

# Lower Nicola Indian Band Land Code

Community Collaboration Meeting  
November 12, 2020

# Agenda

1. Welcome by LMAC Chair
2. Background on Land Code
3. Highlights of the Land Code
4. Ticketing and Enforcement Law
5. Ticketing and Enforcement Law Implementation
  - Illegal Dumping

# WHAT IS A LAND CODE?



# FIRST THINGS FIRST

## What is a Land Code?

### A Land Code:

- Is an expression of self-government
- It is a law created by LNIB
- Replaces the land management sections of the *Indian Act*
- Removes the Government of Canada from reserve land management

## Why have a Land Code?

### A Land Code is helping LNIB with:

- Cultural heritage protection
- Funding for land management and administration
- Economic development
- Enforcing land laws on-reserve

# WHAT A LAND CODE IS NOT

## Land Code is NOT

- A treaty
- A Land Claim Settlement

## Land Code DOES NOT AFFECT

- Aboriginal rights and title
- Territories outside of reserve land
- Status
- Taxation
- Programs and services delivery
- Programs delivered by other governments and organization (FNHA, etc.)

# NO MORE FEDERAL GOVERNMENT INVOLVEMENT IN RESERVE LAND MANAGEMENT

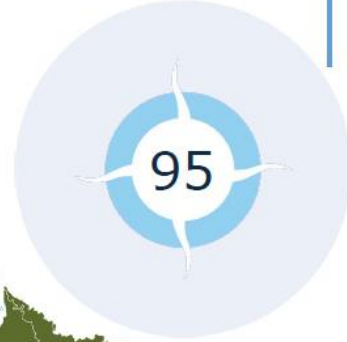


# 2019-20 FACTS AND FIGURES

**397,780.80**

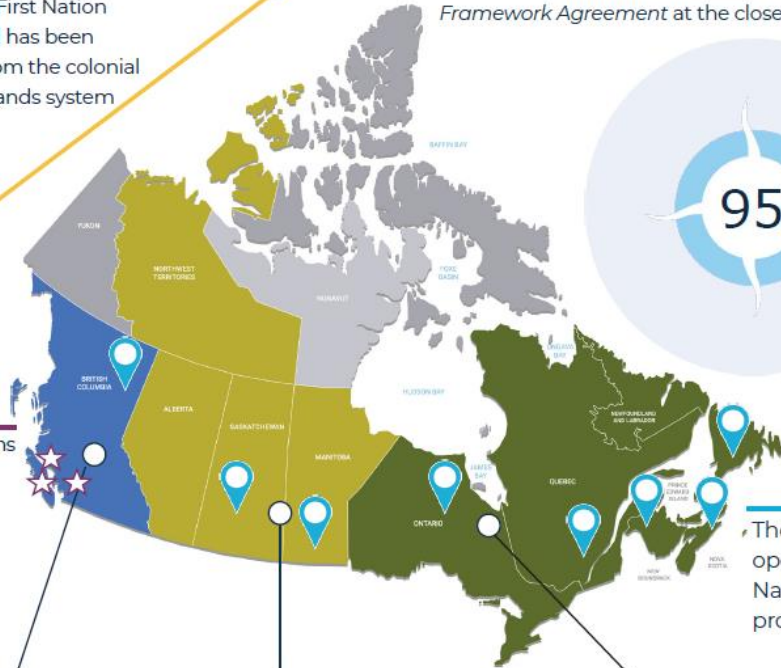
hectares of First Nation reserve land has been removed from the colonial *Indian Act* lands system

**95** First Nations have ratified their community land codes through the *Framework Agreement* at the close of 2019-20

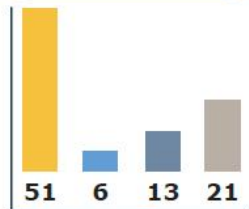


**3** First Nations have moved on to full self-government or treaty after ratifying their land codes

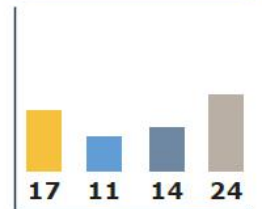
There are now operational First Nations in **8** provinces



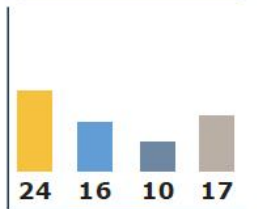
## BC REGION



## PRAIRIES REGION



## EASTERN REGION



**1 in 3** First Nations in Canada are involved in the Framework Agreement as signatories or interested community.

Framework Agreement on First Nation Land Management is a Government-to-Government Agreement established by the Lands Advisory Board.

# 12 NEW SIGNATORIES TO THE FRAMEWORK AGREEMENT

It is the mandate of the LAB and RC to ensure that all First Nations have the opportunity to exercise their inherent right to govern their lands, as enshrined in the *Framework Agreement*.

In 2019-20, the following First Nations became signatories to the *Framework Agreement*:

- Lac des Mille Lacs First Nation, ON
- Lac Seul First Nation, ON
- Naotkamegwanning First Nation, ON
- Canupawakpa Dakota Nation, MB
- Gambler First Nation, MB
- Poplar River First Nation, MB
- Waywayseecappo First Nation, MB
- Woodland Cree First Nation, AB
- Kwikwetlem First Nation, B.C.
- Shackan Indian Band, B.C.
- Skwah First Nation, B.C.
- Tseycum First Nation, B.C.

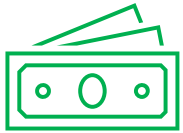


## LAB Mission Statement:

*“First Nations working together to resume jurisdiction over reserve lands, environment and natural resources.”*



# BENEFITS OF LAND CODE



- Chief and Council are accountable to Members on how they collect and spend money from reserve land activity.
  - Council reports to the community not Indigenous Services Canada.
- Our Laws will protect our precious cultural and heritage resources.
  - We can designate certain lands as protected, and ensure there is no disturbance or development on them.
- Our Code is a Federal Law under the Framework Agreement.
  - The courts will have to enforce our laws
- We are one step closer to self-government.
  - We are building our capacity to govern ourselves over land and resources and closer to full self-government.



# HIGHLIGHTS FROM LAND CODE



# SECTION 1: PRELIMINARY MATTERS



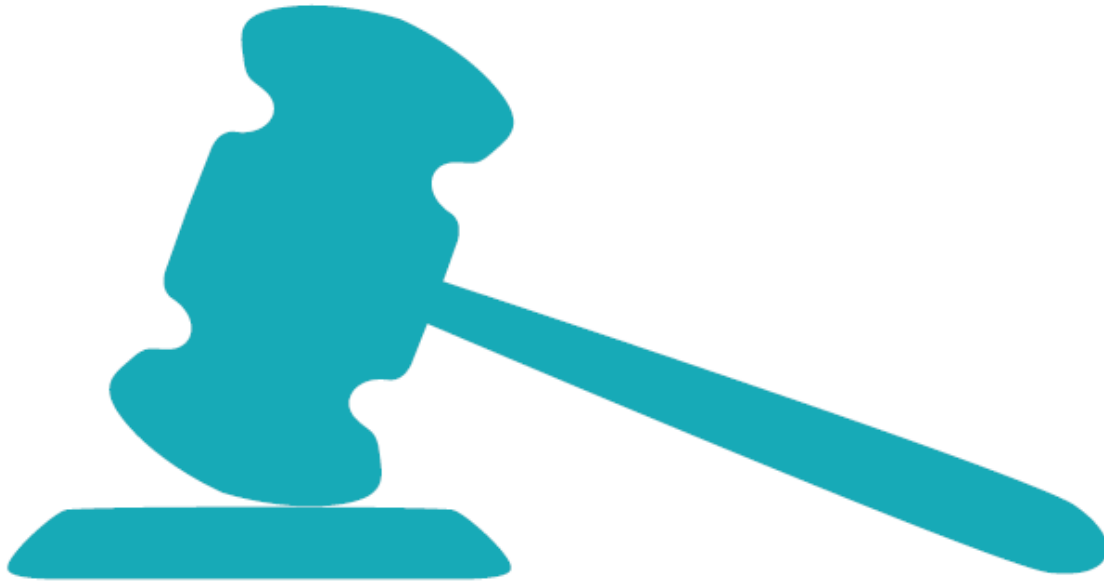
The “house-keeping” section of the Land Code that provides legal definitions and asserts LNIB’s authority to govern.

- Defines the reserves that are subject to the Land Code

# SECTION 2: LNIB LEGISLATION

How LNIB will go about making laws to govern our reserve lands and resources.

- Law-making powers of Council
- Law-making procedure
- Community input will be considered on laws



# SECTION 3: COMMUNITY ENGAGEMENT & APPROVAL



How LNIB will ensure that community engagement happens in a way that is fair and accessible to all LNIB members.

- Public Hearing Process
- Community Approval Process
- Land Code Ratification Process

# SECTION 4: INTERESTS & LICENCES IN LAND



The ways that individual people (members and non-members) can have legal “Interests” in land and a right-to-use or a “Licence” in land.

- CP’s
- Leases
- Easements
- Permits

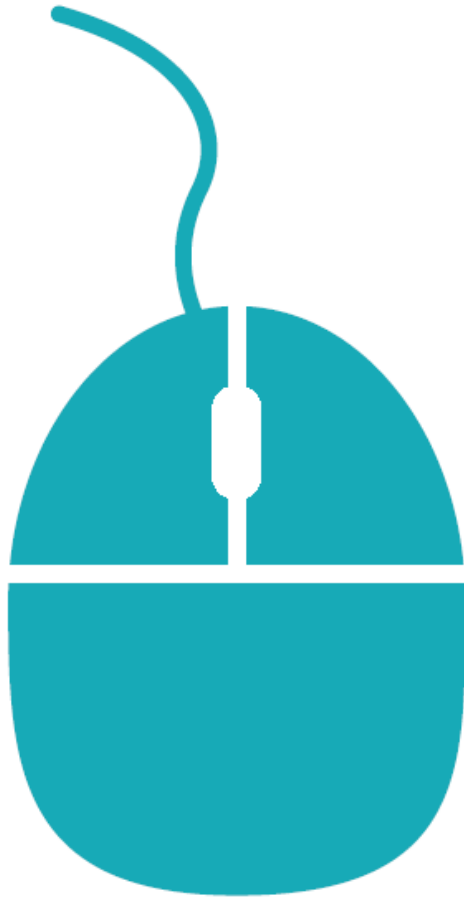
# SECTION 5: PROTECTION OF LAND



How LNIB ensures that our reserve lands and resources remain ours, and under our control.

- Prevention from expropriation by other governments
- Land exchange requirements

# SECTION 6: LAND ADMINISTRATION



The “nuts and bolts” of how land would be managed day-to-day now that Canada is no longer administering our land.

- Creation of the Lands Management Advisory Committee
- Committee composition
- Committee responsibility



# SECTION 7: ACCOUNTABILITY



How LNIB ensures leadership manages lands and resources clearly and openly.

Requirements for:

- Annual budget
- Annual reporting
- Access to Information for Members

# SECTION 8: DISPUTE RESOLUTION

Process to follow regarding land related disputes.

- Informal resolution of disputes
- Dispute Resolution Law
- Disputes referred to the court (e.g. BC Supreme Court)



# SECTION 9: OTHER MATTERS

The “odds and ends” of the Land Code, where matters (important, but not part of the other categories) are discussed.

- Land-related insurance requirements
- What happens when someone violates the Land Code
- How to make changes to the Land Code
- How and when the Land Code takes effect

# Questions/Discussion

