TMPD

Training, Mentorship & Professional Development

Land Governance Office

Considerations for Start Up & Implementation of Land Code

May 12, 2022

FIRST NATIONS LAND MANAGEMENT RESOURCE CENTRE

Webinar

Today we will cover:

- "We have a Land Code, now what do we do?"

- Overview of the resource tools available for Transition and Implementation of a community Land Code

- Starting up a Land Governance Office including:
a strategic workplan, an operational budget, and land office requirements under a Land Code

Mute Devices

Recorded Session

Closed Caption

Presentation & Materials

Questions & Comments

FIRST NATIONS
LAND MANAGEMENT
RESOURCE CENTRE

May 12 - Webinar Presentation & Materials

Today's Webinar Presenter

Training, Mentorship & Professional Development

FIRST NATION SUPPORT SERVICES

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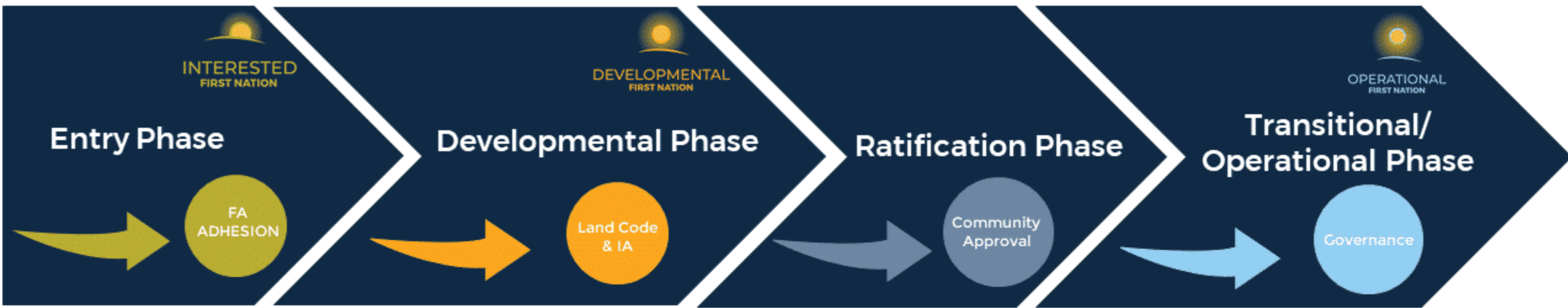Manager First Nation
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FRAMEWORK AGREEMENT

Signatory Support

+

Signatory Assistance

→

RC FIRST NATIONS LAND MANAGEMENT RESOURCE CENTRE

TM PD Training, Mentorship & Professional Development

Governance

Compliance

Management

"Supporting First Nations to exercise their Inherent Right to govern their Lands, Environment and Resources."

Framework Agreement on First Nation Land Management (FA) Process

FRAMEWORK AGREEMENT ON FIRST NATION LAND MANAGEMENT (FA) PROCESS

Entry Phase · **Ratification Phase** · **Transition to Operations**

DEVELOPMENTAL FIRST NATION

DEVELOPMENTAL PHASE
Completing the Land Code & Individual Agreement

- RC provides funding as per Developmental Phase Funding Agreement (DPFA)
- All parties meet to determine key dates & deliverables
- Liaison Representatives who participate in the Joint Management Committee (JMC) appointed for FN, RC, ISC

DEVELOPMENTAL PHASE FUNDING AGREEMENT

- FN appoints Land Code Coordinator & Land Committee
- FN & ISC appoint Independent Verifier

INDEPENDENT VERIFIER CONFIRMS COMPLIANCE WITH FA

LAND CODE

COMMUNITY LAND CODE DEVELOPMENT

INDIVIDUAL AGREEMENT DEVELOPMENT

- FN develops land code
- Independent Verifier conducts initial land code review
- Independent Verifier conducts compliance review
- FN consults community to revise & finalize land code
- Independent verifier sends compliance review to FN
- FN conducts legal review of land code

- FN confirms accuracy of information provided for the IA & participates in compiling IA information, where appropriate

ANNEXES
- **A** Operational funding category identified
- **B** Revenue & capital amounts identified
- **C** Registered interests
- **D** Phase 1 Environmental Site Assessment (ESA) conducted through JMC
- **E** Outstanding land issues & related documents
- **F** Interim Environmental Assessment process
- **G** Land Description Report of reserve lands

- Individual Agreement drafted
- Legal review conducted

INDIVIDUAL AGREEMENT READY FOR INITIALING

INDIVIDUAL AGREEMENT

FRAMEWORK AGREEMENT ON FIRST NATION LAND MANAGEMENT (FA) PROCESS

Entry Phase

Developmental Phase

RATIFICATION PHASE

Seeking Community Approval

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

RATIFICATION PROCESS & PROCEDURES
Notice
Ballots
Counting

- Community reviews the Individual Agreement

- FN locates eligible voters

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

- FN mails out pre-vote procedures

VOTE ✓
VOTE ✓
VOTE ✓

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

VOTE ✓

YES VOTE

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

NO VOTE

- FN assesses resources & feasibility for a subsequent vote

FN notifies LAB/RC when ready for subsequent vote

Appeal Successful

Appeal process to challenge conduct of the vote

Appeal Unsuccessful

OPERATIONAL PHASE

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

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

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

- FN asserts Land Governance Authority & land code comes into force

- FN & ISC sign Individual Agreement

- FN & HQ advise third parties of successful ratification vote

Land Code certified

OPERATIONAL FIRST NATION

TMPD STRATEGY & RESOURCES

Workshops & Webinars

Online Courses

Knowledge Paths Tool

Land Governance Manual

Knowledge Repository

Direct Community Support

Transition & Implementation – Strategic Approach

Three main components an operational First Nation should look to formalize when starting up their Land Governance Office:

✓ Duties Under Land Code

✓ Operational Budget

✓ Strategic Workplan

OPERATIONAL
FIRST NATION

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LAND CODE AUTHORITIES CHART

The following is an index of authorities and responsibilities that are identified within the <FN> Land Code: *(sample uses the May 2019 Model Land Code)*

LAND CODE	SECTION	AUTHORITY
PART 1 – PRELIMINARY MATTERS		
Additional Lands	*5.5 Council shall hold a meeting of Members prior to the amendment of the description of [Title] Land subject to this Land Code.*	*Council*
PART 2 – FIRST NATION LEGISLATION		
Council may make Land laws	*6.1 Council may, in accordance with this Land Code, make Land laws ...*	*Council*
Regulatory Instruments	*6.3 Council may make other regulatory instruments, including rules, regulations, standards, codes and policies.*	*Council*
Introduction of Land laws	*7.1 A proposed Land law may be introduced at a duly convened meeting of Council*	*Chief, Council, Lands Committee*

Duties under Land Code

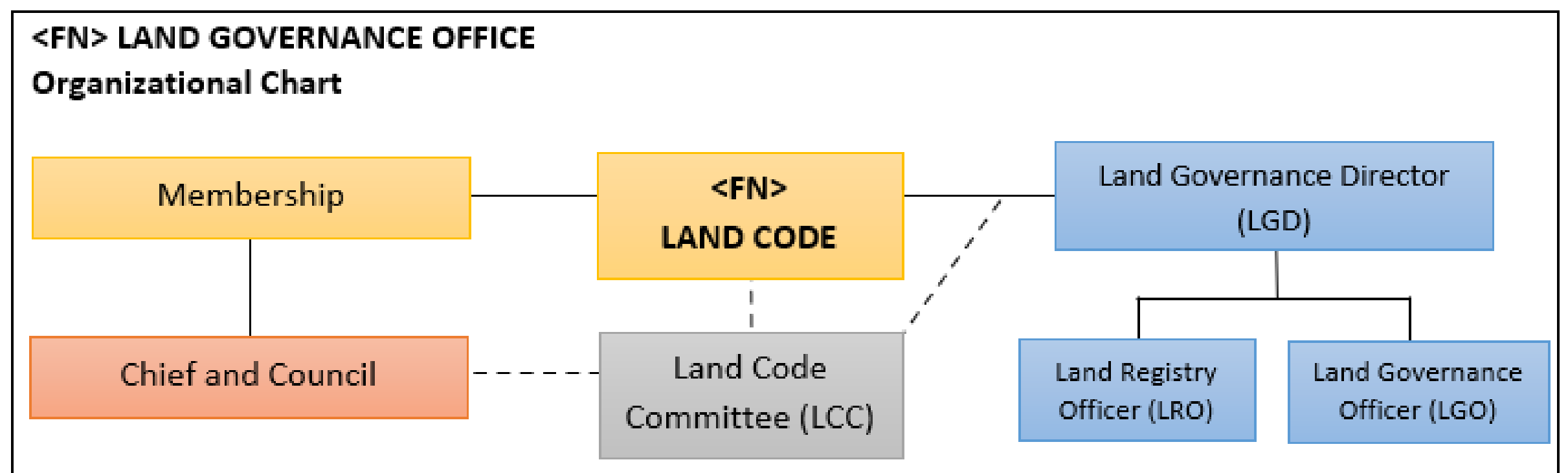|			
Advise on Land Laws and Land policies	**Advise on fees, rents, royalties**	**Lands Meetings and Votes**	**Annual Workplan and Lands budget**

Annual Reports on Land revenues and activities	**Assisting Lands Committee**	**Systems for records, data, forms and procedure**

OPERATIONAL
FIRST NATION

Roles & Responsibilities

<FN> LAND GOVERNANCE OFFICE
Organizational Chart

- Membership
- <FN> LAND CODE
- Land Governance Director (LGD)
- Chief and Council
- Land Code Committee (LCC)
- Land Registry Officer (LRO)
- Land Governance Officer (LGO)

OPERATIONAL BUDGET

Budget sample based on:

REVENUES

✓ Transitional Funding (first 2 years of $75K)

✓ Operational Funding (IA Annex A)

Other considerations:

❑ Own Source Revenue

❑ Project Grants

EXPENDITURES

- Lands Committee
- Salaries & Benefits
- Training
- Travel
- Environmental monitors
- Administrative overhead
- Capital Acquisitions
- Computer Acquisitions
- Policy development

- Legal Costs
- Liability Insurance
- Community engagement
- Meetings
- Office Supplies
- Professional Services
- Developmental plan expenses
- Other expenses (as determined)

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Sample Operational FN Budgets 2018-2023.xlsx

STRATEGIC WORKPLAN

KEY FOCUS AREAS:

	Developmental Transition	Operational Year 1	Operational Year 2	Operational Year 3
Lands Administration	X	X		
Land Management Committee (LMC)		Transitional Funding		
Information Management		X	X	
Organization Study / Human Resources Management				
Financial Management				
Communications & Public Relations	X	X		
Law-making & Enforcement			X	X
Dispute Resolution				
Natural Resource Management (+ Environment)				
Mapping				
Traditional Territory / Other Issues Raised				

OPERATIONAL FIRST NATION

LAND ADMINISTRATION

Land Registry System

- Assess Land Registry needs
- Citrix Account & FNLRS training
- Land registry policy, forms & fees
- Land status reporting
- Liaise with ISC on Wills & Estates for member workshops, etc.

Interests & Licences

- Monitoring & Compliance - Identify actions by Minister under leases (rent review, insurance, etc.)
- Implementation of electronic inventory
- Post approved land registry forms to website

Surveys

- Review survey requirements
- Develop process and forms
- Consider survey budget to support member sub-division
- Metal detector, other tools

LGM & Shared Folder

- Land Registry
- Electronic Land Inventory
- Surveys

Workshops

- First Nation Land Registry Fundamentals for the CITRIX User
- FNLRS 201 - Land Registry & Privacy Act
- Land Surveys

Courses

- Land Registry 101
- Introduction to Surveys

Direct Community Support

- 1:1 Land Registry Training

LANDS COMMITTEE

Land Code Committee

- Chief & Council to establish LCC in accordance with Land Code
- Develop Terms of Reference (TOR) including roles and responsibilities for review and approval by Chief & Council
- Ensure Committee reviews TOR & signs Oath
- Develop Workplan, Budget and Meeting Schedule
- Conduct LCC meeting, incl. records of meetings and updates to Council
- Coordinate meetings with the LCC and C&C as needed

Annual Planning

- Creation of annual planning and review process
- Support revision of strategic plan, based on priority
- Review land code on an annual basis for potential amendments including updated clauses from other land codes or the LABRC

Community Information

- Ongoing updates to membership
- Feedback on priority issues for implementation

LGM & Shared Folder

- Land Committee

Workshops

- Can be collective taken by topic

Courses

- Can be collective taken by topic

Direct Community Support

- Terms of Reference
- Community Engagement

INFORMATION MANAGEMENT

File Structure

- Conduct needs assessment / gap analysis
- Infrastructure review (staffing, training, equipment etc.)
- Identify filing / archival requirements
- Explore opportunities for partnership and skill development
- Needs assessment completed with recommendations

Request for Files

- Letter to ISC
- Workplan to receive and record ISC files into LGO file system

Orientation Binder

- Produce list of reserves and maps for LCC, Chief & Council

LGM & Shared Folder

- Electronic Lands Inventory
- File Management
- Monitoring & Compliance

Workshops

- Records Management & Data Governance
- Records Management over First Nation Lands – Focus Group

Courses

Direct Community Support

- 1:1 Records Management Survey

OPERATIONAL FIRST NATION

HUMAN RESOURCES

Organizational Strategic Plan

- Assess current capacity
- Development and expansion plan
- Create organizational flow chart
- Identification of priorities, actions & deliverables for each area in the Lands Office

Departmental Planning

- Creation of annualized work plans and operating budgets
- Develop skills and tools to engage in annual planning
- Succession Planning and promotion

Staff Training & Performance

- Review and update job descriptions
- Conduct annual performance reviews
- Staff Training and Development Plan
- Complete Individual Training Plans and baseline data for each employee
- Capacity activities reports

LGM & Shared Folder

- Human Resources

Workshops

- Training and Development

Courses

- Training and Development

Direct Community Support

- 1:1 Individual Training Plans
- Knowledge Path Tool

FINANCIAL MANAGEMENT

OPERATIONAL
FIRST NATION

Operational Funding

- Ensure funding and revenues have been received in accordance with IA
- Work with Finance to establish revenue accounts according to Land Code

Financial Management Processes & Procedures

- Review Land Code (FAL where applicable) for legal requirements
- Development of policy & procedures for Lands finances
- Annual budgeting and audit processes
- Develop reporting process to Council, LCC, Membership

Financial Administration

- Billing and receipting process (Fees, Rents, Penalties)
- Policy to waive fees for members
- Coordinate interdepartmental systems (Lands, Finance, Taxation)

LGM & Shared Folder

- Sample Budgets
- Monitoring and Compliance

Workshops

- Operational Funding Formula for Land Code Governance
- Financial Governance

Courses

- Financial Governance 101 - An Introduction to Financial Governance under the FA

Direct Community Support

- 1:1 Budgeting Support

COMMUNICATIONS & PUBLIC RELATIONS

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FIRST NATION

Celebration of Successful Ratification Vote

- Open House, Ceremony

Website, Branding & Brochures

- Continued updates to membership on issues and topics of lands, resources & environment
- Quarterly newsletter distributed to membership via internet, mail out
- Annual Report to membership

Ongoing Education

- Lands Forum/Open House for professional community
- Ongoing education, interactive tools and connectivity of membership
- Document developmental and implementation process/progress

LGM & Shared Folder
- Communications

Workshops
- Can be collective taken by topic

Courses
- Can be collective taken by topic

Direct Community Support
- 1:1 Communication Materials

LAND LAW-MAKING

Identify Laws Priorities

- Identify & Prioritize Laws
- Survey community to assist with priorities (elders/youth mtgs, culture nights, community mtgs)
- Process to include cultural principles and language
- Development of policy and procedure

Law-Making Process

- Complete work plan & budget for review and approval
- Information gathering and review of existing laws
- Review Land Code for authorities and develop enactment procedures
- Internal department orientation and introduction to law drafting
- Community engagement, surveys/questionnaires completed & distributed

Enforcement

- Needs assessment for current enforcement needs
- Articulating processes based upon required structures under each law
- Exploration of partnership options
- Report outlining enforcement needs and recommendations

LGM & Shared Folder

- Law Development

Workshops

- Law Enforcement Strategies and Considerations
- Matrimonial Real Property Laws under Land Code
- Impacts COVID 19 – Part 3 – Emergency Law Development
- Law Enforcement

Courses

- Land Law Development

Direct Community Support

- 1:1 Law Making Workshop

DISPUTE RESOLUTION

Dispute Resolution Panel - Design

- Explore existing practices, identify partnerships for policy sharing
- Outline community participation
- Creation of policy, protocol and accountability structures
- Establish evaluation and oversight processes
- Community information sharing to inform membership on process

Dispute Resolution Panel - Implementation

- Skill building and mentorship for panel members
- Fully functioning dispute resolution panel
- Increased community member understanding of dispute resolution
- Membership utilizing dispute resolution panel to resolve conflicts

Dispute Resolution Panel - Maintenance

- Ongoing skill development and mentorship for panel members
- Review & evaluate panel activities
- Evaluation report for improvements & further development

LGM & Shared Folder

- Law Development

Workshops

- Enforcement & Dispute Resolution under Land Code

Courses

Direct Community Support

- 1:1 Dispute Resolution

ENVIRONMENTAL GOVERNANCE

ESA Workplan

- Ensure information from ESA Phase 1 is received
- Follow up with Canada on ESA Phase 2 workplan, if required

Environmental Management

- Ensure all new projects undergo an environmental assessment as outlined in the Individual Agreement
- Develop and implement an Environmental Management Plan
- Develop and implement an Emergency Preparedness Plan

Other Considerations

- Climate Change
- Solid Waste Management
- Land Use Planning

LGM & Shared Folder

- Environment

Workshops

- Protecting Environment & Cultural Resources under the Framework Agreement
- Climate Change (2)
- Solid Waste Management
- Land Use Planning Approaches

Courses

- Environmental Governance (7)
- Environmental Protection (4)
- Environmental Assessment (5)
- Climate Change (2)
- Solid Waste Management (3)
- Land Use Planning (3)

Direct Community Support

- 1:1 Environmental Support

NATURAL RESOURCE & CULTURAL HERITAGE

Resources

- Forests and Timber
- Minerals and Aggregates
- Water and Fishing
- Culture & Heritage

Administration

- Establish process and recommend any Land Laws or policy
- Determine fees and royalties to be paid for taking of natural resources

Timber Permits

- Review Land Code for authorities
- Research policy & procedures, templates
- Approvals obtained

LGM & Shared Folder

- Law Development

Workshops

- Environment & Natural Resources
- Protecting Environment & Cultural Resources under the Framework Agreement

Courses

- First Nation Resource Management and Planning
- Resource Management: Forests (2)
- Resource Management: Minerals and Aggregates
- Resource Management: Water (3)
- Cultural Heritage Resources (4)

Direct Community Support

- 1:1 Natural Resource Support
- 1:1 Cultural Heritage Support

MAPPING (GIS)

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Needs Assessment

- Conduct needs assessment and gap analysis
- Infrastructure review (staffing, training, equipment etc.)
- Identify filing and archival requirements
- Explore opportunities for partnership and skill development
- Needs assessment completed with recommendations

Mapping Equipment

- Map room and printer
- GPS, GIS, Rover Poles

Administrative Support

- Reserve maps
- Support analysis and decision-making tool

LGM & Shared Folder

- Electronic Land Inventory

Workshops

- GIS Needs Assessments
- GIS-Mapping

Courses

- Introduction to Mapping
- GIS 101: Introduction to Geographic Information Systems (GIS) for First Nations under the FA

Direct Community Support

- 1:1 Mapping Support
- GIS Working Group

OPERATIONAL
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Complete outstanding issues, survey and boundary issues

- Work with NRCAN on Research and reviewing boundaries, if required
- Follow up on excluded lands from the IA, if required

Environmental Issues

- Consider remediation for lands excluded from Land Code

Manage Encroachments

- Road allowances, access easements.

Traditional Territory

- Trespass
- Natural Resources
- ATR / TLE
- Specific Claims
- Other

Other Issues Raised
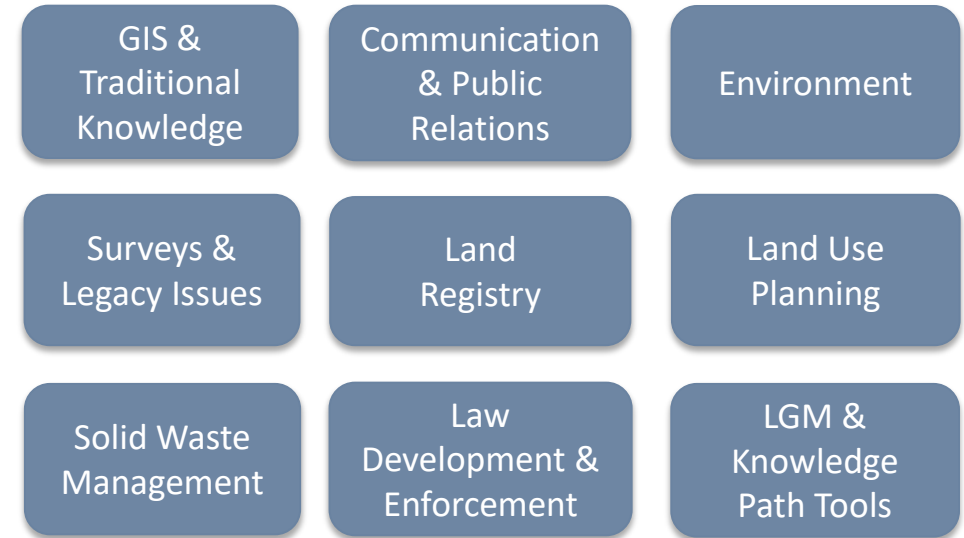
First Nation Requests Support

RC Support Services

BC/FV/Prairie/East

Land Code Governance

GIS & Traditional Knowledge	Communication & Public Relations	Environment
Surveys & Legacy Issues	Land Registry	Land Use Planning
Solid Waste Management	Law Development & Enforcement	LGM & Knowledge Path Tools

TMPD STRATEGY – Graphic Chart (Draft)

Training Mentorship & Professional Development Strategy
Building Land Governance capacity for everyone under the Framework Agreement

TMPD Strategy

- **Knowledge Sharing Services**
- Workshops & Webinars
- Online Courses
- Knowledge Paths Tool
- Land Governance Manual
- Knowledge Repository
- Direct Community Support

Audiences

- Land Governance Directors & Staff
- Chief and Council
- Lands Committee
- Community

Community of Practice and Support

- Knowledge Sharing
- Networking
- Engagement
- Focus Groups

Core Competencies

- **Land Governance**
- Lands Administration
- Land Management
- Information Management
- Human Resources
- Financial Management
- Land Use & Planning
- Communication
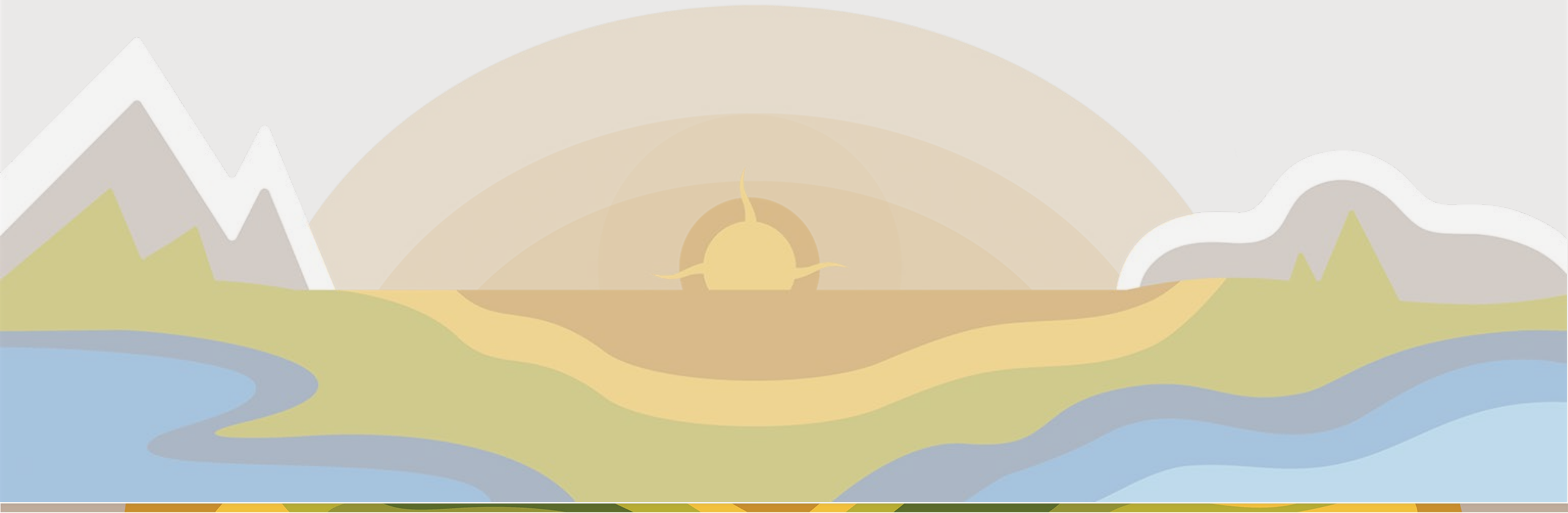- Law Development
- Environment
- Natural Resources

FIRST NATIONS LAND MANAGEMENT RESOURCE CENTRE

Training, Mentorship & Professional Development

COMMUNITY OF PRACTICE & SUPPORT

Knowledge Sharing

Land Governance Manual

Knowledge Respository

Workshops & Webinars

Direct Community Support

Knowledge Paths Tool

Online Courses

Mentorship

Framework Agreement Signatory First Nations across Canada

As of Apr 29, 2022

Total Signatories	194
Operational	100
Developmental - Active	61
Developmental – Inactive	30
Self Governing	3

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Questions & Discussion

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