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### THE FIRST FEDERAL LEGISLATION ENACTED TO REFERENCE UNDRIP

In another historic first, recent amendments to the *Framework Agreement on First Nation Land Management (FA)* and the *First Nations Land Management Act (FNLMA)*, will witness the first recognition of Canada's commitment to the *United Nations Declaration for the Rights of Indigenous People (UNDRIP)*. Following the agreement of the parties to add an UNDRIP reference in the FA an introductory clause has been added to the federal ratifying FNLMA stating:

**“AND WHEREAS the Government of Canada is committed to implementing the United Nations Declaration on the Rights of Indigenous Peoples”**

This brief introductory provision was added because the FA was finalized before UNDRIP. The Lands Advisory Board and First Nations Land Management Resource Centre Inc. see self-government over lands as a step towards meeting Canada's commitments to self-government under the UNDRIP. The amendments received royal assent on Dec. 13, 2018.

### HIGHLIGHTS OF THE RECENT AMENDMENTS INCLUDE:

- First Nations now have greater control of their monies when their land code comes into force;
- Jointly held reserve lands can now come under a land code;
- First Nations with land codes now have protections in legislation for their employees, such as limiting personal liability in the conduct of their duties; and
- First Nations communities have greater control over the voting process to approve their land code.

**PLEASE SEE PAGE 3 FOR A SUMMARY OF AMENDMENT #6**



**'NAMGIS FIRST NATION**  
*Alert Bay, British Columbia*

**'NAMGIS FIRST NATION** 442 hectares  
1,894 members

**Voted YES to the 'Namgis First Nation Land Code on February 2, 2019**

Congratulations on becoming the 82nd *Framework Agreement* signatory to regain lands governance through Land Code!

### 'NAMGIS FIRST NATION VOTES TO APPROVE LAND CODE

The Lands Advisory Board and First Nations Land Management Resource Centre extend their profound congratulations to 'Namgis First Nation. On Feb.2,2019 'Namgis First Nation celebrated their community's approval of their land code, with 83% of participating members voting in favour of the land law. 'Namgis First Nation is the 82nd First Nation in Canada, and the 48th First Nation in B.C., to have voted YES to land code. 'Namgis First Nation is exercising their inherent right to regain control over their reserve lands and resource management!

PLEASE VISIT [WWW.LABRC.COM](http://WWW.LABRC.COM) FOR MORE INFORMATION ON LAND CODE

## CELEBRATING STZ'UMINUS FIRST NATION LAND CODE SUCCESS

Stz'uminus First Nation passed their land code in December of 2013, and has embraced the regained jurisdiction over their lands. The community is located on the eastern shore of Vancouver Island, neighboring the city of Ladysmith. Stz'uminus quickly made use of the opportunities presented under land code. Stz'uminus First Nation's Coast Salish Development Corporation (CSDC) has effectively opened Stz'uminus' doors for business while maintaining the community's strong principles of sustainability and land stewardship<sup>2</sup>.

*"There are lessons we have learned and a lot we have discovered after passing our land code. Probably the most essential has been the initiation and adoption of laws, and setting up the municipal processes for development and building permits- these processes are integral to ensure responsible development can happen."*

Ray Gauthier CEO, CSDC

Over the past six years the CSDC has developed a strong and diversified portfolio of successful businesses. The business sectors represented include forestry, real estate development, construction, petroleum services, property management, Natural Gas Storage, aquaculture and fisheries<sup>1</sup>. Notably the community boasts Oyster Bay Village, a 65 acre residential development supported by a commercial area already housing international and local tenants such as Microtel Inn and Suites by Wyndam, Tim Hortons, A&W, Esso, Husky, and the First Nations Health Authority. All business decisions are made with careful consideration to the economic and social benefit to the community.

Relationships with neighbouring municipalities are flourishing because of the hard work and dedication of Stz'uminus First Nation, as is evidenced in recent achievements such as the 2016 Nanaimo Business Achievement Award in "Corporate Social Responsibility" and 2017 BC Aboriginal Business Award for Community-Owned Business of the Year.

For more information, click at right to play an informative video produced by the CSDC about Stz'uminus opportunities, or view at: <https://vimeo.com/231111758>

<sup>1</sup> Coast Salish Development Corporation | Be Part of Our Future. Retrieved from <https://vimeo.com/231111758>

<sup>2</sup> Coast Salish Development Corporation - About Us. (2019). Retrieved from <http://coastsalishdevcorp.com/page/about>

# SUCCESS STORIES !



## K'òmoks First Nation

Chief Nicole Rempel: Setting precedent under Land Code

## K'ÒMOKS FIRST NATION SETS PRECEDENT

On Oct. 2, 2018 K'òmoks First Nation (K'òmoks, B.C.) evicted a trespassing couple in a precedent setting court battle. The couple in question had violated a rental housing agreement with a K'òmoks community member and refused to leave, despite repeated eviction notifications from the homeowner and community.

K'òmoks First Nation leaders approached the RCMP for help, but initially did not receive the support needed due to confusion over the legal authority of the K'òmoks First Nation Land Code. The First Nation pursued legal action in Provincial Court over a 10-month period, where the judge ruled in favour of the community, up-holding the legal authority of their land code.

For more on this precedent-setting ruling, click "Play" at left to hear Chief Nicole Rempel's account of the experience and final ruling, or watch at: <https://youtu.be/mJ3OQMrxd48>.

Play

# THE 6<sup>th</sup> FA AMENDMENT

## 2018 amendments to the *Framework Agreement on First Nation Land Management*

### EFFECTS TO FIRST NATION COMMUNITIES

On November 26, 2018 the *Framework Agreement on First Nation Land Management (FA)* amendments #6 were finalized between the Lands Advisory Board, Operational First Nations and Minister Carolyn Bennett. Canada then brought the provisions of the First Nations Lands Management Act into alignment with the amended Framework Agreement through the passage of Bill C-86, Division 11. Royal Assent of Bill C-86 took place on December 13, 2018.

The following is a brief highlight of amendment #6.

#### 1. UNDRIP Clause

Introductory clauses stating commitment of both Canada and First Nations to the principles of UNDRIP. These are brief introductory provisions added because the FA was finalized before UNDRIP.

#### 2. Jointly Held Reserves (section 2 of FA)

New provision that clarifies the ability of multiple First Nations to collectively govern jointly held reserve lands.

#### 3. Yukon lands (section 4A of FA)

Making the FA available as an option to Yukon First Nations which have "lands set aside" rather than reserves.

#### 4. Changes to Land Code Requirements and Options (section 5 of FA)

- Adding requirement that land codes will come into force within six months of an affirmative ratification vote
- Eliminating current obligation to provide for matrimonial real property in land codes
- In particular broader options regarding matrimonial real property (see also the new matrimonial real property law making power in section 18 of FA described below)

#### 5. Changes to Voting (section 7 and 8 of FA)

Changes include the new "Simple Majority" option to ratification voting on land codes. The revisions to make it easier for new First Nations to opt out of the *Indian Act* include:

- Eliminating the current minimum 25% threshold of yes votes of all eligible voters. The majority of participating voters would decide, consistent with other important votes in Canada
- For new First Nations, a Verifier is only required to confirm that the land code and voting process comply with the FA, not to monitor the actual vote or hear appeals
- For new First Nations, option to have their own Ratification Officer conduct and affirm votes (rather than the verifier)
- Option for Individual First Nations to set their own minimum threshold and use the Verifier for the whole voting process

#### 6. First Nations rather than LAB to publish land codes and amendments (sections 11 and 40 of FA)

First Nations must make available to the public their land codes and laws and can choose to publish on their websites

#### 7. Additions to Reserve (section 14A of FA)

New provisions to speed up additions to reserve:

- Land can be added to reserve and come under land code authority in a single Ministerial Order instead of an order of council

- Options for First Nations to accept third party interests and provide for replacement interests before reserves are created
- An option to impose land use restrictions (eg zoning laws) in advance of reserve creation. There is no obligation to take these measures, but they may speed up reserve creation

#### 8. Third Party Interests (section 16 of FA)

A new provision that will clarify that First Nations and third parties can agree to leasing arrangements that differ from previous Indian Act designation terms and conditions.

#### 9. Matrimonial Real Property Laws (section 18 of FA)

The intention is to provide in the FA for the full range of matrimonial real property authority currently available under Canada's Family Homes on Reserves and Matrimonial Rights or Interests Act (FHRMIRA).

- New provisions to expand upon the current authority to deal with "breakdown of marriage" to include "death of a spouse"
- Elimination of the current 12-month period for First Nations to make MRP rules and elimination of dispute resolution with Canada regarding land code provisions
- A new provision is established to require that provinces (or territories) be notified when proposing to make MRP laws. This is similar to a requirement in FHRMIRA and may possibly help First Nations seeking provincial assistance in enforcing MRP laws

#### 10. Limitation of Liability & Intergovernmental Agreements (section 18 of FA)

Provisions to limit liability of employees and volunteers working for First Nations, within the limits typical under provincial law of the province within which a First Nation is located.

- Option for First Nations to enter into agreements with other governments regarding the performance of duties by professions such as building inspectors or firefighters

#### 11. Environment Law Making Powers (section 23 of FA)

An updated list of examples of environmental law-making powers will be added such as contaminants, emergencies, nuisances, waste management and recycling.

#### 12. Liability (section 50 of FA)

A new provision will be added to clarify that Canada is no longer responsible for the management of revenue and capital monies following their transfer to a First Nation.

#### 13. First Nation Lands Register (section 51 of FA)

Elimination of the current requirement that a lands registry has to be operated by Canada. This would pave the way for an agreement to develop regulations for a First Nation Lands Register for those communities with land codes in effect.

# FA Signatories in the NEWS:

CITY OF VANCOUVER HAS SHOWN NATIONAL LEADERSHIP ON RECONCILIATION

VancouverSun.com  
Dec 4, 2018

'NATIVE AMERICAN' TSAWWASSEN FIRST NATION CHIEF MAKES MOST INFLUENTIAL LIST

DeltaOptimist.com  
Dec. 10, 2018

CHANGES TO LEGISLATION ENSURE FIRST NATIONS HAVE GREATER ACCESS TO LANDS & OPPORTUNITIES FOR ECONOMIC DEVELOPMENT

Newswire.ca  
Dec. 14, 2018

17 FISH FARMS COULD ALL BE PHASED OUT UNDER NEW AGREEMENT BETWEEN B.C. GOVERNMENT, FIRST NATIONS

CBC.ca  
Dec. 14, 2018

JOHN HART GENERATING STATION OFFICIALLY FULLY OPERATIONAL

BCLocalNews.com  
Dec. 17, 2018

STATEMENT BY THE PRIME MINISTER ON MEETING WITH MODERN TREATY AND SELF-GOVERNING FIRST NATIONS

TheTurtleIslandNews.com  
Jan. 9, 2019

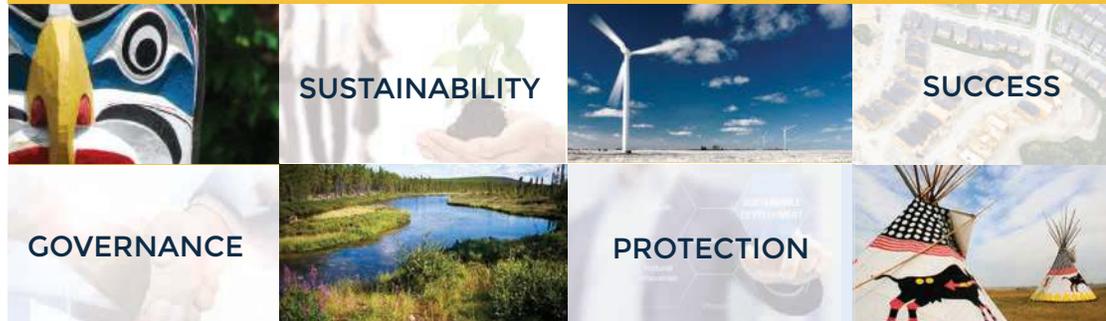
INDIGENOUS PEOPLE PUMPED \$9.3B INTO MANITOBA ECONOMY IN ONE YEAR: REPORT

CBC.ca  
Jan. 10, 2019

# 2019 First Nations National Land Governance & Economic Development Conference and Trade Show

REGISTER NOW  
www.labrccecddev.com

April 1st - 3rd, 2019 RBC Convention Centre Winnipeg, Manitoba



## "CASTING AWAY RESTRICTIONS WITH THE FRAMEWORK AGREEMENT ON FIRST NATION LAND MANAGEMENT"

### KEYNOTE SPEAKERS & PRESENTATIONS:

### CONFERENCE BENEFITS:



Dr. Stephen Cornell, Faculty Chair, Native Nations Institute, Keynote Speaker  
 Dr. Bob Kayseas, VP Academic, First Nations University of Canada, Keynote Speaker  
 Georgina Villeneuve, B.Comm, MBA, MTI, Peace Hills Trust, Presenter  
 Chief Scott McLeod, Nipissing First Nation, Presenter

The conference will bring together an audience of hundreds from across Canada, all interested in discovering more about *Framework Agreement on First Nation Land Management* economic successes, including internal and external community investments of over \$270 Million, 4,000 + jobs generated on Signatory First Nation reserves, and so much more.

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### LANDS ADVISORY BOARD DIRECTORS MEETINGS AND PRESENTATIONS:

REGION:	DIRECTOR:	MEETING :	DATE:
B.C.	R. Louie	Union of B.C. Municipalities	09/10/2018
Prairies	A. Bear	Federal/Provincial Court Systems	09/24/2018
Prairies	D. Bear	Federal/Provincial Court Systems	09/24/2018
Prairies	D. Bear	Fed./Prov. Enforcement of Laws	10/24/2018
All	R.Louie	House of Commons Re: FNLMA	11/7-8/2018
B.C.	J. Campbell	Enforcement Pilot Project Meeting	11/16/2018
All	W. McCue	Senate Standing Committee	11/21/2018
B.C.	R. Louie	M.B. Bar Asso. on Indigenous Governance	01/24/2019
All	All	National Readiness Conference	02/6-7/2019



## FIRST NATIONS LAND MANAGEMENT RESOURCE CENTRE INC.

📍 : P.O. Box 1022, Sutton West, Ontario L0E 1R0  
 ☎ : (888) 985-5711 / fax: (866) 817-2394  
 ✉ : communications@labrc.com

www.labrc.com  
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