



DRAFT LAND CODE SUMMARY

HIGHLIGHTS

Members will have the opportunity to vote on the Iskut Band Land Code in the coming months. To help members make an informed decision, we have broken down each section, and have provided some key highlights.

It is important to remember that reading this summary is not a substitute for reading the entire Land Code!

You can find the Iskut Band Land Code and many other documents about the Land Code process at iskut.org/landcode.

PREAMBLES

WHEREAS the 1910 Declaration of the Tahltan Tribe serves as a foundational and integral document for the ongoing work of the collective Tahltan Nation, and the leadership of the Tahltan Nation continues to act on the statements and assertions within;

WHEREAS the 1910 Declaration of the Tahltan Tribe asserts the Tahltan Nation claim to the sovereign right over all Tahltan Territory;

WHEREAS the Tahltan Nation, through active negotiations and the ongoing work of the Tahltan Central Government, continues to assert our inherent rights and title interests through the entirety of our traditional territory;

WHEREAS the Iskut Band Land Code and the work of the Tahltan Central Government will be harmonized to ensure consistency between land management on Iskut Band reserve lands and land management throughout Tahltan Territory;

WHEREAS Iskut Band acknowledges the need to implement a Iskut Band Land Code that is fluid and allows for our Nation to grow as individuals and as a people;

WHEREAS the teachings and important work of our ancestors has shaped the Tahltan Nation as it is today, and it is our duty as Tahltans to respect and honour our ancestors as we carry this work forward through future generations;

WHEREAS Iskut Band recognizes the knowledge that is held by our elders and the importance of incorporating this knowledge into decision-making processes in a meaningful way;

WHEREAS Iskut Band is committed to defining a role for our elders at all stages in processes of land management decision-making;

WHEREAS the members of Iskut Band should be able to choose to live and raise their families on lands managed by Iskut Band;



WHEREAS Iskut Band recognizes the wealth and opportunity in our lands and will continue to pursue viable and responsible economic development on our lands that will support our community now and into the future;

WHEREAS Iskut Band is committed to fulfilling our duty and responsibility to safeguard community health and safety;

WHEREAS we recognize that building the story of the Tahltan Nation relies on ongoing archaeological and cultural heritage research in the entirety of our territory;

WHEREAS Iskut Band recognizes and acknowledges the critical role for embedding oral histories, Tahltan ways of knowing, and sacred and natural law in processes of law and decision-making within the Tahltan Nation;

WHEREAS spirituality is a underlying and critical part of our identity as Tahltans;

WHEREAS Iskut Band is committed to developing and implementing a land code that is founded in principles of trust, honesty and integrity;

WHEREAS Iskut Band is committed to developing and implementing a land code that includes methods of enforcement that will protect the interests of Iskut Band;

WHEREAS Iskut Band has the option of withdrawing its reserve lands from the land provisions of the *Indian Act* in order to exercise control over its lands and resources for the use and benefit of its members, rather than having its reserve lands managed on its behalf by Canada under the provisions in the *Indian Act*;

WHEREAS Iskut Band is asserting its right to exercise control over its lands and resources for the use and benefit of its members by adhering to the *Framework Agreement on First Nations Land Management* and by having *Framework Agreement on First Nations Land Management* apply to its reserve lands;

WHEREAS pursuant to the *Framework Agreement on First Nations Land Management*, a First Nation that wishes to establish a land management regime must adopt a land code applicable to its reserves;

NOW THEREFORE, this *Iskut Band Land Code* is hereby enacted as the fundamental land law of the Iskut Band.

PART 1: PRELIMINARY MATTERS

This section states the purpose of the Land Code as well as key principles and definitions used throughout the Land Code. Here are some highlights from Section 1:

Tahltan Language

Our language may be used to clarify anything in the Land Code if it does not make sense in English.



Culture and Traditions

This Land Code will be interpreted with our culture, traditions, and customs.

Non-Abrogation

The Land Code does not affect or take away from our inherent rights to our territory or any other Aboriginal rights.

Rights Not Affected

Our by-law powers, our inherent rights and freedoms, and all of our Aboriginal rights remain the same. The Land Code will not affect these rights.

Iskut Band Land

The following reserves fall under the Iskut Band Land Code:

- Kluachon Lake Indian Reserve No. 1
- Iskut Indian Reserve No. 6
- Stikine River Indian Reserve No. 7

PART 2: ISKUT BAND LEGISLATION

This section of the Land Code explains what law making powers the Iskut Band will have and the procedures for how new laws will be created and implemented.

Law-Making Powers

Council may make all laws pertaining to a number of topics that are permitted under the *Framework Agreement on First Nations Land Management*. Some laws will need community approval in order to come into effect.

Example of Laws

Some of the laws our community can create with our Land Code include:

- Protection of archaeological and cultural resources
- Environmental assessment and protection
- Hunting, fishing, management and protection of fish, wildlife, and their habitat on Iskut Band lands
- Construction, installation, maintenance and management of utilities
- Community standards (such as noise, fires, unsightly premises)
- Economic development

Law-Making Procedure

This section talks about how laws will get proposed and developed for Iskut Band. The process will look like this:



Development of Draft Laws

We must ensure that all laws that are developed for Iskut Band must take into consideration Tahltan law, the knowledge of Elders, and oral history records, where appropriate.

PART 3: MEETING OF MEMBERS AND APPROVALS

This section talks about when a meeting of members is needed and how community approvals of new laws and initiatives will happen.

Participation in Meeting of Members

All Iskut Band members who are 18 years of age or older may attend a meeting. Anyone else may attend a meeting if they are invited or have the permission of Council to attend.

Meeting of Members

A meeting of members may be held for information sharing and to gather members' input. A meeting of members will be required before the following types of laws and land matters come into effect:

- A community plan or subdivision plan
- An allotment process
- A matrimonial real property law
- A transfer and assignment of rights
- A Land Use Plan
- Development affecting a heritage site or environmentally sensitive area

- An expropriation
- Environmental assessment and protection
- Other laws or issues identified by Council

Voting Policies

Iskut Band will develop a Law under the Land Code that will establish how community approvals will be conducted.

Community Approval

The following laws and initiatives will require community approval before they can come into effect:

- A Land Use Plan
- Any major amendment to a Land Use Plan
- Voluntary land exchanges
- Amendments to the Land Code
- Other laws Council identify as requiring community approval

Informed Decision

The Land Code requires information to be made available for Iskut members to make an informed decision about a law or initiative. This may include meetings of members, the distribution of information packages, and/or information made available online.

Public Notice

This section talks about how Iskut members will receive notice about proposed laws. It includes ways of giving public notice that must be done each time notice is required, as well as optional methods for giving notice.

Community Approval Process

Eligible voters will have the option of participating in a community approval process by secret ballot and in person at a polling location. Alternative voting methods such as electronic voting may also be offered.

A law or lands matter will be approved when 50% +1 of voters cast a vote in favour of the law or land matter.

PART 4: INTERESTS AND LICENSES IN LAND

This section states about the general ways that individuals or companies can have legal interests in Iskut reserve lands. This section talks both about how Iskut members and how non-members can use our reserve lands.

Continuation of Existing Interests

Any interest in Iskut Band reserve lands that exists when this Land Code comes into effect will continue.

Eligibility to Hold an Interest in Iskut Band Lands

This states that a non-member can never hold an allotment or certificate of possession, but may hold another interest or license.

Transfer of Allotment or Certificate of Possession

This section talks about what happens if a member becomes a member of another First Nation, and requires that any land they hold is transferred to another Iskut member within six (6) months. If it is not transferred, it automatically comes back to Iskut Band and becomes Community Land.

Written Authorization Required

There are a number of activities that will require written authorization from Council or someone that Council has designated to give authorization for things like major construction such as building a house, or cutting down trees over 15m in height.

Residency, Access, and Trespass

Iskut Band will develop laws relating to residency, access, and trespassing. There will also be signage placed on Iskut Band reserve land providing notice of these laws within 12 months of it being passed.

Matrimonial Real Property

Iskut Band will develop a matrimonial real property law that will talk about what will happen with a family home when a marriage breakdown occurs.

PART 5: PROTECTION OF LAND

This section of the Land Code talks about how Iskut Band will protect and develop our reserve land.

Environmental and Cultural Heritage Resources

This section discusses how Iskut Band will create its own custom laws and policies for environmental assessments and cultural heritage resource management. It also states that Iskut Band will use the British Columbia Heritage Conservation Act and the Canadian Environmental Assessment Act until a custom Iskut Band law is created.

WHAT IS AN INTEREST

An interest is when someone has legal rights to use or occupy land. Interests are things like leases, licenses, permits, mortgages and Certificates of Possession (CPs).

Expropriation

If required, Iskut Band may need to use land for a community purpose (also called land expropriation). This includes all lands where there is an interest or license held.

Rights to Expropriation

Iskut Band can only expropriate reserve land after good faith effort to acquire or use the land.

Rules and Procedures for Expropriation

Before any expropriation occurs at Iskut Band, the Lands Management Advisory Committee and Council will develop and enact a law.

Compensation for Expropriation

If a member ever has their land expropriated, Iskut Band shall compensate the interest or license holder.

Voluntary Exchange of Iskut Band Reserve Land

The size of the Iskut reserve land is protected and must never decrease. However, Iskut Band may exchange a parcel of the reserve land for another parcel of land. This must be done in accordance with the Iskut Band Land Code and the *Framework Agreement on First Nations Lands Management*.

Use of Funds for Land Exchange

Funds received from a land exchange must be used to support both the increase of our land base, and to support the betterment of our community. Funds must be divided as follows:

- At least 50% of the funds going towards getting more land for Iskut Band;
- At least 25% of the funds received going towards community betterment initiatives such as community infrastructure, traditional knowledge programs, land-based activities, or language and culture programs.

PART 6: LAND ADMINISTRATION

This section sets out the basics of how reserve land will be managed day-to-day once Canada is no longer administering Iskut Band Land. This covers things such as the development of a Lands Management Advisory Committee to support the development of laws, and identifies how revenues from the land will be managed.

WHAT IS "EXPROPRIATION"?

Expropriation is when land is taken or used for a community purpose. Expropriation can be small and temporary such as digging in someone's yard to install a new plumbing pipe. It can also be large and permanent such as relocating a family from their home to build a new facility such as a school, health center, or cultural space.

Administration and Delegation

This section explains that Council is ultimately responsible for performing all the duties and functions under the Land Code. However, Council may delegate this responsibility to another person or group, such as to the Band Manager, Lands Manager, or the Lands Management Advisory Committee.

Land Management Advisory Committee

This Committee will assist with the administration of reserve lands, will support the development of laws, and advise Council and staff on lands-related issues.

PART 7: ACCOUNTABILITY

To make sure that our reserve lands and resources are managed transparently, this part of the Land Code deals with issues like conflicts of interest, financial records, regular audits, and annual land management reports.

Conflict of Interest or Appearance of Conflict of Interest

This section ensures that Iskut Band can deal with any situation where there may be a conflict of interest. This could be a situation where an individual may have the opportunity to receive a personal benefit from a decision, or someone close to them may have the chance to receive a benefit.

Financial Management

A financial management law will be developed under the Land Code to deal with transfer payments from the federal government and revenues generated from reserve lands.

Annual Report

On behalf of Iskut Band, Council will publish an annual report on land matters.

PART 8: DISPUTE RESOLUTION

This part of the Land Code lays out how land-related disputes will be addressed. This includes things like developing our own Dispute Resolution Law and what it will look like. This part also talks about the use of Tahltan law and knowledge in the resolution of disputes.

Dispute Resolution Law

A dispute resolution law will be developed by Iskut Band after the Land Code comes into effect.

Tahltan Law and Traditional Methods of Dispute Resolution

This section talks about how Tahltan knowledge holders will be included in the development of a dispute resolution law to ensure that Tahltan law and traditional Tahltan dispute resolution are meaningfully incorporated in the law.

Informal Resolution of Disputes

This section indicates that there is always a preference for disputes to be settled informally. This means that everyone should make an effort to settle disputes on their own without intervention.

PART 9: OTHER MATTERS

This part covers important topics that do not necessarily fit into the other sections of the Land Code. It talks about how the Land Code will come into effect, how it will be emended, and how it will be enforced once it comes into effect.

Offences and Enforcement

Unless a different procedure is developed under a law, the summary conviction procedures of Part XXVII of the Criminal Code will apply to offences under the Land Code or under a Law.

Amendments to the Land Code

In order to amend the Land Code the amendment will go through the Community Approval process and the approval of the Council by a Band Council Resolution.

Commencement

This Land Code will not come into effect unless:

- The Iskut members vote to approve the Land Code and the Individual Agreement
- The Land Code is certified by the Verifier pursuant to the Framework Agreement

Remember to read the whole Draft Land Code at iskut.org/landcode. If you have any questions or you need to update your contact information please get in touch with the Land Code team today at askus@iskut.org!
