
NAME OF LAND PROCEDURE: Indian Reserve Expansions

APPLICATION: Applies to applications to expand Indian Reserves.


ISSUANCE: Assistant Deputy Minister, Tenures, Competitiveness and Innovation

IMPLEMENTATION: Ministry of Forests, Lands and Natural Resource Operations

REFERENCES: *Land Act* (Ch. 245, R.S.B.C., 1996)
Ministry of Lands, Parks and Housing Act (Ch. 307, R.S.B.C., 1996)
Federal Indian Act (R.S.C. 1985, c. 1-5)

This procedure replaces the previous Land Procedure Cut-off Lands and Indian Reserve Expansions effective date June 1, 2011.

RELATIONSHIP TO PREVIOUS LAND PROCEDURE:


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Ministry of Forests, Lands and Natural
Resource Operations

MAY 26 2011

Date:

APPROVED AMENDMENTS:		
Effective Date	Briefing Note /Approval	Summary of Changes:
April 9, 2018	DN 236861	Previous procedure was replaced with new version that no longer includes references to “cut-off lands”.

UNDER REVIEW

Table of Contents

1.	PURPOSE	1
2.	DEFINITIONS	1
3.	EXPANSION OF INDIAN RESERVES	1
3.1	Application Requirements	1
3.2	Pricing	1
3.3	Method of Conveyance	1

UNDER REVIEW

1. PURPOSE

To establish procedures respecting the processing of applications for the expansion of Indian Reserves.

2. DEFINITIONS

Authorizing Agency means the provincial ministry responsible for the specific land use authorization.

First Nation is a term that refers to the Indian peoples in Canada, both Status and non-Status. Although the term First Nation is widely used, no legal definition of it exists. Some Indian peoples in British Columbia have adopted the term "First Nation" to replace the word "band" in the name of their community.

3. EXPANSION OF INDIAN RESERVES

3.1 Application Requirements

Application must be made by Indian and Northern Affairs Canada (INAC) in trust for the appropriate First Nation.

Applications from INAC to the Authorizing Agency's regional director must be accompanied by a resolution from local government (regional district or municipality) supporting the Reserve expansion and a written rationale from INAC that demonstrates a clear need for additional land (e.g. for housing or community purposes).

Canada is responsible for First Nations consultation obligations that may arise and must provide documentation demonstrating that all consultation requirements have been met.

3.2 Pricing

Lands are made available for Indian Reserve expansion by sale at appraised market value, including the value of merchantable timber, or by an exchange of existing Reserve land of equal value for the Crown land. See *Land Procedure: Land Exchanges* (Indian Reserve Lands) for further detail.

3.3 Method of Conveyance

The land is conveyed to Canada in trust for the Indians of British Columbia under the provisions of Section 31 of the *Land Act*. The Order in Council is made subject to the same terms as Order in Council no. 1036/38 which conveyed the bulk of Indian Reserves in the province to Canada.

The documentation for the transfer is done by the Authorizing Agency's regional director, in consultation with the Manager, Aboriginal Relations.

Prior to transfer of the land to Canada, a Band Council Resolution agreeing to terms and conditions must be received as well as confirmation from Indian and Northern Affairs Canada that the transfer will be accepted.

In the case of an exchange of land, INAC must agree in writing to sponsor a Privy Council order to complete the exchange.

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