

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

February 20, 2002

Minutes of the Regular Meeting of the **Lower Mainland Treaty Advisory Committee (LMTAC) Board** held at 6:00 p.m. Wednesday, February 20, 2002, in the 2^d floor Boardroom, GVRD Offices, 4330 Kingsway, Burnaby, B.C.

ATTENDANCE:		
JURISDICTION:	LMTAC ELECTED REPRESENTATIVE:	LMTAC STAFF REPRESENTATIVE:
North Vancouver, District of	Mayor Don Bell, Chair	Steve Hardy (departed 7:00 p.m.)
Greater Vancouver RD	Director Ralph Drew, Vice Chair	Marino Piombini
Anmore, Village of	Councillor Tony Frei (arrived 7:30 p.m.)	
Bowen Island, Municipality of	Mayor Lisa Barrett (arrived 6:25 p.m.)	
Burnaby, City of	Councillor Nancy Harris	Kimberley Flick
Coquitlam, City of	Councillor Louella Hollington	
Corporation of Delta	Councillor Vicki Huntington (Arrived 6:06 p.m.)	
Langley, City of	Councillor Ted Schaffer	
Langley, Township of	Councillor Bob Long	Frank Clark-Jones
Maple Ridge, District of	Councillor Candace Gordon	
North Vancouver, City of		Ken Tollstam
Pitt Meadows, District of	Councillor Janis Elkerton	
Port Coquitlam, City of	Councillor Mike Forrest	Jim Maitland
Port Moody, City of	Councillor Ann Hulbert	Gerry vanderWolf
Richmond, City of	Councillor Harold Steves	
Squamish, District of	Mayor Corinne Lonsdale	Kim Anema
Squamish Lillooet RD	Director Pam Tattersfield	
Sunshine Coast RD	Director Lee Turnbull (departed 8:25 p.m.)	
Surrey, City of	Councillor Jeanne Eddington	Robert Costanzo
Vancouver, City of		Pat Wotherspoon
LMTAC STAFF ATTENDANCE:		
Kirstie Pirie, Manager		
Regan Schlecker, Aboriginal Affairs Analyst		
GUESTS:		
Robin Dodson, Chief Federal Negotiator, Federal Treaty Office		
Cory Herrera, Negotiator, BC South Regional Team		
Bill Seymour, Consultation Manager, BC South Regional Team		
Bill Wray, Federal Treaty Office		
PREPARATION OF MEETING MINUTES:		
Vivian Guthrie, Associate, Raincoast Ventures		

CALL TO ORDER

Chair Bell confirmed a quorum was in attendance and called the meeting to order at 6:00 p.m.

1. AGENDA FOR ADOPTION

1.1 February 20, 2002

It was MOVED and SECONDED

THAT the Agenda for the Regular Meeting of the LMTAC Board scheduled February 20, 2002, be adopted as circulated.

CARRIED UNANIMOUSLY

2. MINUTES FOR ADOPTION

2.1 November 28, 2001

It was MOVED and SECONDED

THAT the Minutes of the Regular Meeting of the LMTAC Board held November 28, 2001, be adopted as circulated.

CARRIED UNANIMOUSLY

MINUTES FOR INFORMATION

2.2 December 12, 2001, January 9, 2002 and January 23, 2002 Executive

February 6, 2002 CSC

December 7, 2001 and February 1, 2002 FOSC

It was MOVED and SECONDED

THAT the Minutes of the LMTAC Executive Committee regular meetings held December 12, 2001, and January 9, 2002, and the Minutes of the Communications Sub-committee and Finance and Organizational Sub-committee meetings held February 6, 2002 and December 7, 2001 be received for information.

CARRIED UNANIMOUSLY

It was MOVED and SECONDED

THAT the Minutes of the LMTAC Executive Committee regular meeting held January 23, 2002, and the Minutes of the Finance and Organizational Sub-committee meeting held February 1, 2002, be received for information.

CARRIED UNANIMOUSLY

3. DELEGATION

3.1 Canada's Vision for Fisheries Negotiations

Letter dated January 9, 2002, from Robin Dodson, Chief Federal Negotiator, Federal Treaty Office, addressing issues raised in the LMTAC Local Government Fisheries Background Paper

Robin Dodson, Chief Federal Negotiator, Federal Treaty Office, presented the Federal approach to fisheries issues and acknowledged extensive work by LMTAC on the fisheries background paper and contribution of the TFN table representative.

6:06 p.m.

Councillor Huntington arrived at the meeting.

Mr. Dodson presented the history of the development of harvest allocations for domestic use and discussed the intent to share the resource with First Nations rather than grant exclusive rights. He stressed that the conservation of fish stock was paramount and explained the allocation formulas based on the abundance of stocks.

It was noted that a regional approach to fisheries management with only one authority for the resources of the fisheries had been proposed, as had a separation of domestic allocations from commercial opportunities. In reference to the proposed agreement with Tsawwassen First Nation, Mr. Dodson advised that commercial fishing opportunities must be purchased from willing sellers.

6:25 p.m.

Mayor Barrett arrived at the meeting.

Mr. Dodson further elucidated that First Nations would be required to agree that the treaty defines their constitutional right to fish.

The floor was opened to questions. Mr. Dodson advised there were a number of options open to negotiation in regard to any ceiling related to the percentage of the Fraser River as compared to the total allocation of the national fisheries.

The LMTAC Board sought further clarification of major implications of court findings and Mr. Dodson reviewed the Sparrow, Gladstone and Marshall cases. Essentially for commercial purposes, even where the First Nation right to fish exists, the federal government could infringe and define harvest quantities for regional fairness, economic development and settlement of territory.

One member voiced objection to the federal proposal and discerned that the present fishery priorities as first to conservation, second to First Nation domestic use, third to First Nation pilot sales and finally to all other stakeholders (commercial and recreational fishers). The member felt strongly that the federal proposal put the resource in jeopardy, was not manageable, and that it offered unobtainable expectations, and was a proponent of the 'industrial solution' as the preferred method of resource management.

In discussion, concerns were expressed regarding the cumulative effect of native claims up-river from the Tsawwassen First Nation, and the inevitability of depleting conservation stocks. The federal proposal was criticized for not providing research in this regard.

It was also commented that the distribution of fisheries rights based on ethnic origin was not popular with local communities and was a profound concern of the LMTAC Board.

Another concern noted was that harvest allocations were based on the high runs of the 80's and 90's and that to grant set amounts and tenure for the allocations would preclude any fish being available for other use. Mr. Dodson advised that the allocation would be a percentage of the available stock.

7:00 p.m.

Steve Hardy departed the meeting.

In regard to a question on enforcement, Mr. Dodson clarified that enforcement officers would have to abide by the same rules as established by the Minister of Fisheries.

A further concern noted was in regard to 'piecemeal negotiations' and whether a regional negotiation plan would be preferable. Mr. Dodson informed that the BCTC Treaty Commission process is structured such that treaties are negotiated on a First Nation by First Nation basis, and as such, fisheries allocations are negotiated on the same basis. However, this does not preclude these allocations from being managed on a regional basis.

In discussion it was suggested that, while local communities respected the First Nations' use of fish for domestic and ceremonial use, the allocation was based on unrealistic numbers of actual use. It was thought that the harvest allocation should be capped. Further there were concerns about the different status and conditions for Aboriginal and non-Aboriginal fishers. It was Mr. Dodson's opinion that in order to unblock this dilemma of two opposites, the harvest agreement would be the best compromise. Some suggested that a quota catch similar to the halibut fishery would be preferable for the salmon fishery.

Chair Bell added that it was the responsibility and role of LMTAC to represent the interests of local government as reflective of the interests of local constituents. It was hoped that the implications to local water-based communities with historical attachments to the commercial and sports fisheries, would be considered, as would fish preservation through conservation, recognizing that the sustainability and liveability of the area and ability to co exist with Aboriginal peoples, would be of high priority to the federal government. It was perceived that economical and social mandates were

quite different between local and federal governments, and that there was an essential need for better communication.

In conclusion Mr. Dodson commented that the importance of fisheries to constituents and councils was understood and that the negotiators would communicate with their principals, the points of view shared at the meeting.

7:21 p.m.

Robin Dodson and Bill Wray departed the meeting.

4. REPORTS

4.1 Proposed Provincial Referendum Principles

Document dated January 9, 2002, from Regan Schlecker, Aboriginal Affairs Analyst, regarding "Proposed Provincial Referendum Principles"

Chair Bell introduced the document and clarified that the position of LMTAC was not to endorse the referendum. The document compared the Provincial referendum negotiating principles with LMTAC First Principles and found them to be generally consistent.

It was MOVED and SECONDED

That the LMTAC Board receive the report dated January 9, 2002, "Proposed Provincial Referendum Principles" for information.

CARRIED UNANIMOUSLY

4.2 Dispute Resolution Models and Land Use

Document dated December 3, 2001, from Regan Schlecker, Aboriginal Affairs Analyst, titled "Dispute Resolution Models and Land Use"

Chair Bell introduced the document and related that it was the result of a policy project of the 2001 LMTAC Workplan to provide alternative resolution mechanisms and commented that the paper offered options to local governments that did not have the same avenues for dispute resolution as afforded by treaties.

It was MOVED and SECONDED

That the LMTAC Board

- a) receive for information the report dated December 3, 2001, titled "Dispute Resolution Models and Land Use"; and,
- b) recommend the report be approved as a background paper to LMTAC First Principle #30: *"Treaties should include an effective dispute resolution mechanism that is accessible to Local Governments, particularly relating to inter-jurisdictional issues such as, but not limited to: planning, land use, natural resources, growth management, stewardship and transportation."*

CARRIED UNANIMOUSLY

7:30 p.m.

Councillor Frei arrived at the meeting.

4.3 Correspondence from Delta re Fish Farms

- a) *Document dated January 14, 2002, from Regan Schlecker, Aboriginal Affairs Analyst, titled "Fish Farms and Related LMTAC First Principles and Interests"*
- b) *Memorandum dated January 14, 2002 from Mayor Don Bell, LMTAC Chair, regarding Fish Farms.*

Regan Schlecker, Aboriginal Affairs Analyst, introduced the document that compared Delta's Treaty Advisory Task Force motion on Fish Farms to LMTAC First Principles and Interests.

Chair Bell introduced for consideration a recommendation made in the memorandum and commented on the advisability of obtaining support from LMMA and UBCM.

It was MOVED and SECONDED

That the LMTAC Board

- a) receive for information the report dated January 14, 2002, titled "Fish Farms and Related LMTAC First principles and Interests";
- b) uphold the recommendation from the Chair that "until a thorough review can be undertaken, more research is available and confirmation received from the Federal Department of fisheries that they can provide us with an informed and professional opinion as to whether fish farms pose a threat or not", the LMTAC Board take a position that opposes any further expansion of fish farming in the southwest coastal water systems; and,
- c) propose to UBCM Aboriginal Affairs that they endorse the position.

CARRIED UNANIMOUSLY

Item for Action

Chair Bell will draft a letter to LMMA and UBCM and copy it to the Honourable Joyce Murray, Department of Water, Land and Air Protection.

In discussion it was suggested that there should be careful distinction made between salt water fish farms and land based (above ground) fish farms, and that it would be prudent to advocate precautionary principals and to focus on that which was relevant to treaty issues.

Clarification was offered that the memo made reference to LMTAC First Principle #23, and that the issue could be raised with municipalities if UBCM was unwilling to pursue the issue with the Province.

4.4 Incremental Approach to Treaty Negotiations

Correspondence between the Corporation of Delta and BC South Team titled, "Concerns regarding Incremental Approach to Treaty Negotiations"

It was MOVED and SECONDED

That the LMTAC Board receive for information the correspondence relating to Item 4.4.

CARRIED UNANIMOUSLY

5. STANDING REPORTS

5.1 Chair's Report

Chair Bell advised that he had reported to the Executive Committee regarding actions taken by UBCM relating to Treaty Advisory Committee funding cuts. As well, Chair Bell reported that he was accompanied by the LMTAC Vice Chair and Manager to a meeting with the BC Treaty Commission (BCTC) concerning Urban Forum planning and the BCTC Regional Visioning exercise.

Chair Bell advised he would not be attending FCM Executive meeting in New Brunswick and noted he had communicated to FCM staff his concerns relating to particular agenda items.

It was MOVED and SECONDED

That the LMTAC Board receive for information the report from the LMTAC Chair relating to Item 5.1.

CARRIED UNANIMOUSLY

5.2 Staff Report

Document dated February 12, 2002, from Kirstie Pirie, Manager, titled "Manager Report – January 14 to February 12, 2002 Activities."

Kirstie Pirie, Manager, presented the report and announced that a workshop on servicing agreements was being held on February 23, 2002 and was open to all LMTAC members. She reported that 30 council staff members had registered.

It was MOVED and SECONDED

That the LMTAC Board receive for information the report from the Manager relating to Item 5.2.

5.3 Communications Sub-Committee (CSC)

Document on table dated February 13, 2002, excerpt from the minutes of the Regular Meeting of the Lower Mainland Treaty Advisory Committee (LMTAC)

Councillor Hollington, CSC Chair, reported on the possibility of the BC Treaty Commission hosting a similar forum to the LMTAC Urban Forum. Given the state of LMTAC finances the Communications Sub-Committee advised it would be in the best interest of LMTAC not to proceed with plans for its Urban Forum.

It was MOVED and SECONDED

That the LMTAC Board endorse the recommendation from the LMTAC Communications Sub-committee, and:

- a) cease initiatives relative to the LMTAC Urban Forum;
- b) support LMTAC's participation in the BCTC Regional Visioning planning process, ensuring that the event agenda planning process is cooperative and mutually agreed to by all parties; and
- c) authorize the reallocation of LMTAC funds budgeted for the Forum to the BCTC initiative as needed.

CARRIED UNANIMOUSLY

5.4 Finance and Organizational Sub-Committee (FOSC)

No report was provided at the meeting.

5.5 Negotiation Table Reports

5.5.2 Katzie

- a) *Document dated February 7, 2002, from Katzie Negotiations Public Information Working Group, regarding "Katzie Negotiations 2002 Tripartite Community Relations Working Group: 2002 Community Relations Plan"*
- b) *Document dated February 4, 2002, titled "Katzie Main Table working Group Summary Report, July 2001 – January 2002"*
- c) *Document dated February 4, 2002, titled "Katzie Intergovernmental Relations Working Group Summary of Accomplishments for 2000/2001"*
- d) *Document dated February 6, 2002, titled "Katzie First Nation Treaty Negotiations, Procedural Protocol", including information on the Openness Protocol*

Councillor Gordon reported on the success of the Opening Reception of Camp Lakewood and on the favourable representation from all levels of government at the event. As well, she advised that a new Provincial negotiator will be appointed to replace Gerry Thorne at the table.

5.5.2 Musqueam

No Musqueam Negotiation Table Report was received at the meeting.

5.5.3 Squamish

No Squamish Nation Negotiation Table Report was received at the meeting.

5.5.4 Tsleil-Waututh

No Tsleil-Waututh Negotiation Table Report was received at the meeting.

5.5.5 Tsawwassen

Councillor Huntington reported that the Consultation Group was disbanded and that the Provincial government would be soliciting advice from individuals of the committee on select issues.

Cory Herrera, BC South Regional Team, advised that there was no Provincial funding available to support committees and that it had been suggested to keep stakeholders advised through e-mail.

Councillor Gordon remarked on the importance of keeping a regional perspective and communicating developments at Tables as they could affect negotiations at other tables.

Ms. Herrera clarified that operational procedure was to copy all information to the LMTAC table representative as well as to the LMTAC office for distribution. She also advised that individual issues would be treated differently, and that in regard to the fisheries issue the technical sub-committee was active.

It was queried whether the Province expected that groups would fund themselves and whether they would be recognized in an official capacity. Ms. Herrera cited a group that had already established a corporate identity, and noted that the Province would be accountable in communicating with stakeholders.

Chair Bell advised that the UBCM would address the Province in the matter of public consultation to treaty negotiations.

Councillor Huntington voiced concern that local governments would no longer be able to give voice to the community perspective at the Table. Discussion ensued regarding the lack of accountability from the Province to local communities.

Ms. Herrera reiterated that communications lines would remain open, and that procedures were under development to expedite government reports to the public. She proposed that Council meeting agendas might include Table information updates and remained open to suggestions for other creative solutions.

8:25 p.m.

Director Turnbull departed the meeting.

Ms. Herrera concluded that BC South Regional Team has not been directed to keep local governments shut out, only that less of the negotiators' time will be spent at committee meetings.

5.6 Fraser Valley Treaty Advisory Committee (FVTAC)

Councillor Gordon advised of the cancellation of the last meeting and that the next meeting would be held Tuesday, February 26, 2002.

5.7 UBCM

Kirstie Pirie, Manager, advised of the Province-wide Community to Community Forum scheduled June 11, 2002.

6. OTHER BUSINESS

6.1 Correspondence From BC Team South Regarding New LMTAC First Principles

There was no discussion of this item at the meeting.

6.2 BC Congress

Chair Bell advised that he would attend the provincially hosted BC Congress of Provincial Government officials, Local Government officials, and First Nation leaders.

It was MOVED and SECONDED

That the LMTAC Board receive for information the reports relating to Item 6.

CARRIED UNANIMOUSLY

7. INFORMATION

It was MOVED and SECONDED

That the LMTAC Board receive for information the following:

- 7.1 City of Nanaimo Position Paper re: Snuneymuxw Treaty Negotiations;
- 7.2 Correspondence re: Snuneymuxw Treaty Negotiations;
- 7.3 Correspondence: LMTAC's Local Government Fisheries Background Paper;
- 7.4 Correspondence: General;
- 7.5 Web Site Statistical Summary;
- 7.6 LMTAC Mission Statement, Roles and Project Screening Guidelines;
- 7.7 Agenda Deadlines 2002;
- 7.8 Members Honorarium and Expense Form;
- 7.9 Media Clippings;
- 7.10 Invitation re: Community to Community Forum;
- 7.11 Update from the Vancouver Board of Trade Policy Forum on Treaty Negotiation;
- 7.12 Correspondence;
- 7.13 Regional Community to Community Forum Funding Now Available; and,
- 7.14 Provincial Contacts and Most Recent List of On-going Interim Treaty Related Measures.

CARRIED UNANIMOUSLY

8. CONCLUSION

It was MOVED and SECONDED

That the Regular Meeting of the LMTAC Board held February 20, 2002 be concluded.

CARRIED UNANIMOUSLY

(Time: 8:29 p.m.)