

Lands Advisory Board Updates

Chiefs Meeting

April 18th, 2023
River Rock Resort, BC

Enforcement

First Nation law making authority

- Exploring First Nation law similar to Alberta's "Safer Communities and Neighbourhoods Act"
- Authority to deal with properties where illegal activities occur

Policing

- Amend RCMP Act: authority to enforce First Nation laws
- LAB submission First Nation policing – enforce FN laws as essential service

Prosecutions

- Amend federal prosecutors law: authority to enforce First Nation laws (FA amendment)

Senate Private Member's Bill

- LAB working with MKO – possible Senate Bill in 2023 to deal with RCMP and prosecutions

June Enforcement Conference

Additions to Reserve

- LAB proposed ATR reforms beginning in 2017
- Federal Budget 2021 – recognizes need to re-design ATR policy
- CIRNA Minister has said current ATR policy is "broken"
- 2022 AGM resolution - explore First Nation led approach to ATR submissions & Commission to replace federal ATRs
- Proposed reforms are supported by FN fiscal institutions, NIEDB, and have been discussed with some AFN leadership
- The First Nations led approach to ATRs will take several years to build – possibly after the next federal election in 2025

Additions to Reserve – Short Term Pilot Project

- CIRNA "Call for Proposals" for this fiscal year – potential funding for ATR reforms
- LAB will propose a pilot project – with several land code First Nations
- LAB agreement with Canada – pilot project to eliminate parts of ATR policy:
 - Eliminate requirement to negotiate municipal services before an ATR
 - Eliminate narrow categories limiting types of ATRs
 - Eliminate requirements for surveys before an ATR
 - Flexibility to acquire lands with known environmental issues
 - Eliminate 20 page ATR application form
- Canada would retain discretion to accept or reject proposed ATRs – pilot First Nations to provide short, compelling submission to convince Canada
- Exploring option for ATRs where First Nations (rather than Canada) hold title to reserves
- First Nation title to reserves would still be 91(24) lands.....not fee simple ownership of allotments within the reserve
- First Nation title to reserve option requires an FA amendment

Framework Agreement Amendments

- 2023 September AGM – we hope to discuss amendments:
- New FN land registry provisions – including authority for FN regulations
- ATR reforms
 - option for First Nation title to lands
 - Clarify authority for conditional ATRs
- LAB authority to deal with **minor** amendments (eg. re-numbering FA provisions, adjustments to track changes to federal laws etc....)
- Exploring amendments to streamline the developmental process

Operational Funding

- Federal Budget 2023:
 - *the government reaffirms its commitment to negotiate a renewed operating funding formula with the Lands Advisory Board to ensure the continued growth and success of First Nation Land Management*
- Canada will be providing a proposal back to the LAB on operational funding
- Timeframe unknown at this time

For more information, please contact:



2220 Horizon Drive
East Kelowna, BC V1Z 3L4
Ph: (250) 769-2804



P.O. Box 1022
Sutton West, ON L0E 1R0
Ph: (888) 985-5711

labrc.com