

Land Governance & Work Planning

Presented to

BC Links to Learning

December 2-4, 2024



Training, Mentorship & Professional Development



OVERVIEW

- Intro and Overview
- The Framework Agreement
- Land Code Authorities
- Setting Strategic-based Priorities and Creating Workplans
- Panelist: Peter Andrew, Lands Manager - Shxw'ōwhámél First Nation
- Questions and Discussion

The Framework Agreement and Land Code



History of the Framework Agreement

WHAT IS THE FRAMEWORK AGREEMENT?

A historic, government-to-government agreement developed and advocated for by First Nations leaders to opt out of the 44 lands-related sections of the *Indian Act* and to recognize First Nations' inherent right to govern their reserve lands.



WHEN WAS IT SIGNED?

February 12, 1996 between the original 13 First Nations and Canada's Minister of Indian Affairs and Northern Development.

PURPOSE OF THE FRAMEWORK AGREEMENT

To enable First Nations to resume and exercise governance over their reserve lands, natural resources and environment for the use and benefit of their members without Government interference by replacing the land provisions of the *Indian Act* with First Nation-made laws.

ORIGINAL SIGNATORIES TO THE FRAMEWORK AGREEMENT

ONTARIO

Chippewas of Georgina Island
Chippewas of Rama
Mississaugas of Scugog
Nipissing

MANITOBA

Opaskwayak Cree

SASKATCHEWAN

Cowessess
Muskoday

ALBERTA

Siksika

BRITISH COLUMBIA

Lheidli T'enneh
Musqueam
N'Quatqua
Squamish
Westbank



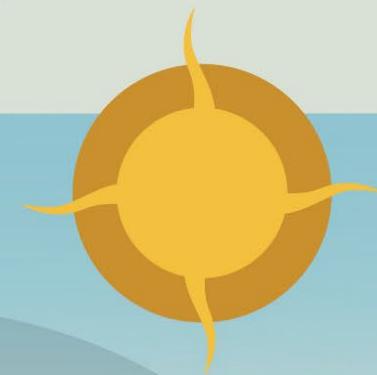
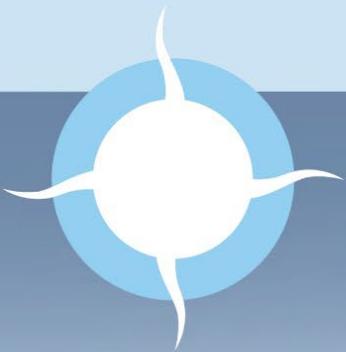
FRAMEWORK AGREEMENT ON FIRST NATION LAND MANAGEMENT (FA) PROCESS

RATIFICATION PHASE

OPERATIONAL PHASE

Seeking Community Approval

Implementing Land Code & Exercising Governance Over Lands, Environment & Resources



FN consults with community to develop & complete a Community Ratification Process document

Community reviews the Individual Agreement

FN locates eligible voters

FN meets with Independent Verifier and/or Ratification Officer to review voting procedures, set a schedule & agree on how to conduct communication during polls

FN mails out pre-vote procedures



FN holds ratification vote on the FA, to approve the Land Code & Individual Agreement (with support from RC)



YES VOTE

Independent Verifier and/or Ratification Officer complete post-vote procedures

NO VOTE

FN assesses resources & feasibility for a subsequent vote



FN notifies LAB/RC when ready for subsequent vote

Appeal Successful

Appeal process to challenge conduct of the vote

Appeal Unsuccessful



FN & ISC sign Individual Agreement

FN asserts Land Governance Authority & land code comes into force

ISC HQ provides operational funding & revenue monies & migrates data from ILRS to FNLRS

FN publishes notice announcing the certification of the land code & effective date

FN & HQ advise third parties of successful ratification vote



Developmental Phase

Entry Phase

ACRONYMS

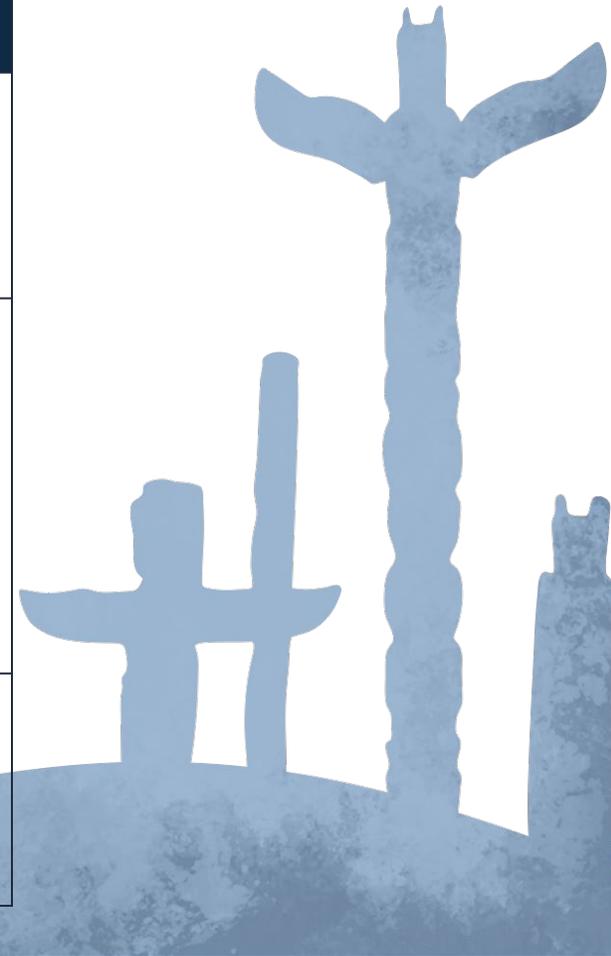
● FA - Framework Agreement
● FN - First Nation

● FNLRS - First Nation Land Registry System
● ILRS - Indian Land Registry System

● ISC HQ - Indigenous Services Canada Headquarters (Ottawa)
● LAB/RC - Lands Advisory Board & First Nations Land Management Resource Centre

Land Code Authorities

Land Code	Authority
PART 1 PRELIMINARY MATTERS	The authority of the First Nation to govern its Land and resources flows from the Creator to the people of the First Nation, and from the people to Council according to the culture, traditions, customs and laws of the First Nation.
PART 2 FIRST NATION LEGISLATION	Council may, in accordance with this <i>Land Code</i> , make Land laws respecting: <ul style="list-style-type: none">• the development, conservation, protection, management, use and possession of Name First Nation Land;• Interests and Licences in relation to Name First Nation Land; and• any matter necessary or ancillary to the making of Land laws in relation to the Name First Nation Land.
PART 3 LAND ADMINISTRATION	Council may delegate administrative authority to staff to carry out functions necessary for day-to-day administrative operations of land, environment , and natural resources.



LAW-MAKING POWERS

- Make First Nation land laws, regulations, and policies under the First Nation's land code.
- First Nations can still make bylaws under the Indian Act, if they want to.
- First Nation land laws are not the same as ordinary municipal or Indian Act bylaws, which are delegated authority.
- First Nations can enforce their enacted land laws.
- Power to make environmental laws.



First Nation Land Laws



Land Use, Zoning, and Development



Trespass, Enforcement and Ticketing



Allotments, and Interests and Licences



Residential Tenancy



Environmental Assessment and Protection



Business Permitting, and Licencing



Natural Resource Management



**First Nation Expropriation
(for community wide purposes only)**

Land Governance

Advise on
Land and
Land Laws

Advise on
fees, rents,
royalties

Lands
Meetings and
Votes

Annual
Workplan and
Budget

Annual
Reports

Assisting the
Lands
Committee

Record and
Data Keeping

Forms and
Procedures

The Framework Agreement and Land Code Implementation

Driven by First Nations to re-assume
land governance through the
development and approval of their
own land codes.

Establishing a Lands Advisory Committee

CURRENT REQUIREMENTS

- Land Code
- Existing Committee Policy
- Committee Selection Process

FIRST STEPS

- Review Terms of Reference
- Review Land Code and Existing Policies
- Discuss Priorities
- Community Engagement

TERMS OF REFERENCE

- Committee composition
- Relationship and Process with Members, Council, and Staff
- Roles and Responsibilities



Lands Committee Roles and Responsibilities

- The Land Code outlines the roles and responsibilities for the committee
- Assist with the development of the Land Administration System through policies, procedures, budgets and workplans
- Advise Council and staff on matters respecting the Land
- Recommend to Council Laws, policies, procedures, and education opportunities
- Hold community engagement and special member meetings
- Liaise between the members and Lands Office or members and Council



Setting Priorities and Creating a Workplan



Setting Priorities

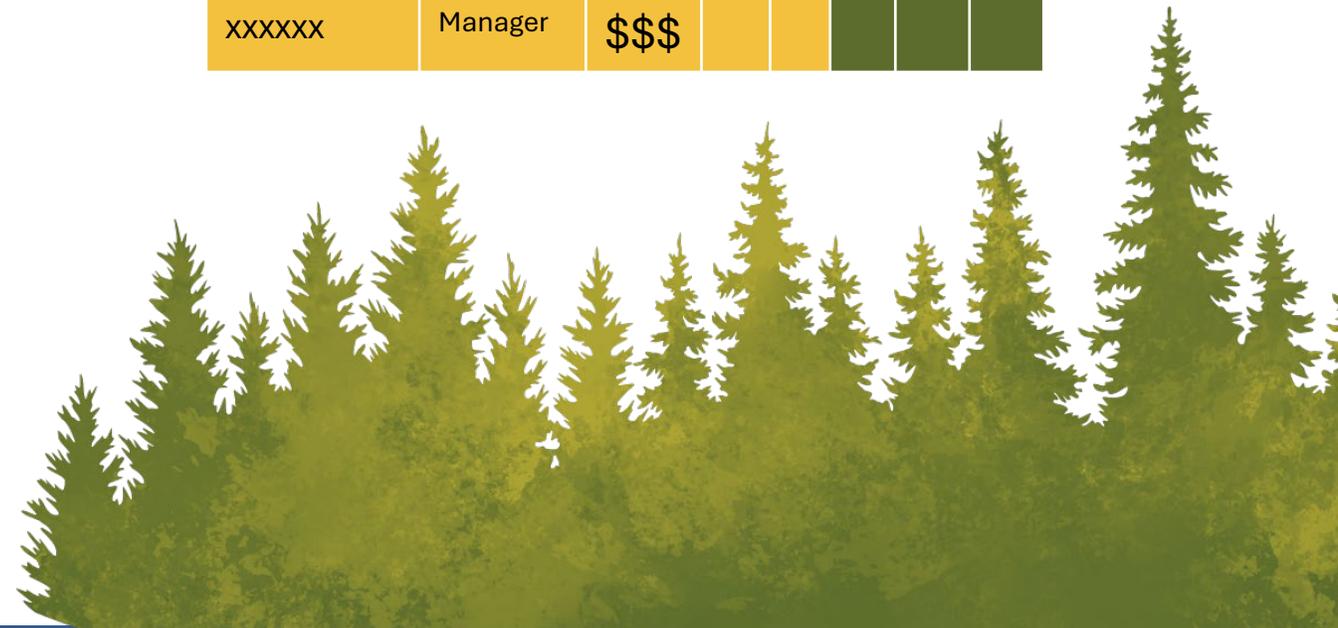
Considerations

- Create a Vision, a Mission, Goals, and Objectives
- Gather Information from LAC, Members, and Council
- What is the most important lands issue in the community?
- Conduct a SWOT (strengths, weaknesses, opportunities, threats) or SCOT (strengths, challenges, opportunities, threats) analysis
- Assess current challenges and issues
- Short term and emergencies vs longer term issues

Developing a Workplan

- First add priorities
- Consider grants and funding
- Who is involved in each project
- Consider ongoing work – who will administer and educate or enforce
- Re-assess as needed

Project	Lead	\$	Monthly Timeline			
XX XXX	Manager	\$				
xxxxxX	Lands Manager	\$\$				
Xxxxxxx	Lands Assistant	\$				
xxxxxx	Manager	\$\$\$				



Resources and Tools



Resource Centre Support to First Nations



**First Nation
Requests
Support**



**RC Support
Services**



Land Code Governance Support

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



Patti Wight

Manager, First Nation Support Services, B.C.



Jackie Brown

Land Governance Advisor, B.C.



Heather McIntyre

Land Governance Advisor, B.C.

BC and FV Support Teams



Denise Unger

Manager, First Nation Support Services, Fraser Valley (F.V.)



Jasmine Pouce Coupe

Land Governance Advisor, B.C.



Erica Louie

Land Governance Advisor, B.C.



Shawn Speirs

Land Governance Advisor, B.C.



Tabitha Donkers

Land Governance Advisor, F.V.



Sally Hope

Land Governance Advisor, F.V.

RC NETWORKING

Wednesday
December
4th

15 Minute
Sessions

1-on-1
Opportunity

10:45am
until
12 pm



Resource Centre Networking Session

- Land Use Planning
- Environment
- Individual Training Plans
- Land Code Governance Advisor (FV or BC)
- Enforcement & Dispute Resolution
- Mapping & GIS
- FNLGR



An illustration on the left side of the slide depicts a landscape. In the background, there are blue mountains. In the middle ground, two golden wind turbines stand on a green hillside. In the foreground, a golden moose is shown on a yellowish-green field. The overall style is flat and graphic.

Thank You

Questions?



Training, Mentorship &
Professional Development

