

Update Bulletin

Reporting on recent
LMTAC Activities

INSIDE THIS ISSUE

Meeting Highlights	1 - 2
Negotiation Updates	2 - 4
LMTAC Biz	4 - 5

Upcoming Public Meetings*
(*locations to be announced)
February 26, 2003
March 26, 2003

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

Visit us at:

www.lmtac.bc.ca

NEW MOU SIGNED: January 15

The new MOU between UBCM
and the Treaty Negotiation
Office is now available on the
LMTAC web site.

**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

LMTAC Elections

On January 29, the Lower Mainland Treaty Advisory Committee (LMTAC) acclaimed Mayor Ralph Drew as LMTAC Chair who has sat as LMTAC Vice Chair for the previous two years. Mayor Don Bell stepped down as LMTAC Chair after three consecutive years and was acclaimed as Vice-Chair of the committee. "Governance issues are a key discussion topic for the most active of treaty tables in the Lower Mainland. Both Tsawwassen and Katzie treaty tables are beginning to focus more on these issues, and as a result, the role of local governments in general, and LMTAC specifically, will become increasingly important in the coming months" said Chair Drew. For full election results, see page 5.

Inaugural 2003 Board Meeting

LMTAC members received two special delegations at the first meeting of 2003. First, Director Aaron Dinwoodie, Chair of the UBCM Aboriginal Affairs Committee, with Alison McNeil, UBCM Senior Policy Analyst, provided an update on UBCM activities and priorities for 2003, such as developing best practices and protocols for First Nation/local governments that could be referenced locally. (See page 5 for details).

Second, the three Chief Negotiators at the Tsawwassen treaty table - Katherine Gordon, BC Treaty Negotiation Office; Chief Kim Baird, Tsawwassen First Nation; and Robin Dodson, Federal Treaty Negotiation Office - provided LMTAC members with a status report on the negotiations leading to an Agreement in Principle at this table by March 2003. The tripartite presentation was part of the Chief Negotiators' recognition of the need for open dialogue with all the parties interested in this table.

2003 New Member Orientation Session

In light of the fall 2002 municipal elections and 2003 re-appointments, the LMTAC has experienced a 35% change in membership. The LMTAC office coordinated an orientation session on January 22 to ensure the new members had an opportunity to learn about the treaty process, LMTAC, and their individual roles. Over 25 people participated in the session, which included an overview by the LMTAC Chair and staff, and a presentation by Mr. Jack Weisgerber, BCTC Commissioner. Any interested members who were not able to attend this session are welcome to contact the LMTAC office to set up an informational meeting.

LMTAC Draft Paper: Regional Governance & Governance in the Region

On October 31, 2002, LMTAC hosted a workshop for senior management staff and elected officials from LMTAC's three regional district members (Greater Vancouver, Squamish-Lillooet, and Sunshine Coast) as well as participation by LMTAC table representatives and Executive members. The purpose of the workshop was to discuss Draft #5 of LMTAC's discussion paper, "Regional Governance and Governance in the Region". Workshop participants recommended these next steps:

- Update Draft #5 to reflect the workshop discussion.
- LMTAC to host a follow-up session with senior staff from the three regional districts (planned for early March).
- LMTAC not to pursue a broader workshop as additional in-house discussion needs to first take place on this issue, until after the second session is held.

At the end of November, LMTAC released Draft #6 of the discussion paper and directed LMTAC staff to begin work on a preliminary backgrounder to First Principle #27 on the rights and representation of non-Aboriginals living on Indian Reserves and future treaty settlement lands, which is anticipated to be completed in early 2003.

BCTC Regional Visioning and Katzie First Nation Event: February 5-7

Approximately 40 people attended "Connecting the Pieces; Leaders in Action" at the Pitt Meadows Recreation Hall and were welcomed by opening remarks by Katzie First Nation Chief Peter James. This three-day event was hosted by the Katzie First Nation, sponsored by the BC Treaty Commission, and organized in cooperation with staff from LMTAC and the GVRD. The event was attended by representatives from several First Nations, local and senior governments, as well as various economic (e.g. forestry, tourism) and social sectors (e.g. health, education) from the Ridge-Meadows area of the region. Representatives from several LMTAC member jurisdictions participated, including Maple Ridge, Pitt Meadows, Coquitlam, Township of Langley, Greater Vancouver Regional District, Belcarra, District of North Vancouver, and Port Coquitlam.

This event used an Open Space Technology (OST) format, whereby the agenda was set by the individuals attending this event on the morning of the first day. Discussion topics included: Preserving History and Historical Values; Community Planning for Sustainability; Land Use and Resources; Knowledge Gaps in Land Management; Governance; Jurisdiction; Economic Development; Native-Inspired Tourism; Do You Know Your Local First Nation?; and Learning from Katzie Leadership. The complete proceedings from this regional visioning event are to be made available on the Katzie First Nation's web site: www.katzie.ca.

NEGOTIATION UPDATES

Regional Update

At the Open Cabinet meeting held on November 22, 2002, Geoff Plant, the Attorney General and Minister Responsible for Treaty Negotiations announced changes to the provincial government's approach to negotiating two key treaty issues: certainty and Aboriginal self-government. Minister Plant explained that the province needs to look for new approaches to break the impasse in negotiations and to help focus on the goal of building respectful relationships.

In relation to achieving legal certainty in treaties, Minister Plant indicated that the province is no longer focused on finding one single method to achieve certainty or gaining a "release" from First Nations within the treaty.

Another change in approach is in relation to Aboriginal self-government. The province is seeking to negotiate "self-government agreements" outside Agreement in Principles (AIP) which would deal with powers similar in kind to local governments. Other government functions such as those with a cultural component (e.g. adoption, marriages) and those relating to land and resource management (e.g. fish and wildlife allocations) will remain in the AIP. In self-government agreements, the province is discussing a non-assertion of rights approach to certainty at treaty tables.

Katzie Table (Stage 4)

The Parties at this treaty table signed a tripartite Procedures Protocol and a Community Relations Plan in February 2002 making all meetings open to the public.

The Final Report of the Katzie First Nation Treaty Related Measure (TRM) on Governance was delivered on October 30, 2002, and 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 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. The TRM will produce a set of recommendations for the treaty table. These recommendations will be informed by data from municipalities in the Lower Mainland and the Great Vancouver Regional District. Community input will also enable the Katzie First Nation to assess community capacity, recommend training, and assess First Nation's values. Such input will inform the final action plan recommended for the Katzie community, as well as inform the table of possible land selection possibilities. 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. The TRM Final Report due date has been set for early 2003.

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

Musqueam Table (Stage 3)

The Musqueam Nation has focused on non-treaty issues over the past year and this trend is expected to continue. However, Musqueam is working on finalizing its Framework Agreement so that formal negotiations may resume, as well as discussing possible Interim Measures Agreements. Compensation issues continue to stall negotiations at this table.

In July, discussions were initiated between the Musqueam First Nation and the City of Vancouver to implement a long-term service provision agreement. The Musqueam are interested in exploring employment opportunities for band members to provide waste

management service and possibly even policing. Vancouver City and Musqueam have been working under short, two-year service provision agreements since 1994 and are interested in negotiating a 10-year agreement to give both parties more security when making service provision plans, including what service may or may not be delivered by Musqueam. The current agreement expires at the end of this year and will likely be extended until December 2004, after which the long term agreement would go into effect.

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 issues 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.

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

Tsawwassen Table (Stage 4)

The Tsawwassen treaty table continues to be engaged in substantive negotiations and the Parties still agree to explore an incremental approach (while proceeding with comprehensive treaty making) 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. Therefore, 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 three Treaty Related Measures (TRM) that would facilitate the table's consideration of the land/cash counter-proposal. The first two TRMs, the Cultural Heritage Resources Study and the Economic and Human Resource Development Study were negotiated and the final reports are available in local libraries. The third TRM, the Community Planning Project, was negotiated and consultation meetings with First Nation members, lease-holders who live on reserve, members of the public and neighbouring local governments were held prior to the Final Draft being produced. The Final Community Planning and Development Report was publicly released in the Fall of 2002 and is available on the Tsawwassen First Nation website (www.tsawwassen-fn.org).

During the first Open Main Table meeting held on December 11, 2002, the Chief Negotiators' provided an update and report on the Tsawwassen Treaty

Negotiations. The Chief Negotiators reported that a great deal of work has continued since the last public Chief Negotiators' meeting held in April 2002. The parties have been working hard towards the tripartite goal that was set at the April meeting to reach an AIP by Spring 2003.

At the December 11, 2002 Open Main Table Meeting, the Working Group released draft chapters concerning amendment, approval of the Agreement in Principle, dispute resolution and ratification.

A second Open Main Table was held on January 30, 2003 in which the Chief Negotiators released three further consultation draft AIP Chapters related to lands, access and environmental protection and conservation. The Land Information and Technical Working Group (LITWG) also released a summary chart of the proposed treaty settlement lands.

The Parties intend to hold a third Open Main Table on February 27, with subsequent dates to be arranged soon. Details of those meetings will be advertised in advance.

The Tsawwassen treaty settlement as a whole will consist of detailed agreements on land, resources, rights off treaty settlement land, governance, economic development, a financial component, fiscal relations, and implementation, as well as general provisions related to certainty, relationship of laws, eligibility, enrolment, ratification, dispute resolution and amendment. The AIP is a document that will set out the agreements of the parties on these fundamental components of the treaty and it becomes the basis on which the parties proceed towards a comprehensive Final Agreement.

The following information was released to the public by the Chief Negotiators at the December 11, 2002 Open Main Table meeting. Topics related to land, additions to TSL and the ALR were updated at the Open Main Table on January 30, 2003:

Land: Modifications of the land package proposed by BC and Canada in 2001 and the corresponding impact on the "land/cash balance" as the basis for settlement have been discussed.

Additions to TSL: All three parties have agreed to negotiate a process for the Tsawwassen government to add lands that it has acquired in fee simple to the lands within its jurisdiction, post-treaty.

Agricultural Land Reserve (ALR): The parties have not reached an agreement on how to deal with this issue. The 2001 joint proposal of the governments specified the continuance of any existing land use designations, including the ALR, at the time of transfer of provincial Crown land.

Fisheries: British Columbia must respond to federal fisheries proposals in order to conclude negotiations on the draft AIP. Canada and Tsawwassen worked on the negotiation of a fisheries interim measure for the 2002

season, but the parties were not able to reach agreements on the amount of fish or the cost of fisheries-related activities. However, issues related to a TFN management committee and enforcement will continue to be explored as possible items for an interim measure agreement in the 2003 fishing season.

Governance: The parties will have to agree on the objectives, principles, and characteristics of Tsawwassen government as well as the range of functions that it would exercise.

Fiscal Relations: Agreement is required around the objectives, factors, considerations and principles of fiscal relations at the time of the draft AIP. Assuming this can be accomplished, fiscal arrangements would be negotiated outside of the treaty pursuant to the principles with the treaty. A fiscal relations working group has been formed to work on these issues.

Services/Water: Tsawwassen has expressed that access to services is a critical issue. The parties are discussing establishing an intergovernmental relations table to address First Nations/local government matters and are considering a TRM supporting development of intergovernmental relationships.

Councillor Robert Campbell 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.

As of March 2002, three feasibility studies have been initiated with financial assistance from Canada and BC. The following two projects 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.

A third project 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 "Inlailawatash 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

October 23 Board Meeting

LMTAC-member New Westminster played gracious host to this board meeting as LMTAC's regular meeting facility undergoes renovations. Members endorsed both of LMTAC key documents for the New Year: the 2003 Budget and the 2003 Workplan.

November 27 Board Meeting

In November, the City of Burnaby hosted the LMTAC meeting which featured a delegation by Katherine Gordon, Chief Negotiator, BC Treaty Negotiation Office, on the Tsawwassen treaty table. In addition, LMTAC's outgoing members were recognized for their significant contributions to LMTAC during their respective terms.

LMTAC SUB-COMMITTEES

Finance & Organizational Sub-Committee (FOSC)

The FOSC worked hard with members and staff over the past several months to draft the 2003 budget. The budget was endorsed by the full membership in October 2003. In addition to monitoring funds and expenses, FOSC is continuing to explore alternate funding sources. Another key focus of the FOSC in 2003 is to initiate a review of current LMTAC procedures and policies

Communication Sub Committee (CSC)

The CSC continues to meet on an as needed basis.

Technical and Strategic Working Group (TSWG)

The LMTAC TSWG is the staff-led body that facilitates discussion of key treaty/Aboriginal interests and makes recommendations to the LMTAC membership. Recent work by this working group includes research and discussion regarding governance issues and rights of representation. Staff representatives from all LMTAC member jurisdictions are invited to participate. For more information, please contact the LMTAC Office.

**For more information on the
Lower Mainland Treaty Advisory Committee,
please contact LMTAC at:
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Tel: (604) 451-6179 Fax: (604) 436-6860
E-mail: lmjac.lmtac@gvrd.bc.ca**

2002 Member Wind-up Event

On January 8, 2003, current and non-returning LMTAC members gathered to wind up the 2002 year of activities and work. Another purpose of this gathering was to acknowledge long-serving LMTAC member Councillor Vicki Huntington who would not be returning in 2003. Chair Don Bell, on behalf of the full membership, presented Councillor Huntington with an engraved plaque with the following inscription:

*In recognition and appreciation of 9 years as an active
and founding member of the
Lower Mainland Treaty Advisory Committee*

*LMTAC Member 1994-2002
Tsawwassen Table Rep 1995-2002
LMTAC Vice Chair 1997-1999*



Union of BC Municipalities

The new Memorandum of Understanding (MOU) between the Province of BC and the Union of BC Municipalities on *Local Government Participation in the Negotiation of Treaties and Agreements* was signed by the Hon. Geoff Plant, Attorney General and Minister Responsible for Treaty Negotiations, Patricia Wallace, President, Union of BC Municipalities, and Director Aaron Dinwoodie, Chair, UBCM Aboriginal Affairs Committee, on January 15, 2003. UBCM will be requesting feedback from Treaty Advisory Committees throughout the year on how implementation of this MOU is proceeding.

Responding to the pace of negotiations at lead treaty negotiations tables was noted as a key challenge for UBCM and for the Treaty Advisory Committees (TACs). UBCM Aboriginal Affairs Committee priorities for the coming year will focus on responding to this challenge in addition to continuing to support relationship building activities. One such activity is the **2003 BC-wide Community to Community Forum on March 14**. UBCM and the First Nations Summit (FNS) are organizing the third province-wide Community to Community Forum, designed to build effective relationships between local governments and First Nations through dialogue among their elected leaders.

In addition to discussing issues of common interest to local governments and First Nations (e.g. economic development, natural resources management, servicing and land use planning), the 2003 Forum will focus on resolving conflict and pursuing joint opportunities. Participants will work with scenarios based on actual problems faced by communities, to explore skills and techniques that will allow them to tackle these problems head on. Registration deadline is Friday, February 21.

LMTAC 2003 ELECTION RESULTS

Executive Committee

Chair Mayor Ralph Drew (Greater Vancouver RD)

Vice Chair Mayor Don Bell (District, North Vancouver)

Table Representatives

Musqueam: Councillor Harold Steves (Richmond)

Tsawwassen: Councillor Robert Campbell (Delta)

Squamish: Councillor Corrine Lonsdale (Squamish)

Tsleil-Waututh: Mayor Don Bell (District, North Vancouver)

Katzie: Councillor Candace Gordon (Maple Ridge)

At Large Members

Councillor Louella Hollington (Coquitlam)

Councillor Lee Rankin (Burnaby)

Regional District Representatives:

Greater Vancouver Mayor Ralph Drew

Squamish Lillooet Director John Turner

Sunshine Coast Mayor Barry Janyk

Finance and Organizational Sub Committee (FOSC)

Chair Councillor Candace Gordon (Maple Ridge)

Vice Chair Councillor Lee Rankin (Burnaby)

At Large Members Councillor Louella Hollington (Coquitlam)
Mayor Lisa Barrett (Bowen Island)

Communications Sub Committee (CSC)

Chair Councillor Louella Hollington (Coquitlam)

Vice Chair Councillor Lee Rankin (City of Burnaby)

At Large Members

Councillor Mary-Wade Anderson (White Rock)

Mayor Lisa Barrett (Bowen Island)

Councillor Corrine Lonsdale (Squamish)

LMTAC Observer to Fraser Valley TAC

Councillor Candace Gordon (Maple Ridge)

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.