

A Scan of References to Additions to Treaty Settlement Lands and Local Government Tax Loss*

Appendix to

Additions to Treaty Settlement Land & Treaty Negotiations - LMTAC Background Briefing Note to First Principle #12

Document	Issue	Prepared for/by	Date	Page/Section	Text Quotation
Considerations: A Guide to Lower Mainland Area Local Government Interests in Treaty Negotiations	Additions to Treaty Settlement Lands	Lower Mainland Treaty Advisory Committee (LMTAC)	July 2000	Page 10; First Principle #12	<p>The continuation of Local Government regulatory and taxation authority over lands within a municipality or regional district that may be transferred as part of a treaty settlement is paramount.</p> <p>Lands received by a First Nation as part of a treaty settlement should be held in fee-simple and have no new or special status. Lands to be added after the treaty is signed must remain subject to Local Government jurisdiction and taxation unless otherwise agreed to by Local Governments through a community consultation process.</p>
Considerations: A Guide to Lower Mainland Area Local Government Interests in Treaty Negotiations	Local Government Tax Loss	Lower Mainland Treaty Advisory Committee (LMTAC)	July 2000	Page 14; First Principle #36	No demand must be placed on Local Government tax revenues or revenue sources resulting from treaty settlements, particularly on the ability of Local Government to derive tax revenue from sources such as property taxes, service fees, utility charges and grants-in-lieu from Crown lands. Any revenue loss to Local Governments arising from treaty settlements must be fully compensated.
GVRD Principles for Treaty Negotiations	Additions to Treaty Settlement Lands	GVRD	Oct. 1999 (updated July 2002)	Page 2; Principle #9	Lands and assets held and designated by the GVRD including, but not limited to, leased lands, rights-of-way, and Crown reserves must be excluded from any treaty settlement.
GVRD Principles for Treaty Negotiations	Additions to Treaty Settlement Lands	GVRD	Oct. 1999 (updated July 2002)	Page 2; Principle #10	The interests in non-Crown land owned in fee simple, including lands owned by the GVRD, other governments, or private individuals and corporations, be protected in future treaties.
GVRD Principles for Treaty Negotiations	Local Government Tax Loss	GVRD	Oct. 1999 (updated July 2002)	Page 2; Principle #14	All costs associated with treaty settlements must be the responsibility of the Provincial and Federal governments in terms of lands and assets that are being negotiated.

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Snuneymuxw First Nation Treaty Negotiations: Discussion Paper – Positions and Interests Expressed by Local and Regional Government	Additions to Treaty Settlement Lands	BC Treaty Negotiations Office	Revised Sept. 13, 2002	Page 19; Regional District of Nanaimo Crown Lands Principle #3	Regional District of Nanaimo Any Crown Lands that become treaty settlement lands shall remain under current land use designations unless a change is agreed to under the Growth Management Planning process.
Snuneymuxw First Nation Treaty Negotiations: Discussion Paper – Positions and Interests Expressed by Local and Regional Government	Additions to Treaty Settlement Lands	BC Treaty Negotiations Office	Revised Sept. 13, 2002	Page 28; City of Nanaimo Jurisdiction over Fee Simple Lands Principle #1	City of Nanaimo The City expects that all fee simple lands designated as treaty settlement lands to remain under the jurisdiction of the municipality.
Prince George Treaty Advisory Committee Statement of Interest in Treaty Negotiations	Local Government Tax Loss	Prince George Treaty Advisory Committee (PGTAC)	March 4, 1998	Revenue and Taxation section	If non-reserve settlement lands are removed from the municipal assessment rolls and then taxed by the First Nation, the loss of existing tax revenues may be significant in some cases. The Prince George TAC has an interest in the creation of a process in place for compensating municipalities for loss of tax revenues.

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FVTAC Guiding Principles in Treaty Making in the BC Treaty Commission Process	Local Government Tax Loss	Fraser Valley Treaty Advisory Committee (FVTAC)	1999	Page 2	At the end of treaty making, there must be zero net costs to local government. Specifically, this means there should be adequate compensation for municipal and regional services rendered by a local government on TSL. The FVTAC recognizes the importance of designating a land base over which First Nations have jurisdiction as Treaty Settlement Lands. Municipalities are bound by the financial stability provisions of the Municipal Act. Maintenance of a stable and adequate tax base that can support the services local governments provide to their constituencies is also a priority. Once treaties are completed, there must be certainty that the changes in jurisdictions that impact local government are also complete.
FVTAC Guiding Principles in Treaty Making in the BC Treaty Commission Process	Additions to Treaty Settlement Lands	Fraser Valley Treaty Advisory Committee (FVTAC)	1999	Page 3	Any crown land which has a local government interest should be preserved and respected by the Crown.
A Guide to Islands Trust Interests in Treaty Negotiations in the Islands Trust Area	Additions to Treaty Settlement Lands	Islands Trust	Feb. 2004	Page 5	<ul style="list-style-type: none"> • Any lands acquired by a First Nation after completion of its treaty agreement remain within the land use planning jurisdiction of a local trust committee or island municipality. • The local trust committee or island municipality is granted a veto on additions to Treaty Settlement Lands after Treaty Agreement.
Fraser Valley Treaty Advisory Committee Minutes	Local Government Tax Loss	Fraser Valley Treaty Advisory Committee	Sept. 16, 2003	Page 2	Discussion related to the importance of ensuring that in the event any fee simple lands become part of the treaty settlement lands, adequate compensation is made to the Regional District for any lost tax revenue. Taxes are intrinsically linked to land, and this is particularly important given the Regional District apportionment to health care infrastructure...

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Resolution endorsed by the Union of BC Municipalities membership at the 2004 annual convention	Additions to Treaty Settlement Lands	Union of BC Municipalities (UBCM)	Sept. 2004	---	<p>Regional District Interests in Additions to Treaty Settlement Lands</p> <p>WHEREAS four Agreements in Principle (AIP) negotiated with First Nations in 2003 by the provincial and federal governments have been ratified by all three parties;</p> <p>AND WHEREAS only one of these AIPs required the parties to take into account the interests of the regional district in cases where a proposal is made to add land that is within the Regional District but outside a municipality to First Nations treaty settlement lands post-treaty.</p> <p>THEREFORE BE IT RESOLVED that all treaties and Agreements in Principle negotiated with First Nations by the provincial and federal governments require that regional districts be consulted and accommodated before lands are added to First Nations treaty settlement land post-treaty.</p>

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Lheidli T'enneh Agreement in Principle	Additions to Treaty Settlement Lands	Canada, BC, Lheidli T'enneh First Nation	July 26, 2003	Pages 46-47	<p>17. At any time after Effective Date, with the agreement of Canada and British Columbia, Lheidli T'enneh may add to Lheidli T'enneh Lands, land that is:</p> <p>c. outside of municipal boundaries or within municipal boundaries if the municipality consents;</p> <p>18. Nothing in paragraph 17 obligates Canada or British Columbia to pay any costs associated with the purchase, transfer or related costs concerning the addition of lands to Lheidli T'enneh Lands.</p> <p>19. When making a decision pursuant to paragraph 17, the Parties will take into account, among other factors:</p> <p>b. interests of the Regional District of Fraser Fort George in cases where the land is within the Regional District of Fraser Fort George but not within a municipality.</p>
Sliammon Agreement in Principle	Additions to Treaty Settlement Lands	Canada, BC, Sliammon First Nation	2003	Page 24	<p>25. With the agreement of, and at no cost to, Canada and British Columbia, Sliammon may add parcels of land to Sliammon Lands which are:</p> <p>b. outside of municipal boundaries unless the municipality consents</p>
Snuneymuxw Treaty Negotiations Consultation Draft	Additions to Treaty Settlement Lands	Canada, BC, Snuneymuxw First Nation	Feb. 19, 2003	?	<p>14. At any time after the Effective Date, with the agreement of, and at no cost to, Canada and British Columbia, Snuneymuxw may add to Snuneymuxw Treaty Land, land which is:</p> <p>c. outside of municipal boundaries unless the Municipality consents</p>

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Tsawwassen Agreement in Principle	Additions to Treaty Settlement Lands	Canada, BC, Tsawwassen First Nation	2003	Page 24	<p>21. Before the Final Agreement, the Parties will attempt to agree on parcels of land (the “Specified Lands”) which, if acquired by Tsawwassen First Nation in fee simple, will become Tsawwassen Lands.</p> <p>22. Before the Final Agreement, the Parties will agree on the process required to include Specified Lands as Tsawwassen Lands after the Effective Date.</p> <p>23. Before the Final Agreement, the Parties will attempt to obtain the consent of:</p> <ul style="list-style-type: none"> a. any municipality within whose boundaries the Specified Lands fall; and b. any First Nation which claims aboriginal rights or title to the Specified Lands, to any proposed inclusion of Specified Lands as Tsawwassen Lands. <p>24. If the Parties are unable to reach agreement on the Specified Lands before the Final Agreement, the Parties will negotiate provisions in the Final Agreement for a process to include lands as Tsawwassen Lands after the Effective Date.</p> <p>25. The Parties agree that the consent of municipalities and First Nations to a proposed inclusion of lands as Tsawwassen Lands should not be unreasonably withheld.</p>
Maa-Nulth First Nations Treaty Negotiations Summary of Agreement in Principle	Additions to Treaty Settlement Lands	Canada, BC, Maa-Nulth First Nations, BC Treaty Commission	2003	Page 4	<p>Each Maa-Nulth First Nation will be able to add fee simple land to settlement land in the future, subject to the agreement of Canada and British Columbia, and to the consent of the municipality if the lands are within municipal boundaries. Any such additions will be at no cost to Canada and British Columbia.</p>

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Sechelt Agreement in Principle Summary	Additions to Treaty Settlement Lands	Canada, BC, Sechelt Indian Band	1999	Page 1	<ul style="list-style-type: none"> • For 24 years after the effective date, the Sechelt Indian Band may propose to Canada and BC to add to Sechelt Treaty Land, land that the band had acquired or optioned. • The total area of the Sechelt Treaty Land will not be more than 3,055 hectares. The Sechelt Indian Band will not own subsurface resources on lands acquired after the effective date unless agreed to by BC. • Any lands to be added must meet certain defined criteria and be approved by Canada and BC. For example, added lands must be within a defined area and must not result in any cost to Canada or BC. • To ensure that municipal interests are considered, lands within municipal boundaries may not be added unless the municipality agrees. Similarly, lands acquired within an area of overlap with another First Nation may not be added to treaty lands unless the First Nation agrees.
Additions to Reserves – Communications ToolKit (Strategy)	Local Government Tax Loss Additions to Reserves	Indian and Northern Affairs Canada (INAC)	May 13, 2004	Appendix 4, Page 35	<ul style="list-style-type: none"> • Federal lands are not part of the tax base from which provinces or municipalities may draw property taxes. • Municipalities may face a net loss of property tax revenue when a reserve is created or expanded. • Additions to Reserves (ATR) policy requires that a First Nation negotiate directly with the municipality on reasonable compensation. • ATR policy does not require a First Nation to compensate the municipality for an unlimited time for the net loss of property taxes.

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Evaluation of the Additions to Reserve (ATR) Policy	Additions to Reserve	Audit and Evaluation Branch, Indian and Northern Affairs Canada (INAC)	June 6, 1996	Page iv	<p>Recommendations:</p> <ul style="list-style-type: none"> • That the Director of Lands coordinate with the regions to take steps, including the preparation of appropriate documentation, to inform.... <p>3. Municipalities on the Additions to Reserve policy to ensure they are aware of the policy's implications for them; and</p> <p>4. Other affected parties...</p> <p>7. The policy requires that written consultation occur with urban and rural municipalities within whose boundaries the proposed land addition is located.</p>