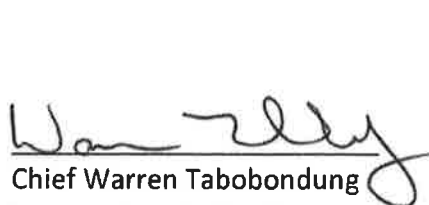
12. All persons on Wasauksing Lands in accordance with section 7 shall, at all times while on Wasauksing Lands, display in their vehicle windshield a valid permission to enter onto Wasauksing Lands.
13. A person permitted to enter onto or remain on Wasauksing Lands in accordance with section 6 or 7 who contravenes any provisions of this Order may have that permission revoked and be required to leave Wasauksing Lands.
14. Any person who
 - a) violates any term or provision of this Order;
 - b) suffers or permits any act or thing to be done in contravention or in violation of this Order; or
 - c) neglects to do or refrains from doing any act or thing required by this Order,


is guilty of an offence under the Emergency Response Law, and is liable, on summary conviction, to a fine of not more than \$1000 or to a term of imprisonment not exceeding 30 days, or both, for each day a violation of this Order continues.

15. Order #4 is hereby revoked and replaced with this Order.
16. This Order comes into effect on July 6, 2020 and remains in effect while the State of Emergency is in effect, unless earlier revoked by Council or an Emergency Designate in accordance with the Emergency Response Law.

This Order is made on the 6th day of July, 2020, at Wasauksing, in the Province of Ontario.

Emergency Designates:


Chief Warren Tabobondung
Wasauksing First Nation


Deborah Pegahmagabow
Director of Health, Wasauksing First Nation