

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

November 26, 2008

Minutes of the Regular Meeting of the **Lower Mainland Treaty Advisory Committee (LMTAC) Board** scheduled Wednesday, November 26, 2008 from 4:30 p.m. to 5:20 p.m. in the 2nd Floor Boardroom, Metro Vancouver Offices, 4330 Kingsway, Burnaby, British Columbia.

ATTENDANCE:		
JURISDICTION:	ELECTED REPRESENTATIVES TO LMTAC:	STAFF REPRESENTATIVES TO LMTAC:
Metro Vancouver (RD)	Director Ralph Drew (Chair)	Marino Piombini
Belcarra, Village of	Councillor Colin Richardson	
Bowen Island, Municipality of	Councillor Lisa Barrett	
Burnaby, City of	Councillor Sav Dhaliwal	David Clutton
Coquitlam, City of	Councillor Lou Sekora	
Delta, Corporation of		Paula Kolisnek
Langley, City of	Councillor Ted Schaffer	
Langley, Township of	Councillor Mel Kositsky (arrived 4:46 p.m.)	
Maple Ridge, District of	Councillor Craig Speirs	
Lions Bay	Councillor Lisa Turpin	
New Westminster, City of	Councillor Bob Osterman	
North Vancouver, City of	Councillor Sam Schechter	Ken Tollstam
North Vancouver, District of	Councillor Alan Nixon	
Pitt Meadows, City of	Councillor Debra Eisel	
Port Moody, City of	Councillor Shannon Watkins	
Richmond, City of	Councillor Harold Steves	
Squamish, District of	Councillor Corinne Lonsdale	
Sunshine Coast RD	Director Barry Janyk	
Surrey, City of	Councillor Barbara Steele	
Vancouver, City of	Councillor George Chow	
West Vancouver, City of	Councillor Jean Ferguson	Mark Chan
Whistler, Resort Municipality of	Councillor Ralph Forsyth	
GUESTS:		
Ian Howat, City of Nanaimo Arne Zabell, FVTAC Chair		
LMTAC STAFF ATTENDANCE:		
Regan Schlecker, Managing Director		
Mark Kirsop, Policy Analyst		
PREPARATION OF MEETING MINUTES:		
Carrie Peacock, Recording Secretary, Raincoast Ventures Ltd.		

CALL TO ORDER AND ACKNOWLEDGMENTS

Chair Drew confirmed a quorum was in attendance and called the meeting to order at 4:45 p.m.

He acknowledged members who would not be returning to the LMTAC Board as representatives in 2009, including: Councillor Jean Ferguson, Councillor Lisa Barrett, Councillor Lisa Turpin, Councillor Ken Juvik, Councillor Ted Schaffer, Councillor Debra Eisel, Councillor Shannon Watkins and Councillor Sam Schechter.

1. AGENDA FOR ADOPTION

1.1 November 26, 2008

It was MOVED and SECONDED

THAT the Agenda for the Regular Meeting of the LMTAC Board scheduled November 26, 2008, be adopted as circulated.

CARRIED UNANIMOUSLY

2. MINUTES FOR ADOPTION / MINUTES FOR INFORMATION

2.1 October 22, 2008 Board

It was MOVED and SECONDED

THAT the Minutes of the Regular Meeting of the LMTAC Board held October 22, 2008, be adopted with an amendment to indicate Councillor Mike Forrest in opposition to the second resolution (relative to five-year financial planning) indicated under Item 6.1a).

CARRIED UNANIMOUSLY

2.2 October 8, 2008 Executive Committee

It was MOVED and SECONDED

THAT the Minutes of the LMTAC Executive Committee meeting held October 8, 2008 be received for information.

CARRIED UNANIMOUSLY

4:46 p.m.

Councillor Kositsky joined the meeting.

3. DELEGATION

3.1 Newcastle Island Collaborative Management Agreement Between Snuneymuxw First Nation, City of Nanaimo and the Province

LMTAC report "Newcastle Island Collaborative Management Agreement", dated November 14, 2008; and attached document "Newcastle Island Collaborative Management Agreement, Between Snuneymuxw First Nation, the City of Nanaimo and the Province", dated September 19, 2007.

Ian Howat, Director Legislative Services, City of Nanaimo, reported that the City of Nanaimo originally owned Newcastle Island, and subsequently turned over the park to the province to be managed as a Class-A Marine Park. He added that when AIP discussions ensued in the 1990s with the province and federal government, the Snuneymuxw First Nation (SFN) identified the island as TSL, which raised some significant concerns.

Elected officials at that time realized that a more suitable alternative was needed to enable progress. As such, protocol agreement discussions ensued. By agreeing to set aside the issue of legal ownership, the parties were able to address critical issues relating to the park, as if they were owners of the park.

Mr. Howat added that a Management Board was established, comprised of elected officials and staff members from SFN, BC Parks and the City of Nanaimo. The Board made recommendations to all three parties regarding the planning and management of the park, and also addressed issues related to park management, economic opportunities, park boundaries, Snuneymuxw cultural and historic issues. He added that the park remained of great importance to residents for its tourism interest.

Further to the presentation, a member questioned whether a facilitator had assisted the parties in reaching a resolution. Mr. Howat confirmed that former treaty negotiator, Katherine Gordon, had assisted the three parties in resolving issues and screening messages. He added that a level of trust had now been reached between the parties, which enabled frank discussions without the need for ongoing mediation.

In response to a question regarding the status of the SFN's AIP, Mr. Howat confirmed that the SFN had voted their AIP down. As such, the federal government would not re-engage with them.

In response to a question relative to the City's ongoing presence in the park, Mr. Howat explained that the day-to-day operations of the park were carried out by the SFN in accordance with a parks operation contract. The SFN operated the park, which included park maintenance and the collection of camping fees. Although the City was not obliged to be on-site, they were involved with mentoring, capacity building, and training of SFN staff. He added that SFN had bid on the contract and had taken a loss in operating the park. They were eager to stay involved in the park.

A member referenced legal liabilities of co-management arrangements, and questioned how the City had been indemnified. Mr. Howat noted that in the event that someone sued everyone associated with the park, the outcome was unknown however BC Parks would likely be responsible for results of any mismanagement of the park.

Mr. Howat added that funds had been received to amend the BC Parks 1996 Master Plan. Amendments enabled the City to apply for provincial and federal grant funding, for capital required for the park.

The public's reaction to the agreement was questioned. Mr. Howat confirmed that the negotiations were not hidden, and that a public ceremony was held which was largely disregarded. There had been minimal discussion amongst community members.

A member referred to Section 25(a) of the Management Agreement which referenced the depiction of First Nations language. He questioned why the Aboriginal name of the island had not been used. Mr. Howat added that the name of the island would not likely change, however there would be an equivalent SFN name associated with the park. Each room of the conference centre had a First Nations name associated with it. This acknowledged SFNs existence and promoted First Nations travel marketing efforts of the island.

Another member questioned the status of the prior resort on the island. It was noted that a pavilion on the island, had been previously used for dances. The operator was responsible for maintaining the facility, which was still being used for public and private events.

In response to a question raised regarding limitations to commercial activity on the island, Mr. Howat confirmed that as it was a provincial park there would be limitations relative to commercial activity. He explained that commercial activity could be introduced in a BC Park, as long as it was allowed under the parks master plan. Discussions had already ensued regarding the establishment of a small amphitheatre, a long house and other cultural elements.

A member questioned whether the relationship with the SFN had matured to a point where they would no longer need to bid for the maintenance contract. Mr. Howat noted that if the *Collaborative Management Agreement* functioned as intended, the operator could apply to the Management Board for renewal. He added that both the SFN and the City would prefer a long term maintenance contract be issued, as it provided greater certainty. All three parties would prefer SFN remain as an operator, and that means be found to enable them to break even.

It was reported that the District of North Vancouver had entered into a co-management agreement with Tsleil-Waututh relative to Cates Park. The two parties had engaged in a master planning process as part of a treaty related measure, which inadvertently resulted in the development of a project of high cost, which neither party had the funds to implement. Mr. Howat confirmed that the exercise had been difficult, and that there had been some frustrations experienced relative to the federal government.

The meeting was informed that the SFN was on the verge of settling several claims over the next few years. As such, efforts were being made to focus now on how to receive funding later.

Further information regarding the island could be obtained via the City of Nanaimo's website. Thanks were extended to Mr. Howat for his presentation to LMTAC.

Announcement

Chair Drew welcomed Mark Chan, District of West Vancouver; and Arne Zabell, FVTAC Chair.

It was MOVED and SECONDED

That the LMTAC Board receive for information the report titled "Newcastle Island Collaborative Management Agreement", dated November 14, 2008; and attached document "Newcastle Island Collaborative Management Agreement, Between Snuneymuxw First Nation, the City of Nanaimo and the Province", dated September 19, 2007; and the presentation from City of Nanaimo staff on the Collaborative Management Agreement.

CARRIED UNANIMOUSLY

4. REPORTS

4.1 2008 LMTAC Annual Member Survey Results

LMTAC report "2008 LMTAC Annual Member Survey Results", dated November 17, 2008 and attached document "2008 LMTAC Annual Member Survey Results".

Regan Schlecker, Managing Director, referred participants to the subject report, noting that most of the feedback received had been positive. She added that members seemed pleased with the board packages and agendas. More Board workshops had been requested, inclusive of First Nations participation.

Chair Drew announced that Minister de Jong had accepted LMTAC's invitation to speak at the 2009 LMTAC Orientation Session.

5. TABLE PROGRESS REPORTS

5.1 Negotiation Table Reports

a) Katzie

Chair Drew acknowledged his attendance at the November 19 and 20, 2008 Katzie Table meetings, noting that progress had been made on a variety of chapters. He referred members to the briefing note provided in the November 26, 2008 In-Camera Board Agenda.

b) Musqueam

Councillor Alan Nixon referenced prior contentious discussions regarding the installation of some large billboards at the Ironworkers and Lions Gate bridges. He acknowledged a large scale commercial development being considered.

c) Squamish

Related item "Memorandum of Understanding and Protocol Agreement between Squamish Nation and The District of North Vancouver", dated October 9, 2008.

It was noted that LMTAC staff had been requested to review recent protocol agreements established between four local governments and Squamish First Nation, and to identify differences and similarities.

Mark Kirsop, Policy Analyst, referenced protocol agreements established between Squamish and four different municipalities. Agreements with the North Shore municipalities were similar, with the exception that North Vancouver's related more to services. The agreements with Squamish and the Town of Gibsons differed from those on the North Shore, as they spoke to shared interests. Mr. Kirsop added that all the agreements recognized that local governments operated under provincial legislation, and that First Nations were restricted under the *Indian Act*. Chair Drew noted that further information regarding the agreements could be obtained through the LMTAC office.

- d) **Tsawwassen**
Related item "Memorandum of Agreement Servicing of Tsawwassen First Nation Land", dated October 1, 2008; and related attachments.

Paula Kolisnek, Corporation of Delta, referenced the servicing agreement signed with Minister de Jong. She reported that a total of nine servicing agreements needed to be compiled. Since the final agreement had been signed, Delta and TFN had been able to work through issues together, as a good working relationship had been established.

- e) **Tsleil-Waututh**
No items presented.

- f) **Other**
No items presented.

6. **SUB-COMMITTEE REPORTS**

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

No items presented.

7. **CHAIR AND STAFF REPORTS**

7.1 **Chair's Report**

No items presented.

7.2 **Staff Report**

Managing Director's Report dated November 19, 2008 regarding "October 16, 2008 – November 19, 2008".

Regan Schlecker, Managing Director, referred participants to the Managing Directors Report, and reminded members to submit any outstanding expenses to the LMTAC office within the coming few weeks. It was noted that a copy of the January 16, 2009 Orientation Session Agenda had been provided. Members were reminded that the inaugural LMTAC Board Meeting was scheduled January 28, 2009.

8. **MISCELLANEOUS REPORTS**

8.1 **Metro Vancouver Aboriginal Relations Committee**

Marino Piombini, Metro Vancouver, reported that the next Aboriginal Relations Committee meeting was scheduled early in 2009.

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

Councillor Mel Kositsky referenced a November 25, 2008 meeting attended by provincial representatives from the Yale table. He further acknowledged a signing which occurred during the prior week in Victoria, which was attended by BC and Yale representatives.

Arne Zabell, FVTAC Chair, reported that the signing of the agreement was well attended by youth, and that Sto:lo continued to meet in Chilliwack. Animosity between Sto:lo and Yale had been raised in the public media.

Councillor Kositsky added that once the federal government joined the table, the issue of fisheries could be addressed. It was noted that the ratification process would proceed sometime in 2009.

Mr. Zabell referenced a sub-agreement which granted Yale early access to a large parcel of land, intended for a gravel mining operation. He commended the continued relationship and communications between LMTAC and FVTAC.

8.3 Union of British Columbia Municipalities (UBCM)

Related item "Notes of the September 25, 2008 UBCM Joint Treaty Advisory Committee Chairs and Administrators Meeting".

Chair Drew congratulated Vice Chair Lonsdale on her appointment as Chair of the First Nations Relations Committee at UBCM. He noted that the next UBCM meetings were scheduled December 4, 2008.

8.4 Federation of Municipalities (FCM)

Councilor Kositsky acknowledged FCM Board meetings held in Ottawa during the past week, which had included a focus on infrastructure issues. He added that a closed meeting regarding 'the duty to consult' had also been held.

9. OTHER BUSINESS

No items presented.

10. INFORMATION

It was MOVED and SECONDED

The LMTAC Board received for information the following items:

- 10.1 Correspondence
- 10.2 Draft Agenda – LMTAC Annual Orientation Workshop (January 16, 2009)
- 10.3 Fasken Martineau Aboriginal Law Bulletin – Tzeachten and Gitanyow: Update on the Duty to Consult (October 2008)
- 10.4 News Release: First-Ever Incremental Treaty Agreement Reached
- 10.5 Draft 2009 Meeting Schedule
- 10.6 Web Site Statistical Summary
- 10.7 Honorarium and Expense / Feedback Form

CARRIED UNANIMOUSLY

11. CONCLUSION

It was MOVED and SECONDED

That the Regular Meeting of the LMTAC Board held November 26, 2008 be concluded.

CARRIED UNANIMOUSLY

(Time: 5:54 p.m.)