

QUESTIONS FROM THE 'NAMGIS LAND CODE MEETING

There were some great questions asked by members at the Land Code Meeting held on October 29, 2018 at the Lawrence Ambers Memorial Rec Centre. The following questions and answers are paraphrased from the discussion that took place:

Questions for the 'Namgis Leadership and Administration:

The members asked a number of questions about the 'Namgis Land Code. The following answers were provided by the Chief, members of Council, members of staff, and support technicians from the Lands Advisory Board Resource Centre.

There is a lot of money being spent on this process, but Land Code only applies on our reserves. Many of our reserves are small and difficult to access. Why are we going through this process for our very small reserves?

Funding for the Land Code project is being provided by the government of Canada.

Land code is a step towards self-governance. It will help us to set a framework for how we will govern our lands. This framework will apply to all of our reserve lands regardless as to where they are located. Our reserve land base may expand in the future and we will also have the ability to look at exchanging some of our reserve land parcels for others that are more ideal.

Do you need to have a Land Use Plan in order to have a Land Code? Or is a Land Use Plan something that comes after a Land Code?

Some First Nations do have a Land Use Plan in place before they adopt their Land Code. Often this Land Use Plan needs to be updated and approved by the members once the Land Code takes effect. Other First Nations do not have a Land Use Plan at all.

'Namgis does not have a Land Use Plan and we do not need to have a Land Use Plan in place before the Land Code takes effect. The 'Namgis Land Code does set out a process around how we will adopt a Land Use Plan for our reserve lands. The Land Code also requires that any Land Use Plan is approved by 'Namgis members.

Which document(s) are we voting on exactly?

We will be voting on the 'Namgis First Nation Land Code verified on October 18, 2018. This document can be found on the website: <http://www.namgis.bc.ca/wp-content/uploads/2018/10/Verified-Land-Code-Full-Version.pdf>. A summary of the Land Code can be found at: <http://www.namgis.bc.ca/wp-content/uploads/2018/10/284LC-SUM-v6.pdf>.

We will also be voting on the Individual Agreement. This document explains how the Government of Canada will transfer land management and land administration duties to 'Namgis. This document can be found at: <http://www.namgis.bc.ca/wp-content/uploads/2018/10/Individual-Agreement-Full-Version.pdf>. A summary can be found at: <http://www.namgis.bc.ca/wp-content/uploads/2018/10/Individual-Agreement-Summary.pdf>.

What is the quorum and voting thresholds for Member Approvals under the Land Code?

With the 'Namgis Land Code, some of our laws can be approved at a Special Membership Meeting, which is a meeting that is held specifically for the purpose of holding a vote. For any approval of a law that takes place at a Special Membership Meeting, the voting threshold is 50% +1 of those in attendance at a Special Membership Meeting.

How are we going to enforce our laws?

It will be up to our membership to decide how we are going to enforce our laws. We can look at hiring a police officer or we can contract enforcement out to the RCMP. Our Land Code will be a law that will be federally recognized and can be enforced by the courts.

Will there be a map attached to the Land Code?

Yes – there will be maps included in the information package. These maps will show the location of each of the reserves.

How will our infrastructure management be affected by Land Code (e.g. sewage, etc.)? How will the costs be managed?

Land Code does not affect our infrastructure management. That is separate and falls under different agreements. The funding that we receive for land management will not be used for costs associated with infrastructure or public works management. Those operational costs will still be the responsibility of government.

Can we expand housing on the other side of the river?

Planning for where and what future development will take place is something that we will be able to do better after our Land Code takes effect. We will need member input and we will need to explore funding to get that work done. Right now, we don't have the money to do that.

How will the Land Code affect our neighbouring municipalities?

Land Code only applies on-reserve, so our neighbouring municipalities will not be affected.

Will the Land Code create opportunities for our youth? I am in my 40s and I don't think that I'll be able to start a business or get a career under Land Code.

Yes – Land Code will create opportunities for our youth now and into the future. However, Land Code has the potential to benefit all of our members. For example, We Wei Kai was able to shorten the time required to pursue economic development opportunities on-reserve. This meant that instead of it taking 6 years to see a business get up and running, businesses were active within 6 months. In terms of careers, land management is something that would be available to any of our members. K'omoks just hired a land manager who is in her 50s.

Are there plans in place now to exchange any of our reserves for different/better parcels?

Currently, there are no plans in place to exchange our reserves. We are still in ongoing talks to try and add more land to our reserve land base (e.g some land in Woss). In the future, we might look at exchanging our reserves for more useable and/or strategic parcels, but we are not doing this currently.

Questions for Chief Rempel

Chief Rempel from K'omoks gave a presentation about her community's experience with Land Code. The following questions were asked by 'Namgis members and Chief Rempel gave the following responses:

Don't the RCMP have a duty to serve our reserve lands and don't they have the mandate to enforce laws on reserve? Why do we need a Land Code?

They might have the mandate to do it, but when it came to the case of K'omoks needing the assistance of the RCMP to enforce our Land Code, the RCMP threw up their hands and refused to do it. We had to take them to court to get them to enforce our Land Code. We went to court and it was a precedent setting case. I was very proud to see that our Land Code stood up in court.

Are there any projects that you've gotten done under your Land Code?

Yes – K'omoks is currently working on developing our environmental laws. We are also updating our Land Use Plan. Our existing Land Use Plan only applies to the territory and does not include the reserve lands, so we need to go back and develop the reserve land plans. We are also working on our zoning laws, allotment law, noise law, and we are also completing some survey work.

So, did your member break a law by leasing their property to a non-member?

No – our member did not break the law. Any member who is a CP Holder is allowed to lease their property to whoever they want and take on the responsibility of being a landlord. The problem was that the tenancy agreement form that was signed was the one that is available under the BC Tenancy Act and the BC Tenancy Act does not apply on reserve. This became a problem when K'omoks wanted to evict the tenants. It is important for each First Nation to develop our own forms and tools under our Land Codes.

Do your members have any businesses that they have opened post-Land Code?

Not yet, but we do have one currently in the works that will be going through the Land Code process.