

Tsawwassen Treaty

After Tsawwassen FN signed its treaty, it **ceased to be a reserve.**

That means it's no longer subject to the Indian Act, the law that entitles status card-carrying First Nations people to the tax exemptions on reserve land.

First Nations people with status cards entitling them to tax exemptions while shopping on reserve lands won't enjoy that benefit at the new Tsawwassen Mills mall as **it's not reserve land.** It's Treaty Settlement Lands.

The Fort Nelson First Nation is at the Developmental Stage of FNLM. This stage can take up to 2 years.

The Land Code Committee is:

Employees Bernadette Makowski, Lana Lowe,
Dan Pawlachuk, Vera Nicholson

Members Wesley Behn, Corinne Diamond-C,
Curtis Dickie, and Heather Gairdner.

Framework Agreement ON FIRST NATION LAND MANAGEMENT

Framework Agreement First Nations will have the recognised legal authority to:

- ◆ Design, administer, and enforce laws for the development, conservation, protection, management of their reserve lands and resources;
- ◆ Govern their reserve lands with all the powers of an owner, except that **title remains with Canada, protected under Section 91.24 of the Canadian Constitution**, and therefore alienation of these lands is prohibited; and

In the principles of transparency and accountability to the members of the Fort Nelson First Nation.

For more information:

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Framework Agreement

ON

FIRST NATION LAND MANAGEMENT

Tax Exemption



FORT NELSON FIRST NATION

The Framework Agreement (FA) on First Nations Land Management (FNLM) is the means for First Nations to take management control over their reserve lands.

MYTH: Status Indians will lose their tax exemptions (just like the Nisga'a).

FNLM Purpose: to enable First Nations to resume and exercise control over their lands and resources for the use and benefit of their members without Government interference.

The Special Relationship to the Crown is retained and **title to First Nation land is not affected.**

Constitutional protections are retained. **First Nation land continues to be reserve land** under Section 91 (24) of the Constitution Act, 1867.

Indian Act excerpt:

“Taxation / Property exempt from taxation

87 (1) Notwithstanding any other Act of Parliament or any Act of the legislation of a province, but subject to section 83 and section 5 of

the First Nations Lands Fiscal Management Act, the following property is exempt from taxation:

- (a) the interest of an Indian or a band in reserve lands or surrendered lands; and*
- (b) The personal property of an Indian or a band situated on a reserve. “*

Framework Agreement excerpt:

Clause 2: FIRST NATION LAND

*“2.1 Land that is a reserve of a First Nation is **eligible to be managed** by that First Nation under a Land Code as First Nation Land.*

2.2 First Nation land includes all the interests and rights or all the land rights and other rights, as well as the resources that belong to that land, to the extent that these are under the jurisdiction of Canada and are part of the land.

*2.3 The Parties agree that **First Nation lands are land reserved for Indians** within the meaning of Section 91 (24) of the Constitution Act, 1867.”*

Unlike the following modern day Treaties:

Nisga'a Treaty

The Nisga'a was the first B.C. band to sign a modern treaty with the provincial and Canadian governments in 1998. The Nisga'a received 1,930 square kilometres of land in the lower Nass Valley.

These lands are not considered Reserve Lands under the Indian Act.

In 2008, the Nisga'a started to pay GST and PST, as well as taxes on fuel and tobacco as part of their historic treaty.

The Nisga'a Lisims government passed the Nisga'a Landholding Transition Act in November, 2009, giving members a chance to own their own homes on native land in B.C.'s Nass River Valley, north of Terrace.

They are now able to mortgage their property or transfer, bequeath, lease, or sell it to anyone they choose, aboriginal or non-aboriginal. The system is voluntary and all private land will remain subject to Nisga'a laws.