This handout is intended to provide an overview of the current state analysis for the First Nations National Land Registry Project and reference material to the workshop noted above.

VISION

The vision for the First Nations National Land Registry is to establish a shared, comprehensive, trusted, sustainable, and First Nations governed land registry for lands governed under a Land Code or self-government arrangement.

Shared	Serves all participating First Nations within a single shared registry while respecting the land registration autonomy and individuality of each First Nation
Comprehensive	Encompasses all registered interests and records, inclusive of the corresponding boundary definition
Trusted	Includes authoritative records using a regulatory framework that ensures the timely and accurate registration of instruments related to First Nations Lands
First Nations Governed	Governed, regulated, and operated by a First Nations organization with the participation and guidance of stakeholders
Sustainable	Operations are financially self-sustainable and able to respond to changing needs through improved services, products, and technology

SUMMARY OF GOALS

National Land Registry for First Nations:

1. **Governed by First Nations** for the benefit of First Nations and other users.

2. **Serves all** land code and self-governing First Nations and other users through a shared land registry.

3. **Provides a comprehensive register of interests** in place of a registry of instruments.

4. **Builds trust** in the land register through standards, transparency, and accountability.

5. **Strengthens land administration** of First Nations through improved accessibility to information.

6. **Enhances land registry experience** of First Nations through better services and products.

7. **Streamlines land operations** and registry interactions of First Nations through more effective application or technology.

GOAL 1A – GOVERNED BY FIRST NATIONS

1. **Governed by First Nations** for the benefit of First Nations and other users.

    a) **Run by First Nations**

Current Situation
• **One of many Canada run services:** First Nation Land Registry is one of 20+ services/systems under Indigenous Services Canada. • **Indian Act origins:** FNLRS & SGFNLRS services, system, land register data model are a <u>virtually the same</u> as the ILRS capability designed to fulfill the requirements deriving from the Indian Act.
Goal
Governed, regulated, and operated by a <u>dedicated</u> First Nations member organization for use by First Nations and other users with the participation and guidance of all stakeholders.
Specific Examples
Establishing RegCo: Created for the unique needs of FA First Nations Land Management **Establishing Governance and Regulation**: Inspired by and based on other FN governance structures

GOAL 1B – EMPOWERING FIRST NATIONS

1. **Governed by First Nations** for the benefit of First Nations and other users.

    b) **Empowering First Nations**

Current Situation
• **Challenges faced by First Nations:** A First Nation might not have people solely dedicated to a Land administration role, people change roles every few years, land register transactions may be infrequent. • **Materials for land code and self-government land registry practices not available:** There is no equivalent to Indian Lands Registration Manual (ILRM) for land code and self-government First Nations. There are no materials that explain land register concepts to users, First Nations and the public, e.g., for defining a sub-PIN, why and how it is used.
Goal
Empowering First Nations land authority and land management: by ensuring that First Nations have the knowledge, resources, and Registry services to be successful and effective.
Specific Examples
Defining services that enhance the land registry experience and are value add to FNs Partnering with experienced organizations (LABRC) for services to train and support FNs

GOAL 1C – HIGHLIGHTING FIRST NATION AUTHORITY

1. **Governed by First Nations** for the benefit of First Nations and other users.

    c) **Highlighting First Nation Authority**

Current Situation
First Nation authority is not clearly evident in products: Authority of First Nation Land Code is not clearly evident in information products, e.g., Parcel Abstract Report, Reserve General Abstract Report.   **First Nation Land Code and laws are buried:** Land Codes and laws must be registered against each reserve because there is no 'First Nation' entity to hold these in the land register system database.   **Land Code semantics not apparent:** Distinctions between First Nations as a result of their individual Land Codes is not immediately apparent in the land register.

Goal
Highlighting the authority of First Nations over their land and the Registry: by making the First Nation, their Land Code, and laws prominent within the Register and the services and information products provided.

Specific Examples
- Re-designed information products that clearly identify First Nation: see illustration (next slides).   - Registration at the First Nation level: for Land Code, laws and regulations.   - Use First Nation land terminology where appropriate: e.g., allotment, possession, occupation – as appropriate.

GOAL 2 – SERVES ALL

2. **Serves all** land code and self-governing First Nations and other users through a shared land registry.

    a) **Full spectrum of users served effectively**

Observations
Land Register users are a diverse group: Survey of First Nations revealed that 40% of services provided by Land Offices are for First Nation governments, 35% First Nation members, and 25% for non-members.   **Legal professionals have a significant role:** Survey of First Nations revealed that close to 50% of respondents use third parties in the preparation and/or submission of applications. However, currently no online application services are provided to third parties.

Goal
Boosting individual, government, commercial and end-user confidence in registry and efficiency of interactions: The registry will serve as a trusted registry for all Framework Agreement First Nations for use by governments and commercial entities involved in transactions of interests on First Nations land. To that end the Registry will work to strengthen relations, confidence in engagement with First Nations,

and streamline interactions with the Registry.
Specific Example
Improving registry capabilities such as searching and filing services

GOAL 3A – COMPREHENSIVE REGISTER OF INTERESTS

3. **Provides a comprehensive register of interests** in place of a registry of instruments.

   a) **'State of Interest' Register**

Current Situation
Existing Land Register is deeds register: ILRS/FNLRS/SGFNLRS are a digital journal of registered instruments – a deeds register.   **'State of interests' must be determined manually:** Determining the current state of interests on a parcel is a manual, tedious and error prone activity that requires reviewing the whole report – some of which may be 50 pages or more in length – and deciphering the chain of possession, leasing and lesser interests. Reserve General has similar issue.   **Considerable knowledge required:** to confidently establish 'state of interest' with certainty.   **Accurate determination will only get harder:** As time progresses, the chains of interests will only grow longer and more complicated.
Goal
Providing a 'State of Interest' Register: providing a clear and accurate view of current active interests in land while retaining the complete journal of registrations.
Specific Example
Interests: Allotment, Lease, Sub-Lease, Sub-Sublease, Permit, Right of Way, Easement, Mortgage

GOAL 3B – COMPREHENSIVE REGISTER OF INTERESTS

3. **Provides a comprehensive register of interests** in place of a registry of instruments.

   b) **Comprehensive integrated land status**

Current Situation
Multiple layers of interests (reserve, parcel) may spatially overlap: Instruments registered against the Reserve General may only apply to a portion of the Reserve, and that area may overlap with registered parcels: surface, sub-PIN, easement and sub-surface.   **Fully subdivided parent parcels still active:** Land Register permits surface parcels to remain active with registered instruments even when fully subdivided into active sub-PIN parcels – both of which define non-overlapping space and exclusive use.

Goal
Providing a comprehensive integrated land status: across multiple layers of registered interests – reserves, surface parcels, building units, easements, subsurface – by using boundaries in the parcel map as well as through explicitly tracked relationships between interests.

Specific Examples
Integrated cross-layer view of Interests: active interests affecting parcel aggregated by parcel map overlay of surface parcel, sub-parcel (sub-PIN), reserve, easement and subsurface parcels.
Integrated view of hierarchy of interests across layers: e.g., showing all sub-leases on sub-parcels (sub-PINs / building units) derived from one lease on one surface parcel (building complex).

GOAL 4A – BUILD TRUSTS

4. **Builds trust** in the land register through standards, transparency, and accountability.

   a) **Transparent operations in accordance with regulations**

Current Situation
• **Policies and practices are not published, nor documented:** Undocumented policy and practices are evident and where ambiguous, or open to interpretation by individuals, change over time and vary based on who is contacted. Lack of consistency erodes trust and lack of published policy can be frustrating for anyone seeking answers to questions.
• **Registration Service Response Times:** There are no established and measured service response times for processing applications for registration and customer support.

Goal
Defining policies and operating transparently according to defined regulations: the Registrar will write, publish, and act in accordance with Registry regulations and comprehensive policies.

Specific Example
Establishing tailored standards, best practices and supporting policies

GOAL 4B – BUILD TRUSTS

4. **Builds trust** in the land register through standards, transparency, and accountability.

    b) **Improving trust in the land register data**

Observations
Inaccurate parcel locations: Registration Plans that were not created by survey might not reflect what is on the ground, e.g., where parcel boundaries aren't monumented.   **Cross-instrument associations:** Associations between registered instruments are only sometimes captured through formal links. As a general practice, associations are captured in textual remarks and are susceptible to error as the computer cannot check or enforce these.   **Instruments with textual descriptions:** may be registered on parcels or portions of reserves, but are not verified with respect to "ground truth" and do not have an NRCan PIN.
Goal
Improving trust in the land register data: by improving the Register's data model, by explicitly recording data accuracy and quality indicators; and by working with First Nations to enable them to improve their data to the level they require.
Specific Examples
- Improve data within the register so locations are clear and if there are uncertainties/assumptions, those are easily understood   - Work with First Nations to capture more comprehensive land data

GOAL 5A – STRENGTHENS LAND ADMINISTRATION

5. **Strengthens land administration** of First Nations through improved accessibility to information.

    a) **Broadening spectrum of information accessible concerning <u>registered interests</u>**

Current Situation
No recognition of interests as a separate concept from instruments: Land Register does not explicitly define interests, nor can it be searched based on interests. First Nations cannot define new types of interests in accordance with Land Code and land laws.   **No specific support for Yukon 'lands set aside':** Framework Agreement (c. 4.2) allows 'lands set aside' to be eligible to be managed under Land Code. ILRS tracks these as part of a reserve but in fact they are not legally part of a reserve under the Indian Act.
Goal
- By recognizing interests as a land administration concept and accommodating new types of interests on land.   - By recognizing new categories of registerable land held by First Nations, e.g., Yukon 'lands set aside'.

- By making SGB Canada Land Survey Records for parcels directly accessible within new land registry system.

Specific Examples

- Recognizing interests as a land administration concept
- Recognizing new categories of land
- Improving accessibility

GOAL 5B – STRENGTHENS LAND ADMINISTRATION

5. **Strengthens land administration** of First Nations through improved accessibility to information.

   b) **Broadening spectrum of information accessible concerning land-related records**

Current Situation

- **Minimal integration of land register with other land-related data:** eRIP does not show full extent of SGB parcel-related features and does not integrate with any other sources.
- **First Nations require more information:** Survey revealed that about 1/3 of First Nations land administrators need additional land-related data records integrated with land register data to support land status reporting and other activities.

Goal 5

- **First Nation level:** By recording land-related information and documents applicable to the First Nation as a whole at the level of the First Nation (instead of against each reserve), e.g., Land Code, land laws, land/resource use plans/policies.
- **Land-related records:** By recording additional information and documents related to individual parcels (e.g., survey issues) or possibly land features provided by and significant to a First Nation for the purpose of their land administration, e.g., old village sites.
- **Integration with external sources:** By improving access to external information sources that provide greater context, e.g., excluded lands.

Specific Examples

- First Nation level
- Land-related records level
- Integration level

GOAL 6 – ENHANCES LAND REGISTRY EXPERIENCE

6. **Enhances land registry experience** of First Nations through better services and products.

Enhances Land Registry Experience
Specific Examples: a) **Timely service response** within defined service level targets, e.g., registration, customer support.   b) **Modern, web-based user interface** instead of Citrix access to MS Windows app.   c) **Improved parcel map** providing more comprehensive map data combined with services that integrate seamlessly with land register records and SGB records.   d) **Online submissions by accredited non-First Nation parties** of applications for registration.   e) **Information products targeted to meet customer's needs**, e.g., 'state of interest' product, products combining register data with parcel map view.   f) **A culture of excellence in customer service** providing personal customer support and continually improving services based on customer feedback.

GOAL 7 – STREAMLINES LAND OPERATIONS

7. **Streamlines land operations** and registry interactions of First Nations through more effective application of technology.

Streamlines Land Operations
Specific Examples: a) **Establishing standards and policies** for registration to improve register data quality and integrity.   b) **Establishing a culture of continuous improvement** to propel the business forward, enabling progressively improving services, products, and technology in response to feedback and evolving needs of First Nations and other users.   c) **Providing effective integration solutions** with respect to First Nations systems, Canada Land Survey Records, and ISC systems.   d) **Streamlining internal and external registry-related processes** to minimize effort spent on low-value activities internally (e.g. redaction) and smooth out external processes, e.g., data feed from Surveyor General Branch (SBG) of Natural Resources Canada.