

Overview of First Nation Lands & Interests On-Reserve

TALSAA Informational Workshops
Grey Eagle Resort & Casino, Calgary, AB
March 15-16, 2023

Today's Topics

Overview of Indian Reserves & Jurisdiction

Framework Agreement Land Governance Powers

Land Codes & First Nation Land Laws

Interests on First Nation Lands

Land Registry Systems

Questions & Resources

Overview of Indian Reserves & Jurisdiction

Indian Act

Indigenous Service Canada



Framework Agreement

First Nation Self-Government over Reserve Lands



Comprehensive Self-Government & Modern Treaty Agreements



LAND REGISTRY SYSTEMS



ILRS

Indian Lands Registry System



FNLRS

First Nation Lands Registry System



SGFNLRS

Self-Government First Nation Lands Registry System



LTO

Provincial Land Titles Office

Indian Act Bylaws and Interests

 Indian and Northern Affairs Canada
CERTIFICATE OF POSSESSION
(Section 20 of the *Indian Act*)



Registered

- Certificate of Possession (CP)
- Leases on CP held Lands
- Leases on Community Land
- Permits



Other

- Matrimonial Interests
- Estates



Unregistered Land Uses

- Custom Allotment or Holding
- other unregistered arrangement



Framework Agreement Land Governance Powers



Land codes approved by community members serve as a foundation for lands governance.



First Nations can make decisions regarding land development, conservation, residential and commercial development, and areas protected for traditional purposes.



First Nations can also decide upon land use planning, laws, and lands records systems without oversight or approval of the federal government.



Land codes driven by community members replace the federal Indian Act Land System.

Framework Agreement Land Governance Powers

THE *FRAMEWORK AGREEMENT* IS WORKING

1 IN 3

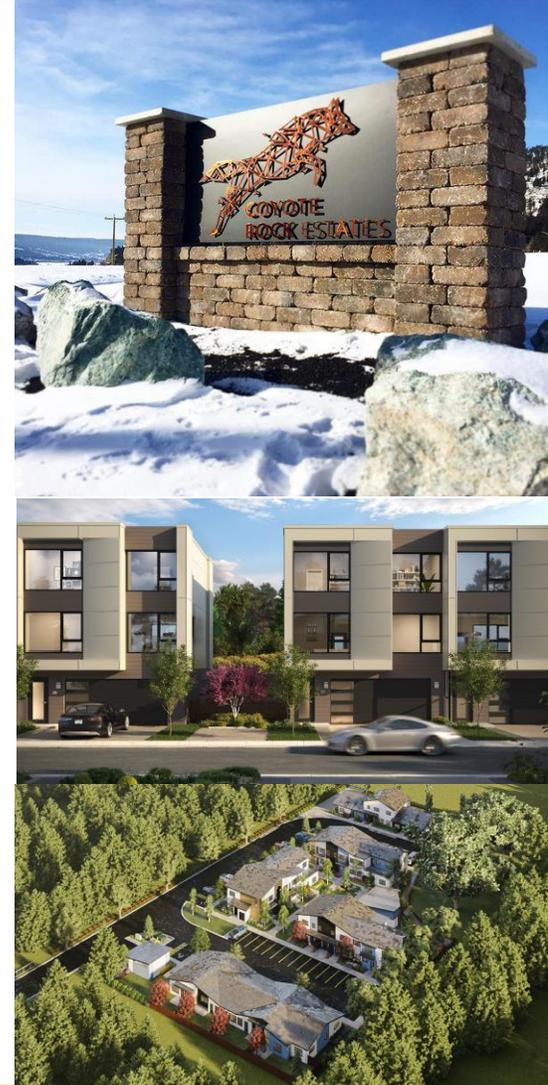
Approximately 1 in 3 First Nations across Canada are either already implementing a land code, developing one or are wanting to get started with the process

> 10,000

- Over 10,000 employment opportunities, on and off reserve
- The unemployment rate, in many signatory communities, has dropped considerably
- Numerous training and apprenticeship opportunities have been created, providing for more skilled workforce

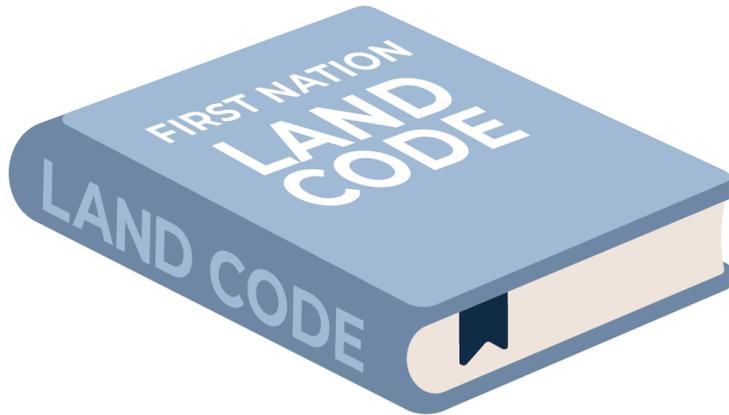
\$1.4 Billion: COST BENEFIT ANALYSIS

- 2016 Partial Benefit-Cost Study done by KPMG
- Using case studies, KPMG sought to quantify the economic role and impact of the Framework Agreement on First Nations with land codes
- Results confirmed the Framework Agreement generates a positive net return to Canada of between \$270 million and \$1.4 billion



Land Codes & First Nation Land Laws

First Nation Land Codes:



- are an important recognition of First Nation self-government
- set a **higher standard for accountability and transparency**
- provide great flexibility for codifying different practices and land tenure
- contribute to **building better governments**

Land Codes



Identify the land subject to the land code



Set out rules and procedures for use and occupancy of First Nation land under CPs, custom allocations, leases & licences



Set out the procedures for transfer of estate interests or land rights



Establish a mechanism for addressing land and interest disputes



Set out rules and procedures for granting, disposing, or expropriating of interests or land rights

Examples of First Nation Land Laws



**Land Use, Zoning,
and Development**



**Allotment,
Interests, & Licences**



**Environmental
Assessment & Protection**



**Natural Resource
Management**



**Trespass,
Enforcement, & Ticketing**



Residential Tenancy



**Business Permitting &
Licencing**



**First Nation
Expropriation**

Third Party Interests and the Framework Agreement



Interests existing at the time the land code comes into force, continue according to terms and conditions.

If an interest has not been granted on designated lands, the First Nation is not restricted by the terms of the designation.



Existing rights of locatees in possession of First Nation land (issued under Indian Act) to transfer, lease and share in natural resource revenues are defined in the land code

New interests, land rights or licences will only be acquired or granted in accordance with the land code.



Interests on First Nation Lands



Types of Interests on First Nation Lands

First Nation

- Community uses, unique interest to a particular First Nation e.g., FN offices, halls, schools, band-owned housing, protected areas, infrastructure, cemetery, FN owned businesses



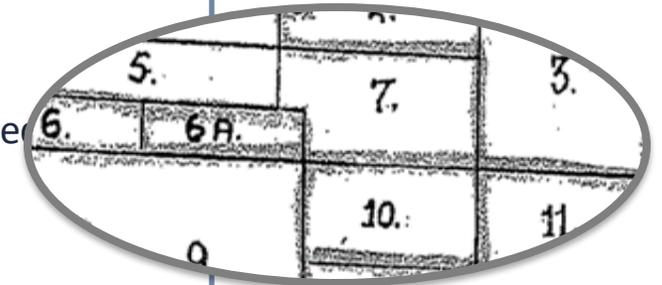
Allocation of Land to Members

- Individual First Nation Member Interests or other form of permanent interest for members, may include creation of additional interests like cottage or residential agreements, or leases etc.
- Could also be commercial leases where a third-party has been granted use by an individual interest holder



Traditional, Custom or Family Holding

- An original allocation or compounded heirs
- The use may have been granted orally in the past and may have only been identified through a rough sketch or old metes or bounds description that may have been incorrect
- longstanding custom allocations issues may need to be resolved



Types of Interests on First Nation Lands (cont.)

Non-Member or third-party

- Lease Agreements for commercial/retail space, offices rented to third party institutions, churches, healing lodges, recreational uses, post offices, etc.



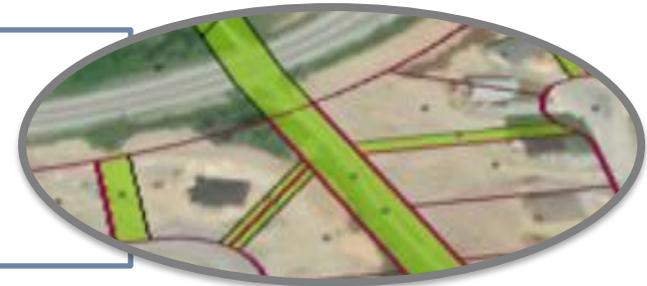
Licence

- Any right of use or occupation of that Land, other than an Interest in the Land
- Granted for natural resources such as timber, sand, gravel etc.



Permit, Easement or Right of Way

- e.g. utilities, roads, access



Registration of Interests on First Nation Lands

Land Development

- Laws, Policies & Procedures
- Development Applications
- Environmental Approvals
- Development Permits & Fees

Land Registry

- Land Code, Laws, Policy & Procedure
- Land Survey and Subdivision
- Land Registry Forms
- Registration Fees

Each First Nation will have their own processes, it is important to contact the appropriate First Nation Land Governance Office

FORM B

Tzeachten First Nation
DEVELOPMENT PERMIT APPLICATION 2019

Is this the first time applying for a Development Permit for this Project?
 Yes No

Tzeachten First Nation
Tzeachten (TZFN) Lands Register
 Form No. TZFN-02-B (Non-Member)
 (FORM AS OF July 1, 2010)

FOR OFFICE USE ONLY:

APPROVED AS TO THE FORM BY THE REGISTRAR OF LANDS PURSUANT TO THE TZEACHTEN FIRST NATION LAND CODE

Signature _____
Date _____

GENERAL INSTRUMENT – PART 1

1. APPLICATION

Date _____ Name of Person Holding Interest to be Registered or Transferred _____

Address _____

Email Address _____

2. PARCEL IDENTIFICATION

PIN _____

Plan No. _____

3. NATURE OF INTEREST

Description (Type of Interest) _____

Person Entitled to Interest _____

4. TERMS

Part 2 of this instrument contains _____



Tseil-Waututh Nation
 Lands Registry
 3178 Alder Court
 North Vancouver, BC V7H 2V6
 Tel: (604) 929-3454

Schedule of Land Administration Fees TWN-06

LAND ADMINISTRATION FEES

In effect as of **April 01, 2020**

Fees are subject to change without notice

Please note we have a **3 business day turnaround (processing) time**. Please make all cheques payable to "Tseil-Waututh Nation".

Item	Fee	GST	Total
Lease	\$285.71	\$14.29	\$300.00
Sublease	\$285.71	\$14.29	\$300.00
Assignment of Lease	\$285.71	\$14.29	\$300.00
Assignment of Sublease	\$285.71	\$14.29	\$300.00
Mortgage	\$285.71	\$14.29	\$300.00
Assignment of Rents	\$285.71	\$14.29	\$300.00
Assignment of Mortgage	\$285.71	\$14.29	\$300.00

Land Registry Systems

Acquiring an Interest in First Nation Land

- In accordance with First Nation's Land Code
- Has proper approvals required under Land Code
- Submitted to the First Nation for registration in the First Nation Land Registry System (FNLRS)

First Nation Land Governance Office

- Contact the First Nation for applicable Laws, Policy and Procedure (Forms, Checklists, Fees, etc.)
- Each First Nation will have their own processes for proposed developments and registration of interests

ILRS-FNLRS-SGFNLRs Public Registries

- maintained by Canada and accessed online
https://services.aadnc-aandc.gc.ca/ILRS_Public/home/home.aspx



ILRS-FNLRS-SGFNLRs Public Site



Government
of Canada

Gouvernement
du Canada

Search Canada.ca



MENU ▾

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Registry:

FNLRS

ILRS

SGFNLRs

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Reports

Report	Description
Band-Reserve	Information on Bands and Reserves.
Parcel Abstract Report	Provides detailed chain of title information pertaining to a specified parcel of land.
Instrument	Detailed information on Instruments.
Reserve General Abstract	List of historical/current Instruments by Reserve.

Search Criteria:

- Identify Registry
ILRS, FNLRS, SGFNLRs
- PIN - Parcel Identification
Number
- Legal Description
- First Nation
- Reserve
- Plan Type
- Plan Number
- Instrument Date

Advanced Search Criteria

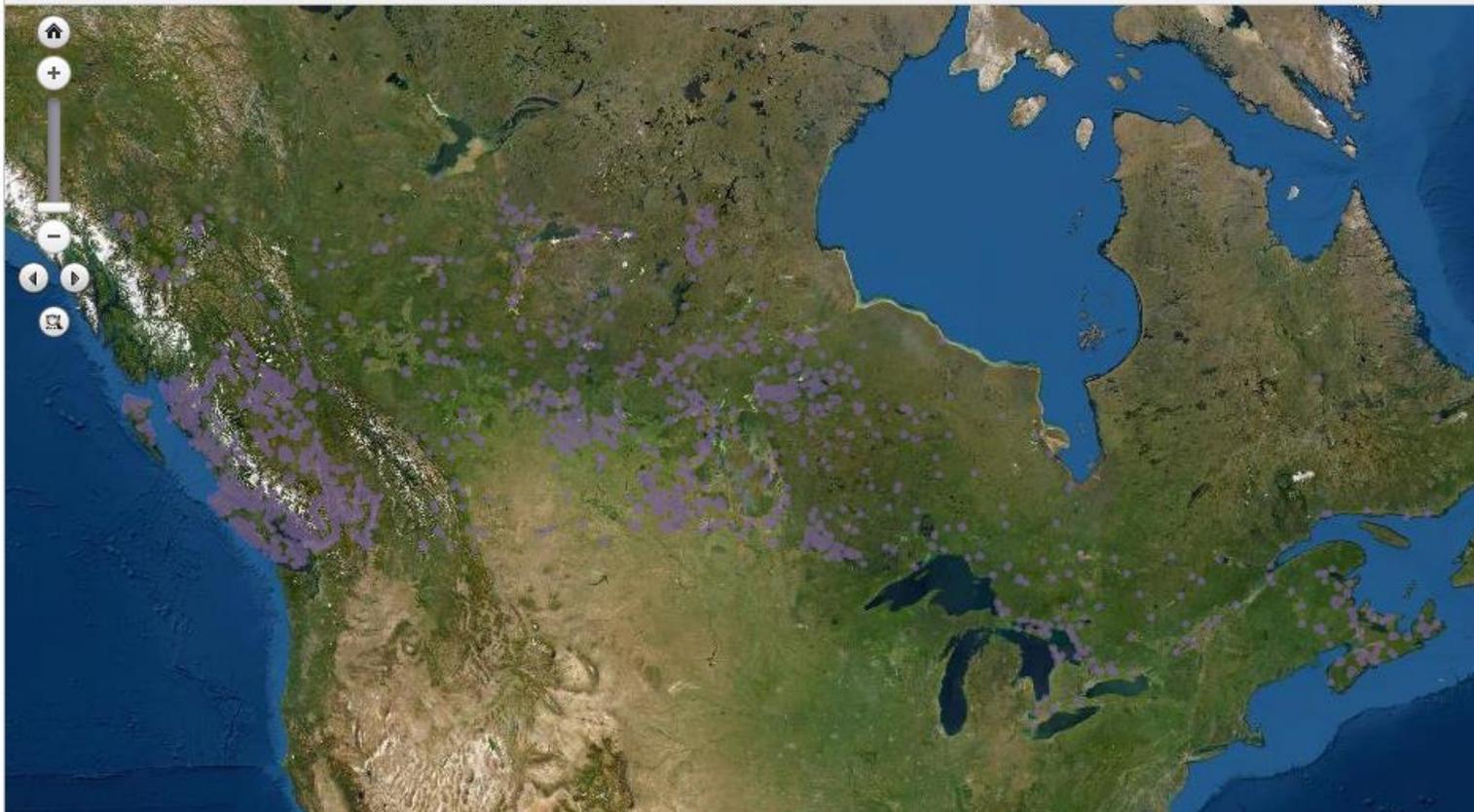
- Grantor / Grantee
- Instrument Type
- Instrument Date
- Parcel Status
- Registration Date

eRIP

Table View Map Electronic Registry Index Plan
Note: This map is a guide only. Administrative decisions should be based on legal documents and official survey plans.

[NRCan Plan Search](#)

Click on a map feature to get summary information.



Legend

- Parcels
- Annotations
- Indian Reserve

Map Tools

- Base Map Gallery
- Manage Layers
- Layers Transparency
- Find
- Information
- Selection
- Print
- Measure
- Email
- Save
- Help



Canada Lands surveys: Tools and data

[Survey Standards](#)

[Survey Plan Search](#)

[Survey Project Search](#)

[Map Browser](#)

[Grid Converter Tool](#)

[Well Offsets Tool](#)

[Cadastral Data](#)

[Getting a Survey Done](#)

Survey Plan Search



Please refer to the [Survey Plan Search user guide](#) (PDF, 1.14MB) for more information on the tool.

See our [placemat](#) to help choose the right tool.

For definition of search attributes, hover your cursor over the word.

Keyword

Plan Number, Title, Description

Plan Number

Search starts after first 2 characters typed.

Related Plan

Search starts after first 2 characters typed.

Survey Plan Search

- Plan Number
- SGB Number
- Surveyor
- Date

Filter search

- Province/Territory
- Survey Plan Type
- Survey Plan Purposes

Tools and Data

- Survey Standards
- Survey Plan Search
- Survey Project Search
- Map Browser
- Grid Converter Tool
- Well Offsets Tool
- Cadastral Data
- Getting a Survey Done

Third Party Professional Services on First Nation Lands

Contacting the First Nation Land Governance Office or accessing the ILRS/FNLRS/SGFNLRS Public Site can be used to research information such as:

Surveys

- Copy of Surveys
- Land Status Report
- Request for Subdivision, Easements, R/W
- Permission to conduct survey

Appraisals

- Market Value
- Land Description
- Acres / Hectares
- Rent reviews
- Mortgaging

Real Estate

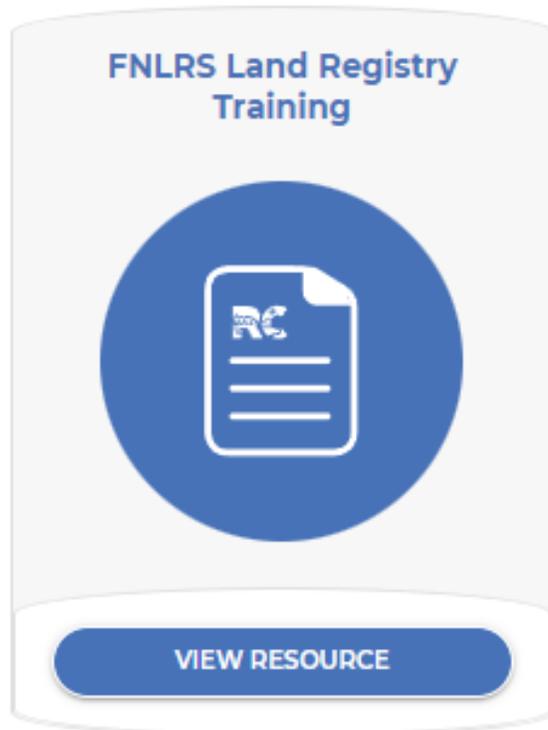
- Location of Lands
- Ownership
- Land Purpose
- Land Value
- Services & Fees
- Property Taxes

Legal

- First Nation Laws
- Registration of Interests
- Matrimonial Real Property
- Wills & Estates

First Nation Land Registry - Direct Community Support (1:1)

T M Training, Mentorship &
P D Professional Development



First Nation Land Registry



- Review of Land Code authorities – granting of interests
- Draft Land Registry Policy & Procedures – review of registration statistics
- Land Registry Forms and Checklists – focused on priority registrations



CITRIX-FNLRS Land Registry
Hands on training

- CITRIX Fundamentals (access, login, FNLRS user guide)
- Set Up User Preferences & Home Page
- Generating Reports, Land & Instrument Searches, Evidence of Title
- Export – electronic lands inventory – active interests and evidence of title
- Review – Initiate application & upload file procedures



FNLRS CITRIX Skills Training - Operational

Apr-
May

**FNLRS
Skills Training**

*Regional
Workshops*

Invitation to attend TMPD Workshop

**FIRST NATION LAND REGISTRY
SKILLS TRAINING**

TRAINING SPACE LIMITED TO 20 PARTICIPANTS
Operational First Nations using CITRIX-FNLRS

**T M
P D** Training, Mentorship &
Professional Development

**First Nation Land Registry
Online Resources**

Land Registry Checklists

Land Registry Forms

VIEW RESOURCE

VIEW RESOURCE

« FN Shared - Template 2021 » Operational > Land Registry

Name

- 2 - Land Registry Forms
- 3 - Land Registry Checklists
- 4 - Land Registry MRP Forms (FHRMIRA) - Mar2019
- 5 - Land Status Reports
- Land Registry Precedents
- Land Registry Training - May 2021
- 1 - FN Land Registry Policy & Procedures - Draft v.1.docx**
- Land Registry - Draft Training Agenda.docx
- SAMPLE - Hierarchy of Interests in FN Lands.docx



CITRIX – ILRS/FNLRS/SGFNLRS

**FIRST NATIONS
LAND MANAGEMENT
RESOURCE CENTRE**

<https://labrc.com/land-governance-tools/resources/>



First Nation National Land Registry (FNNLR)

Mar
30

FNNLR Update

*Virtual
Workshop*



Apr
18

FNNLR Chiefs Meeting

*River Rock
Resort, BC*



Questions & Discussion



Resources Listed In Presentation

- First Nation Profiles Interactive Map
<https://geo.aadnc-aandc.gc.ca/cippn-fnpim/index-eng.html>
- First Nations Gazette: <https://fng.ca/>
- Framework Agreement Signatory First Nations
<https://labrc.com/signatory-first-nations/>
- Land Registry Public Site (ILRS-FNLRS-SGFNLRS)
https://services.aadnc-aandc.gc.ca/ilrs_public/Home/Home.aspx?lang=en
- Electronic Registry Index Plan (eRIP)
<https://geo.aandc-aadnc.gc.ca/erip-prre/index-eng.html>
- Canada Lands Survey System (CLSS)
<https://class.nrcan-rncan.gc.ca/class/plan/search-recherche/>
- LAB-RC www.LABRC.com

THANK YOU

For more information, please contact us!