



# SQ'EWÁ:LXW FIRST NATION

## SKAWAHLOOK

### Summary of Information

### Expropriation Law, 2016

Given the inherent right of Sq'ewá:lxw to self-government and stewardship of our lands, and as enabled by the Sq'ewá:lxw *Land Code*, the Sq'ewá:lxw Lands Advisory Committee recommended to Chief and Council the enactment of the *Sq'ewá:lxw First Nation Expropriation Law*. The *Expropriation Law* was tabled at a duly convened meeting of Chief and Council on Sept 13<sup>th</sup>, 2016 and enacted on November 7<sup>th</sup>, 2016.

Expropriation is the act of a government in taking privately owned property, to be used for purposes designed to benefit the overall public. In the context of Indian Reserve land, it is the Indian Band taking individual members' interests such as land held under certificates of possession, leases, or mortgages or licences for the benefit of all members.

The purpose of the *Expropriation Law* is to clarify the rights of all parties, and to establish procedures for expropriations on Sq'ewá:lxw lands. The Law will apply to the whole area of the Reserves (Skawahlook IR# 1 and Ruby Creek IR# 2), to Band Land and to land held under Certificate of Possession, and to members and non-members.

The *Expropriation Law*, and associated Sq'ewá:lxw policy, is based on the following principles:

- The expropriation process is clear and well defined for the benefit of all parties;
- Expropriation can be used only for community purposes such as infrastructure including access roads, drinking water and sewage systems, electrical power or gas distribution, or communications utilities;
- Expropriation will be of the smallest estate or interest necessary to achieve the intended goal; and
- Interest holders (owners or lessees) are compensated fairly for expropriation of their interest based on market value, replacement value, and land substitution (if land is available), including all damages incurred due to the expropriation process.

The *Expropriation Law* allows for:

- The negotiation of transfer of land or other interests without resorting to expropriation;
- The expropriation of land or other interests for a community purpose;
- A mandatory community approval process including a membership vote;
- A dispute resolution process utilizing *Stó:lō Qwi:qwelstóm ye Smóyelhtel*; and
- Payment of fair compensation determined through an appraisal process led by a competent professional.

For more information please refer to the *Sq'ewá:lxw First Nation Expropriation Law*.

Any questions can be directed to the Lands Manager at the Sq'ewá:lxw First Nation administration office.

Copies of the *Expropriation Law* are available on line or in hard copy at the administration office.