

# LAND CODE SUMMARY

## Introduction

The X<sup>w</sup>sepsəm Land Code dated for reference February 21, 2024 (the “Land Code”) is a framework that, if approved by X<sup>w</sup>sepsəm members, will guide decision-making in relation to X<sup>w</sup>sepsəm Reserve Lands (referred to in this summary as the “Land”).

It is a means for nəcə ʔə k<sup>w</sup>ə q<sup>w</sup>əq<sup>w</sup>ənəkwəl (X<sup>w</sup>sepsəm Peoples) to reaffirm our rights and responsibilities as they relate to x<sup>w</sup>ilηəx<sup>w</sup> siʔem (governing ourselves and our təηəx<sup>w</sup> (lands, waters and territories)).

Once in force, híwəs ʔiʔ cə kansəl (Council), with support from the Lands Department and the Lands Committee will oversee the management and administration of the Land in accordance with the Land Code and applicable nəmétəη (rules) and policies.

This summary is an information tool for the upcoming vote on the Land Code. In addition to the summary, we encourage you to read the full Land Code and reach out to X<sup>w</sup>sepsəm’s Land Code team with any questions or comments.

## Preamble

The Land Code starts by setting out our cə sx<sup>w</sup>iʔemłtə (Our Story). It states that we have used, occupied, and watched over our təηəx<sup>w</sup> (lands, waters and territories) for generations and that the Land Code is an important step in revitalizing our connections to them. It also outlines and confirms our intention to govern the Land in accordance with our sxeʔxeʔ k<sup>w</sup> sk<sup>w</sup>ónsk<sup>w</sup>ən (Sacred Trust).

## Part 1: Fundamental Principles and Rights

Part 1 confirms that the Land Code

- applies to X<sup>w</sup>sepsəm Reserve Lands;
- will be interpreted in accordance with cə sx<sup>w</sup>iʔemłtə (Our Story), the lək<sup>w</sup>əηən language, sxeʔxeʔ k<sup>w</sup> sk<sup>w</sup>ónsk<sup>w</sup>ən (Sacred Trust), and cəleηən (culture, traditions and customs of X<sup>w</sup>sepsəm); and
- does not impact our aboriginal, treaty or inherent rights as X<sup>w</sup>sepsəm.

## Part 2: Rules

Part 2 outlines the process for making nəmétəη (Rules) respecting the Land. That process is summarized in the diagram below.

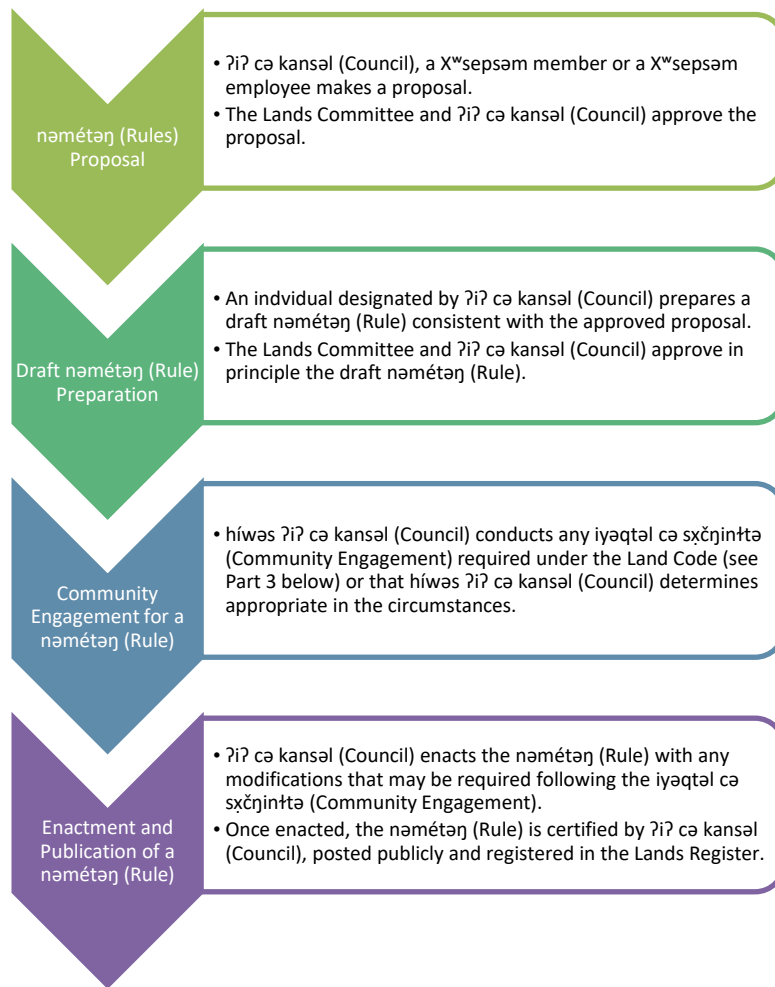


Diagram 1: Process for Making a nәмэтәҗ (Rule)

In an emergency, җи? сә kansәл (Council) may enact a nәмэтәҗ (Rule) without one or more of the steps above. In that case, the nәмэтәҗ (Rule) expires 120 days after its enactment unless it is re-enacted by җи? сә kansәл (Council) following the process above.

### Part 3: iyәqtәл сә sәçҗinһtә (Community Engagement)

Part 3 requires iyәqtәл сә sәçҗinһtә (Community Engagement) before a decision is made on the following matters:

- the enactment of key nәмэтәҗ (Rules);
- an amendment to the Comprehensive Community Plan or the Land Use Plan;
- a decision that is likely to affect a k<sup>w</sup>әnisk<sup>w</sup>әn's k<sup>w</sup>ә sһe?ә (Protected Site);
- policies respecting the identification and continuation of any unregistered and customary interests (see Part 5);
- policies respecting dispute resolution for Land related matters;
- policies respecting conflicts of interest; and
- matters requiring community approval under the Land Code (see Part 4).

iyəqtəl cə sɔxɕjintə (Community Engagement) occurs through qʷəqʷənəkʷəl (Community Meetings) and any other method approved by ʔiʔ cə kansəl (Council). ʔiʔ cə kansəl (Council) is required to participate in qʷəqʷənəkʷəl (Community Meetings) and must provide at least 15 days notice of qʷəqʷənəkʷəl (Community Meetings).

### Part 4: Community Approval

Part 4 requires community approval before a decision is made on the following matters:

- the granting of an interest or licence that exceeds 35 years;
- the removal of a kʷəniskʷən's kʷə sleʔə (Protected Site) designation;
- the approval of an exchange of Land (see Part 6); or
- a material amendment to the Land Code.

The process for obtaining community approval is summarized in the diagram below.

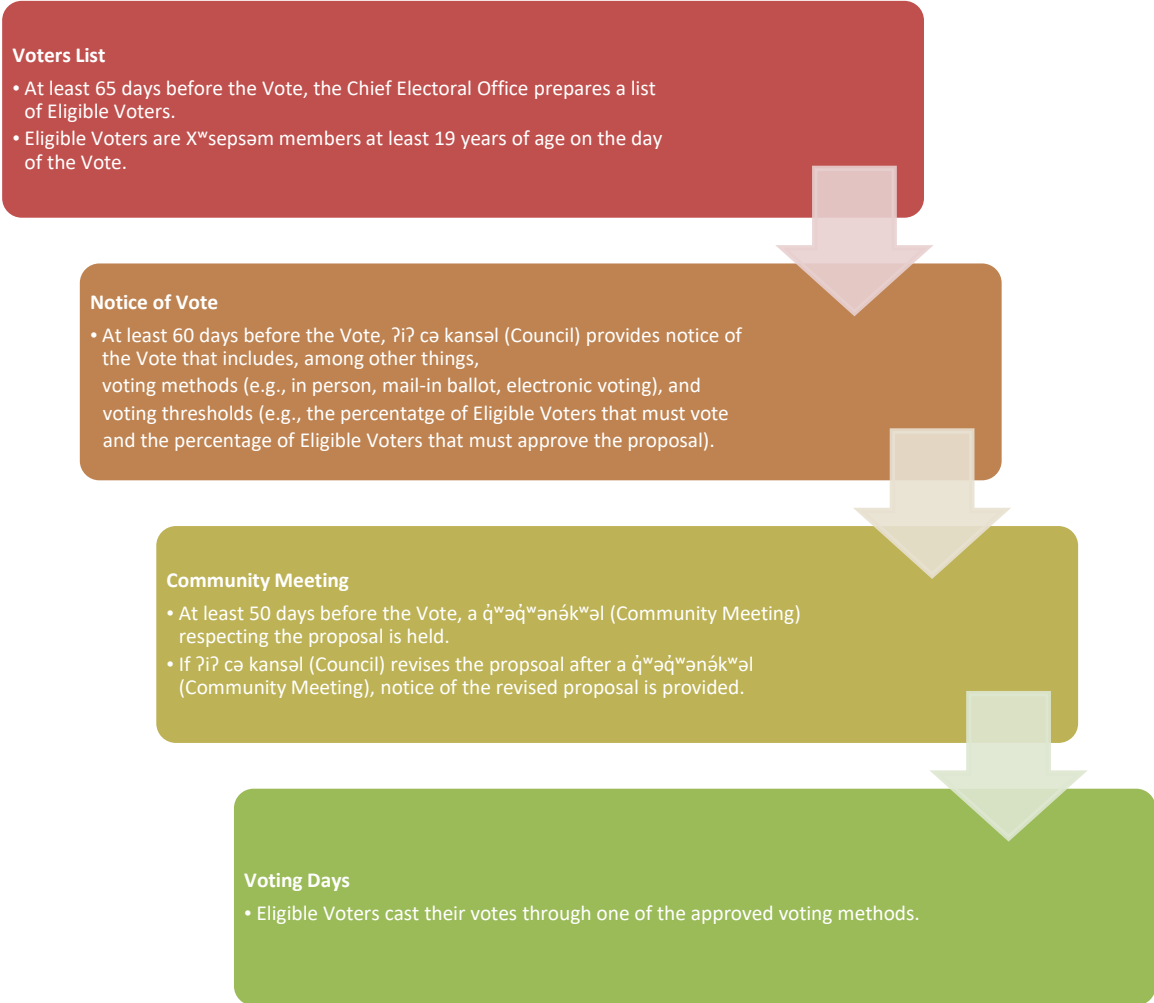


Diagram 2: Community Approval Process

## Part 5: Interests, Sub-Interests and Licences

Part 5 sets out the process for continuing, granting, transferring, terminating and registering interests in and licences in relation to the Land, the key elements of which are summarized in the diagram below.

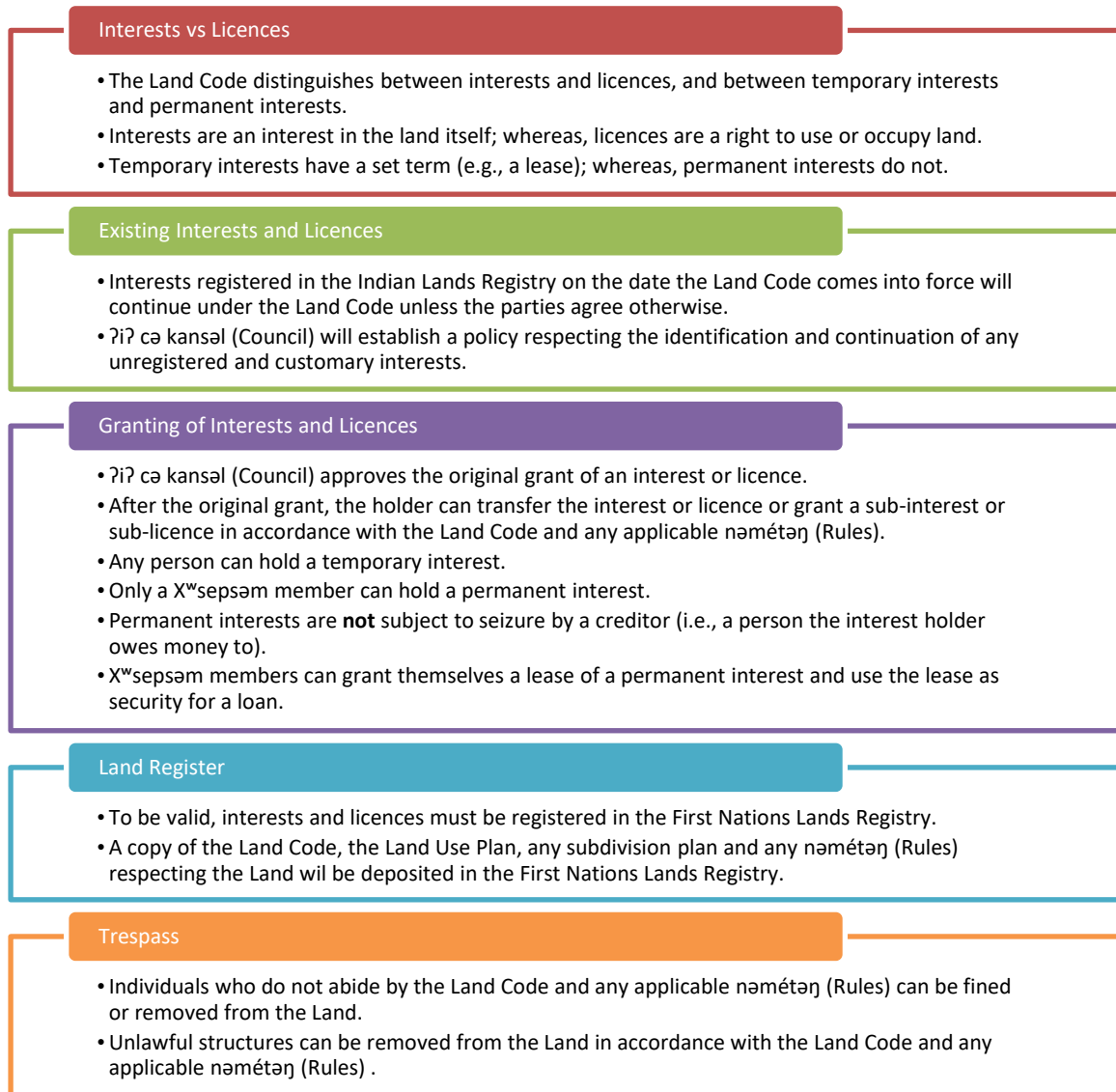


Diagram 3: Process for Interests, Sub-Interests and Licences

## Part 6: Adding, Exchanging and Expropriating Land

The Land subject to the Land Code may grow or its boundaries may change in accordance with the processes set out in Part 6. Part 6 also permits h́wəs ʔiʔ cə kansəl (Council) to expropriate (i.e., take away) interests or licences when land is required for a community purpose. Prior to any expropriation, h́wəs ʔiʔ cə kansəl (Council) must enact a nəmétəŋ (Rule) respecting expropriation. The Framework Agreement also requires

X<sup>w</sup>sepsəm to provide fair compensation to any person whose interest or licence is expropriated.

## Part 7: Land Administration

Part 7 sets out the administrative structure for the Land, including

- an Executive Director,
- a Lands Department overseen by a Lands Director, and
- an advisory Committee comprised of a member of hīwəs ʔiʔ cə kansəl (Council) and two to six X<sup>w</sup>sepsəm members

all subject to any direction from hīwəs ʔiʔ cə kansəl (Council).

## Part 8: x<sup>w</sup>ilŋəx<sup>w</sup> siʔem (Governance) and Accountability

Part 8 contains various rules to promote transparency and accountability in decision-making respecting the Land, including

- conflict of interest rules,
- a requirement that hīwəs ʔiʔ cə kansəl (Council) establish a dispute resolution policy for Land related matters, and
- a requirement that the Lands Department prepare an annual report summarizing the Department's activities.

## Part 9: Enforcement

Part 9 sets out the process for enforcing the Land Code and any nəmétəŋ (Rules) respecting the Land. It provides that, unless nəmétəŋ (Rules) set out a different process, the summary conviction rules under the Criminal Code (Canada) apply to offences under the Land Code and any nəmétəŋ (Rules) respecting the Land.

## Parts 10, 11 and 12: Other Matters, Interpretation and Definitions

Parts 10, 11 and 12 contain various provisions to guide interpretation and implementation of the Land Code.

Notably, Part 10 provides that where the Land Code requires notice to be provided, that notice must be posted at the X<sup>w</sup>sepsəm administration office, online (e.g., the X<sup>w</sup>sepsəm's website) and any other location directed by hīwəs ʔiʔ cə kansəl (Council) (e.g., a newspaper).

Part 10 also confirms that the Land Code will not come into force unless it is approved by X<sup>w</sup>sepsəm members and certified by a Verifier in accordance with the Individual Agreement (a separate summary of the Individual Agreement is included).