

# Update Bulletin

Reporting on Recent  
LMTAC Activities

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**\*Special:** Suggestions for communicating LMTAC material with your council or board

Upcoming Public Meeting:  
October 23, 2002  
November 27, 2002

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

Look no further than the LMTAC web site.

Visit us at:

[www.lmtac.bc.ca](http://www.lmtac.bc.ca)

**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

### Draft Discussion Paper on *Regional Governance and Governance in the Region*

On June 26 2002, the LMTAC board received for information draft #4 of *Regional Governance and Governance in the Region* and requested that it be distributed to member councils and regional districts for review and comment. This draft discussion paper examines the current structure of regional districts and regional governance and has been raised at both the Tsawwassen and Katzie treaty tables. To date several LMTAC member jurisdictions have provided comments and a revised draft will be available for members at the October 23 board meeting. In addition, a workshop for LMTAC's regional district members will be held by early November to provide more specific comments on the regional aspects of governance.

### Joint TAC Fisheries Meeting

On September 27, LMTAC co-hosted a joint Treaty Advisory Committee meeting with the Union of BC Municipalities (UBCM) and the Fraser Basin Council. The objectives of this meeting were to exchange perspectives on how regional fisheries interests are incorporated into treaty negotiations; gain awareness of the Fraser Basin Council's "Fraser Fish and Fisheries Together" project; and consider next steps for integrating regional fisheries interests along the Fraser River at treaty tables and in the Fraser Basin. Given UBCM's work with local governments throughout the Fraser Basin, LMTAC has requested UBCM to facilitate future discussions on this topic.

### New MOU for Local Government Participation in the Negotiation of Treaties and Other Agreements

The Union of BC Municipalities (UBCM) has been working closely 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. Several LMTAC members participated in the working session at the beginning of the September UBCM Convention. Following, the new agreement between UBCM and the Province was endorsed by UBCM members in Whistler and will be signed in the near future.

### BCTC Regional Visioning and Katzie First Nation

The BC Treaty Commission recently approved sponsorship for a three-day Regional Visioning Exercise to be organized by Katzie First Nation, February 5 – 7, 2003, at Pitt Meadows Recreation Center as part of their commitment to facilitate discussions between First Nations and their neighbours. LMTAC member municipalities within Katzie's Statement of Intent area will be invited to attend. It is anticipated that up to 80 invitees will participate in the Regional Visioning Exercise and that up to an additional 40 members of the public will be in the audience on the last day for a summary presentation from the event participants.

### LMTAC Board Meetings

Due to renovations taking place in the regular meeting venue for LMTAC meetings, please watch your agenda packages closely for new meeting locations.

## NEGOTIATION UPDATES

### BC Treaty Commission Annual Report, 2002

Released on September 30, the 2002 BCTC Annual Report reviews the ongoing examination of the treaty process by the First Nations Summit and the governments of BC and Canada; status of negotiations at tables throughout the province; historical, legal, political and economic realities; and public information and consultation processes. Visit the BCTC web site at for more information: [www.bctreaty.net](http://www.bctreaty.net)

### 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 were made public on July 3, 2002.

On July 31, 2002, Geoff Plant, the Attorney General and Minister Responsible for Treaty Negotiations, released a letter announcing the government's instructions to provincial negotiators following the referendum. Within the letter to negotiators, BC stated it is committed to following the referendum results but that BC "must recognize that this a negotiation among three parties and as such, some measure of compromise is inevitable." Negotiators have been ordered to look for creative and flexible treaty solutions and, with respect to self-government, to find practical, workable, affordable solutions. Other instructions included:

- BC is prepared to discuss all issues and negotiators have the authority to negotiate and make commitments on topics that are consistent with the referendum principles and existing policy.
- Negotiators may have exploratory discussions on areas outlined in the high level tripartite talks conducted by the BCTC and on topics for which there is no established policy.
- Exploratory discussions will require prior approval to ensure that they do not result in commitments that exceed existing authorities.
- During negotiations and discussions, negotiators are to keep in sight opportunities to advance practical agreements such as interim measures, in subject areas that benefit First Nations.

### Katzie Table (Stage 4)

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 Final Report for the Governance TRM is expected by November 2002.

The tripartite Intergovernmental Relations Working Group (IGRWG) met with officials and staff in the City of Coquitlam on June 14 to discuss taxation and jurisdictional issues. The IGRWG also toured the City of Langley on July 18 to discuss business-related issues, such as partnerships, for small municipalities.

On May 29, 2002, the Main Table Working Group (MTWG) met at the Katzie Band office in Pitt Meadows for their second open, public meeting to discuss Culture and Heritage interests. Katzie's interests in Culture and Heritage contain themes that relate closely to their interests in Wildlife and Parks and Protected Areas. The Katzie led the MTWG through a review of their interest paper on Culture and Heritage. Specifically, this interest paper outlines how to preserve, maintain, promote, and restore Katzie First Nation's traditional values, activities, sites, language, identity and history. BC provided a response to the Katzie interest paper at the September 12, 2002 MTWG.

The MTWG held on June 26, focused on the topics of Parks and Environmental Management. It is important to note that Katzie's interests in Parks included significant cultural, spiritual and traditional sites and activities. The Katzie's Interest Paper on Parks and Protected Areas was initially tabled at the April 24, 2002 MTWG meeting. BC provided an official response to the Katzie interest paper during the morning session of the June 26 MTWG.

In the afternoon session of the June 26 MTWG, the Katzie First Nation tabled their Environmental Interest Paper and expanded on previous discussions in which Katzie highlighted the importance of undertaking a meaningful role in the design and delivery of programs aimed at habitat and environmental restoration and enhancement. The Parties agreed that BC and Canada would respond to any interest papers tabled by Katzie after they have been reviewed by their respective caucus.

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. The TRM Interim Report #3 is expected in November 2002.

Public MTWG meetings were held at the Katzie Band office on September 11 and 12 to continue discussions on Wildlife, Migratory Birds, Environment, Parks and Protected Areas and Culture & Heritage. The most recent MTWG meetings were scheduled for October 9

and 10 and included a tour of the Royal Museum in Victoria to discuss interests in artifacts.

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

### **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 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)**

Little treaty activity has occurred at the Squamish table since February 1998. Over the past year, however, Squamish Nation has been involved in agreements relating to settlements with the Federal Government over former reserves in BC, land returned to Squamish from the CPR, and finalizing a deal to develop a shopping mall located on Squamish land north of the Second Narrows bridge.

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

### **Tsawwassen Table (Stage 4)**

This treaty table was engaged in negotiations throughout the Spring and Summer of 2002 and will continue throughout the Fall with substantive negotiations. Since the first public Chief Negotiators meeting held on April 24, 2002, the Parties still agree to pursue 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. Therefore, while Agreement-in-Principle (AIP) negotiations continue, the Tsawwassen First

Nation (TFN) 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. All 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 are available in local libraries. The Community Planning Project TRM was negotiated and the human resources development component has been completed. The Final Community Planning and Development Report was publicly released at a series of open houses in October for First Nation members, lease-holders who live on reserve, members of the public and neighbouring local governments.

The topics of access, land use management, and land continue to be discussed at Main Table Working Group (MTWG) meetings. The Parties are 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 table's initial milestone of releasing first consultation drafts of three chapters (access, land use management and land) by Fall 2002 has been revised to focus on completing the elements charts first and re-engaging chapter development this Fall. The table 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 the Tsawwassen First Nation. Canada and Tsawwassen worked on the negotiation of a fisheries interim measure, but the parties were not able to reach agreement for the 2002 fishing season on the amount of fish or the cost of fisheries-related activities. As a result, Tsawwassen and the Department of Fisheries and Oceans Canada (DFO) engaged in Aboriginal Fisheries Strategy (AFS) negotiations for the 2002 season. 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.

***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 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

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

FOSC members have worked hard, in light of provincial government funding cuts, to prepare the LMTAC 2003 budget. This budget will be discussed by the full membership at the October 23 board meeting.

### Communications Sub-Committee (CSC)

#### **2002 LMTAC Member Survey**

CSC members drafted the 2002 LMTAC member survey to focus on how information is communicated with members via meetings, agendas and other correspondence. A record number of completed surveys (30) were received and included in the September board package. These responses form the basis of the survey summary to be presented at the October LMTAC board meeting.

### 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 TSWG discussions have focused on regional governance issues, urban local government and

Aboriginal issues and a preliminary review of the Community Charter. *Staff from LMTAC member jurisdictions are always welcome to participate in the TSWG meetings. Please call LMTAC for more information.*

### Local Government & Urban Aboriginals Issues - Revised Paper

LMTAC has also revised its discussion paper, entitled "Local Governments and Urban Aboriginal Issues". The 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 revisions to the paper are in response to an LMTAC-sponsored workshop, held on April 30, 2002. Workshop participants, including local and Provincial governments, First Nations, and regional health boards, provided feedback on the discussion paper with respect to urban, off-reserve Aboriginals, particularly as they relate to treaty negotiations and the post-treaty environment. Pending participant feedback, LMTAC may hold a follow-up workshop on this topic in the future .

### Community Charter

In July 2002, LMTAC considered the draft Community Charter legislation in light of any potential implications it may have for the treaty negotiation process. The review revealed that sections of the proposed legislation related to highways, dispute resolution, partnering with public authorities and the discontinuance of service provisions require clarification. As a result, LMTAC has considered seeking a legal interpretation of the draft Community Charter from an LMTAC perspective, specifically outlining how the Community Charter will interface with treaty negotiations.

### - SPECIAL -

### Sharing LMTAC Material with Your Council or Board

**LMTAC members use various methods to share information. The next time you want to update your council or board, consider these methods:**

- **Verbal reports**
- **Inclusion of LMTAC materials in your council or board agendas** (such as staff reports, negotiation summaries or blue context summaries)
- **LMTAC Update Bulletin**
- **At last, but certainly not least, don't forget to visit the LMTAC web site ([www.lmtac.bc.ca](http://www.lmtac.bc.ca)) to find LMTAC policy documents, meeting schedules, agendas, minutes and related web links**

*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.*