

KITSELAS LANDS

Programs & Services Guide



September 2014

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About This Booklet

This booklet outlines programs and services offered by the Kitselas Lands Management Office, which is part of the Kitselas Department of Lands and Resources.

The Kitselas Department of Lands and Resources provides stewardship of lands and resources within Kitselas Traditional Territory. The vision for the department is to promote sustainable management of the values important to Kitselas people to maintain the lands and resources for now and in the future.

Programs & Services for
KITSELAS MEMBERS

What is the Kitselas Land Use Plan?

Kitselas Chief and Council formally approved the *Kitselas Land Use Plan* in April 2012.

The *Kitselas Land Use Plan* is a policy document that provides the Kitselas Chief and Council with decision making tools for how Kitselas reserve lands are to be used.

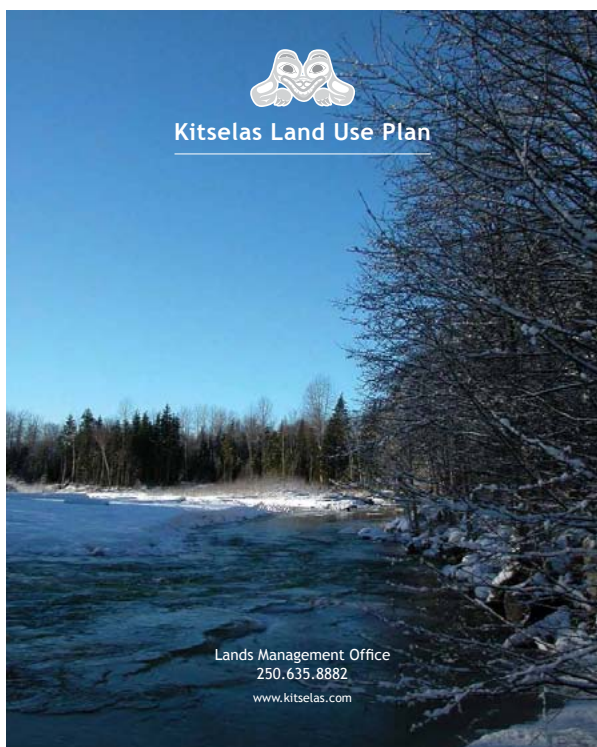
Between August 2011 and March 2012, over one-third of the Kitselas membership provided input to the *Land Use Plan*. The reserves are now designated for uses identified by the community.

Completing the *Kitselas Land Use Plan* was Step 1 in establishing a land management regime for Kitselas under the *Kitselas Reserve Land Management Act*, enacted in 2005.

How is the plan used?

The plan should be used:

- By an individual considering a new use of Kitselas reserve land, to check if their idea is compatible with the community vision as expressed in the plan. As the idea forms into a clear concept, the policies and regulations should be used to shape the development itself.
- By the Lands Management Office, to guide reviews of land use applications.
- By Chief and Council, to inform and guide decisions about land use.



Find your copy of the Kitselas Land Use Plan and the Kitselas Land and Resource Stewardship Policy at:

www.kitselas.com

LAND AND RESOURCE STEWARDSHIP POLICY

What is the Kitselas Land and Resource Stewardship Policy?

Kitselas developed and published a *Land and Resource Stewardship Policy* in 2008.

The policy sets out guidelines for how governments, proponents and others should 'do business' with Kitselas in the Kitselas traditional territory.

For example, the policy sets out procedures that Kitselas will use to review and assess any major projects proposed for Kitselas Traditional Territory.



Policy Principles

According to the Kitselas *Land and Resource Stewardship Policy*, the following principles must apply to all land, water and resource use within Kitselas Traditional Territory:

- Assurance that the proposed development or land, water and resource use will not pose a threat of irreparable environmental, cultural or resource damage.
- The development will not jeopardize, prejudice or otherwise compromise Kitselas First Nation Aboriginal rights, titles and interests.
- The project will provide more positive than negative social impacts for Kitselas people. (Provision through negotiations between Kitselas and the project proponent or regulator.)
- The widest possible opportunity for education and direct employment related training for Kitselas people in connection with any agreed upon development project.
- Employment opportunities for Kitselas people with respect to all phases of development.



LAND CODE

What is the Kitselas Land Code?

Kitselas manages its lands through the *Kitselas Reserve Lands Management Act*, which was passed by the Kitselas Band Council in January 2005.

This act is known as the Land Code.

The *Land Code* took the legal powers administering Kitselas lands from the Ministry of Indian & Northern Affairs and gave them directly to Kitselas First Nations. Kitselas Chief and Council now have the power to make decisions for how Kitselas lands are used.

The *Land Code* gives Kitselas the ability to make laws that are constitutionally protected. This means no one can change Kitselas laws other than Kitselas.

Anyone who wishes to make changes to Kitselas land must submit a **Kitselas Reserve Land Interest Application** to the Kitselas Department of Lands and Resources.

APPLICATION: RESERVE LAND INTEREST

Form #KLM - 001

Applying for a Kitselas Reserve Land Interest



All applications must include completed application form, general location map, local detail map, appropriate fees and attachments as indicated below.

INFORMATION REGARDING APPLYING FOR KITSELAS RESERVE LAND AVAILABLE AT www.kitselas.bc.ca

PART 1 - NAME(S) AND MAILING ADDRESS

Applicant Name:

FULL LEGAL NAME of Individual(s), Company or Society:

Contact Name for Company:

Applicant Mailing Address:

 _____ postal code _____

Applicant Contact Numbers:

Phone: _____ Fax: _____
 Mobile: _____

Applicant Email Address:

Are you an Agent submitting this Application on behalf of your client?

Yes No

Letter of Agency attached Yes No

Agent Name & Mailing Address:

 _____ postal code _____

Agent Contact Numbers:

Phone: _____ Fax: _____

Agent Email Address:

For applications made by more than one individual: Joint Tenants or Tenants in Common

For your information: Joint Tenants: on the death of one tenant the interest passes to surviving tenant.

Tenants in Common: on the death of one tenant the interest passes to the beneficiaries of the estate.

Age: 19 or over Yes No

Date of Birth of Applicant: _____ **Kitselas Band Number:** _____

Date of Birth of Joint Tenant: _____ **Kitselas Band Number:** _____

PART 2 - FOR OFFICE USE ONLY

(dd/mm/yyyy and time received)

File Number:

Project Number:

Disposition ID:

Client Number:

Date Copy Provided to Applicant:

Form #KLM - 001 continued

PART 3 - LEGAL DESCRIPTION, BOUNDARY DESCRIPTION AND PROPOSED USE

If surveyed, give legal description: as provided by the Kitselas Lands Management Office

Proposed Use/Tenure Type: (e.g. Possession, Occupation and Use; Easement; Right of Way; Permit; Lease):

PART 4 - APPLICATION CERTIFICATION

Applicant or Agent signature(s):

Signature of Applicant

Signature of Joint Tenant Applicant

Date: _____

**** PLEASE RETAIN A COPY OF THIS APPLICATION FOR YOUR RECORDS ****

**KITSELAS LAND OFFICE
1581 Kulspai Crescent
Terrace, BC V8G 4P5**

**PH: (778) 634-3517
FAX: (778) 634-3796
Email: landsclerk@kitselas.com**

LAND GRANTS

What is a Land Grant?

A Land Grant grants the right of possession and occupation of land to a Kitselas member. Only a registered member of the Kitselas Band is eligible to be granted a right of possession and occupation in Kitselas lands.

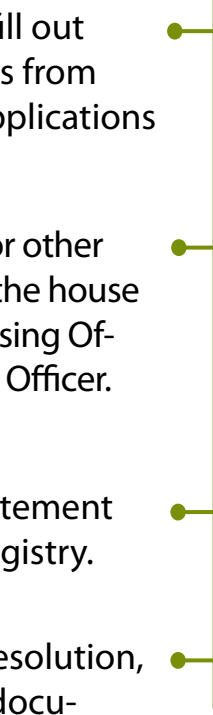
Note: This right does not exist until it is granted by the Band Council. Only after the grant has been finalized does the right come into existence.

Council may, by order, grant an interest or license in community land, including but not limited to the following: right of possession and occupation to a member, easement, right of way, permit, or lease.

Criteria:

- Residential lots in Kulspai or Gitaus only.
- Lot must be surveyed and have a recorded legal description.
- Money cannot be owed to the band for the house.
- The house is no longer under a mortgage through Canada Mortgage and Housing Corporation (CMHC).
- If there is to be more than one owner, both or all owners must agree to either a joint tenants or tenants-in-common.

Process to get a Land Grant

- 
1. Lands Officer helps applicant fill out Form #KLM-0100. Both tenants from joint or tenants-in-common applications must be on the form.
 2. Membership clerk signs Band Membership verification.
 3. Lands verifies no rental arrears or other outstanding charges related to the house exist. Verification signed by Housing Officer, Band Manager or Financial Officer.
 4. If undeveloped land is being sold to band member, Lands includes bill of sale and evidence (receipt) that it has been paid in full, and any agreement and conditions for payment.
 5. Lands prints encumbrance statement from the First Nations Land Registry.
 6. Lands prepares Band Council Resolution and other relevant documents.
 7. After council has signed the resolution, and a lawyer has checked all documents, Lands registers all documents in the First Nations Land Registry.
 8. After registration is confirmed, Lands sends a copy of land grant to land owner.

LAND GRANT TRANSFERS

What is a Land Grant Transfer?

A Land Grant Transfer is the transfer of a right of possession and occupation of land from one member to another member.

This usually happens upon the death of a band member.

Only after the Land Grant Transfer has been registered in the First Nation Land Registry does the right come into existence.

Note: Only a registered member of the Kitselas Band is eligible to be granted a right of possession and occupation in Kitselas lands.

Anyone who wishes to make land grant transfer must submit a **Kitselas Reserve Land Transfer Application** to the Kitselas Department of Lands and Resources.

Criteria:

- Residential lots in Kulspai or Gitaus only.
- Lot must be surveyed and have a recorded legal description.
- The deceased's death has been certified.
- The wishes of the deceased are being carried out either by will or an administrator of the estate.
- The interest is to be transferred to a registered Kitselas member.
- If there is to be more than one owner, both or all owners must agree to either a joint tenants or tenants-in-common.



Form #KLM - 002

Transfer of Kitselas Reserve Lands



All applications must include completed application form, general location map, local detail map, appropriate fees and attachments as indicated below.

INFORMATION REGARDING APPLYING FOR KITSELAS RESERVE LAND AVAILABLE AT www.kitselas.bc.ca

PART 1 – REQUEST TO TRANSFER KITSELAS RESERVE LANDS

I, _____, the lawfully appointed administrator of the estate of the late _____, Band Number _____, of the Kitselas First Nation, who died on or about _____, registered in lawful possession of land on Lot # _____ Indian Reserve No. _____, in the Province of British Columbia, more particularly described as:
(Provide legal description of the estate)

DO HEREBY TRANSFER THE ABOVE INTEREST AS FOLLOWS:

Name of Member Lands are transferred to: _____

Relationship to the deceased: _____

Band Number of Member Lands are transferred to: _____

Lands are to be held as: (circle one) JOINT TENANTS TENANTS IN COMMON

Date

Administrator of Estate Signature

*Required documentation to process the land transfer: (please include with this application)

- 1. "Appointment of Administrator" form received by Indian and Northern Affairs Canada
- 2. "Death Certificate" form of the late Member
- 3. Completed Form# KLM-002

Form #KLM - 002 continued

PART 2 - NAME(S) AND MAILING ADDRESS	
<p>Applicant Name: FULL LEGAL NAME of Individual(s), Company or Society: _____ _____ _____</p> <p>Contact Name for Company: _____</p> <p>Applicant Mailing Address: _____ _____ postal code _____</p> <p>Applicant Contact Numbers: Phone: _____ Fax: _____ Mobile: _____</p> <p>Applicant Email Address: _____</p>	<p>Are you an Agent submitting this Application on behalf of your client? <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Letter of Agency attached <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <hr/> <p>Agent Name & Mailing Address: _____ _____ postal code _____</p> <p>Agent Contact Numbers: Phone: _____ Fax: _____</p> <p>Agent Email Address: _____</p>
<p>For applications made by more than one individual: Joint Tenants <input type="checkbox"/> or Tenants in Common <input type="checkbox"/> For your information: Joint Tenants: on the death of one tenant the interest passes to surviving tenant. Tenants in Common: on the death of one tenant the interest passes to the beneficiaries of the estate.</p>	
<p>Age: 19 or over <input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>Date of Birth of Applicant: _____ Kitselas Band Number: _____</p>	
<p>Date of Birth of Joint Tenant: _____ Kitselas Band Number: _____</p>	

PART 3 - FOR OFFICE USE ONLY		
(dd/mm/yyyy and time received)	File Number:	Project Number:
	Disposition ID:	Client Number:
	Date Copy Provided to Applicant:	

**** PLEASE RETAIN A COPY OF THIS APPLICATION FOR YOUR RECORDS ****

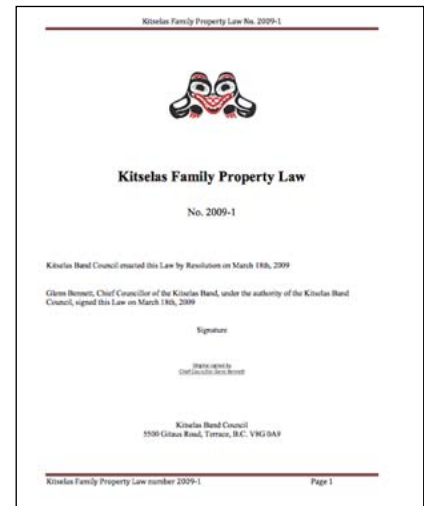
KITSELAS LAND OFFICE
 4562-E Queensway Drive
 Terrace B. C. V8G 3X6
 PH: (250) 635 8222 x.232
 FAX: (250) 635 8793
 Email: s.coggins@kitselas.com

FAMILY PROPERTY LAW

If you have left a relationship or live apart from the other parent of your child or children, you have certain rights and responsibilities under the law.

The Kitselas *Family Property Law* will help you make plans for the future care of your child or children, support payments, and dividing property and/or debts.

Download the Kitselas *Family Property Law* at www.kitselas.com



ANIMAL SERVICES

Animal Control Officers deal with a variety of animal related issues:

- Animals at large (including dogs)
- Dog bites
- Stray animals

The *Dog Control Bylaw* is the main focus of Animal Control. It includes regulations on:

- Dogs off-leash
- Dangerous dogs
- Dog licensing

The *Dog Control Act* is in place to help keep the community safe. The community requested this service to help with issues we had with dog control.

Register Your Pet

1. Stop by the Kitselas Lands & Resource Office or call to make an appointment if you don't have transportation.
2. Fill out the Animal License Application
3. Pay the \$15 fee to register your application
4. After the fee is paid, you receive a tag for your pet's collar (to be worn at all times).
5. Renew your pet's license every year in January.

NOTE: Dog Control makes their rounds three times a week. All activities are recorded and reported on a quarterly basis.

Questions, complaints, or want to report an aggressive animal?

Call the Thornhill Animal Shelter at 250.638.1565

APPLICATION: ANIMAL LICENSE

License No. _____

KITSELAS FIRST NATION

APPLICATION FOR LICENSE (ANIMAL) 2014

I/we _____, hereby apply for a license to keep a dog.
(please print)

BREED: _____ AGE: _____ COLOUR: _____

SEX: _____ WEIGHT: _____ HEIGHT: _____

and with the following distinguishing marks or characteristics/tattoo:

SPAYED: _____ NEUTERED: _____ UNSPAYED: _____ UNNEUTERED: _____

on the following piece of land: _____
(Mailing Address including Postal Code)

Issued to _____
(animal's name)

SIGNED: _____
(Lands Clerk) **(Owner)**

Home Phone No. _____

Business Phone No. _____

As parent/guardian of the applicant for animal license, I hereby authorize the issuance of the above license and accept the full responsibility for the care and control of said animal and further agree to abide by the bylaws and regulations of the Regional District of Kitimat-Stikine in respect of said animal.

SIGNED: _____

Amount Paid: _____

Date Issued: _____

Policies & Services for
NON KITSELAS MEMBERS

LAND TENURE

What is a Land Tenure?

Land tenures apply when an application has been made to the Kitselas Lands Office for an easement, a right of way, a permit, or a lease.

For example, Terrace Paving has a license of occupation (right of way) with Kitselas in IR.5 Zaimoetz. The company uses an access road within Kitselas lands so it pays an annual fee to the Kitselas Band to use that road.

Note: Kitselas does not sell the land. The land is just being used.

Land Interest Law

The *Land Interest Law* provides the Lands Director/Lands Officer with the legal authority to administer land tenures on Kitselas reserve lands.

The *Land Interest Law* created the Kitselas Lands Management Office. It also created the position of the Lands Director/Lands Officer who is responsible to administer the *Land Interest Law* and the *Land Code*.

Cost of Land Tenure

Kitselas land pricing, the fee charged for land tenure, is determined upon:

- Market value as set by the Lands Management Office after having conducted market research including a comparison of assessed values for taxation purposes and a comparison of comparable private sales within the surrounding area and appropriate market period.
- Exclusive land use and occupancy whether through permit or lease is set at 10% of market value annually.
- Non-exclusive use is set at 7% of market value annually.
- All costs associated with processing applications, including application fee, registration costs and legal survey are to be borne by the applicant.
- Any other factors the Kitselas Band Council decides are a determining factor for the final cost of Kitselas land use.

PROPERTY TAXATION LAW

The *Property Taxation Law* allows Kitselas to tax non-Kitselas members and organization that are using Kitselas reserve lands, for example, companies such as Telus and Pacific Natural Gas (PNG).

The BC Assessment Authority (BCAA) provides a tax assessment to the company.

After the *Rates Law and Expenditure Law* are approved by the First Nation Tax Commission, Kitselas sends tax notices to the companies.

MORE INFO



AT WWW.KITSELAS.COM

Kitselas Laws

- Reserve Lands Management Act
- Lands Interests Law
- Family Property Law
- Property Assessment Act
- Property Taxation Act
- Financial Administration Law
- Dog Control Act

Kitselas Policies

- Band Council Resolution Policy
- Resources and Land Stewardship Policy
- Budget Policy
- Land Grant Policy
- Land Pricing Policy
- Policy Distribution

Kitselas Plans

- Land Use Plan

AT OUR OFFICE

Kitselas Lands Management Office
Department of Lands & Resources
1581 Kulspai Crescent
Terrace, BC V8G 4P5

Phone: 778.634.3517

Email: landsreception@kitselas.com

Hours: Monday to Friday, 8am to 4pm

CONTACT INFO



Kitselas Lands Management

Department of Lands & Resources

1581 Kulspai Crescent

Terrace, BC V8G 4P5

Phone: **778.634.3517**

Email: **landsreception@kitselas.com**

Director of Lands and Resources

Sam Coggins

s.coggins@kitselas.com

Ext.203

Lands Officer

Position is currently vacant

landsofficer@kitselas.com

Referrals Coordinator

Position is currently vacant

referrals@kitselas.com

Lands Clerk

Geneva Erickson

landsclerk@kitselas.com

Ext. 204

Reception

Matilda Henry

landsreception@kitselas.com

**Produced by Kitselas
Department of Lands and Resources**