

# LAND GOVERNANCE UNDER THE FRAMEWORK AGREEMENT ON FIRST NATION LAND MANAGEMENT

Presented to

**BC Links to Learning**

December 2-4, 2024



Training, Mentorship &  
Professional Development



# Topics for Discussion

- Framework Agreement on First Nation Land Management – Land Governance Overview
- Community Perspectives – Jacquie Raphael, Lands Manager, Lytton First Nation
- Meet the Organizations Involved
- Questions and Answers

# Framework Agreement on First Nation Land Management

- 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
- Expanding First Nations' control over land governance



1996



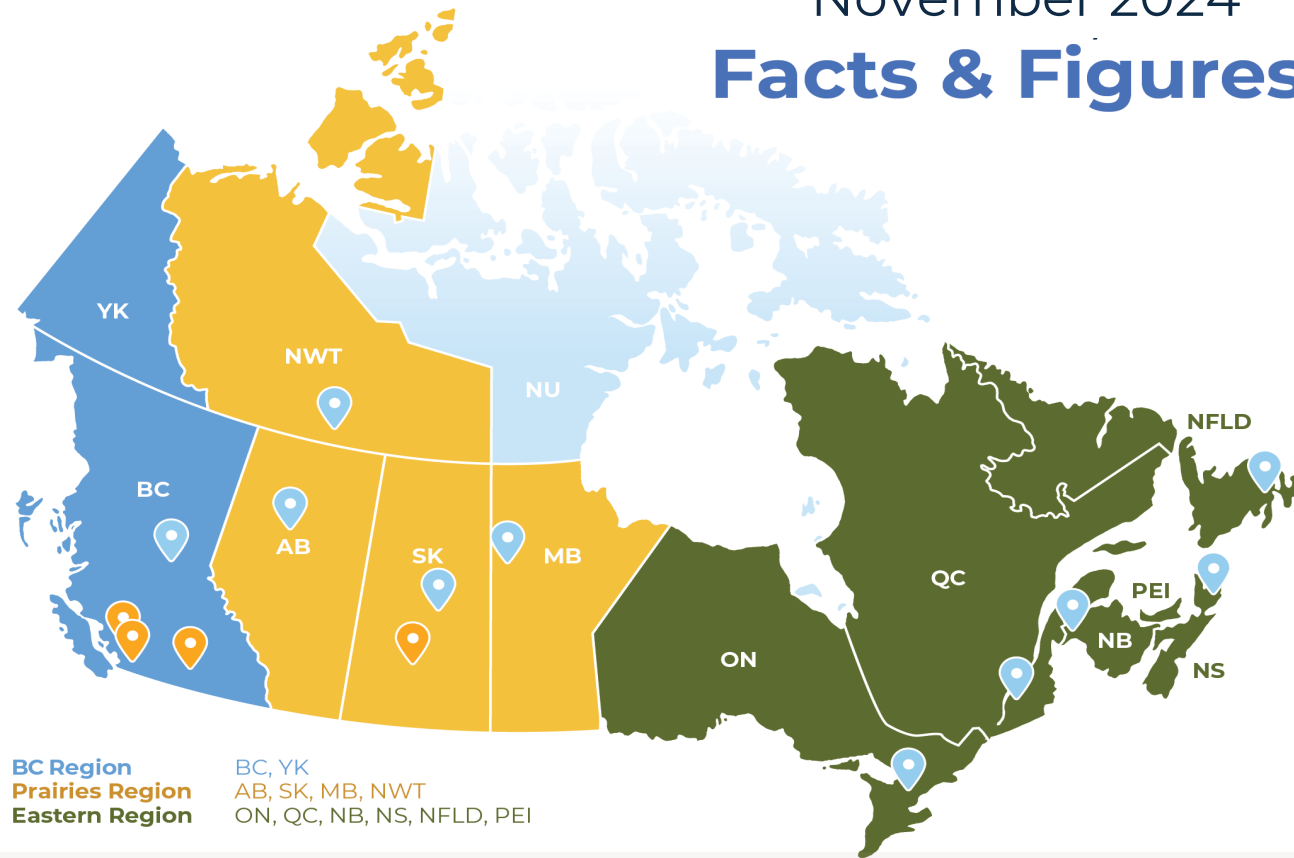
Replaces 44 land management-related sections of the Indian Act

2023



Restores First Nation land governance.  
Canada no longer has the power to manage or administer First Nations lands.

# November 2024 Facts & Figures



**122**

**Operational First Nations**

have established land codes through the *Framework Agreement*

**213**

**Signatory First Nations**

across Canada are in various stages of land code development and implementation

**10**

**Provinces / Territories**

are home to operational First Nations

**4**

**First Nations**

have moved on to full self-government or treaty after ratifying their land codes

**1,200,000+**

**Acres of First Nation Land**


have been removed from the colonial *Indian Act* lands system

**1 in 3**

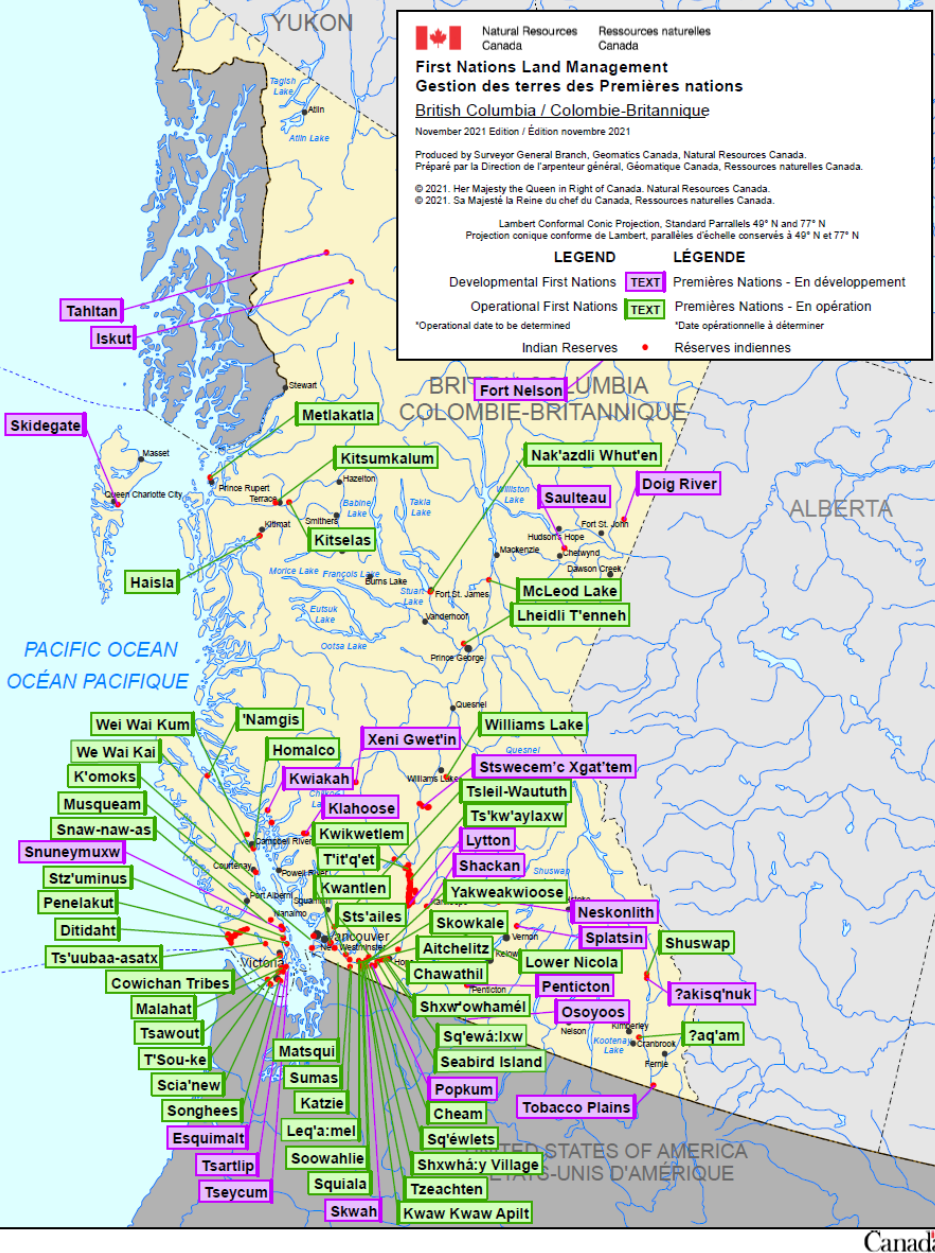
**First Nations**

in Canada are a signatory to the *Framework Agreement* or have expressed formal interest to become a signatory




 Natural Resources Canada / Ressources naturelles Canada  
**First Nations Land Management**  
**Gestion des terres des Premières nations**  
 British Columbia / Colombie-Britannique  
 November 2021 Edition / Édition novembre 2021  
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 Projection conique conforme de Lambert, parallèles d'échelle conservés à 49° N et 77° N

LEGEND	LÉGENDE
Developmental First Nations <b>TEXT</b>	Premières Nations - En développement
Operational First Nations <b>TEXT</b>	Premières Nations - En opération
*Operational date to be determined	*Date opérationnelle à déterminer
Indian Reserves <b>•</b>	Réserves indiennes



Over 90 First Nations in BC are either already a signatory to the Framework Agreement, or they are on the wait list.

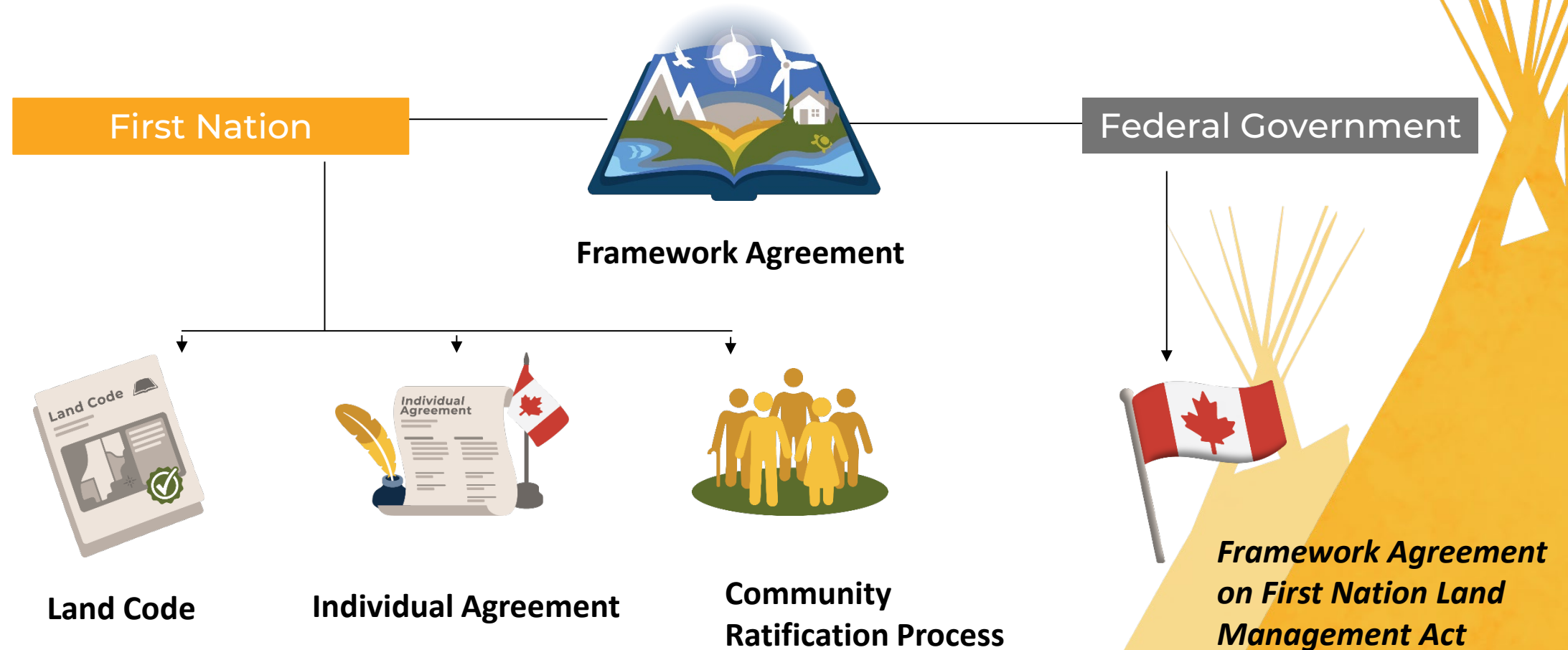


# Steps to Enter the Framework Agreement Process

- **Band Council Resolution** confirming interest to be added to the *Framework Agreement on First Nation Land Management*
- **Welcome letter and Framework Agreement on First Nation Land Management adherence** sent to the 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



# 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 (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)

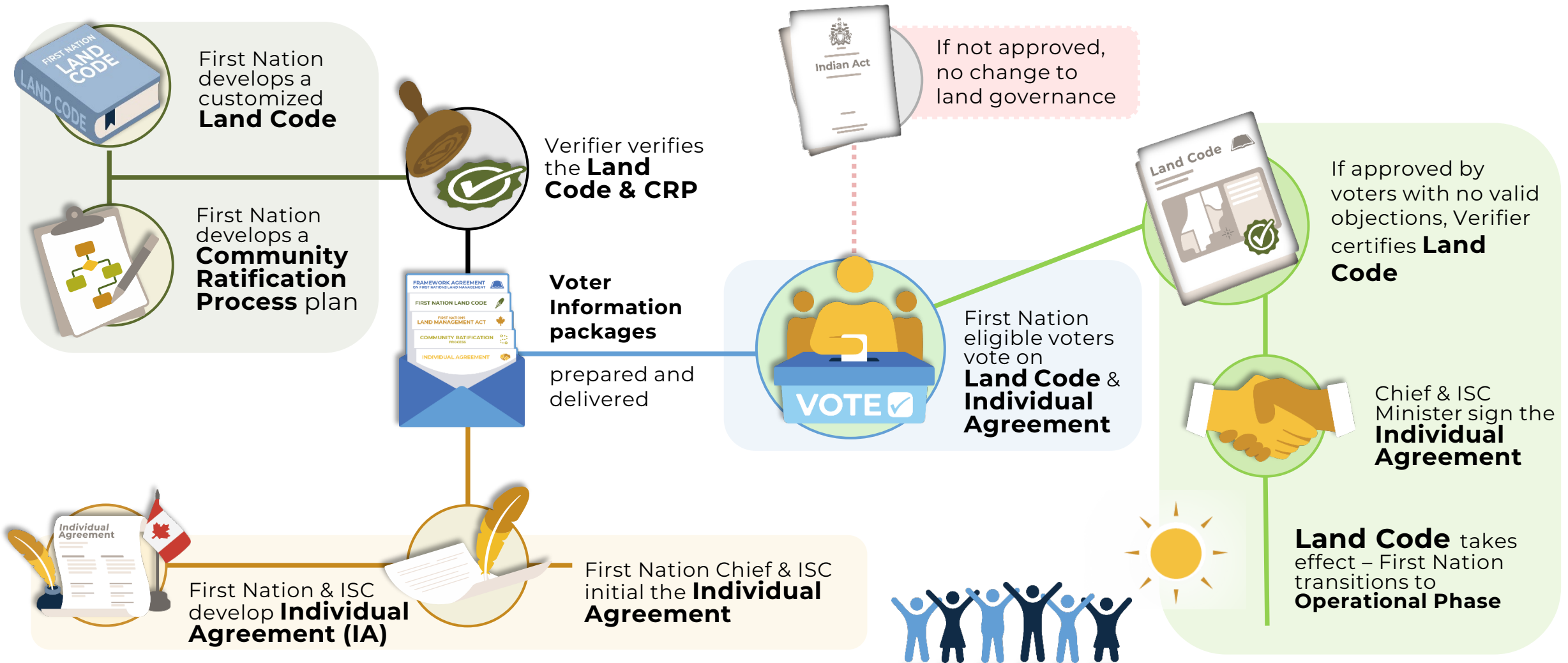
- Works with each First Nation to prepare the Individual Agreement for member approval
- Provides information about interests & licences that have been issued under the *Indian Act*
- Identifies amount of Revenue and Capital Monies for transfer to the FN
- Provides funding for the development and implementation a Land Code
- Supports a First Nation to conduct a Phase I Environmental Site Assessments for their reserve lands for inclusion in the Individual Agreement

## 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

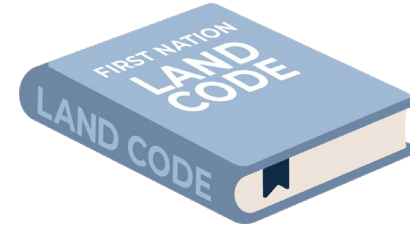


# FRAMEWORK AGREEMENT DEVELOPMENTAL PROCESS



# 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

# Individual Agreement

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





# 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.

# Individual Agreement

## 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

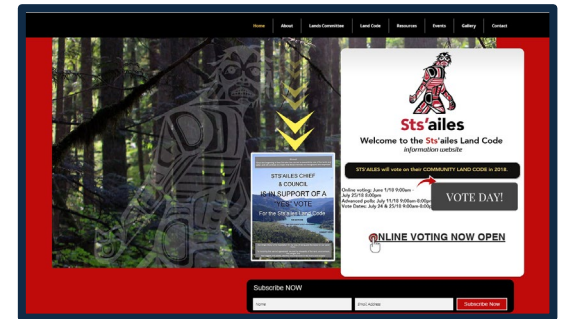
- Defines Reserve boundaries to be administered under a First Nations Land Code
- NRCan (technical expertise, surveys, & Land Description Reports)

# Community Engagement

## Meetings

- Virtual
- In-Person
- Elders
- Family
- Youth
- Staff

- Phone calls
- Emails
- Door-to-door
- Social Media
- Newsletter
- Website
- Video

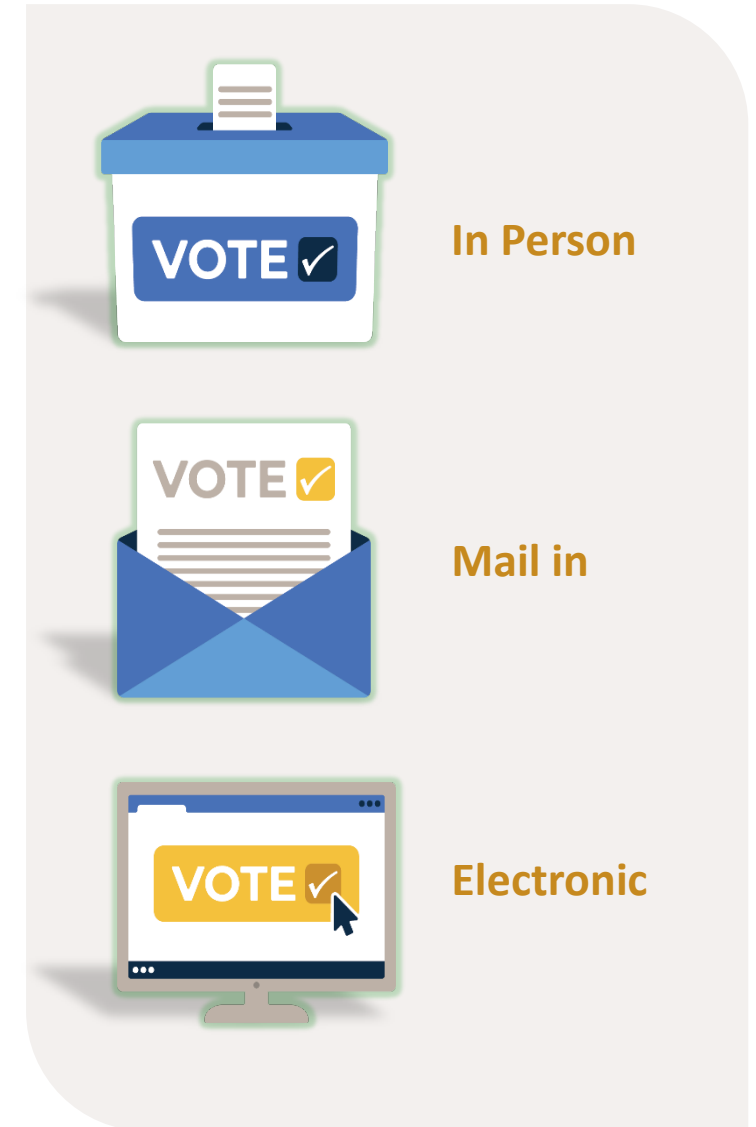


# Community Ratification Process

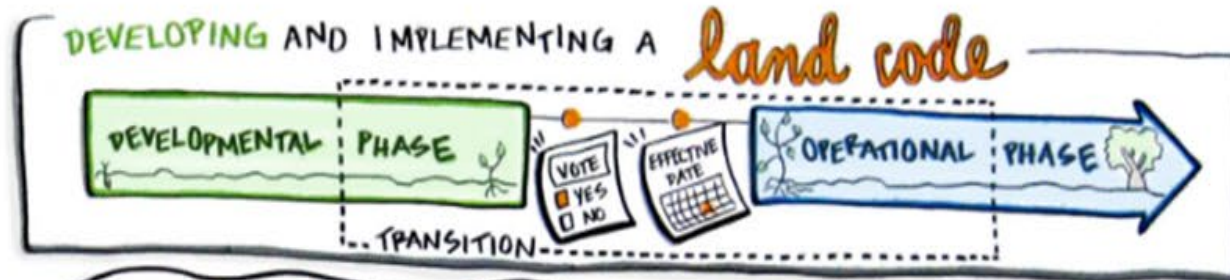
Developed by each First Nation and sets out the procedure for conducting the Land Code vote.

## 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







# First Nation Laws

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

Can establish offences that are punishable on summary conviction, provide for fines, penalties and other enforcement mechanisms

First Nations can still make by-laws under the Indian Act



Power to make environmental laws

First Nation land laws are not the same as ordinary municipal or Indian Act by-laws

First Nations can enforce their enacted land laws.

# First Nation Laws



Trespass, Enforcement and Ticketing



Residential Tenancy



Business Permitting and Licencing



First Nation Expropriation



Land Use, Zoning, and Development



Allotments, Interests, and Licenses



Environmental Assessment and Protection



Natural Resource Management





# COMMUNITY PERSPECTIVES PHASE

# DEVELOPMENTAL

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**Lytton First Nation**  
**Lytton, British Columbia**



**6005.7 hectares**  
**2095 members**

**Voted YES to the Lytton First Nation  
TemEEwuh na Ta hheeymOt (Land Code)  
on December 9, 2023.**

**Congratulations on becoming the  
116th Framework Agreement signatory  
to regain land governance through the approval  
of their community developed land code!**

# LYTTON FIRST NATION

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Located in Southern BC



2,136 Members & Growing



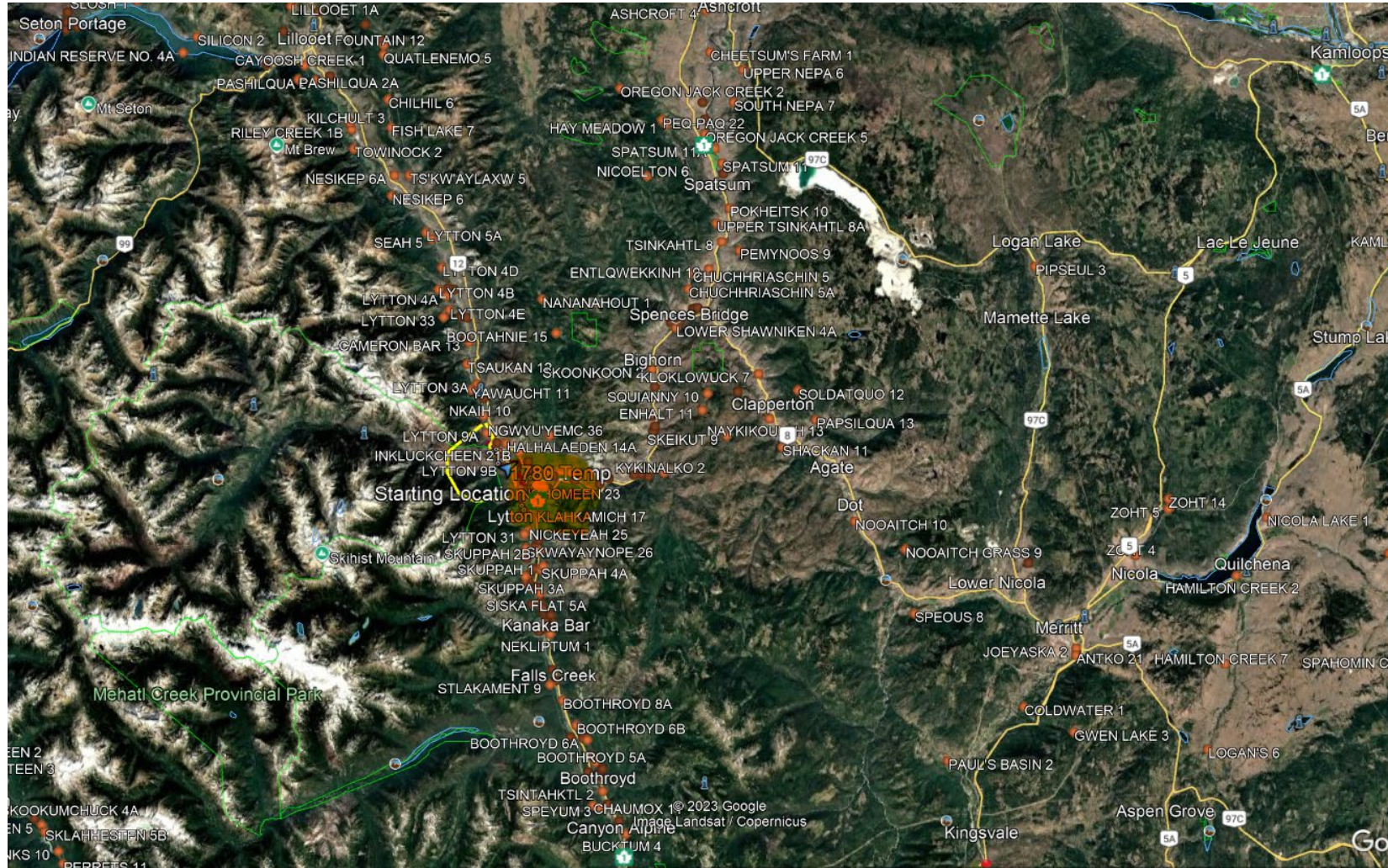
6,005.7 hectares of Reserve Land



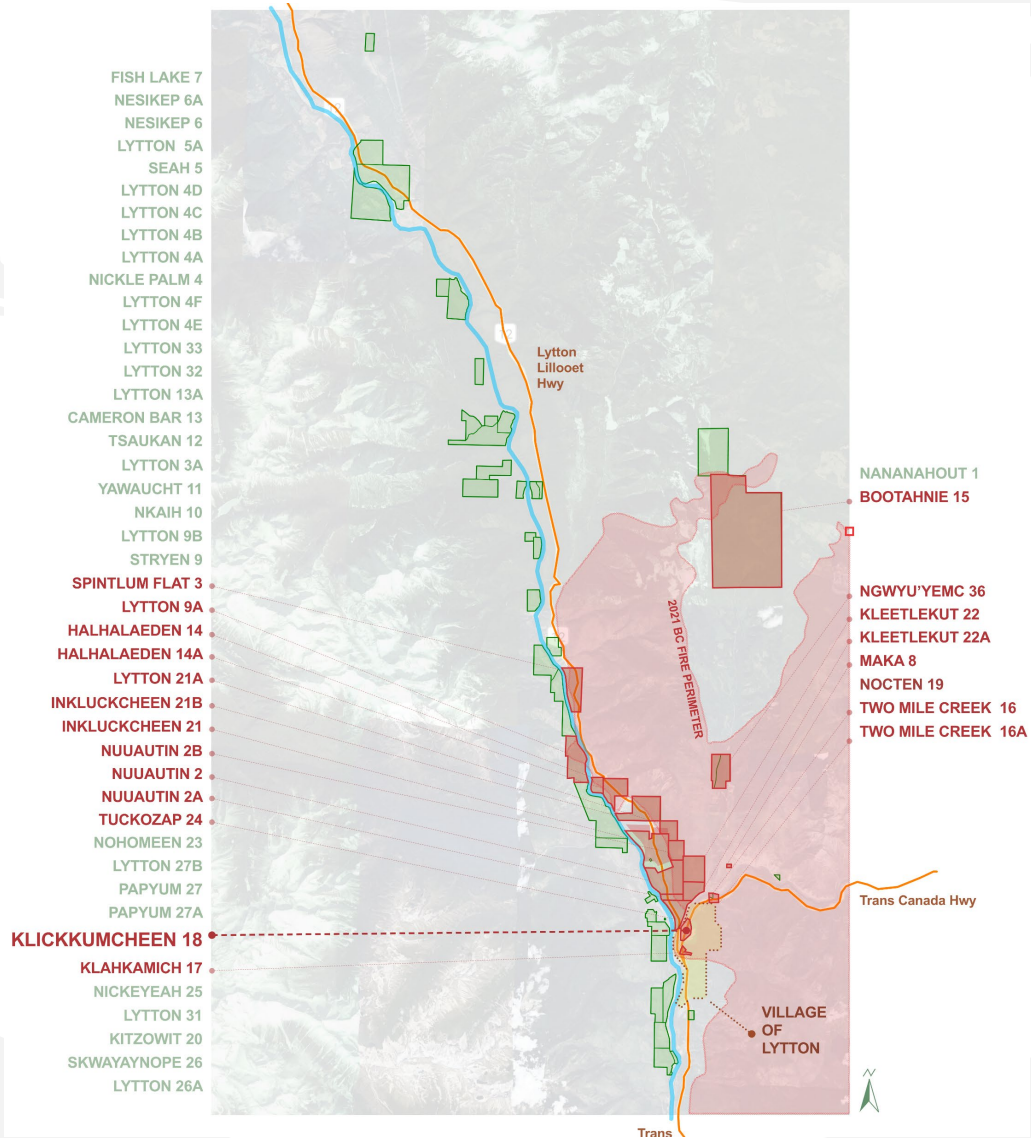
116 Nation in Canada to Ratify a Land Code

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# LYTTON FIRST NATION









# LYTTON FIRST NATION – WHY LAND CODE?

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Environmental Stewardship



Economic Development at the Speed of Business – Reduced Bureaucratic Red Tape



Ongoing work in Specific Claims process



Recognition of Cultural Values and Priorities



Influence in Managing Traditional Territory

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# LYTTON FIRST NATION LAND CODE DEVELOPMENT PHASE



**6 Member Land Code  
Development Committee  
– Community Driven**

**Full Participation of  
Leadership in  
Community Engagement**

**Vote Challenges –  
Engaging the eligible  
voters (Members  
displaced from the  
community and trauma  
from the devastating fires)**

**Eligible Voters 1677**

**Total Ballots Cast 290  
(236 yes, 54 no)**

# LYTTON FIRST NATION LAND CODE IMPLEMENTATION



## Successes

- Temp. Structures in Place
- Lytton FN Ec. Dev. Corp
- Capital on the new Subdivision (inc. water system upgrades)



## Challenges

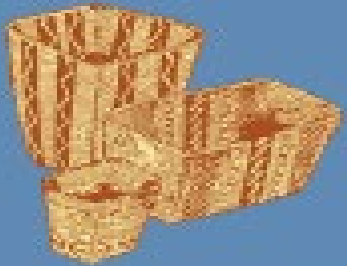
- Communications
- Living quarters and disaster trauma
- Addictions
- Enforcement

# LYTTON FIRST NATION LAWS/POLICIES/PLANS



- Matrimonial Property Law
- Land Registry Policy
- Taxation Law
- Property Assessment Law
- Subdivision, Development & Servicing Law
- Environmental Management Plan
- Land Use Plan
- Traditional Land Use Plan





# Lytton First Nation

Lands & Natural Resources Department

Tactical Plan, 2024-2028

Lytton Chief & Council have given the Lands & Resources Department a mandate to plan for a fully functional Lands Governance Department by the year 2028. To achieve this, we must develop and build our capacity to promote, educate and enforce our Land Code, and support accountable and transparent decision-making over Lytton Lands. As we grow, we will continue to assert our Stewardship responsibilities over our Territory.

## ...build up the Lands Committee

Regularly revisit and revise the Lands Committee Terms of Reference.

Rename the Lands Committee based on our language.

Implement alternating, staggered 2-year terms for Committee members.

Issue a call-out for members and appoint at least 5 members to the Committee.

Elect a Committee chairperson.

Create and use a standardized agenda template for all Committee meetings.

## ...address critical issues

Protect our Drinking Water.

Protect Ancestral Remains, Sacred Sites, Archaeological and Cultural Sites.

Preventing Illegal Dumping.

Completing Environmental Site Assessments with Canada.

Promote Animal Care and Control.

Ensure Land Code Compliance.

## ...create Laws, Plans and Policies

**Land Use Plan.**

Land Development Procedures.

Law Development Process.

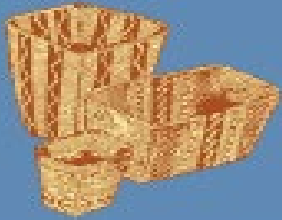
Allotment and Traditional Holdings Law.

Matrimonial/Spousal Property Law.

Determination of Fees & Rents.

Dispute Resolution Process.





### **...Engage and Communicate**

Promote membership inclusion and involvement in Lands decision-making.

Work with other LFN Staff, Departments, Committee's and Chief & Council to understand Land Code and the role of the Lands Governance Department.

Clarify how Lytton Members apply for and are allotted Land to build their own homes.

Include and involve CP Holders in LFN Lands Governance, including law-making, planning, and decision-making.

Meet with and listen to our Elders, and be guided by our teachings and language.

### **...grow the Lands Governance Dept.**

Prioritize creating the following positions:

- Communications/Engagement Officer
- Enforcement Officer
- Archaeological Field Technician
- GIS Technician
- Administrative Assistant

Work with LFN to secure ongoing funding and approval for Lands-related positions

Begin planning for broader capacities for Territorial Stewardship, Rights & Title.

### **...build meaningful Relationships**

With community, including our elders.

Rebuild Committee and the Emergency Management Committee.

Operations & Maintenance.

Economic Development Corporation.

Nlaka'pamux Nation Tribal Council.

Neighboring First Nations.

Federal, Provincial, and Local Government.

Industry and the Private Sector.

# Lands And Economic Development: Lands Modernization Unit



**Jean MacDonald**  
Acting Manager



**Monte Honeyman**  
Land Management and  
Leasing Officer



**Don Gillanders**  
Land Management  
and Leasing Officer



**Roman Korec**  
Special Initiatives Officer



**Puneet Sandhu**  
Special Initiatives Officer



**Gagan Saini**  
Special Initiatives Officer



**Tracy Dandurand**  
Lands Coordinator





**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





# RESOURCE CENTRE SUPPORT TO FIRST NATIONS

## Land Code Governance Support



**First Nation  
Requests  
Support**



**RC Support  
Services**



# Resources

- [www.labrc.com](http://www.labrc.com)
- [www.landsadvisoryboard.ca](http://www.landsadvisoryboard.ca)
- [facebook.com/fnlmrc](https://facebook.com/fnlmrc)
- [vimeo.com/labrc](https://vimeo.com/labrc)
- [www.sac-isc.gc.ca](http://www.sac-isc.gc.ca)



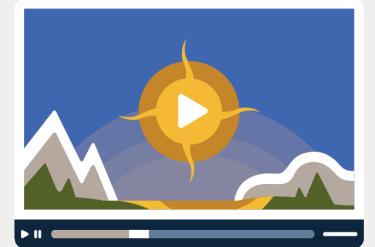
**Land Decolonized  
Podcasts**

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




**Lands Advisor  
Newsletter**

**Videos**




# Contacts

**Jasmine Pouce  
Coupe  
FNLMRC**

 (250) 371-7812

 [jasmine.poucecoupe@labrc.com](mailto:jasmine.poucecoupe@labrc.com)

**Puneet Sandhu  
ISC**

 (778) 231-5330

 [puneet.sandhu@canada.ca](mailto:puneet.sandhu@canada.ca)





# Thank You

Questions?



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Training, Mentorship &  
Professional Development

