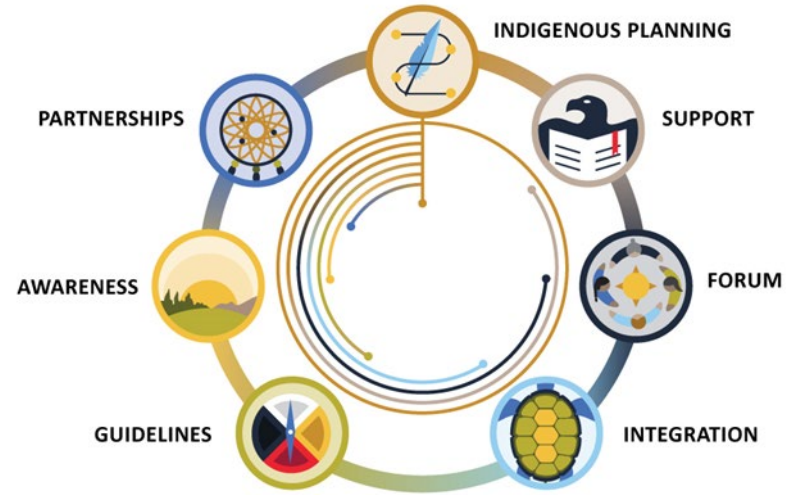


# The RC's Land Use Planning Initiative:

Latest Information, Support & Assistance

Land Use Planning &  
Regional Networking Workshop

April 9, 2024



# Framework Agreement on First Nation Land Management

- Historic government-to-government agreement signed on February 12, 1996, between the original 13 First Nations and the Minister of Indian Affairs and Northern Development
- Developed by those First Nations to opt out of the 44 lands related sections of the *Indian Act* (35%)
- Recognizes First Nations' right to govern their reserve lands
- Today, has expanded to include an ever-growing number of communities across Canada who are interested in replacing the lands restrictions of the *Indian Act* with the legal framework developed in a community land code
- Each signatory community to the Framework Agreement assumes the administration and full law-making authority of their reserve lands, environment and natural resources, when they ratify their land code



# Land Code

ESTABLISHES A SYSTEM OF GOVERNANCE AND ADMINISTRATION OF LAND MANAGEMENT FOR THE RESERVE LANDS.

- Description of Lands
  - Use and occupancy rules and procedures
  - Rules and procedures for land revenues
  - Requirements for accountability to members
  - Law making procedures and publication
  - Conflict of interest rules
  - Dispute resolution process
  - Rules for granting or expropriating interests
  - Delegation of Council authority
  - Procedures for amendments and land exchanges
- *Could include:*
    - Limitations to rights and interests
    - encumbering, seizing, or executing interest
    - Any other matter



# Land Use Planning under the Framework Agreement: *Moving Away from the Indian Act*

Interconnections of Land, Identity & Governance

Fractured, Under-Capacity, Under-Funded Communities

Exercising Self-Government through Land Code

## Pre-contact: Indigenous Self-Government

Indigenous peoples governed themselves in relationship with the land since time immemorial

Indigenous Political Economy & Trade

Indigenous Laws (e.g. take only what you need)

Indigenous Resource Management

Critical support to many early European settlements



## 1867 - Imposition of the *Indian Act*

Attempted destruction of Traditional Governance & Planning in favour of external, colonial control

Uncoordinated approach to development

Inadequate infrastructure

Environmental damage & contamination

Lack of design standards, codes, and enforcement

Decision-makers unaccountable to community

Development not always aligning with community vision and objectives

Benefits and revenues from land development flow out of community



## 1996 – Framework Agreement on First Nation Land Management

Resurgence of Good Governance, Law-making & Planning

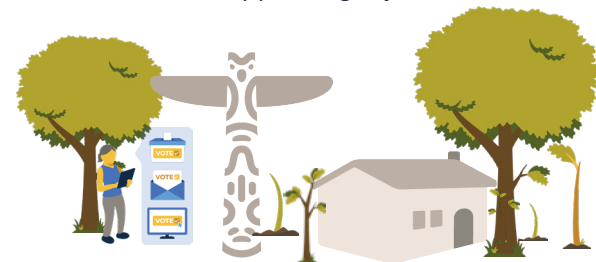
Decision-makers accountable to community, not ISC

Coordinated approach to long-term land use planning, land development, environment, infrastructure & housing planning

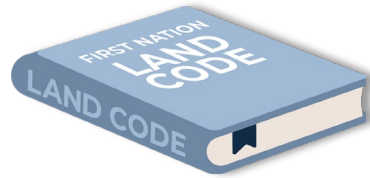
Strong Environment & Land Protections, Enforcement

Clear decision-making processes, standards, rules & procedures

Benefits of development flow to community and advance community planning objectives



# Linking Land Code Authorities and the Principles of the Framework Agreement to Land Use Planning



**Land Code Authorities**



**Planning**



**Law-Making**



**Enforcement**



**Framework Agreement (FA)**

**Principles**

- Community Approval
- Accountability
- Transparency



**FIRST NATION GOVERNING BODIES**



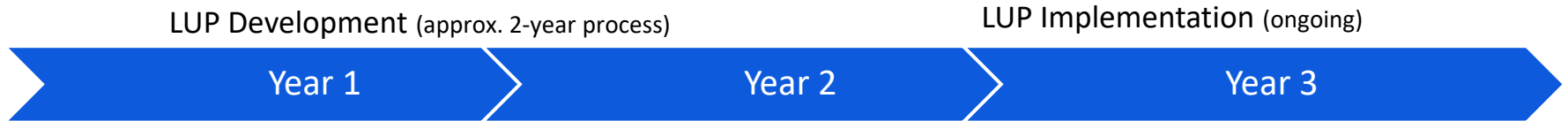
**LAND-USE DECISIONS**

# RC Supports LUP Development for both Operational & Developmental First Nations

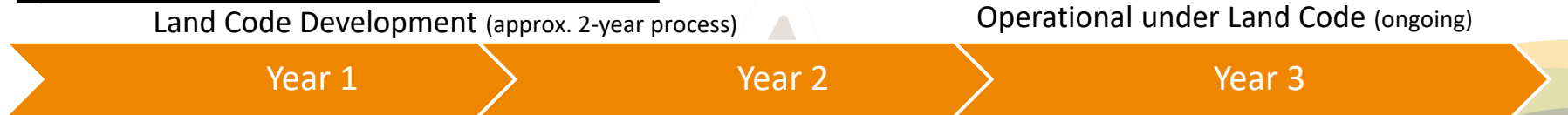
**Operational First Nations** already have a Land Code in place when developing their LUP, so should consider incorporating their Land Code governance authorities into their LUP.

**Developmental First Nations** that want to begin developing a LUP prior to enacting their Land Code should also consider incorporating their Land Code governance authorities into their LUP since it is likely they will be Operational by the time their LUP is complete.

## Typical Land Use Plan Development Timeline



## Typical Land Code Development Timeline



# RC LUP Development & Implementation Initiative

- The RC provides funding directly to signatory First Nations through the **RC's Land Use Plan Development Initiative**.
- Discussions with Canada have resulted in increased **funding for LUP development** and **funding for LUP Implementation**.



## Effective April 1, 2023:

- First Nations who apply for and receive funding under the RC's LUP Development Initiative can receive up to \$125K\* for eligible LUP development expenses.
- Following the development of their LUP, the above First Nations can also participate in the RC's LUP Implementation Initiative and receive up to \$175K\* for eligible LUP implementation expenses.

\*Funding is provided in accordance with milestone-based funding agreements developed between the participating First Nation and the RC. The release of these funds by the RC to the First Nation is contingent upon the RC receiving these funds from Canada.

# RC LUP Development Funding Arrangement – New Template

	<b>MILESTONE</b>	<b>DELIVERABLE</b>	<b>DUE DATE*</b>
1	<b>Acceptance into the LUP Funding Initiative (\$10,000)</b>	Fully signed LUP Funding Arrangement	<receipt of deliverable starts timeline>
2	<b>LUP Development Workplan (\$15,000)</b>	Copy of LUP Development Workplan	Month 3
3	<b>Community Engagement Plan (\$5,000)</b>	Copy of Community Engagement Plan	Month 4
4	<b>Draft LUP (\$30,000)</b>	Copy of draft LUP	Month 9
5	<b>Draft LUP Implementation Plan (\$35,000)</b>	Copy of draft LUP Implementation Plan	Month 13
6	<b>Community Engagement Plan Implementation (\$15,000)</b>	Copy of Community Engagement Plan Summary Report	Month 17
7	<b>Final LUP and Implementation Plan (\$15,000)</b>	Copy of final LUP & Final LUP Implementation Plan	Month 18



# RC LUP Implementation Initiative

FNs developing an LUP should also develop an LUP implementation workplan

- To identify actions, activities, tools, etc. required to bring their LUP to life,
- RC will use this to prepare the First Nation's individual milestone-based LUP Implementation Funding Arrangement.

Implementation will look different for each First Nation, but will generally fall into the following three broad categories:

Issue Specific Plans

Laws, Regulations &  
Guidelines

Planning Processes

We expect LUP Implementation to evolve over time, shaped by the needs of individual First Nations. We also suspect LUP Implementation may identify a need for changes to other ISC programs (e.g., housing, public works, infrastructure, etc.)

# LUP Implementation Funding Arrangements

- Developed specific to each First Nation's LUP (no template)
- Milestones and deliverables must be linked to the actions and activities identified in the First Nation's LUP Implementation Plan
- Major tasks will be split up into reasonable subtasks (e.g., workplan for task completion, community engagement, equipment purchases, legal fees, draft document, final document), with specific deliverables and funding amounts assigned to each subtask
- Staffing/salaries cannot be included as a milestone – but First Nations can decide how best to use funding to complete each milestone
- Copies of invoices will be required deliverables for all equipment purchases, legal fees or other services, reimbursed up to a specified maximum

# How Does the RC Support First Nations re: LUPs?

- **Funding for LUP development and implementation**
- **Draft document review**
- **Technical support and advice for:**
  - **LUP development & implementation workplans**
  - **Community engagement and education**
  - **Policies, laws, monitoring programs, etc.**
  - **Intergovernmental relationships**
  - **GIS, land registry, environment & enforcement, solid waste management, training & professional development**
  - **Other RC funding initiatives (environmental management planning, solid waste management, legacy issues)**



# Going Forward:

- **Land code First Nations maintain the lead on LUPs, RC supports**
  - but the RC recommends avoiding consultant-driven LUPs
- **First Nations may consider links to broader regional planning**
  - but neighbouring governments should not dictate a First Nation's land use
- **Federal programming should become First Nation-led**
  - or at least responsive to First Nation LUPs
- **Lands Advisory Board is advocating for significant ATR reforms**
  - Based, in part, on the growing strength of land use planning by Land Code First Nations
- **Canada correctly recognized the need for increased support for LUPs**
  - we will need to demonstrate the merits of this investment



# Questions?

Jennifer Predie

Manager, Land Code Governance

First Nations Land Management Resource Centre Inc.

Email: [Jennifer.Predie@labrc.com](mailto:Jennifer.Predie@labrc.com)

Phone: 705-203-0597

Website: [www.labrc.com](http://www.labrc.com)