

From: **"Mochrie, Paul"** <Paul.Mochrie@vancouver.ca>

To: **"Direct to Mayor and Council - DL"**

Date: 6/21/2022 4:32:34 PM

Subject: **June 27 Tsleil-Waututh + City of Vancouver, Council to Council - Meeting Material**

Attachments: **TWN and CoV Council to Council Meeting_CoV Councillor Package_2022-06-27.pdf**

Dear Mayor and Council,

In advance of our Council to Council gathering with Tsleil-Waututh Nation on June 27, please see the attached document which includes the agenda and background information.

Best,
Paul

Paul Mochrie (he/him)
City Manager
City of Vancouver
paul.mochrie@vancouver.ca



The City of Vancouver acknowledges that it is situated on the unceded traditional territories of the xʷməθkʷəy̓əm (Musqueam), Skwxwú7mesh (Squamish), and səlilwətał (Tsleil-Waututh) Nations.

AGENDA

Tsleil-Waututh Nation and City of Vancouver

Council-to-Council Meeting

June 27, 2022

6pm-8pm

Museum of Vancouver (Joyce Walley Room), 1100 Chestnut Street

Transit Instructions:

Please consult the [TransLink Trip Planner](#) for instructions.

Biking Instructions:

There is a bike rack located in front of the Museum.

Parking Instructions:

To be added.

1. Opening – *Tsleil-Waututh Nation*
2. Opening Remarks – *Chief Thomas and Mayor Stewart*
3. Introductions – *all*
4. Dinner – *buffet style*
5. Discussion Topics – *facilitated by Chief Thomas and Mayor Stewart*
 - a. What is your connection to the place now known as Vancouver?
 - b. What are the key priorities for working together and building a strong relationship?
6. Exchange of Gifts – *Chief Thomas and Mayor Stewart*
7. Closing Remarks – *Chief Thomas and Mayor Stewart*
8. Closing – *Tsleil-Waututh Nation*

MEETING ATTENDEES

Tsleil-Waututh Nation (TWN) Council

- Chief Jennifer Thomas – co-chair
- Councillor Charlene Aleck
- Councillor Deanna George
- Councillor Liana Martin
- Councillor Kevin O’Neill
- Councillor Curtis Thomas
- Councillor Dennis Thomas

TWN Staff

- Ernie “Bones” George, CAO
- Amanda King, Relationship Manager
- Venancia George, Relationship Coordinator
- Brenda Simms, Council Secretariat

Vancouver City (COV) Council

- Mayor Kennedy Stewart – co-chair
- Councillor Rebecca Bligh (regrets)
- Councillor Christine Boyle
- Councillor Adriane Carr
- Councillor Melissa De Genova
- Councillor Lisa Dominato
- Councillor Pete Fry
- Councillor Colleen Hardwick
- Councillor Sarah Kirby-Yung
- Councillor Jean Swanson
- Councillor Michael Wiebe

COV Staff

- Paul Mochrie, City Manager
- Armin Amrolia, Deputy City Manager
- Lauren Reid, Mayor’s Office
- Celeste Dempster, Senior Director IGR
- Kamala Todd, IGR Consultant



Vancouver City Council and Tsleil-Waututh Nation:
Council to Council Meeting

Meeting Date: June 27, 2022

Briefing Document
Prepared for: City Council and City Manager

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BRIEF OVERVIEW OF TSLEIL-WAUTUTH NATION

Tsleil-Waututh People

- Tsleil-Waututh/səlilwətaɬ, means people of the Inlet (pronounced Slay-wah-tuth).
- They have lived throughout their lands and waters for millennia.
- Language: hənqəminəm', downriver dialect of Halkomelem.
- Over 90% of the protein in Tsleil-Waututh peoples' diets before colonization came from marine foods harvested from Burrard Inlet, such as salmon, herring, clams, and birds.

Tsleil-Waututh Territory

- Approximately 190,000 hectares (1,865 square km) stretching from the Fraser River in the south, to Mamquam Lake east of Whistler Mountain in the north.
- The Tsleil-Waututh reserve is on the Burrard Inlet in North Vancouver with additional reserve and private lands in the Indian River valley.
- Tsleil-Waututh has several co-management agreements, including Whey-ah-Wichen/Cates Park with the District of North Vancouver, təmtəmixʷtən/Belcarra with Metro Vancouver, and Say Nuth Kaw Yum/Indian Arm Park with the Province.

Tsleil-Waututh Nation

- Tsleil-Waututh seeks to participate in all planning and development in their territory.
- They have a stewardship approach to reviewing projects in their territory, to support sustainability and ensure benefits to their community.
- Tsleil-Waututh Nation commenced land claims negotiations with the Government of Canada and Province of British Columbia in 1994.
- Tsleil-Waututh is at Stage 4 (Agreement in Principle) of the treaty process.
- In 2007, the TWN brought a Land Code into effect.
- Tsleil-Waututh Nation has experienced considerable growth in the last decade, in assets, revenue, and staffing, and much of this is funded through their own source revenues.
- Urbanization, industrialization, and commercial activities have impacted Tsleil-Waututh people's rights to harvest, hunt, and fish and maintain their subsistence economies and ways of living. Tsleil-Waututh Nation is actively working to mitigate these impacts.
- Initiated the Burrard Inlet Action Plan and Marine Stewardship program.
- Installed the largest ground-mount solar project in Metro Vancouver in 2020.
- Involved in several housing/mixed use development projects including Statləw' District, MSTDC projects, and a partnership with Musqueam and Aquilini on the Willingdon Lands.
- Leading the investigation into St. Paul's residential school with Musqueam and Squamish.

[*Tsleil-Waututh Nation's History, Culture and Aboriginal Interests in Eastern Burrard Inlet*](#)

TSLEIL-WAUTUTH NATION DECLARATION

*We are the Tsleil-Waututh First Nation, the People of the Inlet.
We have lived in and along our Inlet since time out of mind.
We have been here since the Creator transformed the Wolf
into that first Tsleil-Wautt, and made the Wolf
responsible for this land.*

*We have always been here and we will always be here.
Our people are here to care for our land and water.
It is our obligation and birthright
To be the caretakers and protectors of our Inlet.*

*Our people descended from powerful Hereditary leaders, Waut-salk and Sla-holt
We know where we come from and we know who we are
We respect our heritage and
Nothing can change our history and our truth.*

*Our people travelled far and wide on our traditional territory, they paddled
Our waters and climbed our mountains.
They understood the richness that our traditional territory held, and in
Understanding this, they knew our land.
Our ancestors were responsible for our rivers, streams, beaches and forests
Of our traditional territory.
Our people knew our land well because it was for the benefit of everyone.*

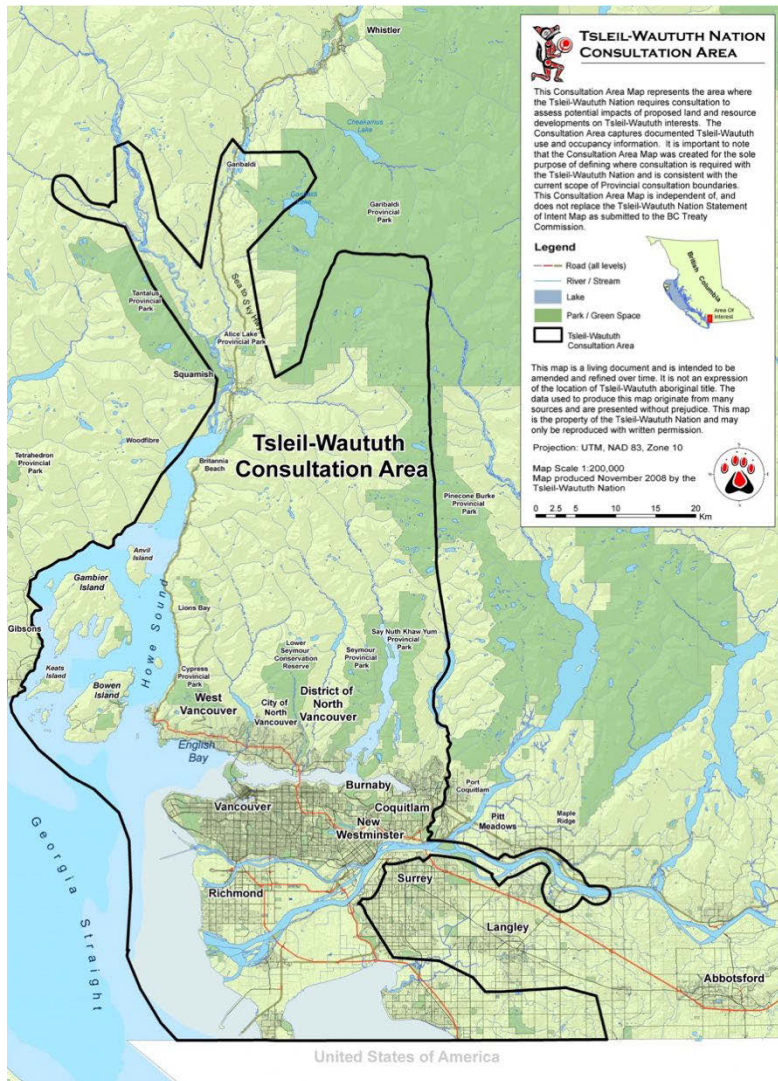
*Our Tsleil-Waututh Nation is moving into our future.
Our children and our land are our future.
Our future will bring enough for our children's children to thrive.
We are looking forward,
We are ready to meet the next millennium.*

*Therefore, be it known far and wide that our Tsleil-Waututh Nation, the
People of the Inlet, are responsible for and belong to our traditional territory.
Let it be known that our Tsleil-Waututh Nation is a Nation unto itself,
Holding traditional territory for its people.*

TSLEIL-WAUTUTH NATION - GENERAL BACKGROUND

“Today our nation is 500+ people strong and growing. We draw on the knowledge of our ancestors to remedy past wrongs, reclaim our territory and traditions, and advance into a bright future. We assert our Aboriginal rights and title and put the Tsleil-Waututh face back on our traditional territory in all we do.” (twnation.ca)

In the 1700s, upwards of 10,000 Tsleil-Waututh people occupied the Nations’ traditional territory. The impacts of smallpox, residential schools (including nearby St. Paul’s), cultural suppression, and other colonial harms had devastating effects on Tsleil-Waututh’s population. But, as stated on the Tsleil-Waututh website, “Despite this devastation, our people helped build Vancouver and North Vancouver, persevered in the stewardship of our territory, continued practicing and passing down our language and culture however we could. We found our way through the change happening in the world around us.” Tsleil-Waututh’s population has increased over 200% in the past 30 years.



Tsleil-Waututh people traditionally lived in a “seasonal round”, moving to various camps and villages throughout their territory for harvesting, hunting, and preserving food. They continue to act as stewards and caretakers of their lands and waters, while actively working to heal and restore the health and abundance which have been impacted by colonization. The Nation has taken the lead on many initiatives to clean up the Inlet, including the Burrard Inlet Action Plan, and ongoing monitoring programs.

There are significant efforts to continue the knowledge and use of hən̓qəmin̓əm̓, living language, mainly through the Nations’ community school.

TSLEIL-WAUTUTH GOVERNANCE

The two main sources of governance are:

- a) Elected Council;
- b) Traditional Council

Elected Council

The current Tsleil-Waututh Chief and Council were elected in July 2021, and their term goes until June 30, 2025. The previous term of two years has been extended to four year terms.

Tsleil-Waututh has many notable leaders, including the late Chief Dan George, Leah George-Wilson (two previous terms as Chief), and the late Leonard George, who served from 1989-

2001. He worked closely with the City on a number of projects, and paved the way for Tsleil-Waututh's economic development.

Traditional Council

The Traditional Council is unelected and operates outside of the elected Council which is set by the Indian Act. It is comprised of the heads of the nine family groups within Tsleil-Waututh. There is one Hereditary Chief for the traditional Council. Late Elder Ernest "Iggy" George was the recent hereditary Chief and could trace his chieftanship back to the mid'1700s. He left this earth in November 2020.

Traditional Council is usually consulted and/or involved in some capacity in the decision making process on such issues as major land transactions, treaty negotiation matters, and cultural issues.

Tsleil-Waututh Administrative Structure

The administrative head is the Chief Administrative Officer. The Nation has six departments: Administration, Public Works, Economic Development, Community Development, Health & Wellness, and Treaty Lands & Resources.

Tsleil-Waututh formed the [Sacred Trust Initiative](#) in 2012 to oppose the Kinder Morgan Pipeline, now TMX pipeline expansion project. Their 2015 assessment through their 2009 Stewardship Policy concluded that the risks were too great.

TSLEIL-WAUTUTH RESERVE LANDS

Tsleil-Waututh Nation has three reserves.

- The main residential reserve is the Burrard Inlet (IR No. 3) which covers 108.2 hectares is located approximately 3 kilometres east of the Second Narrows Bridge, via Dollarton Highway, in North Vancouver.
- There are two small reserves - Inlailawatash (IR No. 4) - 0.5 hectares; and Inlailawatash (IR No. 4A) - 2.0 hectares.

Tsleil-Waututh Nation's land base is the second smallest of the First Nations located within Metro Vancouver.

TSLEIL-WAUTUTH LAND CLAIMS

General Information

Land claims settlements are modern treaties aimed at affirming legal title to lands, financial compensation, defined resource rights (e.g. fishing, hunting etc.), self-determination, and related cultural matters.

Land claims settlements are designed to provide legal certainty and a comprehensive resolution of Aboriginal claims.

By settling land claims through modern treaties, governments and First Nations reach agreement on:

- What rights to lands and resources the First Nation will have and what its responsibilities will be;
- What rights and duties other Canadians will have on the land the First Nation will own;
- How First Nation treaty lands and resources will be managed; and,
- What self-government powers the First Nation will have and how this will be harmonized with the powers of other governments.

Modern Treaty Process

More information on the BC treaty process: <https://www.bctreaty.ca/faq>

There are six stages in the BC treaty process.

Stage 1: Statement of Intent to Negotiate

First Nations start the negotiation process when they file a statement of intent to negotiate a treaty.

Stage 2: Readiness to Negotiate

Federal and provincial governments and the First Nation ready themselves for negotiation by establishing negotiating teams, preparing background information, identifying preliminary topics for negotiation and setting up consultation mechanisms.

Stage 3: Negotiation of a Framework Agreement

The three parties negotiate a framework agreement -- an agenda that sets out the topics, process and timing for negotiations.

Stage 4: Negotiation of An Agreement in Principle

At stage 4, the three parties negotiate an agreement-in-principle (AIP) -- negotiators discuss each topic listed in the framework agreement. An AIP forms the basis of the treaty.

Stage 5: Negotiation to Finalize a Treaty

At stage 5, the parties negotiate a final treaty using the AIP as a working document.

Stage 6: Implementation of the Treaty

Finally, in Stage 6, the three parties work co-operatively to implement the treaty according to the plan set out in the treaty.

TWN Treaty Negotiations

The Tsleil-Waututh Nation commenced land claims negotiations with the Government of Canada and Province of British Columbia in 1994, with their [statement of intent](#). Tsleil-Waututh is at Stage 4 (Agreement in Principle) of the treaty process.

The following Metro Vancouver jurisdictions are within Tsleil-Waututh's Statement of Claim:

- Anmore
- Belcarra
- Burnaby
- Coquitlam
- Electoral Area A

- Fraser Valley Regional District
- New Westminster
- North Vancouver City
- North Vancouver District
- Port Coquitlam
- Port Moody
- Squamish-Lillooet Regional District
- Vancouver
- West Vancouver

TWN referred to a recent BC Treaty Commission report that identifies 10 major impediments to concluding treaties across BC and implies that report accurately identifies them and that same apply to its situation.

TSLEIL-WAUTUTH REGULATION AND ECONOMIC DEVELOPMENT

Tsleil-Waututh Land Code

In 2007, the TWN brought a Land Code into effect. A land code replaces the 32 sections of the Indian Act relating to land management, which means the First Nation can manage their reserve lands and resources, rather than having to go through Indigenous Services Canada.

The Tsleil-Waututh Nation Land Registry handles 350-400 transactions per year. Land transactions are administratively managed by Tsleil-Waututh's Manager of Lands. Land transactions are usually managed and approved by Band Council Resolution.

Before, where every land transaction had to be sent to Indian Affairs and then reviewed and if acceptable, approved by the Minister of Indian Affairs. This could take anywhere from 2 to 3 years, to decades.

Tsleil-Waututh Taxation/Regulation

The TWN collects property tax in much the same way as local government - i.e. they rely on BC Assessment Authority assessments and a standard mill rate to collect property tax from its residents. A large part of the property tax collected is paid to the District of North Vancouver as compensation for municipal services provided by the District of North Vancouver to the Tsleil-Waututh Reserve.

Tsleil-Waututh has implemented a building by-law and a number of other administrative by-laws regulating various activities of its residents on the Reserve.

As part of the implementation of its Land Code, Tsleil-Waututh is developing a land use plan which will guide future land use planning decisions under their Land Code.

First Nations Commercial and Industrial Development Act (FNCIDA)

FNCIDA is a Federal act designed to allow Bands and Province to come together with Canada to create a parallel land title system for Reserve lands within the provincial land title system thereby allowing Bands to pursue economic development on the same basis as non-aboriginal land developments.

Tsleil-Waututh is not actively pursuing a FNCIDA-type of land title system.

First Nations Fiscal and Statistical Management Act

Tsleil-Waututh was one of the first signatories to this legislation. First Nations Financial Management Board reviews a participating band's financial and fiscal management procedures and, upon approval, issues accreditation to that band.

Services Agreement with the District of North Vancouver

Tsleil-Waututh has a services agreement with the District of North Vancouver.

The agreement allows for the Band to assume operating and maintenance of all infrastructures located on the reserve in return for a commensurate reduction in service fees.

Economic Development

Tsleil-Waututh has developed many economic development opportunities including:

- Takaya Developments, their majority-owned development company
- Raven Woods, a master-planned residential condominium and townhouse community being developed on reserve land in nine phases
- Takaya Golf Centre, a full golf practice centre with a partially-covered driving range and two short game practice greens; largest golf facility in North Vancouver
- Takaya Tours, an eco-tourism business that explores Indian Arm by canoe or kayak with experienced guides sharing legends, songs and stories of our Nation
- SPAL General Contractors Corporation, which does project management and joint ventures with companies offering construction services.
- Inlailawatash, a natural resource services provider, including archaeology and sustainable resource and land management
- Salish Seas, commercial fishing enterprise with Musqueam and Tla'amin Nations
- Partner in MSTDC involved in several development projects, including Jericho Lands, Heather Lands, and Marine Drive lands in West Vancouver.
- Willingdon Lands project in Burnaby, in partnership with Musqueam and Aquilini Group
- Statlōw District, an innovation park and mixed-use community, for which Tsleil-Waututh have applied for addition to reserve lands
- TWN Wind Power Inc., a distributor of small and community wind turbines.

TSLEIL-WAUTUTH ENVIRONMENT AND PLANNING

"Tsleil-Waututh are stewards of the lands, waters, and air—protecting and cleaning up the environment. We respect our culture and laws, while providing opportunities for economic development, public spaces, and affordable housing so future generations of Tsleil-Waututh people can live and thrive in our community." (From Tsleil-Waututh [Land Use Plan](#) 2018)

Tsleil-Waututh Nation has created many plans, strategies, studies, assessments, and monitoring programs to restore and protect the health of their lands and waters, to identify community needs, and so on. Some of these plans include:

- Stewardship Policy 2009

- 2010 Comprehensive Community Plan (with a refresh in 2015)
- Burrard Inlet Action Plan (2015)
- Tsleil-Waututh Land Use Plan (2018) and Land Use Plan Law (2019)
- Assessment of the Transmountain Pipeline and Tanker Expansion Proposal (2018)
- Marine Stewardship Program
- Climate Change Action Plan, a Cumulative Effects Monitoring Initiative (CEMI)
- Signatory to the Save the Fraser Declaration (2012)
- Hosted Climate Adaptation Summit 2018
- Burrard Inlet Environmental Science and Stewardship Agreement with Canada (2021)

Sacred Trust

Tsleil-Waututh's [Sacred Trust](#) initiative was created to oppose the Transmountain Pipeline expansion and tanker project to fulfill the Nation's stewardship obligation to "maintain or restore conditions that provide the environmental, cultural, spiritual, and economic foundation for the community to thrive."

Tsleil-Waututh legal principles

As outlined in the [Assessment of the Transmountain Pipeline expansion](#), Tsleil-Waututh legal principles include:

1. Tsleil-Waututh has a sacred obligation to protect, defend, and steward the water, land, air, and resources of the territory.
2. Tsleil-Waututh's stewardship obligation includes maintaining and restoring conditions in our territory that provide environmental, cultural, spiritual, and economic foundation for the following:
 - 2.1 Cultural transmission and training that will allow Tsleil-Waututh individuals to reach their full potential and for Tsleil-Waututh, as a people, to thrive*
 - 2.2 Spiritual preparation and power*
 - 2.4 Control over and sharing of resources according to Tsleil-Waututh and Coast Salish protocols*
3. Failure to be "highly responsible" in one's actions toward the people, the earth, the ancestors, and all beings has serious consequences, which may include the following:
 - 3.1 Loss of physical sustenance*
 - 3.2 Loss of access to resources or social status*
 - 3.3 Loss of the tools and training that allow Tsleil-Waututh individuals to reach their full potential and the related social and cultural impacts of this loss*

LOCAL GOVERNMENT CONTEXT: JURISDICTION/AUTHORITY OVER RESERVES

Jurisdiction/Authority: Reserves

Reserve lands - The Province and City have no zoning, development, or building jurisdiction over reserve lands (due to federal ownership via Terms of Union) as well as federal law-making power over "Lands Reserved for Indians" (via Constitution Act, 1867).

However, Canada's Indian Act, Section 88 makes provincial "laws of general application" applicable to reserves as long as they are not inconsistent with any Band by-laws that the Band may have enacted via its Indian Act powers to enact by-laws on the reserve.

Services Agreements between Band and City (for example Musqueam) can be used to clarify and eliminate possible confusion.

Vancouver-to-First Nations Protocol Agreements

The City has signed protocol agreements with both the Musqueam and Squamish First Nations.

The Musqueam Protocol was signed in December 2004:

- The agreement serves to inform and is a basis for an ongoing service agreement relationship - it strengthens inter-governmental cooperation and communication
- Each party is to appoint one councillor and one staff member as representatives.
- The committee meets as required in the first six months of each year to negotiate and conclude necessary changes to the service agreement.

A new city services agreement was signed in 2014.

The Squamish MOU/Protocol was signed in May 2010:

- The agreement fosters a cooperative government-to-government relationship and establishes a Steering Committee comprised of 2 representatives (one political and one staff)
- The committee meets quarterly or as required

There is no protocol in place with the Tsleil-Waututh Nation but the newly elected Chief and Council would like to discuss this at the Council to Council meeting. Discussions have begun at a staff level.

CONSULTING WITH THE FIRST NATIONS

Consultations with First Nations are an important part of the relationship between senior levels of government with First Nations across Canada. The Supreme Court of Canada and other courts have underscored the Crown's duty to consult and possibly accommodate Aboriginal interests where a likely claim exists.

The duty to consult cannot be delegated by the Crown to the private sector although the Crown can delegate procedural aspects of consultation to the private sector. Further, the private sector is recognizing the benefits of having its own consultations with First Nations, particularly when activities have an economic, environmental and geographic impact.

UNDRIP/DRIPA further affirms the rights of First Nations to free, prior, and informed consent.