

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

January 31, 2007

Minutes of the Regular Meeting of the **Lower Mainland Treaty Advisory Committee (LMTAC) Board** scheduled Wednesday, January 31, 2007 from 5:30 to 8:10 p.m. in the 2nd Floor Board/Committee Room, GVRD Offices, 4330 Kingsway, Burnaby, British Columbia.

ATTENDANCE:		
JURISDICTION:	LMTAC ELECTED REPRESENTATIVE:	LMTAC STAFF REPRESENTATIVE:
Greater Vancouver RD	Director Ralph Drew (Chair)	Marino Piombini
Anmore, Village of	Councillor Ken Juvik	
Belcarra, Village of	Councillor Colin Richardson	
Bowen Island, Municipality of	Councillor Lisa Barrett	
Burnaby, City of		Kim Flick
Coquitlam, City of	Councillor Brent Asmundson	
Delta, Corporation o		Mike Brotherston
Langley, City of	Councillor Ted Schaffer	
Langley, Township of	Councillor Mel Kositsky	Eric Britton
Lions Bay, Village of	Councillor Lisa Turpin	
Maple Ridge, District of	Councillor Ken Stewart	
New Westminster, City of	Councillor Bob Osterman	
North Vancouver, City of	Councillor Bob Heywood	Francis Caouette
North Vancouver, District of	Councillor Alan Nixon	Dennis Back
Port Coquitlam, City of	Councillor Darrell Penner	Jim Maitland
Pitt Meadows, City of	Councillor Janice Elkerton	
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	Rob Costanzo
Vancouver, City of		Barbara Pearce
West Vancouver, District of	Councillor Jean Ferguson	
Whistler, Resort Municipality of	Councillor Ralph Forsyth	
White Rock, City of	Councillor Mary Wade Anderson	
LMTAC STAFF ATTENDANCE:		
Regan Schlecker, Managing Director		
Mark Kirsop, Research and Communications Coordinator		
GUESTS:		
Bronwen Beedle, Chief Negotiator, Provincial Treaty Negotiations Office, Ministry of Aboriginal Relations and Reconciliation		
Phil Symington, Negotiator, Provincial Treaty Negotiations Office, Ministry of Aboriginal Relations and Reconciliation		
PREPARATION OF MEETING MINUTES:		
Carrie Peacock, Recording Secretary, Raincoast Ventures Ltd.		

CALL TO ORDER

Chair Drew confirmed a quorum was in attendance and called the meeting to order at 5:48 p.m.

INTRODUCTIONS / LMTAC OVERVIEW

1. Welcome and Roundtable Introductions

LMTAC documents titled "Voting Members List"; and "2007 Membership – Lower Mainland Treaty Advisory Committee".

Chair Drew welcomed attendees and led the meeting in a roundtable of introductions.

2. Overview of LMTAC

LMTAC documents titled "LMTAC Mission Statement, Roles and Project Screening Guidelines" updated May 28, 2003; and "Lower Mainland Treaty Advisory Committee Organizational Chart".

Chair Drew provided information regarding LMTAC, which was constituted as a committee of the Union of B.C. Municipalities (UBCM), and was a full member of the provincial negotiating team. He referenced the five treaty tables which were at various stages in the Lower Mainland, noting that LMTAC was the largest TAC in the province, and represented 50% of the population in the province. LMTAC monitored non-treaty issues of interest, such as "The New Relationship".

3. 2006 Year in Review

Document titled "Workplan 2006 - A Summary of Key LMTAC Milestones".

The meeting was informed that the "2006 Year in Review" was provided for information.

Regan Schlecker, Managing Director, added that workplans were developed annually, through consultation with LMTAC members, and with the assistance of LMTAC subcommittees. Additionally, a draft comparative analysis of the TFN Final Agreement and how it related to LMTAC's First Principles had been completed. Two items included on the 2006 Workplan which had not been completed, had been incorporated into the 2007 Workplan.

4. 2007 Workplan / Looking Ahead

Document titled "Workplan 2007 – A Summary of Key LMTAC Milestones".

Chair Drew noted that the Workplan 2007 was adopted at the previous LMTAC Board meeting. Comments were offered regarding items included on the Workplan, noting that 'lessons learned' during the treaty process would be also addressed.

2007 ELECTIONS

5. Elections – Annual Election of LMTAC Representatives

LMTAC documents titled:

- a) "Annual Election Procedures";*
- b) "Information Sheet – LMTAC Executive Committee";*
- c) "Information Sheet – LMTAC Treaty Table Representatives";*
- d) "Tsawwassen First Nation Treaty Negotiations Update";*
- e) "Information Sheet – LMTAC Finance and Administration Sub Committee (FASC)";*
- f) "Finance and Administration Sub Committee Terms of Reference", dated January 25, 2006;*
- g) "Information Sheet – LMTAC Observer to Fraser Valley TAC (FVTAC)";*
- h) "Information Sheet – LMTAC Technical and Strategic Working Group (TSWG)"; and*
- i) "Technical and Strategic Working Group – Terms of Reference".*

Regan Schlecker, Managing Director and Chief Election Officer, reviewed the Elections Procedures, and welcomed comments from attendees in this regard.

LMTAC Chair

Ms. Schlecker called for nominations for the position of LMTAC Chair.

Mayor Ralph Drew was nominated, and consented to the nomination.

Ms. Schlecker called a second and third time for nominations. Given that no further nominations were received, the call for nominations was closed, and Mayor Drew was acclaimed to the position of LMTAC Chair for a one-year term.

LMTAC Vice Chair and Finance and Administration Sub Committee (FASC) Chair

Ms. Schlecker called for nominations for the position of LMTAC Vice Chair and Finance and Administration Sub Committee (FASC) Chair.

Councillor Corinne Lonsdale was nominated, and consented to the nomination.

Ms. Schlecker called a second and third time for nominations. Given that no further nominations were received, the call for nominations was closed, and Councillor Lonsdale was acclaimed to the position of LMTAC Vice Chair and Finance and Administration Sub Committee (FASC) Chair for a one-year term.

Tsawwassen Table Representative

Ms. Schlecker called for nominations for the position of Tsawwassen Table Representative.

Councillor Linda Barnes was nominated, and consented to the nomination.

Ms. Schlecker called a second and third time for nominations. Given that no further nominations were received, the call for nominations was closed, and Councillor Barnes was acclaimed to the position of Tsawwassen Table Representative.

LMTAC Executive Committee – Two At Large Members

Ms. Schlecker called for nominations for the two at large positions on the LMTAC Executive Committee.

Councillors Lisa Barrett and Mary Wade Anderson were nominated, and consented to the nominations.

Ms. Schlecker called a second and third time for nominations. Given that no further nominations were received, the call for nominations was closed, and Councillors Barrett and Anderson were acclaimed to the two at large positions on the LMTAC Executive Committee for a one-year term.

Finance and Administration Sub Committee (FASC) Vice Chair

Ms. Schlecker called for nominations for the position of Finance and Administration Sub Committee Vice Chair.

Director John Turner was nominated, and consented to the nomination.

Ms. Schlecker called a second and third time for nominations. Given that no further nominations were received, the call for nominations was closed, and Director Turner was acclaimed to the position of Finance and Administration Sub Committee (FASC) Vice Chair.

Finance and Administration Sub Committee (FASC) – Three At Large Members

Ms. Schlecker called for nominations for the three at large member positions on the LMTAC Finance and Administration Sub Committee.

Councillors Ted Schaffer, Colin Richardson and Bob Osterman were nominated, and consented to the nominations.

Ms. Schlecker called a second and third time for nominations. Given that no further nominations were received, the call for nominations was closed, and Councillors Schaffer, Richardson and Osterman were acclaimed to the three at large member positions on the LMTAC Finance and Administration Sub Committee.

LMTAC Observer to Fraser Valley TAC

Ms. Schlecker called for nominations for the position of LMTAC Observer to the Fraser Valley TAC.

Councillor Mel Kositsky was nominated, and consented to the nomination.

Ms. Schlecker called a second and third time for nominations. Given that no further nominations were received, the call for nominations was closed, and Councillor Kositsky was acclaimed to the position of LMTAC Observer to Fraser Valley TAC.

Technical and Strategic Working Group (TSWG) Appointments – General Call to Staff

Ms. Schlecker referenced the 2006 TSWG Participant List and welcomed additional staff volunteers to participate on LMTAC's Technical and Strategic Working Group. Chair Drew recognized the input and guidance offered by the TSWG, and encouraged staff to participate.

1. AGENDA FOR ADOPTION

1.1 January 31, 2007

It was MOVED and SECONDED

THAT the Agenda for the Regular Meeting of the LMTAC Board scheduled January 31, 2007, be adopted as circulated.

CARRIED UNANIMOUSLY

2. MINUTES FOR ADOPTION / MINUTES FOR INFORMATION

2.1 November 22, 2006 Board

It was MOVED and SECONDED

THAT the Minutes of the Regular Meeting of the LMTAC Board held November 22, 2006, be adopted as circulated.

CARRIED UNANIMOUSLY

2.2 November 8, 2007 Executive Committee

It was MOVED and SECONDED

THAT the Minutes of the LMTAC Executive Committee held November 8, 2007 be received for information.

CARRIED UNANIMOUSLY

3. DELEGATION

3.1 Tsawwassen Final Agreement – Next Steps

Bronwen Beedle, Chief Negotiator, Provincial Treaty Negotiations Office, Ministry of Aboriginal Relations and Reconciliation, referenced the historic December 8, 2006 initialing of the Tsawwassen Final Agreement. She reviewed next steps in the process towards ratification, noting that the First Nation would ratify first. Following ratification, the time frame would be set for moving forward, likely in the fall or spring of 2008. Once the province had completed their piece, Canada would go forward to the House of Commons for ratification by the federal government. However, the timeline could be amended in the event of a federal election.

It was noted that settlement legislation would be needed in advance of ratification by BC and Canada (separately), and that sign off could not occur until the effective date had been determined. Legislative development needed to proceed immediately, as every consequential amendment and element needed to be cross-referenced.

The meeting was informed that overlap consultation was required for ratification. As such, consultation was required with 49 (revised) First Nations and treaty groups relative to overlap issues. Although late in the process, the province and Canada had recognized their duty to consult and were working collaboratively now in this regard. It was anticipated that BCTC could assist in a facilitation role relative to overlap issues, as 'overlap issues' could have been dealt with earlier. Consideration of LMTAC's role relative to overlap issues, was referenced.

Ms. Beedle offered the following responses to questions and comments raised:

- an overlap area is more easily recognized if the province has a statement of intent and a map on file indicating an overlapping claim or shared territory; overlap areas can also be identified for First Nations not in the treaty process;
- post- treaty a First Nation's undefined Aboriginal rights will be modified to 'defined treaty rights';
- some First Nations are working towards resolution of overlap issues;
- overlap issues are more difficult to address with First Nations not involved in the treaty process;
- the New Relationship is referenced in the land management section; and
- the province has asked BCTC to consider a consultation role relative to addressing overlap issues with some of the First Nations.

Ms. Beedle continued her presentation, noting that discussion was needed regarding the role for LMTAC relative to implementation, noting that an implementation plan had been drawn up.

Chair Drew added that legislation needed to mesh with the Community Charter and Local Government Act.

Ms. Beedle extended thanks to the LMTAC Managing Director and Treaty Table Representative for their assistance. She recognized LMTAC's comparative analysis as an excellent piece of work, although the province may not agree with some of the First Principles it referenced.

A discussion was requested with the LMTAC Chair, Vice-Chair and staff regarding the roundtable LMTAC had sponsored, noting that LMTAC's best-suited role in the next phase needs to be discussed.

Ms. Beedle offered the following responses to further questions and comments raised:

- all future public discussions relative to the TFN Agreement will be information sessions about the treaty; and
- the Minister identified that the package was unlikely to change significantly, although there may be some opportunities for change in implementation.

4. REPORTS

4.1 Draft Comparative Analysis of LMTAC Interests with The Tsawwassen Final Agreement

- LMTAC report titled "Draft Comparative Analysis of LMTAC Interests with the Tsawwassen Final Agreement", dated December 13, 2007; and*
- On-table LMTAC report titled "TSWG Recommended Revisions to the Draft Comparative Analysis of LMTAC Interests with the Tsawwassen Final Agreement".*

Regan Schlecker, Managing Director, referenced the comparative analysis of the Final Agreement, a test of the substantive negotiations to date and their consistency with LMTAC First Principles for treaty negotiations. Once the Tsawwassen Final Agreement became available, topics of interest in the agreement which were relevant to local government were identified. The chart highlighted the topic of interest, the related clauses, the related First Principle, and also indicated whether or not a topic was consistent or inconsistent. Some additional topics that were not applicable to First Principles were also identified for community interest.

The meeting reviewed the topics contained within the comparative analysis, and the on-table LMTAC report titled "TSWG Recommended Revisions to the Draft Comparative Analysis of LMTAC Interests with the Tsawwassen Final Agreement".

In response to concerns raised regarding the inclusion of the Fraser River Parcel in the agreement, Ms. Beedle referenced prior discussions regarding the parcel, noting that it was not included in the AIP.

Chair Drew expressed concerns regarding non-contiguous parcels, and recalled prior assurances that non-contiguous parcels would not be considered. Differences between specified lands and settlement lands were discussed.

Ms. Beedle offered the following responses to questions and comments:

- other TFN lands could include lands purchased by TFN, which would be no different than an individual owning land;
- other lands were identified in the AIP, which could stay in Delta's jurisdiction, be owned by Crown, and held under TFN governance;
- other TFN lands are identified in the agreement, that are away from the Treaty Settlement Lands area, and under the jurisdiction of Delta;
- the Fraser River Parcels are part of the specified lands area;
- all lands in the 'specified lands' are within Delta; consent can not be unreasonably withheld; the province has a letter on file from Delta in this regard which will be considered.

Regan Schlecker, continued with her review of the document, noting that clarification was needed regarding how parties sought consent of the Corporation of Delta on the Specified Lands for post treaty additions before the Final Agreement. Additionally, comments were suggested to the following sections: ALR, Rights of Refusal and Economic Opportunities/Commercial Allocation. Ms. Schlecker further suggested a table of contents and an executive summary be added to the agreement.

It was MOVED and SECONDED

That the LMTAC Board receive for information the on-table LMTAC report titled "TSWG Recommended Revisions to the Draft Comparative Analysis of LMTAC Interests with the Tsawwassen Final Agreement", and endorse the recommendations contained therein.

CARRIED UNANIMOUSLY

It was MOVED and SECONDED

That the LMTAC Board:

- a) receive for information the LMTAC report titled "Draft Comparative Analysis of LMTAC Interests with the Tsawwassen Final Agreement";
- b) review and provide comments on the Draft Comparative Analysis Chart; and
- c) endorse the LMTAC report "Draft Comparative Analysis of LMTAC Interests with the Tsawwassen Final Agreement", amended based on the revisions indicated in the report titled "TSWG Recommended Revisions to the Draft Comparative Analysis of LMTAC Interests with the Tsawwassen Final Agreement".

CARRIED UNANIMOUSLY

In response to questions, Ms. Schlecker noted that the draft comparative analysis report had been shared with provincial negotiating teams, and that the revised report would be shared with provincial negotiators, UBCM, posted on the LMTAC website, distributed to LMTAC members, and shared with the federal treaty negotiator and others. Members recognized that the document provided an in-depth understanding of the treaty process. As such, it was noted that the report would also be sent along with a cover letter to MLAs and MPs within Lower Mainland jurisdictions. An official letter would also be sent to LMTAC member Councils and Boards.

Ms. Beedle noted that agreements could be used as a model for other arrangements, but added that each agreement was uniquely negotiated as part of a package.

A discussion ensued relative to the use and jurisdiction of TFN lands, the future transfer of property to the TFN, the ability to 'reasonably to withhold consent'; and First Nations' consistency with the LRSP and regional growth patterns.

In response to requests for clarification Ms. Beedle noted that:

- The Tsawwassen First Nations does not have to develop an official community plan as they will not be governed by the Local Government Act; they will however need to develop a

- community plan, deemed to meet the statutory requirements of the Local Government Act; if after effective date they wish to change their community plan, they need to specify how the land use plan is consistent with the Regional Growth Strategy;
- lands bought outside the statement of intent area, would be fee simple;
 - during the first 50 years TFN can only acquire land in the specified area; after 50 years they could request to have the land outside of the specified land area added to their TSL, which would require prior provincial, federal and municipal consent; lands can only be added to the TSL every five years;
 - after 50 years and on a willing buyer/willing seller basis, TFN can buy land anywhere within their SOI and ask to add it to their TSL which would require prior provincial, federal municipal and overlapping First Nations approvals;
 - TFN had not expressed an interest in a 'patchwork jurisdiction'; and
 - compliance with the GVRD's LRSP will be addressed by the GVRD.

Chair Drew welcomed members to seek information regarding 'consent', from the LMTAC office.

5. TABLE PROGRESS REPORTS

a) **Katzie**

Councillor Kositsky, Table Representative to the Katzie Treaty Table, reported that Katzie had scheduled regular monthly meetings and identified topics to consider in 2007.

b) **Musqueam**

No items presented.

c) **Squamish**

No items presented.

d) **Tsawwassen**

No items presented.

e) **Tsleil-Waututh**

Dennis Back, on behalf of Councillor Alan Nixon, Table Representative to the Tsleil-Waututh Treaty Table, reported that negotiations at the Tsleil-Waututh table were progressing at an increased pace, noting that meetings were scheduled twice monthly until July 2007.

The January 15, 2007 meeting included a discussion on land selection, and a presentation regarding how Tsleil-Waututh would proceed with their land selection process. It was noted that access to their selected areas were proposed to be via water in the south and via road access in the north. The February 14, 2007 meeting would focus on wildlife and migratory bird chapters.

Councillor Nixon added that he would further discuss with the negotiator the need to advise the LMTAC Vice-Chair relative to potential conflicts with access through Squamish.

Ms. Beedle confirmed that treaty table agendas were developed differently by each treaty table, noting that some tables preferred to finish the discussion of a topic before proceeding, while others preferred otherwise.

f) **Other**

No items presented.

6. SUB-COMMITTEE REPORTS

6.1 **Finance and Administration Sub-Committee (FASC)**

Regan Schlecker, Managing Director, reported that many of the forms requested by February 1, 2007 regarding pre-Board meal costs had already been submitted.

7. CHAIR AND STAFF REPORTS

7.1 Chair's Report

No items presented.

7.2 Staff Report

Managing Director Report dated January 23, 2007 regarding "November 15, 2006 – January 23, 2007 Activities".

Regan Schlecker, Managing Director, referred the meeting to her Manager's Report and welcomed comments in this regard.

It was MOVED and SECONDED

THAT the LMTAC Board receive for information the Managing Director Report dated January 23, 2007, regarding "November 15, 2006 to January 23, 2007 Activities".

CARRIED UNANIMOUSLY

Comments were offered regarding the orientation session held early in January 2007, which included presentations by Mike Harcourt, BCTC, and Sandra Carter, Bull Housser and Tupper. A member suggested that a reference on the first page of Ms. Carter's presentation to 'Delta', be changed to refer to the statement of intent area.

8. MISCELLANEOUS REPORTS

8.1 GVRD Aboriginal Relations Committee

Marino Piombini reported that seven members would be returning to the GVRD Aboriginal Relations Committee, noting that their next meeting was scheduled March 2, 2007.

8.2 Fraser Valley Treaty Advisory Committee (FVTAC)

The meeting was informed that the next meeting of the Fraser Valley Treaty Advisory Committee was scheduled February 27, 2007.

8.3 Union of British Columbia Municipalities (UBCM)

The meeting was informed that the next meeting of the Union of British Columbia Municipalities was scheduled February 1 and 2, 2007.

8.4 Federation of Municipalities (FCM)

No items were presented.

9. OTHER BUSINESS

9.1 Maple Ridge and Kwantlen First Nation Sign Protocol Agreement

District of Maple Ridge News Release titled "Maple Ridge and Kwantlen First Nation Sign Protocol Agreement", dated December 20, 2006.

Councillor Ken Stewart referenced a meeting held with Kwantlen First Nation intended to discuss a protocol for service agreements with Maple Ridge, particularly regarding properties Kwantlen held in Maple Ridge.

9.2 Support for Sunshine Coast LRMP

Letter from the Sunshine Coast Regional District dated January 17, 2007 requesting support for the Sunshine Coast LRMP.

Chair Drew referenced the LMTAC Executive Committee's resolution to draft a letter of support for the Sunshine Coast LRMP.

10. INFORMATION

It was MOVED and SECONDED

The LMTAC Board received for information the following items:

- 10.1 Correspondence
- 10.2 C2C Connect Newsletter
- 10.3 New Local Services Agreement for RD of Central Okanagan & Westbank First Nation
- 10.4 Website Statistics
- 10.5 2007 Meeting Schedule
- 10.6 Honorarium and Expense / Feedback Form

CARRIED UNANIMOUSLY

11. CONCLUSION

It was MOVED and SECONDED

That the Regular Meeting of the LMTAC Board held January 31, 2007 be concluded.

CARRIED UNANIMOUSLY

(Time: 8:00 p.m.)