

Annual Report 2008-2009



Lands Advisory Board

“Community Governance Over Lands and Resources”

Table of Contents

Chairman's Message	page 4
Executive Summary.....	page 5
1. Importance of the <i>Framework Agreement on First Nation Land Management</i>	
1.1 Problems with Land Administration under the <i>Indian Act</i>	page 8
1.2 <i>Framework Agreement</i> Alternative for First Nations	page 9
1.3 <i>Framework Agreement</i> Parameters	page 10
2. First Nation Signatories to the <i>Framework Agreement</i>	
2.1 Growing Number of First Nation Signatories	page 10
3. Roles of the Lands Advisory Board (LAB) and the First Nations Land Management Resource Centre (Resource Centre)	
3.1 Functions of the LAB.....	page 12
3.2 Composition of the LAB.....	page 12
3.3 Mandate and Strategic Focus of the LAB.....	page 14
3.4 Functions of the Resource Centre	page 14
4. Verification Process under the <i>Framework Agreement</i>	
4.1 Role of the Verifier	page 15
5. LAB 2008-2009 Annual General Meeting	page 16
6. LAB 2008-2009 Highlights	
6.1 <i>Framework Agreement</i> Five-Year Authority Renewal	page 17
6.2 Capacity Building, Training & Professional Development Strategy.....	page 19
6.3 Audited Financial Statements	page 20
6.4 Environmental Management Agreement.....	page 20
7. Operational First Nations	
7.1 Land Governance Under the <i>Framework Agreement</i>	page 21
7.2 Operational First Nation Law Making.....	page 22
7.3 Support Services to Operational First Nations.....	page 22
7.4 Operational First Nations' Reports.....	page 24
8. Developmental First Nations	
8.1 First Nation Ratification of the <i>Framework Agreement</i>	page 52
8.2 Ratification Votes by Developmental First Nations.....	page 53
8.3 Support Services to Developmental First Nations.....	page 53

Table of Contents (cont.)

Appendix A: Condensed Financial Statements..... page 54

Appendix B: First Nation Location Maps

BC	page 55
AB	page 56
SK	page 57
MB	page 58
ON	page 59
QC	page 60
NB.....	page 61

Appendix C: List of Exhibits page 62



Traditional Singers from Squiala

MESSAGE FROM THE CHAIRMAN, CHIEF ROBERT LOUIE

Greetings and welcome to the 2008-2009 Lands Advisory Board (LAB) Annual Report. I am pleased to report that we now have 26 operational First Nations and 22 First Nations who are active in the developmental phase or passing their land codes. The past year has been another busy and exciting time for First Nations who are part of this process. Without a doubt, the Framework Agreement on First Nations Lands Management (Framework Agreement) continues to be the most successful and effective First Nation driven self government process available today in Canada.



I would like to take this opportunity to recognize and congratulate a newly elected representative to the LAB, Leah George Wilson. Also at the AGM hosted by Kitselas First Nation in Terrace BC, October 1st and 2nd, 2008 the board confirmed Chief Austin Bear, Councilor Bill McCue, Rennie Goose and Barry Seymour as members of the Finance Committee for another 5 year term. Congratulations Austin, Bill, Rennie and Barry!

On a personal note, I wish to thank the board and participating First Nations for re-appointing me as Chairman for another term. As always I am honored to serve and grateful for the opportunity.

Interest in the Framework Agreement continues to grow year after year. The LAB provides information and supports any First Nation that wishes to take up the opportunity of assuming jurisdiction over their reserve lands and resources.

The fiscal year of 2008-2009 found the LAB engaged in studies and re-alignments necessary to support Canada's bid for a new 5 year funding authority renewal to properly implement and resource the *Framework Agreement*. Canada was able to secure only a 2 year extension of the current terms and conditions which pushed the 5 year renewal to 2009-2010. As a result, no new signatories to the Framework Agreement were added last year.

On the developmental side, the LAB and INAC streamlined the Community Approval Process Plan (CAPP) document and funding process in order to make things easier from a reporting and project management perspective. Some First Nations have reported some concerns associated with this process and the LAB was directed to conduct a study to determine whether direct funding from INAC is a better and more efficient delivery system than previous system of funding through the LAB.

The LAB also completed a comprehensive strategy on governance training for Framework Agreement First Nations. Many land managers from Framework Agreement First Nations that completed the INAC Reserve Lands and Environment Training reported to the LAB and RC that a relevant curriculum was necessary to prepare their communities for the implementation of their governance authority. Also this year, the Framework Agreement Land Governance Association (FALGA) was created and continues to design, guide and inform the LAB and RC throughout the refinement and completion of this training strategy. I congratulate FALGA for their outstanding efforts.

The LAB and RC continue to press for funding approvals for the currently "Orphaned" training and environmental management components of the Framework Agreement.

Chief Robert Louie, O.C.

EXECUTIVE SUMMARY

The *Framework Agreement* represents the culmination of years of effort by a national group of dedicated Chiefs to create, for their First Nations, the option to manage reserve lands and resources under their own land codes, free from constraints imposed under the *Indian Act*. The *Framework Agreement* is a government-to-government agreement signed in February 1996 by the Chiefs of 14 First Nations and Canada. In June 1999, Canada enacted the *First Nations Land Management Act (FNLMA)*, “an Act providing for the ratification and bringing into effect” of the *Framework Agreement*.

The Chiefs’ pursuit of a sectoral approach to self-government by way of a government-to-government agreement on land management provided Canada with the opportunity to engage actively in a First Nation-led initiative negotiating and signing the *Framework Agreement* and then Parliament ratifying by Act.

First Nation ratification of the *Framework Agreement* involves a community process, developed by the community and monitored by an independent verifier, culminating in a community vote in which all electors are eligible to participate regardless of whether their residence is.

The *Framework Agreement* also established the LAB. The composition of the LAB is determined by the Councils of those First Nations which have ratified the *Framework Agreement* and are now operational under their land codes. The LAB is the political body with the mandate to assist First Nations in implementing the *Framework Agreement*, including assisting them in their dealings with the Government of Canada and recommending possible amendments to the *Framework Agreement* to the Minister of INAC. Included in this mandate are political, technical, legal, training and other support to the operational First Nations managing their lands and resources under land codes and to the developmental First Nations preparing to conduct their community ratification vote. Key issues such as the training mandate and environmental components of the *Framework Agreement* continue to be matters of concern as they are not adequately resourced.

The LAB has established a Finance Committee to assist in fulfilling its *Framework Agreement* responsibilities. The Finance Committee, which manages the financial and operational aspects of this work has, in turn, created and directs the First Nations Land Management Resource Centre Inc. (Resource Centre) as the administrative and corporate arm of the LAB.

Throughout 2008-2009, the LAB and Resource Centre continued to provide political and technical support to developmental First Nations preparing to vote on their land codes. The ratification process under the *Framework Agreement* consists of distinct and separate activities. In 2008-2009 a total of 22 First Nations were actively preparing for a community ratification vote and 5 completed the process.

The LAB and Resource Centre further supported the developmental First Nations by assisting them with drafting of their community land codes, designing and implementing their

communication strategies, and designing their community voting procedures. The LAB and Resource Centre also were requested to provide advice and guidance on environmental site assessments of reserve lands, surveys of reserve jurisdictional boundaries and Individual Agreements with Canada.

Once a land code takes effect, there are 34 land administration sections of the *Indian Act* that no longer apply to these First Nations' reserve lands and resources. The *Framework Agreement* and their community land codes empower these First Nations to manage and govern their reserve lands and resources, including enactment and enforcement of land laws. The LAB and Resource Centre also provided support services throughout 2008-2009 to operational First Nations.

The LAB and Resource Centre have a mandate under the *Framework Agreement* to assist operational First Nations with drafting land laws, rules, procedures, agreements, policies, implementing land management systems as well as capacity building.

The land management successes of the 26 operational First Nations in 2008-2009 include the completion of new residential and agricultural leases, the development and negotiation of an increasing number of commercial leases and the negotiation and signing of major resource development agreements. All of these provide communities with employment opportunities and increased revenues as well as the natural pride that comes with doing it themselves under their own laws.

In late 2008-2009, the LAB was informed by INAC that the authority and funding renewal for this process was delayed for a second year due to a change in strategy for the cabinet submission process. INAC sought the LAB's support to retain KPMG to conduct a study on a cost benefit analysis of the *Framework Agreement* Process. The magnitude of this study indicated that much more time would be needed to gather the necessary data. KPMG was retained and the work is expected to be completed by the end of the 2nd Quarter of 2009-2010.

Under the *Framework Agreement*, Environmental Management Agreements [EMAs] are required between Canada and the 26 operational First Nations. The *Framework Agreement* requires that an EMA be completed between Canada and an operational First Nation within twelve months of the First Nation land code taking effect. By the end of 2008-2009, there were no EMAs in place. The LAB, First Nations and Canada (INAC and Environment Canada) continued to work on a guide for all parties to negotiate EMAs. It is not anticipated that an First Nations will sign EMAs until adequate funding is in place for implementing them.

Clause 39(1)(e) of the *Framework Agreement* directs the LAB to establish curricula and training programs for managers and others who perform functions pursuant to a land code. *Framework Agreement* First Nations have articulated a comprehensive definition of the scope of the key land, environmental and resource governance functions that they carry out. Within existing funding limits, the LAB and First Nations have designed a capacity building, training and professional development strategy which will provide the skills, competencies and tools necessary to handle the complex set of land governance activities. The strategy is designed

for lands managers, Chiefs and Councilors, lands committee members and communities. The strategy will also significantly mitigate risk and liability associated with land governance. Last year the RC continued to refine the strategy by completing preliminary work on the web landing page, gathering content for curriculum and designing online courses on various Framework Agreement topics. Implementation of this strategy will be gradual starting with launch of the website and associated courselets for 2009-2010. Full implementation of this strategy is dependant on funding arrangements that are not currently in place.

Finally, in 2008-2009 the LAB and INAC implemented the revised Community Approval Process Plan (CAPP) Documents across Canada. Unfortunately the roll out of this process did not go as smoothly as anticipated. The LAB has been directed to conduct a study on the status of the new CAPP implementation as well as an analysis on how to improve the process. The LAB will continue work with INAC to ensure that CAPP agreements are operating in an improved fashion.



From back left—Cheryl Bryce, Patti Wight, Corrina Miller, Lillian Chau, Lise Steele, Ruth Nahanee, Adele Chingee

From Front left– Gerry Duquette, Aaron Louison, Eric Cameron, Jason Price

1. IMPORTANCE OF THE *FRAMEWORK AGREEMENT ON FIRST NATION LAND MANAGEMENT*

1.1 Problems with Land Administration under the *Indian Act*

The *Indian Act* requires the Minister of INAC to administer reserve lands and resources on behalf of First Nations. There are four fundamental problems under the *Indian Act*:

- the *Indian Act* does not recognize the right of First Nations to self-govern their reserve lands and resources;
- the *Indian Act* does not protect reserve lands from being surrendered and sold, which presents the danger of further reduction of the limited reserve land base;
- the *Indian Act* does not prevent Canada, provincial governments, municipalities or any corporation with expropriation powers from expropriating reserve lands without the consent of the First Nation (in fact, the *Indian Act* permits such actions); and
- the *Indian Act* does not provide an adequate statutory basis for managing and developing reserve lands in the 21st Century.

The only options available to First Nations prior to 1996 were self-government agreements or treaties to achieve the recognition of their inherent right to govern their reserve lands and resources (see Exhibit 1). However, self-government agreements are not a suitable option for most First Nations. Furthermore, treaty negotiations in British Columbia had only just begun.

Exhibit 1:
Options for First Nations Before the *Framework Agreement*

Option:	Land Administration by INAC	Regional Land Administration Program (RLAP)	Delegation of s53 & s60 authorities under the Indian Act	Full Self-Government
Statutory Regime:	<i>Indian Act</i>	<i>Indian Act</i>	<i>Indian Act</i>	Other (e.g., treaty, self-government legislation, etc.)
Distribution of Authority and Responsibility:	Minister of Indian Affairs			First Nation

1.2 Framework Agreement Alternative for First Nations

The *Framework Agreement* represents the culmination of years of effort by a national group of dedicated Chiefs to provide for their First Nations the opportunity to govern their own lands free from the constraints and delays imposed under the *Indian Act*. The management of reserve lands and resources is a crucial component of First Nations' self-government and self-sufficiency.

The *Framework Agreement* was signed in February 1996 at the Chippewas of Georgina Island First Nation by the Chiefs of 14 First Nations and the Government of Canada. Canada later enacted the *First Nations Land Management Act (FNLMA)*, “an Act providing for the ratification and bringing into effect” of the *Framework Agreement*. Royal Assent was granted in June 1999.

Previously, Canada had not succeeded in enacting any sectoral statutory alternative to the *Indian Act*. The Chiefs' approach to the development of a government-to-government agreement on land management provided Canada with the opportunity to engage actively in a First Nation-led initiative. Ultimately, this led to the *Framework Agreement* as we know it today, as ratified by Canada and as ratified, and continuing to be ratified, by First Nation signatories to it.

Exhibit 2 outlines the distribution of authority and responsibility under the Indian Act and post *Framework Agreement*.

Exhibit 2: Options for First Nations After the *Framework Agreement*

Option:	Land Administration by INAC	Regional Land Administration Program	Delegation of s53 & s60 authorities under the <i>Indian Act</i>	<i>Framework Agreement (Sectoral Self-Government)</i>	Full Self-Government
Statutory Regime:	<i>Indian Act</i>	<i>Indian Act</i>	<i>Indian Act</i>	↗ FN Land Code ↗ FNLMA	Other (e.g., treaty, self-government legislation, etc.)
Distribution of Authority and Responsibility:	<div>Minister of Indian Affairs</div>				
	<div>First Nation</div>				

1.3 *Framework Agreement Parameters*

The Chiefs were careful to limit the scope of the *Framework Agreement* in order to prevent unintended impacts on other parties, rights and relationships. For example, the following clauses state:

1.3: "This Agreement is not a treaty and shall not be considered to be a treaty within the meaning of section 35 of the Constitution Act, 1982."

1.4: "The Parties acknowledge that the Crown's special relationship with First Nations continues."

1.5: "This Agreement does not affect any lands, or any rights in lands, that are not subject to this Agreement."

1.6: "This Agreement is not intended to define or prejudice inherent rights, or any other rights, of First Nations to control their lands or resources or to preclude other negotiations in respect of those rights."

55.1: "Nothing in this Agreement prevents a First Nation, at any time, from opting into any other regime providing for community decision-making and community control, if the First Nation is eligible for the other regime and opts into it in accordance with procedures developed for that other regime."

2. **FIRST NATION SIGNATORIES TO THE *FRAMEWORK AGREEMENT***

2.1 **Growing Number of First Nation Signatories**

Exhibit 3 lists the 58 First Nation signatories to the *Framework Agreement* as of March 31, 2009. There are 26 First Nations which have ratified the *Framework Agreement* and assumed operational responsibility for their reserve lands under their land codes. One of these, the Westbank First Nation, has now proceeded to implement full self-government. Thirty-two First Nations are in the developmental phase. Twenty-two of these First Nations were active in the developmental process throughout 2008-2009. The location of the *Framework Agreement* signatories across Canada is displayed on the provincial maps in Appendix A.

Exhibit 3: Signatories to the <i>Framework Agreement</i> as of March 31, 2009		
Province	Operational	Developmental
BC	McLeod Lake Scia' New (Beecher Bay) Kitselas Lheidli T'enneh Matsqui Tsawwassen Ts'kw'aylaxw Sliammon T'sou-ke Shxw'ha:y Village Tsawout Squiala Tseil-Waututh Westbank Seabird Island Leq'a:mel Tzeachten	Squamish Musqueam Songhees We Wai Kai Campbell River NanOOSE Sumas Skawahlook N'Quatqua* Cowichan* Skeetchestn* Osoyoos*
AB		Fort Mckay Siksika*
SK	Muskoday Kinistin Whitecap Dakota Muskeg Lake	Flying Dust Pasqua Kahkewistahaw Cowessess
MB	Opaskwayak Cree	Chemawawin Swan Lake
ON	Scugog Island Georgina Island Nipissing Whitefish Lake	Mnjikaning* Garden River* Mississagi #8 Dokis Moose Deer Point* Kettle and Stoney Point Henvey Inlet Alderville Anishinaabeg of Naogashiing
NB		Kingsclear* St. Mary's*
QC		Innue Essipit

NOTE:

First Nations identified with an asterisk (*) were inactive in 2008-2009.

11 Westbank First Nation ratified their land code in May 2004 and proceeded to implement full self-

3. ROLES OF THE LANDS ADVISORY BOARD (LAB) AND THE FIRST NATIONS LAND MANAGEMENT RESOURCE CENTRE (RESOURCE CENTRE)

3.1 Functions of the LAB

The *Framework Agreement* established the LAB. The principal functions assigned to the LAB are itemized in clause 39 of the *Framework Agreement*. They include, but are not limited to:

- (a) developing model land codes, laws and land management systems;
- (b) assisting First Nations in developing and implementing their land codes, land laws, land management systems and environmental assessment and protection regimes;
- (c) establishing a Resource Centre, curricula and training programs for managers and others who perform functions pursuant to a land code;
- (d) proposing regulations for First Nation land registration;
- (e) in consultation with First Nations, negotiating a funding method with the Minister; and
- (f) proposing to the Minister such amendments to this Agreement and the federal legislation as it considers necessary or advisable;

3.2 Composition of the LAB

The composition of the LAB is determined by the Councils of the operational First Nations. There are currently ten members of the LAB, not including the Chair. They serve staggered terms so that positions come up for election every year with the intent that three of the positions, one from each of the three regions, will annually come open for election. The three regions referred to are British Columbia, Prairie (Alberta, Saskatchewan and Manitoba), and Eastern (Ontario, Quebec and the Atlantic).

The LAB Chair and the members of the LAB Finance Committee are elected by the LAB for fixed terms. Exhibit 4 lists the composition of the LAB and their terms. Exhibit 5 indicates the structure of the LAB and Resource Centre.



LAB Finance Committee: (from left)
Chief Austin Bear, Barry Seymour, Rennie Goose, Councillor William McCue,

Exhibit 4: Composition of the LAB

	<u>Region</u>	<u>Term</u>
Chief Robert Louie	Chairman	2008-2013
Harley Chingee	BC	2006-2009
Barry Seymour	BC	2008-2011
Chief Allan Claxton	BC	2007-2010
Leah George-Wilson	BC	2008-2011
Chief Austin Bear	Prairies	2008-2011
Chief Glen Ross	Prairies	2006-2009
Chief Darcy Bear	Prairies	2007-2010
Phil Goulais	Eastern	2006-2009
Councillor William McCue	Eastern	2008-2011
Rennie Goose	Eastern	2007-2010

Exhibit 5: Structure of the LAB and Resource Centre

Councils of “Ratified” First Nations



Lands Advisory Board 2008-2009

(Chairman) Robert Louie	BC
Harley Chingee	BC
Barry Seymour	BC
Chief Allan Claxton	BC
Leah George-Wilson	BC
Chief Austin Bear	Prairies
Chief Glen Ross	Prairies
Chief Darcy Bear	Prairies
Phil Goulais	Eastern
Councillor William McCue	Eastern
Rennie Goose	Eastern



Finance Committee &
Resource Centre Board
of Directors

(Chairman) Chief Austin Bear
Rennie Goose
Barry Seymour
Councillor William McCue



Resource Centre

3.3 Mandate and Strategic Focus of the LAB

The mandate and strategic focus of the LAB in accordance with the *Framework Agreement* are summarized in Exhibit 6.

Exhibit 6: LAB Mandate and Strategic Focus		
Mandate	Strategic Focus	Relevant Parts of the Framework Agreement
1. LAB & Resource Centre (RC) policy, planning and administration to implement the <i>Framework Agreement</i> and <i>FNLM</i> .	1.1 LAB will fulfill its responsibilities pursuant to the Framework Agreement	Parts VI, VIII & XI
	1.2 LAB & RC will support First Nations with their government-to-government relationship with Canada	Parts V, VIII & XI
	1.3 LAB & RC will support First Nations to access the governance tools required for land management.	Parts VIII
	1.4 LAB & RC will support First Nations to establish relationships with related sectors and institutions	Parts III, IV & VIII
	1.5 LAB & RC will support additional First Nations to be added as signatories to the Framework Agreement	Parts VI, VIII & XI
2. LAB & RC will provide support services to operational First Nations which have ratified the <i>Framework Agreement</i> .	2.1 LAB & RC will support First Nations to exercise their jurisdiction over their reserve lands pursuant to their land codes in such areas as rights & powers, law making, dispute resolution, enforcement, environment, registration, provincial & municipal relations	Parts III, IV, V & XI
3. LAB & RC will provide support services to developmental First Nations ratifying the <i>Framework Agreement</i> .	3.1 LAB & RC will support First Nations with developmental funding	Part VIII
	3.2 LAB & RC will support First Nations to complete the ratification process	Parts II & VIII
	3.3 LAB & RC will support First Nations to conclude their Individual Agreement with Canada	Parts II & VIII

3.4 Functions of the Resource Centre

The LAB has two entities, the Finance Committee and the Resource Centre, to assist with implementing its responsibilities. The Finance Committee has been established to manage all financial and reporting matters on behalf of the LAB and in effect, to function as its executive committee. The Finance Committee is appointed as the Board of Directors for the Resource Centre, which is the service delivery organization that fulfills the LAB's technical and administrative responsibilities under the *Framework Agreement*.

The *Framework Agreement* assigns specific "technical" duties, referred to in the third column of Exhibit 6, to the LAB. In order to provide separation between the "political" and "technical" regimes, all technical responsibilities assigned by the *Framework Agreement* have been formally delegated to the Resource Centre by the LAB. The Resource Centre was formally incorporated in 2004 to undertake the technical responsibilities of the LAB.



Resource Centre Staff, LAB Advisors and LAB Elder

From Back Left—Tony Kuchapski, John Makson, Regina Toth, Bill Henderson, Chris Angeconeb, Ed Bear, Meko Nicholas, Sharon Jack, Graham Powell

From Front Left—Daniel Millette, Sandra Gfellner, Frank Whitehead, Kerry Kipping, Allyson Fraser, Eugene Louie (Elder)

4. VERIFICATION PROCESS UNDER THE *FRAMEWORK AGREEMENT*

4.1 Role of the Verifier

The Chiefs who negotiated the *Framework Agreement* in 1996 introduced the concept of an independent party who would ensure that all aspects of the community ratification process were conducted to the satisfaction of both the First Nation and Canada. The independent party, or “verifier”, is jointly appointed by the First Nation and Canada.

Clause 8 of the *Framework Agreement* states that the role of the verifier is to:

- (a) decide whether the proposed land code conforms with the requirements of clause 5;
- (b) decide whether the proposed community approval process conforms with the requirements of clause 7;
- (c) determine whether the community vote is conducted in accordance with the community ratification process approved by the Chief and Council; and
- (d) certify that the land code is properly approved by the First Nation.

The verifier also has the power to make a final decision to resolve:

- (a) any dispute regarding whether a portion of a reserve may be excluded from a land code pursuant to clause 4.4; and
- (b) any dispute regarding the specifics of the transfer of administration between Canada and the First Nation.

5. LAB 2008-2009 ANNUAL GENERAL MEETING

The Kitselas First Nation in beautiful Terrace, B.C. graciously hosted the LAB annual meeting. First Nations were greeted with a traditional Tsimshian welcome and ceremony to open the LAB proceedings. The signatory Chiefs to the *Framework Agreement* provided the following direction to the LAB and Resource Centre:

- The Chiefs and LAB unanimously approved the 2007-2008 Annual Report and directed the LAB Chair to deliver the report to the Minister.
- The Chiefs and LAB unanimously confirmed the Finance Committee's approval of the BDO Dunwoody LLP audit of the financial statements for the fiscal year 2007-2008.



Traditional Tsimshian Welcome

- The Chiefs and LAB unanimously approved Chief Robert Louie to serve as LAB Chair for another five-year term ending immediately after the LAB AGM in 2013.
- The Chiefs and LAB unanimously approved the reappointment of the members of the LAB Finance Committee for another five-year term ending immediately after the LAB AGM in 2013: The LAB Finance Committee members are Chief Austin Bear [Chair], Councillor William McCue, Rennie Goose and Barry Seymour. The Finance Committee members are, by virtue of these appointments and the by-laws of the First Nations Land Management Resource Centre Inc., the Directors of the Resource Centre.
- The Chiefs unanimously directed the LAB to negotiate a new working arrangement with INAC, Natural Resource Canada and Environment Canada for an Executive Steering Committee [ESC] to replace the Joint Implementation Committee [JIC]. The objectives of the ESC are to:
 - (a) implement the *Framework Agreement* and all other arrangements contemplated by the *Framework Agreement*;
 - (b) ensure consistency and compliance in implementing the *Framework Agreement*, any other arrangements, any mutually agreed upon strategies, undertakings, courses of action or policies.
 - (c) adopt and continuously renew the spirit of openness, cooperation, good will, mutual respect and unwavering commitment to the *Framework Agreement*.
- The Chiefs directed the LAB and Resource Centre to act through the new ESC to ensure continuing participation in the renewal of the funding authority and Canada's commitment to the *Framework Agreement*.

- The Chiefs unanimously directed the LAB to develop an economic development strategy for the *Framework Agreement* First Nations. The strategy is to be prepared as soon as reasonably possible in consultation with signatory First Nations and presented at the next AGM. The LAB will consult with federal departments as necessary in preparing this strategy. As part of the strategy, the LAB will include provision for an economic development conference to be held in fiscal year 2009-2010 or earlier if possible.
- The Chiefs unanimously directed the LAB to investigate and consider commencing negotiations with Canada for the creation of an institute to better facilitate the implementation of the *Framework Agreement*. The LAB will report to the next AGM on its investigations and any negotiations with Canada, and receive further directions from the Chiefs.

6. LANDS ADVISORY BOARD 2008-2009 HIGHLIGHTS

6.1 *Framework Agreement* Five-Year Authority Renewal

In fiscal year 2008-2009, the LAB conducted a number of studies in support of Canada's bid for a new five-year funding and authority renewal for the *Framework Agreement* process. This task will continue into 2009-2010. The LAB and Canada have retained KPMG to develop a cost benefit analysis of the *Indian Act* land administration system and land management under the *Framework Agreement*. The purpose of the study is as follows:

- Capture the current costs and benefits of implementing the *Framework Agreement* on First Nations Land Management to ascertain the true cost to First Nations and Canada.
- Estimate the cost and benefits of expanding the *Framework Agreement*
- Contributing to the "business case" for increased investment by Canada.



AGM Participants

The objective of the study is as follows:

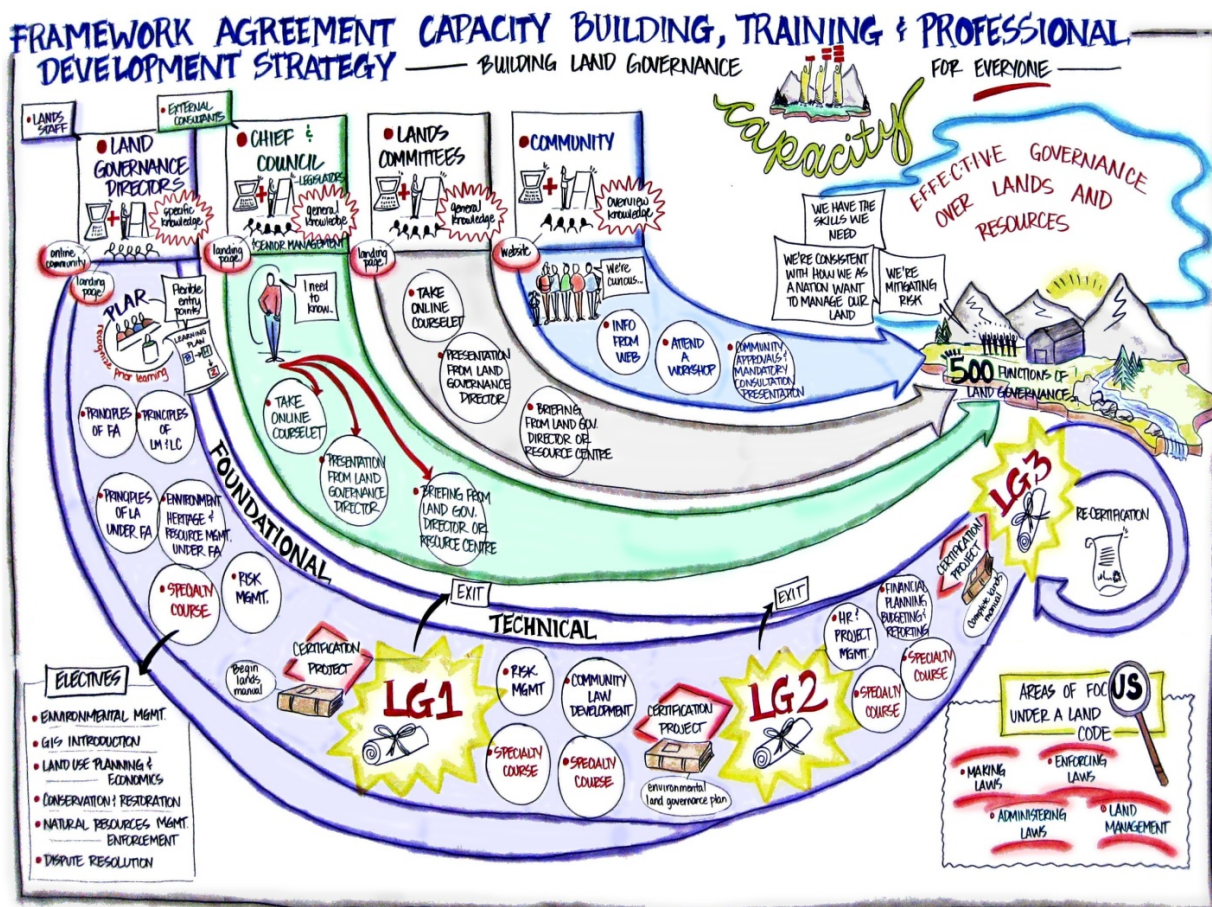
1. Estimates of future land transaction activity
 - Forecast trend projections for volume, value, and complexity
2. Estimate of costs
 - Future cost to Government of Canada (GOC) of administering forecast transactions under the *Indian Act*
 - Future cost to GOC when forecast transactions are administrated under the *Framework Agreement*
 - Future cost to First Nations of administering forecast transactions under the *Framework Agreement*
 - Comparison of First Nations true land management costs to current funding under the Operational Funding Formula
 - Estimate of future GOC liability associated with administering forecast transactions under the *Indian Act*
 - Estimate of future GOC liability and future First Nations liability associated with administering forecast transactions under the *Framework Agreement*
3. Identify and describe benefits (quantitative and qualitative)
 - Future possible economic development benefits to First Nations associated with forecast transactions under the *Framework Agreement*
 - Intangible benefits/impacts to First Nations and GOC as a result of implementing the *Framework Agreement*
 - Possible other benefits to GOC as a result of expanding the implementation of the *Framework Agreement*

6.2 Capacity Building, Training and Professional Development Strategy

Clause 39(1)(e) of the *Framework Agreement* directs the LAB to establish curricula and training programs for managers and others who perform functions pursuant to a land code. Operational First Nations have expressed their concern with the lack of capacity building and professional development funding available from Canada.

The Capacity Building, Training and Professional Development Strategy (the strategy) recognizes that no two First Nations operate under the same conditions and as a result, any training and professional development must be flexible, accessible and have multiple entry and exit pathways. Faced with the latter, as well as the need for a dynamic and unique governance-minded curriculum, this Strategy includes an online learning environment that facilitates a blended approach to building capacity. A cornerstone of the Strategy is that program components, including workshops, courses and online offerings will incorporate real-life situations and draw on First Nation experts to ensure application to the specific *Framework Agreement* First Nation contexts. Figure 1 outlines, in schematic form, the logic behind the Strategy.

Framework Agreement Capacity Building and Professional Development Strategy



To summarize briefly, the Strategy includes the following considerations:

- Designed specifically for *Framework Agreement* governments
- Foundational courses based on information specific to the needs of *Framework Agreement* First Nations
- Relevant and meaningful final assessments that are based on the legislative requirements of the *Framework Agreement*
- Blended learning model design
- Flexible access and entry requirements
- Self-paced, user directed, client driven
- Prior Learning Assessment and Recognition (PLAR)
- Online “portfolio” to facilitate laddering and transferable skills and knowledge
- Minimal away-from-the-job training requirements
- Online community and online personalized learning environment
- Dynamic online repository for Lands Governance Directors, Lands Staff and First Nation governments
- Peer reviewers and support mechanisms
- Job shadowing, benchmarking and peer sharing opportunities

The model is consistent with what is both common and ‘best practice’ for organizations that provide professional certification for their members. It supports the unique audience of the *Framework Agreement* Lands Governance Directors and the other associated stakeholders.

This year, in addition to completing the planning and design of the Strategy, progress has been made on the development of draft curricula, the creation of a Lands Governance Templates Manual, the development of an online meeting place with an online discussion community, and the creation of workshops and short online courses for all audience levels. The Strategy has been presented at conferences in Vancouver in February, receiving wide support and recognition for its innovative and unique approach to capacity building, training and professional development for First Nations audiences and stakeholders.

6.3 Audited Financial Statements

A condensed version of the 2008-2009 audited financial statements is attached as Appendix A. The full audited financial statements can be found on the LAB website (www.labrc.com) along with the statements from previous years.

6.4 Environmental Management Agreement (EMA)

Section 24 of the *Framework Agreement* states that:

“The Minister [of INAC] and the Minister of the Environment and each First Nation with a land code... will negotiate an environmental management agreement.

An environmental management agreement in essence will be a plan on how a First Nation will enact environmental protection laws deemed essential... It will include timing, resource, inspection and enforcement requirements."

Since the federal ratification of the *Framework Agreement* in 1999, no first Nation has been able to pass laws concerning environmental management or assessment. While the *Framework Agreement* recognizes the authority of First Nations to pass laws in these areas, it also says that an agreement with Canada must be negotiated that includes "timing, resources, inspection and enforcement" before a First Nation can enact laws concerning the environment. There have been many iterations of an EMA guide over the years, but never any funding commitments from Canada.

The Chiefs have unanimously directed the LAB to bring the issue of EMAs to the attention of the Minister and senior management of INAC as a matter of extreme urgency. First Nations will not accept liability for acts or omissions in relation to the environment attributable to the lack of EMAs or the lack of consequential environmental laws.

In fiscal year 2008-2009, 13 First Nations completed Step 1 EMA reports. These Step 1 reports contain a prioritized listing of the environmental issues on each community, they were assembled through the collection and analysis of existing information and through the conduct of various community meetings. The 13 communities are now waiting for funding to complete step 2 of the EMA process.

The LAB, Resource Centre and Canada held technical meetings throughout 2008-2009 in order to finalize work on an EMA guideline. This guideline will be used to assist operational First Nations in developing their EMAs with Canada.

7. OPERATIONAL FIRST NATIONS

7.1 Land Governance Under the *Framework Agreement*

Once a First Nation has ratified the *Framework Agreement* and enacted its land code and the Individual Transfer Agreement, there are 34 land administration sections of the *Indian Act* that no longer apply to the First Nation's reserve lands and resources. Then a First Nation would be self-governing over its lands and resources.

Section 30.1 of the *Framework Agreement* says:

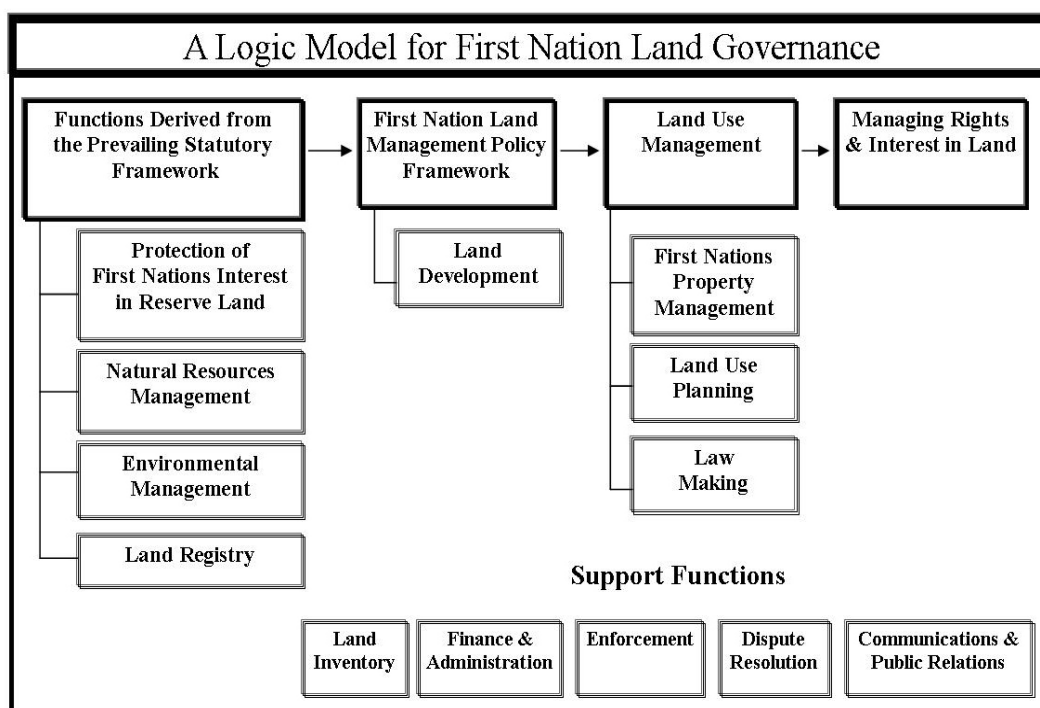
- 30.1** An individual agreement between the Minister and a First Nation will determine the resources to be provided by Canada to the First Nation to manage First Nation lands and make, administer and enforce its laws under a land code. The agreement will determine specific funding issues, for example period of time, and terms and conditions.

First Nation authority to manage reserve lands includes all the interests, rights and resources that belong to those lands under the jurisdiction of Canada. Operational First Nations exercise all the rights, powers and privileges of a “natural person” and governmental body. This authority is described in Parts II, III and XI of the *Framework Agreement*.

7.2 Operational First Nation Law Making

First Nation authority to pass land laws includes development, conservation, protection, use and possession of reserve lands. In addition, operational First Nations are the only Aboriginal jurisdictions in Canada to have enacted, as required by the *Framework Agreement*, laws relating to the use and possession of lands on reserve following matrimonial breakdown or divorce. This authority is described in Parts IV and V of the *Framework Agreement*. First Nations also have authority to appoint justices of the peace with summary conviction powers to enforce their land laws. First Nation authority to enforce land laws includes establishing offences and comprehensive enforcement procedures and providing for fines. The authority is described in Part IV of the *Framework Agreement*.

Exhibit 7: Key Functions of *Framework Agreement* Land Governance



7.3 Support Services to Operational First Nations

The LAB and Resource Centre assist the operational First Nations with designing the necessary land laws, processes, agreements, policies, plans, land management systems, and enforcement procedures to facilitate:

- granting of interests in reserve lands;
- establishing and maintaining a First Nation register to record granting of interests in reserve lands;
- division of interests in reserve lands on the breakdown of a marriage;
- accountability to First Nation members (eg: moneys managed under a land code);
- making and publishing First Nation laws;
- establishing a forum for the resolution of reserve land disputes;
- expropriating interests in reserve lands deemed necessary for Community works or other First Nation purposes;
- transferring, by testamentary disposition or succession, interests in reserve lands;
- exchanging reserve lands for other lands; and
- delegating administrative authority, or establishing a legal entity, to manage reserve lands and resources.

The Resource Centre also assists operational First Nations in drafting rules and procedures to deal with:

- traditional and individual holdings;
- agricultural leases and permits;
- residential, commercial, industrial and recreational leases;
- resource leases and permits;
- utility and annual permits;
- assignments, transfers and exchanges;
- fees and rent collection; and
- mortgage registration and discharges.



AGM Land Manager Participants

From Left—Cheryl Bryce, Patti Wight, Ruth Nahanee, Lise Steele

7.4 Operational First Nation Reports

The following reports were provided by Operational First Nations

Beecher Bay First Nation, BC

Beecher Bay First Nation (BBFN), also known as the Scia'new First Nation, is located south west of Victoria on Vancouver Island. BBFN ratified their Land Code in June 2003 and became operational August 1, 2003.

Under the BBFN Land Code there have been positive developments that are a direct result of the community having the authority to decide what land management priorities are important and to be able to work towards these goals in a quicker manner than under the *Indian Act*.



Last year Beecher Bay began a working relationship with the British Columbia Tourism, Culture and the Arts, on a new initiative to a First Nation driven approach to new tourism resort development.


BBFN is also opening their Daycare Centre (A Place To Play) on May 28th, 2009, as well, BBFN has installed a new water line through a portion of the reserve and built 2 new homes.

Kitselas First Nation, BC



The Kitselas First Nation ratified the Framework Agreement in October of 2005. We have been in the operational development and learning phase ever since.

Kitselas has passed two major laws, the first was the "Kitselas Land Interest Act". The purpose of the act is to establish the authority of the Council to grant various interests in land, such as leases, rights of ways,



and other such interests. More importantly, the law provides for private ownership of land and homes for individual band members. The law is intended to establish property rights for the people living on reserve, as property rights did not exist on our reserves prior to the enactment of the “Kitselas Land Code”.

Kitselas has had to develop a system for granting reserve land to its members. The problem was to create title where no title previously existed. The system we came up with is similar to the Province of British Columbia land grant system under the *BC Land Act*, which set out a process for granting Crown land to individual or corporations. The Kitselas council can now grant reserve land to its members.

The second law is the “Kitselas Family Property Law” . Kitselas uses a community committee system rather than a community meeting method of reviewing proposed laws. Laws are reviewed and debated clause by clause by a committee of community members appointed by the council. A new committee is appointed with each law. The difficulty for the committee working on the Family Property Law was to create a law which gave property rights to a small group of people which were different from the rights of the remaining members. The committee reached the conclusion that more laws will be needed to make sure rights are the same for all members.

A Financial Administration Act to control budgeting and finance is in the process of development. The act is a first step in making use of the self governing powers under the Kitselas Land Code. A zoning law is also under development. The band has taken the approach that zoning laws which allow for individual ventures provides the change required and is preferable to a long term land use plan that has the effect of locking the community into a single plan. A Business Licensing Law is under development similar to business licensing laws in municipalities which would allow people with good ideas to take advantage of business opportunities.

Some problems we have encountered in our development are most likely the same as everyone else. One major problem is the absence of standard forms that can be used across the country. Everything we do requires starting from scratch. Another problem is there are very few lawyers in the country who have heard of the Framework Agreement and the legal help we need is not readily available. In cooperation with other groups across Canada no problem is insurmountable.

Some of the challenges we face: Finding ways to put into effect the self-government powers in the Land Code and convincing the federal and provincial governments, and more importantly ourselves, that we are self governing. The challenge of the little understood problem of the absence of civil and property rights on reserves requires a huge leap from *Indian Act* mentality to one of freedom. The Framework Agreement, whether intentional or not, recognized our authority to codify civil and property rights, the question is how do we do it.

Lheidli T'enneh, BC

The Lheidli T'enneh First Nation (LTN) has 4 reserves totalling approximately 675 hectares located within and adjacent to the City of Prince George. LTN was an original signatory to the *Framework Agreement*. In October 2000, LTN ratified the first land code in British Columbia and became the fourth to ratify a land code in Canada.



Lheidli T'enneh's Lands Authority committee continues to meet once or twice a month, as necessary. Some of Lheidli T'enneh's successes in 2008-2009 and work priorities for 2009-2010 include:

- Matrimonial Real Property Law (MRPL) implementation
- Providing the necessary resources to support community members who choose to exercise their rights under this law.

One very important resource for community members is dispute resolution. Efforts are being made to establish a Matrimonial Real Property Dispute Resolution Panel and the accompanying policy and procedure. The panel will be comprised of current and former Lands Authority members. Once the panel participants have been identified, they will be given the opportunity to acquire the appropriate training to assist them in performing their duties.

Through the community consultation and information sharing that occurred during the MRPL Implementation Project several recommendations were made. Lands staff is working with other Lheidli T'enneh departments such as Health and Education to implement the recommendations under the appropriate authority.

Strategic Planning

Lheidli T'enneh Lands Authority and the Lheidli T'enneh Lands & Resources Office have completed a 3 year strategic plan to guide the growth of the Lands & Natural Resources Departments. Focus will now be on the implementation of the Strategic Plan and the creation and adoption of identified policies and structures.

Comprehensive Community Planning

Over the past year, the Lands Department has been involved in supporting the completion of a Lheidli T'enneh Comprehensive Community Plan (CCP). The CCP will be finalized in June 2009 and the community is eager to commence with implementation.

Fuel Management and Community Wildfire Protection Planning

The Mountain Pine Beetle infestation that has devastated forests throughout BC has created a fire hazard in many communities. Through funding of up to \$100,000 made available from Natural Resources Canada under their Mountain Pine Beetle program, Lheidli T'enneh will be completing a Fuel Management Plan that will identify hazardous trees and sources of fire fuel on reserve and provide mitigation measures to reduce the risk

of forest fires. Lheidli T'enneh Lands will be actively engaged in the plan developed and will also be required to ensure that the appropriate forest harvesting permitting processes have been created and ready to be implemented.

First Nation's Emergency Services BC has funding available to complete a Community Wildfire Protection Plan. This plan will identify wildfire threats in lands adjacent to the Reserve boundaries and will provide mitigation measures to reduce these identified threats.

Economic Diversification Planning

Lheidli T'enneh was successful in their application under the Western Economic Diversification Canada – Community Economic Diversification Initiative – Mountain Pine Beetle Program to complete an Economic Diversification Plan and Community Engagement Strategy.

The Economic Diversification Plan and Community Engagement Strategy are focused on Lheidli T'enneh's participation in the local, regional and provincial economies. It will have a primary focus on Lheidli T'enneh lands i.e. Lheidli T'enneh Reserve Lands and Traditional Territory and how the First Nation can better engage itself with external agencies, maximize its resources and attract investment.

The community engagement component of this project will focus on how external agencies, such as industry and government engage with Lheidli T'enneh community members. It will consist of a handbook and more formalized process on community engagement.



Shxw̓ha:y Village, BC

Shxw̓ha:y Village conducted two environmental studies and an environmental audit. One was an environmental site assessment for the old Chilliwack city landfill. The other was a comparison of remedial options for JV Industries and Fairway landfills located on the southern portion of Skway I.R. #5. The environmental audit was for our current DLC Landfill.

Sliammon First Nation, BC

Sliammon First Nation is located approximately 180 kilometers northwest of Vancouver, British Columbia, along the Sunshine Coast. The population is approximately 960 members with about 630 living on reserve and 330 living elsewhere.

Sliammon has been an operational Land Code First Nation since 2004. Serena Barnes is the Land Code Assistant and Registrar. She has been



working in the department for over 3 years. Cathy Galligos is the Tax and Land Manager and started in the position in August 2008.

Some of the work Sliammon First Nation has been undertaking over the last year are:

- Registered standard lease documents, mortgages, assignments, new leases, etc.
- Amended the Land Code Policy and prepared for a community vote
- Worked on the Land Interest Verification Project (resolving Certificate of Possession issues) as well as trying to resolve property boundary issues.
- Developed draft laws – Building Law, Community Protection Law (Banishment), Trespass Law, and Anti-Dumping Law (these are all in draft form)
- Dealt with daily lease land issues (tree removal, lease agreement enforcement, septic issues, broken water lines, etc.)
- Researched/Developed a Timber Permit process
- Organizing the Land Code mapping system
- Continuously establishing a closer relationship with the lessees
- Created a newsletter for the lessees (approximately 98 lessees)
- Continuously developing internal policies, regulations, processes
- Developed a new Head Lease and Sub-Lease for a section of leased lands
- Enforcement
- Networked with the City of Powell River and Regional District
- Created a Sliammon Lands Working Group (to address current issues and to look at a post-treaty land management)
- Monthly Land Code Board meetings
- Land Manager training, and
- Organized Wills & Estates Workshop with Lois Paul, INAC

The tentative work plan for this year, 2009/2010, includes:

- Develop a Land Use Plan for I.R. #1
- Finalize some of the draft laws
- Taking the amended Land Code Policy to a community vote
- Finalize the Head lease and Subleases, register all the documents
- Review Economic Development opportunities on the Indian Reserves #2, #3, and #4
- Work on Anti-Drug issues and problem solving on reserve lands
- Potential Environmental Management Agreement, Phase 2 work
- Address daily leased land issues and cases,
- Establish a closer working relationship with the Sliammon Development Corporation with respect to the leases, sub-leases, operations and maintenance,
- Develop two access right of ways from the main road to the beach in the leased land residential area,
- Develop Land Code and Taxation web pages on the Sliammon First Nation website, and
- General Administration.

Squiala First Nation, BC



Over the last year, Squiala has signed an easement with the City of Chilliwack granting a right of way to connect Highway 1 to the downtown of Chilliwack. A permit has been granted to British Columbia Hydro and Power Authority and to Telus Communications Inc. which allows authority to install and maintain their works on I.R. 7 and I.R. 8. An Environmental Assessment has been complete on I.R. 7. Some of the challenges that we have

faced have been with legal fees, mainly to do with the future development of our lands, particularly I.R. 7.

Tsawout First Nation, BC

The Tsawout lands department is responsible for the management and protection of Tsawout First Nation Lands: the main village I.R.#2 is on Vancouver Island, and the other reserve solely owned by Tsawout is on Saltsping Island Fulford Harbour. We co-manage lands on Saturna Island, Pender Island, Goldstream Park, and Bare Island, mostly within the Gulf Islands.



The Tsawout First Nation ratified its land code on May 29, 2007, and since then we have enacted and are working very carefully on a number of policies and laws with the Tsawout Lands Advisory Committee that will guide us in overseeing our lands. Many of these are common to other nations such as the: Matrimonial Property Laws, Traffic & Trespassing Laws, Development Procedures & Development Impact Assessment Requirements policy, Comprehensive Community Planning, Zoning and Land Use, Consultation & Accommodation guidelines.

We've developed a number of instruments, and operational policies to assist us in the day-to-day business such as getting lands registered, providing land status reports to landowners and lessees, ordering legal surveys, completing permits, terms of reference for the lands advisory committee, soil deposits guidelines, and lease management guidelines. The lands department is responsible for managing the managing existing leases (including 5 year rent-reviews), dealing with land referrals, and archaeological sites within our traditional territory.

There are a number of key issues and laws that are being planned, but require additional transitional dollars from Canada. Enforcement is necessary and we would like to find a way to cost share this within our band. We would like to properly implement an Environmental Management Agreement and environmental law and plan that suits the Tsawout First Nation. However, this takes some a solid plan and proper allocation of resources. The band however, has had a good working relationship with INAC in assessing some of the current

outstanding environmental risks (old landfills) with hopes to remedy the situation. Although we share duties within the traditional Tsawout lands (outside reserve areas), Eric Pelkey has a primary responsibility for dealing with our traditional territory, and specific claims.

The next big step for us will be the Comprehensive Community Land Use Plan that we will carry out with the community. We continue to look at ways to build capacity within our nation, and will use this opportunity to train one of our members in land use planning.

Canada, Tsawout and the national Lands Advisory technicians must continue to work together on bringing forward the Tsawout Outstanding Land matters that relate to disputes resolution. A fair process for dealing with land disputes has been drafted and is being reviewed. We will require resources for an independent panel to ensure it is unbiased.

On a final note, one of the highlights of land management has been working with the local groups on common issues. Environment Canada, UVIC, Capital Regional District, Central Saanich Municipality and Tsawout are working on preserving the Tsawout TIXEN Spit (Cordova Shores). The municipality is working with us to return this to Tsawout as an ATR. Tsawout developed a book called – TIXEN – A Special Place to ensure that this special place of endangered traditional plants, sand dunes, and sensitive eco system is protected. If you would like to purchase a copy from us please contact Gwen Underwood, or Ken Cossey at the Tsawout Lands Office at 1 888 652 9101.

Leqamel First Nation, BC



Leq'á:mel First Nation (LFN), formerly known as Lakahahmen First Nation, is an Indian band located 22 kilometres east of Mission British Columbia. Our First Nation currently have ten Indian Reserves (IR), Yaalstrick IR #1, Lackaway IR #2, Lakway Cemetery IR #3, Papekwatchin IR #4, Aylechootlook IR #5, Holachten IR #8, Zaitscullachan IR #9, Skweahm IR #10, Lakahahmen IR #11 and, Sumas Cemetery IR #12. Our reserves have 480.4 hectares in total of land.

Lands Office Set-up

Having succeeded a community vote March 17, 2009, Leq'á:mel are in the process of building the lands office. Part of the work is getting a Leq'á:mel lands committee constituted, and also filling the role of the lands manager.

Developmental Law

Leq'á:mel is looking to get a development law in place soon, due to existing development interests that began pre-vote and plans for Band-lead development in the future.

Official Community Plan/Land Use Planning

Leq'á:mel has is currently working on a land use plan as it contributes towards a comprehensive community plan. Leq'á:mel sees the land use plan creates priorities for the community and provides guidance for chief and council while outlining where certain activities can take place.

Phase II Environmental Site Assessment (ESA)

Leq'á:mel is working to finalize work with DIAND the content of our Request for Proposal to conduct Phase II.

Taxation

Leq'á:mel First Nation have been collecting real property tax since 1995.

Tzeachten First Nation BC

This year Tzeachten FN moved from the Regional Lands Administration Program which is a co-management form of devolution to its' own Land Code under the Framework Agreement on First Nations Land Management. The ratification of the Tzeachten Land Code was by secret ballot and polls were held on June 4, 11 & 12, 2008, off reserve members were given the opportunity to do mail-in ballots. The results out of a possible 295 eligible electors 190 registered to vote either in person or by mail. We received 27 mail-in ballots, 123 voted in person and only one ballot was rejected. The number of votes in favour was 119 and number opposed 30. The number required to constitute the minimum percentage was 75 so the Tzeachten Land Code was ratified by an overwhelming number of those that registered to vote. As a result of this Tzeachten became an Operational First Nation on August 21, 2008.



Transition to Tzeachten FN Land Code

The transition from having the Department of Indian Affairs (INAC) managing Tzeachten lands to the Tzeachten FN was not a smooth process. There was no notice given to Tzeachten or the Sto:lo Nation Lands Office that Tzeachten became operational under their land code. Tzeachten found out third hand from local law offices that had their registrations returned to them and they were told to contact the Tzeachten FN to get their documents registered. Because Tzeachten was not ready and had not anticipated such a quick transition they did not have the staff in place to manage their lands so they entered into a contract with the Stolo Nation Lands Office to undertake some of the work required.

The SN Lands Office had hoped to obtain training in the First Nations Lands Registry System (FNLRS) but when Tzeachten became operational they did not even have access to it. Luckily the FNLRS is similar to the Indian Lands Registry System (ILRS) as the SN Lands staff had to get the documents registered and they knew how to use the ILRS. At this point some of the local law offices were telling their clients that they could sue Tzeachten if their

documents did not get registered. Most of these were for home sales and new mortgages so it was understandable. Needless to say, INAC was not very helpful the SN Lands Staff relied on other FNs such as Westbank FN to advice and teach them how to register documents. Westbank FN also had all of their registry forms on their website so we were able to print them off and modify them for Tzeachten. Tzeachten's lawyer Murray Browne was very helpful and advised the staff along the way. Within a week or so the SN Lands staff was able to register the documents and had cleaned up the backlog of registrations.

Besides the registrations that needed to be done there were 3 leases that were in various stages of the INAC's process. So Tzeachten had to figure out how to finalize the leases. Because most of the leases were drafted under INAC they had to be amended to meet criteria of Tzeachten's Land Code so that created an added cost to the developer and/or member. One of the leases just needed the EA report signed and approved by INAC. INAC did not want to sign off on the EA they stated it was Tzeachten's responsibility and Tzeachten understood that to be INAC's responsibility. This is a real "grey area" and needs to be addressed for other FNs. INAC in the end decided to sign off on the EA after a couple of months. Another lease had to have its' final engineering approved by INAC and was waiting for "consent to construct", Tzeachten ended up getting a local engineering firm to review and approve the plans. INAC signed off on this lease but the final engineering was not approved by INAC and they refused to approve them or review them. Another lease was for a single residential home and the main hold up was the locatee was trying to find a buyer which they did after Tzeachten became operational. This meant having to redo the lease to make it applicable to the Tzeachten Land Code.

Another issue that was not clear when Tzeachten and INAC created the "outstanding issues list" was that Tzeachten understood that INAC was going to finalize things outlined on the list. This was not the case INAC did not resolve or complete the work on the list and left it for Tzeachten to complete. The only good thing about this list it outlined what needed to be done so in essence it created the "work in progress" list. We finally got the files from INAC in January and they came in big stacks not really very useful they took a lot of information out of the files. We never did get any of the engineering plans/designs for the leasehold developments. These plans could be very useful to have at the Tzeachten office for emergency situations such as broken water/sewer lines. As for the Netlands program we didn't get to keep the information in the database INAC would give us access to the program but we would have to enter all of the data ourselves. Netlands is database that INAC uses to manage leases/permits. The SN Lands Office already had a database they created for each of the FNs so we just used that as it had most of the information and is very user friendly.

Rent Review

One of the residential leases on Tzeachten needed to have a rent review prior to November 2008. Because Tzeachten did not hire lands staff immediately this got pushed back until this year February/March. We used INAC's terms of reference and hired an appraiser to do the work. A huge issue has now come up the appraisal came in and it more than doubled the rent for the current sublessees. Tzeachten has been waiting for the CP holder to make a decision on what to do in the past INAC would do the rent review and set the rents without

consulting the CP Holder. We have met with the CP holder and gave her some ideas on what can be done and how we should do them but we have not heard back from her. This is not going to be an easy task considering it is the first rent review we have had to do and this new rent more than doubled the current rent. It appears that the previous rent reviews did not give a fair value for the property so now we have to get this straightened out. We now have a “Musqueam” type issue but on a smaller scale in terms of value.

Tzeachten Lands Office

Tzeachten hired a Lands Manager that started work on January 5, 2009 and a Lands Officer that started work on February 16, 2009. The lands staff is working out of a portable trailer until the new addition is completed it is anticipated to be done by the end of May 2009.

Land Registrations Completed by Tzeachten

For the fiscal year 2008-09, in total 116 items were registered.



Tsawwassen First Nation, BC

This year has been of particular significance to the Tsawwassen First Nation (TFN). Located along the southern coastal reaches of the British Columbia Lower Mainland, TFN signed onto the Framework Agreement in 2001; TFN members voted on their land code in 2003, and the code was enacted in March of 2004. The land code immediately became the core component of TFN's land management strategy, partly influencing the drafting of land-related Treaty chapters. The Treaty took effect in April, 2009.

As with other First Nations involved in the Framework Agreement, the impetus for TFN to become a signatory had been the desire to achieve land governance autonomy. Some of the driving forces also included the reduction of bureaucratic intervention and the streamlining of land transaction processes. New policies and procedures were developed to help govern TFN lands. The transition from the *Indian Act* management regime was not without challenges, particularly because of the costs of training staff, developing laws, designing new procedures, and formulating regulations and community consultation were significant. With a complete reorganization of the Lands Department, however, land management was carried out or supervised, *in house*. One exception to the latter has been the development of procedures involved with Environmental Management.

Prior to Treaty taking effect, the TFN Land Management Department were developing Zoning guidelines, policies and regulations for various land management sectors, gradually putting into place procedures for managing TFN lands. These will be integrated within the wider Treaty tenets.

Renewed emphasis on environmentally sustainable economic development continues to take place, due especially to the community's wish to invigorate its economy, and also to third party confidence in TFN's ability to govern its lands. A comprehensive Community Planning exercise was successfully undertaken; its aim has been to plan for long-term, land-based economic development activities and projects.

Ts'kw'aylaxw First Nation, BC

Over the past year Ts'kw'aylaxw completed a Comprehensive Community Plan and Strategic Land Management Plan. Along with this a priority list of laws, policies and procedures was developed.



The Mountain Pine Beetle program is another successful ongoing initiative affecting our lands and resources. This project has triggered an environmental assessment under Annex F of our individual Agreement and has been a learning experience for all involved. Despite the program's success it still isn't quite caught up to the pine beetle infestation rate.

The implementation of the land code has been a continued struggle due to funding shortfalls. The lands office must continue to find other sources of revenue through proposal writing. This has made the management of the Mine Lease on reserve quite a challenge with all the monitoring and mitigation duties falling on the lands manager. Environmental and geotechnical aspects as well.

Despite our challenges, the Lands office continues to make strides in its relationship with the provincial environmental protection branch, water and air monitoring. Our working relationship has also improved greatly with the Squamish and Lilloet regional districts.

Tsleil-Waututh, BC



Tsleil-Waututh Nation (TWN) successfully enacted their Land Code on June 6, 2007. The Tsleil-Waututh Lands Office was established to implement the Land Code including developing land use and development laws, policies and procedures, setting up and managing the TWN Lands Register and establishing a Lands Advisory Committee (LAC).

During the second year of being an operational First Nations Land Management entity the TWN Lands Office has been developing the long-term strategic plan and project work plans to allow the Office to move forward in the implementation of the Land Code.

Tsleil-Waututh Lands Register

Between April 1, 2008 and March 31, 2009, the Lands Register processed 459 land

registrations. The bulk of the registrations were related to Assignment of Subleases, Mortgages and Discharges from the market multi-family housing development on the TWN reserve lands known as *Ravenwoods*.

Land registrations decreased slightly this fiscal year as the housing market in the Lower Mainland slowed down. It is anticipated that the number of land registrations will increase slightly for the 2009-2010 fiscal year due to a new townhouse development, *Signature Estates* at *Ravenwoods*. Public inquiries and requests for Parcel Abstract Reports, survey plans etc., have been steady.

It is projected that in 2009-2010, the registration of Natural Resource Permits and Archaeology & Cultural Resource Permits and other new forms of permits, agreements and licenses will likely increase the number of land transactions processed by the TWN Lands Register.

All Lands Office staff attended an INAC and Land Advisory Board Resource Centre (LABRC) sponsored First Nations Lands Register System (FNLRS) Workshop in January, 2009. It provided a useful overview of the system; however facilitators were unable to answer detailed technical questions regarding current issues with FNLRS.

One current issue that has been on-going has been law firms and banks bypassing the TWN Lands Office and registering Discharges on TWN lands. Under the Land Code, all land transactions require the approval of TWN through the Lands Office. Staff have been working with legal counsel to issue warnings to law firms and banks that have been violating the Land Code and developing a notice that will be put on title for registrations that have not been approved by TWN.

Currently, there are 2 full-time staff members overseeing the daily tasks of the TWN Lands Register: The Lands Registration Officer has responsibilities to train and supervise the Lands Registration & Data Management Clerk (LR&DMC) and oversee the Lands Register. The LR&DMC is tasked with responding to daily inquiries and doing basic land registration processes.

Land Use & Development Authorization Process

Land Use Planning

It is anticipated that detailed Land Use Planning work will begin in late 2009 with direction from the Comprehensive Community Plan which is now in the Visioning phase. A Bioregional Atlas for TWN reserve lands is being compiled and will document and map all known biophysical, existing built areas, infrastructure and cultural information on reserve lands. This Atlas will inform both the Land Use Plan and Development Review and Authorization Process initiatives. The Land Use Planning project will involve the development of Land Use Designations and a Zoning components.

Signature Estates Development

In the absence of land use and development laws or by-laws, policies and procedures, TWN has relied on consultants, certified professionals and legal counsel to ensure that the Nation's

risks and liabilities have been covered in any proposed land development.

The land development process that was created to accommodate a new 48 unit townhouse development (*Signature Estates*) in Ravenwoods, by Takaya Developments on the reserve, has been refined over the last year and a half. This process developed for *Signature Estates* will continue to be an integral part of formalizing the process in a Land Use and Development Law under the Land Code.

The development is under construction and the Lands Office has hired a building and fire code consulting firm to act as the “Authority Having Jurisdiction” to oversee the issuance of permits and to conduct inspections under the TWN Building and Fire Bylaws. Completion of the *Signature Estates* development is anticipated to be fall of 2009 with the first units occupied in late summer 2009.

Permits

Natural Resource and Archaeology & Cultural Heritage Resource Permits were developed to allow disturbance of reserve lands under certain terms and conditions. In March 2009, Council passed a Band Council Resolution to delegate the authority to issue Permits valid for 1 year to the Manager of Lands to facilitate the issuance of these types of permits. Generally, Permits that are valid for 1 year relate to permission for short-term geotechnical, vegetation or utility works on the reserve.

The Lands Office has also been involved with providing technical support and advice on future Canada Housing and Mortgage Corporation (CMHC) developments and individual members housing planned for the reserve. This includes commenting on feasibility studies, conducting encumbrance checks, and issuing Natural Resource and Archeology & Cultural Heritage Resource Permits.

Environmental Site Assessment (ESA)

Since 2005, TWN has been involved with conducting Environmental Site Assessments (ESA) under the FNLMA. Phase 1 ESA, was conducted in 2005 to identify possible sites of contamination on TWN reserve lands. Phase 1 identified some contaminated sites based on historical land uses, and recommended further investigation.

Teranis Consulting Ltd (Teranis) was hired in 2008 to carry out the Phase 2 ESA. This involved collecting soil and water samples from the reserve to determine if contamination was present in areas identified by the Phase 1.

A major finding of the Phase 2 ESA was the indications of high levels of fecal coliform in all of the watercourses on IR. 3 reserve. Notices were distributed throughout the community to warn residents against contact with any of the watercourses. Phase 2 ESA was amended to include a Surface Water Monitoring study to determine the origins of the contamination.

Additional contaminated sites were also identified during the Phase 2 work. While speaking with community members, additional fill sites and foreshore areas with potential for contamination were identified. The Phase 2 ESA expanded to include additional water and

soil samples from underground sources and collection of sediment samples from the foreshore area.

The results of the Phase 2 ESA will be used to determine areas for clean-up by INAC in Phase 3 of the ESA process.

TWN monitors were hired to assist Teranis in the field study, thus providing TWN members with technical training and experience in environmental site assessment processes and techniques. Community notices were posted and meetings held to keep the TWN membership informed with the progress and results of the ESA.

Environmental Management Agreement

Due to operational constraints and lack of staff resources, TWN did not enter into Step 1 of the Environmental Management Agreement (EMA) process this year. However, it is anticipated that TWN will begin Step 1 of the EMA during the 2009-2010 fiscal year depending on funding provided by INAC.

Matrimonial Real Property Law (MRPL)

The Tsleil-Waututh Land Code instructs the Nation to develop a Matrimonial Real Property Law (MRPL) within one year of ratification of the Land Code. This fiscal year the focus was on compiling research and developing background information that could be communicated to the Lands Advisory Committee and membership.

A Frequently Asked Questions (FAQ) handout was developed and sample MRPL's form other First Nations and research materials were compiled. Recently, a workshop was held for the LAC by TWN legal counsel to review the Federal Bill C-8 *Family Homes on Reserves and Matrimonial Interests or Rights Act* that was recently reintroduced in Parliament, and to identify issues for consideration prior to drafting of a TWN MRPL.

For 2009-2010, the LAC will be developing a work plan and public consultation schedule to determine the process and timing to consult membership on the TWN MRPL and when to hold a referendum to pass the law.

Land Use & Development Law

The Land Use & Development Law is in the initial draft stage and includes technical planning details and procedures. It has been reviewed and discussed by the LAC, and various Departments of TWN such as Economic Development and Treaty, Lands & Resources. Discussion with TWN Departments and the LAC will continue as the Law is revised and updated.

Currently, sections of the Law are being developed in more detailed due to current operational needs. In particular, an on-reserve Environmental Permitting process is being developed which will expand upon the Natural Resource Permits that have been used in the interim. The Archaeology & Cultural Heritage Resources Permitting process is being refined to identify triggers for various scale and stages of development.

Building & Fire Bylaws

A technical review of existing Building & Fire Bylaws began in early 2009 in order to assess the need for revisions to make the bylaws more easily implemented and enforced. The revised bylaws will be passed under the Land Code as part of the comprehensive legislative package for land use and development review and authorization on the reserve.

Lands Advisory Committee Election Law

Research began on the Lands Advisory Committee Election Law this year, while the process to draft and pass the Law will not be conducted until the fall (September 2009) of next fiscal year. The two-year term positions on the LAC will expire in February 2010 and an election for two positions is required then.

Lands Advisory Committee (LAC)

Six members of the Land Code Committees (LAC) were elected in February 2008 and 1 representative of Council was appointed in March 2008 to the first LAC (according to the Land Code, members of the first LAC were to be chosen from the former Land Code Committee). Council gave the former Land Code Committee the task to choose 6 LAC members from among themselves. The Council representative was appointed by Council. The LAC has been meeting on a bi-weekly basis.

Since the establishment of the LAC in February 2008, the Committee has established the Terms of Reference, is working on developing a process to engage the community in discussions for the development of various draft laws, and is providing Council and membership with information on various land issues.

The LAC, with the guidance of the Manager of Lands and legal counsel, is leading the process of developing the Matrimonial Real Property Law (MRPL) and the Lands Advisory Committee Election Law for the 2009-2010 fiscal year.

A Community Information Meeting for TWN staff and community members was hosted by LAC, in March 2009, to introduce the Lands Office Staff, present the proposed 2009-2010 work-plan and budget, and to provide an update on the work of the Lands Office and LAC since the Land Code was enacted.

It is anticipated that Lands Office Community Information Meetings will occur at least twice a year to keep membership and other staff informed of the work being conducted to implement the Land Code.

Human Resources

The Lands Office hired a full-time Manager in October 2007. By April 2008, the Lands Office was fully staffed with one full-time Lands Officer and two part-time Lands Clerks. After a 3 month probationary period, the Lands Clerks were retained on a full-time basis.

In December 2008, 3 additional positions were added to the Lands Office in order to complete specific projects and meet expanding operational needs. The Lands Registration Officer position was created with the main task of overseeing the TWN Lands Register. This

position was filled by a former Lands Clerk who had been trained in working with the TWN Lands Register. A Land Registration & Data Management Clerk (LR & DM Clerk) was hired to assist the Lands Registration Officer in Lands Register duties and be trained as a junior Lands Registration Officer. LR & DM Clerk was also tasked to provide administrative support to the rest of the Lands Office staff.

An additional Lands Officer position (CCP Coordinator) was created to oversee community consultation and the Comprehensive Community Planning project. The CCP Coordinator was also tasked with managing future work on the Land Use Plan. A former Lands Clerk was promoted into this position.

The existing Manager of Lands has gone on Maternity Leave on March 20, 2009 and has been replaced with a temporary Manager of Lands from March to end of April 2010.

Currently, there are 4 full-time staff members in the Lands Office: Manager of Lands, Lands Registration Officer, CCP Coordinator (Lands Officer) and Lands Registration & Data Management Clerk.

The other Lands Officer position that was tasked to provide administrative support to the LAC and do research and development on laws and policies was not renewed for the new fiscal year due to personnel issues. Some of the LAC administrative duties of this position have been redistributed amongst other staff members for the time being. The position may be staffed in the future if operational needs warrant it.

Training

Staff training for the 2008-2009 fiscal year was focused on developing professional and communication skills. All staff were relatively new to the office environment, and required support in dealing with issues of community engagement, professionalism and conflict resolution. Throughout this year, staff has attended workshops dealing with issues of Communication, Conflict Resolution, Youth and Community Engagement. Most of these workshops have also been offered to LAC members as part of their training program.

Communications

The Lands Office has established a webpage to communicate with clients about the Lands Register and the land registration process. Clients are able to learn basic process information, download forms, get contact information and find links to other relevant sites and information. The web site is at: www.twnation.ca.

A new TWN website is being developed for 2009-2010 fiscal year. The Lands Office will have dedicated web pages for the various areas of work which will be more easily accessed and better communicate with both Lands Register clients and community members.

T'Souke First Nation, BC

T'Sou-ke First Nation (TFN) has a land base of approximately 67.2 hectares with a population of approximately 232 people living on each of the two reserves.



T'Sou-ke Nation

Matrimonial Property Law

TFN successfully passed it's Matrimonial Property Law on April 20, 2009 with approximately 1/3 of the membership voting!

As the Matrimonial Property Law is complete the Lands Department and the Lands Committee will now focus on Building Laws and other laws with regards to Economic Development.

Official Community Plan/Land Use Planning

TFN is currently working on developing a land use plan in order to determine what the TFN community would like to see happen on reserve lands in the future. Having a Land Use Plan will assist the community with cultural, residential and commercial use decisions.

Archaeology

It is important that TFN works together with archaeologists to ensure that historical sites are protected. The T'Sou-ke Nation Lands Department wants developers to abide by regulations and insurance that sites are properly protected. Working together with the archaeologists helps to ensure that this happens as not all historic sites are recorded. TFN ensures that if archaeology work is being done in our traditional territory that someone from TFN is there.

Environmental Management Agreement

With TFN having Step 1 of the Environmental Management Agreement complete, TFN is looking forward to starting Step 2.

Taxation

TFN is currently discussing taxation as we are in the beginning stages of Economic Development.

McLeod Lake First Nation, BC

In 2008 the McLeod Lake First Nation undertook the following activities:



- Development of Draft Timber Cutting Process
- Development of Draft Development
- Application BCR - Delegated Authority for Site Plans and Individual Cutting Permit
- Financial Section of the McLeod Lake Indian Band (Account, signing officers)
- Liaised with INAC on land transfer files (Weston, Finlay, Mackenzie, Sas Mighe, Carp South)

- Partnership with INAC/FN Consultant completed Step 1 of the Environmental Management Agreement, pursuant to Section 24.1 of Framework Agreement
- Identified environmental priorities for community;
- Defined environmental goals, principles and vision of community;
- Environmental scan
- Researched existing legislation and engaged Federal and Municipal Governments for the development of an environmental plan;
- Obtained community validation (held community information sessions)
- Liaised with NRCAN – survey of MLIB IR No. 1
- Community reporting of land management activities and updates – Quarterly & AGA
- Participated in Lands Advisory Board Technical and AGM Meetings.
- Participated in the NALMA Level II – Land Management Certificate Course
- Participated in Workshops and resource training relevant to lands and environmental training.
- Held Duly Convened Monthly Land Management Meeting (land manager, lands committee and LAB RC technical support).
- Land Management orientation for new committee members and Council members.
- Review and approval process for development projects – cemetery, interpretive trail, community wood shed, community garden, Forest Development Plan,
- Partnership with INAC for ESA Phase III Clean-up for removal of abandoned vehicles on IR No. 1, hauled away 18 vehicles and removed contaminated soil.
- Worked with administration and council to Improved Communication Strategy to get the info to the membership

In several instances, it was difficult to complete the required community approval processes because of lack of funding.

MLIB is still awaiting 4 new reserve parcels to be added to our Individual Agreement. Treasury Board is reviewing file for Minister to sign a Modification Agreement. These 4 new parcels were added to reserve on May 2008. The INAC process is painfully slow. INAC amended MLIB's funding formula because of the error on our land base calculation. Unfortunately INAC does not compensate for past years only the current year.

Opaskwayak Cree Nation, MB

This land management report for the fiscal year 2008-2009 is in compliance with the funding arrangements with the Department of Indian and Northern Affairs Canada, and the following report is being provided for the fiscal year 2008-2009. The report is also in compliance with the OCN Land Code.



The current Board of Directors consists of four OCN Members elected in accordance with the Land Law for Establishing a Land Authority, two portfolio Councillors and one Elder:

Stan McGillivray	Vice-Chair
Josephine Budd	Director
William J. Lathlin	Director
Amanda Lathlin	Director (Elected in By-Election)
Ron Constant	Director, Portfolio Councillor
Stan Head	Director, Portfolio Councillor
Priscilla Constant	Elder

A by-election for a Land Authority position was held in September 2008 to fill a position that was vacated when a member resigned.

Land Authority Board - General

The Land Authority Board held monthly meetings - the first Tuesday of each month to deal with land issues, land allocations, financial matters, and any environmental and natural resource issues. Any issues requiring Council's input or approval are dealt with at their meetings which are scheduled biweekly.

Decisions made by the Board are carried out by the Lands personnel in addition to their administrative functions related to land management. The Land Authority Board of Directors, and the Chief and Council are the governing bodies over lands and resources; they ensure that responsibilities are fulfilled according to the Land Code and the land laws.

In September 2008, three of the Land Authority Directors, along with Lands personnel and an Elder attended and participated in an annual Lands Advisory Board meeting held in Kitselas, BC.


In October 2008, three of the Land Authority Directors and Lands personnel participated in meetings along with members of the Natural Resource Council in discussions for gathering historical information.

Individual Transfer Agreement

INAC Staff and OCN land personnel have been working on an outstanding land issue identified under the Annex of the Transfer Agreement. The outstanding land issue is the Highway #10 south/Umpherville Road land exchange. Due to the complexity of the issue, it is taking quite some time to resolve. This land exchange agreement involves the Department of Justice (Canada), INAC Region-Lands (Canada), Province of Manitoba, and of course, the OCN Lands personnel. This issue is nearly resolved.

Environment

Final Report for Step 1 of the Environment Management Agreement was submitted to INAC in March by the OCN Finance Department and Mel Falk, Consultant for the project:



The Environmental Management Agreement process consists of two main steps: 1) identification of environmental issues and priorities, and 2) development of the Agreement defining environmental protection laws, resources and responsibilities. The scope of the project entailed completion of an environmental scan, identification of community goals and objectives, and environmental issues, and identification of environmental priorities for environmental protection laws, and community validation of the environmental issues. OCN members were hired to work on this project.

Environmental Site Assessment and Remediation Project commenced in September and is ongoing:

This project aims to complete an environmental site assessment at various levels (eg. ESA Phase II, III) for 14 sites on OCN. In November, the KGS Group commenced work on these sites. Water sampling, and borehole drilling and test pits were completed on these sites. Sites that had wells located on them were sampled and decommissioned if there were no containment in the results of the sampling. In the spring of 2009, one site will be remediated. OCN members were hired and will be hired for continued work on this project.

Environment - Administrative

The administrative portion of the environment process is a standard process: All applicants for use of land are required to complete an environmental assessment screening form. This document is reviewed by lands personnel to determine if further action is required.

An OCN environmental team (technical), is a team that reviews environmental assessments of proposals for use of land for economic, agricultural, recreational purposes. This review is to ensure that potential impacts to the environment are addressed by means of mitigation measures.

Site inspections of reserve lands are conducted at random for monitoring and compliance purposes so our lands and resources are not compromised.

Forestry

The Forestry Project commenced in June and ran for a period of six weeks. This project is based on our Forest Management Plan to maintain and enhance the long-term health of our forest ecosystems. The project has been to clean up forested areas that have been regenerated to improve the area for growth of the new trees. The funding received for this project only allows it to run for a period of six weeks. The area that the work being completed on is OCN Reserve 21F. This project has been ongoing for a number of years now due to the size of the restoration and short time frame for the work to be completed. There was a crew of four (4) OCN members hired to complete the work each year. The work consists of cutting and clearing any dead fall or brush away from the spruce trees that were planted.

Land Transaction Activities

The land management activities are based on the Governing Use and Occupancy of OCN Lands. The activities involve monitoring for compliance on existing leases and permits and conducting follow-ups on outstanding issues according to file(s). There have been numerous inquiries and applications for use of land, in particular, for residential purposes. The data for new transactions shows results of the registration of transactions of the work undertaken. Most of the monitoring for compliance is conducted in accordance with commercial, residential, and other permitted uses.

There is an established standard process for all applicants for use of land. All are processed through to the Land Authority system. The Lands personnel each have specific roles and responsibilities dealing with land requests. They also support other OCN departments in land matters that relate to capital projects and housing.

In addition, the Lands personnel ensured that any new transactions within the year were registered in the OCN Land Registry with duplicates submitted to the First Nations Indian Land Registry in Ottawa. This Registry is a depository for land leases, permits and any other agreements. Our funding arrangement with the Department of Indian Affairs is based on registered land transactions and land management functions.

Muskoday First Nation

Muskoday First Nation is located in central Saskatchewan, 16 kilometers southeast of the city of Prince Albert. Muskoday was an original signatory to the Framework Agreement on First Nations Land Management and was the third community in Canada to ratify its Land Code in 1998. The Land Code came into effect on January 1, 2000 and has been since amended on March 17, 2007.



Environmental Management Agreement

Under Section 24 of the Framework Agreement, it states that Canada and the First Nation will negotiate an environmental management agreement which will be a plan on how the First Nation will enact environmental protection laws deemed as essential. Muskoday has completed step 1 of this process which includes:

- Identify environmental issues and First Nation response which involves reviewing available data, including environmental site assessments on the First Nation (Phase 1, 2 and remediation), data compiled by outside agencies such as INAC, Environment Canada, the Province of Saskatchewan and local municipal governments.
- Engage community members to find out issues they see as important.

Step 2 will include:

- Developing environmental plan elements
- Meet with all parties involve to discuss draft laws, procedures
- Identify standards and codes of practice covering staffing, training and compliance issues.
- Resolve issues of enforcement and adjudication.

Muskoday and other First Nations who have gone through the initial stage will be moving forward with Step 2 in 2009-10, based on federal funding.

Agriculture



Agriculture continues to be a driver for land revenue on Muskoday First Nation. Over 19,000 acres are permitted out to member and non member farmers. 47 agriculture permits have been renewed as of January, 2009 and 2 commercial permits/leases have been approved. Utilizing our own Land Code ensures that the time frame involved from the tendering out of land to the point of signing a new permit is now less than thirty days. There has also been an upward trend for pasture and hay land use for horses from

members and non-members.

The MFN lands department now employs 2 members; Dean Bear, who has been land manager for the past 6 years and James Smith who was hired as lands clerk in August 2008.

Other Initiatives

Maskwa oteh diamonds inc.

Muskoday First Nation has entered into a joint venture agreement with Embee Diamond Technologies to establish *maskwa oteh diamonds inc* in Prince Albert. The facility will deliver training for the emerging diamond industries in east-central Saskatchewan. It will help equip First Nation people with the necessary skill sets to successfully capture quality jobs in the primary and secondary diamond industries. Muskoday a majority stakeholder of the joint venture, which is housed in the former Scotia Bank building in downtown Prince Albert. Renovations are currently underway on the building which was bought in the spring of 2009.

Organic Workers Co-operative Community Garden Project

Muskoday First Nation, in partnership with the Muskoday Organic Growers Co-operative will continue to operate two organic community gardens on the reserve. One quarter section (160 acres) has been granted to the Co-operative for part of this project. The gardens will feature corn, squash and beans, which were main staples of our ancestors prior to European contact. In addition 10 acres of organic potatoes have been seeded, which will

be distributed to the elders and other community members this fall. The Co-operative's prime objective is to reclaim North American agricultural traditions by growing a wide assortment of Indigenous crops including corn, beans, tomatoes and potatoes. 11 people who were previously on social assistance are being employed through this initiative and will earn a citation under the Green Certificate program through Saskatchewan Agriculture.

Community Church

Construction on a new community church began in the fall of 2008 near the present St. James Anglican Church which was constructed in 1965. The new church, which will serve all denominations, is being built with funds from Muskoday Land Revenue, and also a grant from the Dakota Dunes Community Development Corporation. It is expected to open in the fall of 2009.

Mississaugas of Scugog Island First Nation, ON

The Mississauga's of Scugog Island First Nation Land Code came into effect January 1, 2000. Scugog Island First Nation was the first of the original 14 signatories to the Framework Agreement to pass a Land Code.

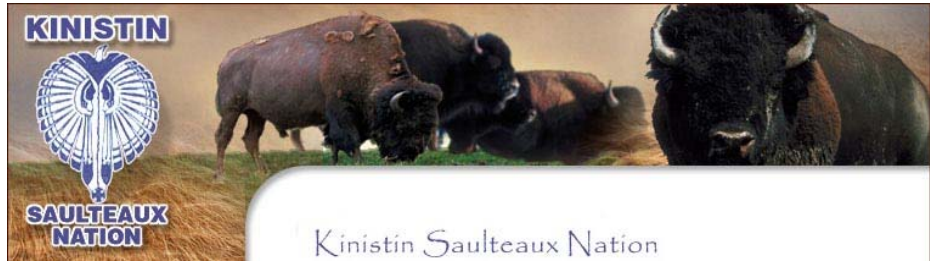


During the summer 2005, an addition was added to the band administration office, housing a new council chamber and four new offices. Another addition was deemed necessary, this time adding 18 new offices, a small conference room and a staff lounge. This addition was completed in 2006. Construction has also begun on a housing sub-division with 16 beautiful lots for members who wish to return home. 2007/2008 has seen additional housing in the form of Granny Flats for our seniors.

With the success of the Great Blue Heron Charity Casino 2007/2008, has enabled MSIFN to start the process of a water/sewage treatment facility that will serve the casino with the possibility of serving the First Nation homes. MSIFN has completed the necessary environment and archeological assessments that are required for the development of the sewage plant. As of June 2009, the project is well underway and on schedule. The completion date of the project is January 2010. The system and its facility is one of the most advanced and ecologically friendly systems available. The First Nation and their partners will be selecting a responsible operator in the near future, thus allowing for future employment opportunities for the members of the First Nation. The Mississauga's of Scugog Island First Nation is progressively growing for the future of our members

Kinistin Saulteaux Nation, SK

Since 2004, when its Land Code was ratified, Kinistin Saulteaux Nation (KSN) has been working productively in undertaking all aspects of lands management. The KSN Land Code allows membership to provide input and participate in all land issues.



The Lake Front Development Project continues to be a priority for Kinistin and there have been proposals submitted to various agencies to fund the next stages of the project. Appraisals have been done on the lots. Legal surveys and infrastructure development require capacity and resources and are being prioritized for this year.

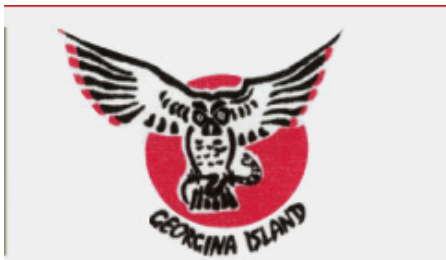
Kinistin has completed phase II of the Environmental Assessment initiative and a draft Environmental Management Agreement has been developed. This initiative will include traditional principles for environmental consideration.

Recently, there have been consultations with Indian and Northern Affairs regarding addition to reserves. One hundred and sixty acres will be added to the land base of Kinistin and further research will be required to determine the history of the area for the past 68 years.

The KSN Land Code continues to foster community participation and discussions on a number of areas including traditional land designation, environmental issues, by-law making, and capacity building. This process continues to foster empowerment of band membership in decisions pertaining to land use and development without the involvement of the federal government.

The Land Code instills a sense of pride in members and encourages the development of relationships between local land owners and the KSN membership. This provides a greater opportunity for participation and responsibility for ownership in land use and development.

Chippewas of Georgina Island, ON



The benefits of our land code continue to pay dividends to the members and government of the Chippewas of Georgina Island First Nation. Due to the streamlining of leasing processes GIFN has been able to increase both the number of leases and revenues from those leases.

This funding goes a long way towards providing adequate social and post secondary services to all members of GIFN.

This year GIFN completed phase I of the Environmental Management Agreement phase I preliminary work. The information gathered will form the basis of work required to complete an agreement with Canada that outlines our priority areas of law making, resources, timing and enforcement requirements.

GIFN also initiated species at risk and land use planning studies

The ability to make timely decisions about the development of our lands has also meant that GIFN has been able to embark on research around economic development ventures including wind energy project which will generate more than enough power to the residents of the community as well as sufficient power to sell back to Ontario Hydro.

Nipissing Nation

Nipissing Nation's land holdings of approximately 58,000 acres (23,472 ha.) are governed under the laws developed under the Nipissing Nation Land Code. Nipissing has been operating



under its land code since June of 2003. Previous to the Land Management Act and the Nipissing Land Code, Nipissing operated since 1982 under Sections 53 & 60 of the Indian Act to administer its land base. Our Nation has been an active participant in revenue generation through land leasing. Nipissing has leased commercial industrial land for over 54 years and residential properties for 47 years. Permits for easements for utilities have existed since 1930.

New land laws have been developed and adopted under the Nipissing Nation Consultation, Voting and Enactment Law such as the Grants of Entitlement, ATV/off road vehicle, Business Licensing and Matrimonial Law.

Documents have been developed that include leases covering residential, commercial, industrial uses. A new permit has been developed to cover off aggregate extraction and blasting operations. Appraisal regulations, mediation process and rent review regulations and processes have also been in operation since Land Code enactment.

In the fall of 2008, Nipissing Nation commenced its first process for a rent review since enactment of their Code. The rent review that increased rents followed the lease

arrangement mediation process developed by Nipissing and its lessees. This jointly developed process was successful in delivering a rent review acceptable by both parties. Also included in those negotiations were the levy reviews for road, garbage and fire protection services.

In draft stage are the following laws; Estate process law is scheduled for committee review in late fall of 2009. A mortgage law is being drafted to cover Nipissing's already strong and very effective mortgage capability. A zoning and planning law is in draft stage. Meetings have taken place with the City of North Bay and the Municipality of West Ouest Nipissing and the Ministry of Housing and Municipal Affairs to ensure that these neighbouring communities' proposed new zoning and planning laws do not conflict with Nipissing lands and authorities of jurisdiction. The process of reviewing and sharing information with regards to zoning and planning laws with our neighbours has been effective in reviewing the needs and aspirations of all our communities. The unique issues with regards to native owned land, land and resource rights makes for interesting considerations in the development of the Nipissing Zoning Law. The Nipissing Zoning Law is awaiting the finalization of archaeological and environmental management plans in an attempt to deal with those unique issues and land uses.

The Nipissing Nation Archaeological Management Plan is presently being mapped. Once the map is produced showing the heritage, cultural and archaeological sensitive areas, it will be incorporated into the Zoning Law.

One of the areas the Nipissing Land Office is most proud of is the development of relationships with our neighbouring communities and different provincial Ministries and corporations on land issues. While relationship building has been strong with different federal departments and just to name a few the Departments of Indian Affairs, Health Canada, Public Works, Environment and the National Archives and Library of Canada. Nipissing also prides itself in its very good relationship with the surrounding cities and towns and is most thankful for the relationship building with the Ministries of Natural Resources, Finance, Housing and Corporate Affairs and the Ministry of the Environment who assist on a daily basis to ensure land law development is in the very least evenly balanced to their standards whenever possible.

Nipissing Environmental Management Plan is at Stage 1 where an inventory of environmental issues have been established. The Nipissing Environmental Framework (EMF) is this document which will constitute in a general fashion an inventory of the condition of the land through a number of environmental studies commissioned at various times. The study recommendations will be utilized to ensure compliance has been mitigated, in the process of or plans and studies cited that may be on going. A priority list is

incorporated to provide a minimal degree of description as to the plans and the expectations of Nipissing Nation with regards to environmental planning.

A stage 2 process will be cited as the Nipissing Nation Environmental Management Agreement and will incorporate and include the principles of the EMF. The EMA will set out the laws, regulations and processes to carry out the principles and plans of the EMF. This document will culminate in the agreement that Canada and Nipissing will sign as their understanding of what the Nipissing Environmental Management Plan will incorporate and how it will be implemented.

The stage 3 process will be development of the documents required for implementation, all forms, reviews, assessments and monitoring processes to be described.

These three stage descriptions are provided only to ensure some acknowledgement of a very basic process where a vacuum exists as no EMF, EMA or EMP exists with regards to native owned land that may be utilized as a pattern or measuring stick. Nipissing utilizes EMF, EMA, EMFA and EMP throughout this document. This usage in no way reflects or ponders a restriction to any stage of development cited.

Negotiations on the cleanup of radon impacted land was a priority in the last year. A study has been completed and is presently awaiting comments on the recommendations of that report. The Land Management Act was instrumental in setting in place a forum for these negotiations to take place.

The areas cited under this report as work accomplished in the last fiscal year, of course, does not represent all the areas of management that the land base of Nipissing requires. The Nipissing Land Office prides itself in its relationship with the owners of the land, the Nipissing people and endeavours to make any land project a continuing education experience heavily weighted with a strict conscience to protection of the Nipissing people, their land and resources.

Whitecap Dakota First Nation, SK

Whitecap Dakota First Nation (WDFN) is located 26km south of the City of Saskatoon. The members of WDFN approved its land code in November 2003. The WDFN Land Code came into effect January 1, 2004.



Land Use Planning

WDFN has developed a land use plan which divides the reserve into land use districts. This has enabled Whitecap to identify lands for commercial, industrial, agricultural, residential, resource conservation and cultural uses with specific development standards for each district. These standards ensure developments are consistent within each land use district and ensure they are done in an orderly manner. The land use plan has been a successful tool in marketing commercial, industrial and residential lots.

Commercial Leases

Since the Land Code came into effect, WDFN has approved 16 new commercial leases. The land code has allowed WDFN to approve commercial leases of up to 49 years. The commercial leases include the award winning golf course, *Dakota Dunes Golf Links* (Golf Digest best new course in Canada in 2005), a world class Casino opened in August of 2007, and a 25 million dollar hotel complex scheduled for construction in the fall of 2009 to compliment the golf course and casino. As well, a number of smaller businesses have been attracted to the Whitecap reserve based on the developments and ease of negotiating land leases under the land code. The developments are expected to generate 750 jobs on reserve. The jobs generated exceed the total First Nation population of 524 members on and off reserve. These jobs will be provided to members and those residing in surrounding municipalities.

Permits and Easements

The land code has allowed WDFN to issue permits, easements, and rights-of-way to utility and transportation entities. This has been particularly effective with Provincial crowns who provide utility services. The land code has provided for timely responses to providing new utilities (Sask Power, Sask Energy, Sask Highways and Transportation and SaskTel).

Residential Leases

WDFN has the ability under its land code to approve residential leases of up to 99 years in duration. WDFN has developed a residential subdivision with lots available to members and non- members. Due to the existence of their land code, WDFN is now more appealing to buyers who may now obtain mortgage financing from conventional lenders. The WDFN has 156 residential/recreational/cottage leases and subleases.

Infrastructure

WDFN provided 10 million dollars in community infrastructure to accommodate the commercial and residential developments. Infrastructure development included sewer and water upgrades, and expanded utilities (power natural gas, telephone/ cellular). WDFN can now market both commercial and residential lots as fully serviced.

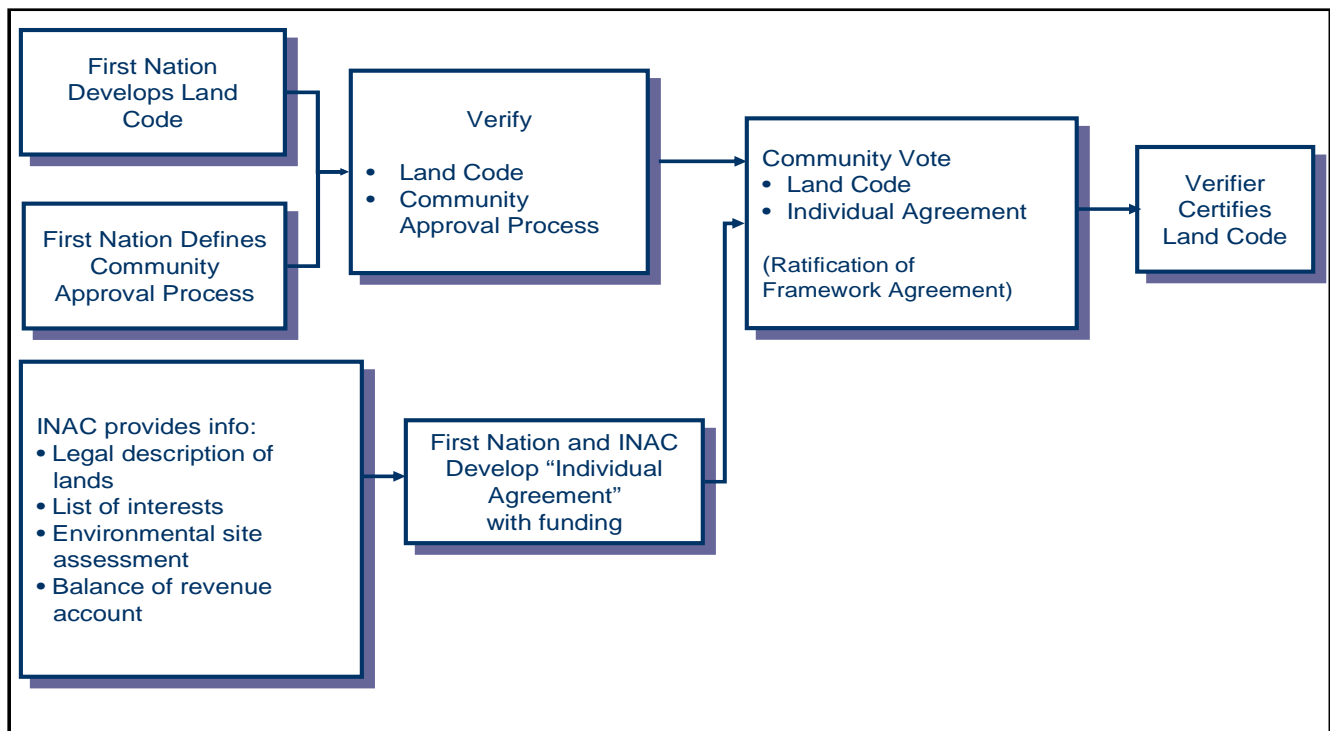
8. DEVELOPMENTAL FIRST NATIONS

8.1 First Nation Ratification of the *Framework Agreement*

A signatory First Nation is required to complete a vote by eligible members both on-reserve and off-reserve, on whether to approve a land code prepared by the community and an Individual Agreement negotiated with Canada.

The activities to complete the community ratification process required under the *Framework Agreement* are as follows:

Exhibit 8:
Logic Model for the First Nation Ratification Process under the *Framework Agreement*



In 2008-2009 the active developmental First Nations made considerable progress towards completing these activities. As a result, many anticipate completing their community votes and beginning operational land management under their land codes in 2009-2010.

8.2 Ratification Votes by Developmental First Nations 2009-2010

The following First Nations held Ratification Votes to approve their land codes and ratify the *Framework Agreement* on First Nations Land Management:

Land Code Ratification Activity					
First Nation	Date	Registered Voters	Yes	No	%
Tzeachten	June 2008	190	119	30	79.8%
Matsqui	March 2008	81	59	9	86.7%
Seabird	March 2009	273	197	59	76.9%
Leqamel	March 2009	130	91	25	78.4%
Whitefish Lake	November 2008	251	182	67	73%
Dokis	February 2009	222	135	48	*

* The Dokis First Nation required 212 “yes” votes to achieve the threshold under the *Framework Agreement* which was not obtained. The Dokis First Nation has scheduled a second ratification vote for September 2009.

8.3 Support Services to Developmental First Nations

The support services provided by the LAB and RC to the developmental First Nations includes the drafting of the community land code, the design and implementation of a community communication and consultation strategy and the design & implementation of the community ratification process. In addition, when requested by a First Nation, the LAB and RC provide advice and guidance on the environmental site assessment, the survey of the reserve jurisdictional boundary and the Individual Agreement with Canada. Exhibits 11 to 13 indicate the support services provided by the LAB and RC in assisting each of the developmental First Nation to complete their ratification activities.

The support services included daily telephone conference calls, emails, faxes and letter exchanges on the one hand to multi-day on-site meetings and workshops with Chiefs and Councils, Land Committees and coordinators on the other hand. In some cases these meetings and workshops required the participation of several RC staff as well as the LAB.

Appendix A: Summary of 2008-2009 Audited Financial Statements

FIRST NATIONS LAND MANAGEMENT RESOURCE CENTRE INC. Condensed Statement of Financial Position as at March 31, 2009

	2009	2008
ASSETS		
Current	\$ 1,040,979	\$ 2,014,721
Capital assets	253,315	254,396
	\$ 1,294,294	\$ 2,269,117
LIABILITIES AND NET ASSETS		
Current liabilities	\$ 864,169	\$ 1,994,433
Invested in capital assets	253,315	254,396
Net assets	176,810	20,288
	\$ 1,294,294	\$ 2,269,117

Condensed Statement of Financial Activities and Net Assets Year Ended March 31, 2009

Revenues	\$ 3,884,000	\$ 6,429,695
Expenditures		
LAB and Resource Centre Policy, Planning and Administration	155,361	361,621
Resource Centre operations	1,145,562	957,406
Intergovernmental Relations	304,439	1,405,251
LAB and RC support services to First Nations operating under a community land code	1,032,326	778,551
LAB and RC support services to Developmental First Nations preparing to Ratify the Framework Agreement	1,030,718	860,702
LAB and RC support services to Pre-Developmental First Nations	59,072	-
Developmental Funding to First Nations	-	2,273,647
Total expenditures	3,727,478	6,637,178
Excess of revenues over expenditures:		
(expenditures over revenues) for the year	156,522	(207,483)
Net assets, beginning of year	20,288	227,771
Net assets, end of year	\$ 176,810	\$ 20,288

AUDITORS' REPORT TO THE MEMBERS

The condensed statement of financial position and condensed statement of financial activities and net assets are derived from the complete financial statements of the First Nations Land Management Resource Centre Inc. as at March 31, 2009 and for the year then ended on which we expressed an opinion without reservation in our report dated July 17, 2009. The fair summarization of the complete financial statements is the responsibility of management. Our responsibility, in accordance with the applicable Assurance Guideline of The Canadian Institute of Chartered Accountants, is to report on the condensed financial statements.

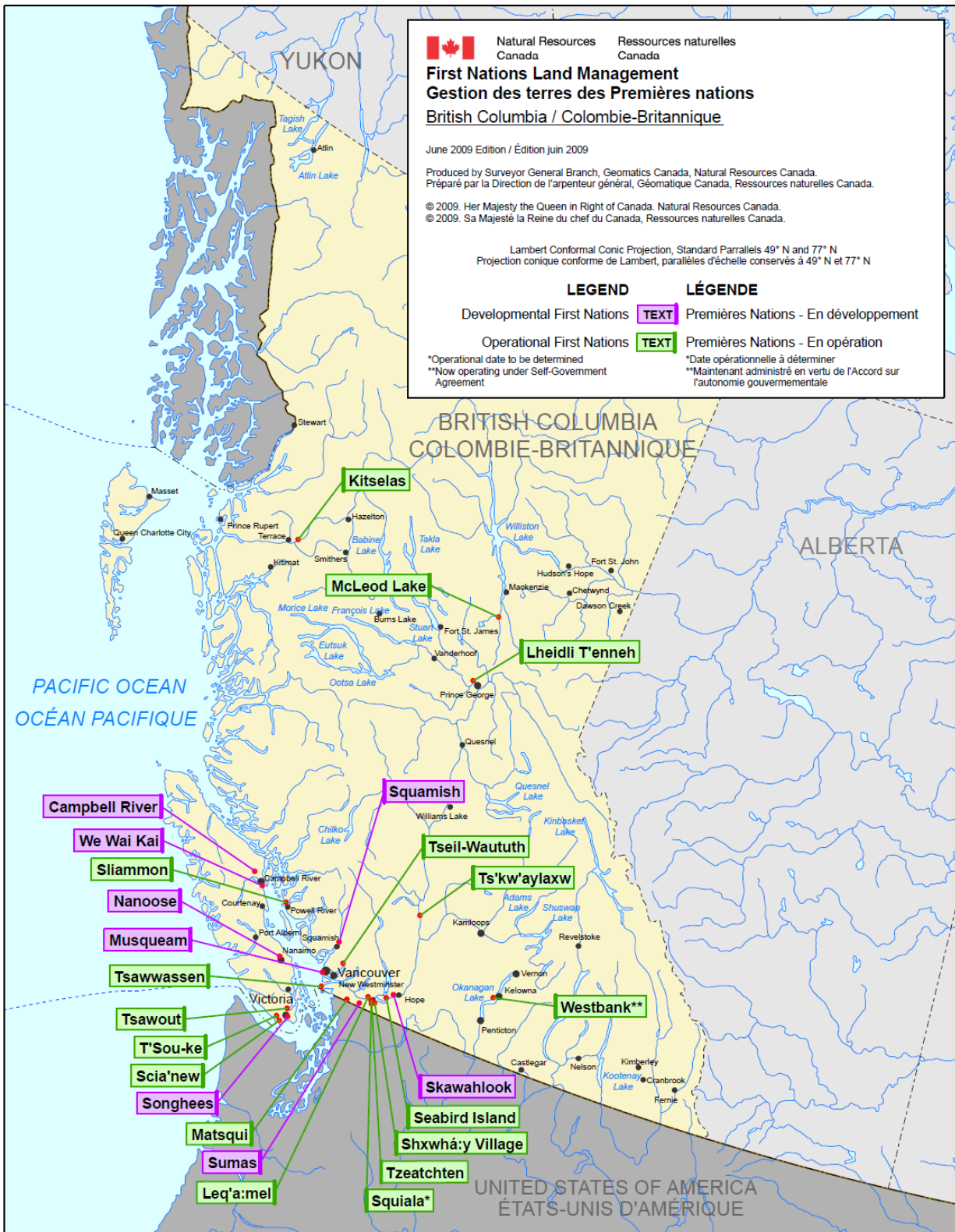
In our opinion, the condensed financial statements fairly summarize, in all material respects, the related complete financial statements in accordance with the criteria described in the guideline referred to above.

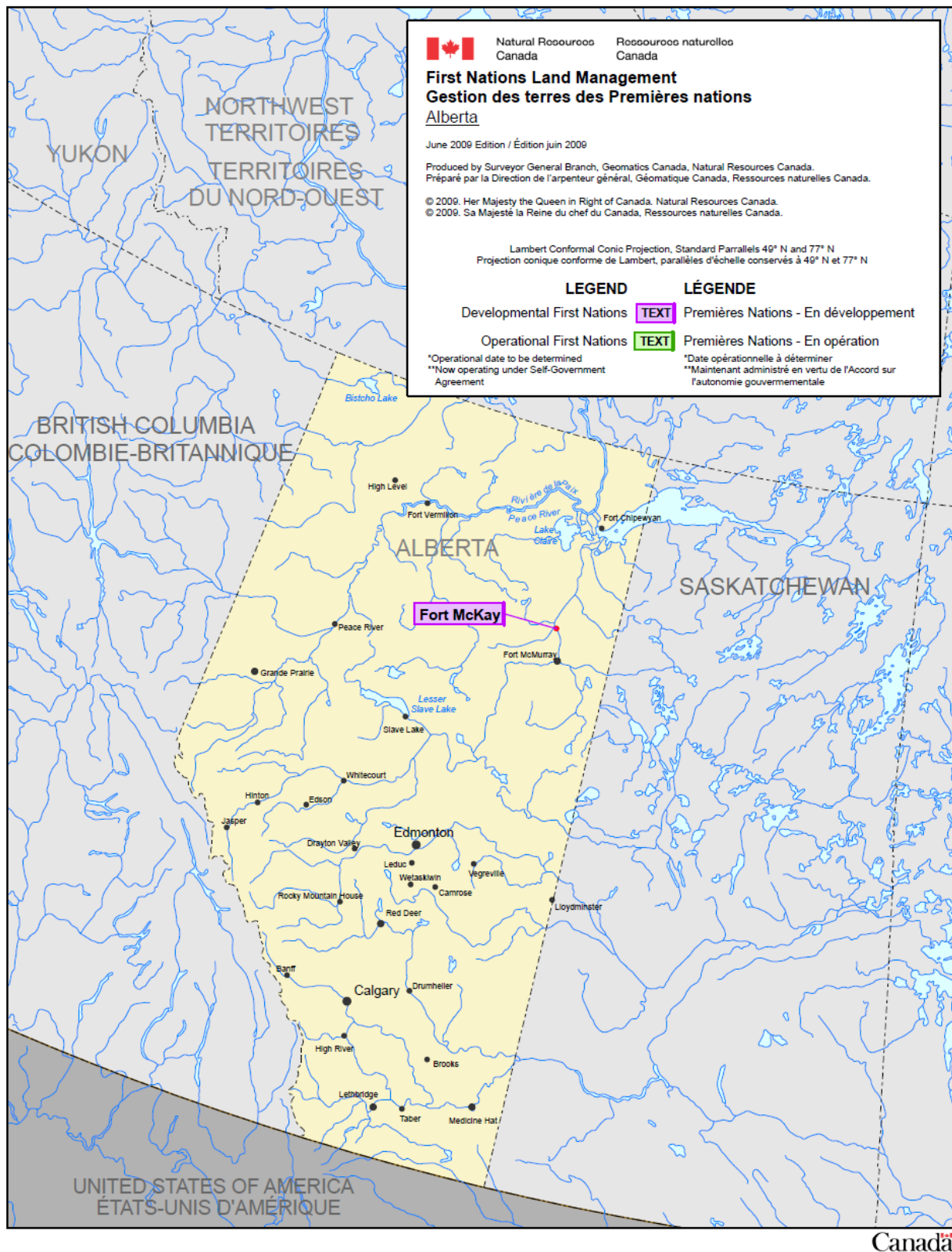
These condensed financial statements do not contain all the disclosures required by Canadian generally accepted accounting principles. Readers are cautioned that these statements may not be appropriate for their purposes. For more information on the company's financial position, results of operations and cash flows, reference should be made to the related complete financial statements.

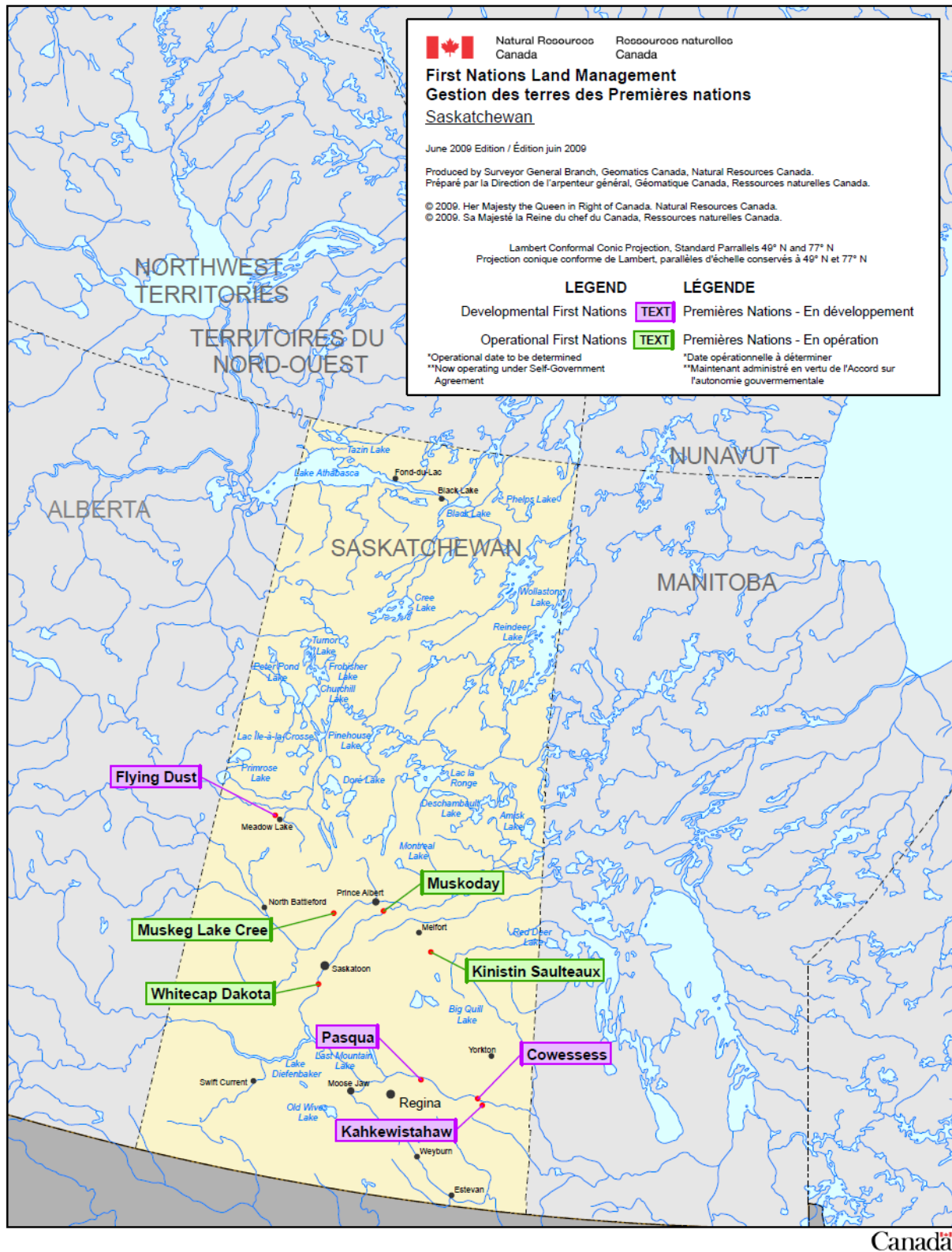
BDO DUNWOODY LLP
Chartered Accountants

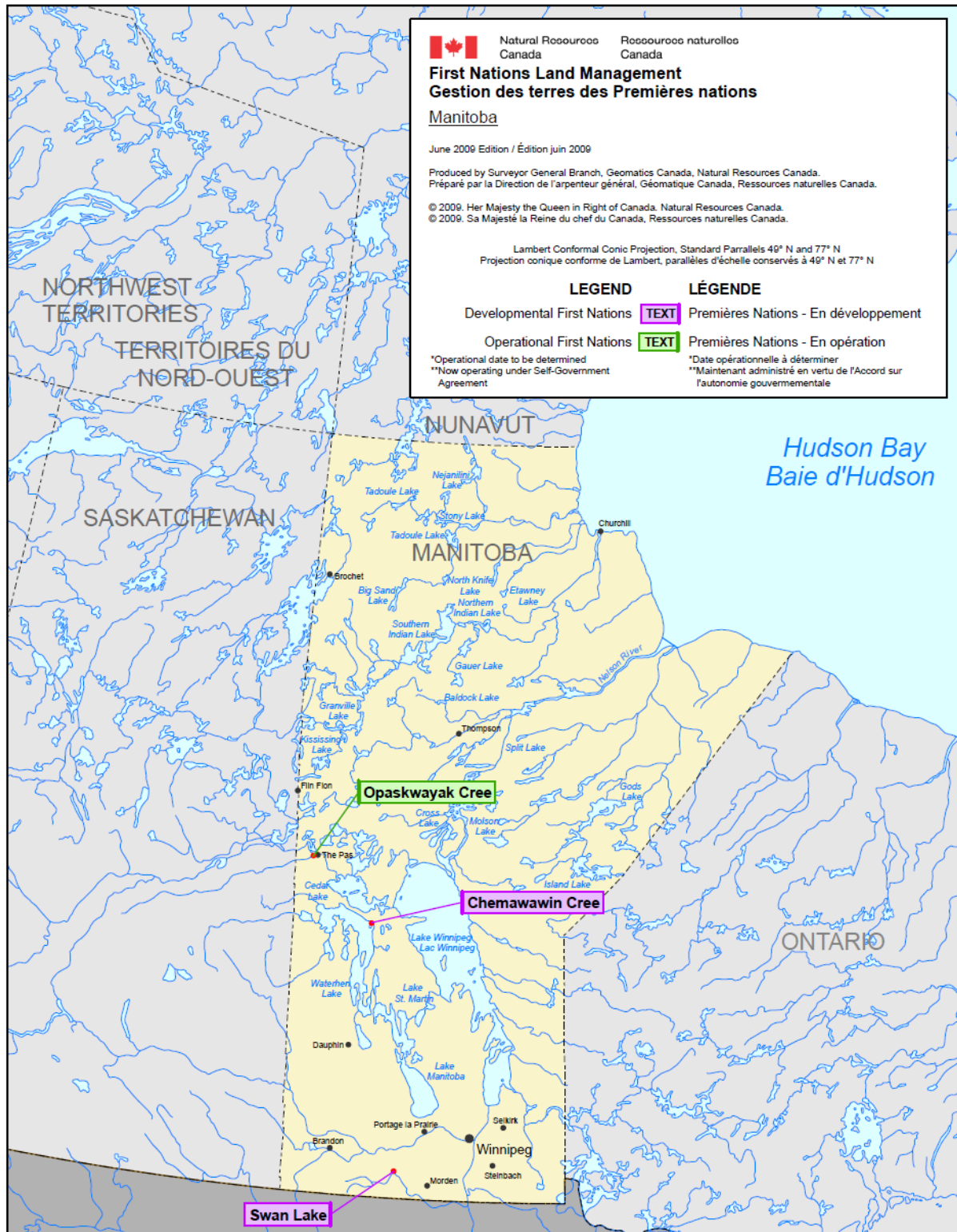
Kelowna, British Columbia
July 17, 2009

Appendix A: First Nation Locations

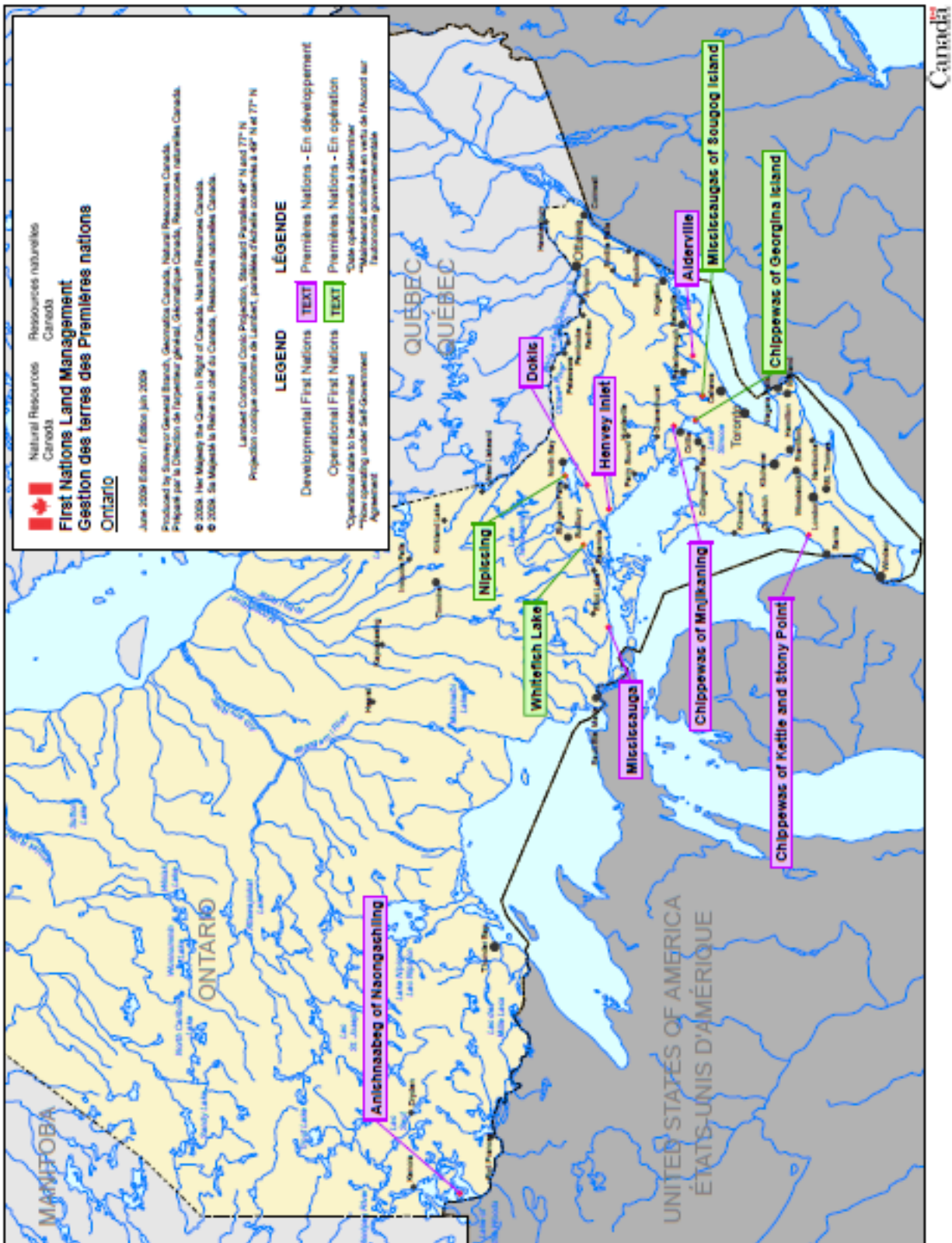


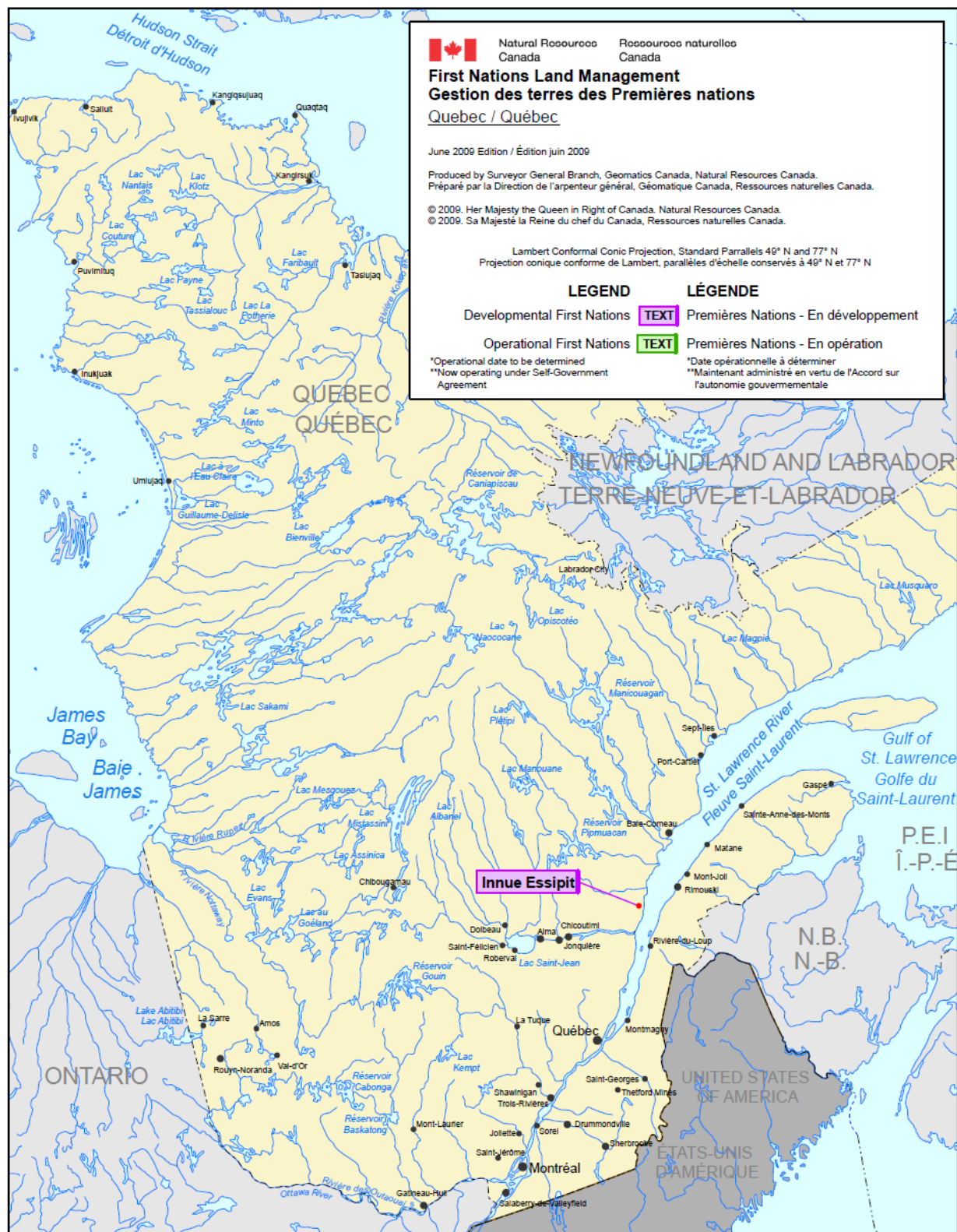




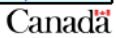


Canada





Canada



Appendix B: List of Exhibits

Exhibit 1	Options for First Nations Before the <i>Framework Agreement</i>
Exhibit 2	Options for First Nations After the <i>Framework Agreement</i>
Exhibit 3	Signatories to the <i>Framework Agreement</i> as of March 31, 2008
Exhibit 4	Composition of the LAB
Exhibit 5	Structure of the LAB and Resource Centre
Exhibit 6	LAB Mandate and Strategic Focus
Exhibit 7	Key Functions of <i>Framework Agreement</i> Land Governance
Exhibit 8	Logic Model for the First Nation Ratification Process under the <i>Framework Agreement</i>

"Community Governance Over Lands and Resources"

"Community Governance Over Lands and Resources"

Annual Report 2008-2009

First Nations Lands Advisory Board

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