

EXHIBIT "1"

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**SEMIAHMOO FIRST NATION
LAND CODE 2025**

Date in Force: March 4, 2025

The Land Code includes any amendments made from time to time. The dates of amendments are noted in the relevant amended sections of this Land Code.

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CONTENTS

| | |
|--|----|
| PART I: DEFINITIONS AND INTERPRETATION | 5 |
| 1.0 DEFINITIONS | 5 |
| 2.0 INTERPRETATION | 7 |
| 3.0 CONSISTENCY AND PARAMOUNTCY | 7 |
| PART II: FUNDAMENTAL RIGHTS | 8 |
| 4.0 SEMIAHMOO FIRST NATION'S LAND RIGHTS | 8 |
| 5.0 AUTHORITY TO GOVERN | 8 |
| PART III LANDS | 8 |
| 6.0 DESCRIPTION OF LANDS | 8 |
| PART IV LAND AND NATURAL RESOURCES ADMINISTRATION | 9 |
| 7.0 LANDS OFFICE | 9 |
| 8.0 LANDS COMMITTEE | 10 |
| PART V SEMIAHMOO FIRST NATION LEGISLATION | 11 |
| 9.0 LAW MAKING POWERS | 11 |
| 10.0 EXAMPLES OF LAND LAWS THAT CAN BE MADE BY COUNCIL | 11 |
| 11.0 LAW-MAKING PROCEDURE | 12 |
| 12.0 EMERGENCY LAND LAWS | 13 |
| 13.0 NOTICE AND PUBLICATION OF LAND LAWS | 13 |
| PART VI LANDS MEETINGS AND VOTES | 14 |
| 14.0 LANDS MEETINGS AND VOTES | 14 |
| PART VII PROTECTION OF LAND | 16 |
| 15.0 ENVIRONMENT AND CULTURAL HERITAGE RESOURCES | 16 |
| 16.0 EXPROPRIATION | 16 |
| 17.0 VOLUNTARY EXCHANGE OF LANDS | 17 |
| 18.0 ADDING LAND | 17 |
| PART VIII CONFLICTS OF INTEREST | 17 |
| 19.0 CONFLICT OF INTEREST OBLIGATIONS | 17 |
| 20.0 ACCOUNTABILITY FOR CONFLICTS OF INTEREST | 18 |
| PART IX FINANCIAL MANAGEMENT | 19 |
| 21.0 FINANCIAL MANAGEMENT | 19 |
| 22.0 ANNUAL REPORT | 22 |
| PART X INTERESTS AND LICENCES IN LAND | 22 |

CERTIFIED
AUG 07 2025

VERIFIED
MAR 12 2025

SEMIAHMOO FIRST NATION *LAND CODE*

| | |
|---|----|
| 23.0 REGISTRATION OF INTERESTS AND LICENCES | 22 |
| 24.0 EXISTING INTERESTS | 23 |
| 25.0 MEMBER ONLY INTERESTS | 23 |
| 26.0 INTERESTS AND LICENCES | 23 |
| 27.0 LIMITS ON MORTGAGES AND SEIZURE | 24 |
| 28.0 A-to-A Leasing..... | 25 |
| 29.0 REGISTRATION OF MORTGAGES AND CHARGES | 26 |
| 30.0 WILLS AND ESTATES | 26 |
| PART XI RESIDENCY AND ACCESS..... | 27 |
| 31.0 RESIDENCY AND ACCESS RIGHTS | 27 |
| 32.0 UNLAWFUL STRUCTURES | 28 |
| 33.0 TRESPASS AND OFFENCES | 28 |
| 34.0 OTHER | 29 |
| PART XII DISPUTE RESOLUTION | 29 |
| 35.0 DISPUTES | 29 |
| PART XIII OTHER MATTERS | 29 |
| 36.0 ENFORCEMENT | 29 |
| 37.0 LIABILITY | 30 |
| 38.0 AMENDMENTS TO LAND CODE | 30 |
| 39.0 COMMENCEMENT | 31 |
| 40.0 CONTACT INFORMATION | 31 |

CERTIFIED VERIFIED
AUG 87 2025

PART I: DEFINITIONS AND INTERPRETATION

1.0 DEFINITIONS

1.1 Any words or terms used in this *Land Code* which are defined in the *Framework Agreement* have the same meaning as in the *Framework Agreement*, unless the context otherwise requires.

1.2 In this *Land Code*:

“*Community Lands*” means Lands, other than Member Lands, that are held on behalf of and for the benefit of all Members;

“*Council*” means the Chief and Councillors of Semiahmoo First Nation;

“*Council Resolution*” or “*BCR*” means a resolution approved by a quorum of Council at a duly convened meeting;

“*Cultural Heritage Resources*” means expression of culture (songs, dances, art, stories and legends), places of cultural practice (traditional use areas), locales of spiritual and ceremonial significance (including prominent landscape features); and places on the landscape where our people lived and were buried, and includes Semiahmoo Heritage Objects, Heritage Features, Heritage Sites, and Traditional Knowledge.

“*Eligible Voter*” means a Member of Semiahmoo First Nation who is 18 years of age or older on the Official Voting Day;

“*First Nation Lands Register*” means the lands register established pursuant to the *Framework Agreement*, or any successor lands register that may be established to replace the First Nation Lands Register;

“*Framework Agreement*” means the *Framework Agreement on First Nation Land Management*, entered into between Canada and the signatory First Nations on February 12, 1996, as amended from time to time;

“*Heritage Feature*” means any non-portable element of a Heritage Site, including but not limited to cultural depressions, roasting platforms, and culturally modified trees;

“*Heritage Object*” means any feature, artifact or object that has past and ongoing importance to Semiahmoo First Nation cultural and spiritual practices.

“*Heritage Sites*” means a geographical location of archaeological, historical or cultural significance to Semiahmoo First Nation, where there are or may be Heritage Objects or Heritage Features.

“*Individual Agreement*” means the Individual Agreement made between Semiahmoo First Nation and His Majesty the King in right of Canada in accordance with clause 6.1 of the *Framework Agreement*;

CERTIFIED
AUG 07 2025

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SEMAIHM00 FIRST NATION *LAND CODE*

“*Interest*” means any interest, right, or estate of any nature in or to Lands, and includes a Member Only Interest, a lease, a life estate, an easement, a right of way, mortgage, charge, and a section 28(2) permit under the *Indian Act*, but does not include:

- (a) First Nation title to the Land, including Aboriginal Title; and
- (b) a Licence;

“*Land*” or “*Lands*” means any reserve land, including Community Lands and Member Lands, that is or becomes subject to this *Land Code*;

“*Land Code*” means this *Semiahmoo First Nation Land Code*, as amended from time to time;

“*Lands Committee*” means the committee established under the ‘Lands Committee’ provisions of this *Land Code*;

“*Land Laws*” means this *Land Code* and other laws, including any emergency Land Laws, enacted under this *Land Code*, as amended from time to time;

“*Lands Meeting*” means a meeting open to the participation of Members for purposes set out in this *Land Code*;

“*Licence*” means any temporary right of use or occupation of Lands for a term of two years or less, or for a term up to twenty-five years if authorized by Council Resolution, but does not include a business licence, building permit, or similar instrument;

“*Member*” means a person whose name appears or is entitled to appear on the Semiahmoo First Nation membership list;

“*Member Lands*” means Lands, other than Community Lands, that are held by Members or Semiahmoo First Nation under a Member Only Interest;

“*Member Only Interest*” means an allotment, a Certificate of Possession, and any other interests which can only be held by Members or Semiahmoo First Nation under a Land Law;

“*Natural Resources*” means renewable and non-renewable natural resources, such as timber, minerals, stone, sand, gravel, clay, soil, and similar substances;

“*Non-Member*” means any person who is not a Member.

“*Publish*” or “*Publishing*” means to make information available to Members by posting online and in the Semiahmoo First Nation administration office;

“*Spouse*” means a person who is married, whether by a traditional, religious, or civil ceremony, and includes a Spouse by common-law relationship;

“*Traditional Knowledge*” means knowledge, the nature and use of which has been transmitted

CERTIFIED
AUG 07 2025
VERIFIED
MAR 2 2025

SEMAIHMUO FIRST NATION *LAND CODE*

from generation to generation, which is regarded as belonging to Semiahmoo First Nation individuals, families, communities or the Nation as a whole. Semiahmoo Traditional Knowledge, though rooted in the past, is contemporary knowledge that changes with time.

“Vote” means a vote convened by the Lands office for purposes set out in this *Land Code* in which all Eligible Voters are entitled to vote.

2.0 INTERPRETATION

2.1 The Preamble and Semiahmoo First Nation’s language may be used to interpret this *Land Code*.

2.2 The structures, organizations and procedures established by or under this *Land Code* must be interpreted in accordance with the culture, traditions and customs of the Semiahmoo First Nation, unless otherwise provided.

2.3 Titles and headings in this *Land Code* are for convenience only.

2.4 Words in the singular include the plural, words in the plural include the singular. Words in the masculine include the feminine and words in the feminine include the masculine, as the context may require.

2.5 Where a time limit under this *Land Code* falls on a weekend, or any holiday, the time limit is extended to the next business day.

2.6 Semiahmoo First Nation may establish different definitions if the context is required to be reflected in their laws, policies and regulations than those provided in this *Land Code*.

2.7 Any reference to a court in this *Land Code* includes a justice of the peace appointed by Semiahmoo First Nation with authority in respect of Land Laws.

2.8 Subject to section 3.0, any Semiahmoo codes, laws, plans and policies that are in force on the day before this Land Code comes into effect continue to have effect after this Land Code comes into effect.

3.0 CONSISTENCY AND PARAMOUNTCY

3.1 In the event of an inconsistency between the *Framework Agreement* and the *Land Code*, the *Framework Agreement* will prevail to the extent of the inconsistency or conflict.

3.2 Where any provision of this *Land Code* is inconsistent or conflicts with the provisions of any other enactment of Semiahmoo First Nation, including a by-law enacted under the *Indian Act*, this *Land Code* will prevail to the extent of the inconsistency or conflict.

CERTIFIED
AUG 07 2025

VERIFIED
MAR 2 2025

PART II: FUNDAMENTAL RIGHTS

4.0 SEMIAHM00 FIRST NATION'S LAND RIGHTS

4.1 This *Land Code* does not define or prejudice Aboriginal Rights, Aboriginal Title, treaty rights, inherent rights, or any other rights of Semiahmoo First Nation to control their lands or resources or to prevent other negotiations in respect of those rights.

4.2 This *Land Code* does not affect any rights of Semiahmoo First Nation under the *United Nations Declaration on the Rights of Indigenous Peoples*.

4.3 This *Land Code* does not affect any lands, or any rights in lands, that are not subject to this *Land Code*.

4.4 This *Land Code* does not change the fiduciary relationship between Canada and Semiahmoo First Nation.

4.5 This *Land Code* is not intended to affect the eligibility of the Semiahmoo First Nation or any Member to receive services or participate in such public or Aboriginal programs as may be established from time to time to the extent that the Semiahmoo First Nation has not assumed responsibility for such services or programs.

4.6 This *Land Code* must be interpreted in a fair, large and liberal manner.

5.0 AUTHORITY TO GOVERN

5.1 By enacting this *Land Code*, Semiahmoo First Nation is affirming responsibility to care for and respect our Lands.

5.2 The authority of Semiahmoo First Nation to govern our Lands and resources flows from our Aboriginal Rights and Title and our inherent right of self-government.

5.3 For any purpose related to the Lands, Semiahmoo First Nation will have legal capacity to acquire and hold property, to borrow, to contract, to expend and invest money, to be a party to legal proceedings, to exercise our powers and to perform our duties.

PART III LANDS

6.0 DESCRIPTION OF LANDS

6.1 Lands subject to this *Land Code* are the following reserves of Semiahmoo First Nation:

(a) Lands described in "Appendix G" of the *Individual Agreement*;

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AUG 07 2025

VERIFIED
AUG 11 2025

SEMAIHMUO FIRST NATION *LAND CODE*

- (b) Lands added to reserve by Canada after this *Land Code* comes into force;
- (c) Lands added to reserve through a land exchange in accordance with this *Land Code*; and
- (d) Lands acquired by Semiahmoo First Nation by any other means after this *Land Code* comes into force, whether by land claim, purchase, or other process, provided the lands are set aside as reserve.

6.2 The Lands include:

- (a) all Natural Resources located within the Lands;
- (b) the water located within the Lands, and the beds underlying that water; and
- (c) any riparian rights.

6.3 For greater certainty, no amendment of this *Land Code* is necessary for it to apply to any lands added to the reserve.

PART IV LAND AND NATURAL RESOURCES ADMINISTRATION

7.0 LANDS OFFICE

7.1 Council may, by Council Resolution, identify staff positions in the Lands office, including employees, contractors, volunteers, or other persons considered by Council to be staff in the Lands office.

7.2 Council may, by Council Resolution, specify for any Lands office staff position:

- (a) the scope of delegated authority for management of Lands; and
- (b) whether that position includes the authority to register Land instruments in the Semiahmoo First Nation Lands Register on behalf of Semiahmoo First Nation.

7.3 Subject to the terms of any Council Resolution, the duties of the Lands office include:

- (a) advising Council and the Lands Committee on Land Laws and Land policies;
- (b) advising Council on administrative fees, rent, royalties, or other amounts payable in respect of Lands;
- (c) arranging Lands Meetings and Votes in accordance with this *Land Code*;
- (d) proposing to Council the annual Lands workplan and Lands budget;
- (e) providing input on Semiahmoo First Nation's annual reports in respect of Land revenues

CERTIFIED
AUG 07 2025

VERIFIED
MAY 12, 2025

and Land activities;

- (f) assisting the Lands Committee, upon request from the Lands Committee; and
- (g) managing and maintaining systems for Land administration, such as record keeping, data management, and the development of approved forms and procedure.

7.4 In carrying out its responsibilities, the Lands office must consider any advice provided by the Lands Committee.

8.0 LANDS COMMITTEE

8.1 Council must establish the Lands Committee and appoint its members in accordance with this *Land Code*.

8.2 As soon as possible after this *Land Code* comes into effect, Council must, by Council Resolution, appoint persons to serve on an interim basis on the Lands Committee.

8.3 No later than twelve months after the *Land Code* comes into effect, Council must, by Council Resolution, appoint the members of the Lands Committee which could include persons who served on an interim basis or new persons.

8.4 Members of the Lands Committee must be appointed to serve a three-year term, which term may be renewed by Council from time to time.

8.5 Council must ensure that there are always at least five members on the Lands Committee.

8.6 Council must, by Council Resolution, establish terms of reference for the Lands Committee regarding committee composition, eligibility, remuneration of members, and similar matters.

8.7 In addition to carrying out the functions of the Lands Committee under this *Land Code*, the Lands Committee may advise Council and the Lands office on the following:

- (a) Land related matters, including the granting of Interests and Licences;
- (b) Land use plans;
- (c) Land related policies and Land Laws; and
- (d) recommendations from Members and others regarding Lands and environment concerns and priorities.

8.8 Council may, by Council Resolution, delegate Land related authorities, other than enacting Land Laws, to the Lands Committee, including authority related to particular Lands projects, developments, or activities.

CERTIFIED
AUG 07 2025

VERIFIED
JUN 12 2025

SEMIAHMOO FIRST NATION *LAND CODE*

8.9 Council may terminate the appointment of any member of the Lands Committee who fails to:

- (a) attend three consecutive meetings of the Lands Committee without the approval of the chair of the Lands Committee;
- (b) undertake their duties as a member of the Lands Committee under this *Land Code*; or
- (c) comply with the terms of reference or any code of conduct for the Lands Committee.

PART V SEMIAHMOO FIRST NATION LEGISLATION

9.0 LAW MAKING POWERS

9.1 Upon the coming into force of this *Land Code*, Council will have the power to make laws in accordance with this *Land Code*, respecting:

- (a) the development, conservation, protection, management, use and possession of Lands;
- (b) Interests and Licences in relation to that Land; and
- (c) any matter necessary or ancillary to the making of laws in relation to Lands.

9.2 Council has all of the law-making powers set out in the *Framework Agreement* and may enact Land Laws in accordance with those powers and this *Land Code*.

9.3 Council may, in accordance with this *Land Code*, enact Land Laws respecting development cost charges and enforcement of Land Laws.

9.4 For greater certainty, in addition to Laws, Council may make other regulatory instruments, including rules, regulations, standards, codes and policies.

10.0 EXAMPLES OF LAND LAWS THAT CAN BE MADE BY COUNCIL

10.1 Council may make Land Laws including but not limited to the following:

- (a) regulation, zoning control, land use planning, subdivision control and land development;
- (b) creation, regulation and prohibition of interests and licences in relation to Lands;
- (c) regulation, control, authorization and prohibition of residency, access, and occupation;
- (d) environmental assessment and protection;
- (e) provision of local services in relation to Semiahmoo First Nation and imposition of

CERTIFIED
AUG 07 2025

11 | Page
MAR 12 2025
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equitable user charges;

- (f) archaeological and cultural heritage assessment, protection and management;
- (g) enforcement of Land Laws;
- (h) provision of services to settle disputes outside of the courts in relation to Lands; and
- (i) any other matter necessary to give effect to this *Land Code*.

11.0 LAW-MAKING PROCEDURE

11.1 The law-making procedure under this *Land Code* applies whenever a new Land Law is proposed or an existing Land Law is to be repealed or amended.

11.2 The law-making procedure under this *Land Code* applies to regulations unless a Land Law sets out a different procedure for making regulations under that Land Law.

11.3 The Lands office must obtain direction from Council before developing a draft Land Law.

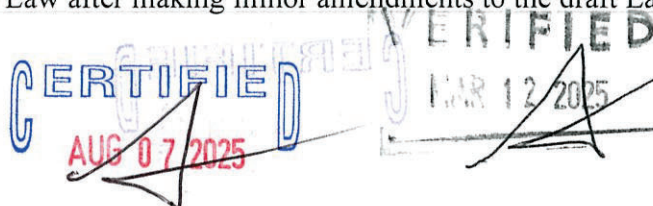
11.4 Except where Council has decided to enact an emergency Land Law in accordance with this *Land Code*, the Lands office:

- (a) must consult with the Lands Committee regarding a draft Land Law and consider any advice provided by the Lands Committee;
- (b) must Publish a draft Land Law so that it is available for Member viewing until such time as a final decision is made in respect of that Land Law;
- (c) must convene, in accordance with the requirements of this *Land Code*, one or more Lands Meetings to consider the draft Land Law;
- (d) may provide to Members any other information related to a draft Land Law that the Lands office considers appropriate; and
- (e) may adjust, as the Lands office considers appropriate, a draft Land Law that has been Published.

11.5 After the Lands office has finalized the development of a draft Land Law, the Lands office must present the draft Land Law to Council for consideration, and must include a summary of any input received from Members and the Lands Committee.

11.6 After Council has received a draft Land Law from the Lands office, Council may:

- (a) decide whether or not to enact the draft Land Law as presented by the Lands office;
- (b) enact the draft Land Law after making minor amendments to the draft Land Law, such as



SEMIAHMOO FIRST NATION *LAND CODE*

changes to the title or headings, typographical or grammatical errors, and minor changes to align the draft Land Law with other laws of Semiahmoo First Nation;

- (c) request that the Lands office undertake further work on the draft Land Law for reconsideration by Council; or
- (d) decide for any other reason that the draft Land Law should be reconsidered by Council at a later date.

11.7 Where Council requests that the Lands office undertake further work on a draft Land Law, the Lands office must:

- (a) take the same steps to obtain input from Members and the Lands Committee as were followed for the first draft of the Land Law, in accordance with this *Land Code*; and
- (b) once input from Members and the Lands Committee has been received and considered, present a revised draft Land Law to Council for reconsideration.

11.8 Land Laws must be signed by a quorum of Council.

11.9 Land Laws come into force on the date of enactment or a later date as specified in the Land Law.

11.10 In the case of an expropriation Land Law, a Vote is required to authorize Council to enact that Land Law, in addition to the other law-making procedures set out in this *Land Code*.

12.0 EMERGENCY LAND LAWS

12.1 If Council is of the opinion that an emergency Land Law is required in order to protect public health, safety, Lands, or Members, Council may immediately enact that law as an emergency Land Law without completing the law-making procedures set out in this *Land Code*.

12.2 An emergency Land Law will expire one hundred and twenty calendar days after enactment, unless Council remains of the opinion that the matter is urgent and renews that emergency Land Law before it expires for a maximum of an additional one hundred and twenty calendar days from the date of renewal.

12.3 An emergency Land Law, including any amendments and renewals, must be Published in the same manner as other Land Laws enacted under this *Land Code*.

13.0 NOTICE AND PUBLICATION OF LAND LAWS

13.1 Semiahmoo First Nation must Publish, and register in the First Nations Land Register, the following:

- (a) all Land Laws, as amended from time to time, which are currently in force; and

CERTIFIED
AUG 07 2025

13 Page
VERIFIED
MAR 12 2025

- (b) previous versions of Land Laws, whether those laws have been repealed or amended.

13.2 If Council intends to enact a Land Law related to family homes and matrimonial interests, Council must provide to the Attorney General of the Province notice of Council's intention, as well as a copy of that Land Law once it has been enacted.

PART VI LANDS MEETINGS AND VOTES

14.0 LANDS MEETINGS AND VOTES

14.1 The Lands office must hold a Lands Meeting:

- (a) whenever the Lands office is required, under this *Land Code*, to seek Member input on a proposed Land Law; and
- (b) prior to holding a Vote required under this *Land Code*.

14.2 A Vote is required to determine whether a majority of participating Eligible Voters:

- (a) approve the adoption of a land use plan;
- (b) authorize Council to enact a draft expropriation Land Law;
- (c) approve a voluntary exchange of Lands;
- (d) approve, in accordance with this *Land Code*, any substantive amendments to this *Land Code*;
- (e) authorize Council to grant, transfer, assign, renew, or extend a Licence in respect of non-renewable Natural Resources on Lands for a term exceeding five years;
- (f) authorize Council to grant, transfer, assign, renew, or extend a Licence in respect of water on Lands, other than those which only provide services to Semiahmoo First Nation or Members;
- (g) in the case of Community Lands, authorize Council to grant, renew, or extend an Interest or Licence, if the total term, including any renewal or extension, exceeds twenty-five years;
- (h) in the case of Member Lands, authorize a Member to grant, transfer, assign, renew, or extend an Interest or Licence, if the total term, including any renewal or extension, exceeds seventy-five (75) years; and
- (i) approve of enacting a draft Land Law or deciding on any other Lands matter within the authority of Council, where Council has a conflict of interest and a Vote of the Members is required under this *Land Code*.

CERTIFIED
AUG 07 2025

VERIFIED
MAY 12 2025

SEMAIHMUO FIRST NATION *LAND CODE*

14.3 Notwithstanding section 14.2, a Vote is not required for the grant, transfer, renewal, or extension by Council of easements, rights of way, permits or Licences in Lands for any type of utilities, including but not limited to telecommunications, water, electricity, natural gas and sewer.

14.4 For the purposes of a Vote, the total term of an Interest or Licence includes any grant, transfer, assignment, renewal or extension, to:

- (a) a successor corporation or business;
- (b) a person who is a director, operator, or shareholder of the original Interest or Licence holder;
- (c) an immediate relative of the original Interest or Licence holder, including a person's parent, sister, brother, child, stepchild, or Spouse; or
- (d) a similar closely related person or entity.

14.5 For the purposes of a Lands Meeting or Vote, the Lands office must maintain an up-to-date list of Members and Eligible Voters, including their addresses or other contact information.

14.6 The Lands office must provide Members notice of a Lands Meeting, and must provide Eligible Voters with notice of a Vote, by:

- (a) Publishing the notice; and
- (b) contacting the Member or Eligible Voter by mail, or alternatively contacting them by email if authorized to do so.

14.7 The Lands office must provide notice of a Lands Meeting or Vote at least fourteen (14) calendar days in advance of the Lands Meeting or Vote.

14.8 Notice of a Lands Meeting or Vote must:

- (a) set out the purpose, date, time, and location of the Lands Meeting or Vote;
- (b) indicate whether a minimum participation or approval threshold has been set for a Vote;
- (c) include as applicable, a statement that every Member is entitled to participate in a Lands Meeting, or that every Eligible Voter is entitled to participate in a Vote;
- (d) indicate whether participation in a Lands Meeting or Vote by Non-Members is allowed; and
- (e) set out the methods of participation, including by telephone, online, in-person, mail-in ballot, or any combination of these methods.

14.9 A person must not in any way interfere with a Vote, where interference includes:

CERTIFIED
AUG 07 2025

VERIFIED
MAR 10 2025

- (a) providing any incentive or reward for a person to vote or refrain from voting, or for a person to vote or refrain from voting for a particular candidate;
- (b) preventing a person from voting, including by any form of threat, intimidation, or bribe; and
- (c) accepting any incentive or reward for voting or refraining from voting, or for voting or refraining from voting for a particular candidate.

14.9 Any person who interferes with a Vote under this section is guilty of an offence and liable on summary conviction to the penalties provided for under this *Land Code*.

PART VII PROTECTION OF LAND

15.0 ENVIRONMENT AND CULTURAL HERITAGE RESOURCES

15.1 Council will enact environmental and Cultural Heritage Resource Land Laws relating to the conducting of assessments and protection of the Lands.

15.2 Until Council enacts environmental assessment and protection laws, it will conduct an assessment process in respect of every project on the Lands that requires an assessment under the *Canadian Environmental Assessment Act* consistent with the requirements set out in Annex 'F' of the *Individual Agreement*.

15.3 Until Council enacts a Cultural Heritage Resource protection law, it may follow the *British Columbia Heritage Conservation Act*.

15.4 Subject to any Land Law with more specific provisions, or Council approval, all of the following are prohibited on the Lands:

- (a) dumping of any waste, garbage, debris or similar material anywhere outside of a garbage can or authorized bin or garbage area; and
- (b) dumping, spilling, discharging, releasing or depositing any substance, liquid or gas, that is noxious, hazardous, polluting, deleterious or harmful to human health or the environment.

16.0 EXPROPRIATION

16.1 Semiahmoo First Nation may only expropriate an Interest or Licence if:

- (a) an expropriation Land Law has been enacted in accordance with this *Land Code*; and
- (b) all requirements regarding expropriation under the *Framework Agreement* and the expropriation Land Law have been met.

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AUG 07 2025

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17.0 VOLUNTARY EXCHANGE OF LANDS

17.1 Lands may only be exchanged for new lands, and those new lands will become Lands subject to this *Land Code*.

17.2 Any exchange of Lands is subject to the following requirements:

- (a) the area of the new land and its value must be equal to or greater than the land which will be exchanged;
- (b) a Vote must be held in which a majority of participating Eligible Voters approve the exchange of Lands; and
- (c) prior to the Vote, the Eligible Voters must be informed of the total compensation, including monetary or other compensation, as well as the area, value, and environmental condition of the new land.

17.3 The persons who will have authority to negotiate an exchange of Lands agreement on behalf of Semiahmoo First Nation must be designated by Council Resolution.

17.4 Semiahmoo First Nation may negotiate other compensation of value, such as money or one or more other parcels of land, in addition to the exchange parcel which is intended to become a reserve, and such other parcels of land may be held by Semiahmoo First Nation, a trustee, or a corporation in fee simple or some other manner.

18.0 ADDING LAND

18.1 Before land is added to reserve, Council may:

- (a) grant Interests in or Licences in relation to the land;
- (b) amend land use plans to include the land; or
- (c) enact or amend zoning or other laws and policies in relation to the land, that will come into force when the land becomes Lands.

PART VIII CONFLICTS OF INTEREST

19.0 CONFLICT OF INTEREST OBLIGATIONS

19.1 The conflict of interest provisions of this *Land Code* apply to the following persons in respect of matters related to Lands:

- (a) Council;

CERTIFIED
AUG 07 2025

VERIFIED
MAR 12 2025

- (b) employees or contractors of Semiahmoo First Nation;
- (c) members of a board, committee or other body established by Semiahmoo First Nation;
- (d) any person appointed in a dispute resolution process involving Semiahmoo First Nation;
and
- (e) any other person when dealing with a matter related to Lands.

19.2 A person has a conflict of interest if the person's ability to consider or decide is compromised, or it would be reasonable to assume that person is compromised, by:

- (a) a private interest; or
- (b) a private interest of an immediate relative, including a person's parent, sister, brother, child, step-child, or Spouse.

19.3 The conflict of interest provisions of this *Land Code* continue to apply for eighteen months after a person has left or been removed from their position or contract with Semiahmoo First Nation.

19.4 A person who has a conflict of interest related to Lands must:

- (a) disclose that conflict of interest to Council, and to the person or body which is considering or voting on the matter related to Lands; and
- (b) not take part in any further consideration of that matter, nor vote on that matter.

19.5 If a board, committee or other body is unable to act in respect of a matter related to Lands due to a conflict of interest, the matter must be referred to Council.

19.6 If Council is unable to vote on a matter related to Lands, or a proposed Land Law, due to a conflict of interest, Council must refer that matter or the proposed Land Law to the Members for a Vote.

19.7 A question regarding a potential conflict of interest may be referred to dispute resolution under a Land Law with the agreement of the person who is alleged to have the conflict of interest.

19.8 Council may establish additional conflict of interest rules in a financial administration law or other Land Law.

20.0 ACCOUNTABILITY FOR CONFLICTS OF INTEREST

20.1 A person fails to meet the conflict of interest obligations under this *Land Code* where that person:

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AUG 07 2025
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SEMAIHM00 FIRST NATION *LAND CODE*

- (a) fails to declare a conflict of interest;
- (b) provides incomplete or misleading information regarding a conflict of interest;
- (c) improperly participates in a decision in which they have a conflict of interest; and
- (d) fails to comply with conflict of interest rules established by Council applicable to signing cheques or financial transfers.

20.2 If a person fails to meet the conflict of interest obligations under this *Land Code*, Semiahmoo First Nation or a Voter may apply to a court for any of the following:

- (a) an order that the person pay to Semiahmoo First Nation an amount equal to the total funds received as a result of the conflict of interest;
- (b) an award of damages;
- (c) an order that the person no longer hold any office, employment, or other position with Semiahmoo First Nation for such period of time as the court considers appropriate;
- (d) any other remedy the court considers appropriate; and
- (e) any combination of the above.

20.3 If a person fails to meet the conflict of interest obligations under this *Land Code*, Council may, by majority vote, decide that the person is subject to any of the following:

- (a) removal from Council;
- (b) termination as an employee or contractor;
- (c) removal from any board, committee, or other body established by Semiahmoo First Nation;
- (d) removal from any dispute resolution process involving Semiahmoo First Nation; and
- (e) disqualification from holding office, employment, or any other position with Semiahmoo First Nation for any time period that Council deems appropriate,

and Council may impose any of these measures, whether or not a court in any proceeding has determined that the person has failed to meet the conflict of interest obligations under this *Land Code*.

PART IX FINANCIAL MANAGEMENT

21.0 FINANCIAL MANAGEMENT

21.1 This Part applies only to financial matters in relation to Lands that are administered under

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AUG 07 2025

VERIFIED
MAR 12 2025

this *Land Code*.

21.2 This Part does not apply to the extent it is inconsistent with a Semiahmoo First Nation financial administration law enacted by Semiahmoo First Nation.

21.3 The fiscal year of Semiahmoo First Nation ends at midnight on March 31st of each year, unless a different date is specified under a Semiahmoo First Nation law.

21.4 Council must establish one or more accounts dedicated only to Lands at an accredited bank or financial institution.

21.5 Council, or any person authorized by Council, must deposit in the accounts dedicated only to Lands all Land revenues, other than taxes received by Semiahmoo First Nation, including:

- (a) capital and revenue monies, and any other transfer payments received from Canada;
- (b) moneys received by Semiahmoo First Nation from Interests or Licences; and
- (c) fees, fines, charges, and other monies collected by Semiahmoo First Nation in respect of Lands,

including under any Land Laws.

21.6 Council must, by Council Resolution, appoint at least three signing officers with authority to issue cheques or approve the transfers of Semiahmoo First Nation funds.

21.7 No cheque is valid unless it is signed by at least two appointed signing officers.

21.8 No other transfer of Semiahmoo First Nation funds is valid unless it is approved in writing by at least two signing officers.

21.9 A signing officer must not, in relation to Semiahmoo First Nation funds, issue cheques, or carry out other transfers to themselves or to any entity in which they have an ownership interest or are a director.

21.10 A person is no longer a signing officer if the person is no longer on Council, has left or had their employment terminated with Semiahmoo First Nation, or their appointment as a signing officer is terminated.

21.11 Council may establish limits on the authority of signing officers including:

- (a) the maximum dollar amount of signing authority; and
- (b) conflict of interest rules applicable to signing cheques or transfers of funds.

21.12 Council must, by Council Resolution:

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AUG 07 2025
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AUG 12 2025

SEMAIHM00 FIRST NATION *LAND CODE*

- (a) establish security screening and training processes for signing officers; and
- (b) periodically review and revise security screening and training processes.

21.13 Council will adopt an annual Lands budget for each fiscal year as it relates to all revenues and expenditures relating to Lands.

21.14 Council will attempt to adopt the annual Lands budget prior to the start of each fiscal year or as early as possible within that fiscal year.

21.15 Until Council adopts the annual Lands budget, the Lands budget for the previous fiscal year, including any supplementary Lands budgets, will continue to apply.

21.16 During a fiscal year, Council may adopt one or more supplementary Lands budgets for that fiscal year.

21.17 After adopting an annual Lands budget or a supplementary Lands budget, Council must Publish the budget or direct the Lands office to Publish the budget.

21.18 No person or body will spend moneys, or make financial commitments, related to Lands unless the spending is authorized under a Lands budget.

21.19 Any person or body who spends moneys, or makes financial commitments, related to Lands that are not authorized under a Lands budget is guilty of an offence and liable on summary conviction to the penalties provided for under this *Land Code*.

21.20 Semiahmoo First Nation must keep financial records in relation to Lands in accordance with generally accepted accounting principles.

21.21 Semiahmoo First Nation must prepare and Publish annual audited financial statements in relation to Lands within one hundred and twenty days of the end of the fiscal year.

21.22 Annual audited financial statements in relation to Lands may be included in consolidated audited financial statements of Semiahmoo First Nation, provided that Members can obtain information regarding Lands expenditures and revenues in those consolidated statements.

21.23 Council must, by Council Resolution, appoint a duly accredited auditor for the purpose of:

- (a) preparing the annual audited financial statements under this *Land Code*; and
- (b) preparing any other audit that may be required by Semiahmoo First Nation.

21.24 Council must ensure that the remuneration paid to an auditor in relation to this *Land Code* is disclosed within the Council Resolution appointing the auditor, as well as in the annual audited financial statements.

21.25 The auditor may, at all reasonable times, inspect any Semiahmoo First Nation financial

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records, including those relating to Lands.

21.26 The auditor may apply to a court for an order to produce other financial records in order to carry out the auditor's duties under this *Land Code*.

21.27 Any person who:

- (a) impedes or obstructs an auditor from exercising a right to inspect Semiahmoo First Nation financial records; or
- (b) fails to give reasonable assistance to an auditor exercising a right to inspect Semiahmoo First Nation financial records,

is guilty of an offence and liable on summary conviction to the penalties provided for under this *Land Code*.

22.0 ANNUAL REPORT

22.1 The Lands office must prepare and Publish an annual report on Lands governance within one hundred and twenty days of the end of each fiscal year.

22.2 The annual report must include:

- (a) summary of Lands governance activities;
- (b) a copy and explanation of the annual audited financial statements as it applies to Lands; and
- (c) any other matters, as may be directed by Council.

PART X INTERESTS AND LICENCES IN LAND

23.0 REGISTRATION OF INTERESTS AND LICENCES

23.1 Any grant, disposition, transfer, renewal, or assignment of an Interest or Licence after this *Land Code* comes into force is void if:

- (a) it is not registered in the First Nation Lands Register;
- (b) it is registered in contravention of this *Land Code*; or
- (c) it is otherwise in contravention of this *Land Code*.

23.2 No person will register in the First Nation Lands Register any grant, disposition, transfer,

CERTIFIED
AUG 07 2025

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MAR 17 2025

SEMAIHMOO FIRST NATION *LAND CODE*

renewal, or assignment of an Interest or Licence unless:

- (a) it is accompanied by any approval, by Council or by Vote, which may be required under this *Land Code*;
- (b) all registration requirements under federal regulations for the First Nation Lands Register are met; and
- (c) any applicable fees are paid and all registration requirements under any Land Law are met.

24.0 EXISTING INTERESTS

24.1 Any Interest or Licence that existed when this *Land Code* comes into force must continue in force in accordance with its terms and conditions.

24.2 Semiahmoo First Nation is not liable for any decrease in value of, or any impact on the use of, an Interest or Licence arising from any exercise of authority under this *Land Code* and Land Laws.

24.3 This *Land Code* and Land Laws apply to all Interests or Licences, whether granted, disposed of, transferred, renewed, or assigned before or after this *Land Code* comes into force.

24.4 Council may establish a policy regarding the identification and governance of unregistered and traditional land holdings, and may consider any advice provided by the Lands Committee or Lands office regarding that policy.

25.0 MEMBER ONLY INTERESTS

25.1 Council may establish Land Laws, policies, and procedures respecting Member Only Interests, including:

- (a) acquisition of Member Only Interests by Semiahmoo First Nation; and
- (b) acquisition of Member Only Interests by other Members.

25.2 Non-Members, other than Semiahmoo First Nation, cannot acquire Member Only Interests.

25.3 Council may consider any advice provided by the Lands Committee and Lands office regarding proposed Land Law, policies, and procedures respecting Member Only Interests.

26.0 INTERESTS AND LICENCES

Semiahmoo First Nation owned Natural Resources

26.1 Council may, on behalf of Semiahmoo First Nation, grant, dispose of, transfer, renew, or

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AUG 07 2025

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MAR 12 2025

assign Interests and Licences in Community Lands.

26.2 Members may, with the consent of Council, grant, dispose of, transfer, renew, or assign:

- (a) Member Only Interests to another Member; or
- (b) Interests other than Member Only Interests to any person or entity.

26.3 A Non-Member may, with the consent of Council:

- (a) grant, dispose of, transfer, renew, or assign an Interest, except for Member Only Interests;
- (b) grant, dispose of, transfer, renew, or assign a Licence; and
- (c) in the case of a lease, grant a sub-lease, easement, permit or Licence, provided that the grant is permitted by the terms of the lease and the term of the grant does not exceed the duration of the lease.

26.4 Council may, in its sole discretion, waive the requirement of consent of Council for any grant, disposition, transfer, renewal, or assignment of an Interest or Licence, including those related to a will, intestacy, or a court order.

26.5 All Natural Resources in Lands belong to Semiahmoo First Nation.

26.6 In accordance with this *Land Code* and any Land Laws, Council may, in respect of Natural Resources:

- (a) grant, dispose of, transfer, renew, or assign Licences to take Natural Resources in Community Lands; and
- (b) grant, dispose of, transfer, renew, or assign Licences to take Natural Resources in Member Lands.

26.7 Council may, by Council Resolution, delegate to the Lands Committee or Lands office, Council's authority to consent to a grant, disposition, transfer, renewal, or assignment of Interests and Licences.

27.0 LIMITS ON MORTGAGES AND SEIZURE

27.1 As provided in the *Framework Agreement*, the restrictions on seizure of reserve lands continue to apply on Community Lands and Member Lands.

27.2 A Member Only Interest may only be subject to a mortgage or charge in favour of Semiahmoo First Nation or another Member.

CERTIFIED
AUG 07 2025

VERIFIED
MAR 17 2025

SEMIAHMOO FIRST NATION *LAND CODE*

27.3 The term of any mortgage or charge of a leasehold Interest will not exceed the term of the lease.

27.4 A leasehold Interest may be subject to a mortgage or charge, but only with the consent of Council.

28.0 A-to-A Leasing

28.1 For greater certainty, Members who hold a permanent Interest may lease Lands to themselves.

28.2 In the event of default in the terms of a mortgage or charge of a leasehold Interest, the leasehold Interest is not subject to possession by the mortgagee or chargee, foreclosure, power of sale, or any other form of execution or seizure, unless:

- (a) the mortgage or charge is not in contravention of this *Land Code* and received the written consent of Council, if required;
- (b) the mortgage or charge is not in contravention of any Land Law, and received approval under that Land Law, if required;
- (c) the mortgage or charge was registered in the First Nation Lands Register; and
- (d) Council received written notice of the default, subsequently had at least one hundred and twenty calendar days to redeem the mortgage or charge, and has not redeemed the mortgage or charge within that time.

28.3 If Council redeems a mortgage or charge with respect to a leasehold Interest within the prescribed time:

- (a) Semiahmoo First Nation becomes the lessee of the land and takes the position of the mortgagor or charge holder for all purposes after the date of redemption, and may execute any instruments and take any necessary actions to that effect; and
- (b) compensation may be paid to the person who defaulted on the mortgage or charge, in accordance with this *Land Code* and any applicable Land Laws.

28.4 Council may waive its one hundred and twenty calendar day right of redemption for any mortgage or charge of a leasehold Interest.

28.5 If Council fails to exercise its right of redemption with respect to a leasehold Interest within the prescribed time, then the mortgagee or chargee may seize the leasehold Interest and subsequently transfer or assign that Interest to a third party without the consent of Council or any other approval required for a transfer or assignment of a leasehold Interest under a Land Law.

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AUG 07 2025

VERIFIED

MAR 12 2025

28.6 If a leasehold Interest is seized and transferred or assigned to a third party in accordance with this *Land Code*, neither the consent of Council nor any other approval required for a mortgage or charge under a Land Law is needed for that third party to obtain a mortgage or charge in respect of that leasehold Interest, provided that:

- (a) the mortgage or charge is obtained within sixty calendar days of the transfer or assignment of the leasehold Interest;
- (b) the mortgagee or the chargee in respect of the mortgage qualifies as an “approved lender” for Canada Mortgage and Housing Corporation insured mortgages;
- (c) the mortgage must be for the purpose of purchasing the leasehold Interest, or construction or repair on the leasehold Interest; and
- (d) the principal amount secured by the mortgage does not exceed the total value of the leasehold Interest or the construction or repair costs, as the case may be.

29.0 REGISTRATION OF MORTGAGES AND CHARGES

29.1 A mortgage or charge made after this *Land Code* comes into force is void if:

- (a) it is not registered in the First Nation Lands Register;
- (b) it is registered in contravention of this *Land Code*; or
- (c) it is otherwise in contravention of this *Land Code*.

29.2 No person will register in the First Nation Lands Register any mortgage or charge unless it is accompanied by an approval for that mortgage or charge, if required under this *Land Code* or a Land Law.

30.0 WILLS AND ESTATES

30.1 The following persons are entitled to have their Interest registered in the First Nations Lands Register, provided that they are entitled to hold that Interest under this *Land Code*, Land Laws, or a court order:

- (a) a Member who receives an Interest under a will or estate;
- (b) a Non-Member or Member who receives a leasehold Interest under a will or estate; and
- (c) a person who holds an Interest on behalf of a minor or a mentally incompetent person.

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30.2 A Land Law may establish required procedures and documents to register an Interest arising from wills and estates.

PART XI RESIDENCY AND ACCESS

31.0 RESIDENCY AND ACCESS RIGHTS

31.1 Subject to any Land Laws, a Member, their spouse and children, as well as the Member's invitees, have a right to reside on Lands for which that Member has a Member Only Interest.

31.2 For certainty, the provisional rules set out in the *Family Homes on Reserves and Matrimonial Interest or Rights Act* apply to spousal property on the Lands until Council enacts a spousal property law.

31.2 Subject to any Land Laws, Members and Non-Members have a right to reside on Lands set out in an Interest or Licence, in accordance with the terms of that Interest or Licence.

31.3 Land is not open to access by any persons, except to the extent provided for in this *Land Code* and any Land Law.

31.4 Subject to any Land Laws, the following persons have a right of access on the following Lands:

- (a) a Member, their spouse and children, as well as the Member's invitees, on Community Lands, on the Lands for which that Member has a Member Only Interest, and on the Lands for which that Member has a right to reside;
- (b) Interest holders or Licence holders and their invitees, on Lands set out in that Interest or Licence and on other Lands to the extent necessary to access those Lands set out in the Interest or Licence, all in accordance with the terms of that Interest or Licence;
- (c) peace officers, and officials responding to natural disasters, emergencies, or urgent health and safety matters on Lands, or acting under federal, provincial or Semiahmoo First Nation law on Lands; and
- (d) any person has a right to access Community Lands and roads for social or business purposes, provided that they do not interfere with any Interest, Licence, or any other occupation of Lands, and that Council has not passed a resolution prohibiting access.

31.5 Notwithstanding any other provision of this *Land Code*, Council:

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AUG 07 2025

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MAR 12 2025

- (a) may, by Council Resolution, impose closures or access restrictions on any Lands by one or more persons in order to protect those Lands, or to protect health, safety, environment, or cultural assets; and
- (b) must Publish a notice of that closure or those restrictions.

32.0 UNLAWFUL STRUCTURES

32.1 A person who constructs or places, or who allows the construction or placement of a building, structure, enclosure or other works on Lands other than in accordance with this *Land Code* or any applicable Land Law or policy (an “Unlawful Structure”) is guilty of an offence.

32.2 An Unlawful Structure is subject to removal, demolition, transfer or sale, for which procedures may be set by Council under Semiahmoo policies or laws.

33.0 TRESPASS AND OFFENCES

33.1 Any person who, enters onto or stays on Lands:

- (a) without a right to reside on those Lands;
- (b) without a right of access to those Lands;
- (c) in violation of a Land Law; or
- (d) in violation of a temporary closure or restriction on access on those Lands,

is guilty of an offence and liable on summary conviction to the penalties provided for under this *Land Code* or any applicable Land Law.

33.2 Where a person is found guilty of an offence under this *Land Code* or any applicable Land Law relating to a right to reside on Lands, a right of access to Lands, or a violation of a temporary closure or restriction on access, a court may, in addition to any other penalty:

- (a) order that person to leave or vacate any Lands; and
- (b) order that person not to enter or stay on any Lands.

33.3 All civil remedies for trespass are preserved.

33.4 A Land Law may establish limitations on Semiahmoo First Nation liability in respect of Lands and limitation periods for actions against Semiahmoo First Nation.

33.5 A right to reside or a right of access to Lands does not create any financial obligation on the part of Semiahmoo First Nation.

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AUG 07 2025

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34.0 OTHER

34.1 Semiahmoo First Nation is not liable for injuries or damages suffered by any person due to:

- (a) the condition or state of Lands;
- (b) any exercise of a right to reside on Lands or a right of access to Lands;
- (c) any entry or stay on Lands in violation of a temporary closure or restriction on access; or
- (d) any other lawful or unlawful residence, entry or stay on Lands.

34.2 A right to reside or access Land does not create any financial obligation on the part of Semiahmoo First Nation.

PART XII DISPUTE RESOLUTION

35.0 DISPUTES

35.1 Council must establish processes, or enact Land Laws, for the resolution of disputes in respect of any matter related to Land.

PART XIII OTHER MATTERS

36.0 ENFORCEMENT

36.1 To enforce its *Land Code* and its laws, Semiahmoo First Nation will have the power to:

- (a) establish offences that are punishable on summary conviction;
- (b) provide for fines, imprisonment, restitution, community service, and alternative means for achieving compliance;
- (c) establish comprehensive enforcement procedures consistent with federal, provincial or territorial law, including inspections, searches, seizures and compulsory sampling, testing and the production of information; and
- (d) provide for the collection of non-tax debts, fees or charges owed to Semiahmoo First Nation using taxation collection remedies made under First Nation taxation laws.

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MAR 12 2025

36.2 Any person who commits an offence under this *Land Code* is liable on summary conviction to:

- (a) fines, to a maximum of five thousand dollars or any higher amount set out in part XXVII of the Criminal Code of Canada;
- (b) imprisonment of up to two years less a day;
- (c) restitution;
- (d) community service;
- (e) means for achieving compliance through traditional, cultural or community healing justice measures;
- (f) any other means for achieving compliance; or
- (g) any combination of the above.

36.3 An officer, director, employee, or agent of an organization, corporation or other entity which commits an offence under this *Land Code* may be convicted of that same offence, whether or not the organization, corporation or other entity is convicted of the offence.

36.4 Semiahmoo First Nation may enter into agreements with other governments or government agencies as necessary to enforce the *Land Code*, prosecute offences, and collect penalties.

37.0 LIABILITY

37.1 Council must obtain and maintain the insurance coverage that Council considers appropriate to protect Semiahmoo First Nation officers and employees from and against personal liability arising from the performance of their duties under this *Land Code*.

38.0 AMENDMENTS TO LAND CODE

38.1 Council may, by Council Resolution, make amendments to this *Land Code* that do not change the substance of this *Land Code*, including:

- (a) changes in this *Land Code* required to address inconsistencies with the *Framework Agreement*;
- (b) minor improvements necessary to clarify the drafting of provisions of this *Land Code*; and
- (c) corrections, grammatical, and typographical errors.

CERTIFIED
AUG 07 2025

VERIFIED
MAR 12 2025

SEMAIHM00 FIRST NATION *LAND CODE*

38.2 A Vote is required for any amendments to this *Land Code* other than amendments which may be made by Council, by Council Resolution.

39.0 COMMENCEMENT

39.1 This *Land Code* has been approved by a Vote of Eligible Voters at the request of Council.

39.2 This *Land Code* comes into force on the first day of the month following certification of this *Land Code* by the Verifier.

40.0 CONTACT INFORMATION

40.1 Any questions or inquiries can be directed to the Land office at:

Semiahmoo First Nation

18049 Beach Road, Surrey BC V3S 9R6

<https://www.semiahmoofirstnation.ca>

Hours Monday–Friday 9am–5pm

Phone (604) 536-3101

Fax (604) 536-6118

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