

Lytton First Nation TemEewuh na Ta hheeymOt

("Land Code")

Land Code Team

Committee Members

- Andrew Adams
- Joe Dunstan
- Byron Spinks
- Troy Abromaitis
- Richard Brown

Council Portfolio's

- Kevin Duncan
- Merika Sam

Legal Counsel

- Darwin Hanna

LFN Lands Team

- Jacquie Raphael
- Valerie Sam
- Murray Sam

• Verifier

- Al Gross
- LABRC
 - Shawn Spiers
- ISC
 - Monte Honeyman
 - Jo-ann Alridge
- NRCAN
 - Rod Zelli

Framework Agreement (FA)

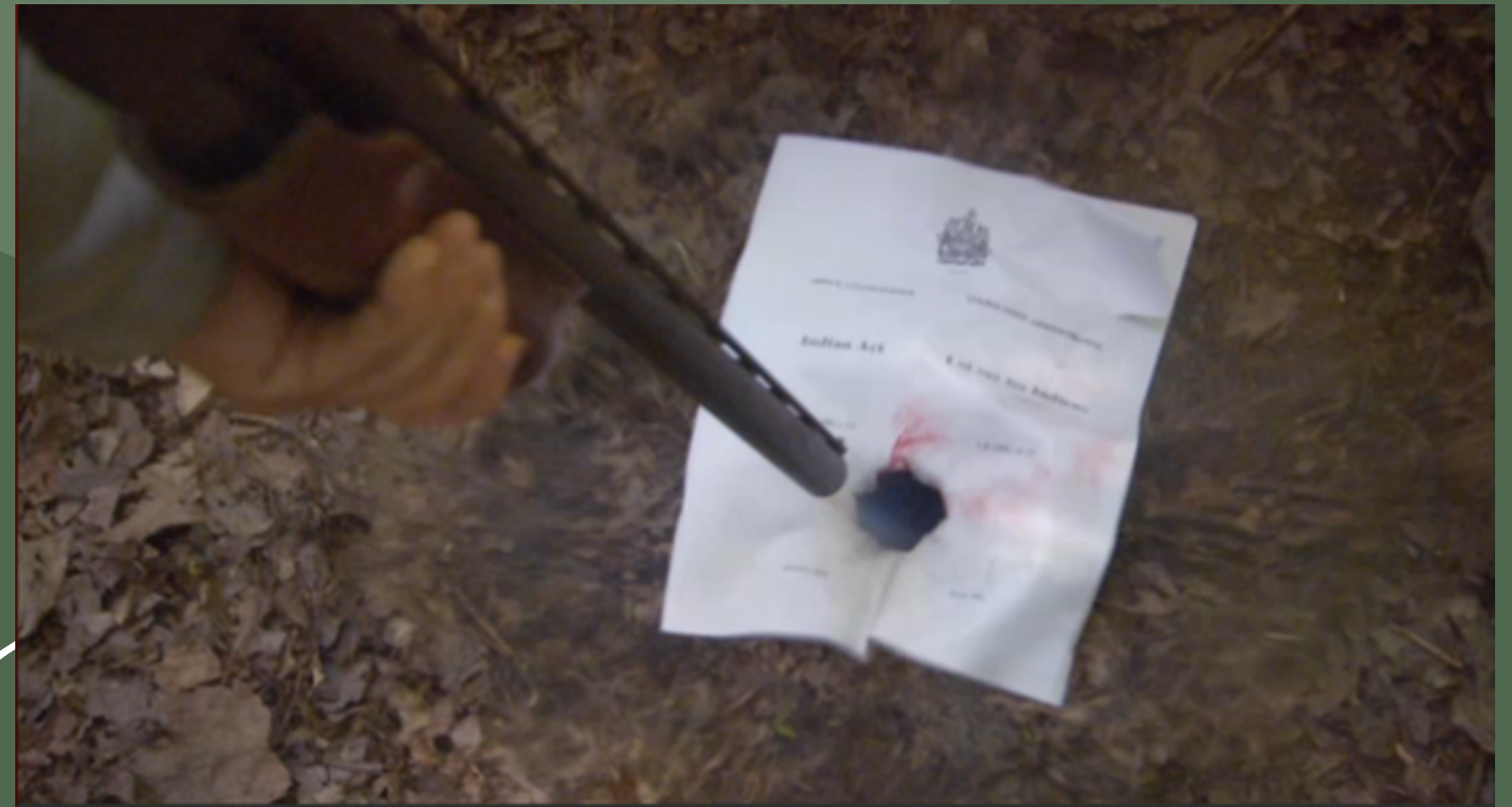
- A government-to-government agreement signed in 1996
- Negotiated between 14 First Nations and the Department of Indian Affairs
- Sets out the powers that will be transferred to the First Nation
- Sets out the process for that transfer
- The source of First Nation land management authorities
- Cannot be amended unilaterally

What is a Land Code?

Land Code is the law for managing reserve lands

What does having a land code mean?

- 1/3 of the Indian Act no longer applies after the First Nation has successfully voted in favour of the Land Code
- 44 sections of the Indian Act had been removed and replaced with the Lytton Land Code
- Indigenous Services Canada (ISC) is no longer involved in reserve lands
- The First Nation has control over their reserve land
- Community driven process





Empowers the First Nation to go back to the ways they used to manage their lands;

- Includes some of those teachings and practices

FA Principles

- Legal status and capacity clearly defined
- No expropriation of reserve lands by government
- Protection of treaty rights or aboriginal rights
 - This is not treaty
- Canada continues to be liable for previous acts and omissions (e.g. settlement of land claims).
- A third party interest on reserve is protected – until that interest has expired (e.g. valid leases continue)
- An individual band member's interest is protected on reserve (e.g. valid CP and other legal interests continue)

FA Principles

- Involvement of First Nations members both on and off reserve
- Constitutional protection
 - First Nation lands continue to be lands reserved for Indians within the meaning of section 91(24) of the Constitution Act, 1867 (not fee simple lands).
- Law making power over lands and resources
- Special relationship with the crown is retained

FA Principles

- Local dispute resolution mechanisms are to be developed to the satisfaction of the First Nation community
- Matrimonial real property provisions can be developed by the community or can stay under Fed. MRP Law
- Conflict of Interest provisions are mandatory, ensuring fair land practices

Framework Agreement

Land Code (FN)

- Law-making powers
- Law-making processes
- Community Consultation
- Land Protection
- Administration & Accountability
- Land interests
- Dispute Resolution

Individual Agreement (ISC)

- Sets out specifics of the transfer of federal authority from the Indian Act to the First Nation
- Environmental Assessments Attached as schedules
- Sets out the First Nation funding levels that accompany the transfer

Ratification Process
Membership Votes

LFN Land Code
Summary
Part 1:
Principles and
Interpretation

Principles Part 1 includes the purpose and the principles that guide the exercising of rights and responsibilities over the administration of Lytton's Lands, including:

- a Vision Statement that confirms that the people of the Lytton First Nation pledge to exercise their self-governance authority in accordance with Nlaka'pamux values, culture and heritage;
- a Mission Statement to guide the Nation toward achieving its goals;
- a confirmation that Lytton will continue to assert and exercise its aboriginal rights;
- a statement that the Land Code does not define or prejudice Nlaka'pamux aboriginal rights, title, inherent rights or any other Lytton First Nation rights; and
- a confirmation that the Land Code does not change or affect any rights Lytton in accordance with the United Nations Declaration on the Rights of Indigenous Peoples, the fiduciary relationship between Lytton and Canada, traditional land holdings or CP holdings.

Definitions This Part of the Land Code also sets out terms used in the Land Code and provides definitions for certain words.


Authority to Govern and Lytton Lands There is a description of where the authority to govern comes from and the Lytton First Nation Lands that the Land Code applies to.

Part 2:
Process to Pass
Lytton First Nation
Laws

Lytton Land Laws This Part of the Land Code sets out the principles, rules and administrative structures that the Nation will use to govern and manage its Lands under the Land Code. These structures include law making power over:

- occupation;
- development;
- protection and conservation;
- licences;
- land use planning and zoning;
- accountability and transparency to members;
- cultural heritage lands, sites and resources; and
- enforcement and financial management of Lytton Lands.

Land Law Development Part 2 sets out the procedure the Nation will follow to pass laws related to Lytton Lands, including the establishment of a Lands Committee, a membership engagement process to consult members on proposed Land laws and a process for Council to follow to bring a Land law into force. In addition, the Land Code provides that Council may enact Land laws to address emergency situations and that Land laws will be published and available for review.



Part 3:
Membership
Approval by
Vote

Membership Engagement and Inclusion Membership inclusion and participation in decision making is central to the Land Code. This Part stipulates that the Lytton membership must approve any Land laws that relate to the following matters:

- land use plan laws;
- any interest or license exceeding 49 years;
- laws relating to matrimonial property;
- any law respecting expropriation;
- any proposed desecration of a cultural-heritage site;
- any voluntary exchange of Lytton First Nation Land; and
- an amendment to the Land Code, besides minor edits (section 10.2).

Part 3 also provides that Council will undertake community engagement that includes calling a membership meeting, providing members with information about a proposed Land law and outlines the process for members to vote to approve the proposed law, including quorum and the threshold required to pass Land laws (50% + 1 of participating electors).



Part 4: Accountability

Transparency for Members This Part provides the framework for accountability to membership over decision making about Land issues and financial management and accountability to members about all money gained from Lytton Lands and resources.

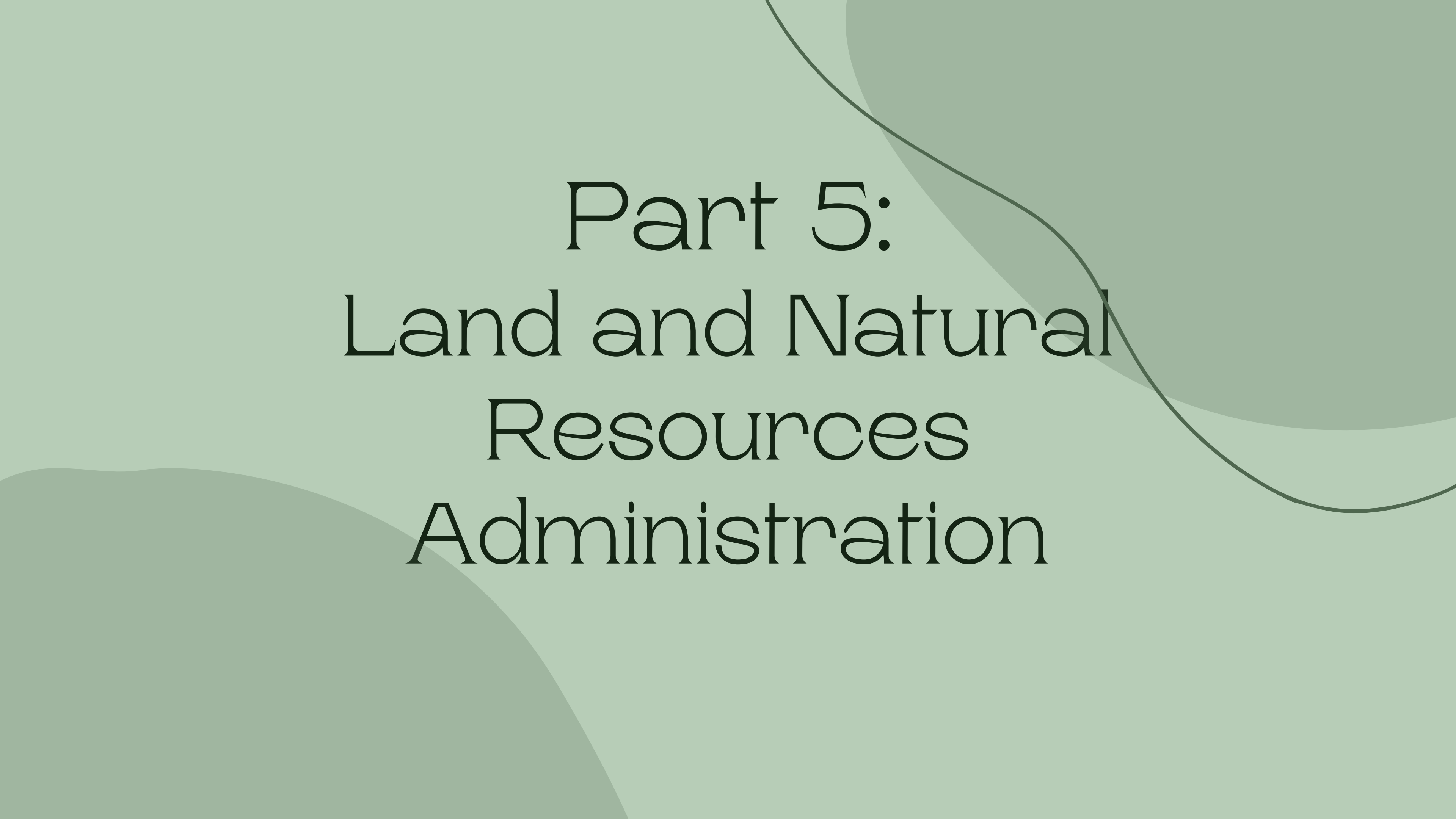
Conflicts of Interest Part 4 includes a process to disclose and address conflicts of interest for anyone on Council, the Lands Committee, Nation employees and members of other boards or committees of the Nation to ensure decisions are being made impartially and in the best interests of all members.

Financial Policies Also, this Part contemplates the development of financial structures to develop and implement policies for the management of money generated from Lytton Lands, consistent with the Financial Administration Law (FAL), including:

- processes to track how money is received and expended;
- managing financial records and accounts;
- preparing and implementing budgets;
- preparing financial statements and audits; and
- establishing and maintaining a responsible recordkeeping system.

Annual Reports The Land Code includes a requirement for the Council to prepare an Annual Report that is specific to Land matters, including land management activities, the land and resources department budget and an explanation of the audit in relation to the Lytton Lands and natural resources.

Access Members will also have access to a copy of the Land Code, any Land laws, audits and the annual report on Lands and natural resources.



Part 5:
Land and Natural
Resources
Administration

Administration This Part details the administrative operations and the tasks and authorities that can be delegated to staff and the duties of the Lands office, including to:

- advise Council on the development or amendment of Land laws;
- managing community consultation and any necessary votes;
- proposing department workplan and budget to Council;
- providing input on the Lands annual reports; and
- record keeping and data management.

Lands Committee Part 5 provides that Council is responsible for establishing a Lands Committee which must always include at least 5 Lytton members, developing a terms of reference and appointing committee members who are responsible for:

- assisting Council with the Land administration system;
- advising Council and staff on Lytton Land matters;
- recommending Land laws, policies, BCR's relating to Lands, land use plans;
- consulting members and interest holders on Land matters;
- receiving recommendations from members and others about Lands, environmental concerns and priorities; and
- overseeing membership meetings and votes.



Part 6:
Interests and
Licenses in Land

Registration of Interests in Lytton Lands The Land Code provides that interests in Lytton lands must be registered in the First Nations Lands Register to be effective and enforceable. Any interest of licence over Lytton Land can only be granted in accordance with the Land Code. Council may enact Land laws about interests in Land, including for allocation of Land or a creation of an interest in Land to members.

Key elements of the Land Code relating to interests in Lytton Land include:

- non-members will not be entitled to an allocation or a permanent interest in Lytton Land;
- members may transfer or assign their interest in Lytton Lands without membership approval or the consent of Council;
- the Land Code provides that members, their spouses and children have a right or are authorized to reside on and access Lytton Lands;
- the Land Code provides for the transfer of interests in Lytton Land on death; and
- provides that policy will be developed to address matrimonial real property on the breakdown of a marriage, in accordance with the principals that each spouse should have an equal right to possess the home and be entitled to an undivided half interest in their home.

Existing Interests Any CP, interest or licence that exists or is in place prior to the adoption of the Land Code will continue on the same terms and conditions after the Land Code comes into effect, if approved by membership.

Unregistered Interests and Traditional Holdings Council will establish a policy to consider unregistered interests and nothing in the Land Code impacts those interests.

Part 7:

Land Required for
Community Purposes
and Exchange of Land
for Public Purposes

Expropriation Will be Limited The Nation will only expropriate an interest or licence in Lytton Lands in accordance with a Land law that clearly outlines the procedures to do so. Lytton First Nation will have the authority to expropriate an interest or a licence in Land on the following basis:

- by mutual agreement between the Nation and the interest or licence holder;
- if not by mutual agreement, only for the limited purposes of necessary community works such as for a fire hall, sewage or water treatment, public works, utilities, roads, a school or daycare, hospital, health-care facility or a retirement home;
- Council will prepare a report to the community in advance of any proposed expropriation to explain the reason for the expropriation;
- fair and reasonable market value compensation will be provided to the interest or licence holder for an expropriation of their interest; and
- any dispute about the right of the Nation to expropriate will be resolved by a neutral evaluator.

Voluntary Land Exchange Council may agree to an exchange of a parcel of Lytton Land for another parcel only if approved by membership vote, after consultation.

Part 8: Dispute Resolution

Process to be Established to Resolve Disputes Council will establish a dispute resolution process or Land Law within 18 months of the Land Code coming into effect.



Part 9: Enforcement of Land Laws

Enforceability of Land Laws The Nation will have the ability to undertake enforcement of Lytton Land laws, including:

- appointing an enforcement officer;
- issuing tickets and orders for stop-work and vacating land;
- establishing offences that are punishable on summary convictions;
- that provide for the requirement to complete community service, to pay fines or imprisonment for achieving compliance in serious situations; and

6

- to enter into agreements with the provincial or municipal government to enable the enforcement of the Land Code and any Lytton Land law



Part 10: Other Matters

Insurance Council will arrange for adequate insurance to indemnify any members of Council, committee members and employees engaged in carrying out any matters or duties related to Lytton Land.

Revisions or Amendments Council may only implement minor revisions that do not change the substance of the Land Code, without a vote of the membership.

Effective Date The Land Code will take effect on the first day of the month following the approval by the members and the certification of the Land Code by the verifier.

Environmental Site Assessments

- Each First Nation will identify and work with the consultant on contaminated sites
- Environmental Site Assessments determine potential environmental contamination that took place while land management was under ISC
- This process is crucial in putting all potential contamination in a report to ensure ISC is on the hook for contaminated land
- Phase 1 Environmental Site Assessment was completed by WSP (Golder) on July 5, 2023



Land Description Reports (LDRs)

- All of the LDRs are complete except for Nohomeen IR 23.
- In total there were 53 LDRs were completed.

BC Hydro & Telus Permits

- 5 Permits under section 28 of the Indian Act need to be updated with BC Hydro from 1970, 1976 and 1978 and with
- Telus from 1975 and 1977
- The proposed amendments concern:
 - Supplemental Terms to Amend Permits to cover reserve lands that will be subject of the Land Code; and excluded Lands Permits documents are meant to cover lands that will stay administered under the Indian Act
- 9 Permit amendments are being proposed. These drafts were developed by ISC.
- We have reviewed, commented and are awaiting final versions for presentation to Council. No material changes are contemplated.
- The hydro and telephone uses will be business as usual.

Community Ratification Process - Dated March 28, 2019

- Voting Process Lytton First Nation will follow to ratify the Land Code
- Must be a band member and 18+ years of age by October 19, 2023
- Based on simple majority of those members that participate in the vote
- Using One Feather

VOTING?

- In-person voting, begins on October 19, 2023 and will be open until October 21, 2023. Mail In Ballots sent out September 15, 2023.
- Electronic voting opens on October 1st at 9:00 am PST and closes on Saturday, October 21st at 8:00 pm PST.
- In-person voting locations open Thursday, October 19th at 8:00 am PST and closes on Saturday, October 21st at 8:00 pm PST each day at Battle Field Community Centre

NOTE: Friday, October 20th at 10:00 am PST and Closes on Saturday October 21st at 6:00 pm PST each day at Westside Community Hall

- Mail-in voting closing is October 21st at 8:00 pm PST

Kwukstamxw
Thank you!

contact info. Valerie.sam16@gmail.com

Ph. 604-701-9044