



# Corporate Report

NO: R180

COUNCIL DATE: July 18, 2005

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## REGULAR COUNCIL

TO: Mayor & Council

DATE: **July  
13,  
2005**

FROM: Staff Representative to LMTAC on behalf of Councillor Priddy

FILE: 0450-20 (LMTAC)  
0440-01 (First Nations)

SUBJECT: Lower Mainland Treaty Advisory Committee – Comprehensive Review and Amendments to LMTAC First Principles & General Lower Mainland Treaty Negotiations Update

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## RECOMMENDATIONS

It is recommended that Council:

1. Endorse the proposed update amendments to the LMTAC First Principles enclosed herein; and
2. Receive the Lower Mainland Treaty Negotiation updates for information.

## INTENT

To seek Council's endorsement of the proposed update amendments to the LMTAC First Principles and to apprise Council of the status of ongoing Lower Mainland Treaty negotiations.

## DISCUSSION

### Amendments to LMTAC First Principles

The First Principles, are the foundational local government policy statements for treaty negotiations within the Lower Mainland; they were initially developed and endorsed by LMTAC member jurisdictions, including Surrey, in 1999. Since

that time, the First Principles have been used to assist LMTAC representatives, particularly Table Representatives, as a reference and educational tool. The First Principles are broad in scope and fall into four main categories of lands, resources, fiscal and governance issues that are the subject of treaty negotiations and of central importance to area local governments.

Since 1999, a number of developments have occurred which necessitate the update of the treaty principles. These developments include:

- Changes in Provincial government and approach to negotiations in 2002;
- The release of five draft Agreements-in-Principle province-wide;
- Further LMTAC member discussion, including a comparative analysis of LMTAC interests with the draft Tsawwassen AIP; and
- Ratification of the Tsawwassen AIP in March 2004, marking the first AIP to be reached in the Lower Mainland and effectively moves the table into Stage 5 Final Agreement negotiations.

Accordingly, the attached revisions and additions in ‘Appendix A’ contain the collective comments received from LMTAC member jurisdictions which reflect the essence of the above noted developments since 1999 and

‘Appendix A’ provides the original (1999) First Principles, the LMTAC's rationale for amending (or not amending) each individual principle, and the proposed wording amendments where required.

#### Lower Mainland Treaty Table Updates (June 2005)

The following updates reflect all First Nations within the Lower Mainland that are presently engaged in the British Columbia Treaty Commission Negotiations. Please refer to Appendix B for an outline of this six-stage process.

#### Katzie (Stage 4)

Parties at the Katzie table are working on Agreement in Principle negotiations. The table has concentrated efforts on drafting joint principles, interest checklists and comparison charts on the following five Agreement-in-Principle topics: environmental management; culture & heritage; wildlife; migratory birds; and parks & protected areas. The table is also considering Federal and Provincial funding possibilities for forestry and tourism proposals.

Katzie and GVRD scheduled a workshop on April 26, 2005, focused on “Perspectives on Regional Sustainability” that involved both staff and elected officials from neighbouring municipal jurisdictions, as well as representatives from both senior governments and the BC Treaty Commission. Katzie First Nation expressed interest to meet with representatives from the Fraser Valley Regional District (FVRD) in the near future.

The Katzie's Statement of Intent is illustrated in Appendix C of this report.

#### **Tsawwassen**

The Tsawwassen treaty table continues to be the lead set of negotiations in the Lower Mainland. The Tsawwassen Agreement in Principle (AIP) was ratified by all three Principals at the public signing ceremony on March 15, 2004. Since that time, the Parties have continued to work steadily on Final Agreement negotiations. Parties are faced with the challenge of resolving key outstanding issues related to governance, lands, fisheries, fiscal relations and taxation. Several Treaty Related Measures (TRMs) were undertaken to facilitate the resolution of outstanding issues and include such topics as: culture and heritage, intergovernmental relations, programs and services, lands, existing reserves interests and fisheries

management.

Tsawwassen's Statement of Intent is illustrated in Appendix D of this report.

### **Musqueam (Stage 4)**

The Framework Agreement was ratified by the Musqueam community on November 18, 2003, initialed by the Parties on December 17, 2003. On April 4, 2005, Ministers for the federal and provincial governments and the chief of the Musqueam Indian Band officially signed the Framework Agreement in a special ceremony at the Musqueam Reserve. This completes stage three of the six-stage process and moves the treaty table into Agreement-in-Principle negotiations. The Parties are currently negotiating a confidentiality protocol and will be developing a work plan for AIP negotiations, with a focus on the topic of land.

Musqueam's Statement of Intent is illustrated in Appendix E of this report.

### **Squamish**

In 2000, treaty negotiators at the Squamish table recommended a draft Framework Agreement for approval by their Principals. Since that time, no further negotiation activity has occurred. Meanwhile, the Squamish Nation has been focused on initiatives outside the treaty process, including various commercial activities, an agreement with BC Rail and BC to co-manage the Squamish River Estuary, development and endorsement of the Squamish Nation Land Use Plan, co-hosting a Community-to-Community forum with the District of Squamish, and activities related to the 2010 Winter Olympic Games.

The Squamish Statement of Intent is illustrated in Appendix F of this report.

### **Tsleil-Waututh (Stage 4)**

Beginning in January 2004, the Parties committed to meet for two days each month. Discussions since then have focused on Tsleil-Waututh Nation (TWN) urban and rural land interests; that are considered key issues to be addressed in order to reach a negotiated treaty settlement. Parties have also explored general interests in forest resources and particular interests pertaining to the Indian Arm Watershed. TWN also identified further interests related to aquaculture opportunities, small hydroelectric projects, and a backcountry recreational tenure.

The Tsleil-Waututh First Nation and District of North Vancouver signed a protocol agreement in 2001 to co-manage the park, with a focus on recognizing its historical and recreational significance to the First Nation and the municipality. Through funding a Treaty Related Measure, BC and Canada committed to support continued co-management of the park and to develop further intergovernmental relations.

The Tsleil-Waututh Nation Statement of Intent is illustrated in Appendix G of this report.

## **CONCLUSION**

The LMTAC First Principles were initially developed and endorsed in 1999. Since then, a number of developments have occurred which necessitate the update of the treaty principles. This report provides Council with the proposed First Principle revisions which contain the collective input of all LMTAC member jurisdictions (including Surrey) – see Appendix A. It is

recommended that these amendments be endorsed by Council.

This report also provides a general update of the various lower mainland treaty negotiations.

Rob Costanzo,

Staff Representative to LMTAC on behalf of Councillor Priddy

RAC/

Attachment

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