

Questions to ask on behalf of ᑭᓄᓂᓄ.

- Do most Land Code First Nations have enforcement officers? If so, are these positions within the Lands Department and funded through land code funding?
- Are Land Code Nations making use of the Indigenous Guardians program to enforce laws?
- Should the local (Cranbrook) Provincial Court acknowledge and have copies of our Land Code laws?
- How can we enter into agreements with other governments to penalize and collect for land code offences under FA amendments for enforcement?
- ᑭᓄᓂᓄ Land Code addresses *Dispute Resolution* and establishing an adjudicator (i.e. barrister/solicitor); are Land Code nations presently using this mechanism to settle disputes? Can you speak about the process, provide an example? How to select a suitable adjudicator.
- ᑭᓄᓂᓄ Legal Counsel once presented three options for prosecutions of land laws to Council: 1) private prosecutions 2) agreement with Prov Crown 3) agreement with federal Crown. Are these all feasible options today? What are pros and cons?

In the ᑭᓄᓂᓄ Land Code, it states under the 'Interests and Licences in ᑭᓄᓂᓄ Lands*' that *The written consent of Council shall be obtained for the original grant of a lease, licence, easement or permit in ᑭᓄᓂᓄ lands.* Contrarily, the Lands Department has, over the years, made it clear that CP owners are to do what they want on CP lands so long as it is within relevant laws and CP land management is not something the band meddles in. However this Land Code provisions states otherwise.

Is this a realistic provision to have- whereby the Band office will not assist in negotiations, development of agreements on CP land (stated in the Lands Management Manual) between a CP holder and licensee, but need to approve instruments? How is the Band to enforce such a provision?

The McLeod Lake Indian Band does have a few questions.

First and foremost, how can we expedite negotiations and have our Community Tri-Partite Agreements between First Nations, the Federal and Provincial governments, as far as RCMP servicing is concerned. We are looking at updating our CTPA as it does not cover the FNLMA regime, and does not give our Nation and the RCMP proper procedures and rules for governing and enforcing our Land Code laws.

Secondly, we do understand that there are a lot of issues, because there are First Nations that want RCMP enforcement on reserve and then there are a number of First Nations that do not want law enforcement on reserve. This puts us in a bind as to what the legal ramifications are, when they do enforce. How do we get the governments and the RCMP to come to an understanding of how to move forward with those First Nations that do want enforcement. We as a Nation keep getting the run around, that it needs to go to their lawyers (RCMP's lawyers) and cannot get a hard-line answer on where to proceed from here. We have real issues, as do other Nations, and we want to get a handle on these before something of a grave nature happens. Our Nations members and employees need to be safe and for the last few years, safety concerns have been growing in numbers, due to lack of the ability to enforce our land laws on reserve. This is in respect to: people arguing, yelling, screaming and using violence towards employees (hitting, punching, breaking band property and moving survey pins), threats made to employees, suspected and known drug-dealing on reserve (moving from cannabis, to cocaine

and now to meth), which is taking a serious toll on our members and the youth of our Nation; along with being able to charge fees for general services, to evictions, and lack of rental payments.

Last but not least, with the amazing work by K'omoks First Nation in paving the way for Nations to exert their jurisdiction through their Land Code and governing laws on reserve; how can we as First Nations along with the Federal and Provincial governments streamline the process, so that our Nation's members and employees can initiate the process for evictions and trespass/enforcement including banishment; and be able to utilize the RCMP detachments, Aboriginal Liaisons and Peace Officer servicing agreements to move forward in a timely fashion; without having to go through the arduous task of using the court system each and every time? Unless we can utilize the system to the betterment of our Nation.

From Chawathil First Nation

I would like to ask about the illegal dumping on first nation lands, we have had multiple times and various areas that have garbage left with in our boundaries. most of the illegal dumping sites are beside the right of way/roads along the reserve.

1. We want to know what else can be done legally besides having a sign stating the penalty for dumping?
2. with having right of ways would these companies/land owners need to be involved?

We also have issues with squatters on our land creating potential environmental hazards.

1. If needed, would the police help with removal and what would the procedure be?

As for the highways, we have lands split on either side of the highway. we are worried about the pedestrian's safety crossing the road, and community members safely driving in and out of driveways.

1. what can be done to slow these vehicles down and create a safe passage for the pedestrians and those driving in and out of driveways?

There are also recreational fisherman parking along the highway on our reserve creating liability issues for those driving on the highway and the land they cross on to.

1. is there a ticketing system in place to help reduce the amount of cars parked on either side of the highway on our reserve?
2. if not, what actions can be taken to decrease the bands chances of having liability issues?
3. Could the CP railway, Ministry of Transportation, Police help alleviate the stress brought on by the amount of cars and people on band land?

1. We want to know what else can be done legally besides having a sign stating the penalty for dumping?
2. with having right of ways would these companies/land owners need to be involved?
3. **With sharing access routes with Right of Ways, are they accountable for the dumping, as they have access to the properties. Should they contribute to any funds to go towards security**

costs or costs for cleanup of dumping? (Potential hazardous fluids, metals, contaminated findings? (could trigger rate sheets of remediation of the clean up and security, or even fines supported by Council)

- 4. What methods of communications with the Municipal boundaries, and/or regional boundaries have been used to create relations and working together to minimize the illegal dumping on questioned access routes to roads, or near RoW's ?**

We also have issues with squatters on our land creating potential environmental hazards.

1. If needed, would the police help with removal and what would the procedure be?
2. Without no law on this for our Nation, what avenues do we have and prevent liability for staff and leadership, preventing liability?
3. **Upon creating our Environmental Management Plan, how can we include as a component for the limitations to what members can store on their property or on communal lands, (ie: broken down vehicles, fluid leaking, metals, fluids, plastics, or anything not natural)?**
4. **What Law is used for this situation, to follow up on a Nations protection to mitigate environmental concerns?**

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1. what can be done to slow these vehicles down and create a safe passage for the pedestrians and those driving in and out of driveways?
2. Is there a ticketing system in place to help reduce the amount of cars parked on either side of the highway on our reserve, (RCMP, security)?
3. If not, what actions can be taken to decrease the bands chances of having liability issues?
4. Should the CP railway, Ministry of Transportation, RCMP help alleviate the stress brought on by the amount of cars and people on band land?
5. **What is our jurisdiction do we have on where we can assert our rights on not allowing parking on hwys, preventing potential accidents, and safety for members using the hwy corridor?**
6. **How direct can we be, in not allowing the public sector to access through our lands, (CP Lands and Communal lands), minimizing the illegal dumping. What method can be used to have this in place for the Nation? What Law can be used for the no parking, no access routes through the Reserve lands?**