Iskut On-Reserve Land Code

Virtual Town Hall #2

Introduction to Land Code - Continued

February 4, 2026

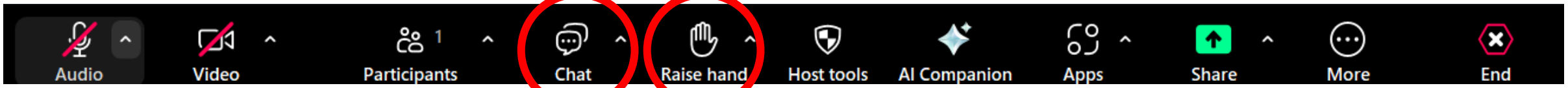
Welcome and Opening Remarks

Agenda

01	Zoom Housekeeping
02	Project Team Introductions
03	Recap of Virtual Town Hall #1
04	Which Sections of the *Indian Act* a Land Code Replaces
05	Draft On-Reserve Land Code
06	Part III: Lands
07	Q&A

Zoom Housekeeping

Use the **Raise hand** function to unmute / ask a question out loud



Use the **Chat** function to ask questions during the presentation

Project Team Introductions

Recap of Town Hall #1

Communications to Date

- Website views: 69 views (as of January 23)
- Virtual Town Hall #1 attendance: 19 attendees

Purpose of the Town Halls

- Share **bi-weekly updates** with members about the On-Reserve Land Code process
- Present **sections of the Land Code** to help members better understand the document
- Provide members with an **opportunity to ask questions** to the project team
- Ensure members feel confident and **well-informed on voting day**

What is Land Code?

A Land Code enables a First Nation to **opt out of the 44 land management sections of the *Indian Act***, gaining greater control over how reserve lands are managed.

With a Land Code in place:

- Our Band will make our own **land-related decisions**, not the federal government.
- Our members will help **guide how on-reserve lands are used and protected**.
- Our **cultural values** will shape the rules that govern our on-reserve lands.

The On-Reserve Land Code…

IS

- ✅ Replaces land management sections of the *Indian Act,* giving Iskut full control over our on-reserve lands
- ✅ Allows for more access to funding for land-management
- ✅ Enables Iskut to make laws to protect our reserve lands and environment
- ✅ Simplifies processes for members to start businesses on reserve and for businesses and investors to work with Iskut

IS NOT

- ❌ It is not a treaty or a land claim
- ❌ Does not impact Tahltan Rights and Title
- ❌ Does not impact Indian Status
- ❌ Does not impact personal taxation
- ❌ Does not apply to other programs and services (health, education, social assistance)

Overview of Land Code Process

Establish Land Code Development Coordinator
Spring 2025

Draft Land Code Available for Community Review
January 2026

In-person Community Meetings
Spring 2026

Community Vote
Spring 2026

Project Kickoff | **Drafting the Land Code** | **Community Engagement on Draft Land Code** | **Ratification Vote**

Establish Land Code Committee
Spring 2025

Review and Update 2017 Land Code
Summer/Fall 2025

Virtual Town Hall Meetings
January – April 2026

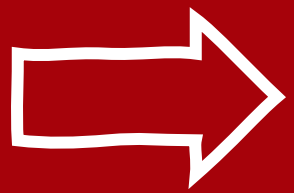
Legal Review of Land Code
Spring 2026

Community Ratification Vote
April 2026

- To bring the On-Reserve Land Code into effect, **members must vote "Yes" or "No" on whether to approve it**.
- Everyone who is 18 or older and a registered member can vote.

44 sections of the *Indian Act* that are replaced by a Land Code

A Land Code allows First Nations to replace the following 44 sections of the *Indian Act* with their own land laws



Reserves

Section 18

Minister no longer authorizes use of reserve lands for community purposes.

Section 18.1

The land code sets out the general rules applicable to the occupancy of First Nation land.

Section 19

Minister no longer:

- directs road construction and road location,
- authorizes surveys, or
- creates lots or subdivisions, within reserve boundaries.

Possession of Lands in Reserves

Section 20

Ministerial approval not required for allotment, possession, or occupation of First Nation land. Minister no longer issues Certificates of Possession or Occupation, etc.

Sections 22, 23, 24, 25, 26, 27

Ministerial approval and rules regarding individual holdings no longer required as the land code sets out the general rules applicable to the use and occupancy of First Nation land, including the granting or expropriation of interests or rights in First Nation land.

Section 28

Minister no longer issues permits, and the land code sets out the general rules applicable to the use and occupancy of First Nation land.

Trespass on Reserves

Sections 30, 31

This statutory offence and penalty for trespass no longer applies as the First Nation now has the discretion to create such an offence.

Roads and Bridges

Section 34

Superintendent no longer has the power to instruct the First Nation to maintain roads, bridges ditches and fences on the land. Minister can no longer fix any problems and recoup the cost from the First Nation's funds held by Canada.

Lands Taken for Public Purposes

Section 35

The Governor in Council no longer has the authority to consent to the taking or use of reserve land by a province, a municipal or local authority, or a corporation, that has the power to expropriate, take or use land without the consent of the owner.

Surrenders and Designations

Sections 37, 38, 39, 39.1, 40, 40.1, 41

Surrenders and designations provisions no longer apply. Alienation of First Nation land is restricted except where exchanged for other land in accordance with the Framework Agreement. The rules and procedures respecting occupancy of First Nation land, land use, zoning, etc. are set out in the land code.

Distribution of Property on Intestacy

Sections 49, 50(4)

Approval of Minister no longer required for estate transfers and section 50 sales of individual holdings.

Management of Reserves and Surrendered and Designated Lands

Sections 53, 54, 55, 56

Minister no longer has authority to manage or sell surrendered lands or lease designated lands. Particulars of surrendered and designated lands no longer entered in the Surrendered and Designated Lands Register.

Section 57

Governor in Council's authority to make regulations in respect of timber surrenders and mineral surrenders no longer required.

Section 58

Minister no longer involved in planning the upgrade and cultivation of uncultivated/unused land.

Section 59

Minister no longer involved in contracts provisions.

Section 60

Authority of Governor in Council to grant right to Band to exercise control and management of reserve lands no longer required.

Management of Indian Moneys

Sections 61 , 62, 63, 64, 65, 66, 67, 68, 69

Capital and revenue moneys collected, received or held for the use and benefit of a band are transferred to operational First Nations and no longer managed by Canada under the *Indian Act.*

Farms

Section 71

Minister no longer empowered to operate reserve farms.

Removal of Materials from Reserves

Section 93

Restrictions and other rules and procedures (including any potential offences and penalties) respecting the removal of sand and gravel, hay and timber, etc. to be set out in the land code as opposed to the *Indian Act.*

Regulations

Regulations made under section 57 of the *Indian Act*; and

Regulations under sections 42 and 73 of the *Indian Act* to the extent that they are inconsistent with the Framework Agreement on First Nation Land Management, a First Nation's land code, or its First Nation laws.

The remainder of the *Indian Act* will continue to apply for all other purposes except to the extent that other Indian Act provisions do not apply as a result of other legislation (e.g., *First Nations Fiscal Management Act*).

Draft On-Reserve Land Code

Development of the Draft Land Code

- Iskut's Draft On-Reserve Land Code has been reviewed and updated since 2017

Who is involved in the development of the Draft Land Code?

- Land Code Development Coordinator
- Land Code Committee
- Iskut Members

Iskut Members will have the opportunity to help shape the Draft Land Code

What is included in the Draft On-Reserve Land Code?

The Draft Land Code has 13 sections.

- Part I Fundamental Rights
- Part II Definitions and Interpretations
- Part III Lands
- Part IV Land and Natural Resources Administration
- Part V Iskut Legislation
- Part VI Lands Meetings and Votes
- Part VII Protection of Lands
- Part VIII Conflicts of Interest
- Part IX Financial Management
- Part X Interests and Licences in Land
- Part XI Residency and Access
- Part XII Dispute Resolution
- Part XIII Other Matters

Draft On-Reserve Land Code

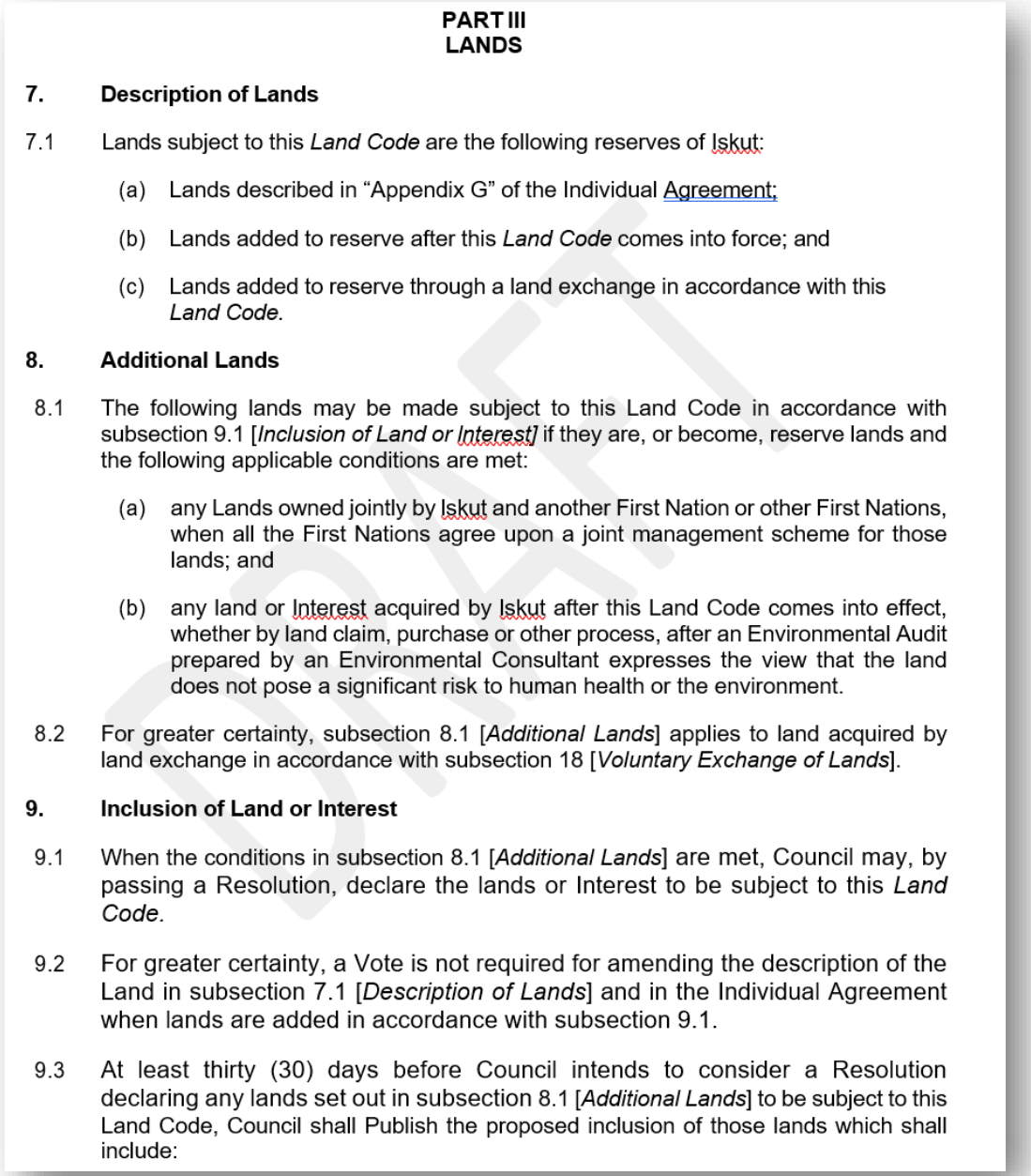
Part III: Lands

Part III: Lands

Overview

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.



PART III
LANDS

7. Description of Lands

7.1 Lands subject to this *Land Code* are the following reserves of Iskut:

(a) Lands described in "Appendix G" of the Individual Agreement;

(b) Lands added to reserve after this *Land Code* comes into force; and

(c) Lands added to reserve through a land exchange in accordance with this *Land Code*.

8. Additional Lands

8.1 The following lands may be made subject to this Land Code in accordance with subsection 9.1 [*Inclusion of Land or Interest]* if they are, or become, reserve lands and the following applicable conditions are met:

(a) any Lands owned jointly by Iskut and another First Nation or other First Nations, when all the First Nations agree upon a joint management scheme for those lands; and

(b) any land or Interest acquired by Iskut after this Land Code comes into effect, whether by land claim, purchase or other process, after an Environmental Audit prepared by an Environmental Consultant expresses the view that the land does not pose a significant risk to human health or the environment.

8.2 For greater certainty, subsection 8.1 [*Additional Lands*] applies to land acquired by land exchange in accordance with subsection 18 [*Voluntary Exchange of Lands*].

9. Inclusion of Land or Interest

9.1 When the conditions in subsection 8.1 [*Additional Lands*] are met, Council may, by passing a Resolution, declare the lands or Interest to be subject to this *Land Code*.

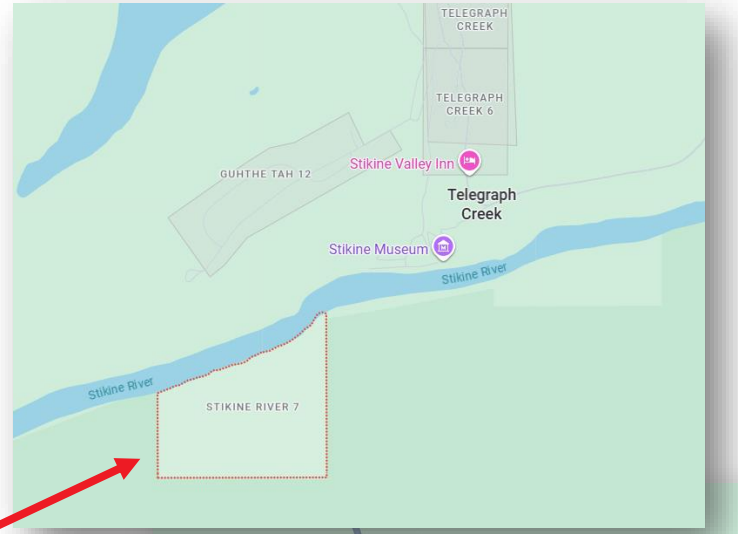
9.2 For greater certainty, a Vote is not required for amending the description of the Land in subsection 7.1 [*Description of Lands*] and in the Individual Agreement when lands are added in accordance with subsection 9.1.

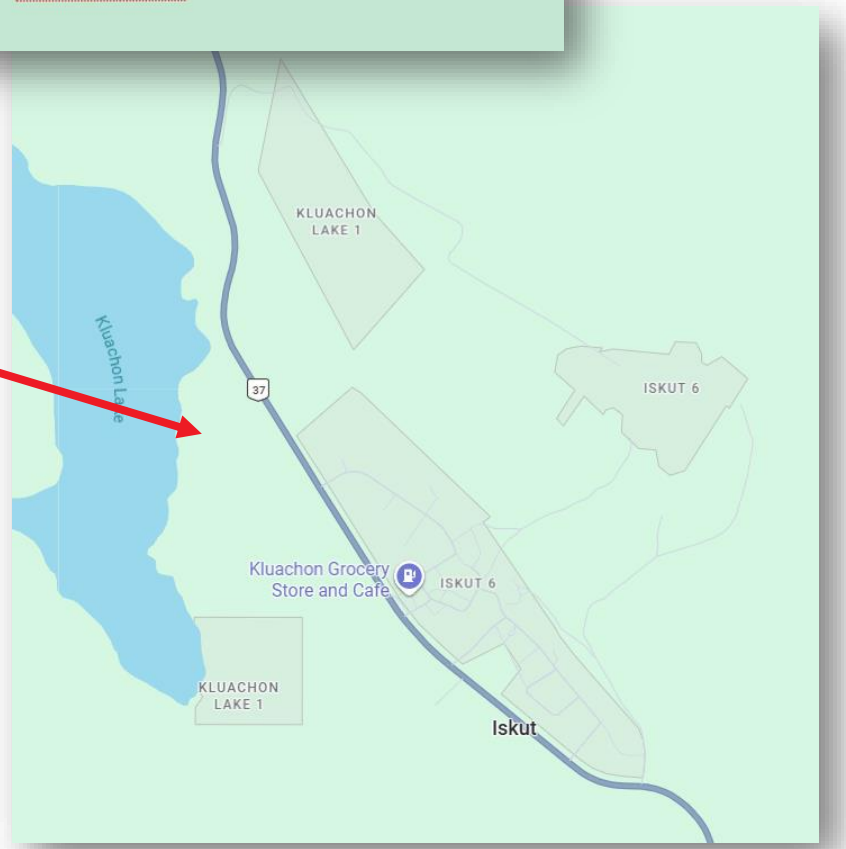
9.3 At least thirty (30) days before Council intends to consider a Resolution declaring any lands set out in subsection 8.1 [*Additional Lands*] to be subject to this Land Code, Council shall Publish the proposed inclusion of those lands which shall include:

Which Lands does the Land Code apply to?

All current Iskut reserve lands:

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





Which Lands does the Land Code apply to?

Future Iskut reserve lands:

- Lands that become reserve lands after the Land Code comes into effect
- Lands added through a land exchange

- **Jointly owned lands** – If Iskut jointly owns land with another First Nation(s), and all parties agree on a shared management plan.
- **Newly acquired lands** – Land gained by claim, purchase, or other means, as long as an Environmental Audit confirms it is safe.

Inclusion of Land or Interest

- Council can make lands subject to the Land Code by passing a Resolution.
- **A community vote is not required** to update the list of lands, as long as the criteria set out in the Land Code are met.
- **Council must give 30 days notice** before deciding on the Resolution. The notice must include:
  - A description of the lands being proposed for inclusion.
  - Information on how members can submit their feedback.

Questions?

Next Virtual Town Hall:

Wednesday, February 18
from 7 – 8PM

How Land will be Managed and Administered

Stay up to date:

- **Bi-weekly Virtual Town Halls**
- **In-person Community Meetings** (dates TBD)
  - Terrace/Kitimat
  - Fort Nelson
  - Prince George
  - Whitehorse
  - Fort St. John
  - Dease Lake
  - Iskut
- **Land Code webpage:** iskut.org/on-reserve-land-code-2025-2026
- **Facebook**
- **Email updates**

Questions?

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