



**City of Richmond**  
Urban Development Division

**Report to Committee**

**To** General Purposes Committee  
**From** Terry Crowe,  
Manager Policy Planning


**Date:** July 8, 2005  
**File:** 01-0152-00/Vol 01

**RE: COMMENTS: PROPOSED REVISED FIRST PRINCIPLES: LOWER MAINLAND  
TREATY ADVISORY COMMITTEE (LMTAC)**

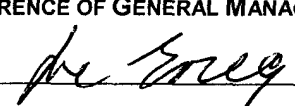
**Staff Recommendation**

That

- 1 the Lower Mainland Treaty Advisory Committee (LMTAC)'s proposed revisions to the First Principles and the proposed four additional First Principles, be approved,
- 2 the following additional First Principle be approved
  - ☐ "That existing and future municipal agreements and MOUs with First Nations be respected in treaties",
- 3 the Lower Mainland Treaty Advisory Committee (LMTAC) be advised of Council's decision

  
Terry Crowe, Manager  
Policy planning

TTC cas  
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FOR ORIGINATING DIVISION USE ONLY			
<b>ROUTED TO</b>	<b>CONCURRENCE</b>	<b>CONCURRENCE OF GENERAL MANAGER</b>	
Law	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>		
<b>REVIEWED BY TAG</b>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	<b>REVIEWED BY CAO</b>	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>

## **Staff Report**

### **Origin**

As part of its ongoing co-ordination and consultation program, the Lower Mainland Treaty Advisory Committee (LMTAC) has requested that LMTAC members (e.g., GVRD municipalities) review and adopt, by July 22, 2005, the proposed

- revisions to the LMTAC First Principles, and
- the proposed four additional First Principles

**Attachment 1** is comprised of the following

- the May 2, 2005 LMTAC cover letter to municipalities,
- Attachment A - LMTAC Table of Recommended Revisions,
- Attachment B - LMTAC Recommended Revisions - April 27, 2005,
- Attachment C - LMTAC Recommended New Principles (A,B,C,D)- April 27, 2005

### **Findings Of Fact**

#### Background

**The Attachment 1** cover letter outlines the process which has occurred in preparing the proposed revised First Principles

In 1999, the LMTAC members endorsed an initial version of the First Principles which municipalities would like considered in Lower Mainland Federal, Provincial and First Nations treaty negotiations. The First Principles have been used by LMTAC to guide its input (advice) into the formal treaty negotiation process. Based on municipal suggestions, in July 2000, the LMTAC prepared a LMTAC Considerations Paper (including the 39 Principles) to identify municipal issues regarding the implications of the First Principles. Due to the importance and complex implications of the First Principles, from 2000 to 2005, the LMTAC Board and staff extensively reviewed the implications of the First Principles and prepared the current proposed revisions contained in **Attachment 1**.

#### Purpose Of The Proposed Revised First Principles

The purpose of the proposed revised First Principles is to assist in protecting and advancing municipal interests, both during and after treaty negotiations. The proposed revised First Principles address the following municipal topics

- 1 General
- 2 Resource and Environmental
- 3 Governance
- 4 Fiscal

### **Analysis**

#### City Involvement

The Richmond Council Liaison to the LMTAC and staff have been involved in the preparation of the proposed revised First Principles

### Two types Of Negotiation

It is to be noted that there are two types of First Nations “negotiations”

- 1 Formal treaty negotiations among the Federal and Provincial governments, and First Nations, at which municipalities do not have a direct seat at the negotiation table. The First Principles discussed in this report address municipal concerns regarding these negotiations
- 2 Separate agreements and memorandums of understanding (MOUs) outside of the treaty negotiation process (e.g., the City’s developmental MOU with the Canada Lands Company and the Musqueam, regarding the Garden City (DFO) lands)

Regarding the separate agreements and MOUs

- Already in BC, separate agreements and MOUs outside of the formal treaty negotiation process have occurred among several municipalities, the Federal and Provincial governments and First Nations to co-ordinate and manage their interests regarding a range of unique circumstances
- These existing separate agreements and MOUs need to be respected by the formal treaty settlements
- Any future agreements and MOUs will also need to be accommodated and respected by the formal treaty settlements
- The proposed LMTAC revised First Principles appear to accommodate existing and future separate municipal - First Nations agreements and MOUs. For example
  - First Principle # 1 emphasizes that each treaty must be negotiated in light of each municipality’s unique complex realities,
  - First Principle # 12 respects municipalities’ jurisdiction after treaties are signed,
  - First Principle # 19 is consistent with and respects the process outlined in the Garden City MOU,
  - First Principle # 20 and 21 emphasize the preservation of municipal interests,
  - First Principle # 24 states that treaties must recognize and respect the authority and jurisdiction of Federal, Provincial and Local Governments,
  - First Principle # 29 emphasizes the applicability of Federal, Provincial and Local Government standards and regulations,
  - First Principle # 35 states that all existing and future service agreements must be honoured to ensure that Local Governments receive financial contributions from all users of Local Government programs, services and infrastructure

### Recommended Additional First Principle

To ensure that Richmond’s existing Garden City MOU and any future similar agreements, MOUs and interests are protected during future treaty negotiations, City staff recommend the following additional First Principle

- “That existing and future municipal agreements and MOUs with First Nations be respected in treaties”,

### City Review

The proposed First Principles have been reviewed for compatibility with Richmond’s

- general municipal interests,
- specific interests identified in the MOU regarding the Garden City lands,
- ability to enter into future MOUs and agreements with First Nations

Staff have determined that the proposed revised First Principles satisfactorily address most of Richmond's above interests

To ensure that Richmond's existing and any future First Nations MOUs, agreements and interests are protected, City staff recommend approval of the

- LMTAC proposed revised First Principles and additional First Principles, and
- following additional First Principle
  - "That existing and future municipal agreements and MOUs with First Nations be respected in treaties"

#### Next Steps

Once all municipal comments are received, the LMTAC staff will prepare a consolidated final set of First Principles for the LMTAC Board to approve in September, 2005. Then LMTAC will distribute them to all concerned parties and post them on their Web site

#### Other Municipal Responses To Date

LMTAC advises that, to date, approximately eight other Lower Mainland municipalities have reviewed the proposed revised First Principles and are finding them acceptable, some with no changes

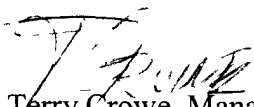
#### **Financial Impact**

None

#### **Conclusion**

The Lower Mainland Treaty Advisory Committee (LMTAC) has requested that LMTAC members (e.g., GVRD municipalities) review and adopt revisions to the LMTAC First Principles and proposed four additional First Principles, by July 22, 2005

Staff have reviewed these First Principles and recommend approval, as well as an additional First Principle



Terry Crowe, Manager, Policy Planning (4139)

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**SAMPLE COPY**

May 2, 2005

Dear Mayor and Council / Chair and Board,

**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,

*Original signed*

Mayor Ralph Drew

**Chair, Lower Mainland Treaty Advisory Committee**

Attachment

pc LMTAC Members

### 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 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
Resource & Environmental	24	NO
Governance	25	NO
Governance	26	YES
Governance	27	NO
<b>Governance</b>	<b>28</b>	<b>YES: DELETE</b>
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.		
	MTAC Board April 27, 2005	Does this Principle Require Revision? (Yes or No)	Why or Why Not - Elaboration
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		
	MTAC Board April 27, 2005	Does this Principle Require Revision? (Yes or No)	
2	Board	YES	<p><i>Rewording suggested below to state in the positive</i></p> <p><b>Recommend rewording</b>  Local Government shall be recognized in the treaty process as an independent, responsible and accountable order of government, <u>with interests distinct from those of other orders of government</u> not as a secondary level or third party interest</p>

# Review of Existing LMTAC First Principles

## LMTAC Board Recommended Revisions – April 27, 2005

### PRINCIPLE #3

Respect Canadian Constitution			
3	Treaties should uphold the principles of the <i>Canadian Constitution</i> and the <i>Canadian Charter of Rights and Freedoms</i>		
	LMTAC Board April 27, 2005	Does this Principle Require Revision? (Yes or No)	Why or Why Not - Elaboration
3	Board	NO	<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>

### PRINCIPLE #4

Respect Heritage			
4	Treaty settlements must respect the values, heritage, culture and traditions of Aboriginal and non-Aboriginal peoples		
	LMTAC Board April 27, 2005	Does this Principle Require Revision? (Yes or No)	Why or Why Not - Elaboration
4	Board	NO	<i>This First Principle is a general statement of principle important to all Canadians.</i>

# 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	LMTAC Board April 27, 2005	Does this Principle Require Revision? (Yes or No)	Why or - Elaboration
5	Board	NO	<i>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.</i>

### 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	LMTAC Board April 27, 2005	Does this Principle Require Revision? (Yes or No)	Why or - Elaboration
6	Board	YES	<p><i>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.</i></p> <p><b>Recommended rewording</b>  <b>Resolution of Overlaps/Shared Territories</b>  <u>Final</u> 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. <u>Final</u> Agreements-in-Principle shall include the details of the overlap/<u>shared territory</u> resolution agreement.</p>

# Review of Existing LMTAC First Principles

## LMTAC Board Recommended Revisions – April 27, 2005

### PRINCIPLE #7

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

### PRINCIPLE #8

Role of LMTAC			
8	LMTAC is the voice of Lower Mainland area Local Governments on all issues relating to the treaty process.		
	LMTAC Board April 27, 2005	Does this Principle Require Revision? (Yes or No)	Why or Why Not - Elaboration
8	Board	NO	<p><i>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.</i></p>

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

## **PRINCIPLE #9**

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

## **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		
10	LMTAC Board April 27, 2005	Does this Principle Require Revision? (Yes or No)	Why or Why Not - Elaboration
10	Board	NO	<i>This is a reality of urban treaties where available land is scarce and land values are high</i>

# Review of Existing LMTAC First Principles

## LMTAC Board Recommended Revisions – April 27, 2005

### PRINCIPLE #11

Private & Local Government Lands and Assets Protected			
11	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).		
1	LMTAC Board April 27, 2005	Does this Principle Require Revision? (Yes or No)	Why or Why Not? Elaboration
11	Board	YES	<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><b>Recommended rewording</b> 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, <u>roads</u>, 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>

# 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><i>(Additions to Treaty Settlement Lands &amp; Treaty Negotiations – Background Briefing Note to First Principle #12, October 2004)</i></p>		
Principle #	LMTAC Board April 27, 2005	Does this Principle Require Revision? (Yes or No)	Why Not? - Elaborate
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><b>Recommended rewording</b>  <b>Continuation of Local Government Authority over Lands Pre and Post Treaty Additions to Treaty Settlement Lands</b>            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.            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

Lands Held in Fee-Simple			
13	<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>		
Principle #	LMTAC Board April 27, 2005	Does this Principle Require Revision? (Yes or No)	Why Not? - Elaborate
13	Board	YES	<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><b>Recommended rewording</b>  <b>Lands Held in Fee-Simple Clarity and Consistency in Regulatory Jurisdiction over Lands</b></p>

# Review of Existing LMTAC First Principles

## LMTAC Board Recommended Revisions – April 27, 2005

			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). 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.
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### PRINCIPLE #14

Importance of Access			
14	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		
14	LMTAC Board April 27, 2005	Does this Principle Require Revision? (Yes or No)	
14	Board	NO	<i>This First Principle is critical to the daily operation of Local Government</i>

### PRINCIPLE #15

Resource Sustainability			
15	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		
15	LMTAC Board April 27, 2005	Does this Principle Require Revision? (Yes or No)	Why or Why Not? Elaboration
15	Board	YES	<p><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><b>Recommended rewording</b> Sustainability of local economies is a <u>regional</u> priority in the post-treaty environment. Lower Mainland area renewable, natural resources (including, but not limited to, forests, water and fish) must <u>continue to be collaboratively</u> managed on a sustainable basis in order not to undermine the economic base of Local Governments and their communities</p>

# 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.		
16	LMTAC Board April 27, 2005	Does this Principle Require Revision? (Yes or No)	Why or Why Not - Elaborate
16	Board	YES	<p>Add word to title for clarification</p> <p><b>Recommended title rewording</b>  <b>Consistent <u>Environmental</u> Regulatory Controls</b></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.		
17	LMTAC Board April 27, 2005	Does this Principle Require Revision? (Yes or No)	Why or Why Not - Elaborate
17	Board	NO	<i>This First Principle is of importance to all Canadians, it emphasizes the reality of concurrent jurisdiction.</i>

# 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	LMTAC Board April 27, 2005	Does this Principle Require Revision? (Yes or No)	Why or Why Not
18	Board	YES	<p><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><b>Recommended rewording</b>  <b>Protect Habitats</b>  Locally, nationally and globally <u>environmentally</u> significant <del>wildlife</del> habitats in the Lower Mainland area must be recognized and protected</p>

### PRINCIPLE #19

Preserve Agricultural Lands			
19	Lands in the Agricultural Land Reserve (ALR) must remain in the ALR and under the jurisdiction of the Agricultural Land Commission (ALC)  <i>(Agricultural Land Reserve &amp; Treaty Negotiations- Background Briefing Note to First Principle #19, September 2004)</i>		
19	LMTAC Board April 27, 2005	Does this Principle Require Revision? (Yes or No)	Why or Why Not
19	Board	YES	<p><i>Propose rewording in order to address three separate interests related to ALR-designated lands</i></p> <p><b>Recommended rewording</b>  <b>Agricultural Lands</b></p> <ul style="list-style-type: none"> <li>Local government strongly supports the preservation of viable agricultural land</li> <li>Treaty Settlement Land designated as Agricultural Land Reserve (ALR) must remain subject to the jurisdiction of the Agricultural Land Commission (ALC)</li> <li>Any removal of land from the ALR must follow the same procedures as for any other applicant</li> </ul>

# 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	LMTAC Board April 27, 2005	Does this Principle Require Revision? (Yes or No)	Why or Why Not - Elaboration
20	Board	YES	<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><b>Recommended rewording</b>  Local Government leases and licenses (including, <u>but not limited to</u>, 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	LMTAC Board April 27, 2005	Does this Principle Require Revision? (Yes or No)	Why or Why Not - Elaboration
21	Board	NO	<i>This First Principle still important to Local Government and relevant to negotiations</i>

# Review of Existing LMTAC First Principles

## LMTAC Board Recommended Revisions – April 27, 2005

### PRINCIPLE #22

Protect Annual Allowable Cut			
22	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		
22	LMTAC Board April 27, 2005	Does this Principle Require Revision? (Yes or No)	Why or Why Not - Elaboration
22	Board	YES	<p><i>Suggest rewording to clarify the original intent of the principle</i></p> <p><b>Recommended rewording</b>  <del>Forestland which may come under Aboriginal control must remain and continue to be managed Annual Allowable Cut (AAC) within the existing timber supply areas and Forest Districts must not be negatively impacted by treaty settlements to ensure no loss of Annual Allowable Cut (AAC) on the land base</del></p>

### 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><i>(Background Paper Local Government Fisheries Background, October 2001)</i></p>		
23	LMTAC Board April 27, 2005	Does this Principle Require Revision? (Yes or No)	Why or Why Not - Elaboration
23	Board	NO	<i>This First Principle has an extensive background discussion paper that elaborates on the issues and provides clarification</i>

# Review of Existing LMTAC First Principles

## LMTAC Board Recommended Revisions – April 27, 2005

### PRINCIPLE #24

Respect Government Authorities			
24	Treaties must recognize and respect the authority and jurisdiction of Federal, Provincial and Local Governments		
24	LMTAC Board April 27, 2005	Does this Principle Require Revision? (Yes or No)	or Not Elaboration
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		
25	LMTAC Board April 27, 2005	Does this Principle Require Revision? (Yes or No)	or Not Elaboration
25	Board	NO	This First Principle is of interest to the general public, application of legislation is a requirement of senior government treaty negotiation mandates

# Review of Existing LMTAC First Principles

## LMTAC Board Recommended Revisions – April 27, 2005

### PRINCIPLE #26

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

### PRINCIPLE #27

Rights of Representation			
27	<p>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.</p> <p><i>(Background Paper: Democracy &amp; First Nation Self Government: Considering Rights of Representation for Non-Member Residents in First Nation Jurisdictions, March 2003)</i></p>		
27	LMTAC Board April 27, 2005	Does this Principle Require Revision? (Yes or No)	Why or Why Not - Elaboration
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		
	LMTAC Board April 27, 2005	Does this Principle Require Revision? (Yes or No)	Why or Why Not - Elaboration
28	Board	YES	<p><i>This First Principle falls outside the realm of Local Government negotiation interests and speaks to an internal issue for First Nation governments</i></p> <p><b>RECOMMEND DELETION</b></p>

### 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		
	LMTAC Board April 27, 2005	Does this Principle Require Revision? (Yes or No)	Why or Why Not - Elaboration
29	Board	YES	<p><i>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</i></p> <p><b>Recommended rewording</b>  <b>"Meet or Beat" Equivalent Regional Standards</b>  Standards and regulations (including enforcement provisions) that apply to treaty settlement lands <u>must be at least equivalent to</u> meet or exceed established <u>regional</u> standards set by Federal, Provincial <del>and</del> Local Governments for issues including, but not limited to environmental protection, public health labour safety, fire protection, building codes <del>noise air quality and solid waste</del> <u>licensing</u></p>

### 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)		
	LMTAC Board April 27, 2005	Does this Principle Require Revision? (Yes or No)	
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		
	LMTAC Board April 27, 2005	Does this Principle Require Revision? (Yes or No)	
31	Board	YES	Support rewording as it clarifies the original intent of the principle  <b>Recommended rewording</b> <b>Parity Between Local Government and First Nations Powers</b> <b>Consistency in Law Making Authorities</b> 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 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**

Address Off-Reserve/TSL Issues			
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 align="center"><i>(Background Paper: Local Governments and Urban Aboriginal Issues, September 2002)</i></p>		
	LMTAC Board April 27, 2005	Does this Principle Require Revision? (Yes or No)	Why or - Elaboration
32	Board	NO	<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>

# **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>		
	LMTAC Board April 27, 2005	Does This Principle Require Revision? (Yes or No)	Why or Why Not Explanation
33	Board	YES	<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><b>Recommended rewording</b>  Treaties must identify regional programs and services (such as, but not limited to, air quality, solid waste management, and 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>

# Review of Existing LMTAC First Principles

## LMTAC Board Recommended Revisions – April 27, 2005

### PRINCIPLE #34

Recognize Fiscal Capacities			
34	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		
34	MTAC Board April 27, 2005	Does this Principle Require Revision? (Yes or No)	Why or Why Not - Elaboration
34	Board	YES	<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><b>Recommended rewording</b>  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 Lower Mainland treaty process should be financed by the Province of British Columbia</p>

### PRINCIPLE #35

Respect Service Agreements			
35	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 <i>(Background Paper Services, Service Agreements and Treaty Negotiations, January 2002)</i> <i>(Serving Interests &amp; Treaty Negotiations Background Briefing Note to First Principle #35, February 2005)</i>		
35	MTAC Board April 27, 2005	Does this Principle Require Revision? (Yes or No)	Why or Why Not - Elaboration
35	Board	YES	<p><i>Recommend replacing the word "respect" with "honour" as it carries a legal connotation to agreements</i></p> <p><b>Recommended rewording</b>  <b>Respect Honour Service Agreements</b>  All existing and future service agreements must be <u>respected/honoured</u> to ensure Local Governments receive financial contributions from all users of Local Government programs, services and infrastructure</p>

# 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.  (Fiscal Interests & Treaty Negotiations Background Briefing Note to First Principle #36, October 2004)		
16	LMTAC Board April 27, 2005	Does this Principle Require Revision? (Yes or No)	Why or Why Not - Elaboration
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		
17	LMTAC Board April 27, 2005	Does this Principle Require Revision? (Yes or No)	Why or Why Not - Elaboration
37	Board	YES	<p><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></p> <p><b>Recommended rewording</b>  <i>In order to ensure that no one Local Government is unfairly or disproportionately burdened, No one Local Government should be disproportionately burdened as a result of 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></p>

# 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		
	LMTAC Board April 27, 2005	Does this Principle Require Revision? (Yes or No)	Why or Why Not - Elabo
38	Board	YES	<p><i>Revisions required to update with applicable legislation</i></p> <p><b>Recommend rewording</b> The Provincial <u>Local Government Act</u>, <u>Municipal Act</u>, <u>Community Charter</u> and <u>Vancouver Charter</u> must enable Local Governments to develop flexible taxation and cost-recovery mechanisms when dealing with Aboriginal governments in the post-treaty environment</p>

### PRINCIPLE #39

Respect Existing Financial Commitments			
39	Treaties must respect and recognize existing Provincial fiscal commitments to Local Governments		
	LMTAC Board April 27, 2005	Does this Principle Require Revision? (Yes or No)	Why or Why Not - Elabo
39	Board	YES	<p>Remains a relevant principle for local government Recommend inclusion of "Federal" fiscal commitments</p> <p><b>Recommended rewording</b> Treaties must respect and recognize existing <u>Federal and</u> 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><b>A</b></p> <p><b>(GENERAL PRINCIPLE)</b></p>	<p><b>Local Government Involvement During Implementation</b>  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><b>Commentary</b>  <i>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</i></p>
<p><b>B</b></p> <p><b>(GOVERNANCE PRINCIPLE)</b></p>	<p><b>First Nation Participation in Regional Governance</b>  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><b>Commentary</b>  <i>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'</i></p>
<p><b>C</b></p> <p><b>(GENERAL PRINCIPLE)</b></p>	<p><b>Support for the BC Treaty Process</b>  LMTAC supports the tripartite B C treaty process and does not support bilateral or unilateral actions on the part of senior governments</p> <p><b>Commentary</b>  <i>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</i></p>
<p><b>D</b></p> <p><b>(FISCAL PRINCIPLE)</b></p>	<p><b>Assessment and Taxation between Local Government Bodies</b>  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><b>Commentary</b>  <i>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</i></p>