

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

March 25, 2009

Minutes of the Regular Meeting of the **Lower Mainland Treaty Advisory Committee (LMTAC) Board** scheduled Wednesday, March 25, 2009 from 5:30 p.m. to 7:50 p.m. in the 2nd Floor Board/Committee Room, GVRD 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
Squamish, District of	Councillor Corinne Lonsdale (Vice Chair)	Kim Anema (departed 8:18 p.m.)
Anmore, Village of	Councillor John McEwen	
Belcarra, Village of	Councillor Colin Richardson (departed 8:06 p.m.)	Linda Floyd (departed 8:18 p.m.) Larry Scott (departed 7:22 p.m.)
Bowen Island, Municipality of	Councillor Peter Frinton	
Burnaby, City of	Councillor Dan Johnston	David Clutton
Coquitlam, City of	Councillor Brent Asmundson	
Delta, Corporation of	Councillor Anne Peterson (departed 8:18 p.m.)	
Langley, City of	Councillor Jack Arnold	
Langley, Township of	Councillor Mel Kositsky	
Lions Bay, Village of	Councillor Joanne Ronsley	
Maple Ridge, District of	Councillor Craig Speirs	
New Westminster, City of	Councillor Bob Osterman	
North Vancouver, City of	Councillor Bob Fearnley	Ken Tollstam
North Vancouver, District of	Councillor Alan Nixon	Gavin Joyce
Pitt Meadows, City of	Councillor Doug Bing	
Port Coquitlam, City of		Jim Maitland
Port Moody, City of		Colleen Rohde (departed 7:53 p.m.)
Richmond, City of	Councillor Linda Barnes	
Squamish Lillooet, RD	Director Jordan Sturdy	
Sunshine Coast, RD	Director Lee Turnbull (arrived 6:18 p.m.)	
Surrey, City of	Councillor Barbara Steele	Robert Costanzo
Vancouver, City of	Councillor Ellen Woodsworth	Tilo Driessen
West Vancouver, City of	Councillor Michael Evison	Mark Chan
White Rock, City of	Councillor James Coleridge	
Whistler, Resort Municipality	Councillor Ralph Forsyth	
ALSO PRESENT:		
Michael George, Tsleil-Waututh First Nation (Item 3)		
Chris Knight, Tsleil-Waututh First Nation (Item 3)		
Evan Stewart, Tsleil-Waututh First Nation (Item 3)		
LMTAC STAFF ATTENDANCE:		
Regan Schlecker, Managing Director		
Mark Kirsop, Policy Analyst		
PREPARATION OF MEETING MINUTES:		
Rae Ratslef, Recording Secretary, Raincoast Ventures Ltd.		

CALL TO ORDER

Chair Drew confirmed a quorum was in attendance and called the meeting to order at 5:46 p.m.

1. AGENDA FOR ADOPTION

1.1 March 25, 2009 Board Meeting

It was MOVED and SECONDED

THAT the Agenda for the In-camera Meeting of the LMTAC Board scheduled March 25, 2009, be adopted as circulated.

CARRIED UNANIMOUSLY

2. MINUTES FOR ADOPTION / MINUTES FOR INFORMATION

2.1 February 25, 2009

It was MOVED and SECONDED

THAT the Minutes of the In-Camera Meeting of the LMTAC Board held February 25, 2009, be adopted as circulated.

CARRIED UNANIMOUSLY

2.2 Executive Committee, February 18, 2009

It was MOVED and SECONDED

THAT the Minutes of the Executive Committee Meeting held February 18, 2009, be adopted as circulated.

CARRIED UNANIMOUSLY

3. DELEGATIONS

On-table Tsleil-Waututh First Nation (TWN) brochure titled "Tsleil-Waututh Nation Stewardship Policy" issued January 2009.

Chris Knight, Tsleil-Waututh First Nation (TWN), discussed the TWN's history, including its success in marketing housing on reserve to the general public; and its early participation in the federal lands management process, which created the basis for a property tax regime to fund the acquisition of services from the District of North Vancouver.

The Board was informed that the TWN has evolved its community development process through a number of different working relationships with government, private sector, and non-governmental organizations in the culture and heritage and environmental arenas; and was informed that as a result, the TWN has developed an extensive database.

Information was provided regarding the early versions of TWN resource management strategies. Following recent court rulings, consultation with First Nations in BC became a legal obligation of government; and First Nations became legally obligated to participate in consultations. However, there was no direction as to how this was to be accomplished. TWN wrestled with how its administration could deal with the 800+ referrals it received each year from various proponents, agencies, governments, etc. which became the impetus to complete the TWN Stewardship Policy.

The Policy was introduced as a work in progress, with note that the TWN was learning through discussions with municipalities, government agencies, and others, about how to refine the Policy so that it could be operationally implemented. It was presented as a statement of TWN policy with an invitation to dialogue on its implementation in order to make it workable for all.

Mr. Knight then provided an overhead presentation titled "Tsleil-Waututh Nation Stewardship Policy" during which he discussed the Policy's objectives; scope; framework; and principles and provisions – specifically Consultation and Accommodation principles. In response to a query, Mr. Knight indicated that TWN did not make a distinction between "the Crown" and "Government" in relation to "legal obligation to consult", and wished to encourage relationships with local and regional government.

In his continued review of the overhead presentation, Mr. Knight discussed the Policy's steps for consultation; resourcing requirements for engagement; steps for successful resourcing; and Centres of Excellence.

Discussion ensued during which the meeting participants considered:

- views regarding the Policy's applicability;
- application of Aboriginal rights and title to fee simple lands;

6:18 p.m.

Director Turnbull arrived at the meeting.

- means of addressing overlap issues;
- desire to find ways of reducing the necessity for duplication and to encourage collaboration;
- intent of the Policy to provide mechanisms for engagement not only with government, but with other First Nations;
- TWN operating relationships with the archeological business and consulting community and lack of resourcing to engage its in-house capacity;
- TWN process for distributing the Policy throughout the consultation area;
- TWN interest in ensuring that the implementation process is dealt with collaboratively;
- concerns regarding the scope of developments/projects that the TWN would see themselves having a role to play in;
- TWN desire to work with existing tools differently in order to pick up additional criteria that is being missed in current processes;
- local government's responsibility to provide infrastructure;
- TWN timelines for dealing with referrals;
- status of discussions with the AFN-BC, UBCIC, FNS and/or the provincial/federal governments regarding the Policy;
- challenges local governments would face in having to deal with multiple First Nations in consultation processes for a fee;
- possible aggregation of the process amongst First Nations;
- Policy's mesh with the Indigenous Recognition and Reconciliation Act;
- use of the Policy as a road map for moving forward with intention to make the process more efficient, more inclusive, and broader based;
- shared concern about the health of natural resources;
- means of dealing with disagreements with TWN suggestions;
- practice of local government to consult member municipalities on their planning initiatives – without cost;
- concern regarding how local governments can absorb the extra work of municipal staff in terms of the consultation process, and pay fees to overlapping First Nations;
- Intergovernmental Cooperation Agreement between the TWN and the District of North Vancouver, discussing planning initiatives to be undertaken individually by either party;
- concern regarding the lack of transparency and accountability in terms of the Policy;
- TWN fee structure, and proposed budgeting process;
- potential alternative approach via protocol agreements;
- definition of a model for contemporary First Nation stewardship;
- focus of the Policy on archeologically sensitive areas, and impacts on natural systems, riparian areas – archeological and cultural heritage matters;
- local government processes for dealing with sensitive sites, i.e. City of Surrey;
- differences between the TWN process and what exists at the provincial level;
- need for better understanding of processes and whether there is an existing system that would bring comfort to the TWN;
- suggested inclusion of First Nations information in the provincial database;
- suggestion that if the province agreed the integrated database was covered under the Act it would take the weight of compliance off First Nations and local government;
- intent of the Policy to apply a reasonable test to determine TWN interests;

7:22 p.m.

Larry Scott departed the meeting.

- ability of the TWN to encourage incorporation of good suggestions;
- this being the first edition of the Policy, and it being changeable;
- the next level of detail in the Policy, to categorize referrals in order to provide an even more succinct roadmap;
- TWN consultation process relative to the Policy's development;
- potential for bilateral information to be considered;
- suggestion that TWN flag areas of interest and ask for consultation;
- TWN desire to work from the general to the more specific;
- uptake in the Policy to date, particularly from corporate sectors;
- the consultation area map is the map that the province uses to determine whether or not the TWN are consulted;
- recognition of the issue of shared territories by all the First Nations in the lower mainland;
- concern that the Policy places local government in the middle of the overlap conflict;
- intent of the Policy to present a process for certainty in dealing with the TWN;
- potential for increased utilization of the Coordinated Engagement Offices set up by the Integrated Land Management Bureau (ILMB) across the province to assist First Nations to deal with referrals;
- possibility of TWN becoming a repository for First Nation history;

7:53 p.m.

Colleen Rohde departed the meeting.

- economic, cultural, social accommodation and stewardship;
- comparison of TWN standards as opposed to those demanded by the provincial/federal governments;
- impact of a provincial/federal environmental assessment of a project in terms of whether the proponent would be relieved of the responsibility to refer to the TWN;
- confirmation that the TWN invoicing for consultation would reflect actual costs;
- avoiding First Nations' refusal to consult with proponents;

8:06 p.m.

Councillor Richardson departed the meeting.

- encouragement for TWN to have discussions with Semiahmoo and TFN regarding the acceptability of processes followed in the City of Surrey;
- TFN and TWN written understanding and boundary agreement;
- informal discussions between technical staff in the Nations regarding referrals; and
- TWN comfort with having Aboriginal and non-Aboriginal members administer their processes.

It was MOVED and SECONDED

THAT the LMTAC Board receive for information the verbal presentation from Tsleil-Waututh Nation representatives regarding the Tsleil-Waututh Nation Stewardship Policy.

CARRIED UNANIMOUSLY

8:18 p.m.

Councillor Peterson, Kim Anema, and Lynda Floyd, departed the meeting.

4. LMTAC REPORTS

4.1 Update - Responses Received re Summary of LMTAC Interests Regarding Common Table Negotiations

Report from Mark Kirsop, Policy Analyst, dated March 4, 2009 providing a summary of responses to date from LMTAC member jurisdictions on the discussion paper "Summary of LMTAC Interests Regarding Common Table Negotiations".

It was MOVED and SECONDED

THAT the LMTAC Board receive for information the report.

CARRIED UNANIMOUSLY

5. TABLE PROGRESS REPORTS

5.1 Negotiation Table Reports

- a) **Katzie**
No items were presented.
- b) **Musqueam**
No items were presented.
- c) **Squamish**
No items were presented.
- d) **Tsawwassen**
"Tsawwassen First Nation Land Use Plan" dated January 12, 2009.

Received for information.
- e) **Tsleil-Waututh**
No items were presented.
- f) **Other – In-SHUCK-ch Nation**
Ministry of Aboriginal Relations and Reconciliation News Release dated March 16, 2009 titled "Three More First Nations Sign Treaty-Related Agreement".

It was MOVED and SECONDED

THAT the LMTAC Board receive for information, items presented related to Item 5.1.

CARRIED UNANIMOUSLY

6. SUB-COMMITTEE REPORTS

6.1 Finance and Administration Sub Committee (FASC)

Vice-Chair Lonsdale, FASC Chair, reported that the Committee's next meeting would occur on April 8th, 2009.

7. CHAIR & STAFF REPORTS

7.1 Chair's Report

Email from Regan Schlecker, dated March 11, 2009, regarding "URGENT – LMTAC Memo and Letter re Indigenous Recognition & Reconciliation Act"; and on-table UBCM Member Notice dated March 16, 2009 regarding "Proposed Indigenous Recognition Act".

Chair Drew discussed the Te'Mexw TAC's indication of interest for an ongoing liaison with LMTAC, and referred to the on-table UBCM press release provided for information. There would be a joint TAC Chairs meeting on April 16, 2009, which would receive a presentation from the First Nations Leadership Council on the proposed *Indigenous Recognition & Reconciliation Act*.

7.2 Staff Report – Managing Director's Report

Report from Regan Schlecker, Managing Director, dated March 18, 2009, titled "Managing Director's Report: February 19, 2009 – March 18, 2009".

Received for information.

8. MISCELLANEOUS REPORTS

8.1 Metro Vancouver Intergovernmental Relations Committee

Chair Drew advised that an LMTAC update was provided to the Intergovernmental Relations Committee at its meeting held February 26, 2009. The next meeting would occur April 9, 2009, at which there could be consideration to establish a subcommittee formed to deal with First Nations Relations..

8.2 Fraser Valley Treaty Advisory Committee (FVTAC)

Minutes of Inaugural Board Meeting held January 27, 2009; LMTAC Table Representative Summary dated February 24, 2009.

Councillor Kositsky reported that the FVTAC had meetings to discuss servicing and to conduct their Board meeting; and advised of the possibility that Chuck Strahl could attend a future meeting.

8.3 Union of British Columbia Municipalities (UBCM)

Chair Drew reported on the First Nations Relations Committee meeting held March 12, 2009 to discuss the proposed *Indigenous Reconciliation and Recognition Act*. There was a meeting with Minister de Jong who indicated the intent to go forward with a consultation process with local government entities and to defer the legislation until after the elections. Confirmation was provided that the UBCM will be seeking a legal opinion on the draft legislation.

8.4 Federation of Canadian Municipalities (FCM)

No items presented.

9. OTHER BUSINESS

No items presented.

10. INFORMATION

It was MOVED and SECONDED

That the LMTAC Board receive for information the following items:

- 10.1 Correspondence
- 10.2 Proposed *Indigenous Recognition & Reconciliation Act*
 - Statement: Office of the Premier–First Nation Leadership Council on Recognition and Reconciliation Act (March 14)
 - Joint Statement From First Nation Leadership Council (March 12)
 - Media Articles, *Vancouver Sun* (March 13 - 14)
- 10.3 2009 Meeting Schedule
- 10.4 Honorarium and Expense / Feedback Form

CARRIED UNANIMOUSLY

11. NEXT MEETING DATE

The next In-camera Meeting of the LMTAC Board was scheduled April 22, 2009.

12. CONCLUSION

It was MOVED and SECONDED

THAT the In-camera Meeting of the LMTAC Board held March 25, 2009 be concluded.

CARRIED UNANIMOUSLY

(Time: 8:28 p.m.)