



Ottawa, Canada K1A 0H4

I, Minister of Crown-Indigenous Relations and Northern Affairs, HEREBY APPROVE, pursuant to section 83 of the *Indian Act*, the following by-law made by the Haisla Nation, in the Province of British Columbia, at a meeting held on the 12th day of October 2017.

- **Haisla Nation Property Assessment and Taxation Amendment By-law No. 01-2017**

Dated at Ottawa, Ontario, this 12 day of January 2017/8

Hon. Carolyn Bennett, M.D., P.C., M.P.

HAISLA NATION
PROPERTY ASSESSMENT AND TAXATION
AMENDMENT BY-LAW NO. 01-2017

WHEREAS:

A. The Council of the Haisla Nation enacted the *Haisla Nation Property Assessment and Taxation By-law No. 1* on July 25, 2006, which by-law was approved by the Minister of Indian Affairs and Northern Development on September 19, 2006;

B. The Haisla Nation supports the development of a liquefied natural gas facility on its lands for the benefit of its community and recognizes the need to provide certainty to its investors in relation to total amounts payable under the *Haisla Nation Property Assessment and Taxation By-law No. 1*, consistent with the certainty provided for similar developments elsewhere in the Province of British Columbia; and

C. The Council of the Haisla Nation wishes to amend its *Haisla Nation Property Assessment and Taxation By-law No. 1* to provide that certainty as to all amounts payable under or pursuant to the *Haisla Nation Property Assessment and Taxation By-law No. 1*,

NOW THEREFORE the Council of the Haisla Nation duly enacts as follows:

1. This By-law may be cited as the *Haisla Nation Property Assessment and Taxation Amendment By-law No. 01-2017*.
2. The *Haisla Nation Property Assessment and Taxation By-law No. 1* is amended by adding a new subsection 11(1.1) as follows:

(1.1) For the interest in land referenced in paragraph 18.1(a), Council's intention is to impose, in its annual rates by-law referenced in subsection (1), the tax rate for each year set out in Column 2 of Table 1 in Schedule XX, in order to achieve the corresponding amount payable for that year set out in Column 3 of Table 1 in Schedule XX.
3. The *Haisla Nation Property Assessment and Taxation By-law No. 1* is amended by adding a new section 13.1 as follows:

13.1 Section 13 does not apply to the occupier of the lands described in paragraph 18.1(a) in relation to those lands.
4. The *Haisla Nation Property Assessment and Taxation By-law No. 1* is amended by adding a new section 18.1 as follows:

18.1 Despite any provision of this By-law,

(a) the actual value of the interest in land described as “In the Province of British Columbia, in Range 4 Coast District, the whole of Bees Indian Reserve No. 6, more particularly described as all of Lots 1, 3, and 4 of Plan 96252 and Lots 2-1 and 2-2 on Plan 97774 recorded in Canada Lands Survey Records” and having assessment roll folio number 1, is \$100,000,000 for the land and improvements, for the 2018 calendar year and for each subsequent calendar year;

(b) the assessor shall in each calendar year prepare the assessment for the interest in land referenced in paragraph (a) using the actual value set out in that paragraph; and

(c) the assessment roll for the interest in land referenced in paragraph (a) shall provide for a total assessed value for land and improvements.


5. The *Haisla Nation Property Assessment and Taxation By-law No. 1* is amended by adding new Schedule XX in the form attached as a schedule to this By-law.
6. This By-law comes into force and effect on approval by the Minister of Indian Affairs and Northern Development.

THIS BY-LAW IS HEREBY ENACTED by Council at a duly convened meeting held on the 12th day of October 2017 at Kitamaat Village, British Columbia.

A Quorum consists of six Council Members.



Crystal Smith, Chief Councillor



Taylor Cross, Councillor

Lucille Harms, Councillor



Margaret Grant, Councillor

Brenda Duncan, Councillor



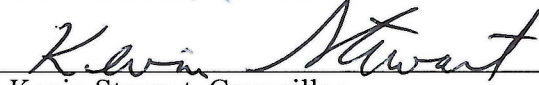
Willard Grant, Councillor



Trevor Martin, Councillor



Fred Ringham, Councillor



Kevin Stewart, Councillor

Raymond ‘Sonny’ Green, Councillor



Harvey Grant, Councillor

Schedule

**SCHEDULE XX
(Sections 11 and 18.1)
TAX RATES FOR SPECIFIED PROPERTY**

1. For the purposes of this Schedule:

(a) **“Consumer Price Index”** means the Consumer Price Index (Canada) (Annual — Base Year 2002) (All Items), as published by Statistics Canada in Catalogue No. 62-001-X, or any index published in substitution therefor;

(b) **“FID”** means the Final Investment Decision of the Kitimat LNG project owners in favour of proceeding with the construction of the Kitimat LNG Project on the interest in land referenced in paragraph 18.1(a) of the By-law, such decision disclosed by way of public announcement by KM LNG Operating General Partnership or another Kitimat LNG project owner;

(c) **“Inflation Adjustment”** means the fraction the numerator of which is the Consumer Price Index for December of the immediately preceding year and the denominator of which is the Consumer Price Index for December for one year earlier; and

(d) **“Lease”** means the lease dated for reference January 1, 2011, between KM LNG and Her Majesty in Right of Canada as represented by the Minister of Indian Affairs and Northern Development for and on behalf of the Haisla Nation for the lands described in paragraph 18.1(a) of the By-law.

2. In respect of the interest in land referenced in paragraph 18.1(a) of the By-law, the Council of the Haisla Nation intends, in each calendar year except the calendar year in which the Lease terminates, to set the tax rate determined in accordance with Table 1 in order to achieve the corresponding total amount payable under the By-law for that calendar year.

Table 1		
Column 1	Column 2	Column 3
Year	Tax Rate (per \$1,000 of assessed value)	Amount Payable
2018 and each subsequent year up to and including the year in which the occupier declares a FID:	30	\$3,000,000

First year after FID:	40	\$4,000,000
Second year after FID:	50	\$5,000,000
Third year after FID:	60	\$6,000,000
Fourth year after FID:	70	\$7,000,000
Fifth year after FID:	80	\$8,000,000
Each year after the fifth year after FID:	Previous year's tax rate × Inflation Adjustment	The greater of: (i) the amount determined by multiplying the assessed value by the tax rate; or (ii) \$8,000,000.

3. In respect of the interest in land referenced in paragraph 18.1(a) of the By-law, the Council of the Haisla Nation intends to adjust the amount payable in the calendar year in which the Lease terminates by multiplying the amount otherwise payable in that calendar year by the number of days, including the date of termination of the Lease, remaining in that calendar year and dividing by the total number of days in that calendar year and subtracting this amount of taxes otherwise payable for that year.

4. In respect of the interest in land referenced in paragraph 18.1(a) of the By-law, the Council of the Haisla Nation intends that the amount payable in each year as set out in Column 3 of Table 1 includes all property taxes and other amounts payable under the By-law, and any service and local improvement charges that may be imposable by by-law enabled under Part XVII of the By-law.