

Natural Resource Management under the Framework Agreement



PD

TMPD Virtual Workshop September 7 & 8, 2022 9:00 AM PDT 3 Hours

Welcome











Comments





AGENDA & OBJECTIVES



DAY 1 – WED,	Sep 7th 2022	DAY 2 – THU, Sep 8th 2022		
8:45 AM PDT	Zoom Opens	8:45 AM PDT	Zoom Opens	
9:00 AM	Welcoming & Overview	9:00 AM	Welcome & Overview	
9:10 AM	1.1 Natural Resource Management & Planning	9:10 AM 40 min	2.1 Soil, Minerals & Aggregates	
40 min	Moderated by RC, Patti Wight		Moderated by RC, Adam Wright	
	 Mississauga First Nation – Keith Sayers Nisichawayasihk Cree Nation – Gord Dumas Opaskwayak Cree Nation – Diane Ballantyne Sts'ailes – Tim Felix 		 Kitsumkalum First Nation – Mag DeGrace Leq'a:mel First Nation – Stephen McGlenn Lower Nicola Indian Band – Stephen Jimmie Shuswap Indian Band – Sierra Stump 	
9:50 AM	Health Break – 10 min	9:50 AM	Health Break – 10 min	
10:00 AM	1.2 Community Considerations	10:00 AM	2.2. Community Considerations	
60 min	 Bingwi Neyaashi Anishinaabek – Aysha McNally Mississauga First Nation – Keith Sayers Ntityix Resources (Westbank) – Dave Gill Sts'ailes – Tim Felix Finite Carbon, David Stevenson 	60 min	 Kitsumkalum First Nation – Mag DeGrace Magnetawan First Nation – Samantha Noganosh Leq'a:mel First Nation – Stephen McGlenn Opaskwayak Cree Nation – Diane Ballantyne 	
11:00 AM	Health Break – 10 min	11:00 AM	Health Break – 10 min	
11:10 AM	1.3 Forestry & Timber	11:10 AM	2.3 Wildlife, Fish & Water	
40 min	Moderated by RC, Jackie Brown	40 min	Moderated by RC, Jennifer Predie	
	 Kitsumkalum First Nation – Troy Sam Ntityix Resources (Westbank) – Dave Gill Opaskwayak Cree Nation – Diane Ballantyne Wasauksing First Nation – Daniella Baker Wuskwi Sipihk First Nation – Dan Soprovich 		 Nipissing First Nation – Nikki Commanda One Arrow First Nation – Dwayne Gaudry Sts'ailes – Tim Felix 	
11:50 AM	Networking & Discussion	11:50 AM	Networking & Discussion	
12:00 PM	End Day One	12:00 PM	Close of Workshop	

Natural Resource Management under Framework Agreement

Natural Resource Management & Planning

Moderated by:



Patti Wight

Manager First Nation Support Services BC



Natural Resource Management & Planning - Introduction





Sources: Mining Association of Canada, Natural Resources Canada, Farm Credit Canada



Natural Resource Management & Planning - Jurisdiction





Natural Resource Management & Planning - Defining



OURCE CENTRE

Natural Resources means **<u>renewable</u>** and **<u>non-renewable</u>** natural resources, such as:

- timber
- minerals
- stone
- sand
- gravel
- clay
- soil
- other similar substances.



Natural Resource Management & Planning – Location of Resources



Natural Resources may solely belong to a First Nation, or a Member or First Nation under a Member Only Interest, or they may be shared according to the land code or land laws.



Natural Resource Management & Planning – Granting of Interests or Land Rights and Licences



What are the consent or approval requirements?



Who is issuing the grant of interest, land right, or licence?



What type of survey plan may be required?



What the land registry forms and fees required?



Are there any other permits required?





Natural Resource Management & Planning - Strategies





Natural Resource Management & Planning – Land Laws



Sample Laws being shared during the workshop include:

- Trees, Timber & Forestry Practices
- Aggregates (rock, sand, and gravel removal)
- Soil Removal, Deposit, and Transfer
- Cultural Heritage
- Animal & Wildlife



Natural Resource Management & Planning – RC Supports





Funding Considerations

- <u>Funding to help FNMPC to advance Indigenous participation in natural resource projects ReNew Canada</u>
- Indigenous Natural Resource Partnerships (nrcan.gc.ca)
- <u>First Nation Adapt Program: Funding Guidelines 2021 to 2022 (rcaanc-cirnac.gc.ca)</u>
- Funding, Grants and Incentives (nrcan.gc.ca)

Impact Benefit Agreements

• Impact and Benefit Agreements: The Role of Negotiated Agreements in the Creation of Collaborative <u>Planning in Resource Development | The Canadian CED Network (ccednet-rcdec.ca)</u>

> Do you have any resources to share? If so, please add into Chat





Mississauga First Nation

Keith Sayers



Nisichawayasihk Cree Nation

Gord Dumas



Opaskwayak Cree Nation

Diane Ballantyne



Sts'ailes

Tim Felix

How are you managing your natural resources on/off reserve?

Did you encounter any roadblocks through this process? If so, can you tell us about these challenges?

Where there are individual interests, how do you balance communal and individual interests for natural resource management?

If you had to consider natural resource management and planning, what are some of the tools or resources that would make it easier? (Lessons learned)



Successes, Challenges & Needs

Coffee break...





Natural Resource Management under Framework Agreement

Community Considerations



Bingwi Neyaashi Anishinaabek

Aysha McNally



Mississauga First Nation

Keith Sayers

L)	
9	RESOURCES

Ntityix Resources (Westbank)

Dave Gill



Finite Carbon

Sts'ailes Tim Felix

Finite Carbon

David Stevenson





Bingwi Neyaashi Anishinaabek

Operational









- 1. Sustainable Harvesting Law, TEK and Court Decisions
- 2. Environmental, Enforcement and Recognition
- 3. Community Engagement, Permits Process, Lands and Resource Committee
- 4. Natural Resources System Model



Self Governance





FIRST NATIONS LAND MANAGEMENT RESOURCE CENTRE











Coffee break ... -



Tab.



Natural Resource Management under Framework Agreement

Forestry & Timber

Moderated by:



Jackie Brown

Land Code Governance Advisor BC





Forestry & Timber - Introduction

"Canada may have evolved as a country built on resource exports, but its resource future sees indigenous peoples in the driver seat as Resource Rulers... Thus, for industry, the old order is over and major challenges lie ahead in earning the 'social licence' to operate..."

Bill Gallagher, Resource Rulers: Fortune and Folly On Canada's Road to Resources, 2012

Why Forest & Timber Management?





Forestry & Timber - Strategies

There are many ways to strategize the management of natural resources. One of those ways is through planning and permitting. For example, Forest Stewardship Plans (Forest Development Plans), Land Use Plans and Environmental Management Plans. The permitting process may include small scale tree removal (on-reserve) or road & timber permits (off-reserve and/or treaty lands) that may require an RPF, RFT or P.Eng and/or a Certified Faller/Certified Arborist to sign off for safety/liability and due diligence reasons.

Stewardship Planning



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Forest Sustainability



Forest Values and Benefits





as they decay or rapidly through wildfire



Forestry & Timber - Strategies

Mitigating Natural Disasters

Flooding



Wildfire



Beetle Infestations





Forestry & Timber - Laws

Laws and Regulations Applicable to Forests

Before a Land Code



CONSIGLIBRITION	CODIFICATION	CONSOLIDATION	CODIFICATION	
Indian Timber Harvesting Regulations	Règlement sur la récolte du bois des Indiens	Indian Timber Regulations	Règlement sur le bois des Indiens	
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Current to April 12, 2016	À jour au 12 avril 2010	Convent to April 12, 2016	à jour au 12 avril 2016	
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After a Land Code





Forestry & Timber – RC Supports







Timber & Forestry Laws

Forestry & Timber – Funding

- Indigenous Forestry Initiative NRCan
- Indigenous Forestry Sector Technical Support Program FPInnovations
- <u>B.C. First Nations Forestry Council</u> Jobs & Training
- First Nations' Emergency Services Society BC FN Wildfire Mitigation Planning





Forestry & Timber – Panel Discussion

Kitsumkalum First Nation Troy Sam

Ntityix Resources (Westbank) Dave Gill



Opaskwayak Cree Nation

Diane Ballantyne



Wasauksing First Nation

Daniella Baker



Wuskwi Sipihk First Nation

Dan Soprovich

How are you managing your forests on/off reserve?

Did you encounter any roadblocks through this process? If so, can you tell us about these challenges?

Do you think the tools developed (Operational FNs) or are being developed (Developmental FNs) under your land code (land laws, LUP, EMP, etc.) will be useful or should be considered when negotiating future agreements to expand your land governance jurisdiction either into traditional territories or when moving into self-government?

FIRST NATIONS LAND MANAGEMENT RESOURCE CENTRE

Successes, Challenges & Needs

Natural Resource Management under Framework Agreement

Networking & Discussion



SUMMARY OF DAY ONE

Image: MarcologyDDDDDAY ONE

Natural Resource Management under Framework Agreement

DAY TWO - 9:00 AM PDT 12:00 PM EST

Natural Resource Management & Planning

Community Considerations

Forestry & Timber, Agriculture

Networking & Discussion

Soil, Minerals & Aggregates

Wildlife, Fish & Water



Natural Resource Management under Framework Agreement

Soils, Minerals & Aggregates

Moderated by:



Adam Wright, MCIP, RPP Planner, Land Code Governance



- In 2020, the main resources contributing to Canada's resource wealth were:
 - mineral resources (50%)
 - timber (31%)
 - energy resources (19%).
- In 2019
 - energy resources (56%)
 - timber (23%)
 - mineral resources (21%)



PRECIOUS METALS, MINERALS AND ROCKS



LAND RESOURCES



Soils, Minerals & Aggregates – Introduction

billions of dollars




Soils, Minerals & Aggregates - Strategies

The key considerations and tools and strategies describe a variety of social, economic, cultural and environmental considerations related to mineral resource development.

Community Vision	Community GoalsCommunity Values
Potential Impacts Evaluated	 Environment Physical and Social Infrastructure Regional Context
Strategic Planning	 Consultation Strategy Resource Planning Community Guidance







Consultation is externally-driven when industry or government is consulting on a specific land planning or land development activity that may affect your First Nation (e.g. Duty to Consult). May involve a proponent seeking to obtain your **Free, Prior and Informed Consent (FPIC)**

Engagement is internally driven and often focused on community-building. Occurs when a First Nation engages its members for the purposes of planning, selfgovernment, community development, or other activities that may affect their Community (e.g. Land Code implementation, LUP, EMP, community & economic development).



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Soils, Minerals & Aggregates - Laws

- Impact Assessment Act, 2019 (formerly Canadian Environmental Assessment Act, CEAA)
- Projects Subject to the Impact Assessment Act
 - Designated projects are described in the Physical Activities Regulations (i.e., Project List)
 - Minister may designate any project not described in regulations, based on factors set in the legislation
- The Duty to Consult is triggered at this stage
- There are also provincial Environmental Assessment processes/laws sometimes which are coordinated with the Federal EA process
- Through the Framework Agreement, First Nations operating under Land Code have the legal authority to implement and enforce an Environmental Assessment framework and the resulting laws





*Impact Assessment and EA typically operate in a complicated regulatory and legal landscape.



Participation Equity Non-discrimination and Inclusiveness Gender Equality The Rule of Law Transparency Accountability Responsiveness

-<u>The United Nations</u> <u>Development Programme</u>

Good Resource Management & Good Governance go hand-in-hand!



Soil Deposit and Transfer

Minerals and Aggregates

Lands Governance under Land Code

Soils, Minerals & Aggregates – Funding

 Prospectors and Developers Association of Canada (PDAC), Capacity-Building Funding for Indigenous Communities

https://www.pdac.ca/indigenousaffairs/capacity-support

- Canadian Minerals and Metals Plan
 <u>https://www.minescanada.ca/en/strategic-directions/advancing-participation-indigenous-peoples</u>
- Manitoba Mineral Development Fund
 https://mmdf.ca/funding-program/
- Map of Indigenous Mining Agreements via Natural Resources Canada (NRCAN) https://www.nrcan.gc.ca/our-natural-resources/indigenous-natural-resources/indigenous-participation-mining-information-products/7817









Soils, Minerals & Aggregates – RC Supports

- Policy and Law Development provide support to First Nations in the development of policy documents including LUPs, EMPs, Consultation protocols, Co-management agreements and strategic regional planning
- Support First Nations in review of relevant federal & provincial laws, policy and other legal frameworks
- EA / Impact Assessment Support Support development of Environmental Assessment / Impact Assessment laws for individual First Nations
- Support individual First Nations in the development of Traditional Ecological Knowledge / Traditional Use Studies





Soils, Minerals & Aggregates – Panel Discussion



Kitsumkalum First Nation Mag DeGrace



Leq'a:mel First Nation Stephen McGlenn



Lower Nicola Indian Band Stephen Jimmie



Shuswap Indian Band Sierra Stump Can you tell us how you are managing your sand and gravel on reserve lands? Are there sand and gravel operations (or proposed operations) occurring off-reserve that will affect your First Nation?

Are there challenges with the permitting process and ensuring environmental impacts are considered / addressed in resource development? Do unresolved legacy issues pose a challenge to your First Nations Lands Governance?

Any advice or best practices that you can share around soil importation to reserve lands? When is soil typically imported and what can Nations do to reduce associated environmental risks and costs?

With respect to the Duty to Consult and referrals, how do you manage these requests?



Coffee break ... -



Tab.



Natural Resource Management under Framework Agreement

Community Considerations

KOQQON

Kitsumkalum Indian Band

Mag DeGrace



Leq'a:mel First Nation

Stephen McGlenn



Magnetawan First Nation

Samantha Noganosh



Opaskwayak Cree Nation

Diane Ballantyne





Kitsumkalum Indian Band







Leq'a:mel First Nation







Magnetawan First Nation











Coffee break...



Tab



Natural Resource Management under Framework Agreement

Wildlife, Fish & Water

Moderated by:



Jennifer Predie

Manager, Land Code Governance



Wildlife, Fish & Water – Framework Agreement

- Section 18.10: No change in rights and powers related to fisheries
- Section 20.1: Federal laws applicable on First Nation land will continue to apply
- Section 23.6: No change in rights and powers related to migratory birds or endangered species

Federal laws that continue to apply re: wildlife, fish and water*:

- Species at Risk Act
- Migratory Birds Convention Act

• Fisheries Act

• Canadian Navigable Waters Act

Law-making powers of Land Code First Nations:

• Section 23: First Nations with a Land Code have powers to make environmental laws relating to First Nations Land, including in respect of natural resources, soils, water and ground water

• should we consider future **Framework Agreement amendments** for **fish and wildlife**? (potential for Framework Agreement amendment to deal with species at risk was originally raised in 2017)



Wildlife, Fish & Water – Canada's Division of Power





Wildlife, Fish & Water – Strategies



Environmental Management Plans

- wildlife management plans
- fisheries management plans
- source water protection plans

First Nation Laws

- Zoning laws to support a LUP
- Environmental Protection Law
- Environmental Assessment Law
- Solid Waste/Nuisance Species Law
- Hunting laws

Other

- Aquaculture facilities
- MOUs for commercial fisheries management
- voluntary hunting and fishing moratoriums
- youth hunting and fishing programs
- establishment of protected areas

Wildlife, Fish & Water – Funding (examples – not an exhaustive list)











Wildlife: Species at Risk

- Aboriginal Fund for Species at Risk
- Habitat Stewardship Program for species at risk
- Canada Nature Fund for Aquatic Species at Risk

RESOURCE CENTRE

Fish and Fish Habitat

- Indigenous Habitat Participation Program
- Coastal Restoration Fund
- Northern Integrated Commercial Fisheries Initiative

Water

• Funding for Great Lakes projects

Environment

- Environmental Damages Fund
- EcoAction
 Community
 Funding Program

Resource Centre

- land use planning
- environmental management plan development and implementation

Wildlife, Fish & Water – RC Supports



Land Use Planning



Environmental Management Plans



GIS



Law Development



Monitoring Programs





Navigating federal laws



Training, mentorship and professional development Networking and connections with other First Nations, agencies

Framework Agreement Amendments





Can you tell us how you are managing your wildlife, fish & water on/off reserve?

Did you encounter any roadblocks through this process? If so, can you tell us about these challenges?

Are there any aspects of wildlife, fish & water management where you think First Nations should have additional authority?

Have you considered the impacts of climate change in your management strategies for wildlife, fish and water?



Natural Resource Management under Framework Agreement

Networking & Discussion



MOVING FORWARD

How do you see the future of the Framework Agreement as it connects to:

- Natural Resource Management & Planning Water Resources, Climate Impacts, etc.
- Broader Geographic base in Traditional Territories
- Interest in partnerships with other governments using Land Code Authority
- Intergovernmental Agreements to recognize First Nations' authority and personnel
- Strategic approach to ATRs with a view to the future of Natural Resources
- Regional strategies connection to resource management and traditional territories

These steps might be part of getting there over time





SUMMARY

TWO DAY WORKSHOP

Natural Resource Management under Framework Agreement

Natural Resource Management & Planning

Community Considerations

Forestry & Timber, Agriculture

Networking & Discussion

Soil, Minerals & Aggregates

Wildlife, Fish & Water







2022 TMPD EVENT SCHEDULE



Webinars

Workshops

1 Hour Sessions

2 Day Sessions

11:00 - 12:00 PT / 2:00 - 3:00 ET

9:00 - 12:00 PT / 12:00 - 3:00 ET



LEARNING TOOLS & SUPPORT



Workshops & Webinars

Online Courses

Knowledge Paths Tool

Land Governance Manual

Knowledge Repository

Direct Community Support (1:1)





labrc.com/training/

COMMUNITY OF PRACTICE & SUPPORT



Framework Agreement Signatory First Nations across Canada

As of August 18, 2022

Total Signatories	194
Operational	100
Developmental - Active	57
Developmental – Inactive	34
Self Governing	3





	About the LABRC 🗸	Signatory First Nations 🗸	Framework Agreement 🗸	Training, Support & Resources 🗸	Events 🗸	News & Media 🗸	Contact Us
	Lands Advisory Board 💙						Sector Sector Sector
	Resource Centre (RC) >	RC Board	113 2				
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Job Opportunities (Internal and External)

Keywords	Location						
	SEARCH JOBS						
Full Time	Part Time	Temporary					
Lands & Registration Clerk- Katzie First Nation Katzie First Nation			Pitt Meadows, BC	Full Time			
Lands Manager- Penticton Indian Band Penticton Indian Band			Penticton, BC	Full Time			







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💔 vimeo.com/labr

THANK YOU

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