



# **Lands Advisory Board Resource Centre Land Title and Survey Authority of British Columbia**

## **Proposal for a First Nations National Land Registry**

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## **CHANGE RECORD**

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## **ACRONYMS AND ABBREVIATIONS**

<b>BCR</b>	Band Council Resolution	<b>ILRM</b>	Indian Lands Registration Manual
<b>CIR</b>	Crown-Indigenous Relations	<b>ILRS</b>	Indian Lands Registry System
<b>CIRNAC</b>	CIR and Northern Affairs Canada	<b>INAC</b>	Indigenous and Northern Affairs Canada
<b>CLS</b>	Canada Lands Surveyor	<b>ISC</b>	Indigenous Services Canada
<b>CLSR</b>	Canada Lands Survey Records	<b>LAB</b>	Lands Advisory Board
<b>CLSS</b>	Canada Lands Survey System	<b>LABRC</b>	LAB Resource Centre
<b>EOT</b>	Evidence of Title	<b>LTSA</b>	Land Title and Survey Authority
<b>ETL</b>	Extract, Transform and Load	<b>MoU</b>	Memorandum of Understanding
<b>FN</b>	First Nation	<b>NRCan</b>	Natural Resources Canada
<b>FNLMA</b>	First Nations Land Management Act	<b>OCPC</b>	Order in Council on the advice of the Privy Council
<b>FNLO</b>	First Nations Land Office	<b>PIN</b>	Parcel Identification Number
<b>FNLRS</b>	First Nations Land Registry System	<b>SGB</b>	Surveyor General Branch
<b>FOC</b>	Full Operational Capability	<b>SGFNLRS</b>	Self-Government First Nations Land Registry System

# **1 EXECUTIVE SUMMARY**

## **Introduction**

A major aspect of First Nation land governance is the ability to better understand and improve the management of interests in its First Nation lands. As a result, The Lands Advisory Board (LAB), initiated a project in 2019 to prepare a proposal to establish an independent national land registry system operated by First Nations.

This proposal is being submitted to Canada by the LAB to seek its collaboration and funding to implement the new First Nations' National Land Registry (FNLRR) system.

## **Context**

One aspect of the Framework Agreement on First Nations Land Management (FAFNLM) provided for a First Nation Land Registry system (FNLRS). This system operated in accordance with Federal Regulations developed by the LAB and Canada. The FNLRS was established to record documents relating to First Nation lands governed under a land code. The system is currently managed by Indigenous Services Canada (ISC) and information is contributed by the Surveyor General Branch (SGB) of Natural Resources Canada (NRCan). The FNLRS is operated on the same technology and largely the same policies as the Indian Land Registry system (ILRS), which has its basis in the Indian Act.

## **The Project Team**

The FNNLR Project is led by the LAB Resource Centre (LABRC) in partnership with team members, the Land Title and Survey Authority of British Columbia (LTSA) and Deloitte. There has been thorough consultation and engagement with priority stakeholders such as First Nations Land Offices, First Nation groups and various departments within the Government of Canada since January 2021.

## **Proposal Summary**

The vision for the FNNLR is to establish a shared, comprehensive, trusted, sustainable and First Nations governed land registry for lands governed under a Land Code or self-government arrangement. It is intended that the FNNLR system will include land codes, boundary definition, and other information to support First Nations under the Framework Agreement in the governance, management, protection, and development of their First Nation lands.

The FNNLR will be operated by a federally incorporated not-for-profit organization—called RegCo (for the time being). RegCo will be led and operated by a First Nation Board of Directors and staff. It will be responsible for the day-to-day operation of the new registry including core activities such as governance, leadership, register function, register technical services, training and customer service support. Some of these functions will be enabled by delivery partners such as LTSA, LABRC and NRCan SGB. These include technology build and support, transition, training, and implementation.

It is estimated that it will take at least three years to complete appropriate agreements between LAB and Canada to support the registry, establish RegCo, revise legislation and regulations, finalize the design and build the new registry. During this time, the FNNLR team will need to work closely with CIRNAC, ISC, NRCan SGB and other stakeholders.

Finalizing the design, build, consulting with key stakeholders, transition of all operational First Nations to the new registry, and years 1 and 2 of operations will require an estimated investment of \$30-40M over a 5-year period. To operate, support and sustain operations afterwards, it is estimated that a \$4-5M annual operating budget is required. Partnership with and investment from Canada are critical to realizing the benefits for First Nations.

### **Need for a New Registry**

A modern land registry system is fundamental institutional infrastructure employed by provincial and territorial governments to provide effective and rules-based land management. It is also a significant tool used by all private and public persons and organizations concerned with land ownership and development. First Nations should receive similar services as the rest of Canada in accordance with generally accepted written rules and standards which recognize First Nation authority. The current FNLR does not empower or recognize First Nation self-governance, economic development, and cultural protection.

The new First Nation governed FNNLR system will create significant benefits for First Nations and end-users. As proposed, the new system will provide a modern, efficient, user friendly, reliable, and secure technology platform for First Nations and other users to both record and obtain documents concerning First Nation lands managed under a land code. This platform is also designed to be expandable to provide for the development of other data systems. The plan will move from a deed-style register for recording documents to a more modern land register focused on establishing current registered interests. This will take the register a lot closer to the standard enjoyed by the rest of non-indigenous Canada, and support First Nation lands governance.

The proposed new FNNLR system aligns with the rights recognized by the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) concerning governance of their lands and the institutions related to those lands (Articles 26, 32, 34). Canada has affirmed UNDRIP in federal legislation, in response to the Truth and Reconciliation Commission Call to Action 43. The new FNNLR system would also be another step in implementing the federal policy of reconciliation and recognition of First Nation authority.



## **2 CONTEXT FOR THE NATIONAL LAND REGISTRY**

### **2.1 History of FNLRL and Related Registries**

#### **2.1.1 First Nations Land Registry**

In 1996, 13 First Nations and Canada entered into the Framework Agreement on First Nation Land Management. The Framework Agreement provided an option for First Nations to adopt a land code to manage and govern their reserve lands outside the Indian Act. One part of the Framework Agreement provides for a new land registry separate from the Indian Land Registry. The First Nations Land Registry (FNLRL) was established to record documents respecting First Nation reserve lands governed under a land code (see [Regulatory](#) section).

The Lands Advisory Board and Minister of Crown-Indigenous and Northern Affairs developed the FNLRL Regulations respecting the First Nation Lands Register, unlike the internal departmental policy for the Indian Land Registry under the Indian Act. The First Nations Land Registry System (FNLRS - an electronic registry for the registration of instruments, recording of land rights and interests) and regulations were landmark achievements, aimed to provide First Nations with greater land certainty, mortgageability and title insurance, and reduced or eliminated land transaction costs.

The FNLRL has three main objectives:

- Give notice to the public of all documents that are registered or recorded pertaining to a legally described parcel of land
- Establish priorities among competing registered interests (not recorded documents)
- Present an orderly listing of documents that concern the interests and rights to a First Nation's land or parcel of land

#### **2.1.2 Current First Nations Land Registry System**

The FNLRS was developed using the Indian Land Registry System (ILRS) as a shared platform, similarly administered by the Indigenous Service Canada and is located in Ottawa. The system is entirely electronic and does not contain any physical documents (as all physical records are scanned for use within the system). Almost all applications are submitted to the Registry through a secure, centrally managed application.

FNLRS produced two main reports:

- Reserve General consists of instruments relating to FN reserves as a whole (e.g. establishment of the reserve, OIC's, ATR's, ROW's for public use)
- Parcel Abstract Report consists of instruments relating to an individual parcel of land (e.g. lease, sublease, certificate of possession)

## **2.2 Context for this work and proposal**

First Nations and Canada entered into the Framework Agreement on First Nation Land Management in 1996, which established an optional process to recognize First Nation rights to govern their reserve lands under a land code and remove the right of Canada to manage those lands under the Indian Act.

The Framework Agreement provides for the Lands Advisory Board (LAB) to support First Nations that are developing land codes or operating under land codes and for the establishment of a First Nation Land Registry System under regulations implemented by Canada.

The current FNLRS is operated by Indigenous Services Canada in accordance with those Regulations. However, Canada has expressed support for the Lands Advisory Board's proposal for the creation of a new registry (temporarily called the FNNLR), to be developed and operated by First Nations.

This document encompasses the comprehensive solution proposal for the new First Nations National Land Registry, as developed by the FNNLR Project Team. The FNNLR Project is led by the LAB in partnership with LABRC team members, the Land Title and Survey Authority of British Columbia (LTSA) and Deloitte.

The purpose of the First Nations National Land Registry is to provide reliable and trustworthy registration of interests in land including boundary definition, survey systems, and information to support First Nations under the Framework Agreement in the governance, management, protection and development of First Nation lands.

## **2.3 High level current state review**

A Current State Assessment report of the FNLRS and supporting services was produced in July 2021 and fully describes the state of the current FNLRS and supporting survey processes in Canada, with specific focus on services to Operational First Nations. It also includes valuable insights and summaries of observations that have helped shape the proposed First Nations National Land Registry.

Information within the assessment was collected through consultations with a working group with representatives from Indigenous Services Canada, National Resources Canada / Surveyor General Branch, Crown-Indigenous Relations and Northern Affairs Canada, and LABRC in spring 2021.

Below are key excerpts from the Current State Assessment. For a full copy of the document [follow this link](#) or request a copy from the LABRC.

Key Observations:

- FNLRS meets the current legislative obligation and requirements of Canada regarding land management
- As of July 2021, there are approximately 102 Operational First Nations that use the FNLRS and services provided by the Land Registry
- The FNLRS operates like a “Deeds” registry system and current status of registered interests in land is not readily evident
- FNLRS currently enables First Nations Land Offices to support their customers’ needs by:
  - Producing four types of land reports
  - Conducting searches for reference and information
  - Tracking of Evidence of Title’s issued by an Operational First Nation
- The key FNLRS application is accessed via CITRIX by ISC and First Nation approved staff
- FNLRS is supported by seven individual federal government staff within ISC (some roles are not full-time)
- No fees are charged for services, and there are no formal service level targets

The following observations were flagged as potential areas for improvement for the FNLRS:

**Business**

- Documentation and standardization are required for policy and operating procedures as this is lacking currently
- Relationships between instruments, interests, and licences are not explicitly tracked
- The registry does not explicitly support several First Nation land administration concepts; for example Yukon Lands, Excluded Lands, Lands Set Aside and Shared Reserves
- Parcel linkages and parcel visual representation are disjointed
- Products do not join spatial and textual land register data together, e.g., existing Parcel Abstract Report does not include any map or graphics for parcel.
- Access to customer support is limited

## **Governance**

- ISC owns and operates the FNLRS. However, there is no formal governance structure between ISC and FNLRS users. Issues are often resolved ad-hoc through informal networks and no official issue tracking or management is completed
- There is a lack of formal policy regarding the operation of the FNLRS. This creates compliance and consistency issues and a disconnect between FNLRS Regulations, First Nations Land Codes, NRCan survey process and the diversity of Land Codes that the FNLRS must support.
- There is no formal connection between survey regulations and registry regulations. This lack of governance creates information gaps which are currently filled by an inter-departmental agreement between NRCan and ISC

## **Technology**

- Better access to FNLRS for First Nations Land Offices is desired since current application is not built for web-based access
- Better linkage is needed between Canada Lands Survey Records and FNLRS including complete spatial view
- FNLRS parcel map (eRIP) can be up to one week out of sync with SGB's parcel updates
- eRIP does not give a complete view of either the land register data or the Canada Land Survey Records (CLSR)/Canada Land Survey System (CLSS) data maintained by NRCan Surveyor General Branch
- Survey and Parcel information does not flow directly from the CLSR/CLSS to the Register (eRIP), it flows through the INAC CCCM database, and only uses a subset of the data provided.
- The Land Registry still receives a small number of paper applications and documents, which requires which requires additional staff effort and cost to process these documents
- Bi-directional exchange of data between FNLRS and ISC's Corporate Information Repository is performed at the database level instead of using implementation independent APIs. This results in an interface that is heavily technology dependent (database, network access), is tightly coupled, and is more susceptible to breaking if either side changes their database schemas.

## **2.4 Stakeholders**

In June 2021, a Stakeholder Map and Engagement Strategy was developed to describe how key stakeholders will be engaged regarding the design and development of the First Nations National Land Registry.

Below is the outcome of this activity, depicting all identified stakeholders and the prioritization of engagement based on the immediacy of need to collect information, seek support or raise visibility regarding the First Nations National Land Registry.

For a full copy of the document and insights [follow this link](#) or request a copy from the LABRC.

### **GROUP #1:**

**Key information is required from the following stakeholders to develop the Future State design and Business Case**

- Framework Agreement First Nations (Individuals & Land Staff)
- CIR, SGB & ISC
- Justice
- Assembly of First Nations
- Self-Governing First Nations (Individuals & Lands Staff)

**Stakeholders to be engaged immediately**

### **GROUP #2:**

**General support and alignment are required from the following stakeholders**

- National Aboriginal Land Managers Association
- Canadian Council for Aboriginal Business
- First Nation Financial Authority
- LABRC
- Self-Governing First Nations (Individuals & Lands Staff)
- Provinces & Territories / British Columbia
- Canada Infrastructure Bank
- Canadian Land Surveyors Association
- Canadian Bankers Association
- Canadian Financial Institutions
- Canadian Federation of Municipalities
- Canadian Bar Association – Indigenous law section & Indigenous Bar Association
- PeaceHills Trust

**Stakeholders to be engaged following the Fall LAB AGM**

### **GROUP #3:**

**The following stakeholders should eventually be engaged and informed of the LABRC National Land Registry on an as-needed basis**

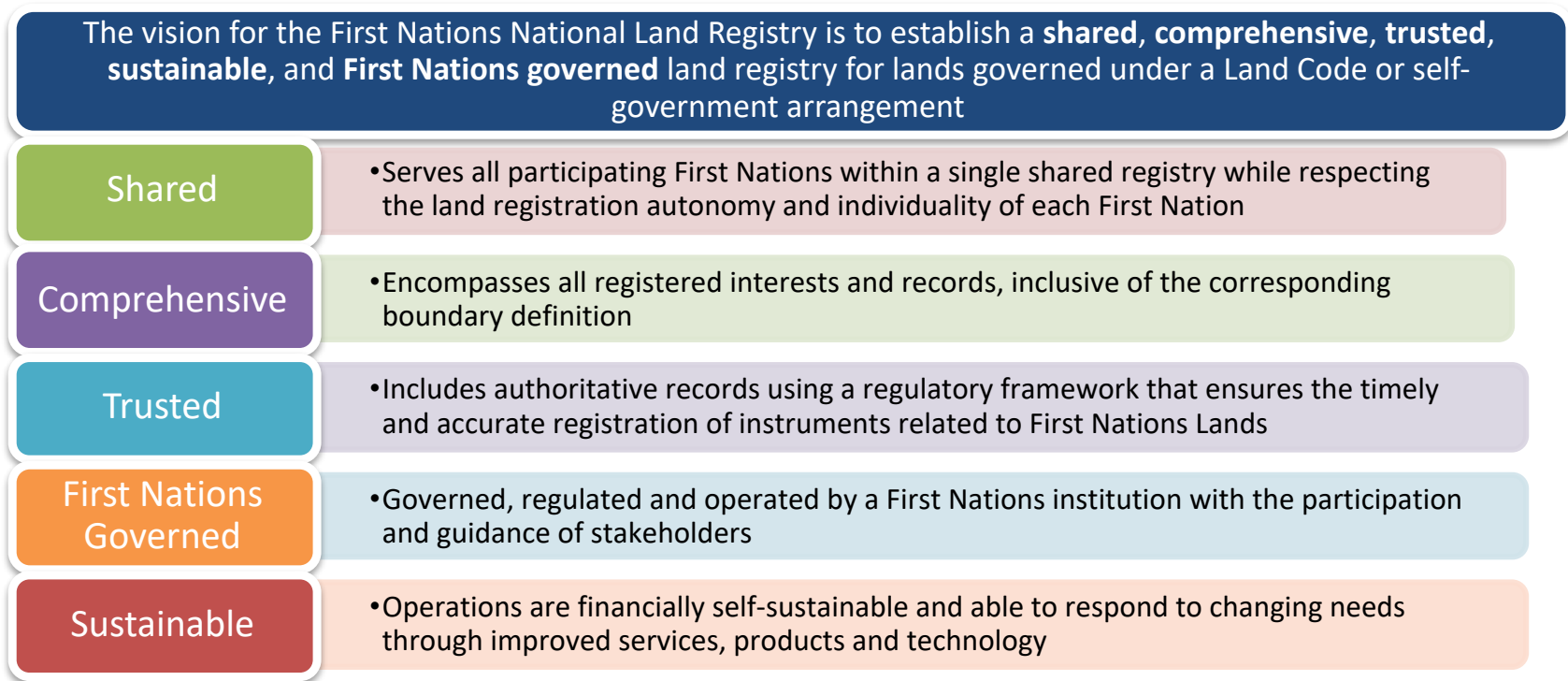
- BC Summit
- Canadian Real Estate Association
- First Nations Bank of Canada
- General Public
- First Nation Provincial Organizations
- Federation of Canadian Law Societies

**Stakeholders to be engaged on an as-needed basis in 2022**

### 3 VISION AND GOALS FOR NATIONAL LAND REGISTRY

#### 3.1 Vision

The vision for the First Nations National Land Registry is to establish a shared, comprehensive, trusted, sustainable and First Nations governed land registry for lands governed under a Land Code or self-government arrangement. The goal is to realize this vision within **five years** of receiving full funding for establishing the National Land Registry.



## 3.2 Goals

There are seven primary goals for the First Nations National Land Registry. These include:

1. **Governed by First Nations** for the benefit of First Nations and other users.
2. **Serves all** participating First Nations and other users through a shared land registry.
3. **Provides a comprehensive register of interests** in place of a registry of instruments.
4. **Builds trust** in the land register through standards, transparency, and accountability.
5. **Strengthens land administration** of First Nations through improved accessibility to information.
6. **Enhances land registry experience** of First Nations through better services and products.
7. **Streamlines land operations** and registry interactions of First Nations through more effective application of technology.

### 3.2.1 Governed by First Nations

Governed by First Nations for the benefit of First Nations and other users:

- a) **Run by First Nations:** Governed, regulated, and operated by a First Nations institution applying indigenous knowledge for use by First Nations and other users with the participation and guidance of all stakeholders.
- b) **Empowering First Nations land authority and land management:** by ensuring that First Nations have the knowledge, resources, and Registry services to be successful and effective.
- c) **Highlighting the authority of First Nations over their land and the Registry:** by making the First Nation, their Land Code, and laws prominent within the Register and the services and information products provided.

### 3.2.2 Serves all

Serves all participating First Nations and other users through a shared land register:

- a) **Full spectrum of users served effectively:** Boosting individual, government, commercial and end-user confidence in the registry as well as the efficiency of interactions. The Registry will provide a trusted land register for all Operational First Nations and for governments and commercial entities involved in transactions of interests on First Nations land. To that end the Registry will work to strengthen relations, confidence in engagement with First Nations, and streamline interactions with the Registry.

### 3.2.3 Provides a comprehensive register of interests

Provides a comprehensive register of interests in place of a registry of instruments. An instrument is “a legal document that gives effect to the transaction, and describes the parcel of land, the parties to the transaction, and any legal details and specifications required” (Indian Lands Registration Manual, chapter 2). The LABRC Land Code Model defines an interest as “in relation to First Nation Land, means any Interest, right or estate of any nature in or to that Land, including a certificate of possession, certificate of entitlement, lease, easement, right of way, servitude, or profit à prendre, but does not include title to that Land”. So, the distinction between a registry of instruments versus a registry of interests is that a registry of instruments only records the transaction documents, whereas a registry of interests also records the interests resulting from the transactions and tracks their state (e.g., active, historical) and other attributes (e.g., list of named interest holders).

- a) **Providing a ‘State of Interest’ Register:** a clear and accurate view of current active interests in land while retaining the complete journal of registrations.
- b) **Providing comprehensive integrated land status:** across multiple layers of registered interests – reserves, surface parcels, building units, easements, subsurface – by using boundaries in the parcel map as well as through explicitly tracked relationships between interests.

### 3.2.4 Builds Trust

The New Registry will build trust in the land register through standards, transparency, and accountability:

- a) **Transparent operations in accordance with regulations:** Defining policies and operating transparently according to defined regulations, the Registrar will write, publish, and act in accordance with registry regulations and comprehensive policies.
- b) **Improving trust in the land register data:** by improving the Register’s data model, by explicitly recording data accuracy and quality indicators; and by working with First Nations to enable them to improve their data to the level they require.

### 3.2.5 Strengthens Land Administration

The New Registry will strengthen land administration of First Nations through improved accessibility to information by **broadening the spectrum of information accessible** concerning:

- a) **Registered interests:**



- i. By recognizing interests as a land administration concept and accommodating new types of interests on land.
- ii. By recognizing new categories of registerable land held by First Nations (e.g., Yukon Lands Set Aside).
- iii. By making SGB Canada Land Survey Records for parcels directly accessible within new land registry system.

**b) Land related records:**

- i. **First Nation level:** By recording land-related information and documents applicable to the First Nation as a whole at the level of the First Nation (instead of against each reserve), e.g., Land Code, land laws, land/resource use plans/policies.
- ii. **Land-related records:** By recording additional information and documents related to individual parcels (e.g., parcel boundary issues) or possibly land features provided by (and significant to) a First Nation for the purpose of their land administration (e.g., old village sites).
- iii. **Integration with external sources:** By improving access to external information sources that provide greater context (e.g., excluded lands).

### **3.2.6 Enhances Land Registry Experience**

The New Registry will provide an enhanced First Nations land registry experience through better services and products:

- a) **Timely service response** within defined service level targets (e.g., registration, customer support).
- b) **Modern, easily accessible online land registry user experience** using web-based user interface, instead of Citrix access to an MS Windows app, which supports simplified and effective search capabilities, self-administration of accounts, tracking of submissions and collating of notifications and information products.
- c) **Improved parcel map** replacing eRIP to provide more comprehensive map data combined with services that integrate seamlessly with land register records and SGB records. Specific outcomes will include better data currency, placement of unsurveyed parcels and instruments, simplified parcel identification (e.g., one PIN system, building units clearly categorized and identified, civic address lookup where available).
- d) **Online submissions by authorized non-First Nation parties of applications for registration:** Access will be expanded to authorized non-First Nations parties (e.g., lawyers, financial institutions discharging mortgages) with the consent of the FN's, so that they can transact electronically with the new registry.

- e) **Information products targeted to meet customer needs:** for example, “state of registered interests”, “land administrative status” and “historical activities on land” information products that combine textual and spatial/map elements, and when needed are certified by the Registrar.
- f) **Establishing a culture of excellence in customer service, experience, and satisfaction:** by providing directly accessible customer support staff; by providing service delivery within established response times; by intentionally soliciting customer feedback and by continually improving services based on customer feedback.

### 3.2.7 Streamlines Land Operations

The New Registry will streamline land operations and registry interactions of First Nations through more effective application of technology by:

- a) **Establishing standards and policies for registration to improve register data quality and integrity:** from using standardized forms to submitting applications and instruments to the prioritization, validation, recording, resultant notifications, and issuing State of Interest Certificate or certified instruments.
- b) **Becoming sustainable by establishing a culture of continuous improvement** to propel the business forward, enabling progressively improving services, products, and technology in response to feedback and evolving needs of First Nations and other users.
- c) **Providing effective integration solutions:** for First Nations to integrate their systems with the Land Register system, for integration with the Canada Land Survey Records, and for integration with ISC systems, e.g., ILRS, First Nations band and member data.
- d) **Streamlining internal and external registry-related processes** to minimize effort spent on low-value activities internally (e.g., redaction) and smooth out external processes (e.g., data feed from SGB).

## 3.3 Key Modernizations

In the development of the First Nations National Land Registry, there will be several key modernizations and updates from the current FNLRS and its support services:

1. New First Nation organization created to operate the National Land Registry

2. Register of interests
  - a. Interests added, modified, transferred, relinquished/cancelled, and expired through instruments. Historical interests will not be reconstructed, but a full history of registered instruments will be retained.
  - b. Hierarchy of interests will be explicitly tracked.
  - c. Priority of interests will be explicitly tracked.
  - d. Self-aware register will be created that tracks parcels and reserves that have achieved 'state of interest' level.
  - e. Real property will be explicitly identified for sub-PINs (e.g., building unit, parking lot).
3. Registration
  - a. Standardized and published registration policies, practices, semantics
  - b. Online submission of applications by authorized parties in addition to online submission by First Nations Land Office staff.
  - c. Enabled by the parcel map to help with transactions involving subdivisions, new parcels, and easements.
  - d. Paper submissions will be eliminated.
4. Search and Retrieval
  - a. New searches: by name of interest holder, by keyword, or by civic address where available.
  - b. Register search integrated with map: register lookup and information products will be accessible from a map and the location of register search results will be displayable on map.
  - c. Unsurveyed parcels and interests will be displayed on map.
  - d. Survey plans will be directly accessible within the register system.
5. Information Products
  - a. New products: 'state of' products and map-based products will show only the active interests.
  - b. Re-designed: to highlight First Nation authority, precedence of Land Code and laws, and present summary before details.
  - c. Layer-aware: providing integrated view of interests (to extent they are defined) across layers: reserves, surface parcels, sub-PINs, easements.
  - d. Consolidated Products: near-identical products will be combined (e.g., Band-Reserve Report and Reserve Details).
6. Land
  - a. Single-PIN scheme: for all First Nations parcels, including implied parcels in unsurveyed instruments (e.g., for short-term permits). NRCan SGB is open to the idea of supporting parcel mapping and issuing PINs if mandate is properly established, processes re-engineered, and sufficiently resourced. ISC Registry PINs would be deprecated over time.

- b. Sub-PINs assigned NRCan SGB PIN: NRCan SGB is open to idea, as per qualifications above.
- c. Accept graphical map representation for unsurveyed interests: provided by grantors, vetted by the First Nation, and displayed in Parcel Map.
- d. Comprehensive First Nation parcel map: including parcels from various origins (surveyed, unsurveyed), states (registered, unregistered), and administration regimes (e.g., Excluded Lands that remain under the Indian Act).
- e. Excluded Lands will be reverted back to ILRS as they do not belong in Land Code Land Register.
- f. Community land and individual held land will both be clearly distinguished in the Land Register.
- g. Shared Reserves will be supported as a unique concept, administered under a Land Code, and shown as belonging to a group of First Nations.
- h. Yukon 'land set aside' will be supported as a land concept that is distinct from a reserve.
- i. Remainder parcels: the subdivision survey practice will be changed to require a new lot designation.

#### 7. Land-Related Records

- a. Direct access will be granted to external information sources (e.g., Canada Land Survey Records).
- b. Extendable records: the capability will be created to store land records provided by and significant to a First Nation that relate to registered interests, property, and parcels.
- c. Extendable maps: the capability will be created to store land features provided by, and significant to, a First Nation.

#### 8. Land Laws

- a. Land Code, law and bylaws will be registered at the First Nation level instead of against each reserve.
- b. Land Register will be configurable to align with land law terminology

#### 9. Data Services

- a. Register data export will enable data to feed to First Nation tools and systems.
- b. Map data export will include summary register data with links to full register data.

#### 10. User Experience

- a. Citrix will not be used for internet access.
- b. One unified user interface for external users: Citrix vs Public Web Site distinction will be erased. Permissions based on role will determine what capabilities users can access.
- c. Streamlined, intuitive user interface: only features and data relevant to user role and task will be presented.
- d. Accurate terminology reflecting real world concepts and using terms specific to First Nation where appropriate will be used.

11. Customer Support

- a. Published phone number will be offered to reach customer service agent.
- b. Published customer support resources will be continually improved based on actively solicited customer feedback.

12. Technology

- a. Secure APIs will be created for authorized external systems to access register data, and for registry system to access external data provider systems.
- b. Evergreen: there will be ongoing investment in technology to keep it up-to-date and to advance system capabilities.

## **4 BENEFITS OF NATIONAL LAND REGISTRY**

On National Indigenous Peoples Day - June 21, 2021, Bill C-15 regarding the United Nations Declaration on the Rights of Indigenous Peoples Act (UNDRIPA) received Royal Assent and has come into effect. This follows on the heels of transformative change in other jurisdictions, such as BC, where UNDRIPA is already evolving legislation, business practices and culture.

Bill C-15 is a direct response to the Truth and Reconciliation Committee's Call to Action 43 and core principles. The TRC report summarizes the history and legacy of residential schools and identifies both the barriers to reconciliation and the opportunities for constructive action in order for Canada to flourish in the twenty-first century.

UNDRIPA provides the foundational framework for reconciliation at all levels and across all sectors of Canadian society.

The passing of this bill marks a critical milestone for First Nation, Indigenous Peoples and all Canadians. It signifies an important step in the path to reconciliation however much more is needed.

The Prime Minister of Canada has committed to real and positive change regarding the relationship between Canada and Indigenous peoples. Specific and measurable objectives have been set for the ministers of Indigenous Services Canada and Crown-Indigenous Relations including:

- Working in full partnership with Indigenous peoples and communities to advance the vision and implementation of self-determination;
- Supporting capacity-building;
- Closing the economic and infrastructure gap in Indigenous communities; and
- Establishing new fiscal relationships with Indigenous peoples that ensure sufficient, predictable and sustained funding and revenue generation.

In recognition of First Nation rights and authority concerning the management and governance of their reserve lands, the LAB and LABRC, with support from the LTSA are developing and establishing a new First Nations National Land Registry System for the recording of rights and interests of Operational First Nation lands under the Framework Agreement on First Nation Land Management.

The new registry will replace FNLRS operated by ISC and will provide a First Nation operated, reliable and trustworthy land-related registry, survey systems and information to support Operational First Nations in the governance, management, protection and development of First Nation land.

The devolution of the current registry contributes to meeting Canada's key objectives and measures including:

- Indigenous peoples determine their political, economic, social and cultural development
- Indigenous peoples advance their governance institutions and regimes
- Indigenous communities advance their governance capacity

The First Nations National Land Registry will benefit First Nations by:

- Elevating the concept of authority of First Nations over their land and land registry by making the First Nation, their Land Code and laws prominent within the register and the services and information products provided
- Empowering First Nation land authority and land management by ensuring that First Nations have the knowledge, resources and services to be successful and effective
- Facilitating economic development for First Nations through the creation of roles and vocations
- Supporting cultural development for First Nations
- Becoming an intentional platform for digital services and advancement of self-governance for First Nation peoples. The registry creates essential infrastructure for First Nation land governance, furthers FN land management and provides the potential for continuous improvement
- Levelling up the quality of register and services for First Nations by improving the registry standard, certainty and trustworthiness to what is available to all other non-Indigenous Canadians and organizations

These benefits are in alignment with several ISC, CIRNAC, and NRCan priorities and key performance indicators.

CIRNAC:

- Percentage of First Nations that have opted into an Indian Act alternative
- Percentage of First Nations with fiscal bylaws or laws
- Percentage of First Nations with established land codes

ISC:

- Number of First Nations communities that have opted into a self-determined service agreement
- Percentage of First Nations with a completed, community-led land use plans
- Percentage increase of Indigenous businesses created and/or expanded
- Percentage of First Nation communities where non-government revenues represent 25% or more of total revenues

NRCAN:

- Canadians have access to cutting edge research to inform decisions on management of natural resources
- Canadians are engaged in the future of the new and inclusive resource economy
- Strengthening relationships and advancing reconciliation with Indigenous peoples

There will be significant improvements in registry function, capabilities, operations, and support, bringing the standard and quality of land management towards a level other provinces and territories have, and that users may expect. Benefits for all users will include:

- Accuracy in having a register of interests that can quickly determine the state of a parcel
- Certainty through defined policies and practice standardization
- Efficiency through easy access to information
- Confidence in the quality of registry data and service support



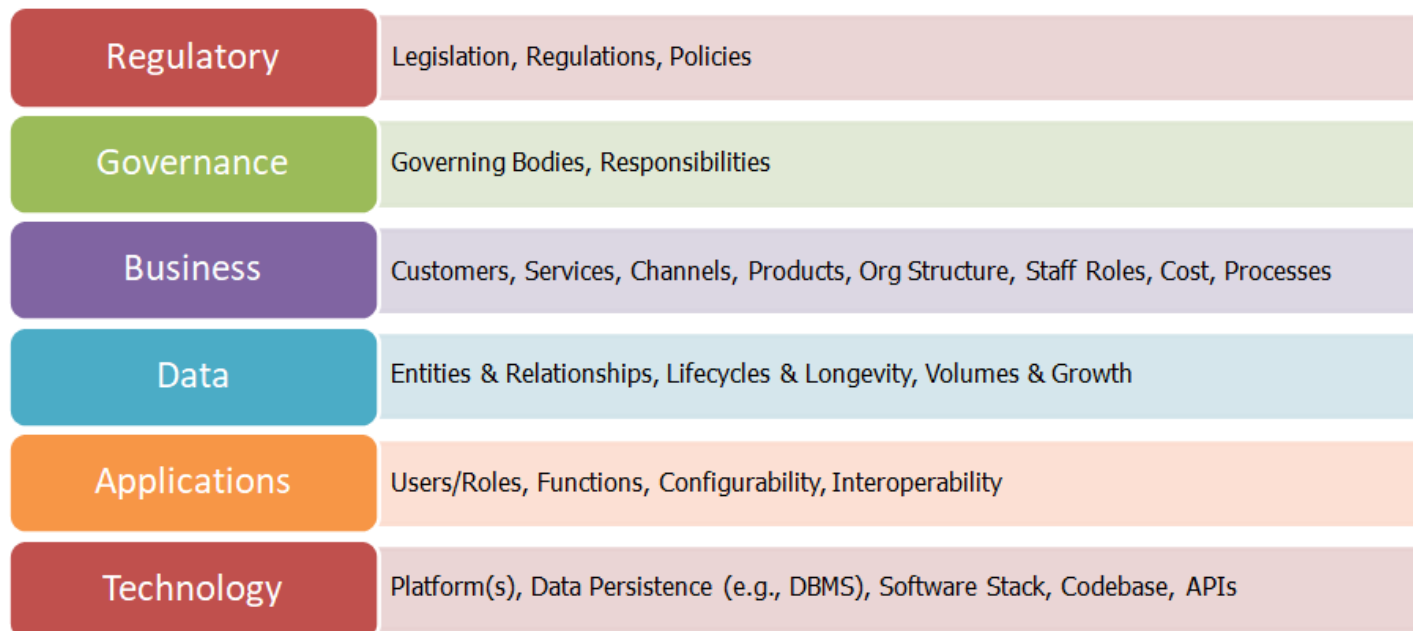
## 5 APPROACH/OPERATING MODEL OVERVIEW

### 5.1 Overview

The Operating Model Framework provides a decomposition of all future operational aspects of the First Nations National Land Registry. This methodology was also used as the tool for analyzing and presenting the current state FNLR. This approach was selected as it leverages a set of structured and integrated perspectives that enable analysis of business and technical components and interactions in the full state business lifecycle.

### 5.2 Framework

The image below outlines the six layers of the Operating Framework, with each 'layer' addressing an aspect of the First Nations National Land Registry in its future state.



Each of the Framework 'layers' addresses a critical component of the First Nations National Land Registry and survey services. These are explained at a high level below:

- **Regulatory:** The legislative, regulatory and policy background on which governance, processes and procedures are based
- **Governance:** Structure(s) that will govern future operations and decision-making authorities
- **Business:** includes several components -
  - **Customers:** all anticipated future users of the First Nations National Land Registry, across all organizations or the public
  - **Services/Products:** what customers will receive when they interact with the First Nations National Land Registry and what delivers value to them
  - **Channels:** the method of interaction between a customer of a service and the provider of the service - the way in which they request, articulate, and receive the service
  - **Organization Structure:** the structure, roles, responsibilities, and reporting lines required to support the First Nations National Land Registry
  - **Staff Roles:** the team used to provide Services/Products to First Nations National Land Registry customers (including operation and maintenance)
  - **Cost:** an accounting or estimation of all delivery and operational costs for the First Nations National Land Registry
  - **Processes:** the procedural steps required to deliver First Nations National Land Registry Services/Products and enabling functions
- **Data:** the parcel map and land register data that is core to the land registry (register records, filed documents), plus the key data flows into these data stores through system-to-system interfaces as well as through transactions
- **Applications:** Software-based capabilities that enable users and autonomous processes to interact and control system features for capturing, manipulating, transacting, and searching data held or accessed through the system. This includes register records, filed documents as well as data obtained from external systems, e.g., parcel data, First Nation, and member data
- **Technology:** the functionality and interaction of supporting software and hardware (including corresponding security) to support service delivery

Using the Operating Model Framework approach has enabled the creation of a comprehensive summary detailing the First Nations National Land Registry operations.

## **6 REGULATORY AND GOVERNANCE OVERVIEW**

### **6.1 Regulatory**

Revising regulations and corresponding legislation is a timely and complicated endeavour. Below is a high-level outline of the steps required to ensure the First Nations National Land Registry achieves required regulatory and legislative support from Canada and additional partners.

1. Receive Canada's agreement and commitment to participate in the establishment of the First Nations National Land Registry and RegCo
2. Consult with stakeholders (see section 2.4) on proposed changes to relevant legislation and regulations and seek additional feedback
3. Incorporate stakeholder feedback into draft Framework Agreement, legislative and regulation outlines
4. Obtain agreement from Canada to revise the Framework Agreement, legislation and regulations
5. Revise the Framework Agreement (see Section 6.1.1)

#### **6.1.1 Future State Framework Agreement**

LABRC and Canada will negotiate amendments to the Framework Agreement or a new Framework Agreement to:

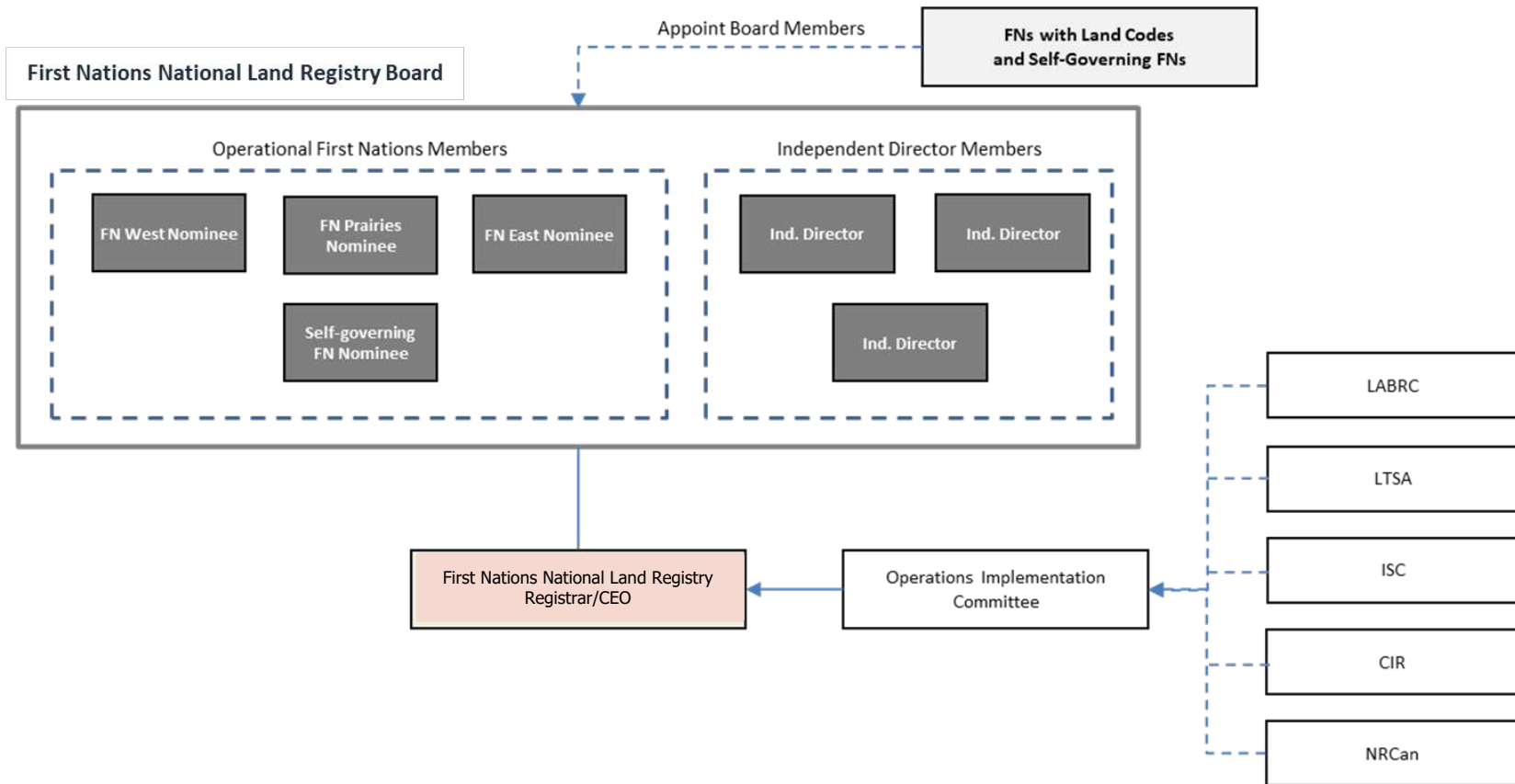
1. Recognize the authority of both First Nations and Canada to make uniform registry regulations as well as the approval process for these regulations
2. Recognize First Nation authority to establish, operate and regulate a land registry, including provisions on:
  - a. Publishing of land codes by the registry corporation
  - b. Obligation of First Nations to use the new registry and to licence registry data to the registry corporation
  - c. Obligations of First Nations National Land Registry to be accountable, transparent and to provide registry and survey products and services to the First Nations
3. Provide for the ownership, control and use of the registry system and data stored in the system
4. Provide for operational funding mechanism between Canada and the registry corporation

### **6.1.2 Future State Regulatory Details**

#### ***Regulatory Authority:***

1. Governor in Council and LABRC will have parallel or joint authority to make regulations for First Nations National Land Registry
2. Governor in Council makes regulations on advice/recommendations of the responsible Minister and LABRC
3. First Nations make regulations in consultation with the Minister and with approval of operating First Nations, as indicated by LAB resolution (and other SG First Nations)
4. Regulations made by the Governor in Council and LABRC are identical
5. Regulations will be published in the Canada Gazette and on First Nations National Land Registry's website
6. Registrar's will have specific ability to establish forms and processes to register interests or record documents

## 6.2 Governance



The First Nations National Land Registry will be an independent, not-for-profit corporation. The corporation will have a selected board comprised of representatives from Operational and Self-Governing First Nations and independent directors. The board will direct policy and planning and be responsible for financial management, accountability, and compliance.

## **Board Composition**

On the board, there will be seven members comprised of:

- 1 member from Operational First Nations in each of West, Prairies, East
- 1 member from a Self-Governing First Nation
- 3 independent directors (with expertise in areas like finance, human resources and business)
- Members are not sitting LAB Directors

Members are selected by Operational First Nations and Self-Governing First Nations and will meet quarterly (mix of in-person and virtual meetings). Members are appointed for staggered 3-year terms and will be remunerated for their service.

## **First Nations National Land Registry**

- First Nations National Land Registry and corporation are administered by a Registrar/CEO
- Staff members report to CEO – perform business of the Registry and some supporting functions

## **Operational Implementation Committee**

Comprised of knowledgeable partners to help build and sustain the Registry, such as:

- LABRC
- ISC
- CIRNAC
- NRCan
- LTSA

## 7 BUSINESS ARCHITECTURE OVERVIEW

This section defines the overall operational context for the First Nations National Land Registry in terms of the core business services it provides and the parties – consumers and suppliers – with whom it interacts. The business architecture presented is for the target, full operational capability (FOC) as described in section 10.1 below.

### 7.1 Architecturally Significant Requirements

The mission of the First Nations National Land Registry (hereafter referred to as 'RegCo') is "to provide reliable and trustworthy land-related registries, survey systems, and information to support First Nations under the Framework Agreement in the governance, management, protection and development of First Nation lands" ([MoU between LABRC and LTSA, item 2](#), October 2<sup>nd</sup>, 2020).

RegCo's core business is to provide register services to participating First Nations: operational Framework Agreement First Nations, and Self-Government Agreement First Nations that opt to use RegCo's services.

The National Land Registry vision, goals (section 3) and key modernizations in essence define high-level business requirements that elaborate as to how the mission of RegCo will be realized. In terms of the register services, the requirements that are architecturally (and operationally) significant<sup>1</sup> at the business level are as follows:

1. **Single shared land register** (vision, point 1): Although legally "a separate register will be maintained for each First Nation with a land code in force" ([Framework Agreement](#), s. 51.2), operationally and technically this will be achieved for all participating First Nations through a single shared set of register services and information systems technology.
2. **Comprehensive authoritative register of interests and collection of records** (vision point 2 and 3), this includes:
  - i. **'State of Interest Register'** (goal 3a): explicit representation of interests (e.g., possession, lease, mortgage, easement) in the register, in addition to registered instruments (modernization item 2).

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<sup>1</sup> The requirements listed here are significant because they affect the fundamental structure and interactions of the business architecture.

- ii. **Comprehensive coverage of land concepts:** not only reserve land and individually held land within reserves, but also shared reserves, excluded lands, Yukon 'land set aside' and community land interests (goal 5a, modernization items 6e to h).
  - iii. **Comprehensive First Nation parcel map** (modernization item 6d): that includes parcel boundary definitions not only for surveyed parcels, but also graphical map representations for unsurveyed interests (modernization item 6c), which can be overlaid with map features from other sources (modernization item 7c).
  - iv. **Comprehensive, unified parcel identification:** a single PIN for both surveyed and unsurveyed lands, issued by the SGB, expanded to include sub-parcels (called sub-PINs in the FNLRs) that are used to represent building units, parking lots and other subspaces (modernization items 6a, 6b, 6i, 2e).
  - v. **Improved access to land-related records** (goal 5)
    1. First Nation level documents, e.g., Land Code, land laws, land/resource use plans/policies (modernization item 5b, 8a).
    2. Links to directly access survey plans (modernization item 4d) and other useful external information sources (modernization item 7a)
    3. Additional data records provided by First Nations that relate to registered interests, property and parcels (goal 5b, modernization item 7b), e.g., uploaded civic addresses for parcels (modernization item 4a).
    4. Data export of register data and map features to First Nation tools and systems (goal 7c, modernization items 9a, 9b).
3. **Enhanced land registry experience** (goal 6) **servicing full spectrum of users effectively** (goal 2)
- i. One unified user interface for external users (goal 6b, modernization item 10b).
  - ii. Universally accessible customer support (goal 2, modernization item 11a).

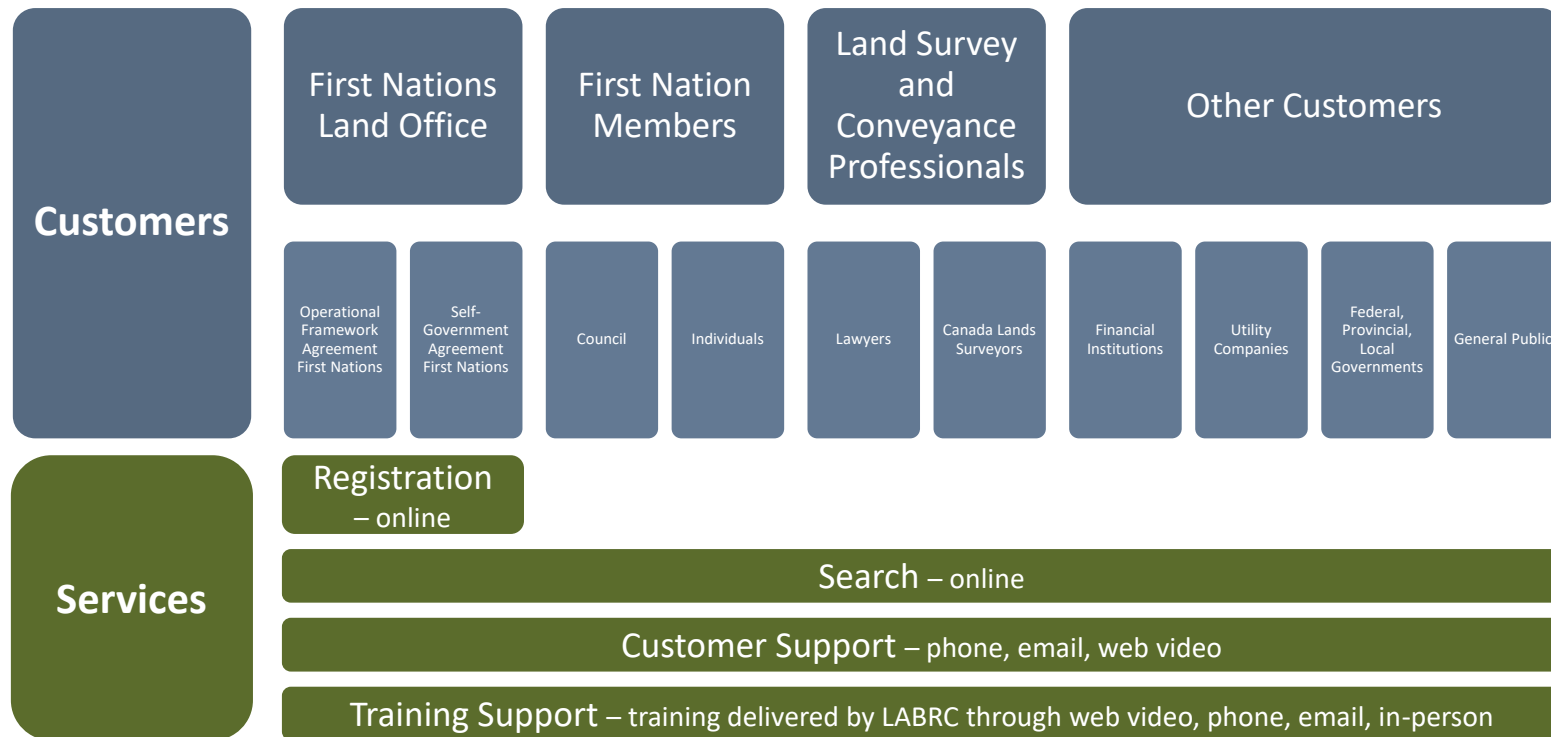


## 7.2 Customers, Services and Channels

The best and most effective businesses are the ones that are customer centric. The impetus for the creation of the First Nations National Land Registry is to meet the needs of Operational First Nations and participating Self-Government First Nations. Customers are at the centre of the new registry and have been involved and consulted throughout the future state design process.

The customer layer of the operating model aims to answer the question: *Who will interact with the First Nations National Land Registry and what are their needs?* Within this section, the term customer defines a stakeholder who actively uses the registry.

From a services perspective, there are four fundamental customer segments: First Nations Land Office, First Nation members, land professionals and other customers.



**Figure 1 Customers, Services and Channels**

1. **Registration services** – the ability to submit applications, instruments, and other records – will be limited to First Nation land managers and others appointed by the First Nation (e.g. other First Nation land staff, contracted lawyers). The registration services will be further constrained to only permit a First Nation to submit documents pertaining to their own land, and not for any other First Nation<sup>2</sup>. Professionals will only be able to submit documents through the First Nations to which they pertain. They will no longer be able to submit directly to the Registry by mailing them in. Submissions must be done online. This will be the only channel. Mailed in paper submissions will not be supported. For First Nations, submissions must be done online as it will be the only channel.
2. **Search services** – the ability to find, view and download records and information products – will be available to all customers. Both textual search and map-based browsing will be available to users, and these capabilities will be integrated together for a seamless user experience. All information products will be available online, including Registrar’s Certificates and Evidence of Title certificates, e.g., certificate of possession, certificate of occupation. This will be the only channel. Paper (mail out) products will no longer be supported.
3. **Customer support services** – the ability to contact Registry staff and make enquiries and get assistance – will be available to all customers by phone or through email. The customer support phone number, email address and hours of operation will be published on the Registry web site. During operating hours phone calls and emails will be answered in a timely fashion. Bilingual services will be provided: French and English. Web video conferencing capabilities will also be available to customer support staff as a means to provide greater assistance.
4. **Training services** – to resource and educate customers – will be available to all customers; however, the primary emphasis will be to support First Nations Land Offices and authorized parties responsible for registration submissions. Resources will be continually improved based on actively solicited customer feedback, e.g. based on customer support enquiries. Training will be delivered through online self-serve resources as well as by trainers, where appropriate. Trainers will deliver training through web video conferencing, telephone and email and in-person, as applicable.

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<sup>2</sup> This restriction does not appear to be in place today for the FNLRS and SGFNLRS.

## **7.2.1 Customer Groups and Needs**

Within each Customer Segment are multiple customer groups, each with their own unique needs. These are presented below.

### **7.2.1.1 First Nations Land Offices**

#### **Characteristics**

- From across Canada, the FNLOs range from urban to rural; small population of members to many thousands of members; small reserve land areas to large reserve land areas.
- Includes both Framework Agreement operational First Nations and Self-Government First Nations.
- Have varying levels of staff capacity to perform their function (some full-time others not), familiarity, training, and ongoing engagement with land register services.
- Primary user of RegCo services not only online (registration and search), but also customer support and training.
- Land Manager, Director of Lands, Lands Assistant, Lands Coordinator are titles given to the central role within an FNLO.

#### **Needs**

FNLO representatives have been consulted through a series of workshops in 2021. The following is a summary of the findings:

- Desire to not lose any of the current registry services being offered, but instead have them enhanced.
- More predictable registry services.
- Better customer support, access to support, and transparency with respect to handling of requests.
- Published land register policies and procedures.
- Improved views of data through online services.
- Better quality data in land register.
- Improved products in terms of content and layout.
- Clearer identification of land: through single PIN for all parcels, mapped boundaries for unsurveyed parcels and interests, map display that is comprehensive – not missing parcels.
- Clearer representation of land concepts in the land register.

- Tighter transactional security, whereby FNLO staff can only submit instruments for registration against their own First Nation<sup>3</sup>.
- More intuitive and streamlined user interface.
- Easier access to online services (instead of Citrix) and elimination of service timeouts.
- Continual improvement of services and land register.

#### 7.2.1.2 Legal Professionals – Lawyers and Notaries

##### **Characteristics**

- Members of their professional society (law society, society of notaries) in good standing who practice in real property matters.
- Represent their clients who may be band members, other individuals, or organizations, including First Nations and First Nations Land Offices.
- Act on behalf of a client to complete conveyances and other land register transactions.
- Provide legal advice and guidance to clients.

##### **Needs**

To date, there has been no direct consultation with legal professionals regarding the future land registry. The following is deduced:

- Access to First Nation Land Code, bylaws, and land governance practice materials.
- Access to published land registry policies and procedures.
- Access not only to online search services, but also to online registration resources (e.g., forms) in order to prepare land register transactions on behalf of clients.

#### 7.2.1.3 Canada Lands Surveyors

##### **Characteristics**

- The only individuals legally authorized to perform cadastral surveys on “Canada Lands”, which includes First Nation lands.

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<sup>3</sup> Currently it is possible for person with submission rights in one First Nation to submit an application for registration pertaining to another First Nation.

- Members of the Association of Canada Land Surveyors, see [ACLS-AATC Canada: Welcome to ACLS-AATC – Association of Canada Lands Surveyors \(ACLS\)](#)
- Authorized to submit survey plans to the NRCan Surveyor General Branch.
- Canada Lands Surveyors primarily interact with FNLOs and NRCan SGB, and relatively not as much with the registry services.

## **Needs**

One consultation session was held with a group of eight Canada Lands Surveyors from across Canada. Their needs are summarized below:

- Access land register search services and products.
- Access to instruments because they may contain sketches, in particular for blanket easements or leases that have no plan.
- Clear and comprehensive view of current registered interests.
- Map user interface that integrates well with the textual land register.
- Access to paper records in First Nations Land Office. In future, this need could be met by the land register if these records were digitized and uploaded to the land register.
- Civic addresses for First Nation parcels (lots) so that survey crews could be given accurate directions for finding a survey site.
- Additional metadata (e.g., tags) on land beyond what is registered would be helpful to guide a Canada Lands Surveyor, e.g., if there is an ongoing estate matter.

### 7.2.1.4 First Nation Council

## **Characteristics**

Each First Nation has its own Land Code, and so there may be differences in law and practices. The following is based on LABRC's [Model Land Code](#):

- "Council" means the "Chief and Council of the Name First Nation or any successor elected government of the Name First Nation", s. 1.2, Definitions.
- Council may make (or delegate the making of) land laws respecting "interests and licences in relation to First Nation land", s. 6.1 (b), including their creation, regulation, and prohibition (s. 6.2 (b)) as well as for other land matters.
- "Council may make other regulatory instruments, including rules, regulations, standards, codes and policies", s. 6.3.
- Council works with the Lands Committee for guidance on land laws, is responsible for consultation with members, and ultimately approves changes to land laws.

- Council may grant interests and licences in land, “including certificates of possession, member allocations, leases, permits, easements and rights-of-ways”, s. 29.1 (a), 32.2.
- Council may grant easements, right of ways, and permits for utilities, s. 14.2.
- Council is involved in community expropriations (s. 16.4), land exchanges, s. 17.6 - .8.
- Council “shall publish an annual report on Land matters”, s. 20.1.
- Council “may delegate administrative authority to staff to carry out functions necessary for day-to-day administrative operations of Land and natural resources”, s. 22.1.
- Council may be required to provide consent for certain types of instruments granting interests or licences, or ensure that community approval is obtained, s. 26.2.
- Council “may establish mandatory standards, criteria and forms for Interests and Licences”, s. 27.2.
- Council may require they give consent to mortgage or charge on interest held by member, including leasehold interests, s. 34.2, 34.3.

In essence, Council is the governing body for the First Nation that sets law and policy that is administered by the Lands office.

## **Needs**

Council or the delegated Lands Committee has a significant role in the administration of First Nation land. Although they typically work through the Land Office to register interests and licences and so are not a direct customer; their decisions (land code, bylaws, grants, consents) must be made apparent in the land register. No direct consultation has yet taken place with representatives from First Nation Councils. The following is inferred from the analysis above.

- Like all other groups, Council needs access to the land register search services and products. However, they will mostly likely want to see clearly (and in a convenient way) where Council’s decisions have been registered or have been applied to registered interests and licences (permits), i.e., land code, bylaws, standards, policies, grants and consents.
- Council will likely want to have a complete view of registered land parcels and blanket encumbrances within each reserve.

### 7.2.1.5 First Nation Members

## **Characteristics**

- “Member” means “a person whose name appears or is entitled to appear on the First Nation Band Membership List”, LABRC’s [Model Land Code](#), s. 1.2.

- A member may have been granted a certificate of possession, a land allocation, lease, or permit entitling them to occupation or use of First Nation reserve land.

## **Needs**

The following has been inferred from consultation workshops with First Nations Land Office representatives and analysis:

- Like all other groups, members need access to the land register search services and products.
- With the interests and licences they hold, members will want to hold their land and subsequently at some future point want to register instruments to encumber, transfer or develop their land. Members will need to transact with the register through the First Nations Land Office – possibly with the assistance of a legal professional – in accordance with the First Nations laws, policies, and practices.
- Members will likely want to have a clear view as to the state of interests on the land they hold.
- Members holding registered land interests will want to be notified of any pending changes that may affect their land interest.

### 7.2.1.6 Financial Institutions

## **Characteristics**

- This includes banks, private investors and groups, mortgage brokers, credit unions, and professional lenders.
- Financial institutions cannot outright hold First Nation land, as all reserve land must remain within the First Nation.

## **Needs**

- Like all other groups, financial institutions need access to the land register search services and products.
- For the purpose of lending money in exchange for a right to property, financial institutions need to ascertain that the property is a good safe holding property (e.g., property location, boundaries and improvements are certain), that its valuation is appropriate, and that the collateral for the money loaned is acceptable.
- For mortgages, financial institutions will want to register mortgages against registered land interests, possibly re-assign (transfer) them, re-prioritize them, and relinquish them upon payout. To perform these land register transactions, financial institutions will need to work through the individual First Nations Land Offices possibly with the assistance of a legal professional. It will be easier for financial institutions to provide services to operational First Nations, their members, and the general public, if there is a consistent approach for all (or a large segment) and interactions can be done efficiently. To that

end, financial institutions would benefit from the services of legal professionals who are able to serve large segments of operational First Nations on their behalf.

#### 7.2.1.7 Utility Companies

##### **Characteristics**

- This includes companies providing telecommunications, water, electricity, natural gas, sewer services and ancillary services.

##### **Needs**

- Like all other groups, utilities need access to the land register search services and products.
- Utility companies need to install and service their infrastructure on First Nations land. Infrastructure corridors should be registered as easements, right of ways or permits on individual and community land holdings. Utility companies most likely prefer blanket interests (e.g., blanket easement on reserve that has no specific location) as it simplifies and reduces their land register requirements and registration effort. However, blanket interests result in unrestricted access for utilities to First Nation land and provide no clear indication as to where the infrastructure has been placed.
- For those First Nations that require utilities to register interests on parcels or by creating parcels (e.g., easement parcels) then both parties would benefit from technology to accurately spatially overlay proposed utility corridors on to existing or proposed reserve parcels. At the very least, both parties would benefit from a comprehensive, accurate and accessible parcel map.

#### 7.2.1.8 Federal, Provincial, Local and other First Nation Governments

##### **Characteristics**

- This includes all levels of governments outside of First Nations – federal, provincial, regional, or local – as well as any First Nation other than the one to whom the land belongs.

##### **Needs**

- Like all other groups, governments need access to the land register search services and products.
- NRCan SGB, being a service co-delivery partner (see Section 7.5) may have distinct needs with respect to the land register. For example, SGB may want to be notified when parcels become legally active or cease to be legally active – particularly in the case of short-lived parcels that may be issued for permits and licences.



- Provincial or local assessment authorities may like to be notified of First Nation property transactions.

#### 7.2.1.9 General Public

##### **Characteristics**

- This includes everyone else who are not First Nation members and are not listed above, e.g., individuals, corporate bodies and partnerships who want to register and interest in First Nation land.

##### **Needs**

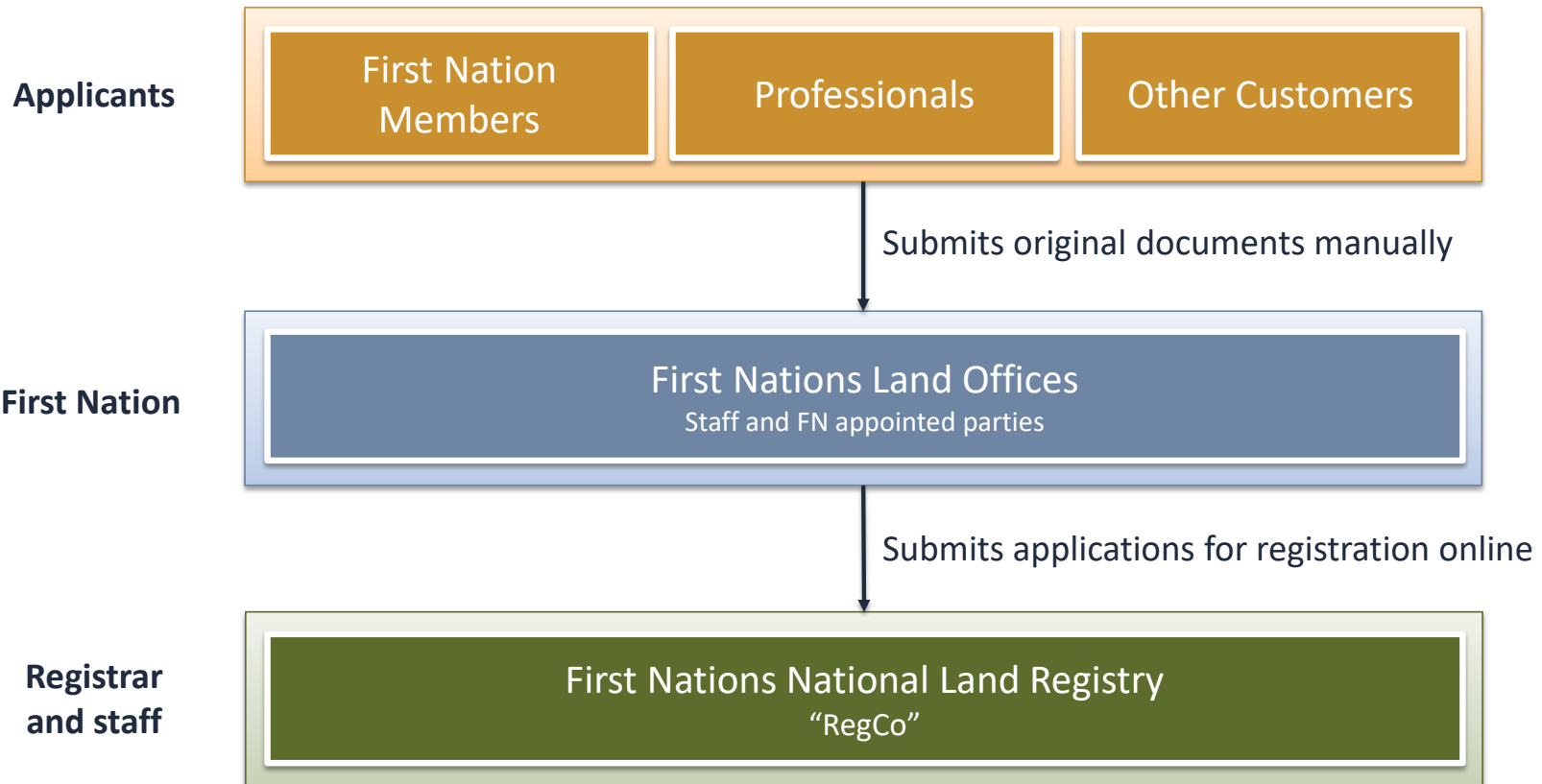
- Like all other groups, the general public has access to the land register search services and products.
- Although they cannot be granted an allotment of First Nation land, the general public may hold lesser interests, including leases and sub-leases, e.g., for building units. As interest holders, they will undoubtedly want to know the 'state of interest' of their holdings.

#### **7.2.2 Fees**

At launch, the First Nations National Land Registry will not charge transactional fees to customers, as per current state operations. Due to the limited volume of annual transactions in the registry, any funds collected from fees would be inconsequential and represent a significant cultural shift from today's practices. It is not anticipated that fees would be charged to customers within the first two years of the First Nations National Land Registry operations. Following successful transition and establishment of the First Nations National Land Registry, the concept of subscription fees and additional sources of funding may be revisited by governing bodies and/or partners.

### 7.3 Registration Process

All applications for registration (with some exceptions defined below) must be submitted through the First Nations Land Office responsible for the land<sup>4</sup>.



**Figure 2 High-level Registration Process**

<sup>4</sup> Ultimately, this is up to the First Nation to decide (by resolution) and the Registrar will comply with that First Nations law or resolution.

This process enables First Nations to check applications themselves regarding adherence to First Nations laws and policies prior to registration. Following that, all applications for registration (with some exceptions) must be submitted to the registry by the First Nation. A First Nation may appoint one or more persons to act for the First Nation to submit applications to the registry, e.g., a private law firm.

The Government of Canada, whose employees have been providing registration services for the FNLRS and SGFNLRS, will not be involved in providing registration services for the FNNLR. Neither will they (with some exceptions) have access to submit applications for registration, other than through the governing First Nation. Specifically, individuals employed by ISC would not be eligible to register applications, nor to directly submit applications for registration. The Government of Canada will continue to be responsible for the provision and operation of the ILRS under the Indian Act. Any ILRS transactions that impact the FNNLR records will need to be flowed through the appropriate operational First Nation.

Exceptions to the above will be made for ministerial orders issued by the Government of Canada, e.g., for additions to reserves. The Registrar will accept these applications for registration directly. For these types of applications, the Registrar may receive these applications through an alternate channel. Regulations and policy will be established to dictate what kinds of applications will be received by the Registrar in this way. These kinds of applications are infrequent, with only eight ministerial orders being issued to operation First Nations over a five-year period.

## **7.4 Products**

The register information products accessed through the Registry Search Services will cover information provided in the current reports (e.g., Parcel Abstract Report, Reserve General Abstract Report) and other data products (e.g., Evidence of Title Details) provided by the FNLRS and SGFNLRS. Notable changes are as follows:

1. **Re-designed Products:** to highlight First Nation authority, precedence of Land Code and laws, present summary before details and create a consistent style across all products.
2. **Consolidated Products:** near-identical products will be combined. Specifically, the following:
  - a. Band-Reserve Report and Reserve Details.
  - b. Parcel Abstract Report and Land Details.
  - c. Instrument Report and Instrument Details.
3. **New Products:** e.g., a 'First Nation Land Laws' product listing active registered Land Code, bylaws and other appropriate documents, a 'State of Interest' product that only shows the active interests, products that include map graphics.
4. **Layer-aware:** providing integrated view of interests (to extent they are defined) across layers: reserves, surface parcels, sub-PINs, easements.
5. **Downloadable data exports:** a Register data export to enable data feed to First Nation tools and systems. Also, a map data export that includes summary register data with links to full register data.
6. **All online:** all products will be available through the search services. The Registry will not be issuing and mailing out paper products (e.g., certificates, certifications) to customers.

## 7.5 Service Delivery Partners

The term 'service delivery partner' defines a stakeholder that supports registry processes and is essential to conducting registry operations. Three key partners have been identified: LABRC, NRCan SGB and LTSA. LABRC and NRCan SGB will not only provide services to RegCo, but also are and will continue to be providing services directly to customers. This concept of co-delivery of services to customers is depicted below.



**Service Delivery Partners** include

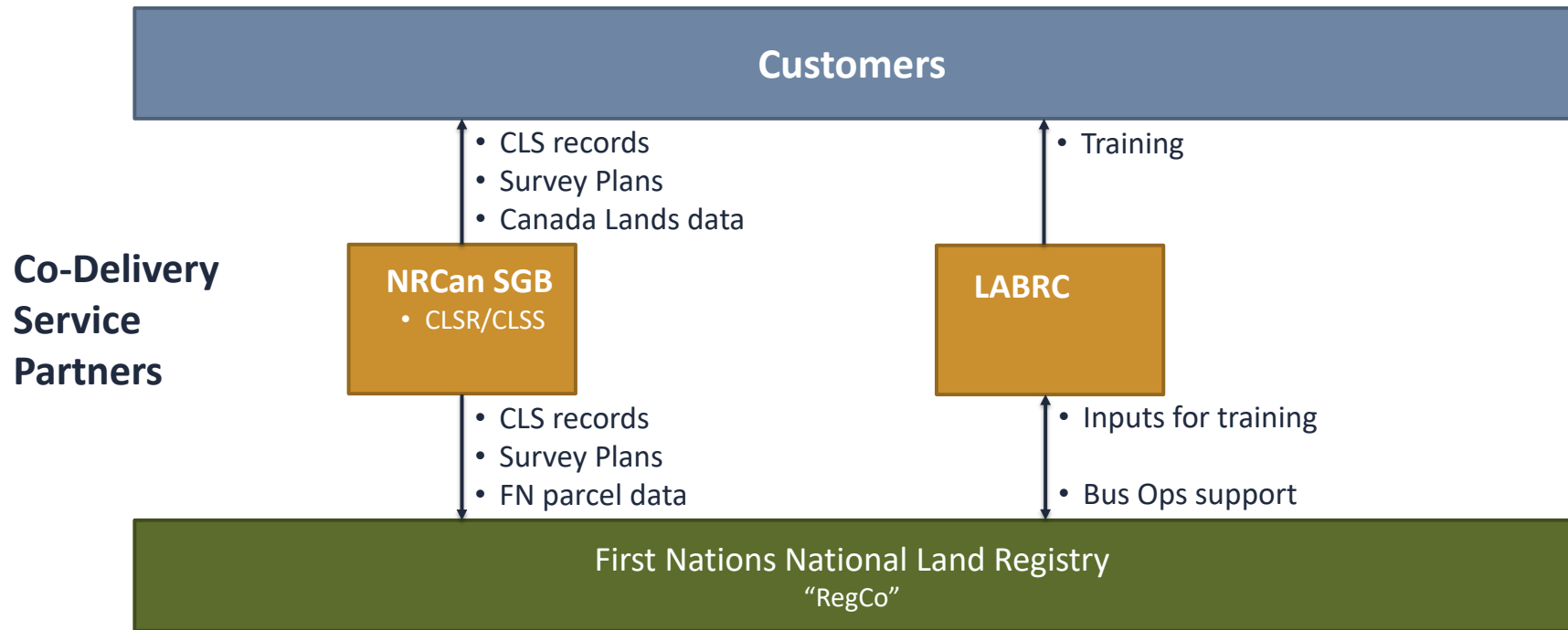
1. **LABRC:** Registry training services
2. **NRCan SGB:** Canada Lands Survey records & plans
3. **LTSA:** Register technology and associated technical support for RegCo

\*ISC continues to deliver services under the Indian Act

**Figure 3 Co-Delivery of Services to Customers**

LTSA's role includes the building, sustaining, supporting, and maintaining the technology underpinning the new land register as well as providing land register know-how and expertise to guide the establishment of RegCo.

The services that will be provided by or to the Service Co-Delivery Partners are shown below.

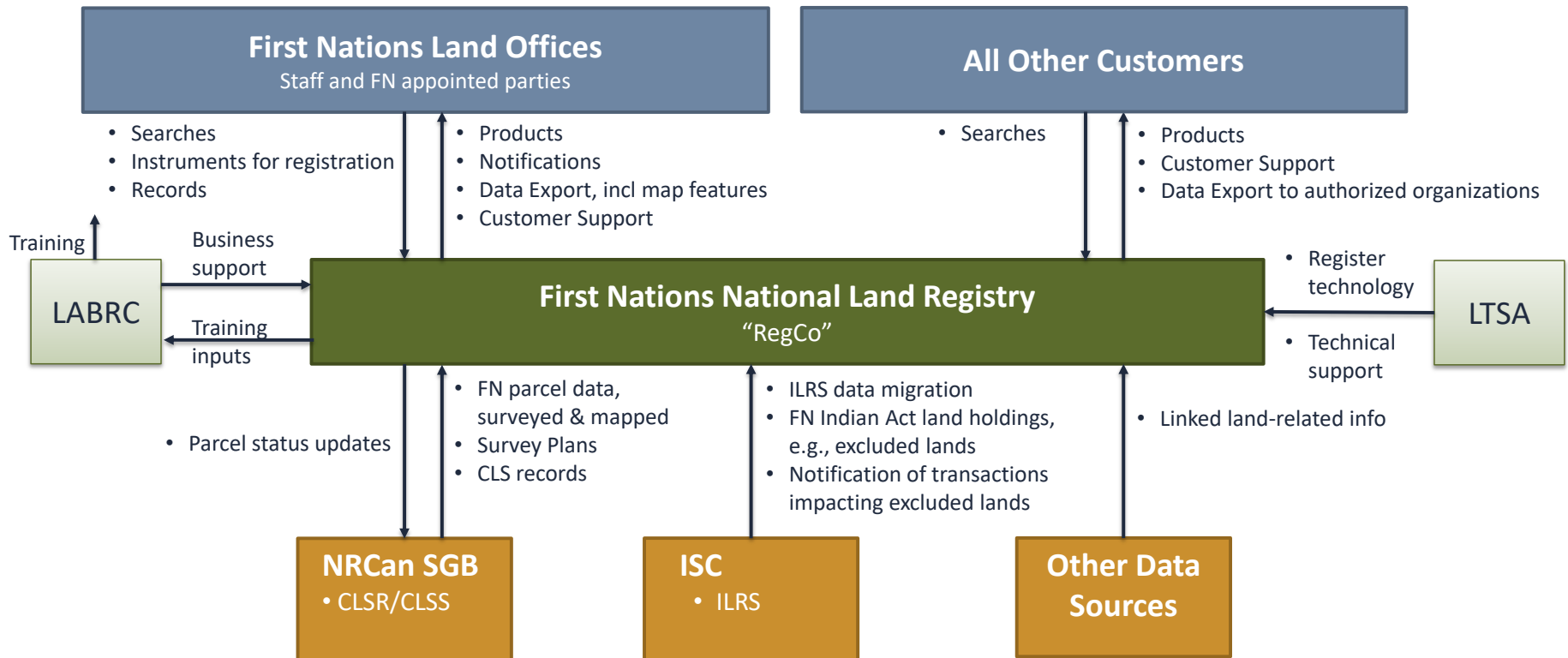


**Figure 4 Co-Delivery Service Partners and Services**

An operational First Nation may still have holdings under the Indian Act, being tracked by ISC using the ILRS, e.g., excluded lands.

## 7.6 Cross-Agency Business Architecture

The complete high-level service context for RegCo is shown below.



**Figure 5 Cross-Agency Services**

The search and registration core services follow the same patterns already established:

1. **Search** is used to retrieve products. All customers have access to the search services and products.
2. **Registration** events are communicated through notifications, i.e., emails. Only the First Nations Land Office staff and parties they appoint (e.g., a law firm) are able to submit applications with instruments for registration.

Notable changes to the land register related services are as follows:

1. **ISC provides ILRS data through an ETL process:** Whenever a First Nation becomes operational under the Framework Agreement, their data must be migrated from the ILRS to RegCo's land register through an 'extract, transform and load' (ETL) process.
2. **ISC tracks excluded lands within Land Code reserves in ILRS and notifies FNNLR of transactions:** Excluded lands (lands that remain under the Indian Act, as established in the Individual Agreement with the First Nation in the process of establishing the First Nation's Land Code) must remain in the ILRS (although they are currently being tracked in the FNNLR). Several things need to be put in place in order for excluded lands to be properly tracked between both systems:
  - a. **ILRS needs to track and give visibility to excluded lands:** Excluded lands within a Land Code reserve are currently being tracked in the FNNLR, not the ILRS<sup>5</sup>. With the advent of the FNNLR, the ILRS will need to track these excluded lands. Furthermore, the ILRS should make clearly visible (and provide a service to publish) excluded lands belonging to operational First Nations so that they may have a complete view of their land concerns.
  - b. **FNNLR "shadow records" regarding excluded lands need to be kept synchronized with the ILRS:** The FNNLR will need to retain all records pertaining to a Land Code reserve, including references to excluded land, e.g., right-of-ways, easements. As transactions are subsequently made against excluded lands in the ILRS, the FNNLR records "shadow records" will need to be kept up to date. To accomplish this, ILRS and/or ISC will need to notify the FNNLR of transactions on excluded lands.
  - c. **Processes are needed for moving re-patriated excluded lands from ILRS to FNNLR:** When the matters concerning the excluded land are resolved, then a process is needed for moving responsibility for the excluded land and its data from the ILRS to the FNNLR, in conjunction with an update to the Land Code to include the excluded lands in a reserve.
3. **New data export services:** Register data will be exportable in machine readable formats, e.g., spreadsheet compatible, GIS compatible. The data available for export will be accessible to the First Nations Land Office and other authorized organizations, e.g., property assessment and taxation authorities. Access to data will be controlled such that a First Nation can only download its own data, and not that of any other First Nation.

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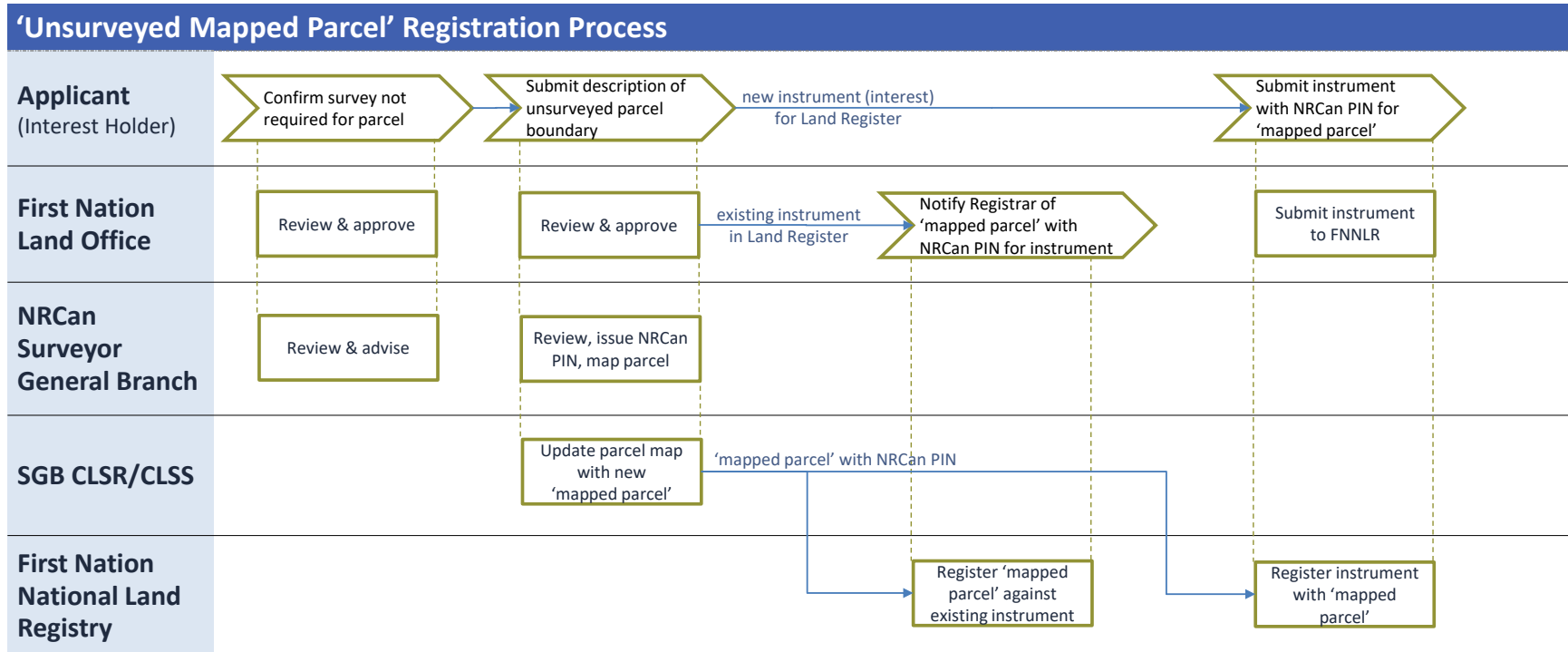
<sup>5</sup> For example, ?aq'am First Nation has a CPR right-of-way registered in the FNNLR for excluded land represented by an Easement Parcel (PIN 902528645) on under Land Code reserve 'Kootenay No. 1'.



4. **New types of data stored:** First Nation Land Offices may file to the FNNLR land related records, including map features and links to data from other sources. This data will be held in an associated 'land records' store separate from the core land register which contains registered instruments and interests. This data will also be accessible through search. Any products provided for this type of data will need to be generic. The data will be exportable.
5. **Incorporation of map features for unsurveyed parcels and unsurveyed interests:** These are needed to create a comprehensive base map of all parcels and interests. They must be sourced from each First Nation, who may opt to engage third party services (mapping services, Canada Land Surveyors), to create reasonably accurate map features with quantified accuracy. The proposed process design is for the First Nations Land Office to have a central role in establishing and approving boundary descriptions that are then submitted to NRCan SGB for mapping and publishing. A proposed process is outlined in section 7.6.1.
6. **SGB CLSR records are directly available through the land register search services,** e.g., survey plans.
7. **SGB will issue NRCan PINs for all Canada Land parcels, even if unsurveyed:** This may lead to changes in practices for the Canada Land Surveyor, for example if the SGB decides to issue PINs along with the survey instructions. SGB will need to back-issue NRCan PINs for all land register 'sub-PIN' parcels (sub-parcels of surface parcels) and continue to do so going forward. As Sub-PINs have been used for building units and parking lots, the SGB will need to be able to accommodate these types of parcels. Building units may require more specialized capabilities of the SGB to track and manage as they are vertically stacked. PINs will also need to be issued for permits and licences which are relatively short term: anywhere from a few months up to 10 years.
8. **Applications for registration must all come through the First Nations Land Office:** barring some exceptions, see section 7.3.
9. **Paper submissions will no longer be received.**

### 7.6.1 'Mapped Parcel' Registration Process

A proposed process for establishing a 'mapped parcel' instead of a surveyed parcel is shown below.



The main steps are as follows:

1. **Confirm survey not required for parcel**, i.e., mapped parcel is sufficient
  - a. **Policy:** Guiding policy and criteria as to when a parcel can be mapped instead of surveyed will be established by RegCo in collaboration with SGB. This policy may be tailored by each First Nation to suit their Land Code according to their needs.
  - b. **Initiation:** Mapping of a parcel may be initiated in variety of ways. A First Nations Land Office may decide that an existing unsurveyed and unmapped parcel, interest, licence or permit needs to be mapped, and engage the

primary interest holder to resolve the matter. Alternately, an applicant (e.g., First Nation member) may wish to establish a parcel without needing to hire a Canada Lands Surveyor to create a survey plan.

- c. **Authority:** Ultimately authority regarding whether a parcel should be mapped or surveyed rests with the First Nation, and most likely the Land Office.
- d. **Interactions:** The Applicant consults with the First Nations Land Office to determine if a parcel can be mapped as opposed to surveyed. The FNLO can make a decision based on policy, survey standards, and the context but may also opt to consult with NRCan SGB to review and advise.
- e. **Decision Outcomes:** Either parcel can be mapped, as so process proceeds to next step, or must be surveyed, triggering the survey process and requiring the engagement of a Canada Lands Surveyor.

## 2. Submit description of unsurveyed parcel boundary

- a. **Description:** This may be a textual description of the parcel boundary, a sketch, GPS derived coordinates or any other form that is acceptable to the First Nations Land Office.
- b. **Approval:** The First Nations Land Office must determine whether the mapping is acceptable with respect to policy and context including surrounding parcels, land use plans and zoning before giving approval.
- c. **Mapping:** Once approved, the description is forwarded by the FNLO to NRCan SGB who will convert the description into a mapped parcel that is based on geographic coordinates. The SGB will determine to what extent a mapped parcel is integrated into the surrounding parcel fabric. If there are other adjacent or nearby mapped or surveyed parcels, the new mapped parcel must be kept in alignment with these.
- d. **Identification:** SGB will issue an NRCan PIN for the new mapped parcel.
- e. **Publication:** SGB will make the mapped parcel data available to the FNLO, the FNNLR and others as appropriate.

## 3. Notify Registrar of 'mapped parcel' with NRCan PIN for instrument, for an existing instrument in Land Register

- a. **Initiator:** The FNLO is best to initiate this, as they are the approver of the mapped parcel, and can do so by submitting a request to the FNNLR.
- b. **Registration:** Registry staff complete the process by registering the NRCan PIN with the previously registered instrument which may define a parcel, interest, easement, licence, or permit. The NRCan PIN enables the Land Register to associate the instrument with the mapped parcel data published by the SGB.

## 4. Submit instrument with NRCan PIN for 'mapped parcel', to register a new instrument (interest) in Land Register

- a. **Interactions:** This is the alternate scenario to item 3. It proceeds like any other registration of a new instrument based on a surveyed parcel. By submitting the NRCan PIN for the mapped parcel with the application, the Registrar is able to associate the instrument with the mapped parcel data published by the SGB.

Some key points:

1. **Mapped parcel accuracy** will be less than that of a surveyed parcel. The estimated or calculated accuracy will be recorded by the SGB when mapping the parcel. The accuracy will be published as part of the parcel data.
2. **Identity:** It will be important to ensure that a mapped parcel is clearly distinguished from a surveyed parcel wherever it is presented: online browsing, search results, information products and other places in the new system. It is conceivable that a mapped parcel may subsequently become a surveyed parcel, because of changes to its surrounding context on the land (e.g., more development) or a change in First Nation policy. In reality, the ID of the parcel (i.e, NRCAN PIN) should remain unchanged as it is fundamentally the same extent of land, and only its source (mapped, surveyed), boundary coordinates and accuracy should change.
3. **Temporary nature:** Mapped parcels are more likely to have a short active time period, e.g., when used for easements, permits or licences. The instrument registered in the Land Register establishes the term of the primary interest for a mapped parcel. For the purposes of NRCAN SGB and other consumers of their parcel data, it would be helpful if the Land Register flowed updates to parcel status (e.g., active, inactive) to the SGB.

## 7.6.2 Key Changes for Collaborating Agencies

Key changes from the current state for other agencies that will collaborate with RegCo are shown below:

### NRCan SGB

- 1. Mapped boundaries support:** Able to assess proposed mapped boundaries for unsurveyed parcels and unsurveyed interests from First Nations to determine if they are acceptable, to retain master records for these and to publish them.
- 2. PIN support for non-surveyed parcels & interests:** Able to issue NRCan PINs for all parcels in the land register, including Sub-PIN parcels (e.g., building units) and interests in land not requiring a survey, e.g., permits. This would achieve a single unified PIN for all First Nation parcels. In future, it may make sense to issue PINs as part of survey instructions.
- 3. Timely parcel data:** Able to provide parcel data to RegCo system in near real-time for all First Nations in land register.
- 4. Practice change to eliminate remainder parcels:** Eliminate practice allowing remainder parcels and issue new lot designation instead.

### ISC

- 1. Data export capability:** Able to handover First Nation land records to RegCo system.
- 2. Register cessation:** Cease services for FNLRS and SGFNLRS registries.
- 3. Excluded lands tracking, notifications and resolution process:** Excluded lands must be retained in ILRS and updates must be flowed through to FNNLR.
- 4. ILRS record access:** Able to provide access to operational First Nation land holdings still under Indian Act held in the ILRS to the RegCo system.

### LABRC

- 1. New training:** New training programs for RegCo services based on material provided by RegCo.
- 2. More training:** Increased demand (effort) for training during transition of First Nations to RegCo services.
- 3. BusOps support:** Providing support to RegCo for business operations as appropriate.

#### 7.6.2.1 Collaborating Agency Service Requirements

Service agreements with collaborating agencies will be established. In those agreements, service delivery parameters will be defined.

NRCan SGB has published their current service standards on the web, [here](#).

Notable service delivery parameters are as follows:

1. **NRCan SGB – Parcel data currency:** NRCan SGB has indicated that they are able to publish a parcel data update each night, enabling the Land Register to stay within one day currency of changes to the parcel map.
2. **ISC – First Nation land record export:** All data – registered, records, documents (instruments, etc.) – in the FNLRS and SGFNLRS must be preserved through the export process to the new Land Register. The database data model structures need to be retained (as opposed to some alternate form) to ensure that no errors or misinterpretation of data is introduced.
3. **ISC – Excluded land data currency:** Notification of transactions on excluded land in the ILRS need to be provided by ISC to FNNLR in a timely manner. Ideally, the FNNLR should be kept current within one day of any transactions on excluded land.

## 7.7 Metrics

As of September 2021, there are 102 Operational Framework Agreement Signatory First Nations as well as 61 Active Development and 1 Self Governing First Nations. The Operational First Nations currently leverage the FNLRS to conduct land management activities. Since 2001, there has been an annual average of five votes for land code. The LABRC projects, that on average the number of Operational First Nations will increase at a similar pace for the next five per year.

In 2020, the number of annual transactions was lower than normal due to the pandemic; therefore statistics from 2019 will be used for this analysis. In 2019, the combined annual registration transactions in the FNLRS and SGFNLRS was ~4500. Between 2015 and 2019, the FNLRS has seen an overall increase of 28% in registrations; equivalent to an estimated annual increase of ~5.5% in transaction volume.

Based on the projected number of new Operational First Nations, leveraging the pre-pandemic baseline of cumulative registrations, instruments and parcels and the estimated 6% growth rate every five years, it is estimated that following the establishment of the new registry, RegCo could anticipate the below volumes in the first five and ten years of operations.

### Projected Growth based on 6% Growth Rate

Metric	2021 Baseline	5 Years	10 Years
Transactions	4,500	6,000	8,100
Instruments	182,000 <sup>6</sup>	244,000	326,000
Parcels	20,500	27,000	37,000

<sup>6</sup> The number of instruments may be somewhat inflated due to the fact that every time an instrument impacts a parcel or reserve it is kept as a separate record in the database. The April 2021 baseline numbers are those provided by ISC. The number of documents (Protected B) is notably lower: ~116,000. It is possible that some documents may be used to support multiple instruments, so the document count may not be truly indicative of the number of unique instruments. Furthermore, the instrument count probably does not exclude expired or terminated instruments. The above numbers provide a reasonable upper bound.

## **8 REGISTRY BUSINESS ARCHITECTURE**

### **8.1 Future State Operating Model**

The new First Nations National Land Registry will be operated, managed, and governed by a dedicated, not-for-profit organization that is staffed by First Nations. For the purposes of Section 8, this organization is referred to as the 'Registry'. The Registry is the organization that will be established to enable and support a new register. 'Register' refers to the technical system and future state of the current FNLRS.

This proposal defines the Future State Operating Model of the registry as of day 1 of operations. The Future State Operating Model is the visual representation of how the Registry will provide service, execute business drivers, and deliver value to its customers, in order to achieve the benefits, vision and goals outlined in previous sections. The Operating Model is not an organizational structure design; instead, it illustrates organizational responsibility and informs critical activities, roles and responsibilities, staffing and costs.

Day 1 or Initial Operational Capability (IOC) refers to the first day of business for the Registry. Prior to this, significant business preparation, transition and implementation activities will need to take place to establish the Registry. These detailed plans are not included within this proposal, however a high-level roadmap to support understanding of select activities can be found in Section 10.1 below. Specific functions, capabilities or services may evolve as the registry matures over time.

### **8.2 Design Principles**

The purpose, vision and goals for the Registry informed the design of the Future State Operating Model. The purpose of the new Register and establishment of the Registry is to create unique benefits for First Nations. These include:

- Elevating and enhancing First Nation authority over land governance and infrastructure,
- Becoming an economic development and cultural protection tool for First Nations and reserves; and
- Becoming an intentional platform for the digital services and advancement of self-governance for First Nation peoples.

The Registry's purpose supersedes other common business model concepts such as being the most cost efficient or effective delivery options. Therefore, the recommended Operating Model and service delivery options have been selected by the working group because they achieve at least one or more of the following objectives:



- Work in partnership with indigenous peoples to advance self-determination
- Support capacity-building
- Close the economic and infrastructure gap
- Establish fiscal relationships that ensure sufficient, predictable, and sustained funding and revenue

### **8.3 Function and Capability Model**

When designing the Operating Model, several operating structures were considered. The functional structure was selected because it is most effective for organizations in the 'growth' stage of the *start-up, growth and maturity business life cycle continuum*. In addition, it is highly effective when an organization has limited product or services and the context stresses the efficient use of specialized resources.

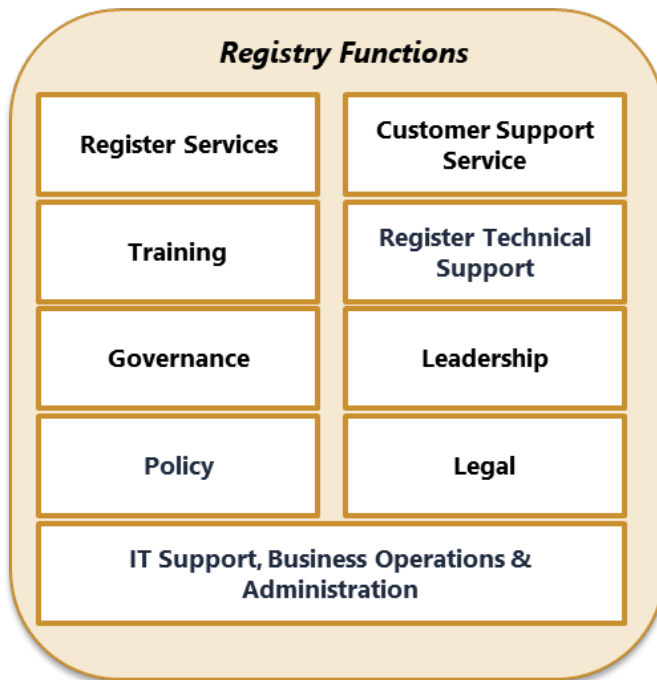
A function is an overarching activity that is required for an organization to deliver and sustain offerings to customers and partners. In other words, a function is a fundamental component of an organization that enables the organization to deliver value, sustain operations and grow.

Selecting a functional model aligns with the vision for the Registry as of day 1 operations and provides potential advantages of encouraging collaboration and attention to quality within each function, greater ease of oversight from leadership and potential to lower costs as one resource may be able to perform multiple functions.

Following the selection of a functional operating model structure, the working group engaged in design and iteration sessions over the course of two months to determine which functions were required within the Registry.

Nine functions were developed (see image below), reflecting all activities required to:

- Lead the Registry (Governance and Leadership),
- Deliver and support the register products and services (Register Services and Register Technical Support);
- Support customers and ensure they are informed on operating the register (Customer Support Service and Training);
- Ensure the Registry and Register sustainment (Policy and Legal); and
- Conduct day-to-day business, administrative and personnel requirements (IT Support, Business Operations and Administration).



The Registry functions will not act in silos. The functions must interact, receive and provide information and collaborate to achieve intended results. For example, Customer Support Service will need to work closely with Training and Registry Technical Support to understand how end-users are using the Register and how the Register operates. This will enable Customer Support Service to provide informed assistance when called upon. In return, Customer Support Service will inform Training and Registry Technical Support of end-users feedback on training or potential register issues being encountered by end-users.

Each function serves a unique purpose that contributes to the operations of the Registry.

Function	Purpose
<b>Register Services</b>	Enable the registration, discovery and administration of interests in land, instruments as well as other relevant documents
<b>Customer Support Service</b>	Provide proactive, accessible and responsive support to register end users including creating and maintaining user support materials and guides
<b>Training</b>	Ensure First Nations Land Offices and other register users are fully trained to deliver Register services
<b>Register Technical Support</b>	Ensure register technology is continuously operational, secure and responsive to change
<b>Governance</b>	Provide overarching direction and governance to ensure the Registry meets its objectives and delivers expected benefits
<b>Leadership</b>	Plan and drive progress for all registry and register initiatives
<b>Policy</b>	Set policy and recommend and advocate for changes to regulations
<b>Legal</b>	Provide advice and direction regarding legal matters impacting registry and register
<b>IT Support, Business Administration &amp; Operations</b>	<ul style="list-style-type: none"> <li>• Provide local technical support to Registry staff and software/hardware</li> <li>• Facilitate the day-to-day business operations enabling the registry including Finance, Human Resources. Procurement and Intergovernmental Affairs activities</li> </ul>

Functions are made up of groupings of capabilities. A capability is the ability to perform a task and is outcome driven. A capability is not the equivalent to a role or FTE, instead it is the task needed to execute against a functional purpose. Capabilities can be based on a shared resource pool, expertise or skillset. Below are the future Registry functions and corresponding capabilities.

Function	Associated Capabilities
<b>Register Services</b>	<b>Portal Access Services:</b> Navigation capabilities for all portal users and controls for access to services limited to specific customer groups, e.g., First Nations Land Offices, Government of Canada.
	<b>Discovery &amp; Access Services:</b> Map browsing, searching, product retrieval from all information holdings, as well as data export to First Nations Land Office.
	<b>Submission Services:</b> Application creation and submission tracking for First Nations Land Offices and Government of Canada, e.g., for ministerial orders.
	<b>Land Records Management Services:</b> First Nations Land Office self-administration of content that is not part of, but is related to the core land register.
	<b>Portal Account Management:</b> Self-administration of registry portal user accounts.
	<b>Registration:</b> Examination and registration of applications and instruments by registry staff.
	<b>Register Data Maintenance:</b> Ongoing assessment of register integrity and enhancement of register data as appropriate by registry staff, including map data maintenance where necessary.
	<b>Register Services Business Intelligence:</b> Register dashboard, reports and analytics.
	<b>Register System Administration:</b> Internal user administration and register configuration by registry staff.
	<b>First Nation Onboarding Service:</b> Guide and support First Nation in moving from ILRS, FNLRS or SGFNLRS to new land registry. Draws upon register data ingest and training services.
	<b>Register Data Ingest:</b> Loading of data from the FNLRS, SGFNLRS and ILRS when a First Nation comes across to the new Land Register – supports First Nation Onboarding Service.
	<b>Map Data Ingest:</b> Daily import of reserve and parcel map data from NRCan SGB CLSR/CLSS.
	<b>Register Data Dissemination Services:</b> Flowing of pertinent register updates to authorized data subscribers, e.g., NRCan SGB.
<b>Customer Support Service</b>	Establish formal approach, including service level targets, to customer support response
	Produce customer support materials/artifacts, and verify changes to the register services
	Provide support on demand to customers and partners
<b>Training</b>	Develop comprehensive training materials for customers and partners

Function	Associated Capabilities
	<p>Establish a training schedule for existing Operational First Nations and revisit on a regular basis</p> <p>Develop an onboarding training package and process for new Framework Agreement Signatories (<i>in support of Register Services 'First Nation Onboarding Service'</i>)</p> <p>Deliver training to all existing and onboarding customers and partners, as required</p> <p>Support general Change Management and Communications associated Training</p>
<b>Register Technical Support</b>	<p>Provision and operate register IT infrastructure including servers and networks</p> <p>Serve as go-to for register and customer support technical maintenance and issues</p> <p>Ensure Register data and technical security</p> <p>Manage and coordinate register system updates, improvement, and enhancements</p> <p>Collaborate with key partners to ensure data quality and manage system access</p> <p>Facilitate the migration of new/onboarding First Nations from ILRS</p> <p>Support First Nations with the integration of proprietary applications with the new register</p>
<b>Governance</b>	<p>Set mission, vision and goals for the Registry</p>
<b>Leadership</b>	<p>Lead and manage risks, issues, resources, team members, contractors and delivery partners as it relates to the Registry and Register</p> <p>Provide adequate oversight for operations and registry functions</p> <p>Lead high-level and political decision-making regarding vision and goals</p> <p>Manage and inform the accreditation of users/designated authorities</p>
<b>Policy</b>	<p>Develop formal standards, policies and procedures for processes within and adjacent to the register</p> <p>Advise on policy issues and requirements</p> <p>Initiate changes to the required legal and regulatory statutes for register and the registry</p>
<b>Legal</b>	<p>Facilitate cooperation and coordination with partners, as required</p> <p>Provide information to governance and leadership bodies</p>
<b>IT Support, Business Operations &amp; Administration</b>	<p>Support local registry IT issues and management</p> <p>Ensure local registry data and technical security</p> <p>Provide ad-hoc business support to registry staff, contractors, leadership and Governance</p> <p>Conduct financial activities such as managing payroll and payments, identifying and seeking funding sources, drafting financial documents and reporting on financial status and requirements</p> <p>Execute and maintain procurement requirements and manage vendor / contract relationships</p>

Function	Associated Capabilities
	Conduct Human Resource activities such as hiring, onboarding and offboarding, managing workplace culture, safety and employee needs
	Facilitate intergovernmental relations and communications

The function and capability model provide a conceptual structure for the operations of the Registry on day 1. This structure will enable the Registry to operate and deliver value on its vision and goals in terms of the Register, training, and customer support to end-users. It will also enable the Registry to improve and scale through guidance from leadership and governance. The functions and capabilities may evolve over time as the Registry matures or strives to meet evolving customer needs, however this provides a blueprint to inform critical decisions in the approval and establishment of the Registry.

## 8.4 Service Delivery Model

The delivery of functions and capabilities is called the Service Delivery Model and it defines who will be responsible for the function.

Based on the vision and goals of the Registry, as well as current context and existing partnerships, three potential delivery model structures were identified and considered. These options are outlined below.

Service Delivery Option	Description	Key Considerations
<b>1 In-house Capability</b>	The Registry will establish and own this function and corresponding capabilities.	<ul style="list-style-type: none"> <li>Requires staffing resources dedicated to specific functions and/or capabilities</li> <li>Aligns with the goal to support First Nation capacity building</li> <li>Increases potential costs</li> </ul>
<b>2 Outsourcing to a Delivery Partner</b>	The Registry will outsource this function and capabilities to a long-term delivery partner who can perform the function efficiently.	<ul style="list-style-type: none"> <li>Requires formal agreements on roles and responsibilities</li> <li>Requires formal communications and feedback loops between partners</li> <li>Reduces potential costs</li> </ul>
<b>3 Outsourcing to a Contractor</b>	The Registry will outsource this function and capabilities on a short-	<ul style="list-style-type: none"> <li>Provides flexibility in meeting business needs</li> <li>Requires formal contracts on roles and responsibilities</li> </ul>

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|--|
| <p>term basis to the best qualified candidate (individual or group).</p> <ul style="list-style-type: none"> <li>• Reduces potential costs</li> </ul> |
|--|

Following the identification of Registry functions and capabilities, the Working Group investigated and analyzed each function to consider how best it could be delivered in alignment with Operating Model design principles and unique purpose and objectives of each function. Following several rounds of iteration, the following Service Delivery Model was selected.

<b>Function</b>	<b>Service Delivery Option</b>	<b>Description</b>	<b>Partner</b>
<b>Register Services</b>	Option 1: In-house Capability	Register Services will be delivered in-house by First Nation Registry staff. These services will require support from the Register technology provider (LTSA), and survey records and parcel mapping custodian (NRCan SBG).	LTSA, NRCan
<b>Customer Support Service</b>	Option 1: In-house Capability	Customer Support Service will be delivered in-house by First Nation Registry staff.	N/A
<b>Training</b>	Option 2: Outsourcing to a Delivery Partner	The primary delivery of training will be completed by a long-term delivery partner. The Registry may support the delivery partner as needed.	LABRC
<b>Register Technical Services</b>	Option 2: Outsourcing to a Delivery Partner	Register Technical Services will be delivered by a long-term delivery partner (same provider as the register).	LTSA
<b>Governance</b>	Option 1: In-house Capability	The Registry will deliver Governance internally, through an independent committee of board members.	N/A
<b>Leadership</b>	Option 1: In-house Capability	The Registry will deliver Leadership internally. This option might mean staffing a permanent Leader/Registrar and any other executive roles, deemed necessary.	N/A
<b>Policy</b>	Option 1: In-house Capability	The Registry will deliver the Policy function internally.	N/A
<b>Legal</b>	Option 3: Outsourcing to a Contractor	The legal function will be outsourced to the best qualified candidate (individual or group).	N/A
<b>IT Support, Business Operations &amp; Administration</b>	Option 2: Outsourcing to a Delivery Partner	IT Support, Business Operations and Administration will be outsourced to a long-term delivery partner who can perform the function efficiently.	LABRC

## **Summary:**

Enabling the Service Delivery Model requires agreement and partnership with specific organizations. The partners, identified in the table above, will own the delivery of services associated with each function within the new registry. However, this list is not exhaustive. Other partners may be involved in a function but in different capacities, such as providing inputs or outputs from the register. Full explanation of partner roles in the establishment and ongoing operations of the Registry are described in Section 7.5.

- Register Services, Customer Support Service, Governance, Leadership and Policy functions will be delivered in-house by First Nation Registry staff. This will involve hiring staff on permanently to fulfill the functional and capability requirements as well as collaborate and enable other functions. This aligns with the design principles of the Operating Model to develop capacity within First Nations and become an economic development tool.
  - Specific partners will play important roles in the establishment of functions. For example, LTSA will build the Register and train RegCo staff regarding operations of Register Services. In addition, NRCan will continue to provide data and inputs to the new Register, as it does today, however do so through the LTSA.
- Training, Register Technical Services, and IT Support, Business Operations and Administration will be outsourced to long-term delivery partners. Training and Register Technical Services require highly specialized resources, which at the onset of the Registry, are best leveraged from knowledgeable and trusted partners. In the future, the Registry may decide to develop these capabilities internally, however at IOC/Day 1 of operations will ensure the LABRC and LTSA with the responsibility of supporting and executing on requirements. IT Support, Business Operations and Administration is an enabling function required to ensure the Registry is operational. Outsourcing to a general support provider will help manage fixed costs.
- The legal function will be outsourced on a short-term basis to one or more contractors, based on needs. Legal services require highly specialized resources. Committing to short-term arrangements will allow the Registry to seek support for the individual issues at hand and provide adequate flexibility.

## **8.5 People**

The Function and Service Delivery Models describe how the registry will deliver its value to end-users. Staff, however, are required to unlock capabilities and translate the vision and goals into measurable business benefits. The purpose of this section is to define specific roles, knowledge, or skillsets required for each function and capability set. The summary below defines 22 high-level roles, responsibilities and skills required to operate the Registry. These roles do not represent full time equivalent (FTE) positions. Instead,



some individuals could support multiple roles during the establishment of the Registry and transition period. As the Registry matures, a broader series of roles may be required.

## **Register Services**

*Registrar* – The Registrar will provide oversight and direction for the Registry and Register. The Registrar may also fulfill the role of CEO. This role requires in-depth land management and legal knowledge, experience and certification.

*Deputy Registrar* – The Deputy Registrar will work under the Registrar to support the operations of the registry and support the management of other functions. This role involves overseeing the day-to-day operations of the Register. This role requires in-depth land management and business operations knowledge.

*Senior and Junior Registration Officers* – Registration Officers will support the registration of applications. These roles require knowledge of land management practices and appropriate levels of experience.

*Senior and Junior Register Administrators* – The Register Administrators will focus on transitioning First Nations to the new Registry and improve Register data integrity and quality. These roles require knowledge of land management practices and appropriate levels of experience.

## **Customer Support Service**

*GIS Technician* – The GIS Technician will be responsible for managing and operating the spatial data and related systems supporting the mapping capabilities of the registry services, notionally RegCo's Land Maps. The focus will be sustaining the GIS applications and data services involved, including curating other data layers supplementing the Registry's mapped parcel data (supplied by the Surveyor General Branch of NRCan). This role will require expertise in the Geographic Information Systems (GIS) domain, knowledge of land management practices and appropriate levels of experience. Considering this role will often work directly with Operational First Nations and other organizations across Canada, bilingualism will be an asset.

*Customer Support Representative* – The Representative will provide client service support to resolve customer issues. This role requires strong interpersonal and communication skills, bilingualism and technological skills to triage issues and generate technical support documents.

## **Register Technical Services**

*Application Support Developer* – The application support developer will be responsible for the register application meeting the needs of the users including application installation, configuration, performance monitoring, triage and troubleshooting incidents and problems, providing second level technical support to the customer support function, supporting application development team with bug resolution. This is not expected to be a full-time role.

*Database Administrator* – The DBA will be responsible for ensuring the integrity of the database including capacity planning, installation, configuration, database design, migration, performance monitoring, security, troubleshooting, as well as backup and data recovery. This is not expected to be a full-time role.

*System Administrator* – is responsible for the installation, configuration, monitoring, updating, and reliable operation of IT infrastructure (servers, network, firewalls etc) to ensure that the uptime, performance, resources, and security of the infrastructure meets the needs of the users. This is not expected to be a full-time role.

## **Training**

*Register Trainer* – The Trainer will develop curriculum and deliver training to end-users regarding the Register. This role requires strong communication and interpersonal skills, bilingualism, and an understanding of core land management concepts and remote training delivery.

## **Governance**

*Board Chair* – The Board Chair will lead the governance committee and work closely with Leadership and the Registrar. This role requires in-depth knowledge of First Nation land management and business operations concepts. The Board Chair will also advocate to represent the registry within Canada, First Nation and other stakeholder groups.

*Director* – The Directors will support the Board Chair in providing direction and supporting decision making for the governance committee. This role requires knowledge of First Nation governance and experience in a relevant area such as Financial, Business Operations, Legal or Land Management

*Board Administrator* – The Board Administrator will support the Board Chair and Directors in execution of governance activities. This role requires moderate technology skills and attention to detail and organization.

## **Leadership**

*Chief Executive Officer* – See Registrar.

*Administrative Support* – The Administrator will provide general business administration support to the CEO. This role requires moderate technology skills and attention to detail and organization.

## **Policy**

*Policy Analyst* – The Policy Analyst will support the Registrar with advice and guidance on policy related matters and initiatives, as well as preparation of guidance materials for Registry users. This includes helping to shape required legislative and regulatory changes. This role requires knowledge of Canadian and First Nation land management laws and policies as well as experience in creating and facilitating changes to policy.

## **Legal**

*Lawyer* – The lawyer(s) will advise and guide on legal matters and initiatives. This role requires in-depth knowledge of land management, First Nation and other related laws, policies and regulations as well as demonstrated experience in the field.

## **IT Support, Business Operations & Administration**

*General Administrator* – The Administrator will provide general business administration support to other functions. This role requires intermediate technology skills and attention to detail and organization.

*IT Technician* – The IT Technician will provide low-level IT support to the registry office and support the execution of training. This role requires strong technology skills and interpersonal and communication skills.

*Financial Accountant* – The Financial Accountant will conduct general accounting activities. This role requires strong knowledge of accounting, audit and reporting principles.

*Procurement Officer* – The Procurement Officer will lead any activities related to the procurement of goods or services. This role requires knowledge of general procurement practices.

*Facilities Manager* – The Facilities Manager will provide support regarding the upkeep and maintenance of the Registry offices. This role requires strong understanding of property management and leasing practices.

*Human Resources* – Human Resources will conduct all general human resource activities including onboarding and offboarding of new employees.

*Intergovernmental Affairs Lead* – The Intergovernmental Affairs Lead will advise and guide on engagement with Canada and other key stakeholders. In-depth knowledge of First Nation and government relations is required as well as demonstrated experience in the field.

These 22 roles will help to ensure the Registry has adequate coverage for each function and can deliver value to end-users. As the Registry matures and potential goals and vision evolve, additional roles may be added.

## **9 REGISTER SERVICES ARCHITECTURE**

The Register Services is the primary value-delivering function of the Registry (“RegCo”) as outlined in section 8. Register Services enable the registration, discovery, and administration of interests in land, instruments as well as other relevant documents.

This section of the proposal is currently a work-in-progress and so not available for publication as part of V1 for the 2021 LAB AGM.

## 10 TIMELINE AND TRANSITION APPROACH

### 10.1 High level work program and timeline

#### 10.1.1 Key Activities and Milestones

The program of work associated with the establishment of RegCo, and the building of the new register can be conceived in distinct but overlapping phases:

1. Phase 1 - Preparation and regulatory
2. Phase 2 - Establish RegCo and build registry technology
3. Phase 3 – Transition operational First Nations to new Register
4. Phase 4 – On-going operations of the new register including migration of newly operations FNs from ILRS

The following table provides a high-level description of key workstreams and activities that will be undertaken as part of each phase of the program:

Phase	Work Stream	Key Activities
1	Funding	<ul style="list-style-type: none"> <li>• Review and approval activities within Govt of Canada for the appropriation and release of funds for the complete program</li> <li>• Consultation with stakeholders for funding request</li> <li>• Provision of interim funding for phase 1</li> </ul>
1	Regulatory	<ul style="list-style-type: none"> <li>• Initiate request, draft, and enact changes to FNLMA and legislation</li> <li>• Draft and pass regulations under FNLMA and legislation</li> <li>• Consult with First Nations and other stakeholders</li> </ul>
1	Business Design	<ul style="list-style-type: none"> <li>• Business architecture and design activities, including process and procedure design sufficient to refine technology costing</li> <li>• System architecture design</li> </ul>

Phase	Work Stream	Key Activities
2	Policy	<ul style="list-style-type: none"> <li>• Policy drafting and publication (including registration forms)</li> <li>• Policy training of RegCo staff</li> </ul>
2	Business preparation	<ul style="list-style-type: none"> <li>• Establishing RegCo including set-up of governance structures and recruiting directors</li> <li>• Legal agreement drafting and negotiation</li> <li>• Hiring &amp; training RegCo staff</li> <li>• Set-up of supporting business capabilities including processes and procedures, logistics (office, equipment, etc)</li> <li>• User &amp; technical support materials preparation</li> <li>• Register business process design</li> <li>• Register standard operating procedure preparation</li> </ul>
2	Register system build	<ul style="list-style-type: none"> <li>• Register application design/build/testing/commissioning</li> <li>• Register technology infrastructure set-up</li> <li>• NRCan SGB parcel mapping update and system integration</li> </ul>
2	Change management	<ul style="list-style-type: none"> <li>• Stakeholder engagement and communications</li> <li>• Training design &amp; preparation</li> </ul>
2	Transition Design	<ul style="list-style-type: none"> <li>• Design register information mapping from FNLRS</li> <li>• Design register information cleansing and upgrade</li> </ul>
3	Transition	<ul style="list-style-type: none"> <li>• Training of operational FN users</li> <li>• Extract register information from FNLRS and cleanse/enhance</li> <li>• Close support of FN users during initial operational use</li> </ul>
4	On-going operations	<ul style="list-style-type: none"> <li>• Steady state Register operations</li> <li>• Migration of new operational FNs from ILRS to new Register</li> <li>• Continuous improvement including technology sustainment and further register information enhancement</li> </ul>

Phase	Work Stream	Key Activities
All	Program management	<ul style="list-style-type: none"> <li>• Program design and planning</li> <li>• Project management and reporting</li> <li>• Partner relationship management</li> </ul>

The following table provides a description of the key milestone for the program:

Milestone	Milestone description
Canada decision to proceed	Start of phase 1. Govt of Canada decides in principle to proceed with new register. This enables the start of the Cabinet approval process, funding and change of legislation
Interim funding available	Interim funding available for first year to allow project team to: <ul style="list-style-type: none"> <li>• Support Canada with legislative change process including consultation</li> <li>• Carry out detailed business and system design</li> </ul>
Build phase kick-off	Start of phase 2 build activities. Dependent on receiving full funding from Canada
RegCo founded	Legal and financial establishment of the Registry Company to allow start hiring of staff
Register regulations approved	Legislative changes to FNLMA enacted and regulations passed.
Initial Operational Capability (IOC) achieved	IOC achieved when build and set-up of sufficient system and business capability is completed and tested in beta mode, so initial FN(s) can start operational use once transitioned from FNLRS
Full Operational Capability (FOC) achieved	FOC achieved when build and set-up of all system and business capabilities are completed and ready for operational use.



<b>Milestone</b>	<b>Milestone description</b>
Transition Completed	Transition is completed when all operational FNs are transitioned from FNLRS and operational using the new register. Existing FNLRS and SGFNLRS can be decommissioned. Baseline register information enhancement completed.

The following table provides a summary of the key dependencies for the work program to be successful:

<b>Phase</b>	<b>Organisation</b>	<b>Key Dependency</b>
All	Govt of Canada (ISC/CIR)	<ul style="list-style-type: none"> <li>• Program funding</li> </ul>
1	Govt of Canada (ISC/CIR/Justice)	<ul style="list-style-type: none"> <li>• Legislative and regulative changes</li> </ul>
2 & 4	NRCan Surveyor General Branch	<ul style="list-style-type: none"> <li>• Updates to parcel map including associated technology, and continued on-going operational support</li> </ul>
3 & 4	ISC	<ul style="list-style-type: none"> <li>• Technical support for extraction of registry information from all existing register databases</li> </ul>
All	LTSA	<ul style="list-style-type: none"> <li>• Ongoing registry advice and guidance</li> <li>• Design of business processes</li> <li>• Design and build of Register technology</li> <li>• Register technology operational support including enhancements</li> </ul>

**10.1.2 High level Timeline for Key Milestones and Activities**

Milestone/Activity	Duration	Year 0	Year 1	Year 2	Year 3	Year 4	Year 5	
Canada decision in principle to proceed	0	★						
Interim funding available	0	★						
Full funding approval and appropriation	12 months	[Bar]						
Assemble project team	4 months		[Bar]					
Funding approved and build phase kick-off	0		★					
RegCo founded	0		★					
Drafting, consultation, enacting legislative changes	18 months	[Bar]						
Drafting, consultation, enacting regulation	9 months		[Bar]					
Register regulations approved	0			★				
Policy drafting and publication	18 months		[Bar]					
RegCo business preparation	18 months		[Bar]					
Business/solution design	9 months	[Bar]						
Register System MVP build	24 months		[Bar]					
NRCan SGB system update & integration	9 months			[Bar]				
Beta transition and operation	2 months				[Bar]			
Initial Operational Capability	0				★			
Register System full capabilities build	1 year				[Bar]			
Full Operational Capability	0					★		
System Stabilisation period	1 year					[Bar]		
Training and go-live of operational FNs	1 Year				[Bar]			
Register information enhancement	2 Years				[Bar]			
Transition of all operational FNs complete	0						★	
Migration of ILRS FNs	On-going				[Bar]			
Steady state registry operations	On-going						[Bar]	
Register System sustainment	On-going						[Bar]	

7

Note that Project Management and Change Management activities will occur continuously through the project timeline above.

## **10.2 Transition Approach**

Several activities are required for the transition of all Operational First Nations (currently using the FNLRS or SGFNLRS) to the new register. These include the conversion and enhancement of FLNRS register information, migration of ILRS information, which are combined with enabling activities of end-user training, change management and communications.

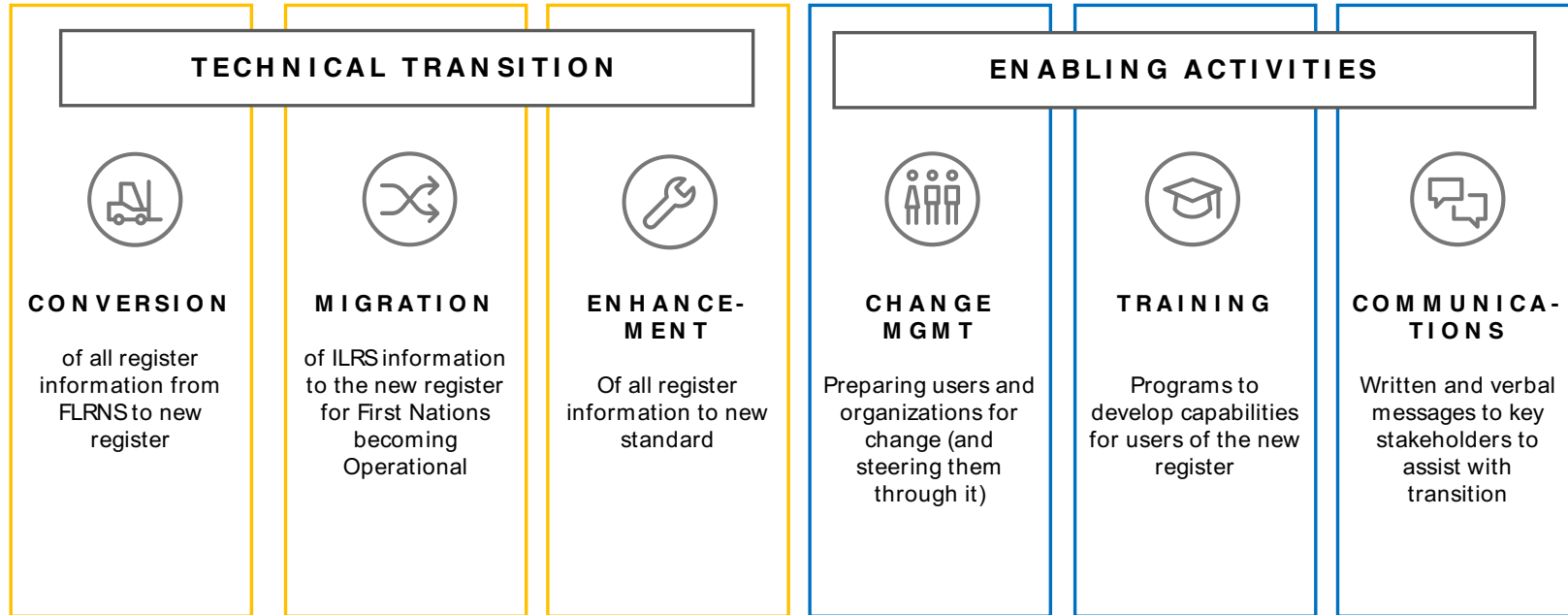
On an individual or group basis of First Nations, current and historic registry information will be extracted from FLNRS in its existing format, with the initial information conversion to the new registry format (including back-filling where sensible). The construction of the new registry will reach IOC prior to any transition – which has enough capability to allow the existing Operational First Nations to be transitioned to the new registry as a group.

Following IOC, the remaining registry capabilities will be built out until FOC is achieved. The FNLRS will continue to operate during the transition period, but First Nations that complete transition to the new register will no longer need to use the FNLRS. Transition will be completed once all Operational First Nations using the FNLRS and SGFNLRS are using the new register, and information enhancement steps have been completed. At this point, the existing FNLRS and SGFNLRS may be decommissioned once this is completed.

Prior to each First Nation undergoing transition, Land Office staff will receive training on using the new register through in-person training sessions offered in group settings. In addition to training users of the new register, a change management program will be delivered throughout the transition period to ensure that users are accepting of the move to the new register and supported during this critical time. Effective communications (written and verbal) with stakeholders and delivery partners through this period is also required to ensure consistent and succinct messaging of critical information.

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<sup>7</sup> Source for timeline can be found [here](#).



### 10.3 Technical Transition

Technical transition includes conversion, migration, and enhancement of information into the new registry – descriptions of these components are explained below.

**Conversion** of all FLNRS register information from the schema and format used by the existing FNLRS to that used by the new register. This conversion includes several steps:

1. Existing FNLRS information for the First Nation being converted is set to read-only mode
2. Information extracted from the existing FLNRS register database should be done in a format suitable to be transported to the new register system (note that Steps 1 and 2 should be completed by ISC technical support)
3. The information should be converted into the information model and schema used by the new register
4. The information should be then loaded into the new register database and validated

Data conversion should be completed when each First Nation is prepared to start using the new register. It is important that the conversion is done in a short time period (e.g., overnight), so that there is no doubt about which registry is definitive, and there is minimal disruption to First Nation registry services. This point in time will become the register data baseline used for go-live by the transitioning First Nation.

**Migration** to the new registry includes all activities to move First Nations who are becoming operational under their own land code from ILRS to the new register, including extracting, transforming, and loading register information into the new register.

Migration of First Nations currently using the ILRS will be an on-going operational activity after IOC that involves First Nations immediately following approval their own land codes. These First Nations will not be transitioned to the existing FNLRS and then at a later date transitioned again over to the new registry. This would require the users to go through two rounds of training, which is likely an unnecessary step that may confuse users.<sup>8</sup>

**Enhancement** of register information will bring the existing register information closer to the standard required for a State of Interest register. This standard includes:

1. State of interest view of a parcel by
  - Identify interests from registered instruments
  - Tagging expired interests (e.g., leases, mortgages, permits, etc.) as being inactive
2. First Nation level information view
3. Complete parcel map that includes all active unsurveyed parcels that relate to interests as well as the surveyed parcels
4. All parcels use a single identification based on Canada Lands Records PIN.

Enhancing register information generally includes two approaches:

1. Automated scripts that examine all records or meta-data and correct or complete missing information fields. These scripts need either in-built validation of results or manual examination of the results.
2. Manual examination of register information and meta-data to complete enhancement steps that cannot be automated.

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<sup>8</sup> From an information conversion perspective, the First Nation's ILRS registry records may be first switched into the FNLRS since ISC does this today, and then converted from the FNLRS. This would mean that only one set of conversion scripts and process would be required.

Both approaches require specialist tooling to conduct data manipulation and validation and are different for both textual and spatial data. Enhancement of register information can begin once the go-live baseline is shown to be acceptable. This effectively means that go-live is not dependent on information enhancement completing which will take time.

Given the nature of the existing FNLRS data quality, it is not anticipated that all the information enhancement items will be completed during the transition period, since examining each registered instrument would not be feasible or viable during the limited transition time period. It is anticipated that any remaining information enhancement would be carried out as continuous improvement activities of the registry.

## **10.4 Enabling Activities**

### **10.4.1 Change Management - Description**

Change Management is the practice of understanding, preparing for, successfully executing, and achieving desired organizational transformation. Change Management is a continuous cycle comprised of four phases:

1. **Awareness** - Understanding the need for change, building anticipation for the change, and reducing fear.
2. **Readiness** - Conducting analysis of how change will impact stakeholders and developing unique strategies to address risk.
3. **Adoption** - Ensuring smooth transition from the current way of working to future way of working
4. **Stabilization and Measurement** - Operating in the future state and assessing if change has been

Change Management is important because it brings awareness to the actions needed to manage the potential people risks involved with the implementation and adoption of the new national land registry. Left unaddressed, risks can jeopardize the overall benefits of the register and RegCo. Currently, estimated resistance to change amongst Operational First Nations is low, however ensuring a robust Change Management strategy is developed will help to further minimize any risks to the rollout of the new national land registry.

### **10.4.2 Change Management - Approach**

It is critical that Change Management activities commence in parallel with the establishment of RegCo. This will enable RegCo and service delivery partners to approach the transformation of registry services for operational First Nations and Canada in a coordinated fashion. At the onset, change management does not need to be a dedicated role, instead it could be combined with training and communications, and grow with demand or scale.

ISC, NRCan, LABRC, and potentially other service delivery partners will see roles and responsibilities impacted with the introduction of the new national land registry. For example, ISC may need a change and transition plan for its staff as activity diminishes on the FNLR. NRCan SGB's processes for providing and extracting spatial data will also change with the new national land registry and may require adjustments internally. While RegCo will not provide change management services to these organizations, it is important to consider that collaboration and knowledge sharing amongst stakeholders will help to facilitate smooth and coordinated adoption.

Below are three contributors to success that should be included in RegCo change management planning:

1. **Active and visible sponsorship** - Initiatives are significantly more likely to be successful when executives and leaders are involved in all stages of change. This could include First Nation Chiefs, well know Land Officers and community members, or Government of Canada executives/staff and ministers.
2. **Structured approach to change management** - Creating and executing tailored strategies for change management, communications and training will lay a measurable path to support the implementation, transition, and stabilization of the new registry. Key activities could include stakeholder analysis, sponsorship roadmaps, impact assessment, or resistance management.
3. **Frequent and open communication** - Ensuring there is a feedback loop with stakeholders to communicate and collect input will help ensure the new registry is meeting objectives.

### **10.4.3 Training - Background**

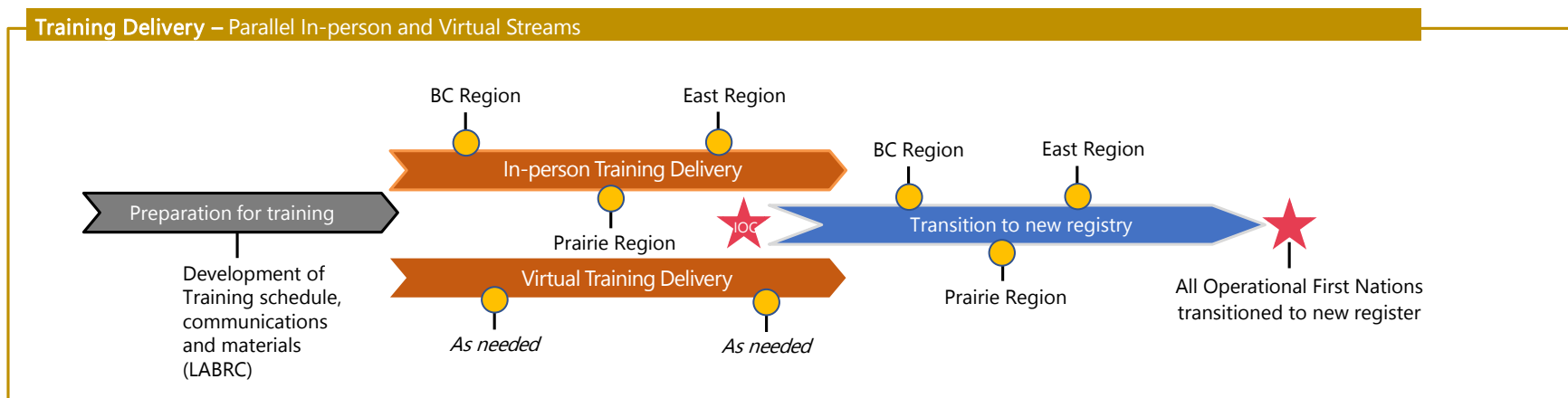
In designing the high-level approach to training for the new national land registry, the FNLR team consulted with LABRC. LABRC is the service delivery partner that will deliver the training function within RegCo. Insight was collected through consultation with LABRC training subject matter experts. The approach below is rooted in LABRC's past training success and respects the expectation and desires of First Nations Land Government Office representatives / future system end users. Note that change management activities are intended to complement the change management activities described above.

This section explains the scope of training, delivery method, materials and resources required for the transition of Operational First Nations from the existing FNLRS to the new registry. It is important to note that there will be several training streams required in the establishment of the new national land registry. There are approximately 100+ operational First Nations.

#### 10.4.4 Training - Scope

Training for the new registry will be delivered through multiple in-person training sessions with a parallel option for virtual training sessions. Both in-person and virtual training sessions will be coordinated and delivered by the LARBC to grouped representatives from First Nations Land Government Offices. The scope of all training will be specific to requirements of and operations within the new national land registry. All training sessions will be accompanied by supporting communications and training materials. Communication materials could include email blasts about the upcoming training session purpose and schedule or brief videos from trainers about an introduction to the new user interface. Training materials could include step-by-step process instructions, activity quizzes or placemats with important information on key topics or user actions.

#### 10.4.5 Training - Delivery and Method



To align with the phased roll-out approach of implementation for the new national land registry, in-person training will be delivered on a regional basis to selected First Nation Land Government Office representatives at a centralized location. It is recommended that 6 training sessions be held in the BC region, three training sessions in the Prairies and five training sessions in the East to accommodate for potential French language sessions. Each training session should include no more than 20 invitees to remain



effective. A First Nation may send 1 or 2 representatives, depending on size and demand for services. Below is a breakdown of operational and active developmental First Nations as of October 2021. Active Developmental First Nations are included as it is likely these nations may become operational and begin using the existing FNLR prior to start operations of RegCo. Therefore, these First Nations are included in training considerations. In addition, the number of training sessions are based on the average of each nation sending 1.5 representatives/trainees.

Region (as of Oct 2021)	BC	Prairies				East				
Province	BC	AB	SK	MB	NT	ON	QC	NB	NS	NFL
Operational	52	0	10	8	1	23	2	1	1	1
Active Developmental	18	5	6	9	0	19	1	3	1	0
Regional Total	70	39				53				
Required Training Sessions	6	3				5				

It is recommended that training occur within a 4-week period ahead of the region's transition to the new registry. Training will be delivered by a principal trainer from the LABRC with the support of two additional staff to help coordination, delivery and respond to participant questions.

It is estimated that in-person training will need to be 1.5 - 2 days long to cover a high-level agenda of:

- Introduction to the new registry
- How-to of top job actions
- Comparatives between the ILRS, FNLR and FNLR
- Introduction of new standards, practices, and policies
- Answer questions
- Allow for supported hands-on practice

It is estimated that each course will require 5 days to allow for prep, travel, set-up, delivery and return home. Given that each First Nation will go live within a 4-week period of training and potentially require additional virtual support during this time, it is recommended that one training course occur each month. Therefore, with the current number of Active and soon-to-be Active First Nations, training will endure 14 months.

In parallel with in-person training sessions, LABRC will offer the option for one-on-one virtual training sessions for representatives unable to travel to a central location. This will be approved on an as-needed basis, and it is recommended to attend in person. Virtual training content will be identical to the in-person training however be modifiable to the needs of participant.

The primary language of training delivery will be English, however, when required (either by representative selection or region), delivery will also need to occur in French.

Prior to the pandemic, LABRC delivered training in a similar format; through centralized, in-person training sessions with extra support available in one-on-one virtual meetings. Training topics include an introduction to the First Nation Land Registry (Review of Land Code authority, policy and procedures, forms and checklists) as well as hands on training in the current system and one-on-one direct community support. LABRC has three dedicated roles to training including a Principal Trainer, Training Coordinator and Curriculum Specialist role. Currently LABRC delivers training in English and does not have francophone trainers. This skill may be required when RegCo is established. LABRC could explore alternates to having a fully bilingual trainer including a contract trainer, translator or bilingual 'super-user' volunteer.

#### **10.4.6 Training - Materials**

Currently, FNLR training material is derived from ISC standards and procedures. The materials were then adapted by LABRC for the FN LGOs. New training material will need to be created that reflects the functionality, interface, and procedures of the new registry. LABRC will lead the development of training curriculum with support from the LTSA (registry subject matter expert). LABRC will also need to assess if supporting forms and materials used by First Nations Land Government Offices or other users (i.e. Lawyers) require updating to integrate with the new system and practices.

All training materials and forms will need to be translated into French and English to serve end-users.

#### **10.4.7 Communications - Approach**

Bilingual communications will be required to build awareness regarding the impending change to the new registry. It will also be required in the collection of information to assess readiness, inform, and execute on a training strategy and measure results post implementation.

LABRC currently has a training, mentorship, and professional development unit. This expertise could be leveraged to support the change management strategy by creating informative communications campaigns targeting operational First Nations. Specific materials could include news flash emails informing on upcoming project milestones, videos informing on the benefits of the new registry or virtual townhalls where Operational First Nations could ask questions or provide feedback.

#### **10.5 Considerations for Enabling Activities:**

1. Change Management is not an afterthought - Change Management must be considered early and often leading up to the establishment of RegCo.
2. Service Delivery Partners must be consulted on change management and training - LABRC, ISC, CIRNAC, NRCan SGB are important stakeholders who will have respective change management strategies. Informing them of the intended approach to change, training and communications will help to align diverse perspectives and streamline activities.

## 11 COSTS AND FUNDING

This section provides a roll-up and summary of the preliminary costs estimates made to provide a range of likely costs based on the proposed FN National Land Registry described in this document. *These estimates are preliminary since the detailed business or technology design of the new register has not been carried out. It is expected that as the design work progresses, these estimates will be refined.*

The costing model constructed has been based on the high-level work program and associated timeline described in section 10.1 above. Costs are based on 2021 prices and salary levels, and it based on the work program starting April 2022. An inflation factor of 2% has been applied to costs likely to incur in future years.

The cost model has considered likely costs in the following areas:

1. Costs to establish RegCo
2. Costs to build register technology and associated infrastructure
3. Transition costs
4. Program management costs
5. Steady state on-going operational costs

Not included in any cost estimates are costs that may be incurred by Canada to support this proposal.

### 11.1 Costs to Establish RegCo

These costs are associated with the set-up of the new registry business entity, and standing-up the registry business operations, including:

1. Creating RegCo as a legal operating entity
2. Setting up the governance of RegCo
  - a. Preparing and negotiating operating agreements with Canada, LABRC, LTSA
  - b. Board costs
3. Supporting FN consultation associated with negotiating Framework Agreement amendments and making new regulations
4. Hiring and training of staff including
  - a. Recruitment and on-boarding of staff

- b. Obtaining suitable facilities including set-up of office IT infrastructure
  - c. Staff training prep and delivery
  - d. Standard operating procedures preparation
5. Other business operational concerns:
- a. Policy preparation
  - b. Legal agreements
  - c. Customer support set-up
  - d. Support materials preparation

## **11.2 Costs to Build Technology and Infrastructure**

Register technology build and infrastructure set-up costs include the following activities:

1. Business solution design
2. System architecture design including
  - a. Selection and procurement of suitable off-the-shelf software (where applicable)
  - b. Technology infrastructure architecture
  - c. Interface design to third party systems (e.g., NRCan Canada Lands Survey System)
3. User experience design and testing with users
4. Software and database design and coding
5. Software testing
6. Technology infrastructure set-up and commissioning
7. Business solution testing / beta testing with users
8. Design of information conversion for loading into new register database

**Note:** Confidence of the estimates to build the register technology has high-error bars since it is based on the high-level business architecture and register services architecture outlined in this proposal. It lacks a set of business or system requirements needed for higher level confidence estimates.

## **11.3 Transition and Training Costs**

Transition and training costs include the costs to carry out the activities described in sections 10.2 to 10.5 above. These include:

1. Full registry business operations during the transition period
2. Change management including communications
3. Training design, preparation, and delivery
4. Close support of users during transition period
5. Conversion of existing register information into a format suitable for use by new register
6. Enhancement of register information to move from existing deeds-style registry to a more modern interest-based register.

**Note:** Confidence of the estimates around the enhancement of register information have high-error bars due to a lack of comprehensive metrics regarding the existing register. A request for this data has been made to the FNLR at ISC.

**Note:** Any costs incurred by First Nations and other users adapting to the use of the new registry are not included in these estimates. It is not anticipated that First Nations will require any new or different equipment to use the new registry system.

## **11.4 Steady State Operational Costs**

Annual costs to run RegCo and the register once transition is complete, including:

1. Registry and other business operations costs
2. On-going governance costs
3. Technology sustainment costs including maintenance and enhancements to ensure the technology continues to meet evolving business needs

**Note:** As noted in section 11.2 above, the confidence of the estimates to build the register technology has high error bars. Consequently, the technology sustainment costs have similarly high error bars since it is derived from the technology build costs.

## **11.5 Cost for Canada**

The cost estimates summarised in this section does **not** include any costs that Canada may incur to support building or operating the new registry. Areas where Canada may incur costs include, but not limited to the following items:

1. NRCan SGB: Changes required to its technology, resourcing, and processes to support the move to NRCan SBC providing a parcel map that includes all registered parcels on a more frequent basis.

2. ISC: Process and necessary scripts for the capability to extract existing registry data within a day, including associated documents and instruments and transfer the extracted information to the new register.
3. ISC: Manage and track excluded lands within Land Code reserves in ILRS and notifies FNNLR of transactions.

Further details on these items can be found in section 7.6 above.

## **11.6 Funding and Revenue**

Current high-level preliminary estimates for the initial five-years of registry build and operations are:

1. Costs to establish RegCo, build register technology, transition of all operational First Nations, and initial operations during the two-year transition period: \$30M - \$40M
2. Annual costs to run RegCo and the registry once transition is complete: \$4 - \$5M

It is not expected that the Registry will generate any revenue during the initial five years of build and operations.