

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

May 21, 2008

Minutes of the Regular Meeting of the **Lower Mainland Treaty Advisory Committee (LMTAC) Board** scheduled Wednesday, May 21, 2008 from 5:30 to 7:30 p.m. in the 2nd Floor Boardroom, Metro Vancouver Offices, 4330 Kingsway, Burnaby, British Columbia.

ATTENDANCE:		
JURISDICTION:	ELECTED REPRESENTATIVES TO LMTAC:	STAFF REPRESENTATIVES TO LMTAC:
Metro Vancouver (RD)	Director Ralph Drew (Chair)	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	David Clutton
Langley, City of	Councillor Ted Schaffer	
Langley, Township of	Councillor Mel Kositsky	
Lions Bay, Village of	Councillor Lisa Turpin (departed 7:20 p.m.)	
Maple Ridge, District of	Councillor Craig Speirs	
North Vancouver, City of	Councillor Sam Schechter	Ken Tollstam
North Vancouver, District of	Councillor Alan Nixon	
Pitt Meadows, City of	Councillor Debra Eisel	Laurie Darcus
Port Coquitlam, City of	Councillor Darrell Penner	
Port Moody, City of	Councillor Shannon Watkins	
Richmond, City of	Councillor Linda Barnes (arrived 6:07 p.m.)	
Squamish Lillooet RD	Director John Turner	
Squamish, District of	Councillor Corinne Lonsdale	
Surrey, City of	Councillor Barbara Steele	Rob Costanzo (arrived 6:07 p.m.)
Vancouver, City of		Barbara Pearce
West Vancouver, City of	Councillor Jean Ferguson	Rick Beauchamp (departed 6:54 p.m.)
White Rock, City of	Councillor Mary Wade Anderson	
LMTAC STAFF ATTENDANCE:		
Regan Schlecker, Managing Director		
Mark Kirsop, Research and Communications Coordinator		
GUEST:		
Doug Glaum, Manager, Archaeological Site Inventory Section, Archaeology Branch, Ministry of Tourism, Sports & the Arts		
PREPARATION OF MEETING MINUTES:		
Karen Miller, Recording Secretary, Raincoast Ventures Ltd.		

Chair Drew confirmed a quorum was in attendance and called the meeting to order at 5:35 p.m.

1. AGENDA FOR ADOPTION

1.1 May 21, 2008

It was MOVED and SECONDED

THAT the Agenda for the Regular Meeting of the LMTAC Board scheduled May 21, 2008, be adopted as circulated.

CARRIED UNANIMOUSLY

2. MINUTES FOR ADOPTION / MINUTES FOR INFORMATION

2.1 April 23, 2008 Board

It was MOVED and SECONDED

THAT the Minutes of the Regular Meeting of the LMTAC Board held April 23, 2008, be adopted as circulated.

CARRIED UNANIMOUSLY

2.2 April 9, 2008 Executive Committee and March 13, 2008 FASC

It was MOVED and SECONDED

THAT the Minutes of the LMTAC Executive Committee meeting held April 9, 2008; and LMTAC Finance & Administration Sub-Committee held March 13, 2008, be received for information.

CARRIED UNANIMOUSLY

3. DELEGATION

3.1 Archaeology Branch, Ministry of Tourism, Sports & the Arts

Overview of the Local Government Initiative.

Doug Glaum, Manager, Archaeological Site Inventory Section, provided an overhead presentation titled: *Archaeology and Development: Best Practices for Local Governments*. Folders were distributed containing:

- *British Columbia Archaeological Resource Management Handbook for Local Governments*
- Brochure – If you are Planning to develop or renovate your property...
- Provincial Notification Letter – Archaeological Sites in British Columbia
- Archaeological Information Sharing Agreement (for RAAD website access)
- Workshop feedback form

The following slides were discussed:

- Village of Skedans, Dawson, 1878 (photograph);
- Village of Skedans, Duff, 1953 (photograph);
- Culture area boundary map;
- Artifacts (3500 – 1500 years ago) (photograph);
- Blanket pin, Art and Shaman's pieces (photograph);
- Artifacts (1500 before present – contact period) (photograph);
- Shell midden (photograph);
- Features (photograph of ring of stones hearth);
- Wood and plant fiber (photograph);
- Pictograph (photograph);
- Comox harbor (photographs of wet site with stakes of fish traps);
- Landscape aerial photo showing beach clearing for canoe run (photograph);
- Effect of Development on Archaeological Resources;
- Protection for Archaeological Sites;
- Archaeological Resource Management Roles;
- Identifying Archaeological Sites;
- Remote Access to Archaeological Data (RAAD);
- Notifying the Applicant;
- Identifying Archaeological Sites and Potential Areas;
- Archaeological Overview Assessment Studies;
- Ashcroft map (RAAD);
- City of Langford Archaeological Potential Map;
- Identifying Archaeological Sites and Potential Areas;
- Final Word Why and How;
- Delta (south);

- Delta (north);
- Pitt Meadows (south);
- Indian Arm; and
- Local Government chart of known sites, building permit activity, and RAAD access.

During the presentation, Mr. Glaum indicated that cultural heritage sites and archaeological sites were different; discussed housing development in First Nations villages, and population amalgamation; and explained that three main cultural adaptations were noted in B.C. with regard to: 1) coastal inhabitants, 2) southeast pit houses – the main winter village style, and 3) northeast classic nomadic style. BC is considered very interesting archaeologically as a result of adaptation to living on the northwest coast with large village sites and stratified society (noble class, commoners and, in some cases, slaves) with a highly evolved art style including specialized craftsmen. The salmon runs were equated to agriculture in the northwest coast and therefore an agricultural society adaptation was present without actual agriculture.

Mr. Glaum commented that scientists feel North America was populated from Asia via land bridge or marine migration routes, and therefore some of the earliest evidence of people populating North America is in BC. Complexity can be measured via language groups; and BC has more language groups than all of the rest of Canada. Environmental adaptation and external influence of people impacted the changes in the archaeological record.

Referencing University of Washington findings at Ozette, Mr. Glaum explained the process of excavating a wet site to ensure artifacts were well preserved. He discussed wet sites in the Comox harbor; and commented on the effect of development on archaeological resources noting challenges for developers, First Nations, and various levels of government.

Any site showing evidence of human use or occupation prior to 1846 is protected as an Archaeological site. Rock art or burials are protected with no date attached. Automatic protection applies to crown and private land on recorded and unknown sites; with 32,000 protected sites in the inventory presently. Protection means that alteration requires a heritage permit.

Roles in archaeological resource management were discussed, recognizing that proponents/developers/property owners are responsible for managing impacts and related costs; the provincial government maintains inventory, and administers heritage permits; and local government is encouraged to identify overlaps between development permit applications and archaeological sites and notify proponents.

6:07 p.m. Linda Barnes and Rob Costanzo arrived at the meeting.

Archaeological site boundaries are revised and kept up to date technologically and housed on a secure internet website. First Nations are sensitive about the potential for site information being available in the public domain to result in archaeological items being dug up and destroyed. A Remote Access to Archaeological Data (RAAD) information sharing agreement was referenced. RAAD can be used to identify overlaps, and minimize legal exposure by providing developers with a notification letter and outline of the heritage permit process. Mr. Glaum referenced a planning brochure recognizing the roles of local government, and invited feedback on materials.

The meeting was informed that community heritage planning programs include co-funded studies.

A general site previously being considered for a land fill in the Ashcroft area was discussed, with note that there were a lot of archaeological sites in the area. In general, typically not more than 10% of a land base should be deemed as having archaeological site potential, but occasionally this is larger if accurate environmental data is not available.

Archaeological overview assessment (AOA) was discussed, acknowledging that alerting people to archaeological sites as early as possible allows for early planning, flexibility in planning, reduced resource management time and costs, more positive relationships with First Nations; and superior archaeological site conservation.

Local Government chart of known sites and building permit activity was reviewed, and clarification was offered that BCE identification is a prerequisite to access to the RAAD system.

Mr. Glaum offered the following additional comments in response to LMTAC members' questions:

- the permit an archaeologist receives to examine the site includes repository with items held locally if possible, in a location with physical and financial stability;
- researcher access to the material is also important, and work is done with First Nations on maintaining artifacts locally;
- repatriation of artifacts from museums is a complex process, and the Royal BC Museum is actively seeking to repatriate items within an appropriate structure;
- sites in Pitt Meadows discovered through laser leveling may be able to be used for agricultural production; however, changes from wet to dry sites that contain valuable information are a challenge; and more dialogue should be undertaken between the Archaeology Branch and Pitt Meadow;
- legislation stipulates a site cannot be altered; and if there is not a known site or reasonable evidence thereof, then risk management can be undertaken on development;
- Ashcroft ranch area considered for prospective landfill may have required discussion of issues of compensation;
- archaeology must be considered as part of the planning process; and some circumstances such as burial grounds may require prohibition of development, which must be dealt with rather than ignored;
- people in general don't feel a connection to the history, and under the umbrella of stewardship, the province should educate the public to a greater extent;
- legislation does not require bringing local governments into the process but does provide for agreements. Situations arise when developments go on and media and First Nations get involved and local government is then impacted;
- once an archaeological site has been identified then the province takes over and an impact assessment must be done by an archaeologist to determine the significance of the site, and then management options are considered; and an alteration permit is requested;
- First Nations are aware, have access to RAAD, and have individuals looking for development on archaeological sites;
- to provide more certainty to land developers, a mechanism to place a flag on land title was suggested, however the archaeological site accuracy was not at a high enough level (digital cadastral) to implement this (e.g. a pilot project considered 80 sites and only 17 would make the land title level of accuracy);
- delay in development if every developer is referred to the consulting community through the Ministry was discussed.
- capacity within the permitting process is required; however the duty to consult with the First Nations generally takes 15-30 days; and
- strength of claim analysis may be required if there are overlaps.

6:54 p.m. Rick Beauchamp departed the meeting.

Further, Mr. Glaum offered the following additional comments:

- notification of known archaeological sites should be done through anyone that is involved in any type of land transference (Real Estate agents and lawyers);
- perhaps the best way to handle potential sites is through an OCP process;
- suggestion by a LMTAC member was offered that a caution could be provided through tax roll notification;
- property owners can contact the Archaeology Branch and make a data request;
- reserve properties or TSL with archaeological sites are under the federal jurisdiction; and development on reserve lands is considered within the federal environmental process;
- there is no federal archaeology process;
- some First Nations want archaeological information included on the provincial registry as they prefer that level of protection;
- natural accretions are not usually a problem, but the Surveyor General's office works together with the Archaeology Branch to consider any issues;
- a checklist may be a reasonable approach to early warning with consideration to certain areas being more susceptible to potential archaeological sites;
- interaction between regional districts and the province resulted in few referrals;
- LMTAC may help to improve the process with areas deemed Heritage Conservation Area that are potential archaeological sites (i.e. Islands Trust) so a parallel process can be set up as a flag and harmonized with provincial process;
- Archaeology Branch is not allowed to do an inventory of First Nations reserve lands;
- some First Nations maintain their own inventory and archaeology specialists;
- legal ramifications as a result of the disclaimer on the notification letter are mitigated by the source of information and mapping in site records – available to archaeological consultant;
- \$400,000 was spent in the last 5 years to make RAAD website content as accurate as possible and consistent with records; and effort is made to accurately identify sites using GPS;
- fill on farmland for different architectural practice can be considered after an impact assessment is done; capping the site has challenges from the scientific perspective, but it has been used with a definitive barrier between the fill and archaeological site layer
- the province is willing to consider one-off cases individually;
- in some cases once caches of artifacts are removed then there is no archaeological site left to manage; and
- non-Aboriginal archaeological sites are managed at a local government level, and the more recent history is protected under a Heritage designation.

Chair Drew thanked Mr. Glaum for the clarification offered by his presentation and discussion.

Request for Action

It was requested that a link be included on LMTAC website to archaeological branch website section containing local government resources.

http://www.tsa.gov.bc.ca/archaeology/local_governments/index.htm

7:20 p.m. Lisa Turpin departed the meeting.

4. LMTAC REPORTS

No reports were presented.

5. TABLE PROGRESS REPORTS

- a) **Katzie**
Councillor Kositsky reported that Intergovernmental Affairs workshops started May 21, 2008 with regional planning and local government planning being the focus of discussion. Additional workshops are planned June 9, 2008 and July 14, 2008 with participation from federal representatives anticipated.
- Chair Drew indicated that he, Councillor Speirs and Councillor Dhaliwal also attended the workshop earlier that day.
- b) **Musqueam**
No items presented.
- c) **Squamish**
No items presented.
- d) **Tsawwassen**
Correspondence from Tsawwassen First Nation to GVRD Chair Louis Jackson dated April 25, 2008
- Chair Drew indicated that Bill C-34 was discussed in the federal House of Commons recently with debate leading up to second reading.
- Chair Drew acknowledged that Chief Baird wrote a letter to the Metro Vancouver Board expressing disappointment with regard to its response on the Musqueam reconciliation agreement. Metro Vancouver clearly indicated support of the treaty process and reconciliation agreements; and it was felt that the focus of the court challenge should not be confused with this. A recommendation was made by the Metro Vancouver Aboriginal Relations Committee that a response be sent from the Chair to Chief Baird.
- e) **Tsleil-Waututh**
Councillor Alan Nixon noted the framework of a workplan was developed; and that Chief Negotiators met May 2, 2008.
- f) **Other**
No items presented.

6. SUB-COMMITTEE REPORTS

6.1 Finance and Administration Sub-Committee (FASC) *On-table: Preliminary LMTAC Budget 2009 Assumptions*

Councillor Lonsdale reported that funding from the province was committed; and it was felt that it would be responsible to reinstate reserve funding to a level of 10% of the operating budget.

It was MOVED and SECONDED

THAT further to the FASC recommendation of May 2, 2008, the LMTAC Board endorse the preliminary budget assumptions as presented, including an amendment to the Operating Procedures, Financial Policy, clause 12.3 to reinstate maintenance of the Treaty Table Reserve Fund balance to 10% of the annual operating budget.

CARRIED UNANIMOUSLY

7. CHAIR AND STAFF REPORTS

7.1 Chair's Report

Chair Drew advised that the May 2, 2008 FASC meeting recommended to the LMTAC Executive that LMTAC write to UBCM to apply for funding to support the Katzie intergovernmental workshops. However, UBCM drafted criteria for the program and

indicated that LMTAC was not eligible. Chair Drew spoke to the UBCM President, and a May 20, 2008 follow up letter encouraged reconsideration of funding for the workshop series.

7.2 Staff Report

Managing Director Report dated May 14, 2008 regarding activities from April 16, - May 14, 2008”.

Regan Schlecker, Managing Director, reported that LMTAC office was not being relocated from its space on the fourth floor at 4330 Kingsway. Also, she advised that the new honoraria rates were included in May 16, 2008 paycheques retroactive to the beginning of January 2008.

The meeting was informed that the June 2008 LMTAC Board meeting will be cancelled; and a briefing is anticipated at the July 25, 2008 meeting by Ministry of Aboriginal Relations and Reconciliation staff on discussions currently underway regarding the *Indigenous Nations Recognition Act* and the common table approach proposed by the BC Treaty Commission.

Ms. Schlecker expressed that May 30, 2008 was the deadline for written comments on the draft cooperative management discussion paper. It was noted that SLRD endorsed it and supported a position in LMTAC’s First Principles on cooperative management.

8. MISCELLANEOUS REPORTS

8.1 Metro Vancouver Aboriginal Relations Committee

Marino Piombini advised that the June 6, 2008 meeting was cancelled and that July 4, 2008 is the next scheduled meeting, with the report on First Nations interests as the focus.

8.2 Fraser Valley Treaty Advisory Committee (FVTAC)

Councillor Kositsky advised that the May 26, 2008 meeting was cancelled and that June 24, 2008 is the next scheduled meeting.

8.3 Union of British Columbia Municipalities (UBCM)

Chair Drew noted that the next meeting of the First Nation Relations Committee was scheduled for July 17, 2008.

8.4 Federation of Municipalities (FCM)

Councilor Kositsky noted the scheduling of the annual FCM conference and Municipal Expo in Quebec City, May 30-June 2, 2008.

9. OTHER BUSINESS

9.1 Summary of Results – Monthly Board Feedback Form (April 23, 2008)

Mark Kirsop, Research and Communications Coordinator, reported on comments and information requests received from the April 23, 2008 meeting. Presentation material and contact information for guest speakers is being sought and provided on the LMTAC website.

10. INFORMATION

It was MOVED and SECONDED

The LMTAC Board received for information the following items:

10.1 Correspondence

10.2 Invitation: Building Governance Capacity – UBCM Pilot Project Program for Shared Local Government & First Nation Initiatives

- 10.3 Web Stats
- 10.4 2008 Meeting Schedule
- 10.5 Honorarium and Expense / Feedback Form
- 10.6 LMTAC response to UBCM re: Funding Request to support Katzie Intergovernmental Relations Workshops (on-table item).

CARRIED UNANIMOUSLY

11. CONCLUSION

It was MOVED and SECONDED

That the Regular Meeting of the LMTAC Board held May 21, 2008 be concluded.

CARRIED UNANIMOUSLY

(Time: 7:39 p.m.)