



# LAND CODE SUMMARY

## What is the Fort Nelson First Nation Land Code

The *Fort Nelson First Nation Land Code* (**Land Code**) is a law asserting Fort Nelson First Nation as the government with the power and authority over our reserve lands and natural resources.

The Land Code explains the **land governance structure** that Fort Nelson First Nation wishes to use for managing and caring for the lands and natural resources.

## What is Fort Nelson First Nation Land Governance?

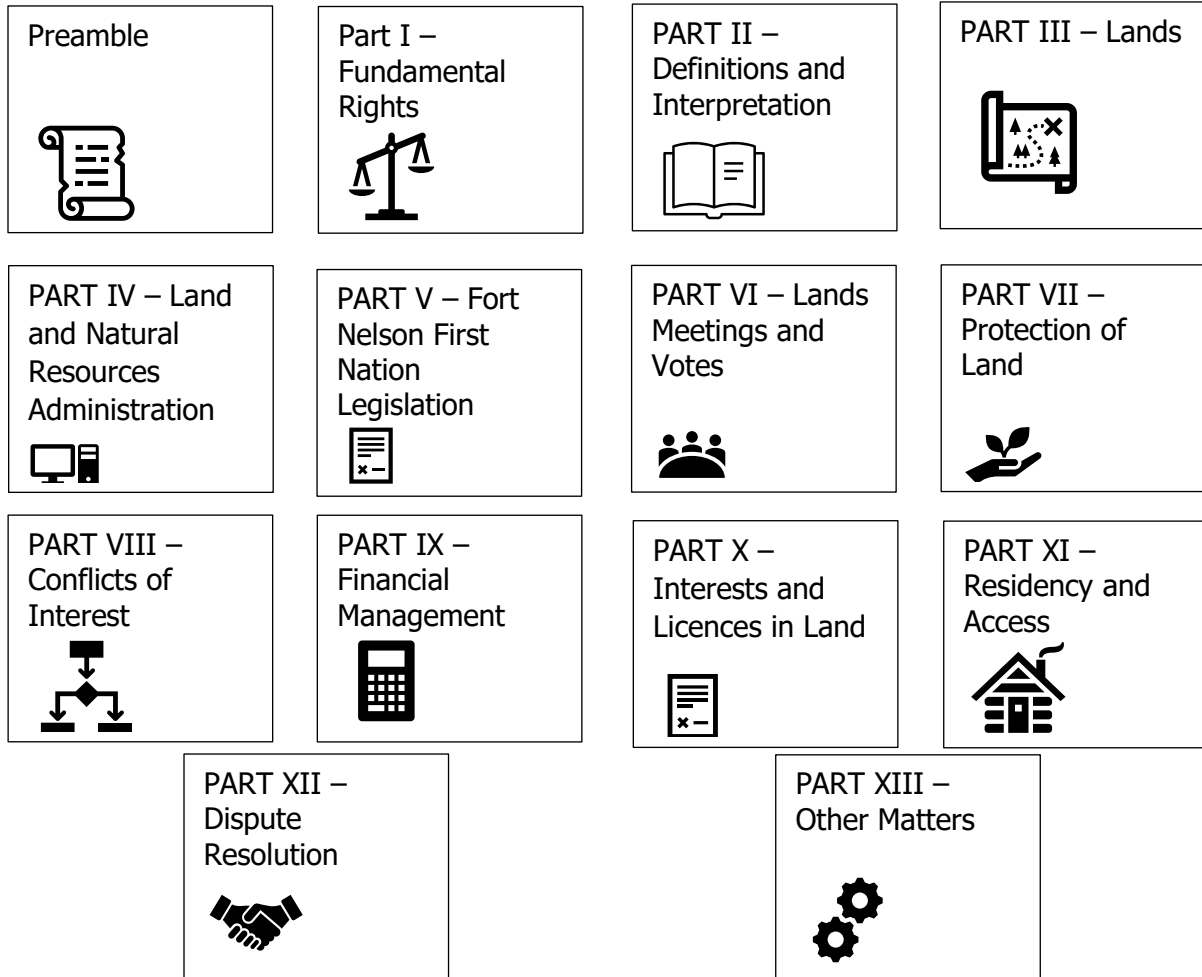
Fort Nelson First Nation Land Governance is made up of the rules, processes, and systems for making decisions about Fort Nelson First Nation lands and natural resources.

The Fort Nelson First Nation Land Code reflects our way of practicing land Governance.



# 13 Parts of the Fort Nelson First Nation Land Code

The Land Code consists of a preamble and 13 parts. Each part is described in the detailed summary below.



## PREAMBLE

- Explains the purpose of the Land Code and a brief history of how we got to this point.
- Identifies Fort Nelson First Nation's Section 35 Rights within Treaty 8 and inherent rights to manage its lands and resources within Treaty 8, including all Fort Nelson First Nation reserve lands.

## Part I

Fundamental Rights	
Sections included:	Description of the Section:
<ul style="list-style-type: none"><li>• Land Rights</li></ul>	<p>The Land Code asserts Fort Nelson First Nation's land rights within Treaty 8 and states that these land rights do not change because of having a Land Code.</p> <p>The Land Code says that the Crown is <b>not</b> free of their fiduciary duty or obligations, such as the duty to consult and accommodate. The fiduciary relationship with the Crown remains the same.</p> <p>Fort Nelson First Nation will continue to exercise its Treaty rights as it did before Land Code. Nothing changes.</p>

## PART II

### Definitions and Interpretation

Sections included:	Description of the Sections:
<ul style="list-style-type: none"><li>• Definitions</li><li>• Interpretation</li></ul>	<p>The words and terminology used in the Land Code are explained in this part of the Land Code.</p> <p>The explanations given in this part of the Land Code help make the rules and processes in other parts of the Land Code clearer.</p>

## PART III

### Lands

Sections included:	Description of the Section:
<ul style="list-style-type: none"><li>• Description of Lands</li></ul>	<p>The Land Code will only apply to FNFN reserve lands.</p> <p>Our reserve lands are located within Treaty 8 and we keep all rights within Treaty 8 untouched by a Land Code.</p> <p>Through Land Code, FNFN will be able to manage natural resources and water within it's Reserve lands, except for oil and gas interests which will continue to be managed by Canada.</p> <p>We can also add more lands under Land Code in the future, like if we purchase other lands and do the Addition to Reserve process.</p>

## PART IV

### Land and Natural Resources Administration

Sections included:	Description of the sections:
<ul style="list-style-type: none"><li>• Land Code Office</li><li>• Land Code Committee</li></ul>	<p>To support the Land Code and help carry out the responsibilities of FNFN, there will be a Land Code Office and Land Code Committee.</p> <p>Some of the duties of the Land Code Office will include:</p> <ul style="list-style-type: none"><li>• Providing advice about land laws, land policies, regulations to Council and lands code committee;</li><li>• Arranging meetings and votes under the Land Code;</li><li>• Annual work-planning, budgeting and reporting;</li><li>• Assisting the land code committee; and</li><li>• Lands administration like recordkeeping, data management, forms, and procedures.</li></ul> <p>The Land Code Committee can advise Council and the Land Code Office about lands related issues such as granting interests and licences, planning, law-making and policies.</p> <p>The Land Code Committee can also advise Council of suggestions and feedback</p>

	received from Members about lands and environment concerns and priorities.
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**PART V**

<b>Fort Nelson First Nation Legislation</b>	
<b>Sections included:</b>	<b>Description of the sections:</b>
<ul style="list-style-type: none"> <li>• Law-making powers</li> <li>• Law-making procedure</li> <li>• Emergency Land Laws</li> <li>• Notice and Publication of Land Laws</li> </ul>	<p>Under the Land Code, FNFN can make laws for land related matters. Some examples of land laws that other First Nations have made are:</p> <ul style="list-style-type: none"> <li>• Land Use and Development Law</li> <li>• Community Protection</li> <li>• Animal Responsibility Law</li> <li>• Natural Resources Management</li> <li>• Business Licencing</li> <li>• Building Law</li> <li>• Granting Interests and Licences</li> <li>• Land Law Enforcement</li> </ul> <p>This part of the Land Code describes how FNFN will make land laws, publish land laws, and provide notices.</p>

## PART VI

Lands Meetings and Votes	
Sections included:	Description of the section:
<ul style="list-style-type: none"><li>• Lands meetings and votes</li></ul>	<p>The Land Code says when land code meetings and votes must happen. For example, land code meetings are held to get input from Members about land laws and land use plans, and before a lands-related vote.</p> <p>Votes are needed for matters such as:</p> <ul style="list-style-type: none"><li>• making an expropriation land law,</li><li>• approving of any land exchanges,</li><li>• making substantive changes to the Land Code;</li><li>• approving of certain leases;</li></ul>

## PART VII

Protection of Land	
Sections included:	Description of the section:
<ul style="list-style-type: none"><li>• Expropriation</li><li>• Voluntary exchange of lands</li></ul>	<p>This part of the Land Code deals with the taking of lands for FNFN purposes. There is no expropriation allowed, unless certain criteria is met and the Members approve it in a vote.</p>

## PART VIII

<b>Conflicts of Interest</b>	
Sections included:	Description of the section:
<ul style="list-style-type: none"><li>• Conflict of interest obligations</li><li>• Accountability for conflicts of interest</li></ul>	The rules about conflict of interest obligations and accountability for conflicts of interest are described in this part of the Land Code.

## PART IX

<b>Financial Management</b>	
Sections included:	Description of the section:
<ul style="list-style-type: none"><li>• Financial Management</li></ul>	This part of the Land Code deals with the financial management processes that FNFN must adhere to.

## PART X

<b>Interests and Licences in Land</b>	
Sections included:	Description of the section:
<ul style="list-style-type: none"><li>• Registration of interests and licences</li><li>• Existing interests</li><li>• Member only interests</li></ul>	<p>Some general rules about land and natural resources use and development are set out in this part of the Land Code.</p> <p>All interests must be registered in FNFN's Land Registry system after Land Code is adopted.</p>



<ul style="list-style-type: none"> <li>• Interests and Licences</li> <li>• Limits on Mortgages and Seizure</li> <li>• Wills and estates</li> </ul>	<p>The Land Code keeps the parts of the <i>Indian Act</i> that prevent the seizure or sale of reserve lands.</p>
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## PART XI

Residency and Access	
Sections included:	Description of the sections:
<ul style="list-style-type: none"> <li>• Residency and access rights</li> <li>• Trespass and offences</li> </ul>	<p>The Land Code identifies Member rights to reside on lands that they have an interest for who can reside on, access, or use different types of land.</p>

## PART XII

Dispute Resolution	
Sections included:	Description of the section:
<ul style="list-style-type: none"> <li>• Disputes</li> </ul>	<p>A process or land law will be created for dealing with land-related disputes.</p>

## PART XIII

Other Matters	
Sections included:	Description of the section:
<ul style="list-style-type: none"><li>• Enforcement</li><li>• Liability</li><li>• Amendments to Land Code</li><li>• Commencement</li></ul>	<p>This part of the Land Code identifies what can happen to anyone who does not follow the Land Code or purposefully goes against the land rules set out in the Land Code.</p> <p>The Land Code will come into force on the first day of the month following certification.</p>