

BUILDING NATIONS

WHAT CANADA'S FIRST NATIONS CAN TEACH US ABOUT DEVOLUTION AND DEVELOPMENT

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Cover photo: Phase 1 of the Senákw development, comprising three residential towers of 26, 31 and 39 storeys, July 2025. Photo supplied by Nch'kay Development Corporation; photographer Graham Handford.

About the New Zealand Initiative

The New Zealand Initiative is an independent public policy think tank supported by chief executives of major New Zealand businesses. We believe in evidence-based policy and are committed to developing policies that work for all New Zealanders.

Our mission is to help build a better, stronger New Zealand. We are taking the initiative to promote a prosperous, free and fair society with a competitive, open and dynamic economy. We develop and contribute bold ideas that will have a profound, positive, long-term impact.

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Executive Summary

Canadian First Nations exercise local authority over zoning, taxation and infrastructure finance on reserve lands. Two examples, Ch'íyáqtel (Tzeachten) in suburban Chilliwack and Seḥákw on Squamish territory in downtown Vancouver, demonstrate what that autonomy can deliver: rapid housing supply, robust own-source revenues and culturally led land stewardship.

A review of the legislative and institutional reforms that enabled those outcomes shows a gradual but cumulative path beginning with early service-provision agreements in the 1960s, accelerated by the 1988 Kamloops Amendment and consolidated in the 2005 First Nations Fiscal Management Act.

Parallel nation-building investments, most visibly the First Nations Tax Commission (FNTC), the First Nations Finance Authority (FNFA), the Lands Advisory Board, and the Tulo Centre of Indigenous Economics, were essential in reducing transaction costs and diffusing capability.

Critically, Canada's reforms did not require consensus among all communities before proceeding. Rather, they began in Kamloops, where one First Nation wanted to try a new approach. Institutions and capabilities built over time. An experimental approach enabled innovation at relatively small stakes. As the experiment proved successful, more First Nations communities chose to adopt the kind of enhanced autonomy that Kamloops had pioneered.

Demonstrated success can build its own consensus.

New Zealand's housing bottlenecks, the constraints on Māori freehold land, and the Crown's highly centralised planning framework echo the problems Canada faced a generation ago. The Canadian evidence suggests that legislated, opt-in iwi autonomy over land-use, taxation and infrastructure finance could unlock similar gains here.

Introduction

New apartment towers are nearing completion beside downtown Vancouver at Seḥákw, on land returned to the Skwxwú7mesh (Squamish) Nation and under their jurisdiction.

The New York Times called it the largest Indigenous development in North America.¹

Vancouver's General Manager of Planning noted that the Seḥákw project went from concept to construction in a fraction of the time it takes for City Hall approvals, saying, "We might be able to learn something from them."²

A hundred kilometres away, the tiny Ch'íyáqtel (Tzeachten) First Nation, near the town of Chilliwack, has built over 1,600 homes, with thousands more planned – far more than their Nation of less than 800 members would need. They are helping to solve Chilliwack's housing shortage.

Their Chief Derek Epp reports that in 1990, 90% of their revenue came from federal transfers. Today, that ratio has reversed: 90% comes from their own activities.³

Ch'íyáqtel, the traditional name for the Tzeachten First Nation, means "place of the fish weir." Project revenues are helping their Nation to buy back land, bring it under their jurisdiction, and restore the waterway so that fish weirs that fed their people a century ago can be rebuilt.

Neither development required anyone else's permission. Instead, First Nations negotiated with adjacent municipalities for services on a willing-buyer, willing-seller basis.

Both developments will generate substantial own-source revenues.

They demonstrate what is possible when indigenous communities gain real autonomy over their own lands. Canada's First Nations have been taking up governing authority – what we may recognise as rangatiratanga – over land held as Indian Reserves.

Article 2 of the Treaty of Waitangi promised hapū would retain tino rangatiratanga, supreme chieftainship, over their own lands and villages. In the English version of the Treaty, Article 2 promised "exclusive and undisturbed possession" – property rights.⁴

But even something as simple as moving a water tank on a marae can require seeking permission from the local council.

Canadian First Nations' path to rangatiratanga over their own lands has been decades in the making.

And it holds lessons for New Zealand.

¹ Baker, Linda. 2021. "Native American Tribes Move to Make Real Estate a Force for Renewal." *The New York Times*. 6 July. Available at <https://www.nytimes.com/2021/07/06/business/native-american-tribes-real-estate.html>

² Fumano, Dan. 2024. "Vancouver's new chief planner wants to build more homes, faster." *Vancouver Sun* 8 July. Available at <https://vancouversun.com/opinion/columnists/vancouvers-new-chief-planner-wants-to-build-more-homes-faster>

³ See Chief Derek Epp. 2024. "Ch'íyáqtel (Tzeachten) First Nation – The 90 – 10 Story". Presentation to the Canadian Property Tax Association, 8 October. Available at https://cpta.org/wp-content/uploads/Tues_FNTC.pdf. His presentation later that month at Tūāhuriri Marae covered similar ground.

⁴ We recognise that rangatiratanga is a contested concept. We do not here make strong assertions about its definition or scope. We simply recognise that governance authority over one's own lands is consistent with stronger rangatiratanga.

Lessons like letting local communities take the lead, rather than seeking to impose nation-wide solutions all at once, when some may neither be willing nor ready.

Like testing each step incrementally, and building up capacity and capability along the way, so that others can follow.

And that the success of those willing to give things a go can be the most effective argument in encouraging others to follow.

But first, a bit of history, and a bit of Canadiana

Canada's Crown set aside Indian Reserves – often through treaties with First Nations, and elsewhere by federal action.

These Reserves occupy a unique position in Canadian confederation.

Canada's provinces hold substantial fiscal and regulatory powers.

Municipalities, roughly comparable to New Zealand's territorial authorities, are creatures of their province. But First Nations did not strike treaties with the provinces. Where treaties were signed, they were struck with the Crown. And Canada's Parliament set the Indian Act.

The Indian Act sets out the by-law powers of elected Chiefs and Band Councils⁵, as well as taxation and expenditure powers, including property tax and related fiscal by-laws.⁶

As a shorthand, Indian Reserves function in some ways like municipalities, but under federal jurisdiction, and within distinct fiduciary and treaty contexts. They can set by-laws for local works and land use. They can regulate pests. More recently, Band Councils have been able to adopt Land Codes under the First Nations Land Management Act, enabling comprehensive zoning and subdivision rules.

But their powers are also more extensive than those of municipalities.

Municipalities cannot opt out of Provincial laws and regulations, unless expressly authorised.

By contrast, the Indian Act⁷ puts several caveats on the application of Provincial laws and regulations on reserves. Provincial laws of general application apply on reserves except to the extent that they conflict with the Indian Act, any other Act of Parliament, treaty rights, or valid Band by-laws.

That means a Band Council can adopt the provincial rules, like the province's Building Code, by reference – if it wants to. Or the Nation can choose to adopt others, or to construct their own, so long as they are not inconsistent with federal law. The result is local autonomy over standards, permits, and enforcement, exercised under federal authority.

So Indian Reserves are like super-powered municipalities whose jurisdiction arises under federal law and treaty context rather than delegation from the province.

For most of Canada's history, however, the relationship between the Federal Government and Band Councils was highly paternalistic.

⁵ Section 81.

⁶ Section 83.

⁷ Section 88.

The Department of Indian Affairs and Northern Development acted on behalf of First Nations in negotiating agreements for infrastructure services with adjacent municipalities, in providing social and health benefits, and in regulating resource use. Doing almost anything on reserve required getting sign-off from distant Ottawa officials.

Band Councils' autonomy over local by-laws and regulation was subject to Ministerial review and potential disallowance.

Business and entrepreneurship on reserves faced substantial additional constraints.

Development economist Hernando de Soto⁸ explains how the inability to leverage property holdings in developing countries, often due to unclear title or buildings that were constructed without official approval, creates 'dead capital'. If your land has no clear title, you cannot use it as backing for a mortgage to help start a business, because a lending bank cannot trust that it could take the property for non-repayment.

Canada's Indian Reserves faced similar problems. The Indian Act makes it hard to use land on Reserves as security against conventional mortgages,⁹ as that land cannot be seized for non-repayment. Workarounds like long leases, guarantees, and pooled finance have since been developed, but until doing business on reserves was broadly feasible, there was little point in developing them.

And the Department of Indian Affairs' review was required for by-law or regulatory changes necessary for accommodating business activity.

Reserves often began on the back-foot. Many are remote and of worse land quality than land opened for settlement. Requiring Ottawa's permission for by-law and regulatory changes added friction.

Perhaps unsurprisingly, outcomes were poor. The Department of Indian Affairs largely fostered dependence rather than entrepreneurship; on-reserve activity could move no faster than approvals from Ottawa. In the broader public mind, "reserves" became shorthand for poverty.

That picture has been changing – slowly at first, and now rapidly.

Legislative reforms in the 1980s, 1990s, and 2000s built the foundations for real autonomy. The "Kamloops Amendment" to the Indian Act in 1988 enabled modern property tax regimes.¹⁰ The 1996 Framework Agreement and 1999 First Nations Land Management Act¹¹ enabled community-written Land Codes. And the 2005 First Nations Fiscal Management Act created national fiscal institutions.

This short research note describes the path that Canada's First Nations have been taking to greater autonomy over their own lands – rangatiratanga, to put it in New Zealand terms. Enabling First Nations to take up real autonomy over their own land unlocks opportunity. And it provides an example that New Zealand could consider.

⁸ De Soto, Hernando. 2003. The Mystery of Capital: Why Capitalism Triumphs in the West and Fails Everywhere Else. Basic Books. For a more popularly accessible version of the argument, read Vincent Geloso's 2025 essay, "The poor are richer than we think: Unlocking dead capital", in *The Daily Economy*, available at <https://thedailyeconomy.org/article/the-poor-are-richer-than-we-think-unlocking-dead-capital/>

⁹ Section 89.

¹⁰ Section 83 was revised.

¹¹ In December 2022, Parliament repealed and replaced the 1999 First Nations Land Management Act with the Framework Agreement on First Nation Land Management Act, which ratifies the Framework Agreement directly.

What good looks like

The path to the Seṇákw development in Vancouver, and other on-reserve development that relies on local autonomy, took decades.

And for decades, no one needing to reclaim their lands could even start down the path. First Nations lands had often been taken illegally. But from 1927 onward, the Indian Act prohibited First Nations from hiring counsel or fundraising for claims. Legal challenges were consequently difficult.

In 1951, amendments to the Indian Act repealed the 1927 bans and enabled First Nations to pursue land claims.¹²

Then, in 1962, Kamloops Band Council passed a by-law creating the Mount Paul Industrial Park and started properly exploring self-governance.

The sixty years since then have built the institutions and capabilities that enable autonomy today. Some of those institutions are centred in Kamloops. Uptake of greater autonomy spread outwards from Kamloops first slowly, then quickly.

Part 3 will discuss that path.

But first, let's see why that path was worth taking.

Ch'iyáqtel (Tzeachten)

When Ch'iyáqtel Chief Derek Epp talks about his Nation, he calls it "The 90-10 story".

In the early 1990s, when the transformation started, Ch'iyáqtel's Band Council was heavily reliant on transfers from central government. About ninety percent of its revenues were transfers from central government.

Economic development – even just building a home – on the reserve was difficult. The council did not have a proper tax or revenue base. Council revenues, other than transfers from central government, were hard to source.

It was a story of dependence.

But that has completely changed. As Chief Epp puts it, "what we've been able to do in those last 15 or so years is completely flip the script of what development looks like on reserve."¹³

Now, about 90% of the budget is revenue generated from activity on the reserve.

According to Chief Epp, "I would say our budget is probably fifteen times what it was 20 years ago, and we're still 90% own-source revenue.... And I will never say we're dependent on federal transfers."¹⁴ He noted that the remaining 10% is "what any local government is entitled to." He also notes that his local government is less reliant on government transfers than other municipalities.

¹² See discussion at Indigenous Foundations. "The Indian Act". https://indigenousfoundations.arts.ubc.ca/the_indian_act/

¹³ Epp, Chief Derek. 2024. "Podcast: From Dependency to Development: A First Nations Governance Success Story." *The New Zealand Initiative Podcast*. 18 December. Available at <https://www.nzinitiative.org.nz/reports-and-media/podcasts/podcast-from-dependency-to-development-a-first-nations-governance-success-story/>

¹⁴ Epp, Chief Derek. 2024. Podcast. Op. cit. See also Epp. 2024. "Ch'iyáqtel (Tzeachten) First Nation – The 90 – 10 Story". Presentation to the Canadian Property Tax Association, 8 October. Available at https://cpta.org/wp-content/uploads/Tues_FNTC.pdf. His presentation later that month at Tūāhuriri Marae covered similar ground.

Ch'íyáqtel built jurisdictional autonomy and a credible local environment for investment. That investment brought economic independence. And that economic independence brought opportunity to achieve something remarkable.

Chief Epp explains:

Ch'íyáq actually means fish weir and *tel* means place. So Ch'íyáqtel means place of fish weir. ... My ancestors used to come here and gather fish ... with a fish weir. ... Through colonization and the process of settling in Canada, the big priority was farming. So a lot of our waterways were drained or diverted or changed course to meet the farming needs of the local municipalities or councils. ... So we lost our stream.

There was this creek ... a run-off of the old river that just hung around. We were told it was never fish-bearing... there just wasn't the resources in there to make it a sustainable habitat for fish or anything like that.

However, over the last few years we've seen that, you know, things have been changing in this environment.... The salmon were actually able to get back to this creek. And now they've been returning. And ... the very first batch of fish that came through, they just spawned.

So four years ago, the fish came back. So they have a four-year cycle. So they just spawned again. ... Now because of our jurisdictions and our zoning and our financial capability, we're now able to actually enhance this fish habitat.

And now our goal is actually to bring back our fish weir, ...and be able to harvest fish in a sustainable manner and really live up to our name, Ch'íyáqtel.

We're a place of fish weir.

...Now, you know, if I put on my more political lens, and my political hat, if we were still bound by the Indian Act and bound by the federal government, there was not a chance in hell we'd ever get this fish. There's not a chance in hell we'd ever be able to restore this habitat because we would be at the whim of the federal government.

You know, it's something very simple, as once we found out that this stream was in fact bearing salmon again, we're able to adapt our laws in, I'm not kidding, a day to put a 30-metre setback so that we were able to protect that creek.

...And I think, you know something that I'll be able to look back and I know our ancestors will be looking down and, and really smiling at that because I'm sure I wasn't around for when that the river was diverted.

...We just bought 50 acres of land, which actually does support this Creek rehabilitation project that we're doing because we're looking beyond just Ch'íyáqtel lands.

I did a pilot project with the federal government and said, how fast do you think we can do an addition to reserve?

I did my research. I know they've taken land from my people in three days. So the first meeting I had with the feds and I got their senior officials there, I said, all right, I want land back in three days.

[Here, Chief Epp refers to bringing purchased land back under Ch'iyáqtel jurisdiction, through the Additions to Reserves process.]

And they kind of looked at me dumbfounded.

And I said, well, you took it from me in three days. Now why can't you give it back to me in three days? You know, then I cracked my face and I said, I'm joking. Like, I know that's unrealistic in your bureaucracies. Why can't we do it in six months? So we did it.

CHIEF DEREK EPP, INTERVIEW WITH DR ERIC CRAMPTON, 18 DECEMBER 2024.¹⁵

Their story is remarkable not just because of the turnaround, but also because such a small community was able to pull it off.

New Zealand wonders whether councils of tens of thousands of ratepayers are viable or whether they should be amalgamated into larger councils.

The Ch'iyáqtel nation is just over seven hundred people on a bit over a square mile of land.¹⁶ But it is growing. As Chief Epp noted, in the past year, the First Nation acquired 50 acres and added it to their jurisdiction.¹⁷

And unlike Señákw, it does not sit in the middle of a large city. Instead, Ch'iyáqtel nestles up against the town of Chilliwack, which is a bit bigger than Palmerston North.

Chapter 3 will describe some of the institutions supporting Ch'iyáqtel's turnaround in greater depth. For now, let's just see how they worked in practice.

Chief Epp pointed to work by prior Grand Chief Joe Hall, an "amazing leader that kind of set the stage". He negotiated an early services agreement with the town of Chilliwack in 1991/92.

Small reserves near larger towns are not likely to run their own water treatment plants. Contracting for that service makes more sense.

Historically, the Department of Indian Affairs and Northern Development¹⁸ negotiated agreements with municipalities or cities near Indian Reserves for these services.

Those agreements were often narrow and ad hoc. Service provision could be inconsistent.

¹⁵ Epp, Chief Derek. 2024. Podcast. Op. cit.

¹⁶ Ch'iyáqtel (Tzeachten) First Nation website, at <https://www.tzeachten.ca/economic-development>.

¹⁷ "Chilliwack First Nation Gains 50-Acre Land". News story (unsourced) reproduced on the Ch'iyáqtel website and available at <https://www.tzeachten.ca/resource/chilliwack-first-nation-acquires-50-acres-of-land-adjacent-to-its-existing-reserve-land>. See also Feinberg, Jennifer. 2025. "Land added by Ch'iyáqtel a step to 'correcting injustices'". *The Chilliwack Progress*. 16 January. Available at <https://www.theprogress.com/local-news/land-acquisition-by-chiyaqtel-first-nation-a-step-to-correcting-injustices-7762891>

¹⁸ The Department has changed names several times over the period. Prior to 2011, it was the Department of Indian Affairs and Northern Development – referred to as DIAND or colloquially as the Department of Indian Affairs. From 2011 through 2015, it was Aboriginal Affairs and Northern Development Canada. Then, for two years through 2017, it was Indigenous and Northern Affairs Canada. In 2017, the dissolution of Indigenous and Northern Affairs Canada was announced, with two new departments to succeed it. In 2019, Indigenous Services Canada and Crown-Indigenous Relations and Northern Affairs Canada were formally established. To avoid confusion with changing names, I will refer to the relevant Federal Government entity as the Department of Indian Affairs. The timeline on changing names is documented at https://lop.parl.ca/sites/ParlInfo/default/en_CA/Federal/areasResponsibility/profile?depid=3883.

While First Nations had the older Department of Indian Affairs agreements to lean on, institutional support for negotiating those agreements had not yet been built.

And the towns could be sceptical about First Nation capabilities.

Chief Epp described that agreement as “the best we were going to get” and quite progressive for the 1990s, “but if I look now, there’s no way I would sign that agreement.”¹⁹

Ch’iyáqtel’s 1991/92 agreement, and its 2006 upgrade, featured in the First Nations Tax Commission’s 2013 *Guide to Facilitated Service Agreements*.

“Tzeachten First Nation and City of Chilliwack (BC) – In 1991, Tzeachten First Nation signed a service agreement with the City of Chilliwack. The negotiations were acrimonious and neither party was particularly satisfied with the agreement. The First Nation felt they were paying too much for the services and the local government felt uncertainty about future development on Tzeachten lands. In 2006, the parties renegotiated their service agreement using FNTC [First Nation Tax Commission] facilitation services. The agreement included a comprehensive land use planning process, an agreement about development cost charges and a new pricing approach for services provided on First Nation lands. This second generation service agreement has been used as a model by other First Nations in the Chilliwack area and Fraser Valley. It demonstrates how both parties can realize mutual benefits when they focus on their common interest – regional economic growth.”²⁰

The First Nations Tax Commission’s manual also encourages Band Councils to take up training with the Tulo Centre in negotiating these service agreements – but we will come to the Commission’s and Tulo’s role in Chapter 3.

Ch’iyáqtel joined the First Nations Land Management Act in 2006 and passed its own Land Code in 2008. The Band developed an Environmental Management Plan in 2012 and handles its own Environmental Assessment process.²¹

In 2007, they took up stronger tax autonomy by acceding to the First Nation Fiscal Management Act. Property tax and assessment laws followed in 2010, followed by other laws and by-laws necessary for running a local government. A subdivision and development law was passed in 2010, a borrowing agreement law in 2012, and zoning and financial administration laws were passed in 2015. Their 2018 Land Use Plan followed. The First Nation’s various by-laws and policies are available on their website.²²

Being scheduled under the First Nations Fiscal Management Act brings access to the First Nations Finance Authority [FNFA]. The FNFA issues debt backed by the First Nation’s revenues – similar to New Zealand’s Local Government Finance Authority. Its 2025 Annual Report lists 185 members for the fiscal year to 2025, with \$1.1 billion in debentures issued that year.²³

Chief Epp explained how the pieces fit together.

¹⁹ Chief Epp, 2024. Podcast. Op cit.

²⁰ First Nations Tax Commission. 2013. *Guide to a facilitated service agreement between First Nations and local governments: First Edition*. Available at https://fnhpa.ca/Library/KC_BP_4_Strategy/Guide_to_facilitated_service_agreement.pdf

²¹ Dates here and below as provided in Chief Epp’s presentation at Te Pūnuiotoka, Tūāhuriri, October 2024.

²² <https://www.tzeachten.ca/lands/laws#land-laws-downloads>

²³ First Nations Finance Authority. 2025. “Empowering First Nations as Leaders in Canada’s Economy: 2024-2025 Annual Report.” Available at <https://www.fnfa.ca/wp-content/uploads/2025/07/FNFA-Annual-Report-2025-1.pdf>

“So we have the First Nations Tax Commission, whose main focus is to look at legislating tax regimes to support First Nations economic well-being and it enables us to act like governments.

And that First Nations Tax Commission is there to support the legislative process, to help enact the laws, to help enact the policies, to help make informed decisions. And help advocate for future taxation regimes as well.

We also have the First Nations Finance Authority.

This is probably similar in New Zealand as well. Accessing capital on reserve is extremely difficult because of the land tenure, because of the issue of ownership of land. So for the longest time we could not access capital and if we did, it was at excessive interest rates that would just cripple First Nations communities or Indigenous communities.

Now that's been a game changer for First Nations to access capital in Canada.

But the crux of it is something called the Lands Advisory Board.

The Lands Advisory Board is the jurisdiction over our land.

That's how we implement the land code that gives us the complete autonomy. In one swipe of a pen, that removed us at least 25% from the Indian Act and brought all these controls away from the federal government or the Crown to our individual First Nations community.

We make the zoning requirements, the zoning decisions, the development permitting decisions, and we act as a government that truly oversees our land.

So now we're able to take the land code as a framework and a law and actually leverage that to access capital through the First Nations Finance Authority.

Now we also have something called the First Nations Fiscal Management Board. That's where all of these laws and policies around financial capacities take place. In order to access capital through the First Nations Finance Authority, you have to go through a certification process through the First Nations Financial Management Board.

So you want to talk about internal controls. ...You have to enact, it's called the fiscal or financial administration laws. There's about 31 or 30 some odd laws that govern our internal controls to our finances.

I can't spend a penny without it being accounted for. And I think that's, that's totally fair and it should be. The way for transparency to my members and the taxpayers is that we have, you know, 30-some odd laws that guide our internal controls for financing.

And that's all through the First Nation Financial Management Board.

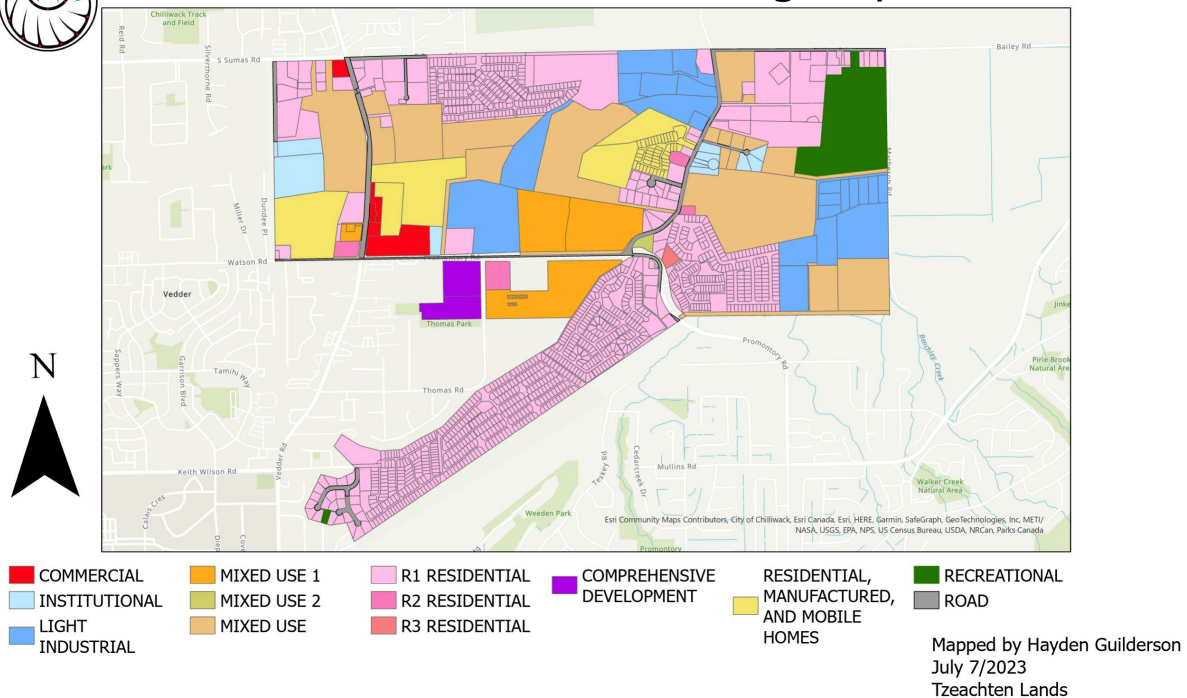
It's not like we're reinventing the wheel.”

CHIEF DEREK EPP, INTERVIEW WITH DR ERIC CRAMPTON, 18 DECEMBER 2024.²⁴

²⁴ Epp, Chief Derek. 2024. Podcast. Op. cit.



Tzeachten First Nation - Zoning Map



TZEACHTEN FIRST NATION ZONING MAP.²⁵

It's working.

By 2023, Ch'íyáqtel earned \$6.4 million in property tax revenue, \$715,000 in sales tax, and \$2.4 million in property transfer taxes.²⁶

Tax assessment is undertaken in partnership with the British Columbia Assessment Authority, which uses the same valuation practices and procedures as are used off-reserve.²⁷

And while the Band has authority to set tax rates, it adopts the same mill rates as the City of Chilliwack for parity, then settles city service costs through its service agreement. In practice, about three-quarters of the on-reserve property-tax yield covers the City's services, with Ch'íyáqtel retaining the remaining 25%.²⁸

They also earn revenue from long-term leases on residential properties that they have developed on-reserve, including subdivisions with detached homes, adult gated communities, a townhouse complex, and condominiums in a retirement community. As those properties are developed and leased, tax and lease revenue will increase. The Band also owns a commercial shopping centre, which brings in rental revenues along with sales tax revenue.

That arrangement, plus lease and transfer tax revenues, lets growth pay its own way while leaving planning, zoning and permitting decisions with the Nation.

²⁵ Zoning map available at <https://www.tzeachten.ca/lands/laws>

²⁶ See discussion in Epp, 2024. "Ch'íyáqtel (Tzeachten) First Nation – The 90 – 10 Story". Presentation to the Canadian Property Tax Association, 8 October. Available at https://cpta.org/wp-content/uploads/Tues_FNTC.pdf.

²⁷ <https://www.tzeachten.ca/lands/property-taxation>

²⁸ <https://www.tzeachten.ca/lands/property-taxation>

The First Nation's website advertises their developments where leases are available. Built on their land, on their authority, under their jurisdiction and their own environmental management, requiring the permission of no one but themselves. Ch'íyáqtel's permitting process applies the BC Building Code by reference. Under its land code authority, the Nation could adopt other codes by reference, but using British Columbia's ensures alignment with lenders, insurers and trades. They pay Chilliwack for the services that the town provides through the City's portion of property taxes collected at Ch'íyáqtel.



DEVELOPMENTS AT TZEACHTEN FIRST NATION.²⁹

In October 2024, Chief Epp addressed guests at Tūāhuriri marae, outside of Christchurch, at the third of the Hui ā Motu requested by the late Māori King Tūheitia.³⁰ He and other guests from Canadian First Nations explained their path to greater autonomy.

²⁹ Images sourced from <https://www.tzeachten.ca/lands/residential-developments>

³⁰ Chief Epp's address is available at https://youtu.be/KeHOvtD7VcY?si=TtoxpTS3G_LSVyFH&t=10677

Before taking up local autonomy, opportunities on their reserve were limited. Not having jurisdiction meant being unable to support a reasonable investment climate. The result was “high transaction costs, low investment, and poverty.”

Autonomy meant being able to build more bankable forms of secure and efficient land tenure, like long-term leases, and a more effective and efficient legal framework for on-reserve development. Governance and capabilities strengthened through training with the Tulo Centre at Thompson Rivers University. In other presentations, Chief Epp highlights that Ch'iyáqtel has many Tulo Centre graduates to help support high-quality and efficient tax administration.³¹

These together then made infrastructure investment possible, and the development that builds on that infrastructure.

He explained how they are using their autonomy to build economic self-determination, and the fruits of that self-sufficiency to plan for the seven generations ahead of them.

Broadening jurisdiction

The Indian Act has provided for adding lands to Indian Reserves: the “Additions to Reserve” process. But without proper governance and tax authority over that land, adding it to a Reserve provided fewer benefits.

The process was also lengthy – due diligence is needed when shifting land from a municipality's governance to a band council's. If the municipality had made substantial investments in infrastructure to improve the value of that land, it would rightly want to be compensated for the loss of that investment. Any third-party interests, such as leases, must also be identified and addressed.³²

Ch'iyáqtel has been building on its strong relationship with neighbouring Chilliwack to substantially speed up the Additions to Reserve process, turning years into months – as Chief Epp explained in the interview noted earlier.

He also said, “We're not done yet. I got my eyes set on another 7,580 acres, wherever it may be. And the unique part is now the local city of Chilliwack is fully behind us because they know what we can do. They know the value we can provide.” He notes that about another thousand acres is planned for Tzeachten as an independent community; the larger figure refers to planned expansion for the broader tribal government.

And they have been building on that success to improve the process for other First Nations, through the First Nations institutions described in Part 3.³³

At the same time, a strong economic base brings more employment opportunities, higher incomes, revenue to subsidise health and recreation programmes for community members, and housing for

³¹ Epp, 2024. Presentation to the Canadian Property Tax Association, op cit.

³² See discussion at the Indigenous Services Canada website, “Additions to Reserve”. <https://www.sac-isc.gc.ca/eng/1332267668918/1611930372477>

³³ See discussion in Epp, 2024. “Ch'iyáqtel (Tzeachten) First Nation – The 90 – 10 Story”. Presentation to the Canadian Property Tax Association, 8 October. Available at https://cpta.org/wp-content/uploads/Tues_FNTC.pdf.

Band members.³⁴ Economic independence means being able to invest in their own developments and become major equity owners rather than simply leasing out land.

It just works.

Other First Nations in other parts of the country have also been buying land and bringing it under their authority.

Manitoba's Swan Lake First Nation is two hours from Winnipeg, the nearest large city. Its closest neighbouring town has a population of 276.³⁵ Building subdivisions to help provide housing for a neighbouring small city is not an obvious option for them.

In 2002, the Band bought 50 acres of land just outside of Winnipeg along the Trans-Canada highway and converted it into an urban reserve under their jurisdiction. The businesses on that urban reserve help fund services and improved housing back in Swan Lake. In 2013, Long Plain First Nation similarly set an urban reserve within Winnipeg-proper, near the Polo Park retail area.³⁶

And when the Canadian Forces wished to divest the Kapyong Barracks land in southern Winnipeg, a consortium of seven Treaty One First Nations brought it under their joint governorship. Naawi-Oodena became the largest urban reserve in Canada, and the first jointly governed reserve managed under a single Land Code. They set a service agreement with Winnipeg and have planned about a billion dollars' worth of construction.³⁷

Demonstrated successes in self-governance can lead to improved processes for bringing land under First Nations' jurisdiction. The most recent central government evaluation of First Nation Jurisdiction over Land and Fiscal Management also recommended improving this process.³⁸

In the 1980s, Indian reserves were often stories of failure, poor governance, and poverty. Now, they are successes whose expansion needs to be accommodated. A true turnaround.

Señákw

In 1913, the Province of British Columbia arrived at the Skwxwú7mesh (Squamish) village of Señákw in what is now downtown Vancouver. Based on a sale agreement of dubious legality, they loaded residents onto barges and burned their homes to the ground.

³⁴ It is worth noting that support for subsidised community housing initiatives also come through grants from the Provincial government. British Columbia's "Building BC: Community Housing Fund" contributed approximately \$2.5 million toward Ch'iyáqtel's 23-unit community rental housing development opened in June 2022; the FNFA provided \$5.5 million in financing. BC's Community Housing Fund is investing \$1.9 billion in affordable mixed-income rental homes. See <https://www.tzeachten.ca/resource/new-homes-under-construction-on-tzeachten-first-nation>

³⁵ Swan Lake, Manitoba. Where the author of this note went to high school in the 1990s.

³⁶ Fontaine, Tim. 2015. "Urban reserves bringing prosperity to First Nations & neighbours." *Canadian Broadcasting Corporation* 13 March. Available at <https://www.cbc.ca/news/canada/manitoba/urban-reserves-bringing-prosperity-to-first-nations-neighbours-1.2992695>.

³⁷ National Indigenous Economic Development Board. "Naawi-Oodena: The largest urban reserve in Canada". Available at <https://www.niedb-cnede.ca/success-stories/naawi-oodena-the-largest-urban-reserve-in-canada/>.

³⁸ Crown-Indigenous Relations and Northern Affairs Canada. 2023. "Evaluation of First Nation Jurisdiction over Land and Fiscal Management". December. Available at <https://www.rcaanc-cirnac.gc.ca/eng/1710173041770/1710173077711>

Eleven of Kitsilano Indian Reserve No. 6's eighty acres had already been taken for railway use over prior decades.

Land that had sheltered at least eighteen families since time immemorial was simply taken.³⁹

Ninety years later, a small portion of that land – about 11 acres – came back to the Squamish through a quirk of railway divestment. Today, on that postage stamp of returned territory, the Nation is building 6,000 apartments in towers up to 59 stories tall. No need for Vancouver's permission. No requirement to follow city zoning.

Just the Squamish Nation exercising sovereignty over their own land.

Where colonial authorities once destroyed a village to clear Indigenous people from to-be-valuable urban land, the Squamish are now helping to solve Vancouver's housing crisis on their own terms.

The path back began in 1977 with legal claims that would take decades to resolve.

One set of claims led to a \$92.5 million settlement in 2000, whose funds were then held in the Squamish Nation Trust.

The more important one, for Seḥákw, came when Canadian Pacific Railways wanted to divest the land it had taken. In 2002, a little over a century after the land was taken for the railway, it was returned – and came under Squamish jurisdiction.⁴⁰ The land reverted to reserve status, under the authority of the Squamish.

Suddenly, the Squamish held some of Canada's most valuable real estate. Its value came not only from its location, but from its jurisdiction.

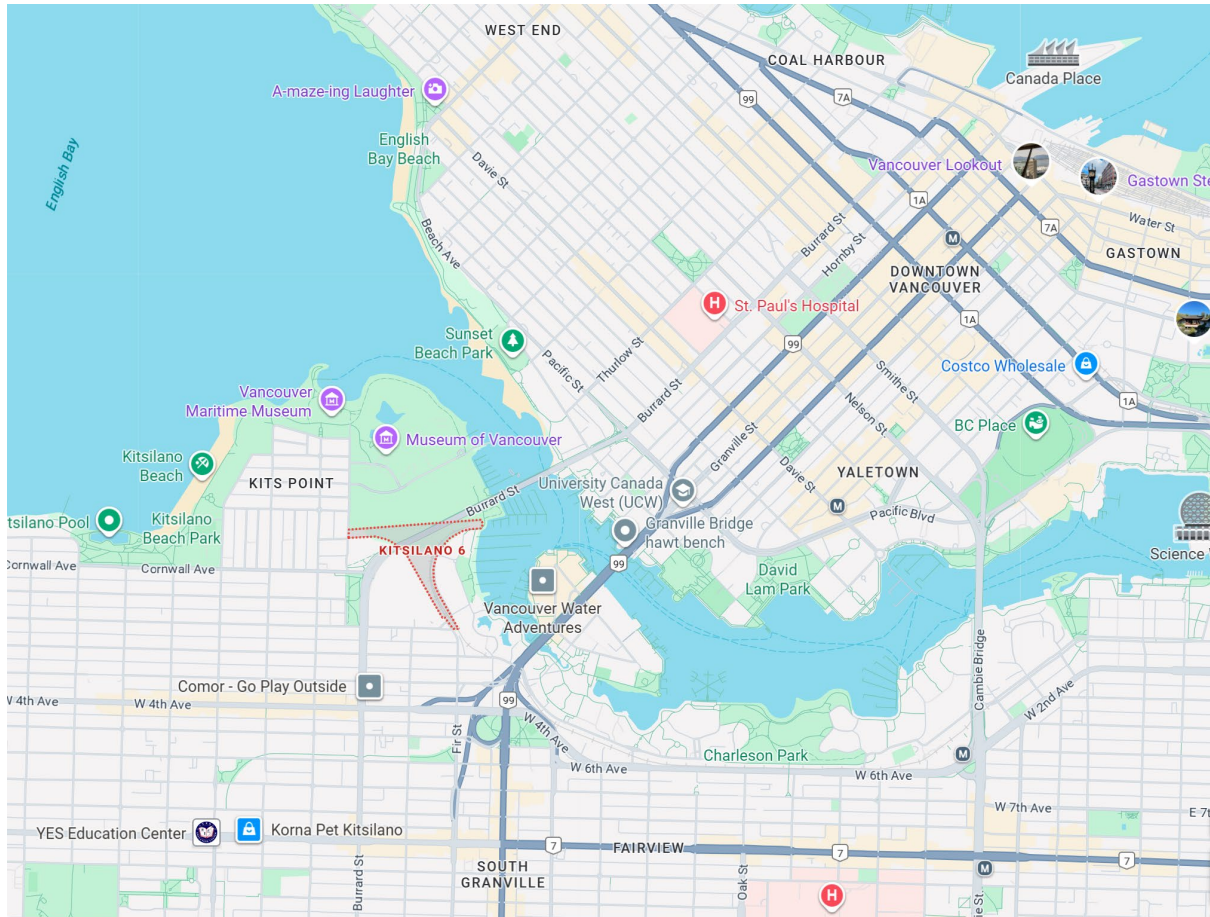
In 1977, when the claims began, that jurisdiction would have been important, but highly constrained. Doing anything on reserve would have required going through Ottawa.

But by 2002, jurisdictional authority was far more meaningful. And, three years later, the institutions to support real autonomy were established.

The Squamish took time to decide what they wanted to do with the land that had finally been returned to them. When they decided to build apartment towers, they had the authority to do it.

³⁹ Kwetásel'wet (Stephanie Wood). 2024. tiná7 cht ti temíxw (We Come From This Land). The Squamish Nation.

⁴⁰ Kwetásel'wet (Stephanie Wood). 2024. tiná7 cht ti temíxw (We Come From This Land). The Squamish Nation. pp 248-9.



LOCATION OF KITSILANO 6 RESERVE, SITE OF THE SEÑÁKW DEVELOPMENT, GOOGLE MAPS.

Stephanie Wood explains, in her history of the Squamish:

“Now, after years of planning and community consultation [among the Squamish], the Sk̓wx̓wú7mesh Úxwumixw [Squamish Nation] has begun building homes at Señákw. The Nation caused a stir in Vancouver, and nationally, when it announced it was building what the *New York Times* called the biggest Indigenous development in North America. Since the development is taking place on reserve land, it doesn’t have to follow the city’s zoning rules. In a city that is in the middle of a desperate housing crisis, with people unable to find affordable homes to rent or buy, the Señákw development will provide about six thousand homes in downtown Vancouver.”⁴¹

The project broke ground in September 2022.

⁴¹ Kwetásel’wet, op cit., pp 250-1.



SEÑÁKW PHASE 1, AS AT JULY 2025.⁴²

As of September 2025, Phase 1 of the project, three residential towers measuring 26, 31, and 39 floors, is well underway. The structure of Tower 1 is complete; drywall is complete; and cabinets are installed up to Level 22. Towers 2 and 3 are topped off and drywall is being installed. The three towers, with over a thousand apartments, are expected to be completed this year. And excavation for Phase 2 begins soon.⁴³

Contract for Service

The project is on Squamish lands and is under their jurisdiction. Permission from Vancouver was not required.

But autonomy does not mean isolationism. The Señákw project is part of the city and must connect to it.

⁴² Photo supplied by Nch'kay Development Corporation; photographer Graham Handford.

⁴³ Señákw Construction Updates. "September 2025 Community Construction Update". <https://senakw.com/construction-updates>

British Columbia's Supreme Court upheld the City's authority to contract services, confirmed that reserve zoning is not subject to City by-laws, and found no duty to consult residents before signing the agreement.⁴⁴ The need to contract for services did not create veto-points for neighbours.

A 120-year service agreement between the City of Vancouver and the Squamish Nation, effective as of May 2022, outlines the services that the City will provide to Seḥákw residents and the charges that will be levied for those services.⁴⁵ The agreement automatically renews for five-year periods at the end of its first 120-year term.

The City provides water and sewer on the same basis and in the same manner as for off-reserve users, and Seḥákw residents also receive citywide services such as fire, police and libraries.

Properties on reserve are assessed by BC Assessment, the province's property assessment authority, on the same basis as elsewhere in Vancouver. The City does not levy municipal property tax on reserve. Instead, the Squamish Nation pays an Assessment-Based Fee calculated on a city-tax-equivalent basis, and then adjusted for services the Nation self-provides. The agreement calls this the 'Equity Principle'.

Table B.1 of the Service Agreement shows the invoicing rates, relative to the City of Vancouver.

Table B.1

Service	Proportion of Tax Supported City Operating Budget (2022)*	Seḥákw Relative Rate to COV**
Police Services	42%*	100%
Fire Services	18%*	100%
Tax Supported Portion of Sewers	6%*	100%
Engineering Public Works	7%*	100%
Library Services	7%*	100%
Parks Services	10%*	50%
Arts, Culture and Community Services	7%*	75%
Planning	3%*	0%
Council and City Clerk	1%*	0%
<p>*NOTE: These percentages are for 2022 and will vary each year depending on City Council's priorities and various other factors.</p> <p>**NOTE: The Seḥákw Relative Rate percentages which are less than 100% were negotiated by the Parties to reflect (with respect to Planning and City Clerk) the Nation's status as a governmental regulatory body carrying out its own planning and governance functions (with its own elected Council), and to reflect (with respect to Parks and ACCS) certain components of the On-Reserve Public Amenities being provided by the Nation.</p>		

TABLE B.1 OF THE SERVICE AGREEMENT BETWEEN THE CITY OF VANCOUVER AND SḠWḠWÚ7MESH ÚXWUMIXW.

In the "Relative Rate to City Of Vancouver" table from the Services Agreement, the City charges 100% for services like police, fire, sewers, engineering, and libraries; 75% for arts, culture and community services; 50% for parks; and, 0% for planning and council clerk operations – so the Nation is not charged for functions it governs itself.

⁴⁴ Kits Point Residents Association v Vancouver (City), 2023 BCSC 1706. Available at <https://kpra.ca/wp-content/uploads/2023/09/Justice-Forth-re-Kits-Point-Residents-Association-v-Vancouver-City-09-29.pdf>

⁴⁵ "Seḥákw Services Agreement". 2002. Available at <https://vancouver.ca/files/cov/senakw-services-agreement.pdf>

The result is a charge designed to be comparable to what a similar off-reserve property would pay, without double-paying for self-provided services.

Project Financing

The First Nations Finance Authority lends to member Nations for projects backed by specific revenue streams. But it did not finance this project.

To see why, we need to descend into another bit of arcana on how Canadian apartment developments are financed.

The Canadian Housing and Mortgage Corporation [CMHC] is a federal Crown Corporation that provides mortgage loan insurance and backs commercial apartment development in Canada through its Apartment Construction Loan Program. Its programmes support most Canadian commercial apartment developments.⁴⁶

The CMHC's Apartment Construction Loan Programme backs apartment development during the period from construction through to stabilised operations.⁴⁷ The CMHC's \$1.4 billion construction loan for the Seṇákw development was the largest loan it had provided to that point.⁴⁸ But the loan programme is large. Cumulative through the end of 2024, the CMHC had provided more than \$21 billion in loans to help build more than 56,000 apartments.⁴⁹

The CMHC's offerings are directly suited to the type of commercial apartment development undertaken at Seṇákw.

At the same time, Seṇákw was poorly suited to the kind of lending provided by the First Nations Finance Authority.

The FNFA lends directly to First Nation governments. Seṇákw Phases 1 and 2 were set as a co-development project with the Westbank Projects Corporation, delivered through a partnership vehicle, known as Nch'kay West.⁵⁰ Westbank later sold its stake to OPTrust, a Canadian Pension Fund.⁵¹ Phases 3 and 4 remain fully owned by the Squamish.

⁴⁶ In 2024, the CMHC supported some 88% of rental apartment starts through the Apartment Construction Loan Program (7,166 apartments) or through Mortgage Loan Insurance programmes (66,680 apartments). CMHC. 2025. "Fall 2025 Housing Supply Report". Available at <https://www.cmhc-schl.gc.ca/professionals/housing-markets-data-and-research/market-reports/housing-market/housing-supply-report>

⁴⁷ "Apartment Construction Loan Program". Canadian Mortgage and Housing Corporation. <https://www.cmhc-schl.gc.ca/professionals/project-funding-and-mortgage-financing/funding-programs/all-funding-programs/apartment-construction-loan-program>

⁴⁸ Prime Minister of Canada. 2022. "Historic partnership between Canada and Skwxwú7mesh Úxwumixw (Squamish Nation) to create nearly 3,000 homes in Vancouver". Press release, 6 September. Available at <https://www.pm.gc.ca/en/news/news-releases/2022/09/06/historic-partnership-between-canada-and-skwxwu7mesh-uxwumixw-squamish>

⁴⁹ CMHC. 2025. "2024 Annual Report". Available at <https://www.cmhc-schl.gc.ca/media-newsroom/news-releases/2025/cmhc-releases-2024-annual-report>

⁵⁰ <https://senakw.com/partnership>

⁵¹ Owen, Brenna. 2025. "Westbank sells stake in massive Squamish Nation housing development in Vancouver". CBC News, 29 August. Available at <https://www.cbc.ca/news/canada/british-columbia/westbank-sells-stake-in-senakw-housing-development-1.7621169>

Señákw's Joint Venture structure and CMHC's highly competitive construction terms made the CMHC's Apartment Construction Loan Programme the natural fit. And the FNFA does not currently have the ability to lend to special purpose vehicles like the joint venture at Señákw.

So the development at Señákw took advantage of the same government-backed apartment lending programme used by other large commercial residential developments.

Negotiated solutions

The Service Agreement between the City and the First Nation demonstrates what can be achieved when both governments work together to find solutions.

Could the City enforce its by-laws on reserve? Of course not. It does not have the jurisdiction. Can the City provide services on the reserve without being able to manage the relevant infrastructure, which requires by-laws? Of course not.

But the First Nation can adopt its own by-laws mirroring the City's by-laws for utilities access.

Section 13 of the Agreement makes things clear.

The Nation acknowledges that the City may not be able to provide municipal services if the Nation does not adopt utilities services by-laws – as set out in a Schedule of the Agreement. For utilities and similar services, the Nation then enacts mirror by-laws so that City crews can enforce standard rules on reserve when delivering services (Schedule C); where a mirror by-law isn't yet in place, permit conditions track City standards.

The Schedule then explains how both parties will need to work out which by-laws are material for utilities, and how the Squamish will compensate the City for staff resources necessary to that project.

By contrast, the Squamish did not wish to adopt city business licensing and regulation by-laws for the businesses that will be located at Señákw. And they agreed that if the Nation ever changed its mind about that, the City might charge them for helping to set up and enforce those by-laws.

Every page of the agreement provides either a solution to a potential problem or a way of finding a solution.

How will off-reserve work necessary for connecting the development to the city be paid for? Off-site capacity upgrades are defined up-front as City-Delivered Works and Nation-Delivered Works, secured with letters of credit and cost-sharing formulas. The Nation paid an initial \$12.832 million toward City-Delivered Works. Ownership splits by location: off-reserve assets vest in the City; most on-reserve elements vest in the Nation.



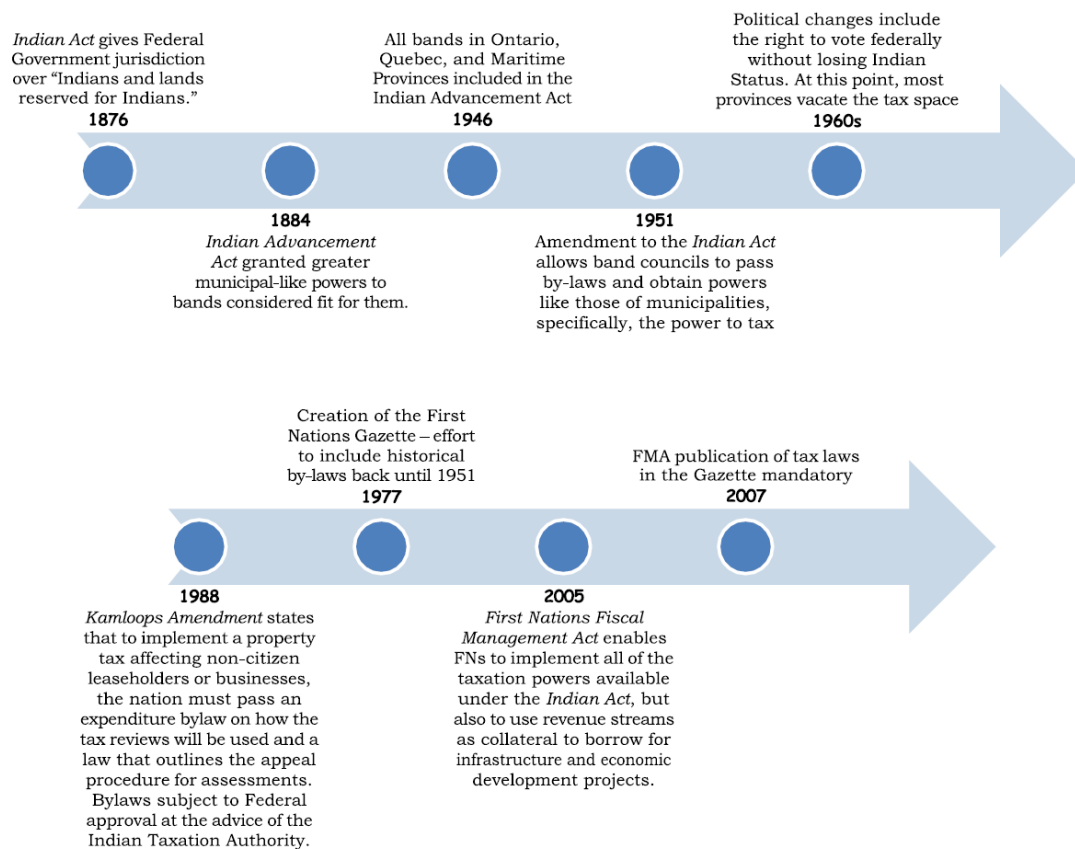
DEVELOPER'S RENDERING, SEÑÁKW

In a few months, Señákw will start taking on residents, under Squamish jurisdiction, and in partnership with the City that surrounds it. The development is taking applications to run retail services in their apartment-village and is especially interested in applications from members of the Squamish Nation.

One hundred and twelve years ago, a small village was burned and its residents dispersed. The towers that rise from those ashes are beautiful.

Crossing the stream by feeling the stones – the long path to indigenous autonomy

The path to new apartment towers at Seńákw, and to new housing and land purchase at Ch'íyáqtel, as well as the uptake of greater autonomy by First Nations across the country, has been decades-long.



TIMELINE OF SIGNIFICANT EVENTS RELATED TO FIRST NATIONS TAX POLICY, FEIR, JONES AND SCOONES, 2024.⁵²

Feir, Jones and Scoones document both the path of legislative change in Canada affecting First Nations' jurisdiction over land use and tax, and the uptake of autonomy enabled by that legislation.

The 1951 amendment to the *Indian Act* recognised Band Councils' ability to set by-laws and to tax, like municipalities, "where the Governor in Council declares that a band has reached an advanced stage of development".⁵³

The Kamloops Experiment

Legislative changes from central government, driven by demand from First Nations communities, made space for autonomy. But it did not compel it.

Among the first to take up that kind of authority, at least when it comes to by-laws, was the Tk'emlúps te Secwépemc (Kamloops). And they did it with an industrial park.

⁵² Feir, Donn, Maggie Jones, and David Scoones. 2024. "When do nations tax? The adoption of property tax codes by First Nations in Canada". *Public Choice*. 199:285-318.

⁵³ Feir et al, p. 290.

The Mount Paul Industrial Park

In 1961, Clarence Jules Sr. was elected as Chief of the Kamloops Indian Band. He believed one of the most significant barriers to his community's progress was the delays involved with economic development on reserve lands.

He believed that for his community to prosper, they needed the ability to build a local economy and generate their own revenue. In 1962, under his leadership, the Kamloops band council passed a bylaw to create the Mount Paul Industrial Park.

He put a lot of energy into building the infrastructure needed to support business, and he spent time personally convincing business owners to invest and lease land on the reserve. That wasn't an easy thing to do in the 1960s when potential investors faced uncertainty about tenure, lease registration, tax liability, and local service provision on reserve. There were also many options off-reserve that gave them that certainty.

Then, in 1968, as the federal government continued to seek ways to address Indigenous issues, they began consultations with Indigenous leaders about the changes that were needed.

When Chief Jules was asked to comment on how the Indian Act should be changed, he said, "We feel we are in a better position to judge the needs of our people than officials of the Department located in Ottawa. Much of the dissatisfaction with the present Act arises from the lack of power and authority to Band Councils."

He talked about his community's industrial subdivision and the long delays they faced in getting a lease approved. Not only did they need to develop a band council resolution for every lease, each one had to be routed round-trip through government agencies in Kamloops, Vancouver and Ottawa before it was authorized, which sometimes took several months. Often, rather than wait, the lease has gone elsewhere, which led to lost revenue for the First Nation. Its leadership wanted to see a change that allowed for decision-making authority to rest with Band Councils, so they were free to move at the speed of business.

Chief Jules was the first First Nations leader to identify the barriers to economic development that resulted from the Indian Act system of governance. He was also the first to demonstrate that these barriers could be addressed through institutional innovations and more local jurisdiction for First Nations.

After the federal government finished its consultations, it released the 1969 White Paper, which was widely rejected and seen as an attempt to assimilate First Nations people into Canada. It galvanized BC First Nations to work together to address the land question in a watershed moment that ultimately led to the creation of the Union of BC Indian Chiefs.

In response to the backlash across the country, the federal government withdrew the paper, signalling another stumble in its attempt to address Indigenous issues. At the same time, Chief Jules' way of thinking catalyzed a new way forward that was Indigenous-led and rooted in Indigenous economic and fiscal jurisdiction.

As a result of his vision and perseverance, the Mount Paul Industrial Park has grown from 11 original businesses in 1964 to more than 150 today, with annual sales of more than \$250 million. It has become one of Canada's most successful First Nation commercial developments due to the First Nation's ability to combine its ingenuity and innovative thinking with jurisdiction, tools, and resources to realize their community's goals.

MOVING AT THE SPEED OF BUSINESS. TULO CENTRE. 2022.⁵⁴

Kamloops took up the autonomy allowed in the new legislation, and quickly found its limits.

The Mount Paul Industrial Park provided lease revenue, but not a property tax base. The Province of British Columbia retained the right to collect taxes from non-Nation leaseholders.⁵⁵

That made it difficult to exercise the autonomy enabled by legislation. Without a tax base, it is hard to provide services.

Progress was an evolutionary process. First Nations demanded more enabling legislative frameworks. Ottawa legislated. Nations like Kamloops took up the challenge, demonstrating how to make autonomy work while also finding the next necessary stones for crossing the river. And that set the stage for the next set of reforms.

Almost three decades later, Chief Clarence Jules Senior's son, Clarence T. 'Manny' Jules, who had also been elected Chief, spearheaded the 1988 Kamloops Amendment to the Indian Act.

Building the Tools

By 1988, First Nations could set by-laws and some taxes on reserve. But that authority was heavily regulated and managed by Ottawa. The tax authority left substantial gaps.

The 1988 Kamloops Amendment clarified jurisdiction and requirements for on-reserve property taxes. Implementing a property tax affecting leaseholders or businesses who were not members of the First Nation would require passing an expenditure by-law, along with an appeals procedure for assessments. The by-laws would remain subject to federal government approval.⁵⁶

The Amendment was an improvement. But land use remained heavily regulated by the Indian Act – until a path to land use autonomy was set in 1996. And where municipalities could use property tax revenue to back debt, First Nations could not – until 2005.

The *First Nations Fiscal Management Act* (2005) built a new set of fiscal institutions.

⁵⁴ Tulo Centre. 2022. "Moving at the speed of business". Available at <https://www.tulo.ca/news/moving-at-the-speed-of-business>

⁵⁵ Tk'emlúps te Secwépemc. "Lands, Leasing & Taxation". <https://tkemlups.ca/lands-leasing-tax/>

⁵⁶ See discussion in Feir et al, at pp 290-1.

The First Nations Tax Commission

The First Nations Tax Commission assists in developing tax codes and regulates their implementation. It also facilitates service and infrastructure agreements between municipalities and First Nations – as it did with Ch'íyáqtel and Chilliwack in 2006.

According to Feir et al, “The Tax Commission generally will approve tax laws that are equivalent to the nearest municipality and will only approve a tax law if the nation can demonstrate they will provide comparable services.”

The Commission’s purposes are established in the Act:

Mandate



SECTION 29 (s. 29) of the *First Nations Fiscal Management Act (FNFA)* establishes the purposes of the First Nations Tax Commission:

The First Nations Tax Commission will:

- Ensure the integrity of the system of First Nations real property taxation and promote a common approach to First Nations real property taxation nationwide, having regard to variations in provincial real property taxation systems
- Ensure that the real property taxation systems of First Nations reconcile the interests of taxpayers with the responsibilities of Chiefs and Councils to govern the affairs of First Nations
- Prevent, or provide for the timely resolution of, disputes in relation to the application of local revenue laws
- Assist First Nations in the exercise of their jurisdiction over real property taxation on reserve lands and build capacity in First Nations to administer their taxation systems
- Develop training programs for First Nations real property tax administrators
- Assist First Nations to achieve sustainable economic development through the generation of stable local revenues
- Promote a transparent First Nations real property taxation regime that provides certainty to taxpayers
- Promote understanding of the real property taxation systems of First Nations; and
- Provide advice to the Minister regarding future development of the framework within which local revenue laws are made

SOURCE: FIRST NATIONS TAX COMMISSION

The Commission’s assistance extends well beyond tax.⁵⁷ It helps develop regulatory policy and sets sample laws and by-laws. It publishes the First Nations Gazette, a database of First Nations laws and by-laws. It provides facilitative support in setting service agreements.

Financial Management Board and the First Nations Finance Authority

The Act also set the Financial Management Board to assist First Nations with financial administration, preparing them to be able to borrow through the First Nations Finance Authority [FNFA], which was also established through the 2005 Act.

The FNFA enables First Nations to borrow against pledged revenues, including tax revenues and fees imposed by a First Nation, royalties payable to a First Nation, revenues from leases, permits, or other instruments, revenues received under contract, and transfers from other governments.

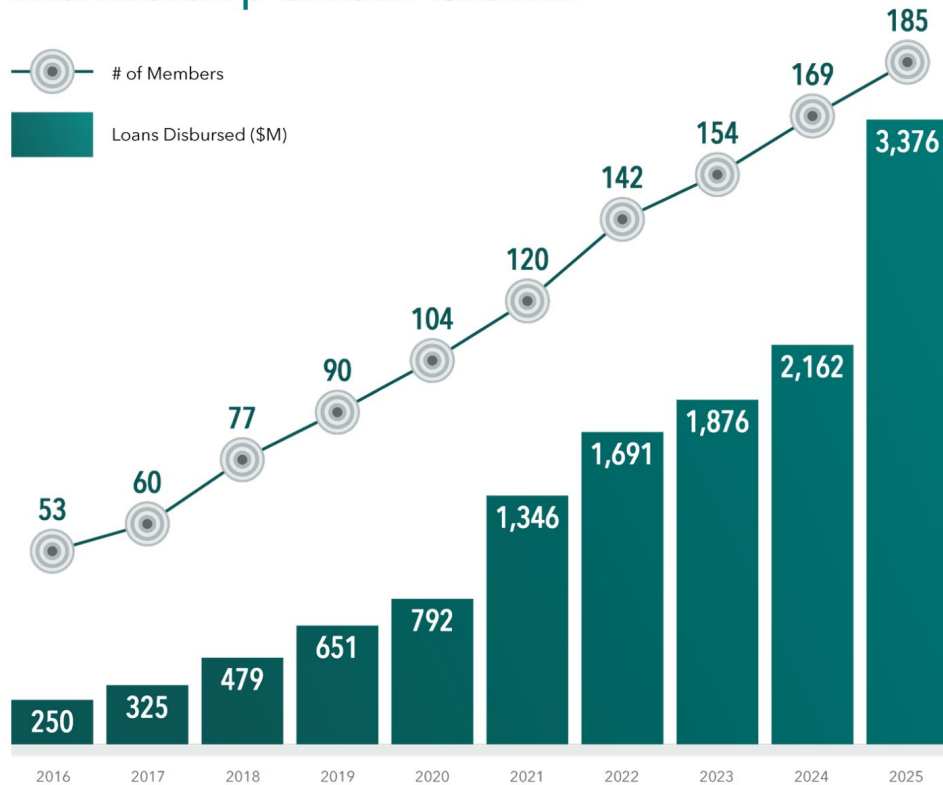
It can only lend directly to First Nation governments but has been seeking the ability to lend directly to Special Purpose Vehicles that have loan guarantees.⁵⁸ Loans must be unanimously approved by the FNFA Board.

Over the past decade, membership in the FNFA has expanded considerably, as has the FNFA’s balance sheet.

⁵⁷ A more comprehensive list is available at <https://fntc.ca/functions-services/>

⁵⁸ See the First Nations Finance Authority Annual Report, 2024-25, p.12. Available at <https://www.fnfa.ca/wp-content/uploads/2025/07/FNFA-Annual-Report-2025-1.pdf>

Membership & Loan Growth

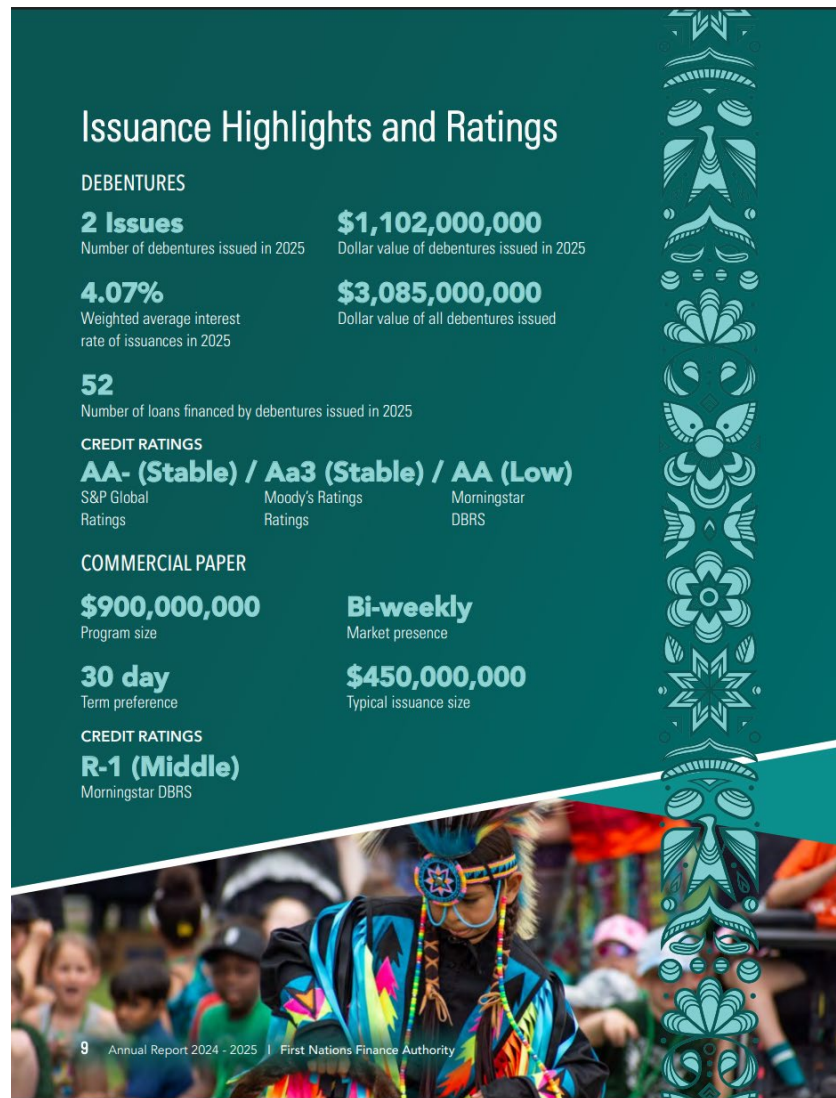


SOURCE: FIRST NATIONS FINANCE AUTHORITY.

The FNFA's debentures rated A- in 2014, rose to just under AA- by 2023,⁵⁹ and are now rated between AA- and AA. The FNFA reports that it "has never had a member default on a loan or had to enact any of the protections."⁶⁰

⁵⁹ Lovely, Warren. 2023. "FNFA: Loan book, profitability, track record & remit are all building." Market View VII:45 (30 May), National Bank of Canada. Available at https://www.nbc.ca/content/dam/bnc/taux-analyses/analyse-eco/mkt-view/market_view_230530.pdf

⁶⁰ First Nations Finance Authority. 2025. "Empowering First Nations as Leaders in Canada's Economy. 2024-25 Annual Report." p. 10.



SOURCE: FIRST NATIONS FINANCE AUTHORITY, 2024-25 ANNUAL REPORT.

The *First Nations Fiscal Management Act* established the fiscal institutions necessary for supporting autonomy.

The *Framework Agreement on First Nation Land Management* set the path out from under Ottawa's thumb when deciding on land use.

The Lands Advisory Board and the First Nations Land Management Resource Centre

The Lands Advisory Board and the First Nations Land Management Resource Centre are the land governance counterparts to the fiscal institutions already described.

Chief Epp described the Lands Advisory Board as “the crux” of autonomy.

The Indian Act contains forty-four sections governing on-reserve land use⁶¹ and makes doing anything on-reserve far more difficult than doing the same thing off-reserve.

⁶¹ Lands Advisory Board. <https://labrc.com/lands-advisory-board/>

The Lands Advisory Board is available for First Nations wanting to take up authority over their own land, opting out of the Indian Act's land management provisions.

It began with the *Framework Agreement on First Nation Land Management* – an agreement set by thirteen First Nations in 1996.

That agreement created the Lands Advisory Board. And the Board created the Resource Centre.

The Lands Advisory Board turned the kinds of small pilots that had already been run, like the Mount Paul Industrial Park in Kamloops, into a repeatable process for other First Nations.

Here is how it works in practice.

A First Nation wanting to opt out of the Indian Act's land use provisions must create its own Land Code, but not without help. The First Nations Land Management Resource Centre provides training, templates, and knowledge-sharing.

The Land Code must have the support of its community, or the process cannot proceed. The community must ratify the Code.

An independent verifier, jointly selected by the First Nation and the Government of Canada, confirms the community ratification process and the Land Code.

That Land Code then becomes the basic land law of the First Nation, replacing the land use provisions of the Indian Act.

The Framework Agreement replaces the 44 lands-related sections of the Indian Act with the First Nation's own laws through a community-developed and approved land code. Once the First Nation land code is enacted, the First Nation governs its reserve lands, natural resources, and environment according to their cultural values and priorities. Additionally, First Nations communities can now move at the pace of business, process land transactions more quickly, and encourage a more attractive climate for business and investment, creating more jobs and economic opportunities.

The Framework Agreement has a proven track record, having released roughly 20% of First Nations from under the colonial Indian Act lands system while enhancing environmental protection and facilitating increased economic development through modern governance systems, lawmaking and policies, and timely decision-making. Unlike under the Indian Act, First Nations completing the Framework Agreement process enjoy a regulation-backed lands registry system that is priority-based, paperless, and instant. This means greater land certainty, reduced or eliminated transaction costs and increased financing options for infrastructure, housing, capital and economic development projects.

FROM *A HISTORY OF THE FRAMEWORK AGREEMENT ON FIRST NATION LAND MANAGEMENT*. 2021.⁶²

The set of institutions, together, work to reduce transaction costs for First Nations wishing to take up greater autonomy. They also build confidence for off-reserve investors in on-reserve activities, addressing many of the uncertainties identified when Chief Jules, Senior, set the Mount Paul Industrial Park.

⁶² Lands Advisory Board. 2021. <https://labrc.com/our-history/>

And, perhaps most importantly, they help to improve governance within First Nations. None of this could have proceeded without building trust and capability along the way.

When the process of taking up greater autonomy began, governance across reserves was highly variable and often poor.

An April 2011 early-stage evaluation of the Implementation of the First Nations Fiscal Management Act⁶³ noted the context in which that Act was set. Building governance and capability was essential.

A 2007 Special Study by the Standing Senate Committee on Aboriginal Peoples⁶⁴ identified key barriers to Aboriginal community economic and business development as: access to capital; legislative and regulatory barriers, particularly those posed by the *Indian Act* making it difficult to secure loans using land and other assets as collateral; lack of governance capacity; infrastructure deficits, limited access to lands and resources; building human capital; and a fragmented federal approach to and limited funding for economic development.⁶⁵

With respect to governance capacity, the Committee commented that the ability to make good decisions requires capable governance and governing institutions. As Aboriginal people acquire increased decision-making authority over their lands and resources, there is a need to invest in governance (or institution) building.⁶⁶ The report cites the FSMA along with the *First Nations Land Management Act* (FNLMA), the *First Nations Oil and Gas and Money Management Act* (FNOGMMA) and the *First Nations Commercial and Industrial Development Act* (FNCIDA) as recent developments in institution building in this area.⁶⁷

This evidence of relevance is further echoed in research conducted by the Institute on Governance, which has identified key elements of the First Nation governance system that, when combined, produce a degree of dysfunction in governance that is unmatched in any other jurisdiction in Canada. These elements include a lack of checks and balances, a startling number of regulatory gaps and dependence on federal government transfers (due to a lack of locally generated revenue through user fees and taxation).⁶⁸ Moreover, in a roundtable discussion on how First Nations can manage their wide ranging complex government functions, John Graham argues that aggregation is a compelling option because it can increase a community's economy of scale, help separate regulator functions from service delivery and increase the pool from which core competencies and skills can be drawn.⁶⁹

⁶³ Note that the legislation had initially been named the First Nations Fiscal and Statistical Management Act, and was renamed the First Nations Fiscal Management Act in 2013. The Review uses the Act's earlier name, and is available at <https://www.rcaanc-cirnac.gc.ca/eng/1320691523906/1541013933936>.

⁶⁴ The Review here cites Standing Senate Committee on Aboriginal Peoples, *Sharing Canada's Prosperity - A Hand Up, Not a Handout*, Final Report, Ottawa, March 2007, pp. 7-8.

⁶⁵ The review here provides the following footnote: "The report notes that approximately 11 federal departments and agencies deliver 27 different economic development programs targeted to Aboriginal people resulting "in a lack of coordination and duplication among federal programs, lost economic opportunities due to bureaucratic delays and fragmentation of program delivery."

⁶⁶ The review here cites Standing Senate Committee on Aboriginal Peoples, p.8.

⁶⁷ The review here cites Standing Senate Committee on Aboriginal Peoples, p.49.

⁶⁸ The review here cites John Graham. 2010. *The First Nation Governance System: A brake on closing the Community Well-being Gap*. Institute on Governance.

⁶⁹ The review here cites John Graham. 2004 *Roundtable on Aggregation and First Nation Governance*. Institute on Governance.

FSMA can be seen as an informed response to the above needs by creating four institutions (FNTC, FMB, FNFA and FNSI) to help develop financial management capacity, and to provide regulatory oversight over First Nations that are exercising jurisdiction over the collection of property tax and accessing loans through a pooled borrowing regime. As indicated by key informants, FSMA set in motion powers (the capacity to collect taxes and ensure accountability to taxpayers), which are consistent with the kind of powers utilized by other governments, including local governments and provinces.

The process of building First Nations autonomy in Canada did not begin with uniform high-quality on-reserve governance. Instead, the process provided a framework for building that capability, beginning with those most ambitious for change, and providing not only an example for others to follow, but also institutions to help them along the way.

Success may be contagious

Uptake of these new institutions and greater autonomy was at the discretion of each First Nation. They could each choose to opt into the new Framework when the time seemed right for them. Those hesitant or those for whom the new institutions provided little benefit did not need to oppose the legislation to avoid having to meet the new standards. They could simply choose not to opt in.

In his address at Te Pūnuiotoka, at Tūāhuriri, in October 2024, Tk'emlúps te Secwépemc Chief Manny Jules explained some of his father's lessons. Choosing to work with the like-minded can be more productive than trying to convince everyone. The 2005 legislation enables those who wish to take a different approach, without forcing that approach on others.

And demonstrated success can be its own convincing argument.

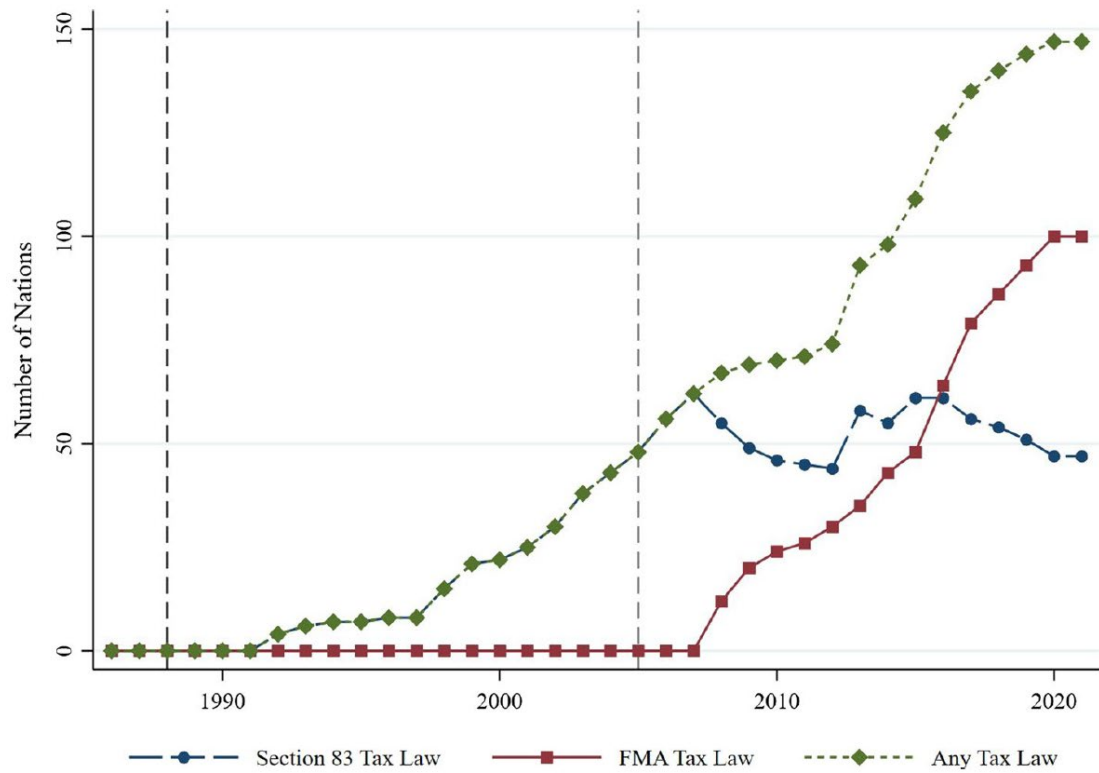
The 1988 Kamloops Amendment to the Indian Act, Section 83, enabled First Nations to set local property taxes. Uptake was initially slow but grew quickly after 2000. After 2005, uptake of Section 83 tax authority slowed considerably, and some Nations replaced their Section 83 tax code with accession to the First Nations Fiscal Management Act.

By 2021, 309 First Nations had opted into the First Nations Financial Management Act's provisions – almost half of the total.

Fewer had taken up tax authority or implemented a tax code. Debt issued through the FNFA can be backed by a wide range of pledged revenue streams. Those pledged revenues go directly to the FNFA. As of the FNFA's 2024/25 Annual Report, over 70% of those pledged revenues come from federal or provincial contracts.⁷⁰

Property tax revenue is often instead used to purchase services from adjacent municipalities.

⁷⁰ First Nations Finance Authority Annual Report 2024-25, p.10. Available at <https://www.fnfa.ca/wp-content/uploads/2025/07/FNFA-Annual-Report-2025-1.pdf>



UPTAKE OF FIRST NATIONS TAX AUTHORITY OVER TIME, FEIR ET AL (2024).

Uptake of tax jurisdiction spread out geographically, over time, from Kamloops – as Feir et al document. Their map is replicated below.

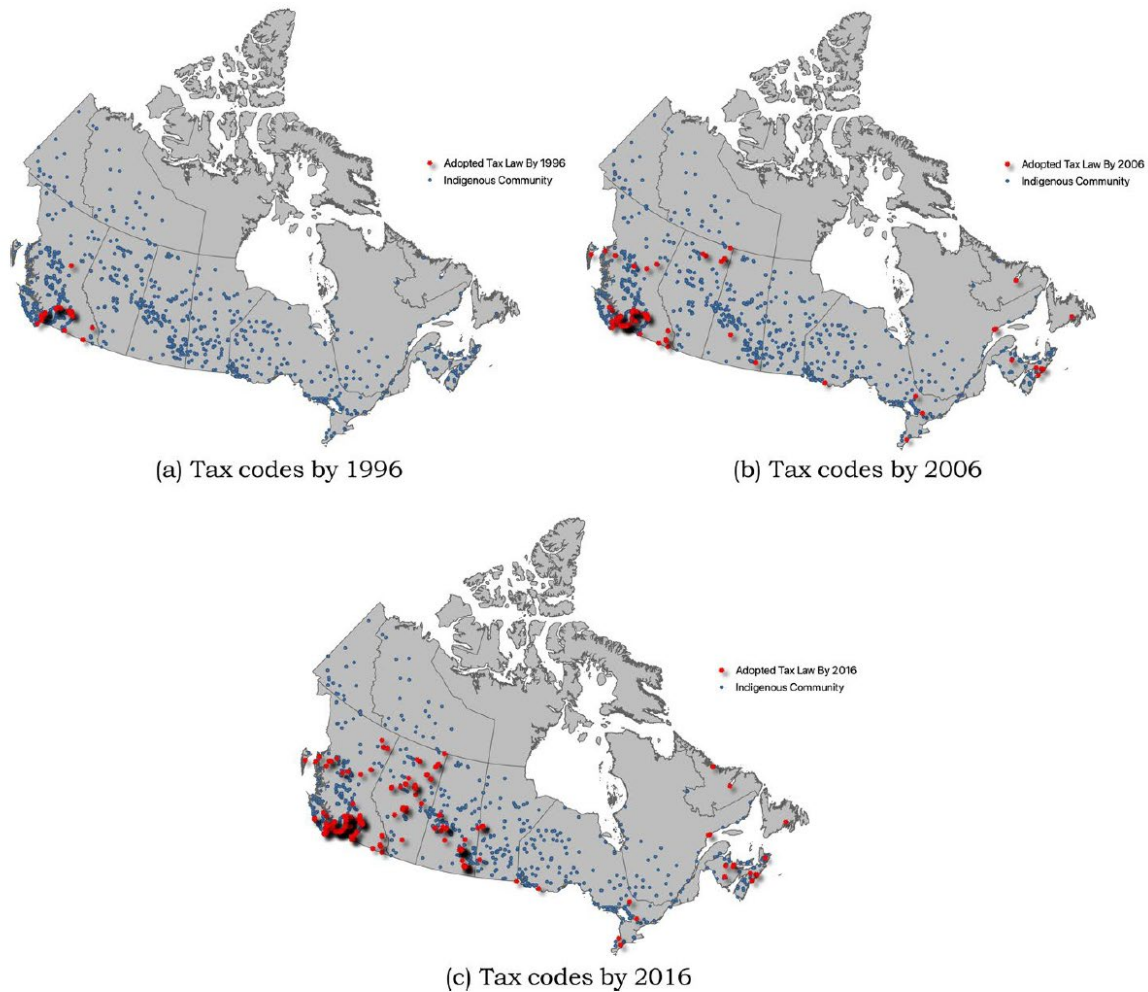


Fig. 3 The geographic spread in the adoption of tax codes over time. Notes: This plot displays the geographic location of First Nations communities that adopted tax codes at three points in time: 1996, 2006, and 2016. Blue circles correspond to the location of First Nations communities and red stars correspond to First Nations communities that adopted a tax law by the reported census year

SPREAD OF FIRST NATIONS TAX AUTHORITY OVER TIME, FEIR ET AL (2024).

Uptake began near Kamloops in central British Columbia. By 2006, more First Nations communities near those early-adopters had also taken up tax authority – along with a few scattered others. By 2016, still more First Nations had joined – and again near others.

More formal statistical work in that study demonstrates that reserves closer to a metropolitan area, and reserves closer to Kamloops, were more likely to take up taxation authority. Reserves with a larger non-indigenous population prior to 1988 and with higher average dwelling values were also more likely to take up a tax code.

Distance from Kamloops can matter for two reasons.

First, two core institutions supporting First Nations autonomy are based there.

The First Nations Tax Commission, now headed by Chief Manny Jules, is at Tk'emlúps te Secwépemc near Kamloops. Being closer to the Commission, and its assistance in both setting tax codes and negotiating service agreements, can matter.

The Tulo Centre, established in 2008, is also based at Tk'emlúps te Secwépemc. That Centre describes itself as “the applied research and training home for indigenous jurisdiction and institutional innovation.” It partners with Thompson Rivers University in Kamloops, to provide accredited courses. The Centre provides training in tax administration, applied economics, and in applied land management. Put most simply, it teaches people how to successfully run a First Nations community as a local government.

The Centre also maintains partnerships and memoranda of understanding with indigenous institutions in Canada, such as the First Nations Tax Commission and the First Nations Financial Management Board, and internationally, like the American Indian Infrastructure Association and the Ngāi Tahu Research Centre.

Proximity to both will matter.

But there may also be a learning-by-seeing aspect. Success can be its own advertisement. In places where a few First Nations took up tax authority in 2006, others appeared to have followed by 2016 – at least according to the map. However, formal testing of this ‘learning-by-seeing’ aspect has not been undertaken.

Success in land use authority also spread.

Thirteen First Nations signed the Framework Agreement in 1996. By 2013, that number had grown to 84.⁷¹ As of early August 2025, 120 First Nations had operational Land Codes under the Framework and 48 more were under active development. Total signatories tally 217, including those that have only expressed formal interest.

Communities with operational land codes are concentrated in British Columbia but they are also spread across the country. Numbers in dots in the map below represent the number of Nations in each area with operational codes.

⁷¹ Framework Agreement on First Nation Land Management, Executive Summary. 2013. Available at <https://kettlepoint.org/wp-content/uploads/2017/09/Summary-of-Framework-Agreement.pdf>



FIRST NATIONS WITH OPERATIONAL LAND CODES, LANDS ADVISORY BOARD, SEPTEMBER 2025.⁷²

⁷² Map available at <https://labrc.com/map/>. A larger number of First Nations are signatories; the map here filters for those with operational land codes.

The process toward greater First Nations autonomy on their own lands, which Kiwis may recognise as *rangatiratanga*, was incremental. Crossing the river by feeling the stones. Jurisdiction would advance, innovative First Nations would demonstrate what could be done with it, so others might follow. The next advance could then be built on prior success.

At any point, the process could have stopped. If on-reserve land authority among first-movers failed, it would have been hard to make the case for tax authority to complement it. Instead, Ottawa would have reverted to more paternalistic authority.

If fiscal authority had been squandered, borrowing against revenue would not have progressed, as there would have been neither commercial nor political appetite. Instead, the need for credible fiscal institutions to support tax and borrowing authority built governance capability – addressing a substantial underlying problem.

And if land use autonomy had resulted in environmental or social disaster, Ottawa would not have been slow to reassert control. But First Nations wanted the project to succeed. The willing and capable moved first, building the institutions necessary so that later followers could also succeed.

The opt-in process helped ensure success. First Nations with vision and capability could forge the path. Their example provided others not only with a good reason to strengthen their own governance to follow, but also with assistance along the way.

Setting the Guardrails

It is probably worth summarising the guardrails that the system, overall, provides.

Reserves contract for services with adjacent municipalities using service agreements, with pricing tied to assessed value and service budgets. Reserves are not charged for services that they provide themselves.

The First Nation sets property tax on reserve, but tax assessments are outsourced to the province's agency. That gives leaseholders confidence that the Nation will not de facto expropriate leaseholders through reassessments. And assessment appeals track standard provincial processes – as set out in the service agreements.

Municipalities providing services on reserve can enforce service-delivery standards where enabled by mirror by-laws adopted by the Nation.

Land Codes limit expropriation to community works, require market-value compensation, and mandate annual audits and conflict-of-interest rules. The Lands Board provides extensive support. And Codes cannot be adopted without the support of their communities.

Membership in the First Nations Finance Authority brings greater fiscal discipline; lenders treat its debentures as municipal-grade infrastructure finance.

The Tulo Centre and the First Nations Tax Commission help build capabilities so that success can spread, and other Nations wishing to take up greater autonomy are not setting themselves up for failure.

Devolution and autonomy, combined with institutions to build governance capability and multiple accountability safeguards.

Lessons for New Zealand

In 2024, I joined a study tour visiting British Columbia, mainly looking at health devolution to First Nations.⁷³ The study group included nib's Rob Hennin, Sarah McBride and Ros Toms; Te Runanga o Ngāti Porou's George Reedy, Ngāti Whātua Ōrākei's Tom Irvine and Rangimarie Hunia, and Ngāti Awa Social and Health Service's Enid Ratahi-Pryor.

Somewhat cheekily, I diverted part of the study trip to visit Kamloops so that we could meet with First Nations Tax Commissioner and Tk'emlúps te Secwépemc Chief Manny Jules.

When we met with Squamish, Ngāti Whātua Ōrākei's Tom Irvine explained the traditional proverb that, for Māori, the most important thing in the world is people: he tangata, he tangata, he tangata. But Irvine had a slightly different take on it:

He aha te mea nui o tēnei ao, he tangata, he takiwā, he kaupapa.

What is most important is people, place, and purpose.

The people of Ch'iyáqtel have a purpose. They want to again be the place of the fish weirs. And they have the rangatiratanga to do it – they are masters on their land.

The Squamish have a purpose. They want to build housing and opportunities on land taken from them a century ago, and now again under their jurisdiction. And they have the rangatiratanga to do it – they are masters on their land.

New Zealand's hapū have their people. They have their places. And they have their purposes. But they have not had the local authority to achieve all of their purposes – despite a Treaty promising not just rangatiratanga, but tino rangatiratanga over their own land. Not just governorship, but supreme governorship.

Even something as simple as moving a water tank on a marae requires seeking the consent of the local council. Iwi have even been required to prove to council that their developments are sufficiently culturally appropriate, as if the council could possibly be a better judge of that than tangata whenua.

In Canada today, nobody would dream of telling a First Nation that it needed to seek permission of anyone to build a longhouse – or an apartment tower – on their own land. They would need to find investment partners to back it, secure financing, and come to an agreement for any needed services. If they wanted to levy property taxes on their leaseholds, they would need to meet the standards set out by the First Nations fiscal institutions.

But securing municipal services begins with two governments negotiating with each other to their mutual benefit in an agreement for services, not from a position of supplication for consent.

Choosing to work with the like-minded was only one of the lessons that Chief Manny Jules provided Tūāhuriri a year ago. Another was that “you can't fix a flat tyre like the Indian Act by yelling at it.” The combined lesson was just to start doing things at a local level, rather than spending decades arguing about it at a national level.

Approximately six percent of New Zealand is land held under Māori land tenure. Decades of attempts to make Māori land tenure workable at the central government level have not proven successful.

⁷³ Crampton, Eric. 2024. *Local Cures: A Travelogue*. The New Zealand Initiative

Service provision on Māori land is poor, in part because much Māori land is exempt from the rates that pay for services, and in part due to unworkable land tenure.

We could take a few lessons from Chief Jules. Kamloops tried something new, showed that it worked, built the institutions that could help others follow, and continued moving forward.

A hapū here could propose taking up council-style rangatiratanga over their own lands: land held as Māori reserve, and lands in their takiwā held under Māori land tenure.

They could set rates over their land, zone it as they needed, and build infrastructure to support it – in the same way that councils can. Canada provides examples of service-level agreements that could help enable effective service delivery.

They could also take on the authority to come up with better solutions for land held under Māori land tenure. Different hapū will come up with different solutions; if any one solution could work everywhere, central government might have already found it. More likely, solutions will be local.

If a first-mover proves successful, others could follow through with an opt-in process similar to Canada's.

The Canadians have already provided proven examples for the kinds of fiscal institutions that can secure and spread success. Spreading that success does not need to end at Canada's Pacific border. Grand Chief Michael LeBourdais, Chair of the Tulo Centre, also spoke at Tūāhuriri – along with Chief Commissioner Manny Jules and Chief Derek Epp, who is now Board Chair with the First Nations Finance Authority.

Dialogue and partnership across the wide ocean is already well underway.

Their assistance would mean that devolution to hapū here would have a running start.

And it would recognise tino rangatiratanga in ways potentially more meaningful than the usual Wellington rounds of consultative hui.

It seems worth trying.

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