

For Immediate Release

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Lower Mainland Area Local Governments Support Tsawwassen Final Agreement Negotiations

Burnaby, BC... With regard to the announcement that a *Final Agreement* has been initialed by the three Chief Negotiators at the *Tsawwassen Treaty Table* on **December 8, 2006**, local government representatives to the *Lower Mainland Treaty Advisory Committee* (LMTAC) offer their support for the conclusion of a final treaty settlement for the *Tsawwassen First Nation*, despite certain aspects of the *Final Agreement* continuing to be of concern for the committee.

“Although LMTAC is concerned with certain aspects of the treaty, this agreement represents both a significant milestone in the *BC Treaty Process* and a historic moment as the first *Final Agreement* to be reached in the Lower Mainland,” said Mayor Ralph Drew, LMTAC Chair.

Drew further noted that, “Lower Mainland area local governments, through LMTAC, have had a direct voice at the treaty table as full members of the provincial negotiating team and we have actively participated in the Tsawwassen negotiations since substantive discussions began in 1995. It’s been a long process but LMTAC strongly supports the objective of treaties to provide certainty with respect to aboriginal rights and title. Negotiations do require some give and take; however, the majority of LMTAC interests in treaty negotiations are addressed in this agreement. What local governments want to see now is successful implementation of this treaty on the ground.”

Richmond Councillor Harold Steves, LMTAC Representative to the *Tsawwassen Treaty Table*, stated that, “It has been essential for LMTAC to be a part of the discussions at Tsawwassen to ensure that issues important to Lower Mainland residents and municipal and regional governments are raised and understood by the First Nations, federal and provincial governments. While senior governments have previously stated that agreements reached on issues at Tsawwassen will not be used as templates for other Lower Mainland treaty tables, I have no doubt these decisions and agreements will have implications for those other tables in the future.”

Treaty negotiations in the urban Lower Mainland have a complexity unlike anywhere else in the province; especially with respect to intergovernmental relations and Tsawwassen First Nation’s participation in regional governance structures. LMTAC highlighted the *Intergovernmental Relations and Services Chapter* as an achievement of which to be proud. “LMTAC is excited that Tsawwassen will become a full member of the *Greater Vancouver Regional District*”, stated Drew, “and to have them engage with their municipal neighbours will only encourage understanding and the opportunity to work together on matters of mutual interest.”

LMTAC continues to be a strong proponent of building meaningful intergovernmental relations between local governments and First Nations in the Lower Mainland and committee members are encouraged by Tsawwassen’s interest to participate as a member of the *Greater Vancouver Regional District*.

Related to governance, LMTAC also supports provisions that provide non-First Nation residents of future *Treaty Settlement Lands* with representation in public institutions established by the Tsawwassen Government on matters that directly and significantly affect them. “LMTAC has been a strong advocate for ensuring that residents of future treaty lands continue to have a vote for their local government” stated Drew, “and post-treaty that government will no longer be the *Corporation of Delta* but the *Tsawwassen First Nation*.” Although it’s premature to comment on the effectiveness of these mechanisms, LMTAC commends Tsawwassen for taking such steps.

Despite positive efforts on governance matters, the committee does acknowledge that given the nature of negotiations, there were a few issues in which local government interests were not fully met. In particular, LMTAC has been a vocal opponent to the Tsawwassen table’s ‘Specified Lands’ approach to post-treaty additions to *Treaty Settlement Lands* because it remains an anomaly in the province. In particular, other agreements require municipal consent before removing lands from the municipal boundaries; however, the *Tsawwassen Final Agreement* places conditions on the requirement for municipal consent (in this case the *Corporation of Delta*) so that it cannot be ‘unreasonably withheld’.

“It’s an issue that cuts to the heart of local government interests, and the Province has stated since the AIP that it’s a matter that we have agreed to disagree on”, said Drew, “but we are adamant that this approach cannot be replicated elsewhere.” The *Union of BC Municipalities* has also voiced strong opposition to the *Specified Lands* approach at Tsawwassen.

Related to the matter of removing lands from the municipal tax base is a local government interest to be compensated for losses suffered as a result of treaty. The Province is not willing to discuss the matter of compensation but agreed to conduct a joint study with the *Union of BC Municipalities* on the fiscal impact of *Treaty Settlement Lands* that was released in December 2005. This study recommended mitigating the fiscal impact through service agreements and potentially setting-up a community adjustment fund to assist local governments. The Province has yet to confirm whether such a fund will be set-up, but LMTAC remains hopeful that the Province will provide some form of assistance to local communities.

Another contentious issue highlighted by the *Tsawwassen Final Agreement* is the exclusion of some portions of proposed *Treaty Settlement Lands* from the *Agricultural Land Reserve* (ALR). Councillor Steves, who is a high profile advocate for saving agricultural lands, stated that “although local governments may vary in their positions on ALR, what we do agree upon is that there must be adherence to due process. First Nation Governments must be subject to the same processes as local governments, and should be expected to apply to the *Agricultural Land Commission* for exclusions so that the *Commission* can consider alternatives. To simply side-step this important process through provincial settlement legislation is a concern — and does away with the level playing field we as local governments strive to achieve with treaty settlements.”

In recognition of the work ahead in implementing the *Final Agreement*, Chair Drew offered that “Once this treaty is ratified, LMTAC is very interested to see a smooth transition into the post-treaty environment, and we believe that our experience as local governments will be a valuable resource to assist *Tsawwassen First Nation* as it takes on new governance responsibilities.”

Parties will now initiate each of their respective consultation processes in preparation for formal ratification of the *Final Agreement*. No dates have been confirmed but Parties anticipate that the *Tsawwassen First Nation* may schedule a community vote as early as spring 2007.

Policy Backgrounder attached

For further information on LMTAC and its activities, please visit us at www.lmtac.bc.ca or contact Regan Schlecker, LMTAC Managing Director, at (604) 451-6198.

LMTAC coordinates and represents the interests of Local Governments, and through them their constituents, in defining and building relationships between First Nations and other orders of government.