

# AANAC says it has final say on Six Nations lands, not band council

By Lynda Powless  
Editor

A bizarre land flipping scheme aimed at removing a band imposed land restriction on a Highway 54 parcel was approved by Aboriginal Affairs and Northern Development Canada (AANAC) who says it only alerts band council of transfers as a courtesy.

That land now houses a cigarette shop and soon to be gas station, all without a business recognition letter from band council and despite restriction deeming the property was only to be for residential use.

AANAC told Turtle Island News, the band council only has authority to prepare and process land transfers.

The approval of those transfers lies with the AANAC Minister. The issue arose when Six

Nations Band Council questioned how Ken Mt.Pleasant was able to transfer his property on Highway 54 from himself, to his sister, who works in the band's lands department, and back to himself recently in an attempt to remove band limits placed on use of the property almost two decades ago.

Mt.Pleasant was one of three band members who purchased band land through the Certificate of Possession process the band operates.

The property on Highway 54, near Painter Road (at the reserve's boundary) was band owned land.

The band put the property up for sale through a tender process. Three people purchased the property all signing agreements the properties were all to be used only for residential

purposes. One of the three has abided by the restriction.

The other two, owned by Mt.Pleasant, and Sault, house commercial enterprises.

Both businesses have approached band council in the past asking for business recognition letters and both have been rejected reminding the owners they were not to build businesses on the property.

Mt.Pleasant is attempting to start a gas station to add to his cigarette shop but needs a business recognition letter to receive gasoline. (See story page 2)

To avoid the property restriction, Mt.Pleasant transferred the property to his sister, who works in the land's department.

The transfer documents were sent to AANAC's Brantford office, without

the land limitation agreement.

AANAC transferred the property to the sister.

Recently AANAC transferred the property back to Mt.Pleasant, again without the land limitation attachment or AANAC being told that it existed, said Geneviève Guibert, AANAC media relations in an email.

But she says band council knew the transfers were taking place and did not object.

"The land was allotted to Mr. Mt.Pleasant by Band Council Resolution. The transfer of land from Ms. Mt.Pleasant was also done at the Six Nations Land Office and obtained Band Council Approval. The transfer was then submitted by the Band Council to AANAC for approval and processing for registration at the Indian Lands Registry.

She said AANAC "did not override a Band Council Resolution or any policy the First Nation may have regarding how Six Nation's reserve land may be used. According to departmental records, there are no land use bylaws on record. In this particular case, the individual holding the Certificate of Possession had the land transfer executed at the Six Nations Lands Office. The land transfer was initiated by Six Nations lands staff and then brought to AANAC's Brantford Office for registration in the Department's 'Indian Land Registry'. It is the responsibility of an individual holding a Certificate of Possession to find out if their First Nation has restrictions on land use and discuss concerns with their Chief and council."

She said AANAC did not

approve the use of the property of for a smoke hut. "AANAC only approved the transfer of land."

She said band council approval of transfers is not needed.

"Six Nations Council has the authority to prepare and process land transfers; however, approval rests with the Minister of AANAC. Council approval is given in the initial allotment of land; there is nothing in the Indian Act that says it is required after that. In fact, the Indian Act does not provide for such approval at all. AANAC asks for the band council approval as a courtesy to the First Nation."

Six Nations Band Council has asked its Senior Administration Officer Dayle Bomberry to investigate the land transfer and involvement of lands staff. No re-