



CITY OF VANCOUVER

ADMINISTRATIVE REPORT

Report Date: June 28, 2005
Author: Rhys Williams
Phone No.: 604.873.7282
RTS No.: 05260
CC File No.: 3139
Meeting Date: July 12, 2005

TO: Vancouver City Council

FROM: General Manager, Engineering Services

SUBJECT: Proposed Revisions to the Lower Mainland Treaty Advisory Committee First Principles

RECOMMENDATION

That Council endorse the suggested revisions and additions to the Lower Mainland Treaty Advisory Committee (LMTAC) First Principles as presented to the LMTAC Board on April 27, 2005.

CITY MANAGER'S COMMENTS

The City Manager RECOMMENDS approval of the foregoing.

COUNCIL POLICY

There is no applicable Council Policy.

PURPOSE

The purpose of the report is to present the suggested revisions and additions to LMTAC's First Principles for review and endorsement.

BACKGROUND

The LMTAC was formed in 1994 to coordinate and represent the interests of local governments in treaty negotiations in the Lower Mainland. LMTAC representatives act as full members of the provincial negotiating team in recognition of the importance that local governments play. However, local governments and LMTAC do not have official status at the treaty table as only the Federal government, Provincial Government, and First Nations are treaty signatories.

The LMTAC is comprised of elected officials from 22 municipalities and three regional districts. Councillor Woodsworth is the primary elected representative. A staff representative from Engineering Services assists in technical and policy matters. Three First Nations have overlapping land claims in the City of Vancouver: Musqueam, Squamish, and Tsleil-Waututh.

LMTAC's First Principles form the key local government policy statements for treaty negotiations within the Lower Mainland. Since their initial development in 1999, they have been used to guide discussions amongst its members and at treaty tables. The LMTAC Board is proposing revisions to the principles to reflect developments in the treaty process over recent years.

DISCUSSION

Potential changes to LMTAC's First Principles have been reviewed at a number of LMTAC meetings over the past year culminating in a motion presented at the LMTAC Board meeting on April 27, 2005. In this motion, the LMTAC Board recommended revisions to 22 of the 35 existing principles and the adoption of four new principles.

In a letter dated May 2, 2005, the LMTAC requested that all Councils review and endorse LMTAC's suggested revisions and additions to its First Principles (see details in Appendix A.). Following the input of all councils, the Board plans to meet in September for final discussion and approval of the revised principles.

The changes to LMTAC's First Principles are primarily based on the following recent developments in the treaty process:

- Changes in the Provincial Government approach to negotiations in 2002;
- The release of 5 draft Agreements-in-Principle across the Province;
- Detailed LMTAC analysis of its interests in relation to the Tsawwassen treaty table.

Of the 22 existing principles which have been changed, 17 are minor updates which clarify the original intent of the principle. The remaining 5 changes are more substantial. Changes to Principle #12 and #13 recognize that First Nations will have jurisdiction over Treaty Settlement Lands and highlights the importance of having similar regulations for Treaty Settlement Lands as municipal lands to ensure there is a "level playing field" between governments. Principle #28 has been deleted recognizing that local governments are not in a position to comment on the method by which First Nations deliver their self-government provisions. Changes to Principle #34 and #37 advocate that all costs related to local government involvement in the treaty process should be financed by the Federal and Provincial Governments.

The four new proposed principles reflect new and emerging issues in the treaty process and are summarized as follows:

- 1) Local government involvement is necessary throughout all stages of a treaty process, including Stage 6 implementation and any post implementation reviews.
- 2) First Nations must be provided with an opportunity to participate in regional government structures.
- 3) LMTAC supports the tripartite B.C. treaty process and does not support bilateral or unilateral actions on the part of senior governments.
- 4) First Nations involved in intergovernmental and/or regional governance processes, pre- and post-treaty, must not assess property taxes on utilities and related infrastructure, or on associated lands and rights-of-way, on other member governments.

FINANCIAL IMPLICATIONS

There is no direct impact associated with Council endorsement of the revised LMTAC First Principles.

CONCLUSION

LMTAC's First Principles form the key local government policy statements for treaty negotiations within the Lower Mainland. Since their initial development in 1999, they have been used to guide discussions amongst its members and at treaty tables. The LMTAC Board is proposing revisions to the principles to reflect developments in the treaty process over recent years.

Circulated for information to the Mayor, Councillors, City Manager, and the Mgr of Info Services - Eng: R. Williams. File# 3139:keb May 5, 2005

FILE # H144-2

Appendix A

May 2, 2005

Mayor Larry Campbell & Council
City of Vancouver
453 West 12th Avenue
Vancouver, BC V5Y 1V4

RECORDS
MANAGEMENT

Dear Mayor Campbell & Council:

Re: Review of LMTAC First Principles

As a full member jurisdiction of the Lower Mainland Treaty Advisory Committee (LMTAC), I am writing further to the below LMTAC Board motion of April 27, 2005:

THAT the LMTAC Board recommend that the suggested revisions to the First Principles be sent to LMTAC's 25 full member jurisdictions for review and endorsement with a reply by July 2005.

The First Principles, as part of the Considerations document, are the foundational local government policy statements for treaty negotiations within the Lower Mainland; they were initially developed and endorsed by LMTAC member jurisdictions in 1999. Since that time, they 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.

The attached report and accompanying revisions and additions reflect comments received from member jurisdictions and lessons learned during the last five years of LMTAC involvement in area treaty negotiations.

Working with your elected and staff representatives to LMTAC, I respectfully ask that your jurisdiction review the attached list of suggested revisions to the existing First Principles and the four new First Principles recommended for adoption. Please provide our office with written comments no later than Friday, July 22, 2005.

In the Fall, LMTAC will revise the First Principles based on the feedback received from our member jurisdictions.

Your attention to this matter is most appreciated. Should any questions arise about the attached documents, please do not hesitate to contact LMTAC at 604-451-6160.

Yours truly,

Mayor Ralph Drew, Chair, Lower Mainland Treaty Advisory Committee

Attachment 4th floor, 4330 Kingsway, Burnaby, B.C., Canada V5H 4G8 Tel (604) 451-6179 Fax (604) 436-6860
cc: LMTAC Members

ENGINEERING
RECORDS
MANAGEMENT

MAY 06 2005

ROUTING

ES
CIRCULATING

H/Dep Ser/IS
PIES

Lower Mainland TAC
4th Floor, 4330 Kingsway
Burnaby, B.C.
V5H 4G8

Telephone (604) 451-6160
Fax (604) 436-6860
E-mail: lmjac.lmtac@gvrd.bc.ca
Website: www.lmtac.bc.ca

To: LMTAC Members

From: Regan Schlecker, LMTAC Aboriginal Affairs Analyst
Kirstie Pirie, LMTAC Manager

Date: April 27, 2005

Subject: **Review of the LMTAC First Principles**

Recommendation from the LMTAC Board, April 27, 2005, that:

The suggested revisions be sent to LMTAC's 25 full member jurisdictions for review and endorsement requesting a reply by July 2005.

1. PURPOSE

To review the LMTAC First Principles (contained in *Considerations: A Guide to Lower Mainland Area Local Government Interests in Treaty Negotiations*) in order to reflect new and emerging issues in treaty negotiations from LMTAC's perspective and in fulfillment of the LMTAC 2005 Workplan Specific Policy Item: Continue Review of the LMTAC First Principles.

2. CONTEXT

The July 2000 version of LMTAC's *Considerations Paper* (including 39 First Principles) was intended to be an evolving document to be updated and revised as new issues arise from treaty negotiations and as feedback and commentary is received from LMTAC's member local governments.

Since July 2000, 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 5 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.

3. SUMMARY OF FIRST PRINCIPLE REVIEW ACTIVITIES (October 2003 - April 2005)

October 2, 2003:

- TSWG members reviewed and endorsed a three-part process for undertaking a review of LMTAC's First Principles; and
- TSWG members endorsed the document *A Collective Summary of Local Government Principles for Treaty Negotiations* (September 2003) in fulfillment of Part 2.

November 6, 2003:

- TSWG discussed and revised the document for Part 1: *Brief Summary of LMTAC First Principles*

December 4, 2003:

- TSWG discussed Part 3, with a specific request to analyze the results from Parts 1 and 2 of the endorsed First Principle review process, along with the four existing Framework Agreements for Lower Mainland treaty tables and provisions contained within the Draft Tsawwassen AIP. TSWG members provided comments and recommendations on:
 - topic areas where inconsistencies exist between LMTAC's First Principles and draft AIP language (or may potentially exist),
 - topic areas where development of additional LMTAC First Principles are required, and
 - those LMTAC First Principles that require elaboration through drafting of substantive discussion papers or briefing notes.

March 24, 2004:

- Full Board in-camera review of LMTAC First Principles and recommendation:
It was MOVED and SECONDED
That the LMTAC Board:
 - a) receive the amended report titled "Review of the LMTAC First Principles" dated December 23, 2003, and the related review from LMTAC staff;
 - b) direct staff to proceed with briefing papers for each of the "Topic Areas Where LMTAC First Principles Require Elaboration" as presented in the January 14, 2004 report titled "Review of the LMTAC First Principles"; and
 - c) request staff to schedule a Special Meeting at which additions and revisions to the LMTAC First Principles could be further reviewed.

CARRIED UNANIMOUSLY

April 20, 2004:

- 3-step request distributed to LMTAC member jurisdictions via email for feedback on potential additions and revisions to the LMTAC First Principles in preparation for a special meeting;
- Initial deadline of May, 28, 2004 for responses was extended one month to June 28, 2004

May 11, 2004:

- LMTAC Table Representatives reviewed and provided comments to existing principles #1 - #18.
- Representatives discussed whether the number of First Principles could be reduced to achieve a more concise document without diminishing the policy interest of the committee. Also, it was highlighted new members find it difficult to fully comprehend the *Considerations* document.
- Additional comments included:
 - the Considerations document was prepared for a variety of audiences – not only LMTAC member jurisdictions
 - the importance of prioritizing local government-focused issues over other general ('motherhood') interests.

June 28, 2004:

- Deadline for responses from member jurisdictions; 7 jurisdictions in total submitted comments

July 28, 2004:

- LMTAC Table Representatives meet to review and provide comments to existing First Principles #19-#39 and Potential New Principles.

September 29, 2004

- LMTAC Board endorsed Background Briefing Note #1 entitled “Agricultural Land Reserve and Treaty Negotiations Background Briefing Note to LMTAC First Principle #19 – Preserve Agricultural Lands”
- LMTAC Board endorsed Background Briefing Note #2 entitled “Additions to Treaty Settlement Lands and Treaty Negotiations Background Briefing Note to LMTAC First Principle #12: *Continuation of Local Government Authority over Lands Pre and Post Treaty*”

November 24, 2004

- LMTAC Board endorsed Background Briefing Note #3 entitled “Fiscal Interests and Treaty Negotiations, Background Briefing Note to LMTAC First Principle #36, Cost Neutral Agreements for Local Governments”

January 26, 2005

- LMTAC Board endorsed Background Briefing Note #4 titled “Servicing Interests and Treaty Negotiations”

March 3, 2005 and March 18, 2005

- TSWG reviews compiled feedback on First Principles from Table Representatives and member jurisdictions and develops draft wording for existing and potentially new First Principles identified as a priority and requiring revision.

March 23, 2005 and April 13, 2005

- Executive reviews compiled feedback on First Principles from Table Representatives, member jurisdictions and TSWG and drafts recommendations for existing First Principles and proposed new principles for Board review and endorsement.

April 27, 2005

- Special LMTAC Board Meeting to review and endorse-in-principle suggested revisions to the existing LMTAC First Principles (39) and potential new principles.

4. DISCUSSION

In late 2003, TSWG members recommended elaboration of First Principles over revising or undertaking the drafting of new First Principles in light of the rigorous process involved, as well as recommending that a new First Principle related to regional governance be developed. The four topics TSWG recommended for elaboration were addressed through the development of briefing notes that were each endorsed by the Board. Although TSWG recommended elaboration, feedback received from LMTAC’s Executive Committee, Table Representatives, and member jurisdictions revealed that there were some existing First Principles that required updating, as well as a new First Principle that should be considered for adoption.

This workplan item was initiated in October 2003 and has been carried through to LMTAC's 2005 Workplan. It was anticipated to be complete in 2004, however due to unforeseen policy issues that arose during Tsawwassen Final Agreement negotiations, this project was delayed. It is advisable that this process be complete in advance of the municipal elections in November 2005 and a potential change to LMTAC membership so that those familiar with the issues can participate.

Based on the board motion, revisions are recommended to 22 of the 35 existing LMTAC First Principles (17 of which are minor updates and five are substantive changes) and four new principles are proposed for adoption. Please see attachments for highlighted revisions.

5. CONCLUSION

LMTAC First Principles were endorsed in July 2000 as part of the *Considerations Paper* and since then, a number of developments have occurred which necessitate the update of the treaty principles. One of LMTAC's 2003 and 2004 Workplan items was to undertake a review of the LMTAC First Principles. This process was initiated in October 2003 however it was delayed in the Fall 2004 due to unanticipated policy issues arising from Tsawwassen Final Agreement negotiations. LMTAC's 2005 Workplan directs staff to continue the review the of the LMTAC First Principles and it is timely to proceed with the process in light of the upcoming Provincial election in May 2005, and resulting slow down of table activities, and to complete it in advance of the upcoming municipal elections in November 2005.

Attachments:

- A: Table: *Existing LMTAC First Principles Identified for Revision*
- B: Chart: *Review of Existing LMTAC First Principles - LMTAC Board Recommended Revisions*
- C: Chart: *Review of LMTAC First Principles - Potential New Principles*
- D: PowerPoint Presentation to LMTAC Board - *"Review of LMTAC's First Principles; Overview of LMTAC's Policy Development"*

TABLE
Existing LMTAC First Principles – Recommended Revisions Highlighted

Summary (39 Existing First Principles):

Revision = 22 (17 = minor update/technical change; 5 = substantive change)

No Change = 17

Principle Categories	First Principle #	LMTAC Board Recommendation (Does the principle require revision?)
General	1	NO
General	2	YES
General	3	NO
General	4	NO
General	5	NO
General	6	YES
General	7	YES
General	8	NO
General	9	NO
Land	10	NO
Land	11	YES
Land	12	YES
Land	13	YES
Land	14	NO
Resource & Environmental	15	YES
Resource & Environmental	16	YES
Resource & Environmental	17	NO
Resource & Environmental	18	YES
Resource & Environmental	19	YES
Resource & Environmental	20	YES
Resource & Environmental	21	NO
Resource & Environmental	22	YES
Resource & Environmental	23	NO
Governance	24	NO
Governance	25	NO
Governance	26	YES
Governance	27	NO
Governance	28	YES: DELETE
Governance	29	YES
Governance	30	NO
Governance	31	YES
Governance	32	NO
Fiscal	33	YES
Fiscal	34	YES
Fiscal	35	YES
Fiscal	36	NO
Fiscal	37	YES
Fiscal	38	YES
Fiscal	39	YES

**Review of Existing LMTAC First Principles
LMTAC Board Recommended Revisions – April 27, 2005**

ATTACHMENT B

PRINCIPLE #1

Uniqueness of Urban Treaties		
1	Treaty agreements in other regions of the Province should not be used as a precedent or template for urban treaty settlements. Provisions in Lower Mainland area treaties should reflect the complex realities of the urban environment specific to each treaty.	
1	Board	NO
	<i>This First Principle emphasizes the need for treaties to be addressed on a case by case basis, and does not preclude the ability of negotiators to apply practical solutions used elsewhere in the province if it addresses the needs of an urban treaty table in the Lower Mainland.</i>	

PRINCIPLE #2

Local Governments are Not Third Party Interests		
2	Local Government shall be recognized in the treaty process as an independent, responsible and accountable order of government, not as a secondary level or third party interest.	
2	Board	YES
	<i>Rewording suggested below to state in the positive.</i>	
	Recommend rewording: Local Government shall be recognized in the treaty process as an independent, responsible and accountable order of government, with interests distinct from those of other orders of government.	

Deleted: not as a secondary level or third party interest

Review of Existing LMTAC First Principles LMTAC Board Recommended Revisions – April 27, 2005

PRINCIPLE #3

Respect Canadian Constitution	
<p>3 Treaties should uphold the principles of the Canadian Constitution and the Canadian Charter of Rights and Freedoms.</p>	
<p>3 LMTAC Board April 27, 2005</p>	<p>Does this Principle Require Revision? (Yes or No)</p>
<p>3 Board</p>	<p>NO</p>
<p><i>This First Principle is of general concern to all Canadian citizens. Application of the Constitution and Charter to treaties is required by senior government mandates.</i></p>	

PRINCIPLE #4

Respect Heritage	
<p>4 Treaty settlements must respect the values, heritage, culture and traditions of Aboriginal and non-Aboriginal peoples.</p>	
<p>4 LMTAC Board April 27, 2005</p>	<p>Does this Principle Require Revision? (Yes or No)</p>
<p>4 Board</p>	<p>NO</p>
<p><i>This First Principle is a general statement of principle important to all Canadians.</i></p>	

Review of Existing LMTAC First Principles LMTAC Board Recommended Revisions – April 27, 2005

PRINCIPLE #5

Open and Transparent Negotiations Funded By Senior Governments			
5	Tripartite treaty negotiations must be open and provide for meaningful public input throughout the negotiations. The cost of the public process is to be funded as an essential part of treaty making by the tripartite negotiating parties.		
5	<table border="1" style="width: 100%;"> <tr> <td style="width: 50%; text-align: center;"> Does this Principle Require Revision? (Yes or No) </td> <td style="width: 50%; text-align: center;"> NO </td> </tr> </table>	Does this Principle Require Revision? (Yes or No)	NO
Does this Principle Require Revision? (Yes or No)	NO		
5	<table border="1" style="width: 100%;"> <tr> <td style="width: 50%; text-align: center;"> Why or Why Not Elaboration </td> <td style="width: 50%; text-align: center;"> This First Principle emphasizes the continued need for more public input in to the treaty process and the responsibility on senior governments to fund such public processes including local government involvement. LMTAC supports the tripartite BC treaty process. </td> </tr> </table>	Why or Why Not Elaboration	This First Principle emphasizes the continued need for more public input in to the treaty process and the responsibility on senior governments to fund such public processes including local government involvement. LMTAC supports the tripartite BC treaty process.
Why or Why Not Elaboration	This First Principle emphasizes the continued need for more public input in to the treaty process and the responsibility on senior governments to fund such public processes including local government involvement. LMTAC supports the tripartite BC treaty process.		

PRINCIPLE #6

Resolution of Overlaps			
6	Agreements-in-Principle (Stage 4) shall not be completed until all conflicting land, water and resource issues (of those Aboriginal peoples who qualify under the BC Treaty Process) have been resolved. Agreements-in-Principle shall include the details of the overlap resolution agreement.		
6	<table border="1" style="width: 100%;"> <tr> <td style="width: 50%; text-align: center;"> Does this Principle Require Revision? (Yes or No) </td> <td style="width: 50%; text-align: center;"> YES </td> </tr> </table>	Does this Principle Require Revision? (Yes or No)	YES
Does this Principle Require Revision? (Yes or No)	YES		
6	<table border="1" style="width: 100%;"> <tr> <td style="width: 50%; text-align: center;"> Why or Why Not Elaboration </td> <td style="width: 50%; text-align: center;"> Support rewording as it is based on senior government mandates and incorporates current language utilized by the Parties at the treaty tables. The terms "overlap" and "shared territory" are meant to be used interchangeably and do not imply different meanings. Recommended rewording: Resolution of Overlaps/Shared Territories Final Agreements shall not be completed until all conflicting land, water and resource issues (of those Aboriginal peoples who qualify under the BC treaty process) have been resolved. Final Agreements shall include the details of the overlap/shared territory resolution agreement. </td> </tr> </table>	Why or Why Not Elaboration	Support rewording as it is based on senior government mandates and incorporates current language utilized by the Parties at the treaty tables. The terms "overlap" and "shared territory" are meant to be used interchangeably and do not imply different meanings. Recommended rewording: Resolution of Overlaps/Shared Territories Final Agreements shall not be completed until all conflicting land, water and resource issues (of those Aboriginal peoples who qualify under the BC treaty process) have been resolved. Final Agreements shall include the details of the overlap/shared territory resolution agreement.
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Deleted: -in-Principle (Stage 4)

Deleted: -in-Principle

PRINCIPLE #7

Recommended Revisions - LMTAC Board, April 27, 2005

Review of Existing LMTAC First Principles LMTAC Board Recommended Revisions – April 27, 2005

Need for Certainty		Why or Why Not - Elaboration
7	Local Governments strongly support the need for certain and final definitions of Treaty rights. Treaties should provide a clear and exhaustive definition of powers that First Nations governments may exercise.	
7	LMTAC Board April 27, 2005	Does this Principle Require Revision? (Yes or No)
7	Board	YES
		Support rewording as it provides clarification and maintains original intent. Recommended rewording: Local Governments strongly support the need for final treaty settlements to provide certainty with respect to Aboriginal rights and title.

Deleted: and final definitions of Treaty rights. Treaties should provide a clear and exhaustive definition of powers that First Nations governments may exercise.

PRINCIPLE #8

Role of LMTAC		Why or Why Not - Elaboration
8	LMTAC is the voice of Lower Mainland area Local Governments on all issues relating to the treaty process.	
8	LMTAC Board April 27, 2005	Does this Principle Require Revision? (Yes or No)
8	Board	NO
		As per the MOU between UBCM and the Provincial government, LMTAC maintains its role as the representative of local government interests in the Lower Mainland as a full member of the Provincial negotiation team.

PRINCIPLE #9

Recommended Revisions - LMTAC Board, April 27, 2005

**Review of Existing LMTAC First Principles
LMTAC Board Recommended Revisions – April 27, 2005**

		Consistent Application of Principles	
9	LMTAC's First Principles will be applied to all Lower Mainland area treaty agreements. Does this Principle Require Revision? (Yes or No)	NO	<i>It is important that Local Government interests are expressed in a consistent manner for each negotiation table.</i>
	LMTAC Board April 27, 2005		Why or Why Not - Elaboration

PRINCIPLE #10

		Cash Settlements in Urban Areas	
10	Urban treaty settlements should be composed primarily of cash and other fiscal considerations rather than land, because of scarcity of unencumbered and uncommitted lands in the Lower Mainland area. Does this Principle Require Revision? (Yes or No)	NO	<i>This is a reality of urban treaties where available land is scarce and land values are high.</i>
	LMTAC Board April 27, 2005		Why or Why Not - Elaboration

Review of Existing LMTAC First Principles LMTAC Board Recommended Revisions – April 27, 2005

PRINCIPLE #11

Private & Local Government Lands and Assets Protected	
Does this Principle Require Revision? (Yes or No)	
11	Why or Why Not Elaboration
<p>Privately owned fee-simple lands, Crown Corporation lands, and Local Government-owned lands and assets, including those acquired through a Local Government process, must not be available for land selection. Lands and assets include, but are not limited to: Local Government facilities, rights-of-way, lands leased from other governments, Crown lands subject to a Local Government license/tenure, municipal and regional parks, conservation and protected areas, greenbelts, school board lands, and Local Government commercial operations (i.e. forest lands, park concessions).</p>	<p><i>Continues to be a critically important principle for Local Governments; land is key in the urban area. Suggest addition of "roads" as a further example.</i></p> <p>Recommended rewording: Privately owned fee-simple lands, Crown Corporation lands, and Local Government-owned lands and assets, including those acquired through a Local Government process, must not be available for land selection. Lands and assets include, but are not limited to: Local Government facilities, roads, rights-of-way, lands leased from other governments, Crown lands subject to a Local Government license/tenure, municipal and regional parks, conservation and protected areas, greenbelts, school board lands, and Local Government commercial operations (i.e. forest lands, park concessions).</p>
11	Board YES

Review of Existing LMTAC First Principles LMTAC Board Recommended Revisions – April 27, 2005

PRINCIPLE #12

Continuation of Local Government Authority over Lands Pre and Post Treaty

12	<p>The continuation of Local Government regulatory and taxation authority over lands within a municipality or regional district that may be transferred as part of a treaty settlement is paramount. Lands received by a First Nation, as part of a treaty settlement should be held in fee-simple and have no new or special status.</p> <p>Lands to be added <i>after</i> the treaty is signed must remain subject to Local Government jurisdiction and taxation unless otherwise agreed to by Local Governments through a community consultation process.</p> <p style="text-align: center;"><i>(Additions to Treaty Settlement Lands & Treaty Negotiations – Background Briefing Note to First Principle #12, October 2004)</i></p>		
12	Board	YES	<p><i>This First Principle requires clarification given the reality that First Nation governments <u>will</u> have jurisdiction over Treaty Settlement Lands.</i></p> <p>Recommended rewording: Post Treaty Additions to Treaty Settlement Lands Lands to be added <i>after</i> the treaty is signed must remain subject to Local Government jurisdiction and taxation unless otherwise agreed to by Local Governments through a community consultation process.</p>

PRINCIPLE #13

			<p>Lands Held in Fee-Simple</p>
13	Board	YES	<p>Clarity and consistency in regulatory jurisdiction is paramount in the post-treaty environment. Treaty settlement lands within municipalities and regional districts are to be treated like all other fee-simple lands (e.g. be subject to compatible zoning bylaws, be assessed for regional services, and not include ownership of sub-surface resources).</p> <p><i>This First Principle requires clarification to emphasize the importance of First Nation governments operating on a level playing field to Local Governments.</i></p> <p>Recommended rewording: Clarity and Consistency in Regulatory Jurisdiction over Lands Lands received by a First Nation, as part of a treaty settlement and under the jurisdiction of a First Nation government, should be subject to the same provincial and federal legislation that is applicable to Local Government lands.</p>

PRINCIPLE #14

Recommended Revisions - LMTAC Board, April 27, 2005

Deleted: Continuation of Local Government Authority over Lands Pre and

Deleted: The continuation of Local Government regulatory and taxation authority over lands within a municipality or regional district that may be transferred as part of a treaty settlement is paramount. Lands received by a First Nation, as part of a treaty settlement should be held in fee-simple and have no new or special status.¶

Deleted: Lands Held in Fee-Simple

Deleted: Clarity and consistency in regulatory jurisdiction is paramount in the post-treaty environment. Treaty settlement lands within municipalities and regional districts are to be treated like all other fee-simple lands (e.g. be subject to compatible zoning bylaws, be assessed for regional services, and not include ownership of sub-surface resources)

Review of Existing LMTAC First Principles LMTAC Board Recommended Revisions – April 27, 2005

Importance of Access	
14	<p>There must be continued access (via land, water or air) to Local Government lands and assets on, between or adjacent to treaty settlement lands as well as to privately-held and leased lands on, between or adjacent to treaty settlement lands for the purposes of, but not limited to, infrastructure development and maintenance.</p> <p style="text-align: center;">Does this Principle Require Revision? (Yes or No)</p> <p style="text-align: center;">- Elaboration</p>
14	<p style="text-align: center;">Board</p> <p style="text-align: center;">NO</p> <p style="text-align: center;"><i>This First Principle is critical to the daily operation of Local Government.</i></p>

PRINCIPLE #15

Resource Sustainability	
15	<p>Sustainability of local economies is a priority in the post-treaty environment. Lower Mainland area renewable, natural resources (including, but not limited to, forests, water and fish) must continue to be managed on a sustainable basis in order not to undermine the economic base of Local Governments and their communities.</p> <p style="text-align: center;">Does this Principle Require Revision? (Yes or No)</p> <p style="text-align: center;">- Elaboration</p>
15	<p style="text-align: center;">Board</p> <p style="text-align: center;">YES</p> <p style="text-align: center;"><i>Recommend rewording with the inclusion of "regional" and inserting "collaboratively" instead of "continue" to address the need and interest for improvements upon sustainability within the region in a concerted manner.</i></p> <p style="text-align: center;">Recommended rewording: Sustainability of local economies is a regional priority in the post-treaty environment. Lower Mainland area renewable, natural resources (including, but not limited to, forests, water and fish) must be collaboratively managed on a sustainable basis in order not to undermine the economic base of Local Governments and their communities.</p>

Deleted: continue to

Review of Existing LMTAC First Principles

LMTAC Board Recommended Revisions – April 27, 2005

PRINCIPLE #16

Consistent Regulatory Controls	
16	Clarity and consistency in regulatory jurisdiction with respect to natural and physical resources are paramount in the post-treaty environment. Development of resources can have a significant impact on Local Governments.
<p>Does this Principle Require Revision? (Yes or No)</p> <p>Why or Why Not - Elaboration</p>	
16	LMTAC Board April 27, 2005
16	<p style="text-align: center;">Board</p> <p style="text-align: center;">YES</p> <p style="text-align: center;"><i>Add word to title for clarification.</i></p> <p style="text-align: center;">Recommended title rewording: Consistent Environmental Regulatory Controls</p>

PRINCIPLE #17

Conservation/Environmental Protections	
17	International agreements and Federal and Provincial legislation with respect to conservation (of wildlife, migratory birds, fish and other species) must be incorporated into all treaties. Present, future and potential refuge and environmentally-sensitive areas, including but not limited to, the Fraser River Basin, Boundary Bay Wildlife Management Area, Maplewood Flats and Indian Arm, must be identified and protected during the treaty process.
<p>Does this Principle Require Revision? (Yes or No)</p> <p>Why or Why Not - Elaboration</p>	
17	LMTAC Board April 27, 2005
17	<p style="text-align: center;">Board</p> <p style="text-align: center;">NO</p> <p style="text-align: center;"><i>This First Principle is of importance to all Canadians; it emphasizes the reality of concurrent jurisdiction.</i></p>

**Review of Existing LMTAC First Principles
LMTAC Board Recommended Revisions – April 27, 2005**

PRINCIPLE #18

Protect Wildlife Habitats	
18	Locally, nationally, and globally significant wildlife habitats in the Lower Mainland area must be recognized and protected.
18	<p style="text-align: center;"><i>This First Principle is of importance to Canadians in general. Recommend removal of "wildlife" and insertion of "environmentally" so that habitat is not only limited to wildlife.</i></p> <p>Recommended rewording: Protect Habitats Locally, nationally, and globally environmentally significant habitats in the Lower Mainland area must be recognized and protected.</p>

Deleted: wildlife

PRINCIPLE #19

Preserve Agricultural Lands	
19	<p>Lands in the Agricultural Land Reserve (ALR) must remain in the ALR and under the jurisdiction of the Agricultural Land Commission (ALC).</p> <p style="text-align: center;"><i>(Agricultural Land Reserve & Treaty Negotiations- Background Briefing Note to First Principle #19, September 2004)</i></p>
19	<p><i>Propose rewording in order to address three separate interests related to ALR-designated lands:</i></p> <p>Recommended rewording: Agricultural Lands</p> <ul style="list-style-type: none"> • Local government strongly supports the preservation of viable agricultural land. • Treaty Settlement Land designated as Agricultural Land Reserve (ALR) must remain subject to the jurisdiction of the Agricultural Land Commission (ALC). • Any removal of land from the ALR must follow the same procedures as for any other applicant.

Review of Existing LMTAC First Principles LMTAC Board Recommended Revisions – April 27, 2005

PRINCIPLE #20

Respect Local Government Leases and Licenses	
20	Local Government leases and licenses (including park tenures and agricultural, mining, forest and range leases/licenses on Crown lands), and the economic and environmental viability of these agreements, as well as any provisions for their renewal, must be respected and preserved
20	<p><i>This First Principle continues to be of key importance to Local Governments and relevant to negotiations. Recommend insertion of the words "...but not limited to..."</i></p> <p>Recommended rewording: Local Government leases and licenses (including, but not limited to, park tenures and agricultural, mining, forest and range leases/licenses on Crown lands), and the economic and environmental viability of these agreements, as well as any provisions for their renewal, must be respected and preserved.</p>

PRINCIPLE #21

Access, Usage, Maintenance and Protection of Water Resources	
21	Local Government and private interests in water must be preserved. Interests include, but are not limited to: ground water, aquifers, natural drainage systems, watersheds, reservoirs, water licenses, water lots, shoreline and easement access for servicing, historic rights of water use, purity control standards and water use regulations.
21	<p><i>This First Principle still important to Local Government and relevant to negotiations.</i></p>

Review of Existing LMTAC First Principles LMTAC Board Recommended Revisions – April 27, 2005

PRINCIPLE #22

Protect Annual Allowable Cut	
22	<p>Forestland which may come under Aboriginal control must remain and continue to be managed within the existing timber supply areas and Forest Districts to ensure no loss of Annual Allowable Cut (AAC) on the land base</p>
22	<p style="text-align: center;">Board</p> <p style="text-align: center;">YES</p> <p>Suggest rewording to clarify the original intent of the principle.</p> <p>Recommended rewording: Annual Allowable Cut (AAC) within the existing timber supply areas and Forest Districts must not be negatively impacted by treaty settlements.</p>

Deleted: *Forestland which may come under Aboriginal control must remain and continue to be managed*

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Deleted: to ensure no loss of Annual Allowable Cut (AAC) on the land base.

PRINCIPLE #23

Protect Fish Stocks	
23	<p>The protection of fish stocks is a primary concern, and the rights and responsibilities of all fishers engaged in native, commercial or recreational fishing should be given due consideration.</p> <p style="text-align: center;">(Background Paper: Local Government Fisheries Background, October 2001)</p>
23	<p style="text-align: center;">Board</p> <p style="text-align: center;">NO</p> <p>This First Principle has an extensive background discussion paper that elaborates on the issues and provides clarification.</p>

PRINCIPLE #24

Recommended Revisions - LMTAC Board, April 27, 2005

**Review of Existing LMTAC First Principles
LMTAC Board Recommended Revisions – April 27, 2005**

		Respect Government Authorities	
24	Treaties must recognize and respect the authority and jurisdiction of Federal, Provincial and Local Governments.		
Does this Principle Require Revision? (Yes or No)		Why or Why Not - Elaboration	
24	LMTAC Board April 27, 2005	NO	
24	Board	NO	<i>This First Principle emphasizes the reality of concurrent jurisdictions in Canadian government systems.</i>

PRINCIPLE #25

		Application of Criminal / Civil Laws	
25	Canadian Criminal Law should continue to apply as well as existing precedents set out in Civil Law in British Columbia.		
Does this Principle Require Revision? (Yes or No)		Why or Why Not - Elaboration	
25	LMTAC Board April 27, 2005	NO	
25	Board	NO	<i>This First Principle is of interest to the general public; application of legislation is a requirement of senior government treaty negotiation mandates.</i>

Review of Existing LMTAC First Principles LMTAC Board Recommended Revisions – April 27, 2005

PRINCIPLE #26

		Democratic Values	Why or Why Not Elaboration
26	Aboriginal self-government should uphold the principles of democracy and accountability.		
Does this Principle Require Revision? (Yes or No)			
26	LMTAC Board April 27, 2005	YES	
26	Board	YES	<p>Recommend rewording to clarify the original intent of the principle.</p> <p>Democracy and Accountability Treaties should contain provisions for accountable, democratically elected governing entities.</p>

Deleted: tic Values
Deleted: Aboriginal self-government should uphold the principles of democracy and accountability.

PRINCIPLE #27

		Rights of Representation	Why or Why Not Elaboration
27	Treaties must uphold the principle of "no taxation without representation" for all persons residing on treaty settlement lands. Mechanisms need to be developed to ensure that all persons who are living on treaty settlement lands and who are paying taxes or levies to the First Nation have access and a voice in First Nation governance systems. <i>(Background Paper: Democracy & First Nation Self Government: Considering Rights of Representation for Non-Member Residents in First Nation Jurisdictions, March 2003)</i>		
Does this Principle Require Revision? (Yes or No)			
27	LMTAC Board April 27, 2005	NO	
27	Board	NO	<p>Local Governments are very interested to ensure that their current constituents who may become non-member residents of Treaty Settlement Lands post-treaty have their democratic rights protected. LMTAC's related discussion paper has been reviewed and considered by senior governments.</p>

Review of Existing LMTAC First Principles LMTAC Board Recommended Revisions – April 27, 2005

PRINCIPLE #28

Delivery of Local Programs/Services	
28	Aboriginal self-government provisions must provide for First Nation participation in, or partnerships with, Local Governments for more effective and efficient delivery of programs and services.
28	LMTAC Board April 27, 2005 Revision? (Yes or No)
28	Does this Principle Require Revision? (Yes or No)
Board	YES
This First Principle falls outside the realm of Local Government negotiation interests and speaks to an internal issue for First Nation governments.	
RECOMMEND DELETION.	

Why or Why Not
- Elaboration

PRINCIPLE #29

"Meet or Beat" Standards	
29	Standards and regulations (including enforcement provisions) that apply to treaty settlement lands should meet or exceed established standards set by Federal, Provincial and Local Governments for issues including, but not limited to: environmental protection, public health, labour, safety, fire protection, building codes, noise and licensing.
29	LMTAC Board April 27, 2005 Revision? (Yes or No)
29	Does this Principle Require Revision? (Yes or No)
Board	YES
Recommend rewording that acknowledges that First Nations may be interested to exceed existing standards and insertion of the word 'regional' to address the nature of standards.	
Recommended rewording: Equivalent Regional Standards Standards and regulations (including enforcement provisions) that apply to treaty settlement lands must be at least equivalent to established regional standards set by Federal, Provincial or Local Governments for issues including, but not limited to: environmental protection, public health, labour, safety, fire protection, building codes, air quality and solid waste.	

Why or Why Not
- Elaboration

- Deleted: "Meet or Beat"
- Deleted: should
- Deleted: meet or exceed
- Deleted: and
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- Deleted: l
- Deleted: licensing

PRINCIPLE #30

Recommended Revisions - LMTAC Board, April 27, 2005

Review of Existing LMTAC First Principles LMTAC Board Recommended Revisions – April 27, 2005

Dispute Resolution Accessible to Local Governments

30 Treaties should include an effective dispute resolution mechanism that is accessible to Local Governments, particularly relating to inter-jurisdictional issues such as, but not limited to: planning, land use, natural resources, growth management, stewardship and transportation.

(Background Paper: *Dispute Resolution and Land Use, February 2002*)

30	Board	NO	This First Principle remains important for local governments. LMTAC's related discussion paper has been reviewed and considered by the provincial government and the need for an accessible dispute resolution mechanism has been acknowledged for inclusion within an intergovernmental relations chapter.

PRINCIPLE #31

Parity Between Local Government and First Nations Powers

31 Local Governments must be provided the opportunity to access Local Government-related powers, as defined by Provincial legislation, also available to First Nations in the post-treaty environment.

31	Board	YES	Support rewording as it clarifies the original intent of the principle. Recommended rewording: Consistency in Law Making Authorities In the matters of Local Government, law making authorities granted to First Nations under treaty and related agreements, must be consistent with those law making authorities exercised by Local Governments.

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Deleted: provided the opportunity to access Local Government-related powers, as defined by Provincial legislation, also available to First Nations in the post-treaty environment.

Review of Existing LMTAC First Principles LMTAC Board Recommended Revisions – April 27, 2005

PRINCIPLE #32

32	<p>Lower Mainland area Local Governments have increasing Aboriginal populations that are not from the traditional territories of Lower Mainland area First Nations as well as Aboriginal populations that will reside off future treaty settlement lands. 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.</p> <p style="text-align: center;">(Background Paper: Local Governments and Urban Aboriginal Issues, September 2002)</p>	Address Off-Reserve/TSL issues
32	<p>Does this Principle Require Revision? (Yes or No)</p> <p>LMTAC Board April 27, 2005</p>	<p>Why or Why Not - Elaboration</p>
32	Board	NO
<p><i>This First Principle addresses the issue of funding for programs and services to the urban aboriginal population. It remains a relevant principle to maintain.</i></p>		

Review of Existing LMTAC First Principles LMTAC Board Recommended Revisions – April 27, 2005

PRINCIPLE #33

Participation in and Delivery of Regional Programs/Services	
33	<p>Treaties must identify regional programs and services (such as, but not limited to, air quality, solid waste management and Regional Growth Strategies) in which First Nations must participate, either through direct involvement in the existing program/service or indirectly through a contract with Local Governments.</p> <p>This principle recognizes that some programs/services affect all area residents and that regional delivery enhances economies of scale. This principle also emphasizes the importance of the various interconnections between urban communities in the Lower Mainland area.</p>
<p>Does this Principle Require Revision? (Yes or No)</p>	
33	<p style="text-align: center;">Board</p> <p style="text-align: center;">YES</p> <p><i>Recommend rewording as the additional example of LRSP applies to LMTAC's regional district members located beyond the urban centre, such as the SLRD.</i></p> <p><i>Recommended rewording:</i> Treaties must identify regional programs and services (such as, but not limited to, air quality, solid waste management, Regional Growth Strategies and Land and Resource Management Plans) in which First Nations must participate, either through direct involvement in the existing program/service or indirectly through a contract with Local Governments.</p> <p>This principle recognizes that some programs/services affect all area residents and that regional delivery enhances economies of scale. This principle also emphasizes the importance of the various interconnections between urban communities in the Lower Mainland area.</p>

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Review of Existing LMTAC First Principles

LMTAC Board Recommended Revisions – April 27, 2005

PRINCIPLE #34

Recognize Fiscal Capacities	
34	<p>Treaties must recognize the limited fiscal capacity of all levels of government and not impose any cost to Lower Mainland taxpayers, other than their contribution to treaty settlements through the cost-sharing Memorandum of Understanding between the Provincial and Federal Governments</p>
34	<p>Board YES</p> <p><i>Recommend rewording to include additional sentence that identifies the interest of local governments to have their participation in treaty negotiations funded by the Province; include a specific reference to the "B.C. treaty process".</i></p> <p>Recommended rewording: Treaties must recognize the limited fiscal capacity of all levels of government and not impose any cost to Lower Mainland taxpayers, other than their contribution to treaty settlements through the cost-sharing Memorandum of Understanding between the Provincial and Federal Governments. Local Government involvement in the B.C. treaty process should be financed by the Province of British Columbia.</p>

Deleted: Lower Mainland
Inserted: Lower Mainland

PRINCIPLE #35

Respect Service Agreements	
35	<p>All existing and future service agreements must be respected to ensure Local Governments receive financial contributions from all users of Local Government programs, services and infrastructure.</p> <p><i>(Background Paper: Services, Service Agreements and Treaty Negotiations, January 2002)</i> <i>(Servicing Interests & Treaty Negotiations Background Briefing Note to First Principle #35, February 2005)</i></p>
35	<p>Board YES</p> <p><i>Recommend replacing the word "respect" with "honour" as it carries a legal connotation to agreements.</i></p> <p>Recommended rewording: Honour Service Agreements All existing and future service agreements must be honoured to ensure Local Governments receive financial contributions from all users of Local Government programs, services and infrastructure.</p>

Deleted: Respect
Deleted: respected

**Review of Existing LMTAC First Principles
LMTAC Board Recommended Revisions – April 27, 2005**

PRINCIPLE #36

Cost Neutral Agreements for Local Governments		
36	No demand must be placed on Local Government tax revenues or revenue sources resulting from treaty settlements, particularly on the ability of Local Government to derive tax revenue from sources such as property taxes, service fees, utility charges and grants-in-lieu from Crown lands. Any revenue loss to Local Governments arising from treaty settlements must be fully compensated. <i>(Fiscal Interests & Treaty Negotiations Background Briefing Note to First Principle #36, October 2004)</i>	
36	Board	NO <i>This First Principle and its reference to compensation remains a key interest of local governments. LMTAC's briefing note and development of a proposed compensation model was instrumental in initiating discussions with the Province to explore transition funding for local governments.</i>

PRINCIPLE #37

Fair Sharing of Costs		
37	No one Local Government should be disproportionately burdened as a result of treaty negotiations.	
37	Board	YES <i>The intention of the principle is to ensure that no one local government is burdened from participating in treaty negotiations when compared to other local government jurisdictions. It was acknowledged that impacted local governments will vary depending on their proximity to treaty negotiations.</i> Recommended rewording: <i>In order to ensure that no one Local Government is unfairly or disproportionately burdened, all costs associated with treaty negotiations including administrative costs associated with responding to the needs of a treaty negotiation table, must be the responsibility of the Provincial and Federal government.</i>

Deleted: No one Local Government should be disproportionately burdened as a result of

Review of Existing LMTAC First Principles LMTAC Board Recommended Revisions – April 27, 2005

PRINCIPLE #38

Flexible Cost Recovery Post-Treaty					
38	The Provincial <i>Municipal Act</i> and <i>Vancouver Charter</i> must enable Local Governments to develop flexible taxation and cost-recovery mechanisms when dealing with Aboriginal governments in the post-treaty environment.				
38	<table border="1" style="width: 100%;"> <tr> <td style="width: 50%;">LMTAC Board April 27, 2005</td> <td style="width: 50%;">Does this Principle Require Revision? (Yes or No)</td> </tr> <tr> <td style="text-align: center;">Board</td> <td style="text-align: center;">YES</td> </tr> </table>	LMTAC Board April 27, 2005	Does this Principle Require Revision? (Yes or No)	Board	YES
LMTAC Board April 27, 2005	Does this Principle Require Revision? (Yes or No)				
Board	YES				
38	<p><i>Revisions required to update with applicable legislation.</i></p> <p>Recommended rewording: The Provincial <i>Local Government Act, Community Charter</i> and <i>Vancouver Charter</i> must enable Local Governments to develop flexible taxation and cost-recovery mechanisms when dealing with Aboriginal governments in the post-treaty environment.</p>				

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Deleted: Municipal Act

PRINCIPLE #39

Respect Existing Financial Commitments					
39	Treaties must respect and recognize existing Provincial fiscal commitments to Local Governments.				
39	<table border="1" style="width: 100%;"> <tr> <td style="width: 50%;">LMTAC Board April 27, 2005</td> <td style="width: 50%;">Does this Principle Require Revision? (Yes or No)</td> </tr> <tr> <td style="text-align: center;">Board</td> <td style="text-align: center;">YES</td> </tr> </table>	LMTAC Board April 27, 2005	Does this Principle Require Revision? (Yes or No)	Board	YES
LMTAC Board April 27, 2005	Does this Principle Require Revision? (Yes or No)				
Board	YES				
39	<p>Remains a relevant principle for local government. Recommend inclusion of "Federal" fiscal commitments.</p> <p>Recommended rewording: Treaties must respect and recognize existing Federal and Provincial fiscal commitments to Local Governments.</p>				

Review of LMTAC First Principles – Potential New Principles

The LMTAC Board recommends that the following principles be endorsed and added as new First Principles.

ATTACHMENT C

<p>A (GENERAL PRINCIPLE)</p>	<p>Local Government Involvement During Implementation The Province must continue to involve Local Government throughout all stages of the B.C. treaty process, including Stage 6 implementation and any post-treaty reviews of treaty-related agreements to ensure that Local Government participation and consultation does not end with the signing of a Final Agreement.</p> <p>Commentary: Members emphasized that LMTAC's role and participation in treaty negotiations applies to all six stages of the B.C. treaty process, including Stage 6 implementation. Members also noted the importance of continued involvement in any renewal or review discussions that take place post-treaty on any treaty-related agreements.</p>
<p>B (GOVERNANCE PRINCIPLE)</p>	<p>First Nation Participation in Regional Governance Provincial legislation must be provided to enable First Nation participation in regional government structures. Self governing First Nations should be encouraged to participate in regional governance functions to the greatest extent possible. Any discussions of regional governance models must involve the direct participation of the respective Regional District members from the very outset.</p> <p>Commentary: Regional governance is a key local government interest that requires a specific LMTAC First Principle. Adoption of a First Principle with respect to regional governance is necessary to compliment LMTAC's discussion paper "Regional Governance and Governance in the Region".</p>
<p>C (GENERAL PRINCIPLE)</p>	<p>Support for the BC Treaty Process LMTAC supports the tripartite B.C. treaty process and does not support bilateral or unilateral actions on the part of senior governments.</p> <p>Commentary: LMTAC Board discussed the importance of the senior governments continuing with tripartite treaty negotiations under the BC treaty process and refraining from entering into any bilateral agreements with First Nations that would in effect reduce the incentive for First Nations to enter into or proceed with the resolution of treaties.</p>
<p>D (FISCAL PRINCIPLE)</p>	<p>Assessment and Taxation between Local Government Bodies First Nation governments participating in intergovernmental and/or regional governance structures, pre- or post-treaty, must comply with existing practice whereby member jurisdictions will not assess each other property taxes on utilities and related infrastructure, nor on the lands or rights-of-way on which they are located. Treaty negotiations must work to uphold this important intergovernmental policy.</p> <p>Commentary: Members emphasized that this was an issue of key importance to regional districts and should be adopted as a new First Principle. Members also noted an interest to be inclusive of structures that may be inter-municipal in nature.</p>



Review of LMTAC's First Principles

Overview of LMTAC's Policy Development

April 27, 2005



LMTAC Policy Development

Lower Mainland area local government interests articulated in one key policy document:

CONSIDERATIONS PAPER (July 2000)

This document includes:

- **broad local government interests on key treaty issues: land, resources, governance, fiscal (39 First Principles)**
- **detailed catalogue of specific social, economic and policy issues impacting Lower Mainland area local governments**

The paper was developed by consensus through extensive consultation and is an evolving document.

Overview of the Considerations Paper

Objectives (section 1.3)

This paper was developed to assist LMTAC's membership in:

- identifying various social, economic, and policy issues of interest to Lower Mainland area local governments involved in treaty negotiations;
- linking general local government interests to specific substantive issues arising in Stage 4 Agreement-in-Principle (AIP) negotiations;
- expressing principles which LMTAC member local governments believe should be integrated into treaties with First Nations;
- developing a framework to assist member local governments in effectively responding to issue-specific questions arising from Stage 4 AIP negotiations.

Overview of the Considerations Paper

Four Key Audiences of Paper (section 1.4)

LMTAC Members

- as a guide to help understand and communicate Lower Mainland area local government interests in treaty negotiations to senior governments, councils, boards and the public.

Provincial Negotiators

- will assist Provincial negotiators in understanding the key interests of Lower Mainland area local governments and in communicating these interests to the other parties at the treaty table.

Other Parties in the Treaty Process or Involved with Aboriginal Issues

- to help understand the breadth of functions performed by local governments and the nature and scope of public policy issues with which local governments have expertise.

Public At-large

- be a comprehensive summary of local government interests in treaty-making as expressed by members of LMTAC.

Overview of the Considerations Paper
Methodology and Approach (section 1.5)

Level of Specific Detail

- **First Principles** (broad principles)
[section 3.0]
- **Underlying Interests** (more detailed interests)
[section 4.0]
- **Background and Discussion Papers**
(in depth research & policy analysis)
[separate papers]

Overview of the Considerations Paper
Methodology and Approach (section 1.5)

Level of Specific Detail

- **First Principles** (broad principles)
[section 3.0]
- **Underlying Interests** (more detailed interests)
[section 4.0]
- **Background and Discussion Papers**
(in depth research & policy analysis)
[separate papers]

Overview of the Considerations Paper First Principles (Section 3.0)

What are the First Principles?

- articulate broad municipal and regional interests on key treaty issues: Lands, Resources, Governance, Fiscal
- create context for exploration of specific interests
- provide convenient reference for LMTAC Representatives - Table Representatives in particular

How were they developed?

- 35 statements were developed through 3 facilitated workshops in 1999 involving LMTAC representatives & staff
- developed by consensus – reason for explanatory notes and dissenting opinions
- endorsed in December 1999
- 5 additional or amended First Principles were added by the Full LMTAC in June 2000

Overview of the Considerations Paper Methodology and Approach (section 1.5)

Level of Specific Detail

- ➔ **First Principles** (broad principles)
[section 3.0]
- ➔ **Underlying Interests** (more detailed interests)
[section 4.0]
- ➔ **Background Briefing Notes and Discussion Papers**
(in depth research & policy analysis)
[separate papers]

Overview of the Considerations Paper

Underlying Interests (section 4.0)

What are the Underlying Interests?

- detailed interests that help to further inform local government perspectives on treaty issues

How were they developed?

- developed by Lower Mainland area local governments beginning in 1995 via various catalogues and in a series of papers

Overview of the Considerations Paper

Methodology and Approach (section 1.5)

Level of Specific Detail

- ⇒ **First Principles** (broad principles)
[section 3.0]
- ⇒ **Underlying Interests** (more detailed interests)
[section 4.0]
- ⇒ **Background Briefing Notes and Discussion Papers**
(in depth research & policy analysis)
[separate papers]

First Principles Overview

Briefing Papers (Elaboration) & Revisions to/Development of Principles

Two Courses of Action
(Board recommendations - March 2004)

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graph TD; A["Two Courses of Action  
(Board recommendations - March 2004)"] --> B["Elaboration to  
Briefing Papers"]; A --> C["Revisions to  
Briefing Papers"];
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Elaboration to
Briefing Papers

Revisions to
Briefing Papers

First Principles Overview

Process to Revise First Principles (approx. 5-6 months)

1. LMTAC staff provide presentation on First Principles and LMTAC Board reviews suggested wording revisions and/or additions to LMTAC *First Principles* & makes a formal recommendation on suggested changes for member jurisdictions' review. (April Board Meeting)
2. All LMTAC-Board endorsed revisions and/or additions distributed to 25 LMTAC full member jurisdictions with a request for comments. (Early May 2005)
3. Jurisdictions review & forward feedback to LMTAC by July 2005. (anticipate 2-3 months for review and response)
4. LMTAC office compiles feedback and comments from member jurisdictions. (August 2005)
5. Compiled information is presented & LMTAC Board endorses revised *First Principles* to reflect comments received. (Sept 2005)

Overview of the Considerations Paper

Background Papers (separate papers)

What are the Background Briefing Notes/ Discussion Papers?

- Research papers that elaborate on established LMTAC interests or Principles to further outline local government perspectives and/or encourage dialogue amongst the Parties.

How are they developed?

1. Issues and topics (often being discussed at active negotiation tables) that require more research are highlighted by Table Representatives or in an LMTAC annual workplan.
2. LMTAC staff draft papers in consultation with Executive Committee, Table Representatives, and/or TSWG.
3. Papers are discussed by board and endorsed as an official Backgrounder.

Overview of the Considerations Paper

Changes since in area treaty negotiations since last version

Since July 2000, a number of developments have occurred including:

- Changes in Provincial government & approach to negotiations (2002)
- Release of 5 draft Agreements-in-Principle province-wide (2003)
 - 4 AIPs have been finalized
- Tsawwassen treaty table reached a draft AIP in July 2003 & signed the AIP on March 15, 2004 - marking the first AIP to be reached in the Lower Mainland. Final Agreement negotiations began in early 2004 and continue.
- LMTAC completed detailed comparative analysis of LMTAC interests with the draft Tsawwassen AIP clauses.
- Other table activity: steady AIP negotiations at the *Katzie* and *Tsleil Waututh* tables; *Musqueam* table ratified a Framework Agreement April 2005 and entered into AIP negotiations.

First Principles Review

Recommendation from the Executive Committee, April 13 2005, that the Board:

Recommend that the suggested revisions be sent to LMTAC's 25 full member jurisdictions for review and endorsement requesting a reply by July 2005.