



# Metlakatla Land Code

## Questions and Answers

Metlakatla is one of many First Nations in BC to sign onto the First Nations Land Management Framework Agreement. The Agreement transfers authority and management of reserve lands from the Federal government to our own control, and removes us from roughly 25 per cent of the Indian Act.

But what does this really mean? To provide a better understanding of the Act and the Land Code, the Metlakatla Land Management Advisory Committee has compiled some of the most common questions our members have.

Members are encouraged to vote electronically beginning September 1, mail-in their ballot, or in person at polling stations in Metlakatla October 13th or Prince Rupert on October 14/15th at the Coastal Training Centre (501 Dunsmuir St.). Anyone with questions about the Land Code can email [lands@metlakatla.ca](mailto:lands@metlakatla.ca) and anyone with questions about the ratification vote process can contact Ratification Officer Lawrence Lewis at [lewis.l@telus.net](mailto:lewis.l@telus.net).

### 1) How do we benefit from the Framework Agreement?

A: For many reasons, including the following:

- Increased accountability to Members
- Increased input by Metlakatla members into land management. Members will vote to approve the initial Metlakatla Reserve Land Use Plan.
- Ability for Metlakatla to protect the environment
- Right to manage reserve land and resources
- Removal of Metlakatla lands from the *Indian Act*
- Members over 18 will have the opportunity to participate in all important decisions about reserve lands
- Land law making powers
- No need for Ministerial approval for Metlakatla land laws.

### 2) What is a Land Code?

A: The basic land law of the First Nation. It will replace the reserve land management provisions of the Indian Act.

### 3) What is Land Management?

A: Land management involves day-to-day administration of Metlakatla reserve lands and the right to make laws in respect of those reserve lands.

### 4) Is this part of aboriginal self government?

A: Yes, self-government is where a First Nation takes over the authority, decision-making and day-to-day activities of a program (in this case – the Metlakatla reserve land management).

### 5) Will the fiduciary relationship between the Crown and Metlakatla continue?

A: Yes, the Federal Crown (government) will still have a fiduciary duty with Metlakatla. The Minister's responsibility is less than it would have been under the *Indian Act* because Metlakatla handles day-to-day decisions related to reserve lands.

### 6) Is there any continuing federal responsibility for Metlakatla reserve lands?

A: Canada will continue to hold title to reserve lands, but will have no management authority over Metlakatla's reserve lands.

### 7) Who is liable for damages related to Metlakatla reserve land?

A: Canada will remain liable and will indemnify Metlakatla for losses suffered as a result of any act or omission BEFORE the Land Code comes into effect. Metlakatla is responsible for its own land AFTER the Land Code takes effect.

### 8) What other First Nations have Land Codes?

A: Haisla, Kitselas, Matsqui, Tzeachten, Westbank, Tsawwassen, Seabird, Tsleil-Waututh... To name a few in B.C. There are 60 communities all across Canada that have Land Codes.

9) How does a First Nation take control of its land?

A: By creating a Land Code, entering into an Individual Agreement with Canada, drafting a community ratification process, conducting a community ratification vote and obtaining a “yes” vote by the required percentage of the membership.

10) What is an Individual Agreement?

A: It is an agreement is negotiated with the federal government to deal with all matters relating to the reserve lands (such as management, funding, etc.).

11) Is the Indian Act still relevant to Metlakatla after we adopt the Land Code?

A: Yes, approximately 2/3 of the *Indian Act* will still apply. Only the provisions dealing with land matters will not.

12) Are Metlakatla members involved in developing a Land Code?

A: Yes. The Metlakatla Land Management Advisory Committee, which created the Land Code, is made up entirely of Metlakatla members. As well, community meetings were held to discuss the draft Land Code in Metlakatla, Prince Rupert, Prince George and Vancouver.

13) Does the Land Code need community approval?

A: Yes! The Land Code and Individual Agreement MUST be ratified by Metlakatla Members.

14) Are off-reserve Members involved?

A: Yes, ALL Members 18 years or older, both on and off reserve have the right to vote on the Land Code and Individual Agreement.

15) What lands are involved?

A: All of Metlakatla’s reserve lands. There are 10 reserves which are held by Metlakatla. Go to [www.metlakatla.ca](http://www.metlakatla.ca) for maps and locations of Metlakatla’s reserve lands.

16) How will this affect joint reserves held between Metlakatla and Lax Kw’alaams?

A: Only Metlakatla reserves are included in the Land Code, jointly held reserves are not considered.

17) Will the land management powers extend to traditional Metlakatla territories?

A: No. The land management powers only relate to reserves of Metlakatla.

18) Can Metlakatla make laws?

A: Yes. Metlakatla Council will have the power to make land laws in respect of the development, conservation, protection, management, use and possession of reserve lands.

19) What happens to existing 3rd party interests?

A: Existing third party interests (eg. BC Hydro, Telus, Citywest) are unaffected; they will continue according to their terms and conditions.

20) How will accountability to the Members be ensured?

A: There are provisions in the Land Code that require annual reporting to Metlakatla members on the reserve land management activities.

21) Can Metlakatla generate its own revenues?

A: Yes. Revenues can be generated by leasing, granting rights and licenses in Metlakatla reserve lands. Metlakatla can also develop its own land directly to generate profit.

22) Is funding available to operate under a Land Code?

A: Yes, the Federal Government (Canada) provides operational funding.

23) How will the environment be protected?

A: Metlakatla will have the power to make environmental laws.

**24) Will the Land Code have any effect on LNG proposals?**

A: Currently, there are no LNG proposal on Metlakatla Reserve Lands. The Land Code will not have any effect on LNG proposals in the territory. For more information on LNG and Metlakatla's role in reviewing the projects, contact Environmental Assessment Manager Erin Mutrie at [emutrie@metlakatla.ca](mailto:emutrie@metlakatla.ca).

**25) Are there going to be more meetings about the Land Code before the vote?**

A: Yes, the Metlakatla Lands Department is planning to host members' meetings in the four locations to review the revised draft. Meetings are scheduled for September 14 in Prince George, September 15 in Prince George, September 20 in Prince Rupert, and October 4 in Metlakatla.

**26) Isn't this just like a treaty?**

A: No. The Metlakatla Land Code will not affect taxation, health care, education or government responsibility. The Metlakatla Land Code will only give the authority back to Metlakatla First Nation to govern its reserve lands. All other areas of the Indian Act will remain unchanged and in effect.

**27) For electronic voting or smart phone voting how will my identity be verified?**

A: Electronic voting can be completed on your computer or smart phone. You will need your band number (10 digit number on your status card which starts with 673) and your email address. Once you access the website, instructions will be provided to guide you through the process. If you vote electronically, you will not be allowed to vote at the polling stations.

**28) What financial transparency is in the Land Code?**

A: All transactions under the Land Code would be subject to the same financial regulations as other band revenue and would include reporting as per Section 16 of the Financial Administration Law. This stringent law was developed to be more transparent and accountable and is available to members upon request. For more information on the Financial Administration Law, contact Chief Financial Officer Nicole Gutowski at [ngutowski@metlakatla.ca](mailto:ngutowski@metlakatla.ca).

**29) What is in place to ensure there is no conflict of interest?**

The Conflict of Interest policy applied to the Metlakatla Governing Council and all Metlakatla First Nation operations would also be applied to the Land Code.

**30) Who determines whether Metlakatla can sell or exchange land?**

A: Under Section 12.5 of the Draft Land Code, the sale of land by the Metlakatla First Nation would require a ratification vote by the Metlakatla members.

**31) What is required for the Land Code to be passed?**

A: The Land Code can only be ratified if a majority of the eligible voters who cast a ballot vote in favour of the Land Code. Further, at least 25 per cent of the eligible voters must vote favour of the Land Code.

**32) What is needed to make changes to the Land Code?**

A: Major changes to the Land Code require a ratification vote that is supported by at least 50 per cent of the members who vote on the proposed changes. Minor changes do not require a ratification vote s.

**33) What is considered to be a "minor change" as per section 39.1?**

A: A minor change would include spelling, grammar and any edit that does not change the intent or direction of the Land Code that was passed by the membership.

**34) What can be done if a member doesn't feel the Land Code is being adhered to?**

A: Members should contact the Lands Department to discuss any actions that they feel do not comply to the Land Code. Subsequent means of remedy would include mediation, arbitration and legal action.

**35) Will the Land Code do away with the Indian Act?**

A: The Metlakatla Land Code will only eliminate those sections of the Indian Act related to land management and governance on Metlakatla Indian Reserves (excluding those reserves that are shared with Lax Kw'alaams). All other sections of the Indian Act will continue to apply. Government services such as Health Care and Education will continue to exist and are not affected by the Land Code. The Land Code only deals with Land Management on MFN Reserves.

**36) What about the marine resources?**

A: The Metlakatla Land Code, by legislation, only covers the land and resources above the high tide mark. Marine and foreshore resources are being considered as part of the Metlakatla Treaty process. For more information on the treaty process, contact Treaty Negotiator Joycelynn Mitchell at [jmitchell@metlakatla.ca](mailto:jmitchell@metlakatla.ca)

**37) How often will the Land Code be reviewed?**

A: Under Section 41.1, the Metlakatla Land Code must be reviewed at a minimum every three years.

**38) How many lawyers were involved in the creation of the draft Land Code?**

A: One lawyer was involved in Land Code process. Murray Brown reviewed the work of the Lands Management Advisory Committee (LMAC) at various stages to provide input and recommendations. Murray's experience and involvement with First Nations Land Codes is extensive. The Land Code was created by Metlakatla members (LMAC) and technical staff who utilized a template created by the First Nations Land Management Resource Centre as a starting point.

**39) Did Metlakatla pay the majority of the costs for the Land Code development?**

A: No, a majority of costs were funded by other organizations. The First Nations Land Management Resource Centre provided core funding of \$75,000 per year for two years of development. The costs associated with the Environmental Site Assessment and survey work for the reserve lands were covered by Indigenous & Northern Affairs Canada and Natural Resources Canada.

**40) What happens if the Land Code is not ratified? Who decides what happens next?**

A: If the Land Code does not pass, it will likely trigger a review of the Land Code to try to determine why it failed. Any and all next steps after the vote will be made by the Metlakatla Governing Council.

**41) What will happen with existing trap lines?**

A: Trap lines fall under the jurisdiction of the Provincial Government and are not regulated by the Metlakatla First Nation. For more information, contact the B.C. Ministry of Forestry, Lands and Natural Resource Operations.

**42) Are there already plans in place for Metlakatla reserve lands if the Land Code is passed?**

A: There are no current plans for any of the Metlakatla reserve lands. A Metlakatla Reserve Land Use Plan will be created with membership consultation for acceptable and possible uses of the reserve lands

**43) Who will oversee the Land Code and how will the rules be enforced.**

A: The Metlakatla Land Code would create a Metlakatla Lands Department, with its own staff. Laws and specific regulations would be made and each regulation would include fines and punishments should the regulations be broken.

To view the Land Code, Individual Agreement and Voter Information package, visit  
<http://www.metlakatla.ca/mfn-government/draft-land-code>

Questions? Email [lands@metlakatla.ca](mailto:lands@metlakatla.ca)



