

**UPDATING AND  
REORGANIZING  
INAC'S  
LANDS  
MANAGEMENT  
MANUAL**

# Problems with the current manual

1) The document is outdated.

New policies have been developed and implemented (survey, locatee lease, etc.), and there have been changes to legislation (*Indian Act* designation changes from 2012, *FHRMIRA*, environmental reviews, etc.), that need to be incorporated into the manual.

# Problems with the current manual *continued*

## 2) Organization and clarity could be improved

- It is 655 pages long and difficult to navigate
- Policy and procedural information are mixed throughout
- Need for clarity regarding roles and obligations
- LMM refers users to several other documents

# Problems with the current manual *continued*

3) It is not addressed to significant parts of its audience

- The manual is addressed mainly to INAC Lands Officials.
- First Nation Land Managers, Band Councils and Third Parties also need to use the manual.

# Ultimate Goal of the Project

## Creation of two physical manuals based on Activity Types: Policies and Procedures

- Information in *Lands Management Manual* can best be organized with individual POLICY and PROCEDURES manuals.
- Checklists for Lands Officers/Managers, Band Councils and Proponents will be included as appendices.
- A subsequent website will interconnect the POLICY and PROCEDURES sections with the use of hyperlinks.

# Ultimate Goal of the Project *continued*

## Website and Hard Copies of the Manuals

- Internet access differs amongst First Nations and it differs between regional offices
- Hard copies of the manual are useful “in the field”
- Appendices will be used to provide checklists and templates for required documents
- Electronic PDF copies will also be available

# Process – Last Year

**(April 2016 – April 2017)**

- Formed working groups – INAC Lands Officers and NALMA Technical Team
- Assessed materials to update and/or develop new policies and procedures
- Assessed regional variations in procedures to determine best practices
- Uniformity where possible – regional variations may result from differences in provincial legislation



# Process – This Year

## **Drafting New Sections (April 2017 – April 2018)**

- Produce hard-copy DRAFTS of Policy and Procedures manuals, including checklists and templates as appendices
- Simplicity where possible – harmonize procedures nationally
- Develop checklists and forms



# Current Organization of Manual

The organization of the current LMM is based upon both land activities and instrument types

## LAND ACTIVITIES

- Chapter 3) INDIVIDUAL INTERESTS: CREATING, TRANSFERRING AND CANCELLING
- Chapter 4) LANDS USED FOR THE GENERAL WELFARE OF THE BAND

## INSTRUMENT TYPE

- Chapter 5) DESIGNATION AND SURRENDER
- Chapter 6) PERMITS: DRAFTING, ISSUING AND CANCELLING
- Chapter 7) LEASES: DRAFTING, ISSUING AND CANCELLING

# Reorganization of Material

Reorganize the material using and updating existing information in the current Lands Management Manual.

We are proposing that:

The POLICY manual will be activity based (i.e. land use), and

The PROCEDURAL manual will be process based (i.e. based on the steps of the various transactions).

# POLICY Outline

1. **Introduction:** (General Info, Definitions, Current *Indian Act* system and Environment).
2. **Creation and Registration of Interests and Rights:** (*Indian Act* Instruments and Authorities).
3. **Individual Allotments:** (i.e. Certificates of Possession or Occupation, Estates, Rights of Way Agreements – b/n Band Members, *FHRMIRA*)
4. **Community Development:** (i.e. Sec. 18(2) Band Set-Asides, Distribution Permits, etc.)
5. **Economic Development:** (i.e. Designation Process, Residential Development, Commercial/Industrial Development, Agricultural Uses, Easements, and Natural Resources, as well as Access and Monitoring and Compliance).
6. **Amending or Extending an Instrument:** (i.e. Amending a Designation or Individual Allotment, and Extending a Lease, Permit or Certificate of Occupation).
7. **Transferring or Terminating an Interest:** (i.e. Transfers of a Lease or Permit, Transfers of Individual's Right to Possession, and Terminating/Cancelling an Interest, etc).
8. **Reserve Creation:** (i.e. Additions to Reserves).
9. **Removal of Reserve Status:** (i.e. Absolute Surrender for Sale or Exchange, Sub-surface Mineral Rights, Section 35 Transfer).

# PROCEDURAL Outline

1. **Instrument Preparation Procedures:** (Permits and Leases, Certificates of Possession or Occupation, Section 35 Instruments).
2. **Instrument Completion Procedures:** (Consent and Approval, Registering and Distributing).
3. **Designation Procedures:** (Designation Document Preparation, Referendum Preparation, Vote)
4. **Construction Phase Procedures:** (Preparation for Construction, Monitoring and Compliance )
5. **Operational Phase Procedures:** (Monitoring and Compliance, Dispute Resolution).
6. **Procedures for Amending or Extending an Instrument:** (Amending a Designation or Individual Allotment, and Extending a Lease, Permit or Certificate of Occupation).
7. **Procedures for Transferring or Terminating an Interest:** (Assignments, Subleasing, Transfers of Individual's Right to Possession, and Terminating/Cancelling an Interest, etc).
8. **Procedures for Instrument Expiry:** (Decommissioning an Instrument).
9. **Legacy Issues:** (Historical Access Problems, Buckshee Instruments).
10. **Checklists:** (Lands Officers/Managers, Band Councils and Proponents).

# Rationale for Reorganization

## 1. Locating Appropriate Information

**Example: Farmer John, a non-band member, asks Mary, a band member, if he could work out an arrangement with her to graze his cattle on her allotment of reserve land.**

- With the current manual how would one without previous knowledge determine what chapters would be relevant?
- Would you look in the chapter concerning Permits, Leases, Designations, Individual Interests?
- Are there any environmental obligations?

# Locating Information *continued*

With our proposed reorganization we would start with the question:

## ***What type of land activity is being considered?***

- The “Economic Development” section would be the place to start.
- From there “Agricultural Uses” would be the appropriate subsection.
- A General Information page would further direct users to the information they need, clarifying differences between Agricultural Permits and Leases, etc.

# Rationale for Reorganization

## 2. Accurate Instructions

**Roles and Responsibilities:** procedural instructions and checklists will be specific to the parties involved:

- Lands Officers/Managers
- Band Councils
- Proponents



# Rationale for Reorganization

## 3. Templates and Forms

Organizing the material based on land activities will allow for templates and fillable forms to be tailored to specific land activities:

- Specific Lease and Permit templates
- Letter and report templates (letters of compliance, fact letters, Site Inspection Reports, Lands Status Reports, etc.)
- Fillable forms (Transfer forms, declaration forms, applications, approval forms, acknowledgment forms, etc. )

# Rationale for Reorganization

## 4. Links to Other Materials

- A website could also offer links to a number of additional materials of interest, such as:
  - NALMA Toolkits (Designation Toolkit, ATR Toolkit, etc.)
  - Sand and Gravel Guidelines
  - Timber Guidelines

# Next Steps

- We are hoping to have DRAFTS of the Policy and Procedural manuals by the end of March 2018.
- We hope to provide the DRAFTS to First Nations early in the next fiscal year for input on the drafts.

# Your Input

I do not use the Lands Management Manual.

You do....

I would appreciate your suggestions.

# Contacts

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# UPDATING AND REORGANIZING THE INAC LANDS MANAGEMENT MANUAL

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