

LAND GOVERNANCE UNDER THE FRAMEWORK AGREEMENT ON FIRST NATION LAND MANAGEMENT

Presented to:

Tl'etinqox Government

June 18, 2025



Topics for Discussion

- Framework Agreement Overview
- What is a Land Code?
- The Developmental Phase
- Funding
- Benefits and Risks
- Resources and Tools
- Questions and Answers



The Framework Agreement

Overview of the Framework Agreement

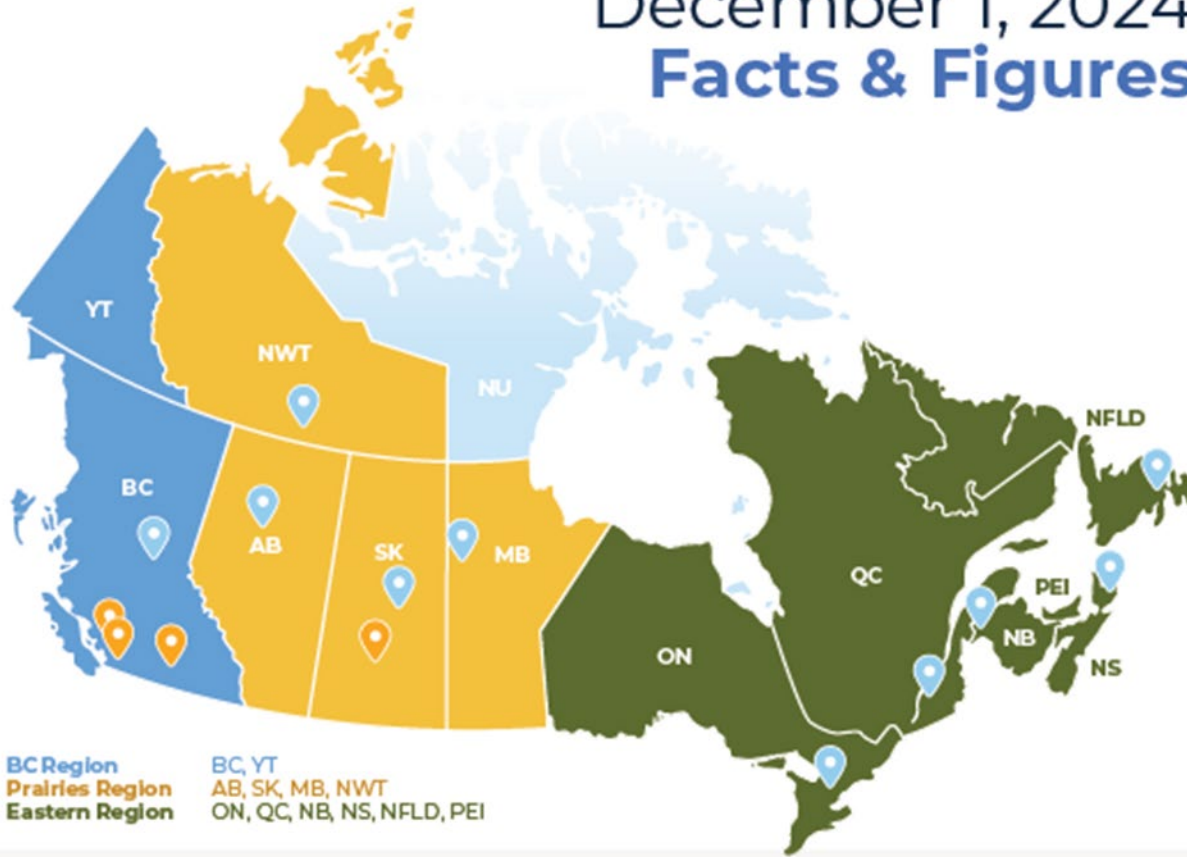


The Framework Agreement on First Nations Land Management

- Originally signed between First Nations and Canada in 1996.
- A government-to-government agreement that recognizes First Nations inherent right to self-government.
- Driven by First Nations to re-establish land governance through the development and approval of their own land codes.



December 1, 2024 Facts & Figures



- BC Region BC, YT
- Prairies Region AB, SK, MB, NWT
- Eastern Region ON, QC, NB, NS, Nfld, PEI

<p>213 Signatory First Nations</p> <p>across Canada are in various stages of land code development and implementation</p>	<p>122 First Nations</p> <p>have established land codes through the Framework Agreement</p>	<p>10 Provinces / Territories</p> <p>are home to operational First Nations</p>	<p>4 First Nations</p> <p>have moved on to full self-government or treaty after ratifying their land codes</p>	<p>1,200,000+ Acres of First Nation Land</p> <p>have been removed from the colonial Indian Act lands system</p>	<p>1 in 3 First Nations</p> <p>in Canada are a signatory to the Framework Agreement or have expressed formal interest to become a signatory</p>
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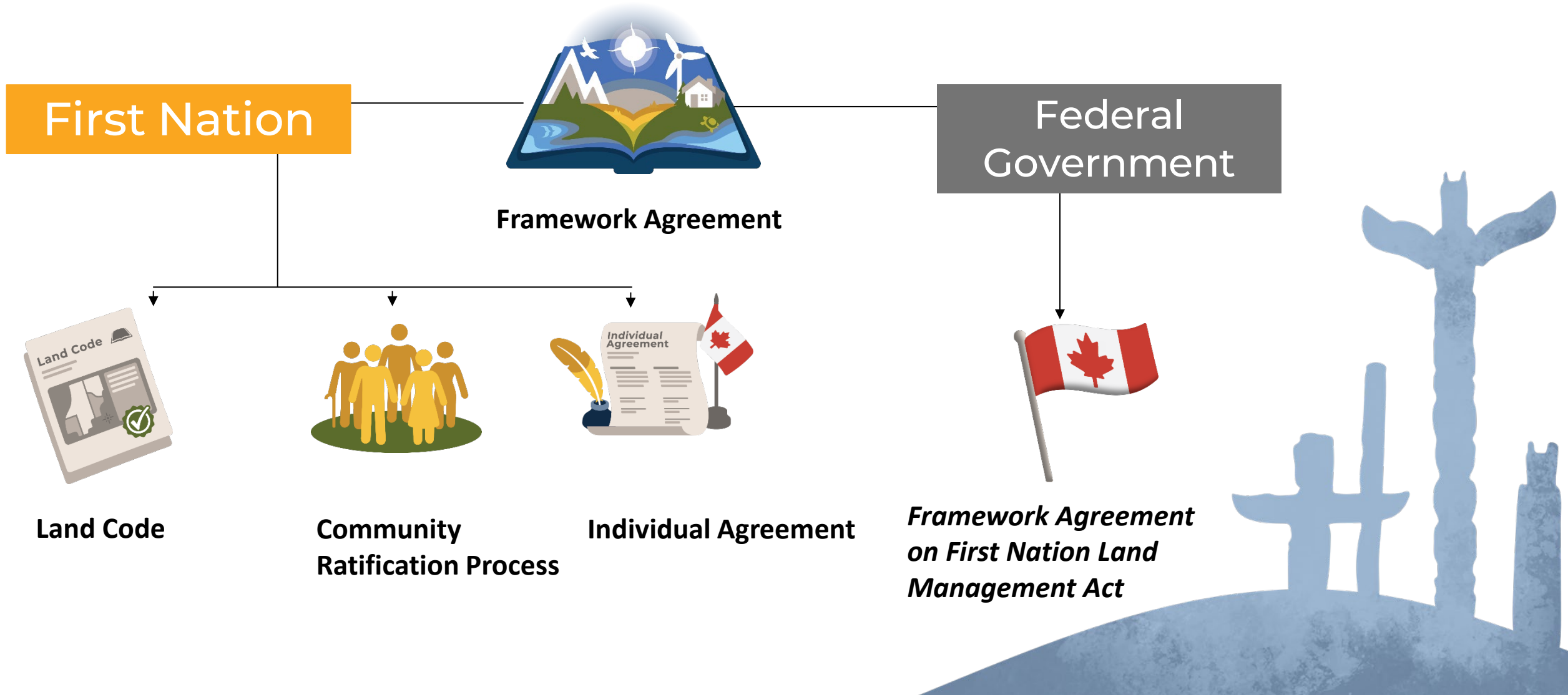


The Framework Agreement on First Nations Land Management

- Includes the legislative authority to enact, administer and enforce laws and manage lands.
- Removes forty-four land management sections of the *Indian Act*.
- First Nations decide how to govern reserve lands and natural resources through their land codes.
- Protection of First Nation land base.



Framework Agreement on First Nation Land Management



Replacing the *Indian Act*

- Reserves (ss. 18-19)
- Possession of Lands in Reserves (ss. 20, 22-28)
- Trespass on Reserve (ss. 30-31)
- Sale or Barter of Produce (ss. 32-33)
- Roads and Bridges (s. 34)
- Lands Taken for Public Purposes (s. 35)
- Surrenders and Designations (ss. 37-41)
- Distribution of Real Property but not personal property on intestacy (ss. 49 and 50(4))



35% of the *Indian Act*
no longer applies

- Management of Reserves and Surrendered and Designated Lands (ss. 53-60)
- Management of Indian Moneys (ss. 61-69)
- Farms (s. 71)
- Removal of Materials from Reserves (s. 93)
- Regulations made under section 57 of the Indian Act; and
- Regulations under sections 42 and 73 of the Indian Act to the extent that they are inconsistent with the Framework Agreement or the land code or the laws of the First Nation

Land Code Jurisdiction

- Under the Framework Agreement, Land Code First Nations have sectoral self-governing authority for reserve lands, natural resources and environment.
- Immediately upon the coming into force of a Land Code, Canada transfers to that First Nation all the rights and obligations of Canada.



The Framework Agreement

What is a Land Code?



First Nation Land Codes

- Are an **important recognition** of First Nation self-governing authority;
- Set a **higher standard** for accountability and transparency to members;
- Can lead to more **efficient and quicker** decision-making;
- **Protects reserve** land base from diminishing in size;
- Provide **great flexibility** for codifying different practices and land tenure; and
- Contribute to **building better governments**.

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:
 - Power of Council to make laws
 - Limitations to rights and interests
 - Encumbering, seizing, or executing interest
 - Any other matter



The Framework Agreement

The Developmental Phase



Funding Land Code Development

Developmental Phase Funding Agreement

- Maximum amount of funding is **\$250,000** to complete the work and hold a vote.
- It is a milestone-based funding agreement that sets out the roles and responsibilities for completing the developmental phase activities
- The timeline is set for 2 years, but it may be extended, or a First Nation may complete all the milestones sooner and still receive the full amount of funding available.



Roles in the Developmental Phase

LANDS ADVISORY BOARD (LAB)

- Elected political body comprised of 15 Board Members plus the Chairman.
- The LAB advocates and negotiates funding with Canada on behalf of First Nations signatory communities and proposed legislative changes to the *Framework Agreement* and federal legislation as directed by the signatory Councils.

FIRST NATION LAND MANAGEMENT RESOURCE CENTRE (FNLMRC)

- Technical body established by the Lands Advisory Board (LAB) to provide support to developmental and operational First Nations in day-to-day operations.
- Also, provides support for LAB activities, financial administration, and technical advice.

INDEPENDENT VERIFIER

- Independent person, recommended by LAB, and jointly appointed by the First Nation and Canada to monitor and confirm that the Community Ratification Process and Land Code are consistent with the *Framework Agreement*.

Roles in the Developmental Phase

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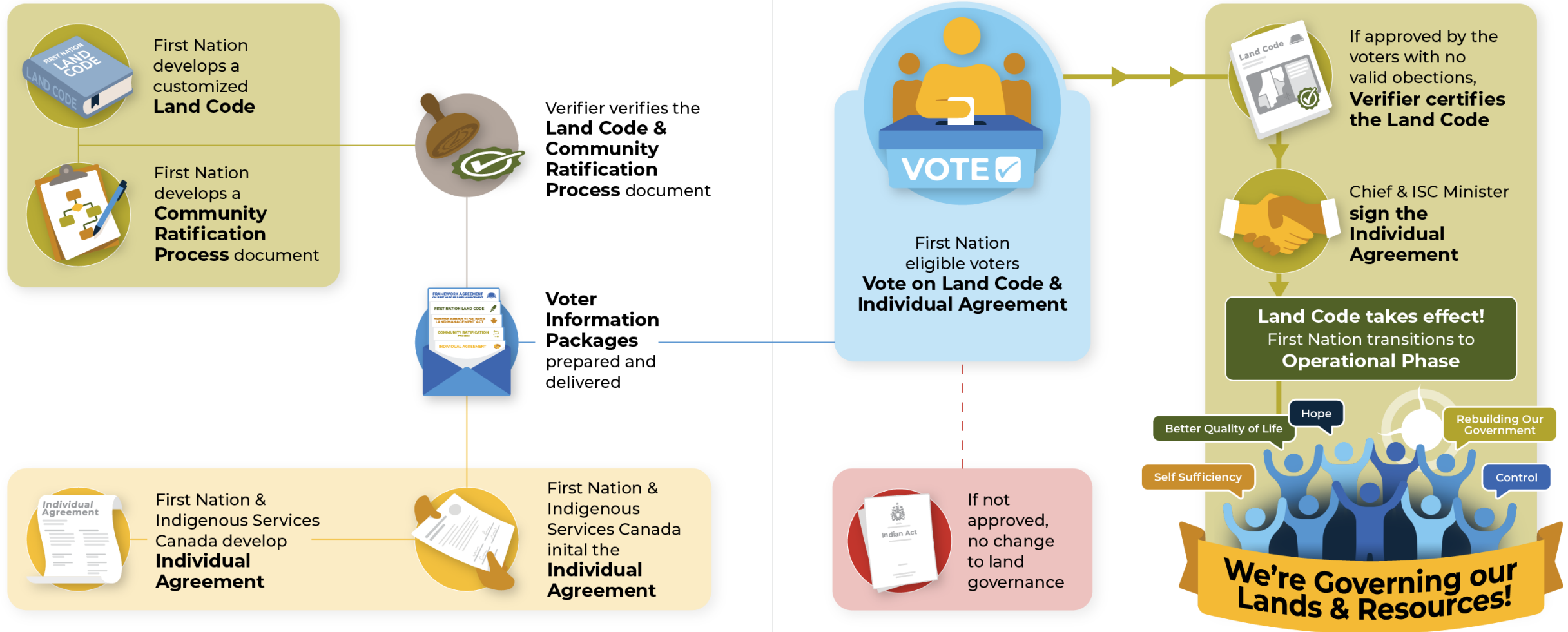
INDIGENOUS SERVICES CANADA (ISC)

- Works with each First Nation to prepare the Individual Agreement for member approval
- Provides information about interests and licences issued under the *Indian Act*
- Identifies amount of Revenue and Capital Monies for transfer to a FN
- Provides funding for the development and implementation of a Land Code
- Supports a First Nation to conduct a Phase I Environmental Site Assessment for their reserve lands for inclusion in the Individual Agreement

SURVEYOR GENERAL BRANCH (SGB OR NRCAN)

- Conducts historical review from when a First Nation's reserve lands or lands set aside were created until today
- Confirms the exterior boundaries of a First Nation's reserve lands
- Prepares land description reports for inclusion in the Individual Agreement

Framework Agreement Developmental Phase



Individual Agreement

Developed jointly by a First Nation and Canada and requires member approval by vote.



- The Individual Agreement (IA) has advanced over the last 25+ years of implementation and legal review
- Specifies the transfer of the administration of land from Canada to a First Nation
- The individuality of a First Nation is represented in the Annexes of the Individual Agreement

Individual Agreement



Annex A – Funding Provided by Canada

- Operational Funding Formula negotiated between the Lands Advisory Board and Canada
- Canada's Operational Funding Contribution
- Transitional funding the first 2 Years when Operational under Land Code

Annex B – Transfer of Moneys

- Revenue & Capital Monies

Annex C – List of Interests and Licences

- Active Instrument Reports identified in the Indian Land Registry System
- Reserve General Abstract, Lawful Possessors, leases, permits, easements etc.

Individual Agreement

Annex D – Environmental Issues

- List of Actual or Potential environmental problems
- ESA Phase I Report for each Reserve

Annex E – List of Other Information

- Materially affects interests & licences (e.g. rent reviews)

Annex F – Interim Environmental Assessment Process

- Environmental approval process will be consistent with the federal environmental assessment process until First Nation environmental laws come into force.

Annex G – Description of Lands

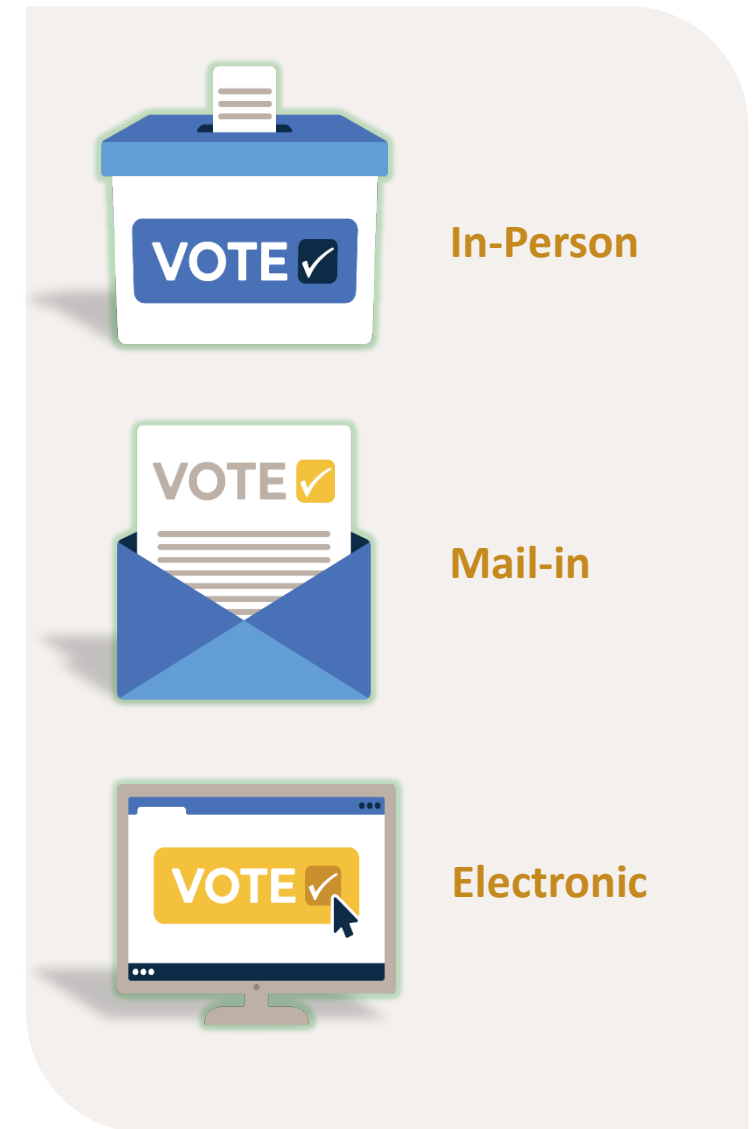
- NRCan defines Reserve boundaries to be administered under a First Nations Land Code
- NRCan (technical expertise, surveys, & Land Description Reports)

Community Ratification Process

Developed by each First Nation and sets out the procedure for conducting the Land Code vote.

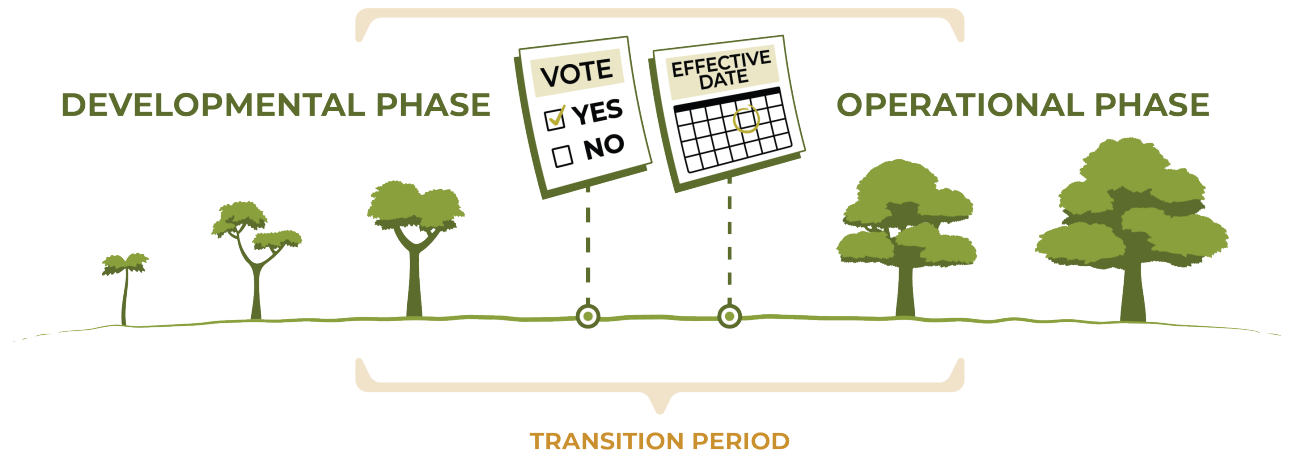
Voting Requirements and Methods

- Eligible voters must be at least 18 years old on of last voting day and have the opportunity to vote freely
- Inclusive of on and off reserve voters
- In-person polling stations, mail-in ballots, or electronic voting
- First Nations decide which voting methods to use and can also determine thresholds for approval and participation



The Framework Agreement

Land Code Implementation



Law Making Powers

- Make First Nation land laws, regulations, and policies under the First Nation's land code.
- First Nations can still make bylaws under the Indian Act, if they want to.
- Until a Nations laws are developed, their current bylaws, policies and procedures would continue to apply.
- First Nation land laws are not the same as ordinary municipal or *Indian Act* bylaws.
- First Nations can enforce their enacted land laws.
- Power to make environmental laws.

First Nation Land Laws



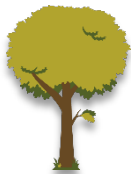
Land Use, Zoning, and Development



Allotments, and Interests and Licences



Environmental Assessment and Protection



Natural Resource Management



Trespass, Enforcement and Ticketing



Residential Tenancy



Business Permitting, and Licencing



First Nation Expropriation



The Framework Agreement

Funding



Transitional and Operational Phase Funding

- Transitional Phase is grant-based funding of **\$200,000** over two years.
- Operational Phase is grant-based funding:



ANNEX A

Core Contribution Categories over five years (2% escalator)

	2023-2024	2024-2025	2025-2026	2026-2027	2027-2028
Category 1	\$341,905	\$348,744	\$355,718	\$362,833	\$370,089
Category 2	\$426,435	\$434,964	\$443,663	\$452,537	\$461,587
Category 3	\$528,353	\$538,920	\$549,699	\$560,693	\$571,907
Category 4	\$548,228	\$559,192	\$570,376	\$581,783	\$593,419



The Framework Agreement

Benefits and Risks



Risks

- There is no going back
- Community must be ready
- Requires trained and qualified staff
- Responsibility and liability to FN and CP holders
- Transitional cost determination
- Future operational funding needs determination
- Growing pains

Benefits

- Land Base cannot shrink
- Laws made for Tl'etinqox Gov. by Tl'etinqox Gov.
- Weight of law
- Control over development
- Create and enforce environmental protection
- Manage Reserve land holdings
- Greater accountability
- Land transactions may be more efficient
- Dispute resolution mechanisms
- Priority Based Land Registry
- Land Code is not a treaty
- A to A leasing
- Increased autonomy for CP holders
- Manage your lands by your own rules, not Canada's

The Framework Agreement

Resources and Tools



RESOURCE CENTRE SUPPORT TO FIRST NATIONS



**First Nation
Requests
Support**



**RC Support
Services**



Land Code Governance Support

Environment

Surveys &
Legacy Issues

Land Registry

Land Use
Planning

Solid Waste
Management

Law
Development &
Enforcement

LGM &
Knowledge Path
Tools

Communication
& Public
Relations

GIS & Traditional
Knowledge



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Land Code
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BC and FV Support Teams



Denise Unger

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**Shawn
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Land Code
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B.C.



Tabitha Donkers

Land Code
Governance Advisor,
F.V.



Sally Hope

Land Code
Governance Advisor,
F.V.

Myths and Facts

MYTH	FACT
A Land Code will impact my status or medical/dental coverage.	No. Having a Land Code will not affect any member's status or change any medical or dental coverages.
A Land Code will impact my title and rights.	No. Aboriginal title and rights are not affected by having a Land Code. A Land Code will not impact BBFN's ability to expand jurisdiction, decision making or title claims. It is not a treaty.
A Land Code means taxation.	No. Land Codes do not change status related tax exemptions.
A Land Code will turn us into a municipality.	No. Municipalities are creations of provincial law and subject to provincial legislation. First Nations are not brought under provincial authority or made into municipalities.


Myths and Facts

MYTH	FACT
A Land Code is a land surrender.	No. Land surrenders are prohibited under the Framework Agreement. First Nations reassert control over their reserve lands and resources and in no way surrender and rights or title.
A Land Code creates fee simple title out of Reserve Lands.	No. The Framework agreement forbids the creation of such title. First Nation lands continue to retain the same protection as “Lands Reserved for the Indians” under section 91(24) of the Constitution Act, 1867.
The Framework Agreement is a government program.	No. It is a Nation to Nation agreement that is being implemented by First Nations and Canada. It was sought, developed, and driven by First Nations as an alternative to the Indian Act land provisions.
Adopting a land code without new land laws in place will leave us in a lawless state.	No. Your current bylaws and land management policies, procedures and practices will continue until new land laws are developed under your Land Code to replace them.

Contacts

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Questions?



**FIRST NATIONS
LAND MANAGEMENT
RESOURCE CENTRE**