



# LANDS ADVISORY BOARD

ANNUAL REPORT 2010-2011



COMMUNITY GOVERNANCE OVER LANDS AND RESOURCES



## Table of Contents

MESSAGE FROM THE CHAIR, CHIEF ROBERT LOUIE.....	4
EXECUTIVE SUMMARY .....	5
1. HISTORICAL IMPORTANCE OF THE <i>FRAMEWORK AGREEMENT</i> .....	6
1.1 Problems with Land Administration under the <i>Indian Act</i> .....	6
1.2 <i>Framework Agreement</i> Alternative for First Nations .....	6
1.3 <i>Framework Agreement</i> Parameters .....	7
2. FIRST NATION SIGNATORIES TO THE <i>FRAMEWORK AGREEMENT</i> .....	8
2.1 Active First Nation Signatories.....	8
3. THE LANDS ADVISORY BOARD AND THE RESOURCE CENTRE .....	8
3.1 Functions of the Lands Advisory Board .....	8
3.2 Composition of the Lands Advisory Board .....	9
3.4 Functions of the Resource Centre .....	10
4. VERIFICATION PROCESS UNDER THE <i>FRAMEWORK AGREEMENT</i> .....	10
4.1 Role of the Verifier .....	10
5. <i>FRAMEWORK AGREEMENT</i> FIRST NATION SUCCESSE STORIES .....	10
6. CAPACITY BUILDING, TRAINING & PROFESSIONAL DEVELOPMENT STRATEGY.....	17
7. FIRST NATIONS JURISDICTION AFTER RATIFYING THE <i>FRAMEWORK AGREEMENT</i> .....	18
7.1 Land Governance under the <i>Framework Agreement</i> .....	19
7.2 Law Making under the <i>Framework Agreement</i> .....	19
7.3 Support Services to Operational First Nations .....	20
8. FIRST NATIONS PREPARING TO RATIFY THE <i>FRAMEWORK AGREEMENT</i> .....	20
8.1 Ratification Process under the <i>Framework Agreement</i> .....	20
8.2 Ratification Votes by Developmental First Nations.....	21
8.3 Support Services to Developmental First Nations.....	21
9. SUMMARY OF THE 2010–2011 AUDITED FINANCIAL STATEMENTS .....	21

Appendix A: Summary of the 2010-2011 Audited Financial Statements

Appendix B: First Nation Location Maps

Appendix C: 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, 2011
Exhibit 4	Composition of the LAB
Exhibit 5	Structure of the LAB and Resource Centre
Exhibit 6	Key Functions of <i>Framework Agreement</i> Land Governance
Exhibit 7	Logic Model for the First Nation Ratification Process under the <i>Framework Agreement</i>



## MESSAGE FROM THE CHAIRMAN, CHIEF ROBERT LOUIE

Welcome to the 2010-2011 Lands Advisory Board (LAB) Annual Report. I am pleased to report that we now have had 33 First Nations ratify the *Framework Agreement on First Nations Land Management (Framework Agreement)*. Congratulations to the four most recent communities for completing their ratification process and passing their Land Codes:

- Chemawawin First Nation (MB);
- Swan Lake First Nation (MB);
- Skawahlook First Nation (BC); and
- Sumas First Nation (BC).

I would like to take this opportunity to congratulate Chief Gordon Planes (T'Sou-ke First Nation, BC), a new member of the LAB who was elected at the Annual General Meeting (AGM). In addition, I would also like to congratulate two members of the LAB who were re-elected at the AGM – Chief Darcy Bear (Whitecap Dakota First Nation, SK) and Rennie Goose (Scugog Island First Nation, ON).

Interest in the *Framework Agreement* continues to grow. Currently, there are 76 First Nations which have passed resolutions indicating their interest in becoming signatories to the *Framework Agreement* and thereby assume direct control over their lands and resources. In addition, a number of other First Nations have indicated their intention to submit resolutions. The LAB supports any First Nation that wishes to assume this jurisdiction and responsibility.

In 2010-2011 we have seen numerous success stories at various levels of completion launched or expanded in *Framework Agreement* communities across Canada. We share the excitement felt by each of these communities, and for each of the projects that help to further solidify their community's future economic, social, and spiritual health. Some of the projects include:

- Multi-million dollar green energy initiatives;
- Aboriginal ecotourism endeavors;
- Sustainable resource management projects;
- Creation of new laws and management policies;

All of these stories and more showcase the incredible accomplishments that our First Nations are achieving under their Land Codes. All of this has been possible while safeguarding reserve status of our lands and retaining protection of section 91(24) constitutional jurisdiction. All of our reserve lands must be protected for the benefit of future generations. Any First Nation, if it wishes, should have the opportunity to participate in this First Nation-led land governance initiative. The LAB is committed to assisting all First Nations in achieving their desired goal of exercising their inherent right to control their reserve lands and resources.

In closing, I wish everyone the very best for 2011-2012.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Louie', written over a circular scribble.

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 govern reserve lands and resources under their own Land Codes, free from constraints imposed by the Minister and federal officials under the *Indian Act*. The *Framework Agreement* is a government-to-government contractual arrangement 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*. In 2003-2004 the *Framework Agreement* was amended to enable additional First Nations to assume control over their lands and resources.

The *Framework Agreement* established the LAB, the composition of which is determined by the Councils of those First Nations which have ratified the *Framework Agreement* and are 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 Canada, and recommending any amendments of the *Framework Agreement* to the Minister.

The LAB 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 the First Nations Land Management Resource Centre (Resource Centre) as the administrative and corporate arm of the LAB.

Throughout 2010-2011, 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 a series of activities including the drafting of community land codes, implementing communication strategies, and designing community voting procedures. In addition, First Nations often request advice and guidance of the LAB and Resource Centre while concluding the Individual Agreement with Canada.

Once a First Nation ratifies the *Framework Agreement*, their Land Code becomes operational. Consequently, there are thirty-four land administration sections of the *Indian Act* that no longer apply to these First Nations. The communities are now empowered to govern their reserve lands and resources, including the enactment and enforcement of land laws. The LAB and Resource Centre provided support services throughout 2010-2011 to these operational First Nations by assisting them with drafting land laws, rules, procedures, agreements, policies, implementing land management systems, capacity building, etc.

In 2010-2011 numerous success stories, such as Tsleil-Waututh’s TWN Wind Power Inc., and the Atikameksheng Anishnawbek and Holmes Group Foundation partnership, were reported in various media throughout Canada. The social and economic benefit of these projects to the First Nations and surrounding communities, as well as to Canada as a whole, is well documented. These First Nations have embraced the opportunities provided by the *Framework Agreement*, under their individual Land Codes, and are creating active, exciting, and more prosperous futures for their communities as a result.

# 1. HISTORICAL IMPORTANCE OF THE *FRAMEWORK AGREEMENT*

## 1.1 Problems with Land Administration under the *Indian Act*

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

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

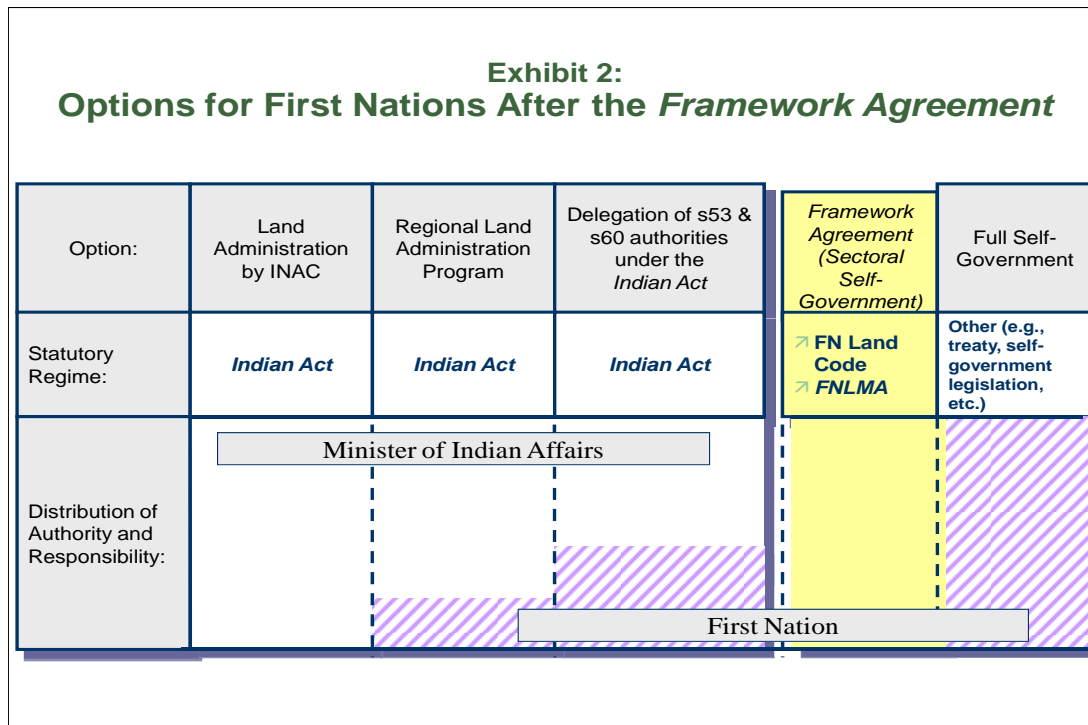
The *Framework Agreement* represents the culmination of years of effort by a national group of dedicated Chiefs to provide for their First Nations the opportunity to govern their own lands free

from the constraints and delays imposed under the *Indian Act*. The governance 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 in Ontario, by the Chiefs of 14 First Nations and Canada. Parliament 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’ proposal of a government-to-government arrangement on land governance provided Canada with the opportunity to engage actively in a First Nation-led initiative. Ultimately, the *Framework Agreement* was negotiated, ratified by Canada through legislation and ratified by First Nations through community approval of a Land Code.

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



### 1.3 *Framework Agreement* Parameters

The Chiefs, who designed the *Framework Agreement*, were careful to limit the scope in order to prevent unintended impacts on other parties, rights and relationships. For example, the *Framework Agreement* states that it:

- is not a treaty within the meaning of section 35 of the Constitution Act, 1982 (clause 1.3);
- preserves the Crown's special relationship with First Nations (clause 1.4);
- does not affect any lands, or rights in lands, not subject to this *Agreement* (clause 1.5);
- does not prejudice inherent rights, or other rights, of First Nations to control their lands or resources or to preclude other negotiations in respect of those rights (clause 1.6)



- does not prevent a First Nation at any time from opting into any other regime providing for community decision-making and community control (clause 55.1).

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

### 2.1 Active First Nation Signatories

Exhibit 3 lists the active First Nation signatories to the *Framework Agreement* as of March 31, 2011. There are 33 First Nations which have ratified the *Framework Agreement* and assumed operational responsibility for their reserve lands under their land codes. The Westbank and Tsawwassen First Nations in B.C. have since implemented full self-government and treaty respectively. Twelve First Nations were active in the developmental process throughout 2010-2011. The location of the active *Framework Agreement* signatories across Canada is displayed on the provincial maps in Appendix B.

<b>Exhibit 3: Active Signatories to the <i>Framework Agreement</i> as of March 31, 2011</b>			
Prov.	Operational		Developmental
BC	Kitselas Leq'a:mel Lheidli T'enneh Matsqui McLeod Lake Scia' New (Beecher Bay) Seabird Island Shxwha:y Village Skawahlook Sliammon	Squiala Sumas T'sou-ke Ts'kw'aylaxw Tsawout Tsawwassen Tseil-Waututh Tzeachten We Wai Kai Westbank	Campbell River Musqueam Nanoose Squamish
SK	Kinistin Muskeg Lake	Muskoday Whitecap Dakota	Kahkewistahaw Pasqua
MB	Chemawawin Opaskwayak Cree	Swan Lake	
ON	Georgina Island Henvey Inlet Mississagi	Nipissing Scugog Island Atikameksheng Anishnawbek	Alderville Anishinaabeg of Naogashiing Dokis Kettle & Stoney Point Mnjikaning Moose Deer Point

## 3. THE LANDS ADVISORY BOARD AND THE RESOURCE CENTRE

### 3.1 Functions of the Lands Advisory Board

The *Framework Agreement* established the Lands Advisory Board (LAB). The primary functions of the LAB are to implement the eleven parts (59 clauses) of the *Framework Agreement*. In addition, the functions of the LAB also include implementing the 48 clauses of the *FNLMA*,

Canada's ratification and bringing into effect of the *Framework Agreement*. A detailed listing of the roles and responsibilities of the LAB can be found at [www.labrc.com](http://www.labrc.com).

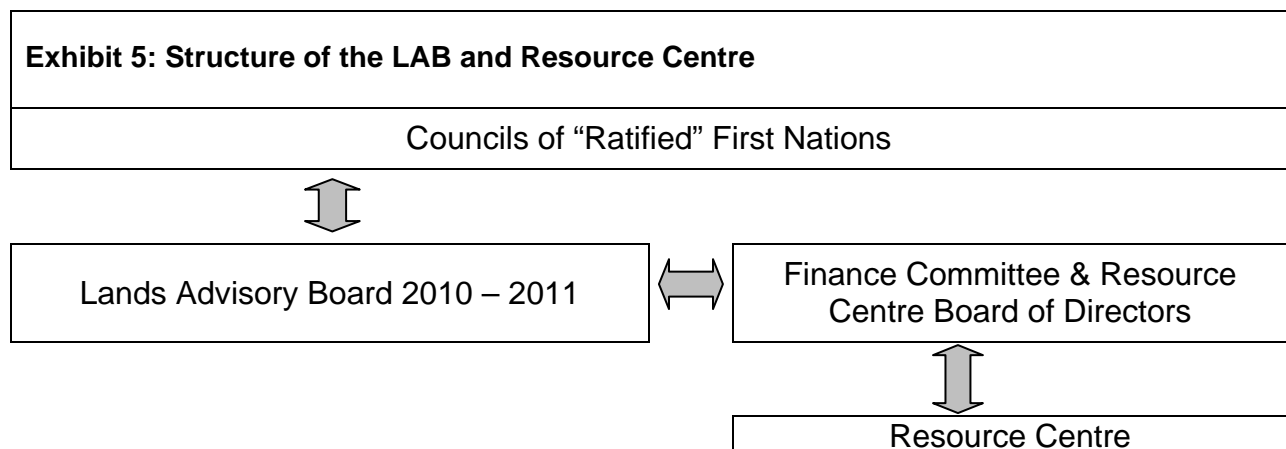
### 3.2 Composition of the Lands Advisory Board

The composition of the LAB is determined by the Councils of the operational First Nations. There are currently eleven Directors of the LAB and the Chair. The Directors serve staggered terms in order to allow for at least one position from each of the three regions to come up for election annually. The three regions are British Columbia, Prairie (Alberta, Saskatchewan and Manitoba), and Eastern (Ontario, Quebec and the Atlantic).

The LAB Chair and the Directors of the LAB Finance Committee are elected by the LAB for fixed terms. Exhibit 4 lists the composition of the LAB and their terms.

<b>Exhibit 4: Composition of the LAB</b>		
LAB Member	Region	Term
Chief Robert Louie	Chairman	2008-2013
Barry Seymour	BC	2008-2011
Leah George-Wilson	BC	2008-2011
Harley Chingee	BC	2009-2012
Chief Jody Wilson-Raybould	BC	2009-2012
Chief Gordon Planes	BC	2010-2013
Chief Austin Bear	Prairies	2008-2011
Chief Clifford Tawpisin	Prairies	2009-2012
Chief Darcy Bear	Prairies	2010-2013
Councillor William McCue	Eastern	2008-2011
Phillip Goulais	Eastern	2009-2012
Rennie Goose	Eastern	2010-2013

Exhibit 5 indicates the structure of the LAB and Resource Centre.



### **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 was established to manage all financial and reporting matters on behalf of the LAB and 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*.

All technical responsibilities assigned by the *Framework Agreement* have been formally delegated to the Resource Centre by the LAB. The Resource Centre was incorporated in 2004. A detailed explanation of the roles and responsibilities of the Resource Centre can be found on the LAB web site at [www.labrc.com](http://www.labrc.com).

## **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 in accordance with the *Framework Agreement* requirements. The independent party, or “verifier”, is jointly appointed by the First Nation and Canada. Clause 8 of the *Framework Agreement* details the role of the verifier, who also has the power to make a final decision to resolve:

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

## **5. *FRAMEWORK AGREEMENT* FIRST NATION SUCCESS STORIES**

Many First Nations made significant advances for their respective communities throughout the 2010-2011 fiscal year. With Land Codes in effect, these First Nations continued their work in law creation, economic development, and resource management. Various Canadian newspapers, television programs, online forums and other forms of media reported on these exciting developments. The following is a small sampling of the success stories accomplished by some of the signatory First Nations.

### **5.1 Tsleil-Waututh Nation, B.C.**

The Tsleil-Waututh Nation, meaning “*People of the Inlet*”, are Coast Salish people, with an approximate population of 500. The reserve is located on Burrard Inlet in North Vancouver with additional reserve and private lands in the Indian River valley.

## **TWN Wind Power Inc.**

(Press Release, February 17, 2011)

*The Tsleil-Waututh Nation (TWN) has made a \$2-million equity investment in Surrey based wind energy manufacturer Endurance Wind Power. As part of the partnership, TWN Wind Power Inc. will become the distributor of Endurance Wind Power's 5kW and 50kW community-based wind turbines to First Nations and Indigenous groups in Canada and the United States.*

*As the first partnership of its kind in Canada, TWN Wind Power Inc. is stepping to the forefront of a shift in thinking for First Nation communities across the country, while expanding the Tsleil-Waututh Nation's economic development ventures into the growing renewable energy sector.*

*As one of the Four Host First Nations for the Vancouver 2010 Olympic and Paralympic Winter Games, TWN is establishing itself as a leader in the effort to help First Nation communities generate a reliable, renewable supply of energy that will reduce their overall energy costs, and enable them to invest in other economic and social development priorities. To finance the deal, TWN has accessed financial support through a number of economic development programs administered by Indian and Northern Affairs Canada that will support TWN in creating long-term legacies from the 2010 Games.*

*In launching this new partnership with successful, locally-owned and operated Endurance Wind Power, TWN plans to create jobs, grow the community-based wind industry and provide renewable energy for First Nations for generations to come.*

*"We are proud to be the catalyst for change in the way First Nations in this country generate power," said Tsleil-Waututh Nation Chief Justin George. "With Endurance Wind Power's innovative technology, we are striving to help Canada's First Nations reduce their dependence on non-renewable sources of power while preserving the environment we so depend on."*

*Endurance Wind Power's advanced small turbine technology brings the benefits of renewable energy within the reach of small communities, homeowners, farmers, businesses, and institutions across North America, the United Kingdom and an expanding global market. While utility-grade wind farms can take up to five years to go from concept to operation, Endurance's small-scale turbines can provide power generation to First Nation communities in just a matter of months.*

*"This partnership with the Tsleil-Waututh Nation serves as a fantastic opportunity for Endurance to provide First Nation communities in B.C. and across the country with power derived from a clean resource," said Endurance Wind Power President & CEO Glenn Johnson. "Our 50 kilowatt turbine can provide enough power for up to 20 homes, while the 5 kilowatt unit is a perfect electricity solution for one or two homes."*

*TWN's equity investment along with the distribution agreement with Endurance Wind Power adds a new pillar in its diversified business interests. In addition to pursuing community-based turbine installations throughout North America, TWN is also exploring other joint venture opportunities with Endurance to expand its business interests in the wind energy sector.*

*"First Nations are pursuing many opportunities to become economically self-sufficient in order to create healthy, secure communities for our people," said Assembly of First Nations National Chief Shawn Atleo. "The creation of TWN Wind Power is a huge step forward in terms of generating clean, green power, wealth, and employment in B.C. and across the country. First Nations are well-positioned to be leaders in development that is responsible and sustainable and I congratulate the Tsleil-Waututh Nation on their new partnership with Endurance Wind Power." (www.twnwindpower.com)*

## Takaya Tours

Tsleil-Waututh Nation's Takaya Tours has also made numerous headlines in 2010-2011. It was one of the first Aboriginal tourism businesses in BC, and continues to be a leader in the Aboriginal cultural tourism industry. Takaya Tours has received numerous awards presented by the Aboriginal Tourism Association of BC. In 2010-2011, Takaya Tours was featured on the Aboriginal Peoples Television Network (APTN) episode of Tansi! Nehiyawetan as well as on Global Village TV. The company was ranked by Travel Video News as one of the "top ten green things to do in Vancouver", and also noted in the Canadian Train Vacations guide.

In an article by *The Vancouver Sun* (June 22/2011), Takaya Tours was highlighted as a thriving aboriginal tourism business. The article reported that businesses, such as Takaya Tours, were "exceeding expectations in job creation and economic impact and nearly doubling the number of visitors to aboriginal cultural attractions". Takaya tours project director Dennis Thomas was quoted saying that "We probably have 45 tours booked over the next couple of months. There's five this week. One tour today is from Ohio. Next week, we have a couple from Texas, another [couple] from New Zealand and a group from Paris ...". He also remarked that the tour company attracts a significant international clientele with many German and British tourists and recent interest from the Chinese market as well. (*The Vancouver Sun/June 22/2011*)

The article went on to discuss findings from the Aboriginal Tourism Association of BC (AtBC) Blueprint Strategy: Tourism Performance Review 2006-2010 which summarized the results of the AtBC, the province of B.C. and the government of Canada partnership which is aimed at strengthening the aboriginal tourism sector.

Highlights of the report include:

- About 3.7 million tourists experienced some form of aboriginal cultural tourism in 2010, almost double the number from 2006.
- An estimated 2,226 full-time equivalent jobs were generated by aboriginal businesses in 2010, a 32-per-cent increase from 2006.
- Aboriginal tourism revenues reached \$40 million in 2010, double that of 2006.

According to the article, the report noted that "During the period 2006 to 2010, the overall incidence of travelers in B.C. experiencing aboriginal tourism attractions/products/services increased from about 13 per cent to an estimated 22 per cent... Given the unprecedented media exposure generated about aboriginal cultures in B.C. during the 2010 Winter Olympic Games... it is likely that current incidence levels will remain as high if not higher than those estimated for 2010." The report went on to estimate that "By 2012, about 3.9 million visitors to B.C. are expected to include aboriginal cultural tourism experiences in their itineraries and spend about \$43 million." (*The Vancouver Sun/June 22/2011*)

## 5.2 Tzeachten First Nation, B.C.

Tzeachten First Nation is located in Chilliwack, BC, about 100 km's east of Vancouver. It serves 473 members and 1000 non-members. The traditional Halq'emeylem name is "Ch'iyaqtel" which means "the place of the fish weir".

Tzeachten became operational under their Land Code on August 21, 2008. Since starting operations three years ago, the Tzeachten Lands Department has grown to include a Lands Manager, Lands Officer & Lands Clerk. There are also plans to hire a part-time By-law Enforcement Officer and an Environmental Consultant/Officer in the future.

Some of the significant accomplishments of the Lands Department include:

### **Laws**

5 Laws have been enacted under the authority of the Land Code. They are:

- Matrimonial & Real Property (*applies to Tzeachten Members only*);
- Zoning & Land Use Law;
- Subdivision and Development Law;
- Fireworks Law;
- Business Permit Law

### **Leasing**

There are many commercial and residential properties operating under leases and even more in process. There are currently 7 residential development leases which accommodate the approximately 1,000 non-members living on Tzeachten land. There are applications currently being processed which have the potential to add an additional 230 residents over the next 2 years. In addition there are 4 commercial Leases, 656 subleases, 3 permits, 2 individual residential leases of 99 years (members to non-members) and finally 5 individual member residential leases for mortgages of 99 years. Mortgage amounts range from \$220,000 to \$750,000. Some of the disclosed uses of these mortgage funds include the purchasing of off-reserve businesses, purchasing second homes off-reserve, and housing renovations on reserve.

### **Lands Advisory Committee**

Tzeachten has a Lands Advisory Committee consisting of seven members. This committee provides advice, assistance, and support towards creating new laws, land procedures, and other required land code implementation activities.

In just three years, the Tzeachten Lands Department has grown from humble beginnings to a thriving, efficient organization with proven abilities in overcoming challenges and serving the community in the best way possible. With many opportunities still undiscovered, the Tzeachten Lands Department is looking forward to a strong future.

## **5.3 Georgina Island First Nation, ON**

The Chippewas of Georgina Island reserve consists of 1,291 hectares located 1.5 km off the south east shore of Lake Simcoe, in the Township of Georgina. The site is strategically located within the Greater Toronto Area (GTA). The membership totals approximately 681.

Georgina Island has a long history of entrepreneurial spirit. One of their more recent business endeavors is the Pukwis Community Wind Park, a 20 Megawatt (MW) wind park joint venture between the First Nation and the Windfall Ecology Centre. The windmills will be situated on Georgina Island, on land collectively-owned by the First Nation. The specific sites have been selected for their access to a strong wind resource, as well as to ensure a benign impact on the Island's natural environment. The site also takes into account the way in which land is used on the Island to ensure the continued enjoyment by Island residents.

## Major Milestones:

- Awarded a Feed-in Tariff contract (20 year power purchase agreement) from the Ontario Power Authority on April 8, 2010;
- Secured GTA site with capacity for 20 MW wind farm;
- Compiled 3 years of wind resource data;
- Initiated Environmental Assessment (long lead time bird and bat studies are completed);
- Pukwis Energy Co-op incorporated, target date for release of Co-operative share offering is in Quarter #2, 2011; and
- Completed windmill micro-siting and grid connection engineering studies.

According to a joint press release by Pukwis Community Wind Park and Windfall Ecology Centre on April 8, 2010:

- The first phase of the Pukwis Community Wind Park consists of 10 utility scale wind turbines with capacity of 2 Megawatts (MW) each. As part of the Ontario Feed-in-Tariff program, they will connect to the Ontario power grid and produce enough electricity to power 7,500 homes and displace 15,000 tonnes of greenhouse gases annually.
- The Ontario Power Authority's (OPA) Feed-in Tariff (FIT) Program is part of the Green Energy Act's approach to renewable energy in Ontario. It is intended to encourage the development of community based renewable energy projects across the province. Owners of the projects will be paid a fixed price for the electricity they produce, allowing them to not only recover the costs of the projects, but earn a reasonable rate of return on their investment.

## 5.4 Nipissing First Nation, ON

Nipissing First Nation is located 320 kilometers north of Toronto in north central Ontario. It is situated between the City of North Bay and the Municipality of West Nipissing and is classified as an urban reserve. Historically, the community traded in fish and furs harvested from their vast territory. The Nipissing membership population is approximately 2,067.

As reported in an article by *Northern Ontario Business* (June 30, 2010), the Nipissing First Nation opened a new, federally regulated, fish processing plant. The plant, located on reserve, will focus on providing locally caught whitefish and walleye to local restaurants and food service businesses. The facility will also work cooperatively with the Ministry of Natural Resources to shed new light on collected fish harvest data.

In a statement by Chief Marianna Couchie (*Northern Ontario Business* /June 30, 2010), "All of the fish processed will have been sustainably harvested with the environment in mind, that's our main goal, fish now and fish for the future."

It is expected that the plant will process 37,000 pounds of fish, representing 80 per cent of the First Nation's annual catch, within the next five years. (*Northern Ontario Business* /June 30, 2010)

Another new development for the Nipissing First Nation is the opening of a small business centre. *The Bay Today* (January 17,2011) reported that the construction for the centre will "provide support services for business activity, enabling local First Nation entrepreneurs to establish businesses in the community and create jobs for members of the Nipissing First

*Nation. This project is expected to generate new short-term construction jobs and ongoing economic benefits for the broader community.”*

Monique Smith, MPP for Nipissing stated “*These investments lead to new economic and social opportunities, helping improve the quality of life for Aboriginal communities, and creating a better Ontario.*” (*The Bay Today /January 17, 2011*)

Echoing Monique Smith’s point, Minister of Aboriginal Affairs, Chris Bentley expressed that “*Investing in community and small business centres in First Nation communities benefits all of Ontario. These investments provide communities with a gathering place and enable them to participate more fully in Ontario’s economy*”. (*The Bay Today /January 17, 2011*)

While thanking all the parties involved in constructing the centre, Chief Marianna Couchie was quoted saying “*... the small business centre is no longer a dream, but now a reality for our First Nation...our Small Business Centre project will take us closer to realizing our goals in providing much needed spaces to a wide variety of businesses and programs on Nipissing First Nation and creating long term, sustainable, meaningful employment for our First Nation members*”. (*The Bay Today /January 17, 2011*)

## **5.5 Henvey Inlet First Nation, ON**

(Press Release, February 24, 2011)

*Henvey Inlet First Nation (HIFN) is pleased to announce that its power corporation has been awarded a Feed-In Tariff (FIT) contract from the province.*

*The Ontario Power Authority (OPA) has approved 40 new large scale renewable energy projects, including solar, wind and water, representing more than 872 megawatts (MW).*

*HIFN's Nigig Power Corporation will produce 300 MW through its wind farm project. The project will produce enough electricity each year to produce power for about 70,000 homes.*

*Henvey Inlet First Nation Chief Wayne McQuabbie says, "Our project team has worked diligently for the past two years for the project to arrive at this point. It's a monumental moment for our First Nation to be awarded such a large scale project."*

*Nigig Power Corporation President Ken Noble says, "We've reached a major milestone for our First Nation. We're now ready to choose a world class developer. Because of the magnitude of the project, we'll also be preparing our community for prosperity."*

*The Nigig Power Corporation wind farm project will boost the local economy through job creation and spin off benefits. Henvey Inlet First Nation is proud to be a part Ontario's commitment to the environment through the province's Clean Energy Act. It's hoped construction will begin in 2012.*

*Chief McQuabbie adds, "I can see a great future for our community, which includes cleaner air for our children and all Ontarians."*

*Henvey Inlet First Nation is comprised of approximately 20,000 acres is located along the shores of Georgian Bay, about three hours north of Toronto. HIFN has 650 members, with 175*



living on-reserve, and is a member community of the Anishinabek Nation. For more information on the community, go to [www.hifn.ca](http://www.hifn.ca).

## **5.6 Atikameksheng Anishnawbek, ON**

Atikameksheng Anishnawbek are descendents of the Ojibway, Algonquin and Odawa Nations. The First Nation is located approximately 19 km west of the City of Sudbury. The current reserve land base is 43,747 acres, much of it being deciduous and coniferous forests, surrounded by eight lakes, with eighteen lakes within its boundaries. The First Nation population is approximately 1,018 members.

(Re-printed with permission)

### **Holmes and AFN choose small community of Whitefish Lake**

*The community formerly known as Whitefish Lake First Nation is the first to be chosen to participate in a home-building initiative undertaken by the Assembly of First Nations (AFN), “Canada’s Most Trusted Contractor” Mike Holmes of the television program “Holmes on Homes,” and the Holmes Group foundation.*

*The community, now called Atikameksheng Anishnawbek, is located just west of Sudbury, Ont. The project it has been chosen to participate in is the Building Homes and Building Skills joint pilot project, which will focus on the development of green and sustainable housing within the First Nation.*

*A total of nine First Nation communities offered up proposals at the end of November to be considered by the AFN, The Holmes Group, and the First Nation Technical Services Corporation who will cooperate on the initiative.*

*The news came to the Atikameksheng Anishnawbek on Dec. 17.*

*“The proposal of Atikameksheng Anishnawbek was fittingly named G’Wiigwaamnaaniin, which means ‘Our Homes,’” said AFN National Chief Shawn A-in-chut Atleo. “Their submission met, and in fact exceeded, all the necessary requirements that were set out for this project. I know that Mike and I, with our respective teams, are ready to get this project rolling. The work we are doing in Atikameksheng Anishnawbek will create benefits and opportunities for First Nations communities across the country. And I want to thank Mike Holmes and The Holmes Group for partnering with us on this project.”*

*Chief Steve Miller of the Atikameksheng believes his First Nation was an ideal community for the project based on a number of qualifications, including its location, the readiness of the community, the access to financial, natural and human resources, the control over the lands, and the dedication and commitment of the staff, management, and leadership that all had a hand in the submission of the proposal.*

*Atikameksheng has 400 members living in the community, with a total of 125 houses. The majority of the houses were built in the 1950s. The last five homes were built in 2006.*

*“We cannot accommodate requests because of the lack of resources,” Chief Miller says of the housing requests. “Currently we have 23 lodges ready to be built in the Spring of 2011 with Indian Affairs...and now with this (pilot) project the type of homes are going to be, instead of regular conventional homes that people are accustomed to, a move forward on the green initiatives... This (pilot) project will bring that to our community.”*

*The project will benefit and enhance not only the Atikameksheng nation but other First Nations communities across the country, plus municipalities that will all be welcome to use the project template for green and sustainability housing within each of their own communities.*

*“Our First Nation (has) very little green initiatives because of our lack of opportunities,” said Chief Miller. “Sustainable resources, such as solar power, wind power, hydroelectric power, are concepts that will be introduced... Having a housing sector on our First Nation that is totally self-sufficient is one of the goals, and is something we are certainly looking forward to.”*

*The building skills portion of the project has the Atikameksheng youth buzzing with enthusiasm. Nearly half of the population is below the age of 25. The Holmes Group has offered training to certify those youth who are dreaming of a better life with employment opportunities, said Miller.*

*According to television star and general contractor Mike Holmes, Chief Miller says, the green initiative has not been incorporated into the construction education system. The technology changes, but the education stays the same, so this is a chance for that barrier to be combined with the training initiative.*

*Upon hearing the big news, chief and council, along with staff, organized a last-minute community supper to announce to the 200 nation members that were in attendance that theirs was the successful proposal.*

*“I did emphasize that it is not political, it’s not an administrative process here, that this is a community-driven process and an initiative that incorporates the community on which direction they want their community to head into in the future here... These new concepts will open up a lot of eyes.”*

*Small businesses in the community, such as Darlene Napose’s film production company, can expect spin-off benefits. So everyone is anticipating the assessment process that will begin in January, and the clarification of all the steps of the project. The groups will get together in Atakameksheng to plan for the arrival of spring, when the community can physically begin to move forward.*

*Chief Miller applauds the AFN and Mike Holmes for the outstanding vision to develop a project such as this, saying it is extraordinary knowing that it could benefit everyone across Canada in the long run.*

*By Susan Solway, Birchbark/Aboriginal Multi Media Society (AMMSA)*

## **6. CAPACITY BUILDING, TRAINING & PROFESSIONAL DEVELOPMENT STRATEGY**

The capacity building, training and professional development (CBTPD) strategy of the LAB is to fulfill the unique training and education requirements of the *Framework Agreement* pursuant to Section 39.1e. The CBTPD team was busy in 2010-2011 actively designing and implementing

training methodologies for sound land governance principles and practices by the signatory First Nation Land Governance Directors, Lands Staff, Chief and Councils, and Lands Committees. These efforts will provide the First Nations with the skills, competencies and tools necessary to handle decision-making and control over reserve lands and resources required under a Land Code.

The Resource Centre is the only body that has developed this highly specialized land governance training content for *Framework Agreement* First Nations. There are no other alternate training strategies currently available to First Nations that are specifically intended for implementing land governance under community Land Codes.

One significant result of this CBTPD strategy will be an accredited certification program for the *Framework Agreement* First Nations' Lands Governance Directors and will eventually include all respective land staff in the near future. In 2010-20112, some of the CBTPD team's specific activities included:

- development of some of the Land Governance (LG) Level 1 certification courses;
- designing other elements of the CBTPD strategy, including short training programs ("courselets") as well as the Virtual Resource Centre (VRC) website;
- presentation at the International Indigenous Education Conference (a summary of the presentation will be included in an academic journal publication);
- implemented a VRC survey for *Framework Agreement* First Nation; and
- initiated discussions with select Canadian universities regarding partnerships, protocols and certification.

In order to directly address some of the immediate needs of the Lands Governance Directors, the CBTPD team focused on enhancing the content of the VRC Landing Page. Customized elements were added such as:

- environmental documents;
- the application of the First Nations Indian Lands Registry to the *Framework Agreement* First Nations;
- LAB Annual General Meeting briefings, minutes and resolutions;
- sample First Nation land laws under a community Land Code; and
- an "En Français", bilingual element.

Further to the courselets, these new mini courses that were added to the VRC are designed to be short, informative, online sessions. They are intended to provide content relevant to the target audiences (developmental & operational Land Governance staff). These include introductions to:

- the community ratification process of the Land Code and the Individual Agreement with Canada;
- Land Use Planning;
- the First Nation principles on which the *Framework Agreement* is based; and
- Environmental Planning

## 7. FIRST NATIONS JURISDICTION AFTER RATIFYING THE *FRAMEWORK AGREEMENT*

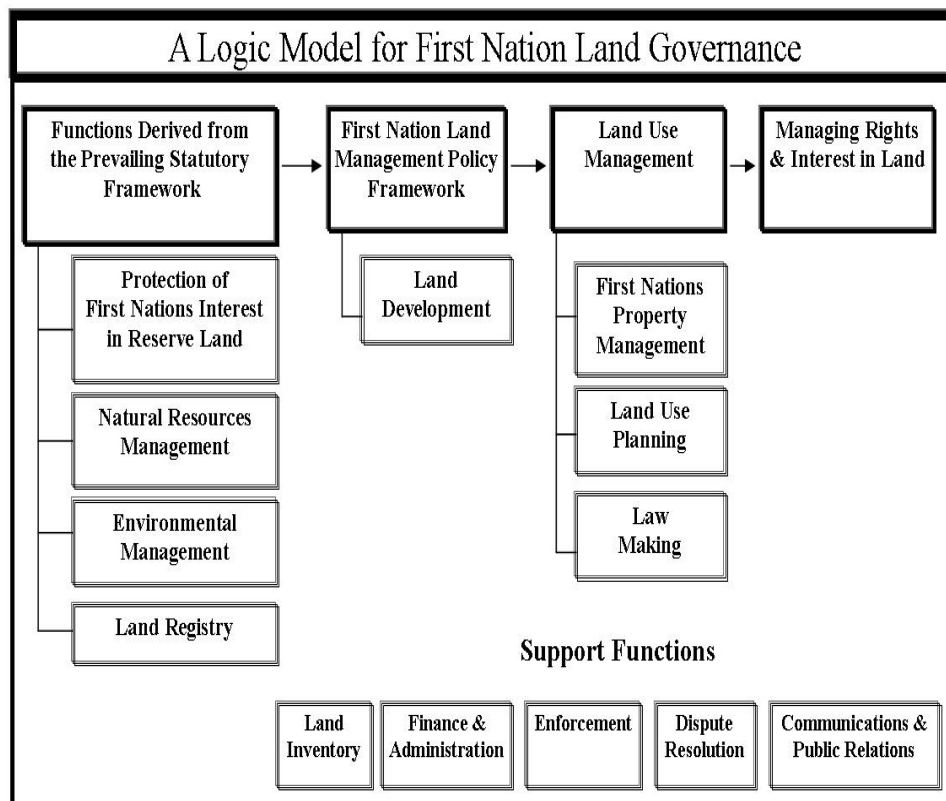
### 7.1 Land Governance under the *Framework Agreement*

Once a First Nation has ratified the *Framework Agreement* and begun operating under its Land Code, there are thirty-four land administration sections of the *Indian Act* that no longer apply to their reserve lands and resources. The operational First Nation is now self-governing and its authority includes all the interests, rights and resources that belong to their reserve 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*. The key functions of land governance are indicated in Exhibit 6.

### 7.2 Law Making under the *Framework Agreement*

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. This authority is described in Part IV of the *Framework Agreement*.

**Exhibit 6: 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 governance systems, and enforcement procedures to facilitate these 17 key functions.

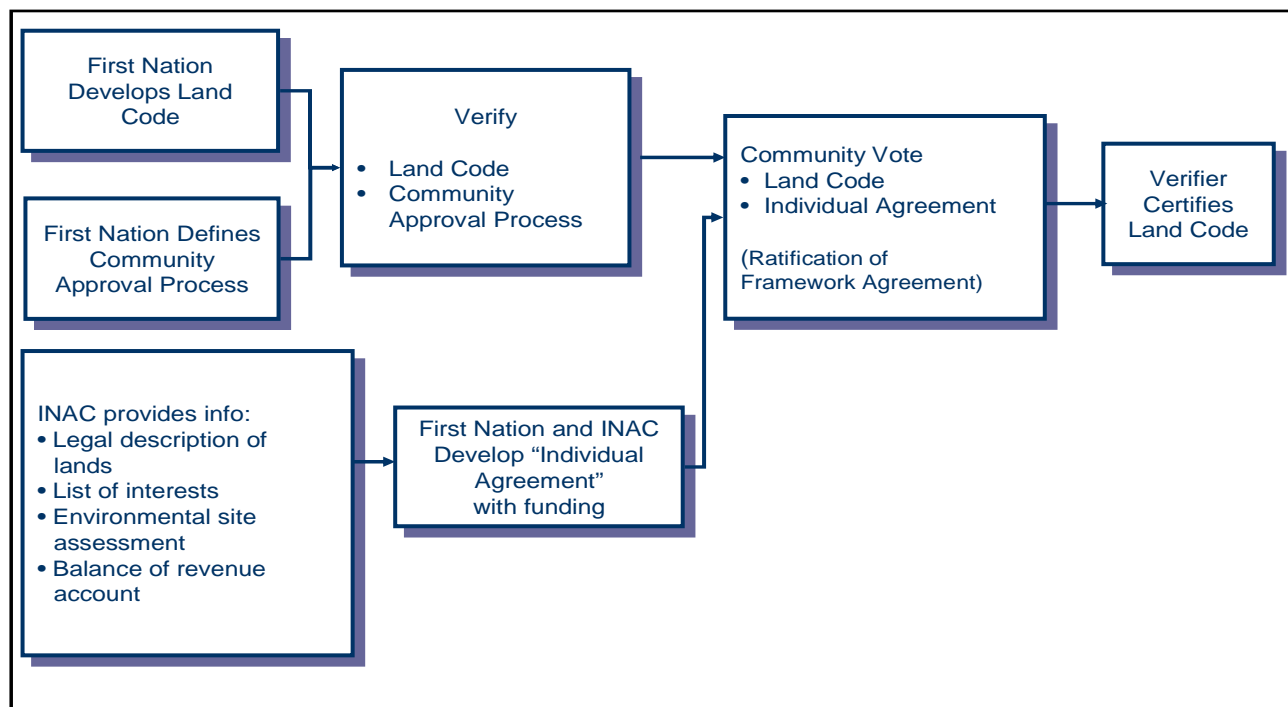
The LAB and Resource Centre provide an average of approximately 875 “support services” annually to operational First Nations. For example, the support services range from telephone conference calls, e-mails, facsimiles, and letter exchanges on the one hand to multi-day on-site meetings and workshops with Chief and Councils, Land Committees, Land Governance Directors, and advisors on the other hand.

## 8. FIRST NATIONS PREPARING TO RATIFY THE *FRAMEWORK AGREEMENT*

### 8.1 Ratification Process under 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 the Land Code developed by the community and the Individual Agreement developed between the community and Canada. These mandatory activities are listed in Part II, Opting In Procedure, of the *Framework Agreement* and are summarized in Exhibit 7. By completing these activities, and by approving both the Land Code and Individual Agreement documents, the First Nation has ratified the *Framework Agreement*.

**Exhibit 7: Logic Model for the First Nation Ratification Process under the *Framework Agreement***



## **8.2 Ratification Votes by Developmental First Nations**

In 2010-2011 four First Nations held votes and ratified the *Framework Agreement*. Chemawawin and Swan Lake First Nations in Manitoba had an approval level of 76% and 92% respectively of participating voters. Skawahlook and Sumas First Nations in British Columbia had an approval level of 77% and 73% respectively of participating voters.

## **8.3 Support Services to Developmental First Nations**

The support services provided by the LAB and Resource Centre to the developmental First Nations include assisting with the drafting of the community land code; the design and implementation of a community communication and consultation strategy; and the design and implementation of the community ratification process. In addition, the LAB and Resource Centre are usually requested by a First Nation, to provide advice and guidance on the completion of the environmental assessment of the reserve lands, the legal description of the reserve jurisdictional boundaries, and the Individual Agreement with Canada.

The LAB and Resource Centre provide an average of approximately 2300 “support services” annually to developmental First Nations. The support services range from telephone conference calls, e-mails, faxes, and letter exchanges on the one hand to multi-day on-site meetings and workshops with Chief and Councils, Land Committees, Lands Governance Directors, and advisors on the other hand. In some cases these meetings and workshops required the participation of several Resource Centre staff, multiple LAB members and the LAB Chair.

## **9. SUMMARY OF THE 2010-2011 AUDITED FINANCIAL STATEMENTS**

A summary of the 2010-2011 audited financial statements is attached as Appendix A. The full audited financial statements can be found on the LAB website ([www.labrc.com](http://www.labrc.com)) along with the statements from previous years.

## Appendix A: Summary of 2010-2011 Audited Financial Statements



Tel: 250 763 6700  
Fax: 250 763 4457  
Toll-free: 800 928 3307  
www.bdo.ca

BDO Canada LLP  
Landmark Technology Centre  
300 - 1632 Dickson Avenue  
Kelowna BC V1Y 7T2 Canada

### INDEPENDENT AUDITOR'S REPORT ON THE CONDENSED FINANCIAL STATEMENTS

#### To the Members of First Nation Land Management Resource Centre Inc.

The accompanying condensed financial statements, which comprise the condensed statement of financial position as at March 31, 2011, the condensed statement of financial activities and net asset for the year then ended, are derived from the audited financial statements of First Nations Land Management Resource Centre Inc. for the year ended March 31, 2011. We expressed an unmodified audit opinion on those financial statements, in our report dated July 29, 2011.

The condensed financial statements do not contain all the disclosures required by Canadian Generally Accepted Accounting Principles. Reading the condensed financial statements, therefore, is not a substitute for reading the audited financial statements of First Nations Land Management Resource Centre Inc.

#### Management's Responsibility for the Financial Statements

Management is responsible for the preparation of the condensed financial statements on the basis described in Note 1.

#### Auditor's Responsibility

Our responsibility is to express an opinion on the condensed financial statements based on our procedures, which were conducted in accordance with Canadian Auditing Standard (CAS) 810, "Engagements to Report on Summary Financial Statements."

#### Opinion

In our opinion, the condensed financial statements derived from the audited financial statements of First Nations Land Management Resource Centre Inc. for the year ended March 31, 2011 are a fair summary of those financial statements, on the basis described in Note 1.

*BDO Canada LLP*

Chartered Accountants

Kelowna, British Columbia  
July 29, 2011

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**FIRST NATIONS LAND MANAGEMENT RESOURCE CENTRE INC.**  
**Condensed Statement of Financial Position as at March 31, 2011**

	2011	2010
<b>ASSETS</b>		
<b>Current</b>	\$ 743,931	\$ 1,188,226
<b>Capital assets</b>	187,109	234,729
	<b>\$ 931,040</b>	<b>\$ 1,422,955</b>
<b>LIABILITIES AND NET ASSETS</b>		
<b>Current liabilities</b>	\$ 739,465	\$ 867,984
<b>Invested in capital assets</b>	187,109	234,729
<b>Net assets</b>	4,466	320,242
	<b>\$ 931,040</b>	<b>\$ 1,422,955</b>

**Condensed Statement of Financial Activities and Net Assets Year Ended March 31, 2011**

<b>Revenues</b>	\$ 4,179,305	\$ 5,264,000
<b>Expenditures</b>		
Lands Advisory Board	637,732	337,452
Resource Centre	1,171,042	1,240,246
Intergovernmental Relations	463,304	911,810
LAB and RC support services to First Nations operating under a community land code	1,506,876	1,402,300
LAB and RC support services to Developmental First Nations preparing to ratify the Framework Agreement	618,023	1,160,527
LAB and RC support services to Pre-Developmental First Nations	98,104	68,233
<b>Total expenditures</b>	<b>4,495,081</b>	<b>5,120,568</b>
<b>Excess of revenues over expenditures for the year</b>	<b>(315,776)</b>	<b>143,432</b>
<b>Net assets, beginning of year</b>	<b>320,242</b>	<b>176,810</b>
<b>Net assets, end of year</b>	<b>\$ 4,466</b>	<b>\$ 320,242</b>

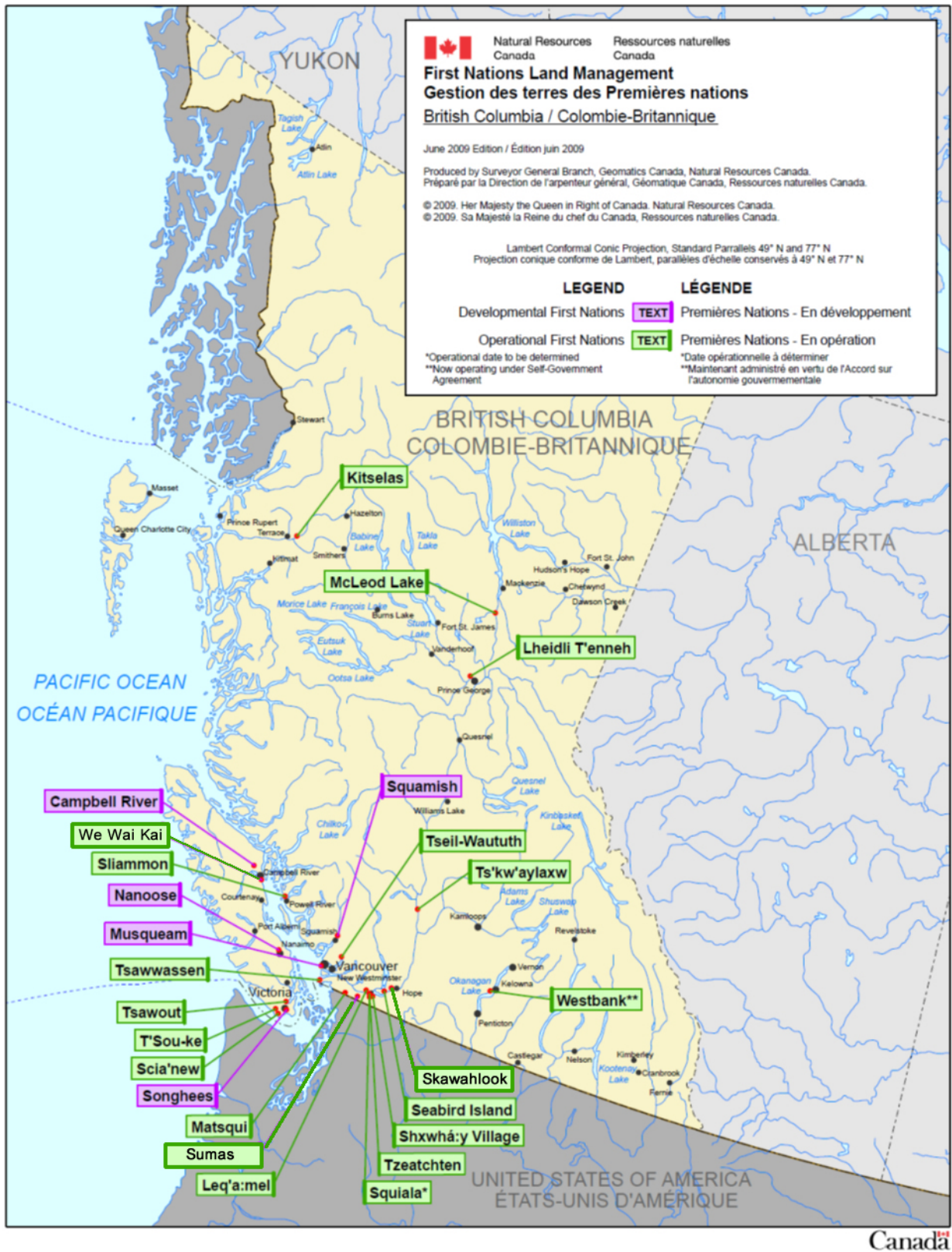
Note 1:

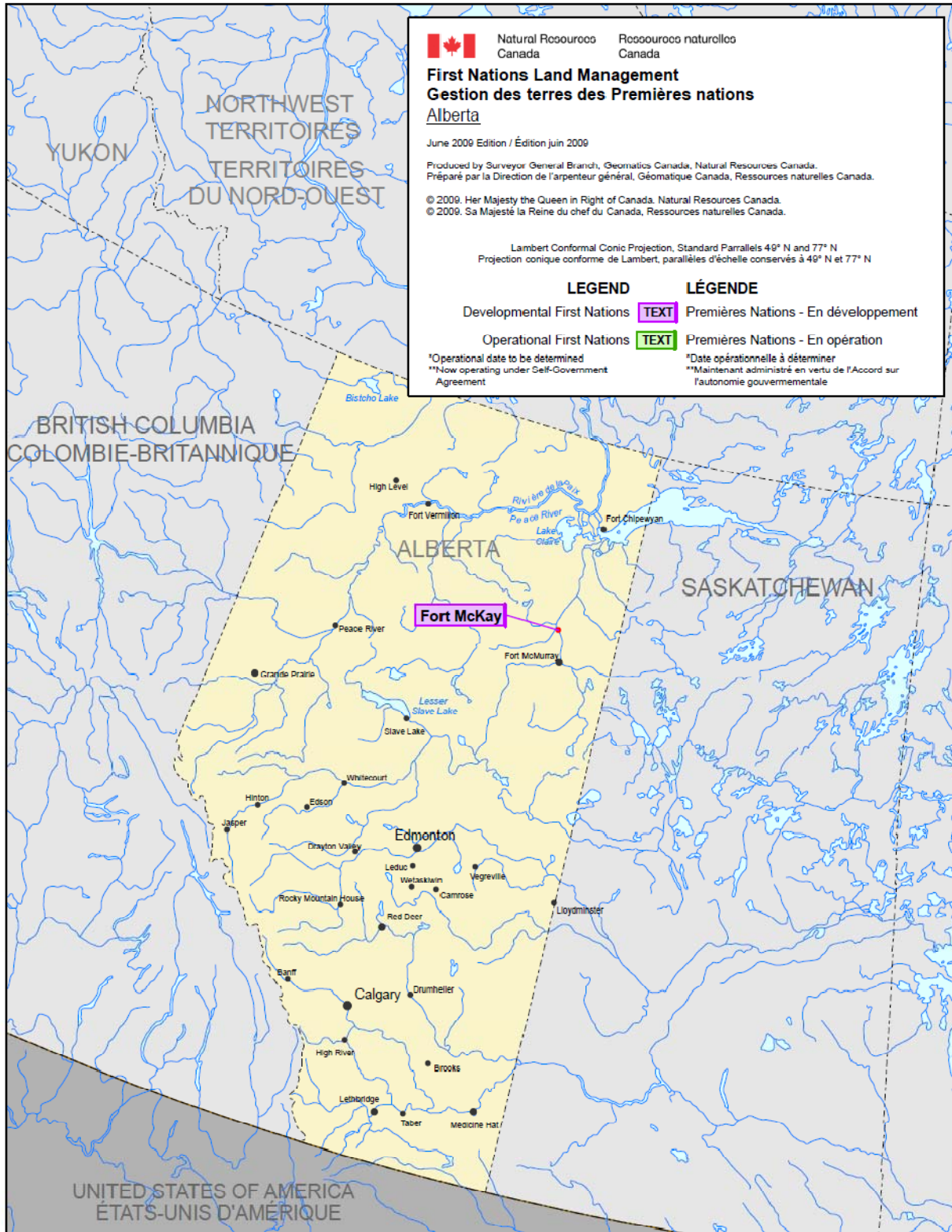
Management is responsible for the preparation of summary financial statements. The summary presented includes only the summary of financial position and the summary statement of financial activities and summary statement of net assets. It does not include any other schedules, the significant accounting policies and notes to the financial statements. The summary of financial position and summary statement of financial activities and summary net assets are presented in the same detail as the audited financial statements except the note referencing has been removed.

Copies of the March 31, 2011 audited financial statements are available from First Nations Land Management Resource Centre Inc.



# Appendix B: First Nation Locations






 Natural Resources Canada / Ressources naturelles Canada

**First Nations Land Management**  
**Gestion des terres des Premières nations**  
**Alberta**

June 2009 Edition / Édition juin 2009

Produced by Surveyor General Branch, Geomatics Canada, Natural Resources Canada.  
 Préparé par la Direction de l'arpenteur général, Géomatique Canada, Ressources naturelles Canada.

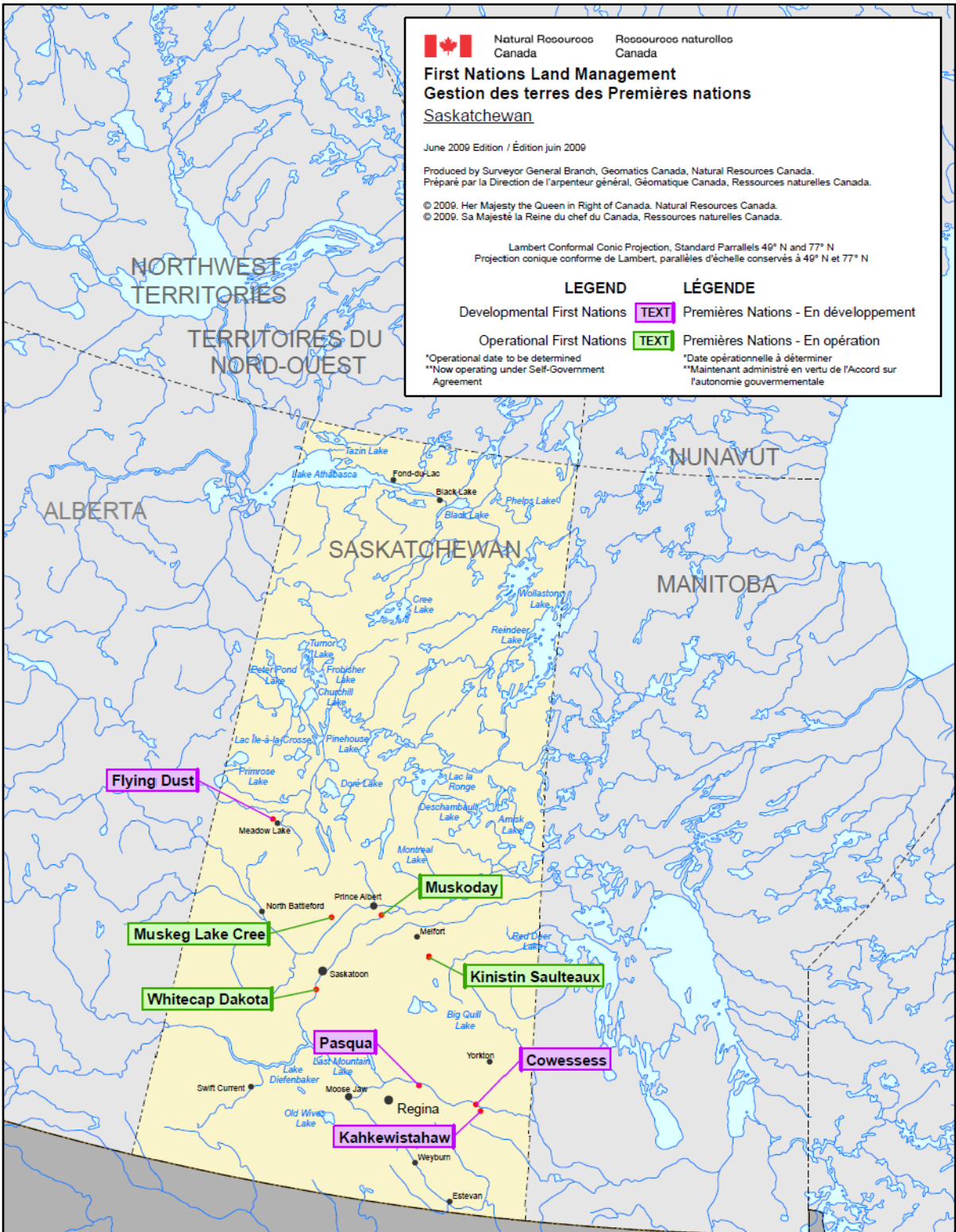
© 2009, Her Majesty the Queen in Right of Canada, Natural Resources Canada.  
 © 2009, Sa Majesté la Reine du chef du Canada, Ressources naturelles Canada.

Lambert Conformal Conic Projection, Standard Parallels 49° N and 77° N  
 Projection conique conforme de Lambert, parallèles d'échelle conservés à 49° N et 77° N

<b>LEGEND</b>	<b>LÉGENDE</b>
Developmental First Nations	Premières Nations - En développement
Operational First Nations	Premières Nations - En opération

\*Operational date to be determined  
 \*\*Now operating under Self-Government Agreement

\*Date opérationnelle à déterminer  
 \*\*Maintenant administré en vertu de l'Accord sur l'autonomie gouvernementale




 Natural Resources Canada / Ressources naturelles Canada

**First Nations Land Management**  
**Gestion des terres des Premières nations**  
**Saskatchewan**

June 2009 Edition / Édition juin 2009

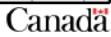
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 Préparé par la Direction de l'arpenteur général, Géomatique Canada, Ressources naturelles Canada.

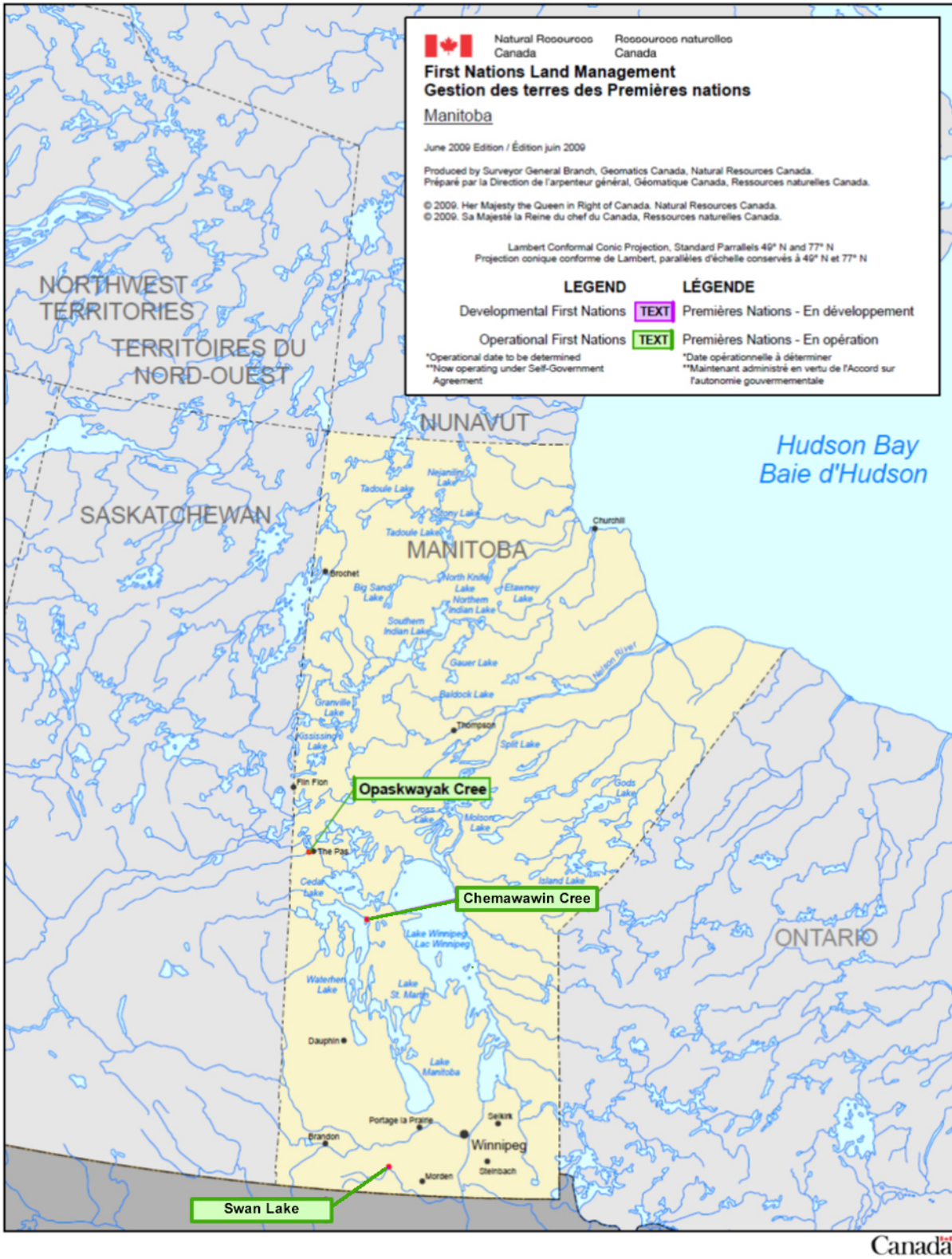
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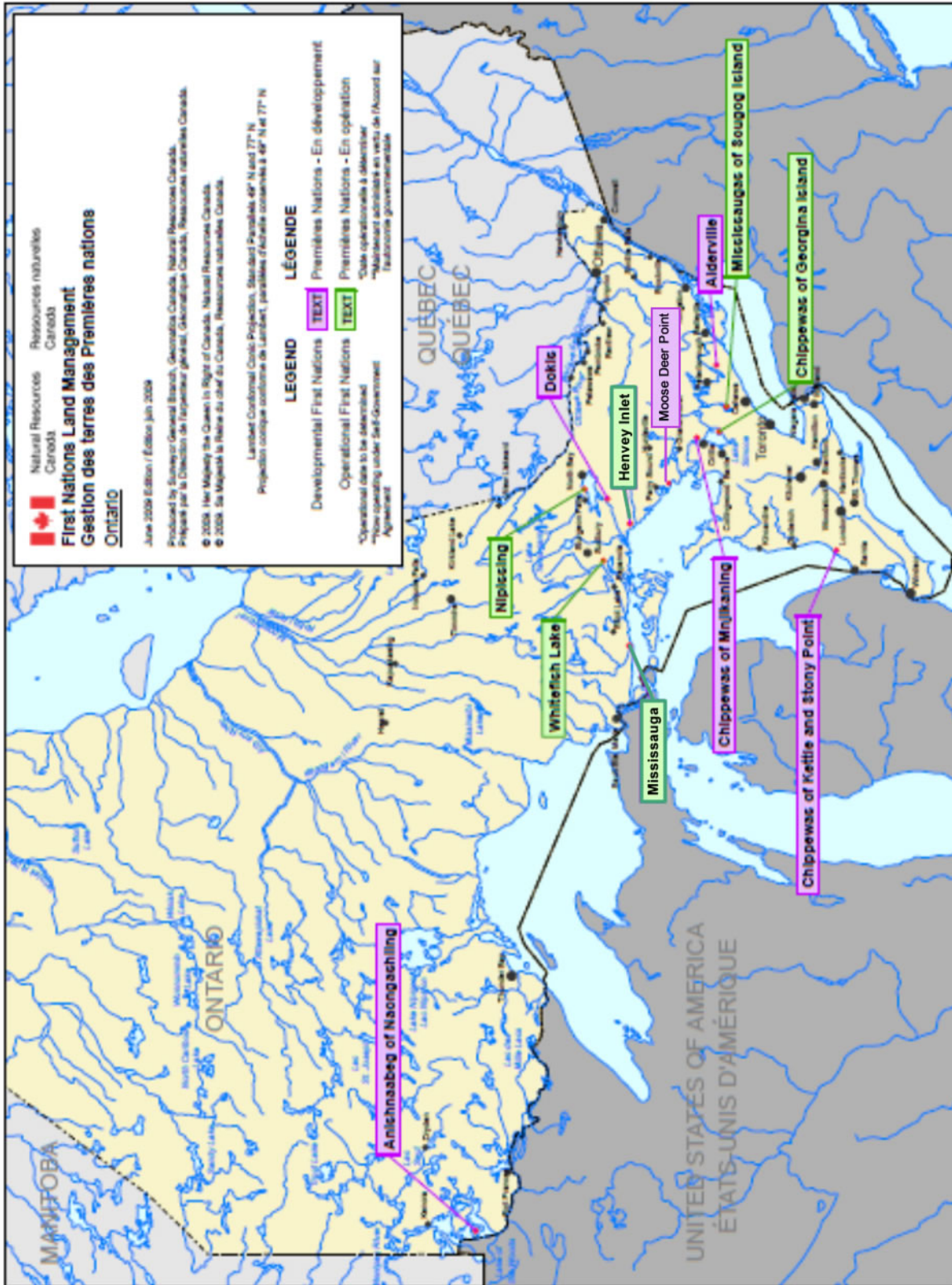
Lambert Conformal Conic Projection, Standard Parallels 49° N and 77° N  
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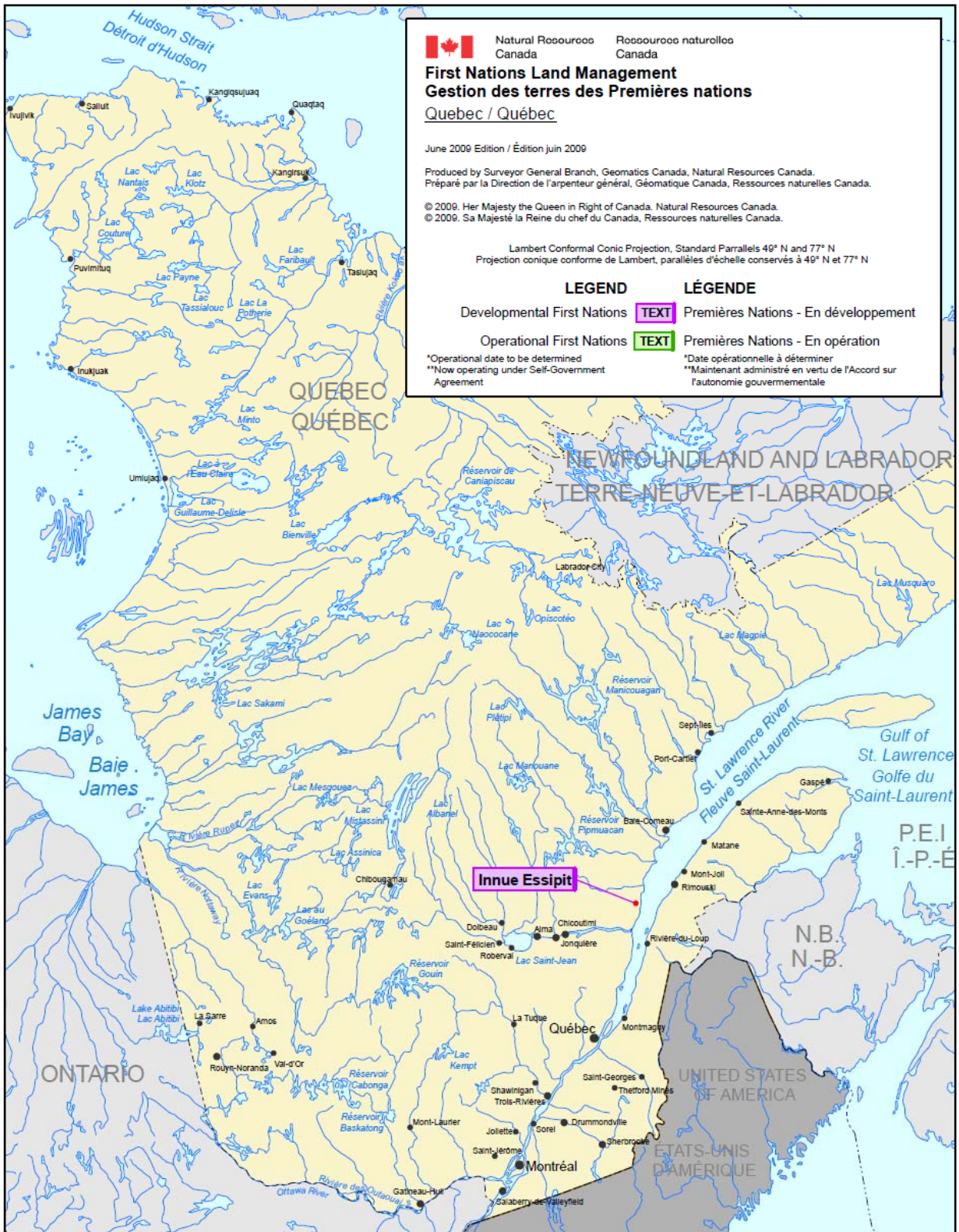
LEGEND	LÉGENDE
Developmental First Nations	<span style="border: 1px solid pink; padding: 2px;">TEXT</span> Premières Nations - En développement
Operational First Nations	<span style="border: 1px solid green; padding: 2px;">TEXT</span> Premières Nations - En opération

\*Operational date to be determined  
 \*\*Now operating under Self-Government Agreement  
 \*Date opérationnelle à déterminer  
 \*\*Maintenant administré en vertu de l'Accord sur l'autonomie gouvernementale

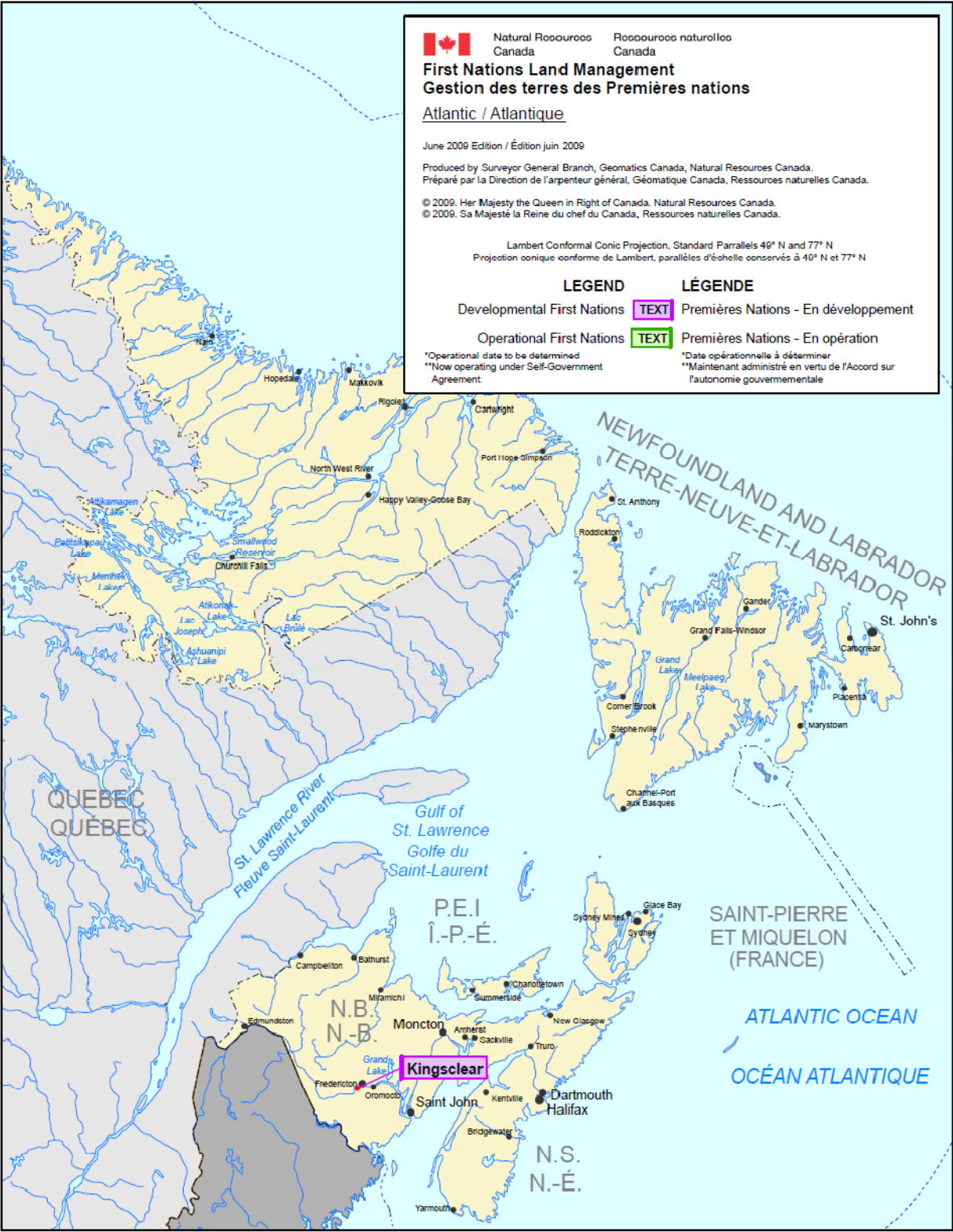








Canada



Natural Resources Canada / Ressources naturelles Canada

**First Nations Land Management / Gestion des terres des Premières nations**

Atlantic / Atlantique

June 2009 Edition / Édition juin 2009

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Lambert Conformal Conic Projection, Standard Parallels 49° N and 77° N / Projection conique conforme de Lambert, parallèles d'échelle conservés à 49° N et 77° N

**LEGEND**

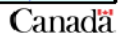
**LÉGENDE**

Developmental First Nations / Premières Nations - En développement

Operational First Nations / Premières Nations - En opération

\*Operational date to be determined / \*\*Now operating under Self-Government Agreement

\*Date opérationnelle à déterminer / \*\*Maintenant administré en vertu de l'Accord sur l'autonomie gouvernementale





## LANDS ADVISORY BOARD

Chief Robert Louie, Chairman

Address:  
2220 Horizon Drive East  
Kelowna, BC V1Z 3L4

Telephone:  
1.250.769.2879

Facsimile:  
1.250.769.3228

## FIRST NATION LAND MANAGEMENT RESOURCE CENTRE

Chief Austin Bear, Chairman

Address:  
Box 18  
Muskoday, SK S0J 3H0

Telephone:  
1.306.922.1535

Facsimile:  
1.306.922.1927

Dr. Graham Powell, Executive Director

Address:  
350 Terry Fox Drive, Suite 106  
Kanata, ON., K2K 2W5

Telephone:  
1.613.591.1664

Facsimile  
1.613.591.8373