Iskut On-Reserve Land Code

SUMMARY OF THE DRAFT LAND CODE

Iskut Members will have the opportunity to vote on the Draft On-Reserve Land Code in spring 2026. To help Members better understand the document and make an informed decision, we have broken down each section of the Land Code and provided the 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 draft Land Code and other documents about the Land Code process at: **iskut.org/on-reserve-land-code-2025-2026**

PREAMBLE (See page 1 of the Draft On-Reserve Land Code for full details)

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

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

PART I: FUNDAMENTAL RIGHTS (See page 3 of the Draft On-Reserve Land Code for full details)

This section clarifies that the Land Code **does not**:

- Affect or take away from Iskut's inherent rights to our territory or any other Aboriginal rights
- Affect any rights of Iskut under the United Nations Declaration on the Rights of Indigenous People (UNDRIP)
- Affect any lands that are not subject to this Land Code
- Change the fiduciary relationship between Canada and Iskut

PART II: DEFINITIONS AND INTERPRETATIONS (See page 3 of the Draft On-Reserve Land Code for full details)

This section defines key terms used throughout the Land Code (e.g., Lands, Interests, Elders) and explains how the Land Code should be interpreted.

Tahltan Language, Culture, and Traditions

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

Protection of Rights

The Land Code does not affect or take away our inherent rights to our territory or any other Aboriginal rights. Our by-laws, our inherent rights and freedoms and all of our Aboriginal rights remain the same.

Governance

The Land Code is a way for Iskut to use its Aboriginal title on reserve lands, within what is allowed under the Framework Agreement. It does not limit or reduce Iskut's broader authority over the rest of Tahltan territory.

Iskut has full legal capacity to manage land-related affairs—such as owning property, borrowing money, entering contracts, spending and investing, going to court, and carrying out its duties.

What is the Framework Agreement?

The Framework Agreement is a government-to-government agreement signed in 1996 by First Nations and Canada. It is an initiative for First Nations to opt out of the land management sections of the *Indian Act* and take over responsibility for the day-to-day management of reserve lands and resources.

PART III: LANDS (See page 8 of the Draft On-Reserve Land Code for full details)

This section explains which lands the Land Code applies to. It also explains how new lands can be added in the future if the community and Council agree.

Description of Lands

The Land Code applies to all current Iskut reserve lands and lands that are added to reserve in the future, including lands added through a land exchange.

Additional Lands

Additional lands may be made subject to this Land Code if they are, or become, reserve lands.

PART IV: LAND AND NATURAL RESOURCES ADMINISTRATION

(See page 9 of the Draft On-Reserve Land Code for full details)

This part of the Land Code explains who will carry out the day-to-day work of managing Iskut's lands and resources.

Land Code Administration

For Community Discussion:

Iskut must decide whether the administration of the Land Code will be completed by one committee, or be divided into two bodies: a lands office and a lands committee. This decision will be based on a number of factors, including:

1. *Community interest/capacity in being a part of the lands committee and forecasted workload for the committee*
2. *Administrative capacity to maintain a lands office and lands committee*
3. *Possible support from TCG lands office to assist with administration*

Lands Office

The Lands office will be the administrative team responsible for the daily work of lands management.

Lands Committee

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

PART V: ISKUT LEGISLATION

(See page 11 of the Draft On-Reserve Land Code for full details)

This section describes Iskut Band Council's authority and procedures to make laws about reserve land under the Land Code.

Law-Making Powers

Under the Land Code, Council has the power to make laws that are permitted under the Framework Agreement. This includes regulating development, conservation, protection, management, and use and possession of Lands and Interests.

Some of the laws our community can create with the 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
- Community standards (including noise, fires, unsightly premises, etc.) and land use and development

Law-Making Procedures

Land Law Proposed

Council Approval

Lands Office Develops Draft Law

The law-making process begins when a Land Law is proposed by Council, the Lands Committee or a Member, and the Lands Office is directed to draft it.

Council and Community Review

The draft law is reviewed with the Lands Committee, published for Members to see, and discussed at one or more community Lands Meetings.

Lands Office Develops Final Law

After considering Member and Committee input, the Lands Office presents the final draft to Council. Council then decides whether to enact it, make minor edits, or send it back for further work.

Community Vote, if required

Some laws require community approval through a vote before they can be enacted (See *Part VI, Lands Votes*).

New Land Law

Once signed, the law comes into force on its enactment date.

Emergency Land Laws

Council may immediately pass an emergency Land Law without the full consultation process if it is deemed necessary to protect public health, safety, Lands, or Members. An emergency Land Law can last up to 120 days, and can be renewed once up for an additional 120 days if needed.

PART VI: LANDS MEETINGS AND VOTES (See page 16 of the Draft On-Reserve Land Code for full details)

Part VI explains when Iskut must hold community meetings and when Members must vote on important land decisions.

Lands Meetings

A meeting with Members may be held to share information and to gather input. A meeting is required before Council makes decisions about significant land matters, including:

- A community plan or subdivision
- Member Only Interests
- Matrimonial real property
- Transferring or assigning land rights or Interests
- Setting land fees or rent
- Expropriation
- Environmental protection and assessments

Lands Votes

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

- Adoption of (or any major amendments to) a Land Use Plan
- Expropriation
- Voluntary land exchanges
- Major amendments to the Land Code
- Some decisions around approving Interests or Licences
- Decisions where Council has a conflict of interest

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

Members will receive notice of Lands Meetings and a Vote through notices posted at the Band Office, online, mail, and email.

PART VII: PROTECTION OF LAND (See page 19 of the Draft On-Reserve Land Code for full details)

This section sets out the rules to protect Iskut Lands and ensure that major decisions involving land are handled carefully and transparently.

Expropriation

Iskut can only take back an Interest or License if:

- An expropriation Land Law has been created, and
- All requirements in both the Framework Agreement and the expropriation Land Law have been met.

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 water main. 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.

Voluntary Exchanges

Iskut may exchange land for new land, but only if:

- The new land is equal or greater in area and value.
- A community vote is held and at least 30% of eligible voters participate and a three-quarter majority approve the exchange.
- Members are fully informed of the details, including the total compensation, area, value and environmental condition of the new land.

PART VIII: CONFLICTS OF INTEREST (See page 20 of the Draft On-Reserve Land Code for full details)

This section sets the rules to ensure all decisions about Iskut Lands are made fairly, without anyone gaining personal benefit from their position.

Conflict of Interest Obligations

A conflict occurs when someone involved in a land decision could personally benefit, or their immediate family could benefit. A person who has a conflict of interest related to Lands must disclose it to Council and the decision-making body and step away from all discussion and voting on that matter. If a person fails to meet the rules, there are penalties that can be applied.

PART IX: FINANCIAL MANAGEMENT (See page 22 of the Draft On-Reserve Land Code for full details)

This section explains how Iskut must responsibly manage all money related to Lands.

Financial Management

All revenues from Lands must be kept in proper, separate accounts dedicated only to Lands. Council must appoint signing officers, and the transfer of Iskut funds requires two signatures.

Budgets

Council must prepare an annual Lands budget that outlines expected revenues and planned spending on lands-related activities. No money related to Lands can be spent unless it is approved in the annual budget or through another Council authorization allowed under the Land Code.

Audits

Iskut must appoint an auditor each year to review financial records.

Annual Report

The Lands Office will publish an annual report on land-related financial information and matters.

Access to Information

Lands-related financial reports are available for review at Iskut's main administrative office.

PART X: INTERESTS AND LICENCES IN LAND (See page 25 of the Draft On-Reserve Land Code for full details)

Part X explains how land rights work on Iskut Lands, and how they must be recorded, managed, and protected.

Existing Interests

Any Interest or Licence that exists when this Land Code comes into effect will continue under the same conditions.

Member Only Interests

Some interests can only be held by Iskut Members. A non-Member can never hold an allotment or Certificate of Possession but may hold some Interests or Licenses with Council approval. If a person stops being a Member, they must transfer their Interest within six months.

What is an Interest?

An Interest is when someone has legal rights to use or occupy land. It includes things like leases, licences, permits, mortgages, and Certificates of Possession.

A **Member Only Interest** refers to an allotment, a certificate of possession, and any other interests which can only be held by Members or Iskut under a Land Law.

Natural Resources

All natural resources on or under Iskut's Lands belong to Iskut, including minerals, stone, sand, gravel, soil, trees, water, and any similar type materials. Members may collect small amounts for personal, non-commercial use. Commercial use requires permission through a Licence or Interest.

PART XI: RESIDENCY AND ACCESS (See page 30 of the Draft On-Reserve Land Code for full details)

Part XI explains who has the right to live on or access Iskut Lands, and under what conditions.

Residency Rights

A Member, their spouse, their children, and their invited guests may live on lands where the Member holds a Member Only Interest.

Members and Non-Members have a right to reside on lands according to the terms of their Interest and Licence.

Access Rights

Members, their family and their invited guests may access community lands, their Member-Only Interests, and any lands where they have a right to reside.

People holding an Interest or Licence may access the lands covered by their Interest or Licence and additional areas necessary to reach those lands.

Anyone may access Community Lands and roads for social or business purposes as long as they do not interfere with existing Interests or Licences, and Council has not restricted access.

Trespassing

A person is trespassing if they enter or stay on land without:

- A right to reside there
- A right of access
- Compliance with Land Laws
- Compliance with temporary closures

PART XII DISPUTE RESOLUTION (See page 32 of the Draft On-Reserve Land Code for full details)

This section outlines that Iskut must create fair and appropriate ways to resolve disagreements about land. Council must establish processes or Land Laws that outline how disputes will be handled whenever issues arise about Land, Interests, Licences, decisions, or responsibilities under the Land Code.

PART XIII OTHER MATTERS (See page 32 of the Draft On-Reserve Land Code for full details)

Part XIII covers the rules for enforcement, liability protections, and how the Land Code can be amended over time.

Enforcement

Anyone who violates the Land Code may face penalties such as fines, imprisonment, restitution, community service, and traditional or cultural healing-based justice approaches.

Amendments to the Land Code

Minor amendments (such as fixing grammar, correcting inconsistencies, or clarifying wording) can be made by Council through a Resolution.

Major amendments (anything that changes the substance of the Land Code) must be approved through a community Vote.

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 entire Draft On-Reserve Land Code at **iskut.org/on-reserve-land-code-2025-2026**