

STAFF REPORT TO COUNCIL

1100 Patricia Blvd. | Prince George, BC, Canada V2L 3V9 | www.princegeorge.ca

DATE: June 3, 2024

TO: MAYOR AND COUNCIL

NAME AND TITLE: Eric Depenau, Director of Administrative Services

SUBJECT: Addition to Reserve Application – Lheidli T'enneh First Nation

ATTACHMENT(S):

1. Draft Letter of Understanding
2. Draft Response Letter ISC
3. Lheidli T'enneh - Office & House of Ancestors ATR - Letter
4. Lheidli T'enneh - Image - Proposed ATR Lands

RECOMMENDATION(S):

That Council:

1. RECEIVES FOR INFORMATION the report dated June 3, 2024 from the Director of Administrative Services, titled “Addition to Reserve Application – Lheidli T’enneh First Nation”;
2. DIRECTS administration to submit a letter, substantially similar to the draft letter attached to the report dated June 3, 2024 from the Director of Administrative Services titled “Addition to Reserve Application – Lheidli T’enneh First Nation” to Indigenous Services Canada in response to their request for a letter of support and technical comments; and
3. DIRECTS administration to arrange the signing of a Letter of Understanding, substantially similar to the draft as attached to the report dated June 3, 2024 from the Director of Administrative Services titled “Addition to Reserve Application – Lheidli T’enneh First Nation” and begins negotiations with the Lheidli T'enneh First Nation on associated agreements.

PURPOSE:

The following report is to provide Council with information and proposed steps to navigate an addition to reserve (ATR) lands proposal submitted to the federal government by the Lheidli T'enneh First Nation.

BACKGROUND:

On March 19th, 2024, a letter from Indigenous Services Canada (ISC) was received notifying the City of Prince George of a request made by Lheidli T’enneh, by way of a Band Council Resolution, to pursue the Addition to Reserve process on two portions of land where the nations administrative office and the House of Ancestors are located. The Government of Canada has discretion to create reserves and add land to existing reserves in accordance with Canada’s Addition to Reserve/Reserve Creation Policy Directive.

ISC states that, “when proposals of this nature are advanced to the federal government, Local Governments are encouraged to work with the requesting First Nation using a “good neighbour” approach, which involves good will, good faith and reasonableness in discussions between the First Nation and other Governments. As part of the Reserve Creation process the First Nation is responsible for negotiating agreements with local governments on issues such as service provisions, by-law harmonization, tax considerations, land-use planning, and dispute resolution”.

ISC also asks that if the municipality is in favor of the proposed ATR that a letter of support confirming this position be submitted. Further, the letter also invites technical comments regarding the proposal. After review, administration has no technical comments relating to this application that are intended to be submitted. Instead, it is intended that items will be addressed through the future formation of municipal service agreements and related negotiations around items such as, but not limited to, by-law compatibility, service agreements and net tax loss adjustment, consultation and dispute resolution arising from the ATR request.

Alternate actions Council may consider include not supplying a letter of support. The Government of Canada has discretion to create reserves and add land to existing reserves in accordance with Canada’s Addition to Reserve/Reserve Creation Policy Directive. If support is not expressed the Government of Canada will continue its review of the proposal without this municipal input.

STRATEGIC PRIORITIES:

As supporting the ATR process gives opportunity to advance reconciliation and as through service agreements it is possible to address financial concerns this activity may be viewed under the strategic pillar of city government and infrastructure priorities, specifically, focusing on meaningful communications and relationship development to advance shared priorities.

FINANCIAL CONSIDERATIONS:

There is a cost associated with the formation of these agreements in the form of staff time and contracted professional services (legal counsel) which can be absorbed in existing budgets.

There are also impacts on taxation that will arise should the proposal be accepted by the federal government. Administration’s intention is to negotiate cost neutral agreements to offset tax and service delivery implications.

For clarity on the size of tax implications being considered:

- 150 Brunswick (LTFN Administration Office) – 2024 tax levy is \$63,314.23
- 355 Vancouver Street (Uda Dune Baiyoh) – 2024 tax levy is \$37,376.28. Note, this property currently has a Permissive Tax Exemption, so no value is collected. However, the tax base pays to cover permissive exemptions so that the exemption doesn’t cost the City lost revenue. As a result of the ATR process the property will become statutorily exempt, and the tax base will no longer offset this loss.
- 1664 4th Ave (Parking lot for Uda Dune Baiyoh) – 2024 tax levy is \$13,356.00

Grand total of property tax loss that would result from this change equals \$114,046.51 in 2024 values.

SUMMARY AND CONCLUSION:

This report outlines a potential response to an addition to reserve lands proposal submitted to the federal government by the Lheidli T'enneh First Nation.

RESPECTFULLY SUBMITTED:

Eric Depenau, Director Administrative Services

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APPROVED:

Walter Babicz, City Manager
Meeting Date: 12 June 2024