

**FRAMEWORK AGREEMENT ON FIRST NATION
LAND MANAGEMENT**

DEVELOPMENTAL PHASE FUNDING AGREEMENT

THIS AGREEMENT IS ENTERED INTO BY:

_____ **FIRST NATION**
("First Nation")

&

FIRST NATIONS LAND MANAGEMENT RESOURCE CENTRE INC.
("Resource Centre")

&

HER MAJESTY THE QUEEN IN RIGHT OF CANADA
as represented by the Minister of Indigenous Services Canada
(hereinafter referred to as "Canada")

COLLECTIVELY REFERRED TO AS THE "PARTIES"

WHEREAS The *Framework Agreement on First Nation Land Management* (“Framework Agreement”) provides First Nations with an opportunity to replace the land provisions of the Indian Act with a land code and exercise self-government over their reserve lands, environment and resources.

WHEREAS Parts I and II of the Framework Agreement describes developmental activity and the formal “opting in” procedure required by First Nations.

WHEREAS This Agreement describes the agreed upon roles, responsibilities, milestones and funding for the First Nation to complete the development of a proposed land code to be voted upon by the members of the First Nation.

WHEREAS The Resource Centre provides a contribution of funding to First Nations who are signatories to the Framework Agreement to complete this activity.

AND WHEREAS All funding commitments by the Resource Centre to the First Nation under this Agreement are conditional upon Canada meeting its funding commitments to the Resource Centre.

THE PARTIES AGREE AS FOLLOWS:

1. TIMELINE

1.1 This agreement comes into force effective _____, 20--.

1.2 The Parties intend to complete the milestones described in this Agreement within three (3) years of the signing of this Agreement.

1.3 The Parties may agree to extend this Agreement in writing beyond three years if requested by the First Nation.

1.4 This Agreement will terminate at the earliest of:

(a) the completion of the community vote,

(b) the three-year period for completing milestones under this Agreement; or

(c) any later date agreed to by the Parties, at the written request of the First Nation to the Resource Centre and Canada and confirmed in writing by the Resource Centre and Canada (Regional Director)

2. MILESTONES, ACTIVITIES & FUNDING

2.1 Annex A sets out the milestones which must be completed by the First Nation to proceed to a vote on a proposed land code and Individual Agreement.

2.2 Annex B outlines the roles and responsibilities of the Parties.

2.3 Annex C sets out the funding which the Resource Centre will provide to the First Nation towards completion of milestones identified under this Agreement.

3. FUNDING

- 3.1 As described in Annex C, the Resource Centre agrees to provide a total of \$ _____ to the First Nation for completing the described milestones.
- 3.2 Notwithstanding the above, as described in Annex C, the Parties may agree to finalize the total of \$ _____ in less than three years if the First Nation completes all milestones in less than three years.
- 3.3 The Resource Centre may terminate or delay funding if milestones are not completed.
- 3.4 The Resource Centre will conduct a review of eligible voters to determine eligibility for additional vote funding based on population.

4. ACCELERATED IMPLEMENTATION

The Resource Centre receives funding from Canada on a quarterly basis. The First Nation will be fully reimbursed for accelerated completion of milestones, at the same rate as the Resource Centre receives this funding from Canada or as otherwise agreed to.

DATED FOR REFERENCE:

Signature

Name
Signed on behalf of the First Nation

Signature

Name
Signed on behalf of the Resource Centre

Signature

Name
Signed on behalf of Canada

Annex A: First Nation Developmental Milestones - Parts I & II of the Framework Agreement

FA: Framework Agreement on First Nation Land Management

RO: Ratification Officer

CRP: Community Ratification Process

FN: First Nation

EV: Eligible Voters

LDR: Land Description Report

IA: Individual Agreement

JMC: Joint Management Committee

RC: First Nations Land Management Resource Centre

NRCan: Natural Resources Canada

V: Verifier

Land Code		Individual Agreement		Community Ratification Vote	
FA	Milestone	FA	Milestone	FA	Milestone
5.1 - 5.3	Review: [i] RC model Land Code template; [ii] other FN Land Codes	6.2	Appoint representative	8.4 [c]	Review: [i] RC model template CRP. [ii] examples of CRPs implemented by other FNs
5.1 - 5.3	Complete consecutive drafts of Land Code following community engagement	6.1	Discuss with Canada: [i] details of operational funding to implement Land Code; [ii] other details of administration transfer	7.5- 7.7 [a-i]	Prepare a strategy to locate and inform EVs on-reserve & off-reserve
5.1 - 5.3	Complete legal review of draft Land Code	6.3 [a]	Discuss with Canada their list of registered interests, land rights and licences in reserve lands	8.1; 44.1	Discuss with RC appointment of a Verifier from list of pre-approved Verifiers
8.4 [a]	Submit final proposed Land Code to the Verifier and RO, if applicable	6.3 [b]	Discuss with Canada, known actual or potential environmental problems on reserve lands	8.1; 44.1	Advise RC & Canada of Verifier selection, Canada confirms; RC contracts with the Verifier
9.1	Once Verifier confirms Land Code & CRP are consistent with FA, FN conducts community approval	6.3 [b]	Establish Joint Management Committee (JMC) if a Phase I ESA is deemed appropriate to be conducted	8.3	Host all parties conference call or in person meeting to discuss timing, roles and responsibilities of the FN, RC, Canada and the Verifier & RO, if applicable
11. 4.1	Provide public access to certified Land Code via FN website and/or available upon request	6.3 [c]	Discuss with Canada any other information Canada possesses that materially affects interests or land rights and licences in reserve lands	7.3 - 7.4	Select a community approval option and draft CRP
		6.1	Discuss with Canada their schedule and work plan to prepare IA	8.4 [b]	Compile list of EVs
		4.1 - 4.2	Discuss with NRCan their schedule for the completion of the Research Report and LDR, discuss access to reserve lands for any required surveys	7.5 [a]	Take reasonable steps to locate EVs and inform them of their right to [i] participate and the manner in which that right can be exercised.
		4.1. 6 - 4.1. 6	If applicable, discuss with Canada, NRCan & RC any reserve lands considered for exclusion	7.5[b]	Forward to EV on list information explaining the content of: [i] FA; [ii] federal legislation; [iii] IA; [iv] proposed Land Code; send copy of information & list of recipients to Verifier
		4.1 - 4.2	Provide feedback to NRCan on draft Land Description	7.8	Take appropriate measures to provide written notice to 3 rd parties, with an interest or land right in reserve lands, of: [i] FA; [ii] federal legislation; [iii]

		5.2 [a]			proposed Land Code; [iv] date of FN Community vote; advise Verifier or RO of completion
		6.1	Initial or sign the IA with Canada and provide a copy to Verifier	8.4 [c] 8.4 [b]	Submit to Verifier and RO completion of steps taken to conform with FA Clauses 7.5 & 7.7 Compile list of EV
				7.28. 4	Submits final list of EV to verifier Submit to Verifier and RO completion of steps taken to conform with FA Clauses 7.5 & 7.7
				9.1	Conduct the community vote on Land Code and IA
				11.1	If FN Community approves Land Code & IA, Council sends a true copy of documents to Verifier with BCR confirming that documents were properly approved and requesting certification.
				11.2	Verifier Certifies the Land Code

Annex B: Consolidated Activities of the Parties

R- Responsible, I- Informed, A- Assist

			FN	CANADA	RC	NRCAN	V	RO
Phase 1	1	Appoint representative – Land Code Development Coordinator	R	I	A	I		
	2	Review model Land Code template & Land Codes by other FNs.	R		A			
	3	Review model template of Community Ratification Process [CRP] & CRP examples drafted by other FNs.	R		A			
	4	Prepare strategy to locate & inform Eligible Voters [EVs], on & off reserve.	R		A			
	5	Discuss with RC the appointment of a Verifier from the list of pre-approved Verifiers	R	I	R			
	6	Advise RC & Canada of Verifier appointment	R	I	I			
	7	Canada confirms Verifier	I	R	I			
	8	Develop and share work plan to prepare the Individual Agreement [IA]	I	R	I	I		
	9	Begin research Plan & start preparation of Research Report and LDR	I	I	I	R		
	10	If necessary, discuss with FN the clarification of findings from Research Report and/or LDR with Provincial and municipal governments, and 3 rd party interest holders.	R	R	A	R		
	11	Establish Joint Management Committee (JMC) if a Phase I ESA is deemed appropriate to be conducted	R	R	A* upon FN request			
	12	Advise Canada of any known actual or potential environmental problems on their reserve lands	I	R	I			
	13	Conduct Phase I ESA	R	R	A* upon FN request			
	14	Coordinate a conference call with the Parties to arrange to discuss timing, respective roles, responsibilities and other considerations	R	A	A	A	A	
	15	Provide to FN the current list of Indian Act interests & other information held by Canada [FA: 6.3c]	I	R	I		I	
Phase 2	16	Respond to ISC Canada on their list of "interests, land rights & licences" in FN reserve lands	R	I	I			
	17	Explain to FN the calculation process which determines the FN's Operational funding category	I	R	I			
	18	Completion of Mines and Minerals research	R	A	A	A		
	19	Provide estimated Capital and Revenue Monies balances to be included in the IA	I	R	I			
	20	Discuss any changes to the schedule and preparation of the LDR	R	A	I	R		
	21	Complete draft #1 of Land Code	R		A			
	22	Prepare preliminary list of EVs.	R					
	23	Discuss with Canada the transfer of any other information held by Canada affecting interests/land rights/licences in FN's reserve lands.	R	R	I			
	24	Update FN on the status of any surveys, research & LDR	I	I	I	R		

Phase 3	25	If applicable, discuss any reserve lands considered for exclusion.	R	R	A	R	I	
	26	Discuss draft Phase I ESA report with JMC.	R	R	A *Upon FN Request			
	27	If applicable, discuss a list of outstanding land issues to be resolved, either before the vote, or post-vote	R	R	A	R	I	
	28	Discuss update on the schedule to complete the IA.	R	R	A	R	I	
	29	FN: Prepare draft #2 of Land Code following Community engagement	R		A			
	30	Select ratification option under the FA [clause 7.4] & notify the Parties	R	I	A		I	
	31	Prepare a Community Ratification Process document [CRP] identifying how EVs will be located & informed of their right to participate in the CV & the process by which they can exercise their right	R		A		I	
Phase 4	32	Submit CRP to Verifier	R		A		I	
	33	Update Verifier on steps taken to locate EVs & inform them of their right to participate & process to exercise this right	R		A		I	
	34	JMC finalizes Phase I ESA report through consensus	R	R	A*Upon FN Request			
	35	Share copy of final LDR and Research Report	I	R	I	AR		
	36	Discussions of any list of outstanding land issues to be resolved	R	R	A	R		
	37	Complete draft #3 of Land Code following community engagement & submit to Verifier	R		A		I	
	38	Respond to Research Report (if necessary)	R	I	A	I		
Phase 5	39	Discuss final list of Indian Act interests provided and any other information that might materially affect interests and licences [FA 6.3c]	R	R	I			
	40	Inform the FN of Capital and Revenue Monies balances to be identified in the IA	I	R	I			
	41	Complete IA	R	R	A	A	I	
	42	Confirm CRP compliance with FA clauses 7.5 & 7.7	R		A		R	
	43	Take appropriate measures to inform 3rd parties [with an interest or land right in reserve lands] of: FA, Land Code, & CV date; then advise Verifier of confirmation	R	I	A		I	
	44	Update Verifier on steps taken to locate EVs & inform them of their right to participate & process to exercise this right	R		A		I	
	45	Approve LDR for the purposes of transfer of land administration	R	I	A		I	
	46	Complete final Land Code draft following Verifier review	R		A		I	
	47	Complete legal review of Land Code	R		I			
	48	Complete legal review of IA	R	I	I			

Phase 6	49	Finalize compliance of Land Code with FA	R		A		R	
	50	Initial or sign the IA	R	R	I		I	
	51	Update list of EVs	R		A		I	
	52	Set vote date	R	I	A	I	I	I
	53	Ensure that all EVs on list have received information explaining the content of: [i] FA; [ii] FNLMA; [iii] IA; & [iv] LC	R		A		I	A
	54	Update Verifier on steps taken to locate EVs & inform them of their right to participate & process to exercise this right	R		A		I	A
	55	Submit final list of EVs to Verifier	R		A		I	A
	56	Set-up of Electronic Voting (if applicable)	R				I	I
	57	Appoint Ratification Officer, if not previously completed	R		A			R
	58	Submit to Verifier confirmation of any final steps required to conform with FA clauses 7.5 & 7.7	R		A		R	A
Phase 7	59	Verifier confirms Land Code and CRP are consistent with the FA	I		I		R	I
	60	Distribute voter information package that includes the final Land Code & IA to EVs in accordance with CRP	R		A		I	I
	61	Conduct vote on Land Code & IA	R		A		A	R
	62	If Land Code & IA are approved, Chief signs the IA and request Canada to sign IA	R	I	A		I	
	63	Send a BCR declaring the results of the vote, a true copy of the Land Code & fully signed IA to Verifier	R	I	A		I	
	64	Once the Verifier certifies the Land Code, the FN makes a copy of the certified Land Code available to the public and post a copy on their website, if the FN has a website	R		I			
	65	Advise third parties of the result of the vote	R	I				

Annex C: First Nation Funding & Payment Schedule

Payment Schedule	
Payment 1 upon signing the Agreement [see explanation in (a) below]	\$23,500
Payment 2 (reimbursement for the completion of Phase 1 & 2 activities)	\$23,500
Payment 3 (reimbursement for the completion of Phase 3 activities)	\$23,500
Payment 4 (reimbursement for the completion of Phase 4 activities)	\$23,500
Payment 5 (reimbursement for the completion of Phase 5 activities)	\$23,500
Payment 6 (reimbursement for the completion of Phase 6 activities)	\$23,500
Payment 7 (reimbursement for the completion of Phase 7 activities)	\$23,500
Total	\$164,500

First Nation Payment Process

- a. Payment of \$23,500 will be released upon the signing of this document by the First Nation and the RC.
- b. Subsequent payments identified in Annex C are associated with the completion of milestones and reporting requirements.
- c. Claim instructions and forms with milestone funding amounts and reporting requirements will be provided by the Resource Centre.