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on behalf of all the Chiefs



ANNUAL REPORT

2002-2003

LANDS ADVISORY BOARD

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On behalf of the Lands Advisory Board and the Resource Centre, I would like to thank officials at Indian & Northern Affairs Canada – both at headquarters and in the regions across the country -- for all of their support throughout 2002-2003. In particular, I would like to thank Mr. Warren Johnson, Assistant Deputy Minister of Lands & Trust Services for all of his support for the Chiefs' initiative.



As stated above, the Resource Centre has been developing with Canada a model Environmental Management Agreement, pursuant to section 24.1 of the *Framework Agreement*. Each of the operational First Nations will be using this model to complete their Environmental Management Agreement with Canada. The Agreement will be a plan on how the First Nation will enact environmental protection laws. The model Environmental Management Agreement will assist each of the operational First Nations to complete their arrangements with Canada in 2003-2004.

Preliminary discussion and commencement of drafting of the First Nations Land Register Regulations pursuant to section 31 of the *Framework Agreement* were also initiated. The First Nations Land Register will be administered by Canada as a sub-system of the existing Reserve Land Registry and will record documents respecting First Nation land, or interests in First Nation land, under community land codes.

Conclusion

As a result of the efforts of the Lands Advisory Board and the Resource Centre during this past year, 2003-2004 will be a very active period. Seventeen developmental First Nations plan to complete their ratification process and conduct their community vote. In addition, another group of First Nations will be added as signatories to the *Framework Agreement*. It is estimated that by March 2004 there will be 50 signatories to the *Framework Agreement*.



First Nation Lands Advisory Board
Chairman, Lands Advisory Board, 9-2220 Horizon Drive East, Kelowna, B.C.

June 30, 2003

The Honourable Robert Nault,
Minister,
Indian & Northern Affairs Canada,
10 Wellington Street,
Hull, Quebec

Dear Minister Nault:

Re: 2002-2003 Lands Advisory Board Annual Report

As the elected Chairman of the First Nation signatories to the *Framework Agreement on First Nation Land Management*, and pursuant to Section 41.1 of this government-to-government agreement with Canada, I am pleased to forward to you our 2002-2003 annual report.

As you know, the culmination of the 2002-2003 activities was the addition of 18 First Nations joining the original 14 First Nations as signatories to the *Framework Agreement*. In addition to the new signatories, we also identified the process that the many other interested First Nations will follow in 2003-2004 and future years to become signatories to this historic document.

On behalf of all of the present signatories, and all of the future signatories, I wish to thank you for your continued support of First Nations resuming control over their reserve lands and resources.

Sincerely,

Chief Robert Louie,
Chairman,
Lands Advisory Board

2002 – 2003 ANNUAL REPORT

In February 1996, at a meeting hosted by Chief William McCue and the Georgina Island First Nation, thirteen Chiefs signed the *Framework Agreement on First Nation Land Management* with Canada. Later that year in December, the St Mary's Chief from New Brunswick was added to the *Framework Agreement*. This historic government-to-government arrangement provides these fourteen First Nations with the opportunity to assume direct control and decision-making over their reserve lands and resources. Parliament ratified the *Framework Agreement* by passing in 1999 the First Nations Land Management Act.

The Lands Advisory Board was established under Part VIII of the *Framework Agreement on First Nation Land Management* to assist the signatory First Nations and Canada in implementing this government-to-government arrangement. As the elected Chairman of the First Nation signatories to the *Framework Agreement*, and pursuant to Section 41.1, I am pleased to provide the 2002-2003 annual report.

The activities of the Lands Advisory Board have been focused in three primary areas: policy and planning to implement the *Framework Agreement*; political and technical support to the developmental First Nations completing their community ratification process; and political and technical support to the operational First Nations assuming direct control over their reserve lands and resources under their land codes. This included the following:

I. Policy and Planning to Implement the *Framework Agreement*

In order to assist the Lands Advisory Board in implementing the technical aspects of the *Framework Agreement*, the First Nations Land Management Resource Centre Inc. was established in December 2001. The Resource Centre's first full year of operation was 2002-2003. The Lands Advisory Board and the Resource Centre addressed a number policy and planning issues to implement the *Framework Agreement*:

resources. These five operational communities are:

British Columbia:

Lheidli T'enneh

Saskatchewan

Muskoday

Manitoba

Opaskwayak Cree

Ontario

Georgina Island

Scugog Island



It should be noted that a sixth community, McLeod Lake (BC) successfully voted in January 2003 but did not implement their land code until after the Order in Council was passed in April 2003.

The political and technical support provided to the five operational First nations has included:

- reviewing internal lease documents and land management systems;
- assistance with the drafting of matrimonial real property laws and other operational land laws;
- assistance with drafting procedures to establish community land committees;
- assistance with drafting procedures for local dispute resolution;
- designing a model for developing land-use plans;
- assistance with developing a community land-use plan;
- assistance with completing an organization study to establish a community lands department to implement the land code.
- Technical liaison with Indian Affairs and Northern Development and Natural Resources Canada and other government departments associated with full implementation of the *Framework Agreement* and the *First Nations Land*

The developmental First Nations currently completing the community ratification process and vote are as follows:

British Columbia

*Squamish
Musqueam
Westbank
N'Quatqua*

Alberta

Siksika

Saskatchewan

Cowessess

Ontario

*Nipissing
Mnjikaning*

New Brunswick

St. Marys



Last year, to assist the developmental First Nations, the Lands Advisory Board produced a visual communications tool to better educate third parties, government officials and the general public on the land management process. This thirty minute communications video is

entitled “*Taking Back Control Of Our Reserve Lands And Resources*”. The Lands Advisory Board has received numerous compliments on the video and it has been widely distributed. In 2002-2003 the Land Advisory Board had this video digitized into a CD Rom format for easier and wider circulation.

As a result of the efforts of the Lands Advisory Board and the Resource Centre providing ongoing assistance to these developmental First Nations, five are planning to conduct their community vote in April and May 2003.

III. Resource Centre Support to Operational First Nations

Throughout 2002-2003, the Lands Advisory Board and the Resource Centre also continued their political and technical support to the operational First Nations who are implementing their land codes and exercising control over their reserve lands and

- prepared for the transition to a new LAB structure, to be effective September 1, 2003 in accordance with Section 38.1 (b);
- developed a new operational land management funding methodology in accordance with Section 39.1 (i);
- monitored and liaised regarding the potential impact on the *Framework Agreement* of two federal legislative initiatives: Bill C-7 and Bill C-19;
- developed a model Environmental Management Agreement with Environment Canada and Indian & Northern Affairs Canada in accordance with Sections 24 and 39.1 (b);
- developed regulations for the registration of land interests under community land codes in accordance with Section 39.1 (g);
- consulted with Natural Resources Canada and Indian & Northern Affairs Canada to develop a new survey arrangement for operational First Nations implementing their land codes under the *Framework Agreement*;
- discussed the potential for developing a working relationship, and memorandums of understanding, with other professional organizations, including the Canadian Institute of Planners, the Indian Taxation Advisory Board, the National Aboriginal Lands Managers Association, the Royal Bank of Canada, other financial institutions, the Union of BC Municipalities; and
- developed a strategic plan for adding First Nation signatories to the *Framework Agreement*.



Adding First Nations to the *Framework Agreement*

The addition of First Nation signatories to the *Framework Agreement* requires a special mention because of the twelve months of dedicated work and planning which culminated in the March 2003 signing ceremony at the Museum of Civilization.

The planning began in the previous fiscal year, 2001-2002. Section 56 of the *Framework Agreement* required the LAB and Indian & Northern Affairs Canada to undertake a Joint Review of the *Framework Agreement* within four years of the federal legislation coming into force. The Joint Review was completed in 2001-2002. Among other things, the Joint Review recommended that the opportunity of community control and decision-making over reserve lands and resources should be made available to more than the original 14 First Nations.



In March 2002 Minister Nault publicly announced that Canada would support the addition of fifteen First Nations to the *Framework Agreement* in each of the next five fiscal years. This announcement satisfied the current demand by First Nations. As of March 2003 approximately fifty Band Council Resolutions from across Canada had been submitted requesting the opportunity to join the land management initiative.



British Columbia:

Nanoose
Cowichan
T'souke

Alberta:

Stoney
Blood
Peigan

Ontario

Oneida
Chippewas of Sarnia
Wkwemikong
Chi'geeng (West Bay)
Sagamok Anishinabek
Wasauksing



The Lands Advisory Board and Resource Centre have also held discussions with Indian & Northern Affairs Canada regarding the possibility of “group entry” under the *Framework Agreement*.

II. Resource Centre Support to Developmental First Nations

Throughout 2002-2003, while preparing for the addition of new First Nations to the *Framework Agreement*, the Lands Advisory Board and the Resource Centre continued their political and technical support to the original signatories of the *Framework Agreement* as they prepared to complete the community ratification process and prepare for the community vote on the land code and the Individual Agreement with Canada.

These support activities to the developmental First Nations included:

- providing orientation sessions to the Chiefs and councils;
- completing community action plans and schedules of activities;
- completing developmental funding agreements;
- assistance in drafting the community land code;
- assistance in developing and implementing a community ratification process;
- assistance in conducting an environmental site assessment;
- assistance in completing an Individual Agreement with Canada; and
- assistance with conducting the community vote.

Chief Austin Bear's address to the Chiefs and Minister Nault also referred to the Minister's "stewardship":

"The goal of the Chiefs has always been to provide our people with an opportunity to design a better way of land management than the department's stewardship over our reserve lands and resources... Our communities are very capable of conducting the day-to-day management of our reserve lands and resources. We should all remember that we exercised this responsibility for hundreds of years before the Indian Act was imposed on us... With all due respect [Minister Nault], we neither need, nor want, you to make any further decisions affecting our reserve lands and resources or to be involved any longer".



Throughout 2002-2003 the Lands Advisory Board and the Resource Centre have held discussions with a number of other First Nations who would like the opportunity to be added as signatories to the *Framework Agreement* including:

Accordingly, amendments to the *Framework Agreement* were drafted and approved by both the Lands Advisory Board and Canada to pave the way for additional First Nations to become signatories to the *Framework Agreement*.

The Lands Advisory Board and the Resource Centre worked diligently throughout 2002-2003 with each of the interested First Nations. Finally, in March 2003 Minister Nault, the Lands Advisory Board and the Chiefs of the following communities celebrated the addition of twenty-two First Nations to the *Framework Agreement*:

British Columbia

Songhees
Beecher Bay
Ts'kw'aylaxw
Tsawwassen
Tsawout
Skeetchestn
Tsleil-Waututh
Sliammon
Kitselas
McLeod Lake
Osoyoos



Saskatchewan

*Kinistin
Whitecap Dakota
Muskeg Lake*

Ontario

*Garden River
Whitefish Lake
Mississauga #8
Moose Deer Point
Dokis
Chippewas of Kettle
and Stoney*

New Brunswick

Kingsclear



In his address to the Chiefs, Minister Nault talked about this “historic occasion” and the “giant step toward self-determination” that these communities were taking. Minister Nault added:

“...And I believe the phrase ‘according to the wishes of the community’ captures the essence of this Land Management Initiative. By placing control in communities -- where it belongs - the initiative becomes an effective tool of governance and a powerful instrument for economic and social development”.



Minister Nault also stated:

“I find two aspects of this Land Management Initiative especially pleasing. First, it’s been a success for each of the First Nations that are operating under their land codes. And second, from the outset, it has been led and developed by Aboriginal leaders”.

In my address to the Chiefs and Minister Nault, I echoed the same sentiment:

“The *Framework Agreement* and the *First Nations Land Management Act* are a remarkable accomplishment. They represent the culmination of many years of dedication and commitment by the Chiefs. This is a land management initiative conceived by the Chiefs, developed by the Chiefs, negotiated with Canada by the Chiefs, and recognized by the Parliament of Canada. Clearly, this Initiative is not a departmental program”.



All of the Chiefs, those representing the original 14 First Nation signatories as well as the 22 new First Nations, are visionaries. They want to provide for their people an opportunity to make an informed choice, either remain under the land components of the Indian Act, and the stewardship of the Minister and federal bureaucrats, or assume direct authority over reserve lands and resources, by developing a community land code and community land laws.