

LAND GOVERNANCE UNDER THE FRAMEWORK AGREEMENT ON FIRST NATION LAND MANAGEMENT

BC Links to Learning 2023 – Feb 1st & 2nd



FIRST NATIONS
LAND MANAGEMENT
RESOURCE CENTRE

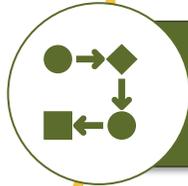




Framework Agreement on First Nation Land Management
– Land Governance overview



Meet the organizations involved



What is Land Code Development Process?



Get more information about Resource Centre training and
how to access support, tools and resources

Mentimeter Survey Instructions

- On your phone or laptop go to www.menti.com
- Enter Code 5132 4412
- Click Submit



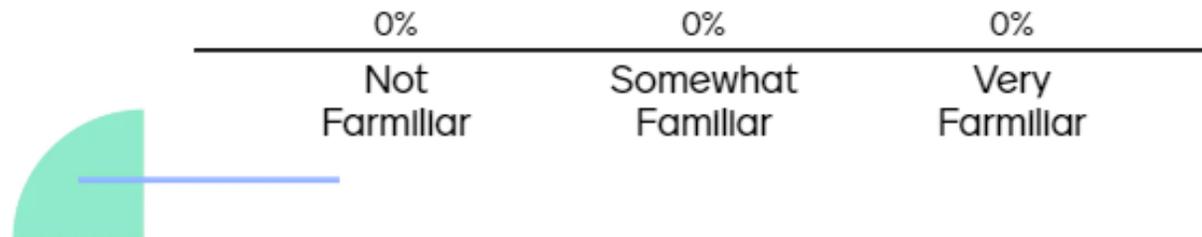
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Mentimeter Survey

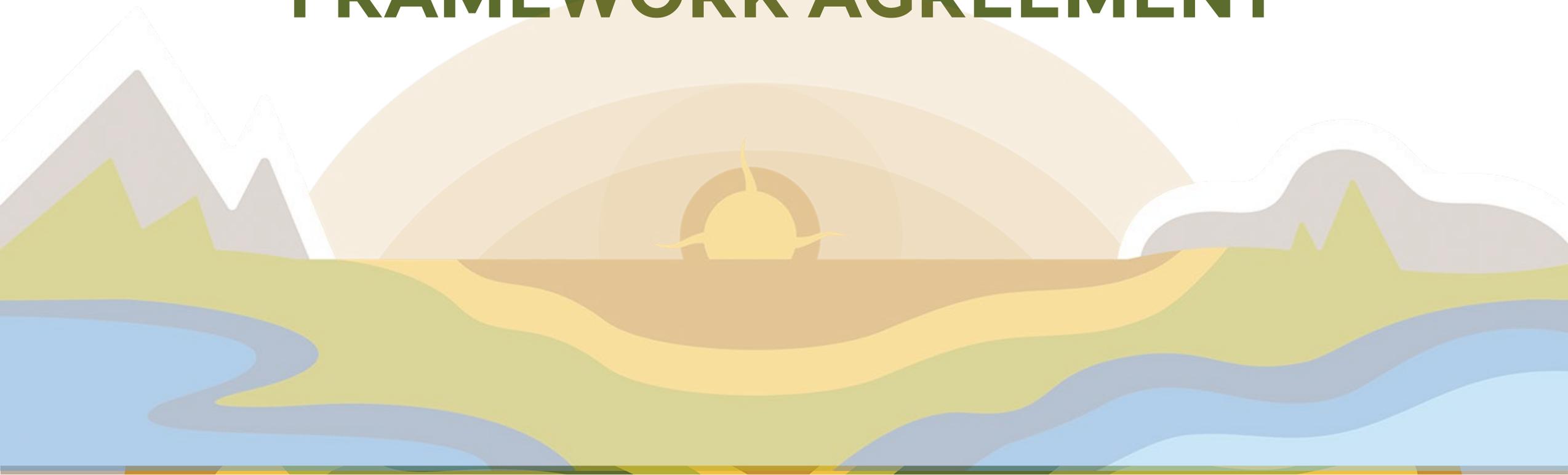
Go to www.menti.com and use the code 5132 4412

How much do you know about the Framework Agreement and Land Code?

Mentimeter



LAND GOVERNANCE UNDER THE FRAMEWORK AGREEMENT





The Framework Agreement...

...is a government-to-government agreement between First Nations and Canada.



...gives First Nations the power to enact land laws, and grant interests and licences on First Nation land.

Framework Agreement on First Nation Land Management



INTERESTED
FIRST NATION

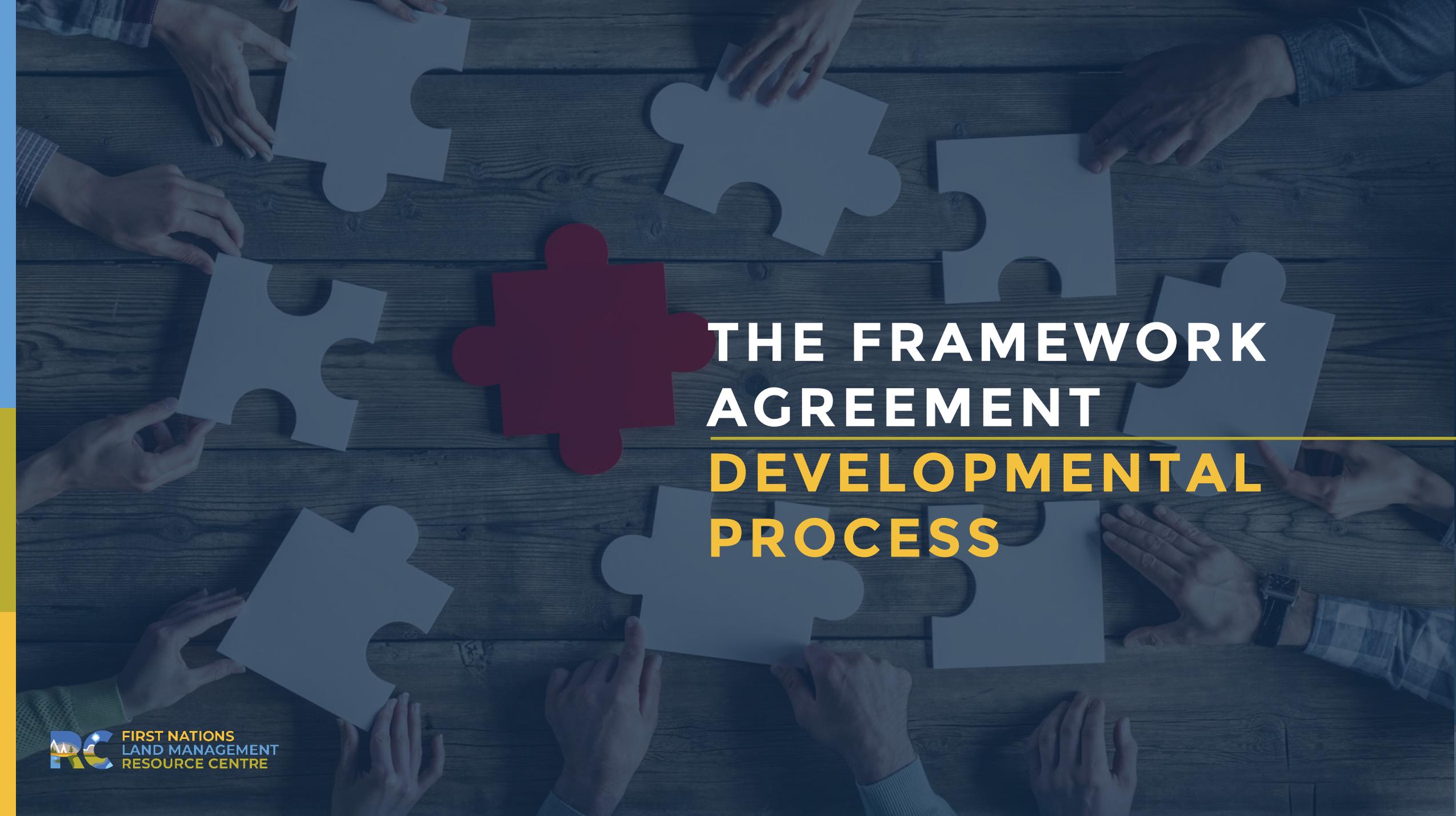
Dismantling of the *Indian Act* by replacing 44 land management related sections

Recognizes the lands related governmental authority of First Nations



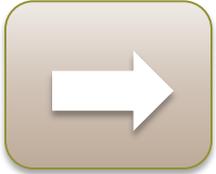
Reserves that become First Nation land continue to be lands reserved for FNs under s.91(24) of the *Constitution Act, 1867*

Re-establish First Nation land governance – Canada no longer has authority to manage or administer First Nation land once a land code comes into effect

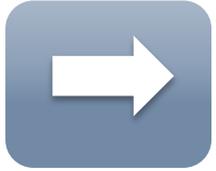


**THE FRAMEWORK
AGREEMENT**
**DEVELOPMENTAL
PROCESS**

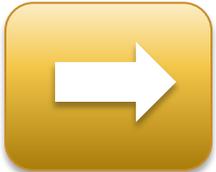
Steps to the begin Developmental Process



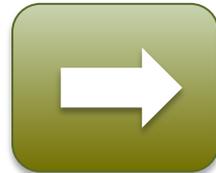
Band Council Resolution confirming interest to be added to *Framework Agreement on First Nation Land Management*



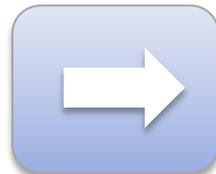
Welcome letter and Framework Agreement on First Nation Land Management adherence sent to First Nation



Framework Agreement on First Nation Land Management adherence signed by Chief and Minister

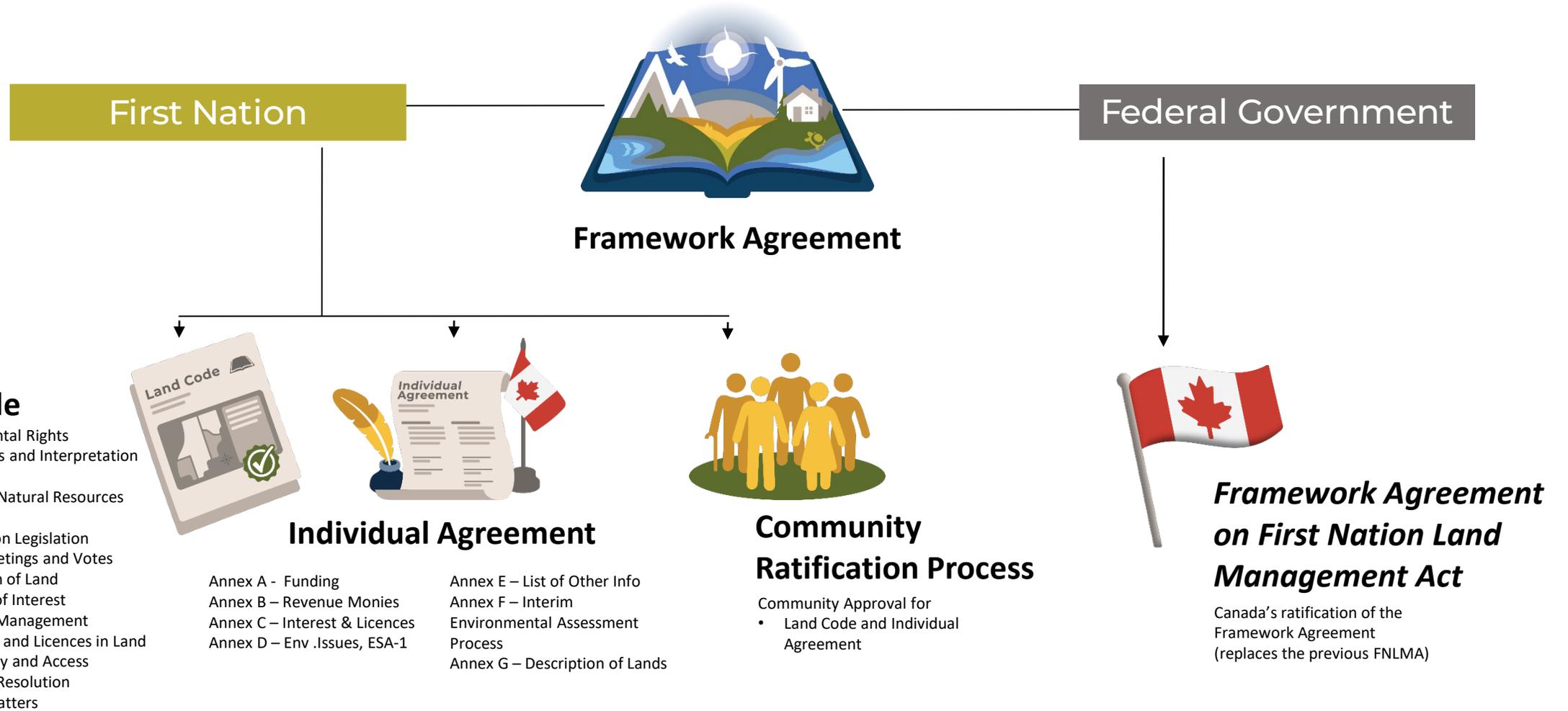


Developmental Phase Funding Agreement signed by the First Nation, Indigenous Services Canada, and Resource Centre



Developmental Process begins

FRAMEWORK AGREEMENT ON FIRST NATION LAND MANAGEMENT



← — — — — — 2 to 3 Year Developmental Process — — — — — →

204 First Nations
have been added
to the Framework
Agreement since
1996

62 First Nations
are actively
developing a
land code

105 First Nations
are currently
implementing a
land code
+ 3 who have gone
onto a self-Governing
Agreement



1/3 of all First
Nations in
Canada are
involved

ROLES IN THE DEVELOPMENTAL PHASE

LANDS ADVISORY BOARD (LAB)

Elected political body comprised of 15 Board Members plus the Chairman.

4 regions in Canada (Fraser Valley, BC, Prairies, East) supporting First Nations in accordance with the *Framework Agreement*.

FIRST NATION LAND MANAGEMENT RESOURCE CENTRE INC. (FNLMRC)

Technical body established by the Lands Advisory Board (LAB), providing support for LAB activities, financial administration, and technical advice.

Also provides support to developmental and operational First Nations in day-to-day operations.

INDEPENDENT VERIFIER

Independent person, recommended by LAB, and jointly appointed by the First Nation and Canada to monitor and confirm that the Community Ratification Process and Land Code are consistent with the *Framework Agreement*.



ROLES IN THE DEVELOPMENTAL PHASE cont...

INDIGENOUS SERVICES CANADA (ISC)

- Works with each First Nation to prepare the Individual Agreement for member approval
- Provides information about interests & licences that have been issued under the *Indian Act*
- Identifies amount of Revenue and Capital Monies for transfer to the FN
- Provides funding for the development and implementation a Land Code

SURVEYOR GENERAL BRANCH (SGB OR NRCAN)

- Conducts historical review from when a First Nation's reserve lands or lands set aside were created until today
- Confirms the exterior boundaries of a First Nation's reserve lands
- Prepares land description reports for inclusion to the Individual Agreement

ISC ENVIRONMENTAL SPECIALISTS

- Supports a First Nation to conduct a Phase I Environmental Site Assessments for their reserve lands for inclusion in the Individual Agreement



Lands And Economic Development: Lands Modernization Unit



Jean MacDonald
Acting Manager



Monte Honeyman
Land Management /
Leasing Officer



Don Gillanders
Land Management /
Leasing Officer



Roman Korec
Special Initiatives Officer



Terry Geddes
Lands Coordinator



Kris Ram
Land Management /
Leasing Officer



Puneet Sandhu
Special Initiatives Officer



Gagan Saini
Special Initiatives Officer



First Nations Land Management Resource Centre



RESOURCE CENTRE SUPPORT TO FIRST NATIONS

Land Code Governance Support



**First Nation
Requests
Support**



**RC Support
Services**



Environment

**Surveys &
Legacy Issues**

Land Registry

**Land Use
Planning**

**Solid Waste
Management**

**Law
Development &
Enforcement**

**LGM &
Knowledge Path
Tools**

**Communication
& Public
Relations**

**GIS & Traditional
Knowledge**

Meet the BC and FV Teams



Patti Wight

Manager, First Nation
Support Services, B.C.



**Jeremy
Bonhomme**

**Land Governance
Advisor**, B.C.



**Jackie
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**Land Governance
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Denise Unger

Manager, First Nation Support
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**Bonnie
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**Heather
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**Shawn
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**Tabitha
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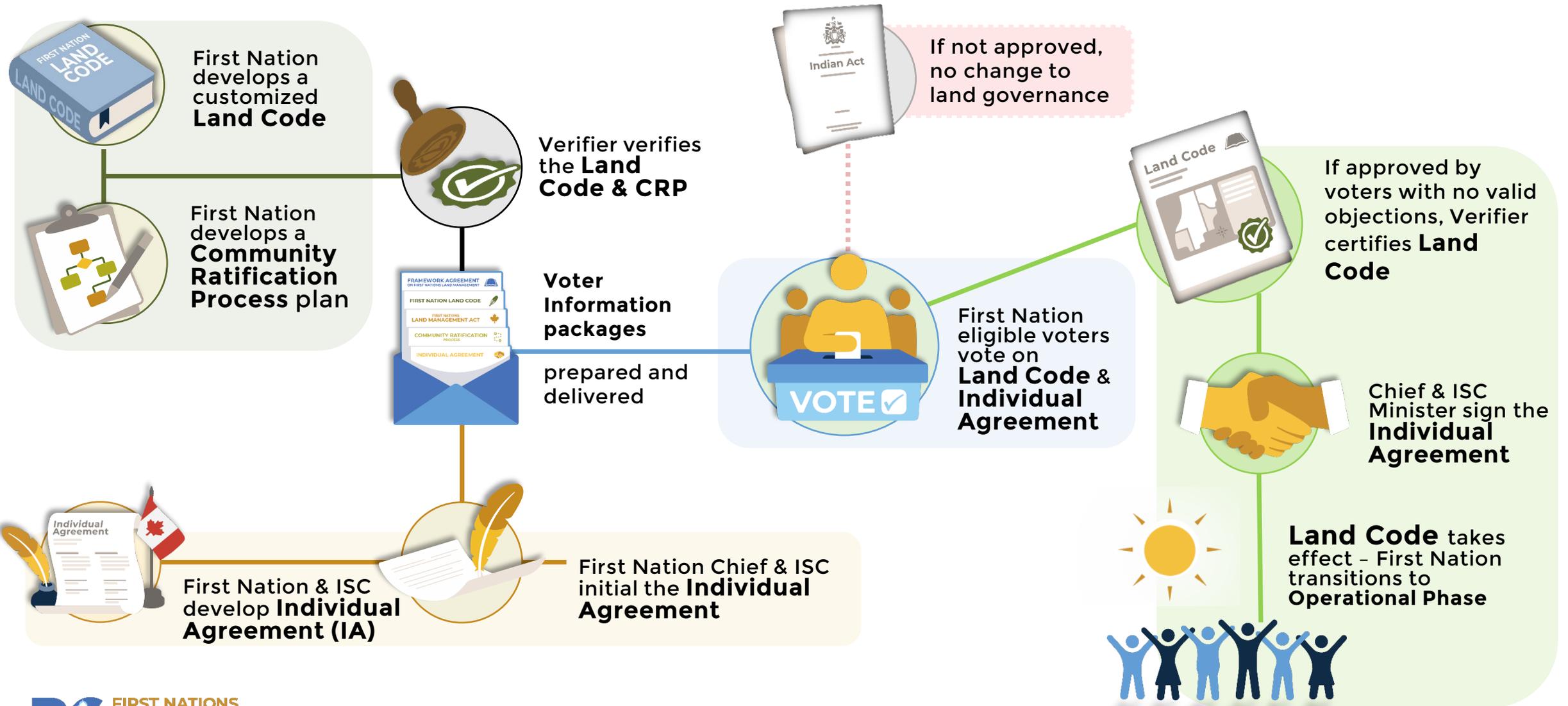
**Brittany
Hall**

**Land Governance
Advisor**, F.V.

LAND CODE DEVELOPMENT

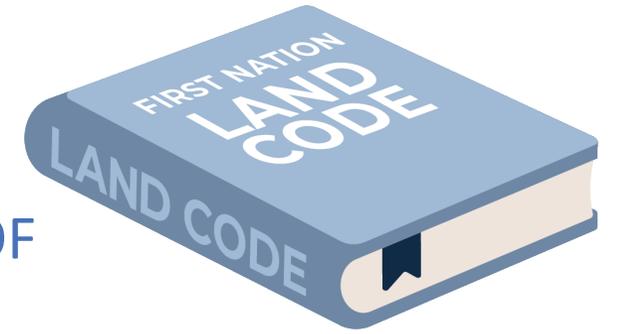


FRAMEWORK AGREEMENT DEVELOPMENTAL PROCESS



LAND CODE

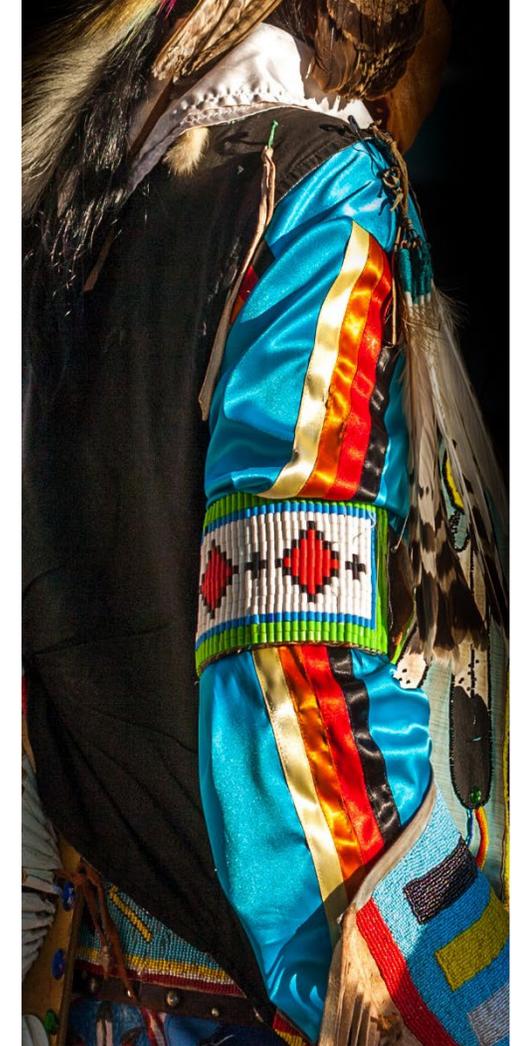
ESTABLISHES A SYSTEM OF GOVERNANCE AND ADMINISTRATION OF LAND MANAGEMENT FOR THE RESERVE LANDS.



- Description of Lands
- Use and occupancy rules and procedures
- Rules and procedures for land revenues
- Requirements for accountability to members
- Law making procedures and publication
- Conflict of interest rules
- Dispute resolution process
- Rules for granting or expropriating interests
- Delegation of Council authority
- Procedures for amendments and land exchanges
- *Could include:*
 - Power of Council to make laws
 - Limitations to rights and interests
 - encumbering, seizing, or executing interest

FIRST NATION LAND CODES

- **Important recognition** of First Nation self-government
- Sets a **higher standard** for accountability and transparency to members
- Replaces **44 sections** of the Indian Act;
- Leads to more **efficient and quicker** decision-making;
- Protects **reserve land base** from diminishing in size; and
- Contributes to **building better governments**.



Developed jointly by a First Nation and Canada and requires member approval by vote.

- The Individual Agreement (IA) has advanced over the last 25+ years of implementation and legal review;
- Specifies the transfer of the administration of land from Canada to a First Nation;
- The individuality of a First Nation is represented in the Annexes of the Individual Agreement;





Annex A – Funding Provided by Canada

- *Operational Funding Formula negotiated between the Lands Advisory Board and Canada*
- *Canada's Operational Funding Contribution*
- *Transitional funding the first 2 Years when Operational under Land Code*

Annex B – Transfer of Moneys

- *Revenue & Capital Monies*

Annex C – List of Interests & Licences

- *Active Instrument Reports identified in the Indian Land Registry System*
- *Reserve General Abstract, Lawful Possessors, leases, permits, easements etc.*

Annex D – Environmental Issues

- *List of Actual or Potential environmental problems*
- *ESA Phase I Report for each Reserve*

Annex E – List of Other Information

- *Materially affects interests & licences (e.g. rent reviews)*

Annex F – Interim Environmental Assessment Process

- *Environmental approval process will be consistent with the federal environmental assessment process until First Nation environmental laws come into force.*

Annex G – Description of Lands

- *Defines Reserve boundaries to be administered under a First Nations Land Code*
- *NRCan (technical expertise, surveys, & Land Description Reports)*

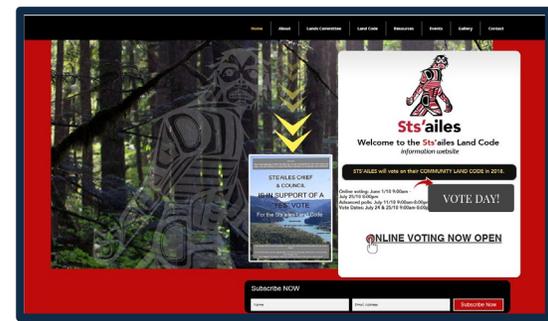
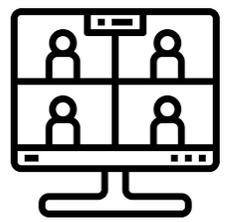


Community Engagement



DEVELOPMENTAL
FIRST NATION

- Meetings
 - Virtual
 - In-Person
 - Elders
 - Family
 - Youth
 - Staff
- Phone calls
- Emails
- Door-to-door
- Social Media
- Newsletter
- Website
- Video



Mentimeter Survey Instructions

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- Click Submit



Please enter the code

Submit

The code is found on the screen in front of you

Mentimeter Survey

Go to www.menti.com and use the code 5132 4412

In the past three years (since January 2020) raise your hand if your community has ___ for Community Engagement:

Slide is not active



0
Held Virtual Sessions

0
Held in-person Sessions

0
Phone a group of members (eg Elders)

0
Went door to door

0
Developed Videos, Podcasts, or Radio Shows

0
Used Facebook, Instagram, Twitter, or Similar

0
Created an App

0
Kept an up-to-date website

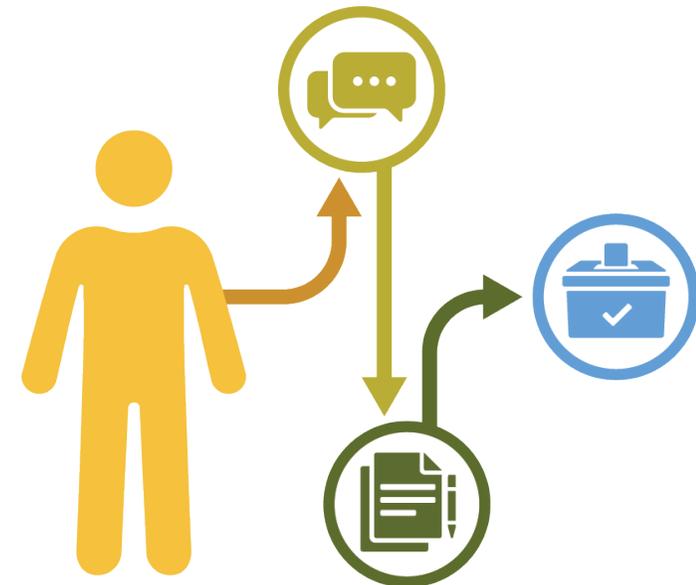
0
Provided a weekly or monthly newsletter

Activate slide

Developed by each First Nation and does not require community approval

Vote happens according to the community ratification process document

First Nation hires the ratification officer



COMMUNITY RATIFICATION PROCESS

PROCESS AND VOTING METHODS

- Every eligible voter 18 yrs + as of last voting day must have the opportunity to freely vote
- Inclusive of on/off reserve voters
- In person polling stations, mail in ballots or electronic voting
- The community decides the voting methods and can also determine thresholds for approval and participation



In Person

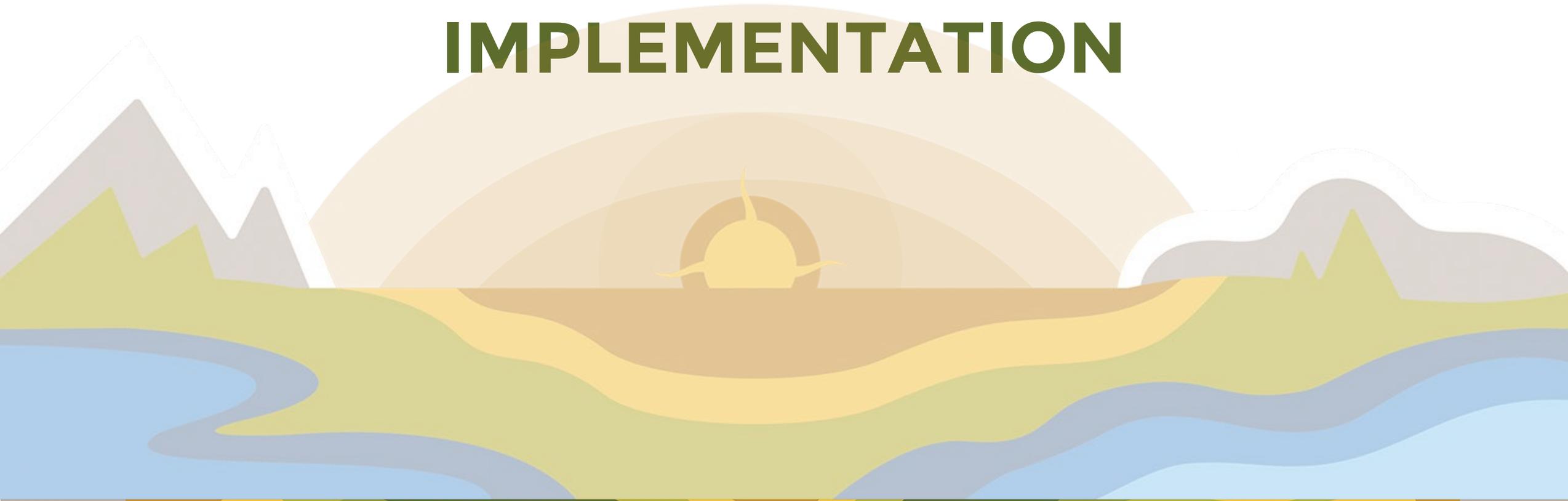


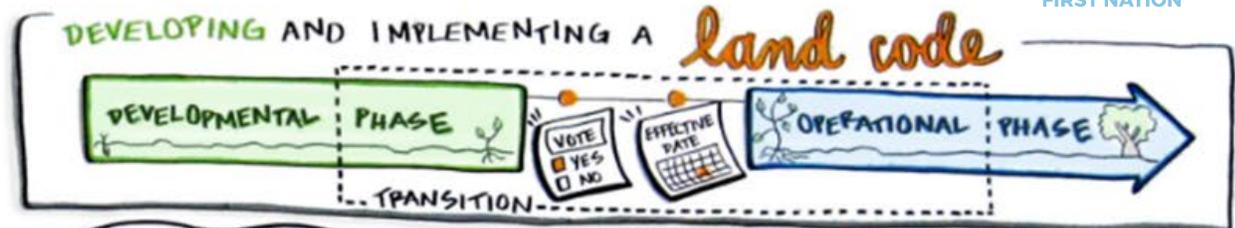
Mail in



Electronic

LAND CODE IMPLEMENTATION







Make First Nation land laws, regulations, and policies under the First Nation land code.

First Nation land laws are akin to federal or provincial acts and have all the same rights and powers.



First Nations can still make by-laws under the Indian Act if they want to.

First Nations can enforce their enacted land laws.

FIRST NATION LAND LAWS



Land Use, Zoning, and Development



Allotments, Interests, and Licenses



Environmental Assessment and Protection



Natural Resource Management



Trespass, Enforcement and Ticketing



Residential Tenancy



Business Permitting and Licencing



First Nation Expropriation

FRAMEWORK AGREEMENT RESOURCES





www.labrc.com



www.landsadvisoryboard.ca



facebook.com/fnlmrc



vimeo.com/labrc

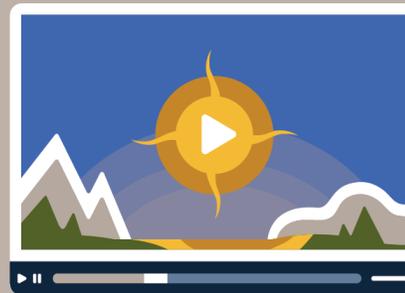


Canada www.sac-isc.gc.ca



Land Decolonized
Podcasts

<https://www.buzzsprout.com/1515202>



Videos



Lands Advisor
Newsletter

CAPACITY BUILDING & LAND GOVERNANCE TOOLS

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

FRAMEWORK AGREEMENT



“Supporting First Nations to exercise their Inherent Right to govern their Lands, Environment and Resources.”



**WORKSHOPS
& WEBINARS**



ONLINE COURSES



**LAND GOVERNANCE
MANUAL**



**KNOWLEDGE
REPOSITORY**



**DIRECT COMMUNITY
SUPPORT**

Current

Past Events

LAB AGM

WORKSHOPS & WEBINARS



Information
& Update



Learning &
Skills



Focus
Groups



Events

LAB AGM

Current

Past Events

January 2023

Tue
31

Jan 31, 2023 - Feb 2, 2023
[BC Links to Learning](#)

January 31 - February 2, 2023 Topic: BC Links to Learning Date: January 31 - February 2, 2023 Location: Vancouver, BC BC Links to Learning is back in person! [...]



February 2023

Thu
9

Feb 9, 2023 @ 10:30 am - 12:00 pm PST
[TMPD WEBINAR – Implications of the new legislation – Framework Agreement on First Nation Land Management Act \(FAFNLMA\)](#)

TMPD VIRTUAL WEBINAR Topic: TMPD WEBINAR - Implications of the new legislation - Framework Agreement on First Nation Land Management Act (FAFNLMA) Date: Feb 9, 2023 Time: 10:30 AM PST [...]



March 2023

Wed
8

Mar 8, 2023 @ 9:00 am - Mar 9, 2023 @ 12:00 pm PST
[WORKSHOP – RC Support Services Workshop Series](#)

TMPD VIRTUAL WORKSHOP Topic: RC Support Services Workshop Series Date: Mar 8-9, 2022 Time: 9:00 AM PST / 12:00 PM EST Length: 3 hours (2 days) Objectives: Objectives will be [...]

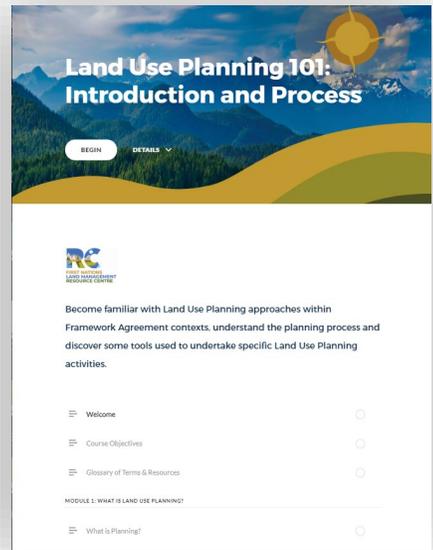


ONLINE COURSES

Training &

- Getting Started >
- Resources & Knowledge Sharing
- Training & Workshops >
- Lands Governance Manual
- Planning
- COVID-19 & Emergency Support

- Knowledge Paths Tool
- Online Courses

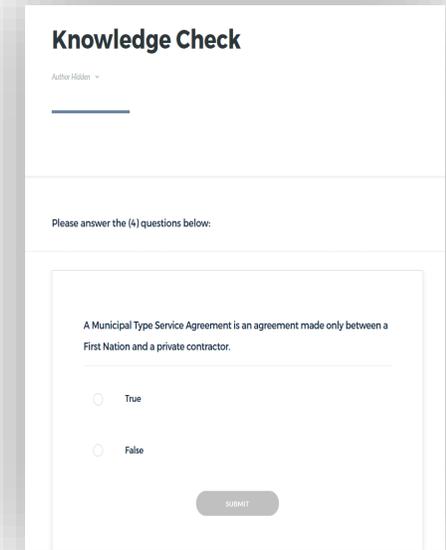


Desktop

Tablet

Smart Phone

Workbook



Practice Your Understanding

True / False

Multiple-Choice

- Getting Started
- Resources & Knowledge Sharing
- Training & Workshops
- Lands Governance Manual**
- Planning
- COVID-19 & Emergency Support

Lands Govern

LAND GOVERNANCE MANUAL

A Guide to Best Practices for Land Governance

A resource tool for Operational First Nations under Framework Agreement on First Nation Land Management

GET STARTED



- Background
- Land Governance Authority
- Operational Start Up
- First Nation Land Registry
- Land Registry Checklists & Procedures
- Individual Land Interests / Allotments
- Traditional Land Holdings
- Lands Inventory & File Management
- Mapping (GIS)
- Land Use Planning
- Website Development
- Land Law, Regulation & Policy
- Surveys & Related Documents
- Natural Resources
- Environment
- Wills & Estates
- Knowledge Sharing

KNOWLEDGE REPOSITORY

Resources & Knowledge

- Getting Started
- Resources & Knowledge Sharing
- Training & Workshops
- Lands Governance Manual
- Planning
- COVID-19 & Emergency Support

Browse Categories

- FRAMEWORK AGREEMENT
- FIRST NATION PROFILE PAGES
- LAND GOVERNANCE AUTHORITY
- LAND LAW DEVELOPMENT
- FIRST NATION LAND REGISTRY
- LAND INTERESTS
- LAND SURVEYS
- LAND USE PLANNING
- MAPS & MAPPING (GIS)
- CULTURAL, HERITAGE & TRADITIONAL USE
- NATURAL RESOURCES
- ENVIRONMENT
- ONLINE COURSES
- LAND GOVERNANCE MANUAL
- VIRTUAL WEBINARS & WORKSHOPS

Order By:

Order:

TMPD WORKSHOP: Impacts of COVID 19 – PART 6



[VIEW RESOURCE](#)

TMPD WORKSHOP: Consultation & Engagement



[VIEW RESOURCE](#)

TMPD WEBINAR: Treaties & FA



[VIEW RESOURCE](#)



Implementation, Education & Capacity Development



Lands Dept Staff



Lands Advisory
Committee



Chief & Council



Membership

KNOWLEDGE PATHS TOOL

Training &

Getting Started 	
Resources & Knowledge Sharing	
Training & Workshops 	Knowledge Paths Tool
Lands Governance Manual	Online Courses
Planning	
COVID-19 & Emergency Support	



First Nations Land Management Resource Centre | Training, Mentorship & Professional Development

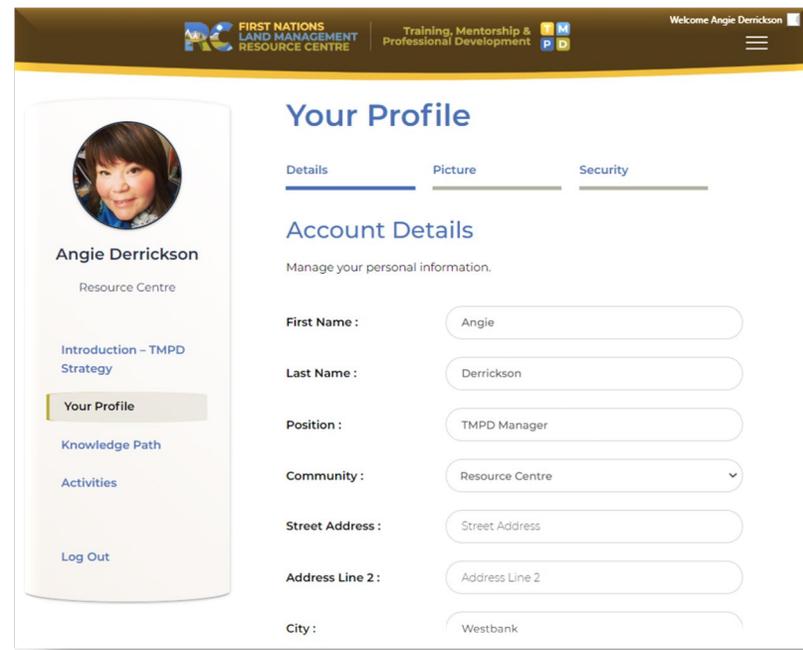
Learner Login

TMPD Knowledge Paths Tool

Username

Password

[LOG IN](#) [Forgot Password?](#) [First time here? Register Now](#)



Welcome Angie Derrickson

Your Profile

Details | Picture | Security

Account Details

Manage your personal information.

First Name :

Last Name :

Position :

Community :

Street Address :

Address Line 2 :

City :

Angie Derrickson
Resource Centre

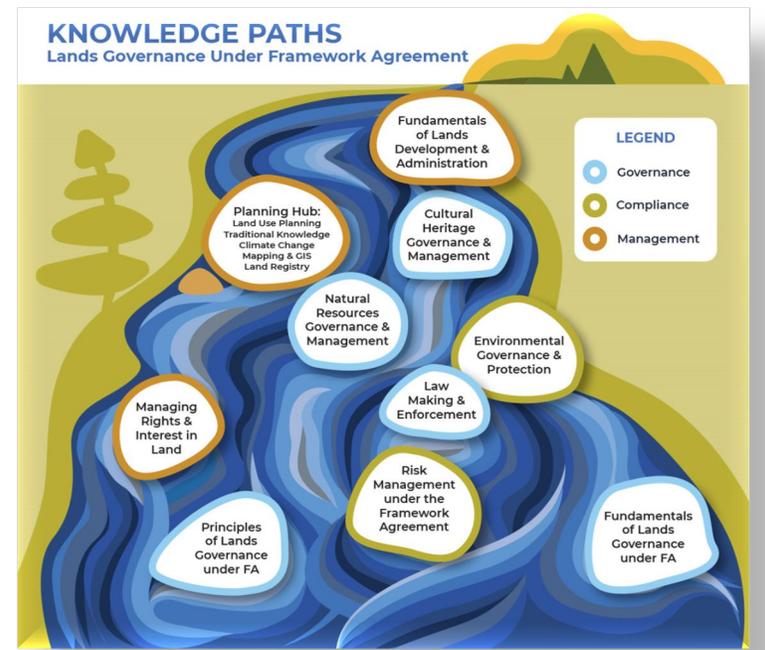
Introduction - TMPD Strategy

Your Profile

Knowledge Path

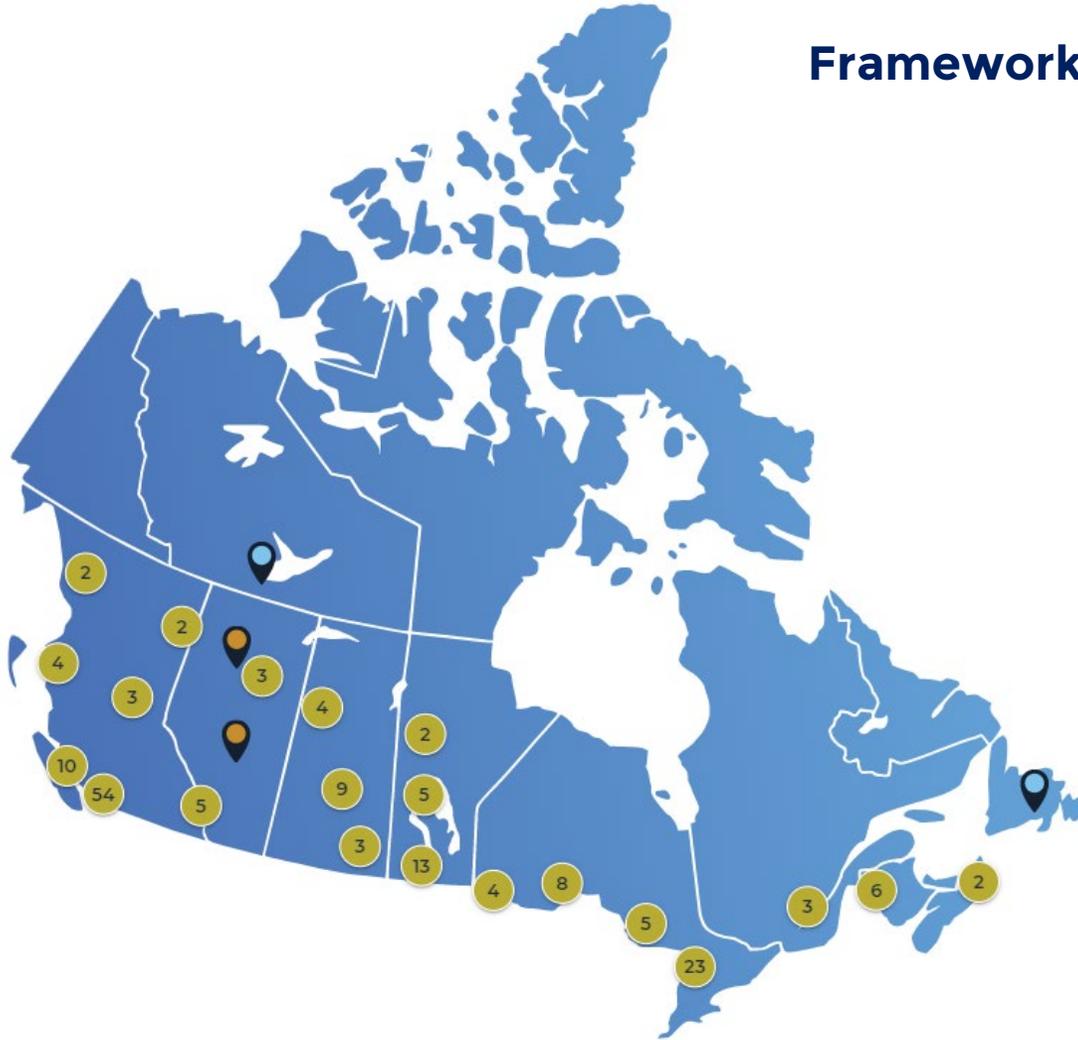
Activities

Log Out





Framework Agreement Signatory First Nations across Canada



As of January, 2023

Total Signatories	204
Operational	102
Developmental - Active	54
Developmental – Inactive	46
Self Governing	3

Contacts

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Questions?



FIRST NATIONS
LAND MANAGEMENT
RESOURCE CENTRE



June 6 - 8, 2023 - Hilton Lac-Leamy , Gatineau-Ottawa, QC

2023 NATIONAL CONFERENCE ON THE ENFORCEMENT OF FIRST NATION LAWS

ADVANCING ENFORCEMENT SOLUTIONS

Registration now open!



www.2023firstnationenforcementconference.com