

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

**January 9, 2008**

Minutes of the Meeting of the **Lower Mainland Treaty Advisory Committee (LMTAC) Executive Committee** scheduled 2:30 – 3:30 p.m. on Wednesday, January 9, 2008, in the 2<sup>nd</sup> Floor Café East Meeting Room, 4330 Kingsway Burnaby, B.C.

<b>ATTENDANCE:</b>		
<b>JURISDICTION:</b>	<b>ELECTED REPRESENTATIVES TO LMTAC:</b>	<b>STAFF REPRESENTATIVES TO LMTAC:</b>
Metro Vancouver	Mayor Ralph Drew ( <b>Chair</b> )	Marino Piombini
Bowen Island, Municipality of	Councillor Lisa Barrett (arrived 3:00 p.m.)	
Langley, Township of	Councillor Mel Kositsky	
North Vancouver, District of	Councillor Alan Nixon	
Squamish, District of	Councillor Corinne Lonsdale	
Squamish/Lillooet RD	Director John Turner	
Sunshine Coast RD	Director Barry Janyk	
West Vancouver, District of	Councillor Jean Ferguson	
White Rock, City of	Councillor Mary Wade Anderson	
<b>LMTAC STAFF ATTENDANCE:</b>		
Regan Schlecker	Managing Director	
Mark Kirsop	Research and Communications Coordinator	
<b>PREPARATION OF MINUTES:</b>		
Carrie Peacock	Recording Secretary, Raincoast Ventures Ltd.	

**Call to Order**

Chair Drew confirmed a quorum was in attendance and called the meeting to order at 2:40 p.m.

**1. AGENDA FOR ADOPTION**

**1.1 January 9, 2008**

**It was MOVED and SECONDED**

THAT the Agenda for the Regular Meeting of the LMTAC Executive Committee scheduled January 9, 2008 be adopted as presented.

**CARRIED UNANIMOUSLY**

**2. MINUTES FOR ADOPTION**

**2.1 December 12, 2007 Executive Committee**

**It was MOVED and SECONDED**

THAT the Minutes of the Regular Meeting of the LMTAC Executive Committee held December 12, 2007 be adopted as circulated.

**CARRIED UNANIMOUSLY**

During a discussion regarding the Minutes, Regan Schlecker, Managing Director, confirmed that a response to LMTAC's request to meet with Minister Chong had not yet been received. She added that further efforts would be made to contact the Minister.

**3. DELEGATIONS**

No delegations were received.

#### 4. LMTAC REPORTS

##### 4.1 Development of New Discussion Paper on Co-Management

*Related Documents:*

- a) *LMTAC Report titled "Development of New Discussion Paper on Co-Management", dated January 2, 2008; and*
- b) *On-table LMTAC Discussion Paper titled "Developing a Local Government Perspective on Cooperative Management Agreements with First Nations", labeled "Draft" and "Confidential".*

Regan Schlecker, Managing Director, referred members to the on-table document which included research compiled to-date relative to 'co-management', in response to the Executive Committee's prior request. She confirmed that none of the LMTAC First Principles currently addressed the issue of 'co-management'.

It was noted that an increased number of agreements were now being reached between the Province and First Nations, particularly relative to land and resource management. 'Co-management' had been raised previously at treaty tables, and was a fundamental principle of the *New Relationship* agreements. Various legal considerations related to consultation and accommodation, were referenced, and the need to involve First Nations in land and resource management was acknowledged. Ms. Schlecker informed the meeting that the framework provided in the on-table document, outlined some of the research required.

Mark Kirsop, Research and Communications Coordinator, added that 'co-management' could be defined differently, from different perspectives. 'Co-management' was often used to describe issues related to resource based topics, and could be loosely defined as the sharing of responsibility. He added that 'co-management' arrangements did not relieve the government of their duty to consult, and had typically arisen in response to court cases, and Aboriginal rights and interests issues. The meeting was informed that Tseil-Waututh had envisioned that 'co-management' could include the 'co-management' of parks, watersheds, partnerships, etc.

Mr. Kirsop added that in October 2006, over 60 First Nations signed a *Unity Protocol* intended to remove barriers and speed up treaty negotiations, as government mandates had extinguished First Nations governance authority and decision-making roles outside small areas of treaty lands. Further insight into the perspective of the *Unity Protocol* was provided in an adaptable agreement signed by Parks Canada and the Hul'qumi'num Treaty Group, in March 2006. Impacts of the *Haida* and *Taku River* cases on the agreement were acknowledged.

Mr. Kirsop reviewed the provincial perspective of 'co-management'. It was noted that agreements between the Province and various First Nations had been reached through land and resource management plans and other arrangements.

The local government perspective of 'co-management' was reviewed. Mr. Kirsop suggested that it would be beneficial to explore the *Sechelt Indian Band / Sunshine Coast Regional District Joint Watershed Agreement*. A list of scenarios for local government to consider for 'co-management' arrangements was reviewed, including Crown lands, community forests and community watersheds. Various examples of 'co-management' situations between local and First Nation governments, and Lower Mainland examples of 'co-management', were discussed.

#### 3:00 p.m.

Councillor Barrett joined the meeting

A discussion then ensued regarding challenges relative to 'co-management' for local government, including those related to governance, administrative accountability, public health and safety, legal liability and responsibility, and federal and provincial obligations to their employees. Some potential benefits of 'co-management', listed in the draft discussion paper, were also discussed.

Members commended staff for the information included in the subject documents, and suggested that:

- First Nations perspectives relative to 'co-management' also be considered;

- 'co-management' agreements had 'driven a wedge' in some relationships between local government and First Nations;
- there was typically a decrease in local government jurisdiction relative to Crown resources, as a result of some 'co-management' agreements;
- some land use agreements had removed from the inventory, items that could have been useful in treaty negotiations; and
- consideration of industry perspectives, within the context of the local government perspective, was needed.

Mr. Kirsop clarified that Marino Piombini had contributed significantly to the information contained in the discussion paper. The word 'co-management' was discussed, noting that the prefix 'co' implied 'cooperative'. It was noted that distinctions between 'partnerships', 'working relationships' and 'co-management' was required.

Ms. Schlecker added that much of the available research was done before courts established stronger First Nations rights. Chair Drew referenced the 'asymmetric distribution of rights and responsibilities'.

Government's willingness to engage in establishing a formal role for local government in the *New Relationship* was discussed. It was suggested that some elements of the *New Relationship* initially touted as 'beneficial', turned out to be otherwise; and some resource based arrangements had negatively impacted community residents. During a discussion regarding the 'co-management' of parklands, it was suggested that the Joint Watershed Management Agreement, was not equally co-managed.

Members referenced a convergence of policy from the provincial perspective. They suggested that LMTAC's position be clarified at the January 11, 2008 meeting with the Minister. It was noted that the *New Relationship* had not been inclusive of local government and regional government. They further suggested that the Minister be informed regarding the development of the LMTAC discussion paper regarding 'co-management', and that it be shared with the Ministry upon its completion.

Marino Piombini noted that there were various levels, aspects and processes of co-management, from consultation to decision-making, to be considered. 'Co-management' was typically recognized as an opportunity to work together to resolve differences – an alternative dispute resolution tool.

Members suggested that the references to 'benefits' in the discussion paper be replaced with 'consequences'. It was further suggested that an agreement between a forestry company and a First Nation be considered, while developing the discussion paper. Due to a lack of understanding of the 'co-management' process, it was suggested that many 'co-management' agreements were likely not being well implemented.

Staff was encouraged to also consider (while developing the discussion paper) the *Indian River Watershed Management Agreement*, which occurred in the midst of a treaty negotiation. It was noted that what began as 'co-management' agreements in some instances, subsequently transformed without local or regional government involvement.

Concerns were expressed that cooperative management agreements were being developed between First Nations and individual industries and/or companies (i.e. related to solid waste, water, and hydro), prior to the province's approval and local government being informed.

**It was MOVED and SECONDED**

THAT the LMTAC Executive Committee endorse the framework for the LMTAC Discussion Paper titled "Developing a Local Government Perspective on Cooperative Management Agreements with First Nations", as expanded by their January 9, 2008 discussion.

**CARRIED UNANIMOUSLY**

Ms. Schlecker reviewed the proposed timeline for policy development and endorsement, as outlined in the LMTAC report. Substantive completion of a final draft by the end of March 2008 was suggested.

Members agreed to reschedule the February 13, 2008 LMTAC Executive Committee meeting to February 20, 2008, from 3:00 p.m. to 5:00 p.m.

## **5. STANDING REPORTS**

### **5.1 Negotiation Table Reports**

#### **5.1a) Katzie**

It was reported that Katzie Table meetings were expected to commence during the subsequent week.

#### **5.1b) Musqueam**

No items were presented.

#### **5.1c) Squamish**

No items were presented.

#### **5.1d) Tsawwassen**

No items were presented.

#### **5.1e) Tsleil-Waututh**

Councillor Alan Nixon, Table Representative to the Tsleil-Waututh Table, reported that a critical meeting was scheduled January 22-24, 2008 in Victoria, BC.

#### **5.1f) Other**

No items were presented.

## **6. OTHER BUSINESS**

### **6.1 Finance and Administration Sub-Committee (FASC)**

The next meeting of the Finance and Administration Sub-Committee would be scheduled in February 2008.

## **7. INFORMATION**

### **7.1 Chair's Report**

No items were presented.

### **7.2 Staff Report**

Regan Schlecker, Managing Director, offered comments regarding the upcoming January 2008 LMTAC Board meeting, and announced some anticipated changes to local government's 2008 appointments to the LMTAC Board.

Guest presenters confirmed for the January 30, 2008 LMTAC orientation session, were acknowledged including: Assistant Deputy Ministers Mike Furey and Julian Paine; Chief Leah George-Wilson and Mayor Walton; and Donald Lidstone. Ms. Schlecker added that she and Chair Drew would soon be meeting with Chief George-Wilson and Mayor Walton regarding the session and their joint presentation relative to inter-governmental relations. Mr. Lidstone would provide the orientation session with a workshop on service arrangements between First Nations and local government.

Ms. Schlecker confirmed that information regarding the orientation session had been sent to local government offices. Members suggested that before future sessions, LMTAC staff consider more efficient alternatives to printing the 'LMTAC Orientation Handbook' (i.e. electronic copies). A member suggested polling attendees to determine how many reviewed their handbooks in advance, as future consideration could be given to providing the handbooks only at the session. It was further suggested that local government be invited to including a link to LMTAC's website, on their respective websites.

**Request for Action**

*It was requested that an Executive Committee meeting be scheduled at 4:00-5:00 p.m. January 23, 2008.*

Members were informed that LMTAC representatives had been invited to attend a Fasken Martineau discussion relative to the 'Williams' case. Ms. Schlecker agreed to subsequently convey information regarding the discussion to the LMTAC Executive Committee.

Ms. Schlecker further reported that Metro Vancouver had advised that they required additional space to accommodate their Finance Department. As such, LMTAC would need to relocate to a larger renovated office space of an adjacent building, in May 2008. Although the LMTAC offices were moving, Executive Committee and Board meetings would still be held at Metro Vancouver offices. The existing service agreement with Metro Vancouver (for rent, phones, etc.) would not change.

**8. MISCELLANEOUS REPORTS**

**8.1 Metro Vancouver Aboriginal Relations Committee**

No items were presented.

**8.2 Fraser Valley Treaty Advisory Committee (FVTAC)**

Councillor Kositsky offered comments regarding the scheduling of the next FVTAC meeting.

**8.3 Union of British Columbia Municipalities (UBCM)**

Members were advised that the next meeting was scheduled on January 24, 2008..

**8.4 Federation of Canadian Municipalities (FCM)**

No items were presented.

**9. OTHER BUSINESS**

No items were presented.

**10. INFORMATION**

The LMTAC Executive Committee received for information the following items:

- 10.1 2008 Meeting Schedule; and
- 10.2 Honorarium and Expense Claim Form.

**11. NEXT MEETING DATE**

The next Regular Meeting of the LMTAC Executive Committee was scheduled January 23, 2008, at 4:00 p.m.

**12. CONCLUSION**

**It was MOVED and SECONDED**

THAT the Regular Meeting of the LMTAC Executive Committee held January 9, 2008 be concluded.

**CARRIED UNANIMOUSLY**  
(Time: 4:02 p.m.)