

LAND GOVERNANCE UNDER THE FRAMEWORK AGREEMENT ON FIRST NATION LAND MANAGEMENT

Presented to:

Tkémłúps te Secwépemc

July 30, 2025



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Topics for Discussion

- Opening Prayer – Marie Baptiste
- Overview of the Framework Agreement
- Land Code Overview, Myths and Facts, Benefits and Risks
- 44 Sections of the Indian Act
- Framework Agreement Process
- T'kemplúps Developmental Process Update
- Community Perspectives - Special Guests Chief Derek Epp and Deanna Honeyman from Ch'íyáqtel First Nation
- Resources and Tools
- Questions and Answers



The Framework Agreement Overview

- A government-to-government agreement that recognizes First Nations inherent right to self-government.
- Driven by First Nations to re-establish land governance through the development and approval of their own land codes.
- Includes the legislative authority to enact, administer and enforce laws and manage lands.
- First Nations decide how to govern reserve lands and natural resources through their land codes.
- Protection of First Nation land base.
- Removes 44 land management sections of the *Indian Act*.



Land Code - Overview

- A land code establishes a system of governance and administration of land management for the reserve lands.
- Is an important recognition of First Nation self-government;
- Sets a higher standard for accountability and transparency to members;
- Can lead to more efficient and quicker decision-making;
- Protects reserve land base from diminishing in size;
- Provide great flexibility for codifying different practices and land tenure; and
- Contributes to building better governments.

Land Code

- Description of lands
- Use and occupancy rules and procedures
- Rules and procedures for land revenues
- Requirements for accountability to members
- Law making procedures and publication
- Conflict of interest rules
- Dispute resolution process
- Rules for granting or expropriating interests
- Delegation of Council authority
- Procedures for amendments and land exchanges
- Could include:
 - Power of Council to make laws
 - Limitations to rights and interests
 - Encumbering, seizing, or executing interest
 - Any other matter



Myths and Facts

MYTH	FACT
A Land Code will impact my status or medical/dental coverage.	No. Having a Land Code will not affect any member's status or change any medical or dental coverages.
A Land Code will impact my title and rights.	No. Aboriginal title and rights are not affected by having a Land Code. TteS is asserting Secwepemc law in our territory and will continue to have access to and resolve the Douglas Reserve. We are not giving up control over our external lands. A Land Code will not impact TteS ability to expand jurisdiction, decision making or title claims. It is not a treaty.
A Land Code means taxation.	No. Land Codes do not change status related tax exemptions. A Land Code will complement the existing TteS property tax system.
A Land Code will turn us into a municipality.	No. Municipalities are creations of provincial law and subject to provincial legislation. First Nations are not brought under provincial authority or made municipalities under the FAFNLM.

Myths and Facts

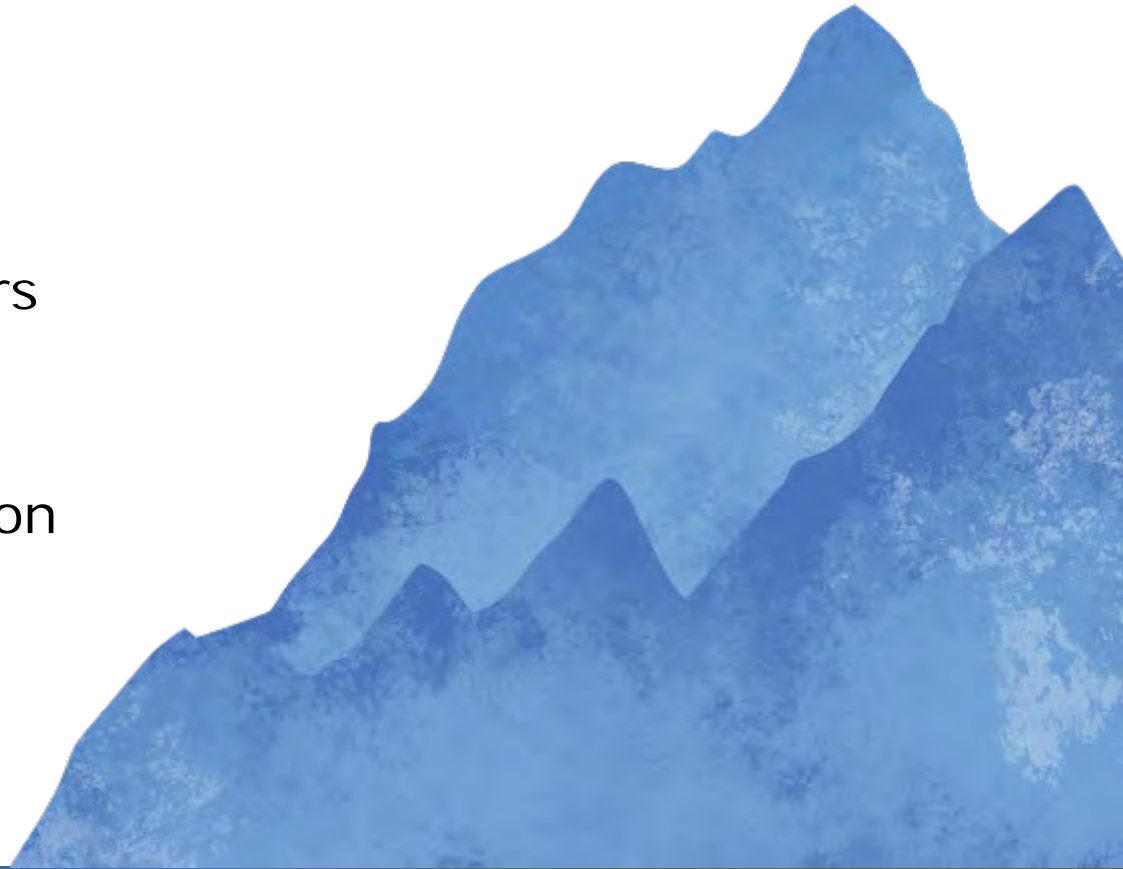
MYTH	FACT
A Land Code is a land surrender.	No. Land surrenders are prohibited under the Framework Agreement. First Nations reassert control over their reserve lands and resources and in no way surrender and rights or title.
A Land Code creates fee simple title out of Reserve Lands.	No. The Framework agreement forbids the creation of such title. First Nation lands continue to retain the same protection as “Lands Reserved for the Indians” under section 91(24) of the Constitution Act, 1867.
The Framework Agreement is a government program.	No. It is a nation-to-nation agreement that is being implemented by First Nations and Canada. It was sought, developed, and driven by First Nations as an alternative to the Indian Act land provisions.
Adopting a land code without new land laws in place will leave us in a lawless state.	No. Your current bylaws and land management policies, procedures and practices will continue until new land laws are developed under your Land Code to replace them.

Land Code - Benefits

- Land Base cannot shrink
- Laws are approved by the community
- Weight of law
- Control over development
- Create and enforce environmental protection
- Manage Reserve land holdings
- Greater accountability
- Land transactions may be more efficient
- Dispute resolution mechanisms
- Priority Based Land Registry
- Land Code is not a treaty
- A to A leasing
- Increased autonomy for CP holders
- Manage your lands by your own rules, not Canada's

Land Code - Risks

- There is no going back
- Community must be ready
- Requires trained and qualified staff
- Responsibility and liability to FN and CP holders
- Transitional cost determination
- Future operational funding needs determination
- Growing pains



Replacing the *Indian Act*



35% of the *Indian Act*
no longer applies

- Reserves (ss. 18-19)
- Possession of Lands in Reserves (ss. 20, 22-28)
- Trespass on Reserve (ss. 30-31)
- Sale or Barter of Produce (ss. 32-33)
- Roads and Bridges (s. 34)
- Lands Taken for Public Purposes (s. 35)
- Surrenders and Designations (ss. 37-41)
- Distribution of Real Property but not personal property on intestacy (ss. 49 and 50(4))
- Management of Reserves and Surrendered and Designated Lands (ss. 53-60)
- Management of Indian Moneys (ss. 61-69)
- Farms (s. 71)
- Removal of Materials from Reserves (s. 93)
- Regulations made under section 57 of the Indian Act; and
- Regulations under sections 42 and 73 of the Indian Act to the extent that they are inconsistent with the Framework Agreement or the land code or the laws of the First Nation

Indian Act vs. Land Code: Authorities

RESERVES	SECTION	SUBJECT	UNDER INDIAN ACT	UNDER LAND CODE
	18, 18.1	The use of reserve lands for community purposes	Minister has authority.	FN is the authority. Land code sets out the rules for occupancy and use of FN land.
	19	Road construction, road location, authorization for surveys, creation of lots or subdivisions on Reserve	Minister has authority.	FN is the authority.


Indian Act vs. Land Code: Authorities


POSSESSION OF RESERVE LAND




SECTION	SUBJECT	UNDER INDIAN ACT	UNDER LAND CODE
20	Allotment, possession or occupation of FN land, issuance of CP's or occupation.	Minister has authority.	FN is the authority.
22, 23, 24, 25, 26, 27	Approval and rules regarding individual holdings, improvements, transfers, and rights of possession, occupation and location.	Minister has authority.	FN is the authority.
28	Issuance of permits, and rules applicable to the use and occupancy of First Nation land.	Minister has authority.	FN is the authority.

Indian Act vs. Land Code: Authorities

TRESPASS ON RESERVE 	SECTION	SUBJECT	UNDER INDIAN ACT	UNDER LAND CODE
	30, 31	Statutory offence and penalties for trespass.	Minister has authority and penalties are defined by Indian Act.	FN is the authority with discretion to create offences and decide penalties.

ROADS AND BRIDGES 	SECTION	SUBJECT	UNDER INDIAN ACT	UNDER LAND CODE
	34	Maintenance of roads, bridges, ditches and fences.	Minister has authority to instruct the Band to maintain.	FN is the authority who decides how to maintain their roads.

Indian Act vs. Land Code: Authorities

LANDS TAKEN FOR PUBLIC PURPOSES				
	SECTION	SUBJECT	UNDER INDIAN ACT	UNDER LAND CODE
	35	Taking or use of Reserve land by the Province, a municipality, or corp. with expropriation power.	Governor in Council has authority to expropriate Reserve Land.	Reserve lands can not be expropriated.

Indian Act vs. Land Code: Authorities

SURRENDERS & DESIGNATIONS



SECTION	SUBJECT	UNDER INDIAN ACT	UNDER LAND CODE
37, 38, 39, 39.1, 40, 40.1, 41	Surrenders and designations, alienation of FN land.	The Minister has authority. To lease, lands must be surrendered, designation is required	Surrenders and designation provisions do not apply. Alienation of FN land is restricted except for a land exchange. Rules and Procedures for land use are set out in the land code.

Indian Act vs. Land Code: Authorities

DISTRIBUTION OF PROPERTY ON INTESTACY



SECTION

SUBJECT

UNDER INDIAN ACT

UNDER LAND CODE

49, 50.4

Distribution of property on intestacy. Estate transfers and section 50 sales of individual holdings.

Ministerial approval required.

Ministerial approval is no longer required.

Indian Act vs. Land Code: Authorities

MANAGEMENT OF RESERVES AND SURRENDERED LANDS



SECTION	SUBJECT	UNDER INDIAN ACT	UNDER LAND CODE
53, 54, 55, 56	Management or sale of surrendered lands or lease designated lands, assignments, surrendered and designated land register and certificate of registration.	Minister has authority to manage and particulars entered into the Surrendered and Designated Land Register.	Minister no longer has the authority and particulars of surrendered and designated lands no longer required to be entered into the Register.
57	Regulations regarding timber and mineral surrenders.	Governor General has the authority to make regulations.	Governor General no longer has that authority to make those regulations.

Indian Act vs. Land Code: Authorities

MANAGEMENT OF RESERVES AND SURRENDERED LANDS



SECTION	SUBJECT	UNDER INDIAN ACT	UNDER LAND CODE
58	Uncultivated or unused lands.	Minister has the authority to cultivate or lease	The uncultivated or unused lands provisions no longer apply
59	Adjustment of contracts.	Minister has the authority to adjust contracts and the amounts payable	Adjustment of contracts provisions no longer apply.

Indian Act vs. Land Code: Authorities

MANAGEMENT OF RESERVES AND SURRENDERED LANDS



SECTION

SUBJECT

UNDER INDIAN ACT

UNDER LAND CODE



60

Control over lands

The Governor in Council has the right to grant to the Band the right to exercise control over management of Reserve lands

The authority of the Governor General to grant the right to the Band to control and manage Reserve lands no longer required.

Indian Act vs. Land Code: Authorities

MANAGEMENT OF INDIAN MONIES 	SECTION	SUBJECT	UNDER INDIAN ACT	UNDER LAND CODE
	61, 62, 63, 64, 65, 66, 67, 68, 69	Capital and revenue monies.	Capital and revenue monies are collected, received or held by Canada for the use and benefit of the Band	Capital and revenue monies are no longer managed by Canada and are transferred to the operational First Nation under Land Code
FARMS 	SECTION	SUBJECT	UNDER INDIAN ACT	UNDER LAND CODE
	71	Operation of Reserve farms	The Minister may operate farms on reserves	The Minister is no longer empowered to operate Reserve farms

Indian Act vs. Land Code: Authorities

REMOVAL OF MATERIAL FROM RESERVES



SECTION

SUBJECT

UNDER INDIAN ACT

UNDER LAND CODE

93

Removal of Material from Reserve. Restrictions and other rules and procedures (with offences and penalties) for removal of sand, gravel, hay and timber.

Minister has authority, rules are defined by the Indian Act.

The rules and restrictions for removal of material from Reserve, including offences and penalties, are set out in the Land Code.

Indian Act vs. Land Code: Authorities

REGULATIONS



Under a Land Code, any Regulations made under section 57 of the *Indian Act* no longer apply.

Under a Land Code, any regulations made under sections 42 and 73 of the *Indian Act* no longer apply, to the extent that they are inconsistent with *the Framework Agreement of First Nation Land Management*, A First Nation's land code, or its First Nation Laws.

Under a Land Code, the remainder of the *Indian Act* will continue to apply for all other purposes except to the extent that other Indian Act provisions do not apply as a result of other legislation (i.e. First Nations Fiscal Management Act)

How It All Works

Framework Agreement on First Nation Land Management Process



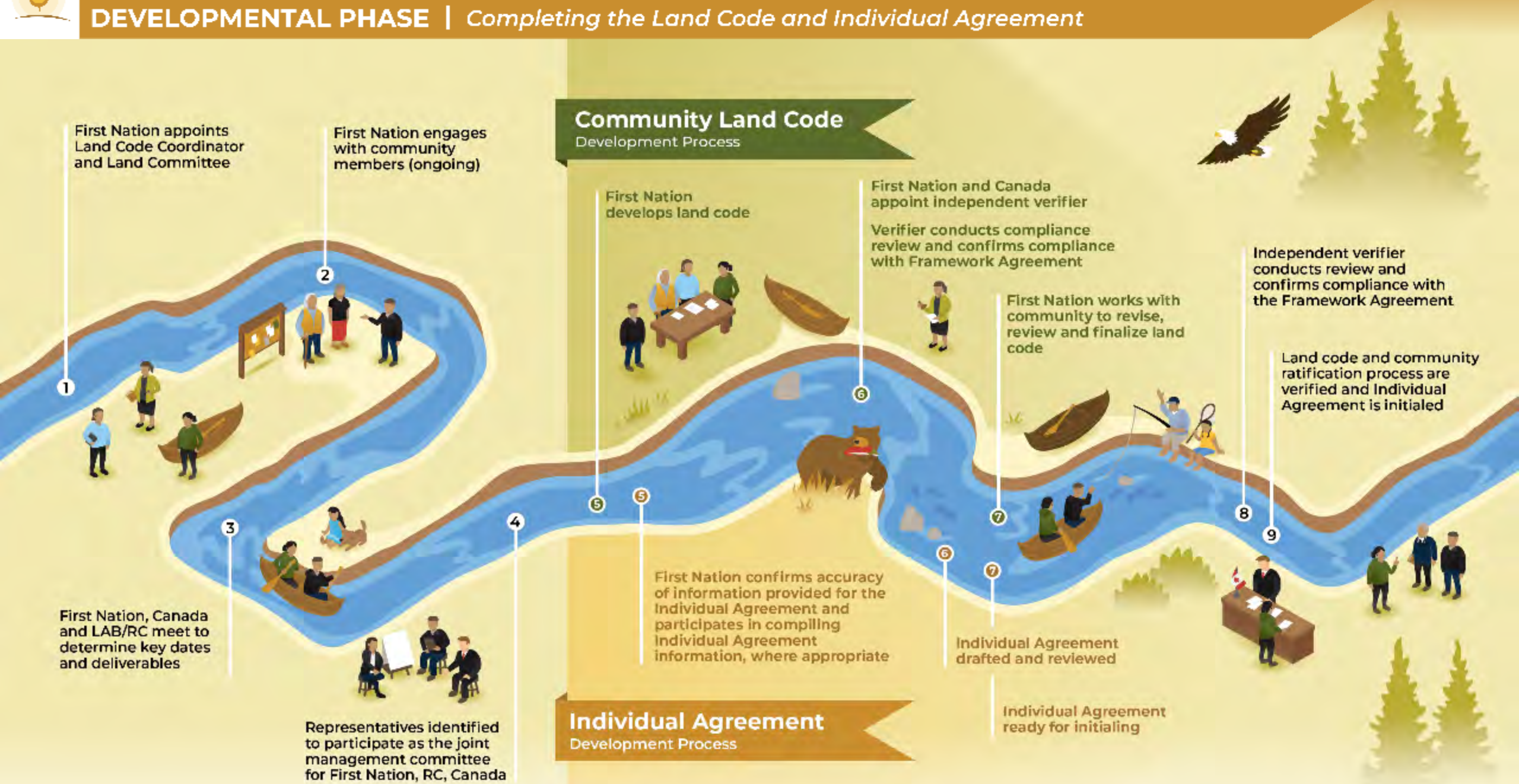
ENTRY PHASE | *Becoming a Signatory to the Framework Agreement*





Framework Agreement on First Nation Land Management (Framework Agreement) Process

DEVELOPMENTAL PHASE | Completing the Land Code and Individual Agreement





Framework Agreement on First Nation Land Management (Framework Agreement) Process

RATIFICATION PHASE | Seeking Community Approval





Framework Agreement on First Nation Land Management (Framework Agreement) Process

OPERATIONAL PHASE | *Implementing Land Code and Exercising Governance Over Lands, Environment and Resources*



The Framework Agreement

Tk'emlúps Developmental Phase Process Update



Tkémłúps Developmental Phase Process

Where are we now?

Information Gathering:

- Instrument Reports (Annex C)
- Research Reports (Annex G)
- Phase 1 ESA (Annex D)
- Community Engagement and Input



Tkémłúps Developmental Phase Process

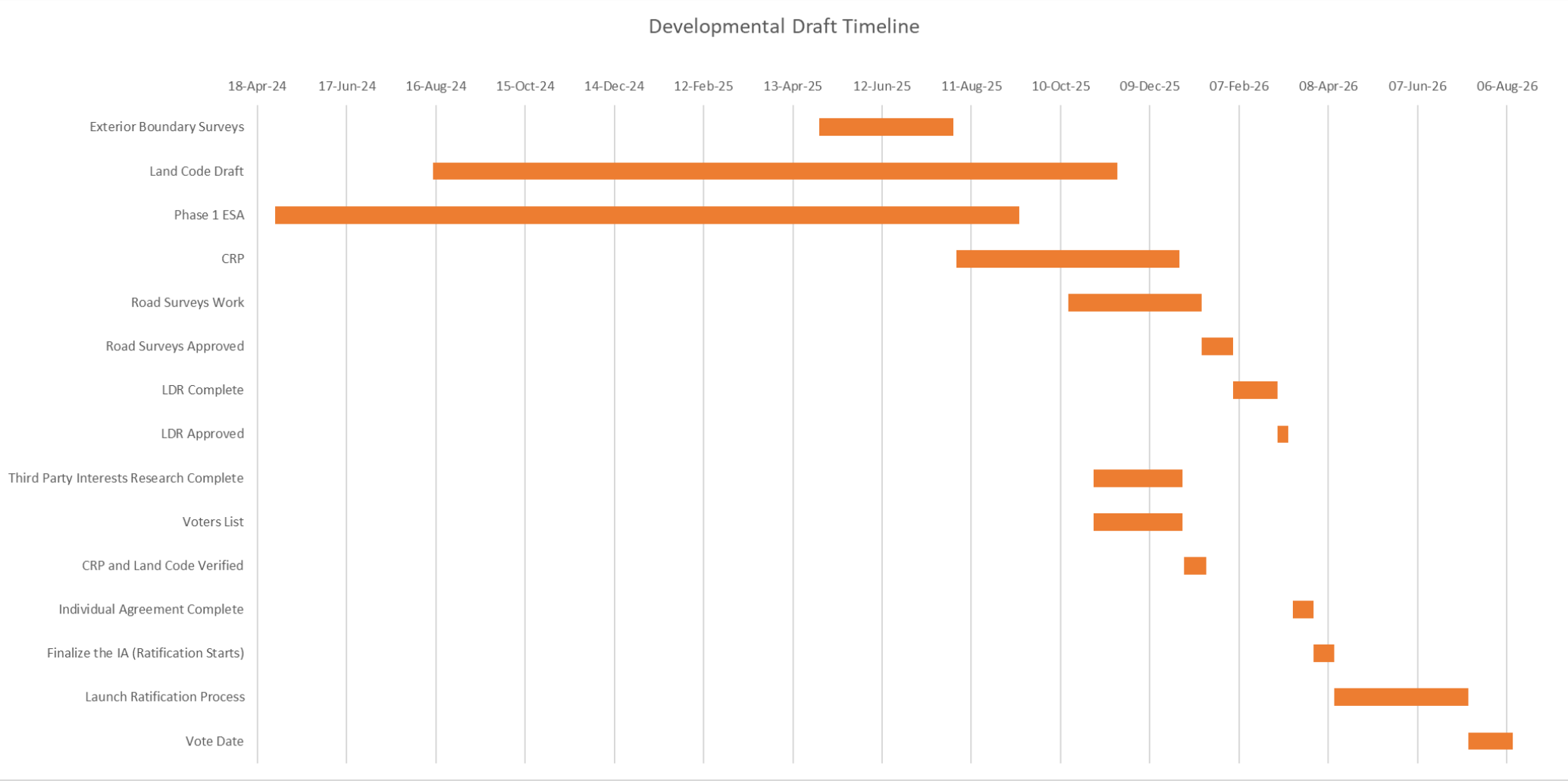
Where are we now?

Ongoing and Future Work:

- Phase 1 ESA report on all Reserves – [summer 2025](#)
- External Boundary Surveys – [spring 2025](#)
- Draft Land Code – [summer/fall 2025](#)
- Development of Community Ratification Process – [summer/fall 2025](#)
- Community Engagement and Input – [ongoing](#)
- Completion of the Individual Agreement – [winter 2025](#)
- Potential Vote Target – [spring/summer 2026](#)



Developmental Phase Timeline





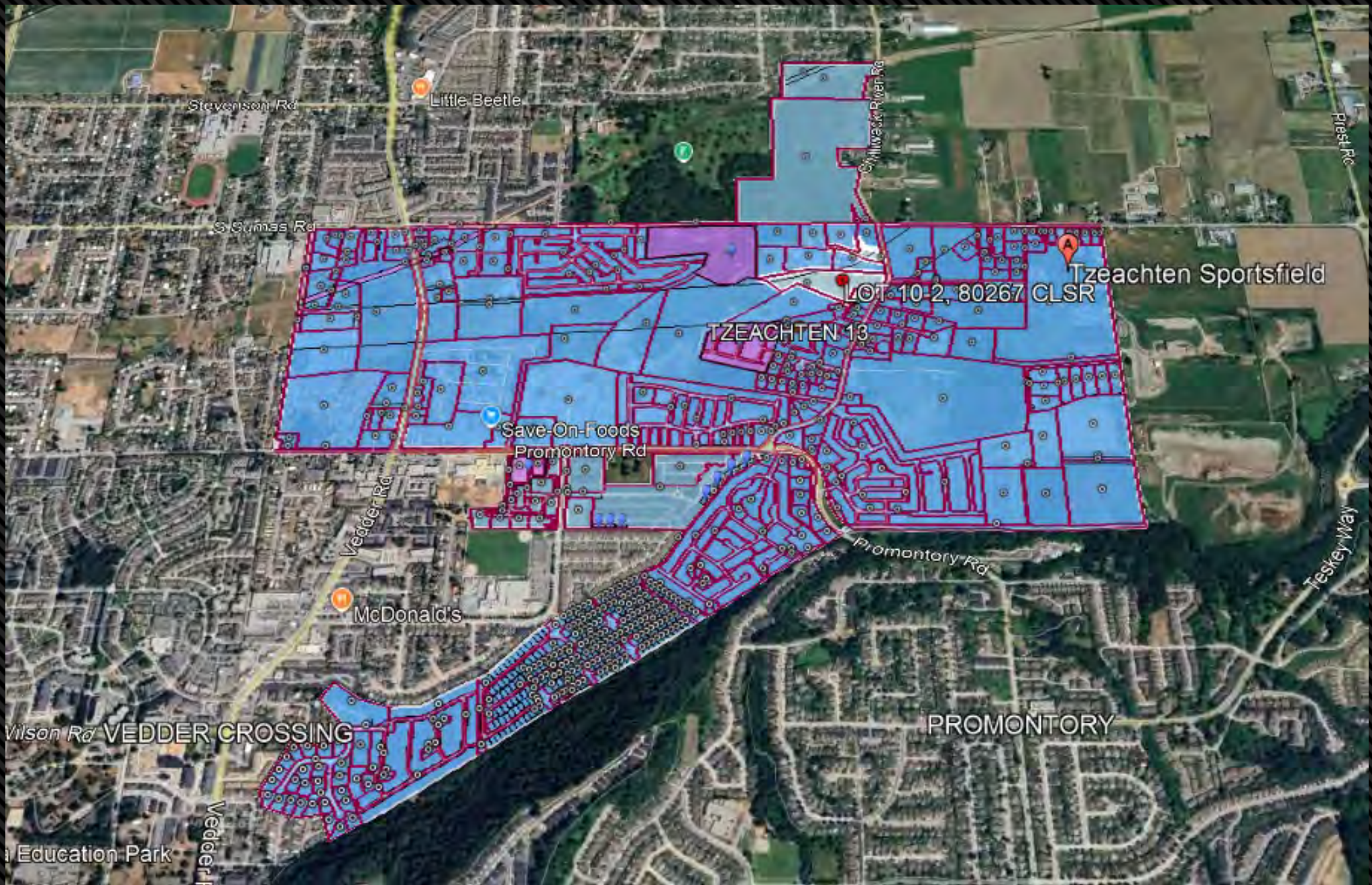
Ch'íyáqtel First Nation



Our community

- At one time, the Ts'elxweyéq̓w (Chilliwack River) flowed through Ch'íyáq̓tel First Nation. The Halq'eméylem name for Tzeachten is Ch'íyáq̓tel meaning "the place of the fish weir" which recognizes the important fishing weirs that were once located within the community.
- Today, Ch'íyáq̓tel First Nation is comprised of 332.83 ha (822.45 acres) of reserve lands. Ch'íyáq̓tel Lands are located within the municipal boundaries of the City of Chilliwack (approximately 100km east of Vancouver.)





Ch'íyáqtel Lands

- Ch'íyáqtel Lands are surrounded by residential and commercial areas. There has been extensive development on our reserve, including a mix of commercial businesses and light industry. While there is a high demand for housing for community members, there is a very limited amount of community land available. The BC Hydro transmission line, gas and petroleum pipelines, and gravel pits within and surrounding our land represent significant barriers to development. With limited availability of land within the reserve and ongoing development pressure, expansion of the land base for community growth continues to be a priority.



Our People



- Registered member population of 731.
- 58% members live on Ch'iyáqtel Lands.
- Our population growth has been steady over the past 20 years (2% - 4% growth rate). If past member population growth trends continue, our total membership could double in 25 years!



Playground and Community Garden



Tzeachten Longhouse



23 unit town house development - members



15 unit townhouse development - members



Administration Building

Framework Agreement – Land Code

- Ch'iyáqtel became operational under their own Land Code and Individual Agreement on August 21, 2008.
- Ch'iyáqtel has full jurisdiction and control of land management on Ch'iyáqtel Reserve.
- Tzeachten can now create and enforce its own land laws like a municipality.

Law Making Authority

- Matrimonial & Real Property (applies to Tzeachten FN Members only)
- Zoning & Land Use Law
- Subdivision and Development Law (2010)
- Fireworks Law (2010)
- Business Permit Law (2010)
- Noise Control Law (2012)
- Enforcement and Ticketing Law (2012)
- CP (Allotment) Law (2014)
- Dog License and Animal Control Law (2014)
- Zoning Law (2015)
- Community Quality and Protection Law (2020)
- Sign Law (2020)
- Cannabis Law (2022)
- Environmental Protection Law (2023)
- Minimum Requirements for Registration Law (2023)
- Soil Deposit, Removal and Transport Law (2022)
- Residential Tenancy Law (2025)

Lands Management Advisory Committee

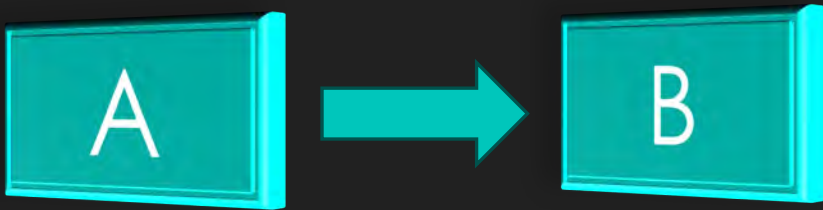
- The Lands Management Advisory Committee is responsible for advising Council and the Lands Manager on matters respecting Ch'íyáqtel Lands.
- The Committee provides recommendations to Council on laws, resolutions, policies and procedures respecting Ch'íyáqtel Lands.
- The Committee is made up of community members with support from staff and Council.

A-to-A leasing

Innovative approaches to unlocking value on privately held land on-reserve.

Standard A to B Lease

Party A (Lessor) grants a leasehold interest to Party B (Lessee)



A to A Lease (for individual allotment holders)

Party A (Lessor) grants a leasehold interest to themselves, Party A (lessee).



Mortgageable Interest

The Framework Agreement

Resources and Tools



RESOURCE CENTRE SUPPORT TO FIRST NATIONS



**First Nation
Requests
Support**



**RC Support
Services**



Land Code Governance Support

Environment

Surveys &
Legacy Issues

Land Registry

Land Use
Planning

Solid Waste
Management

Law
Development &
Enforcement

LGM &
Knowledge Path
Tools

Communication
& Public
Relations

GIS & Traditional
Knowledge



Patti Wight

Manager, First
Nation Support
Services, B.C.



**Shawn
Speirs**

Land Governance
Advisor, B.C



**Jackie
Brown**

Land Governance
Advisor, B.C.

BC and FV Support Teams



Denise Unger

Manager, First Nation
Support Services, Fraser
Valley (F.V.)



**Heather
McIntyre**

Land Governance
Advisor, B.C.



Erica Louie

Land Governance
Advisor, B.C.



**Jasmine
Pouce Coupe**

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Advisor, B.C.



**Cathy
Galligos**

Land Governance
Advisor, B.C.



Tabitha Donkers

Land Governance
Advisor, F.V.



Sally Hope

Land Governance
Advisor, F.V.

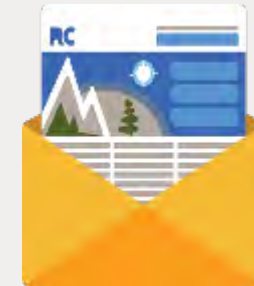
Resources

- www.labrc.com
- www.landsadvisoryboard.ca
- facebook.com/fnlmrc
- vimeo.com/labrc
- www.sac-isc.gc.ca



Land Decolonized
Podcasts

<https://www.buzzsprout.com/1515202>



Lands Advisor
Newsletter

Videos



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Kukwstsétsemc

Questions?



**FIRST NATIONS
LAND MANAGEMENT
RESOURCE CENTRE**