

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

**April 25, 2007**

Minutes of the Regular Meeting of the **Lower Mainland Treaty Advisory Committee (LMTAC) Board** scheduled 5:30 – 7:15 p.m. on Wednesday, April 25, 2007, in the 2<sup>nd</sup> Floor Boardroom, 4330 Kingsway Burnaby, B.C.

| <b>ATTENDANCE:</b>             |  |  |
|--------------------------------|--|--|
| <b>JURISDICTION:</b>           | <b>ELECTED REPRESENTATIVES TO LMTAC:</b>                                 | <b>STAFF REPRESENTATIVES TO LMTAC:</b> |
| Greater Vancouver RD           | Mayor Ralph Drew ( <b>Chair</b> )  | Marino Piombini                        |
| Anmore, Village of             | Councillor Ken Juvik   |  |
| Belcarra, Village of           | Councillor Colin Richardson  | Lynda Floyd                            |
| Bowen Island, Municipality of  | Councillor Lisa Barrett  |  |
| Burnaby, City of               | Councillor Sav Dhaliwal  |  |
| Coquitlam, City of             | Councillor Barrie Lynch (arrived 6:04 p.m.)                              |  |
| Delta, Corporation of          |  | Mike Brotherston                       |
| Langley, City of               | Councillor Ted Schaffer  |  |
| Langley, Township of           | Councillor Mel Kositsky (arrived 5:51 p.m.)                              | Eric Britton                           |
| Maple Ridge, District of       | Councillor Ken Stewart   |  |
| New Westminster, City of       | Councillor Bob Osterman  |  |
| North Vancouver, City of       | Councillor Bob Heywood   | Ken Tollstam                           |
| North Vancouver, District of   | Councillor Alan Nixon (arrived 5:51 p.m.)                                |  |
| Pitt Meadows, City of          | Councillor Debra Eisel   |  |
| Port Moody, City of            | Councillor Shannon Watkins   |  |
| Richmond, City of              | Councillor Linda Barnes  |  |
| Squamish Lillooet RD           | Director John Turner   |  |
| Sunshine Coast RD              | Director Barry Janyk   |  |
| Squamish, District of          | Councillor Corinne Lonsdale  |  |
| Surrey, City of                | Councillor Barbara Steele (arrived 5:56 p.m.)                            |  |
| Vancouver, City of             | Councillor George Chow (arrived 6:09 p.m.)                               | Barbara Pearce                         |
| White Rock, City of            | Councillor Mary-Wade Anderson  |  |
| <b>LMTAC STAFF ATTENDANCE:</b> |  |  |
| Mark Kirsop                    | Research and Communications Coordinator                                  |  |
| Regan Schlecker                | Managing Director  |  |
| <b>GUESTS:</b>                 |  |  |
| Jonathan Rayner                | Director of Third Party Engagement, Strategic Initiatives Division, MARR |  |
| Bronwen Beedle                 | Chief Negotiator, Ministry of Aboriginal Relations and Reconciliation    |  |
| <b>PREPARATION OF MINUTES:</b> |  |  |
| Karen Miller                   | Recording Secretary, Raincoast Ventures Ltd.                             |  |

**Call to Order**

Chair Drew confirmed a quorum was in attendance and called the meeting to order at 5:44 p.m.

**1. AGENDA FOR ADOPTION**

**1.1 April 25, 2007**

**It was MOVED and SECONDED**

THAT the Agenda for the Regular Meeting of the LMTAC Board scheduled April 25, 2007, be adopted as presented.

**CARRIED UNANIMOUSLY**

**2. MINUTES FOR ADOPTION / INFORMATION**

**2.1 March 28, 2007**

**It was MOVED and SECONDED**

THAT the Minutes of the Regular Meeting of the LMTAC Board held March 28, 2007 be adopted as circulated.

**CARRIED UNANIMOUSLY**

**1.1 Executive Committee March 28, 2007**

**It was MOVED and SECONDED**

THAT the Minutes of the Regular Meeting of the LMTAC Executive Committee held March 28, 2007 be received for information.

**CARRIED UNANIMOUSLY**

**3. DELEGATION**

**3.1 The Province's New Relationship with First Nations**

- *Publication titled: A New Relationship with First Nations and Aboriginal People; and*
- *Press Release dated May 4, 2007 re: Premier's Statement on the New Relationship With Aboriginal People.*

**5:51 p.m.**

Councillors Mel Kositsky and Alan Nixon joined the meeting.

Jonathan Rayner, Director of Third Party Engagement, Strategic Initiatives Division, Ministry of Aboriginal Relations and Reconciliation (MARR), provided an overhead presentation on "The New Relationship" and discussed slides titled:

- The New Relationship;
- Why the New Relationship?;
- The timeline;
- What is the New Relationship?;
- What is the focus?;
- New Relationship Elements;
- What are the principles?;
- What elements are needed?;
- Progress – Closing the gap;
- Progress – Economic;
- Treaties & lasting agreements; and
- Role of MARR.

**5:56 p.m.**

Councillor Barbara Steele joined the meeting.

During the presentation, Mr. Rayner provided context to the New Relationship, said that the New Relationship results from an acknowledgement that change is necessary and is based on a foundation of principles; requires a number of critical elements if it is to be successful and noted the 2004 Supreme Court *Haida* decision has had the most far reaching impact on how business is done in BC; consultation with First Nations is necessary as well as accommodation of impacts to First Nations; issues around rights and title must be dealt with; a \$100 million trust fund was set aside by the province to build capacity of First Nations; the *Kelowna Accord* was a framework to guide progress in health, housing and education; the New Relationship implies partnership with First Nations and a level playing field including decision-making; the focus is economic, social and cultural; sustainable Aboriginal Communities include healthy people and families, cultural integrity, viable economies and effective governance; recognition, respect and reconciliation are

key principles; elements needed are: consultation framework, shared decision-making, new institutions, sharing benefits, develop capacity, dispute resolution; treaties remain the primary goal recognizing 3 final agreements completed, 4 in final agreement negotiations, and 5 AIPs at the advanced stage.

**6:04 p.m.**

Councillor Barrie Lynch joined the meeting.

Mr. Rayner described the role of MARR noting it leads the development of the New Relationship for government; was restructured to create strategic policy capacity; and continues in its commitment to negotiate treaties and other lasting agreements.

**6:09 p.m.**

Councillor George Chow joined the meeting.

***Request for Action:***

*It was requested that a copy of the New Relationship presentation delivered by Jonathan Rayner, MARR, be provided to LMTAC.*

In response to LMTAC members' questions, Mr. Rayner and Ms. Beedle indicated:

- First Nations do not have "veto power";
- the "level playing field" intention is to help raise the socio-economic standards in First Nations communities;
- treaties are comprehensive long term, permanent settlements and are the ultimate goal and incentives to negotiate treaties are considered, while incremental agreements address specific issues and are time limited;
- the treaty process is voluntary, and some First Nations have decided to "go it alone";
- Minister Prentice announced a process for First Nation mortgages which may address some property issues; (Regan – This is line from the federal government's news release on April 23 – "a \$300 million First Nations Market Housing Fund that will give First Nations people living on reserve a better chance to own their own home.")
- (I didn't know what this was referring to so I removed it) governance of land under the *Indian Act* is not the same as self-governance;
- First Nations have the ability to ask for additions to reserve and the process is significantly lengthy;
- on additions to reserve the province is consulted, and would check and consider the implications to local government relative to zoning and OCP;
- much information about the New Relationship is available on the website; and
- UBCM was consulted on the New Relationship, and many pieces of the consultation framework are under development presently.

Additionally, highlights of LMTAC members' comments were noted:

- challenges with regard to communities sharing of information were expressed;
- it appears that First Nations are prospering disproportionately as a result of side deals;
- concern was expressed relative to land transfers and land use planning as it impacts the regional growth strategy and OCP;
- the role of the province and support to local government was queried with regard to land transfers related to highway issues wherein a First Nation acquires lands and the desired uses may be contrary to the current OCP in which the lands reside;
- the New Relationship is seen as exclusive, however in the pursuit of consultation, local communities represented by their local governments should be included;
- frustration was felt with regard to the converging legislation that is seen to be eroding the authority of local governments and regional districts and the inequity must be acknowledged by the province; and
- local governments through LMTAC are part of the treaty process, but are not part of the New Relationship process.

Chair Drew expressed appreciation for the presentation made by Jonathan Rayner to explain the context of the New Relationship.

6:45 p.m.

Jonathan Rayner departed the meeting.

#### 4. LMTAC REPORTS

##### 3.0 2007 Workplan Status Report

- *2007 Workplan Status Report dated April 16, 2007; and*
- *Workplan 2007 – A Summary of Key LMTAC Milestones.*

Regan Schlecker, Managing Director, indicated that 72% of the projects were complete or in progress. Policy-related activities are awaiting development at the Katzie and Tsleil-Waututh tables. A first draft of the “lessons learned and best practices” was developed by TSWG; a workshop on consultation obligations for local government was being considered and a representative from the federal Department of Justice in Vancouver was contacted about a future delegation to LMTAC. In regards to communication and administrative activities, a mechanism to provide brief and regular in-camera updates for Councils was being considered; the annual audit was complete pending receipt of a final statement; and staff are preparing a presentation for the Lower Mainland Local Government Association (LMLGA) May 10, 2007.

#### 5. TABLE PROGRESS REPORTS

##### 5.1a) Katzie

Mel Kositsky, LMTAC Table representative to the Katzie table, indicated that the Katzie table was meeting April 25-26, 2007; the table was very active in moving ahead and had a schedule of meetings; overlap was being considered, however emergency planning related to flood protection was being undertaken and some meetings were deferred as a result.

##### 5.1b) Musqueam

No items were presented.

##### 5.1c) Squamish

No items were presented.

##### 5.1d) Tsawwassen

Chair Drew advised that Kim Baird was re-elected as Chief of the Tsawwassen First Nation (TFN).

Regan Schlecker, Managing Director, provided an overview of an April 19, 2007 city panel on urban treaties hosted by SFU and Think City, with panelists: Bill Tieleman, CKNW; Councilor Steves, City of Richmond; Doug McArthur, SFU; Chief Kim Baird, TFN discussing urban treaties. Questions were directed at whether all possible options were considered relative to the ALR lands, and whether TFN would consider alternative compensation or uses in keeping with ALR such as greenhouses. Chief Kim Baird expressed that youth need opportunities before them, and TFN was not previously consulted on the land uses around them. Additional information is available on the Think City website ([www.thinkcity.ca](http://www.thinkcity.ca)).

##### 5.1e) Tsleil-Waututh

No items were presented.

##### 5.1f) Other

The meeting was informed that the Lheidli T'enneh Final Agreement Ratification Vote was held March 17-30, 2007 and the question was defeated (123/111), which has raised

commentary on treaties in the media; and BCTC indicated it will conduct a probe into the reasons for the failure and pursue dialogue with members of the Band.

## **6. SUB-COMMITTEE REPORTS**

### **6.1 Finance & Administrative Sub-Committee (FASC)**

Chair Drew advised that the next FASC meeting was scheduled for May 2, 2007.

## **7. CHAIR & STAFF REPORTS**

### **7.1 Chair's Report**

No report provided.

### **6.1 Staff Report**

*LMTAC Managing Director Report: Activities from March 21 – April 18, 2007*

## **8. MISCELLANEOUS REPORTS**

### **7.0 GVRD Aboriginal Relations Committee**

*Correspondence and related Information Report: An Overview of the Tsawwassen First Nation Final Agreement.*

Marino Piombini commented on the recommendations of the report recognizing that answers to the questions posed were desired from the Province.

### **7.0 Fraser Valley Treaty Advisory Committee (FVTAC)**

Mel Kositsky provided a verbal report on a FVTAC meeting held April 24, 2007 noting the 2007 provincial budget for the Ministry of Aboriginal Relations and Reconciliation was finalized; a presentation was received relative to negotiations with the Stó:lō Nation. A Treaty Related Measure (TRM) on governance of \$150,000 was secured to determine how the Bands would work together. The Federal government was reorganizing their set up including chief negotiators.

### **7.0 Union of British Columbia Municipalities (UBCM)**

*UBCM Conference registration and information.*

Regan Schlecker advised that registration for the Treaty Conference May 23-24, 2007 was open; a draft agenda was being developed to include an overview of Final Agreements, discussion on political representation, discussion of land issues (ALR and additions to TSL); and keynote speakers will include Minister Mike de Jong and Commissioner Mike Harcourt.

### **8.4 Federation of Canadian Municipalities (FCM)**

Chair Drew noted that the FCM was holding an Annual Conference June 1-4, 2007 (Calgary, AB).

## **9. OTHER BUSINESS**

### **8.0 Co-operation Protocol Between the Tsleil-Waututh Nation and District of North Vancouver**

- *The District of North Vancouver Report to Council dated April 3, 2007; and*
- *Co-operation Protocol between the Tsleil-Waututh Nation and District of North Vancouver.*

Chair Drew acknowledged that the District of North Vancouver had negotiated a Co-operation Protocol with the Tsleil-Waututh Nation.

Alan Nixon indicated that Chief Leah George-Wilson expected a positive vote on the Co-operation Protocol, noting it likely would be signed June 2007. Staff liaison, Dennis Back, was credited with work to forge the protocol. Once the Co-operation Protocol was signed it will be forwarded with an indication of interest in signing a similar protocol with the Squamish Nation.

### **Agenda Varied:**

The agenda was varied at this point in the meeting to add item 9.3 Sechelt Presentation to the Sunshine Coast Regional District, and consider it prior to item 9.2.

**8.2 Sechelt Presentation to SCR D on Unity Protocol**

Barry Janyk expressed that Sechelt joined the *First Nations Unity Protocol Agreement*, and Chief Stan Dixon was invited to make a presentation to the Sunshine Coast Regional District. Robert Morales, founder of the *Unity Protocol*, presented to the SCR D Community Service Committee, and six issues were highlighted: certainty, constitutional status of land, fiscal relations (own source revenue; taxation exemption), allocation and co-management of fish & resources, co-management of lands, governance (concurrence; rules of order). Expression was made that the First Nations want recognition and not refutation; and were concerned with the fixed model used by senior governments recognizing negotiators are given directives without latitude; they would like a different process.

It was suggested that Robert Morales be invited to provide a presentation to LMTAC.

**8.0 Summary of Results – Monthly Board Feedback Form (March 28, 2007)**

Bronwen Beedle, Chief Negotiator, MARR, responded to March 28, 2007 feedback questions on taxation recognizing the implications of timing; and indicating that once the 12 year treaty phase-in was complete, the same taxation laws will apply to all; with respect to health, the Tsawwassen First Nation (TFN) is still covered by the *Canada Health Act* and cannot set up private health; and there are restrictions on health care.

**10. INFORMATION**

**It was MOVED and SECONDED**

THAT the LMTAC Board receive for information the following items:

- 9.0 Correspondence;
- 9.0 Web Stats
- 9.0 2007 LMTAC Meeting Schedule; and
- 9.0 Honorarium and Expense/Feedback Form.

**CARRIED UNANIMOUSLY**

**11. NEXT MEETING**

The next Regular Meeting of the LMTAC Board was scheduled tentatively for May 30, 2007.

**12. CONCLUSION**

**It was MOVED and SECONDED**

THAT the Regular Meeting of the LMTAC Board held April 25, 2007 be concluded.

**CARRIED UNANIMOUSLY**

(Time: 7:22 p.m.)