

Update Bulletin

Reporting on LMTAC Activities
March – May 2002

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Upcoming Public Meetings:
June 26, 2002
July 24, 2002

Looking for LMTAC meeting notes, policy papers, related web links or meeting schedules?

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**LOWER
MAINLAND
TREATY
ADVISORY
COMMITTEE**

LMTAC coordinates and represents the collective interests of local government, and through them their constituents, in defining and building relationships between First nations and other orders of government.

HIGHLIGHTS

March 27 LMTAC Meeting

Members discussed a variety of reports received for information including, a workplan status report, conference summaries, LMMA AGM planning, correspondence with the Fraser Valley TAC, and changes to Provincial negotiating teams.

April 24 LMTAC Meeting

At its meeting in April, the LMTAC Board and Provincial treaty negotiators overviewed the incremental approach to negotiations at the Tsawwassen treaty table. The three Parties are working towards reaching an Agreement-in-Principle by the end of March 2003. As a procedural (not substantive) approach to streamline the process, the Chief Negotiators (BC, Canada and Tsawwassen First Nation) agreed to explore an incremental approach as a way to reach agreement on the Provincial and Federal government's joint land/cash proposal made in January 2001. The three negotiators have adopted these principles to provide a framework for their exploration:

- Incremental approach: a new approach (process) to treaty, not a substitute
- All aspects must maintain the incentive for each party to conclude a treaty
- Each incremental agreement or initiative should stand on its own merits
- Each incremental agreement should include corresponding quid pro quos; and
- As much as possible, work on the associated Agreement in Principle chapters to continue with specific incremental agreements or initiatives.

May 22 LMTAC Meeting

At the May Board meeting, the LMTAC Board and the Provincial treaty negotiator discussed the Report of the Tripartite Working Group, released on May 15, 2002. (See page 2 for more information on this report).

Technical Workshop on Local Governments & Urban Aboriginal Issues April 30, 2002

On April 30, 2002, LMTAC hosted a one-half day technical workshop to discuss the LMTAC paper produced in April 2001, entitled *Local Governments and Urban Aboriginal Issues*. This paper is a backgrounder to LMTAC's First Principle #32, which states that "treaties must include mechanisms to ensure that the costs of providing programs and services to these populations do not become the responsibility of Local Government". The workshop was organized as part of the LMTAC 2002 workplan and was intended for LMTAC to receive feedback on the discussion paper and collectively examine issues with respect to urban, off-reserve Aboriginals, particularly as they relate to treaty negotiations and the post-treaty environment.

Twenty-three participants attended the workshop and represented a variety of organizations, including LMTAC members, BC Treaty Negotiations Office, First Nation communities, municipal social planners and Regional Health Boards. Participants provided valuable feedback to LMTAC and raised concerns with respect to the discussion paper, which LMTAC and GVRD staff will address in its review of the document. (continued...)

Participants also suggested some additional next steps in discussing a follow-up to this technical workshop, including:

- Holding a similar session in the future once the issues of this technical workshop have been addressed, particularly with respect to the changes requested to the discussion paper.
- Forming a working group, potentially made up of staff from representative organizations (including First Nation and local government) to dialogue on issues related to urban Aboriginals.
- Ensuring Federal government representation at a future session, and requesting dialogue on the issue of the redesign of the *Indian Act*.
- Accessing better Census and population data for urban Aboriginals; and
- Gaining a better understanding of established agreements (e.g. the Federal Aboriginal Human Resources Development Agreement with respect to employment and training support and related funding).

Copies of the April 30 workshop notes have been distributed to all LMTAC member councils and regional district boards.

LMTAC Display - Lower Mainland Municipal Association's (LMMA) AGM, May 8-10

LMTAC sponsored its display board at the LMMA's Annual General Meeting in Harrison Hot Springs in an effort to raise awareness of current LMTAC activities.

NEGOTIATION UPDATES

Tripartite Working Group Report

In its 2001 annual report, "Looking Back, Looking Forward", the BC Treaty Commission reviewed treaty negotiations in the province based on the lessons learned since the process began in 1993. The report also made comprehensive recommendations to the Principals - the First Nations Summit, the Government of Canada, the Province of BC - on how to improve the process.

Between the months of October 2001 and February 2002, senior officials developed ideas to address the recommendations of the Commission's report and released "Improving the Treaty Process" Report of the Tripartite Working Group. This report was reviewed and endorsed by the Principals at their meeting on March 15, 2002. The report contains a number of ideas and recommendations for achieving efficiencies in the treaty process and options for building treaties incrementally that would lead to more immediate benefits for all British Columbians. The Principals also instructed officials to devise a workplan to identify options that could be used

by individual tables. Three initial progress reports will be developed on the following topics:

- Time out, Assessment, Funding Implications
- Revenue-sharing, Co-management
- Certainty, Governance, Land Status, First Nation Constitution

Union of BC Municipalities

The Union of BC Municipalities (UBCM) reports that it will work with the BC Treaty Negotiations Office to negotiate a restructured agreement with the BC government. Previous agreements between UBCM and the Province were signed in 1993, 1994 and 2000 on Local Government participation in treaty negotiations and Interim Measures. Following recent funding cuts to the Treaty Advisory Committees and other means through which the Province consults with Local Governments, the Attorney General has acknowledged Local Governments' need for clarity, participation and input into treaty negotiations. A renewed and restructured agreement between UBCM and the Province is anticipated later this year.

Regional Update

On March 13, 2002, the Provincial legislature approved the questions for the referendum on principles to guide the Province's approach to treaty negotiations with Canada and the First Nations. The deadline for voters to return their completed ballots was May 15, 2002. The referendum was administered by Elections BC and the referendum results are to be made public no later than July 3, 2002.

On March 14, 2002, the Provincial government restructured its Treaty Negotiations Office in response to its new Service Plan. The Treaty Negotiations Office reviewed its negotiators at the various treaty tables and made a number of changes.

Chief/Lead Negotiators at Lower Mainland Treaty Tables

TREATY TABLES	BC	CANADA	FIRST NATIONS
Katzie	Ms. Margo Elewonibi	Mr. Eric Denhoff	Ms. Debbie Miller
Musqueam	Mr. Gordon Douglas	Mr. John Bell	Chief Ernie Campbell
Squamish	Mr. Heinz Dyck	Mr. Brian Smith	Chief Gibby Jacob
Tsawwassen	Ms. Katherine Gordon	Mr. Robin Dodson	Chief Kim Baird
Tsleil-Waututh	Ms. Margo Elewonibi	Mr. Brian Smith	Mr. Leonard George

Katzie Table (Stage 4)

The Parties at this treaty table signed a tripartite Procedures Protocol and a Community Relations Plan in February 2002. All meetings are open to the public and are held at the Katzie Band Office in Pitt Meadows.

The Governance Treaty Related Measure (TRM) will provide the negotiation table with documentation of Katzie's proposed post-treaty governance vision and will include research, community consultation, and job shadowing projects. The Parties will then be able to assess this vision and determine how it will meet key Federal and Provincial interests.

The tripartite Intergovernmental Relations Working Group (IGRWG) met with officials and staff in Surrey on April 18, 2002. The discussions during the visit focused on planning, traffic, road design, and the process of various municipal undertakings. On May 8, 2002, the IGRWG met with Surrey municipal staff on Barnston Island to discuss issues related to Waste Management in Port Kells.

On April 24, 2002, the Main Table Working Group (MTWG) met at the Katzie Band offices in Pitt Meadows for its first open, public meeting related to Provincial Parks and Protected Areas. The Katzie led the MTWG through a review of their interest paper in Parks and Protected Areas and discussed the importance of undertaking a meaningful role in the design and delivery of programs aimed at habitat and environmental restoration and enhancement. Katzie noted that these issues will be expanded when they present their Environmental Interest Paper at the MTWG meeting scheduled for June 26, 2002.

The Parties are also finalizing the Economic Development TRM. The purpose of this study is to assess the economic development opportunities available to the Katzie First Nation within its Statement of Intent (SOI) area. This study will only provide the Parties with information, it will not bind the Parties to any future course of action, nor will it create any obligations once it is complete. Katzie has indicated the importance of lands and resources in connection with reasonable economic investment and return.

To provide further information about the treaty process and to allow the public to meet the negotiators, an Open House was held at the Maple Ridge Public Library on the evening of May 9, 2002. Katzie presented their interest paper on Culture and Heritage at the May 29, 2002, MTWG meeting.

Councillor Candace Gordon is the LMTAC representative to the Katzie negotiations.

This Bulletin provides a general overview of recent activities and major issues dealt with by LMTAC representatives. It is not intended to reflect all of the issues before the Committee. Any opinions expressed herein are solely of LMTAC.

Musqueam Table (Stage 3)

The Musqueam Nation's focus over the past year has been on non-treaty issues. However, Musqueam is working on finalizing its Framework Agreements so that formal negotiations may resume, as well as discussing possible Interim Measures Agreements. Compensation issues continue to stall negotiations at this table. No further negotiation meetings or activities have been scheduled.

Councillor Harold Steves is the LMTAC representative to the Musqueam negotiations.

Squamish Table (Stage 3)

No activity has occurred at the Squamish table since February 1998. Over the past year, Squamish Nation has focused on negotiations outside of the treaty process. In March 2001, Squamish and Lil'Wat Nation signed a protocol agreement committing the parties to identify issue of mutual concern within their traditional territories, explore economic opportunities and consider shared jurisdiction and co-management. The Squamish and Mt. Currie First Nations have also jointly proposed the development of a Big House in Whistler.

Mayor Corinne Lonsdale is the LMTAC representative to the Squamish negotiations.

Tsawwassen Table (Stage 4)

This treaty table will be engaged in negotiations throughout the Spring and Summer of 2002. While Agreement-in-Principle (AIP) negotiations continue, the Tsawwassen First Nation is moving forward with Interim Agreements.

Canada, British Columbia and Tsawwassen First Nation agreed to negotiate Treaty Related Measures that would facilitate the table's consideration of the land/cash counter-proposal. Two of three Treaty Related Measures have been completed. The Cultural Heritage Resources Study was the table's first TRM. The Economic and Human Resource Development Study TRM was negotiated and the final report has been completed. Both final reports will be available in local libraries. The Community Planning Project TRM was negotiated. The human resources development component has been completed. Work on the draft Community Planning and Development Report is still underway. The expected completion date of the Final Draft is the week of June 1, 2002. There will be public consultation meetings before a Final Draft is produced.

On April 24, the Tsawwassen treaty table held its first public Chief Negotiators meeting at the Tsawwassen Administration Office. The Chief Negotiators meeting was an opportunity for the Parties to review all of the work that had taken place at the table since December 2001. It was noted that the Main Table had previously agreed to an incremental approach based on guiding

principles as a way of reaching agreement on the Provincial and Federal government's joint land/cash proposal made in January 2001. The three Parties are working towards the goal of reaching an Agreement-in-Principle by the end of Spring, 2003.

The topics of access, land use management, land and fisheries were addressed at the recent Chief Negotiators meeting. The Main Table Working Group (MTWG) is working to consolidate areas where there is agreement, to identify where gaps remain, and to capture this information in elements charts. The elements charts will then be used as a tool to begin drafting chapters (the first being on access) with the understanding that all clauses are under review and without prejudice. The table is working with a goal of releasing first consultation drafts of three chapters (access, land use management and land) by Fall, 2002 and is continuing work on culture and heritage, forestry, wildlife, early discussions on fiscal matters, and servicing options. Workshops on wildlife and fiscal issues are also expected to be scheduled. The objective is to maintain enough flexibility to be able to implement agreements reached at the table while continuing to move towards an AIP.

Fisheries has been identified as a priority by Tsawwassen First Nation (TFN) and in-depth negotiations continue between the Federal Government and TFN. The provincial negotiators have not received negotiating instructions regarding fisheries and sat as observers to the discussions. Canada and TFN agreed to explore the nature, scope and terms of a potential fisheries interim measure; it appears, however, that such an agreement is unreachable at this time and TFN Management Committee and enforcement related issues will continue to be explored as possible items for an interim measure agreement.

Councillor Vicki Huntington is the LMTAC representative to the Tsawwassen negotiations.

Tsleil-Waututh Table (Stage 4)

Land issues have dominated negotiations with the Tsleil Waututh Nation over the past year. The pace of negotiations has been slow as the parties attempt to reconcile their treaty visions..

The Tsleil Waututh Nation has also recently become a fee-simple owner of land in the Indian Arm area. The property remains under municipal jurisdiction. The Tsleil Waututh intend to pursue non-treaty related economic development opportunities on this property for eco-tourism and construction of a fishing lodge and kayak centre.

As of March 2002, Three feasibility studies have been initiated with financial assistance from Canada and BC. The following two projects will conclude in the fall and involve private partnerships with businesses on private property. They are: 1) a joint venture feasibility assessment for a marine eco-tourism partnership situated in the Vancouver Harbour; and 2) a feasibility

assessment of a joint venture opportunity with Ecotrust Canada, which is presently negotiating the purchase of a heritage building from the City of Vancouver. The considerations also include the potential uses of the commercial space.

A third project will conclude in the Spring of 2003 and will focus on determining the economic feasibility of a range of seven potential initiatives of Tsleil-Waututh Nation's 779 acres of fee simple property called "Inlailawatah Lands" located at the head of Indian Arm. The developments will link with Tsleil-Waututh's ecotourism business and their future business plans for the Lands.

Mayor Don Bell is the LMTAC representative to the Tsleil-Waututh negotiations.

LMTAC BIZ

LMTAC SUB-COMMITTEES

Technical and Strategic Working Group (TSWG)

In early May at the request of the LMTAC Executive Committee, TSWG began to prepare a discussion paper on regional governance and governance in the region, as the issue of First Nation membership on regional district boards has been raised at both the Katzie and Tsawwassen treaty tables. This discussion paper will examine the current structure of regional districts and regional governance for LMTAC member review by early July.

The LMTAC TSWG is the staff-led body that facilitates discussion of key treaty/Aboriginal interests and makes recommendations to the LMTAC membership.

Finance and Organizational Sub-Committee (FOSC)

Members are continuing to draft policies outlined in the 2002 LMTAC workplan and are beginning preparations for the 2003 LMTAC Budget.

Communications Sub-Committee (CSC)

The CSC's work has largely been on hold following changes to provincial structures. In June, CSC members will meet to draft the annual LMTAC member survey.

Community Charter

The Provincial government tabled draft Community Charter legislation on May 28, 2002, that will provide a new partnership with local governments based on greater autonomy and strengthened accountability to citizens. The tabling of the draft Community Charter follows a comprehensive seven-month consultation process conducted by the 12-member Community Charter Council established last September. LMTAC staff will review information as consultation continues.