

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

February 26, 2003

Minutes of the Regular Meeting of the **Lower Mainland Treaty Advisory Committee (LMTAC) Board** scheduled Wednesday, February 26, 2003 from 6:00 p.m. to 7:45 p.m. at the Alan Emmott Centre, 6650 Southoaks Crescent, Burnaby, BC.

ATTENDANCE:		
JURISDICTION:	LMTAC ELECTED REPRESENTATIVE:	LMTAC STAFF REPRESENTATIVE:
North Vancouver, District of	Mayor Don Bell (Vice Chair)	
Greater Vancouver RD		Marino Piombini
Anmore, Village of	Councillor Ken Juvik	
Belcarra, Village of	Councillor Colin Richardson	
Bowen Island, Municipality of	Mayor Lisa Barrett	
Burnaby, City of	Councillor Lee Rankin	Kimberley Flick
Coquitlam, City of Corporation of Delta	Councillor Louella Hollington	Sonia Santarossa Claudia Jesson
Langley, City of	Councillor Ted Schaffer	
Langley, Township of	Councillor Bob Long	Frank Clark-Jones
Lions Bay, Village of	Councillor Lisa Turpin	
Maple Ridge, District of	Councillor Candace Gordon	
New Westminster, City of	Councillor Bob Osterman	
North Vancouver, City of		Ken Tollstam
Pitt Meadows, District of	Councillor Debra Eisel	
Port Coquitlam, City of	Councillor Mike Forrest	Jim Maitland
Port Moody, City of		Gerry vanderWolf
Richmond, City of	Councillor Harold Steves	
Squamish, District of	Councillor Corinne Lonsdale	
Squamish Lillooet RD	Director John Turner	
Sunshine Coast RD	Director Barry Janyk	
West Vancouver, District of	Councillor Jean Ferguson	
LMTAC STAFF ATTENDANCE:		
Kirstie Pirie, Manager		
Regan Schlecker, Aboriginal Affairs Analyst		
GUESTS:		
Steve Conarroe, Federal Treaty Negotiation Office		
Robin Dodson, Chief Negotiator, Federal Treaty Negotiation Office		
Katherine Gordon, Chief Negotiator, Provincial Treaty Negotiation Office		
Cory Herrera, Negotiator, Provincial Treaty Negotiation Office		
PREPARATION OF MEETING MINUTES:		
Carrie Peacock, Recording Secretary, Raincoast Ventures		

CALL TO ORDER

Vice Chair Bell confirmed a quorum was in attendance and called the meeting to order at 6:10 p.m.

1. AGENDA FOR ADOPTION

1.1 February 26, 2003

It was MOVED and SECONDED

THAT the Agenda for the Regular Meeting of the LMTAC Board scheduled February 26, 2003, be adopted as circulated.

CARRIED UNANIMOUSLY

2. MINUTES FOR ADOPTION / MINUTES FOR INFORMATION

2.1 January 29, 2003 Board

**2.2 February 12, 2003 Executive
January 31, 2003 FOSC**

On-table list of suggested amendments to the January 29, 2003 Minutes.

It was MOVED and SECONDED

THAT the Minutes of the Regular Meeting of the LMTAC Board held January 29, 2003, be corrected to accept the on-table proposed amendments, and THAT the Minutes of the LMTAC Executive Committee regular meeting held February 12, 2003 and the Finance and Organizational Subcommittee meeting held January 31, 2003 be received for information.

CARRIED UNANIMOUSLY

Agenda Varied

The order of the Agenda was varied at the meeting to consider Items 3.1 and 3.2 following 6.2.

4. REPORTS

No items presented.

5. TABLE PROGRESS REPORTS

5.1 Tsawwassen

LMTAC context summary titled "Tsawwassen"; and on-table correspondence dated February 13, 2003 from the Minister of Agriculture, Food and Fisheries.

Regan Schlecker, Aboriginal Affairs Analyst, referenced the consultation draft documents, and reiterated that the drafts were open to the public. Claudia Jesson, Delta staff representative, referenced correspondence from the Mayor of Delta, to the Minister of Agriculture, Food and Fisheries, noting that a response had not been received.

It was MOVED and SECONDED

THAT the LMTAC Board:

- a) direct that a letter be sent to the Attorney General, Premier, Minister of Agriculture, Food and Fisheries (similar to the letter dated January 13, 2003 from the Mayor of Delta to the Minister of Agriculture, Food and Fisheries) requesting clarification regarding the precedent-setting Harvest Agreement; and
- b) direct that the letter be copied to:
 - Provincial Treaty Negotiation Office
 - LMTAC members
 - John Cummins, MP, Delta-South Richmond
 - Val Roddick, MLA, Delta-South
 - Reni Massi, MLA, Delta-North
 - Chief Kim Baird, Tsawwassen First Nation
 - Delta Council
 - George V. Harvie, Corporation of Delta
 - John Dumont, Corporation of Delta
 - Chief John Wesley, Snuneymuxw First Nation
 - Mayor Gary Korpan, City of Nanaimo
 - Florence Wylie, Executive Director, Nuu-chah-nulth Tribal Council
 - Mayor Ken McRae, City of Port Alberni
 - Chief Bruce jPoint, Sliammon First Nation
 - Mayor Stewart Alsgard, District of Powell River
 - Chief Barry Seymour, Lheidli-Tenneh Band
 - Mayor Colin Kingsley, City of Prince George
 - Glenn Williams, President and Chief Negotiator, Citanyow Hereditary Chiefs
 - Mayor James Davidson, Town of Smiths
 - Phillip Eidsvik, BC Fisheries Survival Coalition.

CARRIED UNANIMOUSLY

5.2 Katzie First Nation/BCTC Regional Visioning Exercise, Feb. 5-7: Verbal Update

Article titled "Building bonds of friendship" from the February 12, 2003 issue of The Bugle.

Councillor Gordon, LMTAC representative to the Katzie Table, commented regarding the success of the February 5-7, 2003 event noting that various issues were addressed. Members were advised that a final report including discussion group summaries and action plans, had been compiled and would be electronically distributed to LMTAC members. The meeting was further informed that a Treaty Related Measure Economic Development Report was available and would be promptly circulated to members.

6. SUB-COMMITTEE REPORTS

6.1 Finance and Organizational Sub-Committee (FOSC)

LMTAC document titled "Operating Procedures".

It was MOVED and SECONDED

That the LMTAC Board:

- a) approve the following amendments to the LMTAC Operating Procedures:
 - i) addition of the following wording to the end of section 7.0 (a):
"If re-elected, but not reappointed, the outgoing table representative shall continue in the position of table representative until the inaugural meeting of LMTAC."
 - ii) addition of the following wording as new section (ii) under 7.2 (b):
"If the primary elected representative is not able to attend the elections in person, they may advise the LMTAC Chair in writing in advance of the election regarding their interest to be nominated for a particular position. The Chair will bring forward this nomination to the meeting."
 - iii) addition of the following wording as new section (f) under 7.2:
"Only primary elected representatives from LMTAC's member jurisdictions can be elected to an elected position on LMTAC jurisdictions can be elected to an elected position on LMTAC."
- b) reconfirm section 9.0 (h) of LMTAC's Operating Procedures as follows:
"The Chairs of Sub Committees shall automatically be members of the Executive Committee."

CARRIED UNANIMOUSLY

6.2 Communications Sub-Committee (CSC)

Vice Chair Bell provided background information regarding the mandate, role and intent of the Communications Sub-Committee. The LMTAC Executive Committee's discussions regarding the LMTAC sub-committees and their meeting schedules, were reviewed.

It was MOVED and SECONDED

THAT the LMTAC Board direct both the Finance and Organizational and the Communications Sub-Committees, to hereafter meet only:

- a) as requested by the respective Sub-Committee Chairs with staff consultation; or
- b) to address specific issues referred by the LMTAC Executive Committee.

CARRIED UNANIMOUSLY

Vice Chair Bell provided comments regarding the current CSC membership and reviewed a LMTAC Executive Committee resolution in this regard.

It was MOVED and SECONDED

That the LMTAC Board direct that the Communications Sub-Committee membership be set at five (5) for the year 2003.

CARRIED UNANIMOUSLY

Agenda Varied

As was previously noted, the order of the Agenda was varied at the meeting to now receive Items 3.1 and 3.2.

3. DELEGATION

- 3.1 **Robin Dodson, Chief Negotiator, Federal Treaty Negotiation Office, and Steve Conarroe, Treaty Negotiations and Harvest Agreements (6:00 –6:30)**

On-table correspondence addressed to Mayor Ralph Drew, LMTAC Chair, dated February 25, 2003 from Robin Dodson, Chief Federal Negotiator, and related attachments.

Robin Dodson, Chief Negotiator, Federal Treaty Negotiations Office (FTNO), referenced his written responses to the five questions submitted by the LMTAC Chair, which were provided at the meeting.

Mr. Dodson reviewed the intent to negotiate Harvest Agreement shares as a percentage of the total allowable catch, or a percentage of quota, or in fisheries managed by equipment, by a percentage of the traps allowed in that fishery.

Mr. Dodson reviewed his written responses to the questions "How is the Federal Government intending for other treaty tables along the Fraser River to protect against oversubscribing the resource?", and "How is the process of Harvest Agreements, in conjunction with voluntary license retirement, to be implemented and managed?". It was noted that the Harvest Agreement alone did not allow fishing to take place, as a fishing capacity would still be required. The Harvest Agreement was compared to an empty cup, noting that anything placed in the cup would be protected. It was suggested that fishing capacity would need to be obtained, likely through market transactions. Opportunities for the buyer and seller to arrange creative financing structures to facilitate sales of licenses were also suggested. Mr. Dodson added that the market value of fishing capacity would eventually determine the balance between Harvest Agreements and conventional shares of the commercial fishery.

Mr. Dodson reviewed his written response to the request "Please clarify how commercial and Harvest Agreements are distinguishable". Members were advised that Harvest Agreement fisheries were part of the commercial fishery, and were indistinguishable from the commercial fishery in terms of priority after conservation and First Nation food, social and ceremonial needs had been met. The meeting discussed issues relative to conservation, public health and safety, and impacts on fish management.

Discussion ensued during which a member questioned why First Nations would need to purchase licenses, when they were able to fish in the pilot sales program without licenses. It was suggested that the First Nations fishery be managed as part of the commercial fishery to reduce a perceived priority.

In response to comments, Mr. Dodson suggested that the Harvest Agreement would be a step towards an integrated commercial fishery that was intended to work better for all parties. LMTAC members were encouraged to express their concerns in this regard, to the Minister of Fisheries and Oceans.

Responding to further comments, Mr. Dodson noted that licenses and/or boats could be obtained through a voluntary license retirement or through market transactions. It was clarified that the domestic and commercial fisheries were separate issues. Mr. Dodson added that in return for agreeing to a one-time domestic allocation increase over recent historical harvests, First Nations would need to agree that their domestic right, which was constitutionally protected, would not increase with population.

Mr. Dodson added that consideration was being given to an abundance-based allocation formula, which would be beneficial for conservation of low run sizes. Members discussed commercial allocations, noting that the Department of Fisheries and Oceans (DFO) based allocations on various criteria. Information regarding the issuance of domestic licenses was provided, including that licenses were issued based on the fishery and species involved.

A member provided historical information regarding the commercial fishery in the area which he suggested was mainly dominated by Japanese fisherman. Prior to 1900 it was noted that licenses were generally owned by cannery companies.

In response to additional questions, Mr. Dodson noted that any fishing capacity purchased by First Nations could be sold back into the commercial fishery if they so chose, however as the Harvest Agreement would be a communally owned asset, it could only be sold by communal decision. It was reiterated that Harvest Agreements were contractual arrangements without Constitutional protection. Members were reminded that First Nations would need to make investment decisions and could decide not to spend their money on commercial fishing licenses given their other economic interests.

Members expressed concerns regarding a potential overcapacity of resources, and questioned whether the Harvest Agreement would indicate specific quantities. Concerns were expressed regarding the efficient management of many separate allocations. It was further suggested that domestic allocations were currently being sold.

Mr. Dodson reviewed the intent to negotiate Harvest Agreement shares as a percentage of the total allowable catch, or in fisheries managed by equipment, by a percentage of the traps allowed in that fishery. It was noted that the domestic allocation was approximately 8-10% of the total Canadian catch, and that the balance was divided between recreational, pilot and commercial sales, and Aboriginal commercial sales.

It was suggested that a three hour forum attended by interested LMTAC members, be scheduled to address this issue further with Mr. Dodson, accompanied by the appropriate ministry staff. Mr. Dodson agreed to submit another request to DFO fisheries managers to attend a LMTAC meeting, as suggested. Members interested in attending this forum were requested to advise the LMTAC Manager.

3.2 Katherine Gordon, Chief Negotiator to the Tsawwassen Table, Treaty Negotiations Office and Cory Herrera, Negotiator, Tsawwassen Table Negotiations
On-table 'Letter to the Editor' dated February 19, 2003 from Chief Kim Baird, Katherine Gordon and Robin Dodson, Chief Negotiators

Katherine Gordon, Chief Negotiator, Provincial Treaty Negotiation Office (TNO), provided a general update relative to Tsawwassen Table Negotiations, noting that while some difficult issues had been dealt with, the TFN had expressed concerns that other issues were not being adequately addressed. As an example of highly sensitive issues, it was noted that TFN has huge concerns regarding human remains held by the Canadian Museum of Civilization and the Royal BC Museum and wish them to be relocated on Tsawwassen lands.

Ms. Gordon added that the Lands and Access chapters were released at the January 30, 2003 Main Table Meeting, and that the February 27, 2003 Main Table Meeting would be televised by the local cable station. Members were advised of the March 20, 2003 Public Open House, and of the next Main Table Meeting scheduled April 3, 2003.

In response to questions, Ms. Gordon commented on the need for the TFN to understand what the Agricultural Land Reserve (ALR) designation implied, as they were prepared to consider the process. It was further noted that the Agricultural Land Commission (ALC) had planned to provide information in this regard, relative to long term goals, and the process for requesting special use or exclusions. It was also noted that this is an action the ALC takes as a matter of course with communities, and that there are many examples of municipalities undertaking such direct discussions with the ALC.

Regarding fisheries, Ms. Gordon added that the province had indicated a strong desire for a number of things to be clarified (before Final Agreements), including management arrangements and the federal government's overall vision. It was noted that the Parties are discussing an approach in the Agreement in Principle (AIP) in which participation in a commercial fishery would not be constitutionally protected, and which would indicate a general dollar value for the economic fisheries component, although no offer on a specific mechanism, such as a Harvest Agreement will be included.

A member suggested that if a few Harvest Agreements were being considered that more would soon be requested. In response, Ms. Gordon acknowledged the concern and noted that the approach in the TFN AIP will be that it will not include an offer of a Harvest Agreement, but acknowledge instead that the mechanism to deliver access to the commercial fishery has not been agreed to. TFN will be equally concerned that that means they might never have long-term secure access to the commercial fishery. However, the approach allows all three Parties the opportunity to consider options satisfactory to all to meet their respective objectives. Concerns were expressed regarding the potential for TFN to seek to remove lands from the ALR in the future. It was further suggested that provincial legislation relative to cultural and heritage issues was not always adequately enforced. Members were informed that ALR lands did not require municipal permits to farm.

7. CHAIR AND STAFF REPORTS

7.1 Chair's Report

No items presented.

7.2 Staff Report

No items presented.

8. MISCELLANEOUS REPORTS

8.1 Fraser Valley Treaty Advisory Committee (FVTAC)

No items presented.

8.2 UBCM

Vice Chair Bell advised that Chair Drew would be attending the UBCM Aboriginal Affairs meeting scheduled February 27, 2003.

9. OTHER BUSINESS

9.1 Timing of LMTAC Board Meetings

It was MOVED and SECONDED

That the LMTAC Board change the schedule of its monthly meetings to have them start and conclude one half hour earlier (5:30 p.m. to 8:30 p.m.) in order to facilitate the ability of out of town members to attend the full meetings.

CARRIED

(Councillor Forrest voting in the negative.)

10. INFORMATION

It was MOVED and SECONDED

That the LMTAC Board receive for information the following:

- 10.1 Memorandum from LMTAC Chair re Lower Mainland Treaty Table Representation
- 10.2 Web Site Statistical Summary
- 10.3 Mission Statement, Roles and Project Screening Guidelines
- 10.4 Correspondence – General
- 10.4a News Release – Speech Commits to New Partnership with First Nations
- 10.5 Schedule of Meetings for 2003
- 10.6 Honourarium and Expense Form
- 10.7 Workplan 2003 (On-table)
- 10.8 Update Bulletin – February 2003 (On-table).

CARRIED UNANIMOUSLY

11. CONCLUSION

It was MOVED and SECONDED

That the Regular Meeting of the LMTAC Board held February 26, 2003 be concluded.

CARRIED UNANIMOUSLY

(Time: 8:30 p.m.)