

**LOWER MAINLAND TREATY ADVISORY COMMITTEE
EXECUTIVE COMMITTEE
REGULAR MEETING**

January 12, 2005

Minutes of the Regular Meeting of the **Lower Mainland Treaty Advisory Committee (LMTAC) Executive Committee** scheduled 3:00 p.m. to 4:00 p.m. on Wednesday, January 12, 2005, in the 2nd Floor Café East Boardroom, 4330 Kingsway, Burnaby, B.C.

| ATTENDANCE: | | |
|--------------------------------|--|------------------------------------|
| JURISDICTION: | LMTAC ELECTED REPRESENTATIVE: | LMTAC STAFF REPRESENTATIVE: |
| Maple Ridge, District of | Councillor Candace Gordon (Vice Chair) | |
| Bowen Island, Municipality of | Mayor Lisa Barrett (via teleconference) | |
| Burnaby, City of | | Kimberly Flick |
| Greater Vancouver RD | | Marino Piombini |
| Richmond, City of | Councillor Linda Barnes (arrived 2:44 p.m.) | |
| Squamish, District of | Councillor Corinne Lonsdale (via teleconference) | |
| Sunshine Coast RD | Director Barry Janyk (arrived 2:34 p.m.) | |
| LMTAC STAFF ATTENDANCE: | | |
| Kirstie Pirie | LMTAC Manager | |
| Regan Schlecker | Aboriginal Affairs Analyst | |
| PREPARATION OF MINUTES: | | |
| Carrie Peacock | Recording Secretary, Raincoast Ventures | |

Call to Order

Vice Chair Gordon confirmed a quorum was in attendance and called the meeting to order at 2:20 p.m.

1. AGENDA FOR ADOPTION

1.1 January 12, 2005

It was MOVED and SECONDED

THAT the Agenda for the Regular Meeting of the LMTAC Executive Committee scheduled January 12, 2005, be adopted as presented.

CARRIED UNANIMOUSLY

2. MINUTES FOR ADOPTION

2.1 December 8, 2004 LMTAC Executive Committee Meeting

It was MOVED and SECONDED

THAT the Minutes of the Regular Meeting of the LMTAC Executive Committee held December 8, 2004 be adopted as circulated.

CARRIED UNANIMOUSLY

3. DELEGATIONS

No delegations were received at the meeting.

4. LMTAC REPORTS

4.1 Aboriginal Seminar - The Supreme Court of Canada Decisions Haida and Taku: The Final Word on the Duty to Consult

LMTAC Report titled "Update: Aboriginal Seminar- The Supreme Court of Canada Decisions Haida and Taku: The Final Word on the Duty to Consult", dated December 6, 2004.

Regan Schlecker, Aboriginal Affairs Analyst, informed the meeting that the report was based on a seminar she and Marino Piombini had attended regarding the Supreme Court of Canada Decisions relative to Haida and Taku River. It was noted that the Court held that:

- the duty to consult with Aboriginal people remained a Crown duty;
- there was no third party duty to consult;
- the duty of consultation did not provide a veto to Aboriginal people; and
- accommodation was required, as appropriate, on a case by case basis.

Ms. Schlecker led the meeting in a review of the legal opinion obtained by UBCM in September 2002, which was summarized in the subject report. It was further noted that UBCM sought a follow-up legal opinion in 2004, which reiterated the legal opinion received in 2002.

4.2 Servicing Interests and Treaty Negotiations Background Briefing Note

- a) *LMTAC Report titled "Servicing Interests and Treaty Negotiations Background Briefing Note", dated January 4, 2005; and*
- b) *LMTAC Background Briefing Note to LMTAC First Principle #35: Respect Service Agreements.*

Regan Schlecker, Aboriginal Affairs Analyst, noted that a draft of the Briefing Note was presented for information at the previous LMTAC Executive Committee Meeting. It was added that the document addressed the topic of hard and soft servicing interests and did not address what service agreements outside of the treaty should include. Clarification was sought relative to the intent of the reference to "traffic planning and control", which was indicated as a soft service, on page 14.

Request for Action

Staff agreed to omit the words "and control" from "traffic planning and control", the last 'Soft' Service item listed on page 14 of the report titled "Servicing Interests and Treaty Negotiations Background Briefing Note".

It was MOVED and SECONDED

THAT the LMTAC Executive Committee:

- a) receive the report titled "Servicing Interests and Treaty Negotiations Background Briefing Note" and direct staff to forward the report to the LMTAC Board; and further
- b) endorse the Background Briefing Note for LMTAC First Principle #35.

CARRIED UNANIMOUSLY

5. TABLE PROGRESS REPORTS

5.1a) Katzie

Councillor Gordon, LMTAC Representative to the Katzie Treaty Table, reported that Katzie's positions relative to forestry and fisheries would likely be conveyed at their meeting scheduled at the end of January.

5.1b) Musqueam

Kirstie Pirie, Manager, noted that Musqueam's December meeting had been cancelled, and that a subsequent meeting was expected later in January.

5.1c) Squamish

Discussion ensued regarding an independent power company that had recently enlisted the support of the Squamish First Nation.

2:34 p.m.

Director Barry Janyk arrived at the meeting.

Public hearings held regarding the power project, and potential impacts of the Squamish-Lillooet Regional District's opposition to the project were also discussed.

5.1d) Tsawwassen

The meeting was informed that although Councillor Lee Rankin had not been reappointed to LMTAC, Councillor Gordon would continue as Table Representative to Tsawwassen Table and, as required, LMTAC staff would continue to attend Tsawwassen Treaty Table meetings.

5.1e) Tsleil-Waututh

No items were presented.

5.1f) Other

No items were presented.

6. SUBCOMMITTEE REPORTS

6.1 Finance and Administration Sub-committee (FOSC)

No items were presented.

7. CHAIR AND STAFF REPORTS

7.1 Chair's Report

No items were presented.

7.2 Staff Report

On-table invitation to the 2005 LMTAC Orientation/Refresher Session scheduled January 21, 2005.

Kirstie Pirie, Manager, referenced the intent of the orientation/refresher session and encouraged members to extend an invitation to their respective Mayors, Councils and staff. Members were requested to RSVP prior to January 14, 2005.

8. MISCELLANEOUS REPORTS

8.1 UBCM

Vice Chair Gordon referenced the January 2005 Meeting of UBCM's First Nations Relations Committee and the TAC Chairs and Administrators meeting, which intended to follow up to correspondence items and the Summit Meeting held in November 2004.

Discussion ensued regarding levels of TAC representation at the joint TAC meetings. It was noted that at the previous Joint TAC Meeting, TAC Chairs spoke in unison regarding similar issues, and that there were no indications of splits in views.

2:44 p.m.

Councillor Linda Barnes arrived at the meeting.

8.2 Federal of Canadian Municipalities (FCM)

No items were presented.

8.3 Lower Mainland Municipal Association (LMMA)

No items were presented.

9. OTHER BUSINESS

January 26, 2005 LMTAC Board Meeting Preparations

On-table Draft Schedule for the LMTAC January 26, 2005 Inaugural Board Meeting.

Kirstie Pirie, Manager, noted that the draft schedule provided information regarding the next LMTAC Board Meeting and elections process, and advised that there would be limited business items presented for consideration at the meeting.

10. INFORMATION

It was MOVED and SECONDED

That the LMTAC Executive Committee receive for information the following items:

- 10.1 Minister Plant's correspondence to the LMTAC Chair, dated December 9, 2004;
- 10.2 Honorarium and Expense Form;
- 10.3 On-table UBCM correspondence to Ministers Plant and Coell, dated December 20, 2004;
- 10.4 On-table BC Treaty Negotiations Office correspondence to the LMTAC Chair, dated January 4, 2005;
- 10.5 On-table South Delta Leader Article: "Delta's Lawsuit Inappropriate", dated January 7, 2005; and
- 10.6 On-table Vancouver Sun Article: "A Natural Leader", dated December 30, 2004.

CARRIED UNANIMOUSLY

11. CONCLUSION

It was MOVED and SECONDED

THAT the Regular Meeting of the LMTAC Executive Committee held January 12, 2005 be concluded.

CARRIED UNANIMOUSLY

(Time: 2:52 p.m.)