



Advisory Services

**Framework Agreement
on First Nation Land
Management**

**Update Assessment of
Socio/Economic
Development Benefits**

Final Report

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kpmg.ca

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Forward by the Lands Advisory Board

The *Framework Agreement on First Nation Land Management* is historic. As First Nations, we governed our lands since time immemorial, long before the *Indian Act* was imposed on us. The completion of the Framework Agreement in 1996 represents the only time in Canada's history that a group of First Nations have joined together to design, negotiate and sign a government-to-government arrangement with the Federal Government to resume this governance. The *Framework Agreement* is the first real recognition of our inherent right to be self-governing. The Minister of Indian and Northern Affairs confirmed this in his 1999 address to the Senate Committee on Indian Affairs and Northern Development:

"The Framework Agreement and this legislation provide signatory First Nations a legitimate, organized and controlled means of taking back the authority to manage their lands and resources at the community level and pass laws regarding how their land is developed, conserved, protected, used and administered."

The *Framework Agreement* is led by First Nations. The goal was to leave behind the paternalistic constraints of the *Indian Act* and resume our rightful governing authority over our reserve lands and resources under a Land Code designed and ratified by our members. We consider land governance to be the cornerstone of indigenous self-government and self-sufficiency.

Framework Agreement First Nations are able to work efficiently with business investments that bring productive economic development opportunities to our Communities. We function "at the speed of business" as a result of our direct authority over reserve lands and natural resources. Financial institutions want to partner with *Framework Agreement* First Nations because we have clear, transparent and accountable governance structures in place, including rules and regulations that provide security and comfort to investors. We are able to provide certainty in land interests, low land transaction costs, and land laws that are recognized by courts and enforceable.

The Minister of Indian and Northern Affairs Canada stated:

"This (Framework Agreement) means that First Nations can undertake projects without having to turn to me for their approval. They have the flexibility to move quickly when economic opportunities arrive or when partners approach them. In that way, they can get on with the task of creating jobs and encouraging economic growth in their Communities."

The First Nation Lands Advisory Board, which represents the *Framework Agreement* First Nations, and the Board's technical body, the First Nations Land Management Resource Centre, were pleased to collaborate with Canada in 2009 and have the international firm of KPMG LLP conduct a study on the *Framework Agreement* costs and benefits. Now, four years later, KPMG is updating the benefits as of 2013. The Lands Advisory Board is very pleased to accept Phases I and II of the 2013 report.

Phase III in 2014 will provide further evidence in support of Canada's investment in the *Framework Agreement*. A case study approach will present in-depth examples of benefits in such areas as economic development and job creation; internal and external investments by the band; Community members, and third-party partners; and enhanced relations with industry, other jurisdictions and financial institutions.

Chief Robert Louie
Chair
Lands Advisory Board

Chief Austin Bear
Chair
First Nations Land Management Resource Centre Inc

Executive Summary

This 2013 study updates the 2009 “Framework Agreement Benefit/Cost Review” initially conducted to estimate economic and social benefits accruing to First Nations who have ratified their land codes under the Framework Agreement on First Nations Land Management (hereafter called “operational First Nations” and “Framework Agreement”). Through the use of comparative analysis, this 2013 report captures the progress, incremental changes and experiences of 32 operational First Nations.

The study findings indicate that

- **None of the First Nations surveyed in 2009 or 2013 reported a desire to revert back to the Indian Act** – even if this were a possibility under the Framework Agreement, which it is not.
- **The benefits of operating under a First Nations’ land code are accruing to the Band.** The study findings show the majority of reserve land being developed is land held in common by the Band for the benefit of all members, meaning that most benefits are flowing to the Band.
- **Governing under a land code helps First Nations to achieve the overall vision for their Communities.**
- **Approximately 70% of First Nations participating in this study have a land use plan that is in place or in development.**
- **Land Management activities are completed significantly faster by operational First Nations compared to previous processing under the Indian Act. In some cases this can be 72 times faster.**
- **Operational First Nations had developed their land governance processes and decision making systems to only a small extent under the Indian Act whereas significant development has occurred following ratification of their land code.**
- **First Nations that have been operational between four and six years still feel they are transitioning. It takes as long as 10 years for participating First Nations to indicate they are in transition to a much smaller extent.**
- **As first signs of positive change, many newly operational First Nations identify improvements to flexibility in the terms and conditions for land related transactions, improvements to protecting Community legal interests and improvement to protecting Community values for development.**
- **There is a point in time for operational First Nations when efficiency in carrying out processes begin to plateau, and where there is no further improvement, nor a need to improve (e.g. permit processing time, timelines for registration of instruments).** As First Nations are operational longer, changes to some land management areas slow down or cease and First Nations have moved to identifying other elements as being improved. This is expected: As processes become established there is a diminishing need for First Nations to keep addressing the same areas. One expects a shift in elements being reported as improved.
- **Enhanced communication and building industry relations and reputation of the First Nation with investors are two areas noted to be better by the majority of operational First Nations.** As First Nations establish land governance activities, other areas begin to improve such as relationships with municipal governments and financial institutions.

- **The Framework Agreement has led to new benefits for the most recent group of First Nations (Group B) who have become operational and further benefits are continuing for those approaching, or that have surpassed, 10 years in operation (Group A). Less incremental change occurs the longer First Nations have operated under their land codes.** This is, in part, simply due to the rising baseline year-over-year. With limited or restricted pre land code economic development activity, the baseline was low, leading to significant growth during the time period between pre- and post- land code. By the time the survey was fielded in 2013, a new, higher baseline had been established by Group A.
- **There is an increase in interest and importance around forging relationships and partnerships with third parties and other external partners.**
- **There is an increase in the percentage of operational First Nations reporting that businesses are owned by external partners.**
- **Operational First Nations are establishing new businesses on reserve.** Although there is some variance, the data suggests that most businesses are small in size but established on reserve by entrepreneurs who require a small staff.
- **Significant Community investment continues among operational First Nations. In particular, they recognize the importance of investing in both the hard and soft infrastructure required to increase economic development.** Internal investment remains strong for both the newly operational First Nations (Group B) and those that have been operational for many years (Group A). External investment is also recognized as an important factor in economic development, and is aligned with an emphasis on third party relationship building. An order of magnitude amount of internal and external investment achieved by all 32 operational First Nations participating at the time of this study is \$270M.
- **Jobs are being created on reserve.** An order of magnitude number of jobs created by all 32 operational First Nations participating in this study is approximately 4,000.

Overall, operational First Nations experience improved efficiencies and effectiveness in building their Communities. The Framework Agreement continues to be an enabler to First Nation Community and economic development efforts.

1 Introduction

1.1 2013 Study Objectives

As background to this current study, work was conducted in 2009 to identify and describe (quantitatively and qualitatively) benefits accruing to First Nations communities who have ratified their land codes under the Framework Agreement on First Nation Land Management (hereafter called “operational First Nations” and “Framework Agreement”).

The Framework Agreement provides an operational First Nations the jurisdiction to govern reserve land under a land code. The land code is the primary law that enables the Community to exercise the powers, rights and privileges of an owner in relation to that land. The land code empowers the granting of interests or rights in relation to that land; managing the natural resources of that land; and receiving and using all moneys acquired by, or on behalf of the First Nation, in relation to that land.

The original 2009 study collected data from 19 operational First Nations and through that identified impacts to land governance and management systems and processes, as well as impacts to economic development efforts.

The objectives of this current 2013 study is to update the results obtained from the original project; capture progress and incremental changes; and compare experiences of different groups of operational First Nations. The current study utilizes two components:

- An update in 2013 to the data collected from the original group of 19 First Nations in 2009, and
- The collection of primary data from an additional 16 First Nations in 2013.

1.2 Methodology

The methodology for this 2013 study consisted of conducting and analyzing two surveys. The surveys replicated the questions asked of operational First Nations during the original 2009 benefits review.

The first survey was based on a questionnaire developed in MS Word and fielded to operational First Nations that had participated in 2009. The questionnaire was designed to capture incremental changes in experience and results over the four year period since that time. Each First Nation received a customized questionnaire that included their 2009 responses. This group of First Nations was specifically asked to identify the difference or change from their 2009 responses.

The second survey was conducted through an on-line format and was fielded to operational First Nations who did not participate in the original 2009 study.

The three groups of First Nation survey respondents included in this 2013 study are identified as follows:

- **Group A [2009]** – Original group of 19 operational First Nations that responded to the survey in 2009.
 - Group A First Nations in 2009 had been operational under their land codes an average of six years.
 - 8 of the 19 respondents had been operational for seven years or longer.
- **Group A [2013]** – Updated and current data from the original group of First Nations.
 - Group A First Nations as of 2013 have been operational an average of 10 years.
 - Seven of the 16 respondents have been operational for 11 years or longer.
- **Group B** – Additional operational First Nations who did not participate in the original study.
 - Group B First Nations as of 2013 have been operational an average of five years.
 - Three of the 16 respondents have been operational longer than five years, but none have been operational more than nine years.

See Appendix A for a listing of participating First Nations in the 2009 and 2013 studies and their respective operational experience as of these dates.

Throughout this report, comparisons are made on two levels — Group A as we compare their 2009 responses with their 2013 responses; and separate comparisons of Group A responses from 2009 to Group B responses in 2013.

Utilizing the original study data as a comparator provided the advantage of being able to demonstrate changes in economic activity over the 2009 to 2013 period, as well as identify similarities and differences between the experiences of Group A and Group B. Additionally, the collection of new data against the same indicators used in 2009 provides the beginning of a longitudinal set of data that can be used for future updates and comparisons.

For all comparisons Group A 2009 and Group B are comparing their land code operations to operations under the Indian Act. Group A 2013 is comparing to operations under their land codes in 2009.

1.2.1 Study response rate

The response rate to the study questionnaires was extremely high. The study is able to demonstrate the experiences of 32 operational First Nations. Response rates for the two groups of First Nations are as follows:

	Operational First Nation Sample	Operational First Nation Respondents	Response Rate
Group A in 2013	17	16	94%
Group B	19	16	84%

Additional details regarding the methodology are located in Appendix B.

1.3 2009 to 2013: A Changing Landscape

Since the initial 2009 Framework Agreement Benefits Review, changes to the context of programming have occurred as follows:

- The number of operational First Nations has almost doubled since 2009. Currently there are 40 operational First Nations compared to 24 at the time of the original study. This has created a broader community of knowledge development and sharing such that new operational First Nations have greater opportunities to leverage the extensive network of experience and mentors.
- The Lands Advisory Board has been strengthened through additional member Chiefs and other prominent First Nation representatives being voted to the Board as the number of operational First Nations grows across Canada. These individuals possess tremendous reputations and credibility, some are recognized nationally and internationally, and have the ability to dialogue with communities bringing an evolution of experience and accumulated knowledge to share with other First Nations.
- The availability of tools and resources from the Land Advisory Board's Resource Centre (Resource Centre) has increased and processes streamlined such that operational First Nations have greater access to information such as model land codes, various land laws such as Matrimonial Real Property Laws, policies, procedures and many other resource solutions intended to support the implementation of Land Codes.
- There are a greater number of Resource Centre resources, with a broader skill set, in the field proactively targeting direct support to operational First Nations (e.g., assistance with the development of Land Use Plans which are key to successful economic development).

2 Land Code Overview

This section provides some insight into the profile of the operational First Nations that responded to the two surveys. It combines both basic characteristics and key findings associated with the specific situations of the participating communities. The detailed analysis of the data associated with this section is located in Appendix C.

2.1 Reserve Lands

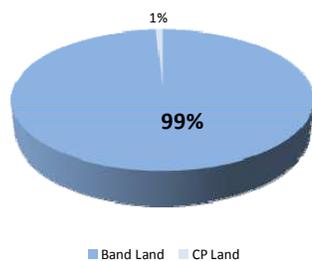
The benefits of operating under a First Nations' land code are accruing to the Band. The study findings show the majority of reserve land being developed is land held in common by the Band for the benefit of all members, meaning that most benefits are flowing to the Band.

The type of reserve land governed by each operational First Nation is an important indicator of where the benefits of economic development activities are accruing. The study findings show the majority of reserve land is *Common* Band-land (see Exhibit 1 below). Of the 16 Group A respondents in 2013, 14 reported having band land with a median of 4,106 acres, and 8 reported reserve land held by Certificates of Possession¹ (CP) land with a lower median of 21 acres. Of the 16 Group B respondents, 14 reported having band land with a median of 5,750 acres, and 7 reported CP land with a median of 130 acres.

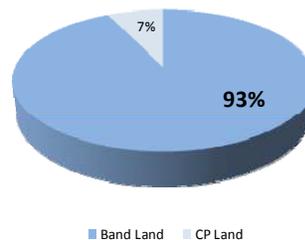
Exhibit 1

Survey Question 15: Please identify the acreage of your First Nations' land base:

Total Acreage of Land Reported by Type and Percentage (Group A 2013)



Total Acreage of Land Reported by Type and Percentage (Group B)



2.2 Returning to the *Indian Act*

None of the First Nations surveyed in 2009 or 2013 reported a desire to revert back to the Indian Act.

Even though returning to the Indian Act is not an option under the Framework Agreement, when asked if they would consider returning to land operations under the *Indian Act* (if this option was available) the First Nations' answers were highly consistent. In 2009, 100% of Group A responded "No"; in 2013, 88% responded "No"; one indicated "Don't Know" and one did not respond. Among Group B, 88% responded "No", one indicated "Don't Know" and one did not respond.

¹ Certificate of Possession is documentary evidence of a First Nation member's lawful possession of Reserve lands pursuant to the *Indian Act*. Land is allocated or claimed by individual band members where the rights and use of the land are held by that individual (or family).

This suggests the impacts and benefits realized by operational First Nations are superior to operating under the *Indian Act*.

2.3 Land Management

2.3.1 Processing Speed/Efficiency

Land Management activities are completed significantly faster by operational First Nations compared to previous processing under the Indian Act.

Overall, all operational First Nations responding to questions regarding the speed with which various land management activities are being carried out, reported increases in the speed and efficiency with processing since becoming operational (see Appendix C, Exhibit C1, page 44). Often, processes previously reported to take months or years under the Indian Act to complete are now taking days. For example, among Group B it took 133 days on average to complete the registration of instruments under the Indian Act; it now takes 9 days on average under a land code. Permits and leases previously took 584 days on average to complete; they are now taking 17 days on average under a land code. These results are consistent across Group A as well. Examples provided by Group B are presented in Exhibit 2:

Exhibit 2

Survey Question 3: Please provide examples of the average length of time of activities that have changed

	Group B Pre-Land Code (Days)			
	Min	Mean	Median	Max
Permits and leases	24	584	75	2160
Registration of instruments	21	133	120	270
Collection of accounts	25	170	120	365
Environmental assessments	20	299	270	720
Surveys	120	409	393	730

	Group B Post-Land Code (Days)			
	Min	Mean	Median	Max
Permits and leases	3	17	14	30
Registration of instruments	1	9	1	30
Collection of accounts	1	15	14	30
Environmental assessments	1	22	10	60
Surveys	1	25	20	60

**Note: In some cases the data were reported as ranges. In these cases the data was adjusted, using the top number in the range provided. If the range was provided in years or in months, it was converted to days for consistency in the comparative analysis.*

2.3.2 Processes and Decision Making

Operational First Nations had developed their land governance processes and decision making systems to only a small extent under the Indian Act whereas significant development has occurred following ratification of their land code.

With regard to the extent an operational First Nation has developed their land management processes and decision making systems prior to signing the Framework Agreement and implementing a land code, Group B reported about the same average position as the Group A in 2009 (see Exhibit 3). On a 5-point scale ranging from (1) “to a great extent” to (5) “Not at all” both groups reported an average between 3 and 4, albeit Group B reported slightly more previous development than Group A in 2009.

Exhibit 3

Survey Question 10: To what extent was your First Nation able to develop your land governance processes and decision making systems prior to becoming a signatory to the Framework Agreement: (i.e., under the Indian Act)

	1 = To a great extent	2 = To a considerable extent	3 = To some extent	4 = To a small extent	5 = Not at all	N/A	Not Answered
2009 Group A	6%	6%	35%	12%	41%	0%	0%
2013 Group B	0%	19%	19%	31%	13%	13%	6%

↑ ↑
Group B Mean = 3.5 Group A 2009 Mean = 3.8

Regarding the incremental change associated with the development of land management processes and decision making systems following operationalization under a land code the data show progress among Group A from 2009 to 2013 (see Exhibit 4). The average lies between (3) “to some extent” and (2) “to a considerable extent”, with movement toward the latter.

Exhibit 4

Survey Question 11: To what extent has your First Nation been able to develop your land governance processes and decision making systems since becoming operational under your land code?

	1 = To a great extent	2 = To a considerable extent	3 = To some extent	4 = To a small extent	5 = Not at all	N/A	Not Answered
2009 Group A	18%	24%	29%	24%	6%	0%	0%
2013 Group A	13%	50%	25%	6%	0%	6%	7%

↑ ↑ ←
Group A 2013 Mean = 2.3 Group A 2009 Mean = 2.8

When comparing the development of land management processes and decision making systems after becoming operational, between Group A in 2009 and Group B, there is a distinct difference (see Exhibit 5). Whereas the average for Group A in 2009 was 2.80 on the aforementioned scale, Group B has reported 1.8 which measures between (1) “to a great extent” and (2) “to a considerable extent”. These data indicate that Group B has been able to develop land governance processes and decision making systems at a faster rate of progress than their Group A counterparts.

Exhibit 5

Survey Question 11: To what extent has your First Nation been able to develop your land governance processes and decision making systems since becoming operational under your land code?

	1 = To a great extent	2 = To a considerable extent	3 = To some extent	4 = To a small extent	5 = Not at all	N/A	Not Answered
2009 Group A	18%	24%	29%	24%	6%	0%	0%
2013 Group B	44%	13%	13%	6%	0%	19%	6%

↑ **Group B Mean = 1.8**
↑ **Group A 2009 Mean = 2.8**

One explanation for the contrasting average position is the fact that there is an increased amount of knowledge sharing and transfer occurring among operational First Nations. Group B has had the opportunity to obtain information around transitioning from the *Indian Act* to the Framework Agreement from Group A that are much further out from the date they became operational. These lessons learned and best practices, as well as the availability of tools (e.g. sample laws), have assisted Group B to prepare quickly.

An additional element that has likely contributed to Group B’s current progress is that the Resource Centre has increased its effectiveness in working with operational First Nations to provide advice and assistance, and have been able to do so as a result of having more experienced staff in the field through re-deployment of resources as well as providing a set of model tools and online support.

2.3.3 The Transition from the Indian Act to a Land Code

It is not until approximately year 10 that participating First Nations are indicating they are in transition to a much smaller extent with their exit from the land related sections of the Indian Act to operating under a land code. First Nations that have been operational between four and six years still feel they are transitioning.

Transition can be defined as a process of system change in which the structural character of a system transforms, in this case from the Indian Act to a First Nation’s Land Code. This transition is a gradual process of change in land governance and management practices for First Nations.

When asked if operational First Nations felt they were still in transition from the *Indian Act* to their land code, two key findings emerged. First, Group B reported the same average position on the aforementioned 5-point scale as Group A in 2009 (a rating of 2.8). Comparing the length of time these two groups were operational when responding to this question:

- Group A was an average of six years operational in 2009 and
- Group B are an average of five years operational in 2013,

This indicates these two groups are approximately at the same stage of progress to becoming fully operational.

Secondly, there is a common belief among Group A in 2013 that now, four years after the original study, they are much less in transition, with an average position of 3.5 (between “to some extent” and “to a small extent”) (See exhibit 6). Group A has made considerable progress transitioning to full operations under their land code over the past four years (i.e., 2009 to 2013) where the majority in this group has now been operational for 10 years.

Exhibit 6

Survey Question 13: Do you feel your First Nation is still in transition from the Indian Act to your Land Code?

	1 = To a great extent	2 = To a considerable extent	3 = To some extent	4 = To a small extent	5 = Not at all	N/A	Not Answered
2009 Group A	24%	18%	24%	12%	18%	6%	0%
2013 Group A	6%	19%	13%	25%	25%	13%	0%



Group A 2009 Mean = 2.8 **Group A 2013 Mean = 3.5**

Many respondents explained that transition is a gradual process. As the Community is able to hire additional staff, train existing and new staff, and establish processes and land laws, the transition period shortens.

2.3.4 Land Use Planning

The Resource Centre has increased its emphasis on assisting operational First Nations in the development of a Land Use Plan.

A Land Use Plan developed within the regulatory framework established under the Framework Agreement is a key element in successful economic development. “There is overwhelming evidence of the urgent need for planning in First Nation communities in Canada, planning that is community-based, comprehensive, and ultimately leads to action.”² A 2008 Building Environmental Aboriginal Human Resources (BEAHR) land use planning occupational standards document describes the land use planning process as “undertaken to develop a formal framework that guides decisions about existing and future land allocation, use, management and protection”, and defines aboriginal land use planning as “a holistic process that considers the interconnectedness of all aspects of an Aboriginal community, including its social, traditional, economic, cultural, spiritual and governance context.”³

Added to the interconnectedness of community aspects, for operational First Nation communities, we must bear in mind that operating under a different legislative framework (‘Framework Agreement’ instead of the ‘Indian Act’) means that new planning approaches are required - planning approaches that are community-specific, free from outside interference, and that combine the tenets of a community’s land code to its own planning definitions, objectives and development possibilities. The Resource Centre has been active with the latter.

As identified in Exhibit 7, many Group A respondents in 2013 reported having a plan in place (40%), while many First Nations in Group B reported having a plan in development (50%). For both groups, most have at least started planning for their Land Use Plan. Only one First Nation in Group B has reportedly not yet taken any steps.

² Laura Mannell, Frank Palermo, and Crispin Smith, “Community-Based and Comprehensive: Reflections on Planning and Action in First Nations”, in Ryan Walker, Ted Jojola, and David Natcher (editors), *Reclaiming Indigenous Planning*, (Montreal and Kingston: McGill-Queen’s University Press, 2013), pp. 113 – 40.

³ BEAHR (Building Environmental Aboriginal Human Resources). *Land Use Planning National Occupational Standards: Environmental Careers Organizations Canada*, 2008.

Exhibit 7

Survey Question 13: Does your First Nation currently have a Land Use Plan?

Description	Group A 2013	Group B
plan in place	44%	19%
plan in development	25%	50%
plan in planning	25%	19%
not being planned at this time	0%	6%
Not Answered	6%	6%
n=	16	16

3 Land Code Impacts

This section highlights the key findings associated with the impact to the operations of respondents since implementing their land code. The detailed survey results can be found in Appendix D.

3.1 Terms and Conditions Related to Land Transactions

As first signs of positive change, many newly operational First Nations identify improvements to flexibility in the terms and conditions for land related transactions, improvements to protecting Community legal interests and improvement to protecting Community values for development.

There is a point in time for operational First Nations when efficiency in carrying out processes begin to plateau, and where there is no further improvement, nor a need to improve (e.g. permit processing time, timelines for registration of instruments).

As First Nations are operational longer, changes to some land management areas slow down or cease and First Nations have moved to identifying other elements as being improved. This is expected: As processes become established there is be a diminishing need for First Nations to keep addressing the same areas. One expects a shift in elements being reported as improved.

Survey participants were asked to indicate which variables or characteristics have impacted their ability to develop more favourable terms and conditions for land related transactions (See Appendix D, Exhibit D1, page 45). For each variable, First Nations were asked to indicate “better”, “no change”, or “worse”. Group A in 2013 were asked to indicate the change from 2009. For each group, the most commonly “better” rated variables are identified as follows:

Group A in 2009:

- Protecting community values for development (94%)
- Flexibility (94%)
- Protecting community legal interests (88%)

Group A in 2013:

- Protecting community legal interests (81%)
- Flexibility (69%)
- Protecting community values for development (63%)

Group B

- Protecting community values for development (73%)
- Protecting community legal interests (73%)
- Lease terms (73%)
- Flexibility (71%)

The majority of the top characteristics are the same across each group surveyed, with the only exception being “lease terms” which is a key contributing factor for Group B.

While there is still incremental improvement taking place among Group A, comparing the responses between 2009 and 2013, there are more First Nations reporting no change to the improvement of these characteristics. This may indicate that changes in these areas occur early but then slow down or cease. This would be expected: As processes become established there would be a diminishing need for First Nations to keep addressing the same areas. One would expect a shift in elements being reported as improved. This is particularly true of administrative processes such as the issuing of permits, but may less be the case with regard to business/economic development, where it might be expected that initial development could carry momentum leading to larger development and so forth.

As such, First Nations that have been operational for a longer period of time have shifted focus to other areas. Different characteristics are now being reported as “better,” for example, there are more Group A in 2013 reporting better conditions for consistency with Land Use Plans.

3.2 Relationships

Enhanced communication and building industry relations and reputation of the First Nation with investors are two areas noted as better by the majority of operational First Nations. As First Nations establish land governance activities, other areas begin to improve such as relationships with municipal governments and financial institutions.

Survey participants were asked about the change in factors influencing economic development opportunities as a result of operating under their land code (See Appendix E, Exhibit E1, page 48). They could respond by noting if the factor was “better”, “no change” or “worse”. For each group of respondents, the most commonly “better” rated variables are identified as follows:

Group A in 2009:

- Enhanced Communication (82%)
- Building industry relations/reputation (76%)
- Building relationships with municipal governments (76%)
- Timing and implementation of instruments (71%)

Group A in 2013:

- Relationships with financial institutions (69%)
- Harmonization/collaboration of land use plan with others (69%)
- Building relationships with municipal governments (69%)
- Building industry relations/reputation (69%)

Group B:

- Timing and implementation of instruments (80%)
- Building relationships with municipal governments (80%)
- Third-party awareness (73%)
- Building industry relations/reputation (73%)

While there is generally some commonality among the three groups, one key difference is the improvement of third-party awareness by Group B. Nearly ¾ of Group B identified this element as “better”. This focus on third-parties is an important finding that comes up again among both respondent groups and is discussed later in this report (see section 4).

3.3 Impacts to other Community Initiatives

Governing under a land code helps First Nations to achieve the overall vision for their Communities.

Survey participants were asked about which types of other Community initiatives were strengthened as a result of operating under their land code (see Appendix D, Exhibit D2, page 46). They could respond by noting if the initiative type was “better”, “no change” or “worse”. For each group, the most commonly “better” rated variables are identified as follows:

Group A in 2009:

- Achievement of overall vision of your First Nation (82%)
- Interactions with other First Nations (71%)
- Marketability of doing business with your First Nation (71%)

Group A in 2013:

- Interactions with other First Nations (75%)
- Achievement of overall vision of your First Nation (69%)
- Marketability of doing business with your First Nation (56%)

Group B:

- Achievement of overall vision of your First Nation (87%)
- Existing Systems (79%)
- Marketability of doing business with your First Nation (73%)

Again, as seen with other questions, there tends to be commonality across the three groups, although Group B reported strengthening of existing systems more so than Group A.

Finally, the groups surveyed were asked about the impact on a series of attributes within their Communities (see Appendix D, Exhibit D3, page 47). Using the same scale as previously described, the most commonly “better” rated attributes are identified as follows:

Group A in 2009:

- Land management control (100%)
- Increased awareness of community issues (94%)
- Level of interest of First Nation members in land management (94%)
- Community pride (94%)

Group A in 2013:

- Community pride (88%)
- Land management control (81%)
- Land management accountability (81%)
- Increased awareness of community issues (81%)

Group B:

- Land management accountability (93%)
- Land management control (93%)
- Level of interest of First Nation members in land management (73%)
- Increased awareness of community issues (67%)
- Community pride (67%)

Land management accountability, control and community pride are common across the three groups surveyed.

4 Economic Development

This section highlights some of the key findings specific to the economic development benefits reported by survey respondents. It covers issues that include investment, business creation, and job creation. The detailed survey results can be found in Appendix E.

The study results indicate that the Framework Agreement has led to new benefits for the most recent group of First Nations who have become operational (Group B), and further benefits are continuing for those approaching, or that have surpassed, 10 years in operation (Group A). Less incremental change occurs the longer First Nations have operated under their land codes. This is, in part, simply due to the rising baseline year-over-year. With limited or restricted pre land code economic development activity, the baseline was low, leading to significant growth during the time period between pre- and post- land code. By the time the survey was fielded in 2013, a new, higher baseline has been established by Group A.

Overall, there is an increase in interest and importance around forging relationships and partnerships with third parties and other external partners. One of the important steps in doing this is to help these organizations to understand what it means for them to do business with a First Nation that operates under the Framework Agreement. Whereas third parties may have previously been reluctant to work with First Nations due to long drawn out and unclear Indian Act processes, they can now work much more efficiently together, as the First Nations have direct decision making authority and rules and timeframes are clear.

There is also an increase in the percentage of operational First Nations reporting that businesses are owned by external partners.

Operational First Nations are establishing new businesses on reserve. Although there is some variance in size, the data suggests that most businesses are small and created by entrepreneurs who require a small staff. An order of magnitude number of jobs created by all 32 operational First Nations participating in this study is approximately 4,000.

Significant community investment continues among operational First Nations. In particular, they recognize the importance of investing in both the hard and soft infrastructure required to increase economic development. Internal investment remains strong for both the newly operational First Nations (Group B) and those that have been operational for many years (Group A). External investment is also recognized as an important factor in economic development, and is aligned with an emphasis on third party relationship building. An order of magnitude amount of internal and external investment achieved by all 32 operational First Nations participating in this study is \$270M.

4.1 Economic Development advancements

A general important finding identified through the data collection was that for many aspects of economic development advancement, Group A in 2013 are starting to experience a plateau effect. That is, where we saw rapid progress in 2009 compared to their pre-land code situation, by 2013 when surveyed again, progress continued but at a much more gradual pace. This would suggest that over time, changes continue, but year-over-year it can be expected that the incremental change may be less. This can be explained by looking at the baseline. With limited or restricted pre-land code economic development activity, the baseline was low, leading to significant growth during the time period between pre-land code and 2009. By the time the survey was fielded in 2013, a new, higher baseline has been established by the Group A operational First Nations.

This may also partly be explained by the specific goals identified in an operational First Nation's Land Use Plan. Not all First Nations seek to undertake commercial development over multiple years.

First Nations were asked if operating under their land code enabled pursuit of commercial activity in different areas that may not have been possible under the Indian Act. More than half of the respondents from both the Group A in 2013 and Group B First Nations have indicated diversified commercial activity has been possible.

	Group A 2013	Group B
Yes	56%	69%
No	19%	0%
Don't Know	13%	25%
Not Answered	13%	6%
n=	16	16

The most frequently referenced new business areas post-land code included tourism and entertainment and transportation and warehousing sectors. Commercial retail and agriculture, forestry, fishing and hunting were the most common sectors both pre and post land code

Overall, Groups A and B have indicated the most significant economic advantages of a land code under the Framework Agreement are:

- Processes are more timely and efficient
- Increased direct control over leases, licenses, permits
- Higher land related revenue potential allowing all members to benefit
- Ability to borrow for capital investments
- Access to external investment that generates jobs and revenue
- Increased attractiveness to outside investors, better partnerships in place
- Increases in market value, land use fees and development fees

Some of the disadvantages cited included:

- Unresolved legacy⁴ issues hinder efficient economic use of land and land use planning.
- Cost and effort to developing land laws and policies (not turn-key operation)
- Higher insurance costs to cover extended liabilities with regards to environmental management

4.2 Investment on/in Reserve Lands

4.2.1 Internal Investment by First Nations and Members⁵

Internal investment has been reported by each of the groups surveyed.

When comparing Group A in 2009 and Group B, more of the latter group are reporting internal investment (75%) compared to the former (65%). Still 66% of respondents from Group A are reporting internal investment in 2013 beyond what they reported in 2009 (see Appendix E, Exhibit E6, page 53).

⁴ Legacy issues in the context of the Framework Agreement are Canada's stewardship issues that occurred under the Indian Act and prior to a First Nation becoming operational under their Land Code. Examples of these issues include areas such as environmental contamination and outstanding survey issues among others.

⁵ Internal investment represents initiatives undertaken and resources expended by the band and its members.

Overall, the data regarding investment tend to suggest that investment in physical (hard) infrastructure continues and is acknowledged by respondents as an important component to success, along with investment in soft infrastructure. A First Nations' own investment in its Community lays a solid base for attracting external investment (see section 4.2.1.2).

- Examples of hard infrastructure investment include physical components such as roads, sewer and water systems, etc.
- Examples of soft infrastructure investment include Institutional systems such as educational and workforce development, law enforcement, health, etc.

With regard to internal investment in both hard and soft infrastructure items (see Appendix E, Exhibit E7, page 55):

- 75% of Group A in 2013 reported some investment in hard infrastructure,
- 50% of Group A in 2013 reported investment in soft infrastructure, and
- 50% of Group A in 2013 reported internal investment in targeting particular parts of a reserve for regeneration or growth (areas based initiatives).

The latter two items represent a decrease from what was reported in 2009. Internal investment in hard infrastructure remained the same.

Overall, based on the survey responses, an estimate of internal investment is in the order of:⁶

- \$53 million made by Group A in 2009 and an additional \$51.25 million was invested internally by 2013.
- Among Group B an internal investment amount is estimated at \$27.25 million.
- An order of magnitude estimate of internal investment for all 32 operational First Nations participating in this 2013 study is \$130M.

4.2.2 External Investment by Third Parties

External investment has been reported by each of the three groups surveyed, and generally at a higher rate than internal investment.

When comparing Group A in 2009 and Group B, more in the latter group are reporting external investment (69%) than the former (53%) (see Appendix E, Exhibit E6, page 54). For Group A in 2013, 63% have reported additional external investment beyond what was reported in 2009.

Regarding external investment, the categories of investment tend to be consistent with internal investment (see Appendix E, Exhibit E7, page 56). For example, 44% of Group A in 2013 noted hard infrastructure investment, and 38% noted soft infrastructure investments as well as growth of particular clusters of businesses. Each of these represents less incremental change from 2009 reporting. The investment situation among Group B tends to span the same categories (hard and soft infrastructure, and growth of particularly clusters of businesses). That is:

- 38% reported external investment in hard infrastructure, and
- 44% reported external investment in soft infrastructure.

⁶ See limitation #2 in Appendix B.

Both of these are increases from the pre-land code situation for Group B. An interesting observation is that Group B seem to be reporting a greater variety of external investment. This is evident by fairly even disbursement across all categories in the tables in Appendix E, Exhibit E7, page 56.

Overall, based on survey responses, an estimate of external investment is in the order of:

- \$49.75 million was achieved by Group A in 2009,
- An additional \$42.25 million was achieved by Group A by 2013, and
- \$49.25 million was achieved by Group B⁷

These external investment figures reported brings us back to the observation that there is more focus on third-parties and partners amongst both groups with external investment being almost equal to the internal investment numbers for Group A and significantly more for Group B.

An order of magnitude estimate of external investment for all 32 operational First Nations participating in this study is \$140M.

4.3 Business Creation and Expansion on Reserve Lands

Operational First Nations in each group reported the creation or expansion of businesses 65% of Group A in 2009 and 63% of Group B reported such business creation or expansion. Although a smaller percentage of Group A in 2013 (50%) reported business creation/expansion, this is still significant considering it is incremental above what was reported in 2009. (See Appendix E, Exhibit E2, page 49).

4.3.1 Business Ownership

Third-party partnerships and relationships are becoming of increasing importance to First Nations.

One key observation is that for both Group A in 2013 and Group B, there is an increase in the percentage reporting that businesses are owned by external partners (see Appendix E, Exhibit E3, page 50). This finding ties back to other data, previously discussed, which suggests that third-party awareness and partnerships is of increasing importance to operational First Nations.

There is also a strong level of consistency with regard to the owners/operators of these newly created/expanded businesses, with a few exceptions. First, among First Nations that indicated new businesses were created, Group A in 2009 (91%) and in 2013 (75%), noted that the majority of new businesses are owned by First Nations members, at least in part.⁸ This is significantly different for Group B where only 50% reported First Nation member ownership, but rather 70% reported band-owned businesses. This supports the idea that most new businesses are being run by the band at least as a partial owner.

⁷ See limitation #2 in Appendix B.

⁸ For some businesses they may have multiple owners/operations spanning multiple types.

4.3.2 Attracting business to reserve lands

Simplification and improved processing conditions under a Land Code were the most cited factors contributing to the attraction of business activity on reserve lands.

The First Nations surveyed were asked to provide what they believed to be influencing factors that have attracted businesses to their reserves. Among all three groups, the results were very similar. Overall they have experienced improved circumstances under which they have been able to attract business. They cite the key factors as, for example:

- Control being exercised locally provides direct access to First Nations representatives – decisions are absolute and not delayed by having an additional party involved.
- A First Nation’s controlled development of the reserve and businesses, including land laws and regulations, provide increased sense of security to investors.
- The land code (and supporting instruments) provides third parties with clear understanding of conditions.

The most cited factor contributing to the attraction of business activity on reserve lands are the efficiencies gained in relation to land governance processes, including simplification and improved processing conditions under a Land Code as compared with previous requirements under the Indian Act. Additionally, Group A in 2013 expressed that the longer a Community operates post-land code, the more certain and confident it becomes in its ability to expedite necessary procedures.

4.4 Job Creation

Jobs are being created on reserve.

With respect to the jobs created as a result of the new businesses, the data provide a fairly consistent message. That is, for all groups surveyed, First Nations frequently reported 25 (or fewer) new jobs (see Appendix E, Exhibit E4, page 51), with several anomalies of job creation at or above 1,000 (in 2009). An estimate of the total number of jobs created, as reported by First Nations for each group are⁹:

	Number of Jobs Created
Group A in 2009	1,924
Group A in 2013	729*
Group B	1,309

**two First Nation reported that jobs were created, but were unable to identify a range*

These data suggest that most businesses are small and created by entrepreneurs who require only a small staff to provide the goods or services associated with that business.

The data further identifies that for Group A in 2009 more than half of the jobs reported are filled by First Nation members (54%), but this is the highest reported percentage amongst the three groups. Just 25% in Group B reported that at least half of the jobs were filled by First Nation members, while 27% of Group A in 2013 reported such. In fact 38% of the First Nations in Group B and Group A in 2013 each report that none of the jobs are filled by Community members. (See Appendix E, Exhibit E5, page 52).

⁹ See limitation #2 in Appendix B.

Appendix A: First Nations Participants

Prov	Operational First Nations Participating in Both the 2009 & 2013 Studies	Group A		Operational First Nations Participating Only in the 2013 Study	Group B	
		Operational Years of Experience by 2009	Operational Years of Experience by 2013		Operational Years of Experience in 2009	Operational Years of Experience in 2013
BC	Lheidli Tenneh	9	13	Kitselas	4	8
	McLeod Lake	7	11	Shxw'ha:y Village	4	8
	Beecher Bay	7	11	Leq'a:mel	1	5
	Sliammon	6	10	Seabird	1	5
	Ts'kw'aylaxw	6	10	We Wai Kai	1	5
	T'Souke	4	8	Skawahlook	0	4
	Tsawout	3	7	Songhees	0	3
	Tseil-Waututh	3	7	Sumas	0	3
	Squiala	3	7	Campbell River	0	1
	Tzeachten	2	6			
AB						
SK	Muskoday	10	14	Muskeg Lake	5	9
	Whitecap Dakota	6	10	Kahkewistahaw	0	2
	Kinistin	5	9			
MB	OCN	8	12	Chemawawin	0	4
				Swan Lake	0	3
ON	Georgina Island	10	14	Mississauga	1	5
	Scugog Island	10	14	Whitefish Lake	1	5
				Henvey Inlet	0	4
Average years operational		6	10		1	5

Prov	Operational First Nations Participating Only in 2009	Operational Years of Experience by 2009
BC	Westbank	6*
	Tsawwassen	6*
ON	Nipissing	7

Participating Operational First Nations	19	16	16
	2009 Study	2013 Study	
	Group A		Group B
Total Operational First Nations Participating in the 2013 Study = 32			

*Prior to 2013 Westbank had moved beyond the Framework Agreement and signed a self-government arrangement; Tsawwassen had signed a Treaty.

Note: The calculations of years operational presented in this table was provided by the Resource Centre. Calculations of total operational years were based on quarters of years where: .75 was rounded up to 1.00; and .50 & .25 were rounded down to zero.

Appendix B: Details of the 2013 Study Methodology

Two surveys were administrated as part of this component of the study to assess economic development and other benefits. These surveys were focused as follows:

A questionnaire was distributed using MS Word (and attached below), to the 17 Group A First Nations who participated in the 2009 study (excluding Westbank and Tsawwassen). The questionnaire was pre-populated with the responses each First Nation provided in 2009. The data assisted them to answer questions in relation to changes experienced since 2009. Responses were received from 16 of the 17 First Nations.

A second, survey was developed to collect responses from the 2013 Group B First Nations – 16 operational First Nations. The questions were identical to those asked of Group A described above. Responses were received from 16 First Nations out of 19 solicited for a response rate of 84%.

The surveys covered areas of:

- Changes experienced in land governance processes, decision making and land management processes including land transaction times and the terms and conditions related to such, Land Use Plan development, relationship management and stage of transitioning from the Indian Act to a First Nations land code.
- Impacts to other initiatives undertaken within a First Nation as well as contribution to social impacts (i.e., social assistance, housing, etc.)
- Facilitation of economic development opportunities and diversification of commercial activity including the attraction of business to reserve, who is owning and operating these businesses, the types of investment arrangements in place, and job creation on reserve.
- Perceptions of advantages and disadvantages of operating under a First Nations' land code.
- Areas of Internal and external investment in the Community

The questionnaire used in the study follows on the next page.

Limitations:

1. In a number of survey questions, First Nations were asked to elaborate on results across different types of investment arrangements such as whether a particular investment was made by the band only, the band plus a third party, a First Nations member plus a third party, etc., (questions 18, 20, 24, 26 and 29). There were very few First Nations who were able to provide this level of detail and therefore the responses did not produce a reliable result. Therefore, these questions were not included in the analysis of data nor referenced in this report.
2. The quantitative information provided for internal/external investment and jobs created are considered estimates. They were derived by taking the midpoint of a set of ranges and multiplying by the number of respondents that chose each given range. These estimates are not considered scientific, and these figures are intended strictly to provide an order of magnitude of total investment and total jobs created. Further quantitative data in Phase III is expected to confirm these estimates.

Framework Agreement on First Nations Land Management Socio/Economic Benefits Update Study

Terminology

- [1] "Framework Agreement" refers to the "Framework Agreement on First Nation Land Management", which was ratified by Parliament through the "First Nations Land Management Act" [Lands Act].
- [2] First Nations ratify the Framework Agreement by the Community voting to approve a "land code" that the members have developed.
- [3] "FNLM" refers to the First Nations' "land governance process" under the Framework Agreement, the Lands Act and the Land Code.
- [4] In the following questions "pre-land code" means during the developmental phase (i.e., just before your land code came into effect).
- [5] The data pre-populated in this template are the responses provided by your First Nation in 2009.

First Nation Contact Information

Interviewee: [name] [position title & number of years in this position]	
First Nation:	
Date that your Land Code came into effect & your First Nation became operational:	

Areas of Economic Development

A. GENERAL INTRODUCTION

[i] Advantages

1. What is the most significant economic advantage of operating under your land code to your First Nation? Please restrict your response to economic advantages generated directly in relation to Land Management activities on reserve. Please provide details:

2009 Survey Response	Since 2009

[ii] Disadvantages

2. Are there any economic disadvantages to operating under your land code for your First Nation? Please restrict your response to economic disadvantages directly related to Land Management activities on reserve. Please provide details:

2009 Survey Response	Since 2009

[iii] Transaction Time

3. On average, does your First Nation find the processes surrounding land management activities to be faster or slower than those when you were operating under the Indian Act?

2009 Survey Response	Since 2009		
	Faster	Slower	No Change
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If possible, please provide examples of the average length of time of those activities that have changed.

<i>(Example: environmental assessments, surveys, business licensing and permitting, lease negotiations, registration of instruments, collection of accounts, etc.)</i>	Average length of time <i>(specify days or months)</i>			
	2009 Survey Response		Since 2009	N/A ¹⁰ at this time
	Pre-land code	2009		
Process 1: Permits and leases				
Process 2: Registration of instruments				
Process 3: Collection of accounts				
Process 4: Environmental assessments				
Process 5: Surveys				
Other:				
Other:				
Other:				

Comments:

¹⁰ N/A=Not applicable.

[iv] Diversified Commercial Activity

4. Has operating under your land code enabled your community to pursue commercial activity in different industries that may not have been possible under the Indian Act?

2009 Survey Response	
-----------------------------	--

Since 2009: Yes No Don't Know

Please provide examples and detail the barriers/solutions:

[v] More Favourable Terms & Conditions

5. How has operating under your land code impacted your FN's ability to develop more favourable terms and conditions for land related transactions?

	2009 Survey Response	Since 2009			
		Better	Worse	No change	N/A at this time
a) Lease terms					
b) Accountability for third parties					
c) Environmental protection					
d) Revenue generation					
e) Protecting community legal interests					
f) Protecting community values for development					
g) Consistency with land use plan					
h) Flexibility					
i) Efficiency and effectiveness of revenue collection					
j) Market competitiveness					
k) Employment procedures					
Other: (please describe)					
l)					
m)					
n)					

[vi] Other Initiatives

6. How has operating under your land code strengthened other initiatives within your First Nation?

	2009 Survey Response	Since 2009			
		Better	Worse	No change	N/A at this time
a) Marketability of doing business with your First Nation					
b) Interactions with other First Nations					
c) Access to support resources (e.g., legal, environmental)					
d) Existing systems					
e) Achievement of overall vision of your First Nation					
Other: (please describe)					
f)					
g)					
h)					

7. How has operating under your land code facilitated potential economic development opportunities?

	2009 Survey Response	Since 2009			
		Better	Worse	No change	N/A at this time
a) Approach to market					
b) Third-party awareness					
c) Proactive/availability to market					
d) Involvement in municipal activities/building relationships with municipal governments					
e) Building industry relations/reputation					
f) Enhanced communication					
g) Ability to select prime land for development					
h) Ability to compete					
i) Harmonization/collaboration of land use plan with neighboring communities or other departments in the First Nation organization					
j) Timing and implementation of instruments					
k) Volume of business enquiries	N/A				

	2009 Survey Response	Since 2009			
		Better	Worse	No change	N/A at this time
l) Access to capital	N/A				
m) Relationships with financial institutions	N/A				
Other: (please describe)					
n)					
o)					
p)					

[viii] Attracting Business

8. What are some of the factors influenced by operating under your land code that contribute to attracting business to your reserve?
Please describe:

2009 Survey Response	Since 2009

[ix] Satisfaction

9. Under the terms of the Framework Agreement, a First Nation signatory can move beyond land governance [sectoral self-government] and proceed to full self-government or treaty with Canada, but cannot return to the Indian Act. The following question is simply hypothetical but we would like to receive your response.

If your First Nation could return to the Indian Act, would you?

Yes No Don't Know

Please elaborate:

--

[x] Land Governance Processes

10. To what extent was your First Nation able to develop your land governance processes and decision making systems prior to becoming a signatory to the Framework Agreement? (e.g., decisions re permissible land uses, decisions re fees charged for leases, decisions re allowable economic development activities)

2009 Survey Response	
-----------------------------	--

If you provided an answer in the 2009 survey please skip to Question 11. If your First Nation did not provide an answer in 2009, please indicate to what extent your First Nation developed its land governance processes and decision making systems prior to becoming a signatory to the Framework Agreement below.

Prior to becoming a signatory	To a great extent <input type="checkbox"/>	To a considerable extent <input type="checkbox"/>	To some extent <input type="checkbox"/>	To a small extent <input type="checkbox"/>	Not at all <input type="checkbox"/>	N/A at this time <input type="checkbox"/>
--------------------------------------	---	--	--	---	--	--

11. To what extent has your First Nation been able to develop your land governance processes and decision making systems since becoming operational under your land code?

2009 Survey Response	
-----------------------------	--

Since 2009	To a great extent <input type="checkbox"/>	To a considerable extent <input type="checkbox"/>	To some extent <input type="checkbox"/>	To a small extent <input type="checkbox"/>	Not at all <input type="checkbox"/>	N/A at this time <input type="checkbox"/>
-------------------	---	--	--	---	--	--

[xi] Land Use Planning

12. Does your First Nation currently have a land use plan that is:

In place <input type="checkbox"/>	In development <input type="checkbox"/>	In planning <input type="checkbox"/>	Not being planned at this time <input type="checkbox"/>
--------------------------------------	--	---	--

[xii] Transition

13. Do you feel your First Nation is still in transition from the Indian Act to your Land Code?

2009 Survey Response						
Since 2009	To a great extent <input type="checkbox"/>	To a considerable extent <input type="checkbox"/>	To some extent <input type="checkbox"/>	To a small extent <input type="checkbox"/>	Not at all <input type="checkbox"/>	N/A at this time <input type="checkbox"/>

Please indicate reasons for your response:

[xiii] Social Attributes

14. How has FNLM impacted the following attributes within your First Nation community?

	2009 Survey Response	Since 2009			
		Better	Worse	No change	N/A at this time
a) Community pride					
b) Level of interest and involvement of FN members in land management					
c) Land management control					
d) Land management accountability					
e) Capacity development of FN members					
f) Healthy families and communities					
g) Mechanisms for dispute resolution					
h) Levels of social assistance					
i) Revival of cultural and traditional aspects in the community					
j) Increased awareness of community issues and priorities					
k) Clarity and interpretation of rights					
l) Housing	N/A				
m) Employment rate	N/A				

	2009 Survey Response	Since 2009			
		Better	Worse	No change	N/A at this time
Other: (please describe)					
n)					
o)					
p)					

Please provide comments and further details:

B. LAND

15. Please identify the acreage of your First Nations' land base for each of the following:

Land Type	# of acres
Band land	
CP land	
Fee-simple land	

16. Since having your land code in effect, has your control now over your reserve lands and resources impacted new business creation or business expansions on reserve? If yes, how many new businesses or expansions have been created?

No new/expansions
If Yes, how many?

(if no new/expansions skip to Question 23)

2009 Survey response

	Since 2009 (Please check one)
One	<input type="checkbox"/>
Two	<input type="checkbox"/>
3 to 5	<input type="checkbox"/>
6 to 10	<input type="checkbox"/>
>10	<input type="checkbox"/>
Yes, but don't know	<input type="checkbox"/>

1.

17. Who are the owners/operators of these businesses?

2009 Survey Response

	Since 2009 (Please check all that apply)
FN members	<input type="checkbox"/>
Non-members	<input type="checkbox"/>
Band-owned	<input type="checkbox"/>
External partners	<input type="checkbox"/>
Other	<input type="checkbox"/>
Don't know	<input type="checkbox"/>

18. If you are able to elaborate on the types of investment arrangements in place that created these new or expanded businesses, please select all that apply below:

	Band Land				CP Land			
	Band Investment	3 rd Party- Investment + Band	3 rd Party investment only	Band + Member + 3 rd party investment	CP Holder investment	3 rd party investment with CP Holder	3 rd Party investment only	CP Holder + Band + 3 rd Party investment
One								
Two								
3 to 5								
6 to 10								
>10								
Yes, but don't know								

19. How many new jobs have been created by these new businesses or business expansions?

No new jobs **(if no jobs, skip to Question 23)**

2009 Survey Response	
-----------------------------	--

	Since 2009 (Please check one)
5 or less	<input type="checkbox"/>
6 to 25	<input type="checkbox"/>
26 to 150	<input type="checkbox"/>
151 to 500	<input type="checkbox"/>
500-999	<input type="checkbox"/>
1,000 or more	<input type="checkbox"/>
Don't know	<input type="checkbox"/>

20. If you are able to elaborate on the number of jobs by investment arrangement, please select all that apply below:

	Band Land				CP Land			
	Band Investment	3 rd Party- Investment + Band	3 rd Party investment only	Band + Member + 3 rd party investment	CP Holder investment	3 rd party investment with CP Holder	3 rd Party investment only	CP Holder + Band + 3 rd Party investment
5 or less								
6 to 25								
26 to 150								
151 to 500								
500-999								
1,000 or more								
Don't know								

21. How many of these jobs been filled by band members?

2009 Survey Response

	Since 2009 (Please check one)
None	<input type="checkbox"/>
A few	<input type="checkbox"/>
About half	<input type="checkbox"/>
More than half	<input type="checkbox"/>
Almost All	<input type="checkbox"/>
Don't know	<input type="checkbox"/>

22. How many band members have been attracted back to the community due specifically to new businesses or business expansions since your First Nation became operational under your land code?

2009 Survey Response	
-----------------------------	--

	Since 2009 (Please check one)
None	<input type="checkbox"/>
5 or less	<input type="checkbox"/>
6 to 25	<input type="checkbox"/>
26 to 99	<input type="checkbox"/>
100 to 200	<input type="checkbox"/>
> 200	<input type="checkbox"/>
Don't know or Not applicable at this time	<input type="checkbox"/>

23. Has operating under your land code created any supplier businesses? If so, for whom:

	2009 Survey Response		Generally since 2009	
	Yes	No	Yes	No
Your First Nation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Adjacent communities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other FN communities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please describe:

24. If you are able to elaborate on what type of investment arrangement has driven the creation of these supplier businesses please select all that apply below:

	Band Land			CP Land				
	Band Investment	3 rd Party- Investment + Band	3 rd Party investment only	Band + Member + 3 rd party investment	CP Holder investment	3 rd party investment with CP Holder	3 rd Party investment only	CP Holder + Band + 3 rd Party investment
Your First Nation								
Adjacent communities								
Other FN communities								

25. What types of businesses are in place on your reserve? Please choose all industries that apply:

	2009 Survey Response		Since 2009
	Pre-land code	Post-land code	
a) Commercial retail	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Institutional	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Health	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Education	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Professional services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
f) Agriculture, Forestry, Fishing & Hunting	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Construction	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
h) Manufacturing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
i) Transportation & Warehousing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
j) Accommodation and Food Service	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
k) Tourism and Entertainment	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other (please provide details):	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
l)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
m)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
n)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

26. If you are able to elaborate on the types of business by investment arrangement please select all that apply below:

	Band Land				CP Land			
	Band Investment	3 rd Party- Investment + Band	3 rd Party investment only	Band + Member + 3 rd party investment	CP Holder investment	3 rd party investment with CP Holder	3 rd Party investment only	CP Holder + Band + 3 rd Party investment
a) Commercial retail								
b) Institutional								
c) Health								
d) Education								
e) Professional services								
f) Agriculture, Forestry, Fishing & Hunting								
g) Construction								
h) Manufacturing								
i) Transportation & Warehousing								
j) Accommodation and Food Service								
k) Tourism and Entertainment								
Other (please provide details):								
l)								
m)								
n)								

27. What amount of internal and external investment is realized by your First Nation in relation to land within the community? (Internal investment represents initiatives undertaken by the band and its members)

2009 Survey Response Internal Investment		2009 Survey Response External Investment	
Internal Investment	Since 2009	External Investment	Since 2009
< \$500K	<input type="checkbox"/>	< \$500K	<input type="checkbox"/>
\$500K to \$2M	<input type="checkbox"/>	\$500K to \$2M	<input type="checkbox"/>
> \$2M to \$5M	<input type="checkbox"/>	> \$2M to \$5M	<input type="checkbox"/>
> \$5M to \$10M	<input type="checkbox"/>	> \$5M to \$10M	<input type="checkbox"/>
> \$10M to \$20M	<input type="checkbox"/>	> \$10M to \$20M	<input type="checkbox"/>
> \$20M	<input type="checkbox"/>	> \$20M	<input type="checkbox"/>
Yes, but DK	<input type="checkbox"/>	Yes, but DK	<input type="checkbox"/>

28. Please indicate in which of the following area(s) your First Nation has had internal and or external investment:

	2009 Survey Response Internal		2009 Survey Response External		Since 2009 Internal	Since 2009 External
	Pre-land code	Post-land code	Pre-land code	Post-land code		
a) Physical (hard) infrastructure						
b) Soft infrastructure (educational and workforce development)						
c) Growth of particular clusters of businesses						
d) Targeting particular parts of the reserve for regeneration or growth (areas based initiatives)						
e) Supporting newly emerging businesses						
Other (please specify):						
f)						
g)						
h)						

29. If you are able to elaborate on the amount of internal and external investment across the different types of investment arrangements, please select all that apply below by inserting an "I", or "E", or both, in the appropriate cells:

	Band Land				CP Land			
	Band Investment	3 rd Party- Investment + Band	3 rd Party investment only	Band + Member + 3 rd party investment	CP Holder investment	3 rd party investment with CP Holder	3 rd Party investment only	CP Holder + Band + 3 rd Party investment
< \$500K								
\$500K to \$2M								
> \$2M to \$5M								
> \$5M to \$10M								
> \$10M to \$20M								
> \$20M								
Yes, but DK								

30. For each of the following, please indicate whether your FN has generated revenue through this source since your land code came into effect?

Source	2009 Survey Response			Since 2009		
	Land Revenue	Tax revenue	User fee revenue	Land Revenue	Tax revenue	User fee revenue
No revenue from this source	<input type="checkbox"/>					
Revenue from this source pre land code	<input type="checkbox"/>					
New type of revenue post land code	<input type="checkbox"/>					
How has it changed? Has the amount increased, stayed the same or decreased?						
Revenue increased	<input type="checkbox"/>					
Revenue stayed the same	<input type="checkbox"/>					
Revenue decreased	<input type="checkbox"/>					
Don't know/not applicable	<input type="checkbox"/>					
If increased or decreased by what percentage?						
% change						

If there was a change since 2009, why did this happen?

31. How has operating under your land code facilitated relationships with third parties for your First Nation?

	2009	Since 2009			
		Better	Worse	No change	N/A at this time
a) Negotiating environment					
b) Autonomy					
c) Alternative dispute resolution process mechanisms					
d) Land use planning and zoning laws					
e) Competitiveness					
f) Direct involvement with the First Nation					
g) Increased certainty/sense of security					
h) Level of stability in the community					
Other: (please describe)					
i)					
j)					
k)					

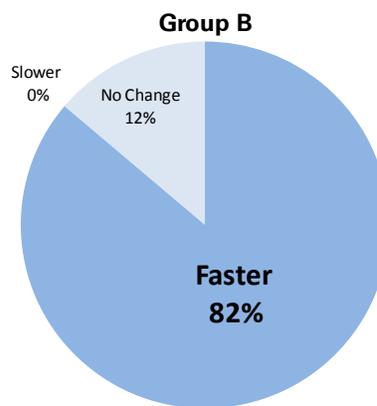
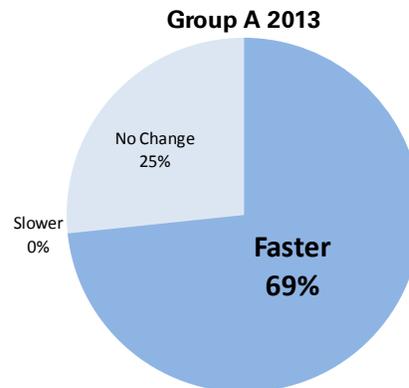
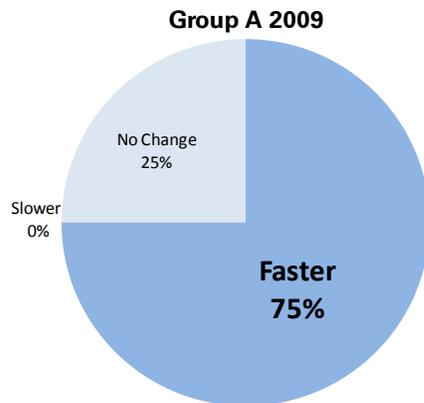
Survey Results Appendices

- Appendix C: Land Code Overview
- Appendix D: Land Code Impacts
- Appendix E: Economic Development

Appendix C: Land Code Overview

Exhibit C1

Q 3) On average, does your First Nation find the processes surrounding land management activities to be faster or slower than those when you were operating under the Indian Act?



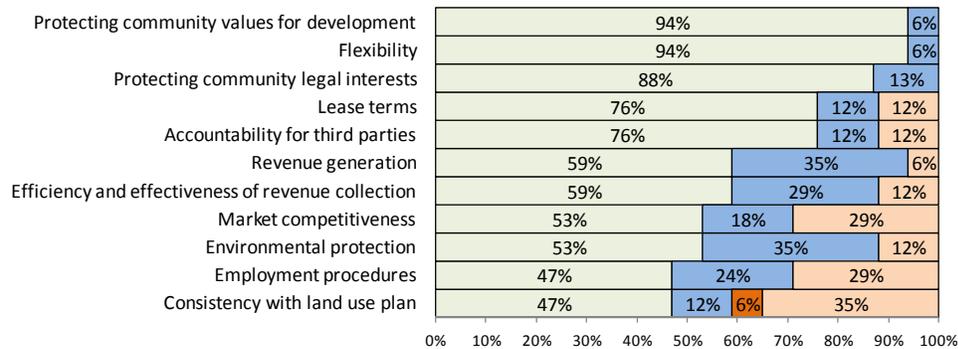
Appendix D: Land Code Impacts

Exhibit D-1

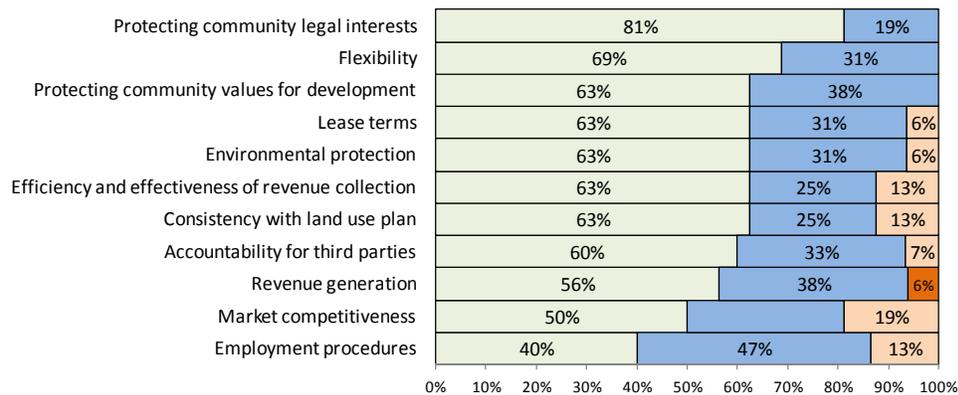
Q 5) How has the Framework Agreement impacted your First Nation's ability to develop more favourable terms and conditions for land related transactions?¹¹

Coding = ■ Better ■ No Change ■ Worse ■ N/A

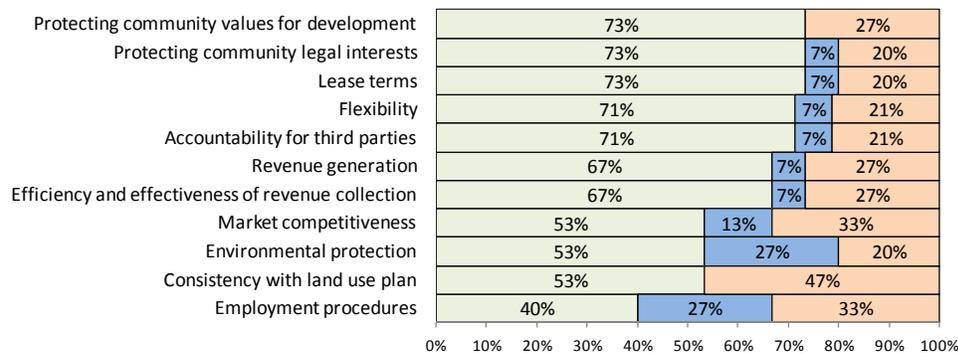
Group A 2009



Group A 2013



Group B



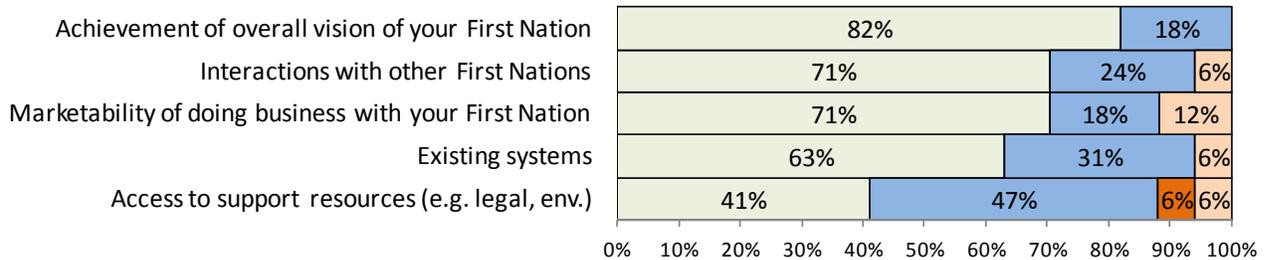
¹¹ For all comparison questions contained in the appendices Group A 2009 and Group B are comparing their land code operations to operations under the Indian Act. Group A 2013 is comparing to operations under their land code in 2009.

Exhibit D2

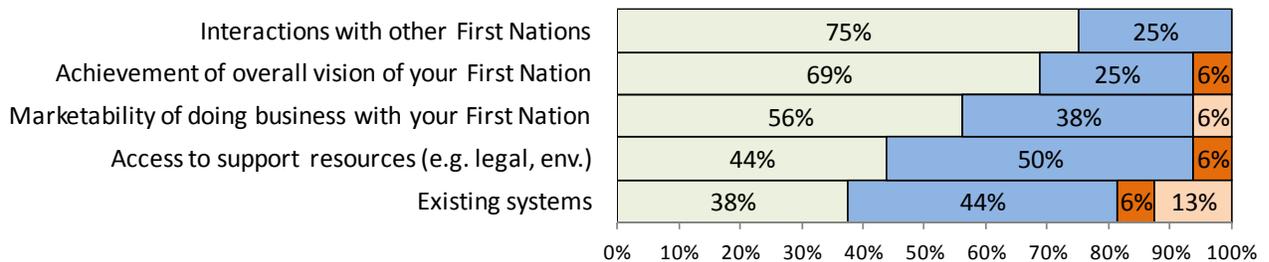
Q 6) How has operating under your land code strengthened other initiatives within your First Nation?

Coding = ■ Better ■ No Change ■ Worse ■ N/A

Group A 2009



Group A 2013



Group B

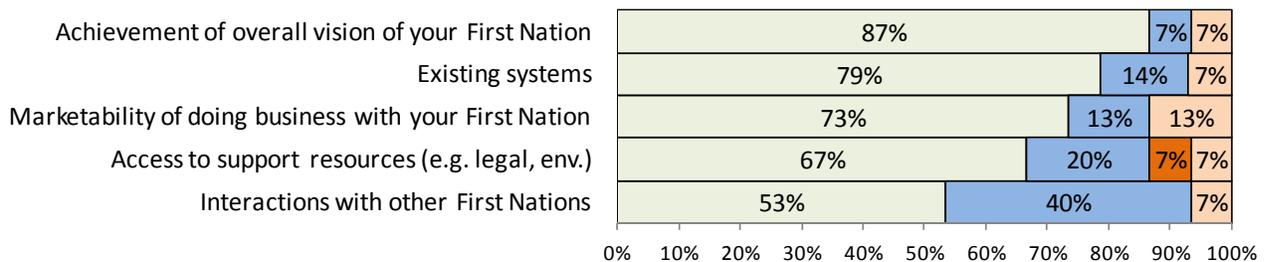
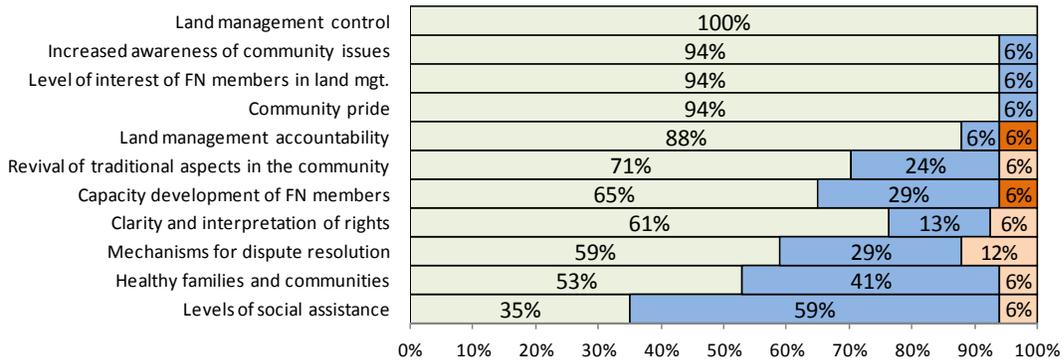


Exhibit D-3

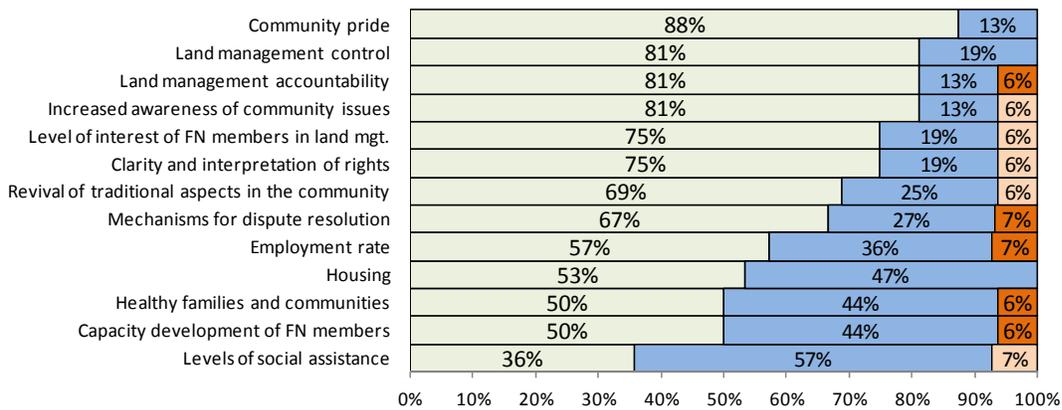
Q 14) How has FNLM impacted the following attributes within your First Nation community?

Coding = ■ Better ■ No Change ■ Worse ■ N/A

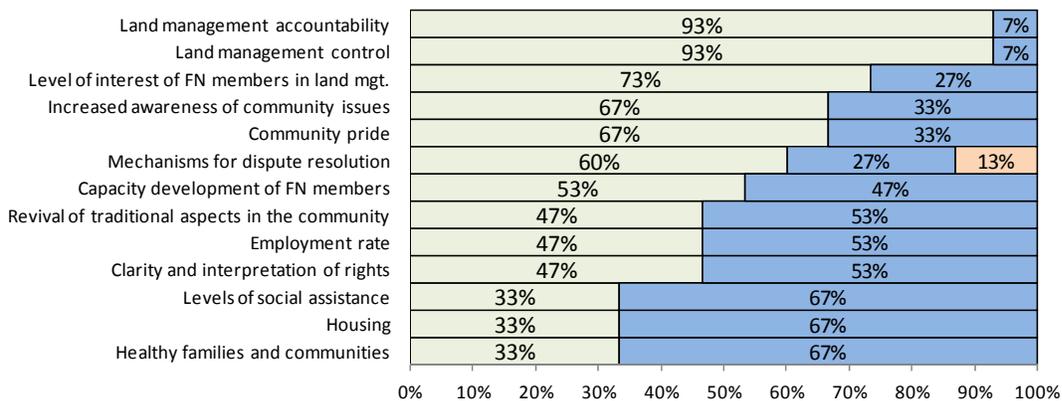
Group A 2009



Group A 2013



Group B



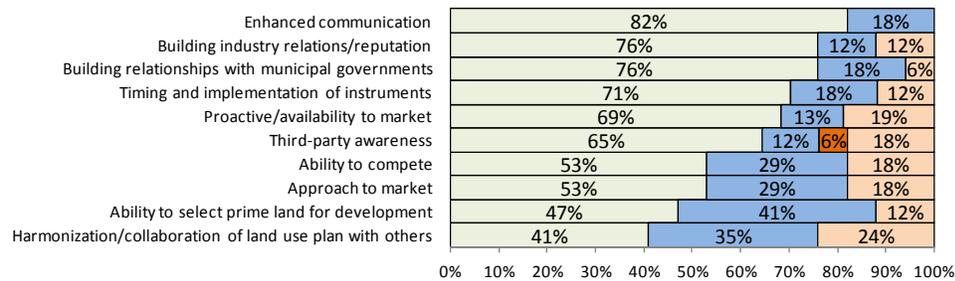
Appendix E: Economic Development

Exhibit E1

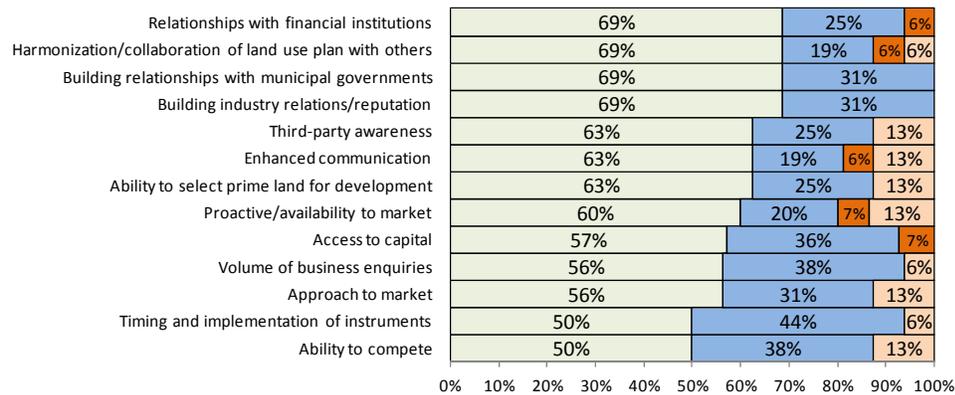
Q 7) How has operating under your land code facilitated potential economic development opportunities?

Coding = ■ Better ■ No Change ■ Worse ■ N/A

Group A 2009



Group A 2013



Group B

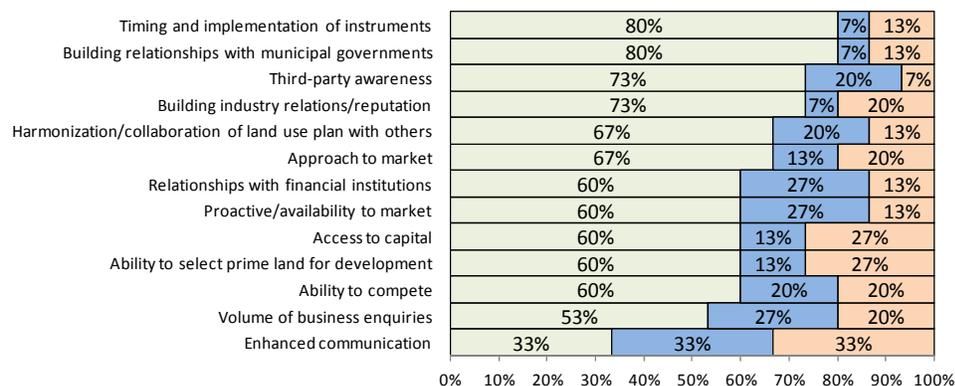


Exhibit E-2

Q 16) How many new businesses or expansions have been created?

<u>Number of Businesses</u>	<u>Group A 2009</u>	<u>Group B</u>
None	35%	38%
1	18%	6%
2	18%	6%
3 to 5	18%	31%
6 to 10	6%	13%
>10	6%	0%
Yes, but amt. unknown	0%	6%
Yes Responses	65%	63%

<u>Number of Businesses</u>	<u>Group A 2009</u>	<u>Group A 2013</u>
None	35%	47%
1	18%	0%
2	18%	20%
3 to 5	18%	13%
6 to 10	6%	7%
>10	6%	0%
Yes, but amt. unknown	0%	13%
Yes Responses	65%	50%

Exhibit E-3

Q 17) Who are the owners/operators of these businesses?

Category	Group A 2009		Group B	
First Nation members	10	91%	6	50%
Non-members	3	27%	3	30%
Band-owned	2	18%	7	70%
External partners	3	27%	5	40%
Other	1	9%	1	10%

Category	Group A 2009		Group A 2013	
First Nation members	10	91%	6	75%
Non-members	3	27%	1	13%
Band-owned	2	18%	3	38%
External partners	3	27%	6	75%
Other	1	9%	0	0%

Exhibit E-4

Q 19) How many new jobs have been created by these new businesses or business expansions?

Number of Jobs	Group A 2009	Group B
No new jobs	35%	44%
5 or less	12%	0%
6 to 25	35%	13%
26 to 150	0%	38%
151 to 500	6%	0%
501 to 999	12%	6%
1,000 or more	N/A	0%
Don't Know	N/A	0%
n=	17	16

Number of Jobs	Group A 2009	Group A 2013
No new jobs	35%	33%
5 or less	12%	0%
6 to 25	35%	28%
26 to 150	0%	0%
151 to 500	6%	11%
501 to 999	12%	0%
1,000 or more	N/A	0%
Don't Know	N/A	11%
n=	17	16

Exhibit E-5

Q 21) How many of these jobs been filled by band members

<u>Proportion of Jobs</u>	<u>Group A 2009</u>	<u>Group B</u>
None	9%	38%
A few	27%	13%
About half	9%	19%
More than half	18%	6%
Almost all	36%	0%
Don't Know	N/A	0%
n=	11	10

<u>Proportion of Jobs</u>	<u>Group A 2009</u>	<u>Group A 2013</u>
None	9%	38%
A few	27%	25%
About half	9%	0%
More than half	18%	6%
Almost all	36%	19%
Don't Know	N/A	6%
n=	11	9

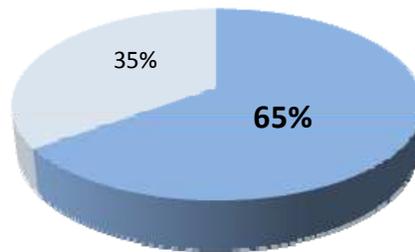
Exhibit E6

Q 27) What amount of internal and external investment is realized by your First Nation in relation to land within the community?

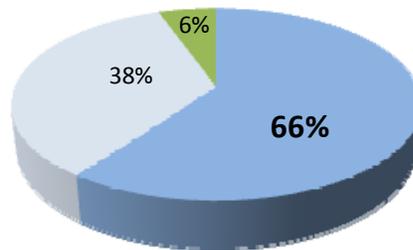
Coding = ■ External investment ■ No new external investment ■ Unknown

Internal Investment

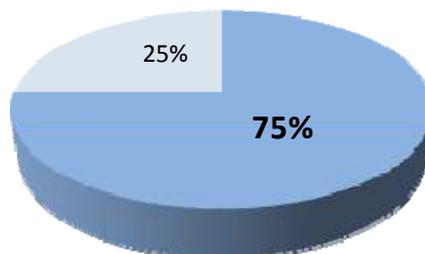
Group A 2009



Group A 2013



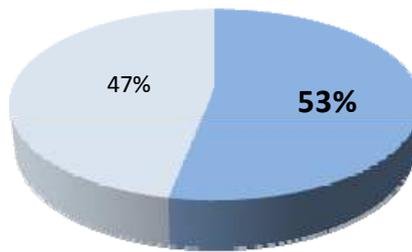
Group B



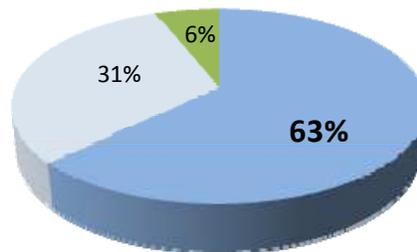
Coding = ■ External investment ■ No new external investment ■ Unknown

External Investment

Group A 2009



Group A 2013



Group B

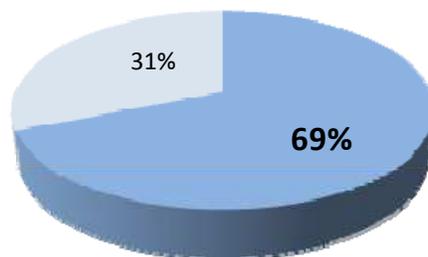


Exhibit E7

Q 28) Please indicate in which of the following area(s) your First Nation has had internal and or external investment (of those who said yes to internal or external).

Internal Investment*

Type (Internal)	Group A	
	2009 Pre-Land Code	Group B Pre-Land Code
Physical (hard) infrastructure	40%	50%
Soft infrastructure (educational and workforce development)	20%	25%
Growth of particular clusters of businesses	20%	6%
Targeting particular parts of the reserve for regeneration or growth	10%	13%
Supporting newly emerging businesses	10%	13%

Type (Internal)	Group A	Group B
	2009 Post-Land Code	Post-Land Code
Physical (hard) infrastructure	70%	56%
Soft infrastructure (educational and workforce development)	90%	38%
Growth of particular clusters of businesses	60%	13%
Targeting particular parts of the reserve for regeneration or growth	70%	19%
Supporting newly emerging businesses	70%	25%

Type (Internal)	Group A	Group A	Group A
	2009 Pre-Land Code	2009 Post-Land Code	2013
Physical (hard) infrastructure	40%	70%	75%
Soft infrastructure (educational and workforce development)	20%	90%	50%
Growth of particular clusters of businesses	20%	60%	44%
Targeting particular parts of the reserve for regeneration or growth	10%	70%	50%
Supporting newly emerging businesses	10%	70%	38%

*Note that these tables provide reporting by Group A at three different intervals – 1) pre-land code; 2) post-land code in 2009; and 3) further post-land code in 2013. This differs from the information reported throughout this report. Data reported here associated with the pre-land code and post-land code in 2009 timeframes was collected in 2009 only.

External Investment*

<u>Type (External)</u>	<u>Group A</u>	
	<u>2009 Pre-Land Code</u>	<u>Group B Pre-Land Code</u>
Physical (hard) infrastructure	22%	25%
Soft infrastructure (educational and workforce development)	11%	25%
Growth of particular clusters of businesses	11%	13%
Targeting particular parts of the reserve for regeneration or growth	11%	6%
Supporting newly emerging businesses	22%	6%

<u>Type (External)</u>	<u>Group A</u>	<u>Group B</u>
	<u>2009 Post-Land Code</u>	<u>Post-Land Code</u>
Physical (hard) infrastructure	78%	38%
Soft infrastructure (educational and workforce development)	67%	44%
Growth of particular clusters of businesses	67%	19%
Targeting particular parts of the reserve for regeneration or growth	44%	38%
Supporting newly emerging businesses	33%	31%

<u>Type (External)</u>	<u>Group A</u>	<u>Group A</u>	<u>Group A</u>
	<u>2009 Pre-Land Code</u>	<u>2009 Post-Land Code</u>	<u>2013</u>
Physical (hard) infrastructure	22%	78%	44%
Soft infrastructure (educational and workforce development)	11%	67%	38%
Growth of particular clusters of businesses	11%	67%	38%
Targeting particular parts of the reserve for regeneration or growth	11%	44%	13%
Supporting newly emerging businesses	22%	33%	25%

*Note that these tables provide reporting by Group A at three different intervals – 1) pre-land code; 2) post-land code in 2009; and 3) further post-land code in 2013. This differs from the information reported throughout this report. Data reported here associated with the pre-land code and post-land code in 2009 timeframes was collected in 2009 only.

Exhibit E-8

Q 30) Revenue Sources

Revenue Type	Group A 2009	Group A 2013	Group B
Land Revenue	100% of First Nation respondents collect revenue from this source.	Since 2009, 40% of First Nation respondents reported an increase in Land Revenue, and 33% reported no change. One First Nation reported a decrease in Land Revenue.	The same percentage (75%) of First Nation respondents reported Land Revenue pre and post land code. Additionally 56% reported an increase in Land Revenue since becoming operational and 25% reported no change.
Tax Revenue	53% of First Nation respondents collect Tax Revenue.	Since 2009, 27% reported an increase in Tax Revenue and 13% reported no change.	44% of First Nation respondents reported post-land code Tax Revenue compared to 31% pre land code. Additionally 25% reported an increase in Tax Revenue and an additional 25% reported no change.
User Fee Revenue	47% of First Nation respondents reported User Fee Revenue.	Overall, one additional First Nation reported post land code User Fee Revenue, although 20% reported an increase in this type of revenue and 7% reported no change.	More First Nation respondents are reporting post land code User Fee Revenue (31%) compared to pre land code (6%). Additionally, 19% reported an increase in User Fee Revenue, and 13% reported no change.

Type	Group A 2013	Group B	Type	Group A 2013	Group B
	Pre-Land Code	Pre-Land Code		Post-Land Code	Post-Land Code
Land Revenue	50%	75%	Land Revenue	31%	75%
Tax Revenue	31%	31%	Tax Revenue	19%	44%
User Fee Revenue	25%	6%	User Fee Revenue	6%	31%
n=	16	16	n=	16	16

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