

Update Bulletin

Reporting on recent
LMTAC Activities

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Upcoming Public Meetings:

September 24, 2003*

*To be held during the UBCM Convention

October 22, 2003

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materials or documents?

Visit us at:

www.lmtac.bc.ca

See **page 4** for an
update on the web site
and material available.

**LOWER
MAINLAND
TREATY
ADVISORY
COMMITTEE**

LMTAC coordinates and represents the collective interests of local government, and through them their constituents, in defining and building relationships between First nations and other orders of government.

HIGHLIGHTS

Tsawwassen Becomes First Lower Mainland Area Treaty Table to Reach Draft Agreement in Principle

Parties at the Tsawwassen First Nation treaty negotiations announced, during a public Main Table held on July 28th, 2003, that the first Lower Mainland area draft Agreement in Principle (AIP) has been initialed and recommended for ratification by each of their respective Principals, which include the TFN community members, and the federal and provincial cabinets

The AIP is not a final agreement or legally binding, however it will form the basis of a Final Agreement and Governance Agreement with the Tsawwassen First Nation. Plans are underway for the Tsawwassen Community to vote on the draft AIP later this fall; ratification of an AIP will complete stage 4 of the 6-stage BC Treaty Process.

The AIP represents the broad consensus reached to date on issues related to lands, cash, resources, culture, and related governance provisions. Highlights of the Tsawwassen AIP are provided on page 3.



L-R: Chief Negotiators from BC (Katherine Gordon), Tsawwassen First Nation (Chief Kim Baird) and Canada (Robin Dodson) with Stephen Owen, Secretary of State, Department of Indian and Northern Development Canada, respond to media questions following the Main Table, July 28th.

In response to this announcement, LMTAC offers its continued support to the negotiation process at this table and work completed to date on the AIP. However, at the same time, LMTAC acknowledges that there are numerous issues that remain to be addressed prior to reaching a Final Agreement.

In particular, the TFN AIP is silent on several issues of concern to local government such as: **Governance** - post treaty servicing and intergovernmental agreements; options and implications for participation of TFN in regional government – and **Land and Land Use** - transitional boundary adjustments; impacts on roads; potential loss of agricultural lands; and loss of future municipal tax base.

In addition, LMTAC has serious concerns regarding specific aspects of the **Fisheries** chapter, specifically related to conservation, management and allocation of the fisheries resource. LMTAC members are eager to participate in upcoming fisheries discussions with the federal and provincial representatives on this important issue.

LMTAC has been assured that these issues continue to be identified as priority topics at the Tsawwassen table and that some of these topics will be explored as part of the Final Agreement negotiations.

NEGOTIATION UPDATES

Katzie Table (Stage 4)

Main Table Working Group meetings were held June 4th and 6th. BC provided a presentation and discussion paper on the provincial approach to governance. Documents that were tabled included the Parks and Protected Areas and the Environmental Management interest comparison charts.

Katzie is collaboratively considering treaty related measures relative to Culture and Heritage with local government and the table is also considering federal and provincial funding possibilities for forestry and tourism proposals. On June 5th the Katzie Main Table Working Group planned a Fraser River Tour to provide a waterside view of Katzie lands to discuss economic opportunities related to tourism.

The Main Table Working Group met again on July 16th and 17th to discuss Wildlife and Culture and Heritage. The parties tabled two documents: Checklist and Joint Principles on Culture & Heritage (Draft 5) and the Wildlife Joint Principles and Checklist (Draft 7). The checklists include information from each of the respective parties' interest papers, response to questions and discussions at Side Table Working Group sessions. Each party has the opportunity to identify additional principles.



Guests enjoying Katzie's BBQ feast, July 18th.

The Katzie Community Relations Working Group hosted a Salmon BBQ on July 18th, 2003 to which Mayors and Councillors of jurisdictions located within Katzie's Statement of Intent area were invited to attend. Participants also included members of the federal and provincial negotiation teams, the BC Treaty Commission, and various representatives from local industry and community interest groups.

All meetings are open to the public and are usually held at the Katzie Band Office in Pitt Meadows.

Councillor Candace Gordon is the LMTAC representative to the Katzie negotiations.



Salmon prepared for the July 18th Katzie BBQ.

Musqueam Table (Stage 3)

The Musqueam Nation has focused on non-treaty issues over the past year. However, Musqueam is working on finalizing its Framework Agreement so that formal substantive negotiations may resume and is discussing possible Interim Measures Agreements.

Councillor Harold Steves is the LMTAC representative to the Musqueam negotiations.

Squamish Table (Stage 3)

No activity has occurred at the Squamish table since February 1998. Over the past year, Squamish Nation has focused on negotiations outside of the treaty process.

On a May 13th, 2003, the B.C. Court of Appeal ruled that the 10.6 acres of Squamish Band lands within the City of Vancouver (near the Burrard Bridge) and recently returned to the Squamish Nation would be designated reserve lands. The federal government has not announced whether it will appeal the decision to the Supreme Court of Canada. A portion of the land in question falls under the City of Vancouver's Arbutus Corridor Official Development Plan and is zoned for transit and greenway use. The City of Vancouver has postponed proceeding with any development proposals until the litigation is final.

Both the Squamish and Lil'wat First Nations will be active participants in the upcoming 2010 Winter Olympics. The provincial and federal governments also committed \$7.7 million towards a \$15 million Cultural Centre. The provincial government has also agreed to transfer 300 acres of land in the Callaghan Valley for economic development between in April 2005.

A Community-to-Community forum between the District of Squamish and the Squamish First Nation was held on July 24th, 2003.

Councillor Corinne Lonsdale is the LMTAC representative to the Squamish negotiations.

Tsawwassen Table (Stage 4)

Continued from Page 1:

Parties to the Tsawwassen Treaty Negotiations announced on July 28th, 2003 that a draft Agreement-in-Principle (AIP) had been initialled on July 9th, 2003. The Tsawwassen First Nation AIP deals with land, cash, resources, culture and related governance provisions.

The AIP sets out certain law-making authorities related to TFN's management of their lands, resources and culture. The parties agreed to negotiate the nature and scope of other law-making authorities that may be included in the Final Agreement and a governance agreement outside treaty.

The AIP is a document that sets out the agreements of the parties on these fundamental components of the treaty and it will form the basis on which the parties proceed towards a comprehensive Final Agreement.

AIP Highlights:

- TFN will be fee simple owners of a total 717 hectares of lands made up of several parcels, including the existing reserve of 290 hectares.
- Over time, TFN will receive \$10 million in capital transfer.
- New TFN commercial fishing opportunities for increased TFN harvest percentages for Fraser River sockeye, pink and chum. The TFN will also retain its right to harvest fish for domestic purposes.
- A \$1 million fund will be set up to enable the TFN to purchase the new commercial fishing licenses.
- The TFN will receive a \$1 million Fisheries Fund.
- A \$1 million fund will be set up for TFN Economic Development.
- The TFN will also receive \$1 million to be used for cultural and heritage purposes.
- A \$100,000 Forest Resources Acquisition fund will be received by TFN.

A final treaty settlement will consist of detailed agreements on: land, resources, rights off treaty settlement land, governance, economic development, a financial component, fiscal relations, and implementation, as well as general provisions related to certainty, relationship of laws, eligibility, enrolment, ratification, dispute resolution and amendment.

Between December 2002 and June 2003, twenty draft AIP chapters were released to the public. The full Draft AIP document and tripartite summary are available on both the Tsawwassen First Nation website: www.tsawwassen-fn.org and the BCTC website: www.bctreaty.net.

Tsawwassen continues to express that access to services remains a critical issue. The parties have committed, upon ratification of the draft AIP, to support development of intergovernmental relationships through a Governance Treaty Related Measure and by

establishing a Tsawwassen Intergovernmental Relations Working Group to address First Nation/local government matters.

Councillor Harold Steves is the LMTAC representative to the Tsawwassen negotiations.

Tsleil-Waututh Table (Stage 4)

Stage 4 Agreement-in Principle negotiations resumed in January 2003. In so doing, the parties adopted the following Tsleil-Waututh Nation (TWN) proposals: an agreement that the Variable Interest Model would not be used for treaty negotiations; that the parties set aside two days per month for negotiations until the end of this year; and that the parties review the agreements already in the public domain and, if those chapters or provisions in chapters address the needs of TWN, then the table would start to include those chapters, whole or in part, as draft TWN chapters. To this end, a TWN AIP Rolling Draft was prepared for easy reference as well as a TWN Framework for Resumption of Negotiations.

In addition to the AIP Rolling Draft a number of draft AIP chapters - Dispute Resolution, Eligibility and Enrolment, Implementation and Forest Resource - have been tabled for review and discussion. The parties are still in the stage of reviewing and adopting chapters or portions of chapters that are in the public domain and have not yet engaged in substantive negotiations on those areas where the public domain agreements do not meet the needs of TWN. TWN agreed that the public domain draft chapters for Amendment, Approval of the Agreement-in-Principle and Ratification of the Final Agreement met all their needs and on April 15th, 2003, the Chief Negotiators for Canada and TWN and the Senior Negotiator for BC initialled the draft TWN chapters.

The parties drafted and approved Terms of Reference for a Lands and Resources Technical Working Group. Although no Technical Working Group (TWG) has been established to date, BC and Canada are discussing the possibility of creating a fisheries and forestry TWG in the near future.

At the April 15th Main Table Working Group meeting, the parties also discussed TWN land (urban and rural), which is considered key to a negotiated treaty settlement, and forestry in general terms as well as particular interests pertaining to the Indian Arm Watershed.

Mayor Don Bell is the LMTAC representative to the Tsleil-Waututh negotiations.

This Bulletin provides a general overview of recent activities and major issues dealt with by LMTAC representatives. It is not intended to reflect all of the issues before the Committee. Any opinions expressed herein are solely of LMTAC.

LMTAC BIZ

BOARD MEETINGS

May 28th Board Meeting

In addition to a policy update on Bill C49 (*First Nations Land Management Act*), members addressed various operational issues including 2004 budget assumptions, the Lower Mainland Municipal Association (LMMA) presentation, and National Aboriginal Day activities.

June 25th Board Meeting

Provincial negotiators provided members with an update on Tsawwassen treaty negotiations. Additionally, members received an update on the linkage between Additions to Reserve policy and treaty negotiations. Also, the half year workplan status report was provided: 17 of the 20 action items are complete or underway and 4 additional items have been added since the workplan was endorsed.

July 23rd Board Meeting

At the last board meeting prior to the summer break, representatives from the BC Treaty Negotiations Office, Federal Treaty Negotiations Office and the BC Treaty Commission provided an overview of the AIP negotiations at the Tsawwassen table and discussed next steps with members. In addition, members reviewed the work completed to date by LMTAC on fisheries issues.

To address 2004 LMTAC budget planning, a budget-in-principle was endorsed by the full membership; following, 2004 funding requests were distributed to partner regional districts.

LMTAC SUB-COMMITTEES

Finance & Organizational Sub-Committee (FOSC)

The FOSC has focused on 2004 budget planning and exploring funding options.

Communication Sub Committee (CSC)

The CSC has recommended a delay in the distribution the annual LMTAC member survey until after August pending the outcome of increased funding requests and budget implications.

Technical and Strategic Working Group (TSWG)

The LMTAC TSWG is the staff-led body that facilitates discussion of key treaty/Aboriginal interests and makes recommendations to the LMTAC membership. Recent work by this working group includes research and discussion regarding building intergovernmental relations between First Nation and local governments and consultation.

Staff representatives from all LMTAC member jurisdictions are invited to participate in this working group. For more information, please contact the LMTAC Office.

LMTAC Web Site

www.lmtac.bc.ca

LMTAC's web site has been updated to highlight the new and key LMTAC documents on the site.

On the top of the home page, all recent documents are placed in the "New" text boxes. Most recent postings to this section include the LMTAC news release and backgrounder on the Tsawwassen AIP and draft #8 of the *LMTAC Regional Governance and Governance in the Regional Discussion Paper*.

The following key LMTAC interest documents are now located on the "Interest Papers" page located under the "Publications" section.

LMTAC Key Interests Document:

Considerations: A Guide for Lower Mainland Area Local Government Interests in Treaty Negotiations - LMTAC Interest Paper Edition: Including LMTAC First Principles August 2001

Backgrounders to LMTAC First Principles

- Background Discussion Paper to LMTAC First Principle #27- Rights of Representation (March 2003)
- Local Government and Urban Aboriginal Issues; Backgrounder to First Principle #32- September 2002
- Dispute Resolution and Land Use: Backgrounder to LMTAC First Principle #30 (February 2002)
- Services, Service Agreements and Treaty Negotiations: Backgrounder to LMTAC First Principle #35 (Jan.2002)
- Local Government Fish Backgrounder Paper - First Principle #23 (Oct.2001)

Union of BC Municipalities (UBCM)

UBCM Convention: September 22-26, 2003

Monday Study Session: New Developments in Treaty Negotiations and Good Neighbour Relations

- Please see description in the UBCM Convention registration brochure for this session being held on Monday, September 22nd from 9:00 am to noon at the Waterfront Hotel. Pre-registration is required. This session will be of particular interest to TACs and others involved in or wishing to learn more about treaty negotiations.

UBCM sponsored Community to Community Forums scheduled for the Lower Mainland Area:

- **The Sunshine Coast Regional District** and the **Sechelt First Nation** are holding a two-day event in mid September to provide an opportunity for improved understanding and cooperation between all parties.
- **The District of Squamish** and the **Squamish First Nation** held an event in July.
- **City of Coquitlam** and the **Kwikwetlem First Nation** are scheduled to meet in October.
- **Fraser Valley Regional District** and **Sto:lo Nation** held a joint forum on June 26. The session was designed to allow an opportunity: for dialogue generally, and specifically around the areas of governance and intergovernmental relationships; to establish and build relationships; to explore areas of commonality; to identify partnership and economic development opportunities; and to identify next steps.

New Joint TAC Website

On March 13th, UBCM launched a new web site to facilitate communication among TAC members on issues important to them, as well as with the UBCM Aboriginal Affairs Committee.

The website contains:

- an electronic "bulletin board" which allows TAC members to "dialogue" about issues
- a library of documents from treaty tables (which will be added to frequently), and
- a UBCM update page.

Any TAC member can enter their e-mail address on this site to receive UBCM updates directly.

Regional Update

Other Draft AIPs Reached in BC

Lheidli T'enneh Table (Stage 5)

On July 26th, 2003, Lheidli T'enneh, Canada and British Columbia signed the first Agreement-in-Principle under the BC Treaty Process in Prince George. Ratification of this AIP effectively moves the table into Final Agreement negotiations or stage 5 of the BC Treaty Process. Included in the agreement is 4,027 hectares of land, \$12.8 million, governance provisions and rights to wildlife, fish and timber.

Snuneymuxw Table (Stage 4)

Chief Negotiators at the Snuneymuxw treaty table initialled a stage 4 Draft AIP on February 19th, 2003, and released it the public in April 2003. The Snuneymuxw AIP is made up of two documents: an AIP which deals with land, resources, culture, related self-government provisions and cash, and a Governance AIP which deals with a range of governing authorities such as education, health care and policing. The AIP offers Snuneymuxw \$64 million in cash and 5,090 hectares of land. Both AIP

documents are currently being reviewed by the Snuneymuxw community. A Snuneymuxw ratification vote on the draft AIP will be held by fall 2003.

Maa Nulth Table (Stage 4)

The Maa Nulth First Nation, a group of five bands located on the west coast of Vancouver Island, initialled an Agreement-in-Principle on May 29th, 2003. The AIP proposes transfer of \$62.5 million to the five bands and more than 20,000 hectares of land, in addition to the area #150 reserve. A ratification date has not been scheduled by the Maa Nulth community at this time.

Sliammon Table (Stage 4)

In June 2003, the Chief Negotiators for Sliammon First Nation (located in the Powell River area), BC and Canada recommended approval of a re-negotiated Agreement-in-Principle for ratification. The re-negotiated AIP includes approximately 6,000 hectares of provincial Crown land, \$26 million and a commitment to negotiate revenue sharing. It also includes provisions to negotiate a Governance Agreement outside of the treaty. The Sliammon First Nation has set October 4th, 2003, for the ratification vote.

Fisheries Update

The Hon. Robert Thibault, Federal Minister of Fisheries and Oceans, Hon. Geoff Plant, Attorney General and Minister Responsible for Treaty Negotiations of BC and the Hon. John van Dongen, Minister of Agriculture, Food and Fisheries of BC, announced on July 29th, 2003, the establishment of a two member task group to provide advice on the integrated management of post treaty fisheries.

The task group will provide expert, independent advice on how to ensure an integrated, economically viable marine fisheries sector in BC consistent with treaties and will focus on a wide range of topics aimed at developing approaches to fisheries arrangements that support treaty settlement and will support a sustainable, equitable, economically viable and well-managed fishery.

The outcome of the joint task group will assist governments in working with First Nations and other participants to implement comprehensive solutions to the challenges faced in developing a post-treaty fishery.

Consultation is a key element of this initiative. As such, the task group will seek input from a variety of commercial and recreational fishing representatives and First Nations organizations, including the BC Aboriginal Fisheries Commission.

For more information on the Lower Mainland Treaty Advisory Committee, please contact LMTAC at:
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