



Lands Management Advisory Committee

SUMMARY OF THE METLAKATLA FIRST NATION LAND CODE

The purpose of the Metlakatla First Nation (MFN) Land Code is to set out how Metlakatla will manage their reserve lands and resources. Under the Land Code, Metlakatla will be able to make Land Laws and administer its own Reserve Lands – and will no longer have to follow the *Indian Act* and deal with the Ministry of Indigenous and Northern Affairs Canada (INAC – formerly Department of Indian Affairs) for reserve land management activities.

The Land Code consists of a Preamble and 10 Parts or chapters. Each Part will be covered this document.

PREAMBLE

The Preamble acknowledges the ayaaxw and the adawx and Metlakatla's connection to its lands and resources. It also mentions that Metlakatla's heritage, including our language and spiritual beliefs, are tied to the lands and waters of our traditional territory. As such, we have a profound relationship with our land, waters and its resources, and we are committed to respecting and protecting our Tsimshian cultural heritage, a responsibility passed down through the generations.

The preamble reinforces Metlakatla's desire for reserve lands and resources to no longer be managed by Canada (Indian Act), but managed by Metlakatla under the Land Code.

PART 1 PRELIMINARY MATTERS

Introduces the Land Code to the reader and defines how the document should be read. There is a description of the terms that will be used in the document, an explanation of where the authority to govern comes from, the purpose of the Land Code and the 10 MFN Reserve lands the Land Code applies to. Nothing in the Land Code is intended to or does not impact any Aboriginal rights and title now or in the future.

PART 2

FIRST NATION LEGISLATION

This section outlines what law-making powers Metlakatla will have and the procedure for how new land laws will be created, passed, come in to effect, published, communicated and implemented under the Land Code.

Council may make land laws that focus on a number of different areas under this part of the Land Code. The law-making power is as comprehensive as possible with respect to land matters and replaces the powers set out in the *Indian Act*.

Under the Land Code, Members must be given notice before laws are passed, and may be involved in the development or approval of certain types of laws. Approved laws must be distributed to Metlakatla members.

PART 3

MEETING OF MEMBERS AND APPROVALS

This section defines how and what the process is for getting Metlakatla membership approval for certain laws that are identified under the Land Code. For example, approving a land use plan would require Membership approval before it could be passed by Council Resolution. Getting membership approval at a Meeting of Members would have to follow the conditions that are set out in this section. Some matters require that there be a meeting of members to discuss the topic and get input from members.

PART 4

PROTECTION OF LAND

This section outlines some of the key areas of protection under the Land Code—specifically the ability to:

- protect the environment through environmental assessment and environmental protection laws, and
- to protect and manage cultural heritage resources by establishing cultural heritage resource laws and management plans.

This section also describes special conditions by which Metlakatla could expropriate land for community purposes, but only after getting community approval through a ratification vote. Also included, are the conditions for calculating compensation and identifying the rights that may not be expropriated. An agreement is necessary for the Metlakatla First Nation to exchange land with another party (i.e. First Nation, Province, and Federal Government) and there are conditions to be met for lands to be received.

PART 5

FINANCIAL ADMINISTRATION AND CONFLICT OF INTEREST

All financial matters administered under this Land Code will be conducted in accordance with the MFN Financial Administration Law (FAL) that was passed in December 2015. Conflict of interest rules as found in the FAL must also be followed and apply to land management. The FAL can be found on the Metlakatla Website (www.metlakatla.ca). For more information on the FAL please contact Nicole Gutowski Metlakatla Chief Financial Officer at (250) 628-3234 Ext 2003

A Financial Administration Law (FAL) is a comprehensive set of interrelated rules that form the foundation of the Metlakatla First Nations internal control environment. The FAL is not a means to an end, rather it represents continuous processes and actions that will govern the decision making, management, monitoring and reporting of the financial administration of the First Nation.

The Metlakatla (FAL) is comprised of 4 sections that form – “best practices” for the establishment and operation of a successful financial administration. Our standards have been developed using existing models and internationally recognized standards dealing with aspects of organizational governance, internal control, enterprise risk management and financial reporting. The standards are meant to satisfy stakeholder and financial market concerns over financial management and reporting.

PART 6

METLAKATLA FIRST NATION RESERVE LAND ADMINISTRATION

This Part lays out how MFN Reserve Lands will be managed and by who. It specifies that Council will appoint a Director of Lands, who will assist with the day-to-day operations of the Lands Department. Council will also appoint a Land Management Advisory Committee to advise the Council on such matters as land laws and policies. The Director of Lands, the Lands Department and the Lands Advisory Committee will ensure that the needs and interests of the membership are considered in land management activities. As outlined in Part 3 Membership input and engagement is an essential component of this Land Code and MFN Reserve Land management.

PART 7

INTERESTS AND LICENCES IN LAND

This section relates to the operation of the Metlakatla First Nation’s lands administration and how it will address existing interests (e.g. Certificates of Possession - CPs) and new land related interests (e.g. CPs or allocations). This section defines that there will need to be written documents, standards created, and that consent will be necessary to process any granting or disposing of assignments of land. This section defines the rights of CP holders and the procedure for cancelling a CP, the transfer and use of a CP, and the situation when a CP holder ceases to be a member. This section also

defines the limits on mortgages and seizures, transfers upon death, and the principles for spousal property law (to be made into a Matrimonial Real Property law).

PART 8 DISPUTE RESOLUTION

This section is created to address how possible disputes that could arise by any benefactor (e.g. Metlakatla member) of the Land Code and how the process for addressing disputes will be conducted. Where possible disputes will be resolved through informal discussion. Where necessary, disputes can be resolved through mediation, arbitration, or a court of competent jurisdiction, with each party paying for its own costs.

PART 9 OFFENCES AND ENFORCEMENT OF LAND LAWS

This Part specifically deals with Offences and Enforcement of Land Laws. Metlakatla will have a broad array of authority and ability to enforce their Land Laws – enforcement will be a key component of land management. This Land Code allows for the possibility of Metlakatla to appoint their own Justice of the Peace or use a tribal or community justice process.

PART 10 OTHER MATTERS

This section defines four (or more) items to address common issues such as:

1. Liability- Metlakatla is not responsible for issues that occurred prior to the Land Code coming in to effect. Canada continues to be responsible for things that happened under their authority under the Indian Act,
2. Amendments to Land Code- outlines what types of changes could be done without community approval by way of a ratification vote what types of changes to the Land Code would require community consent via a ratification vote and the process for amending this Land Code,
3. Commencement- defines when the actual start date will be, and
4. Review – Land Code review period.