

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

**July 23, 2003**

Minutes of the Regular Meeting of the **Lower Mainland Treaty Advisory Committee (LMTAC) Board** scheduled Wednesday, July 23, 2003, from 7:15 p.m. to 8:30 p.m. in the 2<sup>nd</sup> floor Board/Committee Room, GVRD Offices, 4330 Kingsway, Burnaby, B.C.

<b>ATTENDANCE:</b>		
<b>JURISDICTION:</b>	<b>LMTAC ELECTED REPRESENTATIVE:</b>	<b>LMTAC STAFF REPRESENTATIVE:</b>
Greater Vancouver RD	Director Ralph Drew, <b>Chair</b>	Marino Piombini
North Vancouver, District of	Mayor Don Bell, <b>Vice Chair</b>	Steve Hardy
Anmore, Village of	Councillor Ken Juvik	
Belcarra, Village of	Councillor Colin Richardson	
Burnaby, City of		Kimberley Flick
Coquitlam, City of	Councillor Louella Hollington	
Langley, Township of	Councillor Bob Long	Frank Clark-Jones
Lions Bay, Village of	Councillor Lisa Turpin	
Maple Ridge, District of	Councillor Candace Gordon	
New Westminster, City of	Councillor Bob Osterman	
Pitt Meadows, District of	Councillor Debra Eisel	
Port Coquitlam, City of	Councillor Mike Forrest	Jim Maitland
Richmond, City of	Councillor Harold Steves	
Squamish, District of	Councillor Corinne Lonsdale	
Squamish Lillooet RD		Paul Edgington
Sunshine Coast RD	Mayor Barry Janyk	
Surrey, City of	Councillor Penny Priddy	Rob Costanzo
West Vancouver, District of		Rick Beauchamp
<b>LMTAC STAFF ATTENDANCE:</b>		
Kirstie Pirie, Manager		
Regan Schlecker, Aboriginal Affairs Analyst		
<b>GUESTS:</b>		
Alison McNeil, Senior Policy Analyst, UBCM		
<b>PREPARATION OF MEETING MINUTES:</b>		
Rae Ratslef, President, Raincoast Ventures		

**Editor's Note:** *Some of the Tsawwassen Negotiations Update (Item 3.1) was moved to the public meeting minutes upon the Treaty Negotiation Office's review, therefore, some arrival and departure times are out of sequence.*

**The following guests were also in attendance during the Tsawwassen Negotiations Update:**

<b>GUESTS:</b>
Jim Barkwell, Federal Treaty Negotiations Office (departed 7:37 p.m.)
Steve Conarroe, Negotiator, Federal Treaty Negotiations Office (departed 7:37 p.m.)
Diane Geillis, Consultation & Communications Advisor, FTNO (departed 7:37 p.m.)
Katherine Gordon, Chief Negotiator, BC Treaty Negotiations Office (departed 7:37 p.m.)
Joanna Tombs, Negotiations Analyst, BC Treaty Negotiations Office (departed 7:37 p.m.)
Jody Wilson, British Columbia Treaty Commission (departed 7:37 p.m.)

**CALL TO ORDER**

Chair Drew confirmed a quorum was in attendance and called the meeting to order at 7:57 p.m.

1. **AGENDA FOR ADOPTION**

1.1 **July 23, 2003**

**It was MOVED and SECONDED**

THAT the Agenda for the Regular Meeting of the LMTAC Board scheduled July 23, 2003, be adopted as circulated.

**CARRIED UNANIMOUSLY**

2. **MINUTES FOR ADOPTION**

2.1 **June 25, 2003**

**It was MOVED and SECONDED**

THAT the Minutes of the Regular Meeting of the LMTAC Board held June 25, 2003, be adopted as circulated.

**CARRIED UNANIMOUSLY**

**MINUTES FOR INFORMATION**

2.2 **July 9, 2003 Executive**

**July 4, 2003 FOSC**

**July 2, CSC**

**It was MOVED and SECONDED**

THAT the Minutes of the regular meetings of the Executive Committee, and the Finance and Organizational and Communications subcommittees held July 9, July 4 and July 2, 2003 respectively, be received for information.

**CARRIED UNANIMOUSLY**

*Editor's Note: The below Tsawwassen Negotiations Update was moved into the public meeting minutes upon the Treaty Negotiation Office's review.*

3. **DELEGATION**

3.1 **Tsawwassen Negotiations Update**

*Document titled "General Update on Tsawwassen AIP Chapters".*

Chair Drew provided introductory comments on the Tsawwassen Negotiations update presentation

**5:48 p.m.**

Mayor Lisa Barrett arrived at the meeting.

Katherine Gordon, Chief Negotiator, BC Treaty Negotiations Office (BC TNO), expressed appreciation to those who had contributed greatly to the work at the Tsawwassen table, including: former LMTAC member Councillor Vicki Huntington; Councillor Harold Steves; Regan Schlecker - LMTAC Aboriginal Affairs Analyst; Marino Piombini - GVRD, Chair Ralph Drew, Vice Chair Don Bell and Kirstie Pirie - Manager.

**5:50 p.m.**

Rick Beauchamp arrived at the meeting.

Ms. Gordon advised that an Agreement in Principle (AIP) at the Tsawwassen Treaty Table had been initialed by the Chief Negotiators on July 9, 2003. Members were informed that the AIP would be released to the public on July 28, 2003, and that community and cabinet approval would be sought in the fall of 2003. In the interim, members were informed that the three chief negotiators would make themselves available as much as possible for presentations to LMTAC and/or its members.

**5:53 p.m.**

Rob Costanzo arrived at the meeting.

In continued comments, Ms. Gordon identified significant issues requiring resolution at the TFN table before conclusion of a Final Agreement, relative to:

- reconciliation language;
- culture and heritage treaty related measure;
- environmental assessment processes;
- fiscal financing agreements;
- method of delivery of the economic component of fisheries;
- intergovernmental relations side table;
- TRM to support information needs around participation in regional intergovernmental issues;
- technical transaction on the Brunswick Point lands;
- Agricultural Land Commission process;
- additions to Treaty Settlement Lands (TSL) process;
- taxation agreements; and
- representation for non-members.

Katherine Gordon noted that while there were twelve major negotiation areas that required resolution by Final Agreement, she requested local government advice on four topic areas in particular, including: mechanisms or methods for delivering the economic component of the fisheries chapter; perspectives on both the objectives and discussion topics for the proposed Intergovernmental relations side table; developing a process in which Tsawwassen could identify specific lands for additions to treaty settlements lands prior to Final Agreement; and exploring approaches to ensure non-members, who are paying taxes to the Tsawwassen government, are provided some form of representation on issues that affect them.

Jim Barkwell, Federal Treaty Negotiations Office (FTNO), commented on the strong opportunities that came from strengthened relationships through treaty arrangements, and expressed the FTNO's excitement at being close to the conclusion of an AIP.

Ms. Gordon discussed the Intergovernmental Relations Group (IRG) concept noting that it was intended as a side table with representation from the three parties, LMTAC, the Greater Vancouver Regional District (GVRD) and the Corporation of Delta. It was offered that the IRG would contemplate:

- how Tsawwassen First Nation (TFN) might participate in regional governance;
- technical work on transition issues;
- culture and heritage; and
- servicing agreements and contractual discussions.

It was anticipated that participants on the IRG would have alternates to cover absences and would meet periodically with the three chief negotiators.

Chair Drew indicated that there was significant interest at the GVRD in the happenings at the TFN table. It was noted that the GVRD was scheduling a workshop in the fall of 2003 to discuss governance, and suggestion was offered that there was a real need to provide background information on the build up to the TFN AIP at that session. Ms. Gordon offered TNO presence at the workshop if that would be helpful.

In further discussion, comment was offered that regional governance had to work not only for the TFN, but for other treaty tables in the lower mainland, including First Nations that were located in more than one municipal and/or regional district jurisdiction. Another member commented that some municipalities understood that First Nations' governments would participate in the regional district with greater power than existing municipalities. It was offered that dispelling this myth would go a long way to alleviating their concerns.

Concern was also raised that the finality of a governance agreement was uncertain given that it would not form a part of the treaty. As well, a member asked whether it was intended under paragraph 36 (of the Governance Chapter) of the AIP that the related TRM would occur in September 2003, and question was raised regarding the regional districts' realization of this, specifically the broader membership.

Ms. Gordon indicated that it was anticipated that the TRM would be implemented after January 2004 pending the AIP's ratification and formal signature. In the interim the benefits of continuing related informal discussions was recognized.

Confirmation was provided that the GVRD Board received a report on the IRG at its April 2003 meeting, and at that time had endorsed the GVRD Chief Administrative Officer's participation. As well, suggestion was offered that the Islands Trust should be invited to participate in the IRG even though lands included in the AIP were not in the Islands Trust. Ms. Gordon noted that the idea of a presentation by the IT to the IRG of information that would be useful to the work of the group could be considered.

A member expressed concern that non-treaty agreements with other ministries would somehow be rolled into the treaty. Assurance was offered that the province had no interest in constitutionalizing arrangements between third parties.

Ms. Gordon responded to members' further questions noting that, to date, there had not been a coordinated approach in the lower mainland between First Nations with regard to regional governance issues.

Mr. Barkwell offered comments that the AIP would provide stability and predictability, and acknowledged that there were opposing views regarding whether governance elements should be included in the treaty.

In response to further questions, Ms. Gordon and Mr. Barkwell offered that legislation was designed to work with the existing context and that the treaty process stepped beyond where legislation presently did. It was also clarified that there was no contractual time limitation on the ratification process, and possibilities for proceeding in the event that the AIP was not ratified were discussed.

**6:59 p.m.**

Councillor Ellen Woodsworth departed the meeting.

Comments were then sought regarding how to proceed on discussions on the method of delivery of the economic fishery. Ms. Gordon indicated that the TFN had agreed to separate its commercial/economic fishery from its constitutionally protected domestic fishery. As well, she acknowledged that the TFN had agreed to the importance of protecting the resource, and informed members that the Premier had written to the Prime Minister extending an invitation to work together to address the issue of the fishery in a coordinated fashion.

The opportunity to convene a group immediately following ratification of the AIP to begin brainstorming ideas to address fisheries related issues in order to meet the interests of all parties was noted. Ms. Gordon reiterated the commitment of the BC TNO and FTNO to make the process happen immediately post-AIP. Mr. Barkwell added that all parties were supportive of seeking mutually beneficial solutions to manage the resource.

Concerning the Joint Fisheries Committee, information was provided on its composition to manage the TFN allocation specifically. It was noted that there was support for the eventual establishment of a regional management committee that could have the potential for

broader participation. The FTNO's support for a regional approach wherever possible was noted.

Chair Drew advised that the outstanding fisheries related issues were substantive enough, affecting communities with fishery constituents along the Fraser River, that LMTAC was compelled to write to the Ministry of Fisheries and the Minister responsible for Treaty Negotiations to express those concerns. Assurance was offered that the BC TNO was aware of the issues and agreed to the importance of their resolution prior to a Final Agreement.

Concern was expressed that paragraph 44 of the Fisheries chapter defined the Joint Fisheries Committee as a facilitating and coordinating body, but that some of the items listed indicated management responsibilities. Support was expressed for there to be only one commercial fishery, and concern was expressed that license did not define capacity. As well, the need for wording in paragraphs 27-29 (of the Fisheries Chapter) to deal with allowable vs. actual catch figures was emphasized.

In further comments it was offered that the FTNO appeared to be still interested in capacity transfer that would lead into capacity for specific allocation in a separate fishery and that this was not manageable. It was emphasized that the manageability of the resource was a requirement, and that there were many AIP wording issues that did not indicate an understanding of fisheries management.

Mr. Barkwell clarified that the minister would maintain management of the fishery, and that the approach set out in the AIP had been done hand-in-hand with the Department of Fisheries and Oceans in a manner that they believed would manage the sustainability of the resource. He acknowledged that there were different viewpoints in terms of how to manage the resource in order to sustain it, and expressed belief that the AIP was proceeding with solutions that were effective and responsive to LMTAC's previously stated concerns.

In continued comments, concern was expressed that the ability for the TFN to contract out its domestic fishery seemed in contravention of its culture and heritage. As well, concern was expressed that LMTAC did not have funding available to continue its discussions around fisheries and governance and that the province should offer funding to support those consultations.

**7:32 p.m.**

Mayor Lisa Barrett departed the meeting.

In further comments from members it was offered that the concept of regeneration of the resource should be a significant component of the AIP fisheries chapter language. It was clarified that the authority of the minister to manage the resource was intended to achieve the objectives. As well, Ms. Gordon indicated that the TFN were in strong support of the need for stewardship and enhancement of the resource.

Ms. Gordon thanked members for their participation in the discussion and encouraged members to forward any further questions/comments on to the BC TNO and FTNO for response.

#### **4. REPORTS**

##### **4.1 LMTAC Budget in Principle - 2004**

*Report from Councillor Candace Gordon, Finance and Organizational Subcommittee Chair, and Kirstie Pirie, Manager, dated July 10, 2003 outlining how the 2004 budget was prepared and providing a report on how the FOSC is addressing an estimated 2004 funding shortfall using Board endorsed strategies.*

Councillor Candace Gordon, FOSC Chair, indicated that support in principle of the 2004 Budget was required in order to bring forward requests for increased funding in 2004 from regional districts. Information provided in the distributed report was reviewed.

**It was MOVED and SECONDED**

That the LMTAC Board approve in principle the 2004 Budget scenario that calls for the evaluation of the possibility of increased member regional district contributions as noted in the report titled "LMTAC Budget in Principle – 2004", dated July 10, 2003.

**CARRIED UNANIMOUSLY**

**4.2 Treaty Negotiations and LMTAC Fisheries Interests**

*Report from Chair Ralph Drew and Kirstie Pirie, Manager, dated July 11, 2003 providing background information regarding LMTAC's work on fisheries issues as it relates to both treaty negotiations and current government policy.*

**It was MOVED and SECONDED**

That the LMTAC Board:

- a) receive the report titled "Treaty Negotiations and LMTAC Fisheries Interests", dated July 11, 2003; and
- b) direct that the draft letters to the Minister of Indian and Northern Affairs Canada and the Minister Responsible for Treaty Negotiations be sent with amendment to paragraph 4, sentence 1, to insert "management" between "conservation" and "allocation"; and to remind Minister Plant of the commitment that the province had made to provide funding for specific treaty related activities.

**CARRIED UNANIMOUSLY**

**5. TABLE PROGRESS REPORTS**

**5.1 Katzie**

Councillor Candace Gordon, Katzie Table representative, reported on a BBQ hosted by the Katzie on July 18, 2003. She advised that the table continued its work on cultural and heritage and parks management chapters.

As well, Councillor Gordon reported that she had been appointed to be Federation of Canadian Municipalities' Municipal Aboriginal Committee.

**5.2 Musqueam**

No items presented.

**5.3 Squamish**

Councillor Lonsdale advised that there would be a Community-to-Community forum with the Squamish First Nation on July 24, 2003. Members were encouraged to contact the Union of BC Municipalities regarding funding for further forums.

**5.4 Tsawwassen**

*Context summary for the Tsawwassen table.*

Received for information.

**5.5 Tsleil-Waututh**

No items presented.

**5.6 Other**

Paul Edgington, Squamish Lillooet Regional District reported that the In-SHUCK-ch had resumed negotiations and were seeking greater certainty around resource, governance and land issues.

## 6. SUB-COMMITTEE REPORTS

### 6.1 Finance and Organizational Sub-Committee (FOSC)

Councillor Candace Gordon, FOSC Chair, acknowledged the work of the Manager in preparing the budget documents for the Board's consideration. As well, she noted that the Manager's contract would be up for renewal in September 2003 and advised that members would be surveyed in preparation for the review.

### 6.2 Communications Sub-Committee (CSC)

#### a) Related Workplan Items

*Document titled "Related Workplan Items – Excerpt – 2003 LMTAC Workplan Status Report".*

Councillor Louella Hollington, CSC Chair, introduced the report and related recommendation.

Discussion ensued during which it was clarified that it should be left to the discretion of the LMTAC Chair to determine how to respond to requests from member councils/boards for presentations from LMTAC. Support was expressed for encouraging councils/boards to join together for presentations, and for responding to requests so long as the budget allowed. As well, LMTAC members were encouraged to provide updates on LMTAC's activities at their regularly scheduled council/board meetings.

#### **It was MOVED and SECONDED**

That the LMTAC Board approve the recommendation from the Communication Subcommittee to amend the 2003 LMTAC Workplan by combining Item 2, Tour of LMTAC Member Councils under Communications, with Item 7, Update Regional Districts.

**CARRIED UNANIMOUSLY**

## 7. CHAIR AND STAFF REPORTS

### 7.1 Chair's Report

#### a) LMTAC Key Interests to UBCM

*Letter to the Union of BC Municipalities Aboriginal Affairs Committee Chair dated July 15, 2003.*

Chair Drew reported on a meeting with the Vice Chair and Minister Hagen, and on the provision of a summary of LMTAC key interests to the Union of BC Municipalities (UBCM).

Alison McNeill, UBCM, reported that the UBCM's Aboriginal Affairs Committee appreciated receiving the letter outlining LMTAC's key interests. She indicated that information in the form of an Aboriginal Update would be released on some issues, and that the UBCM would gauge member interest in fisheries issues.

### 7.2 Staff Report

a) *Report titled "Manager Report: June 16 – July 14, 2003 Activities", from Kirstie Pirie, Manager, dated July 14, 2003; and*

b) *On-table LMTAC Survey titled "Electronic Distribution of Council/Board Agendas".*

Kirstie Pirie, Manager, encouraged members to complete the distributed LMTAC survey. As well, she indicated that information items would be distributed electronically rather than as hard copies in future.

#### ***Request for Action***

*Staff was requested to advise members if information items distributed electronically in future should be brought to meetings for reference purposes.*

Ms. Pirie also reported that the September 2003 Board meeting would be scheduled to occur sometime during the week of the Union of BC Municipalities (UBCM) convention in Vancouver, BC.

**8. MISCELLANEOUS REPORTS**

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

*Document from FVTAC titled "Summary of Current Issues November 30<sup>th</sup>, 2002".*

Kirstie Pirie, Manager, indicated that the FVTAC and the Sto:lo First Nation had met participated in a Community-to-Community Forum. Themes discussed at the Forum were identified.

**8.2 UBCM**

*Announcement titled "TAC Website Now Available".*

Received for information.

**9. OTHER BUSINESS**

Marino Piombini, Greater Vancouver Regional District (GVRD), advised that a GVRD Special Board meeting was scheduled October 10, 2003, from 9:00 a.m. to 12:00 p.m., to discuss regional governance related issues. Members were informed that the public would be welcomed to attend the meeting.

**10. INFORMATION**

**It was MOVED and SECONDED**

That the LMTAC Board receive for information the following:

- 10.1 Correspondence
- 10.2 Web Site Statistical Summary
- 10.3 Mission Statement, Roles and Project Screening Guidelines
- 10.4 Schedule of Meetings for 2003
- 10.5 Honourarium and Expense Form.

**CARRIED UNANIMOUSLY**

**11. CONCLUSION**

**It was MOVED and SECONDED**

That the Regular Meeting of the LMTAC Board held July 23, 2003 be now concluded.

**CARRIED UNANIMOUSLY**

(Time: 8:37 p.m.)