



Summary of Kát'odeeche Land Law

The Kát'odeeche First Nation (KFN) Land Law has been developed by the KFN Land Law Development Committee in consultation with the Chief and Council and Community Members. The KFN Land Law restores Kát'odeeche First Nation jurisdiction over the management, protection, development, conservation, possession, disposition, and control of reserve land now and in the future. Once KFN Land Law is ratified (CIRNAC) Crown Indigenous Relations and Northern Affairs Canada under the *Indian Act* will no longer manage matters related to reserve land and Canada will enter into funding arrangements to ensure that KFN will have the resources to develop and operate their Land Law. The KFN Land Law consists of a Preamble and 10 Sections.

PREAMBLE

The Preamble acknowledges the Kát'odeeche Got'je (People) have lived on this land since time immemorial and are Ndéh K'éh Ts'endih (Keepers) of the land, who are collectively responsible, as a Nation, in carrying out this sacred duty in accordance with Dene traditional values and law. It also mentions that at the heart of this responsibility is the recognition of our ancestors and the role of future generations. The preamble reinforces Kát'odeeche Got'je (People) desire for reserve lands and resources to no longer be managed by Canada (*Indian Act*) but managed by Kát'odeeche Got'je (People) under the KFN Land Law.

PART 1 PRELIMINARY MATTERS

This Section Introduces the Land Law 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 Law and the reserve land that the Land Law applies to. The Land Law does not and can not impact any Treaty or Aboriginal rights or titles now or in the future.

PART 2 FIRST NATION LEGISLATION

This section outlines what law-making powers Kát'odeeche First Nation will have and the procedure for how new land laws will be created, passed, come into effect, published, communicated, and implemented under the KFN Land Law. Chief and Council may make land laws that focus on several different areas under this part of the Land Law. 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 Law, 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 Kát'odeeche members.

This Section also deals with Offences and Enforcement of Land Laws. Kát'odeeche First Nation will have a broad array of authority and ability to enforce their Land Laws and enforcement will be a key component of land management. This Land Law allows for the possibility of KFN to appoint its own Justice of the Peace.

PART 3 COMMUNITY MEETINGS AND APPROVALS

This section defines how and what the process is for getting Kát'odeeche membership approval for certain laws that are identified under the Land Law. 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 Law specifically the ability to: protect the environment through environmental assessment and environmental protection laws. This section also describes special conditions by which Kát'odeeche 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 Kát'odeeche 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 ACCOUNTABILITY (FINANCIAL ADMINISTRATION) AND CONFLICT OF INTEREST

All financial matters administered under this Land Law will be conducted in accordance KFN Land Law. Council may also develop, adapt, or adopt laws or policies including:

- a) regulating the receipt, management and expenditure of moneys, including transfer payments, all capital and revenue moneys received from Canada, all land revenue, and moneys received from a grant or disposition of any Interest or Licence in relation to Kát'odeeche First Nation Reserve Land and natural resources;
- b) managing financial records and accounts;
- c) preparing financial statements and audits;
- d) preparing and implementing budgets and annual presentation of budgets;
- e) determining the general investment strategy;
- f) contract notes, loans and other indebtedness;
- g) establishing fees, fines, charges and levies; and
- h) establishing and maintaining a recordkeeping system that ensures confidentiality, security of records and document retention.

Also included in this section are conflict of interest rules for special conflict situations.

Commented [JF1]: Section 19

PART 6 KÁTŁ'ODEECHE FIRST NATION RESERVE LAND ADMINISTRATION

This Section sets out how reserve land will be managed and by who. It specifies that Council may delegate administrative authority to staff to carry out functions necessary for day to day administrative operations of Reserve Land and natural resources. For example, Council will appoint a Land Manager, 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 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 Law and reserve land management.

PART 7 INTERESTS AND LICENCES IN LAND

This section defines the operation of the Kátł'odeeche First Nation's Land Administration and how it will address existing interests and new land related interests. (e.g. member allocations, leases, permits, easements, and rights-of-way). This section also defines the need to have written documents, standards created, and that consent will be necessary to process any granting or disposing of assignments of land. This section also defines the limits on mortgages and seizures, transfers upon death, and the principles for Family Homes and Matrimonial Interests (to be made into a Matrimonial Real Property law).

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PART 8 DISPUTE RESOLUTION

This section is created to address how possible disputes that could arise by any benefactor (e.g. Kátł'odeeche member) of the Land Law 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 OTHER MATTERS

This section defines items to address common issues such as: **Liability** - Kátł'odeeche is not responsible for issues that occurred prior to the Land Law coming into effect. Canada continues to be responsible for things that happened under their authority under the *Indian Act*, **Amendments to Land Law** - outlines what types of changes can be done without community approval by way of a ratification vote, what types of changes to the Land Law would require community consent by way of a ratification vote and the process for amending this Land Law, **Commencement** - defines when the actual start date will be, and **Review** – Land Law review period.