TK̓EMLÚPS
TE SECWÉPEMC

Frequently Asked Questions

What is a Land Code?

Land Codes are laws created by First Nations to replace the sections of the *Indian Act* that deals with land management.

Tk'emlúps is going to work with TteS members to develop our own land code. If TteS members ultimately approve of the land code that is created, then the management of the reserve lands and resources will happen according to that Land Code, not according to the *Indian Act* or what the Government of Canada rules are.

How did the Land Code Initiative Start?

What does the Framework Agreement do?

The Framework Agreement sets out the process for First Nations to follow to develop and approve of their own Land Code, and to access funding and other resources needed to create and approve their own First Nation land governance rules.

When did the Framework Agreement legislation originate?

The Framework Agreement process started in the mid-1990's when 13 First Nations officially signed on to the Framework Agreement on First Nation Land Management.

Is the Framework Agreement a government program?

No, it is a nation-to-nation agreement that is being implemented by First Nations and Canada. It was sought, developed, and driven by First Nations as an alternative to the Indian Act land provisions.

Has TteS agreed to anything yet?

TteS joined the Framework Agreement on March 2, 2023 and is starting to develop a Land Code. However, the process can be stopped or paused at any time.

FAQ's

What decision-making power does Land Code give to a First Nation?

Land Code provides a First Nation control over land management and development decisions on its reserve lands. This means that the members, both on and off reserve, will be given the opportunity to participate in important decisions about how reserve lands will be used.

What is involved in the Land Code Process?

The process to create a Land Code follows the Framework Agreement on First Nation Land Management. The Framework Agreement describes the types of land matters and rules that need to be put into a TteS Land Code. How TteS sets and carries out the land rules is for TteS to decide.

How does a Land Code become official?

A TteS Land Code can only become official or take effect once the draft Land Code and Individual Agreement are approved in a vote open to every TteS member (18+ years old).

How long does the process take?

The time frame to complete the developmental phase work and hold a ratification vote is typically 2 to 3 years, however, First Nations take things at their own pace, faster or slower, and can pause or stop at any time.

Does a Land Code remove a First Nation from 44 sections of the *Indian Act?*

Yes. If a Land Code is approved by a community, the 44 sections of the Indian Act that deal with Reserve Land management will no longer apply.

What impact does Land Code have on Title and Rights?

None. The Framework Agreement on First Nations Land Management ensures that Aboriginal title and rights are not affected by having a Land Code. The Framework Agreement process and First Nation Land Codes can only apply to reserve lands, and Yukon Lands Set Aside lands.

TteS is asserting Secwepemc law in our territory and will continue to have access to and resolve the Douglas Reserve. TteS is NOT giving up control over our external Lands. A Land Code will NOT impact TteS ability to expand its jurisdiction, decision making, or any title claims, and TteS will continue to be able to add lands to Reserve through the Additions to Reserve (ATR) process.

Will a Land Code turn us into a municipality?

No. Municipalities are creations of provincial law and subject to provincial legislation. First Nations are not under provincial authority or made into municipalities if they adopt a Land Code.

FAQ's

Does a Land Code result in a land surrender?

No. Land surrenders are prohibited under the Framework Agreement. First Nations reassert control over their Reserve lands and resources, and in no way surrender any rights or title.

Does a Land Code restrict us to our current Reserves?

No. A land code will not restrict TteS from pursuing title claims or adding lands to Reserve or restrict you to only your existing Reserves. A land code means that your current Reserves are removed from Canada's land management jurisdiction under the *Indian Act* , and are placed under TteS jurisdiction and authority. New lands added to Reserve in future can be brought under your Land Code as well.

Does a Land Code create fee simple title out of Reserve Lands?

No. the Framework Agreement forbids the creation of such title. First Nation lands continue to retain the same protection as "Lands Reserved for the Indians" under section 91(24) of the Constitution Act, 1867.

Will a Land Code help with accountability regarding land management decisions?

Yes. Land Code requires increased accountability from leadership to the members. Under the *Indian Act* leadership reports to and is only accountable to Canada, while under a Land Code, leadership is accountable only to the members. TteS already prioritizes reporting to its members, will continue to do so under a Land Code. TteS Chief and Council will report to members on all activities relating to the administration and management of the reserve lands and the resources on those lands.

What impact will Land Code have for CP holders?

CP holders will have more autonomy and responsibility over what they do with their CP lands, subject to the Land Code and any land management laws enacted by the community.

What happens to existing leases or interests granted on TteS lands?

Any existing leases of interests granted on either Band land or CP land will continue to remain in effect until their expiry. The landlord on those agreements will change from Canada to TteS for band land, or from Canada to the CP holder for CP lands.

Are we still required to hold a Designation vote in order to develop TteS lands?

No. Designation is no longer required. TteS will make development decisions based on your Land Code, land laws, and land use plans regarding how land is to be used. Existing designations with interests that have been granted will continue to apply.

FAQ's

Does Land Code mean people will need training?

Yes. Once a Land Code is passed, funding is provided that can be used to build the capacity of a Lands Office. This can include hiring staff and providing them with training, or the reallocation and/or retraining of existing Lands staff to accommodate new roles and responsibilities.

Will a Land Code affect my Indian Status or medical/dental coverage?

No. A Land Code DOES NOT affect Indian Status and will not change any medical or dental coverages.

Will a Land Code will cause me tax problems?

No. Land Codes do not change Indian status related tax exemptions. A Land Code will compliment the existing TteS property tax system.

For More Information, contact:

Tkwenem7íple7 Thomas Blank
Councillor, Lands, Leasing & Taxation/DRI
Email: thomas.blank@ttes.ca

Victoria Casimir
Lands & Leasing Manager
Email: victoria.casimir@ttes.ca

Melissa Mathias
Sr. Leasing Officer
Email: melissa.mathias@ttes.ca

Cameron Paul
Land Code Coordinator
Email: landcode@ttes.ca

TK̓EMLÚPS
TE SECWÉPEMC