

## An Environmental Focus

*“Wu’tun’e wee’zoooh  
yi’yalh, whes’keghe s’o  
ududeh’chi oo’s’o  
ghu’nuyelh’o.”*

(“Making sure the footprints we leave behind are the ones our children will be proud to walk in.”)

McLeod Lake Indian Band motto



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## Guardians of the Land

This edition of *The Lands Advisor* is dedicated to environmental management under the *Framework Agreement on First Nation Land Management (Framework Agreement)*, and highlights a small percentage of environment-based topics being addressed in signatory communities across the country.

The First Nations Land Management Resource Centre (FNLMRC) employs a number of advisors in the field of Environment, Enforcement and Law Making, among other specialty areas, and provides numerous such support services to signatory communities. Our in-house Law Making and Enforcement expert, Andrew Beynon, and Environmental and Enforcement Advisors Jennifer Predie and Michelle Delorme have penned articles for this issue that help to illustrate a few of the many related options provided under the *Framework Agreement*.



See page 3 for exciting **VOTE news!**

There are now **80 Operational Signatories** governing under their own land codes!

## 2018 Federal Budget support for the Framework Agreement on First Nation Land Management

On February 27, 2018, the Federal Budget announced Canada’s continuing support of the *Framework Agreement on First Nation Land Management (Framework Agreement)*. Canada’s investment of \$143.5 million over a 5-year period (beginning in 2018) and \$19 million per year thereafter, will expand the list of signatories to the *Framework Agreement* by an additional 50 First Nations over the next 5 years.

[CLICK HERE FOR THE .PDF OF THE FEDERAL BUDGET](#)

# SUCCESS STORIES

## Leading the way in species conservation

Across the country, *Framework Agreement* signatory communities are working to protect species at risk of decline. These communities are going to great lengths to ensure that appropriate conservation efforts are in place, safeguarding sensitive species populations and critical habitats.



For further information please visit:

- [ONA Grizzly Bear Recovery Project](#)
- [Nipissing First Nation Fisheries Law](#)
- [Magnetawan Species At Risk Program](#)

### GRIZZLY BEAR RECOVERY

The Okanagan Nation Alliance (ONA) consists of eight Syilx member communities, including the Okanagan, Osoyoos and Penticton Indian Bands and Westbank First Nation. In partnership with the Nlaka'pamux, Secwepemc, St'at'imc, and Sto:lo Nations, the University of Alberta, and additional conservation initiatives, ONA is studying the necessary habitat management needs, and population densities of Grizzly Bear populations and the measures needed to promote their recovery in regions where they have been in decline.

### LAKE NIPISSING FISHERIES MANAGEMENT

Nipissing First Nation (NFN) was awarded the Institutions of Public Administration of Canada (IPAC) Gold Award for Strategic Collaboration on a Shared Resource. The award acknowledges NFN's dedicated role as protector of the Lake Nipissing fishery. NFN has taken great steps to develop a healthy, sustainable fishery population, balancing treaty and harvesting rights with the commercial needs of the region. The Ontario Government, and Ministry of Natural Resources and Forestry (MNRF), have recognized NFN's Chi-Naaknigewin (Constitution) and Fisheries Law. The NFN Fisheries Law has become part of the Province's regulatory system, which is the first time that Ontario has adopted a First Nation law!

### MAGNETAWAN SPECIES AT RISK PROGRAM

Magnetawan First Nation (MFN) has begun developing it's own permitting system under their land code. Imparting the knowledge and experience they have gained in the seven years they have operated under their Species At Risk Act (SARA) permit, MFN will continue to study the many species at risk that call Magnetawan home. MFN has partnered with various conservation groups and educational institutions to further the work being done to protect these species. The community has developed sound mitigation and land use planning concepts to manage habitat fragmentation and connectivity issues. MFN's community outreach and stewardship programs include community engagement sessions and workshops, as well as student and volunteer opportunities in species identification, habitat protection and restoration. Species at risk, like the Blandings Turtle and Massasauga Rattlesnake, are studied using state of the art technology such as radio telemetry and GPS tracking.

DOES YOUR COMMUNITY HAVE A CONSERVATION PROJECT YOU WOULD LIKE TO SHARE?

[PLEASE LET US KNOW!](#)

### Environmental and Natural Resources Think Tank Session:

March 13-15/2018

Looking for copies of the presentations?

[CLICK HERE](#) to download.

## Framework Agreement Signatories in the NEWS:

### Songhees First Nation mounts bid for 2020 North American Indigenous Games

Global News  
February 26, 2018

### Changes ahead for Mississagi Park

Elliot Lake Standard  
March 7, 2018

### New Hotel Project Revealed for Keeshkeemaquah Reserve

Arrowhead  
March 16, 2018

### 12 Organizations Selected to Help Municipalities Across the Country Adapt to the Impacts of Climate Change

Living Architecture Monitor  
March 20, 2018

### New Indigenous Court Receives High Praise From BC Attorney General

My Prince George Now  
March 25, 2018

### Long Lake #58 Protectors Celebrate Safer Community

Net News Ledger  
March 26, 2018

## Environmental Assessment Under the Framework Agreement

By Jennifer Predie  
FNLMRC Environment & Enforcement Specialist

Environmental assessments are the crystal ball of environmental protection tools. They use the best available information to predict the potential impact of a proposed project or activity on the environment before any works occur. Environmental assessments (EAs) are a helpful tool for First Nation decision makers as they allow them to determine whether or not a project or activity occurring on reserve lands should be permitted to proceed, in light of the First Nation's environmental concerns and priorities.

The *Framework Agreement* recognizes a First Nations' authority to develop their own EA process. This EA process must be consistent with the Canadian Environmental Assessment Act (CEAA) and can – and should – incorporate the First Nation's traditional and cultural values when assessing potential impacts and making decisions about a project. The *Framework Agreement* specifies that until a First Nation has enacted their own EA process, their Individual Agreement with Canada (IA) will address how EAs are conducted.

This is referred to as the Interim EA Process. The Framework Agreement also states that a First Nation's EA process "will be triggered, ... (cont.)."

[\[CLICK HERE FOR FULL ARTICLE\]](#)



(Bees congregating in Abénakis de Wôlinak's pollinator conservation garden)

### By the Way, They Aren't By-laws

By Andrew Beynon,  
FNLMRC Law Making & Enforcement Advisor

Sometimes, I hear about "by-laws" in discussions about law making powers under land codes. The *Framework Agreement* actually recognizes the authority of land code First Nations to make "First Nation laws".

Municipalities have by-laws, and the Indian Act provides for by-laws, so why should there be any concern about referring to laws under land codes as by-laws? The term by-laws tends to be used for the internal rules of small organizations rather than governments. So, for example a sports club or a charitable organization may establish by-laws to describe policies or expectations of members. Nothing wrong with that of course, but you don't tend to hear of the government of Canada or the government of Ontario making by-laws. First Nation governments under the *Framework Agreement* are very real governments with both law-making power and decision-making power over lands, natural resources and the environment. Canada's recognition of "First Nation laws" under the *Framework Agreement* is a recognition of the important scale of governmental authority of land code First Nations.

So, by-laws tend to be used by small organizations like sports clubs that are not governments, but then again municipalities enact by-laws and the Indian Act provides for by-laws, so again why worry about this term "by-laws"? ... (cont).

[\[CLICK HERE FOR FULL ARTICLE\]](#)

### Chippewas of Rama First Nation vote YES!



On February 17th, 2018, the Chippewas of Rama First Nation became the 79th *Framework Agreement* signatory to ratify a community land code! Significantly, 91% of participating voting members voted in approval!

### Kwaw-Kwaw-a-pilt First Nation votes YES!



On April 10th, 2018 Kwaw-Kwaw-a-pilt First Nation (KKAFN) members voted 93% in favour of adopting their land code. KKAFN is the 80th First Nation now operating under their own lands management jurisdiction.

# Managing Environmental Risks

By Andrew Beynon  
FNLMRC Law Making and Enforcement Advisor

Many land code First Nations are implementing stronger and stronger environmental governance. Environmental governance issues range broadly, for example improving waste management facilities, introducing recycling programs, enacting laws to control illegal dumping, and working with teachers to raise environmental awareness in schools. These are exciting initiatives with the potential for dramatic change, but it has to be recognized that strong environmental management requires very hard work on the part of lands managers and First Nation governments.

I often hear concerns about taking on responsibility for environmental issues, particularly from those considering whether to adopt land codes. There is no easy, magic wand but I hope to offer a few suggestions. I hope to hear from lands managers your reactions and further suggestions so that we can all identify best practices over time.

The Framework Agreement confirms that Canada remains responsible for acts and omissions in the past, but also provides that First Nations take on responsibility for acts and omissions on a go forward basis. I have heard concerns that this may expose First Nations to potentially catastrophic environmental risks, cleanup costs they can't afford, and at worst bankruptcy and having to sell off reserve lands. It is smart to carefully think this through, and especially to consider risks, but I think there are a number of answers to this challenge...(cont).

[\[CLICK HERE FOR FULL ARTICLE\]](#)



## ENVIRO 101:

By Michelle Delorme  
FNLMRC Environment & Enforcement Specialist

The following article provides an overview of the applicable environmental legislation on reserves in Canada. First Nation lands are within the exclusive jurisdiction of the federal Crown however, provinces have exclusive legislative authority over the management of provincial lands and natural resources. Most of the legislation governing environmental management is provincial, for example, the management of contaminated sites. While there are some exceptions, provincial legislation generally does not apply to First Nation lands. The federal Crown cannot create environmental management laws that interfere with provincial powers under s. 92(5) of the Constitution Act, 1867, but it could create such laws to govern First Nation lands. So far, Parliament has failed to take effective steps and federal environmental legislation does not provide an effective or comprehensive management regime for reserve lands. This results in what is commonly referred to as a "regulatory gap."

This article is geared towards First Nations who administer their reserve lands independently of Indigenous and Northern Affairs Canada (INAC), through a and Code enacted...cont.

[\[CLICK HERE FOR FULL ARTICLE\]](#)

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B.C.	R.Louie	BCFN Fiscal Working Group	03/05/2018
All	R.Louie	Canada Engagement Session: UNDRIP	03/21/2018
All	L.George-Wilson	National Surveyors	03/29/2018
East	P.Goulais	Magnetawan Resources Conference	03/29/2018

### LANDS ADVISORY BOARD ANNUAL GENERAL MEETING:

June 26-27, 2018

River Rock Casino Resort, Richmond, B.C.



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