

## Key Items of Business

*Lower Mainland Treaty Advisory Committee (LMTAC)*

### UBCM CONVENTION WEEK: SEPTEMBER 21-25, 1998

Treaty and First Nation issues played a forthright role at the 1998 Union of B.C. Municipalities (UBCM) Convention in Penticton. LMTAC activities included meetings with Ministers Dale Lovick and Jenny Kwan (as well as with Deputy Minister Jack Ebbels); participation in two detailed workshops on the Nisga'a Final Agreement; breakfast with the Fraser Basin Council; and numerous informal discussions with provincial Aboriginal Affairs representatives on various treaty and First Nation issues. The LMTAC Chair was also interviewed by CKNW and CBC radio.

Other highlights of convention week included: 1) Reports that the Sechelt First Nation has returned to the negotiating table. The Province seems optimistic that Sechelt may be the next treaty to be signed following Nisga'a. 2) Public acknowledgment by Aboriginal Affairs Minister Dale Lovick that Interim Measures negotiated outside of the treaty process may eventually become part of final treaty settlements. 3) Commitment by the Ministry of Aboriginal Affairs to sign a protocol agreement with UBCM confirming local government involvement in the development of interim

*This Bulletin provides a general overview of recent activities and major issues dealt with by LMTAC representatives. It is not intended, nor should it be relied upon, to reflect all of the issues before the Committee or its representatives. Any opinions expressed herein are solely of the LMTAC.*

**For additional information on LMTAC activities, please contact: Mr. David Didluck, LMTAC Policy and Aboriginal Affairs Analyst, 4<sup>th</sup> Floor, 4330 Kingsway, Burnaby, British Columbia, V5H 4G8.  
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measures policy and process. (It is not clear whether this protocol resembles the model developed previously by LMTAC). 4) Repeated acknowledgment by Provincial representatives of the importance and impact of the Supreme Court of Canada's decision in *Delgamuukw*.

### SEPTEMBER 30, 1998

The September 30 meeting of the full LMTAC membership featured a detailed presentation and question/answer period on the Nisga'a Final Agreement with Deputy Minister Jack Ebbels and Patrick O'Rourke from the Ministry of Aboriginal Affairs. Deputy Minister Ebbels discussed the Agreement at length and emphasized that it is not a template for other negotiations, particularly not for urban treaties. He did acknowledge, however, that the Agreement does have many broad provisions that the Province may seek to have introduced in other treaties. Such provisions may include: certainty language, provisions for land title, dispute resolution and amendment, maintenance of the *Criminal Code* and *Canadian Charter of Rights and Freedoms*, provincial forestry and environmental standards, occupational health and safety, workers' compensation, employment wills and estates legislation.

Deputy Minister Ebbels emphasized that aspects of individual treaties will vary significantly and be dependent upon forgone revenues and mineral, water and forestry values. For this reason, provisions in the Nisga'a Final Agreement cannot be used as a template for other treaties.

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Treaty provisions on other key issues such as self-government and First Nation/local government relations will also need to be adapted to the realities of the urban environment.

Deputy Minister Ebbels emphasized that in no case does the Province or Canada vacate the field of its legislative ability. Laws of general application, whether provincial or federal, will continue to apply. In cases where the Province has agreed to give the Nisga'a law making authority, a number of provincial standards must be met - standards which must be met through assessments. There is no prohibition, or preclusion, from passing other laws in the future.

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## Negotiation Updates

*Regional and Table Specific*

### REGIONAL

Activity at Lower Mainland treaty tables has continued at a modest pace since the announcement of the Supreme Court of Canada's December 1997 decision in *Delgamuukw* and the 1998 UBCM Convention. Lower Mainland activities continue to also be overshadowed by debate of the Nisga'a Final Agreement and its implications for other treaty negotiations. While LMTAC is not an advisor to the Nisga'a table, members are being repeatedly asked to comment on the Final Agreement.

More importantly, LMTAC members continue to work on a number of pressing issues affecting the Lower Mainland. Those issues include:

- establishment of a new provincial policy on Interim Measures agreements;
- post-*Delgamuukw* consultation issues;
- treaty process revitalization;
- links between *Municipal Act* reform (Bill 31) and the treaty process;
- enhancing First Nation / local government relations.

This Fall, the LMTAC Communications Sub-Committee is also actively engaged in updating Lower Mainland municipal councils on urban treaty and First Nation issues.

### TABLE SPECIFIC

**Katzie First Nation** (Stage 2)

The Parties to the Katzie negotiations met on June 3, 1998 to finalize the protocol and openness agreement required to

complete Stage 2 of negotiations. Previous delays resulting from conflicting interpretations of what role a local treaty advisory group (known as the Katzie LAG) will play in the treaty process have now been largely resolved. As of October 19, 1998, no official correspondence from the BC Treaty Commission confirms that an amalgamation of the Coquitlam Indian Band and the Katzie First Nation in treaty negotiations has occurred.

The Katzie First Nation hosted an open main table session on October 20, 1998 at the Pitt Meadows Recreation Hall. At the meeting, Chief Negotiators confirmed that the Katzie had completed the readiness requirements set out by the BC Treaty Commission for Stage 3 (Negotiation of a Framework Agreement). In the coming months, it can be anticipated that the parties will reach agreement on a list of substantive issues for negotiation.

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

#### **Musqueam First Nation (Stage 3)**

On June 26, 1998 negotiations on the Musqueam Framework Agreement were complete and all Parties to the negotiations had initialed the Agreement. Chief Gail Sparrow has since invited Ministers Dale Lovick and Jane Stewart to sign the Framework Agreement at a formal ceremony. In the interim, the parties to the Musqueam table continue to be actively engaged in preparing a draft workplan for Stage 4 (Negotiation of an Agreement-in-Principle, or AIP). Initial workplanning indicates that substantive Stage 4 negotiations will possibly begin in early 1999.

*Councillor Nancy A. Chiavario is the LMTAC representative to the Musqueam negotiations.*

#### **Squamish Nation (Stage 3)**

No activity has occurred at the Squamish table since February 1998 when LMTAC provided provincial negotiators with comments on a draft of the Framework Agreement. At present, federal and provincial negotiators have the authority to initial the agreement, but minor textual changes and editing may continue to occur. Once these changes are complete, it can be anticipated that the Framework will be initialed by the Parties and Stage 4 workplanning will commence. No further meetings are scheduled at this time.

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

#### **Tsawwassen First Nation** (Stage 4)

Tsawwassen began Stage 4 Agreement-in-Principle negotiations in August 1997. Since August, a Stage 4 workplan was developed and the parties have begun to draft chapters (called sub-agreements) on substantive treaty issues such as treaty amendment, dispute resolution, and ratification. These sub-agreements, once finalized and initialed, will likely form part of Tsawwassen's complete Agreement-In-Principle.

An informal tripartite discussion on ways to re-engage the table occurred on October 9, 1998. As with other tables currently in Stage 4, it can be anticipated that the parties to the Tsawwassen negotiations will be more active in the coming months. Upcoming meetings already scheduled include a treaty working group on November 3, 1998 and a possible main table on January 29, 1999.

*Councillor Vicki Huntington is the LMTAC representative to the Tsawwassen negotiations.*

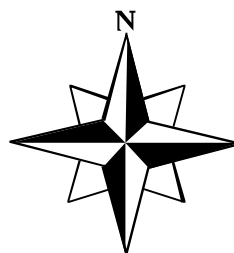
#### **Tsleil-Waututh First Nation** (Stage 4)

The Tsleil-Waututh table commenced Stage 4 negotiations in May 1997. In June 1998, Mayor Don Bell from the District of North Vancouver met with BC negotiators to discuss municipal interests and tour strategic sites of interest to local government. Since that time, treaty negotiators have met on several occasions to develop a common approach to AIP negotiations, including planning for future side table meetings on governance, lands, resources, and parks.

Two days of meetings were held in August 1998 to discuss lands deemed by the Nation to be "Special Management" or "Natural Environment" areas. On these lands, Tsleil-Waututh seek to develop new economic partnerships and/or co-management regimes with existing government jurisdictions.

Such an approach is consistent with Tsleil-Waututh's proposed "*variable interest model*" - a geo-spatial approach which proposes to bring tangible benefits incrementally to the Tsleil-Watuth people through the retention of varying levels of "interest" across the entire traditional territory. Developed in part from lessons learned during treaty negotiations in the Yukon, the "*variable interest model*" is a unique approach not previously explored at other treaty tables in the Lower Mainland. The parties to the Tsleil-Waututh table are now using the model as an exploratory tool to help advance substantive negotiations.

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



## UPCOMING LMTAC MEETINGS

Oct. 28	Executive	5pm-7pm	GVRD Bldg
	Full LMTAC	7 pm-9 pm	GVRD Bldg
Nov. 18	Executive	9 am-11am	GVRD Bldg
	CSC	11:30am-1pm	GVRD Bldg
Nov. 25	Executive	4 pm-7pm	GVRD Bldg
	Full LMTAC	7 pm-9 pm	GVRD Bldg
Dec. 9	Executive	9 am-11am	GVRD Bldg
	CSC	11:30am-1pm	GVRD Bldg

(The CSC is LMTAC's Communications Sub-Committee)

*Note that the October 28th Executive starts at 5:00pm!*

***A complete 1998/99 meeting schedule is now available from the LMTAC office***

## NEXT PUBLIC LMTAC MEETING:

Wednesday, October 28, 1998

## PRIORITY NEWS

### ***FALL COUNCIL TOUR LAUNCHED!***

LMTAC began its Fall 1998 Council Tour with a presentation to Vancouver City Council on September 29, 1998. LMTAC Chair, Councillor Nancy A. Chiavario, and LMTAC's Policy and Aboriginal Affairs Analyst, Mr. David Didluck, presented a synopsis of Lower Mainland treaty issues, a Musqueam table status update, and some Nisga'a highlights to City Council. The presentation was followed by a question and answer period and discussion of developing a Vancouver City interest inventory. The presentation was open to the public and attended by CKWX and CKNW radio, Rogers TV, and a number of Chinese media organizations.

The purpose of the tour is to give Councils direction on how to deal with First Nation and treaty issues as more Lower Mainland First Nations move into Stage 4 (Agreement-in-Principle) negotiations. During Fall 1998, LMTAC will be continuing its council tour by visiting Lower Mainland area municipalities most affected by Stage 4 negotiations,

including the City of Squamish, City of North Vancouver, City of Surrey, City of Port Moody, and City of Richmond. ❖

## Lower Mainland Advisory Groups: Update

### REGIONAL CAUCUS (LMRC)

No meetings of the LMRC are scheduled at this time. The Regional Caucus continues to communicate via electronic mail as Mr. Doug Kelk from the Ministry of Aboriginal Affairs, who previously coordinated communications amongst the Regional Caucus, is no longer serving in that role. It is hoped that the hiring of an additional staff member (pending as of October 20, 1998) will give the Regional Caucus new direction for Fall 1998 and beyond.❖

***The LMRC was created as a forum for provincial line ministries, Crown Corporations, and local governments to discuss key treaty and Aboriginal issues. No upcoming meetings are scheduled.***

### REGIONAL ADVISORY COMMITTEE (LMRAC)

The last meeting of the LMRAC occurred on September 10, 1998. At the meeting LMRAC members received negotiation updates from federal and provincial officials. Highlights included detailed updates on the Roberts Bank Backup Lands and the status of the Tsleil-Waututh negotiations. ❖

***The LMRAC meets on the first Thursday of every month. The next meeting is scheduled for November 5, 1998.***

*LMTAC members should note that agendas and notices of confirmation/cancellation are distributed by federal and provincial consultation officers.*

### FRASER VALLEY TREATY ADVISORY COMMITTEE (FVTAC)

FVTAC advises three negotiations, the Sto:lo, Yale, and In-SHUCK-Ch N'Quat'qua tables, all of which are in Stage 4. The In-SHUCK-Ch N'Quat'qua table is currently preparing and reviewing draft chapters of their Agreement-in-Principle, and is the most advanced of the three tables. FVTAC is scheduled to host a workshop with provincial negotiators on October 20, 1998 to review draft In-SHUCK-Ch AIP chapters. FVTAC is also scheduled to meet with Aboriginal Affairs Minister Dale Lovick on November 18, 1998.

FVTAC is pleased to report that they have hired a new Aboriginal Affairs Coordinator, **Tamara Little**, as of November 2, 1998. Working under the direction of

**Suzanne Gresham**, Tamara will facilitate FVTAC interest identification, develop a communications plan, and work on other treaty projects for the TAC. For additional information on FVTAC activities, contact *Suzanne Gresham* at (604) 702-5032.❖

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## LMTAC Biz

### UBCM HOSTS JOINT TAC MEETING

UBCM has confirmed that it will host a meeting of all Treaty Advisory Committees in BC on November 19 and 20, 1998. Highlights of the meeting will include discussion of the Nisga'a Final Agreement and key issues arising from treaty negotiations, including Interim Measures, treaty process revitalization, and *Delgamuukw* implications. There will also be opportunities to engage provincial representatives in a question and answer period. LMTAC members wishing to register are reminded to fax their registration forms directly to UBCM as soon as possible.❖

### NEW INFORMATION KIT FORTHCOMING

LMTAC staff are actively working to develop a new members/public information kit. The kit will be particularly useful to new TAC representatives who often find themselves overwhelmed with treaty information when they first join the Committee. In an effort to facilitate understanding and encourage member involvement, the new members/public information kit will provide a brief, yet detailed, background on treaty issues and LMTAC activities. Anticipated release: January 1999.❖

### PROPOSED POLICY AND ISSUES FORUM

To enhance the policy capacity of LMTAC and better enable members to deal with pressing Aboriginal and treaty issues, LMTAC's Policy and Aboriginal Affairs Analyst will be working with LMTAC members in the coming months to develop a new monthly "policy and issues forum" for 1999. Such a forum may occur during regular LMTAC meetings or at separate sessions, and involve facilitated discussions, video presentations or roundtable sessions. LMTAC members are encouraged to forward their comments to the LMTAC office. Further information on these proposed forums is forthcoming.❖

### LMTAC WELCOMES A NEW INTERN

With assistance from Human Resource Development Canada, LMTAC is pleased to announce that on September 9, 1998 it hired **Shannon Kaplun** as LMTAC's new *Aboriginal Affairs Intern*. Working under the direction of LMTAC's Policy and Aboriginal Analyst, David Didluck, Shannon will be able to exercise her skills in First Nations anthropology while also gaining valuable work experience in the field of treaty negotiations and Aboriginal Affairs. Shannon can be reached directly at (604) 451-6160.❖

***Suggestions? Ideas? Articles?***

*If you have a suggestion, idea, or copy of an article you would like to include in an upcoming issue of the LMTAC Bulletin, please fax or e-mail your material to: the Lower Mainland Treaty Advisory Committee, Fax: (604) 436-6860;  
E-mail: [lmtac@gvr.bc.ca](mailto:lmtac@gvr.bc.ca).*

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*If submitting an article, please send an electronic copy in Rich Text or Word7.0 formats only.*