



# Corporate Report

NO: R252

COUNCIL DATE: November 7,

2005

## REGULAR COUNCIL

TO: Mayor & Council      DATE: November 4, 2005

FROM: Staff Representative to LMTAC on behalf of Councillor Priddy      FILE: 0540-20 (LMTAC) 0440-01 (First Nations)

SUBJECT: Lower Mainland Treaty Advisory Committee – General Lower Mainland Treaty Negotiations Update

## RECOMMENDATIONS

That this report be received for information.

## INTENT

To apprise Council on recent developments relating to ongoing Treaty Negotiations within the Lower Mainland as well as Engineering Department's proposed review of Engineering processes relating to "Protection of Archaeological and Heritage Sites".

## DISCUSSION

### LMTAC EXECUTIVE MEETING WITH MINISTER OF ABORIGINAL RELATIONS AND RECONCILIATION

On September 30<sup>th</sup>, 2005, the LMTAC Executive Committee met with the Honourable Tom Christensen, Minister of Aboriginal Relations and Reconciliation. The purpose of this meeting was to discuss key issues relating to non-treaty related agreements, land use harmonization, servicing and regional governance, and LMTAC funding.

#### Impact of Non-Treaty Agreements on the BC Treaty Process

The LMTAC Executive raised concerns with respect to the potential impact non-treaty related agreements may have on the BC Treaty Process. In particular, members are concerned that these agreements may provide benefits that would act as a disincentive for First Nations to further pursue or enter into the treaty process. Further, LMTAC identified concerns regarding the process for which non-treaty agreements have been undertaken to date, whereby local governments have not been consistently consulted or involved in the negotiations of non-treaty agreements. The Executive also requested clarification of the Province's *New Relationship* document and implications it may have on the negotiation of future treaty and non-treaty agreements (refer to **Appendices A and B**).

The Minister noted that the Province is committed to the treaty process and that the *New Relationship* document provides recognition that B.C. cannot rely exclusively on the treaty process to address First Nation issues. Interim Measures <sup>[1]</sup> agreements allow the Province to fulfil its legal obligation to address outstanding issues related to aboriginal rights and title with First Nations that have either not entered the treaty process or have not made progress at the negotiation table. The

Minster explained that Interim Measures are an integral part of the treaty process as they allow immediate First Nation concerns to be addressed while allowing negotiations to proceed. The *New Relationship* and Interim Measures work to establish and build trust between First Nations and senior government that is essential when treaty negotiations enter difficult stages.

In response, the LMTAC Executive expressed the need for improved communications throughout all levels of government to ensure that treaty related initiatives, such as Interim Measures, are inclusive of all impacted local governments and undertaken with the objective of working towards final treaty settlements.

### **Land Use Harmonization, Servicing and Regional Governance**

The Minister advised that the Province is facing challenges with respect to areas of federal jurisdiction, and that many of the solutions regarding land use harmonization and servicing will come with the conclusion of treaties and the development of new relationships among First Nations, federal, provincial and local governments.

LMTAC noted that they would be interested to invite First Nation Governments to participate as regional members with all the benefits and responsibilities that membership bestows.

### **Funding**

The Executive reaffirmed LMTAC's interest to engage in relationship building exercises with First Nations, as well as LMTAC's continued commitment to participate as a member of the provincial negotiation team. The Executive explained that activities such as these require adequate resources and requested that the Province reinstate funding to LMTAC for these purposes. It was further noted that this request is in keeping with the Province's recent financial commitment in support of the *New Relationship* strategy (**refer to Appendix C**).

The Minister responded that budget issues always prove to be challenging, and that the careful allocation of funding has - in part - led to success at the treaty table. While no commitment on funding was made, the Minister acknowledged that local government initiatives have played a role in improved pre-treaty relations and in the success of the treaty process.

The Minister further noted that improving relationships with local government and First Nations was a priority for his Ministry, and he extended an open offer to either personally attend, or have senior staff representatives attend, a future LMTAC Board meeting to discuss the *New Relationship* with the full LMTAC membership.

### **NON-TREATY ISSUE – PROPOSED REVIEW OF ENGINEERING DEPARTMENT PROCESSES RELATING TO “PROTECTION OF ARCHAEOLOGICAL AND HERITAGE SITES”**

In early October 2005, City staff was contacted by the Semiahmoo First Nations (SFN) regarding a construction servicing excavation within the Crescent Beach area where two pieces of bone had been discovered by a Provincially assigned archaeologist. Both pieces of bone have since been assessed; one piece was determined to have originated from an animal species, the other was deemed to be of ancient human (aboriginal) remains.

This excavation was related to a private property sewer connection. However, the excavation where the bone was discovered was within City right-of-way. The private property, which was undergoing development, was located on an archaeologically sensitive site, as identified by the Province. At the time that the bone was discovered, the Province was engaged in an archaeological review of the private property and was working with the property owner in this capacity. It appears that the owner's service contractor performing the sewer connection works was not informed about the archaeological sensitivity of the area by the owner or the Provincially assigned archaeologist. While he had received the proper permits from the City Engineering Department for the sewer connection work particulars regarding the archaeological sensitivity of the site was not provided to him. In addition, there appears to have been a lack of communication between the property owner/builder and service contractor with regards to appropriately coordinating the excavation.

The concern raised by the SFN was with regards to City processes relating to developments and servicing on archaeologically sensitive sites within City rights-of way. Based on an internal review the following was determined:

### **Building Permits on Archaeologically Sensitive Sites**

The Planning and Development Department presently keeps an electronic inventory of “Archeologically Sensitive Sites” identified within Surrey. These sites were, at some point, found to contain ancient aboriginal remains and/or artifacts. The inventory originates from, and is maintained by, the Province through their Archaeological Branch. Regular updates of this database are provided to the City via the Province.

At present, submissions for building permits within Surrey are “red flagged” if they are determined to be within an archeologically sensitive site. In this event, as a courtesy, the City's Building Division contact the Archeological Assessment office in Victoria for their information and review. At present, the Province is the government body that is legislatively and exclusively responsible for managing the issue with the property owner/building permit applicant. Accordingly, the Province is mandated to handle any subsequent process or dispute matters.

Typically, the Province will engage an archaeological impact assessment on the site where a trained professional will review the site and development plans. The archaeologist will determine what impact the proposed development will have on the archaeological site. An impact assessment of the site is produced via report and recommendations that are forwarded to the Archaeology Branch with the necessary information to work with the property in order to complete the development project.

According to the Province, it is rare that development will be prohibited because of the presence of an archaeological site, however, some modifications to development plans may be required. In the event that a site is significant enough that its preservation is considered more important than a proposed development, the Province will work with the property owner to find a reasonable compromise, and make sure any financial impact is kept to a minimum.

An excerpt of the Archeology Branch's website which reflects related “frequently asked questions” is provided in **Appendix D**.

### **Review of Procedures for Engineering Department**

The Engineering Department's “Practice and Procedures” contains a Practice dated January 1<sup>st</sup>, 1992, named the “Protection of Archaeological and Heritage Sites” (**refer to Appendix E**).

It was determined that the noted Practice requires updating with regards to the inventory of (Provincially identified) archeologically sensitive sites as well as a reference to the current contact information for the Archeological Branch of the Province. More importantly, however, a process is required to ensure that any City or private contract right-of way works within an archeologically sensitive site are properly identified before excavation works commence and that they are appropriately managed.

Since the noted early October 2005 incident in Crescent Beach, Engineering staff has obtained an electronic map inventory from the Province of archeologically sensitive sites within Surrey. This information will be placed as a layer within the City's Cosmos Mapping System. It is anticipated that the mapped inventory of these sites will become available by mid November 2005.

Engineering staff is presently working towards developing the noted process and updating the relevant Engineering Department Practice to ensure that City or private excavation works within City rights-of-way are handled accordingly. Once these are completed, Council will be apprised of the process function and impact.

### **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 F** for an outline of this six-stage process.

#### **Katzie (Stage 4)**

Katzie First Nation has a population of approximately 460 members. Katzie traditionally occupied and used the land and water around Pitt Lake, Pitt River, Surrey, Langley, New Westminster and Vancouver.

Katzie treaty negotiations have progressed steadily. Over the past year, the table has substantially completed draft chapters on parks, wildlife, migratory birds, and culture and heritage. Progress has also been made on forestry, access and Crown corridors, which will be revisited as land discussions progress. Five other chapters, procedural in nature, are also nearly complete.

Negotiations recently began on the topics of governance, fish and land. A Treaty Related Measure to support Katzie in carrying out land selection research is currently under consideration. Katzie continues to consult with its community members on all topics under negotiation.

In addition, the Katzie table continues to show a keen interest in building intergovernmental relationships and exchanging information with local governments, including the Greater Vancouver Regional District. In April, Katzie met with the Chief Administrative Officer, Board members and representatives of the GVRD in order to discuss the sustainable region initiative

and Katzie's views on sustainable development.

All treaty negotiation meetings are open to the public and are usually held at the Katzie Band Office in Pitt Meadows.

Councillor Candace Gordon (Maple Ridge) is the LMTAC representative to the Katzie negotiations.

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

#### **Tsawwassen (Stage 5)**

Tsawwassen First Nation, with a total population of 270 members, traditionally occupied and used the land and water around Pitt Lake and the Fraser River delta to Point Roberts and Saltspring Island.

Following approval of an Agreement-in-Principle in March 2004, Tsawwassen First Nation has been engaged in Stage 5 negotiations. Parties are currently exploring ways to address outstanding issues involving lands, resources (e.g. fish), fiscal/tax, governance, servicing and general provisions in order to reinvigorate negotiations this fall. Tsawwassen is interested to learn how other Final Agreement tables around the province are proceeding with these critical issues. Similar to Katzie, Tsawwassen also expressed interest to engage in discussions with the GVRD about possibilities for intergovernmental relations and servicing.

Councillor Candace Gordon (Maple Ridge) is the LMTAC representative to the Tsawwassen negotiations.

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

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

The Musqueam Indian Band has a population of approximately 1,080 members, with a traditional territory spanning the Greater Vancouver region.

The Parties at the Musqueam table signed a Framework Agreement (Stage 3), and held a signing ceremony on April 4, 2005. Agreement-in-Principle negotiations have proceeded slowly as the Parties have been in litigation over three important disposals/developments of Crown land in Musqueam's traditional territory. Musqueam has achieved declarations of a Crown duty to consult and possibly accommodate its interests in several recent court actions. The most recent ruling involved the Bridgepoint Casino in July 2005.

Musqueam has also been active in non-treaty related opportunities including entering into a Memorandum of Understanding with the Federal government and the City of Richmond on the 136.4-acre Garden City Lands. Members of the Musqueam Indian Band overwhelmingly approved the Garden City Lands agreement during a community vote held on April 26, 2005.

Councillor Linda Barnes (Richmond) is the LMTAC representative to the Musqueam negotiations.

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

#### **Squamish (Stage 3)**

Squamish Nation's traditional territory ranges from the Lower Mainland to Howe Sound and the Squamish valley watershed, measuring 6,732 square miles. The First Nation has approximately 3,230 members, 2,000 of whom live on Squamish Nation's 23 Indian Reserves (3 of which are located in Greater Vancouver).

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.

Councillor Corinne Lonsdale (District of Squamish) is the LMTAC representative to the Squamish negotiations.

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

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

Tsleil-Waututh Nation, with a population of 380 members, traditionally occupied and used the land and waters around North

Vancouver and the Lower Mainland.

The Tsleil-Waututh Nation has made progress at the negotiation table in 2005 with two Treaty Related Measures. The first, to be finished this fall, is an intergovernmental relations Treaty Related Measure; the second is a land status Treaty Related Measure, that is anticipated to be complete in December. Although chapter work has been slow – the Parties have been reviewing current Final Agreement language where it is available.

Councillor Jean Ferguson (West Vancouver) is the LMTAC representative to the Tsleil-Waututh negotiations.

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

## CONCLUSION

This report is intended to provide Council with an update on recent activities undertaken by the Lower Mainland Treaty Advisory Committee (LMTAC), including highlights of the September 30, 2005 meeting between the LMTAC Executive and the Honourable Tom Christensen, Minister of Aboriginal Relations and Reconciliation. In addition, the report provides non-treaty related information regarding the Engineering Department's proposed review of practices surrounding rights-of way excavations within Provincially identified archeologically sensitive areas.

This report also provides a general update of the five Lower Mainland treaty tables.

Rob Costanzo,  
Staff Representative to LMTAC on behalf of Councillor Priddy

RAC/

Attachment

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## APPENDIX A

### EXCERPT FROM “MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION” WEBSITE

Ministry of Aboriginal Relations and Reconciliation - The New Relationship.



The provincial government and B.C. First Nations' organizations are working together to develop a new relationship founded on reconciliation, recognition and respect of Aboriginal rights and title.

#### About the New Relationship

British Columbia is leading change that has the potential to reshape our social and economic landscape and create a more inclusive and

prosperous future for all British Columbians.

The courts have been clear that government has an obligation to consult with First Nations with respect to decisions that have the potential to impact Aboriginal rights and title.

In March 2005, the Province began meetings with representatives of the First Nations Summit, the Union of BC Indian Chiefs and the B.C. Assembly of First Nations to develop new approaches for consultation and accommodation and a vision for a new relationship to deal with Aboriginal concerns based on openness, transparency and collaboration - one that reduces uncertainty, litigation and conflict for all British Columbians.

A five-page document, outlining the vision and principles of the new relationship, was developed as a result of these meetings. It broaches the topic of a new government-to-government relationship with First Nations, including new processes and structures for coordination, and working together to make decisions about the use of land and resources. The document proposes discussion of revenue-sharing to reflect Aboriginal rights and title interests and to assist First Nations with economic development. In addition, the document sets out a plan for developing scenarios under which these concepts could be made to work.

This is directly related to the strategic vision that the Province has laid before British Columbians.

1. To make B.C. the best educated, most literate jurisdiction on the continent;
2. To lead the way in North America in healthy living and physical fitness;
3. To build the best system of support in Canada for persons with disabilities, special needs, children at risk and seniors;
4. To lead the world in sustainable environmental management, with the best air and water quality, and the best fisheries management, bar none; and
5. To create more jobs per capita than anywhere else in Canada.

These goals are consistent with the shared vision to restore, revitalize and strengthen First Nations' communities and cannot be achieved without the participation of Aboriginal leaders and organizations. This vision document sets the cross-government approach we will use to work together on such goals as raising Aboriginal health outcomes to the Canadian average within a decade and developing a comprehensive strategy to better coordinate funding and support for Aboriginal children's services.

[http://www.gov.bc.ca/arr/popt/the\\_new\\_relationship.htm](http://www.gov.bc.ca/arr/popt/the_new_relationship.htm)

## APPENDIX A (continued)

Discussions related to the new relationship are proceeding and will include consultation with such stakeholders as industry and local governments.

- [The New Relationship](#)  (PDF - 25KB)

### First Nations New Relationship Fund

In 2005/06, the provincial government will invest \$100 million of one-time funding to help Aboriginal communities build appropriate capacity to provide effective input and participate in the management of lands, resources and social programs. This will assist Aboriginal communities in becoming active, supporting partners in relationships with government, business and other organizations.

Between now and Spring 2006, the provincial government will invite Aboriginal communities, as well as other interested groups, including the federal government to share their views and participate in the most appropriate strategies and structures for achieving this important step.

**First Nations New Relationship Fund** - [html version](#) | [pdf version](#)  (PDF - 85KB)

### Contacts:

Ministry of Aboriginal Relations and Reconciliation  
Deputy Minister's Office  
(250) 356-1394

[First Nations Summit](#)  
[Union of BC Indian Chiefs](#)  
[BC Assembly of First Nations](#)



[http://www.gov.bc.ca/arr/popt/the\\_new\\_relationship.htm](http://www.gov.bc.ca/arr/popt/the_new_relationship.htm)

## **APPENDIX B**

### **MINISTRY OF ABORIGINAL RELATIONS AND RECONCILIATION**

#### **“The New Relationship”**

##### **I. Statement of Vision**

We are all here to stay. We agree to a new government-to-government relationship based on respect, recognition and accommodation of aboriginal title and rights. Our shared vision includes respect for our respective laws and responsibilities. Through this new relationship, we commit to reconciliation of Aboriginal and Crown titles and jurisdictions.

We agree to establish processes and institutions for shared decision-making about the land and resources and for revenue and benefit sharing, recognizing, as has been determined in court decisions, that the right to aboriginal title “in its full form”, including the inherent right for the community to make decisions as to the use of the land and therefore the right to have a political structure for making those decisions, is constitutionally guaranteed by Section 35. These inherent rights flow from First Nations' historical and sacred relationship with their territories.

The historical Aboriginal-Crown relationship in British Columbia has given rise to the present socio-economic disparity between First Nations and other British Columbians. We agree to work together in this new relationship to achieve strong governments, social justice and economic self-sufficiency for First Nations which will be of benefit to all British Columbians and will lead to long-term economic viability.

##### **II. Goals**

Our shared vision includes a celebration of our diversity, and an appreciation of what we have in common. We recognize the vision of First Nations to achieve the following goals:

1. To restore, revitalize and strengthen First Nations and their communities and families to eliminate the gap in standards of living with other British Columbians, and substantially improve the circumstances of First Nations people in areas which include: education, children and families, and health, including restoration of habitats to achieve access to traditional foods and medicines;
2. To achieve First Nations self-determination through the exercise of their aboriginal title including realizing the economic component of aboriginal title, and exercising their jurisdiction over the use of the land and resources through their own structures;
3. To ensure that lands and resources are managed in accordance with First Nations laws, knowledge and values and that resource development is carried out in a sustainable manner including the primary responsibility of preserving healthy lands, resources and ecosystems for present and future generations; and
4. To revitalize and preserve First Nations cultures and languages and restore literacy and fluency in First Nation languages to ensure that no First Nation language becomes extinct.

**APPENDIX B (continued)**

The strategic vision of the Province for British Columbians is:

1. To make B.C. the best educated, most literate jurisdiction on the continent;
2. To lead the way in North America in healthy living and physical fitness;
3. To build the best system of support in Canada for persons with disabilities, special needs, children at risk and seniors;
4. To lead the world in sustainable environmental management, with the best air and water quality, and the best fisheries management, bar none; and
5. To create more jobs per capita than anywhere else in Canada.

This vision can only be achieved if First Nations citizens attain these goals. To achieve these strategic goals, we recognize that we must achieve First Nations economic self-sufficiency and make First Nations a strong economic partner in the province and the country through sustainable land and resource development, through shared decision-making and shared benefits that support First Nations as distinct and healthy communities. All British Columbians will benefit from a richer understanding of First Nations culture and from economic, political and cultural partnerships with First Nations. We therefore agree to the following principles and action plan.

**III. Principles to Guide the New Relationship**

We will mutually develop processes and implement new institutions and structures to achieve the following:

- integrated intergovernmental structures and policies to promote co-operation, including practical and workable arrangements for land and resource decision-making and sustainable development;
- efficiencies in decision-making and institutional change;
- recognition of the need to preserve each First Nations' decision-making authority;
- financial capacity for First Nations and resourcing for the Province to develop new frameworks for shared land and resource decision-making and to engage in negotiations;
- mutually acceptable arrangements for sharing benefits, including resource revenue sharing; and
- dispute resolution processes which are mutually determined for resolving conflicts rather than adversarial approaches to resolving conflicts.

This vision statement to establish a new relationship has been written as a measure of good faith by the parties to put into words our commitment to work together to explore these concepts and develop their full meaning.

**APPENDIX B (continued)****IV. Action Plans**

We agree to work together to manage change and take action on the following:

1. Develop new institutions or structures to negotiate Government-to-Government Agreements for shared decision-making regarding land use planning, management, tenuring and resource revenue and benefit sharing;
2. Identify institutional, legislative and policy changes to implement this vision and these action items;
3. Develop additional protocols or accords to further the implementation of the vision, as required from time to time;
4. Identify processes to ratify agreements;
5. Establish funding and distribution structures/institutions to support First Nations' capacity development and effective participation in the processes established through these action items;
6. Establish effective procedures for consultation and accommodation;



7. Appoint a joint working group to review Forest and Range Agreements and make recommendations to the parties on options for amending those agreements, in order to make them consistent with the Vision and Principles above;
8. Identify and develop new mechanisms on a priority basis for land and resource protection, including interim agreements;
9. Develop impartial dispute resolution processes and work towards a decrease in conflicts leading to litigation; and
10. Create an evaluation process for monitoring and measuring the achievement of this vision and these action items.

## V. Management Committee and Working Groups

The parties will establish a joint management committee of senior officials to:

- Develop terms of reference, priorities, and timelines for the management committee and the working groups by May 31, 2005;
- Identify current issues of substantial concern, and consider short and long term steps the parties could take to facilitate their resolution;
- Jointly develop policy frameworks;
- Establish joint working groups and provide direction, timelines and co-ordination to further the implementation of the action items;
- Identify and allocate financial and technical resources for the work of the management committee and the working groups;
- Make recommendations to the parties to address problems as they arise in the implementation of the vision; and
- Engage the Government of Canada.

## APPENDIX C

### EXCERPT FROM “MINISTRY OF FINANCE” WEBSITE REGARDING THE NEW RELATIONSHIP



#### Budget and Fiscal Plan 2005/06 – 2007/08 Update

September 14, 2005 • Ministry of Finance

## A New Relationship With First Nations

### *Support for the New Relationship with First Nations*

First Nations and other Aboriginal people play a vital role in the social, economic and cultural life of BC. The provincial government is committed to working in partnership with First Nations and others to help ensure that the five great goals for the next decade are also achieved for Aboriginal British Columbians. To achieve this vision, the province is building a new relationship based on respect, recognition of Aboriginal rights and title, and reconciliation.

Over the past several years, there has been progress in building this relationship and in creating new economic and social opportunities for First Nations and Aboriginal communities.

- Within the British Columbia Treaty Commission process, five Agreements-in-Principle have been signed, each of which will form the basis of a final treaty.
- More than 300 individual agreements have been made in areas such as land use planning, economic development, forestry, oil and gas, parks, agriculture and aquaculture.
- \$135 million in revenue sharing has been committed over four years for First Nation communities interested in forestry, as well as access to 9 million cubic metres of dedicated timber harvest.
- A \$15 million First Nations Benefits Trust was set up in 2004 to support initiatives for Aboriginal communities along

the BC Rail corridor.

- Aboriginal groups have been directly involved with planning and benefit sharing for the 2010 Olympic and Paralympic Winter Games.
- An agreement with Aboriginal leaders has been signed to reduce the number of Aboriginal children coming into government care and return children to their communities when appropriate.
- A variety of other actions have been taken in economic and social areas such as dedicated funding for Aboriginal housing, educational cultural development, business development, training and employment opportunities and participation in the treaty negotiations process.

While the provincial government regards these examples as significant achievements, it also recognizes that in order for progress to continue in building a new relationship, First Nations and other Aboriginal communities require further support to build their capacity to actively participate in the social and economic development of British Columbia, and to be effective partners in consultations concerning land and resources.

## APPENDIX C (continued)

### *First Nations New Relationship Fund*

While progress has been made in building capacity, it is acknowledged that a more systematic and focused way is needed to build capacity within First Nations and Aboriginal communities. Ideally, building capacity should be targeted at training and other related activities that help First Nations and others build the internal capacity to respond to consultations and assumed responsibilities while improving the economic and social well-being of Aboriginal communities.

In 2005/06, the provincial government will invest \$100 million of one-time funding to help First Nations and Aboriginal communities build appropriate capacity to provide effective input and participate in the management of lands, resources and social programs. This will assist First Nations and Aboriginal communities in becoming active, supporting partners in relationships with government, business and other organizations.

Between now and Spring 2006, the provincial government will engage First Nations and Aboriginal communities, as well as other interested groups, including the federal government, to invite their views and participation on the most appropriate strategies and structures for achieving this important step.

An update on this initiative, along with an appropriate funding appropriation, will be provided when the government presents its next budget in February 2006.

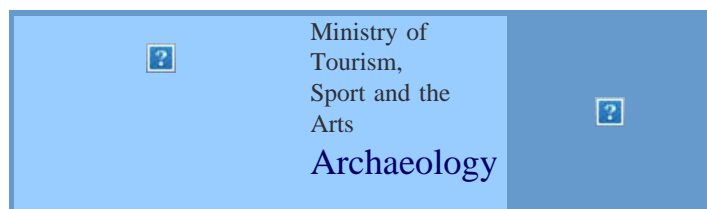
### *Principled Approach to Building Capacity*

The provincial government believes that the commitment of public resources to help First Nations and Aboriginal people build capacity should be guided by the following principles:

- *Inclusive* – available to all First Nations and other Aboriginal communities engaged with the provincial government. Informed by best practices and experiences from local government, the business community and other jurisdictions.
- *Building Self-Reliance* – targeted to reducing or eliminating reliance on procuring ongoing outside expert advice, where it makes better sense for First Nations and Aboriginal communities to internally develop these resources for themselves.
- *Outcome Based* – targeted and linked to specific beneficial outcomes and the processes needed to achieve those outcomes. This should flow from a clear set of plans as to what is needed to be done, by whom, and framed within specific time lines that ultimately lead to those outcomes.
- *Simple, Efficient and Flexible* – approaches that are not complicated or cumbersome to create or maintain; avoid duplication of efforts; support common interests through the creation of economies of scale; and be flexible to reflect evolving new relationship priorities.
- *Affordable and Accountable* – publicly affordable and lead to new opportunities that create strengthened economic and social conditions in First Nations and Aboriginal communities, which in turn will benefit all British Columbians. Establish clear responsibilities that lead to clear accountabilities for outcomes.
- *Jurisdictional Recognition* – reflects the accountabilities of the parties involved. The Government of Canada, local governments, as well as the private sector each have responsibilities and roles to play in helping to build capacity with First Nations and Aboriginal people.

## APPENDIX D

## EXCERPT FROM THE PROVINCE'S ARCHEOLOGY BRANCH WEBSITE



### Frequently Asked Questions

#### B.C. Heritage Conservation Act - What's it all about?

In 1960, the province responded to public concern over the loss of precious and non-renewable archaeological resources by passing the *Archaeological and Historic Sites Protection Act* (AHSPA). That legislation provided automatic protection for archaeological sites on Crown land and, where designated, protection for such sites on private land. In 1977, the *Heritage Conservation Act* replaced the AHSPA, introducing new heritage programs and extending the legislated protection of archaeological sites on private land, without requiring formal designation.

All provinces in Canada have similar legislation for protecting heritage resources, along with most countries worldwide.

#### 1. What is an "archaeological site"?

- An archaeological site is a location where there is evidence of past human activity. We can apply archaeological analysis to these sites in order to learn about past events and our own heritage.
- Archaeological sites can include things such as ancient stone carvings, remains of ancient houses and campsites, shell middens and even culturally modified trees.
- Archaeological sites represent only one component of a range of heritage resources found throughout the province, including things like historic buildings, shipwrecks, heritage trails, etc.
- In British Columbia, these sites provide information about aboriginal life during the last 12,000 years, and non-aboriginal life for the past 200 years.

#### 2. Why should we protect archaeological sites?

- Archaeological sites represent our only link to over 98% of the province's human history.
- They are a precious non-renewable resource.
- Archaeological sites and their artifacts are important provincial resources similar to mineral deposits, arable land, forests, fish and wildlife.

#### 3. How are archaeological sites determined?

- In most instances, archaeologists discover and record information on sites and their locations, and pass that information on to the Archaeology and Registry Services Branch.
- Archaeologists require a [permit](#) from the Archaeology and Registry Services Branch in order to conduct this kind of work, so no government-authorized archaeological work can proceed on private property without the landowner's knowledge.
- Some sites – such as those with petroglyphs -- may be easily determined by non-archaeologists.
- Information submitted to the Archaeology and Registry Services Branch is entered into the Provincial Heritage Inventory. The Inventory is a recording system that depends on submitted information. It also includes information on many other kinds of heritage sites.
- Archaeology and Registry Services Branch staff often receive informal information on possible sites from interested members of the public, who generally will not have an authorized work permit. They also sometimes get reports from archaeologists who are using existing information to make projections on site boundaries. That's how information can be received and become part of the Heritage Inventory without the express knowledge of the property owner.

## APPENDIX D (continued)

#### 4. How many archaeological sites are there?

- The provincial heritage registry currently has more than 23,000 records of sites or objects that would fall into the category of "archaeological site".
- Since the registry is composed of records submitted by people outside the ministry, some information - such as legal descriptions - has not been consistently included. That's why it's difficult to say exactly how many of these sites may be situated on private property.
- People have lived in BC for about 12,000 years, and the vast majority of archaeological sites are located below the surface of the ground. These factors make it extremely difficult to pin down an accurate figure as to the number of sites in the province.

#### **5. How can I find out if there is a known archaeological site on my property?**

- Consult with local government. Municipalities and Regional District offices often have information on the locations of known archaeological sites within their jurisdiction. These offices are usually the first stop when obtaining a building permit or development permit.
- Approach the Archaeology and Registry Services Branch. In-person inquiries are welcome during business hours. Property owners are also encouraged to access information via the Branch's Web site. Phone or fax inquiries are also welcome.
- Property owners and prospective buyers of a property can complete a [BC Archaeological Site Data Request Form](#) or contact the branch at 250-952-5021.
- Depending on the complexity of the request, the Branch will respond as quickly as possible.

#### **6. Why isn't information on archaeological sites available on land titles?**

- On the surface, making this information available on land titles seems like an easy answer – but it's not that simple.
- The vast majority of records within the provincial heritage registry do not contain enough information to identify individual private properties.
- We are currently exploring the feasibility of including archaeological information on land titles.

#### **7. What do I do if there is a known archaeological site on my property and I would like to make property improvements or renovations?**

- You need to contact the Archaeology and Registry Services Branch: 250-952-5021.
- The Archaeology and Registry Services Branch will be able to provide you with advice and guidance on how to proceed in a fashion that will avoid or minimize damage to the archaeological site.
- That advice may include a recommendation to engage a professional archaeologist to conduct an assessment of your property.

#### **8. Is it true my property value will plummet if an archaeological site is identified on my property?**

- No. There is no hard evidence that having an archaeological site on your property will significantly reduce its value. In fact in many cases, properties have been developed and/or sold with the full knowledge of the presence of an archaeological site.
- Having an archaeological site on your property may restrict some development options, but no more so than if there were a salmon bearing stream on the property, or if the lot fell under a restrictive zoning bylaw.

#### **9. Will I be fined if I accidentally come across a potential archaeological site while building?**

- The purpose of the *Heritage Conservation Act* is to encourage and facilitate the protection and conservation of our heritage, not to prosecute property owners.
- Fines can only be levied by a court, following formal, legal prosecution.

#### **10. What is an archaeological impact assessment?**

- An archaeological impact assessment, like an environmental impact assessment, is a process where a trained professional looks at the archaeological site and your development plans. A non-technical overview of the archaeological impact assessment process is available in the [BC Archaeological Resource Management Handbook](#).
- A professional archaeologist can determine what impact the proposed renovations or improvements will have on the archaeological site.
- The impact assessment report and recommendations will provide the Archaeology Branch with the necessary information to work with you in order to complete your project.

## **APPENDIX D (continued)**

#### **11. Why does a property owner or developer bear the cost of an impact assessment?**

- Archaeological sites have remained intact for hundreds and even thousands of years, and can remain intact unless they're disturbed. Development has the potential to disturb and damage these sites – which is something we want to avoid.
- The province's 'developer pays' policy is commonly applied when it comes to managing the impact of large commercial or industrial property development on various cultural and natural resources. The policy also applies to private landowners who are developing their property – for instance, putting an addition on their house, or putting in a swimming pool.
- There are costs associated with hiring an archaeologist if an assessment and plan for managing the impact on potential archaeological deposits or human burials is necessary. However, by taking early action, landowners can minimize further costs down the road.
- It is rare that development will be prohibited because of the presence of an archaeological site, however, some modifications to development plans may be recommended.  
If a site is significant enough that its preservation is considered more important than a proposed development, the province will work with the property owner to find a reasonable compromise, and make sure any financial impact is kept to a minimum.

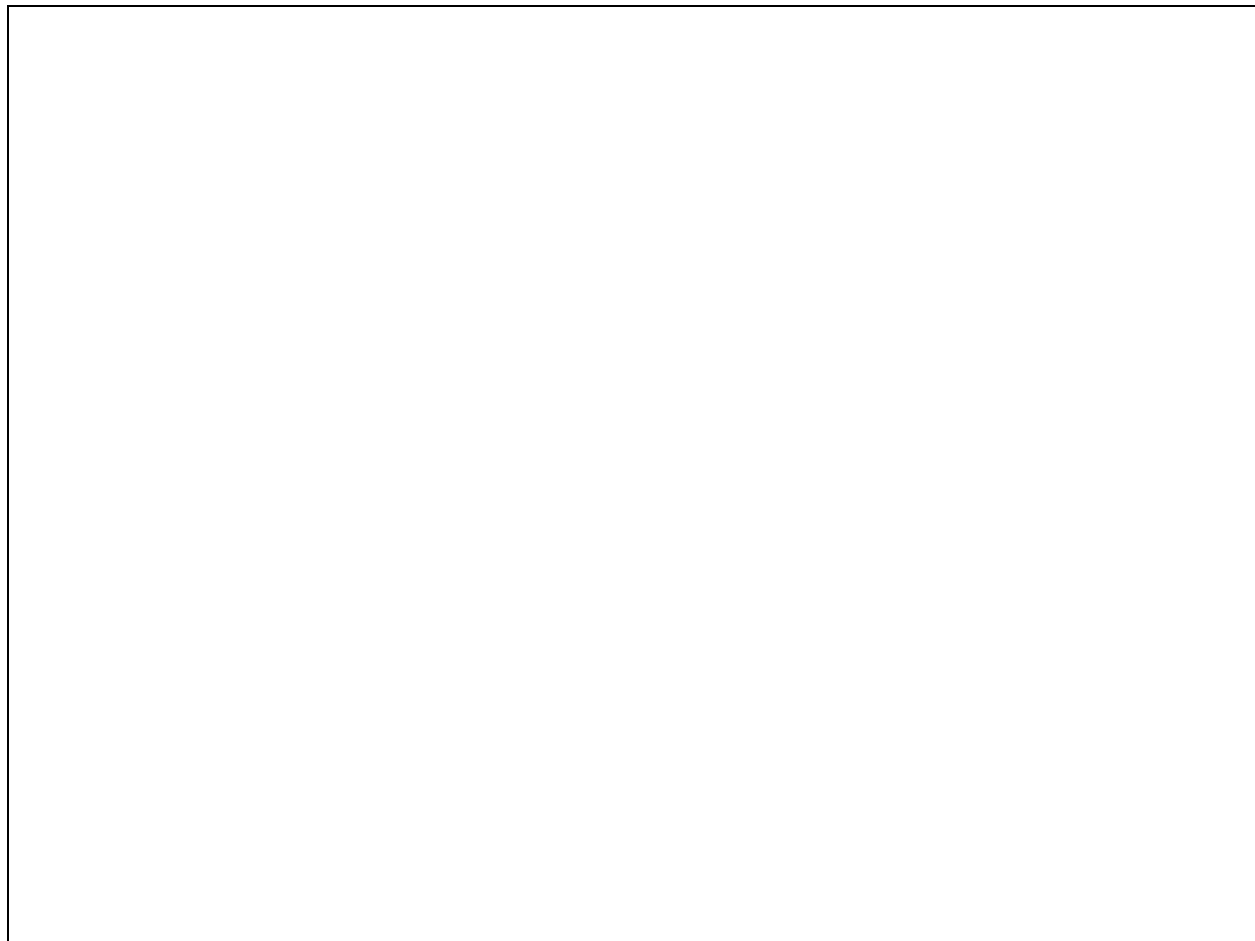
#### **12. What if I think I've discovered an archaeological site?**

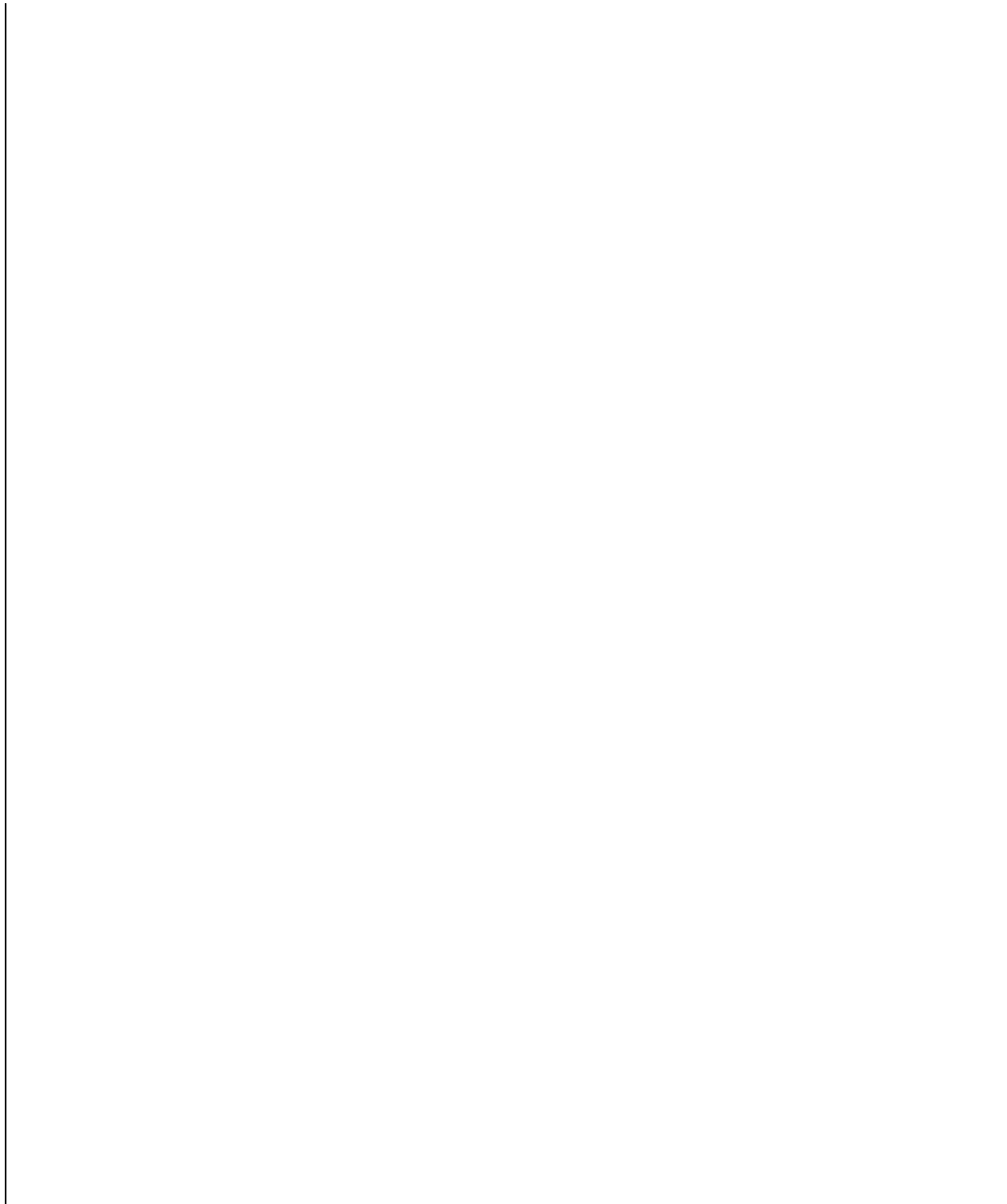
- You should contact the Archaeology and Registry Services Branch: 250-952-5021.
- You could also contact the archaeology or anthropology department of your local University or College for advice on what you have found.
- For information on archaeologists who may offer assessment services, you can contact the [B.C. Association of Professional Consulting Archaeologists](#), or try the yellow pages of your local telephone directory.

### 13. Where can I find more information?

Information on how to obtain information from the heritage inventory or general information about archaeological resource management is available on this Web site. You can also contact the branch by phoning 250-952-5021 or sending us [Email](#).

## APPENDIX E





## **APPENDIX F**

### **THE BRITISH COLUMBIA TREATY COMMISSION'S SIX STAGE TREATY PROCESS**

The Treaty Commission is the independent and neutral body responsible for facilitating treaty negotiations among the governments of Canada, BC and First Nations in BC. The Treaty Commission does not negotiate treaties—that is done by the three parties at each negotiation table.

The Treaty Commission and the treaty process were established in 1992 by agreement among Canada, BC and the First Nations Summit. The Treaty Commission and the six-stage treaty process were designed to advance negotiations and facilitate fair and

durable treaties.

The Treaty Commission's primary role is to oversee the negotiation process to make sure that the parties are being effective and making progress in negotiations. In carrying out the recommendations of the BC Claims Task Force, the Treaty Commission has three roles—facilitation, funding and public information and education.

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|--|---|
| <p><b>STAGE ONE</b><br/><i>Statement of Intent</i></p>   | <p>First Nations choosing to enter into the treaty process must submit a Statement of Intent (SOI) to the BCTC. The SOI identifies the traditional territory, overlapping First Nations and included background information on the First Nation. Upon submission, the BCTC either accepts or rejects the SOI.</p> |
| <p><b>STAGE TWO</b><br/><i>Readiness</i></p>             | <p>This is the first opportunity for representatives from the First Nation, BC and Canada to formally meet and declare their interests in treaty making, identify issues of concerns and to exchange information.</p>   |
| <p><b>STAGE THREE</b><br/><i>Framework Agreement</i></p> | <p>The First Nation, Provincial and Federal governments negotiate procedural matter through the Framework Agreement, which includes identification of substantive issues, establishment of a timeframe,</p>   |

|  |  |
|--|--|
|  | <p>initiation of the public information process and identification of meeting procedures.</p>  |
| <p><b>STAGE FOUR</b><br/><i>Agreement-in-Principle</i></p> | <p>This is the stage at which the parties begin substantive negotiations. The goal is to reach the major agreements that will form the basis of the treaty. During this stage, the parties examine in detail the elements of the Framework Agreement. The Agreement in Principle will confirm the ratification process for each party and lay the groundwork for an implementation plan.</p> <p>The ratification process allows the parties to review the emerging agreement and to approve, reject or seek amendments to it. British Columbia has announced that Agreements in Principle will be subject to public review before ratification. The process also gives the negotiators a mandate to conclude a treaty.</p> |



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|--|---|
| <p><b>STAGE FIVE</b><br/><i>Negotiation of Final Agreement</i></p> | <p>The treaty will formalize the new relationship among the parties and embody the agreements reached in the Agreement in Principle. Technical and legal issues will be resolved at this stage, but issues already settled will not be reopened. The treaty will be signed and formally ratified at the conclusion of this stage.</p> |
| <p><b>STAGE SIX</b><br/><i>Implementation</i></p>                  | <p>Once the treaty has been signed, a substantial amount of work is still required. Above all, the execution of long-term implementation plans and the commitment of good will and effort are the goal of the final stage of the process.</p>   |

**APPENDIX G**

**Katzie First Nation Statement Of Intent**



**Status: Stage 4**

**Chief: Peter James**

**Band Membership: 460**

**Population on Reserve: 282**

**No. of Existing Reserves: 5**

**Area of Reserves: 341 Hectares**

**Area under Negotiation: 103,278 Hectares**

**LMTAC rep. to the Negotiations: Councillor Candice Gordon, Maple Ridge**

**A First Nation with approximately 460 members, Katzie traditionally occupied and used the land and water around Pitt Lake, Pitt River, Surrey, Langley, New Westminster and Vancouver.**

**APPENDIX H**

## **Tsawwassen First Nation Statement Of Intent**



**Status: Stage 5**

**Chief: Kim Baird**

**Band Membership: 233**

**Population on Reserve: 158**

**No. of Existing Reserves: 1**

**Area of Reserves: 273 Hectares**

**Area under Negotiation: 207,900 Hectares**

**LMTAC rep. to the Negotiations: Councillor Candice Gordon, Maple Ridge**

**The First Nation of approximately 270 members traditionally occupied and used the land and water around Pitt Lake and the Fraser River Delta to Point Roberts and Saltspring Island.**

## **APPENDIX I**

### **Musqueam First Nation Statement Of Intent**



**Status: Stage 3**

**Chief: Ernest Campbell**

**Band Membership: 1,089**

**Population on Reserve: 522**

**No. of Existing Reserves: 3**

**Area of Reserves: 254 Hectares**

**Area under Negotiation: 104,371 Hectares**

**LMTAC rep. to the Negotiations: Councillor Linda Barnes, Richmond**

**The First Nation has approximately 1,080 members, with traditional territory spanning the Greater Vancouver area. Their traditional territory includes the South Westminster area of Surrey.**

**APPENDIX J**

**Squamish Nation Statement Of Intent**



**Status: Stage 3**

**Chief: Bill Williams**

**Band Membership: 3,232**

**Population on Reserve: 2,082**

**No. of Existing Reserves: 23**

**Area of Reserves: 2,116 Hectares**

**Area under Negotiation: 648,700 Hectares**

**LMTAC rep. to the Negotiations: Councillor Corinne Lonsdale, Squamish**  
**The First Nation has approximately 3,230 members, 2,000 of whom live on**  
**Squamish Nation reserves. Squamish's traditional territory ranges from the**  
**Lower Mainland to Howe Sound and the Squamish Valley watershed,**  
**measuring 6,732 square miles.**

**APPENDIX K**

## **Tsleil-Waututh Nation Statement of Intent**



**Status: Stage 4**

**Chief: Maureen Thomas**

**Band Membership: 379**

**Population on Reserve: 227**

**No. of Existing Reserves: 3**

**Area of Reserves: 110 Hectares**

**Area under Negotiation: 178,900 Hectares**

**LMTAC rep. to the Negotiations: Councillor Jean Ferguson, N.  
Vancouver (District)**

**Tsleil-Waututh traditionally occupied and used the land and waters  
around North Vancouver and the Lower Mainland. The First Nation  
has approximately 380 members.**

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[1] “Interim Measures” are agreements relating to lands and resources reached between a First Nation and the Province of BC pre-treaty. Interim Measures are usually negotiated by provincial line ministries and can address a broad range of topics including capacity building initiatives and economic opportunities. Interim Measures help to support and facilitate the treaty process.