

## Scenario 1

The Economic Development corporation for a First Nation is proposing to develop a sub-division with 75 lots as well as development of a Community Cultural Centre and walking trails.

29 participants

1. Do you have experience with this type of development? If so, please share your tips, tricks and resources with the group.
  - FN usually take care of FN needs before others.
  - For profit non-indigenous leasing property on reserve, renegotiating leases for non-indigenous people. Considerations to keep in mind: responsibilities you want for lessees, clear taxation roles & responsibilities between sublease holder, corporation and FN. Who is responsible for what & to what degree?
  - When plans were created in 70s, we included walkways. Consider the movement of non-indigenous people through your community. You may wish to maintain more privacy/ less access to areas used for ceremonies, traditional practices, etc.
  - Where there's a breakdown in communication/ willingness to work together between the FN and the corporation, any tips or tricks to assist that relationship? Need to find ways to rebuild that relationship, Lands department to advocate on behalf of FN interests, perhaps use a more neutral party like a Councilor (who is knowledgeable and able to approach the parties).
  - Communication is central – starting top down with Chief & Council needing and wanting community input, working with staff, committee and community.
  - About 5-6 years into Land Code, a big learning curve at Chief & Council level. Need willingness to learn and engage from leadership.
  - Communicating information at an understandable level for all community members.
  - Repetition over time to ensure proper implementation of Land Code and understanding of it.
  
2. Any advice on the best “next steps” for a community facing this type of development?
  - Community engagement
  - Architectural rendering, location options, community engagement, infrastructure assessment (what additional scope will be needed – utilities, infrastructure)
  - Environmental Site Assessments (ESAs)
  - Plan and design
  - Selection of engineer to lead project
  - Involve Land Code committee in review of docs, check any relevant land laws (development law). Is a Dev Law needed before the project can begin?
  
3. What information does the proponent need to submit so the project being proposed is understood, and a community can decide if it's worth proceeding?
  - Listen to the community on what they want and incorporate that into the actual plans so community can own and be proud of the plans for the community (AZA - new reserve, community decided to save waterfront area for all community as walking trails instead of only a few benefiting from a water front lot).

#### 4. Wheel of Chaos - Community Change Mind

- ☐ Urban apartment building proposed and neighbors are signing petitions against it. The project was turned over to the First Nations development corporation, Lands Dept is more supportive role. Working on laws to address the concerns neighbors are having about higher population, higher traffic, etc.
- ☐ Depending how far along in the project you are, you may need to identify and consider the “point of no return”.

#### 5. Wheel of Chaos - Change in Leadership

- ☐ Make sure to inform early and keep them updated!
- ☐ Get audience with Chief & Council to present and update, what workplan contains. Hopefully they embrace what you’ve already achieved in workplan.
- ☐ Document everything
- ☐ BCR or motion to show and demonstrate continued commitment to project.
- ☐ Making change in governance (Agreement), how to address that? Make connections with other Nations who have done so, such as Westbank, Twassen. Their Self-governance agreements brought in a lot of their Land Code and Land Laws already developed.

#### 6. Wheel of Chaos - Forest Fires in the Region

- ☐ Emergency management plan
- ☐ Identify assets, identify a centre to monitor the emergency from.
- ☐ Assigned to staff on the side of their desk, no dedicated staff.
- ☐ Need to update emergency plans to ensure processes in place.
- ☐ Collaborate with neighbouring municipalities and provincial governments on emergency plan. Collaborating within the First Nation.
- ☐ FN had earthquake 5 years ago which necessitated emergency planning and staff dedicated to the roles which continues to be maintained.
- ☐ Various levels of emergency planning (wildfires, snow storm, wind storm, earthquakes, pandemic, shelter and supplies, safety training, evacuation plan, transportation)
- ☐ Make sure you have insurance
- ☐ Funding available (Federal and provincial) to develop a plan and staff position(s)

### Scenario 2

First Nations owned private company wants to build an Industrial Warehouse Park on reserve lands. Proposing to develop a Light to Medium Industrial Park with potential for gas/service station. Development options include: Fish Farm (above ground), Organic Food (production and retail) and Cannabis (production and retail).

1. Do you have experience with this type of development? If so, please share your tips, tricks and resources with the group.

#### Issues:

- Difficult getting servicing agreement with neighbouring municipality(ies)
- Accessibility issues for entering/leaving business parks on busy highways or in established urban centres;
- Zoning issues - Some issues with residents building near industrial business, prior to an LUP.
- Issues working with external partners (MTO, etc.) - unwilling to accommodate roadway/infrastructure improvements.

#### Recommendations:

- Establish a relationship with the Municipality(ies) that are providing any services early-on.
  - Develop a Land Use Plan and follow the plan early on, to avoid issues with housing industrial mixed areas.
  - Set up an external Referral system, so that other parties can provide input early-on so that there are no surprises post development.
    - Establish relationships with external parties early-on
  - Require a traffic study prior to issuing a development permit to the proponent, if the issues cannot be remedied, do not move ahead with the development until they are.
  - Important not to underestimate the infrastructure required for all types of development, a simple development could cost millions in infrastructure improvements.
  - Recommendation to, if possible, create alternate road access to businesses via road behind the businesses, or secondary “service” road, with one access point to the highway.
2. Any advice on the best “next steps” for a community facing this type of development?
  3. What information does the proponent need to submit so the project being proposed is understood, and a community can decide if it’s worth proceeding?
    - Require a Traffic Study prior to issuing a permit.

### Scenario 3

A partnership between a private company and a crown organization are proposing to develop a transmission line for electricity and have provided notice that reserve lands will be intersected based on the proposed layout and routing of the project. - Quarry or gravel pit, or forestry (timber harvesting development)

1. Do you have experience with this type of development? If so, please share your tips, tricks and resources with the group.
  - Existing power line and same company wanted to lay a fibre optic line and could get it for cheap. FN sent a copy of their Land Code and Framework Agreement to notify the company that they are a Land Code Nation. The company took notice, thought they could get a Sec.35 permit with ISC and not deal with the Nation. This was 16 years ago. The Crown utility didn't know about land code at all. In the end, everyone's interests were included and we signed an agreement. No issues or maintenance needed so far, just notices are on the ground.
  - First Nation has a 2002 Land Use Plan but didn't speak to ROWs or Easements at the time. Since then, they have TLE to speak to these types of developments. The province may get out of crown corporations/public entities entirely, that will reopen negotiations for those types of infrastructure going forward. When these types of works come to your door, do your due diligence around your land code and notify the proponents of your Nation, that they may impact your resources, that includes cultural resources of the land. This includes your nation leadership.
  - Read the standard agreements these companies send out. You don't have to accept their standard agreements. A lot of times some of the companies will send a standard agreement with no compensation or decision-making ability to address Nation's concerns going forward. Nations should have the ability to negotiate these agreements with their membership and proponents.
  - Agreement with BC Hydro that would address First Nation's concerns and interests for the community
  - First Nation has two situations with transmission lines - 1 historical, that could impact their interests for undeveloped land and 2- the proponent with a 10Mw facility, the Nation's Environmental Assessment is over 800 pages. Their land code was enacted during construction with many delays for approval. After the Land Code took effect, things started to move. First Nation had to create access routes for the line with temporary water crossings with permanent instillations that were concerning.
  - Need to make agreements with private land owner that is a nation member. Do not privatize those lands because the nation may need to deal with individuals? The Nation is the proponent that is ID'ing their priorities. They had an elder walk to the site and they ID'd some medicinal resources to manage. Environmental

Assessment for hydro construction was the basis for their law development under their Land Code.

### **Wheel of Chaos – Unidentified Archaeological Site**

What happens to a chance find? – there is cross jurisdictional issue, the province has a say with what would be done with objects. The nation should be in the driving seat that we at the RC could possibly assist with this.

### Scenario 4

Band housing project that the First Nation is leading / capital planning projects (connect CPP to on the ground realities).

1. Do you have experience with this type of development? If so, please share your tips, tricks and resources with the group.
  - Tzeachten broke ground on 23 unit townhouse for members on reserve
    - on enviro sensitive land, conservation area within the three acres for snails.
    - Funded through BC housing, must follow their requirements
    - when doing budgeting 18 months ago, now have to deal with increased in bldg supplies
    - Even though Band owned, still must follow procedures
    - Permits, inspectors and notice of completion will be provided by lands dept.
    - Follow same processes even if development done by Nation
    - Have development law
  - Doig will be pursuing development in near future
    - Funding obtained for tiny home project
    - Signed on to FA and focused on land code development at this point
  - Animbiigoo Zaagi'gan Anishinaabek- just approved for 3 new houses, just got land base recently
    - Breaking ground soon and hoping to ratify code in near future
    - If we already had enviro study done on land, would another study be required? Their tech will connect with them later on it.
  - Ditidaht- Abandoned homes on reserve taking up lots, how to remove them. Their Tech will connect with them about this
  - Laurie Opaskwayak Cree nation
    - Recently purchases Pete's potatoes land
    - Will continue with potato operation
    - 273 acres for residential
    - Planner are in now
    - Going to be using solar power in their development
  - Marlene Smith - BrokenHead
    - Finished housing project
    - 45% usable land
    - Challenged to find high up land
    - Need drainage plan
    - People want larger lots
    - Water lines only go so far, lot's of folks won't be on water and sewer lines, this is an issue

## Breakout Room Notes

- Reviewed housing, lots of renovations
  - Compliance focused
  - Supplies are expensive, it's going slow
2. Any advice on the best "next steps" for a community facing this type of development?
    - Tzeachten Community surveys - what can people afford, demographics, salaries. Detailed survey
    - Hired consultant to design, several design stages
    - Community meetings and large posters
    - Make sure we build the right kind of housing
    - Townhouses with different number of bedrooms
    - Community centre planned for area
    - Community involvement very important
    - Looked at options, went through BC Housing, they were very particular
  3. What information does the proponent need to submit so the project being proposed is understood, and a community can decide if it's worth proceeding?
    - Tzeachten
      - Sub and Dev law, processes and procedures built in
      - Detailed application form which is used as checklist
      - Environment, roads, noise, sewer and water, geotech, service agreement with municipality, etc
      - at onset could be simple to start for preliminary report before they need to spend the money
      - Once checklist completed issuance of permits
      - Certain studies will have a third-party reviewer
      - They pay but it comes from fees charged so nothing out of pocket

### Wheel of chaos, Financing issues:

- Equity from OSR used to off set
- FMC
- BC Housing
- Multiple streams needed

### Wheel of chaos, Community changes mind:

- Community consultation, what went wrong?
- Make sure there is lot's of community involvement
- At least you can say you did all you could to inform and consult
- The people who don't show up for community engagement sessions are the ones who have complaints, need to hear them out

### Wheel of chaos, global pandemic

- Ability to community greatly decreased
- Made it difficult to do community consultation
- Need to find new methods to communicate, not all members can use technology
- Held same meeting 5 days in row, focused group outdoor smaller groups
- Projects that were already approved went ahead despite pandemic

## Breakout Room Notes

- Sales and purchases of homes not impacted but CCP work delayed, moved to electronic and away from paper, won't go back even though back in the office- Tzeachten
- Getting supplies into homes with many provincial restrictions is a challenge
- Prices of lumber increases make it difficult for member to build homes