

# Update Bulletin

Reporting on recent  
LMTAC Activities

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**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

### LMTAC Draft Paper: *Regional Governance & Governance in the Region*

On March 11<sup>th</sup>, 2003, LMTAC hosted a second workshop for senior management staff from LMTAC's three regional district members (Greater Vancouver, Squamish-Lillooet, and Sunshine Coast) as well as LMTAC table representatives and Executive members. The purpose of the workshop was to discuss Draft #7 of LMTAC's discussion paper, *Regional Governance and Governance in the Region*. Workshop participants recommended that the paper undergo further revisions (Draft #8).

At the April 23<sup>rd</sup> LMTAC board meeting, LMTAC and GVRD staff, referencing an overhead presentation, introduced the paper's project milestones, and provided an overview of the Draft #8, including changes made as a result of feedback received throughout the consultation process. It was noted that the purpose of the paper was to set the stage for debate and discussion at various forums. Draft #8 was received by members and it is anticipated that a subsequent broader workshop will be held at some point in the future. (Both the paper and the presentation are located on LMTAC's web site).

### Rights of Representation Paper

Local governments' concerns with the taxation and representation of non-Aboriginal residents or leaseholders presently living on Indian Reserves and their implications, post-treaty, on Treaty Settlement Lands prompted the development of *LMTAC First Principle #27*, which deals with the rights of representation. LMTAC's recent discussion paper, released in March 2003, is intended to provide the necessary background information to initiate discussions on this topic. The paper concludes that substantial discussion is needed on how to create mechanisms to ensure that non-members living on future treaty settlement lands will be represented in Aboriginal institutions. It is anticipated that the discussion paper will evolve through extended research, exploratory discussions, scenario writing and further dialogue.

### Lower Mainland Municipal Association (LMMA) AGM

On May 8<sup>th</sup>, Mayor Don Bell, LMTAC Vice Chair, provided an overview presentation to the LMMA Annual General Meeting in Whistler, by outlining the role of LMTAC within the treaty process, providing an update on the current status of treaty negotiations in the Lower Mainland, and encouraging member councils to allow their respective LMTAC representatives a regular opportunity to provide a briefing on their agendas. LMTAC staff was on hand with the LMTAC display board to offer additional information.

### Special LMTAC Workshop on Fisheries Workshop, May 5<sup>th</sup>

On May 5<sup>th</sup>, 2003, LMTAC hosted a special meeting on fisheries. Participants included 20 representatives from LMTAC member local governments, BC Treaty Negotiation Office, Federal Treaty Negotiation Office and the Federal Department of Fisheries and Oceans. This meeting provided an informal forum for interested LMTAC members to engage Federal representatives in discussions on fisheries management principles for treaty negotiations in the Lower Mainland, generally, and Tsawwassen negotiations in particular. The session concluded with participants identifying a necessity to further exchange information on a broader perspective and the need and willingness of parties to focus on and pursue joint solutions.

## NEGOTIATION UPDATES

### Katzie Table (Stage 4)

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

In January 2003, the Parties released a document titled "Katzie First Nation – Economic Development Strategy Report Business Outlines" as part of an Economic Development TRM. The purpose of this study is to assess the economic development opportunities available to the Katzie First Nation within its Statement of Intent (SOI) area. The report focuses on four main areas of economic opportunity for the Katzie: fisheries, forestry, tourism, and commercial land development. Katzie has indicated the importance of lands and resources in connection with reasonable economic investment and return.

On March 7<sup>th</sup>, 2003, the Parties released a Checklist and Joint Principles on Wildlife (Draft 4). The six interest topics include: Katzie access to wildlife; Katzie's role in the management of wildlife and migratory birds in the Katzie traditional territory; management and administration of Katzie harvesting rights and Katzie harvesters; international obligations; government access to habitat; and jurisdiction.

The Parties also released a Checklist and Joint Principles on Culture and Heritage (Draft 4) on March 20<sup>th</sup>, 2003. The checklist includes 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. The nine interest topics include:

- Katzie Ownership and Control of Cultural Sites
- Katzie Ownership and Control of Artefacts
- Heritage Sites
- Access
- Public Education and Understanding
- Katzie Authority and Capacity
- Residential Schools
- Regulations and International Obligations
- Definitions

During the month of March, the Katzie Intergovernmental Relations Working Group (IGRWG) made presentations to both the GVRD Corporate and Intergovernmental Committee (CIC) and the LMTAC Board to convey the complete proceedings of the Regional Visioning workshop.

On April 1<sup>st</sup>, 2003, the Katzie IGRWG visited the City of Richmond where it received: an in-depth explanation of the GIS presentation on archeological sites; examples of Memorandum of Understandings (MOUs) with municipalities for heritage sites, an opportunity to view

archaeological items normally restricted to staff, and a better understanding of how to identify heritage sites.

The MTWG meeting scheduled for June 4<sup>th</sup> will focus on the topics of governance, parks, and environmental management. During the month of June, the Katzie Main Table Working Group is planning a Fraser River Tour, a visit to the Fraser Valley Regional District, and the Community Relations Working Group is planning a Salmon Barbeque.

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

### 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.

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

### Tsawwassen Table (Stage 4)

The Parties' self-imposed deadline for the Tsawwassen First Nation (TFN) treaty table to reach an Agreement-in-Principle (AIP) by March 31, has been postponed to a yet to be determined future date.

Meanwhile, the Main Table Working Group continues with AIP draft chapter development and discussions. The Tsawwassen treaty settlement as a whole 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. The AIP is a document that will set 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.

The Parties still agree to explore an incremental approach (while still proceeding with comprehensive treaty-making) based on guiding principles as a way of

reaching agreement on the Provincial and Federal government's joint land/cash proposal made in January 2001. Therefore, while AIP negotiations continue, the Tsawwassen First Nation is moving forward with Interim Agreements.

Chief Negotiators at the Tsawwassen Table continue to schedule Public Main Table Meetings to provide updates on the negotiations, as well as to release draft Consultation AIP Chapters and related documents. So far in 2003, Public Main Table meetings were scheduled January 30<sup>th</sup>, February 27<sup>th</sup>, March 20<sup>th</sup>, March 27<sup>th</sup> and April 3<sup>rd</sup>.

Since December 2002, eight draft AIP Chapters have been released, including: Dispute Resolution, Amendment of the Final Agreement, Approval of the Agreement in Principle, Environmental Protection and Conservation, Access, Lands, Fisheries and Eligibility & Enrolment.

Canada, British Columbia and the Tsawwassen First Nation have agreed to negotiate three Treaty Related Measures (TRM) that would facilitate the table's consideration of the land/cash counter-proposal. The first two TRMs, the Cultural Heritage Resources Study and the Economic and Human Resource Development Study, were negotiated and the final reports are available in local libraries. The third TRM, the Community Planning Project, was negotiated and consultation meetings with First Nation members, leaseholders who live on reserve, members of the public, and neighbouring local governments were held prior to the Final Draft being produced. The Final Community Planning and Development Report was publicly released in the fall of 2002 and is available on the Tsawwassen First Nation website: [www.tsawwassen-fn.org](http://www.tsawwassen-fn.org).

Tsawwassen continues to express that access to services remains a critical issue. The Parties have committed to support development of intergovernmental relationships through a Governance TRM and by establishing a Tsawwassen Intergovernmental Relations Technical Working Group (IGRTWG) to address First Nation/local government matters.

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

#### **Tsleil-Waututh Table (Stage 4)**

In October 2002, the Tsleil-Waututh Nation (TWN) contacted the Federal and Provincial Chief Negotiators to resume Stage 4 Agreement-in-Principle negotiations. Following, the Parties have held a series of Chief Negotiators' meetings to determine if there was enough of a shared vision to resume negotiations. TWN provided a number of suggestions and ideas adopted by the parties including: an agreement that they would not use their Variable Interest Model for treaty negotiations, rather they would continue to use that model for their negotiations with businesses and organizations on

matters outside of 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 15, 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 15<sup>th</sup> 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. TWN is interested in aquaculture opportunities, small hydro-electric projects and a back country recreational tenure.

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

#### **Other Treaty Tables**

##### **Snuneymuxw Table (Stage 4)**

The Snuneymuxw treaty table has the potential to become the first table to reach a treaty under the BC Treaty Process. The Parties are attempting to complete Stage 4, as a Draft AIP has been initialled by the negotiators for the three Principals. 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. Both AIP documents are currently being reviewed by the Snuneymuxw community and signing of the AIP documents by the three Parties is targeted to occur by June 21<sup>st</sup>, 2003.

## LMTAC BIZ

### BOARD MEETINGS

#### February 26<sup>th</sup> Board Meeting

Robin Dodson, Federal Chief Negotiator to the Tsawwassen treaty table, provided a presentation to members on treaty negotiations and Harvest Agreements. To further explore the fisheries issue and to allow the board discussions to focus on other pressing issues, such as governance, members suggested that a separate LMTAC meeting be held (see page 1).

Katherine Gordon, Chief Negotiator, Provincial Treaty Negotiation Office (TNO), provided a general update relative to Tsawwassen Table Negotiations.

#### March 26<sup>th</sup> Board Meeting

Councillor Gordon, LMTAC representative to the Katzie table, introduced Ian Batey, Negotiator, Treaty Negotiations Office, and Vernon Chapman and Chris Roine of the Katzie First Nation. Mr. Chapman presented an oral report in regard to the Katzie First Nation's Regional Visioning Event held February 5- 7, 2003 to generate ideas on how Katzie First Nation could accomplish its goals. Mr. Chapman reviewed the contents of the report and noted action plans of interest. Members commented on the substantial amount of work accomplished at the Regional Visioning Event and Mr. Chapman reviewed the participant driven process of identifying items for the agenda, brainstorming, and development of the action plans. Further information is available on Katzie's website: [www.katzie.ca](http://www.katzie.ca)

In light of Delta's withdrawal from LMTAC, the membership elected Councillor Harold Steves, LMTAC's representative from Richmond, as the new Tsawwassen Table Representative.

Cory Herrera, Negotiator, Provincial Treaty Negotiation Office, provided members and answered questions with regard to an update on recent discussions at the Tsawwassen treaty table.

#### April 23<sup>rd</sup> Board Meeting

Several reports and background papers were received by members, including draft #8 of the *Regional Governance and Governance in the Region Draft Discussion Paper* (see page 1), *Local Governments and Urban Aboriginal Issues Paper* (see page 5), and the *Revised Islands Trust Interests in Treaty Negotiations*.

In addition, members voted in favour of approving the City of Nanaimo's request to become an observer member to LMTAC. The City had made this request given that they had "been most appreciative of both the quality of the policy work undertaken by LMTAC, as well, as its availability to others looking for information." (Excerpt from April 8<sup>th</sup> letter from the City of Nanaimo to LMTAC Chair).

### LMTAC SUB-COMMITTEES

#### Finance & Organizational Sub-Committee (FOSC)

The FOSC worked hard with members and staff over the past several months to begin to address challenges associated with 2004 budget planning. The FOSC has encouraged the LMTAC Chair to correspond with BC to request funding to ensure that LMTAC can maintain its current level of policy work for and support to Lower Mainland area local governments involved in treaty negotiations. Additional FOSC work has focused on updating expense and membership policies and completing the 2002 audit.

#### Communication Sub Committee (CSC)

The CSC continues to meet on an as needed basis. Since the beginning of 2003, the focus of CSC discussions has been on creating more effective methods of sharing information with member councils and districts. The CSC's next meeting will focus on the 2003 annual member survey.

#### 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 governance issues and rights of representation. Staff representatives from all LMTAC member jurisdictions are invited to participate. For more information, please contact the LMTAC Office.

*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.*

## OTHER LMTAC BUSINESS

### Local Governments and Urban Aboriginal Issues (Revised Paper)

LMTAC also recently revised its discussion paper, entitled *Local Governments and Urban Aboriginal*

*Issues*. The paper is a backgrounder to LMTAC's First Principle #32, which states that "treaties must include mechanisms to ensure that the costs of providing programs and services to these populations do not become the responsibility of Local Government." The revisions to the paper are in response to an LMTAC sponsored workshop, held on April 30<sup>th</sup>, 2002. Workshop participants, including local and provincial governments, First Nations, and regional health boards, provided feedback on the discussion paper with respect to urban, off-reserve Aboriginals, particularly as they relate to treaty negotiations and the post-treaty environment.

### Delta's Withdrawal from LMTAC

The Corporation from Delta withdrew from LMTAC in March 2003 citing various reasons for its decision. In response, LMTAC Chair distributed a letter to Delta stating: "LMTAC's responsibility is to ensure that the broader interest of all local governments located in the Lower Mainland is represented in treaty negotiations. Given this regional responsibility, no individual municipality or regional district has direct representation in its own right at any specific negotiating table." On March 26<sup>th</sup>, 2003, the LMTAC Board endorsed Councillor Harold Steves as its new table representative to the Tsawwassen treaty table.

### Legislative Order in Council – Closed Meetings

LMTAC sent correspondence to the Ministry of Community, Aboriginal and Women's Services (MCAWS) on April 1<sup>st</sup>, 2003, regarding clarification on provisions for closed meetings relating to treaty negotiations and the related ability of LMTAC members to share confidential treaty material with their Councils. In response, the Ministry of Community, Aboriginal and Women's Services advised us on April 10<sup>th</sup>, 2003, via the Provincial Chief Negotiator at the Tsawwassen Treaty Table, that effective immediately a meeting may be closed under the Local Government Act for the purpose of "information relating to local government participation in provincial negotiations with First Nations, where an agreement provides that the information is to be kept confidential."

This resolves a long standing problem TACs experienced with their members reporting to their councils on confidential treaty-related matters. However, this does not mean that Councils now have the ability to share confidential information with their electorate. Treaty negotiations, as with any other type of negotiations, involve issues that are highly sensitive in nature and involvement in the process both requires and bounds participants to confidentiality requirements.

## Union of BC Municipalities (UBCM)

### New Joint TAC Website

On March 13<sup>th</sup>, 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 (1) an electronic "bulletin board" which allows TAC members to "dialogue" about issues, (2) a library of documents from treaty tables (which will be added to frequently) and (3) a UBCM update page. Any TAC member can enter their email address on this site to receive UBCM updates directly.

### "Developing Good Neighbour Relations"

#### Local Governments & First Nations Technical Workshop (February 19, 2003)

In 2002, the UBCM, the First Nations Alliance 4 Land Management (FNA4LM), and Indian and Northern Affairs Canada (INAC) began to plan for this technical workshop. This event was the first of its kind to bring together First Nation and local government staff from around the province for the purpose of educating and informing each other on how each manages community land use and related servicing needs, discuss barriers to good neighbour relations and generate solutions, and identify opportunities and principles for cooperative action. The workshop feedback was very positive and strongly suggests that similar future ventures would be welcomed to continue developing better neighbour relations between First Nations and local governments at the administrative level.

### UBCM BC-Wide Community to Community Forum (March 14, 2003)

Several LMTAC members participated in the third province-wide Community to Community Forum organized by the UBCM and the First Nations Summit. This Forum drew the highest attendance numbers to date and was designed to build effective relationships between local governments and First Nations through dialogue among their elected leaders. In addition to discussing issues of common interest to local governments and First Nations (e.g. economic development, natural resources management, servicing and land use planning), the 2003 Forum focused on resolving conflict and pursuing joint opportunities. Participants worked with scenarios based on actual problems faced by communities, to explore skills and techniques that will allow them to tackle these problems head on.

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