

ATTACHMENT B – DEFINITIONS

Assembly of First Nations (AFN) - a national advocacy organization representing First Nation citizens in Canada, which includes more than 900,000 people living in 634 First Nation communities and in cities and towns across the country. (afn.ca)

AFOA Canada - a non-profit organization designed to assist aboriginal people better manage and govern their communities and organizations through a focus on enhancing finance and management practices and skills. (afoa.ca)

Access to Information and Privacy (ATIP) - the purpose of the *Access to Information Act* is to extend the present laws of Canada to provide a right of access to information in records under the control of a government institution in accordance with the principles that government information should be available to the public, that necessary exceptions to the right of access should be limited and specific and that decisions on the disclosure of government information should be reviewed independently of government. The purpose of the *Privacy Act* is to extend the present laws of Canada that protect the privacy of individuals with respect to personal information about themselves held by a government institution and that provide individuals with a right of access to that information. (tbs-sct.gc.ca/atip-aiprp/index-eng.asp)

Addition to Reserve (ATR) - an addition to reserve is a parcel of land that is added to the existing land base of a First Nation or is used to create a new reserve. The legal title to the land is set apart for the use and benefit of the First Nation making the application.

Addition to Reserve (ATR) - the adding of a new parcel of land to reserve usually crown land, could also be fee simple or natural accretion, usually for Economic Development, Community Purposes or other.

Allotment - the process by which a member receives lawful possession of reserve land.

Band - a Band, or Indian Band is a governing unit of Indians in Canada instituting by the *Indian Act*, 1876. The Indian Act defines a band as a body of Indians: a) for whose use and benefit in common, lands, the legal title to which is vested by Her Majesty, have been set apart; b) has funds held for it by the Federal Government; c) is declared a band by the Governor-in Council.

Band Council Resolution (BCR) - an administrative tool used by Chief and Council to document formal decisions.

Comprehensive Funding Arrangement (CFA) - an arrangement between parties that sets out the terms and conditions for funding a project, such as a Capital Project for building a band hall between AANDC and a First Nation.

Canada Lands Survey Record (CLSR) - a recording of a legal survey or field notes of Canada Lands that are registered in the Canada Lands Survey Records repository, for example a Section 29 (official) or Section 31 (registration) plan completed under the *Canada Lands Surveys Act*.

Certificate of Occupation (CO) - under Sect. 20(5) of the *Indian Act*, the Minister could issue a CO for a period of 2 years with a potential extension of two years. CO's were commonly issued prior to granting a CP in order for the individual(s) to satisfy certain conditions prior to full allotment.

Certificate of Possession (CP) - the documentary evidence of a First Nation/Band member's lawful possession of a parcel of reserve land.

Custom/Family/Traditional Land Holding - are rights given to specific members to use, occupy and possess specific parcels of land based on generations of historical occupancy of a certain area. These holding are not recognized through the *Indian Act* (but may be under a Land Code).

Deputy Minister (DM) - in Canada, a deputy minister is the senior civil servant in a government department. He or she takes political direction from an elected minister. Responsibility for the department's day-to-day operations, budget and program development lie with the deputy minister.

Easement - is a defined area of private property over which certain legal rights are given to another, usually adjacent, property (commonly for access, utility or encroachment purposes).

Encumbrance - an interest or right in real property, which diminishes the value but does not prevent conveyance.

Environment - means the components of the Earth, and includes:

- a. land, water and air, including all layers of the atmosphere;
- b. all organic and inorganic matter and living organisms; and
- c. the interacting natural systems that include components referred to in paragraphs (a) and (b).

Environmental Assessment (EA) - means an assessment of the environmental effects of a designated project that is conducted in accordance with CEAA 2012.

Environment Impact Assessment (EIA) - is a formal process used to predict the environmental consequences (positive or negative) of a plan, policy, program, or project prior the implementation decision, it proposes measures to adjust impacts to acceptable levels or to investigate new technological solution.

Environmental Management (EM) - is the management of the interaction and impact of human societies on the environment.

Environmental Management Plan (EMP) - is the process of facilitating decision making to carry out development with due consideration given to the natural environmental, social, political, economic and governance factors and provides a holistic frame work to achieve sustainable outcomes.

OR an EMP is an operational manual to manage activities that have the potential to impact the environment and health of people in a specific area.

Environmental Management Systems (EMS) - is a set of processes and practices that enable an organization to reduce its environmental impacts and increase its operating efficiency. (Taken from epa.gov/ems)

Evidence of Title (EOT) - documentary evidence of an interest in lands, for example; a parcel abstract report or a transfer showing possession or an interest in a particular lot.

Environment Site Assessment (ESA) - is a report prepared that identifies potential or existing environmental contamination liabilities.

Framework Agreement (FA) - a government-to-government agreement signed in 1996. Gives First Nations the option of withdrawing their lands from the Indian Act in order to exercise control over their lands and resources.

First Nation Land Management Act (FNLMA) - the federal law that ratifies and brings into effect the Framework Agreement on First Nations Land Management.

First Nation Land Register System (FNLRS) - is a Lands Registry System/Database of instruments registered in the Indian Lands Registry relating to Reserve Lands under the First Nation Land Management Act. It allows all users to perform inquiries and generate reports on data in the system (i.e. ownership, leases, permits and other interests may apply to a parcel of land).

Headquarters (HQ) - commonly refers to AANDC Headquarters located in Gatineau Quebec.

Indian Act (IA) - legislation enacted by the Federal Government the current act was in place since 1951, which governs "Indians" in the area of membership, lands, estates and governance.

Individual Agreement (IA) - is the negotiated agreement between Canada and the First Nation that lays out the transfer of land management from Canada to the First Nation; it includes the interim Environmental Assessment process; the revenue and funding and the reserve lands transferred.

Individual Land Holding (ILH) - rights given to specific members of a First Nation to use, occupy and possess specific parcels of land.

Indian Land Registry System (ILRS) - a Lands Registry System/Database of instruments registered in the Indian Lands Registry relating to Reserve Lands under the Indian Act. It allows all users to perform inquiries and generate reports on data in the system (i.e. ownership, leases, permits and other interests may apply to a parcel of land).

Indian Reserve (IR) - specified by the *Indian Act*, an Indian Reserve is a "tract of land, the legal title to which is vested in Her Majesty; that has been set apart by Her Majesty for the use and benefit of a band."

Joint Tenant (JT) – a form of land of holding; where there is right of survivorship between two or more individual.

Lands Advisory Board (LAB) - the political body with the mandate to implement the Framework Agreement and provides political support to both Operational and Developmental First Nations.

Lands Advisory Board Resource Centre (LABRC) – the technical services and support available to First Nations signatories and Operational First Nations that have ratified their Land Code vote and are functioning under a community land code and also to the Developmental First Nations who are in the process of developing their Land Code and preparing to conduct their community ratification vote.

Land - is everything within your boundaries both above and below and it may or may not have buildings or improvements on it.

“Broadly, any ground, soil, or earth. More specifically, real estate or real property, including this of a permanent nature found on earth or affixed to it such as houses and buildings; mines and minerals.” (Source Canadian Law Dictionary 3rd Edition)

Lands Advisory Committee (LAC) - as set out in the First Nation Land Code can include:

- a) advise Council and the Land Manager of the First Nation Land administration system;
- b) advise Council and First Nation staff on matters respecting First Nation Lands;
- c) recommend to Council Laws, Council Resolutions, policies and procedures respecting First Nation Lands (as set out in the First Nation Land Code);
- d) hold Meetings of Members and other meetings to discuss issues relating to First Nation Lands and make recommendations to Council on the resolution of such issues;
- e) assist in the exchange of information between Members and Council regarding First Nation Land matters;
- f) oversee other consultations under the First Nation Land Code; and

g) perform such other duties and functions as Council may direct.

Lease - Legal Definition: an agreement whereby one party, the Landlord, relinquishes his right to immediate possession of property while retaining ultimate legal ownership (title). A conveyance of which a person having an estate in real or personal property transfers a portion of his interest therein to another, usually in consideration for a certain periodical rent or other recompense, and it imports that exclusive possession is given to the premises conveyed.

For our simplicity,

Lease means a legal contract that allows someone to use the land exclusively;

For a specific period to time; a specific rent; grants an interest in the land and usually for a longer period of time; can be assigned to another person or company and cannot be cancelled at will.

Locatee - refers to the individual who holds the Certificate of Possession.

Legal Survey Division (LSD) - the section of Natural Resources Canada that deals with legal surveys of Canada Lands.

No Evidence of Title Issued (NETI) - a situation where a Band/First Nation member has lawful possession of reserve lands pursuant to the *Indian Act* but evidence of title was not issued. The locatee, when abstracted as having title does have lawful possession of the subject property, it was simply that the transaction granting possession was administratively deficient or the locatee receiving the interest was deceased or immediately transferring their right of possession onto another Band member, and therefore a Certificate of Possession was not issued.

Parcel Abstract Report - report from FNLRS that identifies the chain of title for a specific parcel of land.

Parcel - an area of reserve land regardless of dimension.

Parcel Identification Number (PIN) - a unique nine digit number generated by the ILRS for a parcel of reserve land based on the legal land description.

Permit - A permit/license is very similar to a lease, except it is for non- exclusive use and there can be more than one permit on a piece of property; grants a personal right; usually for shorter term; cannot be cancelled at will.

Proponent - A person who puts forward a proposition for a proposal.

Regional Director General (RDG) - most senior official appointed by AANDC for each Province and Territory.

Right-of-Way (ROW, R/W) - is similar to an easement, it is a legal agreement where the legal rights over a property are given to a governmental or quasi-governmental body (First Nation Band). The rights to pass over another's property. Non-possessing interest, whereby one person (owner) grants the right to use their property.

Registered Survey of British Columbia (RSBC) - survey plan for BC

Registration Survey (RS) - a graphical description of the boundaries of land prepared from information which can include existing legal land descriptions, field notes of survey, controlled aerial photographs or imagery, maps and information found in land transaction documents. It represents pictorially the legal boundaries and dimensions of a surveyed parcel of land, and identifies the type and location of monuments or survey posts set in the ground to define the boundaries of the parcel.

Tenants in Common - a form of land holding where two or more persons, land can be willed or passed on to beneficiaries, default holding if not stated otherwise.