

**Fraser Valley Treaty Advisory Committee  
First Nations Media Monitor - Excerpts  
May 30, 2008**

*Summary of news events reported on First Nations, Aboriginal communities, and rights & title issues.  
This report can also be found on the FVTAC website at the following link:*

<http://www.fvrd.com/About%20the%20FVRD/FraserValleyTreatyAdvisoryCommittee/Pages/Reports.aspx>

## AROUND THE PROVINCE

### **Katzie Sues Province**

The Katzie First Nation (KFN) is suing the provincial government over Minister of Environment Barry Penner's recommendation against approving Northwest Cascade Power's proposal to adjust the boundaries of Pinecone Burke Provincial Park. Under the 1995 Pinecone Burke Provincial Park – Katzie First Nation Memorandum of Understanding, KFN has a say in any decisions affecting the park. However, Penner rejected the adjustment proposal while Katzie was still reviewing the environmental implications without notice or consultation with the band. The park boundary adjustments were to facilitate Northwest Cascade's proposed run-of-river power project in the Upper Pitt River located within Katzie traditional territory. KFN has a signed letter of intent with the company, which could provide economic opportunities for band members. The First Nation is seeking damages and the resumption of the review process.

*(CNW Group, May 26)*

### **First Nations Tax Questioned**

A Westside businesswoman was surprised to see a First Nation Tax (FNT) on her bill at a restaurant located on Westbank First Nation (WFN) land and questioned why non-First Nations people have to pay First Nations Tax. In response to the criticism, WFN Chief Robert Louie said that the FNT, which has been in place for 10 years, is charged in place of the federal GST on all liquor, tobacco products, or fuel purchased at businesses located on WFN reserves. No one, status or non-status, is exempt from paying the tax, which is regulated and administered by the Canada Revenue Agency, said Louie. If they choose to, a First Nation council can pass a bylaw to enact the FNT to be charged on all of the band's reserve lands. FNT identifies a form of GST to be earmarked as revenue for the First Nation's use for on-reserve programs and services, as opposed to general federal funding.

*(Kelowna Capital News, May 11)*

### **Skwah Reserve Gravel Pit Area Not Restored**

Canada's attorney general has entered a statement of claim with the B.C. Supreme Court seeking specific performance, a mandatory injunction, or damages in lieu of these from Steelhead Aggregates Ltd. The federal government claims that Steelhead is in breach of the terms of two permits granted to them by the Department of Indian Affairs and Northern Development for sand and gravel extraction on Skwah Indian Reserve No. 4. The permits included the requirement that Steelhead restore or clean-up the area within three years after the expiration of the second permit, but the statement alleges that they have failed to do so are in breach of their contract.

*(Business in Vancouver, May 12)*

## FOREST

### **Hupacasath Accuses Province of Conflict of Interest**

The Hupacasath First Nation (HFN) has filed an affidavit in B.C. Supreme Court accusing the provincial government with conflict of interest in their dealings surrounding the removal of 70,000 hectares from Tree Farm Licence (TFL) 44 in HFN traditional territory. Chief Judith Sayers said that through its Crown corporation B.C. Investment Management Corporation (BCIMC) the province is a 25 per cent owner of Island Timberlands, which controls the land in question. In 2005, BCIMC invested \$166-million through two numbered companies and Sayers is charging that the deletion from TFL 44 was a calculated decision to increase the value of the property before it was sold to Brascan. Finance Minister Carole Taylor said that the province has no knowledge of investments made by BCIMC, which was “set up by law to be completely independent from government” to deal with government pension funds and other groups. However, Sayers said Taylor is directly responsible for appointing three directors and the chair of BCIMC and that they report to the cabinet. Last February, Sayers took the band’s concerns to Minister of Aboriginal Relations Mike de Jong and the government submitted a settlement offer to the band in April. However, the offer of a forest range opportunity, \$120,000 and a 350-hectare woodlot was deemed inadequate by HFN.

*(Alberni Valley Times, May 9; Times Colonist, May 9; Alberni Valley News, May 9)*

## LOCAL GOVERNMENT

### **Strategy for First Nations Consultation**

A Regional District of Okanagan Similkameen (RDOS) report notes that a longer term strategy is needed to improve its consultation efforts with local First Nations. Board members agreed that a strategy dealing with land-use matters would be beneficial to all parties and would help to avoid conflicts with the existing referral process. RDOS already refers bylaws to the Okanagan Nation, Penticton Indian Band, and Osoyoos Indian Band, but the new strategy would also include each party’s capacity information and priorities, as well as archaeological information and a review of treaty negotiation lands that could overlap RDOS lands.

*(Penticton Western News, May 14)*

### **Tla-o-qui-aht and Tofino Host Community Discussions**

The Tla-o-qui-aht First Nation and the District of Tofino held their second community meeting to table the topics identified as priorities at the last meeting. Over 30 community members participated in table discussions on affordable housing, education, environmental protection, health, infrastructure, land use, recreation, and sustainable economic development. Each discussion table had a host from TFN and the district to share information on current projects underway in the topic area. The hosts then presented the highlights, suggestions and ideas from their table at the end of the session. Participants of the meeting were also encouraged to answer questions on strategic planning for the communities. The information from the meeting will be compiled into a report and presented to a steering committee, which will then be used by Tla-o-qui-aht and Tofino leaders in their decisions on how to best move forward and to create a framework for sustainability to guide them in their community planning processes.

*(Westerly News, May 1)*

## EDITORIAL EDITS

**Kelowna Capital News, May 7 – Editorial, in part:**

“Nobody likes to pay tax.

So it’s not surprising that when a Westside woman noticed a tax she did not know about on her restaurant bill recently, she was concerned.

But the First Nations Tax is not new.

The Westbank First Nation has had taxation authority on its reserves since before its self-government was negotiated with Ottawa several years ago.

As part of that power, the WFN passed a bylaw establishing the FNT, which acts as the GST on native reserves.

It’s not a special tax on non-native people who buy alcohol, tobacco products and fuel on reserves.

Unfortunately, there is a misconception by many that First Nation members do not pay tax at all – anywhere.

That is not true.

Tax exemptions are only granted to natives in this country for goods reserve residents buy on reserves for personal use.”