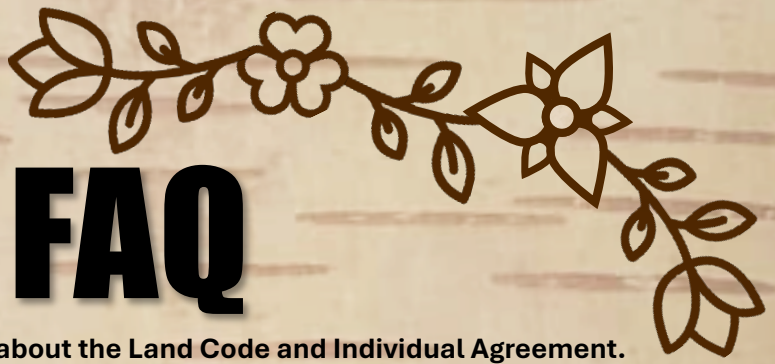


Wahnapiatae First Nation LAND CODE FAQ



Below are some common questions we have received about the Land Code and Individual Agreement.

Still have questions about Land Code? Contact the Lands Department!

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Questions		Answers
What is it & Funding	<i>What is the Framework Agreement?</i>	The Framework Agreement on First Nation Land Management is an agreement between First Nations and Canada that started in 1996. It allows First Nations to take control of their reserve lands and resources instead of following the land rules in the Indian Act. First Nations can do this by creating their own Land Code, without affecting their treaty or constitutional rights.
	<i>What is the Individual Agreement?</i>	The Individual Agreement is a separate agreement between WFN and Canada. It transfers jurisdiction of the land back to WFN and sets out the funding and support the First Nation will receive to manage our land. It works alongside the Land Code.
	<i>Is there funding to manage our land under our Land Code, and for enforcement of our laws?</i>	<p>Yes, WFN will receive annual funding to support governance of our lands and resources. For 2026–27, the funding amount is \$362,833, with a 2% increase scheduled each year. In addition, there is one-time transitional funding of \$100,000 per year for the first two years.</p> <p>This funding will be budgeted at the First Nation’s discretion and may be allocated to priorities such as developing land laws, community engagement, lands department operations, and the enforcement of those laws.</p>
Environment	<i>Has Canada set aside specific funding for environmental cleanup, or do we need to cover those costs?</i>	<p>As part of the Land Code development process, Canada funded a Phase I Environmental Site Assessment (ESA) Assessment to identify any potential and actual environmental contamination on reserve in 2023. It recommends a Phase II ESA be done.</p> <p>After the Land Code is ratified, Canada will fund a Phase II ESA. This is the step where testing is done to confirm the presence of contaminants, and recommendations are made on how to remediate or manage those problems.</p> <p>There is no specific Land Code funding pot for a Phase III (remediation), however there is still access to Canada's other funding options like the Federal Contaminated Sites program. The Resource Centre also has funding available for Environmental Management Plans, Solid Waste Management (currently accessing this), and Legacy Funding which is aimed at addressing issues caused by the management of reserve land while under the Indian Act.</p>

	<p><i>Who is responsible for environmental concerns on reserve land?</i></p>	<p>For environmental problems on reserve land before the Land Code comes into effect (after a yes vote), Canada is still liable for those issues and anything it may have done to cause them.</p> <p>After the Land Code comes into effect, Wahnapiatae First Nation is liable for any environmental problems caused by our own actions. If environmental problems that happened before the Land Code comes into effect but are found after, Canada remains liable for it.</p> <p>The Individual Agreement has an interim Environmental Assessment process listed that WFN will be able to implement. In the future, we can develop our own Environmental Assessment and Protection Laws.</p>
<p>Member Input & Approvals</p>	<p><i>What is the voting threshold to ratify the Land Code and Individual Agreement?</i></p>	<p>The Land Code will be ratified if a simple majority (50%+1) of Eligible Voters who vote, choose yes.</p> <p>The Community Ratification Process requires significant effort be made to provide outreach to all Eligible Voters to inform and engage about the Land Code and Individual Agreement. We have a Verifier that oversees the vote process to confirm that we have done this.</p>
	<p><i>How will the Land Code ensure Members are involved in decisions on land matters, and approving Land Laws?</i></p>	<p>Members choose their leadership, who handle day to day land decisions. For more important matters, like major Land Laws or significant decisions about land, Members are informed and can share their input. Certain land matters and Land Laws require community approval, Part 3 of the Land Code details how Members are to be engaged and involved in the community approval process, and what matters must be voted on. This means the community has a real voice in how land is managed.</p> <p>This is different from the Indian Act, where there is currently no requirement to involve Members in land decisions and the Minister has the final say. Under the Land Code, decision making shifts back to the community and our Members.</p>
	<p><i>After the Land Code is ratified, will the current Lands Committee be replaced with a new one?</i></p>	<p>Once the Land Code comes into effect, Council will select a first Lands Committee to serve for up to three years. During that time, Council and the Lands Committee will develop a policy that sets out how future committees will be chosen and how they will operate. After that, future Lands Committees will be selected based on that policy.</p>
	<p><i>How much engagement has been done with the community on the Land Code?</i></p>	<p>WFN began working on the Land Code in June 2021. A Lands Committee was formed in 2021 to begin drafting the Land Code, review existing WFN laws and policies, and support community engagement. They have continued this meaningful work throughout the last 5 years.</p> <p>There have been several community engagement sessions and ongoing opportunities for members to learn about the Land Code, including presentations, meetings, and information sharing materials. Through these sessions we have received feedback that has shaped the language of our Land Code.</p>

	<p><i>When the Land Code is passed, what is Canada's role? Does the Minister still make decisions about our lands?</i></p>	<p>Decision-making about the WFN's land transfers from Canada to the First Nation. The Minister no longer approves or makes decisions about land use, leases, or other land matters.</p> <p>Canada's role becomes more limited. While the fiduciary relationship changes because the First Nation takes full control over its lands, a special relationship with the Crown continues. Canada will still provide funding and support for land governance.</p> <p>The Land Code only replaces the land related sections of the Indian Act. Other parts of the Indian Act, such as those dealing with membership, leadership, health, and education, remain unchanged.</p> <p>In short, WFN will govern our land, while maintaining an ongoing relationship with Canada.</p>
<p>Other Laws</p>	<p><i>Once we have our own Land Code, are we still required to meet the minimum standards set by the federal matrimonial law (Family Homes on Reserves and Matrimonial Interests of Rights Act- FHRMIRA)?</i></p> <p><i>For Members with non-Member spouses living on reserve, will they still be protected if WFN creates a matrimonial law under our Land Code?</i></p>	<p>The federal Family Homes on Reserves and Matrimonial Interests or Rights Act (FHRMIRA) continues to apply until WFN enacts our own matrimonial real property (MRP) law. The federal law ensures there are protections in place for family homes and matrimonial interests or rights in the meantime.</p> <p>After the Land Code comes into force, WFN has the authority to develop and pass our own MRP law. MRP laws are developed specifically to protect individuals, especially vulnerable individuals such as spouses and children during situations like separation or death. The law would be shaped through community input and designed to ensure fair, culturally appropriate protections for both Members and non-members with interests in the home or land.</p>
	<p><i>After approving the Land Code, can we buy or acquire more land?</i></p>	<p>Yes, WFN can buy or acquire more land through agreements whether under the Indian Act, or operating under the Land Code.</p> <p>The difference would be if we are acquiring land after the Land Code is ratified, WFN will have recognized legal capacity to acquire and hold property (fee simple land) without creating a trust or corporate structure to hold it on WFN's behalf.</p> <p>If interested in adding land to reserve, it must go through a federal process called "Addition to Reserve" which requires approval from Canada.</p> <p>Under a Land Code, the First Nation has full control over its existing reserve lands, but the process of adding new land to reserve still involves the federal government.</p>
<p>CPs & Leases</p>	<p><i>What happens to existing leases or certificates of possession?</i></p>	<p>All existing interests and licences will continue as normal according to their terms and conditions.</p> <p>Members that hold a certificate of possession, will continue to hold that interest.</p> <p>Existing leases will continue as normal according to its existing terms and conditions until it expires. All lease fees and communication will be directly handled through WFN and Indigenous Services Canada will no longer be involved.</p>

	<p><i>Does our Land Code contain clauses on mortgages and leases?</i></p>	<p>Yes, the Land Code includes rules on both mortgaging and leasing. In simple terms, land can be leased for use, including for businesses, and those leases can be used to secure financing. There are also protections in place to make sure the land stays with the First Nation and isn't lost if a loan isn't repaid.</p> <p>First Nations have several ways to arrange financing with banks. In many cases, the First Nation supports or guarantees the loan, which helps members qualify. Some communities use systems where a member's land interest (like a CP or lease) is held or structured in a way that allows it to be used for financing while still protecting the land. There are also options like partnerships with banks, housing loan programs, and creative tools such as leasing arrangements that help members access funds to build homes or businesses.</p>
	<p><i>Under Land Code, how is a business lease between a Member and a non-member handled if the Member dies?</i></p>	<p>Under the Land Code, a business lease does not end if a Member who holds the lease passes away. The lease continues according to its existing terms and conditions until it expires.</p> <p>The lease is treated as part of the Member's estate and is transferred to the person named in their will, or to their next of kin if there is no will, in line with Indian Act estate rules.</p> <p>The non-member involved in the lease continues to hold their interest as set out in the agreement. If needed, the lease may be updated to align with Land Code requirements, but it can continue without interruption.</p>
<p>Benefits</p>	<p><i>What are the benefits of the Land Code?</i></p> <p><i>I live OFF reserve, why should I vote on the Land Code?</i></p> <p><i>I live ON reserve, why should I vote on the Land Code?</i></p>	<p>The Land Code is a tool to reclaim our authority over our lands and move away from Canada's control under the Indian Act. It recognizes our right to govern our own land, make our own decisions, and manage our resources in a way that reflects our community's traditions, culture, values and priorities.</p> <p>It puts decision making back in the hands of our people, including both on reserve and off reserve Members, and ensures we are accountable to our own Members rather than outside governments. It also allows us to manage our lands more efficiently, protect them for future generations, and benefit directly from our land and resources.</p> <p>Whether you live on reserve or off reserve, these decisions affect our shared land, our rights, and our future. That is why it is important for all members to take part and have a voice in the Land Code vote. At its core, it is about self determination, strengthening our governance, and taking back responsibility for our land in our own way.</p>