



# Evaluation of Land Management Sub-Programs

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Indigenous Services  
Canada

Services aux  
Autochtones Canada

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# List of abbreviations and acronyms

CIRNAC	Crown-Indigenous Relations and Northern Affairs Canada
GIS	Geographic Information System
ISC	Indigenous Services Canada
ILRS	Indian Land Registry System
LEDSP	Lands and Economic Development Support Program
LNREM	Land, Natural Resources and Environmental Management
NALMA	National Aboriginal Land Managers Association
NIEDB	National Indigenous Economic Development Board
PLMCP	Professional Land Manager Certification Program
RC	(First Nations Land Management) Resource Centre
RLA	Regional Land Association

## Executive summary

The evaluation of Land Management Sub-Programs was outlined in the 2021-22 Indigenous Services Canada (ISC) Five Year Evaluation Plan, and conducted in compliance with the Treasury Board of Canada *Policy on Results*. The evaluation was undertaken to provide a neutral and evidence based assessment of: relevance; performance; best practices; and service transfer in First Nations lands management.

## Background

The evaluation focuses on three lines of service within ISC's Land, Natural Resource and Environment Management Portfolio within the Lands and Economic Development Sector:

1. **Reserve Land and Environment Management Program.** The key activity is to provide funding to First Nations to develop the capacity needed to exercise increased responsibility over the management of reserve land, resources and environment under the *Indian Act*.
2. ISC supports for **First Nations Land Management.** The key activity is to provide funding to First Nations organizations and communities to empower First Nations to exercise their jurisdiction under the *Framework Agreement on First Nation Land Management*. With this Agreement, First Nations opt out of lands-related sections of the *Indian Act* and manage their reserve lands, resources and environment according to their own laws, values and priorities while also enabling improved economic development.
3. **Land Use Planning.** The key activity is to provide funding to First Nations lands organizations, who in turn support First Nations in developing community-led Land Use Plans which become primary tools for governing over reserve lands.

The ultimate goal of ISC's interventions in this portfolio is that Indigenous communities benefit from the sustainable development and management of their lands and natural resources.

## Evaluation scope and methodology

This evaluation covered the years 2014-15 to 2020-21 as per Treasury Board requirements<sup>1</sup>, and selected activities up to the 2021-22 fiscal year to recognize and provide feedback on impacts of the COVID-19 pandemic. Although not part of the original scope, the evaluation also incorporated more recent data and actions taken by ISC to implement the mandate of the department since its creation in 2017-18.

The Methodology Report was approved in May 2022, with primary data collection occurring from May 2022 to October 2022. The evaluation relied on a mixed-methods approach that included the following lines of evidence: a document, literature and media review; 44

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<sup>1</sup> TBS Policy on Results. <https://www.tbs-sct.gc.ca/pol/doc-eng.aspx?id=31300>.

interviews with ISC representatives and external funding recipients and service delivery partners at the national and regional level; 40 complete and 40 partially-complete surveys from individuals involved in land management at the First Nation community level; content and feedback from participants of 5 conferences hosted by First Nation Regional Lands Associations (RLAs); 6 community site visits in British Columbia, Saskatchewan, and Nova Scotia; and an analysis of quantitative administrative data held by the Community Lands Directorate at ISC Headquarters.

### Key Findings

The evaluation found repetition of key concepts in the findings across the standard evaluation areas of relevance and performance, and presents its findings thematically according to the information shared by ISC interviewees and First Nations organization and community representatives. Eight themes were identified, and fall into three broad categories.

Importance of Land	Current Challenges	Ways to Move Forward
Community and Culture Self-Determination	Funding Capacity Cross-Cutting Issues	Relationships Reporting Service Transfer

#### Importance of land

With respect to **community and culture**, First Nations interviewees and survey respondents shared that planning for the future use of land is an important intergenerational aspect of First Nations' community-building. The evaluation also reaffirmed that **self-determination** is an inherent right for First Nations, and there are ways that ISC can support communities to exercise that right over their lands and natural resources. The implementation of the United Declaration on the Rights of Indigenous Peoples (UNDRIP) was identified as an area where Canada can work with First Nations to decolonize its lands-related structures and processes.

#### Current challenges

The evaluation found that there are disparities in **funding** access and distribution across and within land management initiatives which create differences in opportunities for First Nations to benefit from their lands and natural resources. While funding for First Nations Land Management is seen as mostly streamlined, the evaluation found that Land Use Planning would benefit from stable multi-year funding arrangements. The evaluation found that the effectiveness of the Reserve Land and Environment Management Program is hindered by inadequate funding and is not currently meeting its objectives related to capacity development. Further, First Nations interviewees and survey respondents indicated that the funding formula for this Program does not reflect the land management realities for many First Nations, as it is too transaction-focused. It was noted that a best practice in this area is to implement block or grant funding arrangements to provide First Nations organizations and communities with flexibility to address emerging lands priorities.

In terms of **capacity** for First Nations communities to effectively manage lands, the evaluation found that an appropriately compensated and dedicated land manager is vital. Interviewees and survey respondents from First Nations communities and organizations shared that their partners in the Lands sector, such as different levels of government and private organizations, could benefit from training around reserve land management, and that enforcement of First Nations' laws under their land codes is a critical challenge that is not easily addressed by ISC alone. The evaluation also covered **cross-cutting issues** around climate change and the impacts of the COVID-19 pandemic, and found that First Nations are not currently receiving adequate support to mitigate the serious impacts of climate change on their lands and natural resources, and that COVID-19 created challenges for communities to achieve their land management priorities.

### **Ways to move forward**

The evaluation found that First Nations are developing complex land management ecosystems by building **relationships** outside of ISC, and that ISC has opportunities to improve its relationships with First Nations communities. In particular, the evaluation heard from both ISC and First Nations interviewees and survey respondents that staff turnover within the ISC regional offices hinders effective relationship-building between First Nations' Lands offices and the department. **Reporting** practices can support better relationships with First Nations and there are opportunities for ISC to streamline and improve the utility of reports it requires from First Nations partner organizations and communities for land management funding. The evaluation included a lens on **service transfer** and found that the transfer of lands management speaks to a future where First Nations have the control they desire in managing their lands and natural resources. As the department moves toward service transfer, ISC has a further role to play in land management while First Nations organizations and communities continue to develop their lands-related authorities.

## **Recommendations**

- 1. As First Nations in the Reserve Land and Environmental Management Program (RLEMP) experience disparities within the current model that hinders their capacity to effectively manage their lands and natural resources, ISC re-assess the funding formula for RLEMP.**
- 2. Working with First Nations partners, ISC undertake a gaps analysis for training in lands governance, at the discretion of First Nations partners.**
- 3. Working with Regions, Human Resources, and the Chief Finances Results Delivery Office (CFRDO), ISC lead an organizational capacity assessment across land management, focusing on training needs, human resource continuity and retention of corporate knowledge for ISC staff.**

- 4. Working with First Nations partners, ISC provide funding and support to carry out studies on existing capacity for land management in First Nations communities.**
- 5. Working with First Nations partners and the Chief Data Officer, ISC explore how to ensure First Nations have access to and ownership of their lands-related data, and the necessary data governance and management capacity to support that access and ownership, in support of service transfer and in order to facilitate evidence-based decision-making in land management.**



# Management Response and Action Plan

Evaluation Title: Evaluation of Land Management Sub-Programs

## Overall management response

### Overview

- This Management Response and Action Plan was developed to address recommendations presented in the Evaluation of Land Management Sub-Programs. It was developed by the Lands and Economic Development Sector (LED) in collaboration with the Evaluation Directorate.
- The Lands and Environmental Management Branch (LEMB) within LED at ISC acknowledges and concurs with the recommendations set forth in the Evaluation of Land Management Sub-Programs report produced by ISC's Evaluation Directorate.
- Wherever possible, LEMB intends to implement recommendations immediately and in the spirit of ISC's departmental mandate to support Indigenous peoples in assuming the control of the delivery of services at the pace and in the ways they choose. As one of its roles, LEMB, through the Community Lands Development Directorate, supports First Nations in building land management capacity and increasing land governance control both under the Indian Act, through the Reserve Land and Environment Management Program (RLEMP), and external to the Indian Act, through the Framework Agreement on First Nation Land Management. Many of the recommendations in this evaluation reflect challenges both LEMB and First Nation partners, namely the National Aboriginal Lands Managers Association (NALMA) and the First Nations Land Management Resource Centre (FNLMRC), are aware of and have begun to address since the conclusion of the evaluation period in 2021. Moreover, recommendations in this evaluation are already linked to the implementation of Budget 2023 funding announcements for RLEMP and First Nations Land Management (FNLM). LEMB's Management Response and Action Plan for the Evaluation of Land Management Sub-Programs, with associated timelines, has been developed with this context in mind, to ensure existing efforts are brought to fruition prior to determining next steps.
- Because of the nature of self-governance and extent of service transfer in land management supports to First Nations, specifically for FNLM and Land Use Planning (LUP), it is important to note that ISC often plays a supporting role to efforts led by First Nation partners. Nevertheless, LEMB continues to enjoy effective relationships with land management service delivery partners and will work in partnership with them to

implement recommendations made in this evaluation as well as to continue to make improvements to land management sub-programs.

## **Assurance**

- The Action Plan presents appropriate and realistic measures to address the evaluation's recommendations, as well as timelines for initiating and completing the actions.
- Periodic reviews of the Management Response and Action Plan will be conducted by ISC Evaluation and shared with the ISC Performance Management and Evaluation Committee to monitor progress and activities.

# Action Plan matrix

Recommendations	Actions	Responsible Manager (Title/Sector)	Planned Start and Completion Dates	Action Item Context/Rationale
<p>1. As First Nations in RLEMP experience disparities within the current model that hinders their capacity to effectively manage their lands and natural resources, ISC re-assess the funding formula for RLEMP.</p>	<p>We <b>do</b> concur. (do, do not, partially)</p> <p>To support this recommendation, LEMB will:</p> <p><b>Action 1.1:</b> Implement a base-level of funding for existing and new First Nations participants in RLEMP (Q3 2023-2024).</p> <p><b>Action 1.2:</b> With NALMA, ISC sectors and ISC regional offices, provide progress reports on status of discussions to explore potential options to further improve the RLEMP funding formula to support increased capacity and lessen disparities (Q4 2025-26).</p> <p><b>Action 1.3:</b> Report on findings, including recommendations for improvement to the RLEMP funding formula beyond the implementation of a base-level of funding (Q3 2026-2027).</p>	<p>Director General, Lands and Environmental Management Branch, Lands and Economic Development Sector, Indigenous Services Canada</p>	<p><b>Start Date:</b> August 2023</p> <p><b>Completion:</b> December 2026</p> <p>1.1 December 2023</p> <p>1.2 March 2026</p> <p>1.3 December 2026</p>	<p><b>Status:</b></p> <p><input type="checkbox"/> Fully Implemented</p> <p><input type="checkbox"/> Partially Implemented</p> <p><input type="checkbox"/> Implementation did not Commence</p> <p><input type="checkbox"/> Obsolete</p> <p><b>Update/Rationale:</b> <b>As of:</b> <i>(Insert Update Here)</i></p>
<p>2. Working with First Nations partners, ISC support a gaps analysis for training in lands governance, at the discretion of First Nations partners.</p>	<p>We <b>do</b> concur. (do, do not, partially)</p> <p>LEMB concurs with this recommendation.</p> <p>In the case of FNLM, due to the extent of service transfer and given it is a self-government initiative, ISC does not control decisions pertaining to mandatory training.</p>	<p>Director General, Lands and Environmental Management Branch, Lands and Economic Development Sector, Indigenous Services Canada</p>	<p><b>Start Date:</b> October 2023</p> <p><b>Completion:</b> March 2026</p>	<p><b>Status:</b></p> <p><input type="checkbox"/> Fully Implemented</p> <p><input type="checkbox"/> Partially Implemented</p> <p><input type="checkbox"/> Implementation did not Commence</p> <p><input type="checkbox"/> Obsolete</p> <p><b>Update/Rationale:</b> <b>As of:</b> <i>(Insert Update Here)</i></p>



Recommendations	Actions	Responsible Manager (Title/Sector)	Planned Start and Completion Dates	Action Item Context/Rationale
	<p>NALMA in the development, delivery and promotion of available training (Q3 2023-2024 to Q1 2024-2025).</p> <p><b>Action 2.3:</b> Support NALMA in undertaking an independent review/evaluation of the redesigned PLMCP (Q1 to Q4 2025-2026).</p>		2.3 March 2026	
<p>3. Working with Regions, Human Resources, and the Chief Finances Results Delivery Office (CFRDO), ISC lead an organizational capacity assessment across land management, focusing on training needs, human resource continuity and retention of corporate knowledge for ISC staff.</p>	<p>We <b>do</b> concur. (do, do not, partially)</p> <p>To support this recommendation, LEMB will:</p> <p><b>Action 3.1:</b> Provide progress reports on status of engagements with internal partners (regions, human resources, CFRDO) to determine a suitable approach to analyze land management organizational capacity needs (Q3 2023-2024).</p> <p><b>Action 3.2:</b> Undertake the assessment of ISC land management organizational capacity needs determined in Action 3.1 (Q3 2024-2025).</p> <p><b>Action 3.3:</b> Disseminate and report on the results of the capacity assessment, and identify next steps on any recommendations (Q4 2024-2025)</p>	<p>Director General, Lands and Environmental Management Branch, Lands and Economic Development Sector, Indigenous Services Canada</p>	<p><b>Start Date:</b> October 2023</p> <p><b>Completion:</b> December 2024</p> <p>3.1 December 2023</p> <p>3.2 December 2024</p> <p>3.3 March 2025</p>	<p><b>Status:</b></p> <p><input type="checkbox"/> Fully Implemented</p> <p><input type="checkbox"/> Partially Implemented</p> <p><input type="checkbox"/> Implementation did not Commence</p> <p><input type="checkbox"/> Obsolete</p> <p><b>Update/Rationale:</b> <b>As of:</b> (Insert Update Here)</p>

Recommendations	Actions	Responsible Manager (Title/Sector)	Planned Start and Completion Dates	Action Item Context/Rationale
<p>4. Working with First Nations partners, ISC provide funding and support to carry out studies on existing capacity for land management in First Nations communities.</p>	<p>We <b>do</b> concur. (do, do not, partially)</p> <p>LEMB concurs with this recommendation.</p> <p>To support this recommendation for FNLML, LEMB will:</p> <p><b>Action 4.1:</b> Engage with the FNLMLRC to gauge interest and to identify priorities and options for land management capacity studies (Q4 2023-2024).</p> <p><b>Action 4.2:</b> Provide progress reports on status of support provided to the FNLMLRC to undertake and lead land management capacity studies as requested (Q1 to Q4 2024-2025).</p> <p><b>Activity 4.3:</b> Report internally on the results of studies undertaken should FNLMLRC choose to undertake them (Q3 2025-2026).</p> <p>In the case of RLEMP, during the COVID-19 pandemic, NALMA carried out studies on existing capacity and implemented new and improved training in response.</p>	<p>Director General, Lands and Environmental Management Branch, Lands and Economic Development Sector, Indigenous Services Canada</p>	<p><b>Start Date:</b> October 2023</p> <p><b>Completion:</b> March 2026</p> <p>4.1 March 2024</p> <p>4.2 March 2025</p> <p>4.3 December 2025</p> <p>4.4 December 2025</p>	<p><b>Status:</b></p> <p><input type="checkbox"/> Fully Implemented</p> <p><input type="checkbox"/> Partially Implemented</p> <p><input type="checkbox"/> Implementation did not Commence</p> <p><input type="checkbox"/> Obsolete</p> <p><b>Update/Rationale:</b> <b>As of:</b> (Insert Update Here)</p>

Recommendations	Actions	Responsible Manager (Title/Sector)	Planned Start and Completion Dates	Action Item Context/Rationale
	<p>To support this recommendation for RLEMP, LEMB will:</p> <p><b>Action 4.4:</b> Provide progress reports on status of engagements with NALMA and Regional Lands Associations to identify and fund other capacity assessments, as resources allow (Q1 to Q3 2025-2026).</p> <p><b>Action 4.5:</b> Support NALMA in the evaluation of the redesigned PLMCP, which may include undertaking an assessment on the trained workforce (Q1 to Q4 2025-2026).</p>		4.5 March 2026	
<p>5. Working with First Nations partners and the Chief Data Officer, ISC explore how to ensure First Nations have access to and ownership of their lands-related data in order to facilitate evidence-based decision-making in land management.</p>	<p>We <b>do</b> concur. (do, do not, partially)</p> <p>LEMB concurs with this recommendation.</p> <p>It is important to note that significant efforts have been made within LEMB since the evaluation period to support this recommendation by undertaking work on:</p> <ul style="list-style-type: none"> <li>• the National Additions to Reserves Tracking System (NATS), completed in March 2023</li> <li>• the Integrated Environmental Management System (IEMS), with a targeted completion date of March 2024</li> <li>• the Trust and Lands Information</li> </ul>	<p>Director General, Lands and Environmental Management Branch, Lands and Economic Development Sector, Indigenous Services Canada</p>	<p><b>Start Date:</b> October 2023</p> <p><b>Completion:</b> December 2026</p>	<p><b>Status:</b></p> <p><input type="checkbox"/> Fully Implemented</p> <p><input type="checkbox"/> Partially Implemented</p> <p><input type="checkbox"/> Implementation did not Commence</p> <p><input type="checkbox"/> Obsolete</p> <p><b>Update/Rationale:</b> <b>As of:</b> (Insert Update Here)</p>

Recommendations	Actions	Responsible Manager (Title/Sector)	Planned Start and Completion Dates	Action Item Context/Rationale
	<p>Management System (TLIMS), with a targeted completion date of September 2026</p> <ul style="list-style-type: none"> <li>• the Indian Land Registry System (ILRS), with a targeted completion date of September 2026; and</li> <li>• by providing support to Crown-Indigenous Relations and Northern Affairs Canada and the Lands Advisory Board in the development of a First Nation-led land registry, with a targeted completion date of September 2026.</li> </ul> <p><b>Action 5.1:</b> Provide progress reports on status of discussions with the CDO and First Nations partners to review whether further steps are required (Q3 2025-2026).</p>		5.1 December 2026	



# 1. Introduction

The overall purpose of the evaluation was to examine Land Management Sub-Programs<sup>2</sup>, as outlined in the Five-Year Evaluation Plan of Indigenous Services Canada (ISC), and in compliance with the Treasury Board (TB) of Canada *Policy on Results*. The evaluation focused on three aspects of the Land, Natural Resources and Environmental Management portfolio at ISC: the Reserve Land and Environment Management Program (RLEMP), ISC supports for First Nations Land Management (FNLM), and Land Use Planning.

## 2. Program Description

### 2.1 Background

ISC funds a suite of service lines that make up the Lands, Natural Resources and Environmental Management portfolio. The department works with First Nation communities to achieve a variety of objectives related to land and the environment. ISC and First Nations develop innovative policy, process, and system improvements to enhance conditions to increase the reserve land base, and support sustainable management of land, environment and natural resources that leverages community and economic development opportunities. ISC also works to facilitate greater First Nation independence or self-sufficiency in managing land, environment and natural resources via support and funding for sectoral self-governance agreements.<sup>3</sup>

These governance investments provide core and targeted funding to First Nation governments, as well as Aboriginal institutions and organizations to:

- Provide support for communities through planning, capacity building, and training to effectively manage land, natural resources, and environmental activities;
- Modernize land administration tools, systems, procedures, and practices for First Nations operating under the *Indian Act*; and
- Address legal obligations, community growth, and economic development through the additions of lands to reserve.

This evaluation did not cover all of the service lines listed under the Lands, Natural Resources and Environmental Management portfolio; those not included are either exempt from evaluation, have been covered in previous evaluations, or will be included in upcoming

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<sup>2</sup> In conversations with First Nations partner organizations, the point was made that First Nations Land Management is not a program or sub-program, rather it should be recognized as self-governance. The evaluation hereafter refers to FNLM, RLEMP and Land use Planning as “land management”.

<sup>3</sup> ‘Sectoral self governance agreements’ refers to legislative Acts which provides a mechanism for First Nations to ‘opt-out’ of provisions within the Indian Act. These include but are not limited to the Framework Agreement on First Nations Land Management, the Family Homes on Reserves and Matrimonial Interests or Rights Act, and the First Nations Oil and Gas and Moneys Management Act.

evaluations. See [Appendix A](#) for more information on the service lines within the portfolio and what has been excluded.

## 2.2 Overview of Land Management

### 2.2.1 Overall objectives and expected outcomes

The Lands, Natural Resources and Environmental Management portfolio has a variety of objectives, and this evaluation focused on the sustainable management of First Nations' land. According to the program's logic model (found in [Appendix A](#)), the ultimate outcome of ISC's interventions is that *land and resources in Indigenous communities are sustainably managed*.

The three medium-term or intermediate outcomes have been identified as:

- *Indigenous lands, natural resources and environment are sustainably managed;*
- *Indigenous communities pursue land and natural resource based economic development; and*
- *Environmental, human health and safety risks are reduced in Indigenous communities.*

ISC provides support and funding to First Nations to participate in RLEMP and Land Use Planning, which is intended to contribute to progress towards these outcomes. ISC supports First Nations communities to participate in First Nations Land Management (FNLN), though throughout the temporal scope of this evaluation this contributed to a different logic model focused on *First Nations Jurisdiction Over Land and Economic Development*. ISC's support for FNLN has since been moved under the Lands, Natural Resources and Environmental Management portfolio, though the present logic model does not yet address this area. ISC also provides funding to two First Nations organizations (see below), who are the major service delivery partners in land management.

### 2.2.2 Service delivery partners

The main service delivery partner for First Nations managing their reserve lands under the *Indian Act* is the National Aboriginal Land Managers Association (NALMA). NALMA offers technical support, channels for networking, and professional development opportunities for First Nations land managers. NALMA works with eight regional branches known as Regional Lands Associations (RLAs) which provide regionally-specific supports and services to First Nations in each province, and to Inuit communities in Nunavut.

The First Nations Land Management Resource Centre (FNLNRC, or 'the RC') is a First Nations organization dedicated to supporting First Nations to resume control over their lands, environment and natural resources by providing intergovernmental support, training, resources, information and other support services to First Nations interested or engaged in the *Framework Agreement on First Nation Land Management*. The RC has regionally-specific supports and contacts for First Nations developing and implementing their land codes.

### **2.2.3 Reserve Land and Environmental Management Program (RLEMP)**

RLEMP provides funding to First Nations to develop the capacity needed to exercise increased responsibility over the management of reserve land, resources and environment. RLEMP is available to First Nations operating under the *Indian Act*. To apply for RLEMP, a First Nation or tribal council must complete and submit a First Nation Entry Request Form and Capacity Self-Assessment exercise to their ISC regional office. Eligible First Nations should have a description of their planned land and environment management activities in place, and intend to hire or procure land management or economic development services. ISC regional offices conduct an assessment of the First Nation's features against RLEMP eligibility criteria and ISC's available program resources. Once the First Nation or tribal council is accepted into RLEMP, they must pass a band council resolution agreeing to the terms of the program.

NALMA is the major service delivery partner in RLEMP. First Nations are also offered support from the Community Lands Directorate at ISC Headquarters and from Regional Offices at ISC to receive land and environment management funding, hire a land manager, access training and development opportunities, and comply with the RLEMP performance measurement requirements.

First Nations receive funding based on their level of responsibility under RLEMP (Training and Development Level, Operational Level or Delegated Authority Level<sup>4</sup>) and a funding formula. The RLEMP funding formula takes the following factors into consideration: the First Nation's population base; land base; type, volume and complexity of land and natural resources interests (i.e., leases, permits, etc.); operational costs; environmental activities (i.e., environmental site assessments, audits, etc.); and compliance activities. Only registered land and natural resources transactions resulting in an active interest/possession in land will be funded.

### **2.2.4 First Nations Land Management (FNLM)**

In 1991, a group of First Nation Chiefs approached the Government of Canada with a proposal to opt-out of 40 provisions of the *Indian Act* on land, environment and resources. As a result of this proposal, the *Framework Agreement on First Nation Land Management* was negotiated by 14 First Nations and Canada in 1996 and came into effect in 1999 through the *First Nations Land Management Act*. Together the Framework Agreement and the *First Nations Land Management Act* form First Nations Land Management (FNLM). The Framework Agreement recognizes the authority of First Nations to exercise their jurisdiction over the governance and management of their reserve lands, resources and environment according to their own laws, values and priorities while also enabling improved economic development. Following further negotiations between First Nations and Canada, the Framework Agreement now provides the opportunity First Nations to opt-out of 44 land-related sections of the *Indian Act* relating to land management with their own land code.

Any First Nation with lands reserved for Indians within the meaning of section 91(24) of the *Constitution Act of 1867* or with lands set aside in Yukon can opt-in to FNLM. Interested First Nations begin by submitting a Band Council Resolution stating their intent to join. First Nations

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<sup>4</sup> The Delegated Authority level of RLEMP has been closed to new entrants since 2011. This level returned additional land management authorities under sections 53 or 60 of the *Indian Act* to First Nations.

are provided with funding to develop a land code, conclude an individual agreement and hold a ratification vote in the community. These activities are laid out in a Developmental Phase Funding Agreement (DPFA) and this phase of activity is commonly referred to as the developmental phase. First Nations then work with the RC to develop a land code, and hold a ratification vote in their community. If the vote is successful and the community accepts the new land code, the First Nation moves from the developmental phase into the operational phase. Once the land code comes into effect, land authorities are transferred from ISC and First Nations can then begin to implement their laws under their land code, and have the opportunity to reintegrate linguistic and other traditional concepts of land governance and protection.

The major service delivery partner for FNLM is the RC. Alongside the RC, First Nations are also offered support from the Community Lands Development directorate and Regional Offices at ISC to become a signatory to the *Framework Agreement on First Nations Land Management*, access federal funding to develop and ratify a land code, and govern reserve lands under their land codes. Natural Resources Canada also plays a significant role in supporting research and land description reports for First Nations.

First Nations who are Operational in FNLM receive funding through a grant model. Funding for developmental activity is provided via contribution agreements that are administered by the RC. Funding is determined at various levels depending on whether a community is in the Developmental or Operational Level of FNLM, and the Operational FNLM funding formula also considers population, land base, and the volume and complexity of a First Nation's registered land and natural resources interests.

### **2.2.5 Land Use Planning**

Land Use Planning provides funding to support First Nations in developing a community-led Land Use Plan. Land Use Plans are primary tools for governing over lands, and the process of developing a Land Use Plan can determine how decisions are made on where houses, parks and schools will be built, and how infrastructure and other essential services will be provided. Since 2018, Land Use Planning implementation has been shifted from ISC regional offices to two delivery partners: the RC and NALMA. Within ISC, funding is flowed through the Community Lands Directorate at Headquarters.

First Nations operating under the *Indian Act*, including RLEMP communities, are eligible to apply for Land Use Planning funding provided by NALMA. Operational and Developmental FNLM First Nations can apply for Land Use Planning funding provided by RC. Delivery partners are responsible for the intake process, supporting First Nations with the development of their Land Use Plans and providing training opportunities to First Nations.

### 3. Evaluation Methodology

#### 3.1 Scope and evaluation issues

##### 3.1.1 Evaluation scope

This evaluation covered the years 2014-2015 to 2020-2021 as per Treasury Board requirements<sup>5</sup>, and selected activities up to the 2021-2022 fiscal year to recognize and provide feedback on impacts of the COVID-19 pandemic. Although not part of the original scope, the evaluation also incorporated more recent data and actions taken by ISC to implement the mandate of the department since its creation in 2017-2018. The evaluation was undertaken to provide a neutral and evidence-based assessment of relevance and performance (effectiveness and efficiency), with a focus on lessons learned and best practices. The evaluation examined these issues through lenses of gender-based analysis plus (GBA Plus), reconciliation, and considered the impacts of climate change. [Appendix B](#) shows the approved Terms of Reference for the evaluation, while a more detailed list of specific questions and issues that guided the evaluation is found in [Appendix C](#) includes a more detailed list of the specific questions and issues that guided this evaluation.

A mapping exercise to link findings to the lenses of relevance and performance revealed repetition across the responses to the evaluation questions. As such, the findings in this report are presented cohesively in key themes rather than in the traditional relevance/effectiveness/efficiency format. The evaluation team grouped the seventeen major findings thematically based on the ideas that were most present in the information shared with them by evaluation respondents. The eight themes are presented in three groupings.

Importance of Land	Current Challenges	Ways to Move Forward
Community and Culture Self-Determination	Funding Capacity Cross-Cutting Issues	Relationships Reporting Service Transfer

#### 3.2 Design and Methods

The evaluation was led by a team from the Evaluation Directorate within ISC. The Methodology Report was finalized in June 2022, with primary data collection occurring from May 2022 to October 2022.

The evaluation relied on a mixed-methods approach that included the following lines of evidence: a document and literature review; interviews with 44 individuals involved in RLEMP, FNLM and Land Use Planning in ISC, First Nations organizations, and First Nations

<sup>5</sup> TBS Policy on Results. <https://www.tbs-sct.gc.ca/pol/doc-eng.aspx?id=31300>.

communities; 40 complete responses and 40 partially complete responses from a survey distributed to 401 individuals involved in land management at the First Nation community level; content and feedback from participants of 5 conferences hosted by First Nation Regional Lands Associations (RLAs); 6 community site visits; and an analysis of quantitative administrative data held by the Community Lands Directorate at ISC Headquarters. When discussing the qualitative responses provided by both interviewees and survey respondents, the evaluation team has used a ‘semi-quantification’ approach outlined in Table 1 by describing responses based on the frequency each response. For a more detailed breakdown of the methodology see [Appendix C](#).

Table 1. Semi-quantified qualitative response terms

Term used	One	A few	Several	Many	Majority
Number of responses	1	2-5	6-15	16-21	>22

### 3.3 Limitations

While the evaluation process rigorously sought the views of land management experts, there are some limitations to how this data can be understood and applied broadly. The key limitation of this report resulted from limited engagement with First Nations in select provinces, as the evaluation team travelled to three regions to meet with 18 interviewees from First Nations in communities and conferences. To address this limitation, the evaluation team interviewed 12 representatives from First Nations organizations who had a national understanding of the evaluation’s subject matter. A survey was also deployed to collect input from First Nations across all provinces, however it returned a low survey response rate (20%) and a low survey completion rate (10%). Given the particularly low survey response rate from RLEMP First Nations (13%), only quantitative data related to FNLM First Nations survey respondents has been included in the report. Further, given that none of the questions in the survey were mandatory, each quantitative figure given has also included the denominator to show how many responses were gathered for each question. Qualitative responses from the survey have been retained and included throughout the findings. For more information on the limitations and mitigation strategies employed see [Appendix C](#).

### 3.4 Indigenous Engagement

Indigenous engagement was built into the methodology for this evaluation and includes input at key stages from ISC’s main land management service delivery partners: NALMA, and the RC. The RC and NALMA each formed an informal partnership with the evaluation unit to collaborate on several aspects of the evaluation, including: methodology and data collection tools, survey development, community selection and the development of key findings. The evaluation team met virtually with these partner organizations every six to eight weeks to provide updates. The National Indigenous Economic Development Board (NIEDB), a non-political body mandated to provide strategic advice to government, also reviewed and provided comments at the preliminary findings stage of the evaluation.

The evaluation also relied on the regional branches of NALMA to engage with First Nations land managers. Executive Directors of RLAs had the opportunity to review the methodology for the evaluation and provide feedback. Four RLAs were heavily involved in data collection by creating opportunities for their networks to engage in the evaluation, and by facilitating community site visits in their regions.

## 4. Findings: Importance of Land

### 4.1 Community and culture

#### **Finding 1: Planning for the future use of land is an important intergenerational aspect of First Nations' community-building**

Land is the basis for community development, including economic and social development, and is an important part of many First Nations' cultures.<sup>6</sup> Access to lands and the natural world helps to preserve First Nations' traditions and cultural practices. Several First Nations interviewees and survey respondents shared that they want their communities and youth to benefit from traditional land-based activities such as hunting and land-based learning.

Planning for the future of their lands is one way that some First Nations are strengthening their community ties. Passing knowledge from one generation to the next is a key practice of many First Nations' cultures, and Land Use Planning is one forum where communities can encourage and facilitate this dialogue. The evaluation team heard from one individual in an RLEMP First Nation that they were able to use their Land Use Plan to help resolve conflict around land use between community members. Several RLEMP and FNLM First Nation interviewees and survey respondents shared that future-oriented land management can create a shared vision to address all facets of well-being in their communities.

Many First Nations interviewees and survey respondents also noted that engaging with a variety of members and their perspectives on land management is important for their First Nations' decision-making processes. These interviewees and respondents shared that they generally tailor their engagement to reach as many of their members as possible, and work to mitigate challenges caused by community factors like engagement fatigue, poor timing, and competing priorities.

“Those are the two souls of First Nations,  
the language and the land”

*First Nation Land Manager (RLEMP)*

The evaluation found that First Nation women are generally engaged in lands processes. Historically across Canada, Indigenous women acted as caretakers of the environment and water.<sup>7</sup> Today First Nations women are highly involved in First Nations' land management and are estimated at 60% of all First Nations' trained and certified land managers.<sup>8</sup> An example of

<sup>6</sup> OECD. *Linking Indigenous Communities with Regional Development in Canada*. Chapter 3. OECD Rural Policy Reviews. 2020. <https://doi.org/10.1787/fa0f60c6-en>.

<sup>7</sup> Native Women's Association of Canada. *Honouring Indigenous Women, Girls and Diverse People*. 2018.

<sup>8</sup> Government of Canada. “Advancing Economic Reconciliation by Unlocking the Potential of First Nations Lands” *Budget 2023 Impacts Report*. 2023.

how women's participation in decision-making processes is encouraged in First Nations is the placement of one FNLM community's child care centre next to their administration centre. Interviewees from that community shared that they often see or interact with the children throughout the course of their work day, emphasizing the intergenerational nature of their work.

While there is no "one size fits all" approach to engaging people in land management, there are best practices to engage diverse populations within First Nations. The evaluation team heard from land managers that they find it easiest to engage members in a one-on-one setting but stress that adaptability is key to a successful planning process. A few FNLM survey respondents shared they have had to reduce the scale of their community outreach due to staffing shortages in their community. Many Interviewees and survey respondents from First Nations communities are gathering input to their land management processes via a variety of methods tailored for each sub-group:

- Elders and Youth may participate in tailored focus group discussions to identify their priorities for the future;
- Student and volunteer positions are regularly used to engage Youth in land management; and
- Knowledge Transfer sessions in communities enable different groups to learn from each other.

## 4.2 Self-Determination

### **Finding 2: Self-determination is an inherent right for First Nations, and there are ways to support communities to exercise that right over their lands and natural resources**

The evaluation found that First Nations generally use FNLM, RLEMP and Land Use Planning to exercise their self-determination over their lands and natural resources. Several First Nations interviewees and survey respondents feel that control over land empowers First Nations to address social and economic imperatives, and that land management can support self-determination when it is properly resourced. For several FNLM First Nations, the evaluation team heard that land management is their expression of self-determination. The evaluation team also heard from many FNLM First Nation interviewees and survey respondents that they can make decisions based on their needs once they have a land code in place. They shared that they move "at the speed of business" to develop their lands under their own laws, without going through the federal government's bureaucracy. Interviewees from Operational FNLM First Nations shared that development projects are increasing rapidly and bringing substantial own-source revenues into their communities. This empowers their community to re-invest that revenue in projects that meet their vision for the future.

First Nations want to determine for themselves what success looks like. RLEMP can be a way for First Nations to build land management capacity in their community, but it is not a step in a linear process to any form of self-governance outside of the *Indian Act*. A few First Nations interviewees view RLEMP as a way to exercise their own self-administration over their lands. A



few interviewees from RLEMP First Nations expressed a desire for ISC to re-open the Delegated Authority level of RLEMP as a further measure of their ability to administer and manage their own reserve lands and resources.

The evaluators heard that First Nations are using land management to plan ahead in their communities, and adapting supports and tools to their communities' needs. The evaluation found that First Nations in RLEMP and FNLM are generally using Land Use Plans to set long-term priorities based in their community's vision for the future. Several FNLM First Nations interviewees stated that they are using their land codes to exercise their jurisdiction where possible, such as codifying their traditional values in land codes and grounding their laws in community-based customs. One Operational FNLM First Nation has been documenting Elders' visions of land use in their community since the 1990s and is now ensuring that their present-day land code is aligned with their community's past customs. Their lands department is also conducting impact assessments for new developments which come from a lens aligned with their stewardship of the land, and brings a focus on member's rights to practice their culture.

Not all First Nations feel that the current land management tools support a Nation-to-Nation relationship with Canada. The evaluation team heard from several First Nations interviewees and survey respondents that land management programming under the *Indian Act* is colonial, and that western styles of land management and leasing may lead to further dispossession of Indigenous land. Rights over lands, territories and natural resources represent a core issue for many Indigenous peoples globally.<sup>9</sup> The NIEDB's National Indigenous Economic Strategy recognizes this in its Strategic Objective, that Indigenous communities have the right to develop their land for the purposes of building sustainable economies.<sup>10</sup> A few First Nations interviewees spoke of changing the current structures to better reflect their cultural perspectives rather than simply 'Indigenizing' western systems of land ownership. One First Nation interviewee suggested that fully implementing the *United Declaration on the Rights of Indigenous Peoples* (UNDRIP) is one way that Canada could work with First Nations to decolonize its structures and processes.

## 5. Findings: Current Challenges

### 5.1 Funding

**Finding 3: There are disparities in funding access and distribution across and within RLEMP, FNLM and Land Use Planning that create differences in opportunities for First Nations to benefit from their lands and natural resources**

The evaluation found that land management funding is disparate across Canada. The funding formula for RLEMP has not been updated since its creation in 2005, and the FNLM formula has not been updated since 2018-19 based off of its five-year negotiation cycle. These

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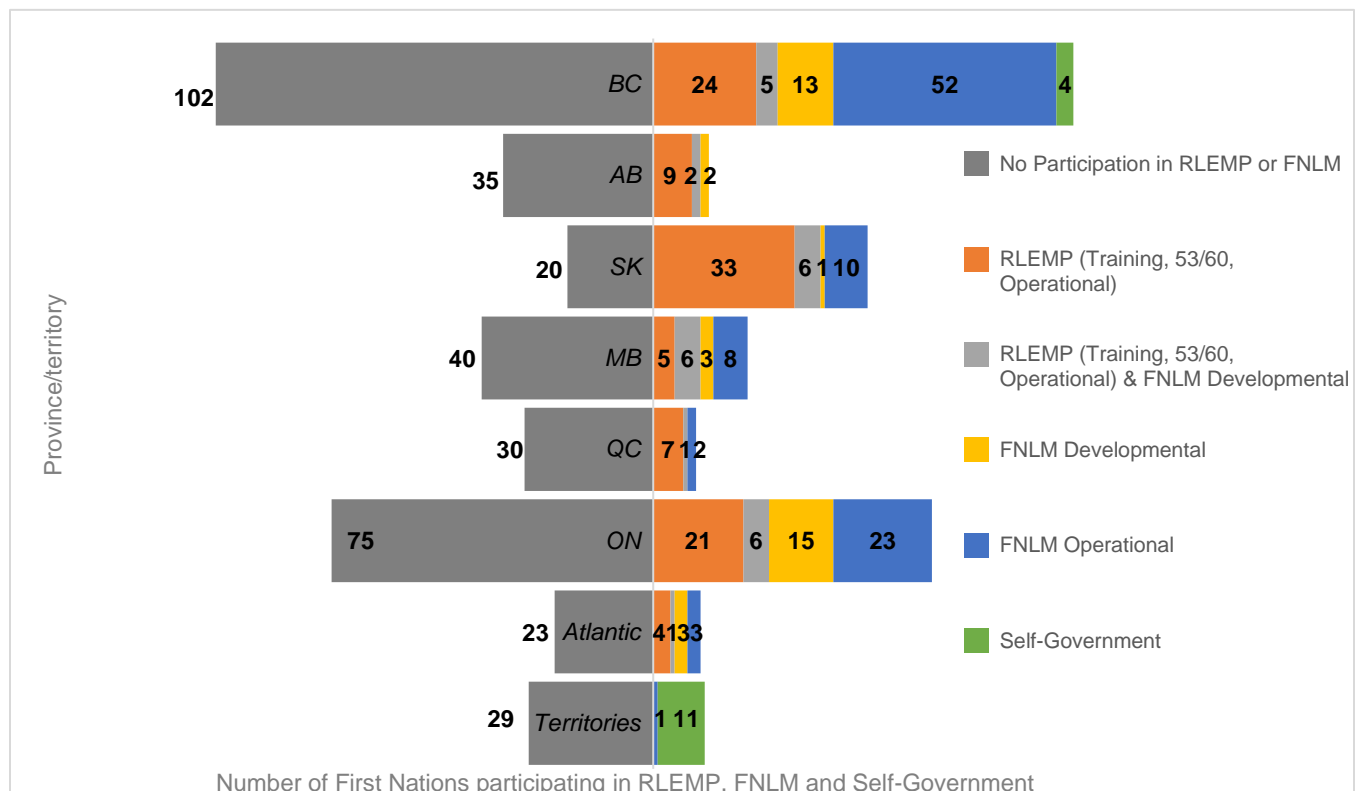
<sup>9</sup> United Nations. *Mandated Areas – Environment. Indigenous Peoples*. <https://www.un.org/development/desa/indigenouspeoples/mandated-areas1/environment.html>

<sup>10</sup> National Indigenous Economic Strategy. 2022. Web. [https://niestrategy.ca/wp-content/uploads/2022/12/NIES\\_English\\_FullStrategy\\_2.pdf](https://niestrategy.ca/wp-content/uploads/2022/12/NIES_English_FullStrategy_2.pdf)

formulas do not reflect current inflation rates in Canada. Further, the formulas are standardized nationally and have differential impacts depending on location. For example, the cost of fuel differs between province or territory, and communities may have different costs associated with land management based on their unique contexts. While understanding that there are key differences in these initiatives (e.g., the full transfer of jurisdiction and liability under FNLM) and their relative funding amounts, there are foundational funding differences between the core formulas for FNLM and RLEMP, particularly that the RLEMP formula does not include a base or minimum level of funding to support core land management.

In addition to funding differences between FNLM and RLEMP, the uptake from First Nations varies by community size and region. The evaluation found that some smaller First Nations will require additional support, such as additional human and financial resources, to build capacity and equity. For example, 73% of First Nations with a land base of less than 1000 hectares are not involved with FNLM or RLEMP, and just 19% of small First Nations have a Land Use Plan<sup>11</sup>. As well, communities with smaller land bases are less likely to subscribe to RLEMP, though this does not apply for FNLM. Figure 1<sup>12</sup> is the geographic distribution of First Nations participating in land management and shows that more than half (58%) of the 635 federally-recognized First Nations in Canada do not currently participate in RLEMP or FNLM. As a community’s land base impacts their participation in RLEMP but not FNLM, consideration should be given to additional pre-readiness supports to facilitate entry into RLEMP, such as

Figure 1. First Nation Participation in RLEMP, FNLM and Self-Government by Region (n=635)



Data Source: Community Lands Development, ISC, as of May 2022.

<sup>11</sup> ISC Community Lands Development Directorate. May 2022.

<sup>12</sup> N=635 First Nations in Canada.

additional funding for small communities, or an expansion of the eligibility criteria.<sup>13</sup> A few ISC staff interviewees expressed frustration in not being able to provide predictable, dedicated funding for land management activities to First Nations communities in northern territories who do not have federally-recognized reserve lands.

For those First Nations who do participate in RLEMP or FNLM, funding inequality exists within and across the offerings. Since 2018, Land Use Planning is delivered through NALMA and the RC rather than ISC, and both NALMA and the RC have different approaches and funding agreements in place for this service area. The funding formulas for both FNLM<sup>14</sup> and RLEMP<sup>15</sup> consider the volume and complexity of a First Nations' land transactions, although FNLM Operational funding has a minimum core funding amount along with set categories. This can create disparities, as a community with few members but many land transactions could receive significantly more funding per person than a community with a large population but fewer lands transactions.

“Funding is key in offering a greater future, like we’re trying to do... if funding keeps coming in, good things are going to come from it.”

*First Nation Land Manager (RLEMP)*

Access to RLEMP is another challenge, as interested First Nations cannot always enter the program as availability and participation is determined by the national budget. The evaluation team heard from several ISC staff interviewees that RLEMP is oversubscribed and cannot fund new entrants until current RLEMP First Nations exit the program for FNLM or self-government. This makes it difficult for ISC regional offices to promote RLEMP to communities who are looking for land management supports. More than half of First Nations with a ratified land code (54 out of 99<sup>16</sup>) first built their land management capacity under RLEMP, which may point to the importance of building up community capacity for the next cohort of self-governing First Nations.

The evaluation found that current ISC funding for land management is not providing First Nations with the ability to undertake planned activities in managing their own lands. Many First Nation interviewees and survey respondents express a desire for more land management responsibilities but do not have sufficient funding to do so. These responsibilities can include land-related economic development initiatives, and environmental management and protections. A few ISC staff interviewees and one First Nations interviewee under RLEMP told the evaluation team that mapping is a ‘key cornerstone of land management’ and that RLEMP First Nations could expand their land management operations, such as surveying and leasing their land, if additional investments were made in training and support for geographic information systems (GIS). Several First Nation interviewees from communities that are Operational under FNLM shared that additional funding support would allow them to develop

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<sup>13</sup> Government of Canada. *Final report: Reserve Lands and Environment Management Program engagement 2017*. 2017. <https://www.rcaanc-cirnac.gc.ca/eng/1503061117182/1609269538781>

<sup>14</sup> First Nation Land Management Resource Centre. *RC Workshop: Operational Funding Formula for Land Code Governance*. Web. <https://labrc.com/resource/tmpd-workshop-operational-funding-formula-for-land-code-governance/>

<sup>15</sup> Government of Canada. *Reserve Land and Environment Management Manual*. 2011. <https://nalma.ca/wp-content/uploads/2016/01/RLEMP-Manual.pdf>

<sup>16</sup> As of June 2022. There have since been additional signatories to the Framework Agreement.

their own legal orders and practice effective land governance, as well as prepare themselves for unseen expenses related to legal challenges to their land codes.

To supplement their existing land management funding, First Nations access other ISC supports. For example, the Lands and Economic Development Services Program (LEDSP) is viewed as a helpful support for one RLEMP First Nation as they work toward their goal of becoming self-sufficient. However, while LEDSP does have a core operational funding formula, the aspect of LEDSP discussed by interviewees is application-based, encompasses a broader scope than land management, and is not guaranteed funding for First Nations undertaking land-related projects. Additionally, a few FNLM First Nations interviewees shared that they have sought funding for lands projects outside of ISC, either from other federal departments or provincial governments.

The evaluation found that First Nations communities and organizations need predictable funding arrangements, and that First Nations interviewees and survey respondents view the flexibility of moving funding and using it as needed as critical to effective land management in communities. The evaluation team heard from ISC staff interviewees that they have tried to exercise flexibility in funding agreements with partner organizations in the Lands sector, by ensuring there is a process for moving funds between budget line categories, and by supporting partners to use surplus funding to respond to the real needs in communities as they arise. First Nations interviewees and survey respondents indicated that similar flexibilities at the community level are beneficial to their work in land management.

First Nations interviewees and survey respondents indicated they would benefit from more predictable funding in more holistic land management supports, such as funding for Environmental Site Assessments and for LEDSP at ISC. A few First Nations interviewees in FNLM indicated that block funding agreements would best suit their needs, and allow them to plan and execute their lands projects strategically, while grounding them in community need rather than available funding. Several ISC staff interviewees and one interviewee from an RLEMP First Nation suggested that ISC could implement flexible funding arrangements so First Nations can address their communities' land management priorities.

First Nations have varying capacities to identify and apply for time-limited funding opportunities. While some First Nations are able to hire a consultant to support them in writing proposals, they may lose that background knowledge and related documents when the contract ends. Not all First Nations have the in-house capacity to identify funding opportunities and write proposals for complicated and time-limited land management supports. Several First

“Our core need is the funding and flexibility to build capacity and undertake projects in the way [that works] best for us. Every First Nation is different, with different needs and capabilities. We have exceptional leadership and a highly educated workforce with a strong community focus on economic development. Other communities have different priorities and capacities.”

*First Nation Land Manager (FNLM Operational)*

“We need help to build up capacity. We also need a land use plan. However, how can we get help if we don't know where to start? It's good to do things in our ways. Yet we need guidance.”

*First Nation Land Manager (FNLM Operational)*

Nations under FNLM and RLEMP indicated that they would benefit from assistance to access additional land management supports, such as LEDSP and Land Use Planning, by ensuring that funding opportunities are communicated to communities, and that funding deadlines be extended to allow sufficient time to access opportunities.

#### **Finding 4: Funding for First Nations Land Management (FNLM) is seen as efficient**

In 2018 ISC implemented new Terms and Conditions for direct funding from ISC to FNLM operational communities, and changed the funding approach from a contribution agreement to a grant model.<sup>17</sup> ISC staff interviewees indicated the new grant approach is working well. Survey respondents from FNLM Operational communities (n=31) were split on whether they are able to access lands funding predictably and consistently – approximately half said they could, and half said they could not. This is in contrast to the 83% (n=6) of survey respondents from FNLM Developmental communities who shared they could not access lands funding in a predictable and consistent manner. As funding is delivered via contribution agreements during the developmental phase, and via a grant agreement once a First Nation has a ratified land code, these findings could speak to the total lands funding for a community rather than specifically to the funding under FNLM. Several interviewees from both FNLM and RLEMP First Nations shared that knowing how much they will receive from ISC in advance allows them to forecast their budget and plan lands projects strategically.

“And so funding is incredibly important for [land tenure and land use planning] because they take so many resources and they require so much time and resources from people. They're not really built into our normal processes. That's something that we really struggle with even the operational funding that we receive. To develop laws with that amount of funding is impossible.”

*First Nation Land Manager (FNLM Operational)*

Some First Nations interviewees and survey respondents did not feel ISC's contributions to the FNLM operational funding formula are always adequate to meet the needs of their communities, particularly around environmental protections, law development, and enforcement of land codes.<sup>18</sup> ISC provides the RC with additional project-based funding for FNLM communities that may address these areas, however the evaluation team heard from a few FNLM First Nations interviewees who still find project-based funding criteria and timelines too strict. A few interviewees from FNLM First Nations who have had operational land codes for a number of years and have the ability to generate own-source revenue felt they were able to operate their Lands Departments effectively, though one interviewee from a small FNLM First Nation speculated that their community may be too small to reach the self-sufficiency funding levels they desire.

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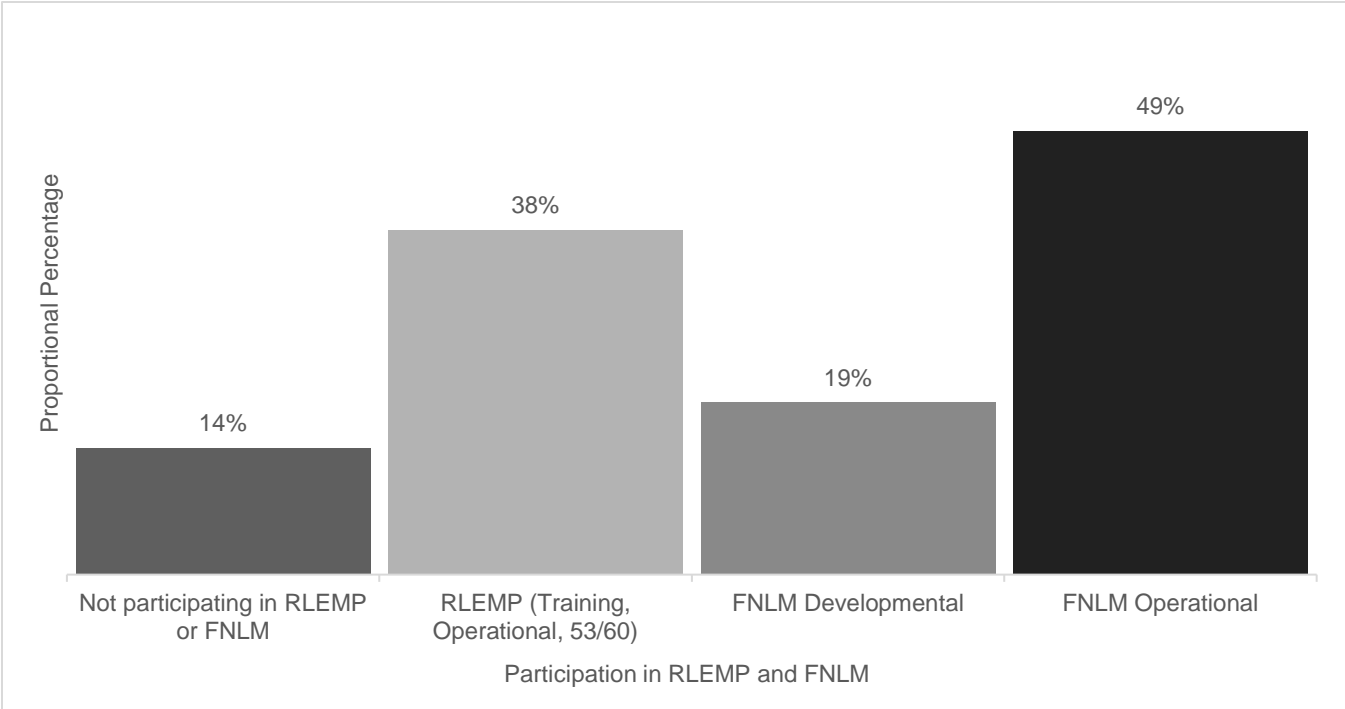
<sup>17</sup> Indigenous Services Canada. *Grant to implement the Framework Agreement on First Nation Land Management*. 2018. <https://www.sac-isc.gc.ca/eng/1552327183891/1627412055840>

<sup>18</sup> Enforcement of First Nations' laws and land codes is a recognized, whole-of-government challenge. For a more detailed discussion, please refer to this report's [Finding 10 on Enforcement](#).

**Finding 5: Stable funding arrangements would better support long-term land use planning projects**

The evaluation found that Land Use Planning would benefit from predictable and multi-year funding arrangements so First Nations organizations can have consistent call-outs, make timely funding decisions, and support First Nations to implement their developed Land Use Plans. One interviewee from a First Nations organization expressed concern around the disparity of funds earmarked for Land Use Planning for First Nations under the *Indian Act* or FNLM. As shown in Figure 2, First Nations who participate in either RLEMP or FNLM were more likely than other First Nations to have a land use plan. A larger percentage of FNLM Developmental communities that participated in RLEMP have a land use plan compared to those that did not participate in RLEMP, which could correlate with the success of RLEMP in building land management capacity, though this cannot be proven definitively and could be a function of having increased access to regional offices<sup>19</sup> or First Nations organizations, or otherwise having more capacity, experience or expertise in land management before entering into RLEMP.

Figure 2. Proportional Percentage of First Nations with a Land Use Plan by Participation in RLEMP and FNLM (n=635)



Data source: Community Lands Development, ISC as of May 2022

Since 2018, Land Use Planning for First Nations under the *Indian Act* is delivered through NALMA. While the 2017 and 2018 Federal Budgets provided additional funds for Land Use Planning, the evaluation team heard from a few ISC staff and several First Nations

<sup>19</sup> Access to regional offices may have a larger role to play in the past than in the present day, as prior to transferring responsibilities for land use planning to the RC and NALMA, the funding and support for this initiative was delivered via the regional offices themselves.

interviewees that the funding has not always been predictable year-over-year. The initial funding for Land Use Planning under the *Indian Act* was disbursed as a one-year agreement, and the evaluators heard that it was a challenge for NALMA to plan ahead and organize effective call-outs without confirmation of the next year's funding. NALMA and ISC have since agreed to a multi-year funding agreement from April 2019 to March 2023 that outlines NALMA's funding requirements for land use planning over this period. A few interviewees from First Nations organizations and communities shared that Land Use Planning is a long-term community project involving extensive engagement with community members, and annual funding arrangements create some uncertainty around the next year's land use planning activities.

Since 2018 First Nations within FNLM access funding and support to develop and implement Land Use Plans from the RC. The RC has a three-year funding budget for Land Use Planning and supports communities by accepting applications and by assessing the need for that community. Land use plans developed under the *Indian Act* may need to be revised to account for the new statutory environment once a community becomes signatory to the *Framework Agreement on First Nation Land Management*. Given the changed legislative backdrop once a community ratifies their land code and individual agreement, First Nations with an operational land code are prioritized for the RC's Land Use Planning supports.

Across Land Use Planning, the evaluation team found a general consensus from ISC staff, First Nation organization, FNLM community and RLEMP community interviewees that First Nations need support to implement their completed Land Use Plans, and that this is an area for improvement. One interviewee from a First Nation noted that, while the Land Use Planning process can be a good tool to gather community members together and agree on a vision for their land priorities, without support or resources to implement the plan, it can lie idle rather than act as a guiding tool for future development.

"There are 129 participants in the Reserve Land and Environment Management Program. Some of these communities get as little as \$8000 a year, or less, to offset costs of a land manager and to administer a Land Management Office."

*ISC Staff Interviewee*

### **Finding 6: Current Reserve Land and Environment Management Program (RLEMP) funding is inadequate to meet its objectives**

The evaluation found that for communities in RLEMP, current funding does not adequately prepare First Nations for developing capacity in terms of land management. Several First Nations and a majority of ISC staff interviewees shared that this capacity-building component of RLEMP is falling short of its expected outcomes due to a lack of funding. ISC staff interviewees shared that RLEMP is currently in a funding deficit and cannot support new initiatives by partner organizations or new communities in the program. The evaluation team heard from ISC and First Nations interviewees that core funding is needed to ensure that capacity for land management is strengthened under RLEMP.

The evaluation team heard that many communities under RLEMP are unable to operate a fully-staffed Lands Department. Several RLEMP First Nations interviewees expressed some frustration that the funding they receive from ISC for land management is not sufficient to both

staff their Lands offices and undertake lands projects. For example, one RLEMP First Nation interviewee shared with the evaluation team that they had enough funding to cover the salary of their land manager, but not enough to cover the cost for fuel when the land manager needs to inspect parcels of land in the community. In this case, funding had to be used from other sources within the community outside of the Lands department. Other RLEMP interviewees shared that they are unable to advance their own economic development as they could not fund a land manager's salary based on what they receive from ISC, and therefore were finding it difficult to designate land in the Indian Land Registry System (ILRS)<sup>20</sup>. Despite these challenges, the evaluation heard from First Nations that they are using what they receive from ISC under RLEMP to advance as many land management priorities as they can in their communities, and leaning on other supports to address shortfalls. At a national level, the evaluation found that ISC continues to work to find efficiencies and offer additional funds to service delivery partners like NALMA, when available.

### **Finding 7: The RLEMP funding formula does not reflect the land management reality of many First Nations**

The evaluation team heard from ISC staff and First Nations interviewees that the RLEMP funding formula is too transaction-focused and may not account for many land management activities that communities undertake. Several RLEMP First Nations interviewees noted that they would like to see a funding approach that is less focused on the *Indian Act* and provides a sustainable level of funding which acknowledges more comprehensive approaches to land management. Due to its focus on the ILRS, the current RLEMP funding formula may not adequately recognize the unique challenges of the land base of many communities, including remoteness; distribution of reserve lands across large areas with non-reserve land between parcels; and traditional territory which is not registered in the ILRS but is still managed by the community.

“The RLEMP formula has not been updated in years. Some First Nations have a mortgage program [but] there's no funding for registering these.”

*Representative from a First Nations organization and former Land Manager (RLEMP)*

While the formula does consider community size, allocating funding based on acreage and population can put small communities at a disadvantage. RLEMP First Nations have identified a need for a revised funding formula that provides a core or base amount of funding, which can be used flexibly to meet community needs.<sup>21</sup> Other components of an ideal funding formula noted include support for environmental management, enforcement of leases or by-laws, salary provisions for Lands staff beyond a land manager such as clerks and environmental protection officers, recognition of the work that is done off reserve in traditional territories, and additional funding for training or professional development.

<sup>20</sup> The Indian Land Registry System (ILRS) is a database of instruments registered in the Indian Lands Registry relating to Reserve Lands and Crown Lands. It consists of documents related to and interests in reserve (and any surrendered) lands that are administered under the *Indian Act*.

<sup>21</sup> Government of Canada. *Final report: Reserve Lands and Environment Management Program engagement 2017*. 2017. <https://www.rcaanc-cirnac.gc.ca/eng/1503061117182/1609269538781>



## 5.2 Capacity

### Finding 8: An appropriately-compensated and dedicated land manager is vital to ensure First Nations' lands and natural resources are sustainably managed

Across FNLM and RLEMP, the evaluation found that land management activities only receive the necessary support and attention when First Nations have a dedicated land manager. Many First Nations interviewees and survey respondents cite recruitment and retention in First Nations' lands offices as an ongoing challenge. First Nations land managers are in high demand and require a specialized and technical skillset, and a few First Nations interviewees shared they experience high rates of turnover in these positions. 82% of FNLM survey respondents (n=50) said there was no succession plan in place for their land manager's retirement, and 64% did not have a training or operational manual for this position, highlighting the disruption that frequent turnover can have for remaining staff or an incoming land manager.

"We miss a great deal of [funding] opportunities due to a lack of resources in community. Day to day operations take priority over longer term goals and objectives - making full land code implementation slow. **Staffing continues to be a problem** (both from a funding perspective as well as finding personnel), **which means gaps in the community's ability to consistently manage lands and relationships** with other governments."

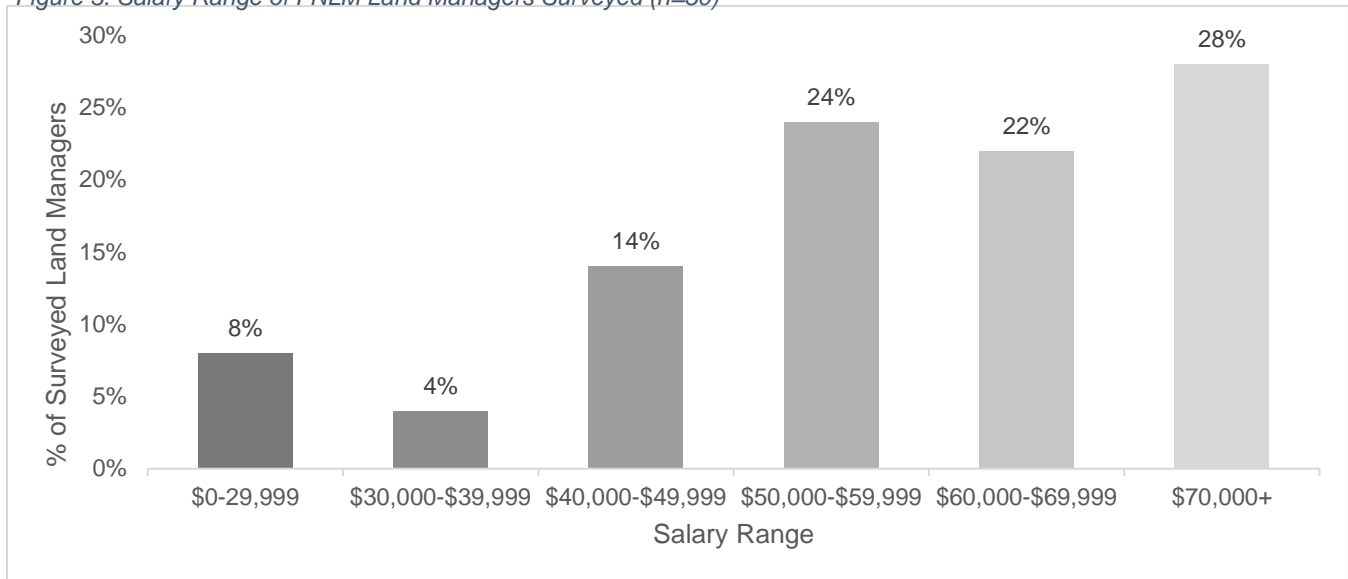
*First Nation survey respondent*

Recruiting land managers can be a challenge due to compensation restraints and the remoteness of many First Nations communities. Figure 3 below shows that for Developmental and Operational FNLM First Nations, 8% of land managers surveyed reported that they earn less than the federal minimum wage<sup>22</sup>, and a further 4% earn just over this amount.

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<sup>22</sup> \$33,300 annually, assuming a 40 hour work week at \$16.65 hourly in line with the federal minimum wage as of April 1, 2023.

Figure 3. Salary Range of FNLM Land Managers Surveyed (n=50)



Data Source: Community Lands Development, ISC, as of May 2022.

A few First Nations interviewees under RLEMP shared that they do have land management activities but do not have a land manager. These interviewees shared that it can be a challenge to keep community members engaged when land management is not a top priority, and that without a dedicated land manager, they were not able to receive support from ISC for their lands-related activities as there was no one in their community who knew who to contact for guidance.

While some First Nations interviewees felt they are accomplishing their land management priorities in either RLEMP or FNLM, the evaluation team heard from many First Nations and a few ISC interviewees that capacity to manage lands effectively can be a challenge. For example, First Nations have varying levels of capacity for land management based on their staff's expertise with lands processes and competing priorities in their community. A few First Nations survey respondents cited leases and permits as the most challenging areas to manage, while several others felt that land designations, land transfers and permits were areas working well for land management in their community.

In both RLEMP and FNLM communities, First Nations interviewees shared that ISC may not be considering communities' in-house capacity to deliver on projects. For example, with the FNLM Enforcement Pilot Project, one FNLM community interviewee told the evaluation team they had to combine the salary dollars provided from the RC for the enforcement position with another available posting in their community to find a candidate. In another FNLM community, some interviewees viewed project-based salary funding as problematic since current staff within the community were being paid much less than what the new position would offer. The evaluation found that some FNLM First Nations are hiring consultants to lead land management efforts as an interim measure, though this does not address their underlying challenges. In RLEMP communities, several land managers recognized that to be self-sustaining, they would need the ability to appropriately compensate their entire lands department, from land managers, to environmental officers, to mediators. One former RLEMP

land manager characterized the program as a “double edged sword” given the additional responsibilities that were expected of them while they received insufficient support from ISC to hire more staff in their Lands office.

The portfolio of a land manager varies across First Nations, and Lands staff in both RLEMP and FNLM First Nations face competing priorities in their communities. While some land managers specialize only in lands, many interviewees from both RLEMP and FNLM communities shared that the land manager’s portfolios can span multiple departments, including environmental management, laws/law-making, band administration, treaty consultation, membership, estates, and more. Just under half (19 of 48, or 40%) of FNLM survey respondents officially fill other roles in their community in addition to being the land manager. These respondents shared that they have large workloads to deliver on and limited time to attend to ‘side of desk’ projects (e.g., succession planning, economic development, and environmental protections.). Several FNLM and RLEMP interviewees shared they have just one person working in their Lands office and this can stall progress on their projects if more urgent priorities emerge. One FNLM Lands Director told the evaluation team that even if the community could hire additional staff, they could not all focus on lands due to other priorities within their community.

### **Finding 9: First Nations and their non-Indigenous partners in the Lands sector could benefit from expanded training**

For FNLM and RLEMP First Nations, land governance training is provided by NALMA and the RC, as per ISC’s agreements with these partner organizations. Generally, the evaluation team heard that First Nations organizations are well-positioned to provide land management training for First Nations. At a national level, the RC and NALMA provide guidance and tools for land management activities, including on-the-ground training. NALMA has partnered with universities to deliver training on managing reserve lands under the *Indian Act*,<sup>23</sup> and the RC has a library of webinars, workshops and other resources available to First Nations under FNLM.<sup>24</sup> Furthermore, region-specific support is delivered through RLAs for First Nations managing lands under the *Indian Act*, and through the RC’s regional support services for developmental and operational FNLM First Nations. The evaluation team heard from many First Nations interviewees and survey respondents that both the RC and NALMA/RLAs are seen as valuable training partners.

First Nations’ reserve land has a unique nature and legal status as compared to other lands in Canada. First Nations interviewees in both RLEMP and FNLM communities discussed land management training as a high area of need for communities, non-Indigenous partners, and governments. For communities, a few RLEMP First Nations interviewees stressed the importance of building up capacity to manage their lands with the continued protection of Canada, and many FNLM First Nations interviewees highlighted a need for support to navigate the new legal contexts of having their own land codes. In response to a survey question asking

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<sup>23</sup> *Professional Lands Management Certification Program*. National Aboriginal Land Manager’s Association. <https://nalma.ca/professional-development/plmcp>

<sup>24</sup> *Training and Workshops*. Lands Advisory Board and First Nations Land Management Resource Centre. <https://labrc.com/training/>

about support received from ISC, just 12% (n=33) of FNLM First Nation survey respondents felt the support they receive for training is adequate. Interviewees and survey respondents from First Nations in both RLEMP and FNLM shared the value of First Nations organizations in developing and delivering land management training, and the importance of spending time to 'ramp up' land management activities in communities by both training current staff and recruiting new staff with the right skills and knowledge.

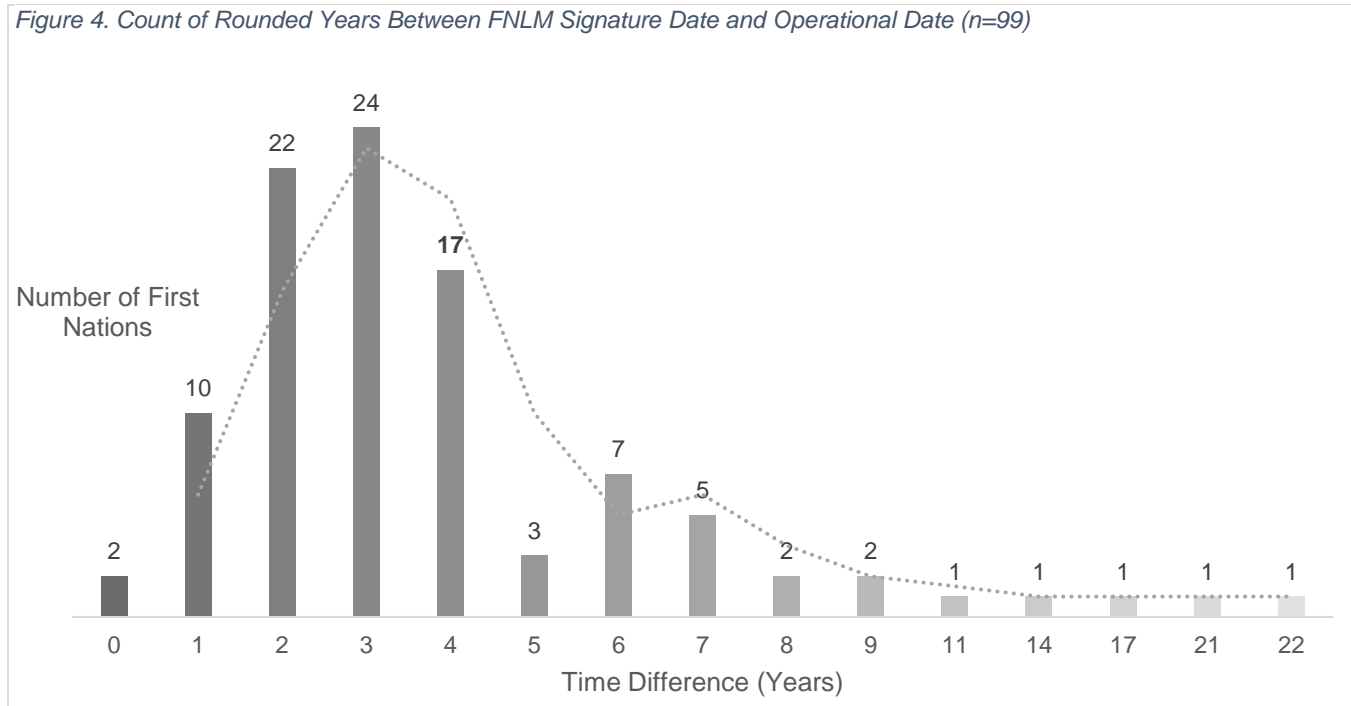
The evaluation found a desire from some First Nations for more specialized or practical training opportunities, which can include additional training on transitioning from land management under the *Indian Act* to FNLM, navigating Canada's complex legal landscape, additional training on registering lands into the ILRS, and more practical, hands-on opportunities.<sup>25</sup> The NIEDB's National Indigenous Economic Strategy prioritizes training and development in its Strategic Objective that Indigenous communities have the tools, resources and knowledge to manage their jurisdiction over their traditional lands and territories.<sup>26</sup> While several FNLM First Nations interviewees were satisfied with the professional development opportunities provided to them through the RC, a few others had difficulty finding the appropriate learning opportunities to suit their unique context and needs. A few First Nations interviewees and survey respondents under FNLM and RLEMP desire additional promotion of the various training opportunities available to them. To offer these increased services, First Nation partner organizations may require additional funding.

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<sup>25</sup> There may also be opportunities for First Nations land managers to receive training in surveys through other avenues than the PLMCP or the RC's online portal training, such as the Tulo Centre of Indigenous Economics' certification in First Nations Applied Land Management, which provides graduates with experience in surveying, mapping, and planning lands projects on their own First Nation land.

<sup>26</sup> National Indigenous Economic Strategy. 2022. Web. [https://niestrategy.ca/wp-content/uploads/2022/12/NIES\\_English\\_FullStrategy\\_2.pdf](https://niestrategy.ca/wp-content/uploads/2022/12/NIES_English_FullStrategy_2.pdf)

Several RLEMP and FNLM First Nations interviewees expressed a desire for more time and support in the developmental phase to effectively transition into FNLM. Figure 4 shows that it most commonly takes a First Nation three years after signing the *Framework Agreement on First Nation Land Management* to become Operational.



Data Source: *Community Lands Development, ISC, as of May 2022.*

A few interviewees from RLEMP communities suggested the NALMA-run Professional Land Manager Certification Program (PLMCP) could be expanded to include more training on what occurs during the transition from managing lands under the *Indian Act* to FNLM. Though the focus of the PLMCP is on managing reserve lands under the *Indian Act*, some land managers shared that the training could still be beneficial to First Nations who do not participate in RLEMP.

To address concerns around high turnover rates in the land manager position, First Nations interviewees suggested that ISC could increase funding for PLMCP training by expanding the eligible trainees from only one land manager, to others in the community who can support land management, including lands directors, environmental officers, and economic development officers. Some interviewees from First Nations organizations expressed their concern that the training approach for FNLM First Nations must recognize that land code implementation requires multiple staff to be trained in FNLM-specific topics such as legislative

“We call upon federal, provincial, territorial, and municipal governments to provide education to public servants on the history of Aboriginal peoples, including the history and legacy of residential schools, the United Nations Declaration on the Rights of Indigenous Peoples, Treaties and Aboriginal rights, Indigenous law, and Aboriginal–Crown relations. This will require skills based training in intercultural competency, conflict resolution, human rights, and anti-racism.”

*Call to Action #57, Truth and Reconciliation Commission of Canada*

authority and community approvals. Since 2020, ISC has expanded this eligibility so that additional entrants are allowed from each community, and has created space for non-RLEMP First Nations to build capacity as well. The limited uptake of this expansion may speak again to the need for additional promotion and awareness of these opportunities to First Nations who do not currently participate in FNLM or RLEMP and may not be highly engaged with First Nations partner organizations. A few RLEMP First Nations interviewees suggested the PLMCP could be made more accessible by providing the training components closer to their communities, ensuring the curriculum has strong regional components, and formally funding more than one individual in each RLEMP community. A few ISC staff and First Nations interviewees shared that the Delegated Authority level of RLEMP may be a beneficial ‘middle step’ between RLEMP and FNLM as communities gain experience exercising their self-administration under the *Indian Act*, leading to their increased comfort with self-governance under FNLM.

The evaluation team heard from several First Nations land managers about the challenges they have when working with non-Indigenous partners who are not culturally-competent or not knowledgeable on First Nations’ unique land management contexts. In particular, FNLM First Nation interviewees and survey respondents shared that educating the public on First Nations’ community laws, leasing and land management would promote beneficial working relationships with private companies and other levels of government. In line with the Truth and Reconciliation Commission’s *Call to Action #57*<sup>27</sup>, several First Nations interviewees from both FNLM and RLEMP communities felt that ISC staff could receive more education on First Nations’ cultures and land management, particularly to better understand their role in upholding treaty rights and obligations.

### 5.3 Cross-Cutting issues

#### Finding 10: Enforcement of First Nations’ land codes and laws is a critical challenge

The evaluation found that enforcement of First Nations’ land codes and related laws and by-laws is a recognized, whole-of-government challenge. The jurisdiction for First Nations’ law enforcement is not well-understood, and provincial and municipal recognition of First Nations’ laws is uneven across the country. At a national level, enforcement of First Nations laws is outside of ISC’s control, and intersects with a number of other federal and provincial/territorial government bodies.

“Enforcement isn’t the icing on the cake [of First Nation’s laws]. It’s the platter.”

*Lawyer involved in First Nation’s law*

Across FNLM and RLEMP, enforcement of First Nations’ laws and leases is an ongoing challenge that impacts First Nations holistically, beyond the challenges it creates for land management.<sup>28</sup> A few FNLM First Nations interviewees raised concerns around community safety when land codes and by-laws were not

<sup>27</sup> *Honouring the Truth, Reconciling for the Future: Summary of the Final Report of the Truth and Reconciliation Commission of Canada*. Truth and Reconciliation Commission of Canada, 2015.

<sup>28</sup> *Collaborative Approaches to Enforcement of Laws in Indigenous Communities*. Report of the Standing Committee on Indigenous and Northern Affairs. 2021.

<https://www.ourcommons.ca/Content/Committee/432/INAN/Reports/RP11420898/inanrp11/inanrp11-e.pdf>

enforced or respected by local law enforcement, resulting in individuals who have committed violent crimes either returning to reserve land after banishments, or facing challenges with enforcing eviction notices. Land Managers from a few RLEMP First Nations told the evaluation team about the challenges they faced enforcing their leases when the lessees were non-members.

A few ISC staff and a few First Nations interviewees stated that ISC support for the enforcement of First Nations' legal orders is a key component of a Nation-to-Nation relationship. ISC staff interviewees from Headquarters shared that they currently work to facilitate relationships with other federal departments, including ISC's ongoing discussions with other relevant federal departments such as the Department of Justice. ISC staff interviewees also discussed funding earmarked for pilot projects meant to offer dedicated resources to First Nations to enforce their laws and bylaws. Representatives from Atlantic First Nations at a regional RLA conference told the evaluation team the ISC regional office has helped to support First Nations' laws and regulations at both the municipal and the provincial level. Despite these efforts, just one of 33 FNLM survey respondents felt ISC provides adequate support for enforcement.

### **Finding 11: First Nations are not currently receiving adequate support to mitigate the serious impacts of climate change**

As discussed in the [Importance of Land](#) section of this report, many First Nations in Canada are connected to the environment culturally. Climate change is causing environmental disasters (flooding, droughts and fires) to occur at an increasing rate, and First Nations are being deeply impacted by climate change. 74% (n=39) of FNLM land managers surveyed shared that climate change has impacted their communities. Many First Nations interviewees and survey respondents told the evaluation team that climate change impacts First Nations' land management via land loss in communities due to erosion and rising sea levels, and the need to 'pivot' land management priorities to address environmental disasters. Other impacts of climate change are more global and include stress on infrastructure, food security issues due to changed weather and animal migration patterns, and water resourcing issues.

"Our ancestors bones are falling out of the [coastal] bank. What do we do to stop or slow that?"

*Former First Nation Land Management Band Councilor*

The evaluation found that ISC is not currently playing a significant role in supporting First Nations to adapt land management to climate change. Several First Nations interviewees and survey respondents identified a need for dedicated support from ISC to adequately plan for climate change in land management, including funding, environmental regulations and enforcement of those regulations. A few First Nations interviewees told the evaluation team they are looking beyond government for climate change adaptation supports as municipal and provincial environmental priorities are not necessarily aligned with First Nations' priorities. Non-government partners such as universities were identified by both RLEMP and FNLM First Nations interviewees as supporting climate change adaptation by providing research services to their communities. One FNLM community hired a consultant to support environmental management planning as no one in the community's staff had expertise in this area.

Some best practices in climate change adaptation through land management have been identified. Climate change preparedness can most effectively be implemented when a First Nation is able to assess community needs and resources holistically and prepare for climate change through methods such as long-term planning. A few FNLM survey respondents shared that the support they receive through the RC for environmental management planning is an aspect of land management that is working well for their communities. Several First Nations survey respondents shared that they are engaging their communities and disseminating information to bring awareness to climate change effects and mitigation strategies. A few First Nations interviewees survey respondents also shared that a long-term vision for land use and an understanding of climate change impacts on First Nations' land in the future is needed to mitigate the impacts of climate change. One interviewee from a First Nations organization shared that some First Nations are using their Land Use Plans to identify and mitigate climate change impacts on their land, for example, by identifying flood-prone areas and using that space for recreational or ceremonial purposes in the drier seasons. One interviewee from an FNLM First Nation shared that a non-government organization had supported them to develop 3D visualizations so that the Nation's members could discuss the impacts of climate change on their community.

**Finding 12: The COVID-19 pandemic made it challenging for many First Nations to achieve their land management priorities, despite modernization of service delivery**

At the onset of the COVID-19 pandemic, First Nations took action to support and safeguard their communities. First Nations interviewees noted to the evaluation team that they provided care packages, installed protective infrastructure such as gates to control access to reserves, and provided COVID-19 education to their members. One FNLM survey respondent shared that their community had passed COVID-related bylaws, such as locking down their borders and restricting non-members access to lands and properties, in order to limit the spread of the disease and ensure the safety of their community members.

The COVID-19 pandemic made it difficult for many First Nations in both RLEMP and FNLM to move forward in land management, with 83% of FNLM survey respondents (n=40) reporting that their land management activities had been affected by COVID-19. During the pandemic, the evaluation team heard that some First Nation communities lowered the priority level on land management activities, for example, surveying, to focus on their public health emergency response. Many First Nations survey respondents reported difficulties engaging their communities on FNLM votes and Land Use Planning. Remote access to meetings and training was a challenge for some community members and lands staff.

Additionally, the pandemic reduced the capacity of land managers and their offices by interrupting program delivery and causing staffing shortages in Lands departments due to recruitment issues or staff assignment to other critical areas such as public health. ISC regional offices also experienced staffing issues throughout COVID-19. Throughout the COVID-19 pandemic ISC staff worked remotely, and one First Nations interviewee shared their concerns around security due to mail being re-routed from regional offices directly to staff members' homes. A few First Nations interviewees told the evaluation team that ISC staff were



less available to address lands-related concerns and questions from First Nations during the pandemic than they had been before the pandemic.

On the other hand, COVID-19 did not reduce the workload in land management - in some cases, land manager's workloads increased. For example, a few land managers in FNLM communities shared that they were sometimes responsible for enforcing COVID-19 pandemic containment by-laws and responding to by-law infractions by both members and non-members. Similarly, a few land managers in RLEMP First Nations experienced challenges when non-member lessees tried to access their property within the community, and in one RLEMP community the land manager was responsible for removing these non-members from the First Nation.

Nevertheless, ISC and First Nations found new ways to work together on land management. In doing so, First Nations and ISC staff implemented new service delivery methods and processes during the pandemic as offices were closed and staff worked from home. Several interviewees from FNLM First Nations moved to the use of electronic signatures, digitizing many lands records for their community, and pivoting to the use of video conferences to maintain client services for their members. Additionally, although beyond the scope of FNLM and RLEMP, regional offices worked to support land management more broadly during COVID. For example, some ISC regional offices moved to the use of permits rather than leases when land designation votes became difficult to hold during COVID lockdowns and ISC continues to exercise this flexibility.

## **6. Findings: Ways to move forward**

### **6.1 Relationships**

#### **Finding 13: First Nations are developing a complex Land Management ecosystem by building relationships outside of ISC**

The evaluation found that RLEMP and FNLM First Nations are developing webs of support for land management by nurturing partnerships outside of ISC. Engaging with non-government organizations, such as think tanks, universities, professional associations, and consulting firms has supported some First Nations to access high-quality research partnerships and benefit from outside expertise in their communities. However, a few interviewees from First Nations located close to post-secondary institutions shared that they have turned down project proposals because of research fatigue in their communities.

A majority of First Nations interviewees shared they benefit from partnerships with First Nation organizations when the training and support they receive are tailored and relevant to their communities. 90% (n=40) of FNLM survey respondents shared that they had a good or very good relationship with the RC. Additionally, several RLEMP interviewees shared that they had a good relationship with NALMA. Interviewees from both FNLM and RLEMP First Nations felt that RLAs are a valuable resource to their communities, given the organizations' knowledge of their specific regional contexts, and the access they provide to neighbouring First Nations. Many interviewees from RLEMP First Nations see NALMA as more responsive and easier to

work with than ISC, and view NALMA as a supportive and knowledgeable training partner. Several interviewees from FNLM First Nations felt that the RC maintains strong positive relationships by working directly with communities, and value the consistent and ongoing support they receive from the RC's staff.

Interviewees from both FNLM and RLEMP communities noted that they value peer-learning opportunities, and several shared that the mutual support they receive from other First Nations is a valuable land management resource. The benefits of this mutual support can include collaborating and sharing best practices and lessons learned in land management. Land Managers from both RLEMP and FNLM communities told the evaluation team that they frequently engaged in discussions and visits with other First Nations' lands and economic development departments. Within communities, several First Nations interviewees and survey respondents shared that Chief and Council priorities have a large impact on land management activities. A few First Nations interviewees and survey respondents felt that First Nations governments could benefit from additional training on their lands-related responsibilities. The evaluation team heard that a community's vision for land management can either be advanced or stalled by the First Nations' leadership.

Relationships between First Nations and other levels of government vary by community, and the evaluation team received mixed responses when asking Land Managers about their relationships with provincial and municipal governments. Provincial governments were viewed by a few First Nations interviewees and survey respondents as necessary partners, and the evaluation team heard that Land Managers try to maintain good communication with relevant provincial departments. A few First Nations interviewees reported positive relationships with neighbouring municipalities, and some Land Managers in FNLM communities are engaged in discussions to share local infrastructure, given the location of their reserve land over multiple areas throughout the local municipality. A few other interviewees from FNLM First Nations shared that they have experienced disinterest or outright hostility when attempting to work with nearby municipalities.

#### **Finding 14: ISC has opportunities to improve its relationships with First Nations communities**

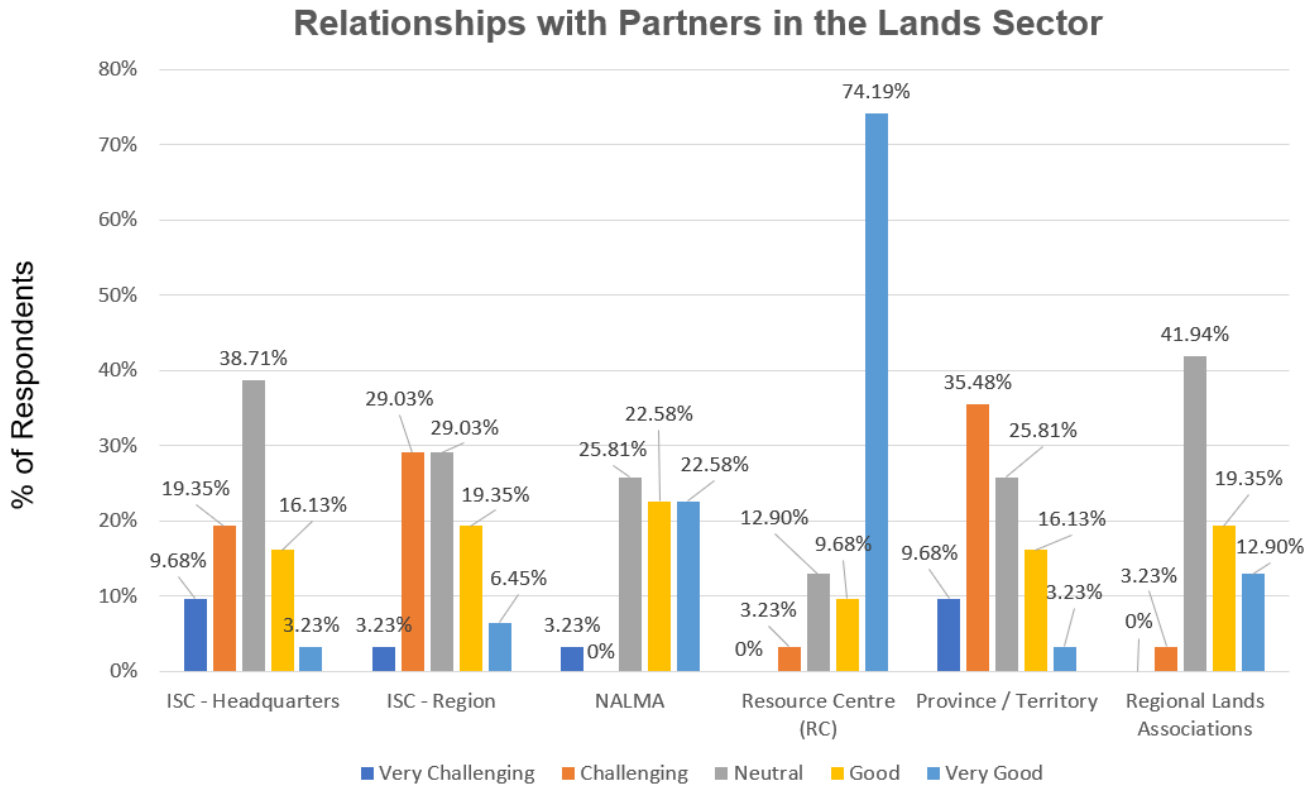
The evaluation team heard from both First Nations and ISC staff interviewees that there are ways to overcome challenges and improve relationships between the department and First Nations partners in the Lands sector. ISC Headquarters has developed some good relationships with First Nations partner organizations, and the RC and ISC staff maintain this relationship in bi-weekly meetings. Other examples of ISC's contribution to the positive relationship with the RC include inviting the RC Executive members to ministerial working groups so that they can present their priorities, and by working together with the RC to co-develop guidance and directives, for instance related to environmental site assessment. Several First Nations interviewees and survey respondents felt they have positive relationships with ISC regional staff, where they have developed rapport and find ISC staff knowledgeable on both the subject matter for land management, and their region's land management context. First Nations interviewees and survey respondents identified the responsiveness of ISC staff to their requests for support or information as a key factor in developing good partnerships.

In addition to responsiveness, high staff turnover at ISC can create challenges in building positive relationships between the Department and First Nations. Several First Nations interviewees shared that they do not know their ISC contacts or felt that they must educate new ISC staff on land management topics. One First Nations interviewee from an RLEMP community shared that Land Managers may stop reaching out to the department when ISC staff leave their positions, as communities may not know who else to contact. One representative from a First Nation partner organization shared that since Indigenous and Northern Affairs Canada dissolved and ISC was created, they no longer have regular contact with ISC representatives. Within ISC, a few staff interviewees were unclear on how to identify others within the department who could respond to First Nations requests, or how to find all the information they needed to complete tasks for First Nations. This staff turnover poses challenges for the effective operations of First Nations' land management in both FNLM and RLEMP communities.

Where an ISC contact can be identified, regional offices do not always have the capacity to respond promptly to First Nations' requests. This was reported by several First Nations interviewees as a cause of delays in their communities, including FNLM land code votes and other projects the Lands Department may be managing or co-managing, such as infrastructure projects and housing development. For one interviewee from an RLEMP First Nation, working with ISC staff is a challenge as the regional staff do not know their First Nations' lessees as well as the community's Land Manager, and ISC staff may misinterpret messages or schedules due to a lack of context or rapport. Several First Nations interviewees in both RLEMP and FNLM want ISC to have dedicated Land Management staff who are knowledgeable about regional contexts and land management.

ISC may not always have good relationships with First Nations' Lands Departments. Figure 5 below shows that one quarter of FNLM survey respondents have good or very good relationships with ISC regional offices. A few RLEMP First Nations interviewees spoke about the 'one-way accountability' they have with ISC, where they are penalized for late reports, but have no recourse when ISC is late to do call-outs for various funding opportunities in lands.

Figure 5. FNLM survey respondents' perception of their relationship with partners in the Lands sector (n=40)



Data Source: Evaluation of Land Management Sub-Programs Survey, as of November 2022.

Some First Nations interviewees and survey respondents felt that ISC is continuing a paternalistic relationship by withholding information or putting up roadblocks to communities' lands projects. Several interviewees from RLEMP First Nations also expressed frustration at the Department's centralized bureaucratic structure, where decision-making power lies at headquarters rather than their region. Additionally, a few interviewees from FNLM First Nations told the evaluation team that ISC expects them to adjust their priorities to align with the government's priorities, and that they feel ISC staff are not always respectful of their community's self-governance over their lands. For example, one interviewee from an Operational FNLM First Nation told the evaluation team that they developed a Land Use Plan with a new approach to housing shaped by their community members, however when the community sought out infrastructure funding from ISC, the regional office wanted changes to the plan so that the houses would conform with ISC's criteria for both size and location.

ISC can improve relationships with First Nations by respecting their data sovereignty. First Nations interviewees told the evaluation team that ownership, control, access and possession (OCAP®) of First Nations' data requires more attention. The evaluation heard from a few interviewees from FNLM communities that seeing their community's past submissions and historic records are beneficial as they develop their own land codes, though ISC is not always able to provide these documents to the community on request. Several First Nations interviewees and survey respondents felt ISC requires them to spend too much time searching for documents they have already shared with the department, and some suggested that ISC

needs an improved data management plan for First Nations' lands files and reports. A few ISC staff interviewees felt that First Nations' historic mistrust of the government hindered ISC's ability to work effectively with First Nations. Several First Nations interviewees told the evaluation team that honesty and transparency with information and data builds trust between communities and ISC. Several First Nations interviewees and survey respondents felt that First Nations should have access to the same information about their community that an ISC staff member would have. A best practice was identified in one ISC regional office, which has a Dropbox where First Nations can access important land management files. Several First Nations survey respondents shared that they would prefer a web-based and user-friendly database for accessing and updating their information, in place of ISC's current systems.

"You NEED to do the face-to-face visits. Desk audits don't always meet the mark... it's not a file, it's people."

*Former First Nation Land Manager (RLEMP)*

The evaluation found that ISC can proactively build relationships with First Nations' Lands offices while recognizing the variety of needs in different communities. For a few FNLM communities, interviewees shared that involving Land Managers in discussions with ISC around related processes for community projects would support a better working relationship between them and the department. Several other FNLM Land Managers prefer not to hear from ISC unless it is absolutely necessary. When ISC staff are working with RLEMP communities or following-up on Land Use Planning, several First Nations interviewees stressed that ISC staff need to remember that they are working with people, not files. As COVID restrictions were loosened, one ISC region's staff had been using their in-office days to visit local First Nations and build relationships. The evaluation team heard that conducting more in-person community visits could help ISC staff mitigate historic mistrust and promote respectful relationships.

## 6.2 Reporting

### Finding 15: There are opportunities to streamline and improve the utility of reports required by ISC for land management funding

First Nations experience reporting exercises differently depending on what type of land management reporting they are completing. For FNLM First Nations, there is no reporting required for operational funding, and several First Nations interviewees shared that their reporting through the RC does not cause them any challenges. A few interviewees from RLEMP First Nations have shared that the reporting process is simple and straight-forward, though a few others have expressed that the reports are redundant as they are essentially the same as the previous years' reports. Several interviewees from communities under RLEMP did express a need

"For our [lands department, reporting] is not bad. There are other departments- like public works... for some reason, they fall behind on their reporting. It's a domino effect, **somebody's going to get penalized for it.** Because one other department fell behind on their reporting."

*First Nation Land Manager (RLEMP)*

for flexibility when reports are late from their First Nation, as they have experienced lands funding being withheld when their community is late to report on other unrelated ISC programs (e.g., health programs, public works, etc.). These Land Managers shared that reports could be late for a variety of reasons, including a tragedy in their community.

The evaluation found that current reporting requirements for land use planning may be creating an additional burden on some First Nations if they have limited resources in their community. A few interviewees from FNLM First Nations stressed the importance of being able to set their own deliverables for community projects to maximize the time they can spend directly working to advance them, rather than writing reports about their key challenges. For a few First Nations interviewees under RLEMP, reporting exercises for Land Use Planning can create fear around loss of funding for the process, as development can take a long time. First Nations interviewees from both FNLM and RLEMP communities stressed that a Land Use Plan's benefits go beyond counting the number of engagement sessions delivered or documents produced, and that these exercises have a qualitative value for their community.

First Nations interviewees and survey respondents shared that reporting on land management activities can better reflect communities' self-determination. The evaluation team heard that current Key Performance Indicators do not allow First Nations to report on all of their accomplishments, and several First Nations interviewees and survey respondents shared their preference for narrative or photo-based reports to demonstrate the progress they are making in land management. Interviewees from First Nations expressed pride in the land management activities they have accomplished, and a few shared that these accomplishments may not have been captured on their Lands' offices reporting templates. The evaluation team heard from several interviewees and survey respondents that First Nations partner organizations are developing good reporting structures, such as the milestone-based reporting structure used by the RC for various projects, and the outcome-based reporting from NALMA for surveying. Reporting can be a useful exercise for communities, particularly when First Nations are able to set their own deliverables for projects.

Within ISC, the transformation of Indigenous and Northern Affairs Canada into both ISC and Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC) created some internal reporting challenges for ISC staff working on land management. ISC processes for FNLM have been more affected than RLEMP processes, and some regions have felt the complications of the transformation more than others. A few ISC staff interviewees expressed some confusion around roles and responsibilities between themselves and CIRNAC lands staff, and produced some inefficiencies in internal lands-related reporting processes. ISC's internal reporting structure has improved since the transformation first occurred, but internal ISC delays may still cause challenges for First Nations' land management. A few ISC staff interviewees expressed that in the new relationship they are building with First Nations, accountability for land management should be first the purview of First Nations' members rather than ISC.

### 6.3 Service Transfer

*Note: As service transfer necessarily touches on multiple ISC services and supports, the evaluators have included reference to challenges which were raised by many interviewees and survey respondents but which are not necessarily within the scope of FNLM, RLEMP and Land*

*Use Planning, though they are included in the findings below. For example, the evaluation found that surveys, estates, and other administrative aspects of land management do impact First Nations' ability to effectively manage their lands. These are not necessarily unique to lands governance, and speak to broader, systemic challenges within ISC's approach to First Nations' lands and natural resources. As service transfer is intended to be forward-looking and holistic, these topics have been retained in this evaluation to demonstrate the complex and interconnected reality of ISC's efforts in the land management portfolio more broadly.*

### **Finding 16: 'Service Transfer' speaks to a future where First Nations have the control they desire in managing their lands and natural resources**

ISC is mandated to implement a gradual transfer of departmental responsibilities, or services, to Indigenous partners.<sup>29</sup> The evaluation found that service transfer in the land management context refers less to service provision and more to control or authority over lands. ISC staff and First Nations interviewees told the evaluation team that land management service transfer requires ISC to give control over lands back to First Nations. Many ISC staff interviewees view FNLM as an ongoing service transfer to First Nations, given that statutory authorities over reserve land are transferred to First Nations rather than resting with a federal Minister.

For First Nations who choose to enter FNLM, the transition away from *Indian Act* land management is generally a positive process, though some FNLM survey respondents experienced challenges in developing internal land management governance structures. Interviewees from FNLM First Nations shared that they benefit from being able to choose their own timeframes and priorities, and this requires additional work and skills than land management under the *Indian Act*.

The evaluation team heard that ISC should meet First Nations where they are at in service transfer. Several First Nations interviewees and survey respondents shared that this means participating in a transfer of authorities to First Nations as they are comfortable receiving them, and recognizing the different size, expertise, and operating contexts of First Nations organizations and communities. A few interviewees from RLEMP First Nations told the evaluation team that they view the *Indian Act* as a form of legal protection for them against exploitation or corruption. Moreover, they also noted that additional authorities must be accompanied by supplementary funding to reflect the increased workload, and many expressed that they needed more time to build their own communities' resources and abilities before they were prepared to take on extra responsibilities for lands. The evaluation team heard from a majority of First Nations interviewees and survey respondents that successful service transfer will require additional allocations for governance, and human and financial resources, and could be accompanied by hands-on training and appropriate equipment and tools.

"We need to ensure capacity and funding is available to anyone getting the transfer. We need to make sure what isn't working gets stricken off the process. **Make the transfer simple, still accountable but less arduous.**"

*Former Director of Lands (FNLM)*

<sup>29</sup> Departmental Mandate. *Indigenous Services Canada*. <https://www.sac-isc.gc.ca/eng/1539284416739/1539284508506>

The evaluation found that ISC can continue to support First Nations partner organizations to advance service transfer. First Nations partner organizations can offer communities a network of support, training and peer-learning opportunities, and provide ‘political advocacy’ services to First Nations. Investing in partner organization resources could offset demand on ISC’s own human resources and support First Nations as they build technical capacity to manage their own lands. In some regions, ISC lands staff have been sent on Interchange assignments with RLAs so that they can share knowledge and skills with those organizations.

The evaluation team heard several First Nations interviewees express frustration that current dialogue around service transfer is intangible. These interviewees shared that they would prefer to see a concrete plan tied to specific resources, timelines and deliverables. One interviewee from an Operational FNLM community suggested that service transfer is like “going through reconciliation without getting into the hard, awkward questions” and felt that these conversations need to happen in the spirit of reconciliation. In co-developing a plan for gradual service transfer, the evaluation found that ISC could seek out the individual perspective of every First Nation community in Canada to ensure that their unique contexts and experiences are considered.

### **Finding 17: As the department moves toward service transfer, ISC has a continued role to play in land management**

The evaluation found that service transfer will require careful consideration of Canada’s legal obligations vis-à-vis First Nation partners.<sup>30</sup> Several ISC staff interviewees shared that some land management ‘services’ cannot or should not be transferred, as they are legal obligations. ISC maintains a special, fiduciary relationship with First Nations and a few RLEMP First Nations interviewees felt strongly that maintaining that fiduciary relationship is vital to land management, as Chiefs and Councils, and land managers, become more aware of their own legal responsibilities. ISC can be clear that service transfer does not nullify Canada’s fiduciary duties and treaty obligations related to reserve lands.

The evaluation team heard from several First Nations and ISC staff interviewees who do not feel that Canada’s current legislative framework is set up to advance service transfer in land management. Specific examples given include federal policies around reserve lands, provincial/federal jurisdictional divides, and the *Indian Act* itself. Several FNLM First Nations interviewees expressed further concern that Canada’s legal processes around reserve land do not easily recognize First Nations’ control.

When ISC considers service transfer in land management, a few First Nations interviewees and survey respondents have expressed that they do not want to inherit ISC’s problems along with these additional responsibilities. In particular the evaluation team heard that the ILRS poses challenges for First Nations because information may not always be accurate or up to date, and the evaluation team heard that a few interviewees from First Nations partner

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<sup>30</sup> While there are no treaty obligations with specific reference to land management, the evaluation team did hear from First Nations interviewees and survey respondents that respecting treaty rights was a concern for them when considering any form of service transfer.



organizations and communities would not be interested in taking on ILRS-related responsibilities without an overhaul of the system.

The evaluation found that past government mismanagement of lands still impacts First Nations today, including unclear survey lines and unresolved land disputes. Several First Nations interviewees and survey respondents told the evaluation team that they need to be able to address historic survey, land title and estate issues to benefit from more authority over their lands and resources. Outstanding estate issues may create challenges for land management on reserve for both RLEMP and FNLM First Nations, as the *First Nations Land Management Act*<sup>31</sup> does not currently transfer authorities for wills and estates. The evaluation team heard that disputes over estates can arise from valuable land being allocated to an individual, and these disputes can take years or decades to be resolved. Meanwhile the land in question cannot be used by the community. A few interviewees from First Nations partner organizations shared that these ‘legacy issues’, including unclear survey boundary lines and unresolved lands disputes, have prevented some First Nations from transferring all of their lands into their land code under FNLM.

“Government is not going to solve this issue alone. It has to be done hand in hand. Things are changing as we move forward in reconciliation.”

*ISC Staff Interviewee*

Though they cannot be responsible for all of the work required, First Nations partner organizations are working with communities to resolve historic and ongoing lands challenges. The RC is building an alternative First Nation Land Registry System for land code First Nations, however the ILRS must be maintained for First Nations operating under the *Indian Act*. The RC also has funding available for First Nations to re-survey their reserve lands and reflect the actual usage and boundaries of their land. Lands surveys must be conducted by a Canada Lands Surveyor, who is responsible for surveying not only all reserves, but also federal parks, the Territories, and on and under the ocean surfaces.<sup>32</sup> A few First Nations interviewees shared they have experienced challenges in sourcing a Land Surveyor for their community given the high demand for Surveyors, the high number of surveys required on-reserve, and the remoteness of some First Nations communities. NALMA does have a dedicated lands survey unit to ease some of the surveying burden, and one First Nation Lands Technician expressed a desire to create a distinct category of First Nations Lands Surveyors, to mitigate challenges in accessing licensed Canada Lands Surveyors.

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<sup>31</sup> First Nations Land Management Act (S.C. 1999, c. 24)

<sup>32</sup> Canada Lands Surveyors Act (SC 1998, c. 14, – 1998)

## 7. Conclusions and recommendations

### 7.1 Conclusions

#### 7.1.1 Relevance

Overall the evaluation found that there is a continued and growing need for RLEMP, FNLM and Land Use Planning. FNLM aligns with ISC's mandate and broader Government of Canada priorities for supporting First Nations' self-governance, as well as aligning with many First Nations' visions for themselves. The evaluation found there is a continued need for RLEMP as a supporting tool for self-administration under the *Indian Act*. Some RLEMP communities expressed a desire to reinstate the 53/60 Delegated Authority level, indicating a recognition that RLEMP is a capacity-building initiative aimed at fostering greater self-determination in the lands sector. Land Use Planning supports First Nations to develop a long-term community vision around their lands, and may be a useful tool in mitigating climate change impacts. Land Use Planning has become increasingly important over the scope of the evaluation, and aligns with government and community priorities around First Nations' self-determination. One gap the evaluation found within ISC's support for land management is around enforcement, though this is recognized as a whole-of-government and multi-jurisdictional challenge that cannot be wholly resolved by ISC itself. Another gap identified is the need for more transitory support when First Nations enter FNLM from RLEMP as the skills and knowledge required to manage lands under the *Indian Act* are not the same for self-governance, and particularly require additional training on the new legal landscape, and additional resources for law development and enforcement. Finally, the evaluation found that there is a need for additional land management supports for the many First Nations who are not interested in entering either RLEMP or FNLM at this time.

#### 7.1.2 Performance

##### First Nations Land Management

In general the evaluation found that FNLM is operating efficiently. FNLM interviewees and survey respondents reported that they are accessing developmental and operational funding with ease, and that funding flows from ISC to First Nations organizations and communities in a timely and consistent manner via the Operational FNLM grant agreements. There are some tensions with the current divisions of roles between ISC regional offices and First Nations partner organizations, and confusion around the internal reporting relationships of ISC and CIRNAC since ISC's creation in 2017. While some FNLM communities are able to use Canada's financial contributions to manage their lands effectively, for others the amount received is not enough to staff and operate a Lands department and complete objectives identified by their communities. Accessing support and project funding via the RC is a good model for most FNLM communities.

##### Reserve Land and Environment Management Program

Overall, the evaluation found that the effectiveness of RLEMP is jeopardized by insufficient funding at the national and community level, and the funding amount received by many First

Nations is not adequate to achieve RLEMP's capacity-building objectives. While most interviewees from RLEMP First Nations report that they are accessing funding predictably, the formula used to disperse funding is considered outdated and both First Nations and ISC staff interviewees report that it does not account for many land management activities that communities undertake. Incorporating a core funding amount for operations would benefit First Nations who participate in RLEMP. The reporting structure for RLEMP operational funding is viewed by First Nations interviewees as simple, but repetitive year-over-year, and this could be restructured to reflect communities' actual achievements in land management. The evaluation team heard that internal ISC operations for RLEMP has not been heavily impacted by departmental transformation, and the current division of roles between Headquarters and regional offices is generally appropriate, while the division of responsibilities between First Nations partner organizations and recipient communities is viewed by many interviewees and survey respondents as highly suitable.

### Land Use Planning

The evaluation found that Land Use Planning is an effective tool to support land management in First Nations communities, though additional investments in implementation would improve its effectiveness. First Nations interviewees reported that Land Use Plans can support communities to define their own long-term visions and objectives for lands and natural resources, and the distribution of funds and collection of reports through First Nations partner organizations rather than ISC regional offices is viewed as an appropriate role. While Land Use Planning is available to First Nations regardless of their participation in FNLM or RLEMP, some First Nations require additional support to access these funds such as extended timelines, targeted promotions, and grant-writing capacity. When First Nations are successful in applying for Land Use Planning funding, it is not always predictable year-over-year and would benefit from more stable, multi-year funding arrangements between the First Nations and partner organizations of NALMA and the FNLMRC and account for the resources needed to engage, develop and implement a land use plan.

### **7.1.3 Diverse Impacts and Climate Change**

All members of First Nations are deeply impacted by climate change, and the evaluation found that land management supports offered by ISC are not adequate to mitigate the environmental impacts on First Nations' land. Internal ISC interviewees as well as First Nations interviewees and survey respondents had difficulties pinpointing what supports exist from ISC for the management of First Nations' lands and resources. Many First Nations interviewees and survey respondents indicate they are reacting to climate change disasters rather than proactively planning to mitigate its environmental effects, and are shifting their land management priorities to address emergencies when they occur. First Nations interviewees and survey respondents shared that they are increasingly integrating climate resilience into their Land Use Plans and merging environmental portfolios into their Lands departments. Though the entirety of climate change impacts cannot be addressed through land management alone, there are opportunities for land management to expand and include specific supports for climate change adaptation. These supports could come in the forms of integration of climate change considerations into existing policies and practices, integrated climate change adaptation planning, additional research, financial support, or new policy

guidance,. The evaluation found that First Nations would benefit from specific strategies to mitigate the impacts of climate change within the ISC suite of supports for land management.

#### **7.1.4 Service Transfer**

The evaluation found that there is a continued role for ISC in land management as First Nations take back responsibilities related to land management. In being respectful of First Nations' communities and partner organizations varied capacities and resources, the evaluation team heard that ISC should meet First Nations where they are, and create supports for a variety of contexts. Full service transfer in the land management context requires a transfer of authorities and control to First Nations, though there are many fiduciary responsibilities which must remain with the Government of Canada. Service transfer will require extensive engagement across Canada to develop a concrete plan broken down into various steps.

## **7.2 Recommendations**

Based on the findings above, the evaluation presents the following recommendations. It is recommended that:

**1. As First Nations in RLEMP experience disparities within the current model that hinders their capacity to effectively manage their lands and natural resources, ISC re-assess the funding formula for RLEMP.**

The RLEMP funding formula has not been updated since its creation in 2005. Access to RLEMP is another challenge, as interested First Nations cannot always enter the program and availability is determined by the national budget, and the uptake by province and region varies broadly. The current, transaction-based and volume-focused formula has not kept pace with inflation and is not sufficient for many First Nations to conduct the work needed to benefit from their lands and natural resources. The funding formula could be revised to include: a core funding amount to staff and operate a Lands Department in-community; additional training and professional development funding that allows for multiple individuals from one community to attend the Professional Land Manager Certification Program (PLMCP); and funding to recognize the varied work First Nations undertake to manage all their community's land, including environmental management and managing traditional territory off-reserve.

**2. Working with First Nations partners and Regions, ISC support a gap analysis for training in lands governance, at the discretion of First Nations partners.**

As First Nations increasingly reassert the governance of their lands and resources, there is a growing need for both basic and advanced training and support in this area. This training can include how to manage reserve lands under the *Indian Act* or under their own self-

governance agreements, how to develop and enforce their laws and by-laws, and support to mitigate and adapt to the impacts of climate change. The current approach to training, with design and delivery left to service delivery partners, fosters service transfer and promotes the autonomy and self-determination of First Nations in Canada. However, some First Nations have faced challenges in knowing who to contact or where to access important training and information, or do not know what sort of training might be beneficial for their community. By creating a comprehensive overview of the available training partners, resources and supports for First Nations based on their governance and phase within RLEMP or FNLM, ISC and partner organizations can identify areas for further development and take steps to address any gaps in the training offerings for land governance.

**3. Working with Regions, Human Resources, and the Chief Finances Results Delivery Office (CFRDO), ISC lead an organizational capacity assessment across land management, focusing on training needs, human resource continuity and retention of corporate knowledge for ISC staff.**

Across land management and even beyond the parameters of FNLM, RLEMP and Land Use Planning, requests for support in many of the regional offices do not match existing staffing capacity. In some cases, First Nations had ceased to communicate with ISC at all following high turnover and vacancies in regional offices, leaving them to manage their lands informally. First Nations also relayed that they experienced long wait times for guidance and support from ISC on land-related questions, which delayed their land management practices in-community. This approach is unsustainable, will make it difficult to truly build a renewed relationship, and will affect the Department's ability to meet client needs. Conducting a focused organizational capacity assessment with the support of Human Resources and CFRDO will allow the Department to identify the appropriate resources, tools and training needed to effectively support land management and governance in First Nations communities.

**4. Working with First Nations partners, ISC provide funding and support to carry out studies on existing capacity for land management in First Nations communities.**

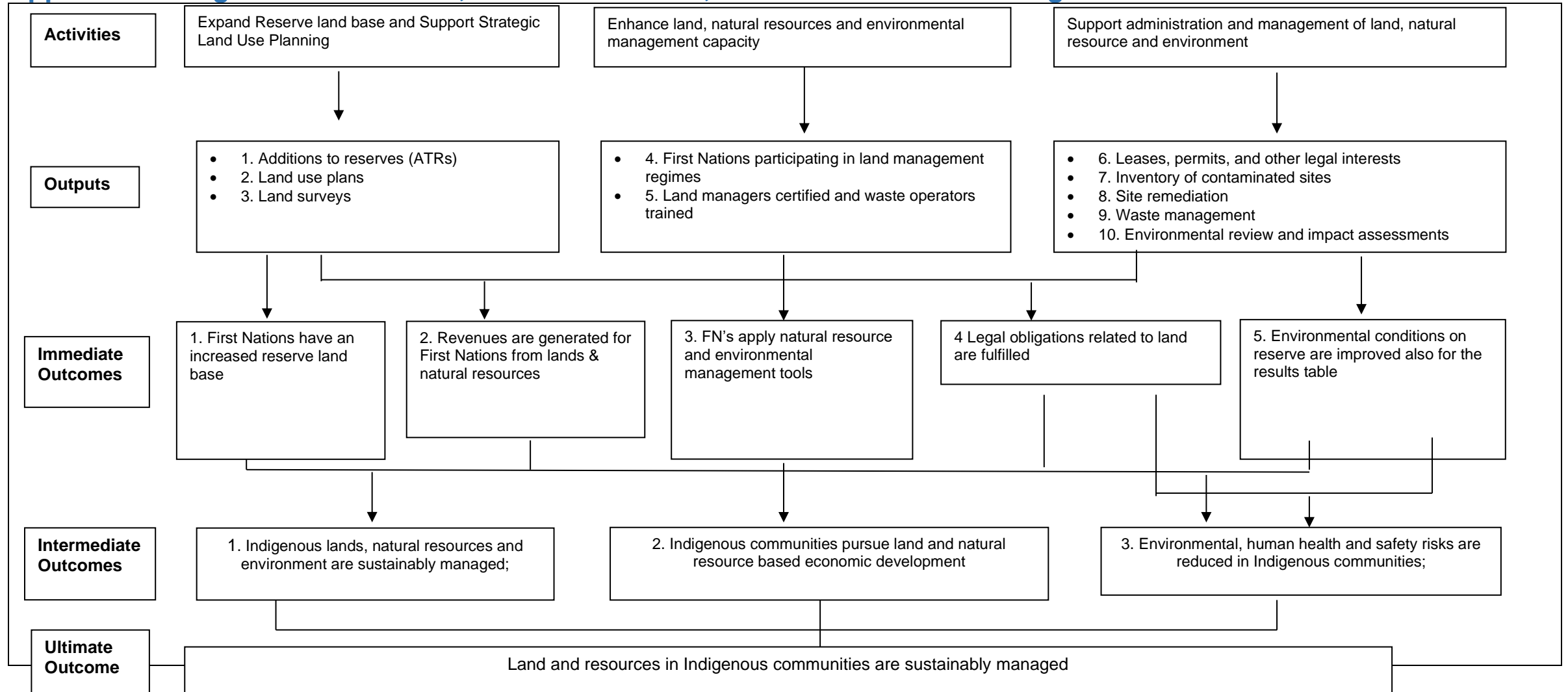
Adequate land management capacity within First Nations has been highlighted as an area of concern by ISC staff, external studies, and First Nations communities and organizations. Such capacity is crucial for both self-determination and economic development. The National Indigenous Economic Development Board have noted a lack of available research on the existing land management capacity within First Nations. To better understand the reality of First Nations land management, First Nations organizations could carry out assessments of land management capacity within First Nations communities, considering the external capacity for training, impacts of remoteness, and compensation packages for the variety of roles assigned to Land Managers. These studies can be useful for ISC to

transition services to First Nations' control effectively by understanding the level of existing capacity in First Nations, and is important as a basis for addressing current and future demand, and for ensuring that adequate resources are committed to meeting actual land management needs.

**5. Working with First Nations partners and the Chief Data Officer, ISC explores how to ensure First Nations have access to and ownership of their lands-related data, and the necessary data governance and management capacity to support that access and ownership, in support of service transfer and in order to facilitate evidence-based decision-making in land management.**

As ISC gradually transfers services to First Nations organizations and communities, access to and ownership of First Nations' data is increasingly becoming a topic of discussion internally and in communities. First Nations partner organizations and communities expressed a desire to have their lands-related data available to them so that they can make evidence-based decisions about land management and governance. First Nations must also be empowered with the capacity needed to govern, manage, and use that data effectively. First Nations delivery of land management services requires dedicated resources for First Nations to collect, manage, govern and use the administrative data associated with the service. By exploring avenues to ensure that communities can access critical information about their lands and natural resources in a timely manner, ISC could reduce the burden on human resources both internally and in First Nations communities and partner organizations. The network of regional information governance centres that is being developed by the First Nations Information Governance Centre under ISC's Transformational Approach to Indigenous Data may play either an advisory or an operational role, though the exact nature of the relationship and the interplay with NALMA and the RC's regional bodies is still being determined.

## Appendix A: Logic Model for Land, Natural Resource, and Environmental Management<sup>33</sup>



<sup>33</sup> Sub-programs contributing to this logic model include the Reserve Land and Environment Management Program and Land Use Planning, as well as others which are outside the scope of this evaluation: Administration of Reserve Land, Indian Oil and Gas, Contaminated Sites – on reserve, and Contributions to support the construction and maintenance of community infrastructure.

**Appendix B: Terms of Reference**

**Evaluation of Land  
Management Sub-Programs**

**Terms of Reference**

**September 22, 2021**

**Evaluation Directorate  
Evaluation and Policy Re-Design Branch**



## 1. Overview

As outlined in the Five-Year Evaluation Plan for Indigenous Services Canada (ISC), and in compliance with the Treasury Board Policy on Results, the overall purpose of this evaluation is to examine the department's land management related sub-programs from 2014-2015 to 2020-2021. By evaluating the programs' relevance and performance, the results of this evaluation will assist in informing future directions as well as program improvements and renewals, thereby working towards the following departmental result:

- Land and resources in Indigenous Communities are sustainably managed.<sup>34</sup>

This Terms of Reference provides the context, program description, scope, methodology, preliminary evaluation issues, and an approximate timeline.

## 2. Program Description

### 2.1 Background and Activities

Indigenous Services Canada funds a suite of programs that make up the Lands, Natural Resources and Environmental Management portfolio. The department works with First Nation communities to develop innovative policy, process, and system improvements to enhance conditions to increase the reserve land base, support sustainable management of land, environment and natural resources that leverages community and economic development opportunities, and facilitates greater First Nation independence/self-sufficiency in managing these assets.

These programs provide support to First Nation governments, as well as Aboriginal institutions and organizations through core and targeted funding to:

- Provide support for communities through planning, capacity building, and training to effectively manage land, natural resources, and environmental activities;
- Modernize land administration tools, systems, procedures, and practices for First Nations operating under the *Indian Act*; and
- Address legal obligations, community growth, and economic development through the additions of lands to reserve.

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<sup>34</sup> Lands and Economic Development Sector. 2021. *Lands, Natural Resources & Environmental Management Performance Information Profile*. Indigenous Services Canada.

## 2.2 Programs and Policy Areas

While these sub-programs fall under Lands, Natural Resources and Environmental Management in the program inventory, this evaluation's focus will be on the land management sub-programs. The other aspects of Lands, Natural Resources and Environmental Management not included in this evaluation are either exempt from evaluation, have been covered in previous evaluations, have been devolved, or will be included in upcoming evaluations.<sup>35</sup>

The following sub-programs will be included in this evaluation:

### **Reserve Land and Environment Management Program (RLEMP)**

The Reserve Land and Environment Management Program prepares First Nations to take on a broad scope of land management responsibilities, including land use planning, environmental management and compliance, on behalf of the Minister. Through its capacity development component, the Professional Land Management Certification Program, the Reserve Land and Environment Management Program prepares First Nations to take on these responsibilities. The Professional Land Management Certification Program provides both core training (university courses) and technical training (specific to *the program leverages community and economic development opportunities and facilitates greater independence and self-sufficiency in managing land, environment and natural resources* functions and delivered by the National Aboriginal Land Managers Association) to develop First Nation capacity in managing their reserve lands, resources and environment.

Upon successful completion of the Professional Land Management Certification Program, First Nation land managers are certified as professional land managers by the National Aboriginal Lands Managers Association and take on a broader scope of land management activities on behalf of the Minister as their First Nation moves into the operational phase of the program. First Nations are then better positioned to take advantage of and to foster community specific land-based economic development opportunities on reserve with the guidance and expertise of a trained and certified land manager.

There are three levels of responsibility under the Reserve Land and Environment Management Program. As First Nations progress from one level to the next, they develop the lands and environmental management capacity required to manage their reserve lands.

As First Nations progress through RLEMP, funding increases in recognition of the additional administrative responsibilities performed under the *Indian Act*. These administrative responsibilities include:

- lands management such as leases or permits;
- environmental management such as environmental site assessments;

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<sup>35</sup> For example, the Solid Waste Management Initiative is being evaluated in 2021-2022, and the Evaluation of the Contaminated Sites On-Reserve (South of the 60<sup>th</sup> Parallel) Program is planned for 2022-2023.

- natural resource management such as permits for natural resource extraction like fishing and logging;
- community-based land use planning such as zoning and designations; and,
- compliance management such as promotion, monitoring, and enforcement

While a First Nation is training a land manager, they are eligible for 80% of their operational funding to set up and start running a lands office. Once they have a certified lands manager, First Nations then receive 100% of their operational funding as they take on full responsibility for lands and environmental management activities. An additional 15% of base level funding is provided to 53/60 delegated authority First Nations. This includes 5% for each of the planning aspects of having a land use plan, an environmental sustainability plan and a compliance framework (for a total of a possible additional 15% in funding).

Eligible recipients include:

- First Nations
- Tribal Councils

### **First Nations Lands Management**

Under First Nations Land Management, land administration is transferred to First Nations once their land codes come into effect. This includes the authority to enact laws with respect to land, the environment and resources. Once a First Nation has joined First Nations Land Management, funding is provided in relation to the status of their land code:

- developmental funding for developing a land code, negotiating an individual agreement and holding a ratification vote;
- transitional funding upon a successful vote to facilitate the transition from the developmental phase to the operational phase; and,
- ongoing operational funding once a land code is in effect to support managing land, environment and natural resources as determined through negotiations between Canada and the Lands Advisory Board, the governing body representing signatories to the Framework Agreement on First Nation Land Management.

Any First Nation with lands reserved for Indians within the meaning of section 91(24) of the *Constitution Act of 1867* or with lands set aside in Yukon can opt-in.

First Nations Land Management is a government-to-government relationship through which First Nations can opt-out of 44 sections of the *Indian Act* related to land and environmental

management. It is not considered a program; it can be viewed as First Nation-led sectoral self-government and the exercise of increased self-determination.

As a unique form of sectoral self-government, Canada's obligations under the Framework Agreement and the *First Nation Land Management Act* are jointly administered by the Ministers of Crown Indigenous Relations and Indigenous Services. While the Minister of Crown Indigenous Relations has legislative authority over the *First Nation Land Management Act*, the Minister of Indigenous Services has been delegated the majority of implementation responsibilities under First Nations Land Management.

### **Land Use Planning**

Indigenous Services Canada helps support First Nation governance over their lands by providing funding for the development of Land Use Plans. Land Use Plans combine land survey data, community input, and traditional knowledge into a cohesive plan through a multi-year development process that reflects the community's environmental, social, cultural, and economic priorities. Each plan is uniquely adapted to the communities' culture and traditions, and facilitates community input on the management of their lands. Land Use Planning is an early attempt by the department to actualize service transfer and transformation.

This sub-program involves a partnership with the First Nations Land Management Resource Centre and National Aboriginal Land Managers Association for land use planning.

First Nations may apply to the National Aboriginal Lands Managers Association for funding to assist in the development of their Land Use Plans. The National Aboriginal Lands Managers Association may provide First Nation communities with technical support and training throughout the land use plan process as needed.<sup>36</sup> The First Nations Land Management Resource Centre also provides support to First Nations.

The initiative builds governance structures and capacity, enabling First Nation communities to manage their lands, resources and environment, and/or transition away from the *Indian Act* towards First Nations Land Management or greater self-governance. It enables strategic alignment with economic development, infrastructure and services and comprehensive community planning.

The initiative provides proposal-based funding to First Nations to freely determine and develop their vision, priorities and strategies over the use and development of their lands and resources in accordance with their aspirations, needs and interests.

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<sup>36</sup> National Aboriginal Land Managers Association, Land Use Planning Unit. <https://nalma.ca/units/land-use-planning-unit>

## 2.3 Governance

### **Reserve Land and Environmental Management Program**

The Community Lands Development directorate at Headquarters is responsible for:

- Defining annual priorities, eligible activities, the strategic outcomes and expected results, the performance measurement strategy and any standardized DCIs;
- Liaising with regions and Indigenous partners to identify and address emerging issues and developing options for continuous program improvement;
- Analyzing national funding needs and setting notional regional budgets;
- Approving regional recommendations for First Nations applying to receive land and environment management funding;
- Providing funding support to National Institutions who support First Nations on lands and environment management economic development, and land use planning (this includes program delivery partners);
- Providing direction and establish performance objectives for National Institutions who are funded to provide capacity support to First Nation and Inuit communities; and,
- Providing oversight of regional compliance of this framework and working to ensure cross-regional consistency and accuracy and providing guidance where possible for Regions to learn from best practices nationally.

Regional Offices are responsible for:

- Callouts to eligible recipients who may be interested in participating in the program and acting as the point of contact for interested participants;
- Assessing a First Nation's capacity and readiness for entry into the Reserve Land and Environment Management Program, based on their submissions;
- Regions are responsible for ensuring that Section B of the Lands and Economic Development Community Profile Report (DCI#471935) is completed properly;
- Monitoring day-to-day compliance on instruments developed by First Nations, as well as registering these instruments in the ILRS;and,
- Regions are also responsible for completing annually the Reserve Lands and Environment Management Program Compliance Framework (CIDM:NCR#4121746) and communicate with headquarters any risks or mitigation/capacity development

requirements. Regional staff are expected to work closely with the existing Regional Land Associations (RLA) to ensure First Nations who are managing their lands under the *Indian Act* in partnership with the department, have access to training and development if required.

Funding recipients are responsible for:

- Provide a description of their planned activities to be undertaken to support land and environment management. These 'work plans' should indicate whether or not a land use plan is in place to guide these land management and investment decision that support the economic development. See: Lands and Economic Development Community Profile Report - DCI# 471935 (Sections B). This is a yearly requirement; and,
- If First Nation communities intend to hire or procure land management or economic development services, they are responsible for the planning, tendering and purchasing of those services.

### **First Nations Land Management**

The Community Lands Development directorate at Headquarters is responsible for:

- Defining annual priorities, eligible activities, the strategic outcomes and expected results, the performance measurement strategy and any standardized DCIs;
- Analyzing national funding needs and setting notional regional budgets;
- Negotiating the operational funding formula and amounts every five years with the Lands Advisory Board and its operational arm the First Nation Land Management Resource Centre;
- Providing policy advice and direction to Regional Offices on implementing Canada's commitments under the Framework Agreement on First Nation Land Management (e.g. Indian Moneys, Environmental Site Assessments, and the implementation of the *Impact Assessment Act*);
- Negotiating, in conjunction with representatives from Crown Indigenous Relations and Northern Affairs Canada, proposed amendments to the Framework Agreement on First Nation Land Management with the Lands Advisory Board and its operational arm the First Nation Land Management Resource Centre;
- Headquarters are responsible for coordinating with Regional Offices to maintain a record of First Nations interested in entering the First Nations Land Management sub-program;
- Securing new federal funding for ongoing program implementation;

- Acting as the liaison with the Resource Centre at a national level; and,
- Signing off on adhesion documents adding the First Nation as a signatory to the Framework Agreement on First Nation Land Management.

Regional Offices are responsible for the following:

- Regional Offices are responsible for leading awareness initiatives in support of encouraging First Nations to enter the First Nations Land Management regime;
- Regional offices are the primary contact to support First Nations in the completion of the assessment questionnaire, as well as in the developmental and operational phase. Both Regional and Headquarters First Nations Land Management Regime assigned staff will be responsible for completing the assessment; and,
- Regional Offices and Headquarters work together in the development of program policies and processes to support First Nations participating the First Nations Land Management Regime, and facilitate future First Nations Land Management expansion.

Recipients are responsible for:

- First Nations are provided with funding to develop a land code, negotiate an individual agreement and hold a ratification vote in the community. These activities are laid out in a Developmental Phase Funding Agreement (DPFA) and this phase of activity is commonly referred to as the developmental phase. If the vote is successful, the First Nations move from the developmental phase into the operational phase of the Regime. Operational First Nations manage their own reserve lands under their own land codes, are no longer bound by forty-four land management sections of the *Indian Act*, and receive funding through a grant authority to offset their land management costs.

### **Land Use Planning**

The Community Lands Development directorate at Headquarters is responsible for:

- Providing funding support to National Institutions who support First Nations on lands and environment management economic development, and land use planning. Funding provided to National organizations will be subject to the same terms and conditions as all funding recipients; and,
- Maintaining program oversight through a working group composed of members from Headquarters and Delivery Partner organization.

Delivery Partners are responsible for:

- Preparing call out for new entrants and screening land use planning applications; and,

- Support to First Nations with the development of their land use plans (and associated surveys) and provide national training / skills development opportunities to any First Nation practitioners.

Recipients are responsible for:

- First Nations are provided with funding to develop a community-led land use plan. Project activities are laid out in the Land Use Planning application and First Nations are required to meet the reporting requirements and deliverables as set out in their funding Agreement with the delivery partners.

## 2.4 Resources

### Reserve Land and Environmental Management Program-Annual Expenditures<sup>37</sup>

2014/15	2015/16	2016/17	2017/18	2018/19	2019/20
\$12,783,853	\$12,252,146	\$14,695,113	\$13,323,440	\$12,663,393	\$13,736,260

### Land Use Planning – Annual Expenditures<sup>38</sup>

2014/15	2015/16	2016/17	2017/18	2018/19	2019/20
\$0	\$893,000	\$6,586,850	\$6,586,850	\$1,043,719	\$0

### First Nations Land Management – Annual Expenditures<sup>39</sup>

2014/15	2015/16	2016/17	2017/18	2018/19	2019/20
\$15,039,192	\$17,512,239	\$20,564,733	\$24,923,870	\$29,343,313	\$37,857,849

## 2.5 Program Partners

In order to deliver these programs, the department works in collaboration with the following delivery partners:

### National Aboriginal Lands Managers Association

This organization actively networks towards the enhancement of professional development and technical expertise in the functions of Land Management and also incorporates First Nations values and beliefs in Lands Management, always keeping in mind the grass-root practices when dealing with lands management.<sup>40</sup>

<sup>37</sup> Includes a combination of funding to regions, University Training, Capacity Projects and Land Use Planning projects. Source: Program Data

<sup>38</sup> Source: Program Data

<sup>39</sup> Includes funding for all phases of the program, ESA phase I and II, Capacity Building Projects, Land Use Planning, and Vote 1 expenditures. Source: Program Data

<sup>40</sup> National Aboriginal Land Managers Association. About. [www.nalma.ca/about](http://www.nalma.ca/about)



As previously mentioned, they also play a significant role in program delivery. This is an Indigenous organization that is working directly with First Nations, on behalf of the department; this demonstrates the department's commitment to devolution in action.

### **Lands Advisory Board/First Nations Land Management Resource Centre**

The Lands Advisory Board is a First Nations organization dedicated to serving and supporting First Nations communities who want to re-establish control over their lands, natural resources, and environment through the historic government-to-government Framework Agreement on First Nation Land Management. The First Nations Land Management Resource Centre is the operational arm of the board. The board established the Resource Centre in 2001 to discharge the LAB's technical responsibilities under the Framework Agreement, one of which is to arrange the terms of comprehensive funding arrangements with the department(s).

The board is comprised of an elected Chairman and regionally elected Directors, determined by the Councils of the signatory First Nations who have formally established their community land codes.

The Resource Centre provides ongoing support and resources to First Nations, including information, training and callouts for funding opportunities.

### **University Partnerships**

The core training portion of the Professional Land Management Certification Program is delivered by three universities:

- University of Saskatchewan;
- Algoma University (Ontario); and,
- Vancouver Island University.

## **2.6 Previous Evaluations**

Due to recent restructuring in the Lands and Economic Development Sector, Lands, Natural Resources and Environmental Management has not been evaluated in its current structure. There are several previous evaluations that cover areas of the current program suite.

In 2015, the following Evaluations were conducted:

- *Evaluation of Investment in Economic Opportunities* <sup>41</sup>
- *Evaluation of Lands and Economic Development Services* <sup>42</sup>
- *Evaluation of the Administration of Reserve Land* <sup>43</sup>

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<sup>41</sup> <https://www.rcaanc-cirnac.gc.ca/eng/1466595866523/1537886945025>

<sup>42</sup> <https://www.rcaanc-cirnac.gc.ca/eng/1481552310304/1537882093821>

<sup>43</sup> <https://www.rcaanc-cirnac.gc.ca/eng/1481214401553/1537878979594>

## 2.7 Scope

The overall purpose of this evaluation is to examine the department's land management related sub-programs from 2014-15 to 2020-21. The scope of this evaluation will address relevance, efficiency and effectiveness, with a focus on performance, lessons learned, and best practices. It will operate within the lenses of gender-based analysis+ (GBA+), reconciliation, and will consider the impacts of climate change and COVID-19. The impact of departmental activities on youth and elders will also be an area of analysis.

This Evaluation will not cover all of the sub-programs and service lines listed under Lands, Natural Resources and Environmental Management; those not included are either exempt from evaluation, have been covered in previous evaluations, or will be included in upcoming evaluations. For example, the Solid Waste Management Initiative will be individually evaluated in 2021-2022, and the Evaluation of the Contaminated Sites On Reserve (South of the 60<sup>th</sup> Parallel) Program is planned for 2022-2023.

## 2.8 Objective and Expected Outcomes

The overall objective is that communities develop innovative policy, process, and system improvements to enhance conditions to increase the reserve land base, support sustainable management of land, environment and natural resources that leverages community and economic development opportunities, and facilitates greater First Nation independence/self-sufficiency in managing these assets. The sustainable management of land will be the main objective examined in this evaluation.

The relevant short term/immediate outcomes include:

- Revenues are generated for First Nations from lands & natural resources;
- First Nations conduct land, natural resource and environmental management, and environmental preventative actions that support access to economic development opportunities and community well-being; and,
- Environmental conditions on reserve are improved.

The intermediate outcomes have been identified as:

- Indigenous lands, natural resources and environment are sustainably managed and support the achievement of economic objectives and community well-being;
- Indigenous communities are prepared to pursue land and natural resource based economic development; and,
- Environmental, human health and safety risks are reduced in Indigenous communities.

The ultimate outcome is that *Indigenous communities benefit from the sustainable development and management of their lands and natural resources.*<sup>44</sup>

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<sup>44</sup> Lands, Natural Resources & Environmental Management Performance Information Profile

### **3. Evaluation Questions & Methodology**

#### **3.1 Core Evaluation Issues & Questions**

##### **Relevance**

1. What is the need that these subprograms address? Is there a continued need for them?
  - a. How have these needs changed over the period covered by this evaluation?
2. What are the implications of increased First Nations self-government for these subprograms in the past five years?
3. How can these sub-programs be adjusted to better align with and contribute to the Department's vision of First Nations self-determination?

##### **Efficiency**

4. Are recipients able to access funding with ease?
  - a. Is funding flowing in a timely and consistent manner?
5. How appropriate are the current divisions of roles and responsibilities between Headquarters, regional offices, delivery partners, and recipients?
  - a. Has departmental transformation had an impact on program delivery?
6. How do these programs complement one another?
  - a. Are there gaps they do not address?

##### **Effectiveness**

7. Are there alternative models to achieve similar outcomes for the department and recipients?
8. How have these subprograms contributed to the achievement of departmental objectives and outcomes?

##### **General Evaluation Questions**

9. How are the impacts of Climate Change affecting this group of subprograms?
10. Is this suite of programs taking into account the diverse, intersectional identities of recipients?
  - a. How has the design of these sub-programs considered their impact on youth?
11. Are measures in place to prepare these programs for service transfer?

## 3.2 Methodology

An approach to engagement is currently in development, and will be shaped by input from Indigenous partners. The data collection process will potentially include the following methods:

**Literature Review:** The evaluation team will conduct an assessment of published literature related Indigenous worldviews on lands and land management, as well as other themes related to these programs. Literature will be sought from a variety of sources, including publications from academic, Indigenous, and community-based groups.

**Review of Documentation and Files:** Key documents such as legislation, previous audits and evaluations, management plans, work plans, progress reports, presentations, government completed studies/reports, briefing notes, Cabinet Documents, etc. will be reviewed and analyzed to understand the Program including its sub-programs historically and moving forward.

**Data Analysis:** Data collected and held by Indigenous Services Canada, including financial data, will be analyzed to speak to questions of performance and efficiency (sources may include the Grants and Contributions Information Management System and administrative data collected by sub-programs).

**Key Informant Interviews/Focus Groups:** Insights from Indigenous Peoples, community staff, Indigenous partners, other government representatives, non-governmental organizations, and program leads will be sought in order to inform the evaluation. Interview questions will be semi-structured and qualitative in nature and designed to understand issues from multiple perspectives with a view to providing insights for better achievement of outcomes.

**Community Site Visits:** Community site visits to First Nations communities *may* be undertaken in order to conduct interviews with community representatives. Interviews and/or focus groups with end-users (i.e. community members) may also be undertaken in order to address the issues of need. A sample of specific communities that were the focus of the previous evaluation may be again visited to highlight how programming has evolved in a specific community over time. *This approach will only be considered in alignment with departmental and public health guidelines on travel to First Nations communities.*

**Non-Traditional Methods:** Aside from the typically traditional (Euro-western) evaluation methods noted above, the evaluation will also aim to employ non-traditional methods to both collect data and in terms of disseminating findings in the evaluation report.

## COVID-19 Considerations

The COVID-19 pandemic has resulted in disruptions to all evaluations currently undertaken by ISC. The most significant element, travel to regions and communities, has been currently suspended. Consequently, the evaluation site visit methodology will only be considered should public health, Government of Canada, and First Nations health guidelines and circumstance

permit it and it is deemed essential for the evaluation. Initial data collection is expected to be conducted almost exclusively remotely.

The current COVID-19 situation is developing rapidly and there is much uncertainty regarding how events will ultimately influence the evaluation. In response, the ISC-Evaluation team will strive to be flexible in community site visit methodology, with the health and safety of community partners, and all those engaged in the evaluation process, as the top priority.

**4. Timeline**

<b>Deliverable / Milestones</b>	<b>Expected Completion</b>
Terms of Reference	September 2021
Methodology Report	October 2021
Data Collection	Winter 2021 / Spring 2022
Preliminary Findings	Spring 2022
Draft Evaluation Report & Management Response Action Plan	Summer 2022
Approval by ISC Senior Management Committee	Summer 2022

## Appendix C: Comprehensive methodology

The evaluation was undertaken in three phases, including preliminary research, data collection, and data analysis and reporting. The team conducted a document and literature review, developed interview guides and a survey, selected communities for engagement, and conducted interviews and group discussions at conferences. Throughout the planning and data collection process, the Evaluation team engaged with partners in ISC, at NALMA and the RC to reflect on data collection and clarify questions about ISC supports for land management.

### Limitations

In 2017-18, representatives from ISC outside of the Evaluation Directorate led engagement sessions across the country on potential reforms to RLEMP. The Evaluation team heard from some First Nations partners that they felt they had already contributed their perspectives to that initiative, and it is possible some First Nations representatives did not contribute to the evaluation for this reason.

Site visits were not conducted in all regions of Canada due to COVID-19 pandemic travel restrictions, which were gradually eased over the data collection period. The evaluation may be missing the unique perspectives of First Nations in Alberta, Manitoba, Quebec and the North. The survey distributed by First Nations delivery partners was a mitigation strategy to reach First Nations representatives who did not otherwise have the opportunity to engage with the evaluation.

The survey of individuals involved in Land Management had a low response rate (20%) and completion rate (10%), which may be in part due to oversampling of this population for other surveys; at the time of the survey distribution, the list of individuals had received multiple surveys from delivery partners, some of which included compensation for completion. The survey was only available online, which may have contributed to the low survey response rate. Quantitative data collected from the survey related to RLEMP First Nations' experiences has not been included in the report, as the response rate from RLEMP First Nations was just 13%. For FNLM First Nations, the response rate was 32% which gives the quantitative data a 90% confidence level.

Another limitation for the evaluation was a lack of available GBA Plus data held by ISC as these initiatives are delivered at the community level, and individual-level data was unavailable. While the evaluation strove to employ a GBA Plus lens, findings tended to focus less on intersectionality at the individual level, and more on the holistic and intergenerational relationship of First Nation's land management and community well-being. Therefore there is very little disaggregated data on gender and identity.

Finally, the evaluation team did not include any First Nations members and may not have fully understood the unique cultural perspectives of First Nations in data collection and analysis. Support from First Nations service delivery partners was sought to mitigate this risk.

## Preliminary Research: Literature Review

The initial literature review was established based on early recommendations from management in the Community Lands Directorate and First Nations service delivery partner organizations. Based on this initial list, those documents were used to identify other relevant literature based on bibliographies. This snowball method was supplemented with a sweep of web-based databases. The literature review identified over 30 documents that would be potentially useful. The scope was narrowed to include approximately 16 academic and non-governmental organization documents, 20 government documents. The documents were then organized into specific themes based on their content. The literature review informed the development of the data collection instruments and the qualitative data analysis.

## Primary Research

Semi-structured interviews, participation at conferences, and a survey were used to collect diverse opinions regarding land management regimes and initiatives. Interviews were either conducted in person or virtually on Microsoft Teams. Three categories of stakeholders were interviewed: First Nations members and representatives, ISC staff, and First Nations service delivery partner organizations. Six site visits were conducted, and members of the evaluation team travelled across the country for in-depth interviews. Considering the evaluation questions, First Nations interviewees were purposely oversampled, and their responses were given priority over the views of internal interviewees.

Table 2. Categories and counts of interviewees.

Interviewee Category	# Interviewed
First Nation representative	18
Service delivery partner org.	12
Internal ISC staff	14
<b>Total</b>	<b>44</b>

Interview guides were created in an iterative fashion. An interview matrix was created to visually connect the evaluation questions, themes, sub-questions and interview questions. Interview questions were organized according to research themes and sub-questions and then were organized further according to stakeholder category. Tracking documents were created to track interviewee and partner correspondence and replies.

## Evaluation Questions

The following table contains the main high-level questions the evaluation used to guide data collection and inform the report-writing:

Table 1. Evaluation Questions

<p><b>Relevance</b></p>	<p>1. What is the need that these subprograms address? Is there a continued need for them?</p> <p style="padding-left: 40px;">a. How have these needs changed over the period covered by this evaluation?</p> <p>2. What are the implications of increased First Nations self-government for these subprograms in the past five years?</p>
<p><b>Performance (Efficiency)</b></p>	<p>3. Are recipients able to access funding with ease?</p> <p style="padding-left: 40px;">a. Is funding flowing in a timely and consistent manner?</p> <p>4. How well are the current divisions of roles and responsibilities between Headquarters, regional offices, delivery partners, and recipients working?</p> <p style="padding-left: 40px;">a. Has departmental transformation had an impact on program delivery?</p> <p>5. How do these programs complement one another?</p> <p style="padding-left: 40px;">a. Are there gaps they do not address?</p>
<p><b>Performance (Effectiveness)</b></p>	<p>6. Are there better models to improve outcomes for the department and recipients?</p> <p>7. How have these subprograms contributed to the achievement of departmental objectives and outcomes?</p> <p style="padding-left: 40px;">a. What about the outcomes defined by communities?</p>
<p><b>General Evaluation Questions</b></p>	<p>8. How are the impacts of Climate Change affecting this group of subprograms?</p> <p>9. Is this suite of programs taking into account the diverse, intersectional identities of recipients<sup>45</sup>?</p> <p style="padding-left: 40px;">a. How has the design of these sub-programs considered their impact on youth?</p> <p>10. Have land management activities been impacted by COVID-19?</p>
<p><b>Service Transfer</b></p>	<p>11. How might the delivery of Land Management sub-programming be improved to advance service transfer to Indigenous partners?</p> <p>12. If service transfer was to happen, what would be necessary to make this feasible; how can the Department support this shift?</p>

<sup>45</sup> This evaluation refers to "diverse, intersection identities", in an effort to understand the way land management is designed and experienced by different groups of clients being served. These include: women; youth; dependent adults; 2SLGBTQI; individuals on and off reserve; individuals eligible for settlement that Canada owes obligations to; and individuals newly eligible for status as a result of amendments to the *Indian Act* through *Bill S-3*.



## **Data Collection**

The second phase involved engaging stakeholders and conducting primary research. The team connected with key stakeholders within ISC as well as with First Nations partners and representatives across Canada. Data was collected and treated with confidentiality and was conveyed back to the First Nations representatives who informed the research. The data was collected in a raw data master sheet, and then added to the data analysis file to discover emergent themes and draw conclusions from a variety of sources.

For all interviews, community site visits, and conferences hosted by Regional Lands Associations (RLAs), the evaluation team shared back findings to contributors to verify the evaluation team's interpretation evaluation findings.

## Conferences

The Evaluation team engaged with over 100 First Nations representatives at five conferences, both virtually and in-person, from May 2022 to October 2022. The RLAs in British Columbia, Saskatchewan, Ontario and the Atlantic invited the Evaluation team to engage with their members, a majority of whom represented First Nation communities either in RLEMP, or otherwise operating under the *Indian Act*. The evaluation team prepared presentations and group discussion questions for conference attendees, including an interactive presentation that could be shared virtually and had attendees vote or contribute via smartphone participation. Evaluation team members attended three conferences in-person and engaged with conference attendees on a one-by-one basis outside of the official presentation. Discussion notes and results from the presentation were combined and shared back with the RLA for their validation and distribution to conference attendees. For the two virtual presentations, the Evaluation team prepared an interactive presentation and made time for group discussion around the evaluation questions and methodology, as well as validating what had been heard during in-person travel to the region. The results of these discussions were also shared back with the RLA for distribution to their membership.

## First Nations Interviewees

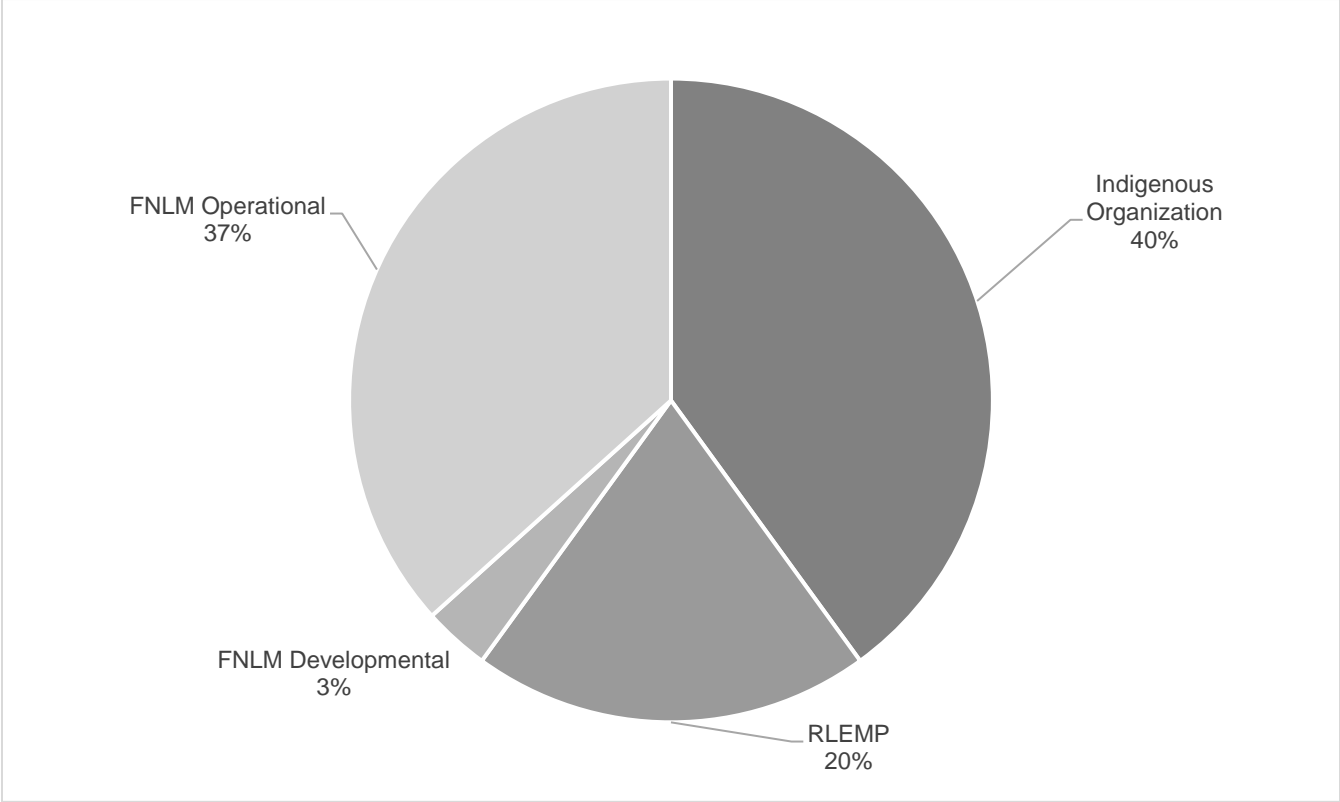
The team conducted interviews with representatives in varied positions on the spectrum of First Nations land management, including interviewees from First Nations partner organizations. The Evaluation team made connections within First Nations partner organizations based on contacts provided by the Community Lands Directorate, and the team interviewed further contacts based on recommendations from the partner organizations themselves. The team conducted a total of four virtual and in-person interviews with 12 representatives from the two national service delivery partner organizations and one RLA.

First Nation community representatives were chosen via a snowball sample method, and the Evaluation team did not "cold call" communities but rather made connections who could introduce them to land management contacts. Interviewees from First Nations within FNLM were oversampled to balance the perspectives gained through the conference discussions. Representatives included Chiefs and members of Council, Band Administrators, Land Managers and Lands Staff, and Economic Development Officers. The selection criteria for all First Nation interviewees included; participation in a land management regime or initiative,

stage or phase of participation in that initiative, and geographic location. All interviews and site visits were conducted with a minimum of two team members.

The team conducted a total of nine interviews with 18 First Nations representatives, including seven in-person interviews, and two virtual interviews.

Figure 6. External Interviewees by Category



Data Source: Evaluation of Land Management Sub-Programs Survey, as of November 2022.

**ISC Interviewees**

The team asked program contacts to help identify internal stakeholders in ISC Headquarters and ISC regional offices to interview and gather an internal perspective on the land management regimes and initiatives. Interviews were conducted virtually over Microsoft Teams from May to August 2022. Ultimately, the team interviewed 14 internal interviewees in six regions, including Headquarters.

**Survey**

The evaluation team created a survey of Land Managers in partnership with NALMA and the RC, which was distributed through those organizations to 401 email addresses in October 2022. Survey respondents initially had three weeks to respond to the survey. After reviewing the response rates at the end of the collection period, the team extended the survey invitation for an additional week. The team received 40 completed surveys and 40 partially completed surveys.

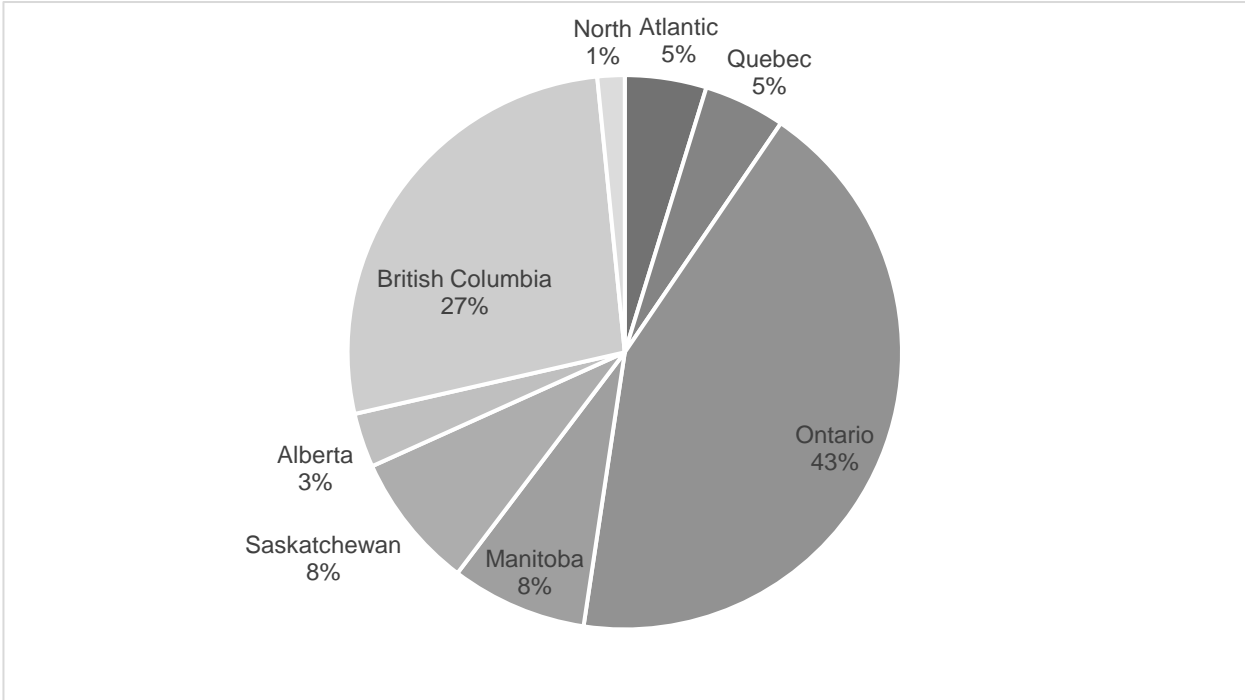
Of the 63 responses received, 56% indicated that their community had received funding for land use planning since April 2014. 61% of respondents were from a First Nation with an operational FNLM regime, while 22% of respondents were from operational under RLEMP. 17% of respondents identified their community as FNLM developmental and 5% identified their community as RLEMP developmental. There was no representation from RLEMP communities with 53/60 Delegated Authority. Multiple choices on this question were allowed. Respondents ranged from 'new' to 'experienced' in land management.

**Table 3. Number of years survey respondents had worked as a land manager (n=68)**

Choice	Total	%
Less than 2 years	17	25
2 to 5 years	17	25
6 to 10 years	10	14.71
More than 10 years	19	27.94
Not applicable	5	7.35

Respondents (n=63) came from a variety of communities located across the country and 38% represented small (>350 members on-reserve) communities, while 15% represented communities with more than 2000 members on-reserve.

**Figure 7. Survey Respondents by Region (n=63)**



Data Source: Evaluation of Land Management Sub-Programs Survey, as of November 2022.

## Data Analysis and Reporting

The evaluation team adopted quantitative analysis methodologies to analyze administrative data files provided by the Community Lands Development Directorate, which offered the evaluation team an insight of program status. The team closely examined the primary data collected through survey, fieldwork and interviews for thematic links and reoccurring patterns. Throughout the analysis, the team considered the number of respondents and interviewees who expressed a sentiment, and weighted some interviewees more heavily than others based on experience and knowledge of First Nations' land management practices. When more than one response was heard, the evaluation team reported on it in accordance with the best practice outlined in Chang et al (2009)<sup>46</sup>. For example, based on a sample size of 30, "some" refers to a range of 2-12 responses; "several" refers to a range of 3-15 responses; and "many" refers to a majority (15 or more responses). These findings were synthesized with secondary data, collected through the literature review, to find relevant support or opposition. The findings were then collected into a preliminary findings summary through ongoing team brainstorming sessions. The team presented the initial findings to ISC staff, ISC senior management, and First Nation service delivery partners in order to test their validity, before presenting their recommendations within the final report.

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<sup>46</sup> Chang Y, Voils CI, Sandelowski M, Hasselblad V, Crandell JL. Transforming Verbal Counts in Reports of Qualitative Descriptive Studies Into Numbers. *Western Journal of Nursing Research*. 2009;31(7):837-852. doi:[10.1177/0193945909334434](https://doi.org/10.1177/0193945909334434)