



# First Nation Land Management

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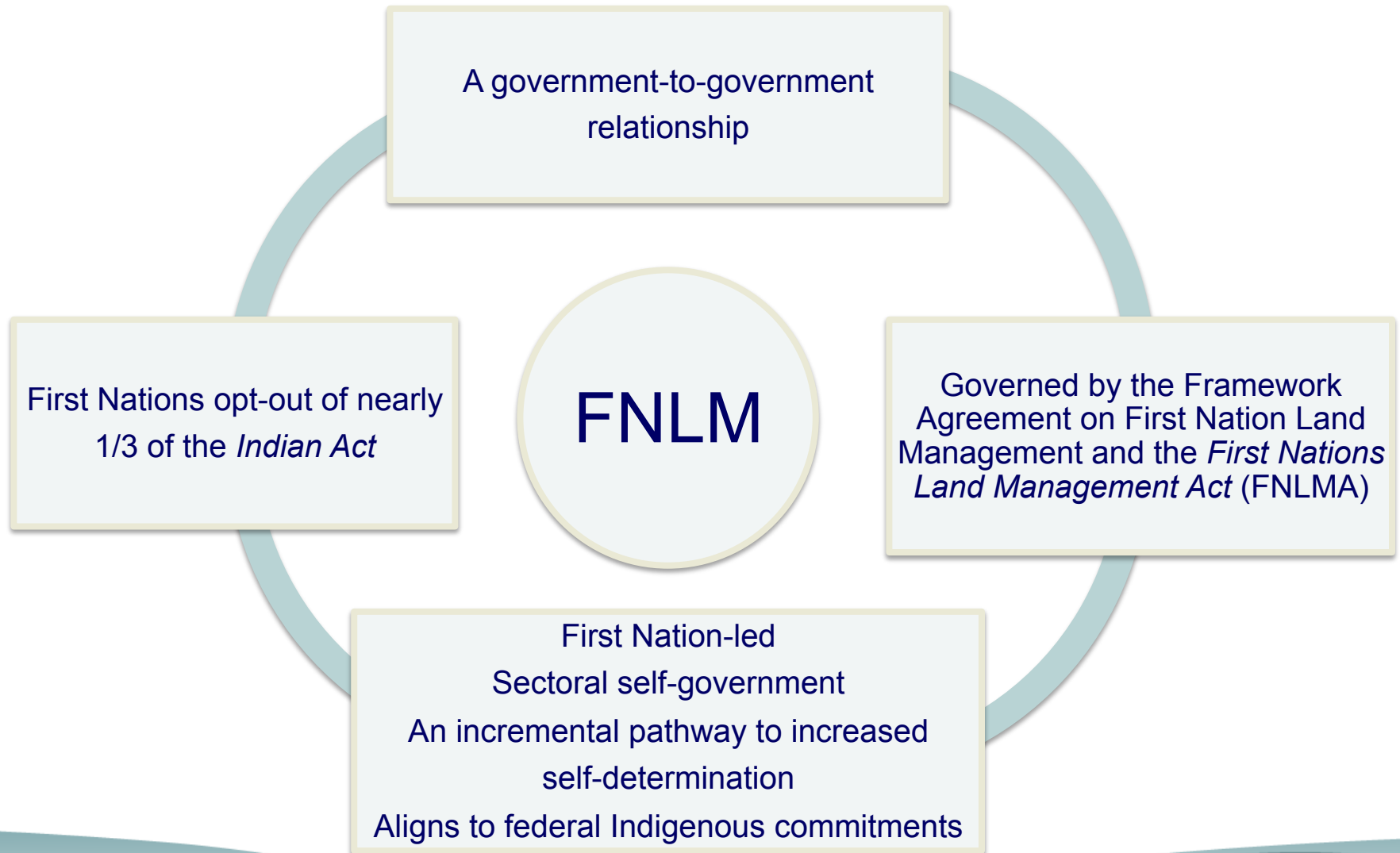
**Links to Learning 2018**

**November 13 – 15, 2018**





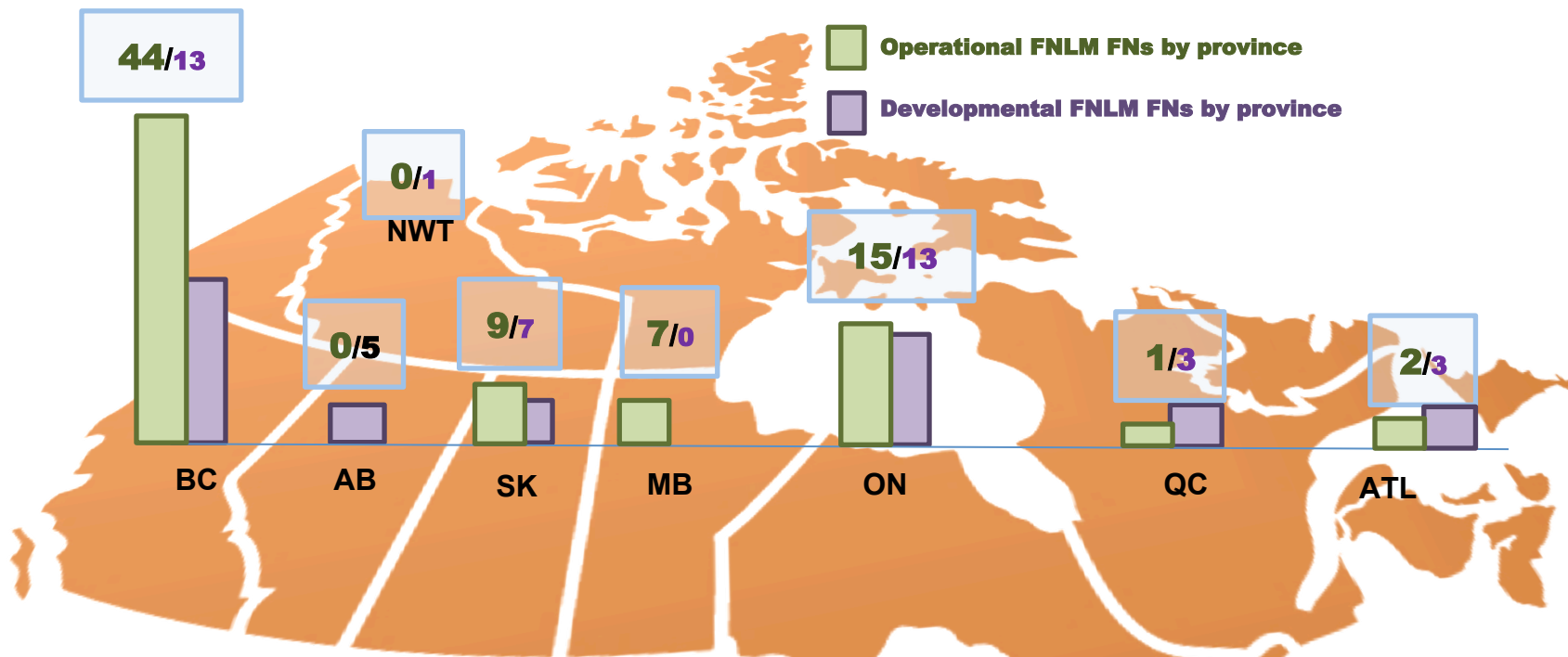
# First Nation Land Management - A Federal Perspective





# FNLM – A National Picture

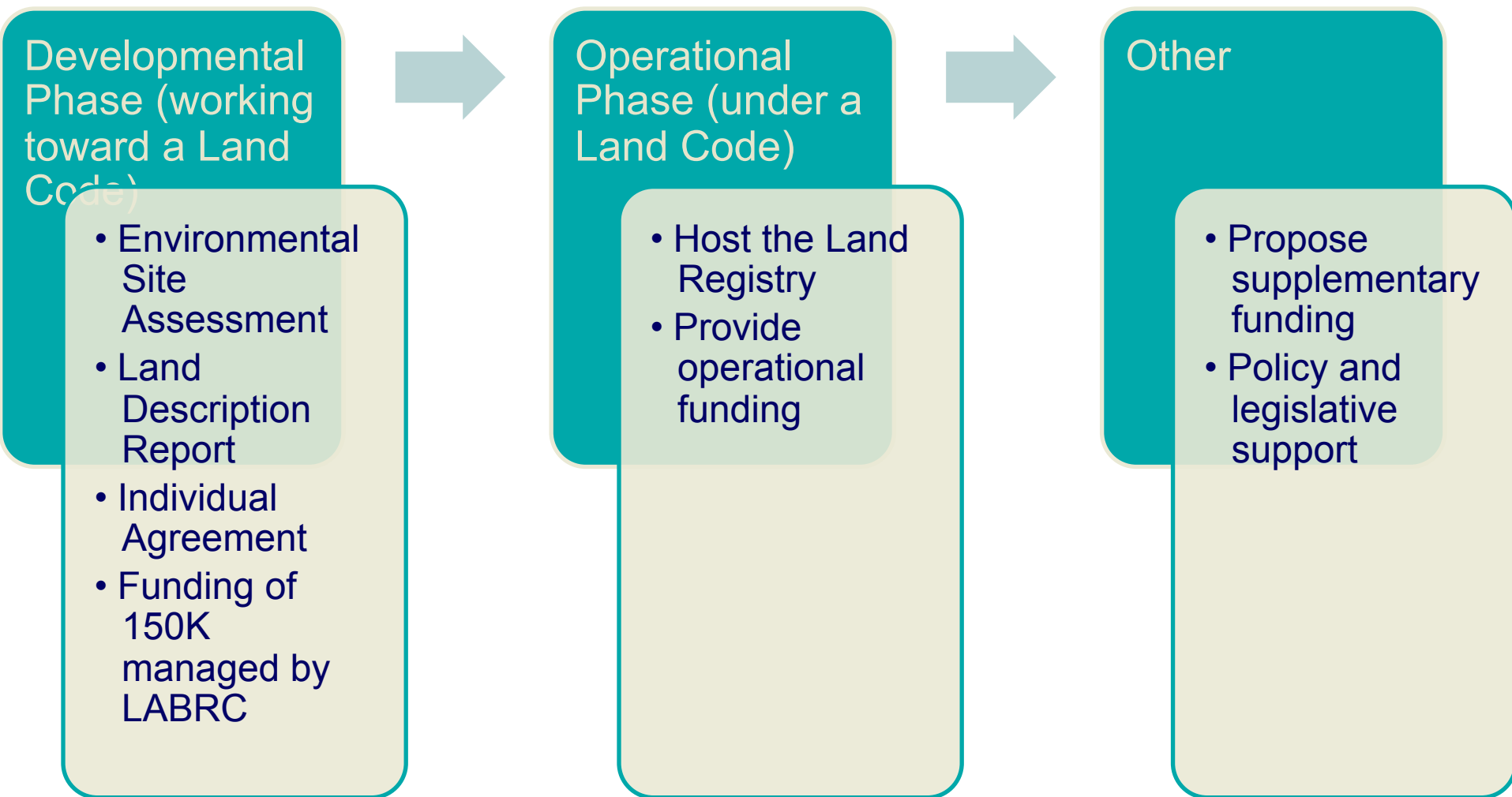
- There are currently 123 First Nations that Canada considers “active” under FNLM:
  - 78\* Operational First Nation communities
    - \*81 First Nations have ratified a land code, but three have moved to full self-government
  - 45 Developmental First Nation communities



Metrics as of: November 2018



# Canada's Role in FNLM





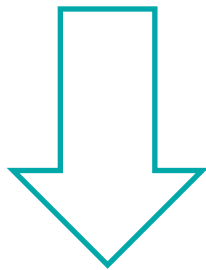
# 2018 Budget Investments



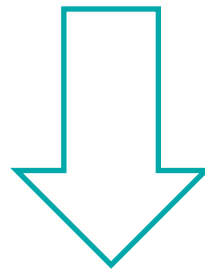
# Overview of Budget 2018 FNLM Investments

## Budget 2018

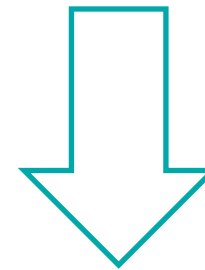
\$143.5 million over five years, beginning in 2018–19, and \$19 million per year ongoing.



Implement the New  
Operational Funding  
Formula



Add 50 First Nations to  
FNLM over 5 Years



Provide Pre-Readiness  
Support and Capacity  
Development



# Implementing the New Operational Funding Formula

<b>Core Contribution Categories Over Five Years (1% Inflation)</b>					
	<b>2018-2019</b>	<b>2019-2020</b>	<b>2020-2021</b>	<b>2021-2022</b>	<b>2022-2023</b>
<b>Category 1</b>	\$272,258	\$274,981	\$277,730	\$280,508	\$283,313
<b>Category 2</b>	\$348,699	\$352,186	\$355,708	\$359,265	\$362,858
<b>Category 3</b>	\$457,283	\$461,856	\$466,474	\$471,139	\$475,851
<b>Category 4</b>	\$491,005	\$495,915	\$500,874	\$505,883	\$510,942

First Nations are assigned a category based on a workload assessment that looks at transactions registered in the ILRS and FNLRS, adjustments for population, land mass, etc.



# FNLM Expansion

- Funding to support 50 new Framework Agreement signatories.
- By 2022-23, nearly 200 signatories to the Framework Agreement with at least 100 operational under Land Code.

<b>New FNLM Entrants Over Five Years</b>					
	2018-2019	2019-2020	2020-2021	2021-2022	2022-2023
<b>Targeted # of Entrants</b>	5	15	10	10	10

- Interested communities can contact regional Resource Centre field staff or Regional ISC contact.
- Consult [labrc.com](http://labrc.com) for details on accessing FNLM.





## Pre-Readiness and Capacity Development

Funding will support capacity development among communities interested and participating in FNLM.

- Capacity development funding.
- Land Use Planning funding.
- Technical Survey training and Dispute Resolution projects funding.

Two working groups have been established to guide the implementation of this funding:

- Working Group #1: developing criteria and a funding methodology to help prepare First Nations for land management under a land code through training, skills development, project funding, and other capacity developing activities.
- Working Group #2: developing prioritization and selection criteria for up to 70 land use plans and participation in the technical surveying skills development project.



# Legislative Agenda



# Proposed amendments to the Framework Agreement of First Nation Land Management and the *First Nations Land Management Act (FNLMA)*

## Part of Bill C-86

Developed in partnership with the LAB and the Resource Centre  
Reflects prior amendments to the Framework Agreement

First Nation-driven, pragmatic, and administrative improvements, such as:

Enabling joint reserves to be managed under FNLMA

Modifying the ratification process to facilitate successful votes.

Transferring control of all Indian Moneys to First Nations.



# ANNEX - Framework Agreement/FNLMA Proposed Amendments

Theme	From	To
<b>UNDRIP</b>	<ul style="list-style-type: none"> <li>FNLMA is silent regarding UNDRIP.</li> </ul>	<ul style="list-style-type: none"> <li>Acknowledge Canada’s endorsement of UNDRIP.</li> </ul>
<b>Lands Eligible for Management Under FNLM</b>	<ul style="list-style-type: none"> <li>Only reserve lands can be managed under the FNLM.</li> </ul>	<ul style="list-style-type: none"> <li>Include federal land categorized as “lands set aside” (in Yukon) as eligible for FNLM.</li> </ul>
<b>Ratification</b>	<ul style="list-style-type: none"> <li>The voting threshold requires both a minimum participation threshold and a majority of votes to ratify a land code (i.e. double majority).</li> </ul>	<ul style="list-style-type: none"> <li>Require a simple majority only, with participation thresholds possible, as decided by the First Nation.</li> </ul>
<b>Verifier</b>	<ul style="list-style-type: none"> <li>A verifier (independent third party appointed by Minister and the First Nation) is mandatory throughout the entire process of developing and voting on a land code.</li> </ul>	<ul style="list-style-type: none"> <li>The voting process may instead be managed by a Ratification Officer.</li> </ul>
<b>Monies</b>	<ul style="list-style-type: none"> <li>Revenue monies held by Canada as Indian monies are transferred to the First Nation once the land code is in effect.</li> </ul>	<ul style="list-style-type: none"> <li>Include both revenue and capital monies as part of the transfer on the coming into force of the land code.</li> </ul>
<b>Additions to Reserve</b>	<ul style="list-style-type: none"> <li>New reserve lands must first be brought under the <i>Indian Act</i> before coming under a First Nation’s land code.</li> </ul>	<ul style="list-style-type: none"> <li>Amend the FNLMA to:               <ul style="list-style-type: none"> <li>Provide for pre-reserve zoning.</li> <li>Manage third party interests.</li> <li>Ensure added lands are brought under Land Code authority automatically.</li> </ul> </li> </ul>



# Framework Agreement/FNLMA Proposed Amendments (cont'd)

Theme	From	To
<b>Expansion</b>	<ul style="list-style-type: none"> <li>FNLMA and the Framework Agreement are silent regarding bringing jointly held reserves under a land code.</li> </ul>	<ul style="list-style-type: none"> <li>Acknowledge ability of First Nations to manage jointly held reserves and provide guidelines to that effect.</li> </ul>
<b>Matrimonial Real Property (MRP)</b>	<ul style="list-style-type: none"> <li>Mandatory community consultation and one-year lawmaking requirement for MRP laws.</li> </ul>	<ul style="list-style-type: none"> <li>Align with the <i>Family Homes on Reserves and Matrimonial Interests or Rights Act</i> and allow for MRP community consultation via land code processes and lawmaking.</li> </ul>
<b>Enforcement Powers</b>	<ul style="list-style-type: none"> <li>Language for enforcement of First Nation laws is general.</li> </ul>	<ul style="list-style-type: none"> <li>Enable cooperative enforcement and valid collection remedies.</li> </ul>
<b>First Nations Land Registry</b>	<ul style="list-style-type: none"> <li>Canada administers the land registry.</li> </ul>	<ul style="list-style-type: none"> <li>Create legislative frame to create the possibility of third-party management of the registry.</li> </ul>
<b>Protection for Band Officials</b>	<ul style="list-style-type: none"> <li>FNLMA and the Framework Agreement are silent on protections for band officials.</li> </ul>	<ul style="list-style-type: none"> <li>Provide for similar protections to those employed by other local governments (i.e. Provincial).</li> </ul>
<b>Administrative</b>	<ul style="list-style-type: none"> <li>Certain provisions in the FNLMA are no longer relevant, lack clarity, or administratively onerous.</li> </ul>	<ul style="list-style-type: none"> <li>Update, modernize and clarify language.</li> <li>Scheduling by Ministerial Order rather than Order in Council.</li> <li>Clarify that prior Indian Act designations no longer apply under FNLMA Regime.</li> <li>Clarify Operational and Developmental status in Schedule.</li> <li>Update to align with other federal Acts.</li> </ul>